

North York Moors National Park Authority

Scarborough Borough Council (North) Parish: Fylingdales	App No. NYM/2018/0177/FL
--	---------------------------------

Proposal: erection of timber tea hut serving hot and cold refreshments and construction of 1.5 metre high gabion basket retaining wall

Location: land in front of Beacholme on Quarterdeck, Covet Hill, Robin Hoods Bay

Applicant: Ghyll Wood Developments Ltd, fao: Mr Graham Kemp, Beacholme, Covet Hill, Robin Hoods Bay, Whitby, YO224SN

Date for Decision: 29 May 2018

Grid Ref: NZ 495292 504811

Director of Planning's Recommendation

Approval subject to no adverse comments from Yorkshire Water & Scarborough Borough Council land stability team and the following conditions:

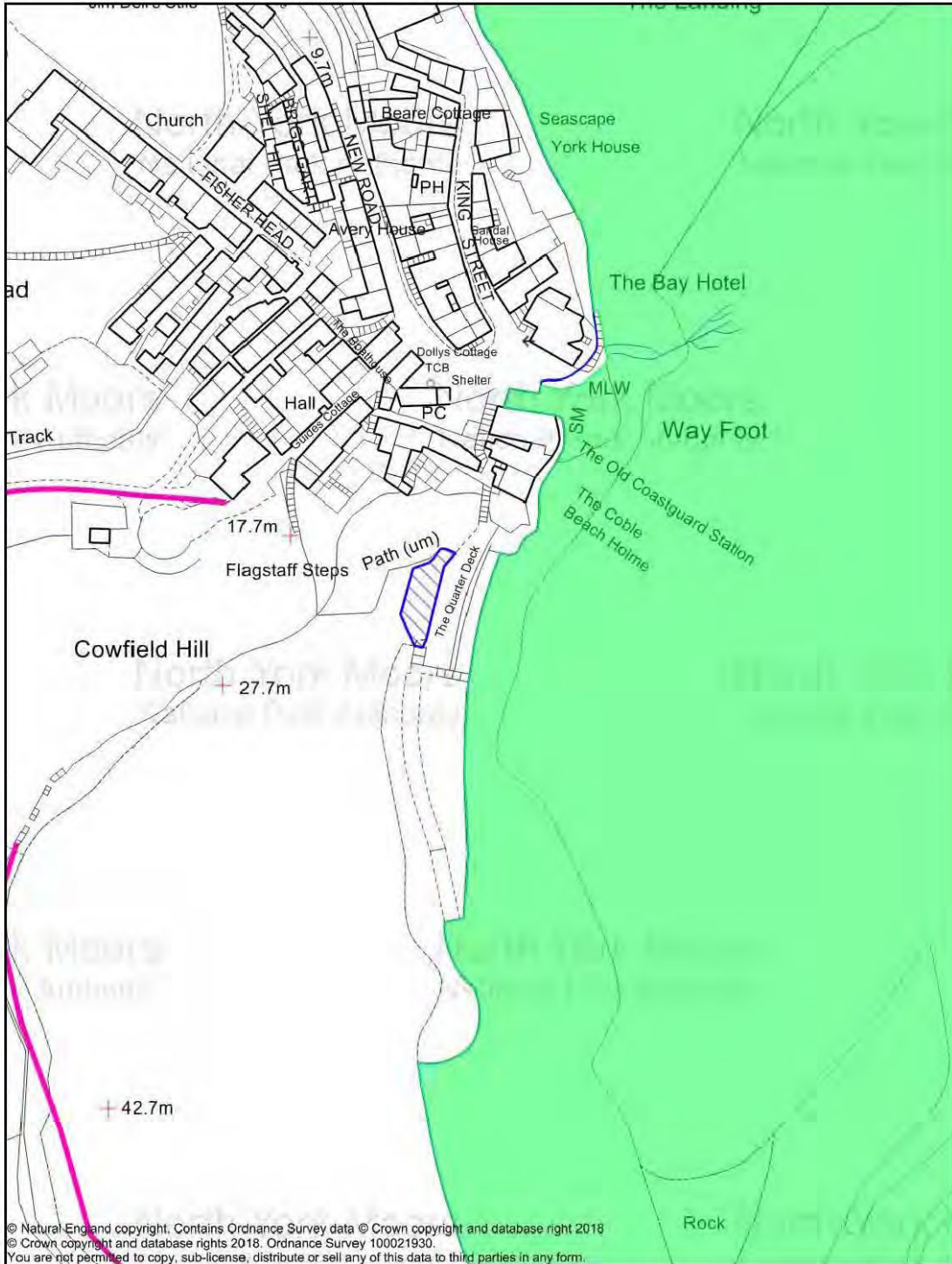
1.	TIME01	Standard Three Year Commencement Date
2.	PLAN02	Strict Accordance With the Plans/Specifications or Minor Variations
3.	RSUO01	Use Restricted to That Specifically Proposed (Tea Hut) (Class A5)
4.	GACS06	Customer Opening Hours (tea hut) (0900hrs)(1830hrs)(0900hrs)(1830hrs)
5.	MATS00	No work shall commence on the construction of the roof of the development hereby permitted until details of the roof material, including samples if so required by the Local Planning Authority, to be used in the development have been submitted to and approved in writing by the Local Planning Authority. The roof material used shall accord with the approved details and shall be maintained in that condition in perpetuity unless otherwise agreed with the Local Planning Authority.
6.	MATS26	Timber Cladding (tea hut)(horizontal timber boarding)
7.	MATS28	Timber Cladding Samples
8.	MATS30	Doors – Details of Construction to be Submitted
9.	MATS40	Detailed Plans of Window Frames Required
10.	LNDS01	Landscaping Scheme Required (planting of the stone gabions and excavated area)
11.	LNDS10	Details of Hardsurfacing to be Submitted
12.	LNDS00	No work shall commence on the installation of the stone gabion baskets until full details of stone to be used have been submitted to and approved in writing by the Local Planning Authority. The stone gabions shall then be installed in accordance with the approved details and shall be maintained in that condition in perpetuity.
13.	MISC00	No work shall commence on the installation of the waste bin until full details of the location and appearance of bin have been submitted to and approved in writing by the Local Planning Authority. The bin shall then be installed in accordance with the approved details and shall be maintained in that condition in perpetuity.
14.	MISC00	No work shall commence on site to level the land until a statement detailing the method of excavation has been submitted to and approved in writing by the Local Planning Authority. The statement shall provide for details of the stages of excavation and machinery used. The work shall not be carried out otherwise than in accordance with the details so approved.



