

From:
To: [Planning](#)
Subject: Coast guard station, RHB
Date: 29 March 2021 09:54:41

Hello,

The amended application arrived too late to be discussed at our March meeting. Can we please get our comments to you so they can be taken into account after our 21st April meeting?

Regards,

Jane Mortimer

Chairman and Acting Clerk

Eylingdales Parish Council



NORTH YORKSHIRE FIRE & RESCUE SERVICE

NYFRS Reference:

Premises: 00215260
Job: 1222434

Scarborough Fire Station
North Marine Road
Scarborough
North Yorkshire
YO12 7EY

When telephoning please ask for: J Butterfield

06 April 2021

Dear Sir or Madam

The Old Coastguard Station, New Road, Robin Hoods Bay, Whitby, YO22 4SF

FIRE SAFETY - COMMUNICATION WITH THE PLANNING AUTHORITY

Receipt is acknowledged of your planning communication:

Dated: 24 March 2021
Your ref: NYM/2020/0896/CU

Your communication has been dealt with as follows:

At this stage in the planning approval process the North Yorkshire Police, Fire and Crime Commissioner Fire and Rescue Authority have no objection/observation to the proposed development. 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.

The majority of information we collect regarding business fire safety is non-personalised information, however any personal data we collect will be managed in accordance with our Privacy Notice which can be viewed on our website, www.northyorksfire.gov.uk/about-us/yourdata.

Under the Regulatory Reform Order 2005 we are obliged to publish a public register of enforcement action which can be viewed via our website, www.northyorksfire.gov.uk/about-us/key-documents/links-registers.

The Old Coastguard Station

New Road
Robin Hoods Bay
Whitby
YO22 4SF

Sprinklers Save Lives, Sprinklers Save Lives, Sprinklers Save Lives, Sprinklers Save Lives, Sprinklers Save Lives

www.northyorksfire.gov.uk

Should you require further information please contact the officer whose name appears at the head of the letter.

Yours faithfully

J Butterfield

From:
To: [Planning](#)
Subject: Re: NYM/2020/0896/CU
Date: 05 April 2021 13:30:36

NYM/2020/0896/CU - Old Coastguard Station, New Road, Robin Hood's Bay.

Fylingdales Parish Council:- **Object to the application**

It is a consensus decision to object on the following grounds:-

1. Changes to the Old Coastguard Station were grant aided to provide an information and educational facility for adults and children, for visitors and locals alike. Educating visiting families and school groups is hugely important for the understanding of the unique and special SSI beach and coastline. Down grading the importance of this by moving the facility upstairs will diminish it's impact.
2. It goes against the principles of preservation and education, values that should be reflected, not profit.
3. It is known that competition is not a planning objection but in this instance a café downstairs would impact on the educational aspects of what the Old Coastguard Station represents that should be enhanced not detracted from.
4. The plan is still not clear on details i.e. where any extractor fan would be located and the impact of that.

On 25/03/2021 08:21

:

Reference: NYM/2020/0896/CU.

The North York Moors National Park Authority Planning Service welcomes public engagement in all aspects of its work. You have received this email in relation to a current planning matter. The attached correspondence contains important information which you are advised to retain for your records. If you have any queries, please do not hesitate to contact us. When replying it's best to quote our reference number, which is included in the attached letter.

The Authority is following Government advice concerning Covid-19 as such our working arrangements may change. We will ensure our letters and website are updated as and when required in order to provide our customers with the most up to date information.

Kind regards

Chris France

Chris France
Director of Planning
North York Moors National Park Authority
The Old Vicarage
Bondgate
Helmsley, York YO62 5BP
Tel: 01439 772700
www.northyorkmoors.org.uk

From:
To: [Planning](#)
Subject: NYM/2020/0896/CU Consultation Response
Date: 01 April 2021 09:52:11
Attachments:
Importance: High

Dear Miss Webster,

Our ref: 347810

Your ref: NYM/2020/0896/CU

Thank you for your consultation.

Natural England has previously commented on this proposal and made comments to the authority in our letter reference 334548, dated 19 November 2020.

The advice provided in our previous response applies equally to this **amendment** although we made no objection to the original proposal.

The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.

Should the proposal be amended in a way which **significantly** affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again. Before sending us the amended consultation, please assess whether the changes proposed will materially affect any of the advice we have previously offered. If they are unlikely to do so, please do not re-consult us.

