

North Yorkshire Council

Community Development Services

Skipton and Ripon Area Planning Committee

2ND SEPTEMBER 2024

**ZC23/03403/FUL – CONVERSION OF RIPON SPA BATHS AND BOILER TOWER TO FORM TWO COMMERCIAL UNITS AND OFFICES, INCLUDING DEMOLITION OF SWIMMING POOL BUILDING AND REPLACEMENT WITH SINGLE STOREY EXTENSION TO SPA BUILDING, AND ALTERATIONS TO EXISTING BUILDINGS. ERECTION OF NEW BUILDING TO ACCOMMODATE FOUR RESIDENTIAL APARTMENTS. ALTERATIONS TO LANDSCAPING TO LINK NEW COURTYARD TO SPA GARDENS
AT
RIPON SPA BATHS, PARK STREET, RIPON, NORTH YORKSHIRE, HG4 2BD
ON BEHALF OF
STERNE PROPERTIES**

Report of the Assistant Director – Planning

1.0 Purpose of the Report

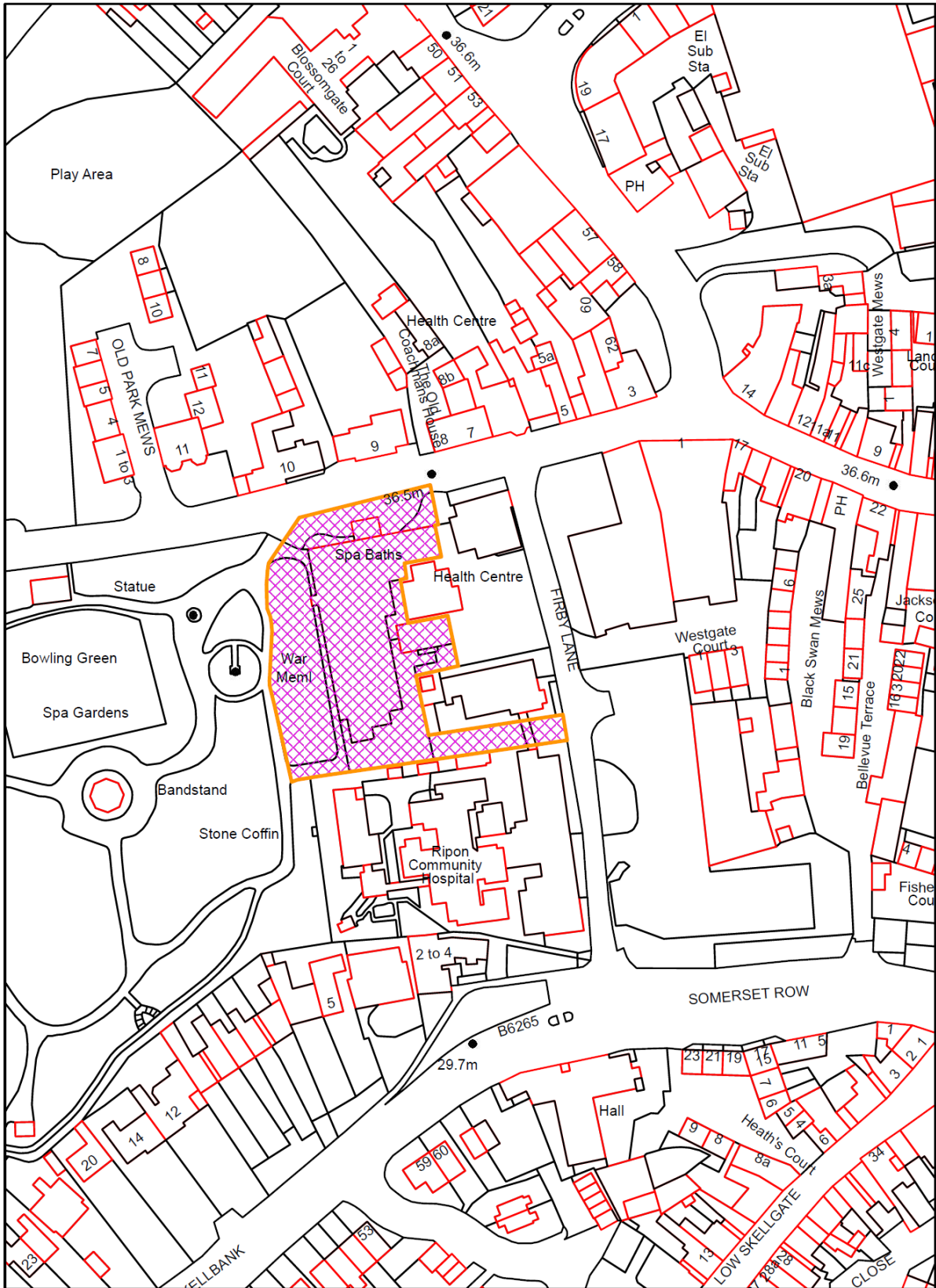
- 1.1 To determine a planning application for conversion of Ripon Spa Baths and Boiler Tower to form two commercial units and offices, including demolition of Swimming Pool building and replacement with single storey extension to Spa Building, and alterations to existing buildings. Erection of new building to accommodate four residential apartments on land at Ripon Spa Baths, Park Street, Ripon, North Yorkshire, HG4 2BD.
- 1.2 This application accompanies an application for listed building consent for the proposed works and development (reference: ZC23/03404/LB), which is presented to Planning Committee under a separate committee item.
- 1.3 This application is referred to the Planning Committee because the application site is owned by the Council.

2.0 EXECUTIVE SUMMARY

RECOMMENDATION: That planning permission be GRANTED subject to the conditions listed below.

- 2.1. Full planning permission is sought for a proposed development at Ripon Spa Baths, a grade II listed building on Park Street in Ripon. The proposed development includes the demolition of the existing swimming pool hall at the rear of the main Spa Baths building, the conversion of the remaining part of the Spa Baths building into commercial units (including a rear extension) and the conversion of the former boiler house and water tower into offices, with associated alterations. The development would also include the construction of a new apartment building in the rear of the site following the demolition of the swimming pool hall, and works within the eastern part of the adjacent Spa Gardens to create an access between the buildings at Ripon Spa Baths and that adjacent area of open space.

- 2.2. Listed building consent has been sought separately for the works to the listed building which are proposed as part of the development. That application is the subject of a separate report.
- 2.3. The application relates to the grade II listed building, Ripon Spa Baths, which is within Ripon Conservation Area. The Spa Baths building was built in the early 20th century and was extended in the 1930s to include a large swimming pool hall to the rear. It subsequently served as a swimming pool until its closure a few years ago, when the swimming pool was relocated to a new facility elsewhere in Ripon. The building has been vacant since then.
- 2.4. The main issues for consideration in this application include the effects of the development on heritage assets (including the listed building, Ripon Spa Baths, the settings of other listed buildings nearby, and Ripon Conservation Area), residential amenity, highway safety and land stability.
- 2.5. Some aspects of the proposed development would result in less than substantial harm to the listed building, Ripon Spa Baths, and to the Ripon Conservation Area.
- 2.6. However, the proposed development would also provide a number of public benefits. These include bringing a vacant listed building back into use to provide new commercial and office space within Ripon city centre, which would contribute to the vitality and viability of the city centre, and the construction of 4 apartments which would contribute to housing supply in the city.
- 2.7. The public benefits would also include heritage benefits, including the removal of later unsympathetic internal additions from parts of the existing buildings, the opening up and revealing of the historic rear elevation of the Spa Baths building, and the reinstatement of historic visual and physical links between the Spa Baths and the adjacent Spa Gardens.
- 2.8. It is considered that the public benefits that would arise from the development would outweigh the less than substantial harm to the listed building and to the conservation area in this case.
- 2.9. The proposed development is considered acceptable in other regards, including in relation to highway safety, residential amenity and land stability and other matters, subject to conditions.
- 2.10. It is therefore concluded that the proposed development would be acceptable and it is recommended that planning permission is granted, subject to the conditions suggested below.



Location Plan

Scale 1:1,250



3.0 Preliminary Matters

- 3.1. Access to the case file on Public Access can be found [here](#).
- 3.2. Revised plans and additional information have been received during the course of the application. Those details included amendments to some aspects of the site layout and to the design of the proposed apartment building, following feedback from consultees regarding the proposals as originally submitted. Further information and clarification has also been received on matters including heritage, ground stability and highways. The application was fully re-publicised in June 2024 following the receipt of the revised and additional plans and information, and relevant consultees were re-consulted.
- 3.3. Further revisions to some of the plans and some documents have subsequently been received. The changes made were minor, including slight changes to the proposed layout of the land within the Spa Gardens to address comments from the Council's Parks team, and amendments to clarify matters following comments from the Highways Officer, and to the ground stability information. Given the minor nature of those further changes, and as they generally related to technical matters arising from feedback from consultees and the case officer, they were not the subject of further publicity in this instance.
- 3.4. The following planning history is relevant to this site and application:

ZC23/03404/LB – Listed Building Consent application for conversion of Ripon Spa Baths and Boiler Tower to form two commercial units and offices, including demolition of Swimming Pool Building and replacement with single storey extension to Spa Building, and internal and external alterations to existing buildings. Erection of new building to accommodate four residential apartments. Alterations to landscaping to link new courtyard to Spa Gardens. Pending consideration.

22/02436/LB – Strip out of modern services (toilet, shower, sauna facilities) and repairs to Spa Baths. Listed Building Consent granted 30.05.2022.

08/02080/RG4 – Conversion of Spa Baths and Laundry Tower to form 3 apartments and demolition of swimming pool building and erection of 5 townhouses. Permitted 20.11.2008.

08/02082/SOSLB – Listed building application for the conversion of Spa Baths and Laundry Tower to form 3 apartments and demolition of Swimming Pool building and erection of 5 townhouses. Application not determined, closed 18.10.2011.

- 3.5. Other planning history relating to the site relates to earlier applications for planning permission and/or listed building consent for alterations and extensions to the buildings.

4.0 Site and Surroundings

- 4.1. The application relates to the site of Ripon Spa Baths, a grade II listed building on Park Street in Ripon Conservation Area.

- 4.2. The main Spa Baths building was built in the early 20th century (around 1904-5), and occupies the northern part of the site, facing Park Street. It is constructed in red brick with terracotta mouldings to its frontage, and with a slate roof incorporating glazed roof lanterns.
- 4.3. The Spa Baths building was extended to the rear (south) in the 1930s with a large, red brick pool hall building, as part of the adaptation of the building into a swimming pool facility. Parts of the Spa Baths building are understood to have been reconfigured as part of its adaptation at that time, and further alterations to the building are understood to have been carried out subsequently. The swimming pool closed in 2021 and the building has been vacant since then.
- 4.4. The application site includes a separate boiler house and water tower building, built in red brick, which was associated with the baths and is also understood to have subsequently been extended. The former boiler house and water tower building is considered to be within the curtilage of the listed building, Ripon Spa Baths, and is therefore to be treated as part of the listed building, in accordance with Section 1(5)(b) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 4.5. The site also includes an area of land, to the west of the existing swimming pool hall building, which is within the adjacent Spa Gardens and which includes existing trees and soft landscaping.
- 4.6. The majority of the site, including the existing buildings, is within the boundaries of Ripon City Centre as defined in the Harrogate District Local Plan 2014-2035 (the Local Plan). The western part of the site, within the Spa Gardens, is just outside the boundary of the City Centre.
- 4.7. The surrounding area is mixed in character and includes residential properties on the opposite side of Park Street to the north of the site and a doctors' surgery on Park Street to the east, with commercial properties on Park Street and beyond further to the east. Parts of Ripon Community Hospital adjoin the site to the south and south east.
- 4.8. To the west, the site adjoins Ripon Spa Gardens, a park which includes a bowling green, a grade II listed bandstand, a café and pathways through trees and landscaped gardens, as well as a grade II listed War Memorial, close to the western edge of the application site. As well as the Bandstand and War Memorial, the adjacent Spa Gardens also contain a grade II listed Statue of the First Marquess of Ripon. The gate piers at the entrance into the Spa Gardens from Park Street, to the west of the Spa Baths building, are also grade II listed.
- 4.9. There is a grade II listed building, Ripon and District Hospital Main Block, within the grounds of the hospital to the south of the site. There are also several listed buildings on the northern side of Park Street, opposite the site.

5.0 Description of Proposal

- 5.1. This application seeks full planning permission for the proposed development.

