

COMMITTEE REPORT

Date: 2 February 2023 **Ward:** Guildhall
Team: East Area **Parish:** Guildhall Planning Panel

Reference: 21/02108/FULM
Application at: Bootham Park Hospital Bootham York YO30 7BY
For: 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
By: Tetlow King Planning (agent) Enterprise Retirement Living Limited and NHS Property Services (applicants)
Application Type: Major Full Application
Target Date: 8 February 2023
Recommendation: Approve following referral to Secretary of State

1.0 Introduction

Application site

1.1 The application site relates to the Bootham Park Hospital main building and its grounds including the east access from Union Terrace and the estate cottages and lodge building situated alongside the main approach road from Bootham. The application excludes the Grade II Chapel building, which remains as offices used by the NHS.

1.2 The neighbouring uses to the east are the Arc Light centre and Bootham School and the railway line to the west.

1.3 Bootham Park Hospital was closed by the NHS in 2017 and has been vacant since. The buildings previously provided residential accommodation and outpatient care. The NHS services have been re-provided at the Haxby Road site (which opened 2020).

1.4 The Council considered the viability of bringing the site back into use, which included public consultation, in 2019. The project was not progressed (as explained later in this report) and the NHS agreed sale of the site to the applicants in 2020.

Heritage assets

1.5 The site lies within the Central Historic Core Conservation Area and City Centre Area of Archaeological Importance.

1.6 Bootham Park Hospital originally opened as York Lunatic Asylum in 1777, the fifth public asylum to be founded in England. It remained in continuous use until its closure in 2015 and the survival of the original plan forms and interiors, together with the subsequent phases of development of the hospital, contribute to our understanding of the development of mental health care from 1777 to the present day.

1.7 The original Bootham Park Hospital building is the front-range, designed by John Carr, which faces south towards Bootham. This building is dated 1777 and is grade I listed. A complex of buildings developed over time and when Historic England updated the listing description in 2016 separate areas were listed Grade I and Grade II. Some areas are unlisted. The listing descriptions are -

- Grade I - The front range dated 1772, 1886 link (behind) and 1817 range and 1908 extension.
- Grade II - Two long corridors, recreation hall, former American bowling alley, and two former Pauper Wards
- Grade II – superintendent’s house
- Also Grade II - Former Chapel (1865), Bootham lodge gates and railing and boundary fence (railings) with Bootham School.

Proposals

1.8 The scheme proposes an extra-care residential community (172 residential units with 24-hour care), which would entail residential accommodation and amenities including communal and health and well-being facilities, associated ancillary spaces, café with public access and the associated landscaping of the site. The site would have public access, in the form of the pedestrian/cycle routes through the site, public open space and sports facilities.

1.9 All apartments, apart from one within the listed building, would accord with Part M Category 2: Accessible and Adaptable dwellings of the building regulations and all buildings have level access throughout.

1.10 The applicants are Enterprise Retirement Living, an older persons living specialist developer. The accommodation would be for persons in need of care and residents would be subject to a “Qualifying Resident Assessment” to determine eligibility (at least 60 in age and in need of care) and the service charge would include a mandatory minimum 1.5 hours of care per week.

1.11 The works to facilitate the scheme include the following -

- Re-use of Grade I building
- Demolition of Grade II structures on the west side of the site (known as Pauper Wings)
- New build to west and north of retained buildings

- Removal of 13 category A and 13 category B rated trees. 69 category A and 94 category B trees retained. Up to 180 new trees are proposed within the landscaping scheme, including heavy standard trees and semi-mature trees.
- New main entrance (providing level and inclusive access) and café open to the public on the east side of the buildings. The works update the 1970's single storey extension. The main (south) entrance to the grade I listed building would require a significant ramp to provide level access and was discounted as an option in agreement with Historic England).
- Accommodation within new building(s) on three sides of the Grade II listed chapel.
- Demolition of the estate cottages (positioned along access road and not listed in the Historic England listing); replacement with 3 storey accommodation.
- Gatehouse converted to residential.
- Restoration of Grade II listed boundary railings

1.12 The granting of planning permission would also secure the following benefits from the site (subject to a separate legal agreement with the Council) –

- Public access and improvements to the pedestrian and cycle route through the site between Bootham and Union Terrace / Bridge Road (the latter to the north and east of the site). Currently a permissive route.
- Sports facilities and public open space (both with public access arrangements).
- Restoration of the boundary railings (listed at Grade II).
- Landing area for air ambulance retained.

2.0 Policy Context

Planning (Listed Buildings and Conservation Areas) Act 1990

2.1 Sections 66(1) and 72(1) require 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.

NPPF

2.2 The primary policies for consideration of the scheme are contained in the NPPF. The main relevant sections are –

2 Achieving sustainable development – which contains the three over-arching objectives – economic, social and environmental - which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives).

5 Delivering a sufficient supply of homes – which establishes the importance of

significantly boosting the supply of homes, that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.

9 Promoting sustainable transport

15 Conserving and enhancing the natural environment – which establishes that decisions should minimise impacts on and providing net gains for biodiversity.

16 Conserving and enhancing the historic environment – which explains the process in determining applications which may cause harm to designated heritage assets.

Local Guidance

Central Historic Core Conservation Area Appraisal

2.3 Character area 1 relates to Bootham Park Hospital. The appraisal discusses the buildings streets and spaces within the application site and identifies issues and opportunities.

Publication Draft Local Plan 2018 (DLP 2018)

2.4 Key relevant policies

DP3 Sustainable communities

SS1 Delivering Sustainable Growth for York

D1 Placemaking

D2 Landscape and setting

D4 Conservation Areas

D5 Listed Buildings

H3 Balancing the Housing Market

H9 Older Persons Specialist Housing

GI4 Trees and Hedgerows

GI5 and GI6 Open Space

CC2 Sustainable Design and Construction

T1 Sustainable access

3.0 Consultations

Design Conservation & Sustainable Development - Archaeology

3.1 Planning conditions can be used to mitigate against above and below-ground impacts.

An archaeological watching brief will be required during:

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- construction of foundations/new services for new builds surrounding the main hospital building
- groundworks in relation to installation of play equipment, creation of footpaths, helicopter landing, new drainage or utility supply throughout the site

A strip, map and record will be required:

- ahead of construction of new buildings surrounding chapel
- following demolition of Avenue Cottages but ahead of construction of new builds towards south of the site

A programme of building recording is required prior to demolition or alteration to:

- Pauper Wings
- Main Hospital
- Lodge
- Avenue Cottages

Design Conservation & Sustainable Development - Conservation Architect

3.2 Officers advise that many changes are proposed and the harm is cumulative. There needs to be a clear and convincing argument that the need for so much development is outweighed by the public benefits of bringing the buildings back into use. A high level of harm is identified. The harm has to be considered across the whole of the site and cannot be assigned to individual elements.

3.3 In respect of the new build officers differ in opinion to Historic England and would have preferred a less generic approach to the new build elements on the site. There appears to be little attempt to ensure the new build elements reflect their specific context and a standardised approach to the proposals has been used. Officers understand this is due to the nature of the use which requires specific layouts to meet the needs of the prospective residents. It's disappointing, however, that a more bespoke solution to the façade treatments has not been taken. The development adjacent to the John Carr building and surrounding the Chapel are too similar in style with no differentiation. The proposals are extensive with large areas of new build; claimed to be necessary by the applicant to facilitate the scheme. There is a negative impact on the setting of the John Carr building, in officer's opinion, due to the scale of the proposals and the style chosen.

John Carr Building (grade I)

3.4 Plan form - officers regard the central axial corridors with views to the parkland and the boardroom as a major contributor to heritage value. The scheme originally proposed interventions in these areas. The proposals have now been revised to preserve these aspects of the building. Also in the north wing the corridors and the contribution they make to 'architectural and artistic interest' and 'historic interest', is highly important. Initially the plan form in the North Wing would have been lost and

this had a negative impact on significance. The submitted amendments have ameliorated this whereby more of the plan form including a staircase is preserved.

3.5 A more subservient addition to accommodate the café was requested. The scheme has been revised and the café would be accommodated within the existing building footprint. This enables retention of a Category A rated tree in this area also.

New build

3.6 A standard solution to the new build has been taken and rolled out across each area of development. The only successful way to provide new buildings in a historic setting is for them to reference their context and to fit seamlessly into their surroundings. This doesn't mean a slavish copying of the existing or that a modernist approach can't be successful. In all cases officers do not consider this has been achieved. The new build elements do not successfully integrate or respect the significance of the heritage setting.

Chapel Site

3.7 The scale of the proposed development is too large in terms of amount and height. The development would harm the setting of The Chapel and the wider setting of the various heritage assets (including the importance of the landscape). A maximum building height of two-storey is recommended.

Estate Cottages

3.8 The existing building form is appropriate and the buildings contribute to the character and appearance of the area. The proposed replacement building is generic in its form. Due to the large building scale the proposed development will have a negative impact on views and vistas along the approach road.

Demolition of Pauper Wings

3.9 The loss of this phase of the building at Bootham will cause substantial harm in terms of the NPPF advice. However, officers acknowledge this part of the building is in a poor condition and that the replacement of the Pauper Wings is, on balance, the most appropriate location to accommodate new development if necessary to enable buildings of the highest historic significance to be restored and brought back into use.

Design Conservation & Sustainable Development – Ecology

3.10 No objections. Recommend conditions in respect of bats, biodiversity net gain, Japanese Knotweed and vegetation clearance.

Bats

3.11 Approximately five Common pipistrelle bat roosts have been identified within the hospital buildings, one of which is located within the western wing of the main building proposed for demolition. Common pipistrelle bats are widespread throughout the UK and classed as a species of 'least' conservation concern. As the

proposals would result in the permanent loss of this roost, a European Protected Species (EPS) licence from Natural England will be required prior to the commencement.

3.12 The requirement for a European Protected Species Licence will prevent any direct harm and the provision of new roost sites will maintain roosting opportunities on site. An appropriate condition would enable the “derogation tests” which must be applied for an activity which would harm a European Protected Species (EPS), contained within the species protection provisions of the Habitats Directive, to be met.

