

North York Moors National Park Authority

Delegated decision report

Application number

NYM/2020/0885/FL

Development description

change of use of upper floors to 1 no. principal residence dwelling or holiday cottage together with relocation and replacement of extractor flue

Site address

Maryondale Cottage and Chip Shop, Albion Street, Robin Hoods Bay,

Parish

Fylingdales

Case officer

Mrs J Bastow

Director of Planning's Recommendation

Approval subject to the following:

Condition(s)

Condition number	Condition text									
1	The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.									
2	<p>The development hereby permitted shall not be carried out other than in strict accordance with the following documents:</p> <table border="1"><thead><tr><th>Document Description</th><th>Document No.</th><th>Date Received</th></tr></thead><tbody><tr><td>Proposed floor plans</td><td>BI2021 1 A</td><td>1 June 2021</td></tr><tr><td>Proposed elevations</td><td>IB2020 3 of 3</td><td>12 May 2021</td></tr></tbody></table> <p>or in accordance with any minor variation thereof that may be approved in writing by the Local Planning Authority.</p>	Document Description	Document No.	Date Received	Proposed floor plans	BI2021 1 A	1 June 2021	Proposed elevations	IB2020 3 of 3	12 May 2021
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Proposed floor plans	BI2021 1 A	1 June 2021								
Proposed elevations	IB2020 3 of 3	12 May 2021								
3	The first floor dwelling unit hereby permitted shall either be used for holiday letting purposes or as a principal residential dwelling (Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 2020 or in									

Document title

	<p>any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).</p> <p>For the purpose of this condition 'holiday letting' means letting to the same person, group of persons or family for period(s) not exceeding a total of 28 days in any one calendar year and the dwelling unit hereby approved shall form and remain part of a single planning unit and shall not be sold or leased separately from the business operating from the ground floor (Maryondale Cottage and Chip Shop) without a further grant of planning permission from the Local Planning Authority.</p> <p>For the purpose of this condition 'principal residential dwelling' means that the property shall be the only or principal home of the main occupant and it shall be occupied by the main occupant for at least 80% of the calendar year in the event that the main occupant occupies more than one property. The property shall not be occupied by the main occupant as a second home. The occupants shall supply to the local planning authority (within 14 days of the local planning authority's request to do so) such information as the local planning authority may reasonably require in order to determine compliance with this condition.</p>
4	The flue hereby approved shall be coloured matt black and maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.
5	Within three months of the flue hereby approved being installed to the front elevation in accordance with the approved plans, the existing flue to the north gable elevation shall be removed and the wall restored to its original condition.
6	All pointing in the development hereby permitted shall accord with a specification approved in writing by the Local Planning Authority, which includes mortar mix (based on a typical mix of a non-hydraulic quicklime mortar mixed at 1:3 dry non-hydraulic quicklime: sand), method of application, finish and may include a sample area if so required by the Local Planning Authority. The pointing shall thereafter be so maintained unless otherwise agreed in writing by the Local Planning Authority.
7	The roof of the development hereby permitted shall maintain its original structure and covering; the details any additional tiles required to make good shall be first submitted to and approved in writing by the Local Planning Authority and shall be maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.
8	No work shall commence on the installation or removal of any doors in the development hereby approved until detailed plans showing the

	<p>constructional details and external appearance of all doors (and glazing if included) 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. 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.</p>
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Reason(s) for condition(s)

Reason number	Reason text
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 Strategic Policies A and C of the North York Moors Local Plan which seek to conserve and enhance the special qualities of the National Park.
3	In order to comply with Strategic Policy M of the North York Moors Local Plan which seeks to restrict the occupancy of new residential development in larger villages to avoid the loss of housing stock to second homes thereby supporting the service function of such villages, and in accordance with Strategic Policy J and Policy UE1 which supports the conversion of existing buildings into tourist accommodation as part of a business venture within the main built up area of the village.
4	In order to comply with Policy ENV11 of the North York Moors Local Plan which seeks to ensure that alterations to heritage assets do not have an unacceptable impact on their special historic or architectural interest.
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Informative(s)

Informative number	Informative text
1	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.
2	Under Section 1 of the Wildlife and Countryside Act 1981 (as amended), wild birds are protected from being killed, injured or captured, while their nests and eggs are protected from being damaged, destroyed or taken. In addition, certain species such as the Barn Owl are included in Schedule 1 of the Act and are protected against disturbance while nesting and when they have dependent young. Offences against birds listed in Schedule 1 of the Wildlife and Countryside Act are subject to special penalties. An up-to-date list of the species in Schedule 1 is available from Natural England http://www.naturalengland.org.uk/ourwork/regulation/wildlife/species/speciallyprotectedbirds.aspx . Further information on wildlife legislation relating to birds can be found at www.rspb.org.uk/images/WBATL_tcm9-132998.pdf . If advice is needed please contact the National Park Authority's Conservation Department on 01439 772700 or conservation@northyorkmoors.org.uk .
3	Swift (<i>Apus apus</i>) populations are declining in the UK due to the loss of nest sites in roof spaces as old buildings are renovated or demolished. Swifts occupy nest sites between May and August, making little noise and causing no mess or smell. Swift populations can be supported by the inclusion of simple and affordable measures during building construction or renovation, such as purpose-made 'swift bricks' or the creation of small loft voids. Guidance can be found on the Swift Conservation website; https://www.swift-conservation.org/ with additional swift box ideas from Action for Swifts; http://actionforswifts.blogspot.com/search/label/nestbox%20design
4	Listed Building consent has also been granted for this development. You are advised to obtain sight of the notice of Listed Building consent 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 Listed Building consent.

