

Date: 28 February 2019  
Our ref: 271054  
Your ref: NYM/2018/0831/CU



North York Moors National Park Authority

**BY EMAIL ONLY**

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

Dear Sir/Madam

**Planning consultation: Change of use of shop to tea room (retrospective)  
Location: Morwen le Faye, New Road, Robin Hoods Bay**

Thank you for your consultation on the above dated and received by Natural England on 18 January 2019.

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 sites

Natural England's advice on other natural environment issues is set out below.

**European sites - Beast Cliff-Whitby (Robin Hood's Bay) Special Area of Conservation**

Based on the plans submitted, Natural England considers that the proposed development will not have likely significant effects on the above site and has no objection to the proposed development. To meet the requirements of the Habitats Regulations, we advise you to record your decision that a likely significant effect can be ruled out.

**Robin Hood's Bay: Maw Wyke to Beast Cliff Site of Special Scientific Interest**

Based on the plans submitted, Natural England considers that the proposed development will not damage or destroy the interest features for which the site has been notified and has no objection.

**Landscape advice**

The proposed development is for a site within or close to a defined landscape namely North Yorkshire & 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 173 of the National Planning Policy Framework. It states:

*173. Within areas defined as Heritage Coast (and that do not already fall within one of the designated areas mentioned in paragraph 172), 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 55) that *“For the purposes of paragraph 172 and 173, 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 [consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk).

Yours faithfully  
Dawn Kinrade  
Consultations Team

## **Annex A – Additional advice**

Natural England offers the following additional advice:

### **Best and most versatile agricultural land and soils**

Local planning authorities are responsible for ensuring that they have sufficient detailed agricultural land classification (ALC) information to apply NPPF policies (Paragraphs 170 and 171). This is the case regardless of whether the proposed development is sufficiently large to consult Natural England. Further information is contained in [GOV.UK guidance](#)

Agricultural Land Classification information is available on the [Magic](#) website on the [Data.Gov.uk](#) website. If you consider the proposal has significant implications for further loss of 'best and most versatile' agricultural land, we would be pleased to discuss the matter further.

Guidance on soil protection is available in the Defra [Construction Code of Practice for the Sustainable Use of Soils on Construction Sites](#), and we recommend its use in the design and construction of development, including any planning conditions. *Should the development proceed, we advise that the developer uses an appropriately experienced soil specialist to advise on, and supervise soil handling, including identifying when soils are dry enough to be handled and how to make the best use of soils on site.*

## Protected Species

Natural England has produced [standing advice](#)<sup>1</sup> to help planning authorities understand the impact of particular developments on protected species. We advise you to refer to this advice. Natural England will only provide bespoke advice on protected species where they form part of a SSSI or in exceptional circumstances.

## Local sites and priority habitats and species

You should consider the impacts of the proposed development on any local wildlife or geodiversity sites, in line with paragraphs 171 and 174 of the NPPF and any relevant development plan policy. There may also be opportunities to enhance local sites and improve their connectivity. Natural England does not hold locally specific information on local sites and recommends further information is obtained from appropriate bodies such as the local records centre, wildlife trust, geoconservation groups or recording societies.

Priority habitats and Species are of particular importance for nature conservation and included in the England Biodiversity List published under section 41 of the Natural Environment and Rural Communities Act 2006. Most priority habitats will be mapped either as Sites of Special Scientific Interest, on the Magic website or as Local Wildlife Sites. List of priority habitats and species can be found [here](#)<sup>2</sup>. Natural England does not routinely hold species data, such data should be collected when impacts on priority habitats or species are considered likely. Consideration should also be given to the potential environmental value of brownfield sites, often found in urban areas and former industrial land, further information including links to the open mosaic habitats inventory can be found [here](#).

## Ancient woodland, ancient and veteran trees

You should consider any impacts on ancient woodland and ancient and veteran trees in line with paragraph 175 of the NPPF. Natural England maintains the Ancient Woodland [Inventory](#) which can help identify ancient woodland. Natural England and the Forestry Commission have produced [standing advice](#) for planning authorities in relation to ancient woodland and ancient and veteran trees. It should be taken into account by planning authorities when determining relevant planning applications. Natural England will only provide bespoke advice on ancient woodland, ancient and veteran trees where they form part of a SSSI or in exceptional circumstances.

## Environmental enhancement

Development provides opportunities to secure net gains for biodiversity and wider environmental gains, as outlined in the NPPF (paragraphs 8, 72, 102, 118, 170, 171, 174 and 175). We advise you to follow the mitigation hierarchy as set out in paragraph 175 of the NPPF and firstly consider what existing environmental features on and around the site can be retained or enhanced or what new features could be incorporated into the development proposal. Where onsite measures are not possible, you should consider off site measures. Opportunities for enhancement might include:

- Providing a new footpath through the new development to link into existing rights of way.
- Restoring a neglected hedgerow.
- Creating a new pond as an attractive feature on the site.
- Planting trees characteristic to the local area to make a positive contribution to the local landscape.
- Using native plants in landscaping schemes for better nectar and seed sources for bees and birds.
- Incorporating swift boxes or bat boxes into the design of new buildings.
- Designing lighting to encourage wildlife.
- Adding a green roof to new buildings.

