

**Parish: Huby**

Ward: Huby

**8**

**15/01063/OUT**

Committee Date: 17 September 2015

Officer dealing: Mrs C Davies

Target Date: 30 September 2015

**Outline application for the construction of a two-storey 4 bedroom dwelling at Rowan Brea Bell Lane Huby for Mrs Amanda Pavis**

**1.0 SITE DESCRIPTION AND PROPOSAL**

- 1.1 This application seeks outline consent for the construction of a detached four bedroom dwelling on land behind (to the south of) Rowan Brea, off Bell Lane. It has been submitted in association with application 15/01509/FUL seeking to change the use of the main house Rowan Brea to a 4/5 bed roomed bed and breakfast guest house. All matters have been reserved.
- 1.2 The applicant states that the new dwelling is required, for them to live in, due to the size of their family (2 adults and 4 children), and the requirement to secure a 4/5 bed room guest house in the existing property, to make the business viable. They state they are willing to accept a condition to tie the new dwelling to the operator of the bed and breakfast business.
- 1.3 The site for the new dwelling is accessed from Brownmoor Lane, directly to the east of Rowan Brea, a privately owned road available for public use. The site has an existing access through a field gate.
- 1.4 The site is presently vacant and includes grassed land and a number of former agricultural buildings in a state of disrepair. There are mature trees to the roadside boundary forming part of a group Tree Preservation Order. There are a number of other residential properties in the vicinity that front Sutton Road to the east and west and a dwelling to the south off Brownmoor Lane.
- 1.5 The site lies outside the Development Limits of Huby.
- 1.6 A business plan has been submitted with the application.

**2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY**

- 2.1 2/83/070/0032C – Use of part of the existing dwellinghouse for bed and breakfast purposes – Granted 1987.
- 2.2 09/00117/FUL - Change of use of dwelling to bed/breakfast and construction of a dwelling; refused 20 April 2009, appeal dismissed 7 August 2009.
- 2.3 15/01509/FUL – Change of use of Rowan Brea to a bed and breakfast guesthouse; report elsewhere on this agenda.

**3.0 RELEVANT PLANNING POLICIES**

- 3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development

Core Strategy Policy CP4 - Settlement hierarchy

Development Policies DP9 - Development outside Development Limits

Development Policies DP1 - Protecting amenity  
Interim Policy Guidance: Settlement Hierarchy and Housing Development in the Rural  
Areas - adopted by Council on 7th April 2015  
Core Strategy Policy CP17 - Promoting high quality design  
Development Policies DP32 - General design  
National Planning Policy Framework – published March 2012

#### **4.0 CONSULTATIONS**

- 4.1 Parish Council – The application should be approved. It will provide employment and tourism for the local area. It is suggested that the new dwelling is sited to northern edge for ease of access to Rowan Brea and away from nearest neighbour at Red House.
- 4.2 Environmental Health Officer – no objection.
- 4.3 Senior Scientific Officer - The applicant has not submitted any information regarding the potential for contamination or whether the land is suitable for use. I would recommend the applicant submits a Preliminary Assessment of Land Contamination (PALC) form prior to determination. If not provided then a condition should be applied.
- 4.4 Highway Authority - There has been a previous application at this site (reference 09/00117FUL) and the Local Highway Authority recommendation remains applicable and is copied here. In the vicinity of the site Brownmoor Lane is a “ratione tenurae” (RT) road. It is privately maintainable but available for public use. It is usual with roads such as this that the maintenance liability rests with adjacent landowners but it is unclear whether the applicant is responsible in this case. The applicant should satisfy herself that the use of the lane for a dwelling has the agreement of all the parties responsible for maintenance. The Local Highway Authority has no objection to the use of the lane subject to a visibility improvement which can be achieved by the clearance of some plantings along the site’s boundary. Conditions on access, visibility, turning, parking, construction and highway condition are recommended.
- 4.5 Ministry of Defence - no safeguarding objections to this proposal.
- 4.6 Yorkshire Water – no objection. Development of the site should take place with separate systems for foul and surface water drainage and conditions are recommended.
- 4.7 Neighbours/site notice: Two comments have been received relating to the proposed access. One neighbour queries if the access to both properties will be via Brownmoor Lane or if they will they be treated as separate access points. Another neighbour comments that, if the access is via Brownmoor Lane then there should be a highway tarmac road surface from the road entrance to the property.

#### **5.0 OBSERVATIONS**

- 5.1 The main issues for consideration in this case relate to the principle of allowing a dwelling in this location, outside the Development Limits, together with an assessment of the likely impact upon the character and appearance of the village, highway safety, neighbour amenity and drainage.
- 5.2 The site falls some way outside the Development Limits for the village of Huby and therefore the adopted Interim Policy Guidance (IPG) relating to Settlement Hierarchy

and Housing Development in the Rural Areas is not considered to apply as the site would not relate well to the pattern of existing development in the village.

