

## **Neighbourhood Planning (General) Regulations 2012**

### **UPPER EDEN NEIGHBOURHOOD AREA**

**Kirkby Stephen Town Council as Qualifying Body**

### **NEIGHBOURHOOD DEVELOPMENT ORDER**

**Reinstatement of Carr House and construction of an extension to form 4 bedroom offgrid dwelling for holiday letting or local occupancy housing, Carr House, Mallerstang, Kirkby Stephen, CA17 4JT.**

Subject to the following conditions:

1. The development permitted shall be begun before the expiration of three years from the date of this order.

*Reason: to comply with the provisions of the Town and Country Planning Act 1990*

2. The development shall be constructed in accordance with the plans submitted (Carr House Location Plan, Carr House Site Plan, 12/06/S/01, 12/06/S/02, 12/06/P/05 and 12/06/P06) and submitted as part of this Neighbourhood Development Order proposal.

*Reason: To ensure a satisfactory development and to avoid any ambiguity as to what constitutes the permission.*

3. Unless the property constructed and permitted by this Order is being used as a holiday let under the terms of condition 4, it must only be occupied by a person or household where at least one person:

- a. currently lives in the designated Upper Eden neighbourhood area and has done so for a continuous period of at least three years; and/or
- b. works in the neighbourhood area or such other areas of the District of Eden or National Park as may be specified in writing by Yorkshire Dales National Park Authority and has done so for a continuous period of at least three years or has established a permanent employment position in the designated neighbourhood area; and/or
- c. has moved away but has strong established and continuous links with the neighbourhood area by reason of birth or long term immediate family connections.

*Reason: To ensure the property is occupied by local people as required by policy UENDP1.*

4. Within the first 7 year period following practical completion of the property as an off-grid residence the property may be let on a short-term holiday letting basis which is:

- a. not occupied by any one person or household for more than 28 days consecutively or for more than 56 days in total in any one year, and
- b. not occupied for more than 10 months in any one calendar year.

*Reason: To allow temporary use of the property as an off-grid holiday let.*

5. The property shall not be connected to the mains electricity grid, the mains water supply or sewage system, or overhead copper based telephony system.

*Reason: To ensure the property remains off grid.*

6. The route of footpath no 343029 will be protected from development and associated activity during construction and the safety of users ensured in consultation with the highways authority. Should it be necessary to temporarily divert the path, any such diversion should be of as short duration as is reasonable and restored to the existing line of the path afterwards in a condition and surface conducive to leisure walking.

*Reason: To ensure that the development does not impede the Public Right of Way.*

7. That the property shall not be subject to substantive disposal unless it be transferred subject to condition 3 above or, alternatively, as affordable housing (as defined by the Yorkshire Dales National Park Authority).

*Reason: To ensure that the property remains available for occupation by local people or as an affordable dwelling.*

8. Notwithstanding the details shown on the approved plans, the development may not commence until a drainage scheme for the separate surface and foul drainage has been submitted to the Local Planning Authority for approval, and the approval given. Thereafter all drainage works shall be undertaken in accordance with the approved surface water and foul drainage plans.

*Reason: To ensure that the development does not cause unacceptable adverse impacts to the local hydrology.*

9. The development hereby permitted shall not commence until a construction environmental management plan which demonstrates no likely significant effect on the River Eden SAC has been agreed with the LPA (in consultation with Natural England) and implemented, including providing and maintaining a silt/pollution barrier between the proposed development and Carr Beck.

*Reason: To remove any potential for silty/polluted runoff from the construction of the proposed development to enter Carr Beck and potentially the wider fluvial system including the River Eden SAC.*

10. The external walls of the building and extension hereby permitted shall be finished using local natural stone recycled where possible, laid and pointed to match in type, style, colour and texture the existing original walls of Carr House.

*Reason: To maintain the traditional appearance of the dwelling and respect its setting in a national park and protected and valued landscape.*

11. The materials to be used as the exterior roof covering of the building hereby permitted shall be finished using local natural stone recycled where possible and be of the same type, kind, dimensions and colour as those on the existing building and shall be retained as such thereafter.

*Reason: To maintain the traditional appearance of the dwelling and respect its setting in a national park and protected and valued landscape.*

12. All external windows hereby approved shall be made of white painted timber or an alternative form first agreed in writing by the Local Planning Authority. The depth of reveal of windows shall also be a minimum of 150mm and shall be so retained as such thereafter.

*Reason: To maintain the traditional appearance of the dwelling and respect its setting in a national park and protected and valued landscape.*

13. Notwithstanding the provisions of Classes A, B, C, D, E, F, G and H of Part 1 and Classes A, B and C of Part 2 and Classes A, B, E and F of Part 14 of Schedule 2 Of the Town and Country Planning (General Permitted Development) Order 2015 Or any Order revoking or re-enacting that Order, no development of the description in these classes including enlargements or alterations, additions or alterations to the roof, garden buildings structures or enclosures shall be carried out on the site except in accordance with a planning permission granted by the Local Planning Authority.

*Reason: To ensure the dwelling and curtilage respect their setting in a national park and protected and valued landscape.*

14. Prior to development commencing on site, a proposal for a cycle shelter protected from the weather should be submitted to the local planning authority and approved by them prior to the development commencing. Any such shelter will be required to be located unobtrusively close to or within the dwelling and be constructed in such a way that the appearance protects the visual appearance of the site and the wider character and beauty of the landscape and should be constructed prior to the occupation of the dwelling and thereafter so maintained.

*Reason: In order to promote sustainable travel and the sustainability of the dwelling*

15. Trees on site as shown on the submitted Site Layout Proposed Plan 2012/06/P/07 shall be retained on site unless a qualified tree surgeon agrees they need to be felled, in which case a replacement tree of a type and location agreed with the Local Planning Authority shall be provided and planted. During building works such trees will be protected by a boundary fence of at least 1m in height a distance of at least 2m from the trunk of the trees to ensure that no equipment or materials are stored near the bole of the tree or heavy machinery operated within the fenced area.

*Reason: To ensure the visual impact of the dwelling continues to be acceptable in the landscape of the national park.*

For information – protected species

Construction works must be halted and advice sought from Natural England should the presence of protected species in or immediately adjacent to the property be noted. The development must not re-commence until such time as an EPS Licence application to Natural England has been made or a determination given that no licence is necessary. Construction works are only to recommence when any necessary Licence has been obtained and must comply with the terms of that Licence.

*Reason: To ensure that the development complies with the relevant Protected Species legislation.*

Date 12<sup>th</sup> March 2018