

DELEGATED REPORT

Application No: 22/03249/DEM

Details of location and proposal and Relevant History:

Waterworks Cottage , Charlcombe Way, Fairfield Park, Bath, Bath And North East Somerset

Site Description

The application relates to a site and building known as 'Waterworks Cottage'. The site is located to the north eastern side of Charlcombe Way which is a single width road with no north bound through vehicular traffic, accessed from Solsbury Way and Fairfield Park Road to the south. The site is roughly triangular shape extending and narrowing to the east away from Charlcombe Way. Waterworks Cottage is a two storey detached dwelling with rectangular footprint, positioned centrally within the site. The dwelling is thought to date from approximately 1850. The dwelling is oriented parallel with Charlcombe Way with the principal elevation facing east, away from the highway. The house features a dual pitched roof with gabled ends including raised stone chimney stacks. The house is constructed with squared Bath stone and the roof is covered with slates. The building is surrounded by garden land to all sides. There is a steep reduction in level to the east across the site. The site includes vehicular access at the northern side via driveway leading to a single storey flat roofed garage.

The site is located within the Bath World Heritage Site area. However, the site is not located in a Conservation Area and Waterworks Cottage is not subject of statutory listing in recognition of historic significance. In February 2022, Historic England issued a Certificate of Immunity preventing consideration of the building for listing or a Building Preservation Order being issued to prevent demolition for a 5-year period. The Green Belt boundary runs immediately to the north of the site, as does the Cotswolds Area of Outstanding Natural Beauty and Charlcombe Valley Site of Nature Conservation Interest.

Planning History

20/04067/FUL - REFUSED - 04.08.2021 (APPEAL DISMISSED - 26.04.2022) Extension and alteration to existing Cottage and creation of two detached dwellings.

22/01884/DEM - PRIOR APPROVAL REFUSED - 01.06.2022 - Demolition of dwellinghouse (Waterworks Cottage).

22/02297/DEM - PRIOR APPROVAL REFUSED - 04.07.2022 - Demolition of dwellinghouse (Waterworks Cottage).

Application

The current application is made under Schedule 2, Part 11, Class B (demolition of buildings) of The Town and Country Planning (General Permitted Development) (England) Order 2015. The application notifies the Local Planning Authority of the proposed demolition of the dwelling at the site and seeks a determination as to whether the prior approval of the authority will be required in respect of the proposed demolition.

Summary of Consultation/Representations:

In accordance with the procedure set out at Condition B.2 (iv) and (v) of Schedule 2, Part 11, Class B, the application has been advertised by way of site display on or near the land on which the building to be demolished is sited. The site display was erected on 12th August 2022 and the required 21 day period therefore elapsed on 2nd September 2022.

The Local Planning Authority has received a total of 107 objections to the application. No comments in support have been received.

Grounds of objection can be summarised as follows:

- o The cottage is of historic significance to the area, linked to the adjacent waterworks and its demolition would erase important local history
- o The building is a Non-Designated Heritage Asset so should not be demolished
- o The Local Authority should identify and implement a mechanism that will protect the cottage
- o The Council should apply an Article 4 Direction to remove permitted development rights and prevent demolition
- o The existing cottage building is visually attractive and its loss would be harmful to the appearance and character of the area
- o Demolition and loss of the building would harm the local landscape
- o The demolition would represent inappropriate development in the Green Belt and adjacent to an Area of Outstanding Natural Beauty
- o Demolition will cause disruption and disturbance to the lives of neighbouring residents and passers by
- o The garden would need to be excavated for vehicles to access the site
- o The proposed demolition would be impractical and unsafe
- o Demolition would exacerbate parking issues and cause congestion and highway safety issues on Charlcombe Way and adjacent streets
- o Charlcombe Way may be destabilised as a result of demolition
- o Demolition traffic would obstruct emergency services access
- o Demolition traffic would exacerbate challenging highways conditions in the surrounding area causing highway safety issues including for children accessing local schools
- o The swept path analysis is inadequate and does not relate to the size of vehicles which will inevitably be used for the demolition
- o Vehicles associated with demolition are more likely to turn further north on Charlcombe Way which would require use of neighbouring property
- o Comparison to works undertaken at no. 5 Charlcombe Way are inappropriate as there are differences between the sites and projects