- 5.3 Policy CP4 of the Hambleton Local Development Framework (LDF) defines a Settlement Hierarchy to help distribute development in a sustainable manner within the network of dispersed rural settlements. The policy indicates that development of a scale or nature appropriate to secure the sustainability of each settlement in the hierarchy will be supported within the development limits of the particular settlement. The supporting text explains most new development in the sub-area is to take place in the Principle Service Centre of Northallerton which provides a wide range of services and facilities serving the rural hinterland. Followed by Service Centres, and there is to be only limited development within the 4 Service Villages. Lower still in the hierarchy, are Secondary Villages that have a lesser range of services and facilities and here limited development may be acceptable within the defined development limits of the village. Outside the development limits and in the countryside development is not permitted other than in exceptional circumstances.
- 5.4 Policy CP4 requires new development to be restricted to within Development Limits but does identify six possible exceptions:
- i It is necessary to meet the needs of an farming, forestry, recreation, tourism and other enterprises that has an essential requirement to locate in this position and will help to support a sustainable rural economy;
  - ii It is necessary to secure an improvement to the environment of the conservation of a feature of acknowledged importance;
  - iii It would provide affordable housing or a community facility;
  - iv It would re-use existing buildings without substantial alteration or reconstruction, and would help to support a sustainable rural economy or help meet locally identified need for affordable housing.
  - v It would make provision for renewable energy generation;
  - vi It would support the social and economic regeneration of rural areas.
- 5.5 The applicant has submitted a business plan to demonstrate that the new dwelling is required to support a viable Bed and Breakfast business at the existing property (Rowan Brea), the subject of application 15/01509/FUL. It is noted that the operation of the bed and breakfast would provide economic benefits to the area by promoting tourism and would support the rural economy, criteria i and vi above. The bed and breakfast facility would be in walking and cycling distance of the local public house and shop. The applicants have confirmed in writing that they would be willing to accept a condition linking the occupation of the new dwelling to the business. Taking this into account it is considered that exception criteria i and vi are met and that the requirements of Policy CP4 would be satisfied.
- 5.6 A neighbour has queried where the site access would be and although it is a reserved matter, a separate access to the new dwelling is shown via Brownmoor Lane on the illustrative plan. The Bed and Breakfast (the subject of the other planning application) would be accessed directly from Bell Lane using the existing access point. Another neighbour comments that Brownmoor Lane should be tarmacked to the site entrance. The Highway Authority has visited the site and confirms that a suitable access could be achieved subject to the application of suitable conditions including visibility splays. However, the Authority does not require the road to be surfaced. There would be ample space for parking on the site. Given the above, highways issues would be satisfied.
- 5.7 As the application is for outline consent only, the likely impact upon the amenities of the neighbours in terms of any overlooking, overshadowing, or loss of privacy cannot be fully assessed. However the proposal is for a detached dwelling and it is

considered that given the size and location of the site, a dwelling (single or two storey) could be accommodated on the site without significant loss of amenity to near neighbours at Rosedene, Little Oaks, or Red House. Sufficient amenity space could be provided for occupiers.

- 5.9 No details have been submitted in respect of the scale or appearance of the proposed property, however, given the size of the site, the context of two storey dwellings nearby, and heights of the existing buildings within the site, it is considered that a property could be satisfactorily developed on the site which would respect the surrounding rural landscape. Drawings would be required at the reserved matters stage, to ensure that protected trees on the site boundary would be retained and protected throughout the development of the site.
- 5.10 The site lies in Flood Zone 1 and as such should not suffer from river flooding. Yorkshire Water has not objected, but requires that conditions are applied in respect of foul and surface water drainage. There are no adverse issues arising in this respect.
- 5.11 Under the Community Infrastructure Levy (CIL) regulations the proposed dwelling would normally be liable for payment of CIL at a rate of £55 per sq. m although as a self-build development it is likely to be exempt.

## **6.0 RECOMMENDATION**

- 6.1 That subject to any outstanding consultations permission is **GRANTED** subject to the following conditions:
1. Application for the approval of all of the reserved matters shall be made to the Local Planning Authority not later than three years from the date of this decision and the development hereby approved shall be begun on or before whichever is the later of the following dates: (i) Three years from the date of this permission; (ii) The expiration of two years from the final approval of the reserved matters or in the case of approval on different dates, the final approval of the last such matter to be approved.
  2. No development shall commence until details of all the reserved matters have been submitted to and approved by the Local Planning Authority: (a) the siting, design and external appearance of each building, including a schedule of external materials to be used; (b) the means of access to the site; (c) the landscaping of the site (including tree protection measures); (d) the layout of the proposed buildings and spaces including parking and any external storage areas.
  3. The dwelling hereby permitted shall only be occupied by those persons engaged in the running of the bed and breakfast business occupying the entirety of Rowan Brea, or dependents of those persons.
  4. Prior to development commencing detailed cross sections shall be submitted to and approved in writing by the Local Planning Authority, showing the existing ground levels in relation to the proposed ground and finished floor levels for the development and the relationship of the proposed development to the existing dwellings to the north. The levels shall relate to a fixed Ordnance Datum. The development shall be constructed in accordance with the approved details and thereafter be retained in the approved form.
  5. Prior to development commencing, details and samples of the materials to be used in the construction of the external surfaces of the development shall be made available on the application site for inspection and the Local Planning Authority shall be

advised that the materials are on site and the materials shall be approved in writing by the Local Planning Authority. The development shall be constructed of the approved materials in accordance with the approved method.

