

Meeting	Planning Committee A
Date	4 August 2022
Present	Councillors Cullwick (Chair), Pavlovic (Vice-Chair), Ayre, Fisher, Looker, Waudby, Rowley (Substitute for Cllr Doughty), Crawshaw (Substitute for Cllr Melly) [until 19:08], Baker (Substitute for Cllr D'Agorne), Fenton (Substitute for Cllr Barker) and Lomas (Substitute for Cllr Kilbane)
Apologies	Councillors D'Agorne, Doughty, Kilbane, Melly and Barker

13. Declarations of Interest

Members were asked to declare, at this point in the meeting, any personal interests, not included on the Register of Interests, or any prejudicial or disclosable pecuniary interests they may have in respect of business on the agenda. In respect of agenda items 4b [Oak Haven, 144 Acomb Road, York, YO24 4HA [22/00304/FULM] and 4c [York Wheelchair Centre, Bluebeck House, Bluebeck Drive, York YO30 5RA [22/00707/FULM], Cllr Rowley noted his profession as a Funeral Director. There were no further declarations of interest.

14. Minutes

Resolved:

- i. That the minutes of the meeting of Planning Committee A held on 7 July 2022 be approved and then signed by the Chair as a correct record.
- ii. That the minutes of the meeting held on 11 July 2022 be approved and then signed by the Chair as a correct record subject amending Cllr Daubeney substituting for Cllr Waudby, and the second sentence of the second paragraph under Declarations of Interest being amended to 'Cllr D'Agorne noted that Lars Kramm, a registered speaker for the planning application was previously on the Green Group.'

15. Public Participation

It was reported that there had been one registration to speak at the meeting under the Council's Public Participation Scheme on general matters within the remit of the Planning Committee A. Johnny Hayes explained that when CYC developed its own projects there had been serious public concern about how these were handled in the planning process. He added that the ombudsman had expressed concern regarding planning. He noted his concerns regarding a number of aspects in the determination of planning applications. In respect of the National Railway Museum central hall application being considered at the meeting, he stated that flaws in the planning system were behind the public outrage to the application.

16. Plans List

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

The Chair explained that agenda items 4b Oak Haven, 144 Acomb Road, York, YO24 4HA (22/00304/FULM) and 4c York Wheelchair Centre, Bluebeck House, Bluebeck Drive, York YO30 5RA (22/00707/FULM) would be taken ahead of agenda item 4a Railway Museum, Leeman Road, York (21/02793/REMM) due to the number of public speakers registered on that application. Cllr Crawshaw recorded his strong objection to the reordering of the agenda. He explained that he had informed the Chair on Monday that week that he needed to leave the meeting early. He stated that due to the reordering of the agenda he would be precluded from taking part in the decision on the NRM application if the vote was taken after he had to leave the meeting.

17. Oak Haven, 144 Acomb Road, York, YO24 4HA [22/00304/FULM] [16:40]

Members considered a major full application from St Marys (North Yorkshire) Ltd for the erection of 64 bedroom residential care home (use class C2) with associated structures, access, parking and landscaping following demolition of existing structures at Oak Haven, 144 Acomb Road, York.

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

Public Speakers

Cllr K Taylor (Ward Member) spoke in support of the application. He noted the disappointment of the Ward Councillors in looking at different options for the site. He noted concern regarding the loss of trees and increase in parking demand.

Tim Ross, Agent for the Applicant, spoke in support of the application. He detailed the increase in demand for care beds and outlined why the location was good for a care home. He noted the high quality of the design and that there were no objections to the application. In response to Member questions, he explained that:

- The two disabled parking spaces and EV charging spaces had been worked through with highways officers.
- Residents would tend to be end of life care and high dependency.
- The repurposing of the building and been looked at and found to be unsuitable for the needs of the people in the care home.
- The private garden on the frontage was a key part of the design and there would be a visitor café area.
- All residents on the ground floor would have access to the outdoor space.
- The bedrooms would be to rent.
- The room sizes were in excess of CQC room sizes were comparable to other care home rooms offered around the city.
- The types of trees and planting.