You could also consider how the proposed development can contribute to the wider environment and help implement elements of any Landscape, Green Infrastructure or Biodiversity Strategy in place in your area. For example:

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<sup>1</sup> <https://www.gov.uk/protected-species-and-sites-how-to-review-planning-proposals>

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- Links to existing greenspace and/or opportunities to enhance and improve access.
- Identifying opportunities for new greenspace and managing existing (and new) public spaces to be more wildlife friendly (e.g. by sowing wild flower strips)
- Planting additional street trees.
- Identifying any improvements to the existing public right of way network or using the opportunity of new development to extend the network to create missing links.
- Restoring neglected environmental features (e.g. coppicing a prominent hedge that is in poor condition or clearing away an eyesore).

### **Access and Recreation**

Natural England encourages any proposal to incorporate measures to help improve people's access to the natural environment. Measures such as reinstating existing footpaths together with the creation of new footpaths and bridleways should be considered. Links to other green networks and, where appropriate, urban fringe areas should also be explored to help promote the creation of wider green infrastructure. Relevant aspects of local authority green infrastructure strategies should be delivered where appropriate.

### **Rights of Way, Access land, Coastal access and National Trails**

Paragraphs 91 and 170 of the NPPF highlights the important of public rights of way and access. Development should consider potential impacts on access land, common land, rights of way and coastal access routes in the vicinity of the development. Consideration should also be given to the potential impacts on the any nearby National Trails. The National Trails website [www.nationaltrail.co.uk](http://www.nationaltrail.co.uk) provides information including contact details for the National Trail Officer. Appropriate mitigation measures should be incorporated for any adverse impacts.

### **Biodiversity duty**

Your authority has a [duty](#) to have regard to conserving biodiversity as part of your decision making. Conserving biodiversity can also include restoration or enhancement to a population or habitat. Further information is available [here](#).

**From:**  
**To:** [Planning](#)  
**Subject:** Responses to applications from Fylingdales Parish Council  
**Date:** 26 February 2019 09:28:05

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**NYM/2018/0831/CU** Application for change of use of shop (Use Class A1) to Tea Room (Use Class A3) (retrospective) at Morwen le Faye, New Road, Robin Hood's Bay.

No objections. The following concerns were raised:

It would be better if the felt roof was slate to match the rest of the building.

The chimney is too near the dormer window which raises health issues concerning fumes.

Virginia Ramsey.

Date: 6 February 2019  
Our ref: 271054  
Your ref: NYM/2018/0831/CU



North York Moors National Park Authority

**BY EMAIL ONLY**

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

Dear Sir/Madam

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Location: Morwen le Faye, New Road, Robin Hoods Bay**

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Yours faithfully  
Dawn Kinrade  
Consultations Team



## Annex A – Additional advice

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### Environmental enhancement

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



**LOCAL HIGHWAY AUTHORITY  
CONSIDERATIONS and RECOMMENDATION**

**Application No:** **NYM18/831/CU**

**Proposed Development:** Application for change of use of shop (Use Class A1) to Tea Room (Use Class A3)  
(retrospective)

**Location:** Morwen le Faye, New Road, Robin Hoods Bay

**Applicant:** Mr Peter Lightwing

**CH Ref:** **Case Officer:** Ged Lyth

**Area Ref:** 4/29/687 **Tel:**

**County Road No:** **E-mail:**

**To:** North York Moors National Park Authority  
The Old Vicarage  
Bondgate  
Helmsley  
YO62 5BP **Date:** 7 February 2019

**FAO:** Harriet Frank **Copies to:**

**Note to the Planning Officer:**

In assessing the submitted proposals and reaching its recommendation the Local Highway Authority has taken into account the following matters:

The proposed change of use is not expected to have any significant impact on the amount of traffic going to and from the site.

Consequently there are **no local highway authority objections** to the proposed development

**Signed:**

**Issued by:**

Whitby Highways Office  
Discovery Way  
Whitby  
North Yorkshire  
YO22 4PZ

*For Corporate Director for Business and Environmental Services*

**e-mail:**

**LOCAL HIGHWAY AUTHORITY  
CONSIDERATIONS and RECOMMENDATION**



Continuation sheet:

Page 2 of 2

Application No:

**NYM18/831/CU**



# NORTH YORKSHIRE FIRE & RESCUE SERVICE

NYFRS Reference:

Premises: 00388621  
Job: 1166100

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

When telephoning please ask for: J Butterfield

05 February 2019

Dear Sir or Madam

**Tea Room, New Road, Robin Hoods Bay, Whitby, YO22 4SF**

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

Receipt is acknowledged of your planning communication:

Dated: 18 January 2019  
Your Ref No: NYM/2018/0831/CU

Your communication has been dealt with as follows:

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/yourdata](http://www.northyorksfire.gov.uk/about-us/yourdata).

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/key-documents/links-registers](http://www.northyorksfire.gov.uk/about-us/key-documents/links-registers).

Tea Room  
New Road  
Robin Hoods Bay  
Whitby  
YO22 4SF

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

Yours faithfully

**J Butterfield**

**From:**  
**To:** [Planning](#)  
**Subject:** NYM/2018/0831/CU  
**Date:** 25 January 2019 12:44:08

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Application for change of use of shop (Use Class A1) to Tea Room (Use Class A3)  
(retrospective) at Morwen le Faye, New Road, Robin Hoods Bay

Commercial Regulation – Environmental Health

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Having reviewed the above application I have no comments to make from a commercial regulation perspective.

Regards

Adele

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