

# North York Moors National Park Authority

## Delegated decision report

Application reference number: NYM/2022/0706

**Development description:** change of use of part of ground floor from restaurant to breakfast room for B&B guests and one holiday letting unit, alterations to fenestration and doors and alterations to existing front balcony ballustrade at The Wayfarer, Station Road, Robin Hoods Bay

**Site address:** The Wayfarer, Station Road, Robin Hoods Bay

**Parish:** Fylingdales

**Case officer:** Mrs Hilary Saunders

**Applicant:** Mr Neil Mossley

The Wayfarer, Station Road, Robin Hoods Bay, Whitby, YO22 4RL

**Agent:** A L Turner + Associates

fao: Mr Tony Turner, 1 Loring Road, Ravenscar, Scarborough, YO13 0LY

## Director of Planning's Recommendation

Approval subject to the following:

### Condition(s)

Condition number	Condition code	Condition text															
1	TM01	The development hereby permitted shall begin not later than three years from the date of this decision.															
2	PL01	<p>The development hereby permitted shall be carried out in accordance with the following approved plans:</p> <table><thead><tr><th>Document Description</th><th>Drawing No.</th><th>Date Received</th></tr></thead><tbody><tr><td>Site plan</td><td>Revision A</td><td>22 March 2023</td></tr><tr><td>Block plan</td><td>Revision B</td><td>22 March 2023</td></tr><tr><td>Proposed ground floor plan (excluding outside areas excluded from red line plan)</td><td>2504:4B</td><td>22 March 2023</td></tr><tr><td>Proposed elevations</td><td>2404:6B</td><td>22 March 2023</td></tr></tbody></table>	Document Description	Drawing No.	Date Received	Site plan	Revision A	22 March 2023	Block plan	Revision B	22 March 2023	Proposed ground floor plan (excluding outside areas excluded from red line plan)	2504:4B	22 March 2023	Proposed elevations	2404:6B	22 March 2023
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Proposed elevations	2404:6B	22 March 2023															
3	UOR00	The units of holiday letting accommodation hereby permitted (B&B and self-contained holiday letting unit) shall form and remain part of the current Planning Unit presently known as															

		The Wayfarer as shown edged red on the site location plan dated 23/03/2023. The holiday units shall not be let out or used in any way if the holiday letting units are functionally separated (either Freehold or Leasehold) and shall at all times remain together in same overall Planning Unit.
4	UOR12	The self contained holiday letting unit hereby approved shall not be used for residential purposes other than holiday letting purposes. 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.
5	GPMT14	The external face of the frame to all new windows shall be set in reveals to match those of the existing windows and shall be maintained in that condition in perpetuity
6	MISC00	All new windows (and any subsequent replacements) shall be of flush fitting design with concealed trickle vents and thereafter be so maintained in perpetuity.
7	MISC00	The first floor hereby approved balustrade shall be fitted with anti-reflective glass and thereafter be so maintained.

#### Reason(s) for condition(s)

Reason number	Reason code	Reason text
1	RSN TM01	To ensure compliance with Sections 91 to 94 of the Town and Country Planning Act 1990 as amended.
2	RSN PL01	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	UOR00	The site is in a position where the occupation of the accommodation hereby permitted as a separate independent dwelling unit would be likely to be detrimental to the residential amenities of existing and future occupiers of the annexe and main dwelling in accordance with Policies CO17 and CO18 of the North York Moors Local Plan.
4	UOR12	The site is in a position where the permanent occupation of the accommodation hereby permitted as a separate independent

		dwelling unit would be likely to be detrimental to the residential amenities of existing and future occupiers of the holiday accommodation and main dwelling in accordance with Policy UE4 of the North York Moors Local Plan.
5-7	GPMT15	For the avoidance of doubt and in order to comply with the provisions of Strategic Policies A and C of the North York Moors Local Plan 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.

### Informative(s)

Informative number	Informative code	Informative text
1	MISCO0	In accordance with the amended plans set out in Condition 2 above, this approval does not include the retention or use of the decking and balustrade at the front of the property.

### Consultation responses

#### Parish

27/10/2022 - The Councillors considered this application and objected on the same grounds as Steve Reynolds, Residential Regulation Manager, Scarborough Borough Council. They also felt this would be an overdevelopment of the property and could potentially cause parking problems.

6/03/2023 - Objection on the following grounds.

1. Balconies if extended would be too intrusive/overlooking. This would have a severe impact on those properties, in terms of the privacy of residents. Also would not be in keeping with the area.
2. The presence of balconies/ outside seating areas would encourage guests to sit outside late into the evenings - exposing neighbours to strong risk of noise. Change of use would mean not governed by licensing laws, ensuring that groups seated outside are supervised and curtailed at a reasonable hour.
3. Inadequate internal layout.
4. No parking

5. Not clear if to be b&b accommodation or a house for multiple occupancy. If the latter, then there may be further implications for the local community.

10/05/2023 - Having considered the second amendment, the Councillors stand by their objections and feel this is a poorly thought-out scheme which will affect the local community, immediate neighbours and the street scene detrimentally.