Following debate, Cllr Fenton moved the officer recommendation to approve the application. This was seconded by Cllr Looker and following a unanimous vote in favour it was;

Resolved: That the application be approved.

Reason: Oak Haven comprises a disused brick built care home dating to the late 1960s with a substantial frontage on to York Road to the north east of the Acomb District Centre. Planning permission is sought for the erection of a three storey brick built 64 bedroom care home with a pitched roof following on from the demolition of the existing structures on site. The existing built footprint would be broadly followed in terms of the new construction. It is felt that the proposal would provide much needed specialist elderly residential care to part remedy existing deficiencies. It would provide a sensitive design solution for a visually sensitive location in street scene terms. It would make appropriate use of landscaping both for the amenity of residents and the amenity of the wider area and it

seeks to minimise parking off site in the surrounding area. The proposal is therefore felt to comply with the policies of the NPPF and the Publication Draft Local Plan 2018.

2a) York Wheelchair Centre, Bluebeck House, Bluebeck Drive, York YO30 5RA [22/00707/FULM] [17:00]

Members considered a major full application from Torsion Care (York) Limited And NHS Property Services Ltd for the erection of 72no. bedroom care home (use class C2) with associated landscaping following demolition of Blue Beck House and outbuildings at York Wheelchair Centre, Bluebeck House, Bluebeck Drive, York.

The Head of Planning and Development Services gave a presentation on the application. The Development Management Officer gave an update advising that there had been additional consultation with the housing strategy team who had no objections. There had also been a revision to condition 2 – plans.

Public Speakers

Ian Ward, Agent for the Applicant, spoke in support of the application. He explained that the Applicant, Torsion Care, would develop, build and operate the care home. It would bring jobs to the local economy and would be a fit for future care home. He explained how it would be operated. He noted there was a lack of care beds and spoke on the energy efficiency measures of the application. He was asked and explained that it was unlikely that residents would have cars and the spaces provided were for visitors and staff.

Officers were asked and confirmed that there was nothing to stop the operators of the care home saying that residents could not have a room if they had a car. It was also confirmed that the PU panels had come as an offer from the applicant.

During debate Cllr Baker noted a non-prejudicial interest as an employee of the NHS. Cllr Baker proposed the officer recommendation to approve the application with the revision to condition 2 - plans. This was seconded by Cllr Pavlovic and following a unanimous vote it was;

Resolved: That the application be approved subject to the conditions in the report and revised condition 2: Plans

Condition 2: Plans

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

Location plan

Proposed elevations 3165-HIA-01-XX-DR-A-0301 P04, **3165-HIA-01-XX-DR-A-0302 P5** and 3165-HIA-01-XX-DR-A-0303 P3

Proposed floor plans 3165-HIA-01-00-DR-A-0201 P5, 3165-HIA-01-01-DR-A-0211 P5 and 3165-HIA-01-02-DR-A-0221 P5

Proposed roof plan 3165-HIA-01-03-DR-A-2701 P4

Proposed site plan 3165-HIA-ZZ-XX-DR-A-0103-P8

Proposed landscape plan R3-509-03-LA-01C

Proposed boundary treatment plan 3165-HIA-ZZ-XX-DR-A-0107-P2

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

Reasons:

- i. Detailed issues related to the design and form of the building, access, landscaping, and biodiversity have been resolved and are considered to comply with relevant policies. In addition, issues of neighbouring residential amenity are considered to be addressed in the design and siting of the building in relation to existing properties. The proposal complies fully with the requirements of policy H9 in relation to older persons accommodation in meeting an identified need, being well designed and in an accessible location by public transport.
- ii. The site falls within the general extent of the Green Belt and the scheme is considered to be inappropriate by definition. However, the Council consider that the proposed very special circumstances are sufficient to outweigh the harm to the Green Belt through inappropriateness and other identified harm, including the loss of the non-designated heritage asset, in accordance with para.148 of the NPPF. It is particularly noted that there is a significant need for older persons accommodation in the city. In addition, the site is identified, within the evidence base documents for the draft Local Plan, as not serving any Green Belt purpose and is therefore intended to be removed from the Green Belt following adoption of the Local Plan.
- iii. The proposal is considered to comply with relevant policies of the draft Local Plan and represents an appropriate re-use of this brown field site.

