YORKSHIRE DALES NATIONAL PARK AUTHORITY

Committee: Planning

Date: 23 April 2024

Applicant: Mr G Kipling

Parish: Asby

Officer: Matthew Lappin

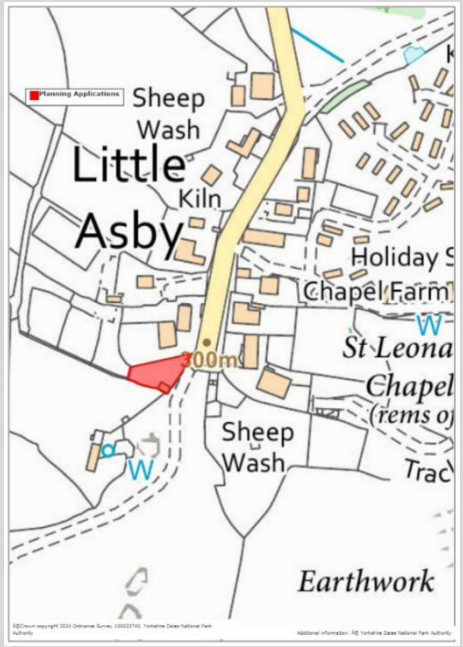
Application No: E/01/59

Site Address: Stackyard Field, Adjacent Sunny Garth, Little Asby, Cumbria, CA16 6QE

Proposal: Outline planning permission with some matters reserved in respect of erection of a single storey dwelling, together with installation of a package sewage treatment plant

Purpose Of Report

1. That Members APPROVE outline 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 located on the edge of the village of Little Asby. It comprises a paddock which is broadly triangular in shape with boundaries defined by dry stone walls. The site is accessed via an existing field gate. There is a small, traditionally constructed former slaughterhouse on the southern corner of the site which is proposed to be retained. The site slopes away from the lane from east to west.

4. To the north of the of the site is an existing dwelling, Sunny Garth, and the east and part of the south of the site is Little Asby Common/Scar part of which is also a Site of Special Scientific Interest (SSSI . Across the lane to the east of the site are two further dwellings, Barn House and Fell View. To the west of the site is open fields and countryside.

5. There is a mature tree close to the application approximately 7 metres from the north west boundary of the site. The canopy of the tree does not extend into the site. In addition there is an overhead electricity line running adjacent to the south eastern corner of the site.

Proposal

6. Outline planning permission is sought for a single storey dwelling on the site, with some matters reserved, together with installation of a package sewage treatment plant. The means of access to the site and the site layout are included for consideration as part of the outline application with appearance, scale and landscaping being reserved.

7. The proposed dwelling is located centrally and approximately 1.3 metres from the northern boundary of the site. The footprint of the dwelling measures 12 metres by 8 metres which is 96 square metres in size. Pedestrian and vehicular access is from the existing field gate to the east with parking and turning at the eastern side of the site. Garden space is proposed to the south and west of the site, with the package treatment plant located to the northwest corner of the site.

Relevant Planning History

8. There is no planning history of relevance to the site.

Consultations

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

Asby Parish Council "There is no evidence of any local need for additional housing. The proposal is outside the settlement in agricultural land and thus does not constitute 'infill' or 'rounding off'. The proposal being a dormer bungalow does not reflect the existing built form of the traditional settlement and is essentially suburban in nature. It is in close proximity to the neighbouring dwelling and would

overlook the facing bedroom window. There is no detail as to the outfall from the sewage treatment plant and how this would comply with the nutrient neutrality requirement in the Eden catchment.

If, however, the authority is minded to approve the application, the parish council requests a local occupancy condition be attached to an approval"

Wildlife Conservation Officer No comments received.

Chief Environmental Health Officer CEHO no objections subject to suitable percolation tests for proposed drainage.

United Utilities Water Ltd advice to the applicant on connection to existing utilities.

Building Control No comments.

Highways and LLFA no objection subject to condition on surfacing and the gateway.This is a minor development which is below the Lead Local Flood Authority (LLFA) threshold for comment. As such the drainage arrangements for this development are to be inspected by Building Control.

Historic Environment Team This application involves a potentially archaeologically sensitive site. Recommend that the development of the site be archaeological monitored during the initial ground preparation, the excavations for the sewage treatment plant and any other related ground disturbance, secured by planning condition.

Natural England The application is within a Nutrient Neutrality catchment and therefore the application needs to either show the proposed drainage field meets the attached criteria in Annex F or if not then a Nutrient Budget calculator needs to be completed and alternative mitigation provided for the amount of phosphorus resulting from the proposal.

[No further comments received following submission of nutrient neutrality calculator, HRA or proposed mitigation.]

Public Responses

Public responses received at the time of writing: 4

10. The application was advertised by site notice which expired on 05.08.2023. Four public responses have been received objecting to the application proposals which may be summarised as follows:

- Strong objection to any drainage being diverted or dealt with outside the application site.
- Concern that underlying limestone geology may make construction extremely problematic.

