Yorkshire Dales National Park Authority **Item 5**

Committee: **Planning**

Date: **26 November 2024**

Report: **List of Applications for Permission to Develop**

Attached to this report are details of applications for permission to develop, together with Officers' recommendations.

For Members' information:

1. The plans and information submitted with each application, together with consultee and neighbour/interested party responses are available to Members and the public on the Authority's website.

2. Late representations will be available on the Authority's website after 5.30pm on the Friday before the Committee meeting.

3. The time period for responses to consultations/publicity carried out on individual applications may not have expired before the date of the Committee meeting. Any responses received after the meeting will be taken into account in drafting conditions/reasons for refusal. If such responses received within the specified period are contrary to the Committee's resolution and raise new matters, the application will be presented for reconsideration by the Planning Committee at a future meeting.

4. All applications that are recommended for approval will have the appropriate time limit conditions attached, to comply with Sections 91-94 of the Town and Country Planning Act 1990.

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Richard Graham
Head of Development Management

Background documents:
Some or all of the following comprise the list of background papers unless they contain Exempt Information:

- Application forms, plans, covering letter, and certificates.
- Other material submitted with the application.
- Further correspondence with the applicant/agent.
- Details of consultation and neighbour notification.
- Consultation replies.
- Other representations received.
- Site notes.

Yorkshire Dales National Park Authority **Item 5**

Committee: **Planning**

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Report: **List of Applications for Permission to Develop**

Index of Applications

LIST NO	PARISH	APPLICATION NO	APPLICANT(S)	LOCATION
1	Hudswell	R/27/145	Mr Charles Smith	The Grove, Hudswell, RICHMOND, DL11 6BW
2	Bishopdale	R/53/27J	Mr & Mrs Brown	Land off B6160, Kidstones Gill Bridge, Bishopdale, DL8 3TG
3	Crosby Ravensworth	E/03/41A	Mr A Knowles	Land south of the Village Hall, Maulds Meaburn, Penrith, CA10 3HN

Yorkshire Dales National Park Authority

Committee: Planning

Date: 26 November 2024

Applicant: Mr Charles Smith

Parish: Hudswell

Officer: Mark Williams

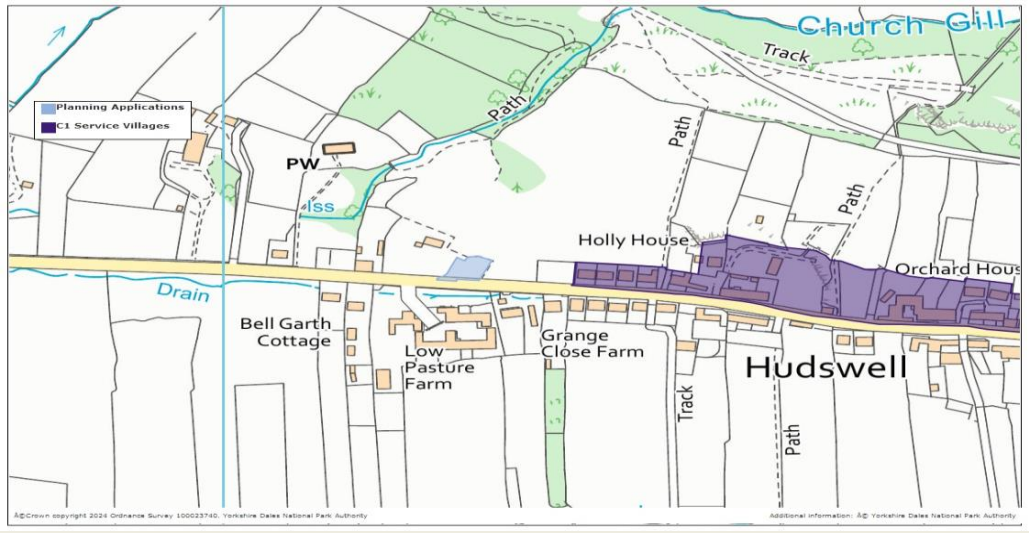
Application No: R/27/145

Site Address: The Grove, Hudswell, RICHMOND, DL11 6BW

Proposal: Full planning permission for erection of 1no.dwelling and detached garage to garden of existing dwelling with associated external works and new private access to highway at land to the east

Purpose of Report

1. That Members REFUSE planning permission for the above development in accordance with the recommendations below.



Reason for Committee Consideration

2. This application is reported to Committee for the following reason: in the opinion of the Head of Development Management it is in the best interests of the National Park Authority that the application is considered by the Committee.

Application Site

3. The Grove is a large detached house set back from the north side of the road on the western approach to the village. Planning permission has recently been granted for the erection of a 2-storey extension to the house, together with the erection of a detached garage towards the front of the site (Ref R/27/140A). These developments have now been completed.

4. The application site lies immediately to the east of the new detached garage on part of the garden to The Grove. The site fronts onto the road and has recently been cleared.

Proposal

5. It is proposed to erect one detached house on site, together with a detached garage and a new private access off the County road.

6. The proposed dwelling would be built of stone with a red pantile roof. It would provide 4-bedroomed accommodation over two floors. The house would have an 'L'-shaped floorplan, with a gable and flat-roofed element to the rear.

7. An amended site plan shows the single detached garage brought forward so that it sits in line with the front elevation of the house.

Relevant Planning History

8. The following applications are relevant:

   R/27/140 - Householder planning permission for demolition of extension and outbuildings and replacement with new extension and outbuildings and associated external works. Refused 06/08/2021

   R/27/140A - Householder planning permission for erection of two storey rear and side extensions, refurbishment of existing outbuilding, erection of garage and covered bin/wood store area and greenhouse, alterations to landscaping and access/parking arrangements (works will include removal of conservatory, open garage and second porch). Approved - Conditional 14/10/2021

Consultations

9. The comments of statutory and non-statutory consultees are summarized below:

Highways Request a revised drawing showing the length of each side of the driveway and the internal dimensions of the garage. The driveway adjacent to the garage needs to have a minimum length of 6 metres and the driveway next to the gate to the yard a minimum length of 5.8 metres. As the garage is the third required parking space then it needs minimum internal dimensions of 3 metres x 6 metres.

[NB – *the applicant has submitted measured plans as requested. These have been forwarded to the Highway Authority. Any further consultation response will be reported at the meeting.]*

Wildlife Conservation Officer The site falls within SSSI 1km buffer (Lower Swaledale Woods and Grasslands). Springs Woods ASNW lies 210m north of the site. Site falls within Swales Tees project boundary region. Aerial photography shows site clearance within the Red Line boundary of the proposal. Existing plan, Scale 1 to 200 provided by the Applicant shows 6 trees/shrubs within Blue Line boundary and 1 tree/shrub on the southwest edge of the Red line boundary. Proposed site plans show the removal of 1 tree/shrub to the southwest edge of the Red Line boundary. The surrounding environment is of high value to bats being wooded, open and the nearest watercourse being 70m to the northwest of the proposal.

No objection subject to compliance with BNG requirements.