[The meeting adjourned from 17:10 to 17:18]

18. Railway Museum, Leeman Road, York [21/02793/REMM] [17:19]

Members considered a major reserved matters application from the Board of Trustees of The Science Museum for the layout, scale, appearance, landscaping and access for the construction of Central Hall (F1 use class) including entrance hall, exhibition space and café with associated access, parking, landscaping and external works following the demolition of the mess room and other structures pursuant to 18/01884/OUTM at the Railway Museum, Leeman Road, York.

The Head of Planning and Development Services reported that the application had been deferred. The Senior Solicitor advised that Section 149 of the Equality Act 2010 (Public Sector Equality Duty) provided that the Council in exercising its functions (which includes the functions exercised by the Council as Local Planning Authority), shall have due regard to the need to-

- a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited under the Equality Act;
- b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The protected characteristics set out in Section 4 of the Equality Act were: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. She advised that having due regard means consciously thinking about the three aims of the PSED (set out above) as part of the process of decision-making. She added that there is no duty to achieve a particular outcome.

The Head of Planning and Development Services gave a presentation on the application. It was confirmed that the applicant had provided information to officers that outlined the accessibility features of the application. This included the details on, car parking, access routes and vertical circulation, the legibility and ease of use, and internal museum route.

Public Speakers

Flick Williams spoke in objection to the application. She noted the focus on the Equalities Impact Assessment (EIA) was there to identify and mitigate harm and she expressed concern about the walkway agreement. She did not feel reassured that NRM staff would assist people through the central hall, and she suggested that some people may be retraumatised by having their bags searched. She was also not

assured of the improvements to the riverside path, and she expressed concern regarding social isolation of elderly and disabled residents.

In answer to Member questions, Flick Williams explained:

- Her concern for people with multiple impairments and the impact of a lot of people moving in different directions in the central hall.
- People who are non-verbal would find it difficult to move to speak to staff.
- That the EIA did not meet due regard to items b) and c) of the Section 149 of the Equality Act 2010 (Public Sector Equality Duty). She also asked where the evidence of consultation was for people with protected characteristics.
- The EIA should have been done at the beginning of the process.
- The application was being treated in different stages and the walkway agreement should have been considered with the application.
- It was not her expertise to offer a different design to that of the red line.

Kate Ravilious spoke in objection to the application. She explained that she had received a review of the EIA, undertaken by Helen Kane. The document highlighted serious concerns over how the EIA had been produced and it suggested that the EIA had not met the requirements of the Equalities Act. She listed a number of concerns regarding the EIA noting that there hadn't been one at previous stages of the application, that no equalities outcomes had been listed in it and the mitigations in the EIA were not reasonable.

In response to Member questions, Kate Ravilious and Helen Kane noted that:

- The statement of community would include consultation with people with protected characteristics.
- There was no provision for alternative formats for the consultation documents. It was expected that the consultation would be undertaken at regional and national levels with groups of people with protected characteristics.
- No evidence of an EIA was found in previous decisions regarding the closure of Leeman Road.
- The officer with responsibility for the EIA should have had suitable training and there were concerns regarding a lack of training.
- It was normal for the EIA to be considered at the early and to be carried out by the local authority.
- The report produced was based on a paper assessment and the application information available online. Kate Ravilious and Helen Kane confirmed they would be happy to share the report.

- It would be possible to have a walkway through the site 24 hours a day, 7 days a week where there was a staff only route. There were other options regarding going around the site and the public had put forward different access arrangements.
- The safety of access 24 hours a day, 7 days a week through an empty building needed further exploration. The Rijksmuseum in Amsterdam was cited as an example of good access arrangements.

Jamie Wood spoke in objection to the application on behalf of York Cycle Campaign. He explained that the plans would curtail access arrangements and would impact the greatest on vulnerable people. He added that the EIA should not be based on when the museum is open and noted that the walkway agreement was integral to the application. He noted the NPPF priority to pedestrians, CYC to be net zero by 2030, the CYC active travel policy and cycling provision in LTN 1/20.

