

North York Moors National Park Authority

Parish: Fylingdales	App No: NNYM/2020/0896/CU
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Proposal: change of use of ground floor visitor centre (Use Class D1) to visitor centre (use Class F.1) and restaurant/café (Use Class E (a) and (b)) (no external alterations)

Location: The Old Coastguard Station, New Road, Robin Hoods Bay

Applicant: National Trust fao: Mrs Natasha Rowland, Goddard's House,
27 Tadcaster Road, York, YO241GG

Date for Decision: 04/01/2021

Director of Planning's Recommendation

Approval subject to the following condition(s):

1. TIME01 Standard Three Year Commencement Date
2. PLAN01 Strict Accordance With the Documentation Submitted or Minor Variations - Document No.s Specified
3. RSUO00 The ground floor of the premises shall not be used other than as a visitor centre (Use Class F.1(a)(b)(c)(d)(e)) with café/takeaway facility (Use Class E (a) and (b)) and shall not be used for any other purpose (including any other purpose in Classes E and F of the Schedule to the Town and Country Planning (Use Classes) Order 2020 or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order, or within Schedule 2, Part 3, Classes A-V of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order).
4. HWAY00 Vehicular deliveries of goods associated with this development shall avoid the peak times of the day and are hereby restricted to before 10:30am or after 6pm.
5. GACS06 Customer Opening Hours (9:00am to 5:00pm Mondays to Saturday) (10.00am to 5:00pm on Sundays and Bank Holidays)

Informative(s)

1. INF00 The applicant's attention is drawn to planning permission reference NYM4/029/0073/C/PA which remains extant and carries conditions which are still relevant to the property.

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Informatives continued

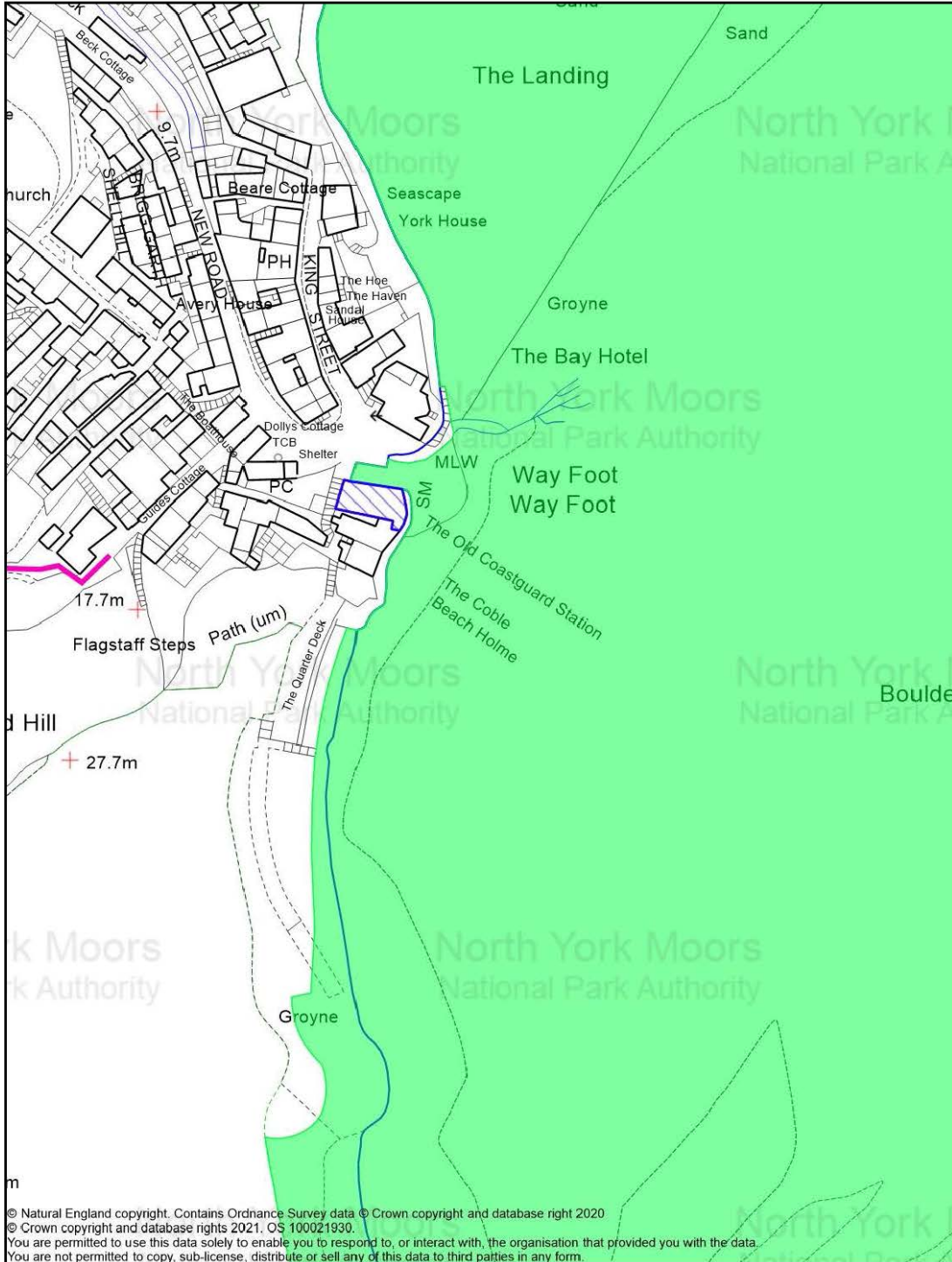
2. INF00 The applicant is advised that, in accordance with the details submitted, this permission allows the provision of a small-scale food and drink outlet, offering hot and cold drinks and snacks (including ice creams, crisps and confectionary). There shall be no preparation or sales of hot food and if any such change is proposed you are advised to contact the Local Planning Authority and Scarborough Borough Council Environmental Health officer to obtain further advice in relation to the provision of extraction and WC requirements.