CEHO - No objection. Recommends conditions on contaminated land, noise from air souirce heat pump and construction noise, plus an Informative on Radon.

Fire Officer - Richmondshire - At this stage in the planning approval process the York and North Yorkshire Combined Authority in its capacity as Fire and Rescue Authority ('YNYCA') have no objection/observation to the proposed development. The YNYCA will make further comment in relation to the suitability of proposed fire safety measures at the time when the building control body submit a statutory Building Regulations consultation to the YNYCA.

Hudswell & District PC - Hudswell and District Parish Council have no objections regarding the planning application as YDNPA have identified the land as suitable for more housing. The proposed dwelling would be within the grounds of the existing house.

There is however a precedent for infill housing in the village which is acknowledged but regrettable.

Councillors has asked that a stipulation be put on the new property, that the property must be a main residence and not a 2nd home or Air BnB.

Public Responses

10. Public responses received at the time of writing: 4 Advertised by site notice. Grounds of objection include:

- Impact on rural character of the village
- Increased density of housing
- Lack of infrastructure; sewerage and water demand
- Increased traffic
- Recent felling of trees and filling of pond
- Lack of affordable housing
- Problem with Himalayan Balsam
- Storage of soil on site, which is technically commercial waste
- Flooding issues caused by loss of pond
- Would prefer a single storey dwelling
- Disturbance from construction traffic

Assessment

Key Issues:

- Principle of development
- Biodiversity Net Gain
- Sustainability
- Parish Council comments
- Equality Act

Principle of Development

11. Policy C1 (Housing in Settlements) of the Yorkshire Dales Local Plan (2015-30) states that housing development will be permitted on acceptable sites within the housing development boundaries of local service centres and service villages identified on the policies map. According to this map the application site lies outside the development limit for Hudswell. As such the proposed development would be contrary to Local Plan Policy C1.

12. Policy C1 goes on to state that, on sites of up to five dwellings, new housing will be restricted to local occupancy. That restriction has not been offered here and so the proposed development also fails to meet this requirement of Policy C1.

13. Policy C1 also states that housing sites will be expected to meet a minimum density of 35 dwellings per hectare (dph). This is intended to ensure the efficient use of land. Lower densities will only be permitted where this it is necessary to; provide a safe access, conform to highway capacity, fit into the landscape,

conserve the character of the settlement, or is required by the physical characteristics of the site.

14. None of these exceptions are considered to apply to the application. As submitted the proposed development represents a density of c17dph, just under half the minimum required by Policy C1.

15. The application site is however included in the proposed development limit for Hudswell set out in the current consultation on potential housing sites and development boundaries (Consultation No. 6) for the emerging Local Plan. In terms of the preparation of the new Plan, it has not yet reached an advanced state and it is likely that the final draft will be published early next year (2025). It is considered that significant weight cannot be given to emerging policies (including development limits) at present as a final draft has yet to be completed and approved by Members (timetabled for the Authority meeting in March 2025). Until such time the proposed new development limit for Hudswell cannot be given weight.

16. While the proposed extension of the development boundary to Hudswell may prove to be uncontroversial (extending as it does the existing pattern of ribbon development), other proposed limits may well receive objections which challenge the methodology for choosing the proposed extended limits. There is no guarantee that Hudswell would not be caught up in such a debate.

17. Therefore, in advance of the adoption of the new Local Plan the proposed development could be considered to be premature.

18. Furthermore, it is likely that the proposed new housing policy would continue the approach in the current Local Plan in requiring single new dwellings to be subject to a local occupancy restriction, which is not being offered here, and that new housing development achieves a minimum density of 35 dph.

19. Government guidance in the National Planning Policy Framework recommends a cautious approach when citing prematurity as a reason for refusing planning permission. Thus para 49 states: ‘However, in the context of the Framework – and in particular the presumption in favour of sustainable development – arguments that an application is premature are unlikely to justify a refusal of planning permission other than in the limited circumstances where both:

a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging plan; and
b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.’

20. Para 50 of the NPPF goes on to state that: ‘Refusal of planning permission on grounds of prematurity will seldom be justified where a draft plan has yet to be submitted for examination…. Where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how granting permission for the development concerned would prejudice the outcome of the plan-making process’.

21. In this case it is considered that granting permission for the proposed development would be premature. While the application site sits within the proposed development limit for Hudswell, there is no guarantee that this will be adopted, given likely controversies over the proposed development limits for other settlements. In addition, the proposed development has a density of half the minimum recommended in the current and emerging policies. Granting permission here would undermine the aim of allowing an extension to the development limit by predetermining the scale and amount of new development on the land intended to be included within the development limit, leading to an inefficient use of land earmarked for housing development and potentially affecting the character of the village. Furthermore, the lack of a local occupancy restriction would conflict with both current and emerging policy aimed at providing housing to address local needs. However the guidance in para 49 of the Framework requires the proposal to be so substantial and significant that to allow it would undermine the plan making process for prematurity to be justified as a reason for refusal. Nevertheless the point can be added as a note and corollary to the substantive reason for refusing this application.

Biodiversity Net Gain (BNG)

22. Local Plan Policy W2 states that new development that would have an impact on biodiversity will be required to make a proportionate on-site contribution to wildlife enhancement. The development is also subject to the national requirement that proposals deliver a 10% uplift in the biodiversity value of the site after development.

23. As noted by several objectors, several trees on site have been felled following the grant of permission to extend the house and erect the garage (Ref R/27/140A). These trees were not protected and no offence or breach of planning control occurred. The proposal plans do not provide for any replacements or any significant landscape planting.

24. This ‘degradation’ has been factored in to the BNG Matrix calculations, i.e. the former trees have been included in the baseline biodiversity value for the site. The Matrix shows that there would be a net biodiversity loss of -0.5 units, so a 10% uplift would require a total of c0.6 units. The applicant proposes to deliver these via off-site credits, which could be secured by means of a S106 agreement were planning permission to be granted.

Parish Council Comments

25. The Parish Council acknowledge that the proposed development represents infill development which reflect the type of ribbon development seen in Hudswell. This is reflected in the development limit proposed in the new Local Plan but as discussed above, this cannot be afforded much, if any, weight at this time.

26. If the applicant signed a s106 agreement, limiting occupancy to principle occupancy, then the dwelling could not be used as a second home or AirBnB. However this would not be sufficient to comply with the requirements of existing or proposed Local Plan policies, which require occupancy to be restricted to local occupancy only.

Equality Act

27. The Authority has a duty under s.149 of the Equality Act 2010 to have regard to the need to eliminate discrimination and advance equality of opportunity between persons who share a relevant characteristic and persons who do not share it. The relevant characteristics are: age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex and sexual orientation.

28. It is considered that there are no overt reasons why this proposal would affect anyone with the protected characteristics such that the application should be permitted or refused on equality grounds.

Conclusion

29. The proposed development lies beyond the current development limits of Hudswell and would therefore be contrary to Policy C1 of the Yorkshire Dales Local Plan. The proposal fails to make efficient use of land, fails to provide landscape planting and fails to provide for local housing needs. The proposal relies upon possible policy changes within an emerging local plan however the new local plan is not at a stage that would accord weight to be given to it and as such the proposal is premature in that respect.

