**22/02297/DEM**

**Waterworks Cottage, Charlcombe Way, Fairfield Park, Bath, Bath And North East Somerset, BA1 6JZ**

Demolition of dwellinghouse (Waterworks Cottage).

*Objection*

Waterworks Cottage is an unlisted mid-19th century cottage situated within the World Heritage Site, and the indicative townscape setting of the Bath conservation area. The north boundary of the site directly overlooks the Green Belt and the Cotswold AONB, and forms part of the green landscape buffer between the city’s residential fringe and open, undeveloped countryside. In 2017 it was recognised as a Non-Designated Heritage Asset (NDHA) of local historic and social significance relating to the original site of the Charlcombe Water Works Company Ltd (B&NES Pre-Application Report 2017). As part of the dismissed appeal for application 20/04067/FUL, the inspector agreed that the cottage could be identified as a NDHA and concluded that “its significance is derived, in part, from its vernacular style, traditional local materials and historic associations.”

The cottage and its spacious garden setting positively contribute to the character and appearance of Charlcombe Way and the wider Fairfield Park character area. Part of Bath’s rural periphery, this area is characterised as primarily residential in which “the special relationship between the city and its surrounding hillsides is abundantly clear” (Bath City-wide Character Appraisal). Development on the higher slopes retains an open visual character with views out to the surrounding hills, particularly to the north as the land rises. The immediate setting of Waterworks Cottage constitutes early 20th century and interwar mid-density development, typically detached or semi-detached two-storey dwellings with generous front and rear private garden spaces that form a green visual buffer along Charlcombe Way.

Consequently, Waterworks Cottage constitutes a standalone remainder of traditional architectural and material vernacular within this localised suburban portion of the city’s periphery which, whilst undergoing some 20th century extensions and remedial works, has retained its historic core. The inspector concluded the following in relation to the site’s contribution to the wider area: “When also factoring in the inherently rural composition of the neighbouring open lands to the north, the site and its immediate surroundings can be observed to exhibit a green and semi-rural character and appearance.”

**This application follows previous refusal of prior approval application 22/01884/DEM, to which BPT objected on grounds of the unjustified total loss of a NDHA and the insufficient provision of information pertaining to any ecological impact of demolition, the proposed restoration of the site, and whether the building may be classified as “uninhabitable” and therefore require full planning permission for its demolition.**

**Harm to a Non-Designated Heritage Asset**

We recognise that as a prior approval application, permitted development rights pertaining to demolition are unfortunately not restricted by heritage considerations in this instance. However, we wish to take the opportunity to reiterate our previous comments regarding the heritage impact of proposals and strongly request the applicant to reconsider the proposed demolition of a NDHA with notable historic and aesthetic contributions to the local area:

“We maintain strong resistance to the principle of the unjustified demolition of a NDHA with strong connections to the history, appearance, and distinctive rural character of the local area. The cottage is attributed greater significance as the apparent, final remainder of the Charlcombe Water Works considering the demolition of other related built features such as the reservoir and engine house.

In accordance with paragraph 197 of the NPPF, *“the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.”* As such, the demolition of the cottage would constitute substantial harm and the total loss of significance of the heritage asset.

We previously maintained that the development of three new-build dwellings on the site would not appropriately outweigh the complete, irreversible loss of a heritage asset. We note the continued developmental pressures felt by this site following the dismissal of application 20/04067/FUL and highlight that the proposed demolition is likely part of land clearance works to try and remove planning obstacles for the next application to be submitted. However, on the principle of considering an application on its own merits, there would be **NO** identified public benefits or advantages that would be considered to adequately balance the loss of an attractive 19th century cottage in its entirety, with subsequent harm to local distinctiveness and townscape character.

As part of application 20/04067/FUL, it was proposed to retain, refurbish, and extend the cottage, clearly demonstrating that it was at least considered materially possible to upgrade the cottage to meet modern living standards. **NO** reasons have been provided as part of this application as to why it cannot be retained. Unless proven to be otherwise, it seems apparent that the cottage is of an adequate standard to be reused and demolition is therefore entirely unjustified.”

**Reasons for Refusal**

The applicant has stated that “refusal of that application was erroneous and outwith the regulations which, unlike the provisions of the GPDO relating to other permitted development, do not authorise a local planning authority to refuse the notification of intent to demolish, only to “… give the applicant notice within 28 days following the date of receiving the determination that such prior approval is required”.” However, as set out in Schedule 2, Part 11 of the GPDO 2015, the definition of a “prior approval event” includes “(c) the expiry of the period for giving such a determination without the applicant being notified whether prior approval is required, given or refused”, indicating an ability for a local planning authority to refuse a prior approval application where this fails to meet the specified requirements, in this instance The Conservation of Habitats and Species Regulations 2017 (with particular reference to Regulation 43).

