

# North York Moors National Park Authority

## Plans list item 3, Planning Committee report 08 February 2024

**Application reference number:** NYM/2023/0806

**Development description:** Variation of conditions 2 (material amendment) and 4 of planning approval NYM/2021/0999/FL to allow enlargement of one window opening and installation of doors and the sale of beach toys, equipment, and seaside memorabilia.

**Site address:** The Galley on the Quarterdeck, Covet Hill, Robin Hoods Bay

**Parish:** Fylingdales

**Case officer:** Mrs Hilary Saunders

**Applicant:** Ghyll Wood Developments Ltd

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

### Director of Planning's Recommendation

Approval subject to the following:

#### Condition(s)

Condition number	Condition code	Condition text									
1	MC00	<p>The development hereby permitted shall not be carried out other than in strict accordance with the following documents:</p> <table border="1"><thead><tr><th>Document Description</th><th>Document No.</th><th>Date Received</th></tr></thead><tbody><tr><td>Proposed block plan</td><td>3029-4</td><td>20/05/2022</td></tr><tr><td>Proposed site layout</td><td>3029-6 B 2</td><td>30/11/2023</td></tr></tbody></table> <p>or in accordance with any minor variation thereof that may be approved in writing by the Local Planning Authority.</p>	Document Description	Document No.	Date Received	Proposed block plan	3029-4	20/05/2022	Proposed site layout	3029-6 B 2	30/11/2023
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Proposed block plan	3029-4	20/05/2022									
Proposed site layout	3029-6 B 2	30/11/2023									
2	MC00	<p>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.</p>									
3	MC00	<p>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, in accordance with the conditions attached to planning permission reference NYM/2018/0558 and the revised list of</p>									

Condition number	Condition code	Condition text
		<p>hot food and drinks and non-food goods which can be sold and equipment as follows:</p> <p>Hot drinks</p> <p>Soups</p> <p>Hot Sandwiches</p> <p>Toasted Panini</p> <p>Toasted Sandwiches</p> <p>American style Hot Dog</p> <p>Pizza Slices</p> <p>Warm freshly baked scones</p> <p>Donuts machine, Waffle toaster, Crepe griddle</p> <p>Small tabletop fryer not exceeding 8 Litres capacity.</p> <p>Any cold food and cold drinks</p> <p>Guide/local information books</p> <p>beach toys and equipment</p> <p>seaside memorabilia.</p> <p>None of the above shall be kept or displayed outside the building.</p>
4	MC00	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.
5	MC00	The planting of the stone gabions shall be in accordance with the planting scheme 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.

