



### **3.0 CONSULTATIONS**

#### **3.1 Internal**

Highway Network Management - No objections.

Environmental Protection - As the proposal is in advance of the publication of English legislation and advice regarding smoking shelters it is recommended that an Informative is included on the decision notice setting out that the development is 'at risk'. It is also recommended that it should be conditioned that the shelter is only used at times that the bingo hall is operating and only by customers and staff of the premises.

#### **3.2 External**

Fishergate Planning panel - No objections.

Neighbours - 24 and 25 William Court were consulted on 26 January 2007. The neighbour consultation period on this application expires on 16 February 2007. No responses had been received at the time of writing this report

### **4.0 APPRAISAL**

4.1 The shelter is proposed in advance of the smoking ban that comes into force in pubs and clubs on 1 July 2007.

4.2 The main issues in assessing the proposal are considered to be:

#### **4.3 Impact on the Streetscene**

The proposal is modern in appearance. The shelter is proposed to be located approximately 20 metres from the highway and will be situated within the uncovered car park against a relatively blank elevation of the building. In the context it is considered that it is compatible with the surrounding building and environment and complies with criterion (a) and (b) of policy GP1 (Design) of the Local Plan.

#### **4.4 Impact on Living Conditions**

The nearest properties that will be impacted upon are around 40 metres away. These are the recently built homes in William Court off Blue Bridge Lane. Subject to any comments received during the neighbour consultation period it is considered that this separation is acceptable to avoid undue harm from noise or fumes and complies with criterion (i) of policy GP1 (Design). It is the case that there is already a reasonable degree of background noise in the vicinity from Fishergate and through the use of the centre and car park.

#### **4.5 Safety**

Issues relating to the accumulation of smoke within the shelter and the related risk to users can be addressed by separate legislation. At the current time the legislation regarding smoking shelters in England has not been finalised and it is understood that in designing the shelter the applicant's have taken on board advice from

Scotland relating to the need to provide at least 50% of the structure open to the elements. An informative has been included on the recommended decision notice clarifying this matter.

It is considered that the proposal is located so that there is not a significant hazard from traffic for users walking the short distance between the shelter and the main entrance. It is located within site and sound of well-used public areas.

#### 4.6 Parking

In the context of advice regarding sustainable transport modes the loss of 2 parking spaces is not considered significant.

### 5.0 CONCLUSION

5.1 The neighbour consultation period expires on 16 February 2007. It is recommended that members be minded to approve the application subject to no new issues being raised during the outstanding consultation period and subject to this criteria officers be given delegated powers to approve the application.

### 6.0 RECOMMENDATION: Approve

1 TIME2

2 The development hereby permitted shall be carried out only in accordance with the following plans:-

261026/25 4 and 261026/167 received by the Local Planning authority on 10 January 2007.

or any plans or details subsequently agreed in writing by the Local Planning Authority as amendment to the approved plans.

Reason: For the avoidance of doubt and to ensure that the development is carried out only as approved by the Local Planning Authority.

3 The smoking shelter shall only be used by staff working at and customers visiting the bingo hall and shall not be used between the hours of 11.00 p.m. and 8.00 a.m. unless otherwise agreed in writing with the Local Planning Authority.

Reason: To avoid harm to residential amenity.

### 7.0 INFORMATIVES:

#### Notes to Applicant

#### 1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the impact on the provision of car parking, the appearance of the streetscene, public safety and neighbours' living conditions.

As such the proposal complies with Policy GP1 and appendix E of the City of York Local Plan Deposit Draft.

## 2. INFORMATIVE

The application has been submitted in advance of English guidance or legislation on the natural ventilation requirements of smoking shelters. This permission does not grant or infer the City of York Council's approval of the layout and location of the shelter in respect to any such matters relating to passive smoking.

### **Contact details:**

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