David Finch spoke in objection to the application. He noted the impact of the two year construction phase of the development on travelling on routes through the site. He asked Members to consider the needs of vulnerable residents on the 'island' and suggested that riverside improvements must take place before construction, adding that there could be a Grampian condition for this. He was asked and demonstrated where the 'island' was, noting that it was isolated in connectivity. He noted that some people avoid using the riverside route and he explained the routes that could be taken. He was asked and clarified that riverside improvements be made during the NRM (not York Central) construction phase.

Paul Clarke (Director of St. Peter's Quarter Residents Association Ltd) spoke in objection to the application. He noted that the EIA did not materially change the decision made. He stated that the application did not consider paragraph 132 of the NPPF as the NRM has not worked closely with residents. He added that the walkway agreement was agreed without consulting residents and that there was no democratic oversight of the agreement. He noted that the application did not address sustainable transport and other policies within the NPPF. In response to a question from a Member regarding engagement from the NRM he explained that nothing had changed, and he had tried to engage the NRM with no response. He added that the NRM workshops were information telling to residents.

Anne Norton spoke in objection to the application on behalf of York Disability Rights Forum. She noted that the EIA did not address the stopping up order. She expressed concern regarding delays in travelling through the central hall because of bag searches and she outlined reasons

why some people may avoid that route because of the distress caused. She added that the EIA contained no alternative routes and explained how it breached human rights.

[At this point in the meeting, Cllr Crawshaw noted that his mother was the Chair of York Disability Rights Forum]

In answer to Member questions, Anne Norton explained that:

- Regarding the route through the building there was a fatigue element for people with disabilities and there was a compound of factors impacting this, including planning routes around the building.
- There was concern regarding assurances that there would be a member of staff being available in the central hall.
- It was hoped there would be a 24 hour route through and a rethink of the design.

Roger Pierce spoke in objection to the application on behalf of WalkYork on the proposed alternative pedestrian routes. He was confident that there was an alternative route that could go through the building. He noted that an alternative route for the residents for St Peter's Square was needed as they would be anxious about the route proposed. He also expressed concern about safety due to no buildings overlooking the route. He was asked and demonstrated an alternative route.

Cllr K Taylor (Ward Member) spoke in objection to the application on behalf of residents. He noted that the EIA showed problems with the application, and he expressed concerns about the walkway agreement. He added that the application did not meet outline approval of there being access through the site being directly and freely available in perpetuity. He noted that condition 45 did not limit the opening hours. He stated that the NRM must be forced to address the high level of objection. In response to Member questions, he explained that:

- He had been told that the walkway agreement could not be amended and had been told at the public inquiry that it was for information only.
- There had been no formal consultation with the Ward Committee and as Ward Councillors they had tried to be proactive in engaging with residents. He noted that the 2018/9 petition focused on pedestrian and cycle access and received over 1600 signatures.
- There had been a briefing with highways officers about the application
- The amending of the walkway agreement needed to be done democratically, and it was material to the planning application.
- There had been a meeting with the NRM that Tuesday morning at which there had been areas of disagreement and the NRM had

given reasons for not being able to have a 24/7 route. He noted that Ward Councillors had offered £10k of Ward Committee funding to look at a redesign.

- Officers had not been in contact regarding the EIA.

Cllr Heaton (Ward Member) spoke in objection to the application on behalf of residents. He asked how those with additional need would be informed of the route through the site, and how disabled people, would be notified of closures during working hours. He listed a number of concerns about the walkway agreement, and he noted that there was significant harm caused by the application and requested deferral of it.

[The meeting adjourned 18:50 to 19:03]

Cllr Crawshaw explained that for personal reasons he needed to leave the meeting. He requested that all Members consider very carefully the application and York Central on York. He noted that he was worried about reputational damage to the NRM. He highlighted paragraph 132 of the NPPF on consultative design and was concerned that this had not been met. He added that the NRM had step free access between the sites. He noted that there was a problem with signage and he was concerned regarding signage for getting through the building from one side to another. He stated that the decision needed to be right for the city, the people who live there and the organisations within it. He proposed that if approved, that the Committee add a Grampian condition regarding the riverside walkway, and he proposed that as a condition. He also suggested the addition of a condition regarding staff being available to help people through the building.

