

Meeting	Planning Committee A
Date	2 February 2023
Present	Councillors Cullwick (Chair), Pavlovic (Vice-Chair), Doughty, Fenton, Fisher, Kilbane, Looker, Waudby, Daubeney (Substitute for Cllr Ayre), Craghill (Substitute for Cllr D'Agorne) and Lomas (Substitute for Cllr Melly)
Apologies	Councillors Ayre, D'Agorne and Melly
In Attendance	Becky Eades (Head of Planning and Development Services) Jonathan Kenyon (Principal Development Management Officer) Sharon Jackson (Development Management Officer) Helene Vergereau (Traffic and Highway Development Manager) Sandra Branigan (Senior Solicitor) David Carruthers (Conservation Architect)

41. Declarations of Interest [16.32]

Members were asked to declare, at this point in the meeting, any personal interests, not included on the Register of Interests, or any prejudicial or disclosable pecuniary interests they may have in respect of business on the agenda. The Chair declared an interest in agenda item 4d [Peppermill Court, Ramsay Close, York 22/02024/FULM] and undertook to withdraw from the meeting for that item, at which time Cllr Pavlovic (Vice Chair) would Chair the remainder of the meeting. No further interests were declared.

42. Public Participation [16.32]

It was reported that there had been no registrations to speak at the meeting under the Council's Public Participation Scheme on general matters within the remit of the Planning Committee A.

43. Minutes [16.33]

Resolved: That the minutes of the meeting of Planning Committee A held on 1 December 2022 be approved and signed as a correct record.

44. Plans List [16.33]

Members considered a schedule of reports of the Head of Planning and Development Services, relating to the following planning applications, outlining the proposals and relevant policy considerations, and setting out the views of consultees and officers.

2a) Bootham Park Hospital, Bootham, York YO30 7BY [21/02108/FULM] [16.33]

Members considered a major full application from Tetlow King Planning (agent) Enterprise Retirement Living Limited and NHS Property Services (applicants) for a Change of use, demolition and erection of new buildings to create residential care community with 172no. residential units and communal areas, creation of public open space, sports pitches, public right of way and associated Infrastructure at Bootham Park Hospital Bootham York.

The Principal Development Management Officer gave an update advising Members of new conditions 21 (cycle route design) and 22 (east access works) and variations to conditions 18 (cycle parking) and 20 (travel plan) and of comments from York Cycle Campaign. It was noted that the report did not comments from Historic England. A presentation on the application was then given.

Public Speakers

Brandon Gebka spoke in objection to the application. He noted that the benefits of it were not of enough significance to demolish a grade 2 listed buildings and he noted the impact on the historical setting of the site. He explained that his main concern was the demolition of the estate cottages. In response to a question from a Member he noted that that he had expressed strong concern regarding the application.

Ann Weerakoon spoke in objection to the application. She explained that she represented citizens with an interest in history. She explained that the building could not be left to deteriorate and he plan to demolish the grade 2 parts if the building were unacceptable and he noted his concerns

regarding the alterations to grade 1 parts of the building. She added that the new 3 storey building was out of character for the area.

Sylvia Graves, a former Ward Manager at Bootham Park Hospital spoke in objection to the application. She questioned if the new buildings could last 245 years. She then distributed a number of photos of the inside of the hospital at different points in time. In answer to Member questions she explained that she had been around the building with the photographer before the hospital had closed. Asked her view on the hospital's history of mental health treatment, there needed to be a nod to the history of the building.

Peter Martin, the Applicant, spoke in support of the application. He explained that Bootham Park hospital was one of York's most historic sites and he believe that a retirement community was the best use of the site, where they would have full support for their needs. He noted that there was evidence that living in an integrated community reduced their need for care. He acknowledged that there were harms and he noted that the applicants had worked hard to minimise this.