North York Moors National Park
 Authority
 The Old Vicarage
 Bondgate
 Helmsley YO62 5BP
 01439 772700

Application Number: NYM/2018/0177/FL

Scale: 1:1250





Application No: NYM/2018/0177/FL

15.	DRGE02	No work shall commence on excavation works to install drainage to serve the development hereby permitted until full details of the proposed means of surface water drainage have been submitted to and approved in writing by the Local Planning Authority. The development shall not be brought into use until the drainage works have been completed in accordance with the approved details.
16.	DRGE00	Any land drainage uncovered in the works hereby approved shall remain in place and/or be diverted to the satisfaction of the Local Planning Authority.
17.	DRGE00	Development shall not commence until measures designed to protect the 1800mm diameter sewer and 300mm diameter overflow pipe that are laid within the site boundary have been implemented in full accordance with details that have been submitted to and approved by the Local planning Authority. Furthermore, the protection measures shall apply to all phases of the development

Informatives

1. Please note that any advertising will require separate advertisement consent and that no advance signage should be displayed in relation to this development.
2. PROW to be Kept Free From Obstruction at all Times (east and south)
3. Please note that you will require the land owners consent to re-locate the benches which are situated on the Quarterdeck.
4. The applicant should liaise with Scarborough Borough Councils Refuse Services to establish whether they will collect rubbish from an additional bin.
5. On the Statutory Sewer Map, there is 1 no. 1800mm diameter public combined sewer and 1 no. 300mm diameter Yorkshire Water maintained overflow pipe recorded to cross the site. It is essential that the presence of this infrastructure is taken into account in the design of the scheme. If the developer cannot provide a 5 (five) metre building standoff either side of this infrastructure (i.e. a protected strip width of 10 (ten) metres), a Formal Build Over agreement will be required with Yorkshire Water as the proposal is outside the scope of Part H4 of Building Regulations. The intention of this legal agreement is to protect the public sewer network and safeguard Yorkshire Water's interests and is required before the development is allowed to commence.

The developer will be responsible for all costs involved. A restricted strip will be required for future replacement of the pipeline and the building over of any access point(s) on the pipeline will not be permitted.