[Cllr Crawshaw left the meeting at 19:08]

Judith McNicol (Director of the National Railway Museum) and Emily Yates (Mima – accessibility consultant) spoke in support of the applicant on behalf of the applicant. Judith McNicol explained that the focus of the meeting was the reason for the deferral for the EIA and the EIA was an officer assessment. She noted that as Director of the museum she took the issues with access for the residents very seriously. Emily Yates then explained that there were 14 disabled parking bays and noted that design of them. She detailed the widths of the walkway noting that it exceeded disabled guidance. She added that there was a 2m level change at the western side of the building which was a stepped and sloped route at a 1 in 20 gradient. She explained wayfinding around and inside the central hall noting that NRM staff members would be on hand to help. She explained that there had been consultation with people with lived experience and the user group had provided feedback.

In response to Member questions Judith McNicol and Emily Yates explained that:

- CYC officers did the EIA.
- There had been consultation with the lived experience user group.
- The inclusive design standard was an aspirational document for the NRM and was in utilisation. It was an internal document and they would be prepared to submit it and put the document in the public domain. It was not a part of the planning submission.

[At this point the Head of Planning and Development Services noted that it had been taken into account as part of the design and access statement]

- The bulk of the user group workshop was as visitors to the museum.
- The difficulty of design versus operation came down to staff availability and training. The design tried to address that conflict in the drum. The museum had spoken to the architect regarding light reflectance values, surfaces, and finishes. They had also worked with the wayfinding team on tactile signage. There was the opportunity for QR codes to be on signs.
- As part of the consultation, they had engaged with the SNAPPY trust regarding the wonderlab design. They had not talked to the York Disability Rights Forum and would be willing to do so.
- Regarding a potential bottleneck when entering the central hall, it was important to understand peak times at the museum. The peak times were explained.
- The user group noted the differentiation between the lobby and the drum and noted the importance of staff availability. The user group had also been consulted on the queuing system and this had not yet been agreed.
- There were two separate doors for entry and egress.
- Regarding information on the central hall through route being open, MIMA had been appointed to look at this and the website facilities would be used to show when the museum was open. There had been an internal appointment at the NRM who would be looking at the website.
- Level access had been a major part of the planning applications. It was noted that the public feedback on the bridge and tunnel as part of the consultation in 2017 had not been positive.
- The routes exceeded access compliance.
- As a wheelchair user, Emily Yates noted that Leeman Road was not good for access. She added that the current route was not without its challenges.

- The level differences did not easily allow for a route over the top and the police designing out crime officer did not like people being on their own for a period of time.
- The bag checking was as a result of police advice and in the 17 years that Judith McNichol had worked at the museum there had been no bag checking. If this was required, an alert would be put in place.
- There was an additional 394m length to walk and cycle on the diversionary route. As a wheelchair user, Emily Yates would need to understand the access and lighting of the route to judge what the effect of this was.
- The alternative route as part of the stopping up order and the alternative highway route had been approved. The alternative route was explained.
- Regarding looking at a way of providing access 24 hours a day, the comments of the police designing out crime officer needed to be taken into account.

[The Head of Planning and Development Services clarified that the distance from points F to B was 372m]

- The entry charges for the museum had been removed in 1997. If this was changed by the government, the walkway agreement would need to be looked at.
- It was believed that the central hall would be used as a walk through. The importance of wayfinding was noted.
- The design of the walkway had been taken into account in condition 45 of the outline planning permission.
- The police designing out crime officer said that certain features of 24 hour access were not acceptable. This was part of the officer's comments on a number of designs as part of the outline planning permission in which they talked about features that isolated users and were mindful of the York Central masterplan. It was not known if there was a reference to marble arch as part of those comments.
- It was noted that the underpass was suggested that the consultees did not favour it.

[The Head of Planning and Development Services advised that the walkway agreement could not be considered as part of the application].

- There had been work to revise the walkway design as a result of consultation.