- o Loss of habitat for wildlife as a result of demolition and harm to wildlife during demolition
- o Demolition of the building would be harmful to local toad population which migrates in March
- o The application contains inaccuracies and vagueness in relation to proposed demolition method
- o There is no need for demolition as the building is in good condition and can be used as a home
- o Demolition and associated redevelopment are only motivated by financial gain and will not benefit the area
- o The demolition is only the first step to achieve redevelopment of the site
- o Retention and refurbishment will be more environmentally sustainable due to embodied carbon emissions
- o The Council has declared Climate and Ecological emergencies and demolition would be contrary to these objectives

National and local amenity groups:

Campaign to Protect Rural England:

I am writing on behalf of the Campaign to Protect Rural England to notify you that we wish to register an OBJECTION, as we have previously, to the applicant's proposal to demolish this building. We also wish to encourage the Council to take suitable steps to ensure that demolition does not occur and furthermore that the building is maintained in good order.

I have copied below our objections to a previous application about the proposed demolition of this building. In addition to these I would add two further points. Firstly Bath and North East Somerset Council has declared a Climate Emergency. There is considerable evidence emerging of the carbon generation implications from the unnecessary demolition and replacement of buildings that could be restored. This has been acknowledged by reports from the Royal Institute of British Architects and the Parliamentary Environmental Audit Committee. Unfortunately this is not currently reflected on planning guidance but I hope that it will be a factor that encourages the Council to use whatever powers it has already to refuse this application.

Secondly there is national concern about the demolition of buildings of local interest that do not merit listing under the national scheme. Too often such buildings are being demolished and replaced by unsuitable replacements despite objections by local residents and civic groups. I understand that at least one authority has taken steps to apply a direction under Article 4 of the Town and Country Planning Act to all its locally listing buildings to try to protect and would urge Bath and North East Somerset Council to do the same.

The consultant for the owners suggests that The Town and Country Planning (General Permitted Development) Order 2015 as amended means that demolition can go ahead so long as notification is given. This is because the building does not have national listed status and is not in a conservation area. However we suggest that in terms of planning decisions, and enforcement, the situation is not that simple. The later National Planning Policy Framework (Edition 2021) (NPPF) sets out general rules for decisions and it can be argued that this supersedes the Order referred to above when there are so many factors making demolition inappropriate.

In particular the NPPF says in paragraph 174 that "Planning decisions should contribute to and enhance the natural environment by: (a) protecting and enhancing valued landscapes; (b) recognising the intrinsic beauty of the countryside. Furthermore in paragraph 189 the NPPF states that "Heritage assets vary from the buildings of local value to those of historic significance. These are assets that are an irreplaceable resource and should be conserved in a manner appropriate to their significance so that they can be enjoyed for their contribution to the quality of life of existing and future generations."

The landscape and historic value of the site to local people can be judged from its local listing and the comments made from local people on previous applications for demolition and or alteration combined with inappropriate and over development of the site. It sits in an important location on the edge of the Cotswold Area of Outstanding Natural Beauty and the approach to the World Heritage Site of the City of Bath.

The Council is very well aware of the value of some of our older buildings that do not qualify for national listing. It has usefully adopted a Supplementary Planning Document (SPD) of Locally Listed Heritage Assets. The document clearly states that "Permission will not be granted for a Locally Listed Heritage Asset" and we hope that steps will be taken to enforce this SPD with regard to Waterworks Cottage.

We hope that the Council will use all the planning powers at its disposal to ensure that demolition does not take place and the building remains in good order. This would accord with the guidance in the NPPF, the SPD and recent Government statements that it values the views of local people in the planning process. It is clear from the agent's photographs taken prior to the sale in February 2020 that the building was structurally sound before it was purchased by the applicants for redevelopment of the site rather than as a home. It was in need of sympathetic modernisation but should remain in place as an attractive and appropriate building for the landscape setting of the site and one which has significant historic links to the development of Bath and its water supply.