3.13 Several Common pipistrelle bat roosts were identified within the hospital buildings, the majority of which will not be lost as a result of the proposed works. Although the roosting features will remain in situ, features should be monitored and safeguarded during the renovation works. As such, precautionary working methods should be used whilst working alongside all known and potential roosting features. A condition is recommended to this effect.

Nesting birds

3.14 A condition is required in respect of vegetation clearance.

Japanese knotweed

3.15 Details of containment, control and removal are required to prevent further spread of the plant which would have a negative effect on biodiversity.

Lighting

3.16 A sensitive scheme is required to ensure the site remains attractive to bats and other light sensitive wildlife.

Biodiversity

3.17 Enhancements have been proposed with the aim of providing biodiversity net gain post construction and include; integrated bird boxes, access features for hedgehogs, and hibernacula for invertebrates, amphibians and hedgehogs. It is recommended that these enhancements are expanded upon to include native planting, additional bird nesting boxes designed for trees, and both integrated and tree mountable bat boxes. It is recommended that the applicant continues to work with a consultant ecologist to ensure ecological enhancements are included within the final design.

Design Conservation & Sustainable Development - Landscape

3.18 Officers support the landscape design proposals but are unable to support the substantial loss of high and moderate quality trees across the hospital grounds. Preference is for retention of all category A and B trees. The extent of proposed tree removal is considerable. Key losses are the trees on the east and north sides of the site.

3.19 The mature trees across the application site are an integral and fundamental component of the character and beauty of the hospital and chapel grounds. Whilst the trees function within their own character areas – namely the former chapel, the main open space, and in between and around the hospital complex, the collective tree cover across the site is read as an encapsulating and grounding whole. The range of large trees provide the site with a mature, attractive, and tranquil quality, and a feeling of separation from an otherwise bustling urban surround.

3.20 Direct impact – losses, retention, mitigation are as follows:

- 13 trees requiring removal to facilitate the proposed development are high value retention category 'A'.
- 13 trees requiring removal to facilitate the proposed development are moderate value retention category 'B'.
- 96 trees, tree groups, and hedges requiring removal or partial removal to facilitate the proposed development are lower value retention category 'C'.
- 68 high value retention category 'A' trees and 94 moderate value retention category 'B' trees will be retained and protected as part of the proposed development.
- Approximately 180 new trees are proposed as part of the site wide development

3.21 The range of existing trees provide the grounds with scale and maturity. Those on the east boundary are worthy of protection due to their high amenity value. Around the chapel boundary (including the eastern boundary) they provide an attractive setting and backdrop to the chapel in views. There is significant harm to the quality and character of the landscape around the former chapel, which also forms part of its setting.

3.22 Development on the north side of the site would result in the loss of the largest number of sizeable high-quality trees which otherwise would have a life expectancy of over 40 years. Some are locally, relatively rare, ornamental specimens. However these trees are less directly visible from the public domain because they stand between buildings within the interior of the hospital grounds.

3.23 Considerable new tree planting across the site is proposed, in particular around the perimeter of the main lawn, and within the proposed courtyards. This in time would provide a significant level of mitigation for the substantial loss of trees in various parts of the site.

Highway Network Management

3.24 Officer comments as follows -

- Cycle parking sufficient; it needs to be covered and secure.
- The inclusion of a car club space would be welcome.

- Details of FTE staff and their anticipated residence would assist in determining parking requirements / travel habits.
- Note that anticipated number of daily vehicle trips does not correspond to the amount of parking (there may be an over-supply of car parking). A survey of existing car use at the operator's other sites recommended to determine car parking demand.

Public Protection

3.25 Noise & vibration – condition that noise and vibration levels in resident's rooms achieve British Standards. Details of plant & machinery required for approval.

3.26 Air Quality - Potential construction air quality impacts has been assessed in line with best practice guidance from the Institute of Air Quality Management (IAQM). The use of good practice control measures would provide suitable mitigation for a development of this size and nature and reduce potential impacts to an acceptable level. A condition is recommended. Operation – no mitigation is necessary in this respect.

3.27 Electric vehicles – in line with local draft Low Emissions Guidance request 5% of all car parking spaces be provided with electric vehicle charge points. An additional 5% (minimum) of car parking spaces should have the potential to be easily upgraded with electric vehicle charge points in the future. This will require consideration of future power requirements for such points and any necessary cabling and groundwork to be installed from the outset. Spaces should be for the exclusive use of low emission vehicles.

3.28 Land contamination - A low to moderate risk has been identified in relation to elevated contaminants within the made ground and the potential risk to future site users. The site investigation report proposes design led mitigation, such as building footprints/roadways or capping layers in landscaped areas, could be used to break the contaminant pathway. Remediation and verification works will be required to make the site suitable for its proposed use. Conditions recommended.

Flood Risk Management Team

3.29 Confirm soakaways/infiltration methods of surface water disposal will not work on this site. The submitted Sustainable Drainage Strategy is agreed to in principle, including the surface water run-off rates and sewer connections. Officers ask for a condition to approve site-specific details. It is noted that in terms restricting the surface water run-off rates, the sub-base below the permeable paving will require a sealed tank arrangement.

EXTERNAL

Historic England (comments on Listed Building Consent application)

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3.30 The complex has been largely vacant since the withdrawal of the NHS mental healthcare services in 2015. It is therefore crucial to find a solution which delivers the long sustainability of the complex while protecting the special interest of the site. Historic England set out the significance of the complex, summarises the effects of the scheme, outlines the policy approach and their position on the scheme.

3.31 The greatest single harmful impact will be the loss of the pauper wings; representing substantial harm to the significance of the Grade II listed buildings. Any such harm should be exceptional. However, this should be considered in the context of the potential public benefits to be derived from the re-use of the wider site. Historic England have not objected to this aspect of the scheme.

3.32 The cumulative impact of the changes proposed is considerable. Justification is required for the scale of intervention proposed and the level of harm that will result, or that a less intensive scheme is not viable. Historic England do not object to the proposal, but they do have concerns and ask that the authority be satisfied that that this degree of harm is required to deliver the level of public benefits.

3.33 On commenting on revised plans Historic England advised –

- Welcome revisions to the scheme affecting the John Carr Building.
- It is still proposed to divide or open up a significant proportion of the cells to create apartments. This is particularly regrettable in the north wing (former Female's Wing) where changes erode legibility. (officer note plans have since been revised to retain more of the historic plan form in this area)
- The scheme shows a generally thoughtful approach to the higher graded blocks which will see the impressive communal and circulation spaces harnessed for the new community. The retention of the open nature of the site and public access to it is also welcomed, as it will ensure the experience of the main building and its prominence are retained and that the site continues as an active part of the wider neighbourhood.
- The new residential blocks have largely been distributed to minimise their impact on the retained buildings and landscape. Appearance, scale, massing and the selection of materials relate well to the site and some of the key characteristics of the retained buildings, without seeking to imitate them. There remains some concern over the complexity of the elevations and the consequent ability to provide a visual distraction. However, the result is generally a good quality of new architecture which fits with the character of the site.

Guildhall Planning Panel

3.34 Pleased to see the site developed and the retention and importance of the Carr Building. Have issues with some of the more detailed design. New development should not affect the setting of the Carr Building and the existing landscaping of the site.

- The south-west block is too dominant and needs to be positioned more to the north.
- Object to replacement of the attractive pitched roof Estate cottages with an oversized 3-storey block.
- The Northern block is unacceptable and leads to the loss of many mature trees which add biodiversity. Development to the rear of the main building seems to have ignored the need to keep mature trees as part of the landscape.
- On new build, the confusing details and massing arrangements of projecting balconies and stepped facades are considered unattractive and not complementary to the main buildings.
- Car parking - the number of spaces seem excessive (and should not lead to tree loss). Officers note that since these comments were made the number of car parking spaces have been reduced and spaces have been moved away from Category A rated trees on the eastern side of the site.
- Combined cycle and pedestrian paths should be at least 4 metres wide, or better still pedestrian and cycle routes separated. (officer note the proposed lanes are segregated and each 2m wide).

North Yorkshire Police (architectural liaison officer)

3.35 Recommendations are as follows –

- A well-designed lighting scheme should be installed that increases the opportunity for surveillance at night. It is recommended that all roads, segregated footpaths and car parking areas are provided with lighting that complies with BS 5489-1:2020 (the British Standard contains recommendations for the design of lighting for all types of highway and public thoroughfare, including those specifically for pedestrians and cyclists).
- The remote locations of the timber play equipment could result in it being vandalised. Building for a Healthy Life (2020) states that play, and other recreational facilities should not be hidden away.
- Where possible, a buffer zone of 'defensive' planting should be considered alongside the building line, to create 'defensible space'. This will ensure privacy and security for ground floor apartments.
- Consideration should be given to the installation of a CCTV system to cover main entrances to the buildings, fire escape doors and communal areas.

Yorkshire Water

3.36 The proposed estate cottages encroach over sewers through the site. Note that a sewer can be diverted but is subject to a formal procedure undertaken with

Yorkshire Water. (Officers note that the drainage strategy does show the intention to have the sewer diverted and the drainage scheme has been devised in consultation with Yorkshire Water).

Historic Buildings and Places (Amenity Society)

3.37 Object to the application. Welcome the reuse of this important group of buildings, aspects of the proposal represent substantial harm to the significance of the buildings and conservation area, particularly the demolition of the Pauper Wards.

Demolition

3.38 The Pauper Wards have a distinct identity and represent a major part of the grade II listed buildings. They are of national significance and were re-designated as Grade II by Historic England in 2016. Historic Buildings and Places are not convinced suitable justification has been provided at this stage to demonstrate why they cannot be retained and sensitively adapted and extended to provide the desired accommodation on the site.

New Build

3.39 The design, scale, materials and fenestration of the surrounding buildings are critical to the setting of the John Carr Building. The replacement buildings are considerably bigger in scale and mass than the smaller and narrower footprints of the existing buildings.

Internal alterations to John Carr building (Grade I)

3.40 Disappointed by the proposals for enclosure of the long corridors and hallways, particularly the upper levels of the John Carr Building, and the loss of the planform and connectivity that characterises this building. (Officer note: this is addressed in the revised scheme).

