

North York Moors National Park Authority

District/Borough: Scarborough Borough Council
(North)
Parish: Fylingdales

Application No. NYM/2017/0041/CU

Proposal: installation of doors and erection of balcony to east elevation together with change of use of land and erection of decking to create enlarged seating area

Location: The Fish Box
New Road
Bank Top
Robin Hoods Bay

Decision Date: 10 July 2017

Consultations

Borough – Coastal Engineer – No objections subject to submission of foundation details for approval prior to work commencing on site.

Parish – No objections but concerns about land stability

Highways – The proposal is not expected to have any negative impact on the highway network so no highway objections.

North Yorkshire Fire and Rescue – No objections/observations

Natural England – No objections

Environmental Health Officer – No objections on food/safety grounds

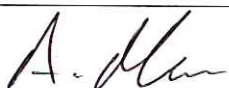
Designing Out Crime Officer, North Yorkshire Police – No comments

Advertisement Expiry Date – 7 July 2017

Others –

Patrick Holdsworth, 3 Thorpe Lane, Robin Hood's Bay – Object. Many years ago this used to be a minute sweet shop, hardly 6 feet square. It was very sad to lose the view when each time the business changed hands it increased in size. The latest plan simply puts commerce and profit ahead of the very things that attract visitors to the Bay. The business is lucky to have to have such a prime location with a lot of public seating near at hand and it should not be allowed to increase in size further.

Signature:



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Geoff Fell, Esplanade House, 1 The Esplanade, Robin Hood's Bay - Object.

The scale of the current use causes us little problem but that will change if this is approved, not only for those who live close by but for the Bay generally. What is being proposed is both obtrusive and intrusive.

There are currently 8 existing advertising hoardings on the site. The application includes a further large sign on the south elevation. Surely one sign on the north facing elevation was more than adequate

At the moment there are some 40 covers outside. The intention is to provide a further 145 sq m. which is likely to double the outside dining area, with outside seating for maybe 100 people? This, in my opinion is overdevelopment of the site. The dining area will be out of all proportion to the cooking area and it is totally out of character in this location, which is the principal entrance in to the Bay.

It will have an adverse effect on the village scene; it is the end (or beginning) of the coast to coast walk, it is on the Cleveland way; it will change the character of this part of the Bay. The additional signing will intrude further into the street scene

As far as I can see, there is no way any steps can be taken to mitigate the visual or other impact this scale of use will have on either the street scene or the views from the only other route in to the Bay, the footpath immediately to the east of the proposed development

This is the wrong location for a development of this size and I would urge the Authority to refuse this application.

Director of Planning's Recommendation

Approval subject to the following condition(s):

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| 1. | TIME01 | The development hereby permitted shall be commenced before the expiration of three years from the date of this permission. |
| 2. | PLAN02 | The development hereby approved shall be only carried out in strict accordance with the detailed specifications and plans comprised in the application hereby approved or in accordance with any minor variation thereof that may be approved by the Local Planning Authority. |
| 3. | GACS06 | The external terrace on the east elevation of the building hereby permitted shall not be open to customers outside the hours of 0900hrs to 2000hrs Mondays to Saturday and 0900hrs to 1800hrs on Sundays and Bank Holidays. Any variation to these hours will require a new grant of planning consent from the Local Planning Authority. |

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| Signature:  | Date: 10/7/17 |
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| 4 | GACS07 | No external lighting shall be installed in the development hereby permitted until details of lighting have been submitted to and approved in writing by the Local Planning Authority. The lighting shall be installed in accordance with the details so approved and shall be maintained in that condition in perpetuity. |
| 5. | GACS00 | No work shall commence on the construction of the terrace and timber decked area hereby approved until details of foundations required in connection with the development have been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in strict accordance with the approved scheme. |
| 6. | MATS00 | No work shall commence on the installation of the terrace glazing and support posts hereby permitted until details of the glazing frames, including details of material and finished colour have been submitted to and approved in writing by the Local Planning Authority. The glazing 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. |
| 7. | MATS43 | No work shall commence to stain/paint the windows in the development hereby approved until details of the paint colour/finish of the windows has been submitted to and approved in writing by the Local Planning Authority. The work shall not be carried out otherwise than in accordance with the approved details, completed 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. |

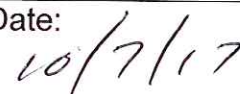
Reason for Condition(s)

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| 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&4 | GACS01 | In order to comply with the provisions of NYM Core Policy A which seeks to ensure that new development does not detract from the quality of life of local residents. |
| 5. | GACS00 | In the interests of land stability of the locality and to comply with the provisions of NYM Core Policy A which seeks to conserve and enhance the special qualities of the National Park. |
| 6. | 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. |
| 7. | 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. |

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Background

The Fish Box (previously known as Candy's Tea Room) is located at the top of the slope leading down into the bottom of Robin Hood's Bay, just to the north of the Esplanade and just within the Robin Hood's Bay Conservation Area.

The forecourt of the tea rooms is sited between New Road and the coastal slope and comprises a small paved area which has 5 or 6 picnic tables and chairs and a couple of benches. This area is defined by metal railings, the other side of which is a small grassed area and then the coastal slope.

This application seeks full planning permission to increase the amount of outside space at the side and rear with the addition of a timber decked balcony/terrace area. Both additional seating areas would be supported with posts with glazed balustrades.

It is also proposed to replace the existing rear gable window with a much larger glazed opening, mirroring the shape of the roof and to add a non-illuminated sign on the front elevation which faces down the hill towards the bottom of Robin Hoods Bay. This would fall within the criteria of the advert regulations and does not require separate advertisement consent.

This area would allow for an additional few tables to be provided for tearoom patrons. It is not proposed to alter ground levels. The amount of additional space would measure approximately 30 sq.m.

Main Issues

The relevant policies of the Local Development Plan are Development Policies 3 (Design), 4 (Conservation Area) and 14 (Tourism) and Core Policy G (Landscape and Design).

In terms of the design of the proposal and its impact on the character of the Conservation Area, it is considered that the alterations would improve the appearance of the building, albeit a colour other than white may be more appropriate for the large window frame, so that the framework becomes recessive.

In terms of activity levels and possible disturbance to the occupiers of nearby residents, many people already stop at this point on New Road having just walked up the hill from the bottom of the Bay. The proposed development relates to an existing facility which already has an outside seating area for customers. It is not considered that the modest extension to this seating area would have a significant impact on activity levels or disturbance.

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The proposed seating areas are considered to be well designed and would not alter the bulk of the building or its visual impact. The larger balcony area is also considered to be well placed at the rear of the building, overlooking a parking area and the coastal slope. It is considered that the alterations proposed would improve the appearance of the building and would not detract from the character of the conservation area.

Robin Hood's Bay is an important visitor area and is characterised by a number of outside café seating areas such that it is considered the proposal would be in keeping with the character of its surroundings. It is close to a large public car park; the public toilets and a caravan site and play area.

As such this is considered to be an appropriate development to improve an existing visitor facility that will not harm the character or appearance of the conservation and therefore the proposal accords with Development Policies 3, 4 and 14 and CPG of the Local Development Plan.

However, whilst the development is very modest, the position of the development gives rise to potential concerns about public safety and cliff slippage. The Borough Councils Engineers Department have raised no objections, providing approval of foundation details is required by condition.

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

The Local Planning Authority has acted positively in determining this application by assessing the scheme against the Development Plan and other material considerations and subsequently granting planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Signature:



Date:

