

**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**

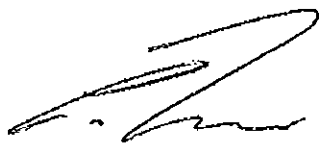
To: Mr Trevor Allen & Ms Nicola Willis
c/o Mr Michael Miller
16 Park View
Glaisdale
Whitby
North Yorkshire
YO21 2PP

COPY

The above named Authority being the Planning Authority for the purposes of your application validated 04 February 2015, in respect of proposed development for the purposes of **alterations and construction of single storey extension, construction of domestic garage, conversion of and extension to shop/studio to form Tearoom together with associated access and parking (revised scheme to NYM/2014/0663/FL) at Nestling House, Littlebeck** 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 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 by the Local Planning Authority.
3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2008 Schedule 2, Part 1, Classes A and E (or any order revoking and re-enacting that Order), no extensions or alterations or erection of domestic outbuildings shall take place without a further grant of planning permission being obtained from the Local Planning Authority.
4. The premises shall not be used other than as small cafe and shall not be used for any other purpose (including any other purpose in Class A3 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.
5. The garage hereby permitted shall be used for domestic storage incidental to the occupation of the main dwelling on the site and for no other purpose. There shall be no alteration or conversion of the building hereby permitted to permanent residential accommodation and any such use or alteration will require a separate grant of planning permission from the Local Planning Authority.
6. The cafe hereby permitted shall form and remain part of the curtilage of the existing dwelling known as Nestling House, Littlebeck and shall not be sold or leased off from the main dwelling above without a further grant of planning permission from the Local Planning Authority.

Continued/Conditions



Mr C M France
Director of Planning

Date 1 APR 2015

For the Rights of Appeal and Notes See Overleaf

Decision Approve

TOWN AND COUNTRY PLANNING ACT 1990

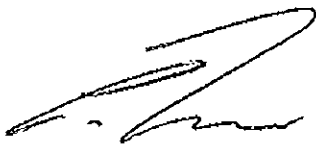
Continuation of Decision No. NYM/2015/0063/FL

COPY

Conditions (Continued)

7. No machinery shall be operated on the premises before 07:00 hrs on weekdays and 08:00 hrs on Saturdays nor after 18:00 hrs on weekdays and 13:00 hrs on Saturdays nor at any time on Sundays or Bank Holidays without the prior written agreement of the Local Planning Authority.
8. The cafe hereby permitted shall not be open to customers outside the hours of 09:00 to 18:00 Mondays to Sundays including Bank Holidays. Any variation to these hours will require a new grant of planning consent from the Local Planning Authority.
9. 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.
10. All new stonework and roofing tiles used in the cafe and house development hereby permitted shall match those of the existing building, including the colour and texture of the stone and the method of coursing, pointing, jointing and mortar mix unless otherwise agreed with the Local Planning Authority.
11. No work shall commence on the construction of the walls and roof of the garage block hereby permitted until details of the stone and tiles, including samples if so required by the Local Planning Authority, to be used for the external surfaces of the development (including dressings) have been submitted to and approved in writing by the Local Planning Authority. The materials used shall accord with the approved details and shall be maintained in that condition in perpetuity unless otherwise agreed with the Local Planning Authority.
12. The external walls of the development hereby permitted shall be constructed in natural stone, which shall be coursed and jointed in the local tradition.
13. No work shall commence on the excavation works for the garage block hereby permitted until a one metre square freestanding panel of stonework showing the type of stone and stonework to be used in the construction of the development hereby permitted has been constructed on site and approved in writing by the Local Planning Authority. All new stonework shall match that of the approved panel both in terms of the stone used and the coursing, jointing and mortar mix and finish exhibited in the panel unless otherwise agreed in writing by the Local Planning Authority. The stone panel constructed shall be retained until the development hereby approved has been completed.
14. All new garage doors hereby approved shall be of a vertical boarded, ledged, braced (and framed) timber design and side hung. Within six months of the date of their installation they shall be finished with a paint or stain, the colour of which has previously been agreed in writing with the Local Planning Authority and shall be maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.