Yours sincerely,

Dominic Rogers
Consultations Team
Natural England
Hornbeam House, Electra Way
Crewe, Cheshire, CW1 6GJ

www.gov.uk/natural-england

During the current coronavirus situation, Natural England staff are primarily working remotely to provide our services and support our customers and stakeholders.

Please continue to send any documents by email or contact us by phone to let us know how we can help you.

See the latest news on the coronavirus at <http://www.gov.uk/coronavirus> and Natural England's regularly updated operational update at

<https://www.gov.uk/government/news/operational-update-covid-19>.

Stay Home. Protect the NHS. Save Lives.



From: planning@northyorkmoors.org.uk

Sent: 24 March 2021 09:18

To:

Subject: NYM/2020/0896/CU

Importance: High

Reference: NYM/2020/0896/CU.

The North York Moors National Park Authority Planning Service welcomes public engagement in all aspects of its work. You have received this email in relation to a current planning matter. The attached correspondence contains important information which you are advised to retain for your records. If you have any queries, please do not hesitate to contact us. When replying it's best to quote our reference number, which is included in the attached letter.

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Kind regards

Chris France

Chris France
Director of Planning
North York Moors National Park Authority
The Old Vicarage
Bondgate
Helmsley, York YO62 5BP
Tel: 01439 772700
www.northyorkmoors.org.uk



**North York Moors
National Park**



NORTH YORKSHIRE FIRE & RESCUE SERVICE

NYFRS Reference:

Premises: 00215260
Job: 1216751

Scarborough Fire Station
North Marine Road
Scarborough
North Yorkshire
YO12 7EY

When telephoning please ask for: M Logan

05 January 2021

Dear Sir or Madam

The Old Coastguard Station, New Road, Robin Hoods Bay, Whitby, YO22 4SF

FIRE SAFETY - COMMUNICATION WITH THE PLANNING AUTHORITY

Receipt is acknowledged of your planning communication:

Dated: 23 December 2020
Plans No: NYM/2020/0896/CU

Your communication has been dealt with as follows:

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Yours faithfully

M Logan

Date: 19 November 2020
Our ref: 334548
Your ref: NYM/2020/0896/CU



North York Moors National Park Authority

BY EMAIL ONLY

Hornbeam House
Crewe Business Park
Electra Way
Crewe
Cheshire
CW1 6GJ

Dear Sir/ Madam

**Planning consultation: Application for change of use of ground floor visitor centre (Use Class D1) to restaurant/cafe (Use Class A3) (no external alterations)
Location: The Old Coastguard Station, New Road, Robin Hoods Bay**

Thank you for your consultation on the above dated 17 November 2020 which was received by Natural England on 17 November 2020.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

SUMMARY OF NATURAL ENGLAND'S ADVICE

NO OBJECTION

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites.

Natural England's generic advice on other natural environment issues is set out at Annex A.

Protected Landscapes – North Yorkshire and Cleveland Heritage Coast

The proposed development is for a site within or close to a defined landscape namely North Yorkshire and Cleveland Heritage Coast. Natural England advises that the planning authority uses national and local policies, together with local landscape expertise and information to determine the proposal. The policy and statutory framework to guide your decision and the role of local advice are explained below.

Your decision should be guided by paragraph 173 of the National Planning Policy Framework. It states:

173. Within areas defined as Heritage Coast (and that do not already fall within one of the designated areas mentioned in paragraph 172), planning policies and decisions should be consistent with the special character of the area and the importance of its conservation. Major

development within a Heritage Coast is unlikely to be appropriate, unless it is compatible with its special character.

The NPPF continues to state in a footnote (footnote 55) that *“For the purposes of paragraph 172 and 173, whether a proposal is ‘major development’ is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined.”*

Alongside national policy you should also apply landscape policies set out in your development plan, or appropriate saved policies.

Where available, a local Landscape Character Assessment can also be a helpful guide to the landscape’s sensitivity to this type of development and its capacity to accommodate the proposed development.

Other advice

Sites of Special Scientific Interest Impact Risk Zones

The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires local planning authorities to consult Natural England on “Development in or likely to affect a Site of Special Scientific Interest” (Schedule 4, w). Our SSSI Impact Risk Zones are a GIS dataset designed to be used during the planning application validation process to help local planning authorities decide when to consult Natural England on developments likely to affect a SSSI. The dataset and user guidance can be accessed from the data.gov.uk website

Further general advice on the consideration of protected species and other natural environment issues is provided at Annex A.

