

Planning, Design and Access Statement

In Support of a Retrospective Planning Application for
Change of Use of a Dwellinghouse to a Bed and Breakfast and a
Garage/Holiday Let to a Tea Room and Tapas

NYMNP/22/0001

05/05/2022

At:
North Ings
Station Road
Robin Hood's Bay
Whityby
North Yorkshire
YO22 4RA

On behalf of:
Mr. Fretwell-Kirkham

Prepared:
April 2022

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1. Purpose

- 1.1. This Planning Statement is submitted to support an application for 'Retrospective Change of Use of a dwellinghouse to a Bed & Breakfast and the existing garage/holiday let to a tearoom and tapas' at North Ings, Robin Hoods Bay.
- 1.2. The application for the Retrospective Change of Use is made on behalf of Mr. Fretwell-Kirkham.
- 1.3. The site boundary is identified below in Image 1.

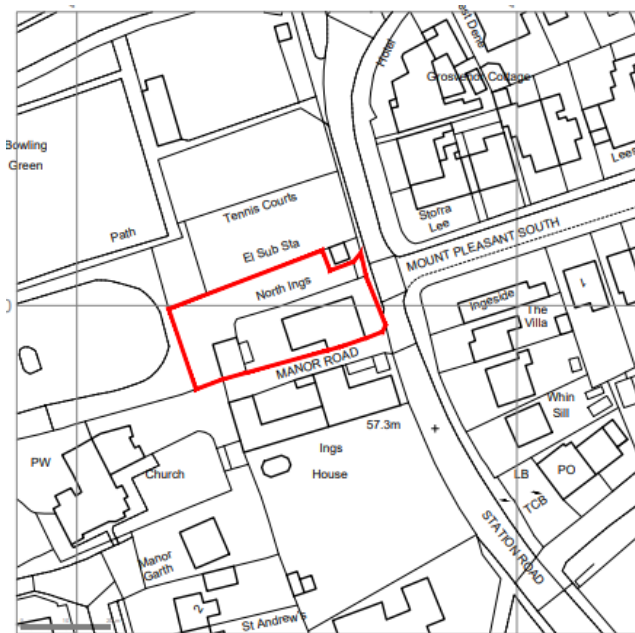


Image 1: Location plan showing application site boundary.

2. Description of Site and Proposed Development

- 2.1. The application site comprises a large stone dwelling with slate roof and a stone garage with slate roof. Parking is provided on site for the guest staying at the Bed & Breakfast. The application seeks to regularise the existing use of the accommodation as a Bed & Breakfast.
- 2.2. The application building, a domestic garage with extant permission for a change of use to a holiday let, is located to the west of the host dwelling, North Ings. The application building lies within Robin Hood's Bay within an area known as 'Bank Top'. The Local Plan 2020 defines Robin Hood's Bay, inc. Bank Top as a 'Larger Village' for development purposes. The site is within the Heritage Coastline defined area but outside of the Conservation Area and does not include any other area of special designation. The nearest Listed Building is Ings House to the south.

- 2.3. Land to the north and west is designated 'Community Space' in the Local Plan and is shown on the Policies Map below (Image 2). To the east is Main Street where access for the site is taken.

