

North York Moors National Park Authority

Delegated decision report

Application reference number: NYM/2022/0354

Development description: 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)

Site address: North Ings House, Station Road, Robin Hoods Bay

Parish: Fylingdales

Case officer: Mrs Jill Bastow

Applicant: Mr Fretwell-Kirkham
c/o Agent

Agent: Fretwell's Planning & Development Ltd.

fao: Gemma Owston, Fold Yard Offices, Molescroft Farm Estate, Grange Way, Beverley, HU17 9FS

Director of Planning's Recommendation

Approval subject to the following:

Condition(s)

Condition number	Condition code	Condition text
1	TIME01	The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.
2	PLAN02	The development hereby approved shall be only carried out in strict accordance with the detailed specifications and plans comprised in the application hereby approved or in accordance with any minor variation thereof that may be approved by the Local Planning Authority.
3	RSU001	The detached building shall not be used other than as tea-room and tapas restaurant and shall not be used for any other purpose (including any other purpose in Class E of the Schedule to the Town and Country Planning (Use Classes) Order 2020 or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order, or within Schedule 2, Part 3, Classes A-V of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order).
4	GACS00	The tea-room and tapas restaurant hereby permitted shall not be open to customers outside the hours of 08:00 to 22:00, with the exception of the outside seating area which shall not be open to customers outside the hours of 08:00 and 21:00, and there shall be no takeaway available outside the hours of 08:00 to 18:00. Any variation to these hours will require a new grant of planning consent from the Local Planning Authority.
5	GACS00	There shall be no playing of music outside the building(s) on the site at any time unless otherwise agreed in writing by the Local Planning Authority. No music from within the premises shall be audible at the nearest noise sensitive property.

Reason(s) for condition(s)

Reason number	Reason code	Reason text
1	TIME01	To ensure compliance with Sections 91 to 94 of the Town and Country Planning Act 1990 as amended.

2	PLAN00	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	RSU000	In order to enable the Local Planning Authority to retain control over future changes of use to the property which would otherwise be permitted by the Town and Country Planning (Use Classes) Order 2020 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order) or the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order), and to comply with the provisions of Strategic Policies A and C of the North York Moors Local Plan , which seek to enhance and conserve the special qualities of the National Park and ensure that development does not have an adverse effect on the amenities of adjoining occupiers.
4	GACS00	In order to comply with the provisions of Strategic Policy A of the North York Moors Local Plan which seeks to ensure that new development does not detract from the quality of life of local residents.
5	GACS00	In order to comply with the provisions of Strategic Policy A of the North York Moors Local Plan which seeks to ensure that new development does not detract from the quality of life of local residents.

Consultation responses

Parish

No objection to the change of use of the main residential building to B&B and tearoom.

In principle, no objection to the establishment of a tapas bar on these premises however raise the following concerns:

- The business is already operational. However 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 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
- It is understood 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.

In view of the above concerns propose the following conditions

- The operation must be appropriately regulated to include compliance with all food safety requirements;
- The conversion of the garage must be fully compliant with building controls and include appropriate fire safety measures, toilet facilities (including disabled facilities) and appropriate soundproofing;
- The appropriate licence to sell alcohol must be obtained;
- A time restriction on use of the garden in the evenings;
- All signage and advertising should be discreet, and in keeping with the ambience of the area .

Highways

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 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 Highway Authority is satisfied that these situations do not generally occur during daytimes and therefore has 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.

Yorkshire Water

No comments received

Environmental Health

No objection but raise concerns regarding the impact of noise on neighbouring properties and requests that the outdoor seating area is not used past 9pm and for any music played on the premises is kept to a background level.

North Yorkshire Fire and Rescue

No objection

Police - Designing Out Crime

No comments in respect to the design and layout of the proposal in relation to Designing Out Crime. The applicant has applied for a Premises Licence under the Licensing Act 2003, to which the Police Alcohol Licensing Unit (PALU) have not raised any objections to the application. 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.

Natural England

No objection

Third party responses

Mr Richard Hoyle, Ings House, Station Road, Robin Hoods Bay – Objects for the following reasons:

We are concerned that inclusion of the Tapas bar, alcohol licence, evening opening and a takeaway service seems to be an overdevelopment of this neighbouring property. There will be considerable noise, which will emanate from the garden and bar, particularly into the evening when food and alcohol is sold. There is also a safety issue as there is no footpath on that side of the road. We are concerned that planning permission has not been sought until it has been up and running for a while. It should have been planned in the true sense of the word. It will be a noisy addition to the area.