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National Park
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Scale: 1:1250



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The Old Coastguard Station



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Consultations

Parish - Request additional Information.

Amended Plans/Information -

Highways - Recommend restrictions on delivery times.

Amended Plans/Information -

Environmental Health Officer - General advice and observations issued.

Amended Plans/Information -

Fire Officer - No objection/observation.

Amended Plans/Information - No objection/observation. The North Yorkshire Police, Fire and Crime Commissioner Fire and Rescue Authority will make further comment in relation to the suitability of proposed fire safety measures at the time when the building control body submit a statutory Building Regulations consultation to the Fire Authority.

Police (Designing Out Crime) -

Yorkshire Water -

Natural England - No objection.

Amended Plans/Information - No objection.

Site Notice Expiry Date - 23 December 2020.

Others - **Mr Simon Peate**, Albion Hall, Albion Road, Robin Hoods Bay
Ms Julie Lord, Burnharbour Cottage, 12 Chapel Street, Robin Hoods Bay

The above individuals support the application for one or more of the following reasons:

- Lovely venue for a local café, accessible to walkers and gives another reason to visit the village in and out of season
- Rural areas need to not only retain jobs but to also look at ways of increasing employment; two additional full time seasonal jobs will be created
- The building is currently underused and this application offers an opportunity for it to be better utilised and an additional food outlet for the many visitors
- Competition between businesses are not taken into account during the planning process