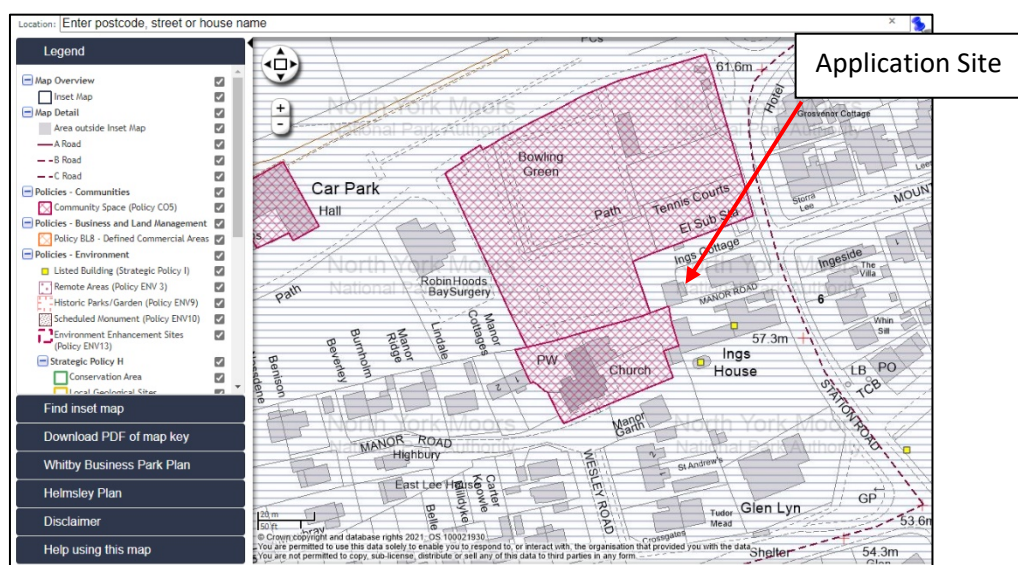


Image 2: Extract of Policies Map

- 2.4. North Ings was last used as a private dwelling in August 2005. Since September 2005 until the present day, North Ings has been used as visitor accommodation. For the majority of the time, the property has operated as a bed and breakfast. For a short period of time, due to terminal illness, the property was let as a Holiday Let. Following the death of the Applicants father in 2020, the Applicants mother being herself unwell and unable to manage the property, the Applicant moved into the property and is running North Ings as a Bed & Breakfast once more.
- 2.5. North Ings offers 5no. guest bedrooms with ensuites and a parking space for each room. The driveway allows for access and egress in a forward gear as a result of the turning areas and layout of the parking bays within the site.
- 2.6. The garage was granted planning permission in September 2012 for conversion to a holiday let (Application Ref: NYM/2012/0264/FL). The planning permission was materially commenced.
- 2.7. The proposal seeks to regularise the use of North Ings as a Bed & Breakfast and proposes the change of use of the Holiday Let/Garage to the west of the main dwelling to a tearoom and tapas.
- 2.8. The Applicant has noted, following comments from his guests and fellow bed and breakfast owners, that there is a lack of food outlets in the village to meet the demands of both visitors and locals. Following conversations in which he discussed providing evening meals for his own guests, he found a demand from other Bed & Breakfast and cottage owners for a provision for their guests to also be offered food. Local residents have also expressed support at the idea of a tapas at North Ings.

- 2.9. The tearoom and tapas would host 6no. tables with the private garden area being utilised during the warmer months. Takeaway will also be offered from the tearoom between the hours of 8am and 10pm.
- 2.10. As with most businesses in Robin Hoods Bay, no parking will be available for users of the tearoom or tapas. There are two public car parks on Bank Top and visitors to Robin Hoods Bay are familiar with parking in those and making their way on foot around the village. Traffic from deliveries would be outside of opening hours and in terms of overall traffic movements to businesses in the village, it is not considered that this small-scale enterprise would result in significantly greater numbers of delivery vehicles.
- 2.11. The Bed and Breakfast, tearoom and tapas will all create permanent employment in the local area. The bed and breakfast currently provide full time employment for 2no. people and 1no. part time position with the tearoom and tapas expected to create a further 6no. full time positions and 4no. part time positions to cover the opening hours and to maintain the standards of North Ings.

3. Planning History

- 3.1. Based on information available on the North York Moors Planning Authority website, a planning history search of the application site has been carried out. The following applications are the only known planning history relevant to this site:
- **NYM/2005/0748/LB/FL** - Insertion of a dormer window and erection of a conservatory to rear - Approved with Conditions - 06-12-2005
 - **NYM/2007/0549/FL** - Construction of a single storey extension - Approved with Conditions - 14-08-2007
 - **NYM/2011/0167/FL** - Conversion of and alterations to garage/workshop together with construction of a dormer window to form holiday letting cottage - Refused - 26-05-2011
 - **NYM/2020/0377/CVC** - Verification check of conditions 1 and 8 of planning approval NYM/2012/0264/FL - CVC Decided - 17-07-2020

4. Planning Policy

[National Planning Policy Framework \(NPPF\) \(July 2021\)](#)

- 4.1. The revised National Planning Policy Framework ('NPPF') published in July 2021, sets out the Government's planning policies for England and advises how these are expected to be applied. It sets out the national requirements for the planning system, but only to the extent that it is relevant, proportionate, and necessary to do so.

