

## COMMITTEE REPORT

**Date:** 18 November 2010      **Ward:** Guildhall  
**Team:** West/Centre Area      **Parish:** Guildhall Planning Panel

**Reference:** 10/01303/FUL  
**Application at:** 31 Fossgate York YO1 9TA  
**For:** Change of use from Estate Agents (Use Class A2) to youth cafe at ground floor and associated meeting and training space at first floor level  
**By:** Mr Paul Herring  
**Application Type:** Full Application  
**Target Date:** 2 November 2010  
**Recommendation:** Approve

### 1.0 PROPOSAL

#### APPLICATION SITE

1.1 The application relates to 31 Fossgate which is a two storey premises formerly occupied by an estate agents. There is a restaurant to the south at 33/34 with accommodation above. Franklin's Yard entrance is located to the north; the street accommodates a mix of uses, including residential which are behind the host premises. There are also residential units on the opposite side of the road. Fossgate itself is a predominantly commercial street. It is not allocated as a primary shopping street in the local plan.

#### PROPOSAL

1.2 Planning permission is sought for a change of use to a youth cafe with associated training facilities. The cafe would be at ground floor level. The facility would offer also accommodation for agencies working with, and providing services for, young people, and training/activity space. It is asked that the premises be allowed to open until 22:00 hours/21:00 Sundays.

### 2.0 POLICY CONTEXT

#### 2.1 Development Plan Allocation:

Areas of Archaeological Interest GMS Constraints: City Centre Area 0006  
Conservation Area GMS Constraints: Central Historic Core CONF

#### 2.2 Policies:

CYGP3  
Planning against crime

CYS5  
Non-retail uses in shopping streets

CYS6  
Control of food and drink (A3) uses

CYHE3  
Conservation Areas

### **3.0 CONSULTATIONS**

Police Architectural Liaison Officer (ALO)

3.1 Report that crime levels on Fossgate presently are low for a city centre street. Advise that there is evidence that where youth cafes have been set up in other areas, they can help in reducing crime and anti-social behaviour generally, and play an important role in providing activities and services for users. However there can be problems with anti-social behaviour outside such premises. This is evident from similar operations elsewhere. Officers advise that the premises could operate without a detrimental effect on the area. However it is paramount that there is a management system in place, which deals with persons both inside and outside the premises, as there will always be concerns over anti-social behaviour. Officers also suggest a temporary consent only, to monitor the impact of the proposed use.

3.2 Local police officers advise that in their opinion Fossgate can potentially feel like an unsafe environment, because it is poorly lit, and there are recessed doorways and alleyways, which provide areas/opportunities for persons to linger. CCTV has been suggested to help overcome these concerns.

British Waterways

3.3 No objection.

City Development

3.4 Recommend that officers consider policies S5 and S6 with regards the proposed cafe and C1 with regards community facilities. Officers raise no objection, provided that there is deemed to be no harm to the vitality and viability of the street and residential amenity.

Planning Panel

3.5 Support the application.

Publicity

3.6 Five objections have been made. General concern due to the proposed users of the premises which would lead to:

- Detriment to existing businesses and image of the street. Due to persons congregating in the area and litter generation.

- Safety of residents, in particular due to the proposed hours of operation - into the evening. There are poorly lit alleyways and recessed doorways in the street, these are areas where people could feel unsafe. It has been asked how persons will be controlled when they are outside the premises.

## **4.0 APPRAISAL**

### **4.1 KEY ISSUES**

- Principle of the proposed change of use
- Impact on amenity
- Character and appearance of the conservation area.

### **RELEVANT POLICIES OF THE LOCAL PLAN**

4.2 GP3 advises that crime prevention is a material planning consideration and identifies measures which should be considered in developments in order to create safer environments. The policy refers to Circular 5/94 Planning Out Crime, which explains how design can assist in crime reduction. Measures that can reduce the potential for crime include attractive and well managed environments, natural surveillance, satisfactory lighting and in cases where people are likely to congregate, the use of CCTV.

4.3 Fossgate is not a primary shopping street. Policy S5 of the Deposit Draft Local Plan states that in shopping streets not defined as Primary Shopping Streets, planning permission will be granted for Class A uses (shops, services, restaurants, cafes, drinking establishments and takeaways) at ground floor level where this would not harm the vitality of individual streets or the vitality and viability of the City Centre as a whole. This policy acknowledges the Central Government advice in Planning Policy Statement 4 that a more flexible approach in streets outside the Primary Shopping Area is appropriate. In particular, it accepts that different uses, during the day and in the evening, can complement and reinforce each other.