In order to begin this process, Yorkshire Water require the following:

- Seven copies of a layout drawing showing proposed works together with the position of the public sewer(s)
- The full contact details of the applicant's solicitor
- A method statement and drawing indicating how the public sewer is to be protected at all times during the works
- A payment of £500.00 + VAT. This covers Yorkshire Water's administration costs. If other costs are incurred, (e.g. sewer pre-cleansing, monitoring of remedial works) then the applicant will have to pay a sum of money before the agreement is signed. Please note that the costs of Yorkshire Water's solicitor are not included in this. The developer will also have to pay the costs of Yorkshire Water's solicitor.

Application No: NYM/2018/0177/FL

Informatives continued

6. It is noted from the submitted planning application that surface water is proposed to be drained to watercourse. Please note further restrictions on surface water disposal from the site may be imposed by other parties. You are strongly advised to seek advice/comments from the Environment Agency/Land Drainage Authority, with regard to surface water disposal from the site. The landowners consent will be required for the construction of a new outfall structure. As surface water from the site is not proposed to discharge to the public sewer network no assessment of the capacity of the public sewers to receive surface water has been undertaken. Should the surface water disposal proposals change further consultation with Yorkshire Water will be required.

Consultations

Parish – Original comments – Split vote – some in favour and others not in favour.

Concerns were raised over size, stability of the cliff, the smell from cooking, the rubbish that accumulate, especially that going into the sea and serving the tea hut.

Revised comments – After considering again this application the Parish Council object to it for the reasons already given. They are; concerns were raised about it being an overdevelopment, the stability of the cliff, the smell of cooking and the subsequent noise from an extractor fan, the accumulation of rubbish especially that going into the sea, and servicing the tea hut.

Other concerns raised by Councillors after looking again at the application included the lack of drainage information, the impact of cleaning products on the beach and water, inconsistency of information given particularly concerning the food and drinks to be served and the possible overcrowding on the Quarterdeck by people using the hut.

Additional Parish Council comments – Confirm that the Parish Councillors present at the last Parish Council meeting after further consideration now object to this planning application for the reasons already given.

They are; concerns about it being an overdevelopment, the stability of the cliff, the smell of cooking and the subsequent noise from an extractor fan, the accumulation of rubbish especially that going into the sea, and servicing the tea hut.

Other concerns raised by councillors after looking again at the application included the lack of drainage information, the impact of cleaning products on the beach and water, inconsistency of information given particularly concerning the food and drinks to be served and the possible overcrowding on the Quarterdeck by people using the hut.

Cllr Jane Mortimer, Fylingdales Ward – Object – I feel it is an over development for the area and the fact that there was once a small mobile hut in the area over 60 years ago does not create a precedent.

The other points I wish to raise are that A5 designation covers all sorts of refreshments from teas and coffees to burgers, kebabs, crepes etc all with chips. Where is the extraction scheme? Where will it be extracted to? I have fears over the effect on cliff stability, the drainage - where is it going and the impact. At the present time there is an ongoing problem with litter and rubbish being blown around the Quarterdeck and out to sea and this will only exacerbate the situation.

Application No: NYM/2018/0177/FL

Additional Ward comments –

Following the planning committee's site visit to the Quarterdeck I would like to make the following comments:

- The whole of beach in front of the Quarterdeck is an SSSI. The implications of this are the risks of pollution from both rubbish and dirty contaminated water from sink discharges. The scheme is for a take away, where does the rubbish caused go? There are enough problems with rubbish on the Quarterdeck as it is, if there is an off shore wind most of the bins contents finish up on the beach and therefore into the sea. The Bay itself is part of a Marine Protection area.
- The applicant suggested that the benches on the new walkway/slip to the beach from the Quarterdeck (behind the rock armour) were put there and owned by the Parish Council. They are not. I have been told they were put in by the Tourism Association.
- The applicant also suggested he would get the large quantities of spoil away from the area by a conveyor belt system across the Quarterdeck and straight onto the beach. This is across a structure he doesn't own onto an SSSI with lorries taking it from there!
- Plus of course the implications for the Marine Protection Area.
- The Quarterdeck isn't on the main route to the beach, as members would have seen most access the beach via the Dock slipway.
- Permission has not yet been agreed for the benches to be moved, as they are memorial benches permission would have to be given by their respective families.

The site is not appropriate for a large "take away" wooden structure. It is separate from the village where people can sit and relax in summer and winter.