- No archaeological exploration is included as part of the application proposals.
- There is no published evidence to support the need for additional housing in the village.
- If there is any need it is for low cost affordable housing for local occupancy
- Asby Parish Council strongly object to the proposal and have also objected to previous housing proposals in the village
- Excavation works for the package treatment plant may damage the root system of a large, mature tree adjoining the site
- Inadequate information to assess design, materials and appearance of the proposals
- Proposals could cause overlooking and overshadowing of the adjoining dwelling (Sunny Garth)
- Site adjoins Little Asby common, a SSSI, but no assessment of impact is included as part of the application
- Concern that there is no evidence that current service providers can adequately supply another property without a negative impact on existing
- No detail about the sewage plant and machinery and any noise or fumes that would entail
- Water runoff from the site would also be straight into the properties immediately downhill with no information as to how this would be mitigated
- Impact that another property would have on the amenities of the hamlet of Little Asby. Site is beyond the bounds of Little Asby on a fell which will affect the natural environment of ground and sky line
- Little Asby is a single track cul de sac and further traffic would create noise and danger to the domestic animals that are around.

Assessment

Key Issues:

- Principle of Development
- Design and Visual Impact
- Access and Parking
- Archaeology
- Nutrient Neutrality and Services
- Sustainability and Nature Recovery
- Parish Council comments
- Equality Act

Principle Of Development

11. 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) (the development plan) are:

LS1:	Locational Strategy
HS2:	Housing in the Smaller Villages and Hamlets
ENV10:	The Historic Environment
DEV1:	General Approach to New Development
DEV5:	Design of New Development

12. Policy LS1 sets out the location strategy for the siting of new development including a hierarchy of settlements. The policy categorises Little Asby as a smaller village and hamlet where modest infilling and rounding off of settlement edges to accommodate development will be acceptable.

13. Policy HS2 supports new housing development of an appropriate scale that reflects the built form of adjoining and neighbouring development to the site where it is restricted to infilling and rounding off of the current village settlement pattern, in accordance with Policy LS1, does not result in a dwelling that is more than 150m2 gross internal floorspace, and in the case of greenfield sites is subject to a legal agreement restricting occupancy to only those meeting local connection criteria, as defined in Appendix 6 of the Local Plan.

14. The Local Plan states that rounding off ‘provides a modest extension beyond the limit of the settlement to a logical, defensible boundary’. The application site is an enclosed paddock. It is well defined by dry-stone walling and on the edge of the settlement. The edge of the settlement is further defined by a former slaughter house building to the south east corner of the application site. Beyond this to the south and west is open countryside including the Little Asby Common/Scar. The site is bounded to the north by houses, and there are also dwellings to the east of the site across the lane and the Common.

15. Given the clearly defined boundaries it is considered that the application site can be considered as rounding off the settlement in accordance with the requirements of policy LS1 and HS2 of the Local Plan. As such residential development would be acceptable in principle subject to the consideration of the detail design of the dwelling, landscape planting and scale as part of subsequent reserved matters, its design. The site layout shows the proposed dwelling as having a footprint of 96 square metres which is within the size allowed for by local plan policy.

16. The application site is a paddock and is therefore considered as a green field site. A section 106 agreement is required restricting future occupancy in accordance with policy HS2 and the local occupancy criteria defined in Appendix 6 of the Eden Local Plan.

Design And Visual Impact

17. Policy DEV5 requires development proposals to be of a high design quality, reflecting local distinctiveness, and protecting the amenity of existing residents and future occupiers. The outline application means that details of the appearance and proposed materials are reserved for future consideration.

18. Amendments have been sought to the description of development so that a single storey dwelling is proposed on the site instead of a dormer bungalow. A dormer bungalow is not a traditional vernacular building type within the National Park whereas a modest and simply designed single storey design using traditional materials such as coursed stone and stone slates would be more appropriate.

19. The siting of the proposed dwelling is just over 1 metre from the boundary with the adjoining house, Sunny Garth. The distance between the existing and the proposed dwelling would be approximately 8 metres. The siting of the proposed dwelling is central along the boundary with a detched garage in Sunny Garth flanking part of the proposed dwelling.

20. There are limited window openings fronting onto the development site from Sunny Garth, and consideration of the subsequent reserved matters application can ensure that there are no principal habitable room windows that would overlook the boundary with Sunny Garth. The pattern of development within Little Asby comprises a range of traditionally constructed dwellings generally overlooking the lane running through the village. Dry stone walls with generous landscape planting contribute to an attractive and informal grouping. These qualities will also need to be demonstrated as part of the design consideration of the subsequent reserved matters application.

21. It is noted that the existing small, former agricultural building again of traditoinal stone construction at the corner of the application site, and the exitsing dry stone walls that define the boundaries of the site are proposed to be retained.

