

# COMMITTEE REPORT

**Date:** 7 May 2026

**Ward:** Guildhall

**Team:** East Area

**Parish:** Guildhall Planning Panel

**Reference:** 25/02537/FULM

**Application at:** Willow House 34 Long Close Lane York YO10 4UP

**For:** Erection of 36no. dwellings (use class C3) with associated open space, landscaping, access and parking following demolition of existing care home and garage blocks

**By:** City of York Council

**Application Type:** Major Full Application

**Target Date:** 11 May 2026

**Recommendation:** Approve

## 1.0 PROPOSAL

1.1. This application seeks consent for the erection of 36no. dwellings (use class C3) with associated open space, landscaping, access and parking following demolition of an existing care home and garage blocks. Demolition of former care home building, garage blocks and attached storage building has already been approved, on 11.03.2026; reference 25/02383/FUL. (N.B. The purpose of that application was to facilitate the redevelopment proposed under this application).

1.2. The application site consists of Willow House, a former care home built in the c.1970s/1980s that includes single and two storey elements and four single storey garage blocks, all of which are proposed for demolition. The site sits inside the City Walls towards the southeast end of Walmgate, within the Central Historic Core Conservation Area (Character Area 16: Outer Walmgate).

1.3. Of the 36no. units, 11no. will be 1-bedroom (30%), 19no. will be 2-bedroom (53%) and 6no. will be 3-bedroom (17%). All units would be affordable housing with a split of 60% social rent and 40% shared ownership.

1.4. The development is car-free expect for Blue Badge parking associated with the M4(3) units provided on a 1-space per unit basis.

- ☐ M4(3) – Wheelchair User Dwellings – 4no. units
- ☐ M4(2) – Accessible and Adaptable Dwellings – 14no. units
- ☐ M4(1) – Visitable Dwellings – 18no. units

1.5. Secure, covered cycle storage is to be provided at a rate of 2no. spaces per 1-bedroom home and an additional 1no. space per additional bedroom

1.6. Since the original submission the proposal has been subject to a number of minor amendments and addition of supplementary information with respect to the following:

- Submission of an Energy and Sustainability Statement
- Evidenced agreement with Yorkshire Water for grubbing out of existing sewer
- Clarification with respect to incorporation of SuDS within strategy for drainage
- Submission of Accommodation Schedule
- Supplied supplementary written commentary in response to Highways consultation response.

## **2.0 POLICY CONTEXT**

2.1. Planning applications should be determined in accordance with the development plan unless there are material considerations that indicate otherwise. The development plan is the adopted City of York Local Plan. The application site does not fall within a district of the Authority subject to either a Neighbourhood Plan or Village Design Statement.

### City of York Local Plan

2.2. The Local Plan was adopted on 27th February 2025. Local Plan Policies relevant to the determination of this application are detailed below:

DP2: Sustainable Development  
DP3: Sustainable Communities  
SS1: Delivering Sustainable Growth for York  
SS3: York City Centre  
H1: Housing Allocations  
H2: Density of Residential Development  
H3: Balancing the Housing Market  
H10: Affordable Housing  
HW7: Healthy Places  
D1: Placemaking  
D2: Landscape and Setting  
D4: Conservation Areas  
D6: Archaeology  
D9: City of York Historic Environment Record

D10: York City Walls and St Mary's Abbey Walls  
GI1: Green Infrastructure  
GI2: Biodiversity and Access to Nature  
GI4: Trees and Hedgerows  
GI6: New Open Space Provision  
CC1: Renewable and Low Carbon Energy Generation and Storage  
CC2: Sustainable Design and Construction of New Development  
ENV1: Air Quality  
ENV2: Managing Environmental Quality  
ENV3: Land Contamination  
ENV5: Sustainable Drainage  
WM1: Sustainable Waste Management  
T1: Sustainable Access  
T5: Strategic Cycle and Pedestrian Network Links and Improvements  
DM1: Infrastructure and Developer Contributions

### National Planning Policy Framework (NPPF)

2.3. The NPPF sets out the Government's overarching planning policies and at its heart is a presumption in favour of sustainable development. The NPPF forms a material consideration in planning decisions.

2.4. Paragraph 39 of the NPPF advises that local planning authorities should approach decisions on proposed development in a positive and creative way and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

2.5. Key policies and sections of the NPPF are as follows:

Section 1: Introduction

Section 2: Achieving Sustainable Development

Section 4: Decision Making

Section 5: Delivering a sufficient supply of homes

Section 8: Promoting healthy and safe communities

Section 9: Promoting sustainable transport

Section 11: Making effective use of land

Section 12: Achieving well designed places

Section 14: Meeting the challenge of climate change, flooding and coastal change

Section 15: Conserving and enhancing the natural environment

## Section 16: Conserving and enhancing the historic environment

### Planning (Listed Buildings and Conservation Areas) Act 1990

2.6. The application site is within a Conservation Area. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area.

2.7. The NPPF's presumption in favour of sustainable development is set out in paragraph 11, reiterating that development proposals that accord with an up-to-date development plan should be approved without delay. Where there are no relevant development plan policies, or where they are out of date, planning permission should be granted unless policies in this framework that protect areas or assets of particular importance provide a clear reason for refusing the development proposed, or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole. Footnote 7, however, confirms that those areas which are protected include designated heritage assets. As such, in this case, the presumption in favour of sustainable development may not apply if it is considered that any harm to heritage assets is identified in which case the more restrictive policies are applicable. The legislative requirements of Section 72 are in addition to the government policy contained in chapter 16 of the NPPF.

### **3.0 CONSULTATIONS**

INTERNAL:

#### Public Protection

3.1. A NOVA Acoustics residential noise assessment (Ref: NP01134) (dated 18 December 2025) has been submitted and also a NOVA Acoustics plant noise assessment (Ref: NP01134 – PR02) (dated 18 December 2025). Provided the noise mitigation measures as stated within the residential noise assessment are implemented then there are no objections to the proposal. An additional condition is recommended in relation to plant noise.

3.2. Potential construction phase air quality impacts and noise emissions from construction may have an impact on surrounding residential properties. Therefore, a condition for a Construction Environmental Management Plan (CEMP) is recommended as a pre-commencement condition.

3.3. A Phase 2 Site Investigation report by Solmek (Ref: S240918) (dated November 2024) has been submitted which demonstrates some soil remediation will be required. A full set of gas monitoring results were not presented; therefore, conditions are recommended which reflect this.

### Archaeology

3.4. During the construction of Willow House in 1975, part of the rampart was removed at the southeast corner of the building. This area remains within the boundary of the scheduled monument, so the application requires Scheduled Monument Consent (SMC).

3.5. Repeated cycles of development in this location has severely truncated earlier archaeological evidence, but in places there is good potential for survival of features and deposits. In terms of archaeological potential, the application site falls into two halves that require different approaches. The northern half occupied by buildings 3, 4 and 5 and the southern half by buildings 1 and 2 (as labelled on demolition plan).

3.6. In the southern area (which includes the care home), all groundworks will disturb any in situ archaeological features and deposits. The northern area is less well understood but potentially contains more significant archaeological remains. As the potential impacts for the northern and southern areas differ considerably, a different approach is required for each.

3.7. The separate application for the demolition of existing buildings (25/02383/FUL) is accompanied by a condition for archaeological watching brief. Where sensitive archaeological deposits are observed, provision must be made to preserve them in situ for mitigation during the subsequent development phases covered by this application. If this is not feasible, then provision for excavation must be made during the demolition works. This condition will be scoped by a full Written Scheme of Investigation (WSI) that will include the production of an impact assessment to inform the conditioned works for this application.

3.8. The southern area is well-understood. The impact on archaeological remains can be mitigated through a condition for Strip, Map and Sample (SMS) where preservation in situ cannot be achieved.

3.9. The northern area requires further archaeological evaluation to take place prior to determination. Therefore, a further stage of conditioned archaeological evaluation by trial trenching is required following demolition of buildings 3 and 4 to

inform mitigation. The demolition of these buildings is covered by application 25/02383/FUL with a watching brief condition, the results of which will inform the scope for the evaluation trenching under a separate WSI if that phase of demolition goes ahead as currently proposed. Once the evaluation is completed, mitigation will consist of a combination of preservation in situ where possible, and excavation where this cannot be achieved. Preservation in situ remains the preferred mitigation option and therefore aspects of the proposed design may need to be adapted to accommodate this.

3.10. In terms of community and public engagement, Willow House has a history of successful community and public engagement through archaeology and heritage, and this legacy should be continued through the redevelopment of the site. Therefore, a condition for a programme of archaeological Community and Public Engagement will be required to accompany the proposed development.

3.11. In the event of planning permission being permitted, separate conditions are recommended for the northern and southern areas and a condition for community and public engagement.

### Carbon Reduction

3.12. No objections raised subject to conditions, following the submission of additional information to include the baseline emissions rate and target emissions rate.

3.13. SAP modelling of a variety of house types shows that the residential spaces as designed would significantly exceed the 75% improvement on Part L 2013 required by the Local Plan, with 104% achieved overall. A 42% reduction is made via energy efficiency measures, significantly improving upon the policy requirement of 19%.

3.14. Homes at Willow House have been designed to be net-zero carbon in operation. The requirement that water use is limited to 110 litres per person per day using low-flow taps, showers and cisterns.

3.15. The application details the proposed ambition to achieve Passivhaus certification.

3.16. Heat recovery ventilation systems and other efficient building services systems and white goods will be incorporated. There is a target to maximise the area of Solar PV on all suitably oriented roofs in order to provide as much energy as possible from

a local renewable energy source, with solar potentially providing 114% of total energy demand.

### Flood Risk Management Team

3.17. The Site Investigation provides sufficient evidence that soakaways will not work, and a watercourse is remote.

3.18. Foul water is proposed to be connected to a newly constructed combined sewer which in turn connects to the public combined sewer in Walmgate Bar. In principle this is satisfactory, subject to agreement with Yorkshire Water.

3.19. With regards to surface water, the CCTV survey undertaken provides sufficient evidence that the existing connected impermeable areas are 0.31 hectares which equate to existing run-off - 43.4 (forty-three point four) litres per second (l/sec) and with our betterment the permitted surface water discharge rate of 30.0 l/sec is agreed. This is shown to be connected, with appropriate attenuation up to and including the 1 in 100 year + 45% climate change event to the same newly constructed combined sewer. In principle this is satisfactory but normally we would expect sites to be developed with separate systems of drainage for foul and surface water on and off site. The PSWGA's show the site being developed with separate systems onsite but not offsite. This again would require consent from Yorkshire Water.

3.20. According to the public sewer records there are public sewers crossing the site. A 225mm diameter combined sewer crossing the site diagonally and a 150mm diameter combined sewer which enters the site to the side of No. 46 Long Close Lane then skirting around the site. On the PSWGA's the 225mm diameter public sewer is shown to be 'Grubbed up'. As this is a live public sewer this will need to be considered and protected when agreeing the site layout which may require to be diverted or allowed to be built over. Again, both scenarios will require consent from Yorkshire Water.

3.21. A Drainage Strategy Addendum (National Standards for SuDS Standard 2) was submitted to evidence the intention to incorporate the requirements of the National Standards for SuDS. The Drainage Strategy Addendum discusses the use of a combination of rainwater butts, permeable paving and bioretention features which in terms of Standard 2 would be acceptable. No objections in terms of permitted surface water discharge rate and point of connection and associated attenuation in principle

3.22. We are content in terms of permitted surface water discharge rates, place of connection to the public sewers and the appropriate attenuation being met but as above the Drainage Strategy will need to incorporate details to satisfy Standard 2 or the National Standards for SuDS. As we are satisfied these can be provided, we are content these details can be sought by condition.

3.23. The development is in Environment Agency low-risk Flood Zone 1 and should not suffer from river flooding.

#### Local Highways Authority

3.24. The development proposes zero general car parking (a reduction of 4no. spaces from existing), 4no. disability spaces (currently zero) (1no. per M4 (3) unit) and 125 cycle parking spaces (currently zero) – cycle parking meets the requirements of York Housing Delivery Programme Design Manual and exceeds the requirement in national guidance (Local Transport Note 1/20 Cycle Infrastructure Design, DfT, 2020) of 1 space per bedroom.

3.25. No strategic cycle link is included however; there is an existing signed east to west cycle route via Hope Street and Long Cross Lane. The main east-west pedestrian route (adopted highway) running on the north side of the main access road reflects the pre-application advice.

3.26. In anticipation of adoption, sub-ground pipework must be in accordance with Highways' standards.

3.27. The applicant should also confirm the shear and rutting resistance of the reinforced grass surfacing is sufficient to resist the shear forces from a fire tender manoeuvring on it.

3.28. The Vehicle Refuse Tracking diagram appears to show the refuse vehicle reversing and overhanging a pedestrian area in front of the north-west (front) elevation of the main block. This would have an unacceptable impact on highway safety. The proposed reprovision of the existing waste collection on Hope Street shows the reprovisioned bin store further away from the loading point than the existing bin store location – City of York Council Waste Services should be consulted to ascertain whether the longer drag distance for refuse workers is acceptable. Communal bin store C should be moved further east, so that the doors do not open over the highway (main access road to be adopted).

3.29. 30no. of the cycle parking spaces are proposed to be provided using 5no. cycle hangars each holding 6 no. cycles – details of how these are to be accessed/operated (e.g. combination locks or apps to access the hangar) and managed (e.g. management company to administer their use) should be provided by the applicant.

3.30. If cycle parking is provided in accordance with national rather than the local design manual the guidelines, the cycle hangars could be omitted, provided there is sufficient space elsewhere to accommodate the 67 no. spaces, 5% of which (4 no. min.) are to be for non-standard cycles (e.g. cargo cycles) – this will also obviate the need for one of the cargo bike stores. The omission of all but one of the proposed external cycle stores could improve the streetscape. If the cycle stores are omitted sufficient space should be provided within the curtilage (and lobby if necessary) of each of the 3-bed dwellings to provide secure covered cycle parking for 3 cycles.

3.31. All housing types show a cycle store with side-opening doors accommodating 2 no. cycles – these are unacceptable, because they do not permit a cycle at the rear to be parked/removed without either being lifted over a bike parked at the front or requiring the bike at the front to also be removed. Cycle parking within the garden spaces would also require cycles to be taken through the dwelling to access it. The cycle parking spaces below the stairwell are too narrow to park cycles. Also there appears to be a column within these spaces that would obstruct handlebars further preventing access to the parking spaces.

3.32. Parts of the existing adopted highway (including an existing footway) will require stopping up to provide 1 no. disabled parking space east of 27-30 Long Close and extend the greenspace around the existing tree (to be retained and protected), and to construct the dwellings east of 46-52 Long Close Lane and the communal space on the north side. This process is separate to Planning.

3.33. The area on the south side of the proposed main access road is shown to be public open space – this area will not form part of the adopted highway, so will be either highway not maintainable at the public expense or ‘private’/‘semi-private’ space with permissible pedestrian access to non-residents, if it is intended to be publicly accessible.

3.34. No Travel Plan has been submitted. A Travel Plan is considered required to maximise the take up of more sustainable (and active) forms of travel.

3.35. There are 4no. R18 resident parking spaces within the red line boundary of the site which appear to be retained. HDC will not seek to remove the development from

the ResPark Zone R18. Furthermore, HDC accepts that “This would mean that residents wanting to park close to the site would have to do a short walk to park in a less busy area close to the site.” Noting that this will apply to all residents (existing and new) within ResPark zone R18

3.36. The kerb lines at the turning head to the proposed dwellings east of 46-52 Long Close Lane to be flush with the carriageway – this is unacceptable because, it removes any segregation of the pedestrian area and the area used by vehicles. This area should either be made a formal shared space, or the carriageway should be made wider to accommodate the vehicle within it.

3.37. Planning conditions are recommended as well as a planning obligation of £200 per dwelling towards sustainable travel measures.

### Waste Services

3.38. The recycling bin allocation for Store A is incorrect. Recycling waste must be presented in two waste streams, one for paper/cardboard and the other for plastics/glass/tin. There is only one recycling bin allocated to this store, it should be changed to 2no. 660 litre recycling bins.

3.39. The plans say the collection points of bins are within 10 metres of refuse vehicle access roads, the requirement is that the maximum distances that operatives are required to wheel 4 wheeled containers is 10 metres, measured from the furthest point in the collection area to the loading position at the back of the vehicle.

3.40. Roads on the route of the refuse collection vehicle within the site must be a minimum of 5 metres wide.

3.41. All requirements within attached Waste Information for Developers Guide must be adhered to.

### Design and Conservation

3.42. The application is supportable for architectural design/conservation matters subject to the resolution of recommendations made within the comments. It is noted that the application shows a large amount of thought and detail consideration has been given to many design aspects and this is commended. Terrace housing and walk-up flats at modest height and medium density is hard to design well and even good design of this type inevitably results in design priorities (there is not enough

space to give everything maximum amounts) as is demonstrated here. Detailed design comments are included in the comments.

3.43. In terms of heritage impacts, there are some beneficial and some harmful but overall, there is harm. Harm is identified at the scale of low less than substantial, however under NPPF paragraph 212, that harm is given great weight and should be balanced against public benefits. Design and Conservation notes that this should be taken into account in the overall planning balance.

3.44. There appears to be a good mix in unit sizes and materials chosen are tonally sympathetic. Elevation design quality-standard will be highly influenced by elevations design (windows, doors, balconies, eaves/gable, garden walls) so it would be good to control these to ensure as-built matches intentions.

3.45. Recommendations are made that clarification is sought on the compatibility with National Design standards for rooms sizes; condition detailed drawings for certain design elements; provision of physical samples by condition; brick sample panel; control of external design elements (cycle shelters and bin stores); solar panels should be conditioned irrespective of application details so the choice can be coordinated with roof tiles; and standing seam metal roofs should be tradition materials (such as zinc or lead) and traditionally detailed to minimise visibility of mechanical fixings.

### Strategic Planning Policy

3.46. Policy H9 (Older Persons Specialist Housing) promotes the provision of new older persons specialist housing but doesn't deal with the loss of such facilities. However, it is understood that the use as a care home ceased around 2017 as part of City of York Council's reform of housing for older people.

3.47. The Local Plan's spatial strategy aims to deliver an annual average of 822 homes over the plan period. The Council's 5-year housing land supply position based on the Local Plan housing trajectory on 1 April 2025 demonstrates a 5.74-year housing supply.

3.48. The NPPF states that proposals on brownfield land should be approved unless 'substantial harm would be caused'. As a windfall housing site, policy SS1 of the Local Plan is relevant. The site is well located in relation to primary and secondary school provision, access to health care, local shops, and public transport.

3.49. The Local Plan expects housing development in York's City Centre to achieve minimum 100 units/ha net where the site is within 400m of a high frequency public transport corridor, as in this case. It is not clear what land has been excluded from the net site area (presumably the Walls' ramparts and properties at Long Close Lane), and therefore difficult to ascertain development density.

3.50. Housing mix should reflect the LHNA, which indicates that around 90% of affordable homes should be 3-bedroom or less, even when an uplift for home working is made (affordable rent and ownership). The proposed scheme delivers a policy compliant housing mix.

3.51. As major development, a planning application should be accompanied by a Healthy Places statement, showing how stated design principles have been taken into account.

3.52. Natural/semi-natural open space, amenity green space, allotments and children/young people's play space is in deficit in the Guildhall Ward. On the basis of the submitted scheme (and occupancy standards set out in the Planning Statement), provision is required for open space. According to the submitted Planning Statement, on-site open space provision delivers 0.25ha of amenity space plus 0.03ha of children's play space. It is not clear how this has been arrived at, or what provision is being made off-site or through commuted sum payments to enable policy compliant development.

### Landscape Architect

3.53. The proposed scheme has undergone a number of iterations since the initial pre-application. The design team appear to have done all they can within the requirements of the housing provision to reduce the risk of harm to the welfare of the tree.

3.54. The Corsican pine is a protected mature category 'A' tree. Given the relatively sheltered location it has attained a typical tall, spreading form. It is a prominent stand-alone specimen, visible from the city walls and the surrounding streets. In this latest design the building has been pulled back from the Pine tree. Only minor windows and main stairwells directly face into the canopy. New planting, street furniture, paths, and other hardstanding are now kept outside of the grassed area within the recommended root protection area (RPA) of the tree. Access to the grassed area below the pine tree is discouraged, with a knee rail and boulders, to protect the remaining pervious rooting zone from heavy use and compaction. These cumulative measures result in a considerable improvement on the initial proposals,

however, the space within which the Pine would stand between the proposed buildings still appears to be very tight, both visually and physically.

3.55. The length of the potential rooting zone within the grassed area beyond the RPA is reduced. Nonetheless, the remaining grassed area is marginally increased in width to accommodate excavations for edge restraints to the carriageway and pavement, and a knee rail. In doing so, there is the potential to improve the soil conditions across the remaining protected grassed area. Concern raised about the proximity of the properties to the mature Pine – both physically and visually. Although the risk of harm has been significantly reduced, there remains a very real residual risk of damage from construction operations, especially due to the tight working areas. Furthermore, the tree would look hemmed in. The existing sewer should not be grubbed up within the grassed area under/around the Pine tree.

3.56. With tight adherence to a detailed arboricultural method statement and daily supervision from an arboriculture specialist in this area of the site, it could be possible to implement the proposed design. However, should direct physical harm be accidentally incurred to this high value tree, it is unlikely that the harm could be reversed. This residual risk of harm to a protected tree, along with its tightly enclosed setting, would have to be weighed up in the planning balance.

3.57. There would be a loss of trees and garden space that currently lies to the east of Willow House, however most of that is a fenced off private communal space. The proposed adjoining open space contained and overlooked by the new housing, would mitigate this loss. The accessible public open space to the south of 149-159 Walmgate would remain. Each ground floor property would have a small but private space adjacent to the ramparts. The proposed new open space would be public but with a more semi-private and safe feel by way of the functions it provides, such as community growing beds, its intimate scale, and the tight enclosure provided by the new development.

3.58. The landscape treatment of the outdoor spaces across the site have purpose – mainly play - and a cohesive design effect, (although the quality of the main space is slightly compromised by the presence of a large storage structure). Overall, the merits of the scheme outweigh the loss to the existing open space.

3.59. There is ample new tree and shrub planting throughout. These are located very tight to buildings, kerbs and other structures so a careful choice of species is required, and some ongoing pruning maintenance is likely. Detailed design of hard landscaping should also be secured. Tree species and a final planting plan can be agreed and secured under condition.

3.60. The design and materiality of street furniture is sufficient in provision. Whilst not every item is 'inclusively' designed, items such as simple benches can be used more flexibly by younger persons. The scheme responds to consultations, and packs in many equipped and natural landscape features for play within the limited available space.

### Ecology

3.61. Conditions imposed for previous application concerning demolition of existing buildings (25/02383/FUL) included provisions for the Statutory BNG condition and the bat licence. The relevant ecology information for BNG is spread across both applications. Conditions recommended previously should be re-imposed.

3.62. The metric submitted [and requisite baseline] applies for the determination of both applications, on the basis that demolition remains a constituent part of this application and on account of the fact that demolition works are yet to commence.

EXTERNAL:

### Guildhall Planning Panel

3.63. Commented in support.

### York Conservation Areas Advisory Panel

3.64. No objections in principle. Wished to seek clarification that internal layouts would be compliant with Building Regulations in terms of their operation on a functional level, and accessibility requirements.

### Historic England

3.65. Historic England support the proposal to redevelop the site for a mixture of affordable and shared ownership housing and consider this is appropriate in terms of the established use and fits with the nature of the surrounding built development. The design approach is supported, and materials are considered to respond positively to the area. Historic England also support the use of a variegated roofscape to add visual interest which looking across towards the City Centre and improvement in terms of the historic grain of the area. However, this does bring the block closer to the monument – and also closer than the (previous) historic terraces.

3.66. The proposal is considered to cause a minor degree of less than substantial harm to the significance of the City Walls as a result of the change within their setting. The increase in height, bulk and massing of built development on the site, combined with this being closer to the City Walls, will detract from the setting of the City Walls. Historic England therefore do not agree with the Heritage Statement (p. 25) which states that the proposed scheme would enhance the scheduled monument through improvements to its setting.

3.67. Given the increase in building height and proximity to the City Walls, there will be an impact on views of York Minster. The effect on the dynamic experience of walking along the City Walls will be mixed, with enhancements in some areas and other areas where the view is blocked.

3.68. It is for the Local Authority to balance the less than substantial harm to the significance of the City Walls, the positive impact on the character and appearance of the Conservation Area and the mixed impacts (positive and negative) on dynamic views of York Minster along the City Walls against the public benefits of the scheme in line with paragraph 215 of the NPPF.

#### North Yorkshire Fire and Rescue

3.69. No objections/observations to make.

#### Health and Safety Executive

3.70. No comments to make.

#### North Yorkshire Police

3.71. No objections raised.

#### Yorkshire Water

3.72. The flood risk assessment prepared by Civic Engineers, dated 17 December 2025 is acceptable. Conditions recommended to protect public water supply infrastructure.

## **4.0 REPRESENTATIONS**

#### Neighbour Notification and Publicity

4.1. The proposal was publicised by Press Notice on 7<sup>th</sup> January and Site Notice on 14<sup>th</sup> January 2026, as well as by Neighbour Notification Letter.

4.2. Three representations were received in total, two of objection and one general comment. The following concerns were raised:

- Loss of existing trees/planting.
- Proximity to existing properties.
- Visitors to the addresses contributing towards a strain on parking provision.
- Provision for parking within the immediate area is not as plentiful as the transport survey conducted indicates.
- Loss of existing provision by virtue of demolition of the existing garages.
- Development should include aspect of commercial space to the ground floor in lieu of the loss of the existing garages.

## **5.0 APPRAISAL**

### KEY ISSUES:

- Principle of Development;
- Design, Layout and Appearance;
- Impact on Heritage Assets;
- Amenity for Future Occupants;
- Residential Amenity of Neighbouring Properties;
- Highways and Access;
- Ecology and Biodiversity;
- Drainage and Flood Risk;
- Archaeology;
- Contamination;
- Sustainable Design and Construction;
- Planning Obligations;
- Planning Balance.

### PRINCIPLE OF DEVELOPMENT

#### Policy

5.1. In principle, the presumption in favour of sustainable development, as set out in NPPF paragraph 11, applies in determining the application. This means permission should be granted unless policies within the NPPF that protect areas or assets of particular importance provide a clear reason for refusing the development

or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole. The site is allocated in the Local Plan for housing development. It is also brownfield land and therefore NPPF paragraph 125 requires the decision-maker to give substantial weight to the principle of redeveloping the site to deliver housing.

5.2. Policy H1 (Housing Allocations) addresses that, in order to meet the housing requirement, set out in Policy SS1 of the Local Plan, a number of sites have been allocated primarily for residential use. The site falls within allocation reference H52 (Willow House EPH, Long Close Lane), measuring 0.2ha, and proposing an estimated yield of 15 dwellings.

5.3. Policy H2 (Density of Residential Development) expects the following housing densities:

- 100 units/ha within the city centre
- 50 units/ha within the York urban area
- 40 units/ha within the suburban area
- 35 units/ha in the rural area and villages

5.4. Within 400m of a high frequency public transport corridor or adjacent to an existing or proposed transport hub, higher density development will also be supported where it complies with other plan objectives.

5.5. Policy H3 (Balancing the Housing Market) gives an expectation for developers to provide housing solutions that contribute to meeting York's housing needs, as identified in the latest Local Housing Needs Assessment (LHNA) and in any other appropriate local evidence. New residential development should therefore maintain, provide or contribute to a mix of housing tenures, types and sizes to help support the creation of mixed, balanced and inclusive communities. The final mix of dwelling types and sizes will be subject to negotiation with the applicant. Applicants will be required to provide sufficient evidence to support their proposals, with the Council encouraging the delivery of an appropriate proportion of housing that meets the higher access standards of Part M Building Regulations (Access to and use of buildings), unless it is demonstrated that characteristics of the site provide reasons for delivery to be inappropriate, impractical or unviable.

### Assessment

5.6. The scheme aims to be an 100% affordable development comprising of mixed tenures - 60% social rent and 40% shared ownership. The homes would be tenure

blind, with no difference in external appearance, The different tenures are proposed to be mixed throughout the site. This can be secured through the planning process.

5.7. Of the 36no. units, 11no. would be 1-bedroom (30%), 19no. would be 2-bedroom (53%) and 6no. would be 3-bedroom (17%). The accommodation mix is considered appropriate, including flats and smaller houses for those accessing the housing market for the first time, family housing of 2 to 3 beds and homes with features attractive to older people. The Local Housing Needs Assessment (LHNA) estimates that housing need between 2021-33 for market housing is predominantly 2- and 3-bedroom houses. For affordable housing most need is for 1-and 2-bedroom houses.

5.8. The site covers an area of approximately 0.66 hectares. The proposal for a total of 36no. dwellings would equate to a development density of approximately 54 dwellings per hectare (dph). It is noted that delivery of the number of units within this application exceeds that stipulated within the original H52 housing allocation (15no. dwellings), as a result of the site extent brought forward as part of this application, which spans a greater area. The resultant densities would be broadly in line with the densities set out within Policy H2 local plan; whereby in the York urban area, a density of 50 units/ha is expected. The NPPF promotes effective use of land and discourages developing at unduly low densities (paragraphs 129 and 130). On account of the above, it is considered that the density of the site would be reasonable, and, as a result, the proposal is not considered to represent an overdevelopment of the site.

## DESIGN, LAYOUT AND APPEARANCE

### Policy

5.9. Policy D1 (Placemaking) of the Local Plan seeks development proposals to improve poor existing urban and natural environments, enhance York's special qualities, better reveal the historic environment and protect the amenity of neighbouring residents. Development proposals that fail to make a positive contribution to the city or cause damage to the character and quality of an area or the amenity of neighbours will be refused.

5.10. Paragraph 129, parts (d) and (e), of the NPPF, state that planning decisions should support development that makes efficient use of land, taking into account the desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting regeneration and change; and the importance

of securing well-designed, attractive and healthy places. Paragraph 135 states planning decisions should ensure that developments will function well and add to the overall quality of the area. Development should be visually attractive as a result of good architecture, layout and appropriate and effective landscaping. Proposals should be sympathetic to local character and history, including the surrounding built environment. Paragraph 139 of the NPPF states development that is not well designed should be refused.

## Assessment

5.11. Walmgate is generally low rise with the majority of buildings varying between two and three storeys. The proposed development similarly would comprise a mix of two and three storeys. A row of 2 storey houses would be bookended by flatted blocks, running parallel to the City Walls to the southeast, allowing for retained views out to the York Minster. Two-storey housing is positioned to allow long views over roofs to York Minster from the City Wall. Views of Walmgate bar from Long Close Lane would be opened up to provide a legible landscape.

5.12. Explanatory text within the National Design Guide states ‘A well designed public space that encourages social interaction is sited so that is open and accessible to all local communities. It is connected to the movement network, preferably so that it people naturally pass through it as they move around. It appeals to different groups. This is influenced by the range of activities that can happen within the space and who they are for. It is also influenced by the versatility and accessibility of its design. The uses around its edges reinforce its appeal and help make it into a destination’. “Well-designed places provide usable green spaces, taking into account: the wider and local context, including existing landscape and ecology; access; how spaces are connected”.

5.13. The proposed orientation and design of the development is considered to contribute towards improved legibility of the application site; windows, balconies, roof terraces and front doors would have some level of natural surveillance and outlook across all of the publicly accessible routes. Together with additional lighting, these design characteristics and attributes are considered to contribute towards creating safer places, in which the layout of the site is seen to adopt Secure by Design principles. Further elaboration of the design of and quality of public realm is discussed later within this report.

5.14. The proposal is considered to respect local character in terms of layout, scale and density. Details of the exterior materials to be used in the development have been provided. The buildings would be constructed to comprise a predominantly

brick finish, incorporating detailing which would include cast concrete, neutral renders, and pre-cast stone. The use of these materials will be in keeping with the existing materials palette of development within the immediate vicinity of the site. Detailing of external materials and detailing is further secured by condition. The proposed layout makes provision for shared landscaping to the centre of the site, whilst properties fronting the walls would include private amenity spaces.

## IMPACT ON HERITAGE ASSETS

### Policy

5.15. The application site lies within the Central Historic Core Conservation Area where section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 requires that special attention shall be paid to the desirability of preserving or enhancing the character and appearance of that area. The Courts have held that when a local planning authority finds that a proposed development would harm a heritage asset the authority must give considerable importance and weight to the desirability of avoiding such harm to give effect to its statutory duties. In addition, the development abuts the City Walls, which are a Scheduled Ancient Monument. The legislative requirements of Section 72 are in addition to the government policy contained in chapter 16 of the NPPF. The NPPF classes listed buildings and Conservation Areas as "designated heritage assets", and advises on heritage assets as follows:

5.16. Paragraph 208 states that Local Planning Authorities should identify and assess the particular significance of any heritage asset(s) that may be affected by a proposal. They should consider the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal. Paragraph 210a) states that when determining planning applications, Local Planning Authorities should take account of sustaining and enhancing the significance of any heritage asset. Paragraph 212 adds that in considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation, and the more important the asset, the greater the weight should be.

5.17. Paragraph 213 advises that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification, adding that substantial harm to or loss of scheduled monuments should be wholly exceptional.

5.18. Paragraph 214 states that where a proposed development will lead to substantial harm to or the total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss. Paragraph 215 states that where a development proposal will lead to less than substantial harm to the significance of a heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

5.19. Policy D1 (Placemaking), in addition to seeking to enhance York's special qualities and better reveal the significances of the historic environment, seeks to safeguard building heights and views, by ensuring that development does not detract from the visual dominance of the Minster or harm the city centre roofscape.

5.20. Policy D4 (Conservation Areas) explains that proposals within or affecting the setting of a conservation area, will be supported where they are designed to preserve or enhance those elements which contribute to the character or appearance of the conservation area, would enhance or better reveal its significance, and would safeguard important views.

5.21. Policy D10 (York City Walls and St Marys Abbey Walls) states that development proposals within the areas of York Walls designated as Scheduled Monuments will be supported where they are for the specific purpose of enhancing physical and intellectual access to York Walls. Harm to the significance of York Walls will be permitted only where this is demonstrably outweighed by the public benefits of the proposal.

#### Assessment - Significance of Heritage Assets

5.22. The site is within Conservation Area Character Area 16: Outer Walmgate York Central Historic Core Conservation Area. As set out in the Conservation Area Appraisal, Character Area 16 appears as an entirely modern suburb of post-war municipal residential blocks. The varied arrangement of blocks contrasts with the traditional narrow and enclosed streets found throughout the rest of the city. Much of the social housing surrounding the application site dates to the late C20 and it largely replaced an earlier phase of purpose-built social housing erected in the immediate post-war period.

5.23. Willow House is a purpose-built care home, built in the c.1970s/1980s, which lies within an area of the city dominated by twentieth century social housing. Although of no inherent architectural or historical interest, the social housing

'illustrates important historical changes to York's townscape, namely the slum clearances stimulated by the work of Seebohm Rowntree and illustrates both the architectural and functional diversity of the walled city' (CAA, p.87).

5.24. It is recognised in the Conservation Area Appraisal that in areas of Character Area 16, open space around blocks is not well maintained and the unorthodox layout has created pockets of 'left over' space which can be run-down and occupied by carparking. The site is indicative of this with the garage and storage blocks adding to a feeling of enclosure which has the effect of discouraging public circulation in the public realm. Willow House itself sits largely at an oblique angle to the City Wall which has the benefit of creating an area of open green space close to Walmgate Bar (east of the site), a rare occurrence in the Conservation Area, but the angle of the building adds to the unorthodox urban grain moving west, creating cul-de-sacs and narrow routes. The Conservation Area Appraisal also highlights the area between the buildings as an area of opportunity for landscape improvements along Walmgate and within internal courtyards and streets.

5.25. The site itself is not a listed building although is adjacent to and includes within the redline boundary part of the City Walls which is a Scheduled Ancient Monument. The supporting text of Policy D10 makes it clear that York Walls are heritage assets of the highest significance and great weight will be given to their conservation. Any substantial harm or loss will require clear and convincing justification to demonstrate wholly exceptional circumstances.

5.26. No works or changes are proposed to the Scheduled Monument. Nevertheless, Historic England has confirmed that an application for Scheduled Monument Consent (SMC) is required for the proposal, a separate process with the application made to the Secretary of State for Culture, Media and Sport before any work can be carried out. The applicant has been advised of this.

5.27. The view from Tower 37 of the City Wall (immediately to the south of the site) is identified in the Conservation Area Appraisal as a Key View, described as 'one of the best for taking in the scope and scale of the walled city and the pre-eminence of the Minster on its skyline, but also the contributions of other landmarks such as Rowntree's Wharf and the towers and spires of the medieval churches'. 'Key View 14: City Walls, Walmgate' is valuable as a sweeping panorama that encompasses much of the cityscape. This important view contributes to the significance of York Minister and the City Wall. The Walls and its wider contribution to the significance of the Central Historic Core Conservation Area is illustrative of its existence as an asset of the highest significance.

### *Impact of Development*

5.28. Demolition of the existing care home would offer the opportunity to address the pockets of 'left over' space identified in the Conservation Area Appraisal, whilst this would result in some erosion to the evidential value of the CA as a result of the removal of buildings characteristic of the municipal development in Character Area 16.

5.29. In its present form there is a tension between the presence of the existing wide-ranging view from Tower 37 and the fact that it is facilitated by the low height of parts of Willow House, which is not itself characteristic of this part of the conservation area generally, and the unsympathetic character of the rundown garage blocks and parking areas. The proposed design and more characteristic two and three storey form of the proposed blocks would present a more varied and sympathetic roofscape to the viewer, more akin in scale to the built form as moving northwards towards the centre of York, although this would be at some expense of some of the panoramic quality of the view.

5.30. The marginal but cumulative increases in height, bulk and massing of built development on the site, combined with this being closer to the City Walls, would result in some change to the views experienced from the City Walls, in particular upon the views from Tower 37. Although the existing care home and other ancillary development on-site, immediate to the Walls, are not considered to be of any considerable merit or complement to the City Walls, their relatively squat form does avoid some degree of undue tightness in visual terms.

5.31. The application is accompanied by a detailed evidence-based understanding of its landscape setting including key views. Opportunities for creating new public views have been made, in which views of Walmgate bar from Long Close Lane would be opened up following demolition of the existing care home to provide a more legible landscape laterally from east to west.

5.32. The development would respond largely positively to local building height and massing character and landscape context. The layout and typology would enhance the immediate setting of Long Close Lane. The proposal would comprise its most simple and legible elevations organised parallel to the City Walls in a terrace, including gaps around the mature evergreen to the west and set back from mature trees on Walmgate Green to the East. The two-storey housing is positioned adjacent to the Walls so that long distance views would be maintained for a large part across it, from the Walls, including enhanced views of Walmgate Bar from street level along Long Close Lane.

5.33. The development would have the potential to better reveal the significance of the Conservation Area. However, the resultant impact of increased development on-site would result in some change to the views experienced from the City Walls. Cumulatively when combined with the introduction of additional built form alongside the City Walls, the site would result in a more urbanised character which would lead to less than substantial harm to the significance of the designated heritage asset that is the City Walls.

### *Public Benefits*

5.34. Paragraph 215 of the NPPF, however, requires that this harm should be weighed against the public benefits. Paragraph 20 of Government Planning Practice Guidance for the Historic Environment states that public benefits may follow from many developments and could be anything that delivers economic, social or environmental objectives as described in paragraph 8 of the NPPF. Examples of heritage benefits may include the sustaining or enhancing the significance of a heritage asset and the contribution of its setting, reducing or removing risks to a heritage asset, or securing the optimum viable use of a heritage asset in support of its long-term conservation.

5.35. The development would result in the provision of 36no. new dwellings, further proposing 100% affordable housing which would positively contribute towards housing delivery in the city, in particular affordable housing, of which there is an identified need. Securing redevelopment of an existing dilapidated site back into use is considered to better reveal the significance of the Conservation Area, in particular Character Area 16, as a result of the proposed layout and typology which would enhance the immediate setting of Long Close Lane. It is considered that these public benefits outweigh the less than substantial harm identified in respect of the impact upon the designated heritage assets.

### AMENITY FOR FUTURE OCCUPANTS

#### Policy

5.36. Paragraph 135(f) of the NPPF seeks to create safe, inclusive and accessible developments with a high standard of amenity for existing and future users. The National Design Guide, in particular within H1-3, provides further national advice in respect to placemaking and, relevant in this case, the creation of well-designed homes both externally and internally. Policy ENV2 (Managing Environmental Quality) of the Local Plan states development will not be permitted where future

occupiers and existing communities would be subject to significant adverse impacts such as noise, vibration, odour etc without effective mitigation measures.

### Assessment

5.37. Central to the scheme is a shared landscape which is well overlooked, providing a safe place for children to play and people to meet. The scheme provides a range of amenity spaces for residents to enjoy, from public space to shared semi-private space and private gardens.

5.38. All refuse has been largely consolidated into three bin enclosures that are centrally located for ease of management, encourage segregated waste disposal and reduce opportunities for waste overspill.

5.39. A mix of public open space, semi-private and private residential spaces is provided. Currently, the site is dominated by turning heads and asphalt surfaces. Proposals would seek to make the site greener by creating new green spaces, such as the central public space between buildings, and would seek to retain the existing green spaces near Walmgate and under the existing tree and enhancing these where possible through added play amenity.

5.40. The provision of accommodation incorporates a large number of south-facing openings in the interests of maximising direct sunlight. North-facing openings would be set to overlook the spacious central amenity space, well distanced from the nearest adjacent neighbours. In any case, the configuration of accommodation has been organised to ensure that all units would benefit from dual-aspect outlook.

## RESIDENTIAL AMENITY OF NEIGHBOURING PROPERTIES

### Policy

5.41. Paragraph 135 of the NPPF seeks a good standard of amenity for all existing and future occupants, and that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development. Policies D1 and ENV2 of the Local Plan seek to ensure that development proposals do not unduly affect the amenity of nearby residents in terms of noise disturbance, overlooking, overshadowing or from overbearing structures.

### Assessment

5.42. A daylight and sunlight assessment has been carried out in accordance with the BRE Guidelines (BR209 2022) to assess the potential impact on neighbouring properties. The following properties have been identified as sensitive receptors for this study, 29-33 and 46, 48 and 50 Long Close Lane and flats within 54-64 Hope Street, 137-147 and 149-159 Walmgate and therefore, the habitable rooms and the windows serving the rooms within these properties have been tested. It has been shown that the reduction in daylighting to the rooms of the neighbouring buildings would be within the acceptable limits. And a reduction in the number of probable sunlight hours enjoyed by these windows and rooms, however these are again within the limits prescribed by the BRE Guidelines as being acceptable.

5.43. It is considered that the proposed layout achieves suitable separation distances between existing and proposed dwellings and as such will not give rise to unacceptable levels of overlooking which would be detrimental to residential amenity of both existing and future residents; to an extent that would warrant refusal on such grounds.

5.44. With respect to the loss of existing storage, existing storage connected to the garages would be re-provided like for like along the edges of front gardens. The proposed locations would not impede lines of sight or obstruct valuable space or compromise existing mature trees. In addition, storage would be incorporated to the private rear amenity spaces.

5.45. Given the nature of the proposed development there would be a degree of disruption caused during the construction phase. It would therefore be necessary and appropriate to include conditions which seek to manage and mitigate the worst of those impacts in the interests of the residential amenity of the area. This includes the provision of a Construction Environmental Management Plan (CEMP) to manage and mitigate possible issues of construction noise, dust and vibration. An hours of construction condition is also imposed.

## HIGHWAYS AND ACCESS

### Policy

5.46. Paragraph 116 of the NPPF states development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios. Paragraph 117 states that proposals give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas, and create places that are safe,

secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards.

5.47. Policy T1 (Sustainable Access) advises that development will be supported where it minimises the need to travel and provides safe, suitable and attractive access for all transport users to and within it, including those with impaired mobility, such that it maximises the use of more sustainable modes of transport, and they provide sufficient convenient, secure and covered cycle storage. Policy WM1 (Sustainable Waste Management) requires the integration of facilities for waste prevention, re-use, recycling, composting and recovery in association with the planning, construction and occupation of new development for housing.

### Assessment

5.48. The site would retain vehicular access, as existing, from Long Close Lane to the west, in which there would be no through access for motor vehicles.

5.49. The proposed block plan indicates a turning head layout which would suitably allow vehicles to enter and exit the site in a forward gear. In addition, sufficient space would also be allowed for larger vehicles including a refuse truck to manoeuvre within the site. Fully accessible (public) routes for pedestrians would be retained north-south and east-west to retain connections to the site and Walmgate.

5.50. In terms of accessibility, the site is located to the southwest of the city centre, adjacent to the City Walls. Whilst characterised strongly by its provision of residential accommodation, the site and surrounding area is in fact particularly well located to amenities of both the city centre and Foss Islands, by foot. The site is also positioned in close proximity to a number of public transport connections. On account of the above, it is considered that the proposed zero general car parking (with the exception of 4no. disabled spaces, and the retention of 1no. resident space for No.33 Long Close Lane) would not amount to excess pressure upon the existing area. Streets adjacent to the site are located within Resident Parking Zone R18. The disabled bays would be spatially compliant, in conjunction with their affiliation with the 4no. M4(3) wheelchair accessible homes. Further, all would include EV charging capability.

5.51. Fire tender access would be via a paved turning head with reinforced grass surfacing and retractable bollards to allow access to the units located furthest east of the site. Highways sought confirmation that the grass surfacing would be of suitable reinforcement. North Yorkshire Fire and Rescue have not raised objection

on account of the details provided. In any case, highways surfacing is sought by condition on account of its prospective adoption by the Local Highways Authority upon completion. More widely with respect to adoption of the roads within the site, specifications of sub-ground pipework would form a matter subject to discussion between the applicant and Local Highways Authority outside of the parameters of this application.

5.52. Covered and secured cycle spaces are provided within the site, totalling 103 spaces. A combination of private cycle parking in back gardens, under stair storage in entrance hallways for first floor flats in the flat blocks and shared cycle stores are proposed. Visitor cycle spaces are provided via Sheffield stands at a rate of 4no. spaces. 30no. of the cycle parking spaces are proposed to be provided using 5no. cycle hangars each holding 6 no. cycles. The prospective management of these facilities are sought by condition as part of a Sustainable Travel Strategy, of which £200 per home for sustainable travel contributions are also sought.

5.53. Provision for the storage of cycles would represent an overprovision. However, the means in which storage is shown to be provided would incorporate storage both within the rear gardens of each dwelling, and to the front of the dwellings within hangars. Highways raise concern that the stores demonstrated for the housing would be within the rear gardens, thus requiring cycles to be taken through the dwellings in order to be accessed. However, it is considered on balance that, whilst storage within the rear gardens may be less desirable for some occupants, the alternative provision within hangars would allow flexibility for occupants without prejudice to the overall functionality of the site with regards to access.

5.54. With respect to pedestrian permeability, limitations are posed with respect to the achievability of 2 metre footways on both sides of the highway due to the limited access width into the site and adjacent protected tree. The Transport Statement addresses that the footway on the north side would be improved, being widened from approximately 1.7m to 2.0m. In the vicinity of the tree, the carriageway would narrow so that vehicles give way to their neighbours. It is agreed that this approach would promote an environment where vehicle movements are not prioritised and are naturally slowed.

5.55. Taking into account that the scheme does not incorporate on-site parking, with the exception of disabled provision, and existing lateral pedestrian routes would be retained on site, it is not considered proportionate to request a travel plan prior to determination in addition to the existing transport statement and wider details provided with respect to highways and access. The scheme proposes an essentially car-free development within the City Walls, which is not uncharacteristic with

residential development seen more widely in locations such as Hungate and Piccadilly. Further, the site is within a highly sustainable location, in which extensive amounts of cycle parking are proposed. There are also two car club locations within an 800-metre walking distance, and incorporated provision for cargo bikes. Provision for disabled parking provision, pedestrian access routes, and cycle and waste management can be suitably managed by condition.

## *Waste*

5.56. The development proposes communal waste and recycling storage and collection. Approved Document Part H advises horizontal drag distances for residents should not exceed 30m (Requirement H6, Section 1.8). Residential communal storage has been calculated at a rate of 180 litres of refuse and 165 litres of recycling per property provided in communal bin stores. Subsequent to correspondence with Waste Services and Highways, it has been advised that the configuration of storage for waste be revised to ensure the stores provide space for suitably sized bins, taking into account the number of dwellings each store is proposed to serve, and the standardised sizes of Council refuse bins. This can be sought by condition, on account that the block plan demonstrates a sufficient provision of space to adapt the stores in the interests of agreeing their compliant size and configuration. Similarly, as sought by condition, large scale details of the stores are also conditioned, in particular to ensure that Store C be amended to be set slightly further back from the adopted highway to prevent opening doors overhanging. Additional information has also been provided to clarify that the relocation of refuse storage, accessed from Hope Street to the north of the site would be within 10 metres of the location of loading.

5.57. Roads on the route of the refuse collection vehicle within the site would maintain a minimum width of 5 metres, with the exception of a small pinch point adjacent to a protected tree. Taking into account this limitation, and the narrowing position at a straight point along the access, it is not considered that the proposed road layout would lead to an unacceptable impact on highway safety. Although the refusing tracking diagram demonstrates that a refuse vehicle reversing would marginally overhang a pedestrian area in front of the north-west (front) elevation of the main block, this would be at a considerably limited speed. Further, refuse vehicles are fitting with reversing sirens and a banksman. Therefore, where reversing would take place, it would occur safely. Provision for the storage of waste at existing properties located at 137-147 Hope Street would be relocated, although would remain in close proximity to the building itself, and within 10 metres of the highway for collection purposes.

## ECOLOGY AND BIODIVERSITY

### Policy

5.58. Policy GI2 relates to biodiversity and access to nature. Paragraph 193(d) of the NPPF seeks to ensure development contributes and enhances the natural and local environment by minimising impacts on and providing net gains for biodiversity, including establishing coherent ecological networks that are more resilient to current and future pressures. These enhancements are required in addition to the protected species licence requirements. Development should achieve net gain in biodiversity (BNG) in accordance with The Environment Act 2021 and national policy and contribute to the recovery of priority species and habitats and new habitat creation.

5.59. BNG is mandatory under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). Developers must deliver a BNG of 10%. Unless exempt, every planning permission granted pursuant to an application submitted after 12 February 2024 is deemed to have been granted subject to a pre-commencement condition requiring a Biodiversity Gain Plan to be submitted and approved by the local planning authority prior to commencement of the development.

5.60. This objective is for development to deliver at least a 10% increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat. This increase can be achieved through onsite biodiversity gains, registered offsite biodiversity gains or statutory biodiversity credits. The biodiversity gain condition is a pre-commencement condition: once planning permission has been granted, a Biodiversity Gain Plan (BGP) must be submitted and approved by the planning authority before commencement of the development.

### Assessment

#### *Biodiversity Net Gain*

5.61. Based on retained habitats and habitat creation/enhancement the scheme demonstrates positive net gains can be achieved in respect to habitat areas, exceeding the mandatory 10% threshold of over +50% (55.43% net change equating to 0.92 habitat units). Connectivity would be improved across the site with the planting of hedgerow resulting in a 0.13-unit gain in hedgerow units where none currently exist on-site.

5.62. In any case, consent for the application is granted subject to the need for a Biodiversity Gain Plan to be produced/submitted prior to the commencement of development on-site in accordance with Schedule 7A of the Town and Country Planning Act 1990. The statutory framework for biodiversity net gain requires a Biodiversity Gain Plan to be submitted and approved prior to the commencement of development, to set out how Biodiversity gains are proposed to be secured, either on or off-site. The development cannot be lawfully commenced until this condition is satisfied.

### *Ecological Considerations*

5.63. An Ecological Impact Assessment has been undertaken by Smeeden (Rev A, November 2025). This concludes that no adverse impacts on designated sites are anticipated.

5.64. Habitats on site with some ecological value include individual trees, ornamental planting and grassland, which may provide nesting opportunities for breeding birds and foraging/sheltering opportunities for bats, small mammals and invertebrates. Bat roosts have been identified within Willow House with works to this building to be carried out under the Bat Earned Recognition (BER) Scheme Licence subject to obtaining the necessary consents. Alternative roost features would be installed on retained trees/new buildings.

5.65. Non-native invasive species Montbretia and a Cotoneaster species have been identified on site, therefore control and precautionary working methods are recommended in respect to these species. Recommendations for general site enhancements include the retention of trees on site where feasible, appropriate native species planting, wildflower seeding, sympathetic lighting to minimise impacts on light sensitive bat species and ecological receptors on/adjacent to site, and incorporation of bird/bat nesting/roosting features. Precautionary working methods and/or mitigation have been recommended for species such as badger, hedgehog and breeding birds.

### *Landscape and Setting*

5.66. The applicant has provided a Landscape Management & Maintenance Plan by BBUK Landscape Architecture (12 Sept 2025). The responsibility for the management of landscape and public realm are anticipated to be allocated by CYC. Trees on public highways would be adopted by the CYC and maintained by CYC. Equally, public open space and general landscaping areas would also be maintained by CYC. Private greens spaces and paved areas associated with each

home would be the responsibility of the property owners including the selected RSL where appropriate. The main character areas proposed are as follows:

- Public green spaces: Willow Triangle, Walmgate Green, and the area around the existing retained category A pine tree on Long Close Lane.
- Alleys/communal courtyard gardens shared between residents containing space for communal growing and eating.
- Pedestrian east to west and north to south links: pedestrian paths through the site that would also be used for services where required.
- Vehicular streets: primary vehicular access from Long Close Lane from the West and North, both terminating at turning heads.
- Private back gardens backing onto the wall and ramparts.

5.67. The applicant has provided a Landscape Statement conducted by BBUK Studio Limited (September 2025). This sets out that the aim is to create an inclusive, high-quality landscape design that provides residents with a joyful and healthy environment. The proposals intend to enhance existing and new housing with site boundaries designed to integrate with the context of the surrounding areas, add quality to the streetscape, the historic setting of the site and contribute to the area's overall character.

5.68. The landscape proposals aim to preserve as many remnants from the archaeological digs and demolition work as possible as traces of the site's history. The stones, bricks, and found objects will be incorporated into gabion cages, which will be used for the proposed retaining wall, enclosures, and benches.

5.69. Following previous feedback from the CYC tree officer and Landscape Architect, BBUK has refined the design to retain as much existing soft landscape around the retained Cat A pine tree as possible, with a low knee rail boundary and boulders deployed to protect the soil around the locally important tree.

5.70. The site currently consists mainly of hard surfaces and vehicular traffic. The proposed landscape design would introduce more greenery to the area by incorporating public open spaces, fully private gardens and communal gardens for residents.

5.71. Willow Triangle would function as a fully public space where residents and visitors can enjoy play areas, community grow gardens, an orchard, and a small lawn area for recreation. The primary play structure would be comprised of a slide, a climbing rope and a fireman's pole, plus a grow garden and mini-orchard garden with natural play features such as logs and stepping pads.

5.72. The southern sections of the proposed buildings would feature fully private gardens for residents and communal gardens for M4(3) units, complete with lawn areas, hedges, and climbing plants to enhance the landscape and green the existing concrete retaining wall to the rampart.

5.73. Details of hard landscaping are secured by condition.

### *Trees*

5.74. Landscaping and the layout of the site has been designed to incorporate as much soft landscaping around the Category A tree as possible. The proposed development has been designed to retain and protect tree T5 (a Category A tree of high quality and amenity value) through locating buildings outside of the RPA. Any proposed construction of landscape elements in the RPA of tree T5 would replace existing hard surfaces. It would be necessary however to provide working space for construction in the edge of the RPA during demolition and construction, alongside access facilitation pruning works to provide working space for construction.

5.75. Proposed paving for required pedestrian routes through Walmgate Green cover approximately 40% of the RPA of T6, a Category B tree. No dig construction techniques are proposed to minimise soil compaction in the RPA, alongside pruning to provide height clearance for construction.

5.76. The removal of 6 moderate/low quality trees would be required to facilitate the proposed development; however the proposed tree removal will be mitigated by the planting of 72 new trees across the site.

5.77. The Category A pine tree (to be retained) is located near the main entrance of the new Willow House site. On account of the configuration of the building and landscaping, this would offer a relatively sensitive view centred around the existing tree. Knee rail fencing would be installed along the planting boundary to protect the tree. The boulders on the opposite side would prevent cars parking under the tree and compacting the soil.

5.78. BBUK has coordinated extensively with Mikhail Riches, Smeeden Foreman (the arboriculturists on the scheme) and taken pre-app feedback on board to safeguard this Cat A pine as much as possible. The measures include: (1) Retaining almost all the existing green space around the tree where it is likely roots would be present. (2) Setting the buildings as far back as possible so that the canopy would not need to be reduced through construction (3) The area of reduced existing green

space roughly corresponds to the area already excavated by York Archaeology. (4) Proposing cellweb buildups and metal edging in the RPA to minimise interference. In grubbing out of an existing sewer route, the portion within the RPA would be retained in situ to avoid damage to the tree.

## DRAINAGE AND FLOOD RISK

### Policy

5.79. Policy ENV5 (Sustainable Drainage) states Sustainable Drainage System (SuDS) methods of source control and water quality improvement should be utilised for all new development, to minimise the risk of pollution and to attenuate flood volumes. The type of SuDS used should be appropriate to the site in question and should ensure that there is no pollution of the water environment including both ground and surface waters. Existing land drainage systems should not suffer any detriment as a result of development.

5.80. Paragraph 181 of the NPPF states that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. For minor development and changes of use, applications should be supported by a site-specific flood-risk assessment.

### Assessment

5.81. City of York Council's Flood Risk Engineer confirms that the site investigation provides sufficient evidence that soakaways will on work on site, further, with a suitable watercourse being remote. Plans demonstrate foul water being connected to a newly constructed combined sewer which in turn connects to the public combined sewer in Walmgate Bar. Yorkshire Water raise no objections to this arrangement.

5.82. With regard to surface water, the CCTV survey provides sufficient evidence that the existing connected impermeable areas are 0.31 hectares which equate to existing run-off - 43.4 litres per second (l/sec) and with betterment a permitted surface water discharge rate of 30.0 l/sec. This is shown to be connected, with appropriate attenuation up to and including the 1 in 100 year + 45% climate change event to the same newly constructed combined sewer.. Plans demonstrate the site being developed with separate systems onsite but not offsite. No objections are raised by Yorkshire Water or the Flood Risk Engineer.

5.83. According to the public sewer records there are public sewers crossing the site. A 225mm diameter combined sewer crossing the site diagonally and a 150mm diameter combined sewer which enters the site to the side of No. 46 Long Close Lane then skirting around the site. A 225mm diameter public sewer is shown to be 'Grubbed up'. As this is a live public sewer this is required to be considered and protected when agreeing the site layout which may require to be diverted or allowed to be built over. Prior consent has been evidenced between the applicant and Yorkshire Water.

5.84. Due to the constraints imposed by the archaeology which restricts areas available to excavate for open SUDS features it is proposed that all surface water attenuation is contained in an oversized pipe under the new highway access. The form of attenuation proposed is a 1.8m diameter Polystorm Rigid XL pipe, which have been proven to be an acceptable form of attenuation that could be adopted by Yorkshire Water under a S104 Agreement.

5.85. The development is in Environment Agency low-risk Flood Zone 1 and should not suffer from river flooding.

## ARCHAEOLOGY

### Policy

5.86. Policy D6 (Archaeology) states that development proposals that affect archaeological features and deposits should be accompanied by an evidence-based heritage statement that describes the significance of the archaeological deposits affected and, where necessary, report on intrusive and non-intrusive surveys of the application site and its setting. Works should not result in harm to an element which contributes to the significance or setting of a Scheduled Monument or other nationally important remains, unless that harm is outweighed by the public benefits of the proposal.

### Assessment

5.87. During the construction of Willow House in 1975, part of the rampart was removed at the southeast corner of the building. This area remains within the boundary of the scheduled monument. Repeated cycles of development in this location have severely truncated earlier archaeological evidence, but in places the City Archaeologist considers that there is good potential for survival of features and deposits. In terms of archaeological potential, the application site falls into two halves identified to require different approaches: the northern half occupied by

buildings 3, 4 and 5 and the southern half by buildings 1 and 2 (as labelled on demolition plan).

5.88. In the southern area (which includes the former care home), all groundworks are considered probable to disturb any in situ archaeological features and deposits. The northern area is less well understood although potentially contains more significant archaeological remains. As the potential impacts for the northern and southern areas differ considerably, a different approach is required for each. The southern area, in contrast, however, is well-understood. The impact on archaeological remains can be mitigated through a condition for Strip, Map and Sample (SMS) where preservation in situ cannot be achieved.

5.89. The separate application for the demolition of existing buildings (25/02383/FUL) was accompanied by a condition for archaeological watching brief to ensure where sensitive archaeological deposits were observed, provision be made to preserve them in situ for mitigation during the subsequent development phases (covered by this application). On account of the fact that the former care home is yet to be demolished, conditions are re-imposed on this application to address all aspects of demolition and construction, to secure the same provision of monitoring and excavation.

5.90. The northern area is considered to require further archaeological evaluation. Therefore, a further stage of conditioned archaeological evaluation by trial trenching recommended for condition following demolition of buildings 3 and 4 to inform mitigation. The demolition of these buildings has been previously managed by application 25/02383/FUL with a watching brief condition, the results of which are intended to inform the scope for the evaluation trenching under a separate WSI if that phase of demolition goes ahead as currently proposed. Once the evaluation is completed, mitigation will consist of a combination of preservation in situ where possible, and excavation where this cannot be achieved. Preservation in situ remains the preferred mitigation option and therefore aspects of the proposed design may need to be adapted to accommodate this.

5.91. In terms of community and public engagement, Willow House has a history of successful community and public engagement through archaeology and heritage, and this legacy should be continued through the redevelopment of the site. Whilst the City Archaeologist recommends a condition for a programme of archaeological Community and Public Engagement, it is not considered that this is proportionate to impose on account of the wider public benefits considered to arise as a result of the site's redevelopment. In any case, with regard to the other archaeological conditions imposed, it is considered that there will be an inherent level of engagement,

including the deposition of information within City of York's Historic Environment Record for perpetuity. Separate conditions are imposed for the northern and southern areas to secure appropriate approaches to protecting existing on-site archaeological features.

## CONTAMINATION

### Policy

5.92. Policy ENV3 (Land Contamination) relates to land contamination and states where there is evidence that a site may be affected by contamination or the proposed use would be particularly vulnerable to the presence of contamination, planning applications must be accompanied by an appropriate contamination risk assessment and appropriate remedial measures secured if needed.

5.93. Paragraph 198 of the NPPF states that planning policies and decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.

### Assessment

5.94. A NOVA Acoustics residential noise assessment (Ref: NP01134) (dated 18 December 2025) has been submitted and also a NOVA Acoustics plant noise assessment (Ref: NP01134 – PR02) (dated 18 December 2025). Public Protection are content that, provided the noise mitigation measures as stated within the residential noise assessment are implemented, then there would be no objections to the proposal. An additional condition is imposed in relation to plant noise.

5.95. Public Protection raised further consideration with regard to the potential construction phase air quality impacts and noise emissions from construction and their impacts upon impact on surrounding residential properties. Therefore, a condition for a Construction Environmental Management Plan (CEMP) is also imposed.

5.96. A Phase 2 Site Investigation report by Solmek (Ref: S240918) (dated November 2024) was also submitted which demonstrated some soil remediation would be required. A full set of gas monitoring results was not presented; therefore, conditions are imposed which reflect this.

## SUSTAINABLE DESIGN AND CONSTRUCTION

### Policy

5.97. Policy CC2 (Sustainable Design and Construction of New Development) states all new residential development of 1 or more dwellings should achieve:

- i. on-site carbon emissions reduction of a minimum of 31% over and above the requirements of Building Regulations Part L (2013), of which at least 19% should come from energy efficiency measures; and
- ii. a water consumption rate of 110 litres per person per day (calculated as per Part G of the Building Regulations).

Should the dwelling not achieve a reduction in carbon emissions of 75%, compared to the target emission rate as required under Part L of the Building Regulations 2013, prior to construction a statement to demonstrate that such reductions would not be feasible or viable shall be submitted to and approved in writing by the Local Planning Authority. Development proposals will be expected to consider good practice adaptation principles for climate resilience in their design, construction, and operation.

### Assessment

5.98. The scheme is within the Council's Housing Delivery programme; the application addresses that all dwellings are targeted to be constructed to Passivhaus standards, with the development as a whole being Zero Carbon in operation. SAP modelling of a variety of house types shows that the residential spaces as designed would significantly exceed the 75% improvement on Part L 2013 required by the Local Plan, with 104% achieved overall. A 42% reduction is made via energy efficiency measures, significantly improving upon the policy requirement of 19%. Heat recovery ventilation systems and other efficient building services systems and white goods will be incorporated. There is a target to maximise the area of Solar PV on all suitably oriented roofs in order to provide as much energy as possible from a local renewable energy source, with solar potentially providing 114% of total energy demand. It is considered that the requirements of policy CC2 could be achieved by condition to ensure a reduction in carbon emissions and in ensuring the buildings are energy efficient, as per the evidenced modelling.

5.99. Since submission of the application, we have been made aware of an update to the Housing Delivery Programme Delivery Strategy presented at Executive

Committee. The report addresses that, to safeguard the delivery of 100% affordable housing schemes, it has been deemed necessary to shift from the current requirement in the Housing Delivery Programme Design Manual to deliver Passivhaus-certified homes. It is now proposed that new homes are instead delivered to the Homes England Healthy Homes Standard. In any case, either of these standards would still produce a policy compliant development with respect to the requirements of Policy CC2.

## PLANNING OBLIGATIONS

### Policy

5.100. Policy GI6 (Open Space Provision) states residential development proposals should contribute to the provision of open space for recreation and amenity with current local standards and using the Council's up to date open space assessment. The Council will require on-site provision where possible but off-site provision will be considered acceptable in certain circumstances. Circumstance (i) is considered to apply in the case of Willow House which is that the proposed development site is of insufficient size in itself to make the appropriate provision feasible within the site.

5.101. Policy DM1 (Infrastructure and Developer Contributions) states new development will be supported by appropriate physical, social and economic infrastructure provision.

### Assessment

5.102. Open space provision is calculated using the standard set out within paragraph 2.5 of the City of York Local Plan Evidence Base: Open Space and GI update (Sept 2017) and repeated within Table 1 of the CYC advice note titled 'Commuted Sum Payments for Open Space in New Developments' (January 2026). Open space typologies and standards are expressed as hectares per 1000 population.

5.103. As advised in the CYC advice note titled 'Commuted Sum Payments for Open Space in New Developments' (January 2026), for each open space typology, a requirement to contribute new open space will normally be waived only if it is found that the relevant standard is met or exceeded. In Guildhall Ward there is a deficit of natural/semi-natural open space, amenity green space, allotments and children's/young people's play spaces.

5.104. At full occupancy the development would have 117 residents, so open space requirements are calculated on this basis. However, there is no requirement for contributions to play space for children and young people for single bedroom dwellings, so the figures for children and young person's play spaces are based on 95 people which excludes single bedroom dwellings. On this basis, the following provision should be made:

<b>Table 1: Open Space provision</b>			
	<b>Recommended Standard per 1000 population (Ha)</b>	<b>Space per person (sqm)</b>	<b>Open space requirement (based on 117 residents/95 residents*) (sqm)</b>
Parks and Gardens	0.18	1.8	210.6
Natural / Semi natural	2.13	21.3	2492.1
Amenity green space	1.45	14.5	1696.5
Children's play space	0.48	4.8	456*
Young person's play space	0.21	2.1	199.5*
Outdoor sports facilities	1.78	17.8	2082.6
Allotments	0.29	2.9	339.3

5.105. The on-site open space provision delivers 0.25ha (2500sqm) of amenity space plus 0.03ha (300sqm) of children's play space. This leaves a deficit of:

- Natural/semi natural open space: 2492.10sqm (0.25ha)
- Children's play space: 156 sqm (0.02ha)
- Young person's play space: 199.5sqm (0.02ha)
- Outdoor Sports facilities: 2082.6sqm (0.21ha)
- Allotments: 339.3sqm (0.03ha)

5.106. Calculations for commuted sums are given within the CYC advice note titled 'Commuted Sum Payments for Open Space in New Developments' (January 2026) on the basis of sum required per dwelling dependant on number of bedrooms within the dwelling. While this calculation can be used to identify commuted sums required for types of open space with no on-site delivery, it is not suitable for calculating commuted sums required where there is part on-site delivery.

5.107. The deficit of Allotments - 339.3sqm: it is recognised the development proposal includes grow tables which will function as community gardens for the growing of food and other plants. While not directly equivalent to an allotment, it is considered this goes some way to meeting this need and therefore within the specific context of the application, no commuted sum is sought in lieu of on-site delivery of allotments.

Total commuted sum for open space

<b>Open space type</b>	<b>Suggested commuted sum</b>
Natural/Semi natural space	£4,042.86
Play space	£7,999.52
Outdoor Sports Facilities	£14,147.53
<b>Total</b>	<b>£26,189.91</b>

PLANNING BALANCE

5.108. The development would respond largely positively to local building height and massing character and landscape context. The layout and typology would enhance the immediate setting of Long Close Lane. The proposal would comprise its most simple and legible elevations organised parallel to the City Walls in a terrace, including gaps around the mature evergreen to the west and set back from mature trees on Walmgate Green to the East. The two-storey housing is positioned adjacent to the Walls so that long distance views would be maintained for a large part across it, from the Walls, including enhanced views of Walmgate Bar from street level along Long Close Lane.

5.109. Further, the development would have the potential to better reveal the significance of the Conservation Area. However, the resultant impact of increased development on-site would result in some change to the views experienced from the City Walls. Cumulatively when combined with the introduction of additional built form alongside the City Walls, the site would result in a more urbanised character which would lead to less than substantial harm to the significance of the designated heritage asset that is the City Walls.

5.110. The NPPF (paragraph 125) gives substantial weight to the value of using suitable brownfield land within settlements for homes. The scheme would deliver 100% affordable housing, noting Local Plan SS1 which aims to deliver at least 45% of the 9,396 affordable dwellings that are needed to meet the needs of residents and acknowledged to achieve such it is reliant upon the housing delivery programme and schemes exceeding affordable housing targets in policy H10.

5.111. Securing redevelopment of an existing dilapidated site back into use is considered to better reveal the significance of the Conservation Area, in particular Character Area 16, as a result of the proposed layout and typology which would enhance the immediate setting of Long Close Lane. It is considered that these public benefits outweigh the less than substantial harm identified in respect of the impact upon the designated heritage assets.

## **6.0 CONCLUSION**

6.1. The application seeks consent for the erection of 36no. dwellings (use class C3) with associated open space, landscaping, access and parking following demolition of an existing care home and garage blocks at Willow House, Long Close Lane.

6.2. The application site lies within an urban area of the city, in a sustainable and accessible location and in a predominantly residential area. The development would contribute to the city's housing stock and provision of affordable housing. Whilst redevelopment of the brownfield site is considered to less than substantial harm to the significance of the designated heritage asset that is the City Walls, it is considered that the public benefits outweigh the less than substantial harm identified in respect of the impact upon the designated heritage assets.

6.3. The scheme is considered otherwise acceptable with regard to its design, layout and appearance, impact on highway safety, residential amenity of existing and future occupiers and the natural environment, subject to the imposed conditions. In light of the above, It is considered it complies with national planning guidance, as contained in the National Planning Policy Framework, Planning (Listed Buildings and Conservation Areas) Act 1990 and the City of York Local Plan. Approval is therefore recommended.

## **7.0 RECOMMENDATION:** Approve

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

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

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

Location Plan - Dwg. No: (EX) 001 Rev 01  
Ground Floor Site Plan - Dwg. No: (00) 001 Rev 01  
First Floor Site Plan - Dwg. No: (00) 002 Rev 01  
Second Floor Site Plan - Dwg. No: (00) 003 Rev 01  
Roof Site Plan - Dwg. No: (00) 004 Rev 01  
Demolition Plan - Dwg. No: (00) 020 Rev 01

#### Proposed Block Plans

Block 1 & 2 (Gatehouse) Plan GF - Dwg. No: (00) 101 Rev 01  
Block 1 & 2 (Gatehouse) Plan 1F - Dwg. No: (00) 102 Rev 01  
Block 1 & 2 (Gatehouse) Plan 2F - Dwg. No: (00) 103 Rev 01  
Block 3 (Tree) Plan GF - Dwg. No: (00) 104 Rev 01  
Block 3 (Tree) Plan 1F - Dwg. No: (00) 105 Rev 01  
Block 3 (Tree) Plan 2F - Dwg. No: (00) 106 Rev 01  
Block 4 (Terrace) Plan GF - Dwg. No: (00) 107 Rev 01  
Block 4 (Terrace) Plan 1F - Dwg. No: (00) 108 Rev 01  
Block 4 (Terrace) Plan 2F - Dwg. No: (00) 109 Rev 01

#### Proposed Block Elevations

Block 1 & 2 Elevations (North & South) - Dwg. No: (00) 201 Rev 01  
Block 2 Elevations (East & West) - Dwg. No: (00) 202 Rev 01  
Block 3 Elevations - Dwg. No: (00) 203 Rev 01  
Block 4 Elevations (North) - Dwg. No: (00) 204 Rev 01  
Block 4 Elevations (South) - Dwg. No: (00) 205 Rev 01

#### Proposed Sections

Proposed Site Sections - Dwg. No: (00) 300 Rev 01

#### Proposed House Type Plans

House Type A (Block 4) A - Dwg. No: (00) 100 Rev 01  
House Type B (Block 4) B - Dwg. No: (00) 100 Rev 01  
House Type C (Block 4) C - Dwg. No: (00) 100 Rev 01  
Type D (Block 1/2) - Ground/First D - Dwg. No: (00) 100 Rev 01  
Type D (Block 1/2) - Second/Roof D - Dwg. No: (00) 101 Rev 01  
Type D (Block 1/2) Elevations D - Dwg. No: (00) 200 Rev 01  
Type D (Block 1/2) Elevations 2 D - Dwg. No: (00) 201 Rev 01  
Type D (Block 1/2) Section D - Dwg. No: (00) 300 Rev 01

Type E (Block 3) - Ground/First E - Dwg. No: (00) 100 Rev 01  
Type E (Block 3) - Second/Roof E - Dwg. No: (00) 101 Rev 01  
Type E (Block 3) Elevations E - Dwg. No: (00) 200 Rev 01  
Type E (Block 3) Elevations 2 E - Dwg. No: (00) 201 Rev 01  
Type F (Block 4) - Ground/First F - Dwg. No: (00) 100 Rev 01  
Type F (Block 4) - Second/Roof F - Dwg. No: (00) 101 Rev 01  
Type F (Block 4) Elevations F - Dwg. No: (00) 200 Rev 01  
Type F (Block 4) Elevations 2 F - Dwg. No: (00) 201 Rev 01  
Type F (Block 4) Section F - Dwg. No: (00) 300 Rev 01  
Type G (Block 4) - Ground/First G - Dwg. No: (00) 100 Rev 01  
Type G (Block 4) - Second/Roof G - Dwg. No: (00) 101 Rev 01  
Type G (Block 4) Elevations G - Dwg. No: (00) 200 Rev 01  
Type G (Block 4) Elevations 2 G - Dwg. No: (00) 201 Rev 01  
Type G (Block 4) Section G - Dwg. No: (00) 300 Rev 01

#### Landscaping Plans and Drawings

Hardworks Plan - Dwg. No: 24242-BBUK-ZZ-ZZ-DR-L-0200 Rev P05  
Tree Planting Plan - Dwg. No: 24242-BBUK-ZZ-ZZ-DR-L-0300 Rev P04  
Planting Mixes Plan - Dwg. No: 24242-BBUK-ZZ-ZZ-DR-L-0400 Rev P05  
Tree Pit Detail 01 - Dwg. No: 24242-BBUK-ZZ-ZZ-DR-L-3000 Rev P01  
Tree Pit Detail 02 - Dwg. No: 24242-BBUK-ZZ-ZZ-DR-L-3001 Rev P01

#### Accommodation Schedule

GIA Accommodation Schedule - Dwg. No: (00) 910 Rev 01

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

3 Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, samples of all external materials to be used shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the construction of the development (excluding demolition and site clearance). The development shall be carried out using the approved materials.

Note: Because of limited storage space at our offices sample materials should be made available for inspection at the site. Please make it clear in your approval of details application when the materials will be available for inspection and where they are located.

Reason: So as to achieve a visually cohesive appearance.

4 Large scale details for the following items shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development (excluding demolition and site clearance) hereby approved. The

development shall be carried out in accordance with the approved details.

Windows and doors

Balconies

Eaves/gable detailing

Boundary treatments

Placement and fitment of solar panels and associated support systems

Cycle hangars and stores

Bin stores

Reason: In the interests of good design, in accordance with paragraph 135 of the NPPF.

5 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any Order revoking or re-enacting that Order), development of the type described in Classes A, B, C, and D of Schedule 2 Part 1 of that Order shall not be erected or constructed within the curtilage of the dwelling as formed.

Reason: In the interests of safeguarding neighbouring amenity and that of future occupants and the form and character of the wider streetscene and Conservation Area, the Local Planning Authority considers that it should exercise control over any future extensions or alterations which, without this condition, may have been carried out as "Permitted Development" under the above classes of the Town and Country Planning (General Permitted Development) Order 2015. It is considered that future adaptations within Classes A, B, C, and D should be managed to control any future proposals to the dwellings hereby permitted, taking into account the impact changes could have given the number of and proximity of adjacent properties and upon the adjacent Scheduled Monument.

6 No development shall commence unless and until a scheme for affordable housing provision has been submitted to and approved in writing by the Local Planning Authority. The affordable housing shall thereafter be provided in accordance with the approved scheme.

The scheme shall include:

- The amount type / tenure and location of the affordable housing.
- The timing of the construction of the affordable housing.
- The arrangements to ensure that such provision is affordable for both initial and subsequent occupiers of the affordable housing where relevant.
- The occupancy criteria to be used for determining the identity of prospective and successive occupiers of the affordable housing, and the means by which such occupancy shall be enforced.

Reason: In order to meet identified need for affordable housing in accordance with

policy H10 of the Local Plan.

7 No development shall commence unless and until details of provision for off-site public open space, play space and sports pitch provision has been submitted to and approved in writing by the Local Planning authority. The facilities shall thereafter be provided in accordance with the approved scheme, or the alternative arrangements agreed in writing by the Local Planning Authority prior to first occupation of the development.

Reason: In order to comply with the provisions of Policy GI6 of the Local Plan which requires that all new housing sites make adequate provision for the open space needs of future occupiers.

8 Prior to the first occupation of any dwelling, a sustainable travel strategy shall be submitted to the Local Planning Authority. The strategy shall provide details regarding the following sustainable travel incentives -

- Provision of all cycle parking across the development including the management of the communal cycle parking.
- Provision and implementation of sustainable travel incentives for the first occupants: J200 per dwelling for bus or cycle vouchers.

Reason: In order to promote sustainable travel, in accordance with Local Plan policy T7 and section 9 of the NPPF.

9 All demolition and construction works and ancillary operations, including deliveries to and dispatch from the site shall be confined to the following hours:

Monday to Friday 0800 to 1800 hours  
Saturday 0900 to 1300 hours  
Not at all on Sundays and Bank Holidays

Reason: To protect the amenity of the locality.

10 Details of all machinery, plant and equipment to be installed in or located on the premises, which is audible outside of the premises, shall be submitted to the Local Planning Authority for approval. These details shall include average sound levels (LAeq), octave band noise levels and any proposed noise mitigation measures. The machinery, plant or equipment and any approved noise mitigation measures shall be fully implemented and operational before the proposed use first opens and shall be appropriately maintained thereafter.

Note: The combined rating level of any building service noise associated with plant or equipment at the site should not exceed the representative LA90 1 hour during the hours of 07:00 to 23:00 or representative LA90 15 minutes during the hours of

23:00 to 07:00 at 1 metre from the nearest noise sensitive facades when assessed in accordance with BS4142: 2014+ A1 2019, associated inclusive of any acoustic feature corrections with tonal, impulsive, distinctive or intermittent characteristics.

Reason: To protect the amenity of nearby properties and the environmental qualities of the area.

11 Prior to commencement of the development, a Construction Environmental Management Plan (CEMP) for minimising the creation of noise, vibration and dust during the demolition, site preparation and construction phases of the development shall be submitted to and approved in writing by the Local Planning Authority. The CEMP must include a site-specific risk assessment of dust impacts in line with the guidance provided by IAQM (see <http://iaqm.co.uk/guidance/>) and include a package of mitigation measures commensurate with the risk identified in the assessment. All works on site shall be undertaken in accordance with the approved scheme, unless otherwise agreed in writing by the Local Planning Authority.

NOTE: For noise details on hours of construction, deliveries, types of machinery to be used, use of quieter/silenced machinery, use of acoustic barriers, prefabrication off site etc, should be detailed within the CEMP. Where particularly noisy activities are expected to take place then details should be provided on how they intend to lessen the impact i.e. by limiting especially noisy events to no more than 2 hours in duration. Details of any monitoring may also be required, in certain situation, including the location of positions, recording of results and identification of mitigation measures required.

For vibration details should be provided on any activities which may results in excessive vibration, e.g. piling, and details of monitoring to be carried out. Locations of monitoring positions should also be provided along with details of standards used for determining the acceptability of any vibration undertaken. In the event that excess vibration occurs then details should be provided on how the developer will deal with this, i.e. substitution of driven pile foundations with auger pile foundations. Ideally all monitoring results should be recorded and include what was found and mitigation measures employed (if any). With respect to dust mitigation, measures may include, but would not be restricted to, on site wheel washing, restrictions on use of unmade roads, agreement on the routes to be used by construction traffic, restriction of stockpile size (also covering or spraying them to reduce possible dust), targeting sweeping of roads, minimisation of evaporative emissions and prompt clean-up of liquid spills, prohibition of intentional on-site fires and avoidance of accidental ones, control of construction equipment emissions and proactive monitoring of dust. Further information on suitable measures can be found in the dust guidance note produced by the Institute of Air Quality Management, see <http://iaqm.co.uk/guidance/>. The CEMP must include a site-specific risk assessment of dust impacts in line with the IAQM guidance note and include mitigation commensurate with the scale of the risks identified.

For lighting details should be provided on artificial lighting to be provided on site, along with details of measures which will be used to minimise impact, such as restrictions in hours of operation, location and angling of lighting. In addition to the above the CEMP should provide a complaints procedure, so that in the event of any complaint from a member of the public about noise, dust, vibration or lighting the site manager has a clear understanding of how to respond to complaints received. The procedure should detail how a contact number will be advertised to the public, what will happen once a complaint had been received (i.e. investigation), any monitoring to be carried out, how they intend to update the complainant, and what will happen in the event that the complaint is not resolved. Written records of any complaints received, and actions taken should be kept and details forwarded to the Local Authority every month during construction works by email to the following addresses [public.protection@york.gov.uk](mailto:public.protection@york.gov.uk) and [planning.enforcement@york.gov.uk](mailto:planning.enforcement@york.gov.uk)

Reason: To protect the amenity of the locality

12 Prior to development (excluding demolition), a site investigation and risk assessment must be undertaken to assess the nature, scale and extent of any land contamination and the potential risks to human health, groundwater, surface water and other receptors. A written report of the findings must be produced and is subject to approval in writing by the Local Planning Authority. It is strongly recommended that the report is prepared by a suitably qualified and competent person.

Reason: To ensure that the site is suitable for its proposed use taking account of ground conditions and any risks arising from land contamination.

13 Where remediation works are shown to be necessary, development (excluding demolition) shall not commence until a detailed remediation strategy has been submitted to and approved by the Local Planning Authority. The remediation strategy must demonstrate how the site will be made suitable for its intended use and must include proposals for the verification of the remediation works. It is strongly recommended that the report is prepared by a suitably qualified and competent person.

Reason: To ensure that the proposed remediation works are appropriate and will remove unacceptable risks to identified receptors.

14 Prior to first occupation, remediation works should be carried out in accordance with the approved remediation strategy. On completion of those works, a verification report (which demonstrates the effectiveness of the remediation carried out) must be submitted to and approved by the Local Planning Authority. It is strongly recommended that the report is prepared by a suitably qualified and competent person.

Reason: To ensure that the agreed remediation works are fully implemented and to demonstrate that the site is suitable for its proposed use with respect to land contamination. After remediation, as a minimum, land should not be capable of being determined as contaminated land under Part 2A of the Environmental Protection Act 1990.

15 In the event that unexpected contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and, if remediation is necessary, a remediation strategy must be prepared, which is subject to approval in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation strategy, a verification report must be submitted to and approved by the Local Planning Authority. It is strongly recommended that all reports are prepared by a suitably qualified and competent person.

Reason: To ensure that the site is suitable for its proposed use taking account of ground conditions and any risks arising from land contamination.

16 A programme of post-determination archaeological investigation is required during all development activity on the Northern part of this site.

This programme includes:

Archaeological monitoring by watching brief, which is required during all demolition and foundation removal on this site. If the Watching Brief during demolition identifies sensitive archaeological deposits or features, then provision for preservation in situ for mitigation during subsequent conditioned work, or for excavation, if necessary, must be made.

This is to be followed by archaeological evaluation in the areas currently occupied by garages and storage structures identified by the applicant as Buildings 3 and 4, once these structures have been demolished. This results of this Evaluation will inform subsequent mitigation, by preservation in situ or for the investigation, recording and recovery of archaeological remains and the publication of results.

A Written Scheme of Investigation (WSI) is required for all these phases of work. WSIs for the evaluation and any subsequent mitigation can be amendments of the original WSI.

The archaeological scheme comprises 6-8 stages of work. Each stage shall be completed and agreed by the Local Planning Authority before it can be approved.

A) No demolition and/or associated groundworks shall take place until a written scheme of investigation (WSI) for archaeological investigation by watching brief, with provision for preservation in situ or excavation, has been submitted to and

approved by the local planning authority in writing. For land that is included within the WSI, no demolition or groundworks shall take place other than in accordance with the agreed WSI. The WSI should conform to standards set by LPA and the Chartered Institute for Archaeologists.

B) The site investigation and post-investigation assessment for the watching brief shall be completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition will be secured. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

C) A copy of a report (and evidence of publication if required) for the watching brief shall be deposited with City of York Historic Environment Record to allow public dissemination of results within 6 weeks of completion or such other period as may be agreed in writing with the Local Planning Authority.

D) A post-determination archaeological evaluation is required on this part of the site. No archaeological evaluation shall take place until a written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. The WSI can be an amendment to the original WSI and should conform to standards and guidance set by LPA and the Chartered Institute for Archaeologists.

E) The site investigation and post-investigation assessment for the evaluation shall be completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (D) and the provision made for assessment, analysis, publication and dissemination of results and archive deposition will be secured. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

F) A copy of a report on the evaluation and an assessment of the impact of the proposed development on any of the archaeological remains identified in the evaluation shall be deposited with City of York Historic Environment Record to allow public dissemination of results within 6 weeks of completion or such other period as may be agreed in writing with the Local Planning Authority.

G) Where archaeological features and deposits are identified mitigation proposals for the preservation in-situ, or for the investigation, recording and recovery of archaeological remains and the publishing of findings shall be submitted as an amendment to the original WSI. It should be understood that there shall be presumption in favour of preservation in-situ wherever feasible.

H) No development shall take place until:

Application Reference Number: 25/02537/FULM

Item No: 5b

- details in G have been approved and implemented on site
- provision has been made for analysis, dissemination of results and archive deposition has been secured
- a copy of a report on the archaeological works detailed in Part G should be deposited with City of York Historic Environment Record within 6 months of completion or such other period as may be agreed in writing with the Local Planning Authority.

Reason: The site lies within an Area of Archaeological Importance. An investigation is required to identify the presence and significance of archaeological features and deposits and ensure that archaeological features and deposits are either recorded or, if of national importance, preserved in-situ, in accordance with Section 16 of the NPPF.

17 A programme of post-determination archaeological investigation is required during all development activity on the Southern part of this site.

This programme includes:

Archaeological monitoring by watching brief, which is required during all demolition and foundation removal on this site. If the Watching Brief during demolition identifies sensitive archaeological deposits or features, then provision for preservation in situ for mitigation during subsequent conditioned work, or for excavation, if necessary, must be made.

This is to be followed by archaeological mitigation, specifically archaeological strip, map and record, which is required in the areas of this site currently occupied by a former care home, carpark, garden and garages identified by the applicant as Buildings 1 and 2, once these structures have been demolished.

A Written Scheme of Investigation (WSI) is required for all these phases of work. The WSI for the mitigation can be submitted as an amendment to the original WSI.

The archaeological scheme comprises 6 stages of work. Each stage shall be completed and agreed by the Local Planning Authority before it can be approved.

A) No demolition and/or associated groundworks shall take place until a written scheme of investigation (WSI) for archaeological investigation by watching brief, with provision for preservation in situ or excavation, has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no demolition or groundworks shall take place other than in accordance with the agreed WSI. The WSI should conform to standards set by LPA and the Chartered Institute for Archaeologists.

B) The site investigation and post-investigation assessment for the watching brief shall be completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition will be secured. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

C) A copy of a report (and evidence of publication if required) for the watching brief shall be deposited with City of York Historic Environment Record to allow public dissemination of results within 6 weeks of completion or such other period as may be agreed in writing with the Local Planning Authority.

D) A programme of post-determination archaeological mitigation, specifically archaeological strip, map and record exercise is required on this site. No groundworks shall take place until a written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no groundworks shall take place other than in accordance with the agreed WSI. The WSI can be an amendment to the original WSI should conform to standards set by LPA and the Chartered Institute for Archaeologists.

E) The site investigation and post-investigation assessment for the strip, map and record shall be completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (D) and the provision made for analysis, publication and dissemination of results and archive deposition will be secured. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

F) A copy of a report (and evidence of publication if required) shall be deposited with City of York Historic Environment Record to allow public dissemination of results within 6 months of completion or such other period as may be agreed in writing with the Local Planning Authority.

This condition is imposed

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

18 The dwellings hereby permitted shall achieve a reduction in carbon emissions of at least 31% (of which at least 19% should come from energy efficiency measures) compared to the target emission rate as required under Part L of the Building Regulations 2013 and a water consumption rate of 110 litres per person per day (calculated as per Part G of the Building Regulations).

Should the dwellings not achieve a reduction in carbon emissions of 75%, compared

to the target emission rate set out in Part L of the Building Regulations 2013, prior to the construction of development above foundation level, a statement to demonstrate that such reductions would not be feasible or viable shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To fulfil the environmental objectives of the NPPF and support the transition to a low carbon future, and in accordance with policies CC1 and CC2 of the Local Plan.

19 Prior to the commencement of development an Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP) and scheme of arboricultural supervision regarding protection measures for the existing trees shown to be retained on the approved drawings shall be submitted to and approved in writing by the Local Planning Authority.