Highways – No objections

Yorkshire Water – Object - It appears from the submitted site layout that buildings will be sited over the public sewerage system located within the site. This could seriously jeopardise Yorkshire Water's ability to maintain the public sewerage network and is not acceptable. We therefore object to the development layout as currently shown.

Revised Comments: No objections but if planning permission is to be granted, a condition should be attached in order to protect the local aquatic environment and Yorkshire Water infrastructure.

Natural England – No objections

Environmental Health – The only concern from a commercial regulation perspective is about the proposed location for the storage and collection of waste from the business.

Scarborough Borough Council – Land stability –

Scarborough Borough Council Engineering Department – No objections subject to conditions

Application No: NYM/2018/0177/FL

Consultations continued

Police – Designing Out Crime Officer – No comments

Fylingdales Village Trust –

Advertisement/Site Notice Expiry Date – 4 May 2018

Others – The following people have objected to the application for some or all of the following reasons:-

**Mr and Mrs Bancroft, Muir Lea Stores, New Road, Robin Hoods Bay
Mr D Shackleton, The Coffee Shack, 7 Laburnum Avenue, Robin Hoods Bay
Miss Evie Headlam, 24 Green Lane, Whitby
Mr Jack Marsay, Rosedale House, Thorpe Lane, Fylingthorpe
Miss Rosie Shackleton, 19 East Way, Whitby
Mrs Sue Verrill, Mariondale Fisheries, 1 & 2 Albion Road, Robin Hoods Bay
Annabel Gates, Moritzstrasse 43, Wiesbaden, Germany
Mr Jeremy Knight, Rest Haven, Sutton under Whitestonecliffe
Miss Rebecca Weston, 14 Mansfield Road, Clowne, Chesterfield
Ms Fiona Barthram, 4 Love Lane, Whitby
Ms Donna Weatherill, 19 Eastway, Whitby
Colin and Wendy Hogarth, Hawthorn Cottage, Raw
Holly Gray, proprietor of The Old Drapery, Robin Hoods Bay
Patrick Holdsworth, 3 Thorpe Lane, Robin Hoods Bay
Mr and Mrs S J Newton, Rookery Nook, Station Road, Robin Hoods Bay
Mr Dale Wood, Laurel Inn, New Road, Robin Hoods Bay
Mrs E J Gerhardsen, 11 Glen Close, Scalby
Miss Siobhan Robinson of 16 Kingfisher Drive, Whitby
Robin Hodgson, The Old Bakery, Chapel Street, Robin Hoods Bay
Ms Jessica Hogarth, Union Mill, Whitby
Tanya Kipling, 2 Beck Holme Sleights
Mr Ron DiTullio, 19502 Brookside Way, Oregon, USA
Mrs Paula Withers, 102 Chestnut Drive, Congleton, Cheshire
Mrs Louise Shackleton, The Coffee Shack, 7 Laburnum Avenue, Robin Hoods Bay
Miss Alix Wright, 15 Meadowfields, Whitby
Mr Iain Hodgson, Stanley House, High Street, Ruswarp
Tom Gray, 6 Laburnum Avenue, Robin Hoods Bay
Mr David Perry, Manor Garth, Wesley Road, Robin Hoods Bay
Mr Toby Price-Coates, 23 Mount Pleasant, Whitby
Mr Zahid Khan, 4 Crescent Avenue, Whitby
Alison Smith, Flat 4, 23 Prince of Wales Terrace, Scarborough
Graham Irving, 8 Laburnum Avenue, Robin Hoods Bay
Mrs Suzy Purves, Dollies Sweet Shop, The Dock, Robin Hoods Bay
Mr Neil Purves, Willow Dene, Church Lane, Fylingthorpe
Ms Marion Berry, Troycliffe, Albion Road, Robin Hoods Bay
Mrs Kay Hall, 29 Derwent Road, Whitby**