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us.

For any queries regarding this letter, for new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

Yours faithfully

Amy Knafler
Consultations Team

Annex - Generic advice on natural environment impacts and opportunities

Sites of Special Scientific Interest (SSSIs)

Local authorities have responsibilities for the conservation of SSSIs under s28G of the Wildlife & Countryside Act 1981 (as amended). The National Planning Policy Framework (paragraph 175c) states that development likely to have an adverse effect on SSSIs should not normally be permitted. Natural England's SSSI Impact Risk Zones are a GIS dataset designed to be used during the planning application validation process to help local planning authorities decide when to consult Natural England on developments likely to affect a SSSI. The dataset and user guidance can be accessed from the Natural England Open Data Geoportal.

Biodiversity duty

Your authority has a duty to have regard to conserving biodiversity as part of your decision making. Conserving biodiversity can also include restoration or enhancement to a population or habitat. Further information is available here.

Protected Species

Natural England has produced standing advice¹ to help planning authorities understand the impact of particular developments on protected species. We advise you to refer to this advice. Natural England will only provide bespoke advice on protected species where they form part of a SSSI or in exceptional circumstances.

Local sites and priority habitats and species

You should consider the impacts of the proposed development on any local wildlife or geodiversity sites, in line with paragraphs 171 and 174 of the NPPF and any relevant development plan policy. There may also be opportunities to enhance local sites and improve their connectivity. Natural England does not hold locally specific information on local sites and recommends further information is obtained from appropriate bodies such as the local records centre, wildlife trust, geoconservation groups or recording societies.

Priority habitats and Species are of particular importance for nature conservation and included in the England Biodiversity List published under section 41 of the Natural Environment and Rural Communities Act 2006. Most priority habitats will be mapped either as Sites of Special Scientific Interest, on the Magic website or as Local Wildlife Sites. The list of priority habitats and species can be found here². Natural England does not routinely hold species data, such data should be collected when impacts on priority habitats or species are considered likely. Consideration should also be given to the potential environmental value of brownfield sites, often found in urban areas and former industrial land, further information including links to the open mosaic habitats inventory can be found here.

Ancient woodland, ancient and veteran trees

You should consider any impacts on ancient woodland and ancient and veteran trees in line with paragraph 175 of the NPPF. Natural England maintains the Ancient Woodland Inventory which can help identify ancient woodland. Natural England and the Forestry Commission have produced standing advice for planning authorities in relation to ancient woodland and ancient and veteran trees. It should be taken into account by planning authorities when determining relevant planning applications. Natural England will only provide bespoke advice on ancient woodland, ancient and veteran trees where they form part of a SSSI or in exceptional circumstances.

¹ <https://www.gov.uk/protected-species-and-sites-how-to-review-planning-proposals>

² <http://webarchive.nationalarchives.gov.uk/20140711133551/http://www.naturalengland.org.uk/ourwork/conservation/biodiversity/protectandmanage/habsandspeciesimportance.aspx>

Protected landscapes

For developments within or within the setting of a National Park or Area of Outstanding Natural Beauty (AONB), we advise you to apply national and local policies, together with local landscape expertise and information to determine the proposal. The National Planning Policy Framework (NPPF) (paragraph 172) provides the highest status of protection for the landscape and scenic beauty of National Parks and AONBs. It also sets out a 'major developments test' to determine whether major developments should be exceptionally be permitted within the designated landscape. We advise you to consult the relevant AONB Partnership or Conservation Board or relevant National Park landscape or other advisor who will have local knowledge and information to assist in the determination of the proposal. The statutory management plan and any local landscape character assessments may also provide valuable information.

Public bodies have a duty to have regard to the statutory purposes of designation in carrying out their functions (under (section 11 A(2) of the National Parks and Access to the Countryside Act 1949 (as amended) for National Parks and S85 of the Countryside and Rights of Way Act, 2000 for AONBs). The Planning Practice Guidance confirms that this duty also applies to proposals outside the designated area but impacting on its natural beauty.

Heritage Coasts are protected under paragraph 173 of the NPPF. Development should be consistent the special character of Heritage Coasts and the importance of its conservation.

