

## COMMITTEE REPORT

**Committee:** West/Centre Area  
**Date:** 31 July 2007

**Ward:** Micklegate  
**Parish:** Micklegate Planning Panel

**Reference:** 07/01441/LBC  
**Application at:** Total Power Solutions 92 Micklegate York YO1 6JX  
**For:** Creation of smoking terrace including erection of 2.1 timber panels, galvanised steel frame and floor mounted umbrella and associated works to the rear including alterations to existing gates and new doors in connection with Toffs Nightclub  
**By:** Luminar Leisure Ltd  
**Application Type:** Listed Building Consent  
**Target Date:** 9 August 2007

### 1.0 PROPOSAL

1.1 This application relates to land at the side of Toffs nightclub, which is presently used as a car park in association with the office premises at 92 Micklegate and also an outbuilding at the back of 92 Micklegate. 92 Micklegate is a grade II star listed building situated in the conservation area.

1.2 The application proposes an outdoor smoking facility, to be used in association with Toffs Nightclub. The area would measure around 8m by 4m and be located to the side of the nightclub entrance, adjacent Toft Green. Also included in the proposal is a new entrance door at the back of 92 Micklegate and a replacement gate at the side of the building.

1.3 The application is brought to planning committee along with the companion application 07/01442/FUL which seeks full planning permission for the proposed development.

### 2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest City Centre Area 0006

2.2 Policies:

CYHE3  
Conservation Areas

CYHE4  
Listed Buildings

### **3.0 CONSULTATIONS**

#### Internal

3.1 Design, Conservation and Sustainable Development - No objections to the proposed smoking shelter adjacent to the boundary with Tanner Row. It will have limited visual impact on the setting of the rear of the listed buildings in Micklegate. The materials and finishes are generally acceptable. The door opening to the rear of the modern extension to the listed building will improve access to car parking and will not impact on the historic fabric of the listed building or the setting in the conservation area.

#### External

3.2 Planning Panel - No objection.

3.3 English Heritage - No response to date.

3.4 The application was publicised by site notice, press notice (4.7.07) and letters of neighbour notification. The deadline for comments is 25.7.07. One response has been received from the occupant of 73/75 Micklegate, whom objects to the application on the following grounds,

*"I feel that the proposed loss of rear garden space would be detrimental to this listed building. This building has been unused for a considerable period and the loss of rear outside space is likely to result in this the building remaining empty for even longer. There will also be excessive noise for local residents.*

*I should also inform you that there has been no notice of this application posted on the building and I feel that the duration of consultation should be increased to allow local residents to respond - especially as the relevant documents are not accessible on the web site".*

3.5 In response to this second point, site notices were placed on Micklegate and on Toft Green (across the road from the nightclub) on 2 July. I tried accessing the plans via the website on 16.7.07 and had no problems in doing so.

### **4.0 APPRAISAL**

#### Key issues

4.1 The key issue is the impact on the special historic interest of the listed building and it's setting, which is in the conservation area. Amenity issues are appraised in the companion full application.

#### Policy

4.2 The relevant policies are as follows -

- E4 of the North Yorkshire County Structure Plan states that buildings and areas of special historic interest shall be afforded the strictest protection.

- HE4 states that listed building consent will only be granted when there is no adverse effect on the character, appearance or setting of the building. HE3 states that within conservation areas, proposals will only be permitted where there is no adverse effect on the character or appearance of the area.

#### Effect on the listed building and its setting

4.3 The proposed shelter would be enclosed by 2.1 metre high timber panels and partially covered by a single 3 metre by 4 metre umbrella. At present facing Toft Green (at the side of the nightclub) there is a brick wall with an arched entrance gate into the car park. The proposed alterations would mean that from Toft Green an additional double fire escape door would be seen and the brickwork above the gate would be removed. These alterations would have a limited visual impact when seen from the street, and the timber enclosure would be mostly screened from view. As such it is considered that the visual impact of the smoking shelter from the public realm would be neutral. The shelter would be at the far end of the site from the listed building. It is located on part of an existing car park. Because of the location and size / appearance of the shelter, it would have a neutral effect on the setting of the listed building.

4.4 Overall it is considered the proposed shelter would cause no harm to the setting of nearby listed buildings and the character and appearance of the conservation area.

4.5 At 92 Micklegate the application proposes a new rear door and opening at the back of a single storey extension to the building, and a replacement timber gate between the building and Toffs nightclub. The building is a more recent addition to the listed building thus the alterations would not affect any parts of the listed building of historic or architectural importance and are considered to have a neutral effect on its setting.

## 5.0 CONCLUSION

5.1 It is considered by officers that the proposals are compliant with policy; there would be no harm caused to the listed building or its setting. If approval is recommended then the application shall be sent to the Secretary of State before a decision is made, to see if they wish to comment, as the application involves a grade II star listed building.

## COMMITTEE TO VISIT

**6.0 RECOMMENDATION:** Approve

1 PLANS1

2 TIMEL2

- 3 Within one month of its installation the colour finish to the timber enclosure shall be agreed to in writing by the Local Planning Authority and the fence coloured accordingly. After which the enclosure shall be reasonably maintained at all times.

Reason: In the interests of appearance.

## **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 special historic interest of the listed building and the character and appearance of the conservation area. As such the proposal complies with Policy E4 of the North Yorkshire County Structure Plan (Alteration No.3 Adopted 1995) and Policies HE3 and HE4 of the City of York Local Plan Deposit Draft.

#### **Contact details:**

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