Application No: NYM/2018/0177/FL

Others continued

Simon Birch, Cedar Garth, Thorpe Lane, Robin Hoods Bay
Mrs Beverley Birch, Thorpe Lane, Robin Hoods Bay
Mr Robert Scott, Seaview Chapel, Chapel Street, Robin Hoods Bay
Linda Winspear, The Bay Hotel, Robin Hoods Bay
Mr Jed Draper, 43 Pannett Way, Whitby
Rebecca Oliver, Laburnum Avenue
Miss Emma Stamp, The Haven, Thorpe Lane, Robin Hoods Bay
Mrs L Houlston, Holly Barn, Low Gill Beck, Glaisdale
Rebecca Brennan, 14 Middlewood Lane, Fylingthorpe
Elizabeth Gray, 3 Loring Road, Ravenscar
Suzanne Brennan, Fern Lodge, Robin Hoods Bay
Chloe Purves, Willow Dene, Church Lane, Fylingthorpe
Lucy Tilbury, 95 Side Cliff Road, Roker, Sunderland
Carolyn Watkinson, Hallcliffe, Thorpe, Whitby
Trish Connell, Manor Garth, Wesley Road, Robin Hoods Bay
Anne Williamson, Tudor Mead, Thorpe Lane, Robin Hoods Bay

- The building would be totally out of character with the older buildings.
- It has no comparison to the original temporary little hut that was placed there seasonally until the 1950's.
- There are already plenty of businesses selling both hot and cold food which are housed in original buildings, as well as the ice cream van on the beach and the Youth Hostel at Boggle Hole. No new businesses are needed
- The village is uniquely quaint and has timeless charm but is being overrun with commercial businesses that are more about profit than being in keeping with the area.
- There are already problems with overflowing litter bins.
- Will have a detrimental effect on existing businesses.
- Concerned about drainage, the effect on buildings and landslide.
- If hot food, need to be details of extraction.
- If there are compressors, what will be put in place to restrict noise?
- Would not be an asset to the village.
- Will be an eyesore and ruin a gorgeous view.
- Will add to litter on the beach and the quarterdeck and increase the problem of seagulls.
- There are substantial differences in terms of visitor numbers and facilities already provided for visitors than in the 1950's.
- A tea hut on this heritage coastline would not be an improvement.
- The entire charm of the Bay is the walk up/down the hill and stopping in one of the numerous pubs, cafes, shops. Each business has its own individuality; but putting a hut next to the beach will put all tourists and visitors away from these places and kill them off which would be disastrous and leave the town with no individual character.
- If people stay on the beach it will decrease the economy of the village.
- This is considerably larger than the old hut and not in the same place.
- Development is unnecessary.
- Will ruin the layout of this old style fishing village and will be out of place and obscure.
- Will limit the small space which is used by family's that don't want to go on the sand and the benches will be taken over by people using the tea hut.

Application No: NYM/2018/0177/FL

Others continued

- Impact of extra traffic due to deliveries and collections.
- Concerned that the plans that show the gabion basket wall at only a metre high, but having been out and measured, the heights will be well over a metre in many places due to the steep slope of the cliff so a one metre high gabion basket wall will not be high enough.
- If the services are to run over the applicants land at the side of the steps, it should be noted that the top half of that slope to the left is owned by another house
- This will be another seasonal business, closed in the winter and only service tourists.
- Would only provide very limited employment.
- What happens if there's an electrical fire, how a fire engine would get to the hut. If the tide is in there is no access and a fire could then spread to the woodland.
- Congestion of customers on the Quarterdeck will create issues with access and egress onto the beach.
- Will detract from other businesses.
- The hut in the 50's was tiny and was when there were no other businesses and people stayed on the beach all day.
- What people enjoy about the beach is its wildness and raw natural experience and what people enjoy about the village is the variety of places that provide refreshments.
- Emergency access would be difficult, especially at high tide.
- Will you be able to stop it expanding?
- The area around is likely to become a seating area so this would become a sit down café.
- When you approach the Quarterdeck you look out over the land and sea of the Jurassic coastline – you don't want to see modern structure smelling of deep fried donuts.
- Over commercialisation.
- How will the applicant get machinery, diggers, gabion baskets, stone, spoil etc to and from the site – it will be over council or private land where there may be members of the public and children playing.
- How will it be possible to remove waste water and food waste from that area when, there are no sewers, or to have rubbish bins placed that they can be removed easily to be emptied by the council which can only drive to the dock area.
- This decomposing waste will also cause smells especially during the summer months.
- The Quarterdeck has been a peaceful area for locals and visitors alike for over 50 years to sit and watch the sea and surrounding landscape, the proposal would destroy all that in an instant.
- The benches which would be moved, are managed and looked after by the PC, who have not been consulted
- The Bay can't accommodate more vehicles so don't want to be promoting more businesses.
- Over commercialisation
- Past photos and geology information show that the cliff is constantly moving and the drainage pipes from the 1950's come out of the Quarterdeck

