



Report Reference Number 2022/0484/OUT
Agenda Item No:

To: Planning Committee
Date: 7th December 2022
Author: Emma Howson (Planning Officer)
Lead Officer: Hannah Blackburn (Planning Development Manager)

| | | | |
|----------------------------|---|---|-------------------------------|
| APPLICATION NUMBER: | 2022/0484/OUT | PARISH: | Monk Fryston Parish Council |
| APPLICANT: | Mrs Jean Sharp | VALID DATE: EXPIRY DATE: | 6th May 2022 1st July 2022 |
| PROPOSAL: | Outline consent for demolition of existing three bedroom dormer bungalow and erection of 3 detached houses with access and layout considered. | | |
| LOCATION: | The Bungalow 10 Old Vicarage Lane Monk Fryston Selby North Yorkshire LS25 5EA | | |
| RECOMMENDATION: | GRANT | | |

This 'minor' application has been brought before Planning Committee as 3.8.9(b)(vi) is triggered as there have been more than 10 letters of representation received which raise material planning considerations and where officers recommend determination contrary to these representations.

1. INTRODUCTION AND BACKGROUND

Site and Context

- 1.1 The application site comprises of an existing three bedroomed dormer bungalow in a large plot situated off Old Vicarage Lane, Monk Fryston.
- 1.2 Residential properties surround the site which is situated within the defined development limits of Monk Fryston and within 100m of Monk Fryston Conservation Area. A tree covered by a Tree Preservation Order (TPO 6/2007) is located in the north western corner of the site.
- 1.3 The application has been revised during the process to reduce the number of dwellings proposed from 4 to 3 and to alter the proposed access and parking

arrangements, following concerns raised by the Planning Case Officer and the Highways Officer.

The Proposal

- 1.4 Outline consent for demolition of an existing three bedroom dormer bungalow and erection of 3 detached houses with access and layout considered.

Relevant Planning History

- 1.5 There are no historical applications considered to be relevant to the determination of this application.

2. CONSULTATION AND PUBLICITY

- 2.1 **NYCC Highways Canal Rd** – No objections. Conditions recommended.

Landscape Consultant - No Landscape objection to the general principle of the proposed development subject to a suitable landscape scheme being secured by condition. There is a TPO tree on the site, which is proposed to be retained. The Tree Officer has made recommendations for tree protection conditions, which are supported.

Waste And Recycling Officer - Collection vehicles will not access private drives or use them for turning and so a bin presentation point should be identified at the junction with the main road. The presentation point should be large enough to accommodate two bins per property each collection day. External bin store should also be identified at each new property and should be large enough to accommodate 4 x wheeled bins (refuse, green waste and 2 x recycling). Care should also be taken to ensure that internal storage facilities are included for residents to store materials for recycling separately from their residual / non-recyclable waste prior to disposal. Finally, as there are 4 properties, the developer will be required to pay for the waste and recycling containers.

Yorkshire Water Services Ltd – Recommend conditions

Selby Area Internal Drainage Board - As this proposal is located slightly outside the Board's district, Selby Area IDB have no comment.

Public Rights Of Way Officer - There is a Public Right of Way or a 'claimed' Public Right of Way within or adjoining the application site boundary – informative advised.

Tree Consultant - No arboricultural objection. The scheme does not include tree loss and the TPO tree can be protected by conditions (recommended below). The application lacks a landscape scheme to include tree planting and the density of the scheme. Recommended conditions.

Monk Fryston Parish Council - The Parish Council opposes this application. The number of houses raises concerns around infrastructure, congestion, and has a negative impact on the visual, architectural, and historical qualities of the landscape which are not in keeping with the rural community. The council requests that SDC gives careful consideration to the number and design of any development on this site. and rejects permission for this application of four houses.

Publicity – The application has been advertised by site notice. The original proposal for 4 houses received 20 letters of representation – 19 in objection and one neutral comments. The grounds for objection raised are:

- Loss of open aspect
- Residential amenity – privacy and overlooking
- Overdevelopment
- No public benefit
- Highway Safety and Parking
- Constrained access
- Impact on public footpath
- Impact on Conservation Area and local character and appearance of area
- Proximity to play park and school
- Impact on trees
- Capacity of sewers
- Disruption during construction

The application has been re-advertised following the reduction in the number of dwellings to 3. No further comments have been received.