Landscape

Paragraph 170 of the NPPF highlights the need to protect and enhance valued landscapes through the planning system. This application may present opportunities to protect and enhance locally valued landscapes, including any local landscape designations. You may want to consider whether any local landscape features or characteristics (such as ponds, woodland or dry stone walls) could be incorporated into the development in order to respect and enhance local landscape character and distinctiveness, in line with any local landscape character assessments. Where the impacts of development are likely to be significant, a Landscape & Visual Impact Assessment should be provided with the proposal to inform decision making. We refer you to the [Landscape Institute](#) Guidelines for Landscape and Visual Impact Assessment for further guidance.

Best and most versatile agricultural land and soils

Local planning authorities are responsible for ensuring that they have sufficient detailed agricultural land classification (ALC) information to apply NPPF policies (Paragraphs 170 and 171). This is the case regardless of whether the proposed development is sufficiently large to consult Natural England. Further information is contained in [GOV.UK guidance](#). Agricultural Land Classification information is available on the [Magic](#) website on the [Data.Gov.uk](#) website. If you consider the proposal has significant implications for further loss of 'best and most versatile' agricultural land, we would be pleased to discuss the matter further.

Guidance on soil protection is available in the Defra [*Construction Code of Practice for the Sustainable Use of Soils on Construction Sites*](#), and we recommend its use in the design and construction of development, including any planning conditions. Should the development proceed, we advise that the developer uses an appropriately experienced soil specialist to advise on, and supervise soil handling, including identifying when soils are dry enough to be handled and how to make the best use of soils on site.

Access and Recreation

Natural England encourages any proposal to incorporate measures to help improve people's access to the natural environment. Measures such as reinstating existing footpaths together with the creation of new footpaths and bridleways should be considered. Links to other green networks and, where appropriate, urban fringe areas should also be explored to help promote the creation of wider green infrastructure. Relevant aspects of local authority green infrastructure strategies should be delivered

where appropriate.

Rights of Way, Access land, Coastal access and National Trails

Paragraphs 98 and 170 of the NPPF highlights the important of public rights of way and access. Development should consider potential impacts on access land, common land, rights of way, coastal access routes and coastal margin in the vicinity of the development and the scope to mitigate any adverse impacts. Consideration should also be given to the potential impacts on any nearby National Trails, including the England Coast Path. The National Trails website www.nationaltrail.co.uk provides information including contact details for the National Trail Officer.

Environmental enhancement

Development provides opportunities to secure net gains for biodiversity and wider environmental gains, as outlined in the NPPF (paragraphs 8, 72, 102, 118, 170, 171, 174 and 175). We advise you to follow the mitigation hierarchy as set out in paragraph 175 of the NPPF and firstly consider what existing environmental features on and around the site can be retained or enhanced or what new features could be incorporated into the development proposal. Where onsite measures are not possible, you should consider off site measures. Opportunities for enhancement might include:

- Providing a new footpath through the new development to link into existing rights of way.
- Restoring a neglected hedgerow.
- Creating a new pond as an attractive feature on the site.
- Planting trees characteristic to the local area to make a positive contribution to the local landscape.
- Using native plants in landscaping schemes for better nectar and seed sources for bees and birds.
- Incorporating swift boxes or bat boxes into the design of new buildings.
- Designing lighting to encourage wildlife.
- Adding a green roof to new buildings.

You could also consider how the proposed development can contribute to the wider environment and help implement elements of any Landscape, Green Infrastructure or Biodiversity Strategy in place in your area. For example:

- Links to existing greenspace and/or opportunities to enhance and improve access.
 - Identifying opportunities for new greenspace and managing existing (and new) public spaces to be more wildlife friendly (e.g. by sowing wild flower strips)
 - Planting additional street trees.
 - Identifying any improvements to the existing public right of way network or using the opportunity of new development to extend the network to create missing links.
- Restoring neglected environmental features (e.g. coppicing a prominent hedge that is in poor condition or clearing away an eyesore).

From:
To: [Planning](#)
Subject: Update to Planning Team from Fylingdales Parish Council
Date: 18 December 2020 21:21:02
Attachments: [ATT00001.png](#)
[ATT00002.png](#)
[Planning Application decisions - 16 Dec 2020.pdf](#)

Good Afternoon Planning Team,

Following the Full Parish Meeting on the 16 December 2020, the Council made decisions on various planning applications that have been received by the Council.

I have attached the decisions from the Council.