Recommendation

30. It is recommended that permission be REFUSED for reasons based on the following:

    1. In the opinion of the Local Planning Authority the proposal conflicts with the Authority's Housing Strategy insofar as the site lies outside the development limit

for Hudswell, the proposal fails to make efficient use of land for housing; and fails to provide housing for a local need. The proposal does not represent sustainable development and is contrary to Policies SP1, SP3 and C1 of the Yorkshire Dales Local Plan (2015-2030).

Note: In the opinion of the Local Planning Authority the proposal is premature insofar as it relies upon potential policy changes that may come forward in the emerging Local Plan which is at an early stage. Should development of this site take place in the manner proposed it would prejudice the efficient use of the larger parcel of land intended for housing development to meet a local need.

YORKSHIRE DALES NATIONAL PARK AUTHORITY

Committee: Planning

Date: 26 November 2024

Applicant: Mr & Mrs Brown

Parish: Bishopdale,

Officer: Emma Heron

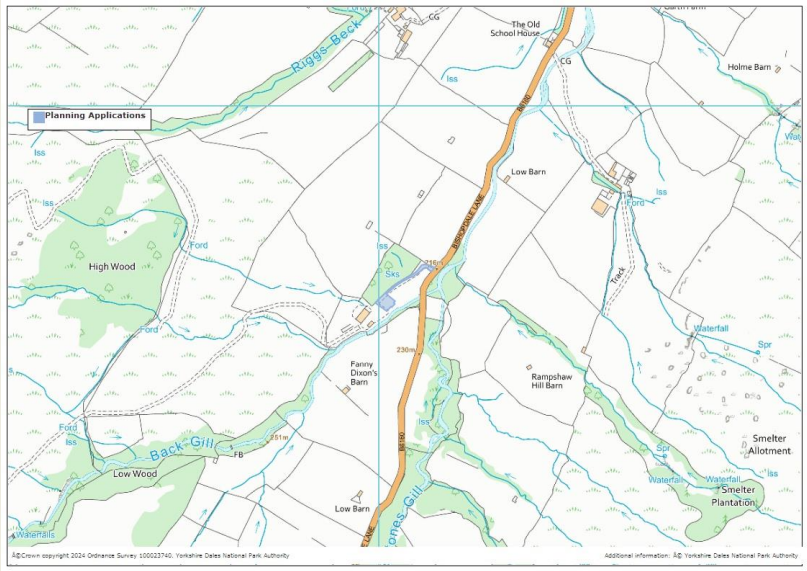
Application No: R/53/27J

Site Address: Land off B6160, Kidstones Gill Bridge, Bishopdale, DL8 3TG

Proposal: Full planning permission for the erection of a 3 bedroom rural workers dwelling

Purpose of Report

1. That Members APPROVE planning permission for the above development in accordance with the recommendations below.



Reason for Committee Consideration

2. This application is reported to Committee for the following reason: in the opinion of the Head of Development Management it is in the best interests of the National Park Authority that the application is considered by the Committee.

Application site

3. This site is located on the valley floor at the upper end of Bishopdale before the land rises steeply uphill towards Kidstones and Bishopdale Head. The site is accessed via an existing track from the B6160 road. An agricultural shed, and timber chalet are located to the rear of the site, both of which are visible from the main road.

Proposal

4. Full planning permission is sought for the erection of a three bedroomed rural worker's dwelling with an integral garage which is attached to the house via a rural workers changing/utility room. The site forms part of the wider Howsyke Estate owned by the applicants Mr & Mrs Brown.

Estate overview

5. The applicants own in excess of 848 hectares of land, of which 96 hectares has been planted as woodland. 1500 hectares of neighbouring land, which is owned and farmed by others is also occupied by the applicants for shooting purposes only. In addition, 607 hectares of land at Arncliffe and Hawkswick Moors is leased for the shooting rights. Since January 2024, 130 hectares of land has been purchased from the area over which the applicants previously enjoyed shooting rights. The majority of the owned landholdings continue to be occupied by others with their own livestock on share farming arrangements, in exchange for shooting access. The applicants also rely on neighbours to assist with livestock management, such as difficult lambing and calving.

6. Of the above, 279 hectares is in the vicinity of Kidstones Gill Bridge. Livestock at Kidstones Bridge amounts to 200 breeding ewes producing mule lambs (lambed outdoors each spring), 20 suckler cows (calving each spring and housed in the farm building). At the time of the visit, 40 turkeys were kept for the Christmas trade.

7. The site's farm building is 27 metres x 14 metres, and is used to house the cattle over winter, the turkeys, equipment, and the hydro-electric plant.

8. The enterprise employs two full-time workers, one of them lives at Kidstones Gill Bridge in the temporary chalet and as well as gamekeeping and land management tasks, he looks after the cattle and sheep. The other lives at Crooksby close to Howesyke. In addition, neighbouring farmers and others are contracted for fencing and walling, field work and silage making.

9. The shooting enterprise is significant. It begins with grouse in mid-august then pheasant and partridge up to the end of January. 8,000 poults are brought in during summer, reared in pens up to autumn, and then fed throughout late autumn and winter by the gamekeepers. Up to 25 shoots with 10 guns per shoot day, during the season. Employment for shoot days is drawn from the local community.

Background

Howesyke

10. At the Planning Committee meeting on 15th October 2024, Members resolved to approve application R/58/65G subject to a S106 legal agreement rescinding the right to development two semi-detached rural workers dwellings that were approved under a 2017 planning permission, R/58/65C.

11. R/58/65C is the extant planning permission that included two new rural workers dwellings. If that development were to be built out it would bring the total number of dwellings on the estate to three (including the existing dwelling at Crooksby).

12. The applicant's intention is to retain their right to build two new rural workers dwellings. One of these would be at Howesyke, and one would be re-located to Kidstones Gill Bridge (the site the subject of this application).

Kidstones Gill Bridge

13. In 2014, planning permission was granted for an upgraded vehicular access and track, and a replacement agricultural building at Kidstones Gill Bridge (R/53/27).

14. In 2016 planning permission was granted for a hydro-electric system at Back Gill and an amended version of the new agricultural building (R/53/27B). Then in 2019, planning permission was granted for the change of use of a mezzanine floor in the agricultural building to provide welfare facilities for personnel involved in agricultural, forestry and shooting enterprises on the estate (R/53/27D). A further part-retrospective planning permission was granted in 2020 for minor changes to the building details, and the access and track.

15. Also in 2019, retrospective planning permission was granted retrospectively for the temporary siting of a chalet to house a rural worker for a period of one year (R/53/27E). At the time, the applicant advised that the occupant of the temporary accommodation would move back to Howesyke on completion of the permanent accommodation. The siting of the chalet has since been unauthorised, except for a

period of one year between March 2023, and March 2024, when a further one year temporary permission was granted (R/53/27H).