We note that a Bat Emergence Survey has now been submitted to address previous reasons for refusal regarding “insufficient information to assess the likely potential impacts of the proposed demolition on protected species, including bats.” However, this survey is the same as that which was submitted under refused application 20/04067/FUL, submitted 30/10/2020 although the survey itself was undertaken 16/07/2020. There is no indication that the survey has been updated or revised ahead of its most recent submission; whilst it was concluded that “no bats were recorded roosting within the existing dwelling”, the survey is now two years out of date. Considering the cottage’s vacancy from approximately February 2020 coupled with recorded commuting and foraging bat activity across the site including within close proximity of the building (indicated in Appendix 1), there is a possibility that there may now be bat roosting activity in the building over the intervening period. We maintain concerns that the bat survey as provided may be outdated and therefore provide an inaccurate image of the ecological activity of the site, and consequently strongly recommend that an up to date survey is made available to ensure compliance with The Conservation of Habitats and Species Regulations 2017 is appropriately evidenced.

The local authority included within previous reasons for refusal “insufficient information to assess the likely potential impacts of the proposed demolition on protected species”. Within the definition of protected species they include “nesting birds”. Furthermore, the site closely adjoins a SNCI to the north and is a key habitat/breeding location for amphibians, the B&NES Ecologist has already highlighted the relevance of the site to the adjoining SNCI and potential for development to impact on its ecological value (22/02/2021). We note that no associated assessment or survey appears to have been submitted to clarify potential impact on protected species that may fall within this definition and question whether it is appropriate to leave this “prior to the commencement of the demolition” (Demolition Method Statement).

We maintain strong concerns that inadequate assessment of the building has been made with regard to Schedule 2, Part 11, Class B.1(a). Development under Class B is not permitted if “the building has been rendered unsafe or otherwise uninhabitable by the action or inaction of any person having an interest in the land on which the building stands and it is practicable to secure safety or health by works of repair or works for affording temporary support”. We continue to reiterate the ongoing vacancy of the property and repeated claims from the applicants that the cottage is “dilapidated” (D&A Statement, 30/10/2020 & 28/01/2021) and would fail “to meet today’s modern standards of living” (D&A Statement, 28/01/2021). It is clear that strong interest in the land is retained by the applicants based on recent planning history. We therefore maintain that as yet we are unable to ascertain as to whether the building is uninhabitable and whether the building can be secured. A notification therefore cannot be granted.

**Sustainability**

Paragraph 10 of the NPPF highlights that there is “a presumption in favour of sustainable development”, a sentiment matched by Policy SD1 of the Core Strategy and Placemaking Plan. In achieving sustainable development, the NPPF highlights the need to fulfil three key objectives including “c) an environmental objective – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change”. Paragraph 152 of the NPPF states that “the planning system should support the transition to a low carbon future in a changing climate […] It should help to: […] encourage the reuse of existing resources, including the conversion of existing buildings”.

In light of the Climate Emergency, we therefore strongly maintain that efforts should be made where possible to retain and reuse our built environment to minimise unnecessary and wasteful demolition, the generation of debris a proportion of which will likely end up in landfill, and the release of embodied carbon from the original construction of the building.

**Conclusion**

We continue to strongly oppose the unjustified demolition of a NDHA, contrary to Sections 2 and 16 of the NPPF, and Policies B1, DW1, SD1, CP6, HE1, NE3, and NE5 of the Core Strategy and Placemaking Plan. We maintain that insufficient information has been submitted to enable to LPA to assess whether the building is uninhabitable and if so, whether it is practicable to secure safety or health by works of repair or works for affording temporary support, contrary to the Town and Country Planning (General Permitted Development) (England) Order 2015. There is insufficient information to assess the likely potential impacts of the proposed demolition on protected species, contrary to Conservation of Habitats and Species Regulations 2017.

We continue to emphasise the benefits of this building as a positive feature in its local townscape and landscape context. We strongly recommend that the cottage is retained, updated and reinstated as a family home, and hope that the applicants will withdraw from the irreversible and total loss of a NDHA where this could easily be avoided.

**Otherwise we recommend consideration of the removal of permitted development rights through an immediate Article 4 Direction.**