A few other points:

1. Middlewood Farm Holiday Park

The Council do wish to again note that the Council did not receive the original planning application details to make a decision and whilst they accept the planning has been refused, the Council do wish to lay on record the strong concerns its has should the developer wish to re-submit their application or to appeal.

Please ensure that should the developer wish to re-apply or appeal, the Council politely stresses that it does wish to be given the opportunity to formally make their feelings known.

2. Old Coast Guard station

I did write a while back (and was promised a reply) that the Council could not make a decision of support or not as the information supplied was not sufficient or clear. The Council did ask that the deadline be extended as to ensure there is enough time for the Council to consider the application once more information is received.

I unfortunately have not had any firm information back - please can this be rectified.

I would appreciate a prompt reply please.

Regards,

Simon Baxter

Simon R Baxter JP MIFA ADPS ADIP
Clerk and RFO
Fylingdales Parish Council

Fylingdales Parish Council

**NORTH YORKSHIRE COUNTY COUNCIL
BUSINESS and ENVIRONMENTAL SERVICES**



**LOCAL HIGHWAY AUTHORITY
CONSIDERATIONS and RECOMMENDATION**

Application No: **NYM20/0896/CU**

Proposed Development: change of use of ground floor visitor centre (Use Class D1) to restaurant/cafe (Use Class A3) (no external alterations)

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

Applicant: National Trust

CH Ref: **Case Officer:** Ged Lyth

Area Ref: 4/29/632A

County Road No:

To: North York Moors National Park
Authority
The Old Vicarage
Bondgate
Helmsley
YO62 5BP

Date: 1 December 2020

FAO: Helen Webster **Copies to:**

Note to the Planning Officer:

In assessing the submitted proposals and reaching its recommendation the Local Highway Authority has taken into account the following matters:

It should be noted that the Local Highway Authority does have concerns that the delivery vehicles associated with this development 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 should be restricted to before 10:30am or after 6pm.

Signed:

Ged Lyth

Issued by:

Whitby Highways Office
Discovery Way
Whitby
North Yorkshire
YO22 4PZ

**LOCAL HIGHWAY AUTHORITY
CONSIDERATIONS and RECOMMENDATION**



Continuation sheet:

Application No:

NYM20/0896/CU

For Corporate Director for Business and Environmental Services

e-mail: Area3.Whitby@northyorks.gov.uk

From:
To: [Planning](#)
Subject: NYM/2020/0896/CU
Date: 25 November 2020 15:51:52

NYM/2020/0896/CU

**Application for change of use of ground floor visitor centre (Use Class D1) to restaurant/cafe (Use Class A3) (no external alterations) at The Old Coastguard Station,
New Road, Robin Hoods Bay**

Commercial Regulation – Environmental Health

-

On receipt of the application I was unsure about the exact nature and layout of the new proposed café. I have since spoken with a representative of the National Trust to find out more information about the proposed premises.

Having reviewed the above application and the information I received from the National Trust I have the following comments to make from a commercial regulation perspective:

It is my understanding that the café will be small, as space is limited. It will provide a limited takeaway food offering: which will include: tea, coffee, crisps, confectionary and ice cream. There aren't any plans for sit down meals or ready to eat items such as sandwiches at this time. There will be no frying, grilling and as such no extraction is planned or required currently.

I also understand that there may be a small number of tables provided inside the premises.

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."

There is currently only one toilet on the premises which would be used by both customers and staff. It is located on the first floor which can be accessed by stairs or a lift. The nature of the building may mean the installation of any further toilets may be prohibitive.

The menu that is currently being proposed is a takeaway type menu and if people sit in they would probably not spend a great length of time on the premises. The size of the premises also means that seating is also limited. Therefore the provision of one toilet may be sufficient.

I would recommend that if the menu is changed to a sit down menu and/or seating is increased then the toilet provision should likewise be increased to the above standard of 2 wc's if it is possible.

There should also be adequate refuse storage for the proposed café.

Regards

Adele

Adele Cook
Environmental Health Officer
Scarborough Borough Council
Town Hall
St Nicholas Street
Scarborough
North Yorkshire
YO11 2HG

Coronavirus: Stay at home, Save lives



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Any opinions expressed are those of the author of the email, and do not necessarily reflect those of Scarborough Borough Council.

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This email has been checked for the presence of computer viruses, but please rely on your own virus-checking procedures.

