

North York Moors National Park Authority

Scarborough Borough Council (North) Parish: Fylingdales	App Num. NYM/2015/0232/FL
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Proposal: temporary erection of marquee together with erection of flue pipe (part retrospective)

Location: Victoria Hotel, Station Road, Robin Hoods Bay

Applicant: Victoria Hotel, fao: Mr Andrew Fiddler, Station Road, Robin Hoods Bay, North Yorkshire, YO22 4RL

Agent: Close, Granger, Gray and Wilkin, fao: Miss Emma Taylor, 28 Market Place, Guisborough, Cleveland, TS14 6HF

Date for Decision: 04 June 2015 **Grid Ref:** NZ 495784 505264

Director of Planning's Recommendation

Approval subject to no adverse comments from the Scarborough Borough Council, EHO and the following conditions:

1. TIME00 The marquee subject of this application is hereby permitted for a temporary period of two years and shall only be on site from 31 March to 30 September in any one calendar year. The marquee shall then be dismantled and removed from site within 21 days of the above date and the land restored to its former condition unless otherwise agreed in writing with the Local Planning Authority.
2. MATS00 The flue hereby permitted shall be retained matt black and maintained in that condition in perpetuity unless otherwise agreed in writing with the Local Planning Authority.
3. GACS00 Noise restrictions – to be agreed with EHO
4. GACS07 External Lighting - Submit Details
5. GACS00 Hours of use depending on EHO reviewing Acoustic Report

Consultations

Parish – Object - Music which has been known to go on all night greatly disturbs neighbours. Need to look at the application against the licence which states that there shall be no drinking or music outside after 10pm. The marquee is an eyesore. A gazebo has been constructed without permission.

Highways - No objection. Although no vehicular facilities are indicated in respect of these premises, there are no highway objections in principle to the application because the surrounding public roads are controlled by a Traffic Regulation Order and there are public parking facilities in the vicinity. However, it should be noted that the Highway Authority does have concerns that the proposed development will increase pressure on the already overstretched on-street parking capacity.

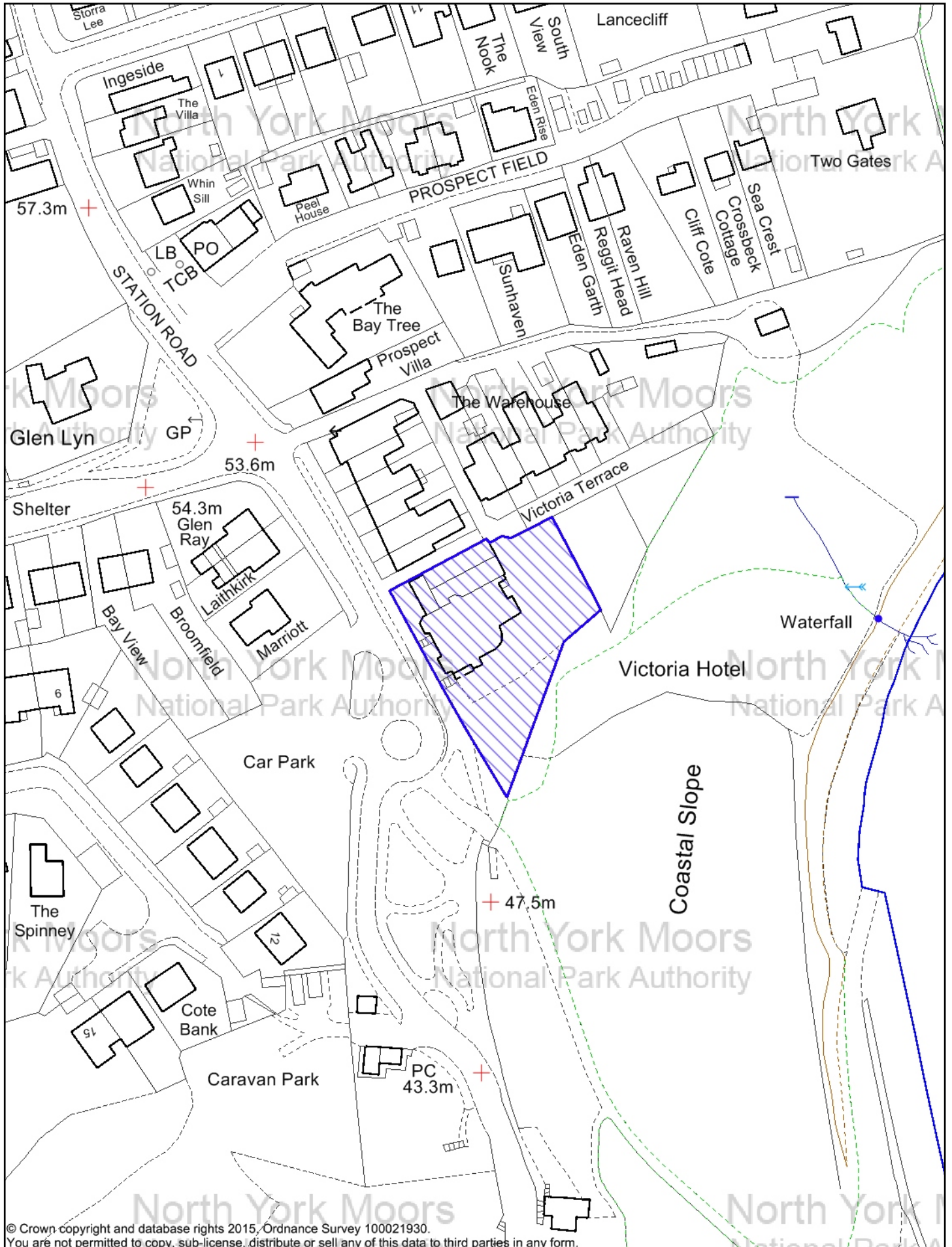
Environmental Health Officer - Have concerns with both the flue and the marquee relating to noise. Firstly we have recently had complaints about noise from the kitchen exhaust system. This is under investigation but the indications are that there is harm to the amenity of other residential properties and possibly a statutory nuisance. This appears to be mostly from a particular frequency being generated by the system and a fan being on for quite a long time. I request an acoustic report be required and until the problem is rectified, I would oppose granting this part of the application. If the