The following people support the application for some or all of the following reasons:-**Mr Neville Cook, 86 Mill View Road, Beverley****David and Victoria Lofthouse, Cliffroyd, Covet Hill, Robin Hoods Bay****Mr Jonathan Sands of Sharow End, Sharow Lane, Ripon****Mr Richard Nicholls of 9, Copandale Road, Beverley****Mr Keith Spence and Jean Mallalieu, Heather House, Whitby Road, Robin Hoods Bay****Mr Neil Cantril, 37 Amber Wharf, Shipley****Karen Eckstein and Mr Dan Beishon, 53 Prospect Road, Burley in Wharfedale**

Application No: NYM/2018/0177/FL

Others continued

Mrs Gaynor George, Laurel Bank, 47 Hough Top, Leeds
Mr Stuart Clark, 62 Georgian Way, Bridlington
Mr Gordon Wearmouth, 31 Norlington Close, Orlingbury, Kettering
Alistair Alderson and Stephen Fawthrop, Browside Farm, Ravenscar

- The tea hut will be a nice addition to the village and a useful amenity given its proximity to the beach.
- Being able to get refreshments on the beach is a brilliant idea and will give the area a boost.
- The design in natural wood will be in keeping with the area.
- Most places in the world have a beach café restaurant or ice cream place where one can sit and enjoy the view and watch the children play. Robin Hoods Bay seriously lacks this basic level of amenity. The comments received about a simple tea room are ludicrous and dramatic in the extreme. It feels like a personal vendetta has been launched. Robin Hood Bay will benefit from this sympathetic development which will encourage people to come and stay and use the other facilities in Robin Hood Bay. It encourages people to stay in the holiday lets, it encourages people to shop in the gift shops and it therefore encourages active and productive employment.
- We are looking for a cottage to buy in Robin Hoods Bay and can't see why so many people are complaining. We thought the quirky design of the roof was interesting, but in keeping, the neutral colours will be appropriate to the area and it is positioned well out of the way. We love the idea of getting a nice cup of tea and coffee and a slice of cake and taking it onto the beach, without having queue to get into one of the other establishments, which we have done on many occasions at peak holiday time. There is actually very limited time available on the beach, before the tide comes back.
- This will have minimum impact on the village and will be run to the highest standards, in terms of noise, litter, deliveries etc. especially as the applicant's house looks over the site.
- Support as have often wondered why there isn't already such a facility. It will be inconspicuous and is of interesting design.
- The beach lacks such a facility and it will add greatly to the overall picture. What is proposed is an appropriate and practical way to keep tourism alive in the Bay. Issues such as construction, access, waste management must all be considered but are not insurmountable.
- This is a haven for tourists and this application will fill a gap in the market of facilities.
- Re-creating past heritage, however, do agree that the village needs expanded parking to cope.
- Demand for refreshments in Bay often appears to exceed availability and this would be a Welcome addition to the many visitors whom the current local businesses rely on. The visual/environmental impact looks minimal.

Background

This application seeks full planning permission 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.

The proposed building would be sited to the northern side of the Quarterdeck, on a level area partly created by a small amount of excavation into the hillside. This modest excavated area would be supported at the rear with retaining wall constructed from gabion baskets. The

Application No: NYM/2018/0177/FL

Background continued

hut building would be clad in horizontal tongued and grooved timber boarding with a curved dark grey roof. Doors and windows would also be timber. The building would measure 4m wide x 3m deep with a maximum roof height of 3m, with a small store building at the side that would measure 0.9m wide x1.7m deep. The front of the tea hut building would have two pairs of full height bi-fold doors which would hinge back when open to create a serving area, which would comprise a counter at 1m high and a glass refrigerator display underneath. These doors would also contain menus. A small fixed menu board would also be displayed at either end of the building.

No toilet facilities are proposed.

In terms of waste water it is proposed that this will discharge directly into a chamber containing a twin pump macerator sewage station, located at the bottom of the Quarterdeck steps on the applicants land. It is proposed that this will discharge directly into the spare inlet of the manhole serving Beacholme at the top of the Quarterdeck.

The applicant proposes to install a new public bin to the right hand side of the tea hut, on the applicants own land.

The sewerage station will be completely out of sight and consists of a small tank around 1m deep, with a submersible pump. The only visible part will be a manhole cover on the surface of my land, situated to the left side of the main steps.

I have already had a viable quotation from Northern Power grids for an electricity supply, which will be a cable will run, in a trench, up the side of the council steps, on my own land.