- 5.2. The proposed development includes the demolition of the swimming pool hall which forms the rear (southern) part of the Spa Baths building. The older, original part of the Spa Baths building would be retained and converted into two commercial units. Following the demolition of the swimming pool hall, a smaller, single storey extension is proposed to the rear of the remaining Spa Baths building, forming part of one of the proposed commercial units. The extension would have glazed walls and a flat sedum roof. Several other alterations are also proposed to the retained section of the Spa Baths building.
- 5.3. The two proposed commercial units would occupy the eastern and western 'wings' of the retained Spa Baths building on either side of the historic pump room which occupies the central part of the building and which, according to the submitted details, would be open to the public during the business hours of the commercial units. A glazed lobby is proposed to the rear of the existing pump room following the demolition of the existing swimming pool hall.
- 5.4. The former boiler house and water tower building is proposed to be converted into small offices and a meeting room. The conversion would include the installation of a glazed roof lantern to the tower's roof, a new glazed opening in the western elevation of the single storey part of the building, and new glazing to other existing openings.
- 5.5. Two parking bays are proposed to the north of the Spa Baths building, including one disabled parking bay, with access from Park Street. The entrance ramp to the front of the building is proposed to be retained. Several cycle parking hoops are proposed on the site's northern frontage. Bollards are proposed along the rest of the Park Street frontage to prevent vehicles from parking in front of the Spa Baths building.
- 5.6. Following the demolition of the swimming pool hall, a new apartment building is proposed in the southern part of the site, which would contain 4 apartments laid out across three levels. The apartment building would generally appear two storeys in height to its eaves, but would include some taller three storey gable sections with windows which, together with rooflights to parts of the roof, would serve the accommodation in its roof space. The apartment building is proposed to be constructed in red brick which, the submitted details indicate, would include brick to be reclaimed from the demolition of the swimming pool hall building.
- 5.7. Vehicular access to the proposed apartments and the offices within the former boiler house/water tower would be from Kirby Lane, via an existing access which runs between the hospital buildings to the east/south east of the site. Five parking spaces are proposed on site for the apartments and two parking spaces are proposed alongside the boiler house/tower building for the offices. Cycle parking stores for the apartments and offices are also proposed within the site.
- 5.8. The proposed development would result in the creation of a central courtyard, surrounded by the proposed apartment building in the southern part of the site, the retained Spa Baths building in the northern part of the site and the retained boiler house/tower building to the east, and with its western side open to the adjacent Spa Gardens. The new courtyard would be paved, with some areas of soft landscaping and planting around the edges. Works are also proposed in the eastern part of the

adjacent Spa Gardens, including the removal of some trees and planting areas and the provision of a new path providing access into the new courtyard area. Other areas of existing planting in the Spa Gardens would be retained.

6.0 Planning Policy and Guidance

- 6.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning authorities must determine each application under the Planning Acts in accordance with Development Plan so far as material to the application unless material considerations indicate otherwise.

Adopted Development Plan

- 6.2. The Adopted Development Plan for this site is:
- Harrogate District Local Plan 2014-2035 (adopted 2020) (the Local Plan);
 - Ripon Neighbourhood Plan to 2030 (made 10th April 2019) (Ripon Neighbourhood Plan); and
 - Minerals and Waste Joint Plan (adopted 2022)

Emerging Development Plan – Material Consideration

- 6.3. The North Yorkshire Local Plan is the emerging development plan for this site, though no weight can be applied in respect of this document at the current time as it is at an early stage of preparation.

Guidance - Material Considerations

- 6.4. Relevant guidance for this application is:
- National Planning Policy Framework December 2023
 - National Planning Practice Guidance
 - National Design Guide 2021
 - Harrogate Heritage Management Guidance Supplementary Planning Document (SPD)
 - Ripon Conservation Area Character Appraisal
 - Landscape Design Guide 2023

7.0 Consultation Responses

- 7.1. The following consultation responses have been received and have been summarised below.

- 7.2. **Ripon City Council:** (Original plans) Ripon City Council support the application.

(Comments received during the application) Ripon City Council has noted an email advising that a bus stop that Councillors had requested as part of the Spa Baths has been discussed with North Yorkshire Council's Public and Community Transport Officer, who has confirmed that the bus stop is now part of the city wide improvements being considered as part of the Ripon Barracks, and that the bus stop had been removed from drawings. Ripon City Council has resolved that this was an acceptable position.

- 7.3. **Division Member:** No comments received

7.4. **Arboricultural Officer:** No comments received. However, the proposed works within the Spa Gardens have been discussed with the Arboricultural Officer and the Parks Officer.

7.5. **Building Control:** (Comments following receipt of revised/additional plans and information) A Building Regulations application will be required for the proposal. Planning permission should only be granted conditionally and subject to the provision of a suitable, satisfactory, ground investigation report and the provision of a ground stability declaration form and mitigating measures, provided by a Registered Ground Engineering Advisor, as defined by the UK Register of Ground Engineering Professionals (RoGEP), or with an equivalent qualification, and with specific, demonstrable experience and expertise in dealing with issues relating to subsidence arising from gypsum dissolution within the Ripon area. (Similar comments were received in response to the originally-submitted plans and information).

A suitable, satisfactory appraisal should be carried out of the existing foundations by a structural engineer (who is familiar with the specific ground related issues in the Ripon area) following a suitable ground investigation by an individual/company with the relevant level of experience.

7.6. **Conservation Officer:** (Original plans) Concerns raised regarding a number of aspects of the proposals, including limited justification for proposed demolition of swimming pool hall building, and concerns regarding some aspects of proposed works to retained part of the Spa Baths building and the Water Tower/Boiler House building, and scale, appearance and detailing of proposed apartment building.

(Comments following receipt of revised/additional plans and information):

Note further information received regarding proposed demolition of swimming pool hall, including reference to its structural condition, and heritage benefits suggested in the Heritage Statement.

Proposed works to the Spa Baths building are acceptable in principle. Conditions recommended to cover a schedule of works and method statements for certain specified works.

Further information received regarding proposed extension to rear of Spa Baths building. There is historical precedent for glazed buildings to the rear, and design has been kept simple to provide clear distinction between modern and original fabric. There are positives to the proposed glazed extension and by reopening the rear of the Spa Baths to the Spa Gardens. This is a public benefit which outweighs the harm of a larger scale rear extension.

Additional structure shown to the side of the Spa Baths on plans. Appears to be a fenced area for bins. This is a sensitive location, visible from the front of the Spa Baths and highly visible from within the Spa Gardens. Different location or more sympathetic approach to its design should be considered. *[This element of the proposals has subsequently been deleted].*

Further information received regarding proposed works to water tower/boiler house building. Proposed works would reposition floors so they don't overlap the windows, which would be a positive impact. Note a glazed roof extension to building has

previously been approved, therefore principle has historically been agreed. Proposed windows should be timber framed. Conditions recommended.

Proposed apartment building would be located to rear of site, providing an open area between it and rear of the Spa Baths building. New building shown to be no taller than lantern of the Spa Baths building. Front part to be two storey, rear section set down to reduce bulk and massing. Focus on traditional materials and detailing to ensure new development is complementary with surrounding character and local distinctiveness. Elevation facing Spa Gardens has been improved and simplified and would give development a modern finish. Conditions recommended.

With regard to the impact on the Listed Building, the removal of the pool hall will result in harm. Opening up to the rear of the Spa Baths will improve the setting of the Spa Baths. The erection of a new structure within the curtilage of the Ripon Spa Baths will change its setting. Loss of pool hall would result in less than substantial harm, which must be outweighed by public benefit. The scheme would provide heritage benefits, set out in the comments.

The development would be viewed in the context of a number of other nearby listed buildings, including in and around the Spa Gardens, the hospital grounds and on Park Street to the north, and would therefore be considered to be within their setting.

Listed buildings on Park Street would not be impacted as their setting incorporates frontage of the Spa Baths. Main block of hospital is listed. Its existing setting incorporates modern and historic buildings. Addition of a new, modern building which has been scaled to blend in with existing buildings is unlikely to result in harm to that listed building. Works would not directly affect listed buildings within Spa Gardens, but revealing the historic garden area that was lost with the construction of the pool hall would be an enhancement for those historic structures. Special architectural and historic interest of these listed buildings would be preserved and enhanced.

On balance, the development can be accepted in principle.

“With the exception of the bin store [*which has subsequently been deleted from the plans*], the development would result in enhancement for the wider area and the design changes have reduced the visual impact and harm upon designated heritage assets of the Spa Baths, its curtilage Listed Buildings and nearby Listed Buildings. The repair works to the Spa Baths will preserve the special architectural and historic interest of the Listed Building. Although the loss of the pool hall building will result in loss of historic fabric and harm to the significance of the designated heritage asset, this has been outweighed by public benefit as required in the NPPF paragraph 208 and Local Plan policy HP2. The removal of the pool hall building would also better reveal the Listed Building and reinstate the historic link to Spa Gardens, therefore preserving the historic interest of the Listed Building required in the Planning (Listed Buildings and Conservation Areas) Act 1990.”

- 7.7. **Ecologist:** No objection, subject to recommended conditions and a European Protected Species Mitigation license being obtained from Natural England.
- 7.8. **Economic Development:** (Original plans) Would very much welcome the introduction of the office building and commercial units as part of this mixed use scheme. There is a shortage of office space in and around Ripon. Proposal, to include a meeting room and 3 small office suites, would provide ‘a valuable offer that is likely to suit a range of local businesses’. Commercial units will further support the vibrancy and success of the city centre.

- 7.9. **Environmental Health Officer:** (Comments following receipt of revised/additional plans and information) Contaminated land: Conditions recommended.

Noise: Condition recommended requiring an acoustic report to be submitted for the proposed apartments prior to their development, to ensure that residents of the proposed dwellings are protected from noise.

These conditions are in addition to any conditions previously recommended.

(Comments on original plans) Informatives recommended for land contamination. Condition recommended in relation to any plant to be installed in association with the commercial units. The standard of construction and glazing for the residential development must be such that internal noise conditions in habitable rooms are no higher than those set out in relevant specified guidance. Suitable provision shall be made for the storage, containment and collection of refuse.

- 7.10. **Estates Department:** (Original plans) No objection.

- 7.11. **Highways:** (Comments following receipt of revised/additional plans and information)

Drawing received showing location of refuse storage for all properties and use of a private refuse collection service due to no suitable location of bin collection points that satisfy Council refuse collection services.

“The applicant advises within the Highway Report Rev E that discussions with Building Control (Harrogate) and North Yorkshire Fire have taken place confirming that all dwellings are located within acceptable distances (within 45m of parking area) for fire services to attend, the existing hospital pedestrian bridge has been considered as part of this discussions. This is acceptable although no confirmation of correspondence with Building Control and/or NYC Fire has been submitted.”

Site is within approximately 200m from Ripon Market Square, which can be reached within a short walk giving access to bus services and parking. Bus stops nearby and ‘good frequency’ of services – promoting use of sustainable modes of travel for all users of the proposed development.

Proposed development demonstrates a reduction in trip rates from the previous use.

Vehicular access is proposed via existing shared use access from Firby Lane. The existing access road is satisfactory. The access also serves the Ripon Community Hospital ambulance bay and measures to prevent obstruction during construction are recommended in suggested condition.

Submitted plans shows turning area within site for larger vehicles, and that fire tenders will be able to satisfactorily manoeuvre within the development. Applicant has advised within the Highways Report that NY Fire have confirmed the arrangements, no confirmation of correspondence has been provided.

Vehicular and cycle parking requirements are satisfied for all of the proposed uses.

No objections to the proposals. Conditions recommended.

7.12. **Historic England:** (Original plans) Not offering advice in this case. This should not be interpreted as comment on the merits of the application.

7.13. **MOD:** (Revised plans) No objection.

(Original plans) No objection.

7.14. **Sport England:** (Original plans) The proposal will result in the permanent loss of a swimming pool as a sport facility. It has been confirmed that a new pool has been constructed in Ripon (the Jack Laugher Leisure and Wellness Centre) and this provides sufficient clarification that Ripon Spa Baths has been replaced. Sport England does not wish to raise an objection to this application.

(Revised/additional plans and information) The revisions relate to the design and layout of the proposal and do not alter the red edge of the location plan. The revisions do not alter Sport England's previous comments on the proposal, which concluded that a new pool has been constructed in Ripon and this provides sufficient clarification that Ripon Spa Baths has been replaced. Therefore, Sport England does not wish to raise an objection to this application.

7.15. **Yorkshire Water:** (Original plans) Condition recommended.

(Comments following receipt of revised/additional plans and information) The existing water supply can be used for the spa extension. If existing supply is not ample enough to supply spa extension and new commercial units and offices and a new supply is required, developer will need to provide more information. The new building for four residential units will require a separate supply. With regard to waste water, previous comments are still applicable.

Local Representations

7.16. Two local representations were received in response to the publicity of the originally submitted plans, one in support and one in objection. A summary of the comments is provided below, however, please see the website for full comments.