Consultation responses

Fylingdales Parish Council

No objection - The building is in poor condition as such it is appropriate that it be brought back to a good standard. The new extractor fan would be a lot quieter. Would prefer the development to be residential due to car parking issues.

Highways

No objection - Although no vehicular facilities are indicated in respect of these premises, there are no highway objections in principle to the application because the surrounding public roads are controlled by a Traffic Regulation Order.

Yorkshire Water

No comments received.

Environmental Health

No objection - In order to prevent harm to amenity the extract ventilation system should be installed and maintained in accordance with the manufacturer's instructions. It should be fitted with a suitable method of filtration to minimise cooking odours in the vicinity.

Natural England

No objections.

Third party responses

Jayne Shackleton, 2, Warley Cottage, Albion Road, Robin Hoods Bay - Expresses concerns about the effectiveness and efficiencies of the replacement extractor and the reduction of existing unpleasant emissions.

Publicity expiry

21 January 2021



Existing flue

Front elevation

Background

Maryondale Cottage and Chip Shop is situated on Albion Street in the heart of the old town of Robin Hoods Bay. It is a grade II listed terraced property built of coursed sandstone under a pantile roof with stone copings and kneelers, brick chimney stacks and raking dormer windows.

Planning permission is sought for the change of use of the first floor to a one bedroom dwelling unit for either permanent occupation as a principal residence or a holiday letting unit as part of the existing business. The first floor is presently vacant and used for storage in association with the ground floor fish and chip shop although it benefits from planning permission granted in 2007 (and subsequently implemented) for use as a café in association with the ground floor takeaway.

Planning permission is also sought for the position of an extraction flue to the front roof slope of the property. The existing extractor flue is a large unsightly fixture on the north gable elevation where it overhangs the neighbour's property. The owners are under pressure to re-site the flue to avoid any overhanging and to provide a more efficient flue.

There is a companion application for listed building consent (NYM/2020/0887/LB).

Main issues

The relevant policies of the Local Plan are considered to be Spatial Policy C (Quality and Design and Development), Spatial Policy I (The Historic Environment), Strategic Policy J (Tourism and Recreation), Strategic Policy M (Housing), Policy ENV11 (Historic Settlements and Built Heritage), Policy UE1 (Location of Tourism and Recreation Development) and Policy CO7 (Housing in Larger Villages).

Maryondale Cottage and Chip Shop is located in the centre of the old town of Robin Hoods Bay, defined as one of the larger villages in the Local Plan where the conversion of an existing building which makes a positive contribution to the character of the settlement into housing is supported in principle. The policy requires such housing to be restricted to principal residences only by way of a condition so as stem the loss of housing stock to second homes and to support the service function of larger villages within the National Park. Furthermore as only one dwelling is proposed there is no requirement for any affordable housing provision.

However flexibility is being sought and the applicant wishes to have the option of being able to let the first floor dwelling unit as holiday accommodation. This would be in accordance with Strategic Policy J and Policy UE1 which supports the conversion of existing buildings into tourist accommodation as part of a business venture rather than as second homes within the main built up area of the village. The dwelling unit would be tied to the existing business at ground floor by way of a condition.

With regard to the impact of the heritage assets, this being a grade II listed building within the conservation area, the agent advises that all options have been explored with regard to the relocation of the extraction flue to the chip shop. Unfortunately it cannot be inserted into the chimney breast and exit through the stack because it is simply too narrow at upper levels and any removal of the fabric to accommodate the flue would render the chimney stack unstable. The proposal to exit the flue in the front roof slope as close to the eaves as possible is considered to be the least intrusive alternative and in wider views of the roofscape of Robin Hoods Bay should not be unduly prominent.

The Building Conservation Officer has expressed regret that the chimney cannot be used but offers no objection to the application.

In terms of impact on local residents, it is considered that replacing the existing flue with a modern efficient unit will improve the air quality and amenity for the occupants of nearby residential properties. The Environmental Health Officer.

In conclusion, the proposal would provide a one bedroom dwelling unit for use as either holiday letting or principal residence accommodation which would support the vitality and service function of Robin Hoods Bay by making effective and sensitive use of an existing redundant building thereby enhancing the character and appearance of the conservation area without harm to the residential amenities of adjoining occupiers in accordance with Spatial Policy C (Quality and Design and Development), Spatial Policy I (The Historic Environment), Strategic Policy J (Tourism and Recreation), Strategic Policy M (Housing), Policy ENV11 (Historic Settlements and Built Heritage), Policy UE1 (Location of Tourism and Recreation Development) and Policy CO7 (Housing in Larger Villages).

Pre-commencement conditions

There are no pre-commencement conditions proposed.

Explanation of how the Authority has worked positively with the applicant/agent

The Local Planning Authority has acted positively in determining this application by assessing the scheme against the Development Plan and other material considerations and subsequently granting planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.