Peter Martin had a number of colleagues in attendance to answer Member questions. They were asked and explained that:

- How the building materials were selected for the site.
- NHS property services was a public body and the site was private. The area that were to be made public access were listed.
- How parking would be managed.
- Access to car parking would be controlled by a barrier to the south east of the superintendents lodge.
- Regarding the internal fittings of the grade 1 listed buildings, the whole site was being laser scanned to record where the fittings were.
- The changes to the ladies wing were explained.
- Regarding the pauper wings, they had worked through a number of options and had undertaken research on pauper wings. The pauper wings were not of sufficient merit to retain and it was accepted that there was harm and which was outweighed by public benefits.
- Members could be assured that the applicant did consider alternatives and an explanation was given as to why the pauper wings were not suitable.
- Concerning honouring the history of mental treatment over time, the scheme would be beneficial to the mental health of residents living there.
- Concerning making the cycle path 3m wide, there were two 2m lanes which had been designed by CYC highways.
- It was not known if there was road priority for the cycle path.

- The access to the back of the hospital had been agreed via a legal agreement.
- There had been a number of meetings with the CYC Conservation Architect. The applicant had
- The salvaged bricks from the demolished buildings would be used in landscape treatments.
- The applicants had to juggle lots of opinions about the design of the scheme.
- The sports facility would be used and managed by Bootham School when not in use by the school. There was no provision for changing rooms and there would be a toilet in the bistro. This would be available to the public.
- The public benefits of the scheme was that there was no extra care. There had been consultation with housing officers on the gap in provision for extra care.
- Some trees had been removed because of issues with building foundations.
- The rationale for the enclosed courtyard was explained.

[The meeting adjourned from 17.45 to 17.50]

Members then asked officers questions to which they responded that:

- Historic England had concerns, with the greatest impact on the pauper wings as the biggest harm and they also noted the public benefits of the scheme. The quotes included in the report were taken from the most recent comments from Historic England.
- Concerning conditioning access and public benefits, there were conditions that secured some elements of this. The council had an agreement with the developer which went to Executive in December 2021. It was explained how the legal agreement would be made.
- Regarding the statement that there was no extra care provision in York, this was complicated as care falls into different categories. In terms of the type of accommodation in the local plan, the scheme was part of the overall housing need.
- The cycle path was part of the cycle network and the highway was on private land. The legal agreement addressed the part of the cycle path that was open to the public.
- A legal agreement would permanently allow public access and Bootham School would look after the sports pitches and the administration of their use. Officers were asked and confirmed that it was not known how this would be advertised.

The council Conservation architect was asked and clarified:

- His concerns that the design was too generic.

- The design would detract from the John Carr building and he felt that a more sensitive approach could have been achieved.
- His concerns about the design and height.
- That the harm to heritage assets was at the highest level.
- Regarding York Civic Trusts suggestion that a lighter brick would be more suitable, it was important that new build elements were different. The condition for the colour of the brick was noted.

Officers then responded to further questions from officers, to which they explained:

- How the bricks would contrast with the John Carr building and chapel. This was included in Condition 14.
- The conditions in relation to the board room and preservation of the subscription boards. The features of the John Carr building were preserved via the listed building consent.
- The public benefit was that the scheme contributed to housing supply and as there was a limited amount of that housing it had been given a high level of weight. There was a shortfall of accessible sports provision in the ward and this also given a high level of weight. There was also an investment of £2million for landscaping.
- There would need to be a road safety audit for cycle priority and the cycle access to the NHS site was not in the control of the applicant.
- Reference was made to the block plan of the John Carr building to show how internal aspects of the building were being preserved.
- The CEMP condition included details on deliveries.
- Public access to the café could be conditioned.

Following debate, Cllr Fenton proposed the officer recommendation to approve the application subject to referral to the Secretary of State and subject to the below new conditions 21 (cycle route design) and 22 (east access works), variations to conditions 18 (cycle parking) and 20 (travel plan) and an additional condition relating to the café having public access at all times during the hours of operation, retained for the lifetime of the café with the wording of the condition to be agreed by the Chair and Vice Chair. This was seconded by Cllr Daubeney. Following a vote with 8 in favour of the motion and 3 against, it was:

Resolved: That the application be approved following referral to the Secretary of State and subject to the below new conditions 21 (cycle route design) and 22 (east access works) and variations to conditions 18 (cycle parking) and 20 (travel plan) and an additional condition relating to the café having public access at all times during the hours of operation, retained for the lifetime

of the café with the wording of the condition to be agreed by the Chair and Vice Chair.