16. An application for a permanent rural worker dwelling at Kidstones Gill Bridge, was registered in July 2021 (R/53/27G). With this application, an agricultural appraisal demonstrated that the labour requirements for the landholding associated with Kidstones Gill Bridge alone, approached 1 full-time worker. However, the matter of the extant approval for two rural workers dwellings at Howsyke was not resolved during the application process. It was therefore withdrawn in 2022.

Relevant Planning History

17. The following applications are relevant:

Application site (Kidstones Gill Bridge)

R/53/27 Full planning permission for creation of access gateway, upgrade of access track. Conditional approval 2014.

R/53/27A Full planning permission for construction of 35kW high head hydro system utilising the waters of Back Gill; comprising intake weir and Coanda screen, 1070m underground pipe to a Turgo turbine housed within a 9sqm area of a proposed agricultural building and underground electricity cable. Withdrawn 2016.

R/53/27B Full planning permission for construction of 35kW high head hydro system utilising the waters of Back Gill; comprising intake weir and Coanda screen, 1070m underground pipe to a Turgo turbine housed within a 9sqm area of a proposed agricultural building and underground electricity cable. Conditional approval 2016.

R/53/27D Full planning permission for change of use of part of existing agricultural building to provide welfare areas for use by personnel involved in the existing agricultural, forestry and shooting enterprise, installation of toilet and hand wash facilities and package treatment plant. Conditional approval 2019.

R/53/27E Full planning permission for siting of temporary accommodation on site during the development of permanent accommodation at Howsyke (retrospective). Conditional approval 2019.

R/53/27F Section 73 application to vary/remove conditions 1, 2, 3, 4, 7, 8 & 9 of R/53/27 (full planning permission for creation of access gateway, upgrade of access track and erection of replacement agricultural building (part retrospective). Conditional approval 2020.

Application site (Howesyke)

R/58/65C Full planning permission for erection of extension to existing farmhouse with incorporation of adjoining barn into the domestic accommodation; erection of 2 semi – detached rural workers cottages, conversion of barn to short – term holiday lets with associated garages; extension of existing site office to provide kitchen facilities and erection of 2 agricultural barns. Approval subject to conditions and S106 agreement 2017.

R/58/65F Section 73 application to vary conditions 2, 14 and 15 of R/58/65C (Full planning permission for erection of extension to existing farmhouse with incorporation of adjoining barn into the domestic accommodation; erection of 2 semi – detached rural workers cottages, conversion of barn to short – term holiday lets with associated garages; extension of existing site office to provide kitchen facilities and erection of 2 agricultural barns). Conditional approval 2020.

Consultations

18. The comments of statutory and non-statutory consultees are summarized below:

Chief Technical Officer Richmondshire DC No comments received

Upper Dales division No comments received

Fire Officer - Richmondshire No observations at the planning application stage.

Clerk to Aysgarth & District PC The Parish Council agreed to support this plan subject to the following:

- Planning for two rural workers cottages only, one in each location at Howesyke and Kidstones Gill Bridge (therefore the two workers cottages approved under R/58/65C to be rescinded)
- Both planning permissions (R/58/65G and R/53/27J) subject to a S106 agreement
- No further extensions to the temporary accommodation at Kidstones Barn (R/53/27H), and its permanent removal from the site.

Trees & Woodlands The proposed development does not appear to impact any existing trees.

Highway Authority The visibility to both directions is obscured. At this location splays of x=2.4m and y=215m is required. A crossover in bound materials in accordance with the standard specification for a crossing of this nature is required.

Public Responses

Public responses received at the time of writing: 16

19. The application was advertised by site notice on 9th September 2023 and neighbours notified. There have been 15 objections. These are from eight separate households, and one from the Association of Rural Communities. The relevant objections are summarised:
    - No justification to house a worker at Kidstones Gill Bridge, this is not an independent farm
    - There is existing appropriate accommodation at Howesyke, which is not inconvenient for travelling between sites
    - The hydro system is operated remotely, maintenance is only needed weekly, and there is no wider community benefit from it.
    - Overdevelopment of a rural and beautiful area.
    - There is already a permission for houses at Howesyke, which is a more suitable location and this should be considered as a completely different and remote location.
    - The proposal is just to move the gamekeeper from a country Estate.
    - The gamekeeper travels between the two site frequently, and to other sites in the same ownership
    - Visual and landscape harm
    - Harm to biodiversity due to the gamekeepers chalet and hunting facilities
    - Permission would set a dangerous precedent for Bishopdale and the National Park
    - Access alterations require planning permission
    - The farming enterprise is run by a local farmer
    - The proposal will result in Howesyke being a holiday centre, the farmhouse can accommodate 18 guests
    - Bishopdale is becoming commercialised as a result of these developments
    - Light pollution and heavier traffic

20. A letter of support has been received from the suppliers of the hydro scheme, setting out the daily maintenance requirements for the plant. The Richmondshire Ramblers Association advise that adjacent footpaths should be kept clear and usable at all times.

Assessment

Key Issues:

- Principle of development
- Visual and landscape impact

- Nature Recovery
- Sustainability
- Parish Council comments
- Equality Act

Principle of development

21. Section 38(6) of the Planning and Compulsory Purchase Act 2004 places a duty on Local Planning Authorities to determine planning applications in accordance with the development plan unless there are material reasons to do otherwise. The development plan for this area is the adopted Yorkshire Dales Local Plan (the development plan). The most relevant policies are:

    SP2: National Park purposes
    SP3: Spatial strategy
    SP4: Development quality
    C3: Rural workers' housing
    W1: Wildlife sites, species and networks
    W2: Biodiversity enhancement

22. Policy SP2 sets out the statutory purpose of the National Park, of:
    a) Conserving and enhancing natural beauty, wildlife and cultural heritage;
    b) Promoting opportunities for the understanding and enjoyment of the special qualities of the National Park by the public.

23. Paragraph 182 of the National Planning Policy Framework (NPPF) (2023) makes clear that great weight should be given to conserving and enhancing the scenic and natural beauty in National Parks. The Levelling Up and Regeneration Act 2023 introduces a revised duty on relevant authorities to "seek to further the specified purposes of National Parks".

24. Paragraphs 83 & 84 of the NPPF promote sustainable development in rural areas by directing housing where it will enhance or maintain the vitality of rural communities and avoid the development of isolated homes in the countryside unless one or more prescribed circumstances apply. In this case, a) an essential need for a rural worker

25. Policies SP3 and C3 of the Local Plan only permit new residential accommodation in the open countryside where it can be demonstrated that:
    a. the functional needs of an essential rural-based enterprise requires that a full-time worker must live at that location,
    b. there are no other options such as another dwelling in the applicant's control, building conversion or sub-division,
    c. The enterprise will not have been instrumental in disposing of another dwelling in the preceding three years,

d. The dwelling will be within an existing building group,
e. The dwelling's size should be commensurate to the needs of the enterprise and justified by evidence.

a. *Existing functional need*

26. The independent agricultural consultant engaged by the Authority, has reviewed the work requirements of the estate, which is described at paragraphs 5 – 9 above. He has taken account of the fact that the functional need is much reduced because of the reliance on adjoining farmers providing livestock care. The conclusion is that there is still a significant functional need in relation to the game rearing enterprise, with intensity of need during periods or bird rearing and livestock birth. Also, that there is a need for a worker to live on site at Kidstones Gill Bridge, to deal quickly with emergencies in the interest of the wellbeing of animals, the efficient running of the holding, for overall security and as poaching deterrent.