Others - **Mr Graham Kemp**, Beacholme, Covet Hill, Robin Hoods Bay

Mr Ian Hookham, 10 Laburnum Avenue, Robin Hoods Bay

Joanne Wedgwood, 2 Derwent Close, Elvington, York

Mr Patrick Holdsworth, 3 Thorpe Lane, Robin Hoods Bay

Mrs Caroline A Webster, Rose Cottage, Thorpe Green Bank, Fylingthorpe

Mrs Jo Morris, Innisfree, 13 Ruswarp Lane, Whitby

Mrs Suzanne Dekker, The Old Post Office, King Street, Robin Hoods Bay

Sue Willmington, Red Barn, Littlebeck Lane, Whitby

Mrs Julie J Brignall, Whitegates, Tommy Baxter Street, Robin Hoods Bay

Mrs Judith Dennett, White House Farm, Fylingdales, Nr Whitby

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Others continued

Mr Mark Berresford, The Chequers, Shottle, Belper, Derbyshire
Joyce J Lightwing, Thornbank, Beckhole Road, Goathland, Whitby
Mr Alan A Staniforth, Darnall, Whitby Road, Robin Hoods Bay
Mr Jody Nightingale, Beacholme, Covet Hill, Robin Hoods Bay
Mrs Pat Staniforth, Darnall, Whitby Road, Robin Hoods Bay
Ms Joanna Pedley, Ocean View, Covet Hill, Robin Hoods Bay
Holly Gray, 6 Laburnum Avenue, Robin Hoods Bay
Dr Marcus Nevitt, Glencoe, Silver Street, Robin Hood's Bay
Mr John Gilbert, Lindale, Manor Road, Whitby
Mr Raymond Clarke, 59 Cross Lane, Scarborough
Ms Jenny Bartlet, Dunelm, Raven Hall Road, Ravenscar, Scarborough
Wendy English, Flat 11 Jutland House, New Quay Road, Whitby
Mr Philip Webster, 324 Kedleston Road, Derby, Derbyshire
Mrs Claire Barber, Fylingdales C of E VC Primary School, Thorpe Lane, Fylingthorpe
Mrs Angela Widdup, The Cove, Chapel Street, Robin Hoods Bay
Cheryl Ward Planning, on behalf of Mr and Mrs Mack, The Coble, Covet Hill, Robin Hoods Bay
Mrs Aileen Hollinrake, 469 Chester Road, Hartford, Nr Northwich, Cheshire
Dr Jane D Pottas, Union Place, 9 Uppgang Lane, Whitby
Mr Steve Yorke, 8 Carron Crescent, York
Mr Neil Purves, Willowdene, Church Lane, Fylingthorpe
Mrs Tanya Kipling, 2 Beck Holme, Lowdale, Sleights

The above individuals object to the application for one or more of the following reasons:

- The visitor centre is a valuable educational contribution to tourism in Robin Hoods Bay
- Part of the attraction to this village is keeping children entertained and at the same time educating the public
- Having to go upstairs will not attract visitors and is a token gesture to pacify the application. There is no mention of disabled access
- The opening hours are not catering for all year-round tourism, which all the other local businesses and the NYMNP have been striving to accomplish
- Their original planning approval NYM4/29/0073C clearly states they provide a Visitor Centre and secondly holiday accommodation. I therefore hope this is not overruled, by this new application. It is a good balance and offers a contribution to the village
- There is a gross lack of information to this application
- Bay does not need another cafe competing with the local independent cafés
- Bay does need educational facilities for tourists and for school trips
- The existing exhibition space benefits from being on the ground floor
- In such a sensitive, economically challenged area, cafes and hospitality venues should be left for the locals to run, not big organisations that are far better placed to use their considerable expertise in promoting conservation and climate change issues
- The Bay needs diversity to encourage visitors to visit and revisit