Cottages

3.41 The hospital was originally designed as a grand country house set in open parkland and is vital to the setting of the John Carr Building and understanding of the site as the open space was considered a therapeutic landscape for exercise, contemplation and wellbeing. The range of unlisted cottages along the main drive from Bootham are undistinguished but of a small scale and are appropriate in terms of the grand approach to the main 'house' along the avenue of lime trees. They are of a similar scale to the listed lodge at the Bootham entrance by G Fowler Jones. Given this context, do not support replacement with a long modern three storeys block of flats, which would be inappropriate in terms of height, design, scale and mass within the parkland. Consideration should be given to adapting the existing cottages, rather than intensifying development in this part of the site. Officer note – conversion has been discounted as an option by the applicants; it could not provide accommodation meeting the standard required for older person's accommodation, taking into account accessibility requirements.

The Georgian Group (Amenity Society)

John Carr building (Grade I)

3.42 Objected to the proposed plan form on the upper floors. In the proposed plans, the corridors have been subdivided, with associated views of the terminal windows lost to private residential space. The central axial corridors are a critical element of the plan form of the buildings and should be maintained on all floors. (Officer note: the layout has been revised and this is addressed in the revised scheme).

Demolition of Pauper Wings

3.43 Suitable justification not provided to demonstrate why the Pauper Wings could not be retained in some form. The demolition of the existing listed buildings would result in substantial harm to the significance of the both the existing and retained buildings and to the character of the conservation area.

Victorian Society (Amenity Society)

3.44 Object. No clear and convincing justification is provided for the interventions proposed, recommend that the proposals are revised to retain and adapt at least the pauper wings, and to reconsider the proposed designs and siting of the proposed new-build elements.

3.45 Demolition of Pauper wings will mean that the most substantial traces of a historically important aspect of the hospital will be entirely lost. The demolition also involves the truncating of the corridors connecting the Pauper Wings to the main building, which retain their high-quality decorative schemes from 1886.

3.46 The buildings proposed to replace those on the western part of the site will harm significance because of the qualities of their design. Although the later additions to the complex are of several different phases and display variation in their details, they nonetheless almost all speak the same language, which is derived from the style of the John Carr building. The proposed new buildings not only are clearly of a single undifferentiated phase of considerable bulk, but also reject most of the characteristic forms of the existing buildings.

The Chapel

3.47 The buildings proposed to the east of the site will cause harm by radically altering the settings of the listed chapel and the complex as a whole. The open parkland character of the site is a key aspect of its historical and aesthetic importance; more specifically, the open space around the chapel is important to the building's visual effect. The proposed new blocks intrude severely on the chapel's setting, leading to a much more urban and domestic setting. The scale of the proposed buildings is overbearing; their materiality jars terribly with the coherent materiality of the chapel.

Superintendent's House

3.48 Noted the loss of fabric that would occur due to the loss of the staircase. Officer note: the revised scheme retains the staircase).

Conservation Areas Advisory Panel

3.49 No objections in principle. Comment on specific elements as follows –

Chapel site

- The Panel had no objection to the proposed design but considered the choice of materials and in particular the brick type and colour were important. Sample panels should be requested which could be viewed on site by the planning authority.

Estate Cottages

- The proposal is for a more prominent building that could compromise the setting of the John Carr building as seen on walking up the drive from the lodge. If retention and adaptation of these buildings is not practical, the new building should only be of two storeys.

Pauper Wards

- The design of the new building had changed considerably from that seen previously, it was felt that this design was much improved. The Panel's view was that the new build should be of a much lighter brick, contrasting with the John Carr building and being more akin to the brick used on the houses on Grosvenor Terrace across the railway line.

Sport England

3.50 No objection. Consider the application is consistent with their policy objective: to provide new opportunities to meet the needs of current and future generations. Ask for conditions to secure a community use agreement for sports pitches and that they are laid out in accordance with Natural Turf for Sport" (Sport England guidance, May 2011).

York Civic Trust

3.51 Key aspects of this application the Trust supports - such as the principle of redevelopment as a residential home for the elderly; the principle of the landscaping offering public access to it, and the provision of a therapeutic walking route; the external conservation of the main John Carr building, and scale and design of the proposed cafeteria.

3.52 Unable to support the application in its current form due to: the uniformity and choice of design of the new build development which would surround and risk adversely impacting the John Carr building and former chapel; the loss of the estate

cottages on the access lane and the scale and design of the proposed replacement block.

3.53 The value and importance of the estate cottage buildings is as part of the curtilage of the historic asylum, as identified in the Listing description. The views from Bootham and when approaching the main former hospital buildings along the lane off Bootham (identified as Key Views (1 & 2) are of 'High Value' in Purcell's Historic Building Appraisal. Key views would be adversely affected by the new buildings.

3.54 Individually the proposed blocks have merit and have been considered alongside the heritage structures, but collectively they are dominant and suffer from a uniformity that results in an overall underwhelming transformation of the site. The similar heights and ubiquitous preference for flat roofs risks the site being read as 'blocky'. Providing more rhythm in the roofline would help to this end.

3.55 The brick colour for the new build blocks should not be a matching tone to the John Carr building, such an approach would drown out the excellence in architectural design of this C18 building. Use of a lighter brick colour would help add interest to the new build and soften its massing impact.

3.56 Car parking is overly generous and contrary to the ambitions and policies of City of York Council and soon to be Government's Zero Carbon Strategy.

4.0 Representations

4.1 There have been seven contributors, two of which were registered as objections. Comments were as follows -

Principle

- Welcome many aspects, which respect the historic structures and put them to an appropriate use, while also enhancing public access to precious green space in the heart of the city.
- Appreciate how difficult it has been to find an economically viable solution to develop this historic and sensitive site of great importance to the city. Welcome the way the scheme prioritises the John Carr building and will allow some public access.
- York Older People's Assembly are supportive of the application with particular reference to the anticipated quality of the accommodation and communal facilities proposed.

John Carr Building

- Would object to any sub-division of the boardroom or removal of the subscription boards.
- Works involve changes to the cellular plan form / layout to accommodate the new use.

- Query whether decorative features such as Minton tiled flooring in corridors, vaulted ceilings and stained glass.

Pauper wings

- Preference for retention of Pauper Wings. If not, recommended measures for recording and methods for interpretation within the new build.

New build

- Height of new build to main building (3-storey) considered appropriate. However the long block proposed to replace the present cottages to the south-east of the drive from Bootham is inappropriate in this location and should be rethought. The U-shaped block enclosing the chapel is also likely to detract from its setting.

Chapel

- Two storey rather than three around this building would be more appropriate. Will trees proposed for removal be replaced?

Trees

- Trees proposed for removal at the north extent of the site can be appreciated from Union Terrace. Accept that development here is required to make the site viable but would prefer retention of some trees. Replanting is requested where trees have to be felled. It was asked whether the applicants would consider thinning out the existing trees that run along the Grosvenor Terrace border too. The majority are Sycamore trees and far too overcrowded and roots could affect stability of houses on the opposite side of the railway line.

Car parking

- There was objection to introducing car parking alongside the approach road (the car parking spaces have since been omitted from the scheme). It is not clear why so much car parking is required overall when the applicants advise average age of residents is over 80 yrs.

Estate cottages

- The proposed replacement with a long modern block of three storeys is inappropriate and requires a bespoke design. As the main aspect faces north-west across the drive residents could be likely to call for trees of the main Lime Avenue to be removed because of a lack of daylight.

The Grade II listed railings, piers and gates

- At the frontage to Bootham these have been woefully neglected by the NHS and are in very poor condition with rusting ironwork and cracked stonework. Welcome the proposals for repairs.

Parkland

- Some concerns that turning the parkland into a playing field, with white lines and goalposts, will detract from its character and the setting.

5.0 Appraisal

Key issues

- Principle of the proposed use
- Specialist accommodation use class and policy assessment
- Open Space
- Impact Heritage Assets
- Archaeology
- Ecology
- Surrounding occupants
- Sustainable design and construction
- Public protection
- Drainage
- Highway Network Management
- Healthy and safe communities
- Overall Planning Balance

Principle of the proposed use

5.1 Bootham Park Hospital closed in 2017 after the Care Quality Commission deemed the buildings no longer fit for purpose. The facilities relocated and the NHS made the site available for sale in 2018. Since closure significant costs have arisen from site security. There were two rounds of marketing prior to the applicant's agreement to purchase the site in 2020.

5.2 Third parties, including the Council, undertook feasibility studies regarding re-use of the site which did not lead to offers. Open market testing between 2018 and 2019 did not bring forward any viable charitable or public ownership options.

5.3 The current condition of the site and previous failed attempts to bring it back into use weigh in favour of the development, taking into account, NPPF policy on making effective use of land and giving substantial weight to using brownfield land within settlements for housing. The proposals are also highly beneficial in putting buildings on site of most heritage significance to a much needed new use, consistent with their conservation. These benefits must be weighed against the identified harm on designated heritage assets.

5.4 The specialist housing the scheme would provide is also demonstrably in need locally. Applying national and local housing need policy provides a compelling case in favour of the scheme.

5.5 NPPF section 5, which covers housing supply, advises that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed and that the needs of groups with specific housing requirements are addressed.

5.6 The vision within the DLP 2018 in respect of housing states "a key challenge for the Local Plan is to deliver sufficient housing across the plan period to meet the city's needs. It is important that the Local Plan responds to the needs of York's population including specific groups, such as older persons ... It is also important that provision reflects demographic change over the plan period. For example, the anticipated increase in the number of people over 70 years old living in York during the plan period".

5.7 Policy H1 relates to housing allocations to meet the housing requirements within the plan. It explains that windfall sites have been factored in to allow the plan to meet its requirements. Windfalls sites, as defined in the NPPF (2012), are sites which have not been specifically identified as available in the Local Plan process – they normally comprise previously developed sites that have unexpectedly become available. The application site is not allocated for development in the DLP 2018 and can therefore be regarded as a windfall site.

5.8 Local Planning Authorities are expected to demonstrate a rolling five-year supply of deliverable housing sites. York is currently in a position where it does not have a five-year housing land supply and under the NPPF (paragraph 76) has been required to produce an action plan to address under delivery; to assess the causes of under-delivery and identify actions to increase delivery in future years.