# Map showing application site



**North York Moors National Park**

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Scale: 1:1250

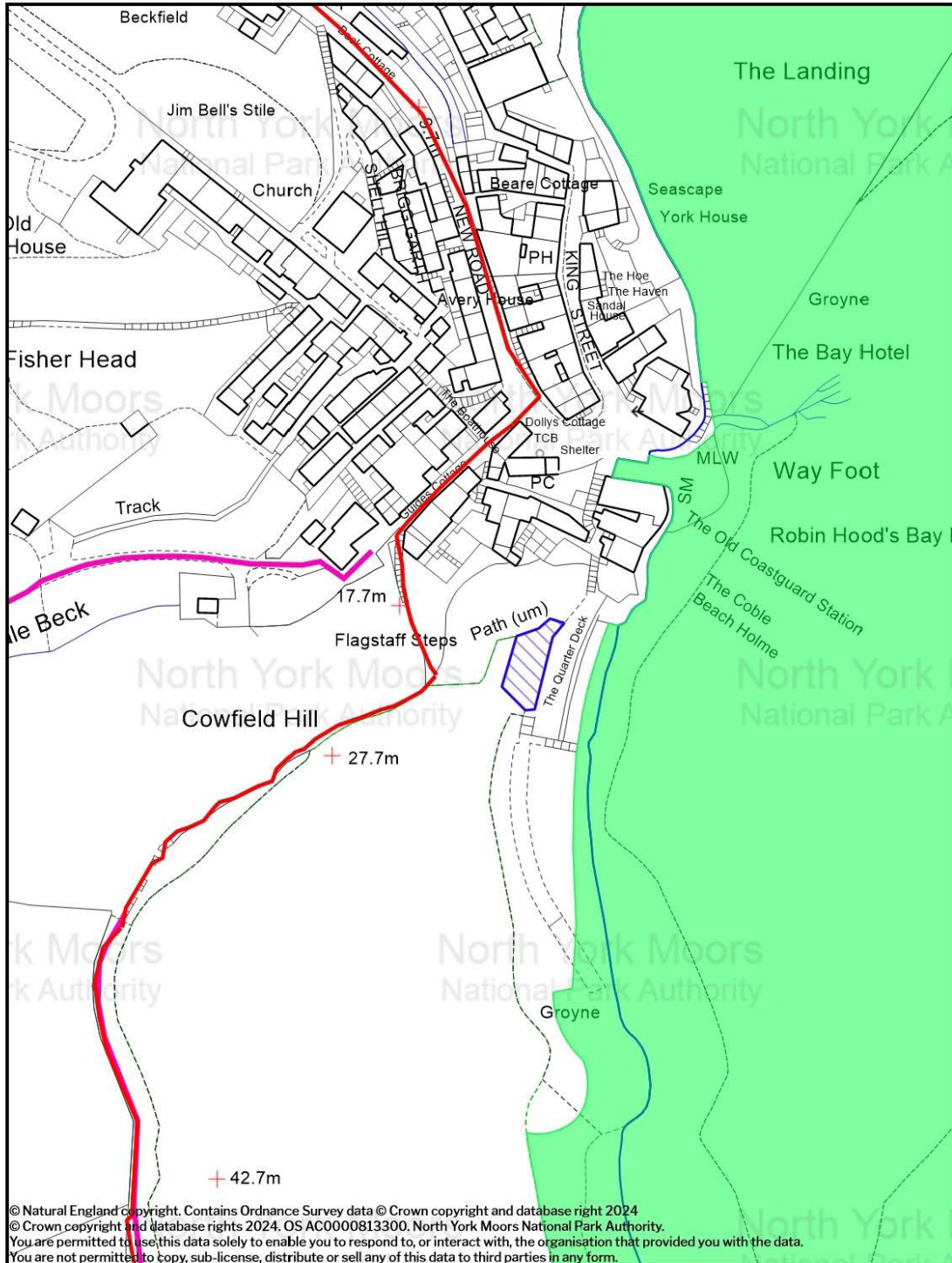


Photo showing the tea hut on the Quarterdeck.



## **Consultation responses**

### **Parish**

Four out of six parish councillors object to this planning application as they feel this would be an overdevelopment of a small site. They feel it goes well beyond the original, approval and would no longer be in keeping with the local environment. The visual impact of an additional commercial outlet would detract from the beauty of the area.

The remaining two Councillors either failed to comment or did not object to this planning application.

### **Coastal Engineer, North Yorkshire Council**

No objections

### **Highways**

No local highway authority objections to the proposed development.

The Local Highway Authority have considered the use the application site currently holds and the use that would be permitted if the application is approved. The use that the site already holds is detailed in the decision notices of previous approvals:

NYM/2018/0177/FL details the items that are permitted to be sold.

NYM/2021/0999/FL gives approval for the extension of the building.

The Local Highway Authority appreciate that different items would need to be delivered to the premises by different arrangements. The Local Highway Authority would object to a significant increase in vehicles travelling up and down New Road. However, as the approval for the size of the building has already been granted, the Local Highway Authority would view any deliveries being made to stock up part of the building with one type of goods would be in line with the reduction of deliveries that would be otherwise made for the other goods.

### **Environmental Health**

No comments received.

### **North Yorkshire Fire & Rescue**

No objection/observation

### **Natural England**

No comments received.

### **Police – Designing out Crime**

No comments received.

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### **Third party responses**

#### **G & Y Irving, 8 Laburnum Avenue, Robin Hoods Bay**

Object. Initial planning application received over 40 objections that were ignored. To disregard ALL the strict restrictions given on the initial planning is to make a mockery of planning applications and the code of planning held highly by National Parks in this beautiful village, I cannot see in any way the site of bright plastic toys/beachwear and memorabilia will in any way enhance our beautiful coastline.

The initial planning application was for a tea hut only for the sale of snacks and drinks.

There is enough merchandise sold everywhere in Bay. Please, do not allow the expansion of this shed to blight our coastline.

#### **C Bancroft, Muir Lea Stores, New Road Robin Hoods Bay**

No objection to The Tea Hut selling these items but if permission is granted, please consider the traffic issues in Lower Robin Hood's Bay. There is an issue in the area with traffic. At present The Tea Hut as a takeaway cafe requires regular deliveries of smallish items which are normally delivered in smaller vans. Beach items are bulky items and as such as delivered in larger vans - the last thing we need is more large vans coming into the village.

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We do not get our beach toys delivered to the shop; we used to and realised the vehicle was too big to be coming down the bank, so we get these delivered either to our home address in Scarborough or my father's farm. I also believe that the other shops doing beach toys in lower Robin Hoods Bay do the same for this reason. We see the worst of the traffic outside of our shop; the larger vehicles cannot be passed easily and therefore cause more major issues.

I believe the applicant has underestimated the bulkiness of beach items. To solve the potential traffic issues would the applicant be able to meet the delivery vehicle at the loading bay at the top of the bank opposite The Victoria Hotel as we do with many of our deliveries in larger vehicles.

#### **A Ackers, 46 Convent Way, Whitby**

Object. Over development in this area and not in keeping with the area especially as it is part of the national park. Original planning was subject to strict conditions, and it would appear nothing has changed so why would the conditions change?

