

Bath & North East Somerset Council

MEETING:	Development Management Committee	AGENDA ITEM NUMBER	
MEETING DATE:	31st May 2017		
RESPONSIBLE OFFICER:	Mark Reynolds – Group Manager (Development Management) (Telephone: 01225 477079)		
TITLE:	SITE VISIT AGENDA		
WARDS:	ALL		
BACKGROUND PAPERS:			
AN OPEN PUBLIC ITEM			

BACKGROUND PAPERS

List of background papers relating to this report of the Group Manager, Development Management about applications/proposals for Planning Permission etc. The papers are available for inspection online at <http://planning.bathnes.gov.uk/PublicAccess/>.

- [1] Application forms, letters or other consultation documents, certificates, notices, correspondence and all drawings submitted by and/or on behalf of applicants, Government Departments, agencies or Bath and North East Somerset Council in connection with each application/proposal referred to in this Report.
- [2] Department work sheets relating to each application/proposal as above.
- [3] Responses on the application/proposals as above and any subsequent relevant correspondence from:
 - (i) Sections and officers of the Council, including:
 - Building Control
 - Environmental Services
 - Transport Development
 - Planning Policy, Environment and Projects, Urban Design (Sustainability)
 - (ii) The Environment Agency
 - (iii) Wessex Water
 - (iv) Bristol Water
 - (v) Health and Safety Executive
 - (vi) British Gas
 - (vii) Historic Buildings and Monuments Commission for England (English Heritage)
 - (viii) The Garden History Society
 - (ix) Royal Fine Arts Commission
 - (x) Department of Environment, Food and Rural Affairs
 - (xi) Nature Conservancy Council
 - (xii) Natural England
 - (xiii) National and local amenity societies
 - (xiv) Other interested organisations
 - (xv) Neighbours, residents and other interested persons
 - (xvi) Any other document or correspondence specifically identified with an application/proposal
- [4] The relevant provisions of Acts of Parliament, Statutory Instruments or Government Circulars, or documents produced by the Council or another statutory body such as the Bath and North East Somerset Local Plan (including waste and minerals policies) adopted October 2007

The following notes are for information only:-

- [1] "Background Papers" are defined in the Local Government (Access to Information) Act 1985 do not include those disclosing "Exempt" or "Confidential Information" within the meaning of that Act. There may be, therefore, other papers relevant to an application which will be relied on in preparing the report to the Committee or a related report, but which legally are not required to be open to public inspection.

- [2] The papers identified or referred to in this List of Background Papers will only include letters, plans and other documents relating to applications/proposals referred to in the report if they have been relied on to a material extent in producing the report.
- [3] Although not necessary for meeting the requirements of the above Act, other letters and documents of the above kinds received after the preparation of this report and reported to and taken into account by the Committee will also be available for inspection.
- [4] Copies of documents/plans etc. can be supplied for a reasonable fee if the copyright on the particular item is not thereby infringed or if the copyright is owned by Bath and North East Somerset Council or any other local authority.

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ITEM NO.	APPLICATION NO. & TARGET DATE:	APPLICANTS NAME/SITE ADDRESS and PROPOSAL	WARD:	OFFICER:	REC:
001	17/00568/FUL 5 May 2017	Mrs R Breach Hartley Farm Cottage , Hartley Lane, Swainswick, Bath, BA1 8AF Erection of side and rear extensions (Revised proposal)	Bathavon North	Emma Hardy	REFUSE

REPORT OF THE GROUP MANAGER, DEVELOPMENT MANAGEMENT ON APPLICATIONS FOR DEVELOPMENT

Item No: 001
Application No: 17/00568/FUL
Site Location: Hartley Farm Cottage Hartley Lane Swainswick Bath BA1 8AF



Ward: Bathavon North **Parish:** Batheaston **LB Grade:** N/A
Ward Members: Councillor M Veal Councillor Alison Millar Councillor Geoff Ward

Application Type:	Full Application
Proposal:	Erection of side and rear extensions (Revised proposal)
Constraints:	Affordable Housing, Agric Land Class 1,2,3a, Area of Outstanding Natural Beauty, Greenbelt, MOD Safeguarded Areas, SSSI - Impact Risk Zones, Water Source Areas,
Applicant:	Mrs R Breach
Expiry Date:	5th May 2017
Case Officer:	Emma Hardy

REPORT

Reason for reporting application to Committee:

The application is being referred to the Committee because Councillor Geoff Ward has called in the application if Officers are minded to recommend refusal. The application has been referred to the Chair who agrees that the application should be considered by the Committee.

The application was first presented to Development Management Committee on 3 May 2017 and is returning to the Development Management Committee following a Members' Site Visit on 22 May 2017.