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Consultations (continued)

marquee is likely to be used for weddings and to have entertainment within it, this too may cause harm to amenity and this should also be subject to a suitable Acoustic Report.

Additional comments – No objections in terms of food and occupational safety.

Fylingdales Village Trust -

Natural England - No objection

Site Notice Expiry Date - 14 May 2015

Others - Mrs Sam Glaysher, Red House, Thorpe Lane, Fylingthorpe - Support. Mr Fiddler continues to develop the Victoria Hotel, investing in the village and providing quality services to visitors and locals alike, in a sympathetic manner. This encourages sustainable tourism parish-wide and work for local people. A perfect venue for a wedding and with unpredictable weather, a marquee is a requirement.

Mr Graham Proud, Laithkirk, Station Road, Robin Hoods Bay - Object. We have lived here for 32 years and have never suffered such nuisance as we do presently from the Victoria Hotel. The noise from the extractor flue is clearly audible in our lounge, dining room, kitchen and sun lounge despite double glazing. The outside noise is worse. From breakfast until the end of evening service we are subjected to the constant droning of the fan which has severely impacted on the enjoyment of our garden. The smell from the flue is always present when the air is still. It is currently under investigation by Scarborough Borough Council Environmental Health Team. The airflow is obstructed by the chimney behind it and when visible fumes have been emitted by the flue, airflow could be seen towards the ground. Do not believe that the installation complies with current legislation and the present installation is badly flawed. The previous flue caused no nuisance. A marquee was present all last summer causing much noise nuisance from loud live music, contravening the Hotel's strict licencing conditions regarding noise after 22:00 hrs. Also subject to noisy firework displays sometimes after midnight as well as disturbance from guests leaving the venue in the early hours. In short, The Victoria Hotel proprietor's determination to turn this hotel into a wedding/party venue is inappropriate in a residential area. He has no regard for his neighbours and constantly flouts his licencing conditions. We urge you to refuse the application.

Philip Stark, Raven House, Victoria Terrace, Robin Hoods Bay - We live adjacent to the Victoria Hotel and have a clear line of sight to the flue. We have no issues with the flue regarding either its looks or noise. If it does make a noise, we certainly cannot hear it and none of our guests have mentioned it either.

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.

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Background (continued)

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. This application seeks 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.

The marquee is of a standard design and measures approximately 6 metres by 17 metres and is positioned against the side elevation (south facing) utilising an existing hardstanding/terrace area. Although, the marquee is proposed for a side elevation, this is the south facing side of the hotel and has the main entrance door and is the elevation seen in views walking up from the old village. The application has come about following Enforcement complaints received in connect with its siting last year as a method of catering for larger wedding parties. The applicant has verbally advised Officers that the structure was in situ for approximately 11 weeks over summer last year. This application seeks permission for the erection of the marquee for a temporary period of time but the applicant has not specified a time period. Officers have requested the applicant to confirm the time period, suggesting the minimum number of weeks possible from the date of the first wedding booking to the date of the final booking.

