Yorkshire Dales National Park Authority

Committee: Planning

Date: 26 November 2024

Applicant: Mr A Knowles

Parish: Crosby Ravensworth

Officer: Emma Heron

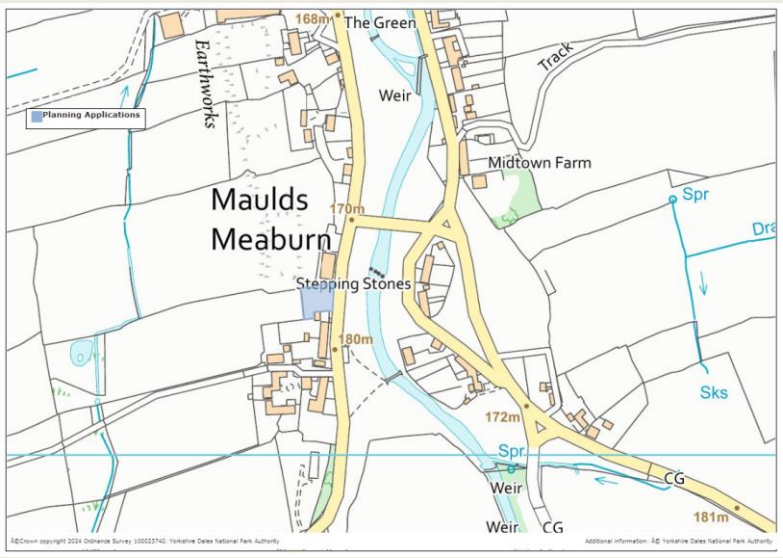
Application No: E/03/41A

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