

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



**LOCAL HIGHWAY AUTHORITY  
CONSIDERATIONS and RECOMMENDATION-  
ADDITIONAL/AMENDED INFORMATION**

<b>Application No:</b>	<b>NYM22/0354</b>
<b>Proposed Development:</b>	Application for change of use of dwellinghouse to bed and breakfast and change of use of garage/holiday let to tea room and tapas (no external alterations) (retrospective)
<b>Location:</b>	North Ings House, Station Road, Robin Hoods Bay
<b>Applicant:</b>	Mr Fretwell-Kirkham

<b>CH Ref:</b>		<b>Case Officer:</b>	Ged Lyth
<b>Area Ref:</b>	4/29/715	<b>Tel:</b>	
<b>County Road No:</b>		<b>E-mail:</b>	

<b>To:</b>	North York Moors National Park Authority The Old Vicarage Bondgate Helmsley YO62 5BP	<b>Date:</b>	12 June 2022
<b>FAO:</b>	Jill Bastow	<b>Copies to:</b>	

**Note to the Planning Officer:**

The Local Highway Authority has received further information since the issue of the recommendation dated 30/5/22 and this replaces that recommendation.

There are no highway objections in principle to the Bed and breakfast and restaurant elements of the application because the surrounding public roads are controlled by a Traffic Regulation Order and there are public parking facilities in the vicinity. The original concern from the LHA was in relation to the takeaway element of the application as this is likely to attract vehicles waiting in the highway for short durations whilst the drivers are collecting the takeaway for hot food, particularly in the evenings. The revised design and access statement refers to the hot food element being removed from the application for times after 6pm. The LHA are satisfied that these situations do not generally occur during daytimes and therefore have no objections during the daytimes but would request if the 6pm time could be made slightly earlier or permitted under a temporary permission to allow monitoring of the situation for a trial period.

**Signed:**

**Issued by:**

**LOCAL HIGHWAY AUTHORITY  
CONSIDERATIONS and RECOMMENDATION**



Continuation sheet:

Application No:

**NYM22/0354**

***Ged Lyth***

*For Corporate Director for Business and Environmental Services*

Whitby Highways Office  
Discovery Way  
Whitby  
North Yorkshire  
YO22 4PZ

**e-mail:** \_\_\_\_\_

# FYLINGDALES PARISH COUNCIL

*Chair: Cllr Jody Nightingale*

**6 June 2022**

Mrs Jill Bastow,  
North Yorks Moors National Park  
Planning

Dear Ms Bastow,

## **PLANNING APPLICATION: NYM/2022/0354**

Thank you for inviting us to respond to this planning application.

Fylingdales Parish Council notes that this application has been made retrospectively in that:

1. The main residential house, which is a Grade II listed building, has already been converted into a B&B and tearoom and has been operating in this capacity for approximately 1 year, originally as B&B and tea garden and for some 6 months as B&B and indoor tearoom
2. The tapas bar is already operational in the garage and has been trading for several weeks at the time of writing. The applicant does not hold a licence to sell alcohol but is operating on the basis of 'bring your own'.

The Parish Council has taken into consideration the views of councillors and residents and wishes to make the following comments and recommendations.

- 1. We have no objection to the change of use of the main residential building to B&B and tearoom**
- 2. We do not support this retrospective application to convert the garage into a tapas bar at this stage.**  
In principle, we are not opposed to the establishment of a tapas bar on these premises. However, the following concerns have been raised.
  - The business is already operational. The application states that there are no works to the exterior of the garage/bar premises. However, any works to convert the interior of the detached garage building into suitable restaurant/café/bar accommodation will have been completed. The application does not give information about what work has already been carried out and what work is still required; how well it complies with building control; what risk assessments have been carried out and how any health and safety, fire risks, etc. have been mitigated.
  - There is no information about whether the tapas is cooked in the garage or cooked in the house and served in the garage and therefore no information about extraction, food safety, etc
  - There is no information about toilet facilities
  - the business is sited fairly close to residential properties that are not used for business purposes, so the use of the garden in the evenings may become a nuisance to residents nearby.
  - there has been mention of a 'shop', but there is no information about what would be sold
  - We understand that the applicant has applied for a licence to sell alcohol but in the meantime is operating on a 'bring your own' basis. This means less regulation and exposes the area to potential disturbance and crime.
- 3. We would like to propose the following conditions**
  - i. The operation must be appropriately regulated to include
  - ii. Compliance with all food safety requirements
  - iii. Appropriate internal and external conversions to the garage building (tapas bar), that are fully compliant with building controls and include
    - appropriate fire safety measures
    - toilet facilities (including disabled facilities)
    - appropriate soundproofing
  - iv. Appropriate licence to sell alcohol

- v. A time restriction on use of the garden in the evenings
- vi. All signage and advertising should be discreet, and in keeping with the ambience of the area and the Grade II listed building.



# NORTH YORKSHIRE FIRE & RESCUE SERVICE

NYFRS Reference:

Premises: 00361956  
Job: 1245957

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

When telephoning please ask for: S Dargue

31 May 2022

Dear Sir or Madam

**North Ings House, Station Road, Robin Hoods Bay, Whitby, YO22 4RA**

## **FIRE SAFETY - COMMUNICATION WITH THE PLANNING AUTHORITY**

Receipt is acknowledged of your planning communication:

Dated: 16<sup>th</sup> May 2022  
Plans No: NYM/2022/0354

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/data/privacy-policies/](http://www.northyorksfire.gov.uk/about-us/data/privacy-policies/).