From:
To: [Planning](#)
Subject: Issues for the Planning Team from the Parish Council
Date: 23 November 2020 12:46:09
Attachments: [ATT00001.png](#)
[ATT00002.png](#)

Good Afternoon,

Following a full Parish Council Meeting, please may I ask the Planning Team to note the following:

1. **Planning application NYM/2020/0896/CU - Old Coastguard Station**

The Parish Council do not feel they have sufficient information in the application to make a decision to support, have no objections or object. As the next meeting of the Parish Council is not until the 16 December, the Council asks that the deadline for comments of the 08 December is extended.

The information required is about the impact on the proposed change of use, the options the developers had considered and the impact of permission refusal.

2. **Middlewood Farm Holiday Park** - The Council notes that there has been an article in the Yorkshire Post about the planning permission sought at the MFHP . The Council has not received the formal application to consider.

The Council has significant objections to this application that was written about in the Yorkshire Post and thus wants to see the full details of the application and ask that any deadline is extended to allow for proper Council review.

3. Please see the Council's viewpoint on the following: (in red)

Planning App. No.	Address	Detail of application
NYM/2020/0810/FL	Charity, R H B	Variation of condition 2 (material amendment) of planning approval NYM/2020/0238/FL to allow changes to the driveway design, increase in length of canopy and decked area and use of rosemary tiles together with removal of condition 6 No objection
NYM/2020/0823/FL.	Orchard House, The Bolts, R H B	Alterations and construction of single storey extension No objection
NYM/2020/0860/FL	Bridge End House, New Road, R H B	Alterations, construction of front and rear dormer windows together with reinstatement of iron railings Fully support
NYM/2020/0878/NM	Fern Farm, Normanby	Non-material amendment to planning approval NYM/2018/0623/FL to allow addition of a duck slide dormer to entrance and alterations to door design together with reduction in size of glazed area to East Barn

No objection

Regards,

Simon.

Simon R Baxter JP MIFA ADPS ADIP
Clerk and RFO
Fylingdales Parish Council

Fylingdales Parish Council

...at the heart of the community, for the community...



NORTH YORKSHIRE FIRE & RESCUE SERVICE

NYFRS Reference:

Premises: 00215260
Job: 1214608

Scarborough Fire Station
North Marine Road
Scarborough
North Yorkshire
YO12 7EY

When telephoning please ask for: M Logan

19 November 2020

Dear Sir or Madam

The Old Coastguard Station, New Road, Robin Hoods Bay, Whitby, YO22 4SF

FIRE SAFETY - COMMUNICATION WITH THE PLANNING AUTHORITY

Receipt is acknowledged of your planning communication:

Dated: 17 November 2020
Plans No: NYM/2020/0896/CU

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www.northyorksfire.gov.uk

Should you require further information please contact the officer whose name appears at the head of the letter.

Yours faithfully

M Logan

Date: 19 November 2020
Our ref: 334548
Your ref: NYM/2020/0896/CU



North York Moors National Park Authority

BY EMAIL ONLY

Hornbeam House
Crewe Business Park
Electra Way
Crewe
Cheshire
CW1 6GJ

Dear Sir/ Madam

**Planning consultation: Application for change of use of ground floor visitor centre (Use Class D1) to restaurant/cafe (Use Class A3) (no external alterations)
Location: The Old Coastguard Station, New Road, Robin Hoods Bay**

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Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

SUMMARY OF NATURAL ENGLAND'S ADVICE

NO OBJECTION

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites.

Natural England's generic advice on other natural environment issues is set out at Annex A.

Protected Landscapes – North Yorkshire and Cleveland Heritage Coast

The proposed development is for a site within or close to a defined landscape namely North Yorkshire and Cleveland Heritage Coast. Natural England advises that the planning authority uses national and local policies, together with local landscape expertise and information to determine the proposal. The policy and statutory framework to guide your decision and the role of local advice are explained below.

Your decision should be guided by paragraph 173 of the National Planning Policy Framework. It states:

173. Within areas defined as Heritage Coast (and that do not already fall within one of the designated areas mentioned in paragraph 172), planning policies and decisions should be consistent with the special character of the area and the importance of its conservation. Major

development within a Heritage Coast is unlikely to be appropriate, unless it is compatible with its special character.

The NPPF continues to state in a footnote (footnote 55) that *“For the purposes of paragraph 172 and 173, whether a proposal is ‘major development’ is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined.”*

Alongside national policy you should also apply landscape policies set out in your development plan, or appropriate saved policies.