4.4 Policy S6 concerns applications for food and drink uses. It states that planning permission for the extension, alteration or development of premises for food and drink uses will only be granted provided there is no unacceptable impact on the amenities of surrounding occupiers and when security and any car parking issues have been addressed.

### **PRINCIPLE OF THE PROPOSED USE**

4.5 Fossgate is not a primary shopping street, and the proposed use potentially would involve more activity than the former use as estate agents. As such the proposal in principle would comply with policy S5 of the local plan and PPS4 as there would not be undue harm to the vitality and viability of the street.

## IMPACT ON AMENITY

4.6 The application site is on a commercial street where a café use would itself not have a material impact on overall amenity. However there are additional concerns as there are a number of residential premises nearby and this will be a cafe and training/support centre for young persons which is proposed to open until 22:00 apart from on Sundays. The street layout, according to the Police, could give rise to further safety concerns and neighbours have raised concerns about anti-social behaviour, which evidence suggests could potentially occur in such premises.

4.7 In officers opinion concerns over anti-social behaviour, litter creation and security can be addressed. A robust management plan, including the operators of the site making themselves familiar to the local residents and traders could prevent anti-social behaviour and litter creation. Improved lighting, along the Franklin's Yard side of the premises, would improve natural surveillance. It is considered CCTV, which would only overlook the host premises, is unnecessary, as the management plan and lighting should adequately deal with concerns. A temporary consent, as suggested by police officers can also be required, to monitor the proposed use. Given the proposed use it is considered that the closing time requested (22:00) is inappropriate due to the amount of residents nearby and given the identified potential problems. However this could be re-assessed after the temporary period.

4.8 No details of extraction for the kitchen have been supplied. Due to the location of the kitchen, towards the rear of the building, potentially flues etc could be installed without having a detrimental impact on surrounding occupants or the visual amenity of the area, which is in the Central Historic Core conservation area. A condition is suggested to cover such.

## 5.0 CONCLUSION

5.1 The cafe with meeting space above is acceptable in principle. Given the nature of the proposed use a temporary consent, the requirement for a management plan, additional security measures, and the restriction of opening hours will be required as conditions of approval.

## COMMITTEE TO VISIT

**6.0 RECOMMENDATION:** Approve

1 TEMP2 Temporary consent for use - 01.12.2013

2 PLANS1 Approved plans - Proposed layout as shown on YC/002

3 The premises shall only be open to customers/non-staff members between the hours of 09:00 and 20:00 each day of the week.

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

4 A management plan for the premises shall be submitted to, and approved in

writing by, the Local Planning Authority before the proposed use hereby approved is implemented. The management plan shall include provisions to manage users both onsite and outside the premises, publicity of the premises to the locality and prevention of litter creation.

Reason: To protect the amenities of occupants of adjoining properties.

5 External lighting shall be installed on the NW side elevation of the building, to improve lighting/surveillance in Franklin's Yard. The lighting shall be installed prior to occupation of the premises. Details of the type of lighting, its location and the amount/extent of light spill shall be submitted to and approved in writing by the Local Planning Authority and the development shall be implemented accordingly.

Reason: To assist in natural surveillance, in the interests of safety, in accordance with policy GP3 of the Local Plan.

6 Any extraction system fitted in association with the use hereby approved must be adequate for the treatment and extraction of fumes so that there is no adverse impact on the amenities of nearby occupants by reason of fumes, odour or noise. Details of any extraction plant or machinery and any ventilation/filtration system required shall be submitted to the Local Planning Authority for approval (location, finish and manufacturers details). Works shall be installed in accordance with the approved plans, appropriately maintained thereafter and fully removed once its use has ceased.

Reason: In the interests of residential amenity and the appearance of the conservation area, in accordance with policies S6 and HE3 of the City of York Draft Local Plan.

## **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 character and appearance of the conservation area, the vitality of the street, and the amenity of surrounding occupants. As such the proposal complies with Policies GP3, HE3, S5 and S6 of the City of York Development Control Local Plan.

#### **Contact details:**

**Author:** Jonathan Kenyon Development Management Officer

**Tel No:** 01904 551323