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Others continued

- Access is challenging as it is and encouraging even more daily food deliveries in busy times detracts from the charm of the Dock itself
- There are enough if not too many eating options in Bay already
- If the National Trust need income upstairs could be a retail outlet or visitor accommodation or craft centre or art gallery
- I object to the loss of the education centre created with public donations and grants
- Once September comes there is barely enough trade to support the existing cafes so these plans do not make economic sense either
- The upstairs area will "...be available for public viewing when not booked...". (by school and educational groups). There will therefore be a reduced amount of time when the general public will have access
- In my view the original planning permission for the Old Coastguard Station should remain in place, and only be amended if more robust plans for additional use categories are put forward that do not diminish the original core purpose of a visitor/education centre as described by the National Trust itself
I do strongly object to the National Trust applying for change of use of the most important floor space within their building, in favour of a commercial venue
- The smaller first floor accommodation could be used as the refreshment facility; this also has a lift to cater for people with disabilities
- It would really be a loss to the village if you were to let this application go ahead. Given the choice of 10+ cafes all with the same cheese & ham sandwich or an education on smuggling, marine life and 300 plus years of history, I know what I would choose
- Parking is fast becoming a much greater problem than ever before, if this becomes a restaurant it may become a destination in itself and further exacerbate parking pressure
- I realise Covid has caused a financial problem, but that shouldn't result in a permanent loss of the main education centre in the village
- If planning permission is granted, the centre will become principally a commercial enterprise, with a focus on maximising income rather than education and conservation
- Without permission for change of use, even if the NT closed the centre, any future owners would be required to provide an education and research facility - a valued asset to the community
- If the proposal was being put forward in an isolated area with no other similar establishment then that would be regarded as fair and reasonable for consideration. In this case it can be seen to be a superfluous and calculated business venture which, apart from serving the NT, adds no intrinsic value to the wealth of Robin Hoods Bay
- This important resource is not just used by the local school, but the many schools that come to visit the area. The educational centre will be especially important for schools who come from urban towns and cities and have no experience of the beach and tides, providing somewhere to learn and enhance their trip
- Staff at the station provide sessions through the key stages on various subjects which has been key to supporting our curriculum in school and visits to the beach

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Others continued

- The stairs to the first floor are narrow and will quickly become congested with visitors trying to get up/come down at the same time...hence putting people off exploring further
- The National Trust should look at other ways of increasing income and diversification – through more structured charging for educational group membership/teacher training etc.
- Should the Authority, (notwithstanding the many varied objections) agree to the proposal I would ask that conditions be imposed to prevent the sale of hot foods and the inevitable kitchen smells and noise that this would bring
- The income from the top floor holiday accommodation (looking at availability on their website, the holiday flat is normally fully booked), should provide a good income without commercialising the whole of the ground floor
- I feel the proposal is an overdevelopment that will impact on residents lives
- Creating yet another café when there are already 13 food outlets within 0.3 miles is not adding anything of value to the aims of the National Trust. An additional potential problem is the increase in litter from takeaway cups and food wrappers – not something that will enhance the village and will have a detrimental effect on the marine environment.

As the bay is a site of special scientific interest, it should be afforded protection through the information, interpretation and advice that the National Trust is in a unique position to provide. This was their justification for acquiring and setting up the building originally. It is disappointing that they seem to have abandoned these excellent intentions

Mrs Gillian G Gennard, Devon House, Station Road, Robin Hoods Bay - Whilst no objection to a cafe in the site, why cannot the cafe be upstairs and retain the educational facilities downstairs which are a real benefit to RHB and its many visitors.

Background

The Old Coastguard Station is a National Trust owned property located on the Dock in Robin Hoods Bay, on the very edge of the beach. The property is not a Listed Building (the current building is a modern rebuild reflecting the original 1800s design) but it is located within the village Conservation Area. The site and building has had various uses over the course of its history, ranging from a public house, tenements, use by the Coastguard, holiday accommodation, university research establishment in the 1980s and a business training facility in the 1990s. The National Trust states that they purchased the property in the late 1990s with money from campaigns and bequests.

The National Trust purchased the property when the significant and unsympathetic 1960s front extension was still in situ. The property as seen today was rebuilt (with grant assistance from the NYM National Park Authority) and reinstated its original/historical appearance using old photographs of the building as reference. The application included the change of use of the building to an information/education resource.

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The scheme included an interpretation and retail facility on the ground floor, the education centre at first floor with self-contained holiday accommodation at second floor level. In 2011, the ground floor exhibition room was renovated.

This application seeks full planning permission for the change of use of the ground floor information area (with ancillary retail outlet) to café. The application documents confirm that there will be no change to the use of the first floor education area (although the interactive displays from the ground floor will be relocated to the upstairs classroom), nor the holiday accommodation and no external alterations are proposed.

The applicant has explained that the impetus for the proposal has arisen following the impacts of the recent and on-going restrictions and challenges presented by the Covid-19 outbreak. The applicant has reported that they are seeking ways to adapt and diversify in order to generate income and to avoid complete closure of the premises.

