

COMMITTEE REPORT

Application No: 12/05580/LBA

Case Officer: Ian Lund

Details of location and proposal and Relevant History:

Charmydown Lodge, Charmydown Lane, Swainswick, Bath, BA1 8AB

REASON FOR REPORTING APPLICATION TO COMMITTEE

A previous similar application relating to this site was considered by the Committee.

DESCRIPTION OF SITE AND APPLICATION

The former Charmydown Farmhouse stands in open countryside to the north east of Swainswick village and is listed Grade II in recognition of its special architectural and historic interest. The associated barn and the dilapidated structures that previously formed a pair of semi detached cottages (known as Charmydown Lodge) have been previously considered to fall within the curtilage of the Farmhouse. The farmhouse which lies to the south west of the barn is in separate ownership and does not form part of this application.

THE APPLICATION PROPOSAL:

The proposed scheme is essentially similar to that previously consented. The application is comprehensive and encompasses all the elements previously considered. In summary it requests the conversion of the barn into a five bedroom single dwelling, the re-instatement of the semi detached cottages to form a single dwelling, the retention of a single storey garage and the re-instatement of the piggeries, adjacent to north east of the barn, to form an ancillary outbuilding.

Some aspects of the approved scheme have already been implemented. However consent is now requested for additional works which comprise the following main elements:

Additional works to the Main Barn

Additional work to the walls of the former pigsties

Regularisation of the taking down of external walls of The Lodge, and substantial reconstruction

A more thorough explanation of these elements is included below.

PLANNING HISTORY

Planning permission and listed building consent (02/00984/LBA) for conversion of the barn and cottages into two dwellings granted in August 2002. Not implemented and now expired.

Planning permission and listed building consent (08/04769/LBA) for conversion of the barn and cottages into two dwellings granted in December 2010. Partly implemented.

Summary of Consultation/Representations:

Parish Council :

No response

Ecologist :

No response

National Amenity Bodies :

Consulted due the extent of demolition that has taken place but no responses have been received

Arboricultural Officer :

It is unclear how the revisions will impact on the trees on the site. The submitted Tree Protection Plan now shows a new access road to the north (between T89 and T90 etc) which is beyond the red line boundary of the original planning application (08/04768/FUL). The submissions do not include the extent of this new access or construction methods or whether any further trees are implicated in the proposal.

The Arboricultural Report has not been revised to address any changes such as the new access road or rebuilding of the demolished walls. The swimming pool appears to have been relocated closer to the canopy of T66 (mature Beech) resulting in the likelihood of increased debris dropping into it.

There is insufficient information to provide arboricultural comments.

Other representations :

A letter has been received from a neighbour to the site. The substance of the communication does not relate accurately to the listed building issues, and as repeat comments have been submitted on the planning application are best considered in that context. The main issues raised relate to an objection to the development of the farm workers cottages as they have long been in a derelict and ruinous state. The new house will be larger than the original cottages. The pigsties appear to have been freely demolished, and any building would be a new one in the green belt. The introduction of a new access road is opposed as heavy equipment has already caused damage to the access track. Finally, the sheer weight of documentation serves only to confuse and distract.

A further letter of objection, also repeated to the planning reference, has been received. The main points are the cottages were abandoned and have been ruinous for many years. Beautiful stone towers behind the barn have been torn down. The writer is highly critical of the documents submitted in support of the application and he regards the application as being contemptuous and an attempt to manipulate facts.

Policies/Legislation:

LEGISLATION

The primary consideration is the duty placed on the Council under S 16 of the Listed Buildings Act to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

NATIONAL POLICY

Section 12 'Conserving and enhancing the historic environment' of the National Planning Policy Framework sets out the government's high-level policies concerning heritage and sustainable development. The Historic Environment Planning Practice Guide published jointly by CLG, dcms,

and English Heritage provides more detailed advice with regard to alterations to listed buildings, development in conservation areas and world heritage sites.

Officer Assessment:

The general principles concerning this ensemble of protected buildings were re-established by the committee as recently as November 2010. The overall details of the case do not therefore need to be repeated at length again. The focus needs to be on any changes to the surrounding circumstances and variations to the details of the scheme.

