

Item No. 9

APPLICATION NUMBER	CB/15/03767/FULL
LOCATION	Westbury, Deepdale, Potton, Sandy, SG19 2NH
PROPOSAL	Erection of a detached dwelling and detached garage on land that currently forms part of the existing curtilage of Westbury.
PARISH	Potton
WARD	Potton
WARD COUNCILLORS	Cllrs Mrs Gurney & Zerny
CASE OFFICER	Samantha Boyd
DATE REGISTERED	05 October 2015
EXPIRY DATE	30 November 2015
APPLICANT	Mrs Crossman
AGENT	Ian Blaney Architects
REASON FOR COMMITTEE TO DETERMINE	Cllr Call in - Cllr Adam Zerny The applicant considers it a contemporary design, which they feel is a subjective matter and they would like the opportunity to address the Committee to ask them to support their proposals. They would also like the Committee to have the opportunity to visit the site.
RECOMMENDED DECISION	Full Application - Refusal recommended

Reason for recommendation:

The proposal is for one new dwelling on land within the open countryside and in an unsustainable location remote from any settlement, where development plan policies and the NPPF seeks to strictly control new development in order to protect the character of the countryside and achieve a sustainable form of development. No material reasons have been put forward to outweigh the non compliance of the proposal with the development plan and government guidance. The proposal is also unacceptable in terms of achieving a safe access to the site. As such the proposal is contrary to Policy DM3 and DM4 of the Core Strategy and Development Management Policies Document (adopted 2009) and the National Planning Policy Framework (2012).

Site Location:

Westbury is a two storey semi-detached dwelling within Deepdale which lies to the west of Potton. Westbury benefits from a large garden screened by mature trees and hedges and private access from Sandy Road. The surrounding area comprises sporadic residential development but is predominately open countryside.

The Application:

The application seeks planning consent for a new two bedroom dwelling and detached garage within the grounds of Westbury. The proposed single storey dwelling is of a contemporary design with a domed roof set in the south east corner of the site and set back some distance from the site frontage. Access to the site

would be via the existing access and shared with the existing dwelling.

RELEVANT POLICIES:

National Planning Policy Framework (March 2012)

Paragraph 55

Core Strategy and Development Management Policies - North 2009

DM4 Development within and Beyond Settlement Envelopes
CS14 & DM3 High Quality Development

Development Strategy

The draft Development Strategy was submitted to the Secretary of State on the 24th October 2014. After initial hearing sessions in 2015 the Inspector concluded that the Council had not complied with the Duty to Cooperate. The Council issued judicial review proceedings on the 12th March 2015 against the Inspectors findings. At the Council's Executive Committee on 6th October 2015, Members agreed to recommend to Full Council (19th November 2015) that the Development Strategy be withdrawn and to discontinue legal proceedings. Once withdrawn no weight should be attached to the Development Strategy. However, its preparation was based on and supported by a substantial volume of evidence studies gathered over a number of years. These technical papers are consistent with the spirit of the NPPF and therefore will remain on our web site as material considerations which may inform future development management decisions.

Supplementary Planning Guidance/Other Documents

Central Bedfordshire Design Guide (March 2014)

Recent and relevant planning History

Pre-application advice was sought by the applicant regarding the principle of a new dwelling in this location. The pre-application advice dated 19/08/14 concluded -

'It is my opinion that a planning application for a new dwelling in this location would not be supported. The site lies outside of any Settlement Envelope, as defined on the Local Development Framework Proposals Maps, and as noted earlier, it is therefore classified as open countryside for the purpose of determining planning applications.

There are no material considerations of sufficient weight that would overcome the policy objection to this proposal. The proposal is considered to be contrary to planning policy within the National Planning Policy Framework and the Council's Core Strategy and Development Management Policies Document and is therefore considered to be unacceptable as it would have a detrimental impact upon the character and the appearance of the countryside.'

Subsequently a planning application was submitted and refused on 22/05/15

under ref: CB/15/01183/Full. The reasons for the refusal :

1. The proposal is for one new dwelling on land within the open countryside and in an unsustainable location remote from any settlement, where development plan policy and the NPPF seeks to strictly control new development. No material reasons have been put forward to outweigh the non compliance of the proposal with the development plan and government guidance. As such the proposal is contrary to Policy DM4 of the Core Strategy and Development Management Policies Document (adopted 2009) and the National Planning Policy Framework (2012).