7.17. Support:

- Will save 'the only worthwhile parts of the existing structure (the front of the structure on Park Street and the Boiler Tower)' from current evident deterioration.
- Will provide useful office or hospitality accommodation 'and so extend the working City centre outwards', and add 'in a thoughtful way to available housing'.
- Retention of Boiler Tower and viewing opportunities is welcome.
- Proposed new courtyard would provide opportunity for 'attractive new planting' and offset minor loss of existing planting in Spa Gardens.
- Applicant's record of delivering other schemes.

7.18. Objections:

- Large ornate portico above entrance should be saved and incorporated.
- Building should not be 'ripped down'. Surely the building is listed?
- Spa Baths is 'huge part of Ripon's history', concern that it is being disposed of. Could have been renovated at lower cost and made available to general public, a gym or other amenities that don't cost as much to run, which could be associated with nearby Spa Gardens, or private swimming pool for local residents.

7.19. In response to the originally submitted plans, Ripon Civic Society advised that they welcomed the scheme 'which proposes to conserve and provide new uses for an important historic building in the city', and commented that 'it is a sensitive approach with historic structures cleansed of later inferior additions (including the 1936 pool) and with new-build done in an unashamedly modern but complementary style and materials'. They advised that they 'accept the need for the residential development as enabling development to make the scheme viable'. Their response states that, whilst supporting the proposals in principle, they have a number of comments, as follows:

- Front internal lobby in the pump room of the main building should be retained
- Confirmation requested that tiled pump fountain and wall tiling to remain.
- Planters proposed on frontage to limit parking are noted but need to be positioned carefully to align with the symmetrical frontage and should be in keeping.
- Remains of painted lettering are visible around the top of the porte cochère – should be reproduced in original wording and font, or opportunity could be taken to rebrand building with new wording also in sae font.
- New extension to main Spa Baths building is acceptable.
- Retention and preservation of stained glass panels within foyer of Spa Baths building is of particular importance.
- Proposed changes to tower/boiler room 'make good use of the structure and are all welcome'.
- Proposed new-build 'fits in well and does not dominate the baths buildings'. Recommend some changes to brick banding.
- Tree works generally acceptable in the context of the proposals, but some additional planting would help screen the new build.
- Layout of paths and planters is 'rather complicated, not clear if paths follow desire lines. Ask that landscaping work be remodelled 'to provide a fitting setting for the listed war memorial and the needs of those attending ceremonies there'.

In conclusion, the response confirmed the Civic Society's 'strong support as being the best chance of allowing the site to survive'.

7.20. Ripon Civic Society was re-consulted following the receipt of revised plans, and provided the following comments:

- Continue to strongly support the proposals.
- Most of what was previously asked for has happened, including clarification of retention of internal features and better alignment of frontage planters, now replaced with bollards.
- 'The only disappointment is that there are no details of a planting scheme', may be because part of the site remains in the control of the Council. Consider that the

planting needs to be part of the application, and Civic Society want to be consulted on it. 'Really important that some greening is done, or the view from the Spa Gardens could look rather bleak.'

- Previous comments about wording on the frontage not picked up. Consider repainting the Spa Baths lettering on the porte-cochère should be avoided. Better to take the opportunity to change the wording but keep the font. Suggest 'Ripon Spa' would be a suitable name, especially as the Spa Hotel name has now gone.
- Decision is needed as soon as possible – deterioration of the building.

7.21. In response to the publicity of the originally-submitted plans, an objection was received on behalf of Harrogate and District NHS Foundation Trust and a letter of comment was received from NHS Property Services Ltd (NHSPS), which advised that 'NHSPS is supportive of development which makes the best use of land in accordance with the NPPF, provided this does not give rise to any detrimental impacts on the operation of the NHS estate now or in the future', but which commented that 'there are several matters which are currently of concern'. The following concerns are raised in those two responses:

- 'Long unbroken blank flank elevation' of proposed residential building, near part of Ripon Community Hospital, would create sense of enclosure for staff and patients and limit outlook from the Hospital.
- Potential overlooking into hospital wards and clinics from residential building's windows.
- Unsure how scheme would be constructed and maintained in future, noting proximity to Hospital boundary.
- Existing vehicular access via Firby Lane must be available for Hospital use at all times. Floating walkway above this access connects buildings within the Hospital and limits headroom availability for vehicles accessing the application site. Walkway is an essential part of the Hospital and must be operational at all times.
- Access to the site from Firby Lane is used by NHS, has NHS buildings on it and needs NHS ambulance access. Concerns about the public driving or walking through here to access the site. Ask that access to the site is not via Hospital land.
- With respect to headroom limit, no details of intended servicing arrangements for proposed residential block – unclear if refuse vehicles would be able to access. NHSPS would object to bins being left along access route – concerns about impact on access by ambulance or medical staff.
- Access to new residential block via access from Firby Lane, during construction or once operational, could significantly impact ability of NHS to bring forward future development which may be needed to meet future clinical needs.
- Query regarding use of previous commercial use as a baseline in transport statement, given how long site has been vacant.
- Applicant needs to clearly evidence that proposals would not impact future operation of Hospital site.
- Potential noise and air quality impacts on Hospital during demolition of swimming pool building.
- Request condition requiring a Demolition and Construction Management Plan, which should set out approach to parking during demolition and construction works to prevent overspill onto Hospital car park, and include mitigation measures

to minimise disruption, in particular noise and air quality impacts, including from proposed demolition. Request that NHSPS is consulted in its preparation.

7.22. Following the receipt and publicity of revised plans, a further objection was received which is understood to be from someone representing the NHS and/or Ripon Hospital and which raises the following concerns:

- Driveway from Firby Lane is leased to NHSPS. Assurances sought that nothing will be allowed to happen to the driveway before lease expires, queries regarding the lease, will developer have option to purchase the driveway to convert to a two-way vehicular road?
- Require confirmation if application is approved that developer and contractors won't block any part of the hospital or ambulance bay.
- Potential implications for paramedics and patients getting in and out of ambulances if it would be up against new road.
- NHSPS have previously requested to purchase the driveway from the Council.
- Potential risks from use of access, including to safe patient access through the Hospital grounds at ground and first floor levels, safe ambulance parking in ambulance bay (which has previously been blocked and/or parked in by contractors), to deliveries to the rear of the hospital, and to safe access and egress for contractors carrying out works or maintenance to the hospital.
- Driveway provides extra parking which is required as Hospital car park is 'always oversubscribed'.
- Would like assurances from developer/new owner that they won't impede any hospital spaces, won't allow parking on access road and won't store bins on it.
- Unclear where dedicated areas for parking and bins would be.
- Plans show driveway as a two-way vehicular road from Firby Lane to the rear of the proposed development. Concerns that driveway is 'too tight' for a two-way road and concerns about liability for road traffic or pedestrian accidents.
- Request pedestrian pavements are installed either side of proposed new road for safety, but if driveway not wide enough, would this be done without impeding on Hospital freehold areas? Would there be a pedestrian crossing?
- Potential damage to link bridge between buildings – 3.4m high – refuse collection and construction lorries won't fit under it. Who's liable for damage or any harm to people using the bridge if it's knocked while people are in it?
- Applicant's highways report notes driveway is a shared access already and that there have been no accidents for years. Driveway has been leased to NHS since 1930 therefore no-one else has used it and no accidents. Concern greater risk of accidents if it's used as a two-way road serving the development.
- Effects on Firby Lane. Staff and patients cross this road to car park. Will a pedestrian crossing be put in?
- Queries regarding ownership and responsibility for new road: who will maintain it; who should accidents, damaged etc be reported to; will it be adopted; what speed limit will be placed on it; who will be liable for any accidents or legal claims?
- NHS won't accept any liabilities resulting from proposed new access road.
- Concerns regarding potential overlooking and overshadowing of hospital wards and departments from proposed residential building.

8.0 Environment Impact Assessment (EIA)

- 8.1. The development proposed does not fall within Schedule 1 or 2 of the Environmental Impact Assessment Regulations 2017 (as amended). No Environment Statement is therefore required.

9.0 Main Issues

- 9.1. The key considerations in the assessment of this application are:
- Principle of development
 - Housing mix
 - Effects of the development on heritage assets, including:
 - o The effects on the listed building, Ripon Spa Baths, including any features of special architectural or historic interest which it possesses, and effects on its setting;
 - o The effects on the settings of other listed buildings in the vicinity of the site;
 - o Whether the proposed development would preserve or enhance the character or appearance of the Ripon Conservation Area
 - Trees and landscaping
 - Residential amenity
 - Highways
 - Ecology and biodiversity
 - Land stability
 - Energy and sustainability
 - Flood risk and drainage
 - Contaminated land
 - Other matters

10.0 ASSESSMENT

Principle of development

- 10.1. Most of the site, including the existing buildings, is within the ‘town centre’ boundary for Ripon City Centre as defined in the Local Plan. On that basis, the proposals to convert the retained section of the Spa Baths building to commercial use and convert the boiler house/water tower to offices are considered acceptable in principle, in accordance with Local Plan Policy EC5 and guidance in the NPPF with regard to main town centre uses.
- 10.2. The proposed development would result in the loss of a sports facility. Policy HP6 of the Local Plan states that proposals for development that would involve the loss of existing indoor sport facilities will be supported where, amongst other things, ‘a satisfactory replacement facility is provided’ and is ‘available for use before the existing facility is lost, in a suitable location, accessible to current users, and at least equivalent in terms of size, usefulness, attractiveness and quality’.
- 10.3. Permission was granted in June 2019 for development at Ripon Community Leisure Centre, on Dallamires Lane, including an extension to provide a swimming pool facility at that site. The extended and refurbished facility, including the new swimming pool – now the Jack Laugher Leisure and Wellness Centre – is now open. The submitted details advise that the Spa Baths closed in December 2021.

- 10.4. Sport England has been consulted on the current application and have noted that the Spa Baths closed following the construction of the new Jack Laugher Leisure and Wellness Centre. They also note that confirmation has previously been provided that a new pool has thus been constructed in Ripon and advise that 'this provides sufficient clarification that Ripon Spa baths has been replaced'. On that basis, Sport England has confirmed that it does not wish to raise an objection to this application.
- 10.5. As a new swimming pool facility has been provided in Ripon, and in the absence of an objection from Sport England regarding the loss of a swimming pool on the Ripon Spa Baths site, it is considered that the proposed development and loss of the swimming pool facility would not conflict with Policy HP6. Therefore, there is no objection in principle to the loss of a swimming pool facility from this site. However, the proposed development, including the demolition of the existing swimming pool hall, raises other material planning considerations, which are discussed below.
- 10.6. The proposed apartments would be located on an area of the site which is previously-developed land. They would be located within an accessible location within the settlement development for Ripon, and would be close to facilities, amenities and public transport links in Ripon city centre and nearby. The principle of residential development in this location is therefore considered acceptable, subject to other material planning considerations which are assessed below.
- 10.7. The works proposed within the Spa Gardens would relate to the removal of some existing planting and the creation of a path from the Spa Gardens into the proposed courtyard within the site. The works would not involve the encroachment of development into the Spa Gardens. Therefore, it is considered that this aspect of the proposals would be acceptable in principle and would not conflict with Local Plan Policy HP6 insofar as it seeks to protect existing open space and recreation facilities.

Housing mix

- 10.8. Local Plan Policy HS1 states that housing developments should seek to deliver a range of house types and sizes that reflect and respond to identified housing needs, and that the mix proposed should have reference to the latest Housing and Economic Development Needs Assessment (HEDNA).
- 10.9. In this case, four 2-bedroom apartments are proposed. As such, the mix proposed would differ from that recommended in the HEDNA. However, on the basis of the very limited scale of the residential element of the development, its location within Ripon City Centre and other site constraints, including its size and location within the setting of listed buildings and relative to other surrounding development, in this instance it is considered that the proposed housing mix is acceptable and would not compromise the overall aims of Policy HS1.

Effects of the development on heritage assets

- 10.10. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that, in considering whether to grant planning permission for development

which affects a listed building or its setting, special regard is had to the desirability of preserving the Listed Building(s) or its setting or any features of special architectural or historic interest which it possesses.

- 10.11. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention is paid in the exercise of planning functions to the desirability of preserving and enhancing the character and appearance of a Conservation Area.
- 10.12. The comments received from, and concerns raised by interested parties regarding the effects of the development on the listed building are noted.

