

North York Moors National Park Authority

Delegated decision report

Application reference number: NYM/2021/0999/FL

Development description: stabilisation works to cliff together with construction of extension to tea hut to provide preparation/staff/storage areas

Site address: The Quarterdeck, Covet Hill, Robin Hoods Bay

Parish: Fylingdales

Case officer: Mrs Hilary Saunders

Applicant: Mr Graham Kemp
Beacholme, Covet Hill, Robin Hoods Bay, Whitby, YO224SN,

Agent:

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	PLAN01	The development hereby permitted shall not be carried out other than in strict accordance with the following documents: Document Description Document No. Date Received Proposed block plan 3029-4 20/05/2022 Proposed site layout 3029-6 26/05/2022 or in accordance with any minor variation thereof that may be approved in writing by the Local Planning Authority.
3	MATS10	The timber cladding, doors, window frames and roof materials of the development hereby permitted shall match those of the existing building unless otherwise agreed in writing with the Local Planning Authority.
4	MISC00	The building hereby approved shall only be used ancillary to the existing tea hut building to which it is attached and for no other purpose.
5	MISC00	The stone gabion baskets hereby approved shall match the existing gabion baskets, in terms of size and stone fill as the existing gabion

		baskets on site.
6	MISC00	The planting of the stone gabions shall be in accordance with the planting schem approved under NYM/2018/0713/CVC and shall be carried out no later than the first planting season following the completion of the development,and shall be maintained in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

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 NYM Core Policy A and NYM Development Policy 3, which seek to conserve and enhance the special qualities of the NYM National Park.
3	MATS00	For the avoidance of doubt and in order to comply with the provisions of NYM Core Policy A and NYM Development Policy 3 which seek to ensure that building materials are of a high quality and compatible with the character of the locality and that the special qualities of the National Park are safeguarded.
4	MISC00	In order to comply with the provisions of NYM Core Policy A which seeks to ensure that new development does not detract from the quality of life of local residents.
5	MISC00	In order to comply with the provisions of NYM Development Policy 3 which seeks to ensure that new development incorporates a landscaping scheme which is appropriate to the character of the locality and retains important existing features.
6	MISC00	For the avoidance of doubt and in order to comply with the provisions of NYM Core Policy A and NYM Development Policy 3 which seek to ensure that the appearance of the development is compatible with the character of the locality and that the special qualities of the National Park are safeguarded.

Consultation responses

Parish

31/01/2022 - This application was considered by Fylingdales Parish Councillors at the FPC Meeting held on 19 January 2022. The Councillors felt that this application should be dealt with as two separate issues:

1. They supported stabilisation work to the cliffs.
2. They objected to the proposed extension to the tea hut as it was too wide and therefore too imposing on the Quaterdeck.

16/06/2022 - The Parish Council met last night and discussed the above planning application. It was an unusual situation as we currently only have 5 Councillors, 2 of whom had declared an interest and left the room during the discussion.

We were concerned that with only 3 Councillors able to vote that did not leave us quorate but, in this particular instance, we never will be so a vote was taken and the majority of the Councillors that voted had no objection to this planning application.

If the planning department feel that a vote should not have been taken with a limited number of Councillors, please accept our response as '**no comments**'.

Scarborough Borough Council Coastal Engineers

23/12/2022 - Having examined the application and the plans and statements therein I would confirm I have no objections to the proposals provided the applicant exercises due regard for the safety of the public using the "Quarterdeck" during the course of the works and he provides the Council with a Contractor Method Statement/Programme along with a copy of their indemnity insurance certificate prior to occupying any Council owned land.

25 May 2022 -No objection to amended plans

North Yorkshire Fire and Rescue

No objection/no objection

Environmental Health – Commercial Regulation

Having reviewed the above application and supporting documents, I would make the following comments:

Although this is work of a temporary nature, there is no information provided on the precise methodology for carrying out the stabilisation work identifying what plant and machinery may be used, hours of work etc to be able to determine any nuisance potential from noise/vibration. I therefore request that a requirement is included asking for the noise impact on nearby residential development to be considered together with details of any proposed mitigation measures to prevent harm to amenity.

In addition, in extending the kiosk, ideally, consideration should be given to providing toilet accommodation on site.

North Yorkshire Police Designing Out Crime Officer

No comment

Natural England

No objection

Third party responses

Name

13/06/2022 - Cllr.Jane. Mortimer, Fylingdales Ward - I have received concerns that the expansion enlarges the cafe width wise across the Quarterdeck making the cafe far more prominent. I object to the expansion of the cafe width wise because it will make it more prominent and dominant as the extension in the new revised plan will add over 50% to the length plus there will be an extension of the gabions by roughly the same amount so this will impact even more.

It would be better to go back to his original plan have the extension behind the cafe and that the cliff works itemised in the first application could be a way forward. If the work on the cliff stabilisation is given permission, I hope this will be done with due regard given to those living nearby especially to construction noise and how the machinery will be brought on site.

Publicity expiry

Advertisement expiry date 3 February 2022

Existing tea hut – proposed extension at far end



Existing tea hut – extension on near side



Background

Planning permission was granted in 2018 to site a small timber tea hut building on land adjacent to the Quarterdeck in Robin Hoods Bay, to provide hot and cold food and drinks.

The Quarterdeck comprises the concrete area which has been created by the sea wall defences at the bottom part of Robin Hoods Bay. This area provides an alternative access to the beach than the slipway and also access to the permissive path that leads up to the Cleveland Way.

This development has been completed and this application seeks permission for a side extension to provide an improved preparation area. The design and materials would match that of the existing building and the extension would measure 2.74m wide and the same depth and height as the existing building. It is also proposed to rebuild a section of the existing gabion basket wall at the rear of the Tea Hut which has deformed and is bulging towards the rear of the Tea Hut building. The existing gabion basket wall has been constructed to retain a steeply inclined embankment behind the Tea Hut.

Main issues

Local Plan

Strategic Policy K - The Rural Economy - seeks to support development that fosters the economic and social well-being of local communities where it promotes and protects existing businesses by providing flexibility for established rural businesses to diversify and expand; it helps maintain or increase job opportunities in the agricultural, forestry and tourism sectors and provides for and

supports small and micro business through the provision of flexible start-up businesses; it provides additional opportunities to diversify and better equip the National Park's workforce, or provides additional facilities, or better use of existing facilities for educational and training uses.

Policy ENV11 – Historic Settlements and Built Heritage - seeks to resist development that results in loss of or harm to the significance of designated and other heritage assets of national importance. In order to accept any loss or harm proposals will be required to present clear and compelling justification for the development, including the public benefits which will arise from the proposal. This includes assets which are recognised through formal designation such as Listed Buildings and Conservation Areas which benefit from statutory protection, but also non-designated assets of local or regional significance that contribute to the special qualities of the National Park.

Policy UE1 - Location of Tourism and Recreation Development seeks to permit recreation development where it is located in Helmsley or within the main built up area of one of the villages; or in Open Countryside where it involves a small scale conversion and/or extension of an existing building of architectural or historic interest, or where it complies with Policy UE2.

Material Considerations

The main issue in this instance is whether the extension to the existing hut would unduly harm the character and amenities of the area.

The principle of the development has already been accepted and the proposed extension would not change the nature of the use or have a wider impact on the immediate or wider landscape or the setting of the Conservation Area.

In view of the above approval is recommended.

Pre-commencement conditions

N/A

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

Approval (Amendments Requested and Received)

The Authority's Officers have appraised the scheme against the Development Plan and other material considerations and recommended changes to the proposal including reduction in size of extension, so as to deliver sustainable development.