5.9 In respect of the type of homes needed locally DLP 2018 policy H3 (5.24) states "demographic projections show an ageing population resulting in an increased need for housing that meets the needs of older people: this includes housing to enable them to live independently, sheltered housing, extra care accommodation and care homes". Policy H9 relates specifically to older persons specialist housing. It states "the council is committed to meeting the specific housing needs of the aging population and people with disabilities or additional mobility requirements. The City of York has a population that is older than the national average, with a high proportion of people aged 85 or over".

Specialist accommodation use class and policy assessment

5.10 The applicants, Enterprise Retirement Living are a member of and are committed to the objectives of the Associated Retirement Community Operators (ARCO) which is the main body representing the retirement community sector in the UK. They operate multiple sites over the UK. They would commercially manage the entire site with staff employed to provide care and support (24 hours per day). The units will be occupied on a leasehold basis with eligibility restrictions. A resident of each unit is required to be aged 60 and over and assessed as needing the care and

support. There is a mandatory 1.5 hours of care per week as part of the service charge. Residents are provided with additional demand subject to individual requirements. Administration is detailed in the applicant's user operator statement and a condition of permission would require the development to operate in accordance with the statement.

5.11 All apartments (except one constrained by heritage issues and physical characteristics) would accord with Part M Category 2: Accessible and adaptable dwellings of the Building Regulations. All buildings are designed to have level access throughout. Lifts are provided and all apartments on the site have access to a large lift capable of accommodating a stretcher. New wings each have cycle/buggy stores by entrances. The scheme is designed to operate as a community and includes amenities on-site; communal lounges, dining and entertainment rooms, hobby rooms and a health and wellbeing suite. Communal uses are concentrated within the listed buildings. There are also private gardens for the residents (separate to the large communal landscaped gardens and sports pitches proposed on-site). A café will have public access.

5.12 The type of use proposed, with the amenities on-site and provision of care, falls outside of use class C3 (dwellings). It is typically considered within either class C2 (residential accommodation and care to people in need of care) or sui generis. DLP 2018 policy H9: Older Persons Specialist Housing states that only where development falls within use class C3 is affordable housing provision required.

5.13 DLP 2018 policy H9 states developments specifically designed to meet the accommodation needs of older people will be supported where they:

- i. contribute to meeting an identified need;
- ii. are well designed to meet the particular requirements of residents with social, physical, mental and/or health care needs; and
- iii. are in an accessible location by public transport or within walking distance to a range of community facilities including shops, medical services and public open spaces or these are provided on-site.

5.14 Both local policies H3 (balancing the housing market) and H9 (older person's specialist housing) refer to the local ageing population and the need for accommodation suited to their needs.

5.15 Policy H9 advises specialist units of accommodation for older people (generally considered sheltered or extra-care housing) is required at a rate of 84 units per annum and 37 bedspaces per annum are required for persons aged 75 or more in care homes. Policy H9 includes a requirement that the strategic sites should contribute to meeting this housing type; the DLP 2018 strategy for provision of the type of housing proposed is that it will be delivered through the allocated housing sites.

5.16 The DLP 2018 policies acknowledge a current and increasing need for the housing typology proposed within this scheme, where residents are provided with a level of care to suit changing needs over time and expects need to be addressed through the housing allocations. Overall housing need, through the emerging plan period (i.e. 2018 onwards) cannot be met without Green Belt sites.

5.17 The scheme will contribute significantly towards meeting need (172 units) and the site is in a highly sustainable location, using predominantly previously developed land. The scheme will be purpose built, by an experienced operator to meet future residents needs and would contain a substantial amount of amenity space. The type of accommodation proposed provides a substantial benefit in terms of the scheme and its contribution to meeting housing demand.

Open Space

5.18 NPPF section 8 relates to healthy communities and paragraph 92 states “planning decisions should aim to achieve healthy, inclusive and safe places which enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of safe and accessible green infrastructure, sports facilities ... and layouts that encourage walking and cycling”.

5.19 DLP 2018 Policy GI6 – New Open Space provision states “all residential development proposals should contribute to the provision of open space for recreation and amenity ... The precise type of on-site provision required will depend on the size and location of the proposal and the existing open space provision in the area”.

5.20 Whilst the Bootham Park Hospital site contains approx. 3 hectares open space, there is no formal arrangement in place for public access. The application includes a Landscape Design Report which explains the intended future uses of the landscape and detailed landscaping drawings. The document explains there is agreement with Bootham School to provide them with two football pitches towards the centre of the open space. The remainder of the landscape would be available for recreation – defined walking routes, ornamental planting, natural play and scope accommodating local events.

5.21 The landscape design report also explains how integral to the strategy is the wellbeing of future residents. This includes the choice of location for different uses, visual amenity; taking into account outlook of the landscape from resident’s rooms, different typologies to encourage use; space for physical activities and variable seating areas to allow for both socialising and for reflection and contemplation.

5.22 The Council’s Executive report 9.12.202 “Securing the Future of the Bootham Park Hospital Site” sets out the arrangements with the applicants in place to secure

public use of the parkland. The enhancement of the existing landscape and provision of public access, taking into account the city centre location, are significant benefits the scheme would deliver.

Impact on Heritage Assets

5.23 The application site contains multiple listed buildings (and boundary railings) and is in the Central Historic Core Conservation Area. In assessing impact on designated Heritage Assets the NPPF advises that Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset). It goes on to advise how applications should be determined, taking into account potential impacts.

5.24 Paragraph 201 refers to substantial harm and states that “where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- a) the nature of the heritage asset prevents all reasonable uses of the site; and
- b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
- d) the harm or loss is outweighed by the benefit of bringing the site back into use”.

5.25 Paragraph 202 goes on to state that “where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use”.

5.26 National Planning Guidance advises that public benefits may follow from many developments and could be anything that delivers economic, social or environmental objectives as described in the National Planning Policy Framework (paragraph 8). Public benefits should be of a nature or scale to be of benefit to the public at large and not just be a private benefit. However, benefits do not always have to be visible or accessible to the public to be genuine public benefits, for example, works to a listed private dwelling which secure its future as a designated heritage asset could be a public benefit.

2.27 Examples of heritage benefits may include:

- sustaining or enhancing the significance of a heritage asset and the contribution of its setting
- reducing or removing risks to a heritage asset
- securing the optimum viable use of a heritage asset in support of its long-term conservation

5.28 Officer's recommendation is that there is substantial harm to designated heritage assets; the public benefits test in paragraph 201 of the NPPF applies. The harm is necessary to achieve substantial public benefits that outweigh the cumulative harm. The substantial harm is in the demolition of part of the Grade II part of the complex which is necessary to provide sufficient purpose-built older persons accommodation on-site, to allow the restoration of the Grade I parts of the hospital (with maximum retention of historic fabric and minimal effect on the setting, the latter by containing development so, as with all later extensions, it does not intrude on views of the Grade I façade overlooking its principle landscape setting). Further to this, the second criteria of NPPF paragraph 201 would apply. Re-use of the site will require a significant amount of intervention to be viable. All other options for redevelopment considered since the site was made available for sale would have led to harm (and involved demolition of the Pauper Wings and new build around the chapel); they were not deemed viable and did not progress; the initial preferred bidder for the site withdrew and the council decided against progressing an attempt to purchase the site. The vacant buildings are declining in condition, this scheme proposes a sensitive re-use of the asset of highest, exceptional significance, restoration of the main gardens and public access. There are further public benefits associated with the proposed residential accommodation that would be provided. Overall, the public benefits of the scheme are sufficiently substantial to outweigh the identified harm.

5.29 The original Bootham Park Hospital building is the front-range, designed by John Carr, which faces south towards Bootham. This building is dated 1777 and grade I listed. A complex of buildings developed over time and when Historic England updated the listing description in 2016 separate areas were listed Grade I and Grade II. Some areas are unlisted. The scheme affects the following listed buildings and structures -

- Grade I - The front range dated 1772, 1886 link (behind) and 1817 range and 1908 extension.
- Grade II - Two long corridors, recreation hall, former American bowling alley, and two former Pauper Wards
- Grade II – Superintendent's House
- Also Grade II - Former Chapel (1865), Bootham lodge, boundary gates and railings.

5.30 Historic England advise that Grade I buildings are those of "exceptional" importance and comprise only some 2.5% of all listed buildings. Grade II

buildings are of special interest warranting every effort to preserve them. Over 90% of all listed buildings are Grade II.

5.31 The scheme has been informed by the Historic Buildings Appraisal (Purcell 2015) and Bootham Park Hospital Conservation and Design Parameters (Purcell 2018) document. The understanding of significance is comprehensive and the latter document provided a set of conservation and design principles and parameters designed to inform change at Bootham Park Hospital. Principles which inform the scheme include -

- Maximum retention of historic fabric, providing this does not conflict with another primary heritage value.
- Any new buildings should seek to reuse the footprint of the existing buildings as a starting point to minimise visual impact. Additional new structures should be developed in areas with greater capacity for change.
- Development causing harm to the setting of Grade I external elevations and key views should be avoided.
- Development within the landscape is acceptable providing understanding of significance is retained and connections are not lost.

Impact on the overall setting and the Central Historic Core Conservation Area

5.32 The Central Historic Core Conservation Area – Character Area 1 appraisal relates to Bootham Park Hospital. The scheme takes into account the conservation area appraisal. The effects on the setting are identified as follows -

- The conservation area appraisal notes the attractive boundary railings and that they have suffered from a lack of maintenance. Restoration is proposed. This is beneficial, rectifying a deficiency identified in the conservation area appraisal. The cost of such restoration (bearing in mind the size of the site) is not insignificant.
- Strengths in the appraisal are the attractive landscape setting maintained in front of the Carr building. Opportunities / weaknesses in the area appraisal are that there is no public access and the lack of use and maintenance over time presents a poor front onto Bootham. Landscape improvements are proposed in this area, including the installation of some 180 trees over the whole site, biodiversity net gain, and measures to encourage use and broaden the functionality of the space. The long-term management and maintenance of the landscape would be secured. Development in front of the Carr building is avoided. The restoration, enhancement and introduction of public access, to accommodate multiple forms of recreation, to this area is a significant benefit derived from the scheme.
- The appraisal states that an important line of mature trees features in views from Clarence Street to the chapel. Tree removal is proposed in this area to accommodate development. Of the trees proposed for removal three have been

graded as Category A and five Category B. Alternative layouts have been considered (with development moved away from the rear of the Chapel to either the north and/or south). The adverse effects on the setting, as a consequence of the alternatives was deemed higher; affecting the interrelationship between the main building and the chapel and how both buildings are appreciated within their setting. The landscape masterplan drawings do include mitigation; replacement tree planting in areas where trees are proposed for removal. The scheme includes multiple heavy standard trees and four semi-mature trees.