- 4.2. Planning law requires applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise (Paragraph 47). Decisions should be made as quickly as possible and within statutory timescales unless a longer period has been agreed by the applicant in writing.
- 4.3. The relevant sections of the NPPF are:
- Section 2. Achieving Sustainable Development
 - Section 4. Decision-making
 - Section 8. Promoting healthy and safe communities
 - Section 11. Making effective use of land
 - Section 12. Achieving well-designed places
- 4.4. Paragraph 7 of the NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. The objective of sustainable development is summarised to mean “meeting the needs of the present without compromising the ability of future generations to meet their own needs.” At a similarly high level, members of the United Nations – including the United Kingdom – have agreed to pursue the 17 Global Goals for Sustainable Development in the period to 2030. These address social progress, economic well-being and environmental protection.
- 4.5. Paragraph 8 of the NPPF recognises three objectives of sustainable development. These are interdependent and can also support each other. These are:
- a) An economic objective - to help build a strong responsive and competitive economy. It should also promote sufficient land of the right types is available in the right places and at the right time to support grown innovation and improved productivity; and by identifying and coordinating the provision of infrastructure.
 - b) The Social objective – to help build strong, vibrant, and healthy communities through ensuring sufficient number and range of homes can meet the needs of future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being.
 - c) An environmental objective – to contribute to protecting and enhancing our natural built and historic environment. This includes making effective use of land minimising waste and pollution and adapting to climate change, including moving to a low carbon economy.
- 4.6. Paragraphs 10-14 of the NPPF refer to the presumption in favour of sustainable development. Paragraph 14 confirms that the presumption in favour of sustainable development is at the heart of the NPPF. With reference to decision-taking, paragraph 11 advises:

- c) *approving development proposals that accord with an up-to-date development plan without delay; or*
- d) *where there are no relevant development plan policies or the policies which are most important for determining the application are out-of-date, granting permission unless:*
 - i. *the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
 - ii. *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this Framework taken as a whole.”*

4.7. Paragraph 38 of the NPPF relates to decision-making and states that:

“Local planning authorities should approach decisions on proposed developments in a positive and creative way. They should use the full range of planning tools available....and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.”

4.8. Paragraph 92 advises that

“Planning policies and decisions should aim to achieve healthy, inclusive and safe places which:

a) promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other – for example through mixed-use developments, strong neighbourhood centres, street layouts that allow for easy pedestrian and cycle connections within and between neighbourhoods, and active street frontages.

b) are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of attractive, well-designed, clear and legible pedestrian and cycle routes, and high-quality public space, which encourages the active and continual use of public areas; and

c) enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling.”

- 4.9. The NPPF recognises the need for fully considering transport issues for a proposal in paragraph 104. Opportunities to promote walking, cycling and public transport should be identified and pursued. It also considers that opportunities to maximise sustainable transport solutions will vary between rural and urban areas which should be taken into account in decision making.
- 4.10. Paragraph 109 refers to the consideration of traffic impact arising from new development, advising that *“development should only be prevented or refused on transport grounds if there would be an unacceptable impact on highway safety, or the residual impacts on the road network would be severe”*.
- 4.11. Paragraphs 153-158 identify the need for new development to be planned for in ways that avoid increased vulnerability from climate change. It recognises that development can reduce greenhouse gas emissions through location orientation and design. In determining applications, Councils should consider landform, layout, building orientation amongst others to minimise energy consumption.
- 4.12. Paragraph 159 recognises inappropriate development in flood risk areas should be avoided by directing development away from high-risk areas. This is expanded on in paragraph 157 which notes sequential testing is a requirement to ensure development is in a low-risk flood area. In addition, paragraph 167 notes that LPAs should ensure that flood risk is not increased elsewhere as a result of the proposed development.

National Design Guide

- 4.13. The National Design Guide (NDG) was produced by MHCLG and published on 1st October 2019. The NDG reinforces the aim of the NPPF to create high-quality places and buildings and illustrates how well-designed places can be achieved in practice and can be used by all those involved in the shaping of places, including decision making.
- 4.14. The NDG (Paragraph 8) states that *“The underlying purpose for design quality and the quality of new development at all scales is to create well-designed and well-built places that benefit people and communities...This includes people at different stages of life and with different abilities...”*
- 4.15. The NDG addresses the question of how we recognise well-designed places, by outlining and illustrating the Government’s priorities in the form of ten characteristics:
- Context – enhances the surroundings
 - Identity – attractive and distinctive
 - Built Form – a coherent pattern of development
 - Movement – accessible and easy to move around
 - Nature – enhanced and optimised
 - Public Spaces – safe, social, and inclusive
 - Uses – Mixed and integrated
 - Homes and Buildings – functional, healthy, and sustainable

- Resources – efficient and resilient
- Lifespan – made to last

4.16. The focus is on place-making. The ten characteristics contribute towards three overarching and cross-cutting themes - creating a physical character, sustaining community, and addressing climate issues.