Council for British Archaeology:

The Council for British Archaeology (CBA) have been notified about the above case by a concerned local resident. Based on the information supplied with this application, we offer the following observations and advice to assist your authority in determining the application.

Significance

Waterworks Cottage is a mid-C19th century cottage, recognised as a non-designated heritage asset (NDHA) which is the only remaining built component of the Charlcombe Water Works Company. It retains significant local value as part of the development of the Charlcombe Water Works site. The surrounding area has become characterised by 20th century domestic development. This 19th century cottage is the remaining articulation of its earlier development and use following the loss of the water work's engine house. Charlcombe Waterworks was a significant aspect of Bath's municipal infrastructure in the 19th century. As such it holds high communal and historical values. Paragraph 189 of the NPPF states that "Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations."

The topography of the site makes it prominent within its setting on the edge of the Cotswold AONB. Its historic vernacular character and traditional building materials on the edge of the urban development means it positively contributes to the setting of the AONB. Waterworks Cottage also

falls within the World Heritage Site. These area based designations and the topography elevate the sensitivity of the site.

This application for the demolition of Waterworks Cottage would result in substantial harm to a non designated heritage asset (NDHA). No justification is presented for this, and no proposals are submitted for the future use of the site. There is also no consideration of the impact on the setting of the AONB, Charlcombe Conservation Area (its character and the legibility of its historical development) or the World Heritage Site. Demolishing this NDHA would be contrary to the presumption in favour of sustainable development, which underpins the NPPF, and the value of heritage assets to the character and identity of places found in section 16 of the NPPF.

The principal paragraph of the NPPF relating the NDHAs is 203, which states "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." The level of harm in this instance is substantial. It will entail the total loss of any physical representation of the Charlcombe Water Works Company and the legibility of the 19th century use of this part of the conservation area. This will negatively impact on the setting of the AONB, conservation area and the rich texture of the WHS. The CBA do not believe there to be any positive outcomes from the proposed demolition to balance the harmful impacts of these proposals in a judgment of this application. We note the planning history for this site and do not believe any material changes to have happened since your LPA refused permission for the demolition of this NDHA in June this year (application 22/02297/DEM).

The CBA believe that a revised approach is necessary towards Waterworks Cottage and that paragraph 190 of the NPPF is pertinent for the future use of this site. It states Plans should set out a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. This strategy should take into account:

- a) the desirability of sustaining and enhancing the significance of heritage assets, and putting them to viable uses consistent with their conservation;
- b) the wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring;
- c) the desirability of new development making a positive contribution to local character and distinctiveness; and
- d) opportunities to draw on the contribution made by the historic environment to the character of a place.

On this basis the CBA object in the strongest terms to the proposed demolition of Waterworks Cottage. We recommend it to be contrary to the requirements of section 16 of the NPPF, specifically paragraphs 189, 190 and 203.

The Froglife Trust:

Froglife is the national charity dedicated to the conservation of native amphibians and reptiles. We are objecting to the demolition of the property at Waterworks Cottage on the grounds of the material planning consideration: nature conservation.

In particular the timings of the proposed demolition (1-31st March 2023) is the worst possible time of year, since this is when the amphibians are undergoing their annual migration to the breeding

lake. There will be damage to the toads on the site and on the roads from the higher vehicle movements. Even a month later in April will cause less damage.

...

The Information provided by the development provides insufficient awareness of the ecological implications of demolition at this site and insufficient mitigation measures.

Charlcombe Parish Council:

Once again, Charlcombe Parish Council wishes to object strongly to this proposal to demolish Waterworks Cottage. It is a non-designated heritage asset and can be gently updated, easily and economically, to provide comfortable and attractive accommodation, as enjoyed by the previous owner only two or three years ago.

Waterworks Cottage is adjacent to the Green Belt and SSSI of the Charlcombe Valley. It is exceptionally valuable to the local community, as an intrinsic part of the local landscape and also because of its historic character as a tangible reminder of the Georgian waterworks in the adjacent field. The development of a clean, piped water supply was of crucial importance in the history of the local area. Waterworks Cottage was built in the mid-nineteenth century as a dwelling for the workmen who maintained Charlcombe's water supply. It would be a tragedy to lose this distinctive part of the local history and heritage of Charlcombe.