- On the north side of the application site new development would lead to the loss of six Category A trees. These trees were not identified as “significant trees” in the conservation area appraisal.
- The estate / cottage buildings are proposed for demolition and replacement. The conservation area appraisal does not identify these as listed buildings or buildings of merit. The buildings are to the side of the access in a secluded location, adjacent the site boundary and screened by mature trees.

Retention of the two cottages has been discounted as an option by the applicants. The cottages are narrow in plan form; only a single room in depth. It would not be efficient, effective or viable to convert into older persons accommodation with level access throughout and provide the accessibility standards under Part M of the Building Regulations. The new block provides 15 purpose-built units that are accessible and built to modern environmental standards. The proposed plans have been revised to remove extra car parking to the north of these buildings, to preserve Category A rated trees. The existing buildings are a mix of single and two storey buildings. The proposed scheme allows a far more efficient use of this land, providing residential accommodation that meets the applicant’s / operator’s specific needs.

- The existing car park between the John Carr building and the Chapel has been reorganised with the amount of intervening car parking spaces between the two front elevations reduced. Spaces have been re-provided to the south-west of the Chapel. There is also a new parking area proposed to the south-west of the John Carr façade. There is further car parking on the west side of the site and a service yard in the north-west corner. The new parking and servicing locations do not detrimentally affect key views of listed buildings within the landscape and are not harmful to the setting.

5.33 In applying the advice within the conservation area appraisal, the effects of the scheme overall are beneficial. The appraisal identifies the high value of the landscape between the John Carr building and Bootham, the poor condition of boundary railings (Grade II) and the lack of public access. The landscape is to be enhanced, in terms of biodiversity value and functionality, railings restored and public access will be secured if the scheme proceeds (via separate legal agreement

with the Council). There would be less than substantial harm due to tree loss on the east side of the site, which is subject to mitigation.

Impact on Listed Buildings and structures

Demolition of Grade II

5.34 The scheme proposes demolition of the Pauper Wings/wards. These wings form part of the Grade II listing which includes the corridor leading west from the Grade I building and the amenities served by the corridor – the American bowling alley and the recreation hall. The Pauper Wings are a major element of the Grade II listed part of the complex. The proposed demolition has therefore been regarded as substantial harm in NPPF terms (in accordance with Historic England advice). Therefore, the advice in NPPF paragraph 201 applies in determining overall whether, considering the level of public benefits, the scheme is acceptable.

5.35 The areas of the Grade II listing of highest significance - the communal areas for residents - the recreation hall (1870's) and bowling alley (added in the 1880's or 90's, converted to a dining room in the 1930's) are retained and restored for sympathetic use within the scheme.

5.36 The Pauper Wings represent a specific phase in the history of Bootham Park, following the 1845 Lunacy Act, which made pauper accommodation compulsory. They represent a later standardised example of such provision, are not rare in terms of their date or design and nationally there are a substantial number better examples of such which survive elsewhere. They were subject to modern extensions and refurbishment in the 1950's and 60's which harmed their architectural appearance and their interior. Historic England advised the demolition is "the greatest single harmful impact" (of the scheme) but in acknowledging the challenges of the site and the need to find a new use have not objected to the scheme overall and have not raised any "concerns" over demolition in principle. All previous exercises in finding a new use for the overall site identified this area as one with capacity for changes (with demolition of the Pauper Wings) however no previous schemes were progressed on viability grounds.

5.37 The original plan form of the Pauper Wings has generous wide corridors with small single aspect rooms. The ground floor of each wing has a single storey addition with small rooms, shaped awkwardly as the extension steps in front of the bay windows. The applicants have undertaken an extensive options appraisal which included retention of both or either wing. Even with complete removal of the internals (retaining the building envelope only) the retained Pauper wings were only able to provide accommodation with a compromised and inefficient layout and provided only 8 residential units overall. The provision of extra accommodation elsewhere also raised issues, such as new build competing with the main John Carr façade or main elevations immediately overlooking the railway line.

5.38 The demolition and new build proposed allows a far more efficient use of the west side of the site. The new build is subservient to, and does not challenge, the main grade I façade; the building footprint is setback from the main façade, maintains the previous separation between buildings and proposed building heights are no higher than the existing. It enables significantly more accommodation compared to retention (57 of the proposed 172 units), a larger landscaped courtyard space between the new wings and each apartment has appropriate outlook and private amenity space.

5.39 The alternatives for redevelopment of the site have been challenged by both Historic England and the Councils' Architects and Conservation Officers. It is accepted that whilst the proposed scheme involves the demolition / loss of grade II listed buildings, it has been robustly justified as the least harmful option overall, taking into account the significance of the buildings affected, the preservation of the Grade I John Carr building and how it sits within its landscape setting and crucially, putting it to a viable use consistent with its conservation.

Grade I

5.40 The Grade I listed areas comprise of the front range dated 1772 (main John Carr building fronting the landscaped grounds), and the later additions to the north; the 1886 section linking to the 1796 section and 1817 north range (Ladies Wing).

5.41 The scheme has been amended to preserve important elements of the plan form integral to the significance of the listed building. The boardroom and its subscription boards are preserved (this area will now be communal space) and the proposed layout retains openness in the corridors extending to the gable end windows; the corridors are regarded by Historic England as a critical element of the buildings plan form. It is accepted some intervention and sub-division of the cells, accessed from the corridor, which are very small spaces, is essential to enable re-use of the building.

5.42 In the north / female wing the scheme has been revised to better respect the historic plan form. The proportions of lobby areas and corridors are preserved as are staircases of significance. There is minimal removal of partitions within the 'cells' to facilitate the new use. In accordance with general principles for the scheme overall, downstands are retained where partitions are removed to retain evidence of the historic plan form. The scheme is informed by an audit of interior and will retain historic architectural detailing in this area (and throughout the Grade I areas), including timber panelling and decorative glazed screens. Features to be preserved and restoration measures are annotated on the floor plans. This element of the scheme reasonably avoids harm to significance.

New Build

5.43 The areas of new build are located in parts of the site identified as likely to have the lowest impact on the overall composition of the site and the landscape setting. Whilst some of the amenity societies have criticised the proposed form of buildings, which contrasts with the existing, Historic England have encouraged the architectural approach proposed since pre-application stage and in commenting on the application advise that the design of the new build is “good quality” and “appearance, scale, massing and the selection of materials relates well to the site and some of the key characteristics of the retained buildings without seeking to imitate them”. Consultation responses refer to the importance on the choice of brick tone; preference being for a lighter tone to contrast to the red brick on the John Carr building. This can be accommodated and the brickwork sample panels would be approved through planning condition.

5.44 In respect of the impact on the John Carr building, the proposed building maintains the separation distances and front building line of the existing development to the west of the John Carr building. The proposed buildings are no higher. The building line is also stepped back as it travels west towards the site boundary. In views of the John Carr façade there would be intervening trees between the buildings. The building proposed, due to its footprint and massing, and contrasting architecture, would not challenge the dominance of the Grade I John Carr façade and would not harm its setting.

5.45 Chapel – the Chapel sits in a calm green landscape, although its backdrop is affected by the rear elevation of development to the east (Arclight building). Due to the tranquillity of the setting and amount of space around the chapel there is considered very limited capacity for development without detrimental effect. The scheme has been revised so the proposed building is calmer in its articulation and does not seek to compete with the Chapel. The layout has been informed by the desire to minimise the impact on the juxtaposition and relationship between the chapel and the main John Carr Grade I building and how this is experienced within the setting. The harm deriving from this area of new-build is identified as less than substantial harm to the setting of this Heritage Asset.

5.46 A new wing is proposed on the northern side of the site which would lead to a reduction in landscape in this area. The remaining landscape within the site is of heritage significance. Since the 1670s, institutions for the treatment of mental illness have progressed from confinement and public humiliation, to places where access to landscape was, and is today, viewed as an important aspect of treatment. The landscape on the south side of the site is regarded as being of the highest value. The remaining landscape to the north is of less (moderate) value. The landscaped setting has reduced over time as the hospital expanded and is now contained further by NHS buildings to the north of the site. Accessibility is limited. The layout does retain a landscaped courtyard on this side of the site, some 55m by 20m in area; that will maintain a landscaped outlook from the north wing. The harm deriving from this area of new-build is identified as less than substantial harm to the setting.

Other Grade II

Superintendent's House

5.47 The house was built in 1862-63 following the Lunatics Act 1845 which specified that Asylums should have a named superintendent. The Victorian Society raised objection to the original scheme due to the loss of a staircase, regarded as one of the key surviving elements of the house. The scheme has since been revised to retain the staircase and better respect the historic domestic plan form.

Lodge

5.48 The lodge is positioned by the Bootham Park entrance and is dated 1857. Works to convert the lodge only affect the rear elevation externally, where existing openings are adjusted / historic openings restored. Internally the plan form is retained. Only minor adjustments are proposed to remove or alter later additions and to create a new opening. The works in principle would not cause harm and can be dealt with in detail by condition.

Overall

5.49 The impact on the significance of Heritage Assets is summarised as follows -

- 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 setting and the conservation area due to tree loss on north and east sides of the site, offset due to proposed tree planting which includes semi-mature trees (180 new trees overall proposed with 26 category A and B trees proposed for removal).
- Low level of harm due to replacement of estate cottages with development of larger scale. Impact on setting mitigated due to the secluded location.