Continued/Conditions



Mr C M France
Director of Planning

COPY

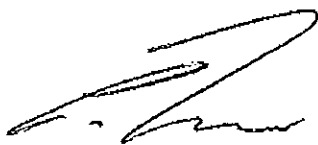
1 APR 2015
Date

COPY

Conditions (Continued)

15. No work shall commence on the installation of any door in the development hereby approved until detailed plans showing the constructional details and external appearance of all external doors and frames (and glazing if included) have been submitted to and approved in writing by the Local Planning Authority. All doors shall be installed in accordance with the details so approved and shall be maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.
16. No work shall commence on the installation of any replacement or new windows (and glazing if included) 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.
17. The external face of the frame to all new windows shall be set in a reveal of a minimum of 60mm from the front face of the adjacent walling and shall be maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.
18. 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 be completed in accordance with the approved details within six months of being installed and shall be maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.
19. 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 in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.
20. The rainwater goods utilised in the development hereby permitted shall be coloured black and shall thereafter be so maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.
21. 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:

Continued/Condition 21



COPY

Mr C M France
Director of Planning

Date - 1 APR 2015

TOWN AND COUNTRY PLANNING ACT 1990

Continuation of Decision No. NYM

COPY

Condition 21 (Continued)

21. i) The details of the access shall have been approved in writing by the Local Planning Authority in consultation with the Highway Authority.
ii) The crossing of the highway verge and/or footway shall be constructed in accordance with the approved details.
vi) As indicated by the proposals, the final surfacing of any private access within one 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.
22. The gradient of the access and the proposal to tarmac the area will inevitably increase surface water run-off, in the direction of the publicly maintainable highway. Consequently, 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.
23. No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas have been constructed in accordance with the submitted drawing and 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.
24. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 or any subsequent Order, the garage(s) shall not be converted into domestic accommodation without the granting of an appropriate planning permission.

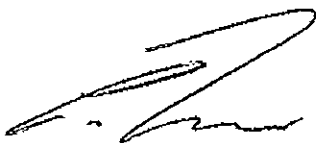
Informative

1. In relation to condition 21 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. Under The Food Premises Registration requirements, the applicant must register 28 days prior to opening and the design/layout meet the current Food Hygiene Regulations. Please contact the Environmental Health Officer at Scarborough Borough Council for more information.

Continued/Informatives

COPY



Mr C M France
Director of Planning

Date - 1 APR 2015

COPY

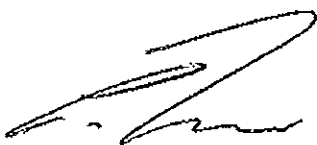
Informatives (Continued)

3. 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 on 0300 060 3900 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 information to contact Natural England or the Bat Conservation Trust national helpline on 0845 1300 228.

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 alterations to the property in the interests of safeguarding the existing form and character of the building in line with NYM Development Policy 3 and NYM Core Policy A, which seek to enhance and conserve the special qualities of the NYM National Park and secure high quality design for new development.
4. 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) 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.
5. In order to enable the Local Planning Authority to control any future changes to the building which is in a location where the formation of a separate dwelling unit would not normally be permitted in line with NYM Core Policies B and J and would be likely to adversely affect the amenities of existing and future occupiers of the site.
6. The site is in a location where the operation of the cafe hereby permitted as a separate independent unit from the main house would be contrary to NYM Core Policy A & Development Policy 14.
- 7 – 9. In order to comply with the provisions of NYM Core Policy A which seeks to ensure that new development does not detract from the quality of life of local residents.

Continued/Reasons for Conditions



Mr C M France
Director of Planning

COPY

Date .. 1 APR 2015 ..

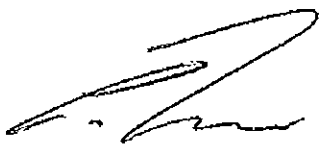
COPY

Reasons for Conditions (Continued)

- 10 – For the avoidance of doubt and in order to comply with the provisions of NYM
- 13. 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.
- 14 – For the avoidance of doubt and in order to comply with the provisions of NYM
- 20. 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.
- 21. 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.
- 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 provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.
- 24. In accordance with NYM Development Policy 23 and to ensure the retention of adequate and satisfactory provision of off-street accommodation for vehicles generated by occupiers of the dwelling and visitors to it, in the interest of safety and the general amenity the development.

Explanation of how the Authority has Worked Positively with the Applicant/Agent

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework



Mr C M France
Director of Planning

- 1 APR 2015
Date

COPY