New condition 21 – Cycle route design

The cycle route, as shown on the approved landscaping drawings shall be made available for public use prior to first occupation of the development hereby permitted. The facility shall be constructed to adoptable standards and its final design shall be subject to a Road Safety Audit (RSA). Details of the final design (following any variations required by the RSA) are shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To secure the public benefits of the scheme which contribute to the justification of granting planning permission, in the interests of promoting sustainable travel and the character and appearance of the area in accordance with NPPF sections 9 and 12.

New condition 22 - East access works

The development hereby permitted shall not come into use until the following highway works (which definition shall include works associated with any Traffic Regulation Order required as a result of the development, signing, lighting, drainage and other related works) have been carried out in accordance with details which shall have been previously submitted to and approved in writing by the Local Planning Authority, or arrangements entered into which ensure the same.

Works required - the footpath as proposed on hard landscape drawing 1777-LANP-ZZ-DR-LA-1202 shall be extended to continue and connect into the footpath along Union Terrace to the east of the site.

Reason: To provide a suitable and inclusive access for pedestrians in accordance with section 9 of the NPPF.

Variations to conditions

Condition 18 – Cycle parking

Include requirement that provision subject to Council approval and that spaces for staff be covered.

Condition 20 – Travel Plan

Insert specific measure to be proactive in seeking to accommodate car club parking spaces on-site.

Reason:

- i. It is recommended that permission be granted. This is a large and complex site which requires a new use. The scheme has been robustly informed by Heritage Appraisals that provide an understanding of significance of the heritage assets affected and on balance allow for redevelopment whilst avoiding harm on areas of highest significance. The public benefits of the proposed new uses for the site also weigh in favour of the scheme as does the enhancement of the existing landscape in terms of its recreational value and provision of public access.
- ii. The Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard shall be had to the desirability of preserving listed buildings or their settings or any features of special architectural or historic interest which they possess, and special attention shall be paid to the desirability of preserving or enhancing the character or appearance of conservation areas. When applying the requirements of the Act and NPPF paragraphs 201 and 202, the harm is necessary to achieve the public benefits of the scheme, which outweigh the substantial harm and justify granting consent. Technical matters relating to other material considerations can be addressed through planning conditions.
- iii. Conditions are recommended to ensure that the facilities and amenities proposed are provided in accordance with the approved scheme, before first occupation of the residential accommodation proposed and occupancy is restricted to those in need of care, in accordance with the submission documents. Such conditions are necessary to deliver the public benefits that have been identified to make the application acceptable overall.
- iv. Referral to the Secretary of State is required prior to determination because the Amenity Societies have objected to the application (as required by the Arrangements for Handling Heritage Applications Direction 2021).

2a) NHS Property Services Limited, Bootham Park Hospital, Bootham, York YO30 7BY [21/02109/LBC]

Members considered a listed building consent application from Enterprise Retirement Living Ltd and NHS Property Services Ltd for the Demolition, including Pauper Wings and curtilage buildings, internal and external alterations and new buildings in association with change of use to residential care community. Associated external works at NHS Property Services Limited Bootham Park Hospital Bootham York.

Cllr Fenton proposed the officer recommendation to approve the application subject to referral to the Secretary of State and subject to an additional condition for there to be an acknowledgement to the history of the buildings to be a publicly accessible place. This was seconded by Cllr Daubeney. Following a vote with 8 in favour of the motion and 3 against, it was:

Resolved: That the application be approved following referral to the Secretary of State and subject to an additional condition for there to be an acknowledgement to the history of the site to be a publicly accessible place, the working of which to be delegated to officers.

Reason:

- i. The Bootham Park Hospital buildings the subject of this application have been vacant since 2017. At that stage the Council did investigate re-use of the site, which was decided against due to high costs and significant risks associated with restoring and developing listed buildings. It is noted that the Council's preferred option for redevelopment included demolition of Grade II, development to the north of the site and to the east of the Chapel. The applicants were successful in bidding for the site, only at a second round of bidding, after the initial sale failed in 2019.
- ii. The scheme for reuse of the site does lead to harm to certain heritage assets. NPPF advice is that, where substantial harm has been identified, consent should be refused unless such harm is necessary to achieve substantial public benefits that outweigh the harm. The identified harm and public benefits of the scheme are set out below. Officer's recommendation is that in this case the harm is necessary to deliver the substantial benefits that justify the granting of consent.