- Substantial public benefits in bringing a complex of listed buildings, including those of exceptional significance, which have been vacant since 2015 back into use. The benefits are considered in the context that all other schemes (which would potentially have been more harmful due to demolition and the challenges and integrating new uses with the historic plan form) have not progressed due to viability.
- Significant public benefit of restoring the landscape, expanding its capacity for recreational use and securing public access and ongoing maintenance.
- Restoration of Grade II boundary railings.

Archaeology

5.50 The site is within the City Centre Area of Archaeological Importance. NPPF paragraph 189 states that “where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation”.

5.51 The required evaluation / mitigation measures are set out by the Council’s Archaeologist in paragraph 3.1 and include a watching brief on minor groundworks, recording where demolition is proposed and a site investigation and evaluation where more significant groundworks are required for new build elements.

Ecology

5.52 The species protection provisions of the Habitats Directive, contain three "derogation tests" which must be applied when considering when to grant planning permission for a development which could harm a European Protected Species. The tests are as follows –

- 1) that the action is for the purpose of preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature;
- 2) that there is no satisfactory alternative; and
- 3) that the action authorised will not be detrimental to the maintenance of the species concerned at a favourable conservation status in their natural range.

5.53 NPPF paragraph 180 states that if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused. Paragraph 174 advises decisions should minimise impacts on and provide net gains for biodiversity.

5.54 In respect of protected species bat roosts have been identified in the buildings, including on the western side where demolition is proposed. As the proposed works would result in the permanent loss of this roost, a European Protected Species (EPS) licence from Natural England will be required prior to the commencement of works. The roost accommodates Common pipistrelle bats which are widespread throughout the UK and classed as a species of 'least' conservation concern. The requirement for a European Protected Species Licence will prevent any direct harm and the provision of new roost sites will maintain roosting opportunities on site. A planning condition in respect of the requirement for a licence and a further condition to agree a methodology (following further survey work) to safeguard other roosts during works are adequate and necessary in respect of avoiding harm to biodiversity.

5.55 In respect of the derogation tests, for tests 1 and 2 it is explained elsewhere in the report that the demolition of buildings is necessary and the only satisfactory option, when taking into account Heritage Assets and the need to secure a new use for the site overall. There are also social and economic benefits associated with the accommodation proposed on site. Parts 1 and 2 are satisfied. Test 3 would be met; the requirement for a European Protected Species Licence will prevent any direct harm and the provision of new roost sites will maintain roosting opportunities on site.

5.56 Ecological enhancements have been recommended by the applicants (Preliminary Ecological Appraisal). Enhancements have been proposed with the aim of providing biodiversity net gain post construction and include; integrated bird boxes, access features for hedgehogs, and hibernacula for invertebrates, amphibians and hedgehogs. A condition is necessary to secure biodiversity net gain.

Surrounding occupants

5.57 The scheme involves new build on the eastern side of the site. The estate cottages are being replaced with a structure of increased massing and buildings around the chapel.

5.58 The estate cottages site is by the boundary with the school. The building is arranged to overlook the application site; the only windows facing towards the school grounds are small, and to bathrooms and corridors. The only private outside amenity space is in the form of balconies. The balconies also look west; on the opposite side of the building compared to the site boundary. The juxtaposition of uses do not raise any amenity issues or concerns regarding use of the school's playing fields.

5.59 The building around the chapel is arranged in a similar manner; it is inward looking onto the site and the elevation facing outwards primarily has windows serving circulation areas. The elevation of the adjacent building is very evidently its rear and there is no overlooking of the application site. There are no amenity issues.

Sustainable design and construction

5.60 An energy strategy and renewable energy report have been issued to support the application. Dwellings within the listed portion of the development are to utilise a radiator-based heating system fed from air source heat pumps whilst the new build dwellings are able to utilise underfloor heating. A gas boiler would supplement ASHP only. The energy statement explains the fabric efficiency measures to be achieved within the scheme and that it is proposed to use PV panels and air-sourced heat pumps (ASHP) as low / zero carbon technology. The PV and ASHP

will be accommodated on the roof areas of the new build. The statement includes calculations confirming the scheme will, overall, adhere to DLP 2018 policy CC1 in respect of carbons reductions.

Public protection

5.61 NPPF (para. 183) states planning decisions should ensure a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. Para. 185 states decisions should ensure new development is appropriate for its location taking into account the likely effects of pollution on health and living conditions. In doing so they should “mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life”.

5.62 Land contamination – a low to moderate risk has been identified due to ground conditions. A site investigation is therefore required followed by implementation of a remediation strategy to ensure the site, including garden areas, are suitable for residential use. It is standard practice for such to be secured through planning condition.

5.63 Noise and vibration – the proposed apartments are predominantly orientated so they do not overlook the railway line. A noise and vibration assessment has been undertaken that recommends the specification of building insulation to meet adequate standards. The specifications can be secured through planning condition.

5.64 Air quality – the applicants have provided reports recommending measures during the demolition and construction to minimise dust emissions (in addition to other measures including noise and vibration and traffic management). The preliminary construction management plan advises the intention is for the pedestrian cycle route to remain useable during construction, that the construction access will be Union Terrace, and of details regarding contractor parking and temporary buildings during construction.

Drainage

5.65 NPPF advice on drainage is that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should:

- a) take account of advice from the lead local flood authority;
- b) have appropriate proposed minimum operational standards;
- c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and
- d) where possible, provide multifunctional benefits.

5.66 DLP 2018 policy ENV5 establishes the expected surface water drainage run-off rates (where practical), which include a reduction of 30% of existing rates from previously developed sites and a 'greenfield run-off rate for sites not previously developed.

5.67 The applicant's strategy for site drainage is acceptable. It takes into account the presence of Yorkshire Water infrastructure on site and advises the intention is to gain approval from Yorkshire Water to divert the relevant sewer. The process is regulated by Yorkshire Water and therefore an informative of any permission reminding the developer they have agreed to such is sufficient.

5.68 The drainage strategy for the site takes into account local standards regarding run-off rates and proposes the most practical sustainable solution (soakaways and connections direct to local watercourse not possible on this site). The submitted scheme outlines future maintenance arrangements; the applicants will be responsible. The drainage strategy is acceptable in principle, a condition will require approval of the site-specific details.

Highway Network Management

5.69 The NPPF transport objectives are to promote sustainable travel, provide safe access into sites, contribute to making high quality places, manage growth so it is focused on locations where the need for private car travel is limited. Impacts on the network are to be cost effectively mitigated where reasonable and necessary. Development should only be prevented on highways grounds if the impact on the network will be severe.

5.70 Delivery of the scheme would secure a 999-year lease allowing continued pedestrian and cycle paths through the site, from Bootham connecting to Bridge Lane (and subsequently to the hospital). This will include new measures to prevent parked cars blocking the gates by Bridge Lane (at the northern end of the site).

5.71 The cycle route has been designed in agreement with the council's highways department; it has a proposed alignment so segregated from the access road (where it accommodates car parking) to reduce conflict. Footpaths follow desire lines and a new footpath is to be accommodated alongside the route from the Union Terrace site entrance to the building's main entrance.

5.72 The cycle and car parking (including the accessible spaces) is spaced across the site, to minimise travel distances into the buildings. Servicing will take place in the north-west corner, which is the most visually discreet area within the site. Each of the new-build wings have cycle and buggy storage space by the entrances.

5.73 The NPPF advises maximum parking standards for residential and non-residential development should only be set where there is a clear and compelling justification that they are necessary for managing the local road network, or for optimising the density of development in city and town centres and other locations that are well served by public transport

5.74 The amount of car parking has reduced since first submission. The reduction was necessary to avoid harm to the setting of the Chapel building and to category A rated trees along the approach road on the eastern side of the site.

- 148 spaces overall; there are currently 142 on-site.
- 15 spaces retained by the NHS.
- 15 of the spaces for the development are accessible.
- 172 residential units are proposed.

5.75 The applicant's preference and typical model for their retirement community schemes is to provide car parking spaces at a rate of 1 per residential unit. Given the variation between the existing and proposed number of car parking spaces, taking into account NPPF policy on setting maximum standards (i.e. only restricting numbers when there is clear and compelling justification given the anticipated impact on the network), the amount of spaces proposed is not objected to.

5.76 Cycles - 108 covered and secure spaces are proposed to provide spaces for residents and staff. It will be a condition all residents and staff facilities are covered and secure. By the café (open to the public) and the main entrance there are 14 cycle spaces that could be used by visitors. There are 8 visitor spaces by both the northern and southern entrances to the proposed block around the chapel. LTN 1/20 (national guidance on cycle infrastructure) design advises for this use type a very low level of cycle parking is acceptable - visitor spaces at a rate of 0.05 spaces per unit and 0.05 spaces per bedroom (1 space per 20 rooms). The provision is significantly in excess of the LTN 1/20 guidelines (which would be 17 spaces for residents and 9 for visitors).

5.77 Travel Plan - The applicants Transport Statement advises that a Travel Plan will be prepared for the scheme. The plan would have a co-ordinator, residents would be provided with information regarding sustainable travel options and discussions would be held with Enterprise in respect of accommodating a car share scheme on site. The plan would include annual monitoring and survey work. The plan is deemed necessary and will be secured through planning condition.

Healthy and safe communities

5.78 Section 8 of the NPPF states planning decisions should aim to achieve healthy, inclusive and safe places which are safe and accessible, so that crime and disorder,

and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of attractive, well-designed, clear and legible pedestrian and cycle routes, and high-quality public space, which encourage the active and continual use of public areas. It also states decisions should aim to enable and support healthy lifestyles for example through safe and accessible green infrastructure and layouts that encourage walking and cycling.

5.79 The site is currently vacant and a key beneficial impact of the proposals are to enable public access and facilities for play and recreation. Reoccupation of the site, with a residential community, 24 hour staffing, visitors and the public cafe will itself vastly improve natural surveillance of the site and assist in addressing anti-social behaviour issues arising from the site being vacant. The landscape design overall has been informed by the setting of the listed buildings on site and functionality of different amenity spaces. The police secure by design officer has drawn attention to the location of the proposed play areas and their lack of natural surveillance. As a consequence a risk of vandalism has been identified. The play equipment is of informal design and spaced out along the recreation route around the perimeter of the open space (towards the south-west corner of the site). Its location is preferable on landscape grounds, it adds interest and encourages use of the recreation route. It would not be suitable to locate play in close proximity to the buildings (where there would be improved natural surveillance); these spaces have been purposefully designed to provide useable space for the residents. There would also be a risk the equipment would effect on residents amenity and the setting of the listed buildings.