3. SITE CONSTRAINTS

Constraints

- 3.1 The application site is located within defined development limits. This site falls outside though abuts the Monk Fryston Conservation Area along its northern boundary and is therefore within the 100m buffer zone. A tree covered by a TPO is also located within the site.

4. POLICY CONSIDERATIONS

- 4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states "if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise".
- 4.2 This is recognised in the National Planning Policy, at paragraph 11 of the NPPF, with paragraph 12 stating that the presumption in favour of sustainable development contained in paragraph 11 does not change the statutory status of the development plan as the starting point for decision making. It goes to state at paragraph 12 that where a planning application conflicts with such a plan, permission should not usually be granted unless material considerations in a particular case indicate otherwise. The latest iteration of the NPPF dated July 2021 and this application has been considered against this version, in particular the sections listed below.
- 4.3 Annex 1 of the National Planning Policy Framework (NPPF) outlines the implementation of the Framework:

"219.existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)."

- 4.4 The development plan for the Selby District comprises various documents including the Selby District Core Strategy Local Plan (adopted 22nd October 2013), those policies in the Selby District Local Plan (adopted on 8 February 2005) which were saved by the direction of the Secretary of State and which have not been superseded by the Core Strategy, the Minerals and Waste Joint Plan (adopted 16 February 2022), and the adopted neighbourhood plans neither of which relate to the site.
- 4.5 On 17 September 2019 the Council agreed to prepare a new Local Plan. The timetable set out in the updated Local Development Scheme envisages adoption of a new Local Plan in 2024. Consultation on issues and options took place early in 2020 and further consultation took place on preferred options and additional sites in 2021. The Pre-submission Publication Local Plan was subject to formal consultation that ended on 28th October 2022. The responses are currently being considered. Providing no modifications are proposed, the next stage involves the submission to the Secretary of State for Examination.
- 4.6 Paragraph 48 of the NPPF states that weight may be given to relevant policies in emerging plans according to: a) the stage of preparation; b) the extent to which there are unresolved objections to the policies; and, c) the degree of consistency of the policies to the Framework. Given the stage of the emerging Local Plan, the policies contained within it are attributed limited weight and as such are not listed in this report.

Selby District Core Strategy Local Plan 2013

- 4.7 The relevant Core Strategy Policies are:

| | |
|------|--|
| SP1 | Presumption in Favour of Sustainable Development |
| SP2 | Spatial Development Strategy |
| SP4 | Management of Residential Development in Settlements |
| SP8 | Housing Mix |
| SP9 | Affordable Housing |
| SP15 | Sustainable Development and Climate Change |
| SP18 | Protecting and Enhancing the Environment |
| SP19 | Design Quality |

Selby District Local Plan 2005

- 4.8 The relevant Selby District Local Plan Policies are:

| | |
|-------|--|
| ENV1 | Control of Development |
| ENV2 | Environmental Protection and Contaminated Land |
| ENV25 | Control of Development in Conservation Areas |
| H2 | Location of new housing development |
| H2B | Housing Density |
| T1 | Development in relation to the highway network |
| T2 | Access to roads |
| T8 | Public Rights of Way |

Minerals and Waste Joint Plan (Adopted by NYCC February 2022)

- 4.9 The relevant Minerals and Waste Local Plan Policies are:

| | |
|-----|---|
| S01 | – Safeguarded Surface Mineral resources |
| S02 | – Developments proposed within Safeguarded Surface Mineral Resource areas |

S07 – Consideration of applications in Consultation Areas
D13 – Consideration of applications in Development High Risk Areas

National Planning Policy Framework (NPPF) 2021

4.10 The relevant sections of the NPPF are:

- 2 Achieving sustainable development
- 4 Decision Making
- 5 Delivering a sufficient supply of homes
- 8 Promoting healthy and safe communities
- 11 Making effective use of land
- 12 Achieving well-designed places
- 14 Meeting the challenge of climate change, flooding and coastal change
- 15 Conserving and enhancing the natural environment
- 16 Conserving and enhancing the historic environment
- 17 Facilitating the sustainable use of minerals