27. The labour requirement at Kidstones Gill Bridge, he concludes, exceeds 1 full-time worker, and that the labour requirements across the entire estate are met by the existing 2 full-time gamekeepers in Bishopdale, and the part-time gamekeeper at Arncliffe & Hawkswick Moors.

b. *Other options, such as another available dwelling, subdivision or conversion.*

28. The above makes a strong case for a new dwelling at the application site, in respect of an essential functional need. The chalet is the only other available option at that location; however it is temporary, does not benefit from planning permission, and is unacceptable in landscape terms. There are no other dwellings or buildings suitable for conversion at the site. Taken alone, there is an essential need for a full-time worker to be resident at the application site, to meet half of the needs of the enterprise, and locationally, in terms of the work undertaken there.

29. In theory there is an alternative option to granting planning permission for this dwelling. That is, the extant planning approval for two dwellings at Howesyke. However, as there is a significant functional need for a dwelling at Kidstones Gill Bridge and the applicant has agreed to rescind the right to build the second dwelling at Howesyke, (subject to a S106 legal agreement), that alternative is not considered to be a suitable, or available option, subject to the timing of granting permission to coincide with the rescinding of rights.

c. *The enterprise will not have been instrumental in disposing of a dwelling the preceding 3 years.*

30. The applicant has not disposed of any buildings within the last 3 years that could have satisfied the now identified need.

d. *The dwelling will be located within or adjoining an existing group of buildings*

31. The proposed dwelling would be on land immediately adjoining the hard-surfaced yard, the mixed use agricultural shed, and would be served by the well-established access and track. It would be visually well-related to the existing site

e. *The dwelling's size should be commensurate to the needs of the rural enterprise.*

32. The proposed dwelling is large, providing 170 square metres of accommodation over two floors, but includes a farm utility/changing room, and an attached garage that are generally required for the rural work.

33. Local Plan Policy C3, para 4.25 notes that approval of new rural workers dwellings can lead to the sale of existing farmhouses, thus creating further pressure for additional essential worker housing. The Authority's normal practice therefore, is to tie existing houses on the estate as rural worker occupancy only. In this case, Crooksby is already a tied dwelling, and Howesyke farmhouse is established as a holiday let that is mainly associated with the shooting arm of the enterprise. For this reason, a legal agreement is recommended to ensure that the proposed dwelling at the application site cannot be sold or leased separately to the wider estate.

34. In summary, there is an established functional need for a permanent dwelling at the application site in accordance with policy C3 of the Local Plan. However, if Members are minded to approve, the timing of granting planning permission should coincide with the signing of the S106 agreement rescinding the right to build both approved dwellings at Howesyke.

Visual and landscape impact

35. The proposed dwelling would be sited on land in front of the existing hardstanding and cubicle building and on a slightly lower ground level. Its frontage would be prominent along the north to south approach along Bishopdale Lane for a distance of approximately 300 metres. From this vantage point it would also provide screening of the modern agricultural cubicle building, and any potential future proposed development on the hard-standing. A number of individual trees would be planted in front of the dwelling, to break up views towards it over time, and extensive existing planting around the site perimeter also helps to ground the development into a slowly maturing development site. In general, it would be viewed with a surrounding backdrop of hillside and woodland planting. Given its formal traditional farmhouse style with drystone boundary walling, it would be prominent from some

positions, but not out of place in the landscape. It would accord with policy SP4 of the Yorkshire Dales Local Plan, and the Yorkshire Dales Design Guide.

Nature recovery

36. The site lies within a wildlife corridor (woodland and watercourse), suitable for species such as bats and otters that are sensitive to the introduction of artificial light. Any external lighting would therefore need to be carefully controlled and a condition would be required to restrict this if planning permission were given. The house itself would be sited on agriculturally-improved ground that is likely to be species poor, and of limited value for wildlife. The proposal includes a landscaping scheme of native trees and hedgerow, and the house would incorporate three built in bat boxes or sparrow terraces (to be required by condition if permission were granted). The proposal is considered to be in accordance with policies W1 and W2 of the Yorkshire Dales Local Plan.

Highway safety

37. The proposed dwelling would be sited off the existing access track that leads from the hardstanding to the main Bishopdale road. This splayed access was created from a former standard field access as part of application R/53/27 (2014), and modified as part of a later permission R/53/27F (2020). In both these applications the Highway Authority raised no objections to the splay in its current form.

38. The application proposal is identical to the previous applications in respect of the access. In this latest application however, the Highway Authority has now commented that visibility splays of x=2.4 metres and y=215 metres are required.

39. The access is well-established, serving a working rural enterprise and there would be no intensification of its use, as the dwelling would replace the existing chalet. The lane is single track and narrow, such that traffic speeds are low in the vicinity of the site. It is considered that the access in its current form is acceptable having regard to highway safety, however if permission were granted this should be subject to conditions requiring the first 10 metres to a sealed surface, and a surface water drainage scheme to be installed. The proposal is considered to comply with policy SP4 of the Local Plan.

Parish Council comments

40. The Parish Council support the proposal subject to the provision of two rural workers cottages only, (one at Howesyke and one at Kidstone Gill Bridge), a S106 agreement, and the permanent removal of the temporary accommodation at Kidstones (R/53/27H).

41. This is as per Officer recommendation.

Equality Act

42. The Authority has a duty under s.149 of the Equality Act 2010 to have regard to the need to eliminate discrimination and advance equality of opportunity between persons who share a relevant characteristic and persons who do not share it. The relevant characteristics are: age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex and sexual orientation.

43. It is considered that there are no overt reasons why this proposal would affect anyone with the protected characteristics such that the application should be permitted or refused on equality grounds.

Conclusion

44. Policy C3 aims to prevent avoidable house building outside of settlements but allows dwellings for rural based workers where there is a demonstrable functional need for the dwelling. There is a functional need to locate a dwelling at the application site.

45. The application is in effect, the re-location of a second dwelling that already has consent, to a site that is a well-established centre of operations. It is also considered to be acceptable in visual impact terms. It is recommended that as well as being restricted to occupation by a rural worker only, a S106 legal agreement is also secured preventing the dwelling from being sold or leased separately from the wider estate.

46. Timing of granting planning permission is critical to ensure that it coincides with the completion of the legal agreement rescinding the right to build the dwellings approved under R/58/65C (the 2017 permission). For this reason, the recommendation is to delegate authority to the Head of Development Management to approve, subject to conditions.