Mr David Perry, Manor Garth, Wesley Road, Robin Hoods Bay – Objects for the following reasons:

- This is retrospective planning permission for what is a residential area - the premises have been altered and it has already been open as a 'cafe' and 'tapas' bar, with signs out advertising the business.
- The sale of take away food and drink until late in the evening will lead to vehicles parking on the road creating an obstruction as well as creating extra noise and disturbance during the day and night.
- There is no footpath on that side of the road and pedestrians exiting the premises are only able to do so directly onto the often busy road.
- There are no industrial extractor fans at present. If installed they will cause noise and odour nuisance to neighbours.
- The outside seating area and sale of alcohol will increase the noise outside, potentially late into the evening.
- There are already a number of similar business in the village and also two pubs within 200m both selling food and drink. There is also a fish and chip shop a little further away. This development will contribute to the loss of character in the village which is increasingly becoming over commercialised due to its own success.

Patricia Connell, Manor Garth, Wesley Road, Robin Hoods Bay – objects for the following reasons:

- This property has already had the work done to turn it into a cafe and tapas bar. There has been no planning application notice displayed and only now is there a retrospective notice displayed in response to a number of concerns expressed by local people.
- Although there is adequate parking on the premises the exit for vehicles is directly onto what is sometimes a busy road. Pedestrians leaving the premises at night will walk directly onto the road as there is no pavement.

- The owners have already got large signs up advertising it as a tea room and the outside seating area is already being used; if used late into the evening there is a potential for disruptive noise.
- There are already similar businesses located nearby who stop serving food at 9pm.
- The area has a number of B& Bs and the potential for rowdy departures late at night will disrupt visitors comfort and perhaps affect guest house owners.

Mr Patrick Holdsworth, 3 Thorpe Lane, Robin Hoods Bay – Objects for the following reasons:

This application is to provide entertainment in a residential area (both for visitors and residents) which already has two long established public houses within 150 yards and a restaurant becoming a wine bar, This is enough and any more would have a negative impact and undermine the established businesses. Once a small change from residential to business is allowed, the Planning Authority seems to be powerless to stop much bigger and more varied business.

Station Road is immensely busy with endless lorries and pedestrians coming and going from the main car park, and the path opposite is the Cleveland Way and the Coastal footpath of England. There is no footpath on the side the proposed business is on. All traffic on this road has to be on high alert with what is happening on the opposite pavement, which becomes so busy people have to walk in the road and drivers will not be able to react quickly to pedestrians exiting this business.

Additional comments: The proposal presents a danger to pedestrians on Station Road due to there being no pavement on the western side of the road. Therefore all pedestrians (and almost all visitors to Robin Hoods Bay, approaching a million a year) are walking between the car parks and the Old Village in a very narrow corridor frequently having to step into the road. Consequently drivers attention is drawn to this problem and away from the area of the application. Yesterday a pedestrian was hit by a vehicle in this area; the police attended so correct details can be acquired from them.

Ms Lisa Winder, Smugglers Ale House, The Dock, Robin Hoods Bay – Supports the application for the following reasons:

The cafe is a great venue for locals of the village and tourists alike. The business is very well presented, organised and clean. Most of all its open; most of the other cafe type facilities in lower Bay don't open to the public until late morning so North Ings is great for an early breakfast. There are quite a few cafes in lower Bay but nothing at Bank Top. North Ings offers easy access to those with mobility issues (Robin Hoods Bay's steep hill can be difficult) and off-street parking for customers. A fabulous idea and an asset to Robin Hoods Bay

19 standard letters of support have been forwarded by the agent including 15 signed by local residents of Robin Hoods Bay and Fylingthorpe and one from Yorkshire Coast Business Improvement District, which read as follows:

North Ings has been a bed and breakfast since Mr & Mrs Fretwell bought it except for a short time as a holiday let and has always been a fantastic addition to the village. It is exactly the type of accommodation I would like to see in Robin Hoods Bay being busy all year round.

The tearoom and tapas are excellent additions to the village as there is a shortage of places to eat in Robin Hoods Bay. The tearoom and tapas will be a fantastic addition bringing something for locals as well as tourist staying in the village and is already extremely popular amongst the community.