Access And Parking

22. Access to the site is proposed via an existing field gate from the lane that runs through the village. Parking for two cars and a turning area can be accommodated within the application site. The highway authority propose conditions relating to surfacing materials and an inward opening gate. Access and parking provision is therefore considered to be acceptable.

Archaeology

23. Policy ENV10 recognises the importance of recording and preserving archaeological assets. The application site is within the core of the small and historic village of Little Asby and is therefore potentially archaeologically sensitive.

24. The historic environment team note that the antiquity of the village is reflected in the surrounding field patterns in which the surviving stone walls reflect former medieval strip field agriculture. At the southern end of the village, c. 150m to the east of the proposed application site, is a field barn which is of 17th century origin (YDNP HER MYD 65249). A further 50 m beyond this structure are the Scheduled earthwork remains of the site of St Leonards Chapel. Archival records indicate that this was a chantry chapel which was in existence in 1292.

25. Early maps which depict the village in any detail (the earliest being the tithe map of 1844) do not show any features or buildings on the proposed development site. The existing out- building on the southern boundary of the site does not appear on any O.S. maps dating from the late 19th century. On the basis of the style and materials used in the structure it was probably built in the early 20th century.

26. Taking the above detail in to account, it is considered that there is potential for the survival of sub-surface archaeological remains on the application site. These are likely to be associated with early agricultural practices, remains related to the medieval chantry chapel, or, as there are extensive prehistoric remains on Little Asby Scar to the south and west of the village, possible prehistoric remains.

27. It is recommended that in accordance with policy ENV10 therefore that the development of the site be monitored with findings recorded during the initial ground preparation, the excavations for the sewage treatment plant and any other related ground disturbance. A planning condition can secure the necessary works.

Nutrient Neutrality and Services

28. The application site lies within the River Eden nutrient neutrality catchment area. In such locations, nutrient neutrality is a means of ensuring that a development plan or project does not add to existing nutrient burdens within catchments, so there is no net increase in nutrients as a result of the plan or project. Where neutrality measures are needed, the purpose of these mitigation measures is to avoid impacts to the designated sites, rather than compensating for the impacts once they have occurred.

29. A Natural England budget calculator has been submitted with the application proposals. It concludes that the resulting nutrient excess from the proposed dwelling would be 0.21 kg/TP per year. In order to mitigate this it is proposed to plant five apple trees within the site which each mitigate 0.05 kg/TP per year, a total of 0.25 kg/TP per year. The planting of the trees and subsequent maintenance and replacement where necessary can be secured by planning condition. Natural England have been consulted on the proposed mitigation and have made no comments.

30. In terms of services a package treatment is proposed to be located wholly within the application site, together with the nutrient neutrality mitigation. The Environmental Health Officer has no objection to the proposed package treatment plant but recommends that percolation testing is undertaken which can be secured by condition together with details of surface water drainage measures.

31. Mains water is available in Little Asby. United Utilities have been consulted and have no objection provided information to the applicant on construction in connection with existing mains supply and information on securing a new connection.

Sustainability And Nature Recovery

32. The application proposals are outline at the moment and as such appearance, landscape planting and scale will be considered at reserved matters stage. It is noted that the dwelling will be south facing with opportunities for the installation of solar panels. This can be explored as part of the detail design of the proposed dwelling.

33. In terms of nature recovery, the site layout shows the proposed dwelling to be located towards the centre of the northern site boundary well away from the mature tree located approximately 7 metres from the north west corner of the boundary. In addition, the location of the package treatment plan is also 8 metres distant from the tree and outside the extent of the canopy. As such it is not considered that the proposed development would have any impact on the tree.

34. The site layout also shows a mix of native planting to be provided within the application site This will help enhance biodiversity and can be secured by planning condition.

Parish Council Comments

35. The points raised by Asby Parish Council (see above) have been addressed in the preceding sections. The Council requests that if approved a local occupancy restriction is applied. The applicants have agreed to a S106 agreement to secure the occupancy restrictions required by the local plan policy.

Equality Act

36. 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.

37. 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

38. The principal of residential development at the application site is acceptable having regard to the requirements of policy LS1 and HS2 of the Local Plan. Satisfactory access can be achieved. All siting and design matters are reserved, but it is considered that an acceptable, high quality design solution should be achievable in accordance with policy DEV5 and HS2 of the Local Plan. The application proposals are therefore acceptable in accordance with the policy requirements of the adopted Eden Local Plan (2014-2032).

Recommendation

39. It is recommended that permission is GRANTED subject to a section 106 planning agreement securing local occupancy of the dwelling: and conditions including the following:

- Time limit
- Submission of reserved matters
- Plans
- Landscape planting scheme
- Removal of permitted development
- Control of lighting
- Biodiversity enhancement
- Highway access
- Nutrient neutrality mitigation
- Drainage details
- Archaeological recording