Recommendation

47. It is recommended that authority be delegated to the Head of Development Management to approve, subject to a S106 agreement tying the dwelling to the estate, and conditions based on the following:

- Three years to implement the permission
- To be built in accordance with the approved plans and details
- Dwelling to be occupied only by an agricultural/estate worker
- Unauthorised chalet to be removed within one month of first occupation
- Permitted development rights removed
- Lighting scheme to be agreed
- Hard and soft landscaping details to be agreed
- Materials/details/samples to be agreed
- Access to be sealed surface for first 10 metres measured from carriageway edge prior to construction of the dwelling
- Scheme of biodiversity enhancements required
- Dwelling to be powered by the hydro-electricity plant so far as is reasonably practicable

Yorkshire Dales National Park Authority

Committee: Planning

Date: 26 November 2024

Applicant: Mr A Knowles

Parish: Crosby Ravensworth

Officer: Emma Heron

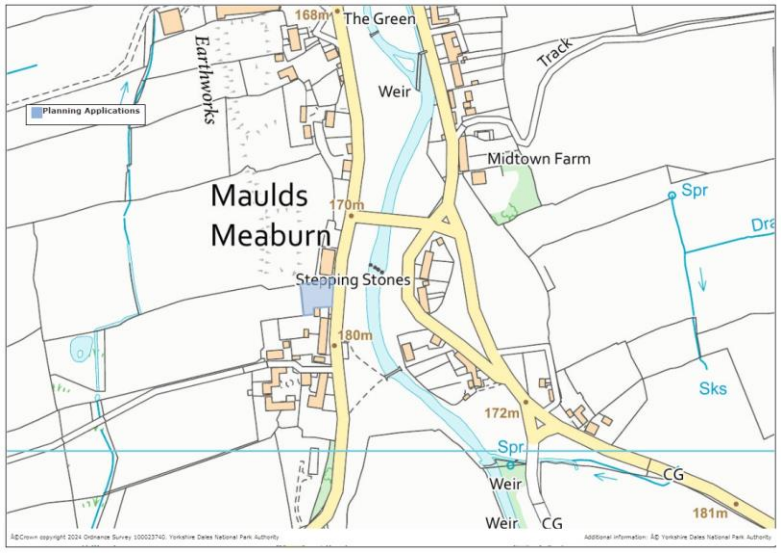
Application No: E/03/41A

Site Address: Land south of the Village Hall, Maulds Meaburn, Penrith, CA10 3HN

Proposal: Full planning permission for erection of three dwellings including associated car parking and access

Purpose of Report

1. That Members delegate authority to the Head of Development Management to APPROVE planning permission for the above development in accordance with the recommendations below.



Reason For Committee Consideration

2. This application is reported to Committee for the following reason: the Parish Council recommendation is contrary to the decision which the Head of Development Management proposes to take.

Application Site

3. The application site is a former agricultural field, close to the centre of Maulds Meaburn, abutting the edge of the roadside between the Village Institute and the dwelling, The Barn. The site is enclosed by a drystone wall, it has been extensively excavated and is enclosed to the front by temporary fencing. The site is within the Conservation Area and the back of the site adjoins the southern edge of a Scheduled Monument.

Proposal

4. Full planning permission for erection of three dwellings including associated car parking and access. The proposed dwellings would form a terrace of 3 two-storey properties including 1 larger 3 bedroom dwelling and 2 smaller 2 bedroomed dwellings. Vehicular access would be provided to the south of the site with a single access road leading to a parking area at the rear of the site, for seven vehicles, including a visitor space.

5. The dwellings would have a simple traditional design. There would be a step in height between the larger house and the two smaller dwellings, to take account of the land slope. This step also serves to add interest to the building group and allows for a change in design between the two house types.

6. The proposal is substantively the same as an application that was granted by the Planning Committee on 8th October 2019 (E/03/41), which concerned the reserved matters to an outline approval granted in 2016 (S/2016/460). The land was excavated, however not all time-sensitive conditions had been formally discharged, and as such the planning permission lapsed.

Relevant Planning History

7. The following applications are relevant:

   S/2016/460 Outline permission for 3no. dwellings and associated access and parking. Approved conditional – 22.9.2016.

E/03/41 Approval of reserved matters following outline planning permission S/2016/460, for the erection of 3no. dwelling and associated access and parking.

Consultations

8. The comments of statutory and non-statutory consultees are summarized below:

Fire Officer – Eden No comments received

Lead Local Flood Authority The development is below the threshold for comment. Surface water discharge rate should not be greater than existing and if installing a soakaway, we advise it is not situated within 5 metres of the highway or property.

Highways - Vislibility splays are required providing clear visibility in each direction of 60 metres in each direction measured 2.4metres back from the edge of the highway. The visbility splays must be constructed from the site of the proposed new access. If these splays cannot be acheived, a speed survey is recommended, which may evidence a reduction in the splays required.

Crosby Ravensworth PC Objection for the following reasons:

The Parish Council is supportive of housing and to that end would have expected an affordable element or as a minimum that the planners insist on Local Occupancy and the homes be used as primary residences. The Parish Council is concerned that the development of 3 very small houses may result in them ending up as second homes or holiday lets.

The site has been an eyesore within the Maulds Meaburn Conservation Area for years since the original archaoelogical investigation works were completed. The Parish Council seeks some surety that following planning approval the development will progress at an appropriate speed.

Parking and access arrangements:
The Parish Council has numerous issues with the current arrangements and are of the clear opinion that they are totally unsuitable. This is the result of trying to shoehorn three houses into a plot which in reality is only big enough for two houses.

The gradient on the access road and parking areas at 1:8 and 1:12 respectively (indicative section and streetscene) will be a challenge for some drivers. This access arrangement will simply not be used during winter months when there is any frost, ice or snow. This will become a major safety risk in winter not just for homeowners but also passing traffic on the main road. There is also an inconsistency with gradients as another of the drawings show the gradients as all 1:12.

Residents will either have to reverse into the parking spaces up the 1:8 access road or carry out a tight 3-point turn at the top and reverse into ‘Mini’ sized parkign spaces some at right angles to the access. Reversing will again be up a significant grandient. Although the turning circles on the Vehicle Tracking drawing indicate achievability this is reliant on residents parking perfectly in an allocated parking space.

The parking spaces when scaled off the drawings appear to be the minimum size making them unsuitable for large cars, 4 x 4s and any type of van.

Having parked in the allocated parking residents will then have to walk down the steep gradient footpaths to their respective housing. A particular issue for no’s 2 and 3, further from the parking.

Residents will in all likelihood park on the main road in front of their houses, offload shopping, push chairs, children. This will be hazardous as speeds of vehicles on this length of road were the main reason Crosby Ravensworth Parish Council was seeking a 20mph limit with Westmorland and Furness Council.

Surface water drainage:
The attenuation tank system appears well-designed however. There is no detail regarding the surface water outlet other than it connects to an existing drain. Where and what does it connect to and where is the outfall?

The access road is constructed using ‘permeable paving’ which given the engineers reports states that soakaways are unsuitable due to ground conditions, this appears pointless.

Water running down the access road and parking area to be captured by an Aco drain below the parking areas and a drainage channel. In both cases maintenance will become an issue with no clear responsibility. The result will be excess surface water draining onto and down the main road creating a particular problem in winter.