National Planning Policy supports the re-use of existing buildings as a form of sustainable development. North Ings has an extant planning consent for change of use to a holiday let that would benefit one family at a time. As a tearoom and tapas the buildings would provide a meeting place for many members of the community alongside tourist visiting the village helping with social cohesion. National Planning Policy also encourages development that promotes safe, social interaction and encourages the meeting of people in places.

Panning policy for North York Moors identifies tourism as a huge growth industry in the area and there are no material considerations that are relevant to this application. This is a wholly compatible use in this location and provide fantastic asset for the local community.

Policy UE1 explains that ‘tourism and recreation development will only be permitted where the proposal is for the expansion or diversification of an existing tourism or recreation business’.

Strategic Policy J ‘aims to encourage appropriate tourism and recreational 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.

Policy BL8 identifies that ‘new retail development, professional and financial services and food and drink services will only be permitted within the main built-up area of Larger Villages’. The application site lies within the main built up area of Robin Hoods Bay and as such aligns with the requirements of Policy BL8.

Consultation expiry

Advertisement/site notice expiry date: 8 June 2022

Photo showing front elevation of North Ings House with the vehicular access to the side leading to parking at the rear



Photo showing the detached garage in the rear garden which has been converted into a tea-room and tapas restaurant with the outside seating to the side



Photo showing the neighbouring property to the south, Ings House



Background

This application relates to North Ings House, a substantial two storey stone built property under a slate roof located on the west side of Station Road in Bank Top, Robin Hoods Bay. Immediately to the north lies the tennis courts and bowling club beyond which is the main public car park; to the west lies the overflow carpark and the Methodist Church; to the south lies Ings House and grade II listed building and private residence and to the east, on the opposite side of Station Road lie a number of bed and breakfast/guest house establishments and private dwellings. To the rear of the main dwelling lies a detached stone and pantile double garage/workshop.

Planning permission is sought to regularise the use of the main dwelling as a bed and breakfast establishment. It is understood that North Ings was last used as a private dwelling in August 2005 and since then has been used as bed and breakfast accommodation with a brief period when the whole property was let out as a holiday cottage. The property provides 5 en-suite letting bedrooms along with a one bedroom private residence for the owners.

The stone garage to the rear of the property was granted planning permission in October 2012 for its conversion and alteration into a two bedroom holiday cottage however that consent was never implemented. The garage has now been converted into a small tea-room/ tapas restaurant which doubles as the breakfast room for guests staying at North Ings House. Planning permission is also sought to regularise this use. The proposed opening hours are 8am until 10pm with takeaway cold food and hot/cold drinks available between 8am and 6pm. No external alterations are proposed.

Parking with adequate turning space is available on site for guests staying at the bed and breakfast along with the owner; customers of the tea-room/tapas restaurant are expected to use the nearby public carparks. Traffic from deliveries would be outside of opening hours and given the small-scale of the proposed business, the applicant does not anticipate a great number of delivery vehicles to the premises.

With regard to the planning history of the site, there are a number of planning permission relating to alterations and extensions to North Ings House itself in addition to the consent for the conversion of the garage into a holiday cottage.

Main Issues

The main issues to consider are whether this is an appropriate location for a new tourism and recreation development with particular regard to the potential for noise and disturbance arising from increased activity in the area and the likely impact this would have on the amenities for local residents.

Local Plan

The relevant policies of the Local Plan in the consideration of this application are Strategic Policy A (Achieving National Park Purposes and Sustainable Development), Strategic Policy B (Spatial Strategy), Strategic Policy C (Quality and Design of Development), Strategic Policy J (Tourism and Recreation) Policy UE1 (Location of Tourism and Recreation Development).

Strategic Policy A requires planning decision to be consistent with National Park statutory purposes to conserve and enhance the natural beauty, wildlife and cultural heritage of the National Park; and to promote opportunities for the understanding and enjoyment of the special qualities of the National Park by the public.

Strategic Policy B identifies Robin Hoods Bay (Including Bank Top) as one of the larger villages where development proposals should support the service function of village by providing additional housing, employment and training premises and new facilities and services for the immediate and wider locality.

Strategic Policy C sets out a number of criteria to ensure that new development maintains and enhances the distinctive character of the National Park.

Strategic Policy J supports tourism and recreation development where it is consistent with the principles of sustainable tourism; does not lead to unacceptable harm to the local landscape character or an ecological or archaeological asset; provides and protects opportunities for all people to increase their awareness, understanding and enjoyment of the special qualities of the National Park in a manner that will not undermine the enjoyment of those qualities by other visitors or the quality of life of residents; is of a quality, scale and design that takes into account and reflects the sensitivity of the local landscape; does not compromise the enjoyment of existing tourism and recreational facilities or Public Rights of Way; and does not lead to unacceptable harm in terms of noise and activity to the immediate neighbourhood. It requires any accommodation is used only for short term holiday stays only.