The main change to background policy is the publication of the NPPF. In respect of the historic environment the government's policy is not greatly altered. When the previous applications were considered PPS 5 had only recently been published and its contents were essentially absorbed into the all-embracing NPPF published during 2012. However, NPPF does emphasise a general requirement that wherever possible local planning authorities should approach decision-taking in a positive way and work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area.

Changes to the main barn

Further structural surveys have been commissioned which identify a need to re-build the lower half of a short section of the north elevation. Clarification has been sought from the agent who has confirmed that the stone repairs to a (subterranean) section of the north wall of the main barn will be carefully carried out in a piecemeal fashion to avoid any danger of the collapse of the wall above.

Members may recall that there is bat activity within the application site. The Habitats Directive applies to listed building applications. Following discussions with agent, details of the baffles and entrances to satisfy the assumed ecology requirements have been provided.

The overall scheme for the main barn remains acceptable.

Changes to the piggeries

Works have begun to make the pigsties safe and this has included taking down the circular rubble stone piers found at the open front elevation. This work was not explicitly specified in the original applications. However, the former pigsties are of limited heritage significance, and the proposals include reinstating the piers. The removed stone has been carefully set aside for re-use. This additional work is minor and when completed will put the former piggery into sound condition.

Changes to The Lodge

An update to the planning report in November 2010 indicated that the Council's Building Control Surveyor had confirmed that the cottages were structurally sound and capable of being renovated without major reconstruction. The applications and reports referred to a proposed restoration.

However, the works undertaken so far do not conform to the approved drawings particularly with regard to the extent of demolition. The amount of the Lodge that has had to be taken down means that the scheme can no longer be accurately described as conversion. The current application now involves substantial reconstruction. The principal south, and west, elevations remain largely intact as freestanding walls but the rear and east elevations have been taken down and would need to be completely rebuilt in order to put the property into habitable condition.

In mitigation a GL Hearn Statement submitted with the application indicates the winters of 2010 and 2011 were particularly severe and this had a significant detrimental effect on the exposed masonry walling; and in addition mature trees had taken root within the roofless building further weakening its structure. The report also states English Heritage has confirmed that the Barn and Lodge are listed buildings, being part of the original curtilage of Charmydown farmhouse when it was listed.

It is perhaps possible this may be true, although determining the extent of curtilage is not normally a role performed by English Heritage, and as the evidence has not been shared with the LPA it should be afforded little weight.

Supporting documents argue the degree of loss is not as dramatic as it may initially appear because surviving elements of the original building constitute its most important features. It is also argued the contextual relationship with the adjacent long barn and the farmhouse is of such significance that if the Lodge was lost this would have a detrimental impact on the character of the farmstead as a whole.

The LPA is also asked to accept the taking down works were not undertaken with malicious intent.

It is acknowledged that the walling was not taken down with complete disdain and the rubble stone was carefully set aside for re-use. The surviving walls have been given temporary support and the heads protected. With these aspects in mind, officers have not recommended a prosecution. It might also be helpful to point out that the conservation of historic buildings often requires on-going evaluation as work progresses and your conservation officers are experienced in dealing with situations that may arise. In these circumstances, and having regard to the build-up to the commencement of the project, it is disappointing to say the least, that the decision by the developer to take down the walls was reached without liaison with the LPA. It is possible that had discussion taken place at an appropriate time a greater emphasis could have been put on consolidation of fragile masonry rather than on re-construction.

Conclusion

For the reasons given above the proposed works to the main barn and the former piggery are not controversial. The proposals will preserve the special interest and setting of the farmhouse, and will not adversely affect its contribution to the local scene. In terms of the NPPF, taken as a whole, the proposal will not lead to substantial harm to the significance of a designated heritage asset, and will help secure a viable use for other assets.

The main issue relates to the taking down and, substantial amount of rebuilding, at The Lodge. In weighing up the acceptability of the proposals the application provides the prospect of arresting the long term decline of the former cottages, at least of the surviving elements. The scheme would also secure a viable use with regard to future maintenance and security. It could also be argued to favour the setting of the listed farmhouse, and to preserve and enhance the group of buildings forming the historic farmstead.

On the other hand, the amount of rebuilding that is now essential means that as regards The Lodge the scheme can no longer be readily recognised as a building conservation project.