There is no indication on the plans for any cut-off drainage behind the retaining walls. This is a particular issue with the rear field boundary retaining wall where groundwater will be directed downhill towards the back of the adjoining property; Maulds Meaburn Village Institute.

Local residents have reported a spring present in the centre of the site during winter months. This needs to be addressed in the drainage design.

Nutrient Neutrality Assessment:
The report proposes removal of a functioning septic tank at Hill Top Farm. Following dialogue, it would appear that this information is incorrect, and the proposal is now to improve the septic tank arrangements at Low Row Farm in Crosby Ravensworth. If the Neutrality Assessment is to be considered, then the calculations will need revised for the changed solution and location.

Storage:
Given the size of the planned houses, significant garden gradients and limited level space at the rear of the properties, there is no space for outside storage, a shed. Some of the resident parking spaces will potentially become shed locations with cars relocated to the main road.

Conclusion:
Most of the above issues could be addressed by reducing the development to 2 houses with parking provided at either end of the site.

Chief Env. Health Officer Eden CEHO Supported subject to a condition restricting the hours of construction and site deliveries to:
Monday to Friday 7:30 – 18:00
Saturday 08:00 – 13:00
No works will be carried out on Sunday or Bank Holidays without prior council authority approval.

Wildlife Conservation Officer The submitted BNG documents meet the requirements at this stage with off-site BNG units being purchased.

Natural England The site is within the River Eden Special Area of Conservation (SAC) Nutrient Neutrality Catchment. Mitigation measures need to be appropriately located to ensure that any increase from the development is avoided within the European site. The mitigation measure will need to be upstream of the location where the development site runoff and/or wastewater input will have its effect on the European site (in this case, at Appleby WWTW). This means if the discharge/run off is direct to (i.e., within) the European site the measures will need to be upstream of this location. If the discharge is indirect i.e., upstream in the catchment of the European site, then the mitigation measures can be up or downstream within the catchment, as long as will provide the offsetting before the point at which the development impacts the European site.

The location of the proposed PTP upgrade at Rising Sun Caravan Park is downstream of where the discharge from the development will discharge to the River Eden SAC at Appleby WWTW. This means that the mitigation proposed is unsuitable and an alternative approach should be taken. The mitigation proposed will need to be upstream of Appleby WWTW.

Historic Environment Team The archaeological contractors who undertook the original field evaluation of this site have completed all the field work and post-excavation reporting. All that remains to be done is for the archive from the site to be deposited with a museum. This can be secured by planning condition.

United Utilities Water Ltd The drainage plans should ahdere to the drainage hierarchy for new devlopments as outlined in the NPPF and NPPG. It is also the applicants responsibility to investigate whether pipelines might cross oe impact the proposed site.

Historic England The application lies in an area of high archaeoligcal and heritage sensitivity, immediately adjacent to the Maulds Meaburn medieval settlement scheduled monument, and within the Maulds Meaburn Conservation Area. The NPPF requirement should be followed in assessing the application. No objection on heritage grounds.

Public Responses

Public responses received at the time of writing: 3

9. The application was advertised by site notice on 11th July 2024. Three objections have been received, two of these from the Village Hall Committee. The following points were raised:
    - Lack of social housing;
    - Increase in roadside parking including across front of village hall
    - EV charging should be planned for
    - Impractical on-site parking arrangements
    - Concern that new residents would resent activities / parking associated with the village hall
    - Surface water run-off and groundwater diversion concerns
    - The site should be 2 houses, not 3.
    - The development should be completed within 1 year. The site has been left in a dangerous state, as it is.

Assessment

Key Issues**:**

- Planning Policy
- Visual Impact
- Heritage
- Neighbour amenity
- Highway safety and parking
- Nature Recovery
- Sustainability
- Parish Council comments
- Equality Act

Planning Policy

10. Section 38(6) of the Planning and Compulsory Purchase Act 2004 places a duty on Local Planning Authorities to determine planning applications in accordance with the

development plan unless there are material reasons to do otherwise. The most relevant policies of the Eden local Plan (2014-2032) are;

LS1 Locational strategy
HS2 Housing in smaller villages and hamlets
ENV10 The historic environment
DEV1 General approach to new development
DEV5 Design of new development

11. The Eden Local Plan (2014-2032) is the relevant policy document. Policy LS1 identifies Maulds Meaburn as a smaller village or hamlet. Here, development of an appropriate scale, which reflects the existing built form of the settlement, adjoining and neighbouring development to the site, and the service function of the settlement, will be permitted.

12. Policy HS2 permits infill and rounding off of the settlement pattern. With infill greenfield sites such as this one, all houses would be restricted to local occupancy in accordance with the Eden Local Plan criteria. Furthermore, dwellings would be restricted to a maximum of 150 square metres.

13. The proposal is infill development for Local Occupancy restricted housing within a small village and is therefore acceptable in principle.

Visual Impact

14. Policy DEV5 requires all new development to be of a high quality design, which reflects local distinctiveness. The site is visually prominent being located on the main road through the village and next to the Village Hall. The proposed dwellings would form a terrace of 3 properties that would face towards the public highway and would be level with the front elevations of the existing buildings to either side of the site. The properties would be set back a small distance from the road edge with front gardens enclosed by drystone walls. They would have a traditional appearance with a good solid to void ratio. They would be constructed of stone under a slate roof. There would be a step between the larger property and the two smaller properties to take account of the gradient of the land, and this also provides architectural interest to the design. The rear of the properties would not be publicly visible due to the rising land behind the buildings.

15. Parking is to the rear, via a private drive to a communal parking area. This is considered visually preferable to private drives for each of the properties, as private drives would give the development a more suburban appearance.

16. The design and layout is considered to integrate well with the character of the area in accordance with policy DEV5. The design was secured through negotiations with Planning Officers during the course of the 2019 reserved matters planning application.

Heritage

17. The site is within the Maulds Meaburn Conservation Area. Section 72 of the Town and Country Planning (Listed Buildings & Conservation Areas) Act 1990 requires Local Planning Authorities to have special regard to the desirability of preserving or enhancing the character or appearance of conservation area. Likewise, policy ENV10 of the Eden Local Plan (2014-2032), requires all proposals to conserve and where appropriate, enhance the significance of all heritage assets and their setting.

18. The site is visually prominent within the Conservation Area and will affect views within this designated heritage asset. The character of the Conservation Area is predominantly made up of terraced cottages and occasional larger detached farmhouses. The terrace of 3, 2 storey dwellings would therefore be reflective of the character and appearance of the area. The access road would also be visible due to its sloping nature and as such the surfacing choice must be appropriate to the rural setting of the site. This can be secured by planning condition. Overall, the proposal will preserve the character and appearance of the conservation area.

19. The site is adjacent to the earthwork remains of the medieval development of the village. This is also a designated heritage asset. Due to the consequential sensitivity of the site in archaeological terms, archaeological work was undertaken at the site, following the grant of the previous planning permissions. This was recorded in an appropriate manner to the satisfaction of the Senior Historic Environment Officer, and a condition is recommended requiring the deposit of the finished report in a museum.