Overall Planning Balance

5.80 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.

5.81 The scheme for reuse of the site does lead to harm to certain heritage assets. NPPF advice is that, in this case where substantial harm to designated heritage assets has been identified, substantial public benefits that outweigh the harm can justify the granting of consent. The identified harm and benefits of the scheme are set out below. Officer's recommendation is that in this case substantial public benefits do exist 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. Mitigated due to the secluded location.

Public Benefits -

- Substantial benefits in bringing a complex of listed buildings which have been vacant since 2015 back into use. 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.

6.0 CONCLUSION

6.1 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.

6.2 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.

6.3 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.

6.4 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).

7.0 RECOMMENDATION: Approve following referral to secretary of state subject to the following conditions -

1 The development shall be begun not later than the expiration of three years from the date of this permission.

Reason: To ensure compliance with Sections 91 to 93 and Section 56 of the Town and Country Planning Act 1990 as amended by section 51 of the Compulsory Purchase Act 2004.

2 Approved Plans

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

Site and Block Plans

1777-BOW-A0-ZZ-DR-A-1008_P8 Proposed Site Plan
1777-BOW-A0-ZZ-DR-A-1009_P8 Proposed Block Plan

Hard and Soft Landscaping

1777-LANP-ZZ-ZZ-DR-LA-1200 Hard Landscape Masterplan 1of6
1777-LANP-ZZ-ZZ-DR-LA-1201 Hard Landscape Masterplan 2of6 REV A
1777-LANP-ZZ-ZZ-DR-LA-1202 Hard Landscape Masterplan 3of6 REV A
1777-LANP-ZZ-ZZ-DR-LA-1203 Hard Landscape Masterplan 4of6 REV A
1777-LANP-ZZ-ZZ-DR-LA-1204 Hard Landscape Masterplan 5of6 REV B
1777-LANP-ZZ-ZZ-DR-LA-1205 Hard Landscape Masterplan 6of6 REV A

1777-LANP-ZZ-ZZ-DR-LA-1300 Soft Landscape Masterplan 1of6
1777-LANP-ZZ-ZZ-DR-LA-1301 Soft Landscape Masterplan 2of6 REV A
1777-LANP-ZZ-ZZ-DR-LA-1302 Soft Landscape Masterplan 3of6 REV A
1777-LANP-ZZ-ZZ-DR-LA-1303 Soft Landscape Masterplan 4of6 REV A
1777-LANP-ZZ-ZZ-DR-LA-1304 Soft Landscape Masterplan 5of6 REV B
1777-LANP-ZZ-ZZ-DR-LA-1305 Soft Landscape Masterplan 6of6 REV A

Bistro

1777-BOW-A1-00-DR-A-2060_P12_Proposed Bistro Extension
8402-BOW-ZZ-XX-RP-A-0014_P1_Bistro_Cladding_Study

Chapel area

1777-BOW-A3-00-DR-A-2000_P18_Chapel Site - Ground Floor Plan
1777-BOW-A3-01-DR-A-2001_P14_Chapel Site - First Floor Plan
1777-BOW-A3-02-DR-A-2002_P15_Chapel Site - Second Floor Plan
1777-BOW-A3-03-DR-A-2003_P5_Chapel Site - Roof Plan
1777-BOW-A3-ZZ-DR-A-3001_P11_Chapel Site - Proposed Elevations Sheet 1
1777-BOW-A3-ZZ-DR-A-3002_P12_Chapel Site - Proposed Elevations Sheet 2
1777-BOW-A3-ZZ-DR-A-3003_P11_Chapel Site - Proposed Elevations Sheet 3

John Carr Building, Ladies Wing and Superintendents

1777-BOW-A1-00-DR-A-2003_P7_Ground Floor Demolition and Alterations
1777-BOW-A1-01-DR-A-2004_P3_First Floor Demolition and Alterations
1777-BOW-A1-02-DR-A-2005_P4_Second Floor Demolition and Alterations

1777-BOW-A1-00-DR-A-2006_P9_Ground Floor Proposed - Host Building
1777-BOW-A1-01-DR-A-2007_P7_First Floor Proposed - Host Building
1777-BOW-A1-02-DR-A-2008_P5_Second Floor Proposed - Host Building

1777-BOW-A1-00-DR-A-2010_P8_Proposed Ground Floor Plan - John Carr Building
1777-BOW-A1-01-DR-A-2014_P7_Proposed First Floor Plan - John Carr Building
1777-BOW-A1-02-DR-A-2017_P7_Proposed Second Floor Plan - John Carr Building

1777-BOW-A1-00-DR-A-2012_P5_Proposed Ground Floor Plan - Ladies Wing
1777-BOW-A1-01-DR-A-2015_P4 Proposed First Floor Plan - Ladies Wing

1777-BOW-A2-00-DR-A-2000_P19_Host New Build - Ground Floor Plan
1777-BOW-A2-01-DR-A-2001_P17_Host New Build - First Floor Plan
1777-BOW-A2-02-DR-A-2002_P15_Host New Build - Second Floor Plan

3001 Host New Build-Proposed Elevations Sheet 1 Rev P8
3002 Host New Build - Proposed Elevations Sheet 2 Rev P7
3003 Host New Build - Proposed Elevations Sheet 3 Rev P7
3004 Host New Build - Proposed Elevations Sheet 4 Rev P7
5001 Typical Bay Study 1 Rev P3
5002 Typical Bay Study 2 Rev P2
5003 Typical Bay Study 3 Rev P2
5004 Typical Bay Study 4 Rev P2

5001 Proposed Door Details
5003 Lift Details - John Carr Rev 1

Estate Cottages

2000 Estate Cottages New Build - Proposed Plans Rev P10
3001 Estate Cottages New Build - Proposed Elevations Rev P8
5001 Estate Cottages Typical Bay Study 1 Rev P2
5002 Estate Cottages Typical Bay Study 2 Rev P2

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

3 Construction management

The development shall take place in adherence with the working hours, methods of working, public engagement, travel planning, access arrangements and other measures regarding measures to reasonably reduce noise, vibration and dust during construction as set out in the Construction Methodology Statement, dated June 2021 and the Air Quality Assessment prepared by TRC and dated July 2021.

Reason: To ensure that there is continued pedestrian and cyclist access through the site and in the interests of the amenity of surrounding occupants, in accordance with sections 9, 12, 15 of the NPPF.

4 LC2 Remediation scheme

Prior to development, a detailed remediation scheme to bring the site to a condition suitable for the intended use (by removing unacceptable risks to human health, buildings and other property and the natural and historical environment) shall be submitted to and approved in writing of the Local Planning Authority. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme shall ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

5 Vegetation clearance

No vegetation clearance, tree works or building works shall take place between 1st

March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of suitable habitat for active birds' nests immediately before the works and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

Reason: To ensure that breeding birds are protected from harm during construction. All British birds, their nests and eggs (with certain limited exceptions) are protected by Section 1 of the Wildlife and Countryside Act 1981, as amended.

6 Tree protection plan

Before the commencement of development and during building operations, adequate measures shall be taken to protect the existing planting and trees shown as retained on the approved plans. This means of protection shall be agreed in writing with the Local Planning Authority and shall be implemented prior any enabling works (such as the stacking of materials, the erection of site huts) and commencement of development.

Reason: In accordance with NPPF sections 12, 15, 16 as the existing planting and trees are considered to make a significant contribution to the amenities of this conservation area.

7 Biodiversity Net Gain

A biodiversity enhancement scheme shall be submitted to, and be approved in writing by the local planning authority prior to the commencement of development. The plan should include, but not be limited to, the recommendations set out in the Preliminary Ecological Appraisal provided by Greenwillows Associated Ltd (May 2021). The approved scheme shall be adhered to at all times and be fully implemented prior to first occupation of the development hereby approved.

Reason: To take account of and enhance the biodiversity and wildlife interest of the area, and to be in accordance with Paragraph 174 d) of the NPPF (2021).

8 Bat Method Statement

Prior to the commencement of development, a method statement for bats shall be submitted to and approved in writing by the local planning authority. The method statement shall provide a clear protocol for how the known bat roosts will be safeguarded during the construction and renovation works on site. Works shall be carried out in accordance with the approved method statement.

Reason: To ensure bats are protected from harm during demolition works. All British bat species and their roosts are protected by the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017 (as

amended).

9 Bats

The demolition of western wing of Bootham Park Hospital shall not commence unless the local planning authority has been provided with either:

- a) a licence issued by Natural England pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2017 (as amended) authorising the specified activity/development to go ahead; or
- b) Confirmation that the site is registered on a Bat Mitigation Class licence (formally Low Impact Class Licence) issued by Natural England; or
- c) a statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a licence.

Reason: To ensure bats are protected from harm during demolition works. All British bat species and their roosts are protected by the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017 (as amended).

10 Archaeology - Watching brief

A programme of post-determination archaeological mitigation, specifically an archaeological watching brief is required on this site.

- a) No groundworks shall take place until a written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no groundworks shall take place other than in accordance with the agreed WSI. The WSI should conform to standards set by LPA and the Chartered Institute for Archaeologists.
- b) The site investigation and post-investigation assessment shall be completed in accordance with the programme set out in the Written Scheme of Investigation approved under part (a) and the provision made for analysis, publication and dissemination of results and archive deposition will be secured.
- c) A copy of a report (and evidence of publication if required) shall be deposited with City of York Historic Environment Record to allow public dissemination of results within 3 months of completion or such other period as may be agreed in writing with the Local Planning Authority.

Reason: In accordance with Section 16 of NPPF. The site lies within an Area of Archaeological Importance and the development may affect important archaeological deposits which must be recorded prior to destruction.

11 Archaeology - Strip, map and record

Application Reference Number: 21/02108/FULM

Item No: 4a

A programme of post-determination archaeological mitigation, specifically an archaeological strip, map and record exercise is required on this site.