The key to the decision rests with understanding the significance and level of importance of the building. The farmhouse, is clearly a designated heritage asset. As reported previously, the main barn should also be regarded as a heritage asset, as it would appear to meet the criteria for listing in its own right. It is a large, rare and interesting survival, demanding every effort be made to ensure its conservation. The Lodge however is essentially formed from two standard cottages. Although originating in the nineteenth century a great deal of heritage significance had been lost as a result of poor maintenance and decay during the second half of the 20th century.

When the property was last considered by the committee the roof had collapsed and the general condition was ruinous. The significance of the ruin has been reduced again as a result of the recent taking down of the rear and east walls. For these reasons it has less importance than it had previously. Arguably the reconstruction will make a small contribution to the integrity of this isolated farmstead but the preservation of the comparatively small amount of the physical remains of the The Lodge is of marginal meaning from a heritage point of view. Essentially The Lodge would comprise a large percentage of new or re-constructed elements. As a stand alone feature the significance of the rebuilt Lodge would be very limited. This however does not make the proposals objectionable. The policy context for the accompanying planning application has to be re-assessed but, provided the proposed works to the The Lodge are completed with sympathy towards the setting of the farmhouse and the main barn, there is no reason why the grant of listed building consent should not be recommended for the proposed works. The decision-taking body is entitled to re-consider the case in the light of the current circumstances but a positive recommendation in respect of the amended specifications is generally in line with the previous wishes of the committee.

Recommendation:

CONSENT

1 The additional works hereby approved shall be begun before the expiration of three years from the date of this consent

Reason: To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

2 With regard to the main barns and proposed attached structures, prior to the commencement of works, details of all new external joinery and glazing design shall be approved in writing by the Local Planning Authority. These details shall include depth of reveal, materials and full working drawings including both horizontal and vertical sections, to a scale of not less than 1:10. At no time shall the approved joinery be altered without the prior approval, in writing, of the Local Planning Authority.

Reason: To enable the Local Planning Authority to be satisfied with the completed appearance of the buildings.

3 At no time shall any flues, vents, meter boxes or other fixtures be attached to the exterior of the buildings other than those approved as part of this consent, without the prior approval in writing of the Local Planning Authority.

Reason: To enable the Local Planning Authority to be satisfied with the completed appearance of the buildings.

4 Full details of the treatment to be given to the eaves, soffits and verges shall be submitted to and approved by the Local Planning Authority prior to the commencement of the works. Such details shall include precise construction information and materials shall be implemented in strict accordance with these details.

Reason: In the interests of protecting the character of the Listed Buildings.

5 Full details of all chimneys, flues and vents shall be submitted to and approved by the Local Planning Authority prior to the commencement of the works. Such details shall include precise size, and where appropriate, samples and shall once agreed be strictly complied with.

Reason: In the interests of protecting the character of the Listed Buildings.

6 With respect to the main barns a full schedule of the details of the roof repairs and any structural repairs (or other such schedule as may be deemed to be appropriate) shall be submitted to and approved by the Local Planning Authority. Such schedule shall, once agreed be strictly complied with.

Reason: In the interests of protecting the character of the building.

7 With respect to the main barns the method and manner of the removal and replacement of the flagstone floors shall be agreed by the Local Planning Authority. Their removal and reinstatement shall be in strict accordance with these details.

Reason: In order to protect the character of the buildings.

8 With regard to the main barns full details of all joinery, including windows, doors, screens and internal railings, shall be submitted to and agreed by the Local Planning Authority prior to the commencement of the works. Such details shall include horizontal and vertical cross-sections at a scale of not less than 1:20 and shall be implemented and thereafter maintained in strict accordance with these agreed details unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and to protect the character of this Listed Building.

9 With regard to the main barns full details of the design and means of fixing of the proposed plywood baffles shall be submitted to and approved by the Local Planning Authority prior to the commencement of the works. The works shall be then implemented in strict accordance with the approved details.

Reason: In the interests of protecting the character of the Listed Building.

