

**22/01884/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.”

BPT previously opposed the proposed demolition of Waterworks Cottage as part of application 20/04067/FUL; this was subsequently later omitted (see plans 28/01/2021) and the cottage was integrated into the development plans for the site.

We therefore 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.

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.

**Reasons for Refusal**

Under Schedule 2, Part 11, Class B.1(a), development 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”.

The cottage was originally sold on 04/02/2020, and it is presumed that it has been left empty for several years. As it has been continuously reiterated throughout application 20/04067/FUL, the cottage as existing would fail “to meet today’s modern standards of living” (D&A Statement, 28/01/2021) and is therefore highly unlikely that the applicants are in residence. Furthermore, the cottage has consistently been referred to as “dilapidated” on a number of occasions (D&A Statement, 30/10/2020 & 28/01/2021) and is therefore indicative of some level of disrepair as of 2020 that it is assumed has progressed and likely worsened during a long period of vacancy. The applicants later summarised in their Appeal Statement that the cottage as existing is “unfit for contemporary living”. It is unclear as to what condition the property is in, and no structural surveys or further information on what condition the building is currently in and whether it could be secured has been submitted, either as part of this application or previous planning application 20/04067/FUL. 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.

A mix of hand and mechanical hand demolition is proposed. The application site is relatively well set back from neighbouring residential properties, however it is surrounded by trees and hedgerows, particularly on the north-west corner and the adjoining northern tree belt which forms part of a designated Site of Nature Conservation Interest (SNCI) and the Ecological Network, as well as being situated within the Green Belt and Cotswolds AONB. The site and surroundings support highly suitable habitat for bats and other wildlife. There is a reasonable risk of use of the building, depending on its condition, by protected species in particular bats and nesting birds. A previous bat survey has indicated the presence of bats on the site, although not roosting within the cottage itself. However, we highlight that this survey was conducted in July 2020 and does not account for the cottage’s long period of vacancy in which bats may have taken up occupancy. We therefore strongly recommend an up-to-date bat survey is completed by a suitably experienced ecologist (licenced bat worker) in accordance with current best practice guidance. A survey and assessment of other protected species may be required prior to any consent or demolition works.

There is a strong likelihood of further development proposals coming forward in future, presumably a similar scheme as previous for 2-3 detached dwellings. As such, the details provided regarding the restoration of the site are insufficient and are summarised as the backfilling and regrading of the site once the semi-subterranean ground floor has been removed. As there is no guarantee development would come forward, further details are required regarding how the site would be left should no building be constructed. In addition, 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). Proposals for any necessary ecological and protected species mitigation and compensation measures are therefore required.

**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. Insufficient information has been submitted to enable the LPA to assess the proposed restoration of the site.

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.**