Description of site and application:

Hartley Farm Cottage is a detached bungalow sited to the south east of the A46 Gloucester Road and to the north of Hartley Lane. The building was originally constructed in association with the Charmy Down Airfield and was first converted to a dwelling in the 1950s with temporary permission as an agricultural worker's dwelling. The bungalow has received a single storey extension. Whilst there is no planning history to indicate when this was constructed, the historic planning file indicates that it was not in place at the time of the original change of use application. The site is located within the Bath/Bristol Green Belt.

Planning permission is sought to erect a single storey front (east) extension and a single storey side (north) extension. The proposed front extension would measure approximately 11.2m wide, 4m deep, 2.7m high to the eaves and 3.65m high to the ridge. A front porch would project from this extension measuring approximately 1.2m deep, 3.45m wide and 2.4m to the eaves. The proposed single storey side extension would measure approximately 3m wide, 5.8m deep, 2.7m high to the eaves and 3.9m high to the ridge.

Relevant recent planning history:

16/03943/FUL Erection of side and rear extensions. Refused 6/10/2016 for the following reasons:

1 By reason of its excessive cumulative scale beyond the original building, the proposed development represents inappropriate development within the Green Belt and would be harmful by definition. In the absence of very special circumstances to outweigh this harm, the proposed development is contrary to saved Policy HG.15 of the Bath and North East

Somerset Local Plan (including minerals and waste policies) adopted October 2007, Policy CP8 of the Core Strategy and the aims of the National Planning Policy Framework.

2 By reason of its design and relationship with the existing extension and original building, the proposed development would result in an awkward appearance which would be detrimental to the character and appearance of the street scene and general locality contrary to saved Policies D.2, D.4 and GB.2 of the Bath and North East Somerset Local Plan (including minerals and waste policies) adopted October 2007, Policy CP6 of the Core Strategy and the aims of the National Planning Policy Framework.

SUMMARY OF CONSULTATIONS/REPRESENTATIONS

Councillor Geoff Ward:

The purpose behind this application is to facilitate a move of the aged applicant from a large outmoded farmhouse to more suitable accommodation. It is a reasonable planning consideration to take account of the needs and health requirements of the applicant. Medical and public health evidence is in the planning statement. It is also reasonable that the applicant wishes to remain in the community with a family member as carer who justifies the extension of the property to provide live in 24 hour a day care. It is unreasonable to not allow the applicant to live as long as possible in her own home despite her ailments and advanced years.

The proposed development is reasonably modest, has been trimmed back on what was proposed in the last submission and will have little if any impact on the openness of the Green Belt especially in the location it is situation. It is universally supported by the Parish Council and all neighbours. All three Ward Councillors are fully supportive of this application.

St Catherine Parish:

It was agreed that this application reflected a genuine need by the applicant, and very special circumstances. The applicant is elderly and in poor health, and at present is living in a large, cold, un-modernised farmhouse with extremely poor access. She has lived and worked on Hartley Farm all her married life, but these conditions now put her at risk of hypothermia and ill health.

The modest extension to Hartley Farm Cottage, and the internal improvements, will allow the applicant to live out her life in reasonable comfort and reasonable good health, with essential car provided by her son.

St Catherine Parish Meeting wholeheartedly recommends that this application be permitted.

(Officer note: this site is located within the Parish of Batheaston. No comments have been received from Batheaston Parish Council at the time of writign this report).

Third party representations:

11 comments of support received from the following addresses:

- o The Barn, Gloucester Road, Upper Swainswick

- o Charmydown House, Gloucester Road, Swainswick
- o The Barn, Gloucester Road, Swainswick
- o Wingfield Farm, Hartley Lane, Swainswick
- o Hartley Bungalow, Hartley Lane, Swainswick
- o Uplands Farm, Charmydown Lane, Swainswick
- o Down Edge, Hollies Lane, Batheaston
- o 2 Beeks Cottages, St Catherine
- o The Old Farm, Charlcombe Lane, Charlcombe
- o Rockfield House, Charlcombe
- o Manor Farm, Tynning Lane, Langridge

The content of these comments is summarised below:

- o Proposed extension is proportionate to the host building;
- o Needs of the applicant and very special circumstances;
- o Unsuitability and unadaptability of Hartley Farmhouse, the applicant's long-term home;
- o Proximity of the bungalow to the applicant's family;
- o Family could care for the applicant without calling on overstretched care services;
- o Desirability of keeping the applicant at her home and in the community;
- o Involvement of the applicant and her family in the local community;
- o Bungalow needs modernising;
- o The proposal will improve the appearance of the building and the area;
- o Proposal would cause no harm to the surrounding area and would not be visible from A46;
- o No harm to the Green Belt or AONB;
- o If planning permission isn't granted the bungalow would become derelict;
- o More acceptable than development approved at the Barns on the south eastern corner of Charmydown.