Policy UE1 seeks to direct tourism and recreation development to the main built up area of the villages listed in the settlement hierarchy of Strategic Policy B, whilst Policy BL8 is supportive of new food and drink services within the main built up area of the Larger Villages listed in the settlement hierarchy.

Impact on National Park qualities and the amenity of the neighbourhood

The change of use of the main dwelling into a bed and breakfast (5 en-suite bedrooms) with the retention of a one-bedroom private residence for the owners is considered satisfy the requirements of Strategic Policy J and Policy UE1. The property is located within the main built up area of Robin Hoods Bay (Bank Top) and the proposal will provide visitor accommodation to enable people to stay within the National Park thereby increasing their awareness, understanding and enjoyment of the special qualities of the National Park. It is not considered that this element of the proposal would lead to a notable increase in noise and activity in the immediate neighbourhood that would undermine the quality of life of local residents.

With regard to the conversion of the former double garage into a tea-room and tapas restaurant, this makes good use of an attractive stone and pantile redundant building within the main built up area of Robin Hoods Bay. The building has been sensitively converted retaining existing openings so as to maintain its character and appearance.

Whilst the proposed tea-room/tapas restaurant will give rise to an increase in noise and activity about the site, the building can only accommodate 16 covers with additional outside seating. This is a relatively small scale development in a mixed use area where there are a number of bed and breakfasts, guest houses and hotels, some with restaurants open to non-residents along with a convenience store on the opposite side of Station Road. In addition to the north of the site are tennis courts and a bowls club, beyond which lies the main public car park. As such there is already a substantial level of activity about the area particularly during the summer months, and whilst need to be aware that the cumulative impact of new enterprises does not have an adverse impact on the quality of life for local residents it is considered that in this case the small scale nature of the proposal would help to maintain the vitality and viability of Robin Hoods Bay without having an adverse impact on the quality of life for local residents.

The proposed use is as a tea-room during the day, offering food and hot and cold drinks for takeaway and during the evening as a tapas restaurant with no takeaway option. The Environmental Health Officer has no objection to the proposal but has recommended that in order to minimise the impact of noise on neighbouring properties the outdoor seating area is not used past 21:00 hours and that any music played on the premises is kept to a background level. This can be controlled by condition of any planning permission.

The nearest residential property, Ings House lies to the south, separated from the application site by a narrow lane which provide access to the Methodist Church. Whilst there are a few windows to the north elevation these are located towards Station Road and face the gable end of North Ings House itself rather than overlooking the outside seating area. The principal windows to habitable rooms primarily face south onto the private garden to the property.

As such it is considered that the windows to the neighbouring property are to a greater degree shielded from any potential additional noise and activity arising from the proposed tea-room/tapas restaurant use by the property itself.

Highway Safety

With regard to concerns raised regarding highway safety, the Highway Authority has no objection to the proposal provided that there is no hot food takeaway which might otherwise attract vehicles waiting in the highway for short durations whilst the drivers are collecting the takeaway food. The proposed use falls under Class E of the Town and Country Planning (Use Class) Order 2020 which includes food and drink which is mostly consumed on the premises and specifically excludes the sale of hot food for the consumption off premises (i.e. a hot food takeaway). The agent has confirmed that the only takeaway service would be for cold food and hot/cold drinks from the tea-room during its opening hours. As such the proposed take away hours are considered reasonable.

Conclusion

The bed and breakfast establishment along with the tea-room and tapas restaurant make use of existing buildings within the main built up area of Robin Hoods Bay (Bank Top) to provide guest accommodation and visitor services/facilities in a mix use area of guest accommodation and private residences along with retail uses and sports and recreational facilities. Given the small scale of the tea-room/restaurant, the nature of the use (no hot food takeaway) and the intended opening hours, it is considered that the proposal would not lead to unacceptable harm in terms of noise and activity to the immediate neighbourhood. As such it is considered that the proposal meets the criteria of Strategic Policies A, B, C and J along with Policies UE1 and BL8 and approval is recommended.

Contribution to Management Plan objectives

Approval is considered likely to help meet well-being Outcome 4, objective 17 to encourage visitors to make a positive contribution.

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.