Identified harm -

- Substantial harm due to demolition of part of the Grade II listed former pauper wings.
- Less than substantial harm to setting of the Grade II listed Chapel
- A low level of harm to the conservation area due to tree loss, offset due to proposed tree planting which includes semi-mature trees.
- Low level of harm due to replacement of estate cottages with development of larger scale. Impact on setting mitigated due to the secluded location.

Public Benefits -

- Substantial benefits in bringing a complex of listed buildings back into use which have been vacant since 2015. This includes the sensitive restoration and re-use of Grade I buildings which are of exceptional importance.
 - Significant benefit of restoring the landscape, expanding its capacity for recreational use and securing public access and ongoing maintenance.
 - Restoration of Grade II boundary railings beneficial.
 - Provision of specialist accommodation to meet an unmet identified need, with associated health and well-being facilities, recreational facilities and provision of care.
 - Housing delivery on a mostly previously developed site in a sustainable location.
 - Securing public access and replacement pedestrian and cycle routes through the site.
- iii. The Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard shall be had to the desirability of preserving listed buildings or their settings or any features of special architectural or historic interest which they possess, and special attention shall be paid to the desirability of preserving or enhancing the character or appearance of conservation areas. When applying the requirements of the act and NPPF paragraphs 201 and 202, the harm is necessary to achieve the benefits of the scheme, which outweigh the harm and justify granting consent.
- iv. Referral to the Secretary of State is required prior to determination because the Amenity Societies have objected to the application (as required by the Arrangements for Handling Heritage Applications Direction 2021).

[The meeting adjourned from 19.00 until 19.07].

2a) Geoff Neal Roofing Factory, Sutton Road, Wigginton, York [22/01908/OUTM] [19.07]

Members considered a major outline application from Oliver Neal for the erection of business incubator units, warehousing and regional training facility for roofing, biomass and stoves in association with change of use to Class E with all matters reserved at Geoff Neal Roofing Factory Sutton Road Wigginton York.

The Head of Planning and Development Services outlined the application and gave a presentation on the application.

Public Speaker

Geoff Neal spoke in support of the application on behalf of the applicant. He explained that scheme being educational and attracting inward investment were the reasons for very special circumstances. He explained that it would provide a centre of regional training for roofing and would be a beacon for special training. He noted that the application was supported by the Parish Council and immediate neighbour. He added that the proposal fitted in with commercial buildings in the area and the existing site was well screened by hedges and would increase biodiversity of the site.

In response to questions from Members, Geoff Neal explained:

- How the nature of the training would differ to that offered by York College.
- If the training was sited elsewhere this would be more disruptive.
- There were economic benefits of the scheme to contribute to the very special circumstances.
- The training centre would develop skills in solar thermal roofing, solar photovoltaic (PV) roofing, and battery storage. There was no training for this in the region at present.

Members then asked Officer a number of questions to which they confirmed that:

- The 2005 draft Local Plan considered the site as green belt.
- They had not consulted with economic development colleagues as the site was not allocated as an employment site.
- There were very special circumstances and these were taken on balance.
- They could not say that all the buildings were single storey as the plans were indicative.

Cllr Waudby proposed the officer recommendation to refuse the application. This was seconded by Cllr Fenton. Following a vote with 8 in favour of the motion and 3 against, it was:

Resolved: That the application be refused.

Reason:

- i. The identified harm to the Green Belt is that the proposals are inappropriate development, which is, by definition harmful.
- ii. No further harm has been identified that cannot be reasonably mitigated through the use of planning conditions.
- iii. The three overarching objectives of the NPPF in achieving

sustainable development are economic, social, and environmental. The objective being to secure net gains across each objective.