#### **S Yorke, 8 Carron Crescent, Acomb Park, York**

Object to these variations as this extension was only supposed to be used as a prep area but it appears this is now not the case with freezers or fridges and merchandise now popping out of the building that will look unsightly and spoil the look of the area.



I also feel this will further add to overdevelopment of this area.

### **Consultation expiry**

4 January 2024

### **Background**

The Quarterdeck comprises a 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.

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. There were a large number of objections to that application, concerned about the impact on the character of the area and additional activity that this use may generate, along with concerns about the impact on the viability of other businesses in the area. Consequently, the planning permission that was granted had a number of conditions attached, including one which listed what produce could be sold from the tea hut and what equipment they could have on site. The list is as follows: -

Hot drinks, Soups, Hot Sandwiches, Toasted Panini, Toasted Sandwiches, American style Hot Dog, Pizza Slices, Warm freshly baked scones, Donuts machine, Waffle toaster, Crepe griddle, Small tabletop fryer not exceeding 8 litres capacity, Any cold food and cold drinks.

This development has been completed and the tea hut is operating.

Planning permission was subsequently approved in 2021 for a small side extension to provide an improved preparation area. This extension measures 2.74m wide and the same depth and height as the existing building. The framework of this extension has been constructed but it is not yet complete. Conditions were attached to this approval requiring the use to be as restricted by the original permission and that the extension be constructed in accordance with the approved plans.

This current application seeks to amend the window and door design to allow external access to a fridge/freezer and also to extend the scope of what they are able to sell to include the sale of beach toys, equipment, and seaside memorabilia. The opening would be 1.5m high from the floor by 0.85m wide with twin Siberian Larch doors to match the existing.

In support of the application and in response to third party comments, the applicant sets out the following: -

Due to re-organisation of the inside the window is no longer required, as this is for internal fridge and freezer storage area only. We wish to speed up the counter serving at

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peak times, by allowing the customers to choose from the display fridge, whilst waiting to be served.

We also wish to add non food goods available to sell to the public as we have been asked on many occasions to sell books for trails and walks, tide times tables and village information etc.

Third parties do have justifiable concerns with traffic problems within Robin Hoods Bay. However, larger retailers of beach goods in the area may use a larger Luton type vehicles to deliver to their shops but I would assure you any purchases and subsequent deliveries to the Galley will be made just once a year, in bulk and to our storage barn, in the Fisherhead area of Robin Hoods Bay. From there, they will be carried on foot, in small quantities, with our normal stock, as and when required. It is totally implausible to say there would be large Luton vans causing congestion; where would such large quantities be stored, on the Quarterdeck, within a small tea hut?

The Galley on the Quarterdeck has very few large deliveries; just once a week and on a Friday afternoon. The same vehicle also delivers to other outlets in Robin Hoods Bay and the Dock area. The rest of our deliveries happen in small quantities, generally by car.

Congestion in the lower Bay is usually caused by inexperienced holiday makers driving down, or indeed parking on the double yellow lines, preventing other drivers passing.

## **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  
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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 principle of this development has already been agreed and the permission implemented, including the sale of a variety of hot and cold foods.

The main issues in this instance are therefore considered to be whether the installation of a larger opening to allow external access to a fridge would have a detrimental visual impact on the building or the character of the locality and whether the sale of a selection of non-food goods would have any greater impact on activity levels and the character of the area than that allowed under the existing permission.

### **Physical alterations**

In terms of the larger opening on the front elevation, to enable external access to the fridge, it is not considered that this change in design would have a detrimental impact on the appearance of the building or on the character of the locality.

### **Produce sold**

In terms of the type of produce sold, it is not considered that addition of non-food goods would have any impact on the character of the locality or activity levels given the suggested delivery arrangements. Initial concerns with the original application had been about litter and smells (particularly from hot foods), and this proposal would not generate these. The building is of a limited scale, and this will automatically restrict the level of sales from the premises, particularly with a condition to limit external displays, which could result in a detrimental impact on the amenities of the area. Consequently, there are no material planning reasons to prevent some non-food goods to be sold.

### **Highways and traffic**

Concerns have been expressed regarding the additional delivery vehicles that this proposal would result in. However, the amount of produce taken to and stored is limited by the small scale of the building and it is not considered that the wider variety of goods sold would result in a significant increase in traffic movements and the Highway Authority have no objection to the proposals.

### **Conclusion**

In view of the above, it is considered that the changes proposed do not materially affect the character and nature of the development already approved and would not have any different impact on residential amenity or the character of the conservation area than the scheme already approved.

In view of the above approval is recommended.

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

The proposal is not considered to unduly affect any people with protected characteristics.

### **Pre-commencement conditions**

Not applicable.

### **Contribution to Management Plan objectives**

Approval is considered likely to help meet Outcome 5 which seeks to create a place that supports a diverse and innovative low carbon economy.

### **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 confirmed to the applicant/agent that the development is likely to improve the economic, social, and environmental conditions of the area.