Heritage assets affected

- 10.13. The application relates to Ripon Spa Baths, a Grade II listed building within Ripon Conservation Area. The listed building includes the original northern section of the Spa Baths, the attached swimming pool hall that was added in the 1930s, and the former boiler house/water tower building which is considered part of the listed building by virtue of being within the curtilage of Ripon Spa Baths.
- 10.14. There are also a number of other listed buildings in the vicinity, including within the Spa Gardens to the west, within the adjacent hospital site to the south and on Park Street to the north. These include the following (the names of the buildings given below are those used in their official List Entries):

Spa Gardens

- Gate Piers Just to the West of the Spa Baths (Grade II)
- Statue of the First Marquess of Ripon (Grade II)
- War Memorial (Grade II)
- Bandstand (Grade II)

Hospital Site

- Ripon and District Hospital Main Block (Grade II)

Buildings on northern side of Park Street in the vicinity of the site including:

- Old Park House (Grade II)
- 10, Park Street (Grade II)
- 9, Park Street (Grade II)
- 7 and 8, Park Street (Grade II)
- 6, Park Street (Grade II)
- 4 and 5, Park Street (Grade II).

- 10.15. As identified by the Conservation Officer, the development would be viewed within the same context as these listed buildings and would be within their setting.

Effects on the listed building, Ripon Spa Baths, including any features of special architectural or historic interest which it possesses, and effects on its setting

(a) Special interest and significance of the listed building, Ripon Spa Baths

- 10.16. The original Ripon Spa Baths building was built around 1904-5. It is constructed of red brick, with ornate moulded terracotta detailing and a decorative porte cochère to its front elevation facing Park Street, and glazed roof lanterns. Based on details submitted by the applicant, it is understood that the Spa Baths building historically also included glazed rear projections and paths linking it to the Spa Gardens to the west. Those projections were removed, and the footpath links built over, when the swimming pool hall was built to the rear of the building in the 1930s.
- 10.17. The Spa Baths building's architectural details are considered to be key features which contribute to its special interest. The Spa Baths' history as a focus within the city, alongside the Spa Gardens, and as a place for local people to meet, contributes to their historic interest.
- 10.18. The swimming pool hall was built to the rear of the Spa Baths building in the 1930s. The applicant's Heritage Impact Assessment, and the conservation officer's comments, refer to the pool hall as having a 'utilitarian' appearance. Nevertheless, the pool hall has historic interest as part of the phasing and evolution of the listed building, and as a community facility which is part of the history of the city.
- 10.19. The listed building also includes the former boiler house/water tower, which is understood to have been built at around the same time as the original Spa Baths. It includes a single storey boiler house building (which the applicant's submissions indicate was later extended), and an attached water tower and chimney. As well as being of architectural interest, with detailing reflecting its age and function, this building is also of historic interest as an integral part of the Spa Baths, and contributes to its significance.
- 10.20. The Spa Gardens, to the west of the Spa Baths, is understood to have historically included footpath links to the Spa Baths building. As an historic area of open space within the city which has retained its function and interest as a community facility, and which historically had connections to the Spa Baths, the Spa Gardens contributes to the setting of the listed building, Ripon Spa Baths.
- 10.21. Insofar as it relates to the proposed development in this case, the significance of the listed building, Ripon Spa Baths, is considered to be drawn from its architectural detailing, internally and externally, and its historic interest as a community facility, first as a Spa Baths and later as a swimming pool for the city of Ripon.

(b) Proposed demolition of the swimming pool hall

- 10.22. Although it is noted that the submitted details refer to using brick from the demolished swimming pool hall as part of the construction of the proposed apartment building, the demolition of the swimming pool hall would nonetheless result in the loss of historic fabric from the listed building. It would also remove a building which, despite its

somewhat functional appearance, is a key component of the building's history and the evolution of its use over time. The demolition of the swimming pool hall would erode the legibility of the building's former use as a community facility, and would thus have an impact on the historic interest of the building.

- 10.23. It is therefore considered that this aspect of the proposals would result in harm to the listed building, and that the harm arising would be less than substantial.
- 10.24. A Structural Inspection report has been received as part of the application, which identifies the presence of vertical cracking in 'all the brick piers' around the walls of the swimming pool hall building. It advises that the exact reason for this is not clear, but that 'it is believed that' it may be as a result of steel columns within the brick piers corroding, 'leading to lamination and expansion of the steel', and that 'this expansion in an enclosed space, could be sufficient to crack the relatively brittle masonry'. Another possible structural reason suggested in the report is referred to as being 'slightly more unlikely.'
- 10.25. The Structural Inspection report concludes that, 'assuming that corroded columns are the problem then the only way to repair them would be to carefully take down the masonry for inspection and possibly replacement', and that even with column replacement, it 'may not be possible to incorporate sufficient lateral robustness without also strengthening/replacing the roof'. It goes on to advise that 'this process would be very slow and would see much of the building being rebuilt as a result'.
- 10.26. Based on the Structural Inspection report, it is therefore understood that to investigate and attempt to remedy the issues which have caused the identified cracks in the walls of the building would be likely to require some significant degree of demolition and reconstruction of parts of the building.
- 10.27. The conservation officer has noted the Structural Inspection report and the applicant's Heritage Impact Assessment, which advises that 'given the identified requirement for significant reconstruction of the swimming pool building and, having regard to its relatively low architectural interest, it is considered that demolition will provide an opportunity to secure a number of clear public/heritage benefits'.
- 10.28. As set out in the Heritage Impact Assessment, the removal of the swimming pool building would reinstate what was historically an open area to the south of the Spa Baths, and 'potentially reinstate historic linkages to the Spa Gardens'. This would include visual and physical connections between the Spa Gardens and the Spa Baths, with the proposed introduction of pedestrian links between the Spa Baths site and the Spa Gardens. Its removal would also expose historic original walling to the southern elevation of the Spa Baths and reinstate its historic plan form, with added glazing to the rear. It is considered that these would represent public benefits to be weighed against the less than substantial harm that would arise as a result of the demolition of the swimming pool hall.
- 10.29. The structural issues and implications identified in the Structural Inspection report, the relatively limited architectural interest of the swimming pool hall building, and the public benefits that would arise from the removal of the swimming pool hall building

and the wider development proposals are matters to be weighed in the overall heritage balance, in accordance with the NPPF. This matter is returned to below.

(c) Conversion of retained part of Spa Baths building and associated development

- 10.30. The remainder of the Spa Baths building would be retained, including the decorative front elevation and the existing porte-cochère at the front of the building. Some internal works are proposed, including the removal of later internal additions. Those works are the subject of a separate application for listed building consent and are assessed as part of the separate report for that application.
- 10.31. The conservation officer has advised that the works proposed to the retained Spa Baths building are acceptable, subject to conditions, which are recommended as part of this decision insofar as they relate to the development for which planning permission is sought. A condition is also recommended requiring details of any external materials to be submitted and approved.
- 10.32. The proposed glazed extension to the rear of the Spa Baths building would be relatively deep relative to the depth of the side elevation of the retained part of the Spa Baths building. The conservation officer raised concerns in that regard in response to the originally-submitted proposals. Further information has subsequently been received, including an additional Heritage Impact Assessment, which refers to the historic presence of a 'glazed orangery and entrance canopy' to the south of the original Spa Baths building as 'historical precedent' for this proposed rear extension. The Heritage Impact Assessment also notes that the extension would be 'visually contained to the rear of the main building'.
- 10.33. The fully-glazed walls of the proposed rear extension would allow views through to the rear of the retained historic Spa Baths building. The extension's simple 'contemporary' design, with glazed walls and a flat sedum roof, would provide a clear distinction between this modern-day extension and the historic Spa Baths building, whilst making reference to the glazed rear projections which existed historically.
- 10.34. The glazed rear extension would be viewed in the context of the more 'open' rear courtyard area which would result from the demolition of the large swimming pool hall building. The conservation officer has advised that 'there are positives to the proposed glazed extension and by reopening the rear of the Spa Baths to the Spa Gardens, this is a public benefit which outweighs the harm of a larger rear extension.'
- 10.35. In the light of the conservation officer's comments, it is considered that the scale of the glazed extension would result in less than substantial harm to the Spa Baths building. However, having regard to its design, the historic precedent for glazed extensions to the rear of the Spa Baths building and the wider benefits of the scheme in terms of opening up views of the rear of the historic Spa Baths building and re-connecting it to the adjacent Spa Gardens, it is considered that there are public benefits associated with the rear extension in the context of the development as a whole. These matters are considered further as part of the overall heritage balance below.

(d) Conversion of Water Tower/Boiler House building and associated development

- 10.36. Concerns were originally raised by the conservation officer regarding the proposed glazed roof lantern. It is noted that a glazed roof extension to the boiler house/water tower building has previously been approved.
- 10.37. The glazed roof lantern would project above the existing parapet of the water tower. However, it would be set back from the sides of the parapet and would remain lower than the top of the chimney which projects above the water tower's roof at present. The lantern's glazed walls would also give it a relatively lightweight appearance. Consequently, although it would alter the roof profile of the existing water tower, it is not considered that it would appear unduly bulky or dominant. It is considered that it would result in less than substantial harm to this part of the listed building, which would need to be weighed against the public benefits, including the provision of light to the upper floor of the proposed offices as part of bringing the vacant listed building back into use. This matter is considered as part of the overall heritage balance below.
- 10.38. The conservation officer has raised concerns regarding the reference to double glazed aluminium frames for the proposed windows. It is understood that this reference relates to the framing of the glazing for the proposed roof lantern and it is considered that the use of aluminium framing to that modern addition would be acceptable. However, where windows are to be replaced in other existing openings within the boiler house/ water tower, the use of timber frames would be required, consistent with the historic character and fabric of the building. It is considered that these matters could be dealt with by condition.
- 10.39. For the reasons given, it is considered that the proposed works to the boiler house/ water tower building would result in less than substantial harm to the listed building but would also provide some benefits and enhancements. These matters are considered further in the heritage balance below.

(e) Proposed new residential apartment building

- 10.40. As set out above, the demolition of the swimming pool hall would result in less than substantial harm to the listed building due to the loss of historic fabric and historic interest. However, the demolition would result in the removal of a relatively bulky structure which is of limited architectural interest and which somewhat dominates the original Spa Baths building at present. The construction of the proposed apartment building, in a similar location but set further back than the pool hall, would create more space to the rear of the retained Spa Baths building.
- 10.41. At 2½ storeys, the proposed apartment building would be taller than parts of the retained part of the Spa Baths building. However, the submitted details show that the tallest part of the apartment building would be no taller than the lantern on the central part of the Spa Baths building. It would also be lower than the existing water tower building on the site. It is therefore considered that it would not conflict with Policy A.3 of the Ripon Neighbourhood Plan with regard to the Ripon skyline.

- 10.42. The apartment building would have pitched roofs and would generally appear two storeys in height, with some taller gable sections, but with its rear section set down still further, thus breaking up and minimising the bulk and massing of the building. It is considered that the scale of the apartment building would be appropriate within its surroundings. The building would also include main windows facing into the new courtyard to the rear of the Spa Baths and towards the Spa Gardens, providing natural surveillance and active frontages to those public spaces, consistent with the requirements of Ripon Neighbourhood Plan Policy C.1 regarding development in the City Centre quarters.
- 10.43. The apartment building would generally be quite traditional in its detailing and materials, incorporating red brick walls and vertically-proportioned bay windows and gables that would reflect the detailing of historic buildings in parts of the Ripon Conservation Area. It would also incorporate details such as larger areas of glazing, which would reflect its status as a modern building. As such, it is considered that the proposed apartment building would achieve an appropriate balance, incorporating elements of detailing that reflect its historic surroundings whilst also being legible as a modern building within those surroundings, and that it would sit comfortably within that context.
- 10.44. The apartment building would change the setting of the listed building. However, its bulk and massing would be minimised as set out above and, compared with the scale and location of the swimming pool hall building, it is considered that the apartment building would have benefits in creating more space to the rear of the Spa Baths and reinstating historic visual links to the Spa Gardens. Therefore, it is considered that the proposed apartment building would be less visually imposing on the Spa Baths and Spa Gardens than the existing swimming pool hall.
- 10.45. On that basis, although the demolition of the swimming pool hall would result in less than substantial harm to the listed building itself because of the loss of historic fabric and historic interest, it is considered that the apartment building would sustain the significance of the heritage asset and would preserve the setting of the listed building overall, compared with the swimming pool hall structure.
- 10.46. Conditions are recommended regarding the materials and the detailing of the proposed apartment building, to ensure that the building is carefully designed and is sympathetic to its historic surroundings.