6. There shall be no access or egress by any vehicles between the highway and the application site (except for the purposes of constructing the initial site access) until splays are provided giving clear visibility of 33 metres measured along both channel lines of Brownmoor Lane from a point measured 2 metres down the centre line of the access road. The eye height will be 1.05 metres and the object height shall be 0.6 metres. Once created, these visibility areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
7. Unless otherwise approved in writing by the Local Planning Authority, there shall be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or building(s) or other works hereby permitted until full details of the following have been submitted to and approved in writing by the Local Planning Authority: (i) vehicular access for the proposed dwelling; (ii) vehicular parking for the proposed dwelling and the bed and breakfast use; (iii) vehicular turning arrangements for the proposed dwelling and the bed and breakfast use; and (v) manoeuvring arrangements for the proposed dwelling and the bed and breakfast use
8. No part of the development shall be brought into use until the approved vehicle access, parking, manoeuvring and turning areas approved under condition number 2 above have been constructed in accordance with the submitted details. Once created these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
9. There shall be no access or egress by any vehicles between the highway and the application site until details of the precautions to be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site have been submitted to and approved in writing by the Local Planning Authority. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority. These precautions shall be made available before any excavation or depositing of material in connection with the construction commences on the site and be kept available and in full working order and used until such time as the Local Planning Authority agrees in writing to their withdrawal.
10. Unless approved otherwise in writing by the Local Planning Authority there shall be no establishment of a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction on the site until proposals have been submitted to and approved in writing by the Local Planning Authority for the provision of:  
(i) on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway; and (ii) on-site materials storage area capable of accommodating all materials required for the operation of the site. The approved areas shall be kept available for their intended use at all times that construction works are in operation. No vehicles associated with on-site construction works shall be parked on the public highway or outside the application site.
11. The site shall be developed with separate systems of drainage for foul and surface water.
12. The development hereby approved shall not be commenced until details of the foul sewerage disposal facilities have been submitted and approved in writing by the

Local Planning Authority. Thereafter, the approved scheme shall be implemented and maintained in accordance with the approved details.

13. The development hereby approved shall not be commenced until details of the surface water drainage have been submitted and approved in writing by the Local Planning Authority. Thereafter, the approved scheme shall be implemented and maintained in accordance with the approved details.
14. If contamination is found or suspected at any time during development that was not previously identified all works shall cease and the Local Planning Authority shall be notified in writing immediately. No further works (other than approved remediation measures) shall be undertaken or the development occupied until an investigation and risk assessment carried out in accordance with CLR11, has been submitted to and approved in writing by the LPA. Where remediation is necessary a scheme for the remediation of any contamination shall be submitted and approved by the LPA before any further development occurs. The development shall not be occupied until the approved remediation scheme has been implemented and a verification report detailing all works carried out has been submitted to and approved in writing by the Local Planning Authority.

The reasons for the above conditions are:

1. To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To enable the Local Planning Authority to properly assess these aspects of the proposal, which are considered to be of particular importance, before the development is commenced.
3. To ensure compliance with Policy CP4 of the LDF as the Local Planning Authority would not normally approve a separate dwelling in this location.
4. To ensure that the external appearance of the development is compatible with the immediate surroundings of the site and the area as a whole in accordance with Hambleton Local Development Framework Policy CP17.
5. To ensure that the external appearance of the development is compatible with the immediate surroundings of the site and the area as a whole in accordance with Hambleton Local Development Framework Policy CP17.
6. In accordance with LDF Policies CP2 and DP4 and in the interests of highway safety.
7. In accordance with LDF Policies CP2 and DP4 and in the interests of highway safety.
8. In accordance with Policy DP4 and to ensure a satisfactory means of access to the site from the public highway in the interests of vehicle and pedestrian safety and convenience.
9. In accordance with LDF Policies CP2 and DP4 and in the interests of highway safety.
10. In accordance with LDF Policies CP2 and DP4 and in the interests of highway safety.
11. In the interest of satisfactory and sustainable drainage in accordance with LDF Policies CP21 and DP43.
12. In the interest of satisfactory and sustainable drainage in accordance with LDF Policies CP21 and DP43.

13. In the interest of satisfactory and sustainable drainage in accordance with LDF Policies CP21 and DP43.
14. In order to take proper account of any health risk arising from contamination.