

# North York Moors National Park Authority

Borough: Scarborough Borough Council (North)  
Parish: Fylingdales

Application No. NYM/2017/0023/FL

**Proposal:** variation of condition 2 (material amendment) of planning approval NYM/2015/0675/FL to allow the roofing material of the orangery extension to be partially tiled with sections of glazing

**Location:** Victoria Hotel, Station Road, Robin Hoods Bay

**Decision Date:** 13 March 2017

## Consultations

**Parish** - Support. As long as any impact of extra weight is taken into consideration to ensure the stability of the land.

**Highways** - No local highway authority objections.

**Environmental Health Officer** -

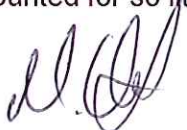
**Natural England** - No comment to make.

**Scarborough Borough Council Coastal Protection Team** - I have visited the site today and met with the applicant and a member of the Parish Council to discuss the amendment application to the orangery roof. Ms Sommerville was invited but was unable to attend. For information, I met Mrs Somerville last year (13/09/2016) on site to discuss this proposal and the potential impact it may have on her property and I was and still am of the opinion it will have no bearing on the stability of her house. The change in roof materials has a negligible effect on the ground loading and the change in material may in fact be a reduced load. The scheme will be subject to Building Regulation Approval and I would ask that the roof water is discharged to a positive outfall and not allowed to flow over the cliff edge or to soak away otherwise I have no further comments to make.

**North Yorkshire Building Control Partnership** - The only concerns are similar to those raised by SBC Coastal Protection, regarding rainwater discharge and also the foundation design with its proximity to the cliff edge but both of these will be dealt with as part of the Building Regulations application. I would imagine we will be asking for structural engineers design for the foundations to include a survey of the cliff with regard to stability.

**Site Notice Expiry Date** - 22 February 2017.

**Others** - Rowena Sommerville, Flat 2, Glenfield, Victoria Terrace, Robin Hoods Bay - Whether the change in roof material will help the extension blend in and reduce noise nuisance to neighbours, I am not sure. My concerns are to do with the effect of the building on unstable ground. I have seen considerable alteration in the cliff top land at the foot of my garden which is alongside the Victoria land. The fence Mr Fiddler erected at the sea-edge of the car park is now uneven and bowing outwards, as the land is clearly not stable enough to hold it. The site should be revisited and assessed as conditions have worsened since 2015. I am very unhappy that the intension to extend the Victoria is raising its head again but do appreciate that as permission has been granted, the owner can extend if he wishes to. I am dismayed that the voices of locals have counted for so little.

  
30th March 2017



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**(Rowena Sommerville) Further comments** - How will I know when a decision has been reached. Concerned about the risk of building on such unstable ground and the potential physical and financial risks/damage to my property. I see an evident alteration/worsening of conditions to the land in question. I knew nothing about the original application and as an immediate neighbour, it makes me wonder how robustly local opinion was recruited.

**Further comments** - During 2016 I have seen very considerable alteration/erosion of the cliff at the end of my garden, and the eroding edge carries on from my property to the Victoria – it is the seaward edge of the land where the orangery is to be built. I have lived at this property for 30 years and this is the first time that I have seen such movement. I am very concerned that disturbing/building on such unstable land will inevitably hasten land movement, thus endangering my property and hence affecting property values for the whole of Victoria Terrace. I strongly contend that the site should be reassessed, taking into consideration this recent alteration immediately next to it.

**David Smith, Catton House, Victoria Terrace** - I would also like to voice my concerns with regard to the proposed building work at the Victoria Hotel. My property is next door to that of Mrs Sommerville and is also affected by increased land slippage. As has been noted, new fences to the extended car park are leaning. It would appear that the weight of the four cars has caused the land to become unstable. I am concerned that a sizeable extension with fully tiled roof may well cause further more serious disturbance to the local topography. This is without taking into consideration the effects of construction due to the presence of heavy machinery and changes to drainage.

**John Tunaley, Milldyke, Thorpe Lane, Robin Hoods Bay** - There is no disabled access to either the toilet or garden at the moment. Have these shortfalls been addressed? Is there a maximum number of guests allowed in the garden? Will the garden fencing be renewed with fencing of a more robust nature? The Victoria wishes to cater for extra guests. Has the availability of the Village Hall been given due consideration?