20. Having regard to the requirements of the aforementioned Act, policy ENV10, and the advice within the National Planning Policy Framework, the proposal amounts to less than substantial harm to the significance of the heritage assets. The public benefits amount to the additional housing within the village secured for local occupancy, and the greater understanding of the archaeological significance of this part of the village.

Neighbour amenity

21. The terrace fronts the lane and is in line with the Village Hall to the north, and the dwelling to the south. There are no windows in the gable elevation facing the dwelling to the south, and there will be no overbearing or overshadowing issues due to the separation distances involved. A small window serving a w.c. would be on the ground floor facing north, however this is towards the Village Hall. The village hall has first floor high level windows facing towards the site, and ground floor windows set down behind a retaining wall. There are no overlooking issues.

22. A large parking area and double garage serving the dwelling to the south, provides a buffer between the application site and the existing dwelling. Parking spaces would

face towards the dwelling's rear garden, but lights from cars would not shine into the house due to the position of the double garage. For these reasons the activities associated with parking and turning would not cause undue disturbance to the neighbouring properties. The proposal accords with policy DEV5 of the Eden local Plan in this regard.

Highway safety and parking

23. The number of parking spaces is considered to be sufficient for a development of this scale, and it would be difficult to accommodate further spaces due to the topography of the land. A swept path analysis plan has been submitted that demonstrates that the average (rather than large), domestic car can manoeuvre and park within the site. It is acknowledged that the parking spaces are the minimum necessary, and the access driveway is steep, however at a gradient of 1:12, it is also manageable. There are also no parking restrictions on the main road in front of the application site and the road is wide enough for vehicles to pass any cars parking in this location. There is insufficient reason to refusal the proposal on the grounds of access and parking.

24. The Highway Authority has provided a standard response relating to the requirement for visibility of 60 metres in both directions along the highway. The Visibility Splay drawing appears to demonstrate that the required splay is achievable. It is also noted that with the near identical outline and reserved matters approval, the Highway Authority had no objections.

Sustainability

25. The proposal includes a drainage strategy, designed by Tweddell & Slater ltd. The design adheres to the hierarchy of where surface water should be discharged (the NPPF requirement). The site is unsuitable for soakaways, and instead the proposal is for an attenuation tank with a controlled flow via a hydrobrake to the public sewer. Foul discharge would connect to the existing combined sewer within Crosby Ravensworth road. The proposed drainage strategy is acceptable, and full details will be required by condition of planning permission.

26. The proposal includes provision for air source heat pumps on each dwelling. These would be located to the rear, and well away from the boundary with the existing neighbouring property to the south. Full details of the specification and siting will be required by condition of planning permission.

Nature Recovery

27. The proposal meets Biodiversity Net Gain (BNG) requirements through the purchase of off-site BNG units from a habitat bank provider, as there is insufficient space within the development to provide BNG on-site. Providing this is secured through purchase of credits with an already registered provider of biodiversity gains, this can be secured through planning condition. Otherwise, a legal agreement is required to secure a Habitat Management and Monitoring Plan and Biodiversity Net Gain Plan.

28. The site is within the River Eden Special Area of Conservation (SAC), Nutrient Neutrality catchment. As such any development that includes overnight accommodation must demonstrate that it is Nutrient Neutral and is subject to scrutiny under the Habitats Regulations. The development has been calculated as generating a positive load of 0.73 kg/TP per year, (with wastewater treated at Appleby treatment works). As it would be nutrient positive, mitigation is required.

29. The applicant's strategy is to secure the upgrade of a poor quality foul treatment system off-site, to offset the impacts of this development on the SAC. In order for this to be an appropriate solution, the upgrade site needs to be upstream of Appleby treatment works. The off-site improvements can be secured by way of a section 106 planning agreement. This approach has been used elsewhere in the Eden catchment with the agreement of Natural England.

30. At the time of writing this report, the applicant has yet to secure an appropriate mitigation site. Whilst this is a surmountable technical issue, it is not possible for planning permission to be granted until this has been fully resolved and secured by way of a legal agreement.

Parish Council Comments

31. The Parish Council's comments are set out within the Consultations section of this report. In response:
    - It is confirmed that the houses will be Local Occupancy so will not be holiday lets or second homes. There is no policy basis for requiring the development to include affordable housing.
    - It is not possible for Officers to compel the applicant to progress the development at pace. Legislation requires decision notices to include a timescale for commencement only, not for completion.
    - Concerns in relation to parking and access arrangements have been addressed in the 'Highway Safety and Parking' section of the report. It is also noted that the arrangements are consistent with the previously approved (but no longer extant), outline and reserved matters scheme.
    - In relation to drainage, the proposal is a strategy at this stage of the application process. Full drainage details, including dealing with the presence of any spring, would be required by condition of any planning permission.

- Maintenance of the Aco drain can be secured by condition of planning permission.
- A condition of planning permission would ensure that the parking spaces are kept available for their intended purpose at all times.

Equality Act

32. The Authority has a duty under s.149 of the Equality Act 2010 to have regard to the need to eliminate discrimination and advance equality of opportunity between persons who share a relevant characteristic and persons who do not share it. The relevant characteristics are: age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex and sexual orientation.

33. It is considered that there are no overt reasons why this proposal would affect anyone with the protected characteristics such that the application should be permitted or refused on equality grounds.

Conclusion

34. The proposal provides three local occupancy dwellings in a manner that would not harm the character and appearance of the Maulds Meaburn Conservation Area. The access and parking arrangements are acceptable and there are no neighbour amenity issues. Renewable energy credentials and ecological enhancements can be secured through conditions. 10% Biodiversity Net Gain has been demonstrated through off-site provision.

35. As Nutrient Neutrality mitigation has not yet been secured, but is a surmountable issue, the recommendation is to delegate authority to the Head of Development Management, subject to this being resolved.

Recommendation

36. It is recommended that delegated authority be granted to the Head of Development Management to approve planning permission, subject to the securing of an appropriate Nutrient Neutrality scheme, AND

    subject to a S016 Legal Agreement securing:
    - the dwellings for Local Occupancy,
    - securing the Nutrient Neutrality upgrade and long-term maintenance of a Package Treatment Plant at a specified location,
    - the Biodiversity Net Gain units purchase (where necessary),

- the re-siting of a telegraph pole to ensure all parking spaces and manoeuvring areas are usable, AND

conditions including the following:

- Three years to implement
- Adherence to approved plans and reports
- Evidence of deposit of archaeological report to a museum, prior to occupation
- Construction Environment Management Plan
- Hours of construction and deliveries
- Full drainage details, (including treatment of any natural spring), including long-term maintenance
- External materials details (walls, roofs, chimneys, gates, handrails, boundary walling)
- Scheme of air source heat pumps, in accordance with indicative plan
- Timber window frames and doors, recessed
- Approval of surfacing materials for access road, parking, frontage paths
- Landscaping scheme
- BNG condition
- Scheme of bat and bird boxes
- External lighting details
- Conservation rooflights
- Parking and turning spaces to be kept clear and available for use at all times
- Removal of permitted development rights