22/05/2023 - Councillors have still been unable to match the drawings referenced with those available to view. However, the responses to our questions were helpful and the Council resolved by a majority vote to return the following comments.

In the light of the assurances given by the architect, the Parish Council has no further objections to the change of use of the former Wayfarer for as long as the owners are in residence to maintain their effective management of the B&B.

However, insofar as the changes to the front of the building are concerned, councillors felt:

- the proposed bifold doors would be out of keeping with neighbouring properties and the original frontage retained.
- screening to the first floor balcony should be installed behind the existing railings rather than replace them.

This would help to maintain the current attractive street view in this historic area.

### Highways

24/10/2022 The proposals do not mention any parking facilities. The access to the property is via land which is not publicly maintainable highway, and the LHA are assuming that the right of access established for the current use will remain for the proposed use.

Although no vehicular facilities are indicated in respect of these premises, there are no highway objections in principle to the application because the proposed use is not anticipated to have any significant increase in traffic compared with the current potential use. This application is made with the understanding that this application will be conditioned to remain ancillary to the main residence.

### Environmental Health

Residential regulation

6/10/2022 - I cannot support the proposals as they stand for the following reasons:

The route from the entrance to the lounge/kitchen of unit 1 passes through second bedroom, the route from the entrance to the lounge/kitchen of unit 2 passes through the bedroom, the bedroom of unit 2 has no natural light or ventilation.

14/02/2023 - The "holiday letting unit" is unacceptable as the proposed sleeping area has no natural light or ventilation.

15/02/2023 - Thanks for the further information. Given the layout, and the window sizes provided, I have no objections to the proposed use as a “holiday letting unit”.

Commercial regulation

26/10/2023 -- no comment

### Third party responses

#### Name

P A. Haigh JP, West Royd, Station Road, Robin Hoods Bay

17/10/2022 – Original plans – Object

- Increased depth of balconies - overlooking, overshadowing, out of character, increased noise.
- Change of use - Noise Impact –as a bistro, the Wayfarer currently allows supervised outdoor seating for its diners but the proposal would allow up to 4 separate parties to have unsupervised gatherings in this area 7 days a week with no time constraints.
- Building works should be restricted to 9am-5pm Monday to Friday, no weekend working, and the use of power tools be restricted to 10am-4pm Monday to Friday
- Station Road Frontage (Historical Context) – The frontage of the terrace has remained largely unchanged for over 100 years. The proposed changes particularly the balconies along with the patio doors are completely out of character with the rest of the terrace; not in proportion with the Wayfarer itself and not in keeping with the overall look and feel of this part of Station Road.
- Parking– There is no parking available, the proposed plans introduce two further apartments along with the existing rooms already located within the Wayfarer. This proposal will potentially cause vehicle congestion (while people load and unload) along Victoria Terrace (adjacent to the Wayfarer) and along the road at the rear of both the Wayfarer and West Royd which leads to the Victoria Hotel carpark.

Additional comments 28 February 2023 -

The revised changes, whilst removing many of our concerns, still leaves us with a number of observations which are as follows:

- Unsupervised holiday makers (as opposed to supervised dinners) on the front terrace will create a disturbance.
- In addition, the proposed internal holiday accommodation is adjacent to our own, and we suspect that this will also cause an internal noise impact not only to ourselves but bed and breakfast guests staying at the Wayfarer itself.
- blocking the road at the back of Victoria Terrace while unloading and loading

G Proud, Laithkirk, Station Road, Robin Hoods Bay

21 October 2022 - Object

We are the owners and occupiers of the house directly opposite this proposed development. We object to this proposal on the grounds that the design is totally unsuitable for the area. The proposed materials i.e. glass and anthracite coloured PVC are not in keeping with the aesthetic of the surrounding buildings which are largely constructed of red brick and stone. There is already a modern glass screen, around the front ground floor seating area, which is at odds with the general appearance of the area and, for which, no previous planning application seems to have been submitted.

The proposed balcony is inappropriate in this residential area as it overlooks neighbouring properties. This, and the ground floor outside space for the two apartments, will no doubt become a source of nuisance for neighbours.

The Wayfarer has very limited onsite parking. This proposal will introduce more vehicles which will require parking, in an area where parking is already in short supply.

### Publicity expiry

Advertisement/site notice expiry date – 7 November 2022

Front elevation of the Wayfarer with unauthorised decking and glass screen – now omitted from this application and to be dealt with separately.



## Background

The Wayfarer is a large Victorian end of terrace property located at the top of Robin Hood's Bay. This part of the village is characterised by a number of Guest Houses, the Post Office/village stores and the Victoria Hotel. The property is not within the existing Robin Hoods Bay Conservation Area, but is within the proposed extended Conservation Area.

In the past the property has operated as a hotel, then a Guest House and then tea rooms but currently has planning permission (since 2006) for a more varied café/bistro use with permission for the sale, supply and consumption of alcohol on and off the premises, for food to be bought and taken off the premises and for external tables to be used until 9pm.