The NPPF says in paragraph 174 that 'Planning decisions should contribute to and enhance the natural environment by: (a) protecting and enhancing valued landscapes; (b) recognizing the intrinsic beauty of the countryside. Furthermore in paragraph 189 the NPPF states that 'Heritage assets vary from the buildings of local value to those of historic significance. These are assets that are an irreplaceable resource and should be conserved in a manner appropriate to their significance so that they can be enjoyed for their contribution to the quality of life in existing and future generations.'

As well as the erosion of our heritage, there is a feeling developing within the construction industry, as noted by the BBC website, that demolition and rebuild rather than sensitive renovation, can double carbon emissions, making the style of development environmentally unsustainable.

The proposal to demolish under GPDO regulations is misguided and inappropriate, as highlighted by the CPRE and BPT objections. The application of an Article 4 Directive on the cottage by B&NES would be the best way to prevent any demolition under GPDO, and should be done forthwith.

In summary, along with currently more than 70 other objections which are making it clear that local people are opposed to the destruction of this building, Charlcombe Parish Council wishes to object strongly to this application to demolish Waterworks Cottage.

Bath Preservation Trust:

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 August article by Kirsty Elliot in Local Look Magazine has highlighted that the original lease to William Powney in 1846 included "the erection of a steam engine, engine house, cottage and reservoir", indicating the cottage to be part of the original waterworks infrastructure. It later appeared in the 1844-1888 OS map (attributed to 1882-1888). It is noted that the historic engine house is retained to the west of the site, although in what appears to be a derelict condition.

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 applications 22/01884/DEM and 22/02297/DEM, to which BPT objected on grounds of the unjustified total loss of a NDHA and the continued, insufficient provision of documentation associated with the demolition.

We maintain that demolition would continue to result in the complete and irreversible loss of a recognised NDHA contrary to Section 16 of the NPPF and Policies HE1 and CP6 of the Core Strategy and Placemaking Plan.

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.

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.

Local Policy CP6 states that "the Council will protect, conserve and seek opportunities to enhance the historic environment including the character and setting of designated and other heritage assets." Emphasis is placed on the "sensitive reuse and adaptation of historic buildings and spaces". As part of previous 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.

Local Policy HE1 sets out that "development that has an impact upon a heritage asset, whether designated or non-designated, will be expected to enhance or better reveal its significance and/or setting, and make a positive contribution to its character and appearance." The demolition would result in the complete and irreversible loss of a heritage asset and as such would therefore fail to enhance or better reveal its significance, instead resulting in identified harm to the localised heritage significance of the area.

We previously maintained that the development of three new-build dwellings on the site would not appropriately outweigh the demolition and associated harm to the cottage. 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.

In accordance with paragraph 203 of the NPPF, "a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset." However, demolition would result in total harm to a NDHA, with subsequent harm to local distinctiveness and townscape character, without identification of appropriate public benefit or optimum viable use to appropriately outweigh harm.

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 continue to strongly emphasise the value of retaining and reusing our built housing stock, where possible, to minimise unnecessary and wasteful demolition, the generation of debris (a proportion of which would 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 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.

Bath Heritage Watchdog:

Bath Heritage Watchdog strongly objects to this application.

This is a repeat of refused application 22/02297/DEM which is itself a repeat of 22/01884/DEM with some additional information covering some of the inadequacies of the earlier reasons for refusal. This in turn followed application 20/04067/FUL for additional dwellings alongside an extension to the existing cottage, which was refused, and the appeal against the refusal was also refused.

Heritage

We were grateful for the information that this property was featured in an item in "The Local Look" and we discovered the article was written by Kirsten Elliott. Kirsten is a published author and has in the past submitted Heritage Statements for various planning applications. She has a well-deserved reputation for being thorough in her research, producing accurate reports, and although the item in "The Local Look" was not for a planning application, the thoroughness of her research is evident.

Thus we know that Colonel Matthew Gunning was the owner of the water company which had property in Charlcombe and Walcot which included Charlcombe Waterworks, and that the waterworks were leased to William Powney. Powney had borrowed money from Colonel Gunning in 1846 when he took on the lease, with requirement for the erection of an engine house and steam engine and cottage and reservoir. These were all in place when in 1849 the council asked to take over the tenancy but this was resisted and it remained the Charlcombe Waterworks until 1874. The engine house and engine are no more, and the waterworks were significantly altered, which makes the Waterworks Cottage the oldest surviving part of the original waterworks.

Application 20/04067/FUL was refused and so was its appeal. The Appeal Inspector reported that the site (Waterworks Cottage and its private garden of roughly triangular shape) is correctly identified as a non-designated heritage asset. It was not a significant feature of the appeal because that application retained the cottage, but it adds weight to the fact that the Conservation Officer identified it as such, and thus it has to be treated as a community asset.

The NPPF was updated and re-issued in 2021, and that provides very clear guidance on how heritage assets are to be treated when considering planning applications.

Paragraph 189 recognises that heritage assets are all important but some are more important than others: "Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance".

Paragraph 204 rules out demolition without replacement for this particular locally important building: "Local planning authorities should not permit the loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred." This application requires total destruction of the property with no public benefit from leaving the land derelict.

Originally the NPPF was issued as guidance, but Statutory Instrument 2421 of 2021 introduced an amendment to the Localism Act which gave Community Assets the same status as listing. The permitted development right to demolish has a list of exclusions which include both Listed Buildings and Community Assets. Thus an application like this for demolition as a result of permitted development has specific legislative protection for the property from the Assets of Community Value (England) Regulations, the Localism Act and Section B3 of the The Town and Country Planning (General Permitted Development) (England) Order 2015 (Statutory Instrument 596 of 2015) and the application cannot legally be permitted.

Methodology omissions

We note that the application still insists that a "4-wheel drive car" is the only vehicle that is needed and no vehicle larger than 4.725m long and 1.86m wide will required to access the site and it is the only one for which a swept path analysis has been provided.. However, accidents may occur and an NHS Ambulance or a Fire Appliance may be needed and both of those are larger and not as manoeuvrable as a 4-wheel drive car. Therefore there needs to be a swept path analysis for emergency vehicles or else the application methodology fails on Health & Safety grounds.

Inadequacies

The application is submitted for demolition as Permitted Development, and that type of application cannot have Conditions attached to it. Therefore the Demolition Method Statement must have enough detail to assess exactly how the work will progress. However the main contractor is not identified, and the document is littered with assumptions that subcontractors will submit their own method statements. Without the ability to include Conditions, the Demolition and Environmental Method Statement must be complete with all the necessary method statements that cover all aspects of the work. To allow the work to go ahead with "to be provided later" caveats in the Method Statement is like giving the applicant a blank cheque to do whatever they like with no control over what is chosen.

The Ecology Impact Note assumes that toads might cross the site to reach the nearby breeding pond. However the area is registered as a toad patrol site and those who patrol have a 5-year history on the presence of toads, frogs and newts on the site, where outside the breeding season they feed and hibernate. The assumption in the Ecology note that amphibians are only transient across the site in the breeding season is totally wrong.

Similarly, if there is evidence of badgers on the site then he badgers will continue to visit the site nocturnally, because they are creatures of routine. Those with domestic gardens frequented by badgers will attest that they will dig under, around, or climb over anything put in place to obstruct their normal access routes. The bat survey provided covers two dates in August, which completely overlooks the fact that bats have different roost and foraging areas for winter and summer. As an indication of the disruption to bats in winter it is totally inadequate.

The property has been unoccupied for some time, and undisturbed grassland is an ideal habitat for slowworms. Slowworms are another protected species, yet the survey of protected species dismisses grassland as an area which won't be disturbed and therefore does not need to be investigated. Without detailed method statements for the workmen, and plant, tools and scaffolding to manipulate on a sloping site, there is every possibility that somebody will walk on the grassland, so there is no proof that there will not be offences against the Conservation of Species and Habitats Regulations from the "avoidance and mitigation" actions submitted.

Anomalies

The Joists and rafters are to be gifted to a local reclaim yard, but some of such flooring and roofing timbers will be longer than will fit in a 4-wheel drive car so they cannot be removed from site without being cut to smaller lengths which would then not be reusable.

Tower type scaffolding has been indicated as a type that will be able to be carried by a 4x4 vehicle. Such scaffolding is normally only used for DIY maintenance of buildings because then the user is not in a workplace. The use by contractors of a relatively unstable structure that nevertheless has to incorporate a fixed ladder and anchorage is unlikely to comply with the mandated BS5973. This looks like a clumsy attempt to pretend that scaffolding would fit in a 4x4 when it won't and wouldn't pass a safety inspection if it did. A quick look at websites of companies hiring out scaffolding towers show that the components have a length and width, they do not arrive as individual poles and joint fixings like conventional scaffolding. The delivered units are either end structures and horizontal brace units which will be a flat-pack assembly task which make a cube shape on assembly, or they are a cube designed to be stacked onto the similar cube below. The personnel safety advice is that the tower height must not exceed 4 times the smallest side and the tower must be exactly horizontal in both directions as tested with a spirit level before use. Those components able to be assembled to reach the top of the building will not be able to be carried in a 4x4 car, and given the significant slope on the site, getting it exactly horizontal might be problematic.

The attempt to show that protected species will not be put at risk because the demolition will not place anything or anyone outside the footprint of the building is incompatible with the provision of smoking areas away from the building or the inevitability that portable style scaffolding towers will have to be moved around outside that footprint to complete the demolition.

The Ecology Impact Note makes the claim that the contents are good enough for the demolition process and a better plan will be provided for "the wider site development". If there is to be a development then the necessary plant will not get to site in anything the size of a 4x4. The previous attempt was refused by both council and Appeal Inspector so future development cannot be assumed to obtain planning permission. Therefore NPPF paragraph 204 advises against demolition.

It is not easy to decide whether these anomalies have been the result of assumptions made without adequate checking, or whether they are deliberately intended to mislead the decision making process in order to avoid a refusal. If it is the latter then it is a criminal offence under Section 68 of the Town and Country Planning Act. If it is the former then the inadequacies are sufficient to show that the application cannot be delivered as presented and refusal is the appropriate outcome.

Conclusion

The applicant is wrong to assume that permission to demolish is a foregone conclusion. The recent update to the Localism Act protects community assets by giving them, which also include undesignated heritage assets, the same status as listed buildings, and listed buildings are included in the exclusions which disallow demolition under Permitted Development legislation. It merits the undesignated heritage asset description because the latest historical research identifies it as the last structure of the original waterworks still in existence.

In addition, there is insufficient information provided to allow workmen operating at height with power tools to be assured that emergency services can gain access to the site to treat them. The Method Statement contains too many omissions, so that it does not provide enough information to inform what the working practices will be. That makes it unfit for purpose.

To satisfy the decision makers that there will full compliance with the Conservation of Species and Habitats Regulations, the Ecology Impact Note as written is inadequate, and that failing alone is reason for refusal.

We finally point out that the anomalies identified above cast sufficient doubt on what is to be done and how, that the application must be refused until these shortcomings are resolved.

Charlcombe Toad Rescue Group:

The Charlcombe Toad Rescue Group wishes to object yet again to the planning application for demolition of Waterworks Cottage. We repeat the concerns we raised on the previous refused applications: 20/04067/FUL, 22/01884/DEM and 22/02297/DEM.

The applicants are well aware that the area of Waterworks Cottage is a long-established habitat for common toads, common frogs and newts and also a migration route to their breeding lake. For over 20 years volunteers with our group have been dedicated to the monitoring and conservation of the amphibians in the Charlcombe area, particularly toads which are a biodiversity priority species under the Natural Environment and Rural Communities (NERC) Act (2006). In the past our work has been recognised with a conservation award from the International Fund for Animal Welfare and also on many occasions in the media, most recently BBC2's Springwatch on 2nd June. Locally our volunteers were recently rewarded with a 'thank you' reception with the Mayor of Bath for their conservation work.

Given the tremendous support the Charlcombe toad/frog/newt population receives locally and nationally, it is particularly disappointing that the applicant appears to show little regard for its welfare and survival.

The proposed dates for demolition are stated to be 1-31st March 2023. March is a crucial time for migrating amphibians, they typically begin their journey to breed anytime from mid-January to end March so any amphibians that have spent the winter in the garden of Waterworks Cottage, or may be travelling through, will be at severe risk of being killed by works associated with the demolition.

...

The biggest threat to amphibians in the UK is the impact from habitat change and loss of migration routes, which has seen a 68% decline nationally in common toads in the last 30 years. The reality is that if this demolition is permitted the impact on toads in the area and destruction of amphibian habitat would be permanent and extensive and so contrary to clear national and local policy on conservation of habitats. (Policies NE3, NE5 and Chapter 15 of the NPPF). The NPPF makes clear that development proposals should contribute to and enhance the natural and local environment and this includes sites of biodiversity.

Internal consultees:

Transportation and Highways, Bath and North East Somerset Council:

Scope for revision -

The site was previously subject to a planning application (20/04067/FUL) for the extension and alteration to existing Cottage and creation of two detached dwellings which was subsequently refused at appeal in April 2022. A subsequent application (22/01884/DEM) was submitted for the demolition of Waterworks Cottage and was subsequently refused in June 2022 on a number of grounds, including insufficient details submitted in relation to a Demolition Management Plan and Traffic Management.

A further application for the demolition of Waterworks Cottage (22/02297/DEM) was submitted which included a Demolition Management Plan (DMP) and associated swept path which was also refused in June 2022. At that time the highways officer expressed concerns regarding the access to the site and the potential impact that demolition proposals would have. Having considered this advice the planning officer on balance refused the application solely on ecological grounds. As such and accepting that previous decision no comment is made on the suitability of the network to accommodate these proposals and our focus is solely upon the details of the construction management plan.

Details of deliveries

The DMP states that deliveries and collections from suppliers will be carefully managed to minimise the impact on local residents. It is also stated that deliveries or collections would be kept within a delivery period of between 1100-1400 which is welcomed and avoids peak network times of 0800-0930 and 1630-1800. Construction deliveries to the site and the removal of plant, equipment, machinery and waste from the site will only take place within these permitted hours.

It is also stated that all deliveries and collections are intended to be within the site boundary due to the narrow width of Charcombe Way. The DMP states that all vehicle turning will take place on the site and via the site access road.

The DMP states that all vehicles will be small scale and that the maximum size vehicle anticipated to visit the site will be a 4-wheeled drive vehicle.

There are also references in the DMP to scaffolding which is proposed to be transported to site in 4-wheeled drive car and reference is also made that no lorries will be generated by the demolition of the cottage. Sub-contractors are mentioned a number of times within the DMP, however no reference is made to the maximum size vehicle anticipated which is required. No skips are proposed to be required for the demolition of the cottage.

The DMP states that the programming of deliveries will ensure there is not a constant flow of lorries up and down the road all day. In the proceeding paragraphs it is stated that deliveries or collections would be kept to one a day, which contradicts the previous statement. As such, traffic management would be required to manage vehicles associated with the proposed demolition which is not currently provided and should be detailed in a Construction Management Plan that would be conditioned as part of any planning approval.

The vehicular access to the site requires multi-point manoeuvres for a 4-wheel drive vehicle to enter/exit the site. This would be further exacerbated for any larger vehicles which are anticipated to be associated with the demolition of Waterworks Cottage. An alternative method of access and traffic management (in the form of banksman for example) is required to be deemed acceptable from a highway's perspective. The DMP and/or CMP is silent on how the vehicles entering the site will be managed from a practical point of view. The access is tight, on a steep gradient and the multiple turns required would block the road temporarily, how will this be managed to ensure a suitable level of safety. The CMP will need to detail arrangements for a banksman, how deliveries will be managed, how the size of vehicle will be managed. Further details are required.

Contractor parking

Contractor parking is proposed internally within the site with three designated car parking spaces allocated on site as detailed on submitted drawