

COMMITTEE REPORT

Committee: West/Centre Area **Ward:** Guildhall
Date: 29 April 2008 **Parish:** Guildhall Planning Panel

Reference: 08/00518/FUL
Application at: Corries Solicitors 11 Melrose's Yard Walmgate York YO1 9XF
For: Use for community daycare, clinical support, counselling and training and employment support in connection with substance misuse service (Class D1 use)
By: CRI Limited
Application Type: Full Application
Target Date: 29 April 2008

1.0 PROPOSAL

Application site

1.1 The application relates to the premises at 11 Melrose's Yard. The building is 3-storey and was previously occupied as office space. The yard is accessed from between 64 and 66 Walmgate, both commercial units with flats above. Also in the yard is Imp Hut at No.9, this is a recording studio used by persons of all ages. Otherwise the yard is bound by the blank elevation of a number of units that are accessed from Dixon's Yard, to the west and a 2 metre high wall/fence between the yard and a car park to the north.

Proposal

1.2 The application seeks planning permission for a change of use to a non-clinical training/education facility that would be operated by Crime Reduction Initiatives (CRI). The CRI's present offices are at 6 Peckitt Street, that premises is akin to a terraced house, the application building is desired as it would provide larger, more appropriate floorspace.

1.3 The use would provide support services, a treatment programme to persons who have been involved with substance misuse, crime, anti-social behaviour and domestic violence. The service offered is a training/care programme, which clients sign up for. It provides rehabilitation consisting of education, counselling and training, to allow clients to gain social and life skills and also employment links. No medical or clinical services occur. The existing CRI facility has around 90 registered clients whom attend either group or one to one meetings.

1.4 The application is a re-submission after an application to use the site for the CRI was refused in November 2007. On that occasion the application failed to justify the loss of office space and it was considered the use would be inappropriate in the proposed location, as the site is poorly overlooked and surrounding occupants would not feel safe or secure.

1.5 The application is brought to committee at the request of Councillor Brian Watson who is concerned that the location of such a premises is a sensitive issue, and if the application is to be approved, it should be subject to adequate conditions.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Areas of Archaeological Interest City Centre Area 0006
Conservation Area Central Historic Core 0038
City Boundary York City Boundary 0001
DC Area Teams Central Area 0002
Floodzone 2 Flood Zone 2 CONF
Floodzone 3 Flood Zone 3

2.2 Policies:

GP3 Planning against crime
E3b Employment sites

3.0 CONSULTATIONS

Internal

Design, Conservation and Sustainable Development

3.1 No comment as the change of use would not affect the conservation area.

Environmental Protection Unit

3.2 No objection.

Highway Network Management

3.3 No response to date.

External

Planning Panel

3.4 No objection.

Safer York Partnership

3.5 Previously advised about the likelihood of clients and their associates congregating in and around the yard that may lead to anti-social behaviour and drugs issues that would affect amenity. The problem with the proposed use is that while clients inside the building could be controlled, there is limited scope for their actions, or those of their associates outside of the building. Anecdotal information from Police officers suggests there is already quite an amount of drugs related activity near the application site and any increase in such activity would be a concern.

Publicity

3.6 The application was publicised by letters of neighbour notification and press notice. The deadline for comments was 9.4.08. To date 3 letters have been received. The following points have been made -

- Proposed use incompatible with a residential area where a number of children are around.
- There are already a number of similar facilities nearby which cause problems - Robinson Court for drug offenders is in Walmgate and the homeless centre is proposed at Castle Mills Bridge.
- Would bring drinkers and drug users back onto the streets.
- Harm to image/perception of the city.
- Advised that there are reports that around the present premises, on Peckitt Street, incidents include drug related paraphernalia left on the street, and local residents have been intimidated. It is asked that steps are taken to ensure persons using the facility are respectful and keep the area tidy.
- No objection to non-clinical support but the premises should not be allowed to change to one where clinical/medical support is offered.

4.0 APPRAISAL

4.1 Key issues

- Principle of use/loss of office space
- Amenity
- Visitor and staff parking

Principle of use

4.2 Policy E3b states that any sites or premises either currently or previously in employment use, will be retained within their current use class. Planning permission for other uses will only be given where a) there is a sufficient supply of employment land to meet both immediate and longer term requirements over the plan period in both quantitative and qualitative terms, and b) unacceptable environmental problems exist, or c) the development of the site for other appropriate uses will lead to significant benefits to the local economy, or d) the use is ancillary to an employment use.

4.3 The site was previously used as offices; the proposed use would take the site out of an office use (class B1) and into class D1 - non-residential institution, of the use classes order. As such the proposal is required to meet the criteria of policy E3, which seeks to retain employment sites in their present use, unless it can be demonstrated alternative sites are available, and one of points b, c or d, listed in 4.2 are met.

4.4 The application site has been marketed at a competitive rate since August 2005 but remains unoccupied. In the agents view this is due to the lack of high street presence/prominence of the building. The period of time which the premises have been on the market demonstrates there is a lack of demand for this site. The proposed use is ancillary to office use as around 20 employees (care workers and office staff) would be located in the building. In this case the proposed use is supported.

Amenity of surrounding occupants and safety concerns

4.5 Policy GP3 of the Local Plan advises that crime prevention is a material planning consideration and identifies measures, which should be considered in developments

in order to create safer environments. These are natural surveillance, secure locations for vehicle parking, and the use of lighting and CCTV (the latter only when development leads to a significant increase in activity).

4.6 Safer Places is a companion to national Planning Policy Statement 1, it covers the planning system and crime prevention. The document advises that planning should seek to deliver safe sustainable communities; this can be achieved by designing places where people feel safe and secure, where crime and disorder, or the fear of crime doesn't undermine quality of life. The document discusses the attributes of safe places and the ways in which places can be laid out so that crime can be discouraged and different users do not cause conflict. Recommendations include promoting public spaces that are well overlooked, creating places with a sense of ownership, responsibility and community, the use of well-designed security features, the promotion of places where human activity can create a sense of safety and reduced crime risk.

4.7 According to the CRI the proposed service users of the site would include:

- Adults and young people with substance misuse problems
- People who are homeless and living and working on the streets
- Offenders in prison and those serving community sentences
- Families and communities affected by crime, substance misuse and anti social behaviour
- Victims of domestic abuse

4.8 The safer places document advises that crime is likely to occur when there is a presence of persons likely to commit crime due to their short term circumstances, for example drug addiction, unemployment or social exclusion, and the presence of targets, this would be exacerbated in a vulnerable enclosure without the benefit of adequate surveillance or the presence of crime preventers.

4.9 Objectors to the proposal are concerned about security, safety and crime. The Imp Hut recording studio (at 9 Melrose's Yard) is used by children, and they consider the studio would lose business if the proposed use relocated next door. There are concerns that undesirable persons 'hanging around' the area would increase, which would harm local businesses and residential amenity. Reference has been made to the Baseline Project building in Piccadilly, and other similar facilities, where persons using the centre, those affected by drugs; alcohol and violence hang around.

4.10 Officers have been concerned that the yard area suffers from poor natural surveillance and thus persons living in the flats nearby and occupants of business premises would not feel secure. The yard cannot be gated to control access (which would help overcome this issue) due to multiple users of the yard whom require free access.

4.11 In this resubmission the applicants have explained further how the facility operates, and the steps taken to prevent disturbance. The aim of the facility is to educate clients and make them aware of what is and is not acceptable in society. Clients have to sign up to this agreement and to this extent could be reasonably be expected to act accordingly, in particular when on the doorstep of the facility. The

applicants have advised that (although it occurs infrequently) they attempt to prevent any associates of clients 'hanging around' the premises, as they are aware of the perception this creates. There is a significant staff presence associated with the premises (a ratio of around 1 staff to 7 clients) who have a supervising role over clients.

4.12 The service looks to work with the community, to inform neighbours/surrounding businesses of the practice. At other centres this has been in the form of open days and dialogue with neighbours to make them aware of the premises and how they are run. Should there be any concerns, persons are encouraged to contact the practice; managers are contactable on a 24-hour period. The service plays a pro-active role in increasing persons/clients awareness of the public realm and the expectation to respect it. As such it can aid in enhancing the area, through dealing with existing problems opposed to creating problems.

4.13 It has been proposed that security cameras would be installed and monitored by the reception during office hours and recorded. The presence of such and members of staff on the premises should be adequate to prevent any disturbance or anti-social behaviour. The premises would only operate between around 09:00 and 18:00. The facility (as it is only an education centre) is unlikely to attract people outside opening hours and thus would not affect crime/perception of crime at that time. However CCTV would operate out of hours and the premises are alarmed and linked to a security company whom would immediately attend the site should the alarm be triggered. Should permission be granted, through conditions it could be ensured such measures are implemented.

Visitor and staff parking

4.14 There is no requirement for car parking due to the city centre location although there is space to the front of the premises which could be used for either car or cycle parking. Cycle parking (secure and covered) would be asked for by condition if the application were approved (at a rate of 1 space per 4 staff as required in the Local Plan).

5.0 CONCLUSION

5.1 It is considered that the proposed use would not have a material impact on crime and disorder as clients would be supervised by staff and the presence of CCTV would act as a deterrent. Through promotion of awareness of the practice, surrounding occupants could feel reasonably secure and not threatened by the presence of the facility.

5.2 On balance it is considered that provided there is compliance with conditions, which would require improving awareness, security measures and hours of operation, the proposed facility would not harm the quality of life of surrounding occupants.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

2 PLANS2 Apprvd plans and other submitted details

3 The use hereby permitted shall not be open outside the following hours:

Monday to Fridays 08:00 to 18:30

No opening on Saturdays and Sundays.

Reason: In the interests of the amenity of surrounding occupants.

4 Prior to the premises opening a statement which advises how the premises operates and how it can be contacted shall be sent to surrounding occupants (the extent of neighbours notified shall be approved by the Local Planning Authority). Signs shall also be installed (in locations to be approved) at the premises advising of contact details.

Reason: In the interests of safety and amenity.

5 The premises shall be used as an education and training centre only and shall not offer/provide any clinical/medical treatment.

Reason: In the interests of the amenity of surrounding occupants.

6 Prior to first use of the premises CCTV cameras shall be installed (in locations which shall be approved by the Local Planning Authority) by the applicants. The CCTV system shall operate on a 24 hour basis, be recorded, and monitored by staff during opening hours.

Reason: In the interests of security.

7 HWAY18 Cycle parking details to be agreed

7.0 INFORMATIVES:

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 loss of office space, amenity and safety and the character and appearance of the conservation area. As such the proposal complies with Policies E3b, GP3 and HE3 of the City of York Local Plan Deposit Draft.

Contact details:

Author: Jonathan Kenyon Development Control Officer

Tel No: 01904 551323