This statement shall include but not be limited to a schedule of tree works where applicable, details and locations of protective fencing, ground protection, phasing of works and protection measures, site rules and prohibitions, site access during demolition/construction, method of demolition and site clearance, types of construction machinery/vehicles to be used (including delivery and collection lorries and arrangements for loading/off-loading), parking arrangements for site vehicles, locations for stored materials and means of moving materials around the site, locations and means of installing utilities, location of site compound (and marketing suite where applicable).

The document shall also include methodologies and construction details where specialist construction techniques are required for a change in surface material and/or boundary treatment within the recommended root protection areas of existing trees.

The development shall be implemented in strict accordance with the approved details. The approved AMS and TPP shall be available for reference and inspection on site at all times. In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars.

Reason: To ensure every effort and reasonable duty of care is exercised during the development process in the interests of protecting the existing trees shown to be retained which are considered to make a significant contribution to the amenity and setting of the development and the conservation area in accordance with Policy GI4 of the Local Plan.

20 Within three months of commencement of development above foundation level, a detailed landscape scheme in accordance with the approved plans shall be submitted to and approved in writing by the Local Planning Authority. This shall include the species, stock size, density (spacing), and position of trees, shrubs and

other plants; and seed mixes, sowing rates and mowing regimes where applicable. The approved landscape scheme for soft works shall be implemented within a period of six months of the practical completion of the development. Any trees or plants which within a period of five years from the substantial completion of the planting and development die, are removed, fail to thrive, or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority agrees alternatives in writing.

Reason: The landscape scheme is integral to the amenity of the development.

21 No construction works in the relevant area(s) of the site shall commence until measures to protect the public water supply infrastructure that is laid within the site boundary have been implemented in full accordance with details that have been submitted to and approved by the Local Planning Authority. The details shall include but not be exclusive to the means of ensuring that access to the pipe for the purposes of repair and maintenance by the statutory undertaker shall be retained at all times.

Reason: In the interest of public health and maintaining the public water supply.

22 No building or other obstruction including landscape features shall be located over or within 3 metres either side of the centre line of the public sewer i.e. a protected strip width of 6 metres, that crosses the site. Furthermore, no construction works in the relevant area(s) of the site shall commence until measures to protect the public sewerage infrastructure that is laid within the site boundary having been implemented in full accordance with details that have been submitted to and approved by the Local Planning Authority. The details shall include but not be exclusive to the means of ensuring that access to the pipe for the purposes of repair and maintenance by the statutory undertaker shall be retained at all times. If the required stand-off or protection measures are to be achieved via diversion or closure of the sewer, the developer shall submit evidence to the Local Planning Authority that the diversion or closure has been agreed with the relevant statutory undertaker and that, prior to construction in the affected area, the approved works have been undertaken.

On the Statutory Sewer Map, there is a 225 mm diameter public combined sewer recorded to cross the site. It is essential that the presence of this infrastructure is taken into account in the design of the scheme. A proposal by the developer to abandon/remove a public sewer will be subject to Yorkshire Water's requirements and formal procedure in accordance with Section 116 Water Industry Act 1991.

Reason: In the interest of public health and maintaining the public sewer network.

23 Prior to the commencement of development (excluding demolition and site

clearance) hereby approved, details of the proposed means of foul and surface water drainage, including details of any balancing works and off-site works shall be submitted to and approved by the Local Planning Authority. The information shall include site specific details of:

- the surface water discharge rate shall be restricted to a maximum rate of 30.0 (thirty point zero) litres per second;
- the full surface water storage volume calculations, using computer modelling, must accommodate a 1:30 year storm with no surface flooding, along with no internal flooding of buildings or surface run-off from the site in a 1:100-year storm. Proposed areas within the model must also include an additional 30% allowance for climate change. The modelling must use a range of storm durations, with both summer and winter profiles, to find the worst-case volume required;
- details to satisfy Standard 2: management of everyday rainfall (interception) and in particular General Requirements 2.5 and 2.6; and
- a topographical survey showing the existing and proposed foul and surface water drainage invert and cover levels (to include levels for the proposed foul and surface water drainage connections), ground, and finished floor levels to ordnance datum for the site and adjacent properties. The development should not be raised above the level of the adjacent land, to prevent runoff from the site affecting nearby properties.

Reason: So that the Local Planning Authority may be satisfied with these details for the proper and sustainable drainage of the site.

24 No development shall take place (including ground and enabling works, and vegetation removal) until a construction environmental management plan (CEMP: Biodiversity) is submitted to and approved in writing by the local planning authority. The CEMP: Biodiversity shall include, but not limited to the following:

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of 'biodiversity protection zones'.
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features and receptors, such as nesting.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The roles and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.

- h) Use of protective fences, exclusion barriers and warning signs.
- i) The approved CEMP shall be adhered to and implemented throughout the
- j) construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: To facilitate the protection of notable/sensitive habitats and species within the local area.

25 A biodiversity enhancement plan/drawing shall be submitted to, and be approved in writing by, the local planning authority prior to the commencement of works. The content of the plan shall include (but not limited to) the erection/installation of bat and bird boxes on suitable new buildings or any suitable retained trees around the site.

Reason: To take account of and enhance the biodiversity and wildlife interest of the area, and to be in accordance with Paragraphs 187-195 of the NPPF to contribute to and enhance the natural and local environment by minimising impacts on, and providing net gains for biodiversity, including establishing coherent ecological networks that are more resilient to current and future pressures.

26 Demolition of the principal Willow House building shall not commence unless the local planning authority has been provided with either:

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

Reason: To ensure bats and their habitat are protected during the proposed works. Bats and their habitat are protected by the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017 (as amended).

27 A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to the commencement of the development. The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.

- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period followed by five yearly reviews to cover a thirty-year period).
- g) Details of the body or organisation responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The LEMP must be fully implemented as approved in accordance with the agreed timescales.

Reason: To ensure delivery of biodiversity gains in accordance with the requirements of Schedule 7A to the Town and Country Planning Act 1990, the NPPF and policy GI2 of the Local Plan To ensure wildlife mitigation, compensation and enhancements measure are managed and maintained appropriately.

28 Prior to the commencement of development (excluding demolition and site clearance) hereby approved, full detailed drawings showing the design and materials for roads, footways, and other highway areas shall be submitted to and approved in writing by the Local Planning Authority. Such roads, footways and other highway areas shall be constructed in accordance with such approved plans prior to the occupation of any dwelling which requires access from or along that highway.

Reason: In the interests of good planning and road safety.

29 Vehicular access shall be from Long Close Lane and details of the design of this access, together with associated sightlines, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development.

Reason: In the interests of highway safety.

29 Prior to commencement of development a Construction Management Plan (Highways) shall be approved in writing by the Local Planning Authority. The approved plan shall be adhered to throughout the construction period.

The plan shall include: -

- a) Vehicle parking facilities for site operatives and visitors.
- b) Means of access control, and measures to prevent construction/delivery

vehicles parking/blocking the highway.

c) Details of measures to keep the highway clean - to include wheel washing facilities for the cleaning of vehicles leaving the site, to include location and type.

Reason: In the interests of highway safety, in accordance with Policy T1 of the Local Plan.

30 Prior to the development coming into use, all areas used by vehicles shall be surfaced, sealed and positively drained within the site, in accordance with details which have been previously submitted to and approved in writing by the Local Planning Authority.

Reason: To prevent the egress of water and loose material onto the public highway.

31 No part of the site shall come into use until turning areas have been provided in accordance with details which have been previously submitted to and approved in writing by the Local Planning Authority. Thereafter the turning areas shall be retained free of all obstructions and used solely for the intended purpose.

Reason: To enable vehicles to enter and leave the site in a forward gear thereby ensuring the safe and free passage of traffic on the public highway.

## **8.0 INFORMATIVES:**

### **Notes to Applicant**

#### **1. STATEMENT OF THE COUNCIL'S POSITIVE AND PROACTIVE APPROACH:**

In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraph 39) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in order to achieve a positive outcome: Supplementary information sought from the applicant in response to consultee representations, as managed through the use of planning conditions.

#### **2. DISCONNECTION OF EXISTING WATER SUPPLIES:**

Any existing water supplies to buildings scheduled for demolition will require disconnection prior to the demolition taking place.

The proposed hard works have the potential to affect the existing 4 inch and 3-inch cast iron water mains located in Long Close Lane, these will either require suitable protection during construction.

For assistance mapping the mains please contact Yorkshire water on 0345 1242 4243.

A supply can be made available under the terms of the Water Industry Act 1991.

### 3. PUBLIC SEWER NETWORK:

The public sewer network does not have capacity to accept an unrestricted discharge of surface water. Surface water discharge to the existing public sewer network must only be as a last resort, the developer is required to eliminate other means of surface water disposal.

The applicant should be advised that the Yorkshire Waters prior consent is required (as well as planning permission) to make a connection of foul and surface water to the public sewer network.

We are unable to consent drainage works outside an applicant's ownership; the relevant permission must be sought.

### 4. BIODIVERSITY GAIN PLAN:

The statutory framework for biodiversity net gain requires a Biodiversity Gain Plan to be submitted and approved prior to the commencement of development. The development cannot be lawfully commenced until this condition is satisfied. So, in effect the deemed condition states:

Development may not be begun unless:

- (a) a biodiversity gain plan has been submitted to the planning authority; and
- (b) The planning authority has approved the plan

This deemed condition does not appear on the Decision Notice, therefore an informative needs to be added. The informative states:

What is to be submitted to discharge a Biodiversity Gain Plan

Under paragraph 14(2) of Schedule 7A, a Biodiversity Gain Plan must include the following matters:

- information about the steps taken or to be taken to minimise the adverse effect of the development on the biodiversity of the onsite habitat and any other habitat;
- the pre-development biodiversity value of the onsite habitat;
- the post-development biodiversity value of the onsite habitat;
- any registered off-site biodiversity gain allocated to the development and the biodiversity; and
- any biodiversity credits purchased for the development.

In addition, under Articles 37C(2) and 37C(4) of The Town and Country Planning (Development Management Procedure) (England) Order 2015, the following specified matters are required, where development is not to proceed in phases:

- name and address of the person completing the Plan, and (if different) the person submitting the Plan;
- a description of the development and planning permission reference number (to which the plan relates);
- the relevant date, for the purposes of calculating the pre-development biodiversity value of onsite habitats and if proposing an earlier date, the reasons for using this earlier date;
- the completed biodiversity metric calculation tool(s), stating the publication date of the tool(s), and showing the calculation of the pre-development onsite value on the relevant date, and post-development biodiversity value;
- a description of arrangements for maintenance and monitoring of habitat enhancement to which paragraph 9(3) of Schedule 7A to the 1990 Act applies (habitat enhancement which must be maintained for at least 30 years after the development is completed);
- (except for onsite irreplaceable habitats) a description of how the biodiversity gain hierarchy will be followed and where to the extent any actions (in order of priority) in that hierarchy are not followed and the reason for that;
- pre-development and post-development plans showing the location of onsite habitat (including any irreplaceable habitat) on the relevant date, and drawn to an identified scale and showing the direction of North;
- a description of any irreplaceable habitat on the land to which the plan relates which exist on the relevant date, and any part of the development for which planning permission is granted where the onsite habitat of that part is irreplaceable habitat arrangements for compensation for any impact the development has on the biodiversity of the irreplaceable habitat; and
- if habitat degradation has taken place:
  - a statement to this effect,
  - the date immediately before the degradation activity,
  - the completed biodiversity tool showing the calculation of the biodiversity value of the onsite habitat on that date, and
  - any available supporting evidence for the value.

There is a standard Biodiversity Gain Plan template available to complete which brings together many of these matters into one document.

[https://assets.publishing.service.gov.uk/media/65df0c4ecf7eb16adff57f15/Biodiversity\\_gain\\_plan.pdf](https://assets.publishing.service.gov.uk/media/65df0c4ecf7eb16adff57f15/Biodiversity_gain_plan.pdf)

Failure to submit a Biodiversity Gain Plan prior to the commencement of development will lead to formal enforcement action being considered, which could be in the form of a Temporary Stop Notice (that will require all development on site to stop, for a period of 56 days).

#### 5. BATS:

The applicant is reminded that all British bat species are fully protected through The

Conservation of Habitats and Species Regulation 2017 (as amended) as European Protected Species (EPS). All British bat species also receive protection through inclusion in Schedule 5 of the Wildlife and Countryside Act 1981 (as amended). Under the legislation, it is an offence:

- o To deliberately capture, injure or kill a bat.
- o To damage or destroy a breeding site or resting place of a bat.
- o To intentionally or recklessly disturb a bat while it is occupying a structure or place which it uses for shelter or protection; or obstruct access to any structure or place which it uses for that purpose.
- o To deliberately disturb a bat; in particular any disturbance which is likely:
  - o to impair their ability - (i) to survive, to breed or reproduce, or to rear or nurture their young, or (ii) in the case of animals of a hibernating or migratory species, to hibernate or migrate;
  - o to affect significantly the local distribution or abundance of the species to which they belong.

#### 6. NESTING BIRDS:

The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act. Buildings, trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Suitable habitat is present on the application site and is to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess nesting bird activity.

#### **Contact details:**

**Case Officer:** Owen Richards

**Tel No:** 01904 552275