2. The proposed development if permitted would result in an intensification of use of a substandard access which makes no provision for adequate driver/driver intervisibility to the east, the critical side with oncoming traffic, and will lead to conditions of danger and inconvenience to users of the highway and the property. The proposal is therefore considered to be contrary to Policy DM3 of the Core Strategy and Development Management Policies Document (2009)

Previous planning history

MB/96/01416 Land adj Westbury Deepdale. Erection of detached house. Refused 24/09/96

MB/75/01420 Westbury Deepdale. Outline consent for one dwelling and garage. Refused 09/11/83

MB/75/1420B Westbury Deepdale. Dwelling and garage. Refused 09/09/83

MB/80/01584. Westbury Deepdale. Agricultural dwelling and rabbit breeding unit. Refused 10/02/81

Representations: (Parish & Neighbours)

1. Potton Town Council Support application although also made comment on the introduction of a 40mph speed limit from Deepdale to Potton and that swift bricks are used.
2. Neighbours No comments received
Site Notice

Consultations/Publicity responses

3. Highways The proposal is for a new dwelling and parking/turning provision in the grounds of an existing property. Access exists and will not be altered and is taken from a national speed limit road (Potton Road, B1042). Potton Road is a busy rural road and not a 'street' and has limited pedestrian/street activity and retains its function of a vehicular route, so Manual for Streets should not be used to calculate the visibility splay but instead the

Design Manual for Roads and Bridges.

A visibility splay of 2.4m ('x' distance) measured into the site along the centre of the access from the nearside 'kerbline' and from this point 215.0m ('y' distance) either side of the access to the nearside channel of the road is required. The visibility splays should be in land under the applicants control and/or public highway and not third party land.

The 'x' distance represents a reasonable maximum distance between the front of the car, clear of the carriageway, and the drivers' eye.

The 'y' distance is based on the stopping sight distance (SSD) within which drivers need to be able to see ahead and stop from a given speed. This distance should also take into consideration the impact that the gradient may have (approaching vehicles from the east will be coming downhill).

Visibility to the west is not an issue and is achievable. However due to the horizontal and vertical alignment of the road to the east (the critical side to the oncoming traffic) the achievable splay is in the region of 120.0m.

The applicant has had previous pre-application advice and was informed of the requirements for the visibility splay and that a planning application would not be supported by the Highway Authority due to the substandard visibility to the east.

The applicant has indicated that they believe that vehicle speeds are about 40mph, but they have not backed this up with any evidence. I would expect the submittal of a speed survey as evidence, and if this shows the 85th percentile wet weather speed to be below the national speed limit, the visibility splay can be reduced in accordance with the findings.

The applicant has also submitted a plan indicating a visibility splay of 163.0m to the east. I debate that this is achievable due to the vertical alignment of the road, and the splay is based only on the horizontal alignment. The vertical alignment will take into account the variation of driver eye height and the height range of obstructions. Drivers need to see obstructions 2.0m high down to a point 600mm above the carriageway.

I have looked at the accident data for Potton Road in the vicinity of the site, and there has been one slight incident in 2007 and one fatality in 2013. I do not have the details at hand to ascertain if these incidents involved vehicles manoeuvring to/from the property.

The applicant has provided a Transportation Technical Note as evidence for a reduced visibility splay to the east using Design Manual for Roads and Bridges TD 9/93 for Highway Link Design for 'the basic principles to be used for co-ordinating the various elements of the road design', where TD 41/95 Vehicle Access to All Purpose Trunk Roads for 'access visibility standards' is the document that should be used.

The geometric standards for direct access (point 2.22) states the 'y' distance for a major road of 100kph (60 mph) is 215.0m, with a Note that 'these figures correspond to the Desirable Minimum stopping sight distances set out in Table 3 in TD9 (as submitted by the applicant). Relaxations are not available on these figures. DMRB 2.24 states 'Relaxation below desirable minimum are not permitted under TD9 on the immediate approaches to junctions and this shall apply to direct accesses.

The applicant has also submitted a letter stating that the speed limit of Potton Road will, in the future, be reduced from 60mph. The proposal can not be assessed on a reduction of speed limit that is not currently in force as vehicle speeds will still be in the region of 60mph and therefore the 'y' distance of 215.0m is still relevant.

Given the submitted details do not indicate a visibility splay of 215.0m to the east, and there is no evidence to indicate that vehicle speeds from traffic coming from this direction are below the national speed limit, I can not support the proposal Therefore I hereby recommend that planning permission be refused.