As originally submitted, the application lacked clarity in respect of the nature of the proposed café/restaurant use and significant objections were received from members of the public. The main grounds for public objection are in relation to the loss of the information and interpretation offering at ground floor; the subsequent reduction in access to information which is considered to arise as a result of its relocation upstairs and unavailability when booked by schools and groups, together with the provision of another food/refreshment outlet in an area with a number of existing and established food outlets.

Following a request for further information from Officers to address Environmental Health Officer questions and Parish Council concerns, further clarification has been offered.

Members' attention is drawn to the detail of the additional information but in brief, the applicant has provided the following clarification:

The loss of income to NT arising from the Covid pandemic has had serious financial impacts across the organisation and this led to reappraising properties across the Trust, the Old Coastguard Station has been identified as at risk of closure which would result in loss of local jobs. We feel that this solution will support the viability of the property, keep it open for public benefit and allow conservation work on the coastline to continue. Any income raised will be wholly retained within the NT Yorkshire Coast portfolio.

By reconfiguring the property the existing staff can be retained together with the provision of two more jobs. It is proposed to remove the retail area and replace it with a café/servery counter providing takeaways. Although the exhibition space would be replaced by a small seating area (up to 10 seats) the interpretation will be retained and incorporated into wall panels to tell the story of the Old Coastguard Station. By the change in direction and provision of an alternative income stream, the NT has assessed that the centre can remain open and the entry fee can be removed to make it more accessible.

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The space at first floor level is smaller and it would not be able to accommodate the café and exhibition as some comments have suggested. It is important to emphasise that this submission ensures that the ground floor will continue to operate as it does currently by providing important information on safeguarding our oceans and coastal conservation matters as well as visitor information; the space will be in a different configuration and allow better interpretation material to be presented.

The proposed café would operate as a 'grab and go' offer selling hot and cold drinks and cakes, bakes and scones, confectionary and ice cream. Hence the takeaway facility but also providing some limited indoor seating.

Policy Context

The relevant NYM Local Plan policies to consider with this this application are Strategic Policy L (Community Facilities) and Policy BL8 (Shops, Offices and Food and Drink Services).

SPL states that development that would result in the loss of a community facility or would compromise its use will not be permitted, unless it can be demonstrated that the facility is no longer suitable or viable in that location or that it is no longer needed.

BL8 is supportive of new retail development where: the proposal is in accordance with the Helmsley Local Plan; within the main built up part of Larger Villages (including Robin Hoods Bay). In Smaller Villages and in the Open Countryside proposals for new retail development are subject to additional criteria to ensure they are compatible with, and of an appropriate scale for the area. Proposals resulting in the loss of retail development will only be permitted where it can be demonstrated that the facility is no longer suitable for retail use.

Main Issues

The main issues to consider with this application are whether the proposal represents the loss of a community/education facility and whether the creation of a food and drink concession at the premises is acceptable in terms of use, activity and general amenity considerations. It must be noted that, although it is desirable to retain a variety in the mix of businesses within a settlement, competition is not a material planning consideration.

Community Facility Considerations

Having regard to SPL, it is important to recognise that the proposal does not represent a complete loss of the community/educational facility at the Old Coastguard Station. Initially, Officers had concerns that the proposal did present a much reduced educational offering and that public access to the information facility was compromised. These concerns were raised with the applicant and further information requested. The revised supporting statement confirms that the aim is to retain a comparable amount of interpretation as existing but replace the ancillary retail space (for which express permission has not been sought/granted) with a small-scale food and drink outlet with a primary focus on takeaway

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Main Issues continued

trade. Following the revisions to the Use Class Order (September 2020), it is acknowledged that retail shops and food and drink services now fall within the same Use Class.

The existing interpretation will be retained at ground floor and the interactive elements relocated to the first floor which is accessible by lift.

In view of the above, the proposal is not considered to represent the loss of a community facility or an unacceptable reduction in education provision. Indeed the removal of an entrance fee is likely to increase the access to the facility.