Local Planning Policy

4.17. Applications are to be determined in accordance with the policies in the Development Plan. Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states, *'if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.'* This is recognised in Paragraph 11 of the National Planning Policy Framework (NPPF), with Paragraph 12 stating that the Framework *'does not change the statutory status of the development plan as the starting point for decision making'*.

4.18. In this case, the Development Plan comprises the North York Moors *'Local Plan 2020'* (NYM LP), the *'Whitby Business Park Area Action Plan'* and the *'Helmsley Plan'*. This is the set of documents used to determine planning applications. The relevant policies from the Local Plan are set out below:

- **Strategic Policy A** - Achieving National Park Purposes and Sustainable Development
- **Strategic Policy B** - The Spatial Strategy
- **Strategic Policy C** - Quality and Design of Development
- **Policy ENV5** - Flood Risk
- **Strategic Policy J** - Tourism and Recreation
- **Policy UE1** - Location of Tourism and Recreation Development
- **Policy CO2** - Highways
- **Policy BL8** - Shops, Offices and Food and Drink Services

5. Planning Considerations

Principle of the Use

- 5.1. Paragraph 11 of the NPPF provides for a presumption in favour of sustainable development. The proposed development is for the retention and re-use of an existing building.
- 5.2. The site lies within Robin Hood's Bay which is defined as a 'Larger Village' in the Spatial Strategy of the Local Plan (2020) and therefore Strategic Policy B is of relevance.
- 5.3. The guidance within SPB D, explains that *'These settlements have a more 'self-contained' character, and a range of facilities serving the wider community. The Local Plan allows for*

small scale development in the main built-up area of these villages to meet housing, employment and community needs...’.

- 5.4. The tearoom and tapas will provide both an expansion to and a diversification of the existing bed and breakfast business. The tearoom will open from 8 am to serve breakfasts to North Ings guests, visitors and locals with the tapas opening to offer evening meals. In the first instance guests of North Ings will be offered a table, with remaining tables being offered to the public.
- 5.5. Policy UE1 explains that *‘Tourism and recreation development will only be permitted were*
- a) The proposal is for the expansion or diversification of an existing tourism or recreation business.’*
- 5.6. Strategic Policy J *‘aims to encourage appropriate tourism and recreational development. Appropriate in this case means development that is sensitively located within a particular locality, does not generate detrimental levels of recreational activity or traffic and does not detract from the National Park’s special qualities.*
- 5.7. The building requires internal alterations only to allow the change of use and as such, the external fabric and character of the building and thus the relationship between the application building and the neighbouring properties would remain unaltered. The building is capable of conversion whilst not requiring any demolition or major rebuilding works.
- 5.8. Policy BL8 identifies that *‘New retail development, professional and financial and food and drink services will only be permitted:*
- b) Within the main built-up area of Larger Villages’*
- 5.9. The application site lies within the main built-up area of Robin Hood’s Bay and as such, aligns with the requirements of Policy BL8.
- 5.10. The change of use of the garage/holiday let would be to a tearoom and tapas, a use which would provide a facility and service to both visitors and the wider community and is therefore supported by NYM planning policies. The proposal would be of an appropriate scale for this locality and there would be an acceptable impact. The proposal would therefore accord with Policies of the Local Plan 2020.

Design and Impact on the Character and Appearance of the Area

- 5.11. The application site lies within an area of Robin Hood’s Bay known as “Bank Top”. The site is bounded by a stone wall with iron railings to the front boundary. The existing buildings within the site are all stone built with slate roofs and there are no external works required for the proposed and retrospective change of use.