### Director of Planning's Recommendation

**Approval** subject to the following conditions:

1.	TIME15	The development hereby permitted shall be commenced before the <b>15 January 2019</b> .									
2.	TIME01	The development hereby permitted shall not be carried out other than in strict accordance with the following documents: <table border="0"> <thead> <tr> <th>Document Description</th> <th>Document No.</th> <th>Date Received</th> </tr> </thead> <tbody> <tr> <td>Location Plan</td> <td>N/A</td> <td>16 January 2017</td> </tr> <tr> <td>Proposed Plan &amp; Elevation</td> <td>N/A</td> <td>16 January 2017</td> </tr> </tbody> </table> or in accordance with any minor variation thereof that may be approved in writing by the Local Planning Authority.	Document Description	Document No.	Date Received	Location Plan	N/A	16 January 2017	Proposed Plan & Elevation	N/A	16 January 2017
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Location Plan	N/A	16 January 2017									
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3.	MATS01	No work shall commence on the construction of the walls of the development hereby permitted until details of the stone, including samples if so required by the Local Planning Authority, to be used for the external surfaces of the development including for walling and dressings have been submitted to and approved in writing by the Local Planning Authority. The stone used shall accord with the approved details and shall be maintained in that condition in perpetuity unless otherwise agreed with the Local Planning Authority.									

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4.	MATS07	No work shall commence on the construction of the walls of the development hereby permitted until details of the brick, including samples if so required by the Local Planning Authority, to be used for the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority. The brick used shall accord with the approved details and shall be maintained in that condition in perpetuity unless otherwise agreed with the Local Planning Authority.
5.	MATS14	No work shall commence on the construction of the roof of the development hereby permitted until details of the roof tile, 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 tile 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.	MATS30	No work shall commence on the installation of any door in the development hereby approved until detailed plans showing the constructional details and external appearance of all external doors and frames (and glazing if included) have been submitted to and approved in writing by the Local Planning Authority. All doors shall be installed in accordance with the details so approved and shall be maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.
7.	MATS40	No work shall commence on the installation of any replacement or new windows (and glazing if included) in the development hereby approved until detailed plans showing the constructional details of all window frames to be used in the development have been submitted to and approved in writing by the Local Planning Authority. Such plans should indicate, on a scale of not less than 1:20, the longitudinal and cross sectional detailing including means of opening. The window frames shall be installed in accordance with the approved details and shall be maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.
8.	MATS62	All new window frames, glazing bars and external door frames shall be of timber construction, painted <b>to match the existing</b> within six months of the date of installation and shall be maintained in that condition in perpetuity, unless otherwise agreed in writing with the Local Planning Authority.
9.	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.

### Informative

1.	The applicant is advised that prior to the commencement of any works required to implement the permission hereby granted, an application for Building Regulations Approval will need to be submitted to and approved by the North Yorkshire Building Control Partnership (or independent equivalent). The North Yorkshire Building Control Partnership can be contacted on 01347 822703 or by e-mail at <a href="mailto:enquiries@nybcp.org">enquiries@nybcp.org</a>
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**Reason for Conditions**

1.	TIME01	To ensure compliance with Sections 91 to 94 of the Town and Country Planning Act 1990 as amended.
2.	PLAN01	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 to 5.	MATS01	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.
6 to 8.	MATS02	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.
9.	DRGE01	To avoid pollution of watercourses and to comply with the provisions of NYM Development Policy 1, which seeks to ensure that new development has satisfactory provision for the disposal of foul and surface water.



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**Background**

The Victoria Hotel is an imposing red brick under rosemary tile property and is the last property on the east side of Station Road overlooking the old village of Robin Hoods Bay. The building is well detailed with an impressive stone entrance and stone detailing throughout. Constructed as a hotel in 1897 the premises is still run as such and the current owners have invested a lot in updating and improving the standard of accommodation and facilities on offer.

A retrospective application to retain two sets of iron railings which had been installed to create two balconies serving guest suites overlooking the sea and lower village was approved in April 2012. A further retrospective application for the erection of a wedding gazebo in the front garden of the hotel, again overlooking the sea and lower village was approved in May 2013.

More recently in 2015, a temporary permission for the erection of a marquee for a temporary period over summer for use by wedding parties together with retrospective permission for the installation of a replacement flue to the side (north facing) elevation was granted.

Full planning permission for the construction of an orangery style extension to the south-east facing elevation to serve as a function room to replace the temporary marquee was approved in 2016. The orangery would extend along the front elevation of the property and occupy a level area currently used as hard-surfaced outdoor seating. The proposal extends from the front elevation by approximately 5.5 metres and is approximately 17 metres long. It is single storey construction under a lantern style roof. The design was subject to pre-application discussions and has been amended to take more influence from the architectural style of the host property including mixed materials of red brick with stone mullion detailing and simple glazing bar pattern.

As originally proposed and approved, the Orangery extension was shown to have a fully glazed roof, however, following further consideration by the applicant he now wishes to change the material to Rosemary tiles with small sections of glazing. The rationale behind the change is to ensure a better match with the host property and also to assist with sound proofing the building to alleviate concerns from residents.

**Policy Context**

The relevant policies contained within the NYM Core Strategy and Development Policy document to this application are Core Policy H (Rural Economy), Development Policy 14 (Tourism and Recreation) and Development Policy 3 (Design).

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, education and training in various ways, including allowing new employment development in Whitby Business Park, Service Villages and Local Service Villages.