(f) Works within Ripon Spa Gardens

- 10.47. The proposed works within Ripon Spa Gardens would include the removal of some trees and vegetation in the area immediately to the west of the existing swimming pool hall and the creation of a path to connect the Spa Gardens to the new courtyard to be created following the demolition of the swimming pool hall.
- 10.48. The Arboricultural Officer has advised that they have no objection to the removal of a number of trees from the Spa Gardens as proposed. Those works, and the removal of other vegetation to the west of the existing swimming pool hall, would contribute to opening up that area and re-establishing a visual link between the Spa Baths and the

Spa Gardens. It is therefore considered that these works would represent an enhancement to the setting of the listed building, Ripon Spa Baths, and a public benefit to be weighed in the overall heritage balance.

- 10.49. Following feedback from the Council's Parks team, some changes have been made to the proposed works within the Spa Gardens to limit the width of the path leading into the courtyard and retain soft planting in that area as far as possible. The Parks Officer has requested that this should be a pedestrian path, rather than a vehicle access. On the basis of the submitted plans, it is considered that this would be the case.
- 10.50. Comments from Ripon Civic Society regarding the surroundings of the War Memorial within the Spa Gardens are noted. It is understood that the location and layout of the proposed path from the Spa Gardens into the new Spa Baths courtyard has taken account of an aspiration to create a larger area of hard surfacing near the War Memorial to accommodate those attending remembrance events there. The proposed path has been reduced in width during the application. However, it is considered that the resultant reduction in hard surfacing and retention of more soft landscaping would achieve an appropriate balance between protecting the soft landscaped character of the Spa Gardens and the setting of the grade II listed War Memorial, whilst also providing additional space around the War Memorial for those attending events there.
- 10.51. For the reasons given, it is considered that the proposed works to the Spa Gardens would be acceptable and would preserve and enhance the setting of the grade II listed building, Ripon Spa Baths. The enhancements, including the re-instatement of visual and physical links between the Spa Baths and the Spa Gardens, would be public benefits to be weighed against any less than substantial harm to the listed building in the heritage balance.

(g) Conclusion – effects on the listed building, Ripon Spa Baths

- 10.52. The demolition of the swimming pool hall would cause less than substantial harm to the listed building, Ripon Spa Baths, due to the loss of historic fabric and historic interest as set out above. For the reasons given, the proposed rear extension to the retained Spa Baths building and the glazed roof lantern proposed to the water tower building would also result in less than substantial harm to that listed building. Considerable importance and weight is to be given to that harm and the NPPF requires this harm to be weighed against the public benefits of the proposal.
- 10.53. The proposed development would provide a new use for the historic, listed Spa Baths building, which has been vacant since the swimming pool in Ripon was relocated to a new facility, and would provide new commercial and office units within Ripon City Centre. Bringing this listed building back into use, with associated repairs and the retention of historic features, would comprise a public benefit.
- 10.54. The proposed development would also provide a number of specific enhancements to the listed building and its setting, and resultant heritage benefits, which would also comprise public benefits weighing in favour of the proposed development, including:

- Repair works to the retained Spa Baths building;
- Revealing the historic rear elevation of the Spa Baths building
- Removing the bulk of the large swimming pool hall and creating a new courtyard to the rear of the retained Spa Baths building, with a sympathetically designed and proportioned apartment building set further from the Spa Baths building, reinstating the historic plan form of the Spa Baths and visual and physical connections between the Spa Baths and the adjacent Spa Gardens;
- The replacement of existing floors within the boiler house/water tower building with new floors in a reconfiguration which would not overlap with the windows in the building.

10.55. The proposed development would provide new commercial units and offices within Ripon City Centre, which would contribute to the vitality and viability of the city centre. It would also provide four new dwellings, which would contribute to towards housing supply in the area.

10.56. It is considered that the public benefits of the proposed development as set out above, taken cumulatively, would outweigh the less than substantial harm to the listed building, Ripon Spa Baths, in this instance.

Effects on the settings of other listed buildings in the vicinity of the site

10.57. As set out above, there are numerous other listed buildings in the vicinity of the site, including in the Spa Gardens, in the grounds of the adjacent hospital, and on Park Street to the north. The development would be viewed in the same context of these listed buildings and is therefore considered to be within their setting.

10.58. The conservation officer has advised that the listed buildings on Park Street to the north of the site would not be impacted by the proposed development, as their setting incorporates the frontage of the Spa Baths. The front (northern) part of the Spa Baths building would be retained, and the external changes and extensions to the Spa Baths building, the works to the boiler house/water tower building, and the new apartment building would be located beyond it to the rear. It is therefore considered that the settings of the grade II listed buildings on the northern side of Park Street in the vicinity of the site, as set out above, would be preserved.

10.59. The listed Ripon and District Hospital Main Block is located within the grounds of the hospital to the south/south east of the site. The conservation officer has noted that the setting of this listed building incorporates modern and historic buildings at present, and advised that 'the addition of a new and modern building which has been scaled to blend in with existing buildings, is unlikely to result in harm to this listed building'. It is therefore considered that the proposed development would preserve the setting of the grade II listed building, Ripon and District Hospital Main Block.

10.60. With regard to the listed buildings within the Spa Gardens as set out above, including the moulded terracotta gate piers at the entrance to the Spa Gardens on Park Street, the conservation officer has noted that the proposed works would not directly affect those structures. The conservation officer has advised that 'revealing the historic garden area that was lost with the construction of the pool hall, will be an

enhancement for these historic structures'. On that basis, it is considered that the setting of the grade II listed buildings within the Spa Gardens would be preserved and enhanced by the proposed development.

- 10.61. For the reasons given, it is considered that the proposed development would preserve or enhance the settings of the other listed buildings in the vicinity of the site, as identified above.

Whether the proposed development would preserve or enhance the character or appearance of the Ripon Conservation Area

- 10.62. The area of Ripon Conservation Area in the vicinity of the site includes the Spa Baths and Spa Gardens, buildings within the adjacent hospital which include some historic buildings, and historic buildings on Park Street to the north of the site. Insofar as it relates to the works proposed in this application, the significance of this part of the Ripon Conservation Area is drawn from the historic and architectural interest of those generally well-preserved historic buildings within and around the site, and from the historic and visual connections between Ripon Spa Baths and Ripon Spa Gardens.
- 10.63. The existing swimming pool hall is a large structure with a substantial bulk and massing, and is of limited architectural interest. As such, it is not considered to make a positive contribution to the character or appearance of Ripon Conservation Area at present. The demolition of the swimming pool hall and the resultant revealing of the rear of the historic Spa Baths building, together with the creation of a new courtyard framed by the retained buildings and a new apartment building of a sympathetic scale and materials, set further from the Spa Baths building, would better reveal the significance of the Spa Baths building and reinstate visual connections between it and the adjacent Spa Gardens, such that it would enhance the appearance of this part of the conservation area, including in views from the Spa Gardens.
- 10.64. As identified above, it is considered that the glazed extension to the rear of the Spa Baths building and the glazed roof lantern to the water tower would cause less than substantial harm to the listed building, Ripon Spa Baths. It is considered that those works would also cause less than substantial harm to the character and appearance of the conservation area. However, for the reasons given, it is considered that the development as a whole would enhance the character and appearance of the conservation overall and thus accord with the requirements of Section 72 of the Listed Building and Conservation Area Act 1990. It is also considered that the less than substantial harm identified with regard to those proposed extensions/alterations would be outweighed by the public benefits of the scheme as set out above.

Heritage Balance and Conclusion regarding the effects on heritage assets

- 10.65. The proposed development would result in less than substantial harm to the Grade II listed building, Ripon Spa Baths and to the character and appearance of the Ripon Conservation Area. However, for the reasons given, the proposed development would provide public benefits which, it is considered, would outweigh the less than substantial harm to the designated heritage asset in this instance.

10.66. Therefore, and subject to the recommended conditions, it is concluded that the proposed development would not conflict with the requirements of Local Plan Policies HP2 and HP3, which seek to protect heritage assets and local distinctiveness, and state that harm to elements which contribute to the significance of a designated heritage asset will be permitted only where this is clearly justified and outweighed by the public benefits of the proposal. It is also considered that the proposals would not conflict with the aims and requirements of Ripon Neighbourhood Plan Policy C.1 insofar as it relates to the enhancement of city centre quarters or Policy A.3 which seeks to protect the city's skyline. The proposals would also not conflict with the guidance in the NPPF with regard to heritage assets.

Trees and landscaping

10.67. As set out above, it is considered that the removal of some trees and planting area within the Spa Gardens would be acceptable as part of a wider scheme that would open up views of the rear of the Spa Baths and reinstate visual and physical connections between the Spa Baths and the Spa Gardens.

10.68. Ripon Civic Society's comments regarding the detail of the proposed planting scheme are noted. However, it is considered that the submitted drawings are sufficiently clear regarding the locations where existing planting would be retained and new planting is proposed, and it is considered that sufficient detail has been provided to provide certainty that the proposals would be acceptable, and that the specific details of the proposed planting can be dealt with via condition.

10.69. It is therefore considered that the proposed development would be acceptable with regard to trees and landscaping, subject to appropriate conditions, and would not conflict with Local Plan Policy NE7 in that regard.

Residential amenity

10.70. On the basis of the submitted plans, the proposed apartments would meet the nationally described space standards in terms of their floor areas, consistent with the requirements of Local Plan Policy HS5. The apartments would not have any dedicated garden space. However, three of the four apartments would have small balconies and, taking into account their location immediately adjacent to an area of public open space in Ripon Spa Gardens, it is considered that the proposals are acceptable with regard to future occupants' ability to access outdoor open space.

10.71. The Environmental Health Officer (EHO) has recommended a condition requiring a noise report to ensure that any necessary measures are incorporated to ensure that appropriate sound levels are achieved within the apartments and their balcony areas. A condition is therefore recommended to that effect, to ensure that satisfactory levels of amenity are provided for future occupants of the apartments.

10.72. Given the separation distances between the proposed apartments and any other nearby residential properties, it is considered that they would provide satisfactory levels of amenity for their future occupants with regard to outlook, light and privacy.

- 10.73. The northern and western elevations of the apartment building would adjoin areas of soft landscaping, in the courtyard to the north and the Spa Gardens to the west. The submitted drawings indicate that the existing planting beds/shrubbery planting in the Spa Gardens immediately to the west of the building would be retained, thus providing separation and defensible space between the windows and balconies on the western elevation and the publicly-accessible areas of the park to the west. In the courtyard, the submitted drawing indicates 'barrier planting' in the bed immediately to the north of the apartment building which, it is considered, would also discourage or prevent people from accessing that area, providing defensible space between the public route through the courtyard and the apartments' windows. Subject to a condition requiring a detailed landscaping scheme to be submitted, to ensure that appropriate planting was provided in those areas, it is considered that a satisfactory degree of separation would be provided between the apartments and adjacent public areas to maintain the privacy of the apartments' occupants.
- 10.74. Concerns have been raised regarding the potential effects of the proposed apartment building on the privacy of staff and patients in the adjacent hospital, and that the apartment building would overshadow neighbouring hospital buildings. Although amenity considerations generally relate to residential properties, it is considered reasonable to give consideration to the potential effects of the development with regard to the privacy of hospital patients for example.
- 10.75. The rear elevation of the main, tallest section of the proposed apartment building would be a similar distance away from the rear boundary between the site and the hospital buildings to the south than the existing swimming pool halls' rear elevation is. The apartment building would be slightly wider than the existing swimming pool hall. However, it would be between around 12-13m from the southern boundary, according to the submitted drawings. On that basis, it is considered that part of the apartment building would not appear more dominant than the existing swimming pool hall when viewed from the hospital, and would not have an adverse effect on the outlook from the hospital. As the apartment building would be located to the north of those hospital buildings, it is not considered that it would have adverse implications in terms of overshadowing those neighbouring buildings.
- 10.76. Given the distances of around 12-13m between the windows in the rear elevation of the front part of the apartment building and the boundary with the hospital, with some further separation between the boundary and the hospital buildings beyond it, and as the neighbouring use is a hospital, rather than permanent residential accommodation, it is considered that a sufficient level of separation would be maintained between those rear windows and the neighbouring hospital buildings to adequately protect the privacy of patients of the hospital.
- 10.77. The rear part of the proposed apartment building would project closer to the southern boundary. However, that part of the apartment building would be lower than the main front section and, based on the submitted information, it is understood that the area of the hospital grounds immediately to the rear of that part of the apartment building is a vehicular access/turning area. Therefore, and as no windows are proposed in the rear elevation of the rear section of the apartment building closest to the hospital, it is

considered that part of the building would not have adverse implications for the privacy or amenity of patients or staff of the hospital.