10 With regard to the main barn no works shall take place until full details of a Wildlife Protection and Enhancement Scheme have been submitted to and approved in writing by the local planning authority. These details shall include (but shall not be limited to):

(i) a method statement for the retention of all bat roosts on the site including the maintenance of the bats' existing accesses or the provision of alternative new accesses and the proposed timing of

all works affecting the bat roosts and details of a monitoring scheme

(ii) details of any lighting scheme to prevent harm to bats and retention of dark areas and corridors for bats

(iii) details of monitoring schemes, aftercare and/or management proposals as applicable for the above.

All the proposed methodologies shall be in accordance with current published best practice guidance.

Reason: to ensure that the conservation status of the various protected species present on the site is maintained and/or enhanced in accordance with national and European legislation and current policy.

11 The main barns shall not be occupied until all of the works detailed in the approved Wildlife Protection and Enhancement Scheme have been implemented on the land to the written satisfaction of the local planning authority.

Reason: to ensure that the conservation status of the various protected species present on the site is maintained and/or enhanced in accordance with national and European legislation and current policy.

12 Following implementation of the works detailed in the approved Wildlife Protection and Enhancement Scheme pursuant to condition 18 above, the development shall thereafter be managed, maintained and monitored in accordance with the provisions of the approved Wildlife Protection and Enhancement Scheme (or such variations of the same as may be approved in writing by the Council from time to time).

Reason: to ensure that the protected species present on the site are properly managed

13 The development/works hereby permitted shall only be implemented in accordance with the plans as set out in the plans list below.

Reason: To define the terms and extent of the permission.

PLANS LIST:

Existing Plans : 1743a-s101, 1743a-e-02, 1743a-e-03, 1743a-e-05, 1743a-e-010, and 1743a-e-011 all date stamped 20 December 2012.

Proposal Plans :

Main barn and garage - 1743a-p-03, 1743a-p-04, 1743a-p-05, 1743a-p-06 date stamped 20 December 2012, and revised drawing 1743-p-05b date stamped 28 February 2013.

The Lodge - 1743a-p-010, 282/001c, date stamped 20 December 2012 and revised drawing 1743a-p-011a date stamped 28 February 2013,

Overall Site Plan 1743a-p-02 date stamped 20 December 2012.

Fenestration schedules / plans for The Lodge : Window schedule, Door schedule, 1743a-p-221, 1743a-p-222, 1743-a-p-223, 1743a-p-224, 1743a-p-231, and 1743a-p-232 all date stamped 20 December 2012.

Additional documents : Lime mortar mix, schedule of rainwater goods, schedule of materials, lime render specification, photographs of material samples, and draft S106 agreement all date stamped 20 December 2012, and email dated 28 February 2013 from Watson, Bertram and Fell.

Design and Access Statement, GL Hearn Planning Statement, Mann Williams Main and Cross Barns Structural Report, Mann Williams The Lodge Structural Commentary, J R Sutcliffe Charmydown Lodge Statement of Architectural and Historical Assessment, Tyler Grange Update Ecological Assessment, S J Stephens Associates Arboricultural Report and Tree Protection Plan all date stamped 20 December 2012.

REASONS FOR GRANTING CONSENT

The decision to grant consent subject to conditions has been made in accordance with Section 16 of the Planning (Listed Buildings and Conservation Areas) Act to pay special attention to the preservation of the protected buildings and the setting of a nearby principal building. The decision is also generally consistent with the part 12 of the National Planning Policy Framework and accompanying practice guidance and has taken into account the views of third parties.

Whilst the works have the potential to impact upon protected species, these impacts have been identified, assessed and a suitable mitigation scheme designed. The amended proposals are considered to meet the requirements of the E U Habitats Directive. Although the bat roost situated in the barn will be preserved, the development has the potential to cause deterioration of the roost. However, it is considered that the derogation tests in Article 16 of the Habitats Directive are satisfied as there are considered to be imperative reasons of overriding public interest in restoring the historic barn structure to a beneficial use, there is no satisfactory alternative and the development would not have a detrimental effect upon the conservation status of the bats. The impacts of the development on protected species have been identified, assessed and a suitable mitigation scheme designed. The development is therefore considered to meet the requirements of the Habitats Directive.

Decision-making Statement

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. For the reasons given, and expanded upon in a related committee report, a positive view of the revised proposals was taken and consent was granted.

Informative

Please note the grant of listed building consent for the proposed works does not authorise development requiring separate planning permission.