

COMMITTEE REPORT

Committee: West & City Centre Area **Ward:** Westfield
Date: 22 March 2007 **Parish:** No Parish

Reference: 07/00191/FUL
Application at: Acomb Hotel Kingsway West York YO24 3BA
For: Single storey flat roof extension to front to provide licensed betting shop (use class A2)(re-submission)
By: Coral Estates Ltd
Application Type: Full Application
Target Date: 26 March 2007

1.0 PROPOSAL

1.1 The applicant seeks planning approval to erect a single storey flat roof extension to the front of the "Acomb Hotel" to provide licensed betting shop (use class A2) (re-submission). All materials used will match the existing where appropriate.

1.2 The application site currently comprises of a hard surfaced area for the parking of vehicles used by customers to the Acomb Hotel. Access to and the front gardens of Birch Copse are located beyond the southern boundary.

1.3 This application comes before committee at the request of Cllr. Susan Galloway

Relevant History

1.4 06/02297/FUL - Single Storey Flat Roof Extension to Front to Provide Licensed Betting Shop - Refused 18th December 2006.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Air safeguarding Air Field safeguarding 0175

DC Area Teams West Area 0004

2.2 Policies:

CYGP1
Design

3.0 CONSULTATIONS

3.1 Environmental Protection Unit - No Objections (Informative Included)

3.2 Highway Network Management - No Objections. (Condition Included)

3.3 One letter of comment was received regarding the applicants' proposals. To mitigate parking problems the neighbour requested the following:-

"a white line across my driveway would be a great help"

4.0 APPRAISAL

4.1 Key Issues

- * Previous Reasons for Refusal
- * Visual Amenity
- * Highway Issues
- * Design
- * Residential Amenity

Previous Reasons for Refusal

4.2 Application 06/02297/FUL was refused for the following reasons.

"The proposed development by virtue of its prominent location, height and easterly projection to the back edge of the footway would be an unduly prominent feature in the street scene and would harm the existing visual amenity of the area and the character and appearance of the Acomb Hotel, contrary to Policy GP1 of the City of York Development Control Draft Local Plan"

4.3 The applicant has overcome the above "reasons for refusal" by addressing the following issues.

Visual Amenity

4.4 The proposed betting shop will form part of and run flush with the southern boundary wall, projecting 8.45 metres to within 5.3 metres of the adopted highway (the previous application bordered the footpath). The building will have a floor space measuring 106.89 metres sq.

4.5 A footpath serving No's 1 to 10 Birch Copse runs parallel with the aforementioned wall. The footpath in conjunction with the orientation of the proposal ensures the retention of existing visual and residential amenity, by not overshadowing or appearing overbearing.

4.6 Although the building projects forward of the "Birch Copse" building line, it is comparable with the main building line of Kingsway West and is not considered to be visually intrusive when viewed from a southerly or northerly direction.

Highway Issues

4.7 Highway Network Management have no objections to the proposals as the existing off street parking facilities are considered to be sufficient.

Design

4.8 In terms of design the applicant will incorporate and replicate the brickwork, artificial coloured stone coursing, windows, door features, concrete plinths and black rain water goods as well as door mould surrounds in order to retain the character and appearance of the original building and the visual amenity of the surrounding street scene.

Residential Amenity

4.9 The proposed betting office would be attached to the existing public house, there are a number of existing commercial uses located nearby but the surroundings are predominantly residential. The entrance of the betting office would be from the public house car park. It is considered that the proposed use would be unlikely to result in noise and disturbance over and above that existing in the area.

5.0 CONCLUSION

5.0 The applicants' proposals are considered to be acceptable in this instance and are in accordance with the provisions of policy GP1 of the Development Control Local Plan which expects that development proposals be of a scale and design that is compatible with neighbouring buildings, using appropriate materials and that residents living nearby are not unduly affected by noise and disturbance or dominated by overbearing structures.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

- 1 TIME2
- 2 The development hereby permitted shall be carried out only in accordance with the following plans and other submitted details:-

EV/COR/109/3B - Proposed Plans, Elevations and 3D Visualisations

or any plans or details subsequently agreed in writing by the Local Planning Authority as an 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 VISQ8 Samples of materials to be submitted
- 4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order), no additional doors, window or other opening additional to those

shown on the approved plans shall at any time be inserted into the external elevations of the property.

Reason: In the interests of the amenities of occupants of adjacent residential properties.

5 HWAY18 Cycle storage to be approved

6 The use hereby permitted shall be confined to the following hours:

Monday to Fridays	07.30 hrs to 22.30 hrs
Saturdays	07:30 hrs to 22:30 hrs
Sundays and Bank Holidays	07:30 hrs to 22:30 hrs

Reason: To protect the amenity of nearby occupants from noise.

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 visual and residential amenity. As such the proposal complies with Policies GP1 of the City of York Development Control Draft Local Plan.

2. Demolition and Construction - Informative

If, as part of the proposed development, the applicant encounters any suspect contaminated materials in the ground, the Contaminated Land Officer at the council's Environmental Protection Unit should be contacted immediately. In such cases, the applicant will be required to design and implement a scheme remediation to the satisfaction of the Local Planning Authority. Should City of York Council become aware at a later date of suspect contaminated materials which have not been reported as described above, the council may consider taking action under Part IIA of the Environmental Protection Act 1990.

The developer's attention should also be drawn to the various requirements for the control of noise on construction sites laid down in the Control of Pollution Act 1974. In order to ensure that residents are not adversely affected by air pollution and noise, the following guidance should be attached, failure to do so could result in formal action being taken under the Control of Pollution Act 1974:

1. All demolition and construction works and ancillary operations, including deliveries to and despatch from the site shall be confined to the following hours:

Monday to Friday 08.00 to 18.00
Saturday 09.00 to 13.00
Not at all on Sundays and Bank Holidays.

2. The work shall be carried out in such a manner so as to comply with the general recommendations of British Standards BS 5228: Part 1: 1997, a code of practice for "Noise and Vibration Control on Construction and Open Sites" and in particular Section 10 of Part 1 of the code entitled "Control of noise and vibration".

3. All plant and machinery to be operated, sited and maintained in order to minimise disturbance. All items of machinery powered by internal combustion engines must be properly silenced and/or fitted with effective and well-maintained mufflers in accordance with manufacturers instructions.

4. The best practicable means, as defined by Section 72 of the Control of Pollution Act 1974, shall be employed at all times, in order to minimise noise emissions.

5. All reasonable measures shall be employed in order to control and minimise dust emissions, including sheeting of vehicles and use of water for dust suppression.

6. There shall be no bonfires on the site

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