- 5.12. Drawings submitted in support of this application show the existing and proposed plans and it is noted that only internal layouts are different for the proposed tearoom and tapas.
- 5.13. Section 12 of the NPPF relates to *'achieving well-designed places*. Paragraph 124 of the NPPF states that *"The creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities."*
- 5.14. Paragraph 127 requires that planning policies and decisions should ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development and are visually attractive as a result of good architecture, layout and appropriate and effective landscaping.
- 5.15. In respect of quality and design of development, Strategic Policy C is of relevance. Paragraph 3.28 advises that *"In the case of conversions, the proposal should be of a high-quality design and construction, reflecting the character of the original building and the surrounding area."* Given that the change of use requires no external works, the proposal would comply with Strategic Policy C.
- 5.16. In respect of visual impact, there are no views into the building from any public space or neighbouring properties.
- 5.17. Given the modest scale of the proposed tearoom and tapas which would be located in an area already heavily used by visitors it is not considered that the proposed facility would unduly impact on the area in terms of activity or appearance.
- 5.18. It is not considered that noise and smell from the proposed facility would be significant, again due to the small nature of the development.
- 5.19. As such, the development accords with the policies of both National and Local planning polices and as such, should be approved.

Highways, Access & Parking Considerations

- 5.20. Local Planning Policy CO2 relates to Highways and states:

"New development will only be permitted where:

1. *It is of a scale which the adjacent road network has the capacity to serve without detriment to highway safety"*

- 5.21. The Policy guidance explains that *"Many local residents within the National Park rely on their own vehicles. However, other residents are without access to a car, for all or part of the time.*

Alternative modes of transport, including bus services and the rail network will remain important to many.”

- 5.22. The application site is served by an existing vehicular access with adequate on-site parking for vehicles and turning space available. Visibility at the junction of Pump Lane with Main Street is acceptable given the speed limit of the road. Ample parking and turning facilities to serve the proposed property are provided within the site to enable vehicles to access and egress the site forward-facing.
- 5.23. The access has been in use for the existing holiday accommodation since 2005 with no issues or complaints raised.
- 5.24. The bed and breakfast would utilise the existing off-road parking for 7no. vehicles (with electric car charging available) which is considered acceptable given the bed and breakfast has 5 bedrooms. The access and parking have been used at this level of provision since the opening of the bed and breakfast in 2005 and no concerns have been raised.
- 5.25. No parking or access by vehicle will be provided for visitors to the tearoom and tapas. There is precedent for this throughout Robin Hood’s Bay where visitors park their cars before accessing businesses via pedestrian routes.
- 5.26. The level of traffic generated by the bed and breakfast is considered acceptable.
- 5.27. The site is within walking distance of public transport with bus stops being located on Thorpe Lane. The regular and frequent bus services operate connecting Robin Hood’s Bay to both Whitby and Scarborough where onward journeys by train, link to the national rail network.