A letter of support has also been provided from Dr Austin of Monmouth Surgery.

POLICIES/LEGISLATION

The Core Strategy for Bath and North East Somerset was formally adopted by the Council on 10th July 2014. The Core Strategy now forms part of the statutory Development Plan and will be given full weight in the determination of planning applications. The Council's Development Plan now comprises:

- Core Strategy (2014)
- Saved Policies in the B&NES Local Plan (2007)
- West of England Joint Waste Core Strategy (2011) which supersedes all 2007 Local Plan policies on Waste apart from Policies WM.4 and WM.9

The following policies of the Core Strategy (2014) are relevant to the determination of this application:

CP6: Environmental quality
CP8: Green Belt

The following saved policies of the Bath and North East Somerset Local Plan (2007) are also relevant to the determination of this application:

D.2: General design and public realm considerations

D.4: Townscape considerations
HG.15: Dwelling extensions in the Green Belt
NE.2: Areas of Outstanding Natural Beauty
GB.2: Visual amenities of the Green Belt
T.24: General development control and access policy
T.26: On-site parking and servicing provision

Following the Examination hearings the Inspector has now issued her Interim Statement and has advised the Council of her recommended Main Modifications required to make the plan sound. The Main Modifications and Minor Proposed Changes are now subject to public consultation prior to the Inspector issuing her Final Report. The following policies can now be given substantial weight:

D2: Local character and distinctiveness
D5: Building design
D6: Amenity
GB1: Visual amenities of the Green Belt
NE2: Conserving and enhancing the landscape and landscape character

The following policy can be given significant weight:

GB3: Extensions and alterations to buildings in the Green Belt
ST7: Transport requirements for managing development

The following Supplementary Planning Documents are relevant to the determination of this application:

Supplementary Planning Document 'Existing Dwellings in the Green Belt' adopted October 2008

National Policy:
The National Planning Policy Framework adopted March 2012
National Planning Practice Guidance

OFFICER ASSESSMENT

Background

This application was presented to the Development Management Committee on 3 May 2017, when Members voted to defer the application to allow a site visit.

The main issues for consideration are the impact of the proposed development on: 1) the Green Belt; 2) the character and appearance of the locality; 3) the Area of Outstanding Natural Beauty; 4) neighbours' residential amenities; 5) highway safety and car parking; and 6) whether the previous reasons for refusal have been overcome.

Impact on Green Belt

The application site is located within the Green Belt, wherein there is strict control on the amount a building can be extended. Paragraph 89 of the NPPF states that local planning authorities should regard the construction of new buildings as inappropriate in the Green Belt but does allow for the extension or alteration of an existing building provided that it

does not result in disproportionate additions over and above the size of the original building.

The original volume of this bungalow is 225m³. The original building has received a dining room extension with a volume of 71.6m³. The proposed single storey extensions have a volume of approximately 221.2m³. Combined with the existing dining room extension, the proposal would result in a 130% increase in volume beyond the original building. This is clearly disproportionate to the original building and would therefore amount to inappropriate development in the Green Belt.

A recent application for a similar scheme resulting in a cumulative volume increase of 132% over and above the original building was refused under delegated powers, in part owing to the impact of the proposal on the Green Belt by reason of inappropriate development.

Paragraph 87 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The NPPF emphasises that substantial weight should be given to any harm to the Green Belt. Furthermore, very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

The Design & Access Statement submitted with the application argues the following very special circumstances:

- o Advanced age and health issues of applicant which limit her mobility and increase her risk of hypothermia;
- o The applicant's son lives with her as her unofficial carer and has his own mobility problems which are addressed in the proposals;
- o The applicant and her son currently live in Hartley Farmhouse which is hard to keep warm and difficult to access. The extended bungalow will enhance their lives through improved heating, ease of movement and enhanced natural lighting;
- o Vehicular access to the bungalow is much better, improving speed of attendance of emergency vehicles as well as benefits for general access.

Circumstances that could be replicated in multiple cases, and could lead to a number of permissions throughout the Green Belt, are typically not considered very special circumstances to justify inappropriate development in the Green Belt.

In this case, the particular circumstances of the case as set out above are not considered sufficient to overcome the harm to the Green Belt caused by the inappropriateness of the grossly disproportionate additions to the original bungalow.

In the absence of very special circumstances that would clearly outweigh the harm that the proposed development would cause to the Green Belt by reason of its inappropriateness, the proposal would fail to comply with Policy CP8 of the Core Strategy, the aims of the National Planning Policy Framework and the Existing Dwellings in the Green Belt SPD.