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 (by classified roads) or by other sustainable modes of transport; where the development will not generate an increased level of activity; where it will make use of existing buildings and where proposals for new accommodation do not have an adverse impact on the character of the local area.

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Development Policy 3 seeks to maintain and enhance the distinctive character of the National Park by ensuring that the siting, layout and density of development preserves or enhances views into and out of the site; that the scale, height, massing, materials and design are compatible with surrounding buildings; that the standards of design details are high and complements that of the local vernacular; good quality sustainable design and construction techniques are incorporated; that there is satisfactory landscaping and that the design takes into account the safety, security and access needs for all potential users of the development.

**Main Issues**

As this application is only seeking a variation to conditions attached to a previous approval, the Authority can only consider the impact of the proposed change, rather than looking at the principle of the development as this already has approval under the previous application. The main issues therefore, are considered to be whether the proposed change to the roof design and materials are compatible with the host property in terms of visual appearance and whether there would be any greater (or lesser) impact on the amenities of neighbouring residents.

**Impact on Host Building and Wider Setting**

The Victoria Hotel occupies a prominent position within the village and on the coastline. Whilst it is not within the designated Conservation Area, it is an historical building at the gateway to the old village.

The south facing elevation is clearly visible in views leading up from New Road and the Coastal Path and although it could be regarded as a side elevation, it does contain the main entrance to the Hotel and has some attractive, original features. As such, any work to this elevation has the potential to have a dramatic visual impact and therefore must be of both a scale and design which is compatible with the host property and its setting.

The applicant worked closely with Officers from the outset to secure a design which was appropriate for the property. Overall, the proposed extension will read as a subservient addition and although the fully glazed roof was accepted in 2016, it is considered that the proposed alteration to a Rosemary tile roof represents a significant improvement to the design. The use of a matching roof material ensures the extension is not unduly prominent or reflective in longer distance views when leaving the lower village via the coastal path or New Road and it is anticipated that there will be improved opportunity to provide better noise insulation in the revised roof structure.

**Impact on Neighbouring Residents**

The Hotel is located within an area of mixed uses. Immediate neighbours include other forms of visitor accommodation and permanent residents. At the time the original application was considered, it was reported that the use of the Hotel as a wedding venue has resulted in complaints from neighbours in respect of noise nuisance from entertainment and guests leaving functions late at night. At that time, the applicant considered that the effect of any functions and parties on the residential amenity of the area will be greatly reduced by the proposed extension on the basis that a permanent structure will provide better soundproofing than the marquee it will replace.



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Few comments have been raised in respect of noise nuisance to this application. However, it is considered that the use of a tile rather than glass does provide more opportunity for insulation both in terms of heat energy and sound proofing. The applicant will be restricted to specific opening times as part of his licencing application and Scarborough Borough Council are aware of on-going Environmental Health Complaints (relating to noise and kitchen emissions).

**Highway Considerations**

The proposed change to the roof material has little highway impact as the application will not provide for any increase in visitors over and above the level considered in 2015/16. The Highway Authority has offered no objections to the proposal.

**Other Matters**

Two neighbours have raised concern in relation to land stability issues. During in the consideration of the original application, similar issues were raised and the applicant's agent was asked to confirm whether consideration had been given to the stability of the land in this location and whether the proposed extension would compromise it in any way. The applicant's agent confirmed in 2015 that remedial work was carried out to the stability of the cliff in early 2000 and there has been no movement since that time. They further added that there is a monitor pad in the car park of the Victoria Hotel to confirm this.

As neighbours reported to the Authority that they had noticed a change to the condition of the land on the coastal slope close to the Victoria Hotel, its garden and car park, Officers sought the opinions of the Scarborough Borough Council Coastal Protection Team (SBCCP) and North Yorkshire Building Control Partnership (NYBCP).

A member of SBCCP Staff visited the site in February and has confirmed that in their opinion the proposal will have no bearing on the stability of the neighbour's house and the change in roof material will have negligible effect on ground loading (it may even be reduced). The scheme will be subject to Building Regulations Approval and it is recommended that roof water is discharged into a positive outfall and not allowed to flow over the cliff edge or soakaway. NYBCP share the concerns of SBCCP in relation to rain water and have also advised that this together with eth foundation design will be dealt with as part of the Building Regulations application. It is likely that they will ask for a structural engineers design for the foundations to include a survey of the cliff.

**Recommendation**

The proposed amendment to the roof material is considered to represent a significant improvement to the design and practicality of the function room. Whilst the concerns of the Parish Council and neighbours are noted, following advice from SBCCP and NYBCP, it is considered that, subject to the necessary surveys and designs required to meet Building Regulations, the site can accommodate the proposed change to roof material.

In view of the above, approval is recommended.

**Explanation of how the Authority has Worked Positively with the Applicant/Agent**

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