- iv. The economic objective is to help build a strong, responsive, and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation, and improved productivity; and by identifying and coordinating the provision of infrastructure.
- v. The proposed development will supplement the existing warehouse use on site and provide opportunities for purpose formed training space where craft trades can be taught in classrooms with workshop space.
- vi. The site is currently in the general extent of the Green Belt. The site specifics have been documented in Annex 4 to the Topic Paper 1 Addendum (page 7 onwards), which provides relevance to land around the B1363 highway (Sutton Road to York Road) has concluded this location serves a green belt function, and it is necessary to keep the land permanently open to safeguard the countryside from encroachment. As such is not identified through the emerging local plan process as one suitable to contributing towards meeting development needs over the emerging plan period. Therefore, the proposed use is not compliant with the mix of uses identified as suitable for the site in the strategic allocation contained in policies SS1.
- vii. The scheme does not conflict with the social and environmental objectives, noting that mitigation can be secured through planning condition.
- viii. Taking into account the objectives in the NPPF, the level of identified Green Belt harm and the economic benefits of the scheme very special circumstances existing in this case do not clearly outweigh the harm.

[The Chair left the meeting at 19.37].

[The meeting adjourned from 19.37 to 19.43].

**2a) Peppermill Court, Ramsay Close, York YO31 8SS
[22/02024/FULM] [19.43]**

Cllr Pavlovic (Vice Chair), chaired the remainder of the meeting following the withdrawal of Cllr Cullwick (Chair). Cllr Waudby proposed Cllr Fenton as Vice Chair of the Committee. This was seconded by Cllr Fisher. Following a unanimous vote in favour, Cllr Fenton was appointed as Vice Chair for the remainder of the meeting.

Members considered a major full application from York St John University for the Erection of 3-storey student accommodation with associated landscaping at Peppermill Court, Ramsay Close, York. The Principal Development Management Officer outlined and gave a presentation on the application.

Public Speakers

Cllr Melly lived in the neighbourhood of the application site and spoke in objection to the application. She supported student accommodation on the site, but explained that the scheme needed to be well designed. She explained that residents felt that the scheme was overdevelopment and she added that it removed existing parking which would have further impacts on car parking in the area. She explained that there were concerns about students moving in and out of the accommodation and the impact of noise on residential amenity. She distributed a photo showing the distance from the scheme to residential properties.

In answer to questions from Members, Cllr Melly explained that:

- Where car parking was being displaced.
- Some students and staff brought cars and there was a loss of parking on Ramsay Close.
- There was little screening between the scheme and residential houses.
- A number of residents had their living room on the first floor and this would be impacted by the scheme.
- She was not aware of any respark.
- The permit parking on Ramsay Close was managed by York St John University.

Cllr Fitzpatrick, Ward Member for Guildhall Ward, spoke on behalf of residents. She explained that residents were not against the principle of the accommodation, but they did not believe that enough weight had been given to the loss of amenity for residents. She suggested that the student social area would not be a quiet study area. She explained residents concerns regarding the 3m wall and she suggested an alternative layout. She noted that as Ward Councillor she wanted to work with the university.

In response to Member questions, Cllr Fitzpatrick noted that:

- There was a fair amount of opposition to the application locally.
- Regarding engagement from the university, Cllr Melly had organised a meeting with residents.
- [With regard to permit parking, the Principal Development Management Officer demonstrated the R25 and R26 respark areas]
- There was mixed parking in the area.

Nick Coakley (Director of Estates Management & Development at York St John University) spoke in support as the Applicant. He explained that the university was enjoying a sustained period of success and that it was expanding a number of services, including midwifery for which there needed to be accommodation close to the university. He advised that the university would be committing sums of money to subsidise rents, which would be 30-40% below the private market for rates. He added that there would be no displaced parking and there would be permit only car parking. He noted that there would be 24/7 staff presence on the site.