Other Relevant Guidance/Policy

4.11 The other relevant documents are noted as follows:-

- Affordable Housing Supplementary Planning Document, 2013
- Developer Contributions Supplementary Planning Document March 2007
- Monk Fryston Conservation Area Appraisal (June 2021)

5. APPRAISAL

5.1 The main issues to be taken into account when assessing this application are:

- Principle of Development
- Housing Mix
- Impact on Heritage Assets and Character and Appearance of the area
- Access and Highway Safety
- Flood Risk and Drainage
- Residential Amenity
- Trees and Ecology
- Land Contamination
- Affordable Housing
- Minerals and Waste

Principle of Development

5.2 Core Strategy Policy SP1 reflects the presumption in favour of sustainable development established by national policy in the NPPF. Policy SP2(A) of the Core Strategy adopts a spatial development strategy to direct future development to the most sustainable and accessible locations.

5.3 The application site is situated within the defined development limits of Monk Fryston, which is identified as a Designated Service Village that under Policy SP2(A) is considered to have some scope for additional residential development which conform to the provisions of Policy SP4 and SP10 of the Core Strategy.

- 5.4 SP4a lists those types of development that would be acceptable in principle in Designated Service Villages, including replacement dwellings, redevelopment of previously developed land and appropriate scale development on greenfield land (including garden land). SP4d sets out that appropriate scale will be assessed in relation to density, character and form of the local area the appropriate role and function of the settlement. In all cases, development proposals are expected to protect local amenity, preserve and enhance the character of the local area and comply with normal planning considerations.
- 5.5 The proposal relates to outline consent for the erection of 3 no detached houses on an area of land which presently provides 1 no. dwelling with a large garden. SP4a allows for both the replacement of a dwelling and appropriate scale development on greenfield land (including garden land). Taking these together, it is considered that the proposal would replace the existing dwelling with another and provide two further dwellings within the large associated garden that would be commensurate with the size of the site in terms of density of development. Therefore, the development is acceptable in principle subject to no other material considerations outweighing the benefit of the provision of housing.

Housing Mix

- 5.6 Policy SP8 of the Core Strategy states that ALL proposals for housing must contribute to the creation of mixed communities by ensuring the types and sizes of dwellings provided reflect the demand and profile of the households evidenced from the most recent strategic housing market assessment and robust housing needs assessment whilst having regard to the existing mix of housing in the locality. Policy H4A of the Local Plan states that, subject to respecting the character of the area and site suitability new housing development will be required to provide an appropriate mix of dwelling types and sizes in order to: 1) avoid the creation of large areas of housing of similar characteristics, 2) help create mixed and inclusive communities, and 3) assist in redressing shortages of particular types of dwelling as may be indicated by housing needs assessment and annual monitoring of housing provision.
- 5.7 Chapter 10 sets out the need for different sizes of homes. Delivery of family-sized housing remains a requirement in both urban and rural locations of the district. Based on the evidence, it is expected that the focus of new market housing provision will be on 2- and 3-bed properties. Continued demand for family housing can be expected from newly forming households. There may also be some demand for medium-sized properties (2- and 3-beds) from older households downsizing and looking to release equity in existing homes, but still retaining flexibility for friends and family to come and stay.
- 5.8 The HEDNA does not specify smaller sub areas i.e. per village, whilst there is some difference between areas it is not substantial enough to suggest a mix of housing as being needed in different areas.
- 5.9 The proposal indicates that the properties will provide 3 no. 4 bedroom units however due to the scale of the proposal, it would not be necessary or reasonable to condition the housing mix in this particular case.

Impact on Heritage Assets and Character and Appearance of the Local Area

- 5.10 Section 12 of the NPPF sets out the need for 'the creation of high quality' places and that 'good design is a key aspect of sustainable development'. Paragraph 130 sets out how planning applications should be considered in relation to their impact on the local environment. This is addressed through Policies ENV1(1), (4) and (5) of the Selby District Local Plan, and Policies SP18 and SP19 of the Core Strategy.
- 5.11 The application site is located within the 100m buffer of Monk Fryston Conservation Area and thus the proposal should also be assessed against Section 16 of the NPPF and SDLP ENV25.
- 5.12 The site comprises of a detached dormer bungalow situated in a large grassed plot. The existing property is considered to be in a poor state of repair by the applicant and the proposal is to replace this property with a four bedroomed detached property and to erect a further 2 no. detached four bedroomed properties within the existing garden area.
- 5.13 Whilst it is acknowledged that the plot provides an area of open space within this area of housing, the surrounding properties to the east, west and south are located on much smaller plots in a more close knit arrangement and form a mixture of two storey properties and dormer bungalows.
- 5.14 The original proposal for 4 no. houses on the site provided a very cramped appearance which was out of keeping with the grain of development of the area, the revised scheme of 3 no. houses creates a more appropriate layout which is in keeping with the local character of the area. The revised layout plan shows two of the properties, B and C, located side by side in the middle of the site , with plot A positioned perpendicular to these plots adjacent to the site entrance.
- 5.15 The position of the existing property restricts open views through the site to the large garden areas of the properties beyond from the existing access and highway and views into the site are restricted to the surrounding properties. The position of Plot C is very similar to that of the existing dormer bungalow and will therefore have a similar impact on views through the site. The large TPO tree in the north western corner of the site which is visible in the wider public realm remains unaffected by the proposed development as Plot B is proposed to be positioned outside its root protection area.
- 5.16 It is considered that the proposed layout is in keeping with the local grain of development and will not have a significant adverse impact on the character of appearance of the local area or the setting of Monk Fryston Conservation Area, subject to suitable details in terms of the outstanding reserved matters of scale, appearance and landscaping. As such, it accords with national and local planning policy in this regard.

Access and Highway Safety

- 5.17 Policies ENV1(2) and saved policies T1 and T2 of the Local Plan requires development to ensure that there is no detrimental impact on the existing highway network. Paragraph 110 of the NPPF seeks a safe and suitable access and only supports refusal of development on highway grounds if there would be unacceptable impacts on highway safety.
- 5.18 A large number of representations have been received with regards to the issues of highway safety, parking and access. The Highways Authority have been consulted

on the application which has led to a number of amendments to the internal access arrangement and parking provision within the site.

- 5.19 Each of the proposed properties has been shown with 3 parking spaces (some include the garage as the third space) with suitable turning arrangements to allow for safe access and egress from the site. The layout and access arrangement is now considered to be acceptable in highways terms subject to conditions. The proposal is therefore considered to comply with the aforementioned policies. Paragraph 111 of the NPPF states that planning permission 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 would be severe.

Flood Risk and Drainage

- 5.20 Relevant policies in respect to flood risk, drainage and climate change include Policy ENV1(3) of the Selby District Local Plan and Policies SP15 of the Core Strategy and Paragraphs 159 to 169 of the NPPF.
- 5.21 The site is situated within Flood Zone 1 which has a low probability of flooding. The use is a more vulnerable flood risk classification, which is appropriate in Flood Zone 1. The application form states that surface water will be disposed of via soakaway with the foul sewage being directed into the existing sewer system.
- 5.22 Yorkshire Water have raised no objections to the proposal but recommend conditions to ensure that a suitable scheme for the discharge of surface water and foul sewerage is provided.
- 5.23 Given the location of the site within an existing built-up area and the likelihood that a drainage solution for the site can be found, there is no evidence to suggest that there are any critical drainage issues, it is considered expedient to add these conditions to any consent to ensure that the site can be adequately drained to meet the aims of saved Policy ENV1(3) of the local plan and Policy SP15 of the Core Strategy.
- 5.24 It is also considered expedient that any approval for residential development should also include a condition for the provision of electric vehicle charging points in line with the NPPF.

Residential Amenity

- 5.25 Relevant policies in respect to impacts on residential amenity include Policy ENV1(1) of the Local Plan. It reflects policy in the NPPF at paragraph 130(f), which seeks a high standard of amenity for existing and future users.
- 5.26 Concerns have been raised with regards to the impact on amenity for the neighbouring properties. The application has been amended during the process to reduce the number of houses proposed, this allows for all suitable separation distances to be met between existing and proposed properties.
- 5.27 Plot C and Plot B have been slightly repositioned to avoid privacy issues for the neighbouring bungalow to the east and the large dormer window it has which overlooks the site. Views will remain unrestricted from this window but will only overlook the access and small front garden areas of the proposed properties to ensure that the privacy of the future residents is not compromised.

- 5.28 Each proposed properties benefits from a good-sized garden and provides a suitable level of amenity space for the future residents.
- 5.29 Concerns have been raised regarding the level of disturbance that may be created from the access to no 12 Old Vicarage Lane. The windows that serve this property and sit adjacent to the access are secondary and tertiary windows and whilst there will be an element of disturbance due to the increased number of vehicle movements, this is not considered to be significant as the property is protected by a fence and hedge along the boundary.
- 5.30 Concerns have also been raised by residents with regards to disturbance during construction, however there will also be an element of disturbance from development but it is considered appropriate to attach conditions restricting the hours of operation to ensure that this is kept to a minimum.

Trees and Ecology

- 5.31 Local Plan saved Policy ENV1(5) and Core Strategy Policy SP18(d) seeks to safeguard protected sites for nature conservation and produce a net gain in biodiversity where appropriate. Paragraph 180 of the NPPF establishes principles that local planning authorities should follow when determining planning applications to protect and enhance biodiversity and habitats. Protected species include those protected under the 1981 Wildlife and Countryside Act and the Conservation of Habitats and Species Regulations 2010. The presence of protected species is a material planning consideration.
- 5.32 Within the application site is a large tree covered by a Tree Preservation Order. The Council's Tree Officer has assessed the impact of the proposed layout and considered that subject to conditions to ensure that the tree is protected during development.
- 5.33 The application also includes the demolition of the existing property. An ecological survey has been undertaken to confirm that there are no protected species within the building that would be affected by the works proposed.
- 5.34 Therefore, the proposal would not result in harm to trees or ecology and accords with the aims of national legislation and policy and local planning policy.

Land Contamination

- 5.35 Saved Local Plan Policy ENV2A states development that would be affected by unacceptable levels of noise, nuisance, contamination or other environmental pollution will be refused unless satisfactorily remediated or prevented. Policies SP18 and SP19 of the Core Strategy seeks to prevent development from contributing to unacceptable levels of, inter alia, soil pollution and in doing so reflects national policy in paragraph 185 of the NPPF.
- 5.36 The application has been submitted with a desk top contaminated land report, which does not identify any significant potential contamination sources or historical uses. It is therefore considered that the likelihood of land contamination being present is limited however it is recommended that a condition is attached in case unexpected contamination is found during development. This would accord with Policy ENV2 of the Local Plan and the NPPF.

Affordable Housing

- 5.37 Policy SP9 of the Core Strategy and the accompanying Affordable Housing Supplementary Planning Document set out the affordable housing policy context for the District. Policy SP9 outlines that for schemes of less than 10 units or less than 0.3ha a fixed sum will be sought to provide affordable housing within the District. The Policy notes that the target contribution will be equivalent to the provision of up to 10% affordable units. The calculation of the extent of this contribution is set out within the Affordable Housing Supplementary Planning Document which was adopted on 25 February 2014.
- 5.38 The NPPF is a material consideration in the determination of planning decisions and postdates the Core Strategy. At paragraph 64 it states that 'Provision of affordable housing should be sought for residential developments that are not major developments, other than in designated rural areas (where policies may set out a lower threshold of 5 units or fewer'.
- 5.39 Major development is defined in the NPPF as, for housing, 10 or more homes or the site has an area of 0.5 hectares or more. As the application proposes the erection of three dwellings on a site which has an area of less than 0.5 hectares, it is not major development and as such Affordable Housing provision is not required. Having regard to Policy SP9 and the material considerations of the Affordable Housing SPD and the NPPF, it is considered that, on balance, the application is acceptable without an affordable housing contribution.

Minerals and Waste

- 5.40 The application site is located within an area identified for the safeguarding of mineral resources, specifically Brick Clay and Limestone. Relevant policies in relation to the NYCC Minerals and Waste Plan 2022 are S01, S02 and S07, which reflect advice in the Chapter 17 of the NPPF, and seek to protect future mineral resource extraction by safeguarding land where the resource is found and avoiding such land being sterilised by other development. The plan also identifies the site as falling within a Coal Mining Development Referral Area to which Policy D13 applies.
- 5.41 However, the site relates to an existing dwelling and garden within an existing built-up settlement that is enclosed by existing housing development. Therefore, whilst the proposal does not fall within any of the exemptions listed in Policy S02, taking into account the location of the site, it is unlikely that this site would be considered as a suitable or appropriate site for mineral resource extraction and therefore needs to be safeguarded for the future. The proposal is not considered to sterilise the mineral or prejudice future extraction.
- 5.42 The NYCC Minerals and Waste Plan identifies the site as within a Coal Mining Development Referral Area to which Policy D13 applies. However, the Coal Authority Interactive Map identifies Monk Fryston as falling within a Coal Mine Reporting Area for property transactions and conveyance, but does not identify the site within a high risk area.
- 5.43 Taking the above into account, it is considered that the proposal would not be contrary to the aims of the Minerals and Waste Joint Plan. An informative is recommended to draw the applicant's attention to the location of the site in a coal mining area.

- 5.44 Turning to site specific waste management, the Council is seeking to ensure that adequate provision is designed into all new dwellings and building conversions to housing units for waste storage, separation of recyclables and access for collection. The Council's SPD on Developer Contributions sets out the requirement for a developer to provide adequate waste bin provision on developments providing 4 or more residential units. As the proposed development will provide 3 no. units, a financial contribution is not required.

6. CONCLUSION

- 6.1 This application seeks outline permission for the demolition of an existing three bedroom dormer bungalow and erection of 3 detached houses with access and layout considered (all other matters are reserved).
- 6.2 The site is located within the defined development limits of Monk Fryston and is considered to be acceptable in principle.
- 6.3 The application has been amended during the determination process to reduce the number of units from 4. No dwellings to 3 no. dwellings and the layout has been amended due to residential amenity concerns.
- 6.4 Other material considerations such as the impact on the highway network, heritage assets, flood risk, drainage and nature conservation are considered to be acceptable and in accordance with the Development Plan and national policy contained within the NPPF.
- 6.5 The proposal is therefore considered to be acceptable in planning terms and is recommended for approval subject to conditions.

7. RECOMMENDATION

This application is recommended to be GRANTED subject to the following conditions:

1. Applications for the approval of the reserved matters referred to in No.2 herein shall be made within a period of three years from the grant of this outline permission and the development to which this permission relates shall be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason:

In order to comply with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Approval of the details of the (a) appearance (including a schedule of all external materials) (b) landscaping and (d) scale, (hereinafter called 'the reserved matters') shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason:

This is an outline planning permission and these matters have been reserved for the subsequent approval of the Local Planning Authority, and as required by Section 92 of the Town and Country Planning Act 1990.

3. The development hereby permitted shall be carried out in accordance with the plans/drawings listed below:

Location Plan – 176 submitted to LPA 20th April 2022

Proposed Site Plan – 176/010 P11 submitted to LPA on 12th September 2022

Visibility Splays – 176/011 P01 submitted to LPA on 20th April 2022

Reason:

For the avoidance of doubt

4. No work relating to the development hereby approved, including works of preparation prior to building operations, shall take place other than between the hours of 08:00 hours and 18:00 hours Mondays to Fridays and 08:00 hours to 13:00 hours on Saturdays and at no time on Sundays or Bank or National Holidays.

Reason:

To protect the residential amenity of the locality during construction and to comply with the National Planning Policy Framework (NPPF), the Noise Policy Statement for England (NPSE) and Selby District Council's Policy's SP19 and ENV2.

5. There shall be no access or egress by any vehicles between the highway and the application site at The Bungalow, 10 Old Vicarage Lane, Monk Fryston until splays are provided giving clear visibility of 43 metres measured along both vehicle tracks of the major road from a point measured 2 metres down the centre line of the access road. In measuring the splays, the eye height must be 1.05 metres and the object height must be 0.6 metres. Once created, these visibility splays must be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason:

In the interests of highway safety and to accord with Saved Local Plan Policies T1 and T2 and paragraph 110 of the NPPF

6. No part of the development shall be brought into use until the access, parking, manoeuvring and turning areas for all users at The Bungalow, 10 Old Vicarage Lane, Monk Fryston have been constructed in accordance with the details approved in writing by the Local Planning Authority. Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason:

To provide for appropriate on-site vehicle facilities in the interests of highway safety and the general amenity of the development and to accord with Saved Local Plan Policies ENV1, T1 and T2 and paragraph 110 of the NPPF

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any subsequent Order, the garage(s) of Plot A and C shall not be converted into domestic accommodation without the granting of an appropriate planning permission.

Reason:

In accordance with Saved Local Plan Policies ENV1, T1 and T2 and to ensure the retention of adequate and satisfactory provision of off-street accommodation for vehicles generated by occupiers of the dwelling and visitors to it, in the interest of safety and the general amenity the development and paragraph 110 of the NPPF.

8. No development shall commence on site before the developer has submitted for approval detail for root protection area (RPA) fencing in line with the requirements of British Standard BS 5837: 2012 (section 6.2.2 figure 2) Trees in Relation to Construction – Recommendations, or any subsequent amendments to that document, around the trees or shrubs or planting to be retained, as indicated on the approved plan. The developer shall maintain such fences until all development subject of this permission is completed.

Reason:

In the interests of the protection of a protected tree and local biodiversity and to accord with Policy SP18 of the Core Strategy and Chapter 15 of the NPPF

9. No operations shall commence on site in connection with the development hereby approved (including any demolition work, soil moving, temporary access construction and/or widening or any operations involving the use of motorised vehicles or construction machinery) until the root protection area (RPA) works required by the approved tree protection scheme and ground protection detail (no dig) are in place. The level of the land within the fenced areas shall not be altered.

Reason:

In the interests of the protection of a protected tree and local biodiversity and to accord with Policy SP18 of the Core Strategy and Chapter 15 of the NPPF

10. No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall, other than the existing local public sewerage, for surface water have been completed in accordance with details submitted to and approved by the Local Planning Authority.

Reason:

To ensure that the site is properly drained and in order to prevent overloading, surface water is not discharged to the public sewer network and to accord with policy ENV1(3) of the Selby District Local Plan.

11. 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 and to accord with Policy ENV2A of the Selby District Local Plan

12. Prior to the construction of any external walls, samples of the materials to be used in the construction of the external walls and roof of the dwellings, hereby permitted, shall be provided to the Local Planning Authority for approval. The development shall be undertaken in accordance with the approved details.

Reason:

In the interests of visual amenity and to accord with Policy ENV1 of the Local Plan and Policy SP19 of the Core Strategy and Chapter 12 of the NPPF.

13. The reserved matters application for landscaping shall include details of biodiversity net gain within the site.

Reason:

In the interests of enhancing biodiversity and to accord with the paragraph 180 of the NPPF.

14. The reserved matters application for landscaping shall include details of the proposed boundary fencing and unbuilt areas. The development shall be undertaken in accordance with the approved details.

Reason:

In the interests of residential amenity and to accord with Saved Local Plan Policy ENV1 and Chapter 12 of the NPPF.

15. The development hereby approved shall be undertaken in accordance with Sections 8 and 9 of the Preliminary Roost Assessment Bat Survey Report (Crow Ecology dated 2nd November 2022)

Reason:

In the interests of protecting and enhancing biodiversity and to comply with Core Strategy Policies Sp18 (1) and (3) and Saved Local Plan Policy ENV1 (5) and Paragraph 180 of the NPPF.

16. An electric vehicle infrastructure strategy and implementation plan shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of any dwelling hereby permitted. The plan shall contain details of the number and location of all electric vehicle charging points which shall be of Mode 3 type (specific socket on a dedicated circuit with a minimum current rating of 16 Amp). Buildings and parking spaces that are to be provided with charging points shall not be brought into use until associated charging points are installed in strict accordance with approved details and are operational. The charging point installed shall be retained thereafter.

Reason: In the interests of providing opportunities for sustainable transport and to improve air quality across the District in accordance with Policy SP15 of the Core Strategy and paragraph 186 of the NPPF.

8 Legal Issues

8.1 Planning Acts

This application has been determined in accordance with the relevant planning acts.

8.2 Human Rights Act 1998

It is considered that a decision made in accordance with this recommendation would not result in any breach of convention rights.

8.3 Equality Act 2010

This application has been determined with regard to the Council's duties and obligations under the Equality Act 2010. However it is considered that the

recommendation made in this report is proportionate taking into account the conflicting matters of the public and private interest so that there is no violation of those rights.

9 Financial Issues

Financial issues are not material to the determination of this application.

10 Background Documents

Planning Application file reference 2022/0484/OUT and associated documents.

Contact Officer: Emma Howson (Senior Planning Officer)

Appendices: None