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/financial/lists-and-registers/](http://www.northyorksfire.gov.uk/about-us/financial/lists-and-registers/).

North Ings House  
Station Road  
Robin Hoods Bay  
Whitby  
YO22 4RA

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

[www.northyorksfire.gov.uk](http://www.northyorksfire.gov.uk)

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

Yours faithfully

**S Dargue**

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



**LOCAL HIGHWAY AUTHORITY  
CONSIDERATIONS and RECOMMENDATION**

<b>Application No:</b>	<b>NYM22/0354</b>
<b>Proposed Development:</b>	Application for change of use of dwellinghouse to bed and breakfast and change of use of garage/holiday let to tea room and tapas (no external alterations) (retrospective)
<b>Location:</b>	North Ings House, Station Road, Robin Hoods Bay
<b>Applicant:</b>	Mr Fretwell-Kirkham

<b>CH Ref:</b>		<b>Case Officer:</b>	Ged Lyth
<b>Area Ref:</b>	4/29/715	<b>Tel:</b>	
<b>County Road No:</b>		<b>E-mail:</b>	

<b>To:</b>	North York Moors National Park Authority The Old Vicarage Bondgate Helmsley YO62 5BP	<b>Date:</b>	30 May 2022
<b>FAO:</b>	Jill Bastow	<b>Copies to:</b>	

There are no highway objections in principle to the Bed and breakfast and restaurant elements of the application because the surrounding public roads are controlled by a Traffic Regulation Order and there are public parking facilities in the vicinity.

However, the Highway Authority does object to the takeaway element of the application as this is likely to attract vehicles waiting in the highway for short durations whilst the drivers are collecting the takeaway food.

<b>Signed:</b>  <p style="text-align: center;"><b>Ged Lyth</b></p> <p><i>For Corporate Director for Business and Environmental Services</i></p>	<b>Issued by:</b>  Whitby Highways Office Discovery Way Whitby North Yorkshire YO22 4PZ <b>e-mail:</b>
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**LOCAL HIGHWAY AUTHORITY  
CONSIDERATIONS and RECOMMENDATION**



Continuation sheet:

Page 2 of 2

Application No:

**NYM22/0354**



Date: 31 May 2022  
Our ref: 393498  
Your ref: NYM/2022/0354



Mrs Jill Bastow  
North York Moors National Park Authority

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

**BY EMAIL ONLY**

Dear Jill,

**Planning consultation:** Application for change of use of dwellinghouse to bed and breakfast and change of use of garage/holiday let to tea room and tapas (no external alterations)(retrospective).  
**Location:** North Ings House, Station Road, Robin Hoods Bay

Thank you for your consultation on the above dated 16 May 2022 which was received by Natural England on 16 May 2022.

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 178 of the National Planning Policy Framework. It states:

*178. Within areas defined as Heritage Coast (and that do not already fall within one of the designated areas mentioned in paragraph 176), 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 60) that *“For the purposes of paragraph 176 and 177, 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.

### **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](https://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

Yours sincerely,

Shannon Bowes  
Consultations Team

**Our Ref:** 272-1-2022 MR  
**Your Ref:** NYM/2022/0354

**Date** 23 May 2022



## Partnership Hub

Mrs Jill Bastow  
North York Moors National Park Authority  
The Old Vicarage  
Bondgate  
Helmsley  
North Yorkshire  
YO62 5BP

Dear Mrs Bastow,

**Proposal** Application for change of use of dwelling house to bed and breakfast and change of use of garage/holiday let to tearoom and tapas (no external alterations) - retrospective

**Location** North Ings House, Station Road, Robin Hoods Bay

Many thanks for giving North Yorkshire Police (NYP) the opportunity to comment on this application. I have carried out analysis of crime and disorder for a 12-month period (1 May 2021 to 30 April 2022), for an area within a 100m radius of the site, which showed that the proposal is located within a low crime & disorder area, with 4 crimes and 2 anti-social behaviour incidents recorded by NYP.

In respect to the design & layout of the proposal I have no comments to make in relation to Designing Out Crime. I am aware that the applicant has applied for a Premises Licence under the Licensing Act 2003, which has been reviewed by the Police Alcohol Licensing Unit (PALU) in relation to the Licensing Objectives, which are:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

I am aware that the PALU have not raised any objections to the application, and I am therefore satisfied that the Premises Licence will include relevant conditions to reduce the potential for the proposal to have a negative impact on crime & disorder in the area.

I have no other comments to make at this time but should you require any further assistance, please do not hesitate to contact me.

Yours sincerely,

Mr Mark Roberts  
Police Designing out Crime Officer

**From:**  
**To:** [Planning](#)  
**Subject:** NYM/2022/0354  
**Date:** 26 May 2022 14:49:07

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**FAO: Jill Barstow**

**Application for change of use of dwellinghouse to bed and breakfast and change of use of garage/holiday let to tea room and tapas (no external alterations) (retrospective) at North Ings House, Station Road, Robin Hoods Bay.**

**Commercial Regulation – Environmental Health**

**Having reviewed the above application I have the following comments to make from a commercial regulation perspective:**

**I have concerns regarding the impact of noise on neighbouring properties I would therefore ask that the outdoor seating area is not used past 9pm.**

**I would also ask for any music played on the premises is kept to a background level.**

**Regards**

**Adele**

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

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