The replacement flue has been installed as part of a full kitchen refurbishment and is larger than the previous installation, both in terms of height and diameter. The owner has painted the flue matt black to reduce its impact and has confirmed that the new fixture is of a higher specification and includes a silencer to minimise the sound impact on neighbouring properties.

It was evident at the Case Officer's site visit that a further garden gazebo had been erected in the lower quarter of the garden without planning permission. The Parish Council has raised this as part of their objection. The case officer has since written to the applicant advising him of the requirement of planning permission and has requested that the structure is removed from site forthwith.

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.

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

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Background(continued)

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

The main issues to consider with this application are whether the proposed marquee would result in a facility which supports the existing business with benefits to the wider economy, whether it would give rise to an unacceptable impact upon the residential amenity of neighbouring occupiers and whether the design of the marquee and flue are acceptable for the location.

Impact on Local Economy

The applicant has verbally advised that he has owned the Victoria Hotel for the last four years and over this time has invested a significant amount of time and money into expansion and improvements to the hotel. By utilising the former manager's accommodation, the present owner has increased the number of letting rooms and has also refurbished the hotel's public areas and kitchens. The hotel has 32 bed spaces and the current restaurant is relatively modest, serving 60 covers. Although having previously hosted smaller weddings, the owner has identified that there is very little provision within the area to cater for larger wedding parties of between 140 – 150 guests and as such, wishes to appeal to this market, taking advantage of the impressive coastal views. However, in order to accommodate these wedding parties, a marquee is essential to extend the available function space.

The owner has verbally advised Officers that wedding bookings are only accepted where exclusive use of the hotel is required. Unfortunately, this eliminates a number of local weddings but he has explained that he does not wish to let rooms to individuals who are not part of the wedding party on the basis that a wedding function is likely to disturb other guests. Therefore, the owner aims at the long distant market with many bookings coming from London and the south of England. As stated above, the hotel only has 32 bed spaces so on the occasions of larger weddings, many of the other Guest Houses and Bed and Breakfast establishments in Robin Hoods Bay benefit from extra bookings, together with non-residential facilities such as pubs, restaurants and shops.

Furthermore, a statutory purpose of the National Park is to promote opportunities for the understanding and enjoyment of the special qualities of the Park by the public. Part of the appeal of the Victoria Hotel for wedding functions is the stunning scenery and location within the National Park. It is therefore considered that the appropriate expansion of the hotel will help to provide visitors with an opportunity to enjoy this part of the National Park.

Officers have indicated that any support would be on the basis of a temporary period as this is only a temporary solution to an issue which raises several areas of planning concern.

Impact on Host Building and Wider Setting

The proposed marquee is of a standard white design with transparent 'window' sections. It is undoubtedly an obtrusive and discordant feature in relation to the Victorian character of the hotel. The marquee is prominent in many views due to the raised nature of the site and open views into the garden. It is considered that the marquee appears as an exposed and unsympathetic feature at the gateway to the Conservation Area.

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Main Issues (continued)

However, the structure is clearly temporary in nature and does not affect the fabric of the building. It is clear that the marquee serves as a useful addition to the hotel, increasing the range of services it can offer to secure a long-term viable future together with additional spin-off benefits to other businesses in the locality. On the basis that the structure is temporary in nature and is proposed as a provisional solution. The applicant has been asked to provide information of his future plans for a permanent solution. Members will be updated at the meeting. Officers consider that the proposal is acceptable subject to the specified time period on the basis that character of the area is not changed permanently.

Impact on Neighbouring Residents

A nearby resident has expressed concern regarding noise disturbance arising from both aspects of the application which impacts upon the enjoyment of their home and garden during the day and into the evening. The Environmental Health Officer has confirmed that noise nuisance associated with the extraction system is under investigation and has requested the submission of an Acoustic Report.

The applicant has commissioned a Noise Impact Assessment and submitted it to the Authority for consideration. The Environmental Health Officer was re-consulted on 01 July but at the time of writing, had not provided any comments or advice.

Subject to the comments received, and in considering the restrictions of the licence, Officers may seek to impose restrictions in relation to the playing of music during unsociable hours in order to protect the residential amenity of the area. Members will be updated at the Meeting.

Recommendation

In view of the above, Officers consider that subject to satisfactory conditions in relation to the temporary time period and general amenity, the application is an acceptable short-term solution and the applicant is encouraged to continue liaising with the Authority to find an suitable permanent solution. In view of the above, and in accordance with Core Policy H, Development Policy 3 and Development Policy 14, 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 assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.