The pumped sewer water and the mains fresh water will also run in the same trench.

The land for seating on the upper Quarterdeck belongs to Scarborough Borough Council who has no objection to two benches being re-located.

In relation to the Parish Council comments, I would not consider the site itself overdeveloped and the proposal would service a new set of clientele, wishing to enjoy as much of the beach and sea views, during their stay. Stability of the cliff has been addressed by the SBC engineer and there has been no obvious movement or soil slippage during the nine years I have lived here and overlooked the Quarterdeck. In terms of cooking smells, the front of the hut will be open to the atmosphere, so it is not intended to install an extraction system, and there are no plans to install deep fat fryers.

All rubbish, at the moment, originates from the existing businesses, who make no effort to recover. Being directly in front of my own residence, I collect their packaging on a daily basis and will continue to do so. There will be two additional bins, sited next to the proposal for recyclable and none-recyclable.

Internal rubbish will be taken by operative to the Council Bin store, 75 metres away, on a regular basis. All cups, straws and packaging will be sourced as fully recyclable.

In terms of the general objections, I would make the following points:

- The proposal is different to the old buildings, but it is designed to blend into the background of the cliff side. It would be much more aesthetically pleasing than the original tea hut, which was basically a plywood box.
- It is proposed to be mounted on wooden sleepers but as we intend this service the tourists needs all year round, it would not be removed during the winter season.

Application No: NYM/2018/0177/FL

Background continued

- The NYMNP tourism statistics clearly show tourism has grown massively in the past years. Importantly, NYMNP statistics show of all the activities of tourists, when visiting, 79% rated food and drink as their nett most important factor. Therefore, the proposal will cater for the increase in this demand.
- Yes, the village is uniquely quaint and the proposal is on the edge of this and I firmly believe putting effort in an enhancing the area I reside.
- Competition is healthy; it encourages other businesses to provide a better service and presentation of their businesses to the tourist.
- Compressors – This is a term applied to older large scale commercial refrigeration. Modern day fridges and freezers, of the type proposed in this application, are as quiet as a residential appliance.
- The proposal will augment existing businesses and give a wider choice to the Tourists.
- In terms of litter, as my part in the Tourism Association and resident overlooking the Quarterdeck, I am already in conversations with Elien Gillott of SBC Environment Health regarding seagull signs, of the type already displayed in Scarborough and Whitby. I am lobbying them to have the same in Robin Hoods Bay, to discourage tourists feeding the seagulls.
- The proposed tea hut will be sited behind one of the most environmentally unfriendly substances, concrete. However, the Quarterdeck is also the most important structure used to protect the village. The proposed hut would blend unobtrusively into the backdrop of the concrete Quarterdeck, which forms a boundary between the village and continuation of our Heritage Coastline.
- The tea hut is a one off and fits this description “Each business has its own individuality”. Tourists have to pass all the other businesses in order to get to the proposal and beach and again when they leave the beach.
- The tea hut will service the needs of the people already on the Quarterdeck. There is ample seating, for everyone, on the upper and lower quarterdeck.
- Impact of traffic – any supplies to the proposal will be made during off peak times, as the existing businesses do now.
- Fire – This will be addressed under building regulations and there is no woodland above the tea hut, just bushes and ground cover.
- Congestion onto the beach – I do not envisage the ques waiting to be served, which would congest the Quarterdeck. There is a slip road on the lower Quarterdeck and wide steps onto the beach to accommodate pedestrians.
- Visitors expect much more choice, than was the case in the 1950’s and this will add to the overall variety – Tourism has grown exponentially, since the original tea hut was on this site.
- The raw nature experience begins after the concrete Quarterdeck and rock armour. The tea hut will provide more variety and a unique addition.
- This will not be a sit-down café, it is a takeaway.

This application was deferred from Committee in May in order for Members to undertake a site visit to consider the proposal in the context of the wider site. This took place on 1st June 2018.

Main Issues

Policy Context

Core Policy A of the NYM Local Development Plan seeks to ensure that new development conserves and enhances the Park’s special qualities; with priority being given to ensuring

Application No: NYM/2018/0177/FL

Main Issues continued

development does not detract from the quality of life of local residents, supports the character of a settlement and strengthens and diversifies the rural economy.

Core Policy G of the NYM Local Development Framework seeks to ensure that the landscape, historic assets and cultural heritage of the National Park are conserved and enhanced, with particular protection being given to those elements which contribute to the character and setting of Conservation Areas.