Philip Holmes (O'Neill Associates planning consultants and Tom Register (Ridge & Partners architects) were in attendance with Nick Coakley to answer Member questions regarding the application. They were asked and explained that:

- Students moving in and out of the accommodation would be managed through pre booked arrival times over a number of days. This could be added to the management strategy in condition 18.
- All parking would be managed by the university using a permit scheme. Most people that parked on the site were staff and student permits were based on disability and students such as paramedics and nurses who were on work placements and needed parking.
- The mitigation in terms of a travel plan would be an adjustment of the thresholds for permits which may result in car sharing permits or using park and ride.
- An explanation was given on how the layout was reached.
- The accessible rooms were fully adaptable and vehicle use there was a relatively small number of students with disabilities. This arose following consultation with their student disability forum.
- There was a staff team working with students and students with disabilities a room that met their needs.
- The accessible rooms were considered as part of all accommodation on the estate.
- The reasons for the scattered accessible rooms was explained.
- Engagement with residents was explained and the university would like to continue to engage with residents.

- There would be CCTV on the site and the screening around the scheme had been adjusted following residents views. The university had written to the landowner of the track of land to the north of the site and they intended to take over the management of the land.
- The quiet social space had been mislabelled on the plan and it would be a quiet room which would close at 10pm.
- The final form of the design had been reached by looking at buffer distances, massing limitations and a need to pull back from the east of the site due to the grade 2 listed St Mary's house. The best design had been reached within the constraints of the site and balancing the needs for the university's growth.
- Regarding noise control, the university would start with education and working together with students and it was explained how this would operate in practice. It was noted that there was a security lodge on site.
- There was a disciplinary process as part of the residency agreement.
- The university would consider paying for a residents parking scheme.
- Confirmation was given that the university would restart a termly liaison group meeting with residents in whatever format was considered to be most effective.
- Regarding the maintenance of the buffer strip to the north of the site, the university had written to the registered owner and was ready to maintain the buffer strip when it has received permission to do so.
- The location of the accessible rooms was explained. The location of those rooms was been limited because of the constraints around fire.
- The number of students that declared they had a disability and had a blue badge was very small and their needs could be met. It was explained why the accessible rooms were spread across the development.
- It was confirmed that rooms in block 6 could be rearranged to include accessible rooms.

[Cllr Fisher left the meeting at 21.02]

The rent for the rooms was 30-40% below market rates (the figure for which came from the average cost of rooms from their managed portfolio. It was not a commercial enterprise.

Members then asked further questions to officers. Officers clarified that:

- The wording of condition 1 in relation to accessible rooms could be delegated to officers.
- Condition 4 covered construction deliveries and a traffic management plan could be added to this.
- Condition 17 could be amended to add drop off and pick up and a liaison plan between the university and residents.

Following debate, Cllr Lomas proposed the officer recommendation to approve the application subject to amended conditions 1 in relation to accessible rooms to be delegated to officers, amended condition 4 to include a traffic management plan could be added to this and amended condition 17 to include drop off and pick up and a liaison plan between the university and residents and an additional condition to secure the location of the accessible rooms. Following a unanimous vote in favour it was:

Resolved: That the application be approved subject to amended conditions 1, 4 and 17 and an additional condition to secure the location of the accessible rooms.

Amended Condition 1

To be delegated to officers

Amended condition 4

To include a traffic management plan

Amended condition 17

To include drop off and pick up and a liaison plan between the university and residents

Additional condition

To secure the location of the accessible rooms.

Reason:

- i. The proposed development is acceptable in principle and having regard to the duty under s66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, there would be no harm on designated heritage assets; the setting of the Grade II listed St Mary's student accommodation block to the east.
- ii. The NPPF requirement is therefore to grant planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when applying the policies within the NPPF taken as a whole.
- iii. The benefits of the scheme are re-use of a previously developed site, an improved streetscene along Ramsay Close (including rows of new street trees as advocated by the NPPF) and the provision of student accommodation for which there is need, in a building that is targeted to achieve BREEAM Excellent, in a highly sustainable location where trips to local amenities and services can be made without the need

for private car travel. Whilst trees are proposed to be removed (including 3 Category B trees) some 100 replacement trees are proposed and landscaped amenity spaces are proposed for the building's future occupants.

- iv. The relationship of the proposed buildings to their neighbours are regarded to be acceptable, there are no conflicts with the NPPF requirements on the promotion of sustainable travel and no ecology, flood risk or other technical planning issues that cannot be addressed by imposing planning conditions. Approval is recommended.

Cllr Cullwick, Chair

[The meeting started at 4.30 pm and finished at 9.18 pm].