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| 4. Internal Drainage Board | No comments to make regarding application |
| 5.. Public Protection | No objections however site is adjacent to a former railway line - include informative to applicant. |

Determining Issues

The main considerations of the application are;

1. The principle of the development
2. The impact upon the character and appearance of the area
3. Neighbouring amenity
4. Highway considerations
5. Any other issues

Considerations

1. The principle of the development

- 1.1 The application site lies outside of any Settlement Envelope as defined on the Proposals Maps of the Development Plan Documents.
- 1.2 Policy DM4 of the Core Strategy and Development Management Policies Document seeks to ensure new development is restricted to within settlement boundaries. Outside settlements new development is strongly restricted to protect the countryside from inappropriate development.
- 1.3 Policy DM3 states that new development should be appropriate in scale and design to their setting and contribute positively to creating a sense of place and respect local distinctiveness through design and use of materials.
- 1.4 Section 55 of The National Planning Policy Framework advises that local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances, such as:
 - the essential need for a rural worker to live permanently at or near their place of work in the countryside; or
 - where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or
 - where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or the exceptional quality or innovative nature of the design of the dwelling.
- 1.5 Such a design should:
 - be truly outstanding or innovative, helping to raise standards of design more generally in rural areas;
 - reflect the highest standards in architecture;
 - significantly enhance its immediate setting; and
 - be sensitive to the defining characteristics of the local area.
- 1.6 There is a strong presumption against new development in the countryside and the NPPF advises that proposals for new isolated residential dwellings in the countryside will require special circumstances for planning permission to be granted. The application site is some distance from nearby towns such as Sandy and Potton with limited access to public transport therefore it is considered to be in an isolated and unsustainable location. This is particularly relevant as sustainable development is a key objective of the NPPF.
- 1.7 Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 1.8 The applicant states that the building meets the objectives of paragraph 55 in

delivering a dwelling that is of exceptional design. The building is of a contemporary bespoke design with a double curved roof line and a combination of rendered walls and timber cladding. The building is proposed to be constructed with high levels of insulation and aims to achieve level 4/5 of the Code for Sustainable Homes.

- 1.9 The applicant considers the design of the house to be of innovative design and exceptional quality which outweighs the presumption against new development in the open countryside. The design of the dwelling would allow open plan living and would include high levels of insulation, LED lighting and air source heat pumps to consume minimal energy.
- 1.10 While the dwelling would take on the appearance of a modern building, it is not considered that the design is of exceptional quality or so unique that it would outweigh the need to avoid isolated homes in the open countryside as set out within the NPPF and Policy DM4 of the Core Strategy.
- 1.11 In this case there appears to be no other justification for a new dwelling in the countryside, for example it would not house an agricultural or forestry worker, it would not represent the optimal viable use of a heritage asset, it would not re-use redundant or disused buildings nor would the proposal be of exceptional quality leading to an enhancement of the area.
- 1.12 Furthermore the NPPF advises there is a presumption in favour of sustainable development, however the application site is located in an isolated rural location where there are no facilities for residents and limited access to public transport. Given the isolated location of the site, the proposal is not considered to be sustainable development.
- 1.13 At the time of writing the Council is currently able to demonstrate a 5 year housing supply. Notwithstanding the 5 year supply, a contribution of one dwelling would not materially add to the supply of houses in the area and is therefore not considered to be a material consideration that would weight in favour of the development.
- 1.14 Overall it is considered that the proposed new dwelling in this location is unacceptable in principle and contrary to the advice given in the NPPF and to policy DM4 of the Core Strategy and Development Management Policies Document (2009).

2. The impact upon the character and appearance of the area

- 2.1 The proposed dwelling would sit towards the rear of the site some 40m from the site frontage. The existing semi detached dwelling is sited to the front of the site and therefore the proposed dwelling would extend the built form into the open countryside beyond the rear of the existing properties. It would however be partially screened by the existing landscaping.
- 2.2 The proposed dwelling is U shaped and, together with the garage, occupies a footprint of approximately 126 sq m (excluding the courtyard and patio areas). The flat roof design has a total height of 4.5m. It is proposed to construct the building with a combination of render and horizontal cladding.

The land slopes down from the road into the site and the proposed dwelling is single storey in nature, however the building would be visible from Sandy Road, particularly during winter months when the trees are bare.