Where available, a local Landscape Character Assessment can also be a helpful guide to the landscape’s sensitivity to this type of development and its capacity to accommodate the proposed development.

Other advice

Sites of Special Scientific Interest Impact Risk Zones

The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires local planning authorities to consult Natural England on “Development in or likely to affect a Site of Special Scientific Interest” (Schedule 4, w). Our SSSI Impact Risk Zones are a GIS dataset designed to be used during the planning application validation process to help local planning authorities decide when to consult Natural England on developments likely to affect a SSSI. The dataset and user guidance can be accessed from the data.gov.uk website

Further general advice on the consideration of protected species and other natural environment issues is provided at Annex A.

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us.

For any queries regarding this letter, for new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

Yours faithfully

Amy Knafler
Consultations Team

Annex - Generic advice on natural environment impacts and opportunities

Sites of Special Scientific Interest (SSSIs)

Local authorities have responsibilities for the conservation of SSSIs under s28G of the Wildlife & Countryside Act 1981 (as amended). The National Planning Policy Framework (paragraph 175c) states that development likely to have an adverse effect on SSSIs should not normally be permitted. Natural England's SSSI Impact Risk Zones are a GIS dataset designed to be used during the planning application validation process to help local planning authorities decide when to consult Natural England on developments likely to affect a SSSI. The dataset and user guidance can be accessed from the Natural England Open Data Geoportal.

Biodiversity duty

Your authority has a duty to have regard to conserving biodiversity as part of your decision making. Conserving biodiversity can also include restoration or enhancement to a population or habitat. Further information is available here.

Protected Species

Natural England has produced standing advice¹ to help planning authorities understand the impact of particular developments on protected species. We advise you to refer to this advice. Natural England will only provide bespoke advice on protected species where they form part of a SSSI or in exceptional circumstances.

Local sites and priority habitats and species

You should consider the impacts of the proposed development on any local wildlife or geodiversity sites, in line with paragraphs 171 and 174 of the NPPF and any relevant development plan policy. There may also be opportunities to enhance local sites and improve their connectivity. Natural England does not hold locally specific information on local sites and recommends further information is obtained from appropriate bodies such as the local records centre, wildlife trust, geoconservation groups or recording societies.

Priority habitats and Species are of particular importance for nature conservation and included in the England Biodiversity List published under section 41 of the Natural Environment and Rural Communities Act 2006. Most priority habitats will be mapped either as Sites of Special Scientific Interest, on the Magic website or as Local Wildlife Sites. The list of priority habitats and species can be found here². Natural England does not routinely hold species data, such data should be collected when impacts on priority habitats or species are considered likely. Consideration should also be given to the potential environmental value of brownfield sites, often found in urban areas and former industrial land, further information including links to the open mosaic habitats inventory can be found here.

Ancient woodland, ancient and veteran trees

You should consider any impacts on ancient woodland and ancient and veteran trees in line with paragraph 175 of the NPPF. Natural England maintains the Ancient Woodland Inventory which can help identify ancient woodland. Natural England and the Forestry Commission have produced standing advice for planning authorities in relation to ancient woodland and ancient and veteran trees. It should be taken into account by planning authorities when determining relevant planning applications. Natural England will only provide bespoke advice on ancient woodland, ancient and veteran trees where they form part of a SSSI or in exceptional circumstances.

¹ <https://www.gov.uk/protected-species-and-sites-how-to-review-planning-proposals>

² <http://webarchive.nationalarchives.gov.uk/20140711133551/http://www.naturalengland.org.uk/ourwork/conservation/biodiversity/protectandmanage/habsandspeciesimportance.aspx>

Protected landscapes

For developments within or within the setting of a National Park or Area of Outstanding Natural Beauty (AONB), we advise you to apply national and local policies, together with local landscape expertise and information to determine the proposal. The National Planning Policy Framework (NPPF) (paragraph 172) provides the highest status of protection for the landscape and scenic beauty of National Parks and AONBs. It also sets out a 'major developments test' to determine whether major developments should be exceptionally be permitted within the designated landscape. We advise you to consult the relevant AONB Partnership or Conservation Board or relevant National Park landscape or other advisor who will have local knowledge and information to assist in the determination of the proposal. The statutory management plan and any local landscape character assessments may also provide valuable information.