Core Policy H of the NYM Local Development Framework seeks to strengthen and support the rural economy by providing local communities with a range of opportunities for entrepreneurship.

Development Policy 4 of the NYM Local Development Framework seeks to ensure that development within or immediately adjacent to a Conservation Area either preserves or enhances the character and appearance or setting of the area and that the scale, proportions, design and materials respect the existing architectural and historic context with particular reference to traditional buildings, street patterns, the relationship between buildings and spaces and views into and out of the area.

Development Policy 14 seeks to ensure that new tourism development and the expansion or diversification of existing tourism businesses will be supported where the proposal will provide opportunities for visitors to increase their understanding, awareness and enjoyment of the special qualities of the National Park; where the development can be satisfactorily accessed from the road network or by other sustainable modes of transport including public transport, walking, cycling or horse riding; where the development will not generate an increased level of activity and where it will make use of existing buildings unless the facility can't be accommodated in an existing building in that location.

The main issues in this instance are whether the siting of this hut would unduly harm the character and amenities of the area, and have a detrimental impact on the vitality of the village.

Design, Materials and Impact on Conservation Area

The proposed tea hut is of modest scale and attractive form and constructed from light weight timber cladding with a curved plywood roof. It would occupy a small area to the rear of the Quarterdeck, which is a concrete terraced area formed on the cliffside associated with the construction of the sea defences. The character of the Quarterdeck is municipal, with concrete surfaces, steel balustrade and benches. The cliffside is characterised by rough vegetation. The cliffside would be subject to small scale excavation to accommodate a deck for the tea hut, with the ground retained by gabion walls. There is evidence that a tea hut of similar scale occupied a similar siting within the vicinity in the 1950s. The Quarterdeck is within the Robin Hoods Bay conservation area but appears in the context of the cliffside rather than the historic townscape.

The 1990 Planning Act requires that consideration be given as to whether development within the Conservation Area preserves or enhances the architectural or historic character or appearance of that area. It is considered that the proposed tea hut would have negligible effect on the character or appearance of the

Conservation Area, providing all external materials and a scheme of planting to the excavated site are approved prior to work commencing.

Application No: NYM/2018/0177/FL

Impact on Character, Vitality and Amenity

Many objections have been raised to the proposal, primarily on grounds of competition and the impact on the vitality of the village that another refreshment facility would have. Whilst Officers understand these concerns, there are no Policies within the Local Development Plan which would dictate the number of units available within the different use classes. Furthermore, competition amongst businesses is not a material planning consideration. The Authority must therefore consider this application in terms of the likely effect of any increased activity levels upon the character and appearance of the area and the amenities in terms of visual and smell impacts and noise pollution. Given the modest scale of the proposed refreshment hut which would be located in an area already heavily used by visitors it is not considered that the proposed facility would unduly impact on the area in terms of activity or appearance.

It is not considered that noise and smell from the proposed facility would be significant, again due to the small nature of the development. Furthermore, no objections have been received from the Environmental Health Officer.

Access and Parking

There are two public car parks on Bank Top and additional parking at Fisherhead, therefore visitors to this area of Robin Hoods Bay arrive by foot. Concerns have been raised regarding additional traffic resulting from deliveries, but in terms of overall traffic movements to businesses in the village, it is not considered that this small scale enterprise would result in significantly greater numbers of delivery vehicles. However, the Authority recognises that there is no other suitable vehicular access to take deliveries other than from New Road and as such the Highway Authority have been consulted and have raised no objections to the application.

Land Stability

It is proposed to dig out a small part of the rising scrub land at the rear of the Quarterdeck in order to site the hut. Due to concerns regarding land stability in general in this area, Scarborough Borough Councils Engineers have been consulted and it is anticipated that their comments will have been received before the Planning Committee Meeting.

Conclusion

Subject to no adverse views from the Engineers at Scarborough Borough Council in terms of land stability it is considered that the siting of a timber tea hut in the proposed location use of the premises as a tearoom (Use Class A3 and A5) accords with Core Policies A and B, and Development Policies 4 and 14 of the NYM Local Development Framework. As such it is considered that the development would not result in any significant loss of character or amenity in this part of Robin Hoods Bay.

Contribution to Management Plan Objectives

Approval is considered likely to help meet Policies B1 and B4 which seeks to increase visitor spend and tourism facilities.

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.