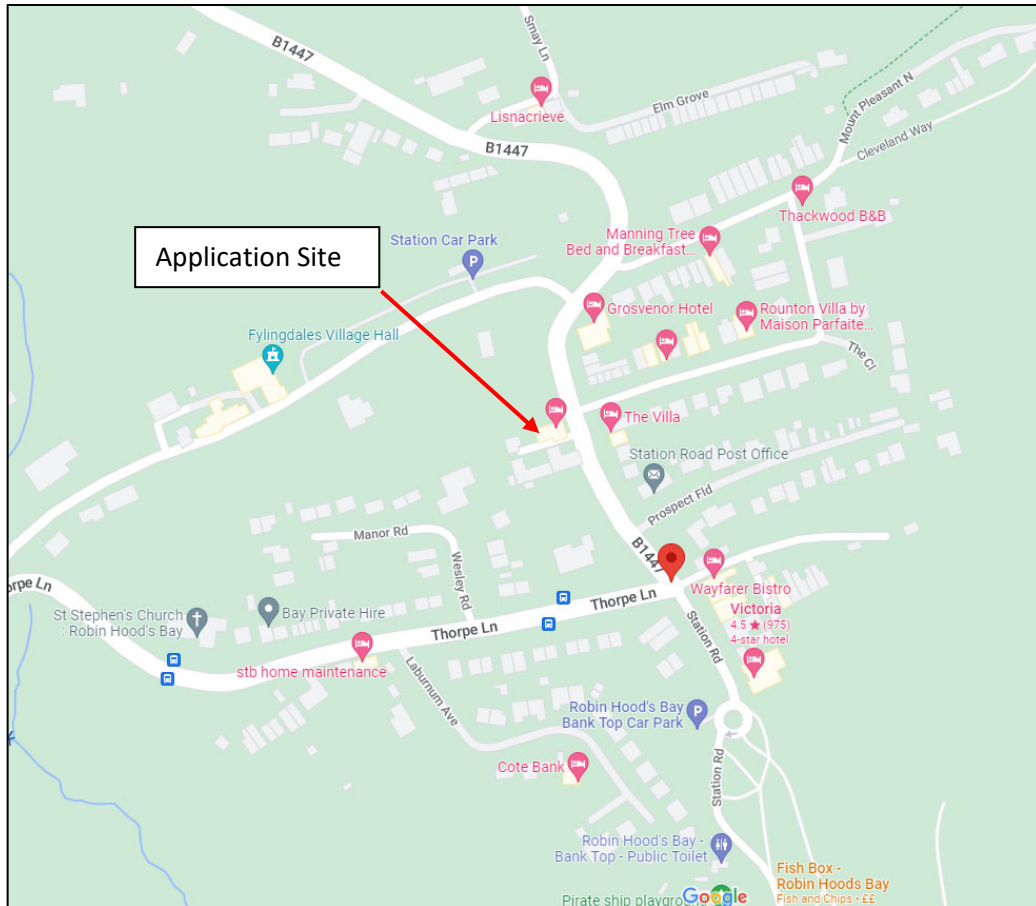


Image 3: Map showing the location of Car Parks and Bus stops

5.28. The development would be safe and accessible and in terms of highway impacts, would meet the requirements as detailed within Section 9 (Promoting Sustainable Transport) and Section 12 (Achieving well-designed places) of the National Planning Policy Framework. The proposal would not be detrimental to highway safety and would accord with Local Planning Policy CO2.

Impact on Residential Amenity

5.29. The site is neighboured to the east by Main Street and to the west by a public car park. To the south the site is adjacent to Manor Road with the Tennis Courts to the north.

5.30. There are no new openings proposed as a result of either change of use and boundary heights and screening are acceptable to ensure no loss of privacy for the users of the site or neighbours.

5.31. The NPPF (Paragraph 17) requires that developments should always seek to secure a good standard of amenity for all existing future occupants of land and buildings. Good design requires that development proposals should ensure no undue adverse impact from overlooking, overshadowing or from over-dominant structures.

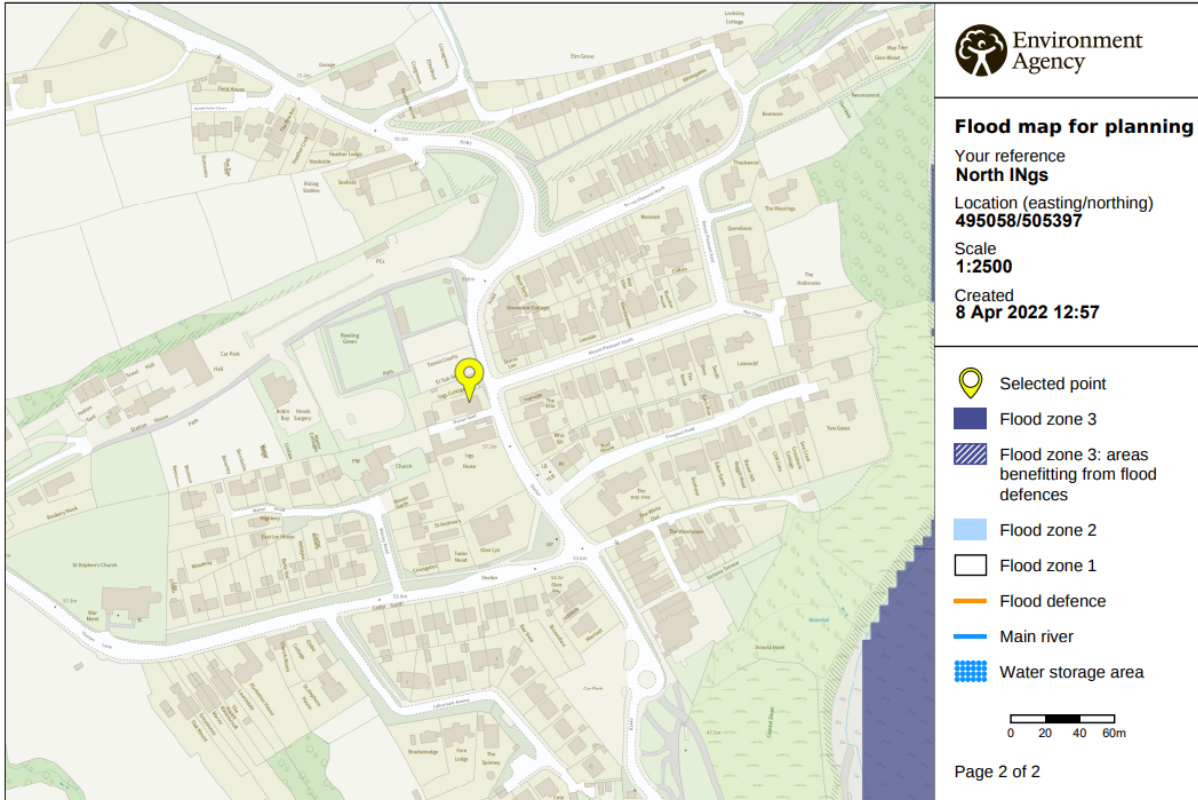
- 5.32. The proposal has been designed so that there will be no impact on neighbouring properties. The small scale of the building will limit the users of the site. As such, the proposed development would, therefore, accord with guidance set out in the NPPF.