- 10.78. The eastern part of the apartment building would project slightly closer to the hospital buildings to the east than the existing swimming pool hall does. However, it would be two storeys in height, similar to the height of the existing swimming pool hall, and would have no windows in that eastern side elevation. It is considered that part of the apartment building would not have adverse implications for the privacy, light or outlook from that part of the hospital.
- 10.79. For the reasons given, and subject to the conditions recommended, it is considered that the proposed development would provide appropriate levels of amenity for future occupants of the development and would satisfactorily protect the privacy and amenity of hospital patients and staff. It is therefore considered that the proposed development would not conflict with Local Plan Policy HP4 which requires proposals to ensure that they will not result in significant adverse impacts on the amenity of occupiers and neighbours. It would also accord with the NPPF which states that planning decisions should ensure that developments create places with a high standard of amenity for existing and future users.

Highways

- 10.80. Concerns have been raised by interested parties with regard to the width of the proposed access from Firby Lane. The highways officer has noted that it is proposed to access the new apartment building and the proposed offices via an existing shared access with Ripon Community Hospital and, based on the nature of the development that the access would serve, they have advised that the minimum width for a 'Minor Access Way' to serve such development is 4.5m wide 'and therefore the existing access road is satisfactory'. Subject to the conditions recommended by the highways officer, including with regard to the access road and visibility splays at its junction with Firby Lane, the proposals are considered acceptable in that regard.
- 10.81. Concerns have also been raised regarding additional use of the existing access by vehicles as a result of the proposed development. Although the buildings are currently vacant, and have been for some time, they have an existing lawful use and could be brought back into use as such, and therefore it is reasonable to compare the proposed development against that existing lawful use. Based on the submitted information, the highways officer has advised that the proposed development shows a reduction in trip rates from the previous use, and that this therefore confirms that there would be no intensification as a result of the proposals. On that basis, it is considered that the use of the existing access drive to serve the development would not result in an increase in vehicles using that access, compared with that associated with the lawful use of the existing buildings.
- 10.82. Concerns have been raised by interested parties with regard for the potential for the development to result in vehicles parking on the access road, or bins being left on the access road on collection days.

- 10.83. The highways officer has advised that the amount of parking proposed for the various parts of the proposed development satisfies the highway authority's requirements, including the provision of visitor parking for the proposed apartments, and the provision of a disabled parking bay on the Park Street site frontage which would serve the proposed commercial units. Therefore, as it is considered that sufficient parking would be provided within the site for the proposed development, it is considered that the likelihood of overspill parking taking place on the access road or elsewhere outside the development has been satisfactorily mitigated. A condition requiring the access and parking areas for the development to be laid out prior to first occupation of the development is recommended.
- 10.84. The submitted details show that refuse collections for the offices and the apartments would be via the existing access drive from Firby Lane. The commercial units in the retained Spa Baths building may also have waste collections from that access, although the submitted details also indicate that those units could put waste out on Park Street for collection.
- 10.85. The highways officer has noted that the submitted details confirm the use of a private refuse collection service due to 'no suitable location of bin collection points that satisfy NYC refuse collection services'. It is understood that this relates to access constraints for Council refuse vehicles, including the bridge between the hospital buildings which crosses the site access, and the lack of a suitable area on the access drive where bins could be left for collection by crews if they were to wait on Firby Lane.
- 10.86. A bin store is proposed on the ground floor of the apartment building, which would accommodate bins for the residential units and the commercial units and offices, and the submitted details show a 'holding point for private refuse collection vehicles' to the rear of the proposed apartment building, where it would not obstruct the access road itself. It is therefore considered that satisfactory arrangements have been made for refuse storage and collection which would not rely on bins being left, or refuse vehicles waiting, on the access road itself.
- 10.87. The highways officer has commented that 'a turning area with acceptable swept path analysis has been shown within the site to assist with any larger vehicles required to manoeuvre and exit the site in a forward gear'.
- 10.88. It is understood that the bridge between the hospital buildings, which crosses the proposed site access road, currently has signage on it which indicates that its height is 3.4m. However, the submitted details confirm that the existing bridge 'provides 3.7m clear headroom'.
- 10.89. The highways officer has noted that the applicant's Highways Report advises that discussions have taken place with Building Control and North Yorkshire fire 'confirming that all dwellings are located within acceptable distances...for fire services to attend' and 'the existing hospital pedestrian bridge has been considered as part of this discussions'. The highways officer has advised that 'this is acceptable', although no confirmation of correspondence with Building Control and/or NYC Fire has been

submitted. Based on the submitted information and the highways officer's comments, it is considered that access for fire vehicles has been satisfactorily considered.

- 10.90. Concerns regarding the use of the existing access drive by construction vehicles and the potential implications for the hospital in terms of noise and air quality during the demolition process, are noted.
- 10.91. As suggested by the highways officer, it is recommended that a condition is included as part of any permission, requiring a Construction Management Plan to be submitted for approval before development commences, to ensure that matters including access to the site and parking are carefully considered, taking into account the site constraints and existing use of the access, and satisfactory provision is made to address or minimise potential impacts in that regard.
- 10.92. Amongst other things, the Construction Management Plan would need to include details of the arrangements for the parking of vehicles associated with the construction of the development, the storage of materials, hours of working, and the management of deliveries including, as the highways officer has suggested 'measures to prevent and damages to the Ripon Community Hospital pedestrian bridge'. It is also suggested that the condition requires the Construction Management Plan to include details of discussions with Ripon Community Hospital and measures to ensure that users are safe during the works, including measures to prevent the obstruction of the existing ambulance bay.
- 10.93. In the light of concerns raised by interested parties regarding potential implications for air quality during the demolition/construction process, it is suggested that the Construction Management Plan is also required to include a method statement for the proposed demolition works and measures to control dust during the demolition and construction process.
- 10.94. An interested party has queried whether a pedestrian crossing would be provided on Firby Lane. No requirement for a pedestrian crossing has been identified by the highways officer and, based on the scale of the proposed development and as the submitted information indicates that it would result in a reduction in vehicle trips compared with the existing lawful use, it is considered that such a requirement is not necessary in this instance.
- 10.95. Interested parties have also asked about the possibility of introducing pedestrian footways alongside the site access. The proposed access arrangements do not include such provision, and the highways officer has advised that the proposed access arrangements are acceptable as submitted. The highways officer has advised that the local highway authority would not be adopting the access road, and it would therefore be for the landowner(s) and tenant(s) to liaise regarding any proposals in this regard. This may be a matter that could be pursued separately between the relevant parties. However, in the light of the highways officer's comments, and as they have advised that the access arrangements are acceptable as submitted, it is not considered that any further amendments to the access are necessary to make the development acceptable.

- 10.96. In the light of the above, and for the reasons given, it is considered that the proposed development would be acceptable with regard to highways and access matters, and would not conflict with the NPPF in that regard.

Ecology and biodiversity

- 10.97. Ecological information, including bat and bird surveys, have been received as part of the application. The Council's ecologist has noted that the submitted Bat and Bird Survey Report found that historical bat surveys had been carried out and that the buildings offered suitable bat habitat. They also note that the surveys undertaken as part of the current application found a day roost within one of the buildings. On that basis, the ecologist has advised that a European Protected Species Mitigation licence from Natural England is required to permit the works.
- 10.98. The ecologist also notes that the submitted Bat and Bird Survey Report did not note and birds currently nesting within the building, but has advised that the addition of swift boxes to the site can mitigate any that may have used the building since the survey was undertaken. They have also advised that other recommendations in the submitted survey report should be implemented, including the addition of bat boxes, bat bricks and the carrying out of a 'toolbox talk' to construction workers by a suitably qualified ecologist prior to works being carried out.
- 10.99. The ecologist has advised that they have no objection to the proposals, subject to conditions to cover the matters set out above. On that basis, subject to conditions to cover those matters, it is considered that the proposed development would be acceptable with regard to ecology and biodiversity and would not conflict with the requirements of Local Plan Policy NE3 or the NPPF in that regard.

Energy and sustainability

- 10.100. The submitted drawings include the proposed provision of solar panels as part of the proposed new apartment building. The agent has advised that the use of air source heat pumps is also to be investigated. The agent has also advised that the new apartment building would also follow a 'fabric first' approach to reducing its energy needs, including reference to insulation in excess of Building Regulations. The building would include large windows, providing benefits in terms of natural light and solar gains, which would assist in reducing the demand for energy as a result of artificial lighting and heating, whilst the deep-set windows and inset balconies would also help to provide shading and assist with natural cooling of the building.
- 10.101. The agent has also advised that mechanical ventilation with heat recovery (MVHR) would be incorporated, 'to provide continuous ventilation combined with a heat exchanger to minimise the heat demands further'.
- 10.102. The other buildings on the site are listed, and it is acknowledged that this may present some constraints in terms of incorporating sustainable construction measures or renewables. However, the agent has identified that there are 'still areas for improvement', including the potential new lighting and heating installations using more efficient technologies to reduce energy demands.

- 10.103. Therefore, taking into account the listed status of some of the buildings on the site, it is considered that appropriate and proportionate measures have been taken to incorporate energy reduction and energy efficiency as part of the scheme where possible, whilst also including renewables as part of the new-build part of the scheme. It is therefore considered that the proposed development would be acceptable and compliant with the requirements of Local Plan Policy CC4 regarding sustainable design and reducing carbon dioxide emissions.
- 10.104. Cycle parking is proposed within the development for the various uses proposed. A condition is recommended requiring the cycle parking to be provided in accordance with the approved details. A condition is also recommended requiring details of proposals for electric vehicle charging points to be provided as part of the development, to encourage the use of sustainable modes of transport.

Land stability

- 10.105. Local Plan Policy NE9 states that 'where development is proposed on potentially unstable land the developer will need to demonstrate that appropriate measures can be put in place to ensure that the development can be safely undertaken and that there are no significant risks of instability over the lifetime of the development'.
- 10.106. Policy NE9 goes on to state that 'with specific regard to subsidence due to gypsum dissolution in the Ripon area, significant building development in areas which are suspected as being potentially susceptible to the problem' will be subject to the development control procedures set out in the subsequent section of the Local Plan titled 'Gypsum Related Subsidence in the Ripon Area'.
- 10.107. The application site is within Development Guidance Zone C (Zone C) for the purposes of the 'Gypsum Related Subsidence in the Ripon Area' section of the Local Plan, which relates to 'areas which may be potentially subject to localised subsidence hazard, associated with both existing cavities and with the on-going dissolution of gypsum deposits in areas affected by groundwater moving towards the Ure Valley'.
- 10.108. Within Zone C, the Local Plan states that 'a ground stability report and declaration form signed by a Competent Person will normally be required before planning applications for new buildings, or those related to changes of use involving increased exposure of the public to a known risk of subsidence, can be determined'. It goes on to state that 'where planning permission is given, this may be conditional upon the implementation of approved foundation or other mitigation measures, designed to minimise the impact of any further subsidence activity'.
- 10.109. A Ground Investigation Report has been received as part of the application, which refers to investigation which has been carried out regarding the potential for gypsum dissolution features to be present within the site, and which includes a number of recommendations for the construction of the proposed development.
- 10.110. A signed Ground Stability Declaration Form has also been received, which confirms amongst other things that a detailed site inspection has been carried out and that a

ground investigation has been carried out in support of this application. The signed Ground Stability Declaration Form also confirms that the information available is 'adequate, reasonably to assess the stability of the site', and has responded 'No' to the question 'can ground stability reasonably be foreseen within or adjacent to the site within the design life of the proposed development, allowing for any deterioration of ground conditions caused by the development itself?'

- 10.111. The person who is listed as having 'Approved' the Ground Investigation Report is not at RoGEP 'Advisor' level (as required by the 'competent person' requirements in Policy NE9 of the Local Plan with regard to gypsum dissolution in Ripon). However, details have been provided regarding other schemes in the Ripon area which that person has worked on, demonstrating that they have experience of dealing with issues relating to subsidence arising from gypsum dissolution within the Ripon Area. Furthermore, the Ground Investigation Report has subsequently been signed by a 'Responsible Person' who, based on information submitted with the application, has demonstrated that they are a RoGEP Adviser. That 'Responsible Person' has also signed the submitted Ground Stability Declaration Form.
- 10.112. On the basis that the Ground Investigation Report has been approved by a person with experience of dealing with issues relating to subsidence arising from gypsum dissolution within the Ripon Area and has been signed by a Responsible Person who is at RoGEP Adviser level (who has also signed the Ground Stability Declaration Form), it is considered that the submitted Ground Investigation Report and Ground Stability Declaration Form meet the 'competent person' requirements in Policy NE9 with regard to gypsum dissolution in Ripon.
- 10.113. Therefore, it is considered that sufficient information has been submitted regarding potential ground stability issues, including in relation to gypsum-related dissolution in the Ripon area, and that the proposed development would be acceptable in this regard, subject to a condition requiring the development to be carried out in accordance with the submitted Ground Investigation Report, including the recommendations therein.
- 10.114. The originally-submitted Ground Investigation Report recommended a structural survey of the existing buildings. A Structural Report has been received with the application, and an amended Ground Investigation Report has subsequently been received, which notes the findings of the Structural Report and recommends that the works are carried out in accordance with that report. It is therefore recommended that a condition is also included requiring the development to be carried out in accordance with the submitted Structural Report insofar as it relates to the demolition works and works to convert the existing buildings on the site.
- 10.115. The proposed development is therefore considered acceptable with regard to the requirements of Local Plan Policy NE9, subject to the suggested conditions.