Café/Takeaway Use

The impact of the Covid-19 pandemic upon many businesses, individuals and communities has undoubtedly been significant. However, it is anticipated that restrictions will ease and recovery can begin in the relatively short-term. The Authority seeks to support the recovery provided there is no substantial conflict with local planning policies. In some circumstances, this may be allowing temporary alterations as opposed to permanent changes.

Robin Hoods Bay is an extremely popular destination in the National Park and is well-served by catering and hospitality venues. It is acknowledged that competition is not a material planning consideration, however; the variety of businesses within a settlement helps to support vibrant communities. It is therefore desirable to maintain diversity in the retail offering which should also help businesses to support one another.

Local Plan Policy BL8 is supportive of food and drink services within the main built up area of Larger Villages. Robin Hoods Bay is included in the list of larger settlements and furthermore, the Old Coastguard Station is located near the centre of the main area of retail and hospitality activity. Although the concerns raised by Members of the public in relation to the creation of another café within the village are noted, the use is considered acceptable in this location which is characterised by a mix of commercial uses. Competition is not a material planning consideration.

Despite there being a range of commercial activity in this area, residential uses also exist (including permanent residential use and holiday uses). In such cases, it is essential that the proposed café use does not give rise to loss of private amenity through excessive noise, smell, litter or general increased activity levels. The outlet is for the sale of hot and cold drinks together with pre-packaged food and items of confectionary, suitable for takeaways as opposed to café or restaurant use including the preparation of hot food. It is therefore not anticipated that the proposal will lead to an unacceptable increase in noise or odour. The Environmental Health Officer has confirmed that there will be no frying or grilling and therefore no mechanical extraction is required or planned.

The building has a long established public use and is frequently visited by school groups. This would remain to be the case and the introduction of a small-scale food outlet is not likely to result in an unacceptable increase in visitor numbers of activity in the vicinity. It is however recommended that the use is restricted by opening times for the avoidance of any doubt.

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Main Issues continued

Other matters

The Local Highway Authority has registered concern in relation to the delivery vehicles associated with this development. It is anticipated that deliveries will intensify the traffic on the steep narrow route to the application site. At the peak times of the year when the café is proposed to be open, the other nearby businesses will also be at their peak along with the amount of pedestrians all vying for the limited amount of highway space.

For this reason, the vehicular deliveries should avoid the peak times of the day and it is recommended that deliveries should be restricted by condition to before 10:30am or after 6pm.

The applicant has considered the Highway Authority advice and confirmed that the National Trust currently has two deliveries a week to Ravenscar and our intention is that this can be co-ordinated with the provision of deliveries to the proposed café at the Old Coastguard Station so that vehicle deliveries in this part of the coast are not duplicated and confirm that this occurs before 10.30 am.

The Environmental Health Officer has also provided information in relation to the provision of toilets and hand washing facilities. In premises where food and/or drink is sold to the public for consumption on site, there must be an adequate number of toilets and hand wash facilities for customer use. BS 6465 states: "A minimum requirement in all but very small establishments is one wash basin and WC for each sex." The premises has one toilet at first floor for use by staff and visitors. On the basis the focus is on takeaways and there is only limited space for seating, the provision of one toilet may be sufficient. However, it is recommended that in the event the menu is changed or seating increases, two WCs should be provided.

The Environmental Health Officer also advises that sufficient refuse storage must be available and many objectors have expressed concern in relation to litter which is more likely to occur as a result of takeaway use. The applicant has advised that the existing refuse storage area adjoining the property will be used and litter bins are provided nearby for use by members of the public.

The Parish Council has not offered any further comment in response to the additional information provided. The additional information provided by the applicant is considered to satisfactorily address the areas of concern raised by consultees and Officers. The proposal seeks to retain an adequate level of public information and education provision in accordance with NYM Local Plan Strategic Policy L and the introduction of a small-scale café/takeaway snack service is considered acceptable in this location within the Larger Village of Robin Hoods Bay. The adjusted ratio and layout of uses at the property is not considered to undermine its original/existing function nor the viability of the wider village. Consequently, in view of the above and subject to the recommended conditions, approval is recommended.

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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 identifying areas of the application which required further information/clarification with the applicant's agent and requesting the submission of additional information to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.