Forthcoming Placemaking Plan Policy GB3, which can now be given significant weight, states that proposals to extend a building in the Green Belt will only be permitted provided

they would not i) represent a disproportionate addition over and above the size of the original building; or ii) contribute to a deterioration in rural character as a result of the cumulative effect of building extensions. Given the clearly disproportionate scale of the proposed development, the proposal would fail to comply with PMP policy GB3(i).

Design, character and appearance

Cumulatively the existing and proposed extensions would dominate the original modest bungalow, creating a dwelling of substantially greater scale than the original building. The proposal would result in multiple roof gables with a variety of roof pitches and ridge heights, giving an awkward appearance to the building as a whole. Consequently, the proposed development would result in a harmful impact on the character and appearance of the area and the visual amenity of the locality. The proposal would therefore fail to comply with saved policies D.2 and D.4 of the Local Plan, Core Strategy Policy CP6 and the aims of the National Planning Policy Framework.

Forthcoming Placemaking Plan Policy D5, which can now be given substantial weight, requires that extensions must complement and enhance the host building. For the reasons given above it is considered that the proposed development would fail to achieve this.

Impact on the Area of Outstanding Natural Beauty

The application site is located in the Cotswolds Area of Outstanding Natural Beauty. Given the comparatively small scale of the proposed development (domestic extension) and the use of matching materials, the proposal would not harm the natural beauty of the AONB.

Impact on the amenities of neighbouring occupiers

The only neighbouring property likely to be affected by the proposed development is Hartley Bungalow. Given the separation distance from Hartley Bungalow and the single storey nature of the extensions, the proposal would not cause harm to the amenities of neighbouring occupiers through overlooking, loss of light, overshadowing or visual impact. The proposal would therefore maintain an acceptable standard of amenity for all adjoining neighbours.

Highways impact and car parking

The proposal would increase the number of bedrooms at the property from one to two. No car parking plan has been provided. However, it appears there would be sufficient space for two policy-compliant car parking spaces to the west side of the dwelling using the existing access. No changes to access arrangements are proposed. Overall, it is considered that the proposal would have an acceptable impact on the safe operation of the local highway network and would retain sufficient car parking for the needs of the extended dwelling.

Conclusion

The application fails to overcome the previous reasons for refusal. By reason of the excessive cumulative scale of existing and proposed extensions, the proposal would amount to inappropriate development in the Green Belt. In the absence of very special

circumstances, the proposal is therefore recommended for refusal. In addition, given the awkward cumulative appearance of the existing and proposed extensions, the proposal would have a harmful impact on the character, appearance and visual amenity of the locality. The proposal would therefore fail to comply with saved Local Plan Policies D.2, D.4 and GB.2, Core Strategy Policies CP6 and CP8, Sections 7 and 9 of the National Planning Policy Framework and Supplementary Planning Document 'Existing Dwellings in the Green Belt'.

RECOMMENDATION

REFUSE

REASON(S) FOR REFUSAL

1 By reason of its excessive cumulative scale beyond the original dwelling, the proposed development represents inappropriate development within the Green Belt and would be harmful by definition. In the absence of very special circumstances to outweigh this harm, the proposed development is contrary to saved Policy HG.15 of the Bath and North East Somerset Local Plan (including minerals and waste policies) adopted October 2007, Policy CP8 of the Core Strategy and the aims of the National Planning Policy Framework.

2 By reason of its design and relationship with the existing extension and original building, the proposed development would result in an awkward appearance which would be detrimental to the character, appearance and visual amenity of the locality contrary to saved Policies D.2, D.4 and GB.2 of the Bath and North East Somerset Local Plan (including minerals and waste policies) adopted October 2007, Policy CP6 of the Core Strategy and the aims of the National Planning Policy Framework.

PLANS LIST:

1 This decision relates to the following plans and information: Existing and Proposed Plans and Elevations and Design and Access Statement received 6/2/2017.

2 In determining this application the Local Planning Authority considers it has complied with the aims of paragraphs 186 and 187 of the National Planning Framework. The Local Planning Authority acknowledges the approach outlined in paragraphs 188-192 in favour of front loading and operates a pre-application advice service. Notwithstanding active encouragement for pre-application dialogue the applicant did not seek to enter into correspondence with the Local Planning Authority. The proposal was considered unacceptable for the reasons given and the applicant was advised that the application was to be recommended for refusal. Despite this the applicant chose not to withdraw the application, and having regard to the need to avoid unnecessary delay the Local Planning Authority moved forward and issued its decision.