Flood risk and drainage

- 10.116. As is referred to in the applicant's Flood Risk Assessment (FRA), the access road to the development from Firby Lane is identified as at risk of surface water flooding.

However, the applicant's FRA confirms that 'all buildings are outside of the flood zone'.

- 10.117. In accordance with the Planning Practice Guidance, and having regard to the identified risk of surface water flooding within part of the site, a sequential test would be required. No sequential test has been received. However, in this case, the residential apartment building which is proposed forms part of a wider overall development, which includes bringing existing, listed buildings back into use. In this instance, it is considered that the residential building proposed is inextricable from that wider scheme, and that it could not therefore be delivered on another site. Therefore, it is not considered necessary to consider other sites for the purposes of a sequential test, and that even though a sequential test has not been provided, refusal on those grounds could not be justified in this case.
- 10.118. Nevertheless, it is still necessary to consider whether the proposed development would be safe for its lifetime without increasing flood risk elsewhere. Although the access drive is shown as being at risk of surface water flooding, the applicant's FRA notes that the access road 'maintains a constant fall, from the Spa Baths boundary, through the Hospital to the public highway, Firby Lane' and that 'the site's topography would ensure that any surface water would run away from the site rather than resulting in any depth of flood water'. Therefore, and as there would be other means of (pedestrian) egress from the site and the apartments via the Spa Gardens to the west, which are not identified as being at risk of surface water flooding, it is considered that safe means of escape would be possible in the event of a flood.
- 10.119. There would not be a significant increase in hard surfacing within the site as part of the proposed development, and new soft landscaping is provided in some areas. Subject to conditions requiring detailed drainage proposals to be submitted for approval, it is considered that the proposed development would be acceptable and would not be likely to increase flood risk elsewhere.
- 10.120. Therefore, it is considered that the proposed development would not conflict with Local Plan Policy CC1 or with the NPPF or the PPG with regard to flood risk and drainage.

Contaminated Land

- 10.121. A Desk Study Report and a Ground Investigation Interpretative Report have been submitted as part of the application. The EHO has recommended conditions to cover matters relating to contaminated land. Subject to conditions to cover those matters, in the light of the submitted documents, it is considered that the proposed development would be acceptable in this regard, and would not conflict with the requirements of Local Plan Policy NE9 with regard to contaminated land.

Other matters

- 10.122. Comments and queries have been received regarding the ownership of the site access road and responsibility for its maintenance and liability. Matters relating to land ownership are outside the scope of the planning process, and would be private

matters between the developer and any other parties with an interest in and/or access rights across those parts of the site. Matters relating to the construction of the development close to or adjoining adjacent land are also private matters between the developer and any neighbouring landowners.

- 10.123. It has been suggested, in comments received from an interested party, that other uses be considered for the existing buildings. However, the local planning authority must consider the proposals before it, on their own merits and, having done so it is considered that the proposed development is acceptable in this case for the reasons given.
- 10.124. In considering the application, due regard has been had to the public sector equality duty as set out in Section 149 of The Equality Act 2010, and to the need to eliminate discrimination, harassment and victimisation and to advance equality of opportunity and foster good relations between persons who share a who share a relevant protected characteristic and persons who do not share it.
- 10.125. The existing ramp to the front of the Spa Baths building would be retained as part of the proposed development, and the access arrangements into the Spa Baths building would remain unchanged compared with the existing access which was part of the former swimming pool use. One of the four proposed apartments would be located at ground floor level. Access to the upper floors of the offices within the boiler house/water tower building would only be possible via steps. However, this building is listed and, by its nature – as a former water tower – is constrained in terms of internal space. Taking into account the historic and listed nature of the existing buildings, it is considered that reasonable steps have been taken to make the buildings accessible as far as possible, and that the proposals are acceptable in that regard.
- 10.126. Also, as set out above, consideration has been given to the effects of the proposed development on the privacy and amenity of patients of the neighbouring hospital and, for the reasons given, the proposals are considered acceptable in those regards.
- 10.127. In the light of the above, and as it is considered that the impacts of the development are acceptable and, where applicable, could be mitigated via conditions, it is considered that the proposal would not contravene Convention Rights contained in the Human Rights Act 1998, including right to private and family life.

11.0 PLANNING BALANCE AND CONCLUSION

- 11.1. For the reasons given, the proposed development is considered acceptable in principle.
- 11.2. As identified, the proposed development would result in less than substantial harm to the grade II listed building, Ripon Spa Baths and to the Ripon Conservation Area. However, for the reasons given, it is considered that the less than substantial harm arising would be outweighed by the public benefits of the proposed development in this instance. Those benefits include bringing a vacant listed building back into use, enhancements to the setting of the building and the reinstatement of links to the adjacent Spa Gardens, and the provision of new commercial units, offices which

would contribute to the vitality and viability of Ripon city centre and new housing which would contribute to the supply of homes in the area.

- 11.3. The proposed development is considered to be acceptable with regard to other material planning considerations, including residential amenity, highway safety, biodiversity and ecology, flood risk and drainage, ground stability and sustainable construction.
- 11.4. It is therefore concluded that the proposed development would be acceptable for the reasons given, and it is recommended that planning permission is granted, subject to the suggested conditions.

12.0 RECOMMENDATION

- 12.1 That planning permission be GRANTED subject to the conditions listed below.

Recommended conditions:

Condition 1 – Time Limit

The development hereby permitted shall begin not later than 3 years from the date of this permission.

Reason: To ensure compliance with Sections 91-94 of the Town and Country Planning Act 1990.

Condition 2 Approved Plans

The development hereby permitted shall be carried out in complete accordance with the following submitted details:

- Site Location Plan drawing number: PL01 Rev A
- Site Plan – As Proposed drawing number: PL06 Rev F
- Site Plan – Tree removal drawing number: PL07 Rev E
- Site Plan – External Works drawing number: PL08 Rev E
- Site Plan – Car Parking drawing number: PL60 Rev G
- Site Plan – Refuse Strategy drawing number: PL62 Rev A
- Demolition/Strip Out Works plan drawing number: PL21 Revision B
- Proposed – Ground Floor Plan drawing number: PL30 Rev D
- Proposed – Roof Plan drawing number: PL32 Rev C
- Proposed – Elevations drawing number: PL35 Rev B
- Proposed – Elevations drawing number PL36 Rev B
- Proposed – Elevations drawing number: PL37 Rev B
- Residential Building – Proposed Plans drawing number: PL40 Rev C
- Residential Building – Proposed Elevations drawing number: PL41 Rev C
- Boiler House – Proposed Floor Plans drawing number: PL51 Rev B
- Boiler House – Proposed Elevations drawing number PL53 Rev B

Reason: For the avoidance of doubt and to ensure compliance with the approved drawings.

Condition 3 – Unexpected contamination

In the event that contamination not previously identified by the developer prior to the grant of this planning permission is encountered during the development, all groundworks in the affected area (save for site investigation works) shall cease immediately and the local planning authority shall be notified in writing within 2 working days. Groundworks in the affected area shall not recommence until either (a) a Remediation Strategy has been submitted to and approved in writing by the local planning authority or (b) the local planning authority has confirmed in writing that remediation measures are not required. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures. Thereafter remediation of the site shall be carried out and completed in accordance with the approved Remediation Strategy.

Following completion of any measures identified in the approved Remediation Strategy a Verification Report shall be submitted to the local planning authority. No part of the site shall be brought into use until such time as the site has been remediated in accordance with the approved Remediation Strategy and a Verification Report in respect of those works has been approved in writing by the local planning authority.

Reason: To ensure that risks from contamination to the future users of the land and neighbouring land are minimised and to fully ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors.

Condition 4 – Restriction on use of land for gardens and growing food

Any areas of planting and/or soft landscaping within the site shall not be used either as gardens and/or amenity space for the residential apartments or for the growing of food, including fruit and vegetables.

Reason: As the levels of contamination in those areas have not been demonstrated to be at levels which are suitable for the growing of food.

Condition 5 – Drainage details

No development shall commence until full details of the proposed arrangements for the disposal of foul water and surface water from the development, including detailed drawings and calculations, and details of the arrangements for the management of the drainage scheme for the lifetime of the development, have been submitted to and approved in writing by the local planning authority.

If discharge of surface water to public sewer is proposed, the information shall include, but not necessarily be limited to:

- Evidence to demonstrate that surface water disposal via infiltration or watercourse are not reasonably practical;

- Evidence of existing positive drainage to public sewer and the points of connection; and
- The means of restricting the discharge to public sewer to the existing rate less a minimum 30% reduction, based on the existing peak discharge rate during a 1 in 1 year storm event, to allow for climate change.

The drainage works for the development shall be carried out and completed in accordance with the details thereby approved prior to any piped discharge of foul or surface water from the development. The drainage works shall thereafter be retained and managed in accordance with the details thereby approved for the lifetime of the development.

Reason: To ensure that proper provision is made for the disposal of foul and surface water and to ensure the future maintenance of the drainage systems and in the interests of sustainable drainage.

Condition 6 – Separate foul and surface water drainage

The site shall be developed with separate systems of drainage for foul and surface water on and off site. The separate systems should extend to the points of discharge to be agreed, details of which shall be submitted for approval as part of the previous condition.

Reason: In the interests of satisfactory and sustainable drainage.

Condition 7 – Site access alterations

Development shall not commence until details of the construction of the accesses to the site on Firby Lane and Park Street have been submitted to and approved in writing by the local planning authority. The submitted details shall include the following:

- Provision of tactile crossing improvements across the shared access on Firby Lane;
- Any gates or barriers must be erected a minimum distance of 10 metres back from the carriageway of the existing highway and must not be able to swing over the existing or proposed highway;
- Provision to prevent surface water from the site discharging onto the existing or proposed highway;
- The final surfacing of any private access within 10 metres of the public highway must not contain any loose material that is capable of being drawn onto the existing or proposed public highway;
- Measures to enable vehicles to enter and leave the site in a forward gear.

No part of the development hereby permitted shall be first occupied or brought into use until the accesses to the site on Firby Lane and Park Street have been set out and constructed in accordance with the details thereby approved. The works shall be retained as such thereafter.

Reason: To ensure a satisfactory means of access to the site from the public highway in the interests of highway safety and the convenience of all highway users.

Condition 8 – Visibility splays at site access to Firby Lane

There shall be no access or egress between the site and Firby Lane in association with the development hereby permitted, including by construction traffic, until splays have been provided at the junction between the site access and Firby Lane giving clear visibility of 43 metres measures along both channel lines of the major road from a point measures 2.4 metres down the centre line of the access road. In measuring the splays, the eye height shall be 1.05 metres and the object height shall be 0.6 metres. Those splays, and forward visibility envelopes across the site, shall be maintained clear of any obstruction and retained for their intended purpose at all times thereafter.

Reason: In the interests of highway safety.

Condition 9 – Pedestrian visibility splays

There shall be no access or egress between the site and Firby Lane in association with the development hereby permitted, including by construction traffic, until visibility splays providing clear visibility of 2.0 metres x 2.0 metres measured down each side of the access and the back edge of the footway of the major road have been provided. In measuring the splays, the eye height shall be 1.05 metres and the object height shall be 0.6 metres. Once created, these visibility splays shall be maintained clear of any obstruction and retained for their intended purpose at all times thereafter.

Reason: In the interests of highway safety.

Condition 10 – Provision of approved access, turning and parking areas

No part of the development hereby approved shall be first occupied or brought into use until the access, parking, manoeuvring and turning areas for all aspects of the development, including cycle parking, have been constructed in accordance with the details on Site Plan – Car Parking drawing number PL60 Revision G. Once created, those areas shall be maintained clear of any obstruction and shall be retained for their intended purpose at all times thereafter.

Reason: To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development.