- 2.3 Given the location of the dwelling, within the open countryside and sited towards the rear of the site, the proposal is considered to result in a harmful impact upon the rural character of this part of the area which is remote with few existing dwellings and building in the vicinity. While the site is enclosed by mature trees, this in itself would not outweigh the harm that would result from the proposed dwelling. In any case, the existing trees are not protected and could be removed from the site at any time in the future.
- 2.4 The modern design of the dwelling is unlike the traditional appearance of the nearby dwellings. Although the design of the dwelling is not in keeping with the adjacent dwellings, it is not considered to be inappropriate. However this does not outweigh the harm to the rural area that would result from the siting of a new dwelling in this location.
- 2.5 The proposal is considered to result in unacceptable harm to the character and appearance of the rural area given its scale and siting and is therefore contrary to Policy DM3 of the Core Strategy and Development Management Policy Document (2009) which requires all new developments to be appropriate in scale and design to their setting.

3. Neighbouring amenity

- 3.1 The proposed dwelling is to be sited at some distance from Westbury which is the only neighbouring property. Given the siting and design of the proposal there would be no adverse impact on neighbouring amenity.

4. Highway considerations

- 4.1 The proposal would use the existing access which serves the existing dwelling. Sandy Road is a busy road with a blind bend on the brow on a hill to the east.
- 4.2 Visibility to the west is not an issue and is achievable. However due to the horizontal and vertical alignment of the road to the east (the critical side to the oncoming traffic) the achievable splay is in the region of 120.0m.
- 4.3 The applicant has had previous pre-application advice and was informed of the requirements for the visibility splay and that a planning application would not be supported by the Highway Authority due to the substandard visibility to the east.
- 4.4 The applicant has indicated that they believe that vehicle speeds are about 40mph, but they have not backed this up with any evidence.
- 4.5 The applicant has also submitted a plan indicating a visibility splay of 163.0m to the east. This may not be achievable due to the vertical alignment of the road, and the splay is based only on the horizontal alignment. The vertical alignment will take into account the variation of driver eye height and the

height range of obstructions. Drivers need to see obstructions 2.0m high down to a point 600mm above the carriageway.

- 4.6 The applicant has also submitted a letter stating that the speed limit of Potton Road will, in the future, be reduced from 60mph. The proposal can not be assessed on a reduction of speed limit that is not currently in force as vehicle speeds will still be in the region of 60mph and therefore adequate visibility splays much be achieved. The proposal is therefore considered to be unacceptable in terms of highway safety.
- 4.7 Policy DM3 of the Core Strategy and Development Management Policies Document seeks to ensure that all new developments incorporate appropriate access and linkages, including provision for pedestrians, cyclists and public transport. The proposal is not considered to provide an appropriate and safe access and is therefore considered to be unacceptable in this respect.

5. Any other considerations

5.1 Planning Obligation Strategy

From 6 April 2015 only site specific planning obligations can be negotiated until the adoption of the Central Bedfordshire Community Infrastructure Levy (CIL).

- 5.2 All contributions sought will need to comply with the three tests set out in Regulation 122(2) of the CIL Regulation 2010 (as amended). Given the scale of this development no contributions towards specific projects will be sought.

5.3 Human Rights/Equalities Act

Based on the information submitted there are no known issues raised in the context of the Human Rights and the Equalities Act and as such there would be no relevant implications.

Recommendation

That Planning Permission be REFUSED for the following reasons:

RECOMMENDED CONDITIONS / REASONS

- 1 The proposal is for one new dwelling on land within the open countryside and in an unsustainable location remote from any settlement, where development plan policy and the NPPF seeks to strictly control new development in order to protect the countryside and achieve a sustainable form of development. No material reasons have been put forward to outweigh the non compliance of the proposal with the development plan and government guidance. As such the proposal is contrary to Policy DM3 and DM4 of the Core Strategy and Development Management Policies Document (adopted 2009) and the National Planning Policy Framework (2012).

- 2 The proposed development if permitted would result in an intensification of use of a substandard access which makes no provision for adequate driver/driver intervisibility to the east, the critical side with oncoming traffic, and will lead to conditions of danger and inconvenience to users of the highway and the property. The proposal is therefore unacceptable and contrary to Policy DM3 of the Core Strategy and Development Management Policies Document (2009).

Statement required by the Town and Country Planning (Development Management Procedure) (England) Order 2015 - Part 5, Article 35

Planning permission is recommended for refusal. The Council acted pro-actively through positive engagement with the applicant in an attempt to narrow down the reasons for refusal but fundamental objections could not be overcome. The applicant was invited to withdraw the application to seek pre-application advice prior to any re-submission but did not agree to this. The Council has therefore acted pro-actively in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

DECISION

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