This current application seeks planning permission to change the use of part of ground floor from restaurant to breakfast room for B&B guests and one holiday letting unit; as well as alterations to windows and doors alterations to existing front balcony ballustrade at The Wayfarer, Station Road, Robin Hoods Bay.

The property currently has a large dining room with a bar, kitchen, utility and storage space at ground floor, with 2 guest bedrooms and owners accommodation (comprising two bedrooms, shower room and lounge with second staircase to ground floor ) at first floor and 3 further guest rooms on second floor.

The scheme has been substantially reduced in scale since original submission, which originally sought permission to change the entire ground floor into 2 independent holiday lets and also to significantly increase the size of the front and side balconies. It was also proposed to seek retrospective permission for the unauthorised decking and glass ballustrade that has provided an outside seating area at the front of the property.

The outside area and any increase in the size of the balconies have now been omitted from the proposals and permission is sought to sub-divide the ground floor to create a small one bed letting unit (lounge/kitchen area, sleeping area and shower room), a smaller breakfast room for B&B guests with kitchen and improved owners' accommodation at the rear, linked to the first-floor accommodation. In terms of external alterations to the elevations it is proposed to install a side door in place of a window, change the ground floor "shop front style" windows and doors on the front elevation to Anthracite grey upvc doors and windows to match the existing dark grey fascia and to replace the first-floor windows with white upvc, replacing the existing central glazing with fully glazed doors. It is also proposed to replace the existing metal railings at the first-floor front balcony with clear glass balustrade.



In support of the application and in answer to the Parish Council queries, the applicant's agent has provided the following information: -

The potential for increased noise levels as a result of the change of use from a current restaurant with 40+ covers to an additional, single bedroom letting unit is very low indeed. There will in fact be a marked reduction in potential for noise generation. The proposed letting unit is designed to cater for just two people which compares favourably with the current use as a 40+ occupancy restaurant. Managing noise levels in holiday let properties is a matter which is normally included within the Terms and Conditions of Letting.

With regard to the current use of the premises at ground floor level, since October 2022 the Applicants have ceased trading as a restaurant and have no intention of re-opening that particular business whatever the outcome of this application is. The restaurant became less viable as a business and the applicants were experiencing ongoing problems recruiting staff (which I believe is a common problem throughout the area). It had been operating on reduced opening times for several years but the decline in viability was increasing. So, the decision to cease trading at the end of the 2022 tourist season was taken.

## Main issues

### Local Plan

Strategic Policy C (Design) seeks to maintain and enhance the distinctive character of the National Park, and states that development will only be supported where it is of a high-quality design; incorporates good quality construction materials and design details that reflect architectural character and form of the original building or the local vernacular.

Strategic Policy J (Tourism and Recreation) seeks to support such 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 opportunities for people to increase their awareness, understanding and enjoyment of the special qualities of the National Park; is of a quality, scale and design that takes into account and reflects the sensitivity of the local landscape; any accommodation is used only for short term holiday stays; it does not compromise the enjoyment of existing tourism and recreational facilities or Public Rights of Way.



Policy UE3 – seeks to resist development that would lead to the loss of an existing tourism or recreation facility unless it can be demonstrated that the business is no longer viable or that the new use would result in a significant improvement to the immediate environment or highway safety which outweighs the loss of the tourism use.

### Material Considerations

The proposal seeks permission for an alternative arrangement of an existing tourism facility, rather than the loss of a tourist facility. Furthermore, the existing and proposed use also form an ancillary use to the applicant's home, with them living within the property and operating the B&B element of the proposals.

In view of the above, the proposal is not considered to be in conflict with Policy UE3 as there would not be a loss of a tourist facility. Furthermore, it is considered to be in accordance with Strategic Policy J, as provides both B&B facilities as well as a self-contained holiday unit, all of which would be managed directly on site, as it is also the applicants home, so there would be unlikely to be an impact on neighbouring amenity.

In terms of design, the elements of most concern have been omitted from the application.

The site is not currently within an adopted Conservation Area, and it is considered unreasonable to object to the use of upvc windows providing they are of good quality, particularly as the existing windows are upvc. Furthermore, as the colour of the frames could be changed without the need for planning permission, it is not considered reasonable to object to the installation of dark grey windows at ground floor.

Not all of the properties have metal balustrades at first floor on the front elevation and consequently, the removal of the existing balustrades and replacement with clear glass balustrade is not considered to have a detrimental impact on the character of the locality, however, in order to prevent unacceptable levels of glare, it is considered appropriate to condition the use of anti-reflective glass.

The revised plans have led to the Parish Council withdrawing their objections albeit they have expressed some concern regarding the change in window style and balcony glass.

### Conclusion

It is considered that the revised and reduced proposals would be in accordance with Strategic Policies C and J and consequently approval is recommended.

### Public Sector Equality Duty imposed by section 149 of the Equality Act 2010

N/A

### Pre-commencement conditions

N/A

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

The Authority's Officers have appraised the scheme against the Development Plan and other material considerations and recommended changes to the proposal including omission of proposals to increase the size of the balconies and proposal to retain the decking at the front of the property, so as to deliver sustainable development.