

EXTERNAL

3.3 Dringhouses/Woodthorpe Planning Panel - No objections to the scheme

3.4 Publicity - The application was advertised by neighbour notification letter. Four responses have been received noting the following objections:

- the proposal will aggravate the existing anti-social problems and will cause a continued public nuisance and affect the amenity of residents
- the smoking shelter will be in close proximity to residential properties including community play area and medical practice
- undesirable persons may gravitate to the shelter day and night from the nearby shopping area
- proposal is for a largely open shelter - it should be more enclosed to prevent noise and smoke being emitted
- risk that noise generated under an open sided shelter may be further amplified by the roof and back wall

The following comments were also made:

- Since the smoking ban there have been increased noise and foul language outside the pub
- the pub has no licence for outside drinking yet this takes place regularly
- complaints have been made to the pub due to loud music, noise and anti-social behaviour caused by the pub
- the building of a patio with outdoor seating does not seem to have taken place with any consideration for how to contain the noise
- the anti-social behaviour and noise results in nearby properties becoming less marketable and losing value.

4.0 APPRAISAL

4.1 KEY ISSUES:-

Visual impact on the building and the area
Impact on residential amenity

4.2 RELEVANT PLANNING POLICY

4.2.1 Draft Local Plan Policy GP1 states that development proposals will be expected to (i) respect or enhance the local environment, (ii) be of a density, layout, scale, mass and design that is compatible with neighbouring buildings, spaces and the character of the area using appropriate building materials; (iii) avoid the loss of open spaces, important gaps within development, vegetation, water features and other features that contribute to the quality of the local environment; (iv) retain, enhance and/or create urban spaces, public views, skyline, landmarks and other townscape features which make a significant contribution to the character of the area, and take opportunities to reveal such features to public view; and (v) ensure that residents living nearby are not unduly affected by noise, disturbance, overlooking, overshadowing or dominated by overbearing structures.

4.2.2 Draft Local Plan Policy GP18 states that planning permission will be granted for external attachments where their design, location, materials and colouring do not significantly detract from the visual appearance of the building or visual amenity of the area.

4.3 VISUAL IMPACT ON THE BUILDING AND AREA

The proposed smoking shelter is located to the side of The Dick Turpin public house, and would be visible from Moorcroft Road. The shelter will be constructed of timber and finished with a polycarbonate roof. In order to meet current health and safety legislation, the shelter has been designed with a minimum of fifty percent open walls and will provide limited seating. It will replace two of the four existing picnic style tables which currently allows more permanent seating outside of the premises, as allowed by the existing premises license. The smoking shelter is to be set back from the main road and will not project any further than the existing seating area . As such it is not considered that the addition of the smoking shelter will detract from the visual appearance of the building and area.

4.4 IMPACT ON RESIDENTIAL AMENITY

The public house is located within a residential area and there are concerns from the residents adjacent to the public house - 18-22 Glenridding - that the proposal will encourage additional noise and anti-social behaviour which would impact on surrounding residents. The shelter is to be located approx. 18m away at the closest point from the boundary with 22 Glenridding being the closest to the public house, and over 30m away from the property itself. The shelter has been positioned roughly equidistant from all residential properties surrounding the site.

Given that the smoking shelter will replace existing outside seating and that the proposed smoking shelter will provide a dedicated area for smokers to use, it is considered that the proposal may reduce the likelihood of smokers congregating in various places around the site. However, in order to prevent the shelter from being used as a more permanent outdoor drinking area a condition will be attached to any approval preventing the installation of tables or heating equipment within the shelter. Subject to this condition it is not considered that the proposal would give rise to additional harm to the amenity of surrounding residents.

4.3 The proposed smoking shelter will not impact on the existing car parking arrangements.

5.0 CONCLUSION

5.1 It is considered that the proposal would not harm the character of the building or area and will not cause any additional harm to the amenity of neighbouring residents. Approval is recommended.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

2 PLANS1 Approved plans

3 Notwithstanding the submitted plans, no heater or tables shall be installed under the smoking shelter.

Reason: To protect the amenity of local residents from noise by discouraging outside congregation of groups of patrons.

4 No electrical amplification equipment shall be installed externally within the area marked on the location plan submitted with this application.

Reason: To protect the amenity of local residents from noise.

7.0 INFORMATIVES:

Notes to Applicant

1. REASON FOR APPROVAL

The proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the appearance of the building and area and the amenity of neighbouring residents. As such the proposal complies with Policies GP1 and GP18 of the City of York Draft Local Plan.

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