

COMMITTEE REPORT

Date: 13 March 2024 **Ward:** Micklegate
Team: West Area **Parish:** Micklegate Planning Panel

Reference: 24/00046/GRG3
Application at: The Environment Agency Ground Floor The Hub Station Wellington Row York
For: Change of use of ground floor office space (Sui Generis) to 'Recovery Hub' community centre (Use Class E)
By: City Of York Council
Application Type: General Regulations (Reg3)
Target Date: 20 March 2024
Recommendation: Approve

1.0 PROPOSAL

1.1 The host property is a two-storey grade II listed building originally constructed in the early 20th century as an electricity substation. It is situated in the Central Historic Core conservation area next to Lendal Bridge on the west bank of the River Ouse.

1.2 The building was previously in use as a public drop-in centre/exhibition space with ancillary office accommodation used by the Environment Agency and has been vacant since September 2022.

1.3 Permission is sought to repurpose the existing ground floor space as part of a community centre 'Recovery Hub' operating from the whole property, including the first floor, which already sits in the relevant use class. This application therefore relates to change of use class for the ground floor only. Works to the building would be restricted to renewal of interior décor. There are no proposed changes to the fabric of the building.

1.4 The proposed new use of the property as 'York Recovery Hub' is to serve as a venue to enable people with both direct and indirect lived experience of substance use disorders to have an important role in helping more York residents enter, establish and sustain recovery. 'The Recovery Hub' would be used to host:

- a wide range of activities to support social connections, improvements in health and wellbeing and confidence in life in recovery, including employment

- mutual aid group meetings, including for family members affected by someone else's substance use
- opportunities to meet and find out about local services / employers
- access to counselling / therapy groups / recovery coaching, drawing on a range of approaches to recovery.

1.5 The Hub would be open 7 days a week from 7am-10pm.

1.6 The application is reported to the Planning Committee under Art.13 5.1 f. of the Constitution because it is made by the Council, and an objection has been received.

2.0 POLICY CONTEXT

The National Planning Policy Framework (2023)

2.1 The National Planning Policy Framework (2023) sets out the Government's overarching planning policies and at its heart is a presumption in favour of sustainable development.

2.2 Paragraph 38 advises that local planning authorities should approach decisions on proposed development in a positive and creative way and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

2.3 Paragraph 97 outlines the need to provide social, recreational and cultural facilities and services that the community needs and that planning decisions should support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community; guard against the unnecessary loss of valued facilities and services and ensure that established facilities and services are able to develop.

2.4 Paragraph 135 states that planning policies and decisions should ensure that developments will achieve a number of aims including - create places that are safe, inclusive and accessible and promote health and well-being with a high standard of amenity for existing and future users.

Publication Draft Local Plan 2018

2.5 The Publication Draft City of York Local Plan 2018 (DLP2018) was submitted for examination on 25 May 2018. Modifications were consulted on in February 2023 following examination. A further Hearing session will take place in March 2024. It is expected the plan will be adopted in Summer 2024. The Draft Plan policies can be afforded weight in accordance with paragraph 48 of the NPPF.

Relevant Policies:

HW2 New Community Facilities

T1 Sustainable Access

2.6 DLP2018 policy HW2 requires the Council to support applications for new community facilities when an existing deficit or future need has been identified. Where appropriate, facilities should be designed to be adaptable and multi-purpose, in order to future-proof services and enable a wide range of community uses. Any new or expanded facilities must be accessible and well-served by public transport, footpaths and cycle routes. Reducing the pressures on statutory services by supporting people to better manage their own health and wellbeing is a key national and local priority. This is contingent upon individuals having access to the necessary facilities and support networks to meet their needs. Community-based solutions to health and wellbeing, such as joining clubs, attending peer-support groups or volunteering, are now acknowledged as effective and necessary alternatives to traditional health and social care interventions.

2.7 DLP2018 policy T1 states that development will be supported where it minimises the need to travel and provides safe, suitable and attractive access for all transport users to and within it, including those with impaired mobility, such that it maximises the use of more sustainable modes of transport.

Crime and Disorder Act 1998

2.8 Section 17 of the Act contains a duty on the authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent,

- (a) crime and disorder in its area (including anti-social and other behaviour adversely affecting the local environment); and
- (b) the misuse of drugs, alcohol and other substances in its area; and
- (c) re-offending in its area; and
- (d) serious violence in its area.

3.0 CONSULTATIONS

North Yorkshire Police Designing out Crime Officer

3.1 There is a policing concern that the change of use will bring about a change to the dynamics of the area to the detriment of the established community, which has happened where similar schemes have been set up in the city. It is considered that this change of use might attract a criminal element looking to prey on vulnerable service users and/or it being a draw for crime and antisocial behaviour. The area under Lendal Bridge is out of the way and sheltered from the elements and groups loitering here could be a problem for passers-by, and the local businesses. It is recommended that there be a robust management policy to deal with crime and disorder issues, not just inside the premises but also for its immediate vicinity. It should include a means to raise issues with the management of the scheme by the established community in the area, so that problems are dealt with in a timely manner and do not escalate. It is requested that this be conditioned.

Public Protection

3.2 No objections subject to conditions.

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3.3 No objections.

4.0 REPRESENTATIONS

4.1 67 letters of support from the wider community have been received with 1 objection from the York Rowing Club. The comments are summarised below:

4.2 Support comments:

- York in Recovery provide an essential and life saving service to a marginalised and stigmatised group in our city. The recovery hub prototyped at the CVS has proven how impactful it can be for a community group to have physical space, and this space will allow the group to have a proper home and just get on and continue to do the incredible work they already do.
- A recovery hub has been planned for the last 10 years and this application represents a long overdue and much needed resource for the recovery community

- The hub would help the principle of addiction recovery being a visible and accepted mainstream aspect of civic life and would help to change public perception
- The work of the recovery hub will offer much needed access to vital recovery services and longer term community support
- It is good to see that York in Recovery have a settled place for the invaluable work they do
- recovery cafés have been in operation for a number of years so the work and support offered is well established
- The premises will offer a safe space for like-minded people in recovery
- York in Recovery offers a link between professional services and peer led support and is run by a dedicated team who are recognised nationally as a great resource within the city
- There is an extreme need for addiction resources in York - this will improve care for people and reduce the knock-on work load for General Practice.
- To reject such a proposal only serves to further ostracise a disadvantaged community.
- This space will link in with the York neurodiversity community
- York in Recovery plays a vital role in health and recovery for local residents
- A permanent central location is important to continue the work of York in Recovery
- York in Recovery has established itself as a valid contributor to the restoration and building of welfare for its vulnerable members. The premises under consideration shall enhance the possibilities of York in Recovery in fulfilling this irreplaceable social role.
- York in recovery helps to take the burden from the NHS by helping to avoid health problems caused by addiction.
- The provide a necessary and irreplaceable service to the community which actively saves lives on a daily basis. What is particularly relevant to this application are the number of different community drop ins that they run: not just the cafes but also exercise classes, craft groups, cooking classes, and more besides. Each of these adds so much to the wellness of everyone that attends and also in so doing works as a preventative measure for people accessing council and NHS services. The recent expansion of provision really demonstrates how much this service is needed and valued by the community.
- CYC funding to support The Recovery hub is already in place to secure a permanent home for YIR.
- Well located in a quiet central location and would not affect other businesses.
- Change of use would not affect the listed building

4.3 Objection comments:

- The rowing club have not received any information or communication from the applicant or City of York Council
- Some of the rowing club members are vulnerable and there is concern that proposals will affect the club's amenities
- No consultation regarding proposed mitigation to prevent issues of anti-social behaviour
- Consultation has not been in accordance with the Council's Statement of Community Involvement

5.0 APPRAISAL

KEY ISSUES:-

Principle of change of use
Impact on amenity

PRINCIPLE OF CHANGE OF USE

5.1 Proposals relate to the change of use of the ground floor to enable the whole of the building to be used as a community centre for use by York in Recovery (YiR) which is an established organisation which provides peer led support for individuals recovering from addiction to drugs and alcohol. The 'Recovery Hub' would provide a permanent home for the organisation who currently provide drop in sessions at various premises, including the three Recovery Cafes at Clementhorpe Community Centre, Acomb Garth Health Centre, and St Bedes Pastoral Centre every week. It is envisaged that the Hub would provide a much-needed central space for individuals to access a number of support groups and leisure activities over and above the existing facilities.

5.2 The organisation is well regarded within the local community and is understood to provide invaluable support to those in recovery. It is noted that there is a significant amount of support for providing a permanent home for the organisation, with a large number of support comments submitted in relation to this application. The first floor already has the relevant permission for use as a community centre, and the proposed change of use would be similar to the existing community / exhibition centre use. The proposals would not require any alterations to the building

other than internal redecoration, and it is noted that the premises on Wellington Row are within a relatively quiet location. The comments of the Designing out Crime Officer are noted. The venue is close to the area under Lendal Bridge which is not subject to over-looking and groups loitering here could be a problem for passers-by and the local businesses.

5.3 It is understood that Council funding is in place for the hub for the next few years, but that in time it would need to be self-funding so that potential income streams would also form part of the wider use. Such uses may be in the form a café or dry bar. Such uses would fall within the proposed Class E use and would not require any further planning permissions, however details relating to noise and extraction of odours can be secured via condition in the event of future café use. Similar food and drink establishments are already evident in the area, and the potential to provide similar provisions would not be out of keeping with the city centre location or deemed to cause any adverse impact to the local area.

5.4 The Hub would be located in a central and sustainable location within the city, with easy access by various transport modes including walking, cycling and public transport. Given the central location the proposals would satisfy the requirements for sustainable access as per DLP2018 policy T1.

5.5 Taking account of the submitted information and comments in support the application, the proposal to convert the building to a Recovery Hub would support the Government's aim of providing social and recreational facilities and services that the community requires to improve health and social wellbeing as required by NPPF paragraph 97 and DLP2018 policy HW2.

IMPACT ON AMENITY

5.6 The Hub would be located in a quiet location with separate access to both the ground and first floor from the front elevation on Wellington Row. It is considered to be suited to the various different groups that would use the Hub. Although the building is attached to The Quirky Café and Bar, its access points are located away from the adjoining business which is accessed from Lendal Bridge. As such the premises would largely be separate from the adjoining business and would have no detrimental impact on the amenity of existing customers. Nearby residential accommodation exists above local businesses and in North Street. The building would primarily be used as a community centre providing support groups and leisure activities such as yoga/Pilates which are not considered to have a detrimental

impact on the residential, leisure facilities and businesses which are within proximity of the building.

5.7 The York Rowing Club has submitted an objection with regard to anti-social behaviour and a lack of information outlining potential mitigation measures to overcome any impact on amenity. The comments of the Designing out Crime Officer are noted. The venue is close to the area under Lendal Bridge which, whilst well-lit, is out of the way and groups loitering here could be a problem for passers-by and the local businesses. The Perky Peacock café and bar within the Barker Tower is accessed from under Lendal Bridge or via steps from the city walls. The Hub would be run by experienced and dedicated staff and it is also understood that the facility would be overseen by a co-ordinator within the Council's Public Health department whilst it establishes itself. In addition, York in Recovery are an established organisation that continues to run a number of support groups through a number of businesses in York, many of whom have written in support of the work and professionalism of staff with no comments regarding instances of anti-social behaviour. The facility may have beneficial impacts as there would be an active community dedicated to helping those in recovery, however a management plan, secured by condition, is recommended.

5.8 Subject to conditions the change of use of the building to a recovery community centre would not have a significant detrimental impact on the amenity of the community and as such the proposals comply with paragraph 135 of the NPPF which seeks to create places that are safe, inclusive and accessible and promote health and well-being with a high standard of amenity for existing and future users.

5.9 Given the largely commercial nature of the surroundings it is not considered that the proposed change of use would impact upon the character and appearance of the conservation area.

6.0 CONCLUSION

6.1 Having due regard to the duty under s.17 of the Crime and Disorder Act, the proposal to convert the building to a Recovery Hub would support the Government's aim of providing social and recreational facilities and services that the community requires to improve health and social wellbeing as required by NPPF paragraphs 97 and 135(f) and DLP2018 policy HW2. Proposals also satisfy the requirements for sustainable transport in compliance with DLP2018 policy T1 and would not have an adverse impact on amenity in accordance with NPPF paragraph 135 (f).

7.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

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

Proposed Floor Plan - Drg. No: E00920

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

3 Details of all machinery, plant and equipment to be installed in or located on the premises, which is audible outside of the premises, shall be submitted to the local planning authority for approval. These details shall include average sound levels (LAeq), octave band noise levels and any proposed noise mitigation measures. The machinery, plant or equipment and any approved noise mitigation measures shall be fully implemented and operational before the proposed use first opens and shall be appropriately maintained thereafter.

Note: The combined rating level of any building service noise associated with plant or equipment at the site should not exceed the representative LA90 1 hour during the hours of 07:00 to 23:00 or representative LA90 15 minutes during the hours of 23:00 to 07:00 at 1 metre from the nearest noise sensitive facades when assessed in accordance with BS4142: 2014+ A1 2019, associated inclusive of any acoustic feature corrections with tonal, impulsive, distinctive or intermittent characteristics.

Reason: To protect the amenity of nearby properties and the environmental qualities of the area.

4 There shall be adequate facilities for the treatment and extraction of cooking odours. Details of the extraction plant or machinery and any filtration system required shall be submitted to the local planning authority for written approval. Once approved it shall be installed and fully operational before the proposed use first opens and shall be appropriately maintained and serviced thereafter in accordance with manufacturer guidelines.

Note: It is recommended that the applicant refers to the updated Guidance produced by EMAQ in September 2018 titled "Control of Odour and Noise from Commercial Kitchen Exhaust Systems (September 2018)" for further advice on how to comply

with this condition. The applicant shall provide information on the location and level of the proposed extraction discharge, the proximity of receptors, size of kitchen or number of covers, and the types of food proposed. A risk assessment in accordance with APPENDIX 3 of the EMAQ guidance shall then be undertaken to determine the level of odour control required. Details should then be provided on the location and size/capacity of any proposed methods of odour control, such as filters, electrostatic precipitation, carbon filters, ultraviolet light/ozone treatment, or odour neutraliser, and include details on the predicted air flow rates in m³/s throughout the extraction system.

Reason: To protect the amenity of nearby properties and the environmental qualities of the area.

5 Prior to the first use of the premises as a community centre a management plan shall be submitted to the local planning authority for its written approval. The management plan shall include details of the policy for dealing with any crime, disorder or anti-social behaviour activities within the premises and its immediate vicinity and shall include a means for local businesses and residents to raise issues with the community centre management.

Reason: In the interests of the environmental qualities of the area and to manage any impact from the proposed use on the functioning of businesses and activities in the area.

8.0 INFORMATIVES:

Notes to Applicant

1. STATEMENT OF THE COUNCIL'S POSITIVE AND PROACTIVE APPROACH

In considering the application, The Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraph 38) and having taken account of all relevant national guidance and local policies, considers the proposal to be satisfactory. For this reason, no amendments were sought during the processing of the application, and it was not necessary to work with the applicant/agent in order to achieve a positive outcome.

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