Public bodies have a duty to have regard to the statutory purposes of designation in carrying out their functions (under (section 11 A(2) of the National Parks and Access to the Countryside Act 1949 (as amended) for National Parks and S85 of the Countryside and Rights of Way Act, 2000 for AONBs). The Planning Practice Guidance confirms that this duty also applies to proposals outside the designated area but impacting on its natural beauty.

Heritage Coasts are protected under paragraph 173 of the NPPF. Development should be consistent the special character of Heritage Coasts and the importance of its conservation.

Landscape

Paragraph 170 of the NPPF highlights the need to protect and enhance valued landscapes through the planning system. This application may present opportunities to protect and enhance locally valued landscapes, including any local landscape designations. You may want to consider whether any local landscape features or characteristics (such as ponds, woodland or dry stone walls) could be incorporated into the development in order to respect and enhance local landscape character and distinctiveness, in line with any local landscape character assessments. Where the impacts of development are likely to be significant, a Landscape & Visual Impact Assessment should be provided with the proposal to inform decision making. We refer you to the [Landscape Institute](#) Guidelines for Landscape and Visual Impact Assessment for further guidance.

Best and most versatile agricultural land and soils

Local planning authorities are responsible for ensuring that they have sufficient detailed agricultural land classification (ALC) information to apply NPPF policies (Paragraphs 170 and 171). This is the case regardless of whether the proposed development is sufficiently large to consult Natural England. Further information is contained in [GOV.UK guidance](#). Agricultural Land Classification information is available on the [Magic](#) website on the [Data.Gov.uk](#) website. If you consider the proposal has significant implications for further loss of 'best and most versatile' agricultural land, we would be pleased to discuss the matter further.

Guidance on soil protection is available in the Defra [*Construction Code of Practice for the Sustainable Use of Soils on Construction Sites*](#), and we recommend its use in the design and construction of development, including any planning conditions. Should the development proceed, we advise that the developer uses an appropriately experienced soil specialist to advise on, and supervise soil handling, including identifying when soils are dry enough to be handled and how to make the best use of soils on site.

Access and Recreation

Natural England encourages any proposal to incorporate measures to help improve people's access to the natural environment. Measures such as reinstating existing footpaths together with the creation of new footpaths and bridleways should be considered. Links to other green networks and, where appropriate, urban fringe areas should also be explored to help promote the creation of wider green infrastructure. Relevant aspects of local authority green infrastructure strategies should be delivered

where appropriate.

Rights of Way, Access land, Coastal access and National Trails

Paragraphs 98 and 170 of the NPPF highlights the important of public rights of way and access. Development should consider potential impacts on access land, common land, rights of way, coastal access routes and coastal margin in the vicinity of the development and the scope to mitigate any adverse impacts. Consideration should also be given to the potential impacts on any nearby National Trails, including the England Coast Path. The National Trails website www.nationaltrail.co.uk provides information including contact details for the National Trail Officer.

Environmental enhancement

Development provides opportunities to secure net gains for biodiversity and wider environmental gains, as outlined in the NPPF (paragraphs 8, 72, 102, 118, 170, 171, 174 and 175). We advise you to follow the mitigation hierarchy as set out in paragraph 175 of the NPPF and firstly consider what existing environmental features on and around the site can be retained or enhanced or what new features could be incorporated into the development proposal. Where onsite measures are not possible, you should consider off site measures. Opportunities for enhancement might include:

- Providing a new footpath through the new development to link into existing rights of way.
- Restoring a neglected hedgerow.
- Creating a new pond as an attractive feature on the site.
- Planting trees characteristic to the local area to make a positive contribution to the local landscape.
- Using native plants in landscaping schemes for better nectar and seed sources for bees and birds.
- Incorporating swift boxes or bat boxes into the design of new buildings.
- Designing lighting to encourage wildlife.
- Adding a green roof to new buildings.

You could also consider how the proposed development can contribute to the wider environment and help implement elements of any Landscape, Green Infrastructure or Biodiversity Strategy in place in your area. For example:

- Links to existing greenspace and/or opportunities to enhance and improve access.
 - Identifying opportunities for new greenspace and managing existing (and new) public spaces to be more wildlife friendly (e.g. by sowing wild flower strips)
 - Planting additional street trees.
 - Identifying any improvements to the existing public right of way network or using the opportunity of new development to extend the network to create missing links.
- Restoring neglected environmental features (e.g. coppicing a prominent hedge that is in poor condition or clearing away an eyesore).