- a) No development surrounding the Chapel or at Avenue Cottages shall take place until a written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no development shall take place other than in accordance with the agreed WSI. The WSI should conform to standards set by LPA and the Chartered Institute for Archaeologists.
- b) The site investigation and post-investigation assessment shall be completed in accordance with the programme set out in the Written Scheme of Investigation approved under part (a) and the provision made for analysis, publication and dissemination of results and archive deposition will be secured.
- c) A copy of a report (and evidence of publication if required) shall be deposited with City of York Historic Environment Record to allow public dissemination of results within 3 months of completion or such other period as may be agreed in writing with the Local Planning Authority.

Reason: In accordance with Section 16 of NPPF. The site lies within an Area of Archaeological Importance and the development may affect important archaeological deposits which must be recorded prior to destruction.

12 Drainage

Prior to commencement of construction of the new buildings hereby permitted site-specific details of the proposed means of foul and surface water drainage, as shown in the Sustainable Drainage Strategy – Re: 2200492 Revision P2 dated 8th July 2022, including details of any balancing works and off-site works, shall be submitted to and approved by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Site-specific details shall include:

- The flow control manholes and the means by which the surface water discharge rate shall be restricted to a maximum rate of 49.8 litres per second.
- The attenuation tank and permeable paving voided stone sub-base attenuation features, the means by which the surface water attenuation up to the 1 in 100 year event with a 40% climate change allowance shall be achieved (note sub-base attenuation features should include a sealed tank arrangement; so ground water cannot enter the attenuation and living/green roofs cannot be offered/included as a reduction in surface water run-off, as once saturated these become 100% impermeable).

- A topographical survey showing the existing and proposed ground and finished floor levels to ordnance datum for the site and adjacent properties. The development should not be raised above the level of the adjacent land, to prevent runoff from the site affecting nearby properties.

Reason: In accordance with NPPF section 14 and policy ENV4 of the 2018 Draft Local Plan.

13 Materials

Prior to the commencement of construction of the new build manufacturer's details of the external materials to the buildings shall be approved in writing by the Local Planning Authority. The development shall be carried out using the approved materials. Samples shall be provided on site for approval, as required, by the Local Planning Authority.

A sample panel of the brickwork to be used on the buildings shall be erected on the site and shall illustrate the colour, texture and bonding of brickwork and the mortar treatment to be used, and shall be approved in writing by the Local Planning Authority prior to the commencement of construction. The panel(s) shall be retained until a minimum of 2 square metres of wall of the approved development has been completed in accordance with the approved sample.

Reason: In the interests of good design and visual amenity, in accordance with the NPPF, paragraph 130.

14 Large Scale Details

Large scale details of the items listed below shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development and the works shall be carried out in accordance with the approved details.

- Typical details for new build structures around chapel, estate cottages and café.

Reason: In the interests of good design and in respect of the impact on heritage assets, in accordance with NPPF paragraph 130 and section 16.

15 Boundary Railings

Prior to first occupation a scheme detailing the repair and restoration for the boundary railings, to include the timing/programming of works shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out, in full, in accordance with the approved details and agreed implementation timeframe thereafter.

Reason: To secure the public benefits of the scheme which contribute to the justification of granting planning permission, in the interests of the character and appearance of the conservation area and significance of heritage assets.

16 Noise & vibration

The building envelope of all residential accommodation shall be constructed to achieve internal noise levels in habitable rooms of no greater than –

Daytime (07:00-23:00) - 35 dB LAeq (16 hour)

Night-time (23:00-07:00) - 30 dB LAeq (8 hour) and LAFMax level should not exceed 45dB(A) on more than 10 occasions in any night-time period in bedrooms and should not regularly exceed 55dB(A).

Noise levels shall be observed with all windows open in the habitable rooms or, if necessary, windows closed and other means of ventilation provided.

Reason: To protect the amenity of people living in the new property from externally generated noise and in accordance with the National Planning Policy Framework.

17 Sustainable design and construction

The development hereby permitted shall incorporate and achieve at least the carbon emissions reductions, through 'be lean' and 'be green' measures as set out in sections 11 and 12 of the Bootham Park Energy Strategy Revision 05.

Reason: In accordance with the environmental objectives of the NPPF and policy CC1 as set out in the Publication Draft Local Plan 2018.

18 Cycle Parking

The cycle storage as shown on approved drawings (floor plans and landscaping plans) shall be installed in accordance with the approved drawings prior to first occupation of the relevant/adjacent building and thereafter retained as such. The external spaces shall all be in the form of Sheffield type stands.

Reason: To promote sustainable travel in accordance with section 9 of the NPPF.

19 Electric Vehicles

Prior to first occupation of the development hereby permitted at least 8 of the parking spaces shall be provided with Electric Vehicle Charging Points and at least 8 of the spaces shall be provided with passive provision (the network of cables and power supply necessary so that at a future date a socket can be added easily) for the future installation of Electric Vehicle Charging Points.

Reason: In accordance with NPPF paragraph 112 and the City of York Council – Low Emissions Supplementary Planning Guidance July 2019.

20 Travel Plan

A travel plan, developed and implemented in accordance with National Planning Policy Guidance, shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the development hereby approved. The plan shall be updated annually thereafter. The development shall thereafter operate in accordance with the aims, measures and outcomes of said Travel Plan.

The travel plan shall identify specific required outcomes, targets and measures for promoting sustainable modes of travel, and discouraging private car use (by both residents and staff) and shall set out clear future monitoring and proportionate management arrangements. It shall also consider what additional measures may be required to offset unacceptable impacts if the targets are not met.

Reason: To reduce private car travel and promote sustainable travel in accordance with section 9 of the National Planning Policy Framework.

21 Sports pitches – community use

Prior to first occupation or use of the development hereby permitted, a Community Use Scheme for the sports pitches (as detailed on the approved landscaping scheme) shall be submitted to and approved in writing by the Local Planning Authority (after consultation with Sport England). The Scheme shall include details of pricing policy, hours of use, access by non-members, management responsibilities and include a mechanism for review. The approved Scheme shall be implemented upon commencement of use of the development.

Reason: To secure the public benefits of the scheme and to provide well managed safe community access to the sports facility, to ensure sufficient benefit to the development of sport and to accord with NPPF section 8.

Informative: A model Community Use Scheme is available on the Sport England website www.sportengland.org

22 Sports pitches – quality

The sports pitches (as detailed on the approved landscaping scheme) shall be constructed and laid out in accordance with standards and methodologies set out in the guidance note “Natural Turf for Sport” (Sport England, May 2011), prior to first use.

Reason: To secure the public benefits of the scheme and to ensure the quality of pitches is satisfactory and they are available for use and to accord with NPPF section 8.

The Natural Turf for Sport document can be obtained from the Sport England website: www.sportengland.org. Guidance on pitch sizes can also be found on the Sport England website.

23 LC3 Remediation scheme

Prior to first occupation or use, the approved remediation scheme shall be carried out in accordance with its terms and a verification report that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems.

24 Landscaping scheme

The landscaping scheme, as detailed within the Landscape Design report 1777-SUR-ZZ-ZZ-PP-LA-0001 and on the approved hard and soft landscaping scheme drawings shall be provided either prior to first occupation or in accordance with a programme of works / phasing plan that shall have been first approved in writing by the Local Planning Authority.

The landscaping shall be reasonably maintained at all times. Any trees or plants which die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed 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 the character and appearance of the area and to ensure adequate amenities and facilities for sport and recreation for future residents and the general public, in accordance with NPPF sections 8 and 12.

25 Amenities for residents

The communal facilities and amenities for residents, as annotated on the approved plans and stipulated within the ERL Bootham Park operator statement file dated 16.9.2021 shall be completed and be provided for use prior to first occupation of the development hereby permitted. Such facilities / amenities shall be retained and made available for residents use at all times.

Reason: In the interests of future resident's amenity and to ensure that the development hereby permitted is occupied, and provides housing for, those which it has been specifically designed in accordance with NPPF paragraphs 130 and 60-62 in respect of good design and housing need. This condition is also necessary as other types of residential accommodation / occupancy would need to be assessed as to whether other planning obligations would be necessary, such as towards affordable housing and education provision in order to make the scheme acceptable in planning terms taking into account paragraphs 63-65 and 95 of the NPPF.

26 Restriction on occupancy

The site shall be operated at all times in accordance with the ERL Bootham Park operator statement – July 2021 file dated 16.9.2021.

At all times, at least one of the occupants of each of the residential units within the development hereby permitted shall be over 60 years of age, in need of care (as defined in the Town and Country Planning (Use Classes Order) 1987 as amended) and shall fulfil the eligibility requirements as defined in the ERL Bootham Park York "new owner eligibility assessment". The residential units shall be occupied for no other purpose, including any purpose in Class C3 in the Schedule to the Town and Country Planning (Use Classes Order) 1987, or in any provision equivalent to that class in any statutory instrument invoking or re-enacting that Order.

The site operator shall retain copies of all Pre-Assessment Forms completed for a minimum period of 12 months and to make these available for inspection by the Council (appropriately redacted in accordance with both relevant data protection and regulatory care legislation from time to time in force) as soon as reasonably practicable following receipt of a request in writing (including the service of any planning contravention notice).

Reason: In the interests of future resident's amenity and to ensure that the development hereby permitted is occupied, and provides housing for, those which it has been specifically designed in accordance with NPPF paragraphs 130 and 60-62 in respect of good design and housing need. This condition is also necessary as other types of residential accommodation / occupancy would need to be assessed as to whether other planning obligations would be necessary, such as towards affordable housing and education provision in order to make the scheme acceptable in planning terms taking into account paragraphs 63-65 and 95 of the NPPF.

8.0 INFORMATIVES:

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)

in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in order to achieve a positive outcome: sought amendments to the extent that overall the benefits of the scheme outweighed the harm, in relation to heritage assets and setting and through the use of planning

YORKSHIRE WATER

The developer is reminded that Yorkshire Water infrastructure is present within the site. Yorkshire Water have requirements, including those relating to easements. Yorkshire Water's requirements and formal procedure are required in accordance with Section 185 Water Industry Act 1991. It is noted that in respect of the estate cottages the developer has agreed in writing to Yorkshire Water the intention is to enter into a diversion agreement with Yorkshire Water.

Contact details:

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