

**Planning (Listed Buildings and Conservation Areas) Act 1990
North York Moors National Park Authority**

**Notice of Decision of Planning Authority on Application for
Listed Building Consent**

To: Dr Gregory Rubin
c/o Michael Miller
16 Park View
Glaisdale
Whitby
North Yorkshire
YO21 2PP

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The above named Authority being the Planning Authority for the purposes of your application validated 10 November 2017, in respect of the proposed **installation of replacement window and doors, refurbishment/repair works and internal alterations at Shirley House, Sunny Place, Robin Hoods Bay** has considered your said application and has **granted** consent in respect of the proposed works subject to the following conditions:

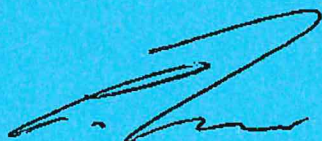
1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.
2. The development hereby permitted shall not be carried out other than in strict accordance with the following documents:

Document Description	Document No.	Date Received
Plans I as Proposed	190/10a	5 Feb 2018
Plans II as Proposed	190/11a	5 Feb 2018
Elevations I as Proposed	190/12	5 Feb 2018
Elevations II as Proposed	190/13a	5 Feb 2018
Basement Floor & Wall Details	190/15a	5 Feb 2018
Basement Structure Support Post	190/16	6 Nov 2017
First Floor Partition	190/17a	5 Feb 2018
First & Second Floor Detail Sections	190/18a	5 Feb 2018

- or in accordance with any minor variation thereof that may be approved in writing by the Local Planning Authority.
3. No work shall commence on the installation of new skirting board sections, new panelling to disguise the steel square hollow section at ground floor and the cupboard recess incorporating the soil vent pipe at ground floor until details of these features to be installed in the new development have 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 details so approved.
 4. No work shall commence on the partitions to the first floor until details of the re-use of the existing bathroom door have 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 details so approved.
 5. Notwithstanding the drawings hereby approved, consent is not given for the removal of the staircase as shown on Drawing No. 190/10a and all repair work to the staircase shall be undertaken in situ.

Continued/Conditions

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Mr C M France
Director of Planning

23 FEB 2018

Date

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6. No work shall commence on the installation of the replacement front door in the development hereby approved until detailed plans showing the constructional details and external appearance of the front door and frame (and glazing if included) have been submitted to and approved in writing by the Local Planning Authority. The door 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.

Informatives

1. Planning permission has also been granted for this development. You are advised to obtain sight of the notice of planning permission and the approved plans and ensure that the development is carried out strictly in accordance with the approved plans and the terms and conditions of the planning permission.

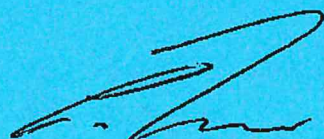
Reasons for Conditions

1. To ensure compliance with Sections 18(1) of the Planning (Listed Buildings and Conservation Areas) 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 comply with NYM Development Policy 5 which seeks to ensure that alterations to Listed Buildings do not have an unacceptable impact on their special historic or architectural interest.
- 4 & 5. 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.
6. For the avoidance of doubt and in order to comply with the provisions of NYM Development Policy 5 which seek to ensure that alterations to Listed Buildings do not have any unacceptable impact on the special architectural or historic interest of the building.

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 less intrusive internal works, so as to deliver sustainable development.

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Mr C M France
Director of Planning

Date 23 FEB 2018

Notes

1. 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 further approval has been obtained.
2. Attention is drawn to Section 8 (2)(C) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the effect of which is that demolition of a Listed Building may not be undertaken (despite the terms of the consent granted by the Local Planning Authority) until notice of the proposal has been given to English Heritage, Architectural Investigation Section, 37 Tanner Row, York, YO1 6WP, and they subsequently have either been given reasonable access to the building for at least one month following the grant of consent, or have stated that they have completed their record of the building or that they do not wish to record it.
3. (a) If the applicant is aggrieved by the decision of the Local Planning Authority to refuse Listed Building consent, for the proposed works, or to grant consent subject to conditions, they may appeal to the Secretary of State in accordance with Sections 20 and 21 of the Planning (Listed Buildings and Conservation Areas) Act 1990 within six months of the date of this notice. The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
(b) If Listed Building consent is refused, or granted subject to conditions, whether by the Local Planning Authority or by the Secretary of State, and the owner of the land claims 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 works which have been or would be permitted, they may serve on the council of the county/district a purchase notice requiring that council to purchase his interest in the land in accordance with the provision of Section 32 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
(c) In certain circumstances a claim may be made against the Local Planning Authority for compensation where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Section 27 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Note: If an aggrieved applicant wishes to exercise their right of appeal as above mentioned, they should do so using a form which you can get from the Secretary of State at:

Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN (Tel: 0303 444 00 00) or online at www.planningportal.gov.uk/planning/appeals

4. Please note, only the applicant possesses the right of appeal.
5. 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.
7. If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, if you want to appeal against your Local Planning Authority's decision on your application, then you must do so within 28 days of the date of this notice.
8. If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your Local Planning Authority's decision on your application, then you must do so within: 28 days of the date of service of the enforcement notice, or within 6 months (12 weeks in the case of a householder appeal) of the date of this notice, whichever period expires earlier.