Condition 11 – Construction Management Plan

No works or development, including demolition, site clearance or site preparation, shall commence until a Construction Management Plan has been submitted to and approved in writing by the local planning authority. The Construction Management Plan shall include, but shall not necessarily be limited to, arrangement for the following:

- Details of any temporary construction access to the site, including measures for its removal following the completion of construction works;
- A restriction on the use of Firby Lane for access for construction purposes at peak school times (i.e. between 0800-0900 hours and between 1500-1600 hours);
- Wheel and chassis underside washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway;
- The parking of contractors', site operatives' and visitors' vehicles, where such parking would not obstruct the Ripon Community Hospital ambulance bay;
- Areas for the storage of plant and materials, where such storage would not obstruct the Ripon Community Hospital ambulance bay;
- Measures to manage the delivery of materials and plant to the site including routing, timing of deliveries, loading and unloading areas, and measures to prevent any damage to the Ripon Community Hospital pedestrian bridge at the entrance to the site from Firby Lane;
- Details of the routes and access to be used by HGV construction traffic and highway condition surveys of these routes;
- Protection of carriageway and footway users at all times during demolition and construction;
- Protection of contractors working adjacent to the highway;
- Details of site working hours;
- Method statement for the proposed demolition works, including details of the method(s) of demolition;
- Measures to control the emission of dust during demolition and construction;
- Details of discussions with Ripon Community Hospital with regard to the Construction Management Plan, and measures to ensure users of the hospital are safe during the construction works, including measures to prevent the obstruction of the existing ambulance bay;
- Erection and maintenance of hoardings including decorative displays, security fencing and scaffolding on/over the footway and carriageway and facilities for public viewing where appropriate; and
- Contact details for the responsible person (site manager/office) who can be contacted in the event of any issue.

All construction works in association with the development hereby permitted shall be carried out in accordance with the Construction Management Plan thereby approved.

Reason: In the interests of public safety and amenity.

Condition 12 – Noise report for residential apartments

No works above ground level shall commence with regard to the construction of the residential apartment building hereby permitted until an Acoustic Report relating to the apartments, carried out by a suitably competent person, has been submitted to and approved in writing by the local planning authority. The Acoustic Report shall:

- Determine the existing noise climate;
- Predict the noise climate on terraces/balconies (daytime), in bedrooms (night time) and other habitable rooms of the development (daytime) from all noise sources;

- Set out details of any attenuation measures necessary to achieve appropriate noise levels within those areas specified in accordance with relevant current guidance, to be specified in the Acoustic Report, (including ventilation strategies).

None of the residential apartments hereby permitted shall be first occupied until all works specified in the report thereby approved have been carried out and completed in accordance with the details thereby approved, and such works shall thereafter be retained.

Reason: In the interests of the amenity of future occupants of the residential apartments.

Condition 13 – Fixed plant

The combined noise from any fixed installations which comprise mechanical and electrical plant and equipment shall be effectively controlled so that the combined rating level of all such equipment does not exceed the background sound level at any time (“rating level” and “background sound level” are as defined in BS4142:2014+A1 2019).

Reason: In the interests of residential amenity.

Condition 14 – External materials

No works above ground level shall commence in association with the development hereby permitted (including any works to the external walls or roofs of the retained Spa Baths and Boiler House/Water Tower buildings) until details and samples of external walling and roofing materials to be used as part of the development hereby permitted have been submitted to and approved in writing by the local planning authority.

The submitted information shall include:

- Details and samples of all external walling and roofing materials to be used in any repairs to the existing buildings to be retained (including the Spa Baths building and the boiler house/water tower building), and/or in the making good of existing sections of external walls and roofs of those buildings.
- Details and samples of all walling and roofing materials for the new residential apartment building hereby permitted (including details of any measures to reclaim materials from the demolition of the existing swimming pool hall for use as part of the new residential apartment building);
- A sample panel of the brickwork for the new residential apartment building hereby permitted;
- For all buildings: details of the face bond of any brickwork; description of the joints proposed; mortar mix, profile and finish.

All material samples shall be made available on site, and the sample panel of the brickwork shall be constructed on site, for the inspection of the local planning authority, which shall be notified in writing of the materials and sample panel being available to view.

The works shall thereafter be carried out in accordance with the details thereby approved and retained as such thereafter. The brickwork sample panel, and all materials samples, thereby approved shall be retained on site for the duration of the works on site and until all construction work is complete.

Reason: In the interests of visual amenity and protecting the listed building and its setting, and the character and appearance of the conservation area.

Condition 15 – Detailing of new residential apartment building

No works above ground level shall commence on the construction of the new residential apartment building hereby permitted until details of the following (on drawings to a scale of 1:10 or 1:20) have been submitted to and approved in writing by the local planning authority:

- Rooflights;
- Windows and doors (including details of frame materials and colours, door materials and colours, and details of glazing);
- Treatment of gables and cappings;
- Treatment of verges and eaves;
- Leadwork details (in accordance with LDA good practice);
- The means of ventilating the roof;
- Flues, vents or other pipework piercing the roof (and decorative finish);
- Treatment of entrance points and recess balconies.

The development shall be carried out in complete accordance with the details thereby approved and retained as such thereafter.

Reason: In the interests of visual amenity and protecting the listed building and its setting, and the character and appearance of the conservation area.

Condition 16 – Windows, doors and roof lantern for boiler house/water tower building

No works shall commence until details of all windows, doors and the glazed roof lantern to the boiler house and water tower building have been submitted to and approved in writing by the local planning authority.

Notwithstanding the submitted details, all new windows and doors to be installed within existing openings in the boiler house and water tower building shall be framed/constructed in timber with a painted finish. Details of the proposed materials for the glazed roof lantern shall be submitted for approval.

The submitted details shall include:

- Joinery details for all windows and doors, including opening mechanism, ironmongery and cross sections of the frame, glass, putty and glazing bars at a scale of 1:5. The section detail shall include where the opening sits within the reveal and the colour of the painted finish;
- Detailed drawings of the glazed roof lantern for the water tower, including cross sections and elevations at a scale of 1:10 and 1:20, and details of the proposed materials and colour for the frames of the glazing.

The works shall thereafter be carried out in accordance with the details thereby approved and shall be retained as such thereafter.

Reason: To ensure that the materials and detailing are appropriate, in the interests of preserving the listed building and the character and appearance of the conservation area.

Condition 17 – Ecological protection and mitigation measures

The development shall be carried out in accordance with the recommendations in the Bat & Bird Survey Report, reference 1826b Revision 01, prepared by Quants Environmental and dated June 2024, including the following measures as recommended therein:

- The installation of bat boxes, bat bricks and swift bricks/boxes as part of the development, which shall all be installed before any part of the development hereby permitted is first occupied or brought into use;
- The provision of a toolbox talk to construction workers prior to the commencement of development, which shall be provided by a suitably qualified ecologist.

Reason: In the interests of protecting biodiversity, ecology and protected species.

Condition 18 – European Protected Species Mitigation Licence

No works shall commence, including demolition, vegetation clearance, or site clearance or preparation, until a European Protected Species Mitigation licence from Natural England has been obtained and confirmation and evidence that the licence has been obtained has been submitted to and approved in writing by the local planning authority.

Reason: In the interests of biodiversity and ecology.

Condition 19 – Vegetation removal during bird nesting season

No vegetation removal shall be undertaken during the bird nesting season (i.e. from March to August inclusive) unless a pre-commencement investigation and survey, carried out by a suitably-qualified ecologist, demonstrate that no actively nesting birds are present or would be disturbed by the works.

Reason: To avoid harm to any nesting birds during the course of the works.

Condition 20 – Tree protection method statement

No development or other works shall commence in association with the development hereby permitted, including site clearance and/or preparation, until a tree protection method statement, including details of measures for the protection of trees within and around the site during construction works, has been submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the method statement thereby approved.

No development or other works shall commence until any tree protection measures recommended in the method statement thereby approved have been installed, and those measures shall be retained in place for the duration of construction works on site.

Reason: To ensure the satisfactory protection of trees and hedges during construction, in the interests of biodiversity and amenity.

Condition 21 – Landscaping

No works above ground level shall commence in relation to the development hereby permitted until details of hard and soft landscaping for the development have been submitted to and approved in writing by the local planning authority. The submitted information shall include details of the following:

- Surfacing materials to hard-surfaced areas within the site;
- Materials to be used for any retaining walls and/or planting beds;
- Boundary treatments, including any bollards;
- New tree and shrub planting;
- Planting to soft landscaped areas, including details of species and planting numbers;
- Arrangements for the management and maintenance of soft landscaped areas.

The landscaping of the site shall be carried out in accordance with the details thereby approved.

All hard landscaping works shall be completed in accordance with the details thereby approved before any part of the development hereby permitted is first occupied or brought into use, and retained as such thereafter.

All soft landscaping works shall be completed in accordance with the details thereby approved before the end of the first available planting season following the substantial completion of the development.

Reason: In the interests of visual amenity.

Condition 22 – Replacements for new planting

If within a period of five years from the date of the completion of the soft landscaping scheme pursuant to the previous condition any tree, hedge or shrubs are felled, removed, uprooted, destroyed or dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, it/they shall be replaced by planting of the same species and size as that originally planted in the same location, unless the local planning authority gives its written consent to any variation. This replacement planting shall be undertaken before the end of the first available planting season following the removal, uprooting, destruction or death of the original plant(s).

Reason: To ensure that the landscaping becomes established and is maintained and managed, in the interests of visual amenity.

Condition 23 – Ground Stability Report

The development hereby permitted shall be carried out in complete accordance with the conclusions and recommendations in the Interpretative Ground Investigation Report, document number: 156996/R3 Rev. 2, produced by Fairhurst, signed and dated 18/07/2024 and received by the local planning authority 18 July 2024, with regard to land stability and gypsum dissolution.

Reason: To ensure that the development incorporates appropriate measures and precautions to ensure that it is safe with regard to ground stability, having regard to the risk of gypsum dissolution in the area.

Condition 24 – Unanticipated gypsum dissolution features

In the event that evidence of potential gypsum dissolution features is identified or noted during the course of the demolition and construction works which have not previously been identified by the developer in the investigation carried out prior to the grant of this planning permission, works in the affected area(s) shall cease immediately and the local planning authority shall be notified in writing within 2 working days. No works in the affected area shall recommence until either: (a) a further Ground Investigation Report with regard to gypsum dissolution, including details of further investigation and any further mitigation measures identified as necessary, has been submitted to and approved in writing by the local planning authority; or (b) the local planning authority has confirmed in writing that no further investigation is required.

Thereafter, any further mitigation measures identified as necessary shall be incorporated as part of the development in accordance with the further details thereby approved.

Reason: To ensure that any unanticipated evidence or discovery of gypsum dissolution is appropriately assessed and investigated, and appropriate mitigation measures are incorporated as necessary, to ensure ground stability as part of the development.

Condition 25 – Structural Report

The development hereby permitted shall be carried out in accordance with the conclusions and recommendations in the Structural Inspection report, document reference: 23072902-001 Rev B, prepared by Hutchinson Whitlam Associates and dated 12/07/24 (received by the local planning authority 12 July 2024) with regard to the demolition of the existing swimming pool hall building and the works proposed to the existing, retained buildings on the site, and within the site as part of the development.

Reason: To ensure that the works are carried out in an appropriate way, to protect the stability of the existing buildings and the proposed development.

Condition 26 – Method statement for demolition

No development shall commence, include demolition, until a method statement for the demolition of the swimming pool hall building has been submitted to and approved in writing by the local planning authority. The method statement shall include details of the sequence of demolition works, methods of demolition, and measures to protect the retained buildings on the site and to protect adjacent land during the course of the demolition works.

Reason: To ensure that the methods of demolition are appropriate, and that suitable measures are implemented to protect the retained buildings during the course of the works, in order to protect the listed building.

Condition 27 – Electric Vehicle Charging Points

No works above ground level shall commence until details of a scheme for the provision of electric vehicle charging facilities for the proposed development has been submitted to and approved in writing by the local planning authority. No part of the development shall be first occupied or brought into use until the electric vehicle charging facilities have been installed in accordance with the details thereby

approved and are operational. Electric vehicle charging facilities shall thereafter be retained.

Reason: In the interests of air quality and to encourage sustainable transport use.

Recommended informatives

1. If any topsoil is taken onto site for the formation of a domestic garden it should be certified as suitable for a domestic garden. This should be validated through sampling once on site. Regard should be had to the current YALPAG document Verification of Cover Systems.
2. With regard to the conditions above relating to the provision of visibility splays, an explanation of the terms used is available from the local highway authority.
3. It is advised that, to ensure that the occupants of the residential apartments hereby permitted are not adversely affected by noise from adjoining residential uses below, above or adjacent to them, the apartments should be insulated against the transmission of airborne and impact sound at a standard equivalent to that contained in the Building Regulations – Approved Document E (current edition).
4. The developer's attention is drawn to the comments received from Yorkshire Water, dated 4th July 2024, with regard to the water supply for the development.

Target Determination Date: 06.09.2024

Case Officer: Jillian Rann jillian.rann@northyorks.gov.uk