Contamination Risk

- 5.33. There are no known contamination risks that relate to this application site.

Flood Risk & Drainage

- 5.34. The NPPF, Paragraph 155, addresses the issue of Flood Risk by firstly advising that *'Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future)'*.
- 5.35. The proposed site lies within Flood Zone 1 (see Image 11 below) where flooding from rivers and the sea is very unlikely and is therefore in a sequentially preferable location where development would be generally sought to be focussed on flood risk grounds. There is less than 0.1% chance of flooding each year. The proposal would comply with the requirements set out in the NPPF in meeting the challenge of flooding.
- 5.36. Given the nature of the application as a change of use with no works proposed, the development will not increase the risk of flooding to the surrounding area.
- 5.37. Sewerage and foul water will be discharged to the mains drainage, with connection shown on the application drawings.
- 5.38. It is considered that adequate means of foul and surface water drainage has been demonstrated, the risk of surface water flooding to the surrounding area has not been increased, and the risk of pollution to the surrounding environment is minimal. This is therefore in accordance with the requirements within the NPPF, in particular with the *"Core planning principles"*, *"Meeting the challenge of climate change, flooding, and coastal change"* and *"Conserving and enhancing the natural environment"* sections.



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Image 4: Extract of Flood Risk Map (Source: Environment Agency, 2022)

5.39. As such, it is considered that the proposal would be in accordance with the requirements of Policies ENV6 and A6 of the ERLP SD and the NPPF

6. Conclusion

- 6.1. The application seeks retrospective planning permission for the change of use of a dwelling to bed and breakfast and a garage with extant permission as a holiday let to a tearoom and tapas. No external works are necessary to facilitate the change of use.
- 6.2. The site lies in a highly sustainable location within the built-up area of Robin Hoods Bay, a 'Larger Village', as defined in the Local Plan.
- 6.3. The site lies in an accessible and sustainable location within easy walking distance of the bus stop on Thorpe Lane and a few public car parks.
- 6.4. Bus services provide onward connection to the National Rail network at both Scarborough and Whitby.
- 6.5. Storage for bicycles is provided and access through a pedestrian gate ensures safety for visitors arriving by foot or mobility aids.
- 6.6. The proposed scheme respects the character and appearance of the area in a highly sustainable location and would not result in any adverse impact on the character of the area within which it is located.
- 6.7. The residential amenity of the surrounding neighbouring properties has been respected through the design, siting and orientation of the existing building and would also see a positive impact on the character of the locality, by the change of use of underused and underutilised building to a facility providing a service to both visitors and the wider local community. The change of use to tearoom and tapas will also support the existing bed and breakfast business.
- 6.8. The proposed development will not pose a risk to highway safety and is considered to satisfy the requirements of both national and local planning policies and guidance.
- 6.9. Regarding the provisions of both national and local planning policies and the material considerations relevant to the site, it is deemed that the site is acceptable for residential development and that this planning application should be approved.