Members then asked further questions to officer to which they responded that:

- Sections 5.1 to 6.1 were recommendations that had been put forward.
- Regarding the suggestion to condition opening hours and staff availability, the application did not relate to the rest of the museum. It was not reasonable to condition those as it did not meet the six tests.
- Condition 45 conditioned the through hours of opening. There was no material change due to condition 45 and it could not be revised as it was part of the outline planning permission.
- If the Committee did not make a decision the applicant could appeal for non-determination, and it could go to a public inquiry.
- It would not be reasonable to condition the riverside walkway before building work start as there was an alternative route.
- The report co-authors of the EIA had EIA training. The co-authors wrote the EIA which was then reviewed by the Head of Service and Assistant Directors.
- Consultation for the EIA was done through the planning consultation.
- Staffing was identified as a mitigation. The inspector said that the route through was a limited mitigation. Officers had not been asked to consider additional mitigation.
- An explanation was given on how Article 14 of the Human Rights Act would be triggered.

Following debate, Cllr Ayre proposed the officer recommendation to approve the application. This was seconded by Cllr Fisher. On being put to the vote with 5 Members in favour and five against, with the Chair's casting vote to approve it was then;

Resolved: That the application be approved.

Reasons:

- i. The principle of development of the NRM site as part of the wider York Central development was approved at outline stage and the proposals put forward within these reserved matters application are within the remits of the approved parameter plans and design guide approved by Conditions 6 and 7.
- ii. The outline application was granted in the context that Leeman Road would be stopped up and alternative routes provided through the York Central site. The Stopping Up of Leeman Road has been granted through a separate highway process. As part of the Stopping Up a Walkway Agreement was approved which set out operational

matters with respect to access through the museum. This reserved matters application seeks approval for access and layout and the Council are satisfied that the proposals provide an appropriate layout and access to the site and accord with the Walkway Agreement.

- iii. The proposals are in line with what was accepted at outline stage in terms of traffic generation, impact on the existing highway network, alternative routes for pedestrians and cyclists and parking provision. There are also sufficient measures in place through conditions and the Section 106 attached at outline stage in order to promote sustainable travel and this is aligned with the Council's transportation policies. The proposals are therefore in accordance with the NPPF and Local Plan Policies set out above.
- iv. With respect to heritage impacts, the Council are satisfied that the proposals would not result in harm to designated heritage assets on the site. It is recognised that delivery of Museum Square would have provided more certainty with respect to the setting of heritage assets however this is not within the control of the NRM and the Council are satisfied that this will be adequately addressed through a future reserved matters scheme for this site. It is recognised that there will be loss of a non-designated heritage asset, however the Applicants have justified their approach to the design and loss of the mess room. In addition, the application clearly sets out the significant economic, social and cultural benefits derived from the scheme. The Council therefore consider that the loss of this non-designated heritage asset is outweighed by the significant benefits the proposals will bring not only to the City of York but also as a cornerstone of the York Central development. With respect to archaeology appropriate investigations have been undertaken as far as they can at this stage of the development and it is agreed that further investigations will be required once more of the site becomes accessible. The Council and Historic England are therefore satisfied that an appropriate approach to archaeology is being taken.
- v. The proposals provide a satisfactory layout, appearance, scale and landscaping scheme which accord with the outline Design Guide and would enhance the character and appearance of this area. Whilst sustainability and designing out crime measures have been set out, the full details of these measures will be secured through subsequent discharge of conditions.
- vi. The application includes an appropriate update in terms of impacts on habitats and protected species within the site which remain in line with the OPA ES.

- vii. The Council are satisfied that the discharge of planning conditions attached at outline stage can provide the detail required to ensure that an appropriate drainage scheme is incorporated into the site and that there would be no additional impacts in terms of flood risk.
- viii. The proposals are considered to be in accordance with the OPA ES which accepted impacts with respect to air quality, noise and contamination subject to mitigation and a series of conditions to be discharged.
- ix. The economic benefits arising from the scheme are recognised and the contribution the proposals will make to the City are supported by the Council's Economic Development Team.

Cllr Cullwick, Chair

[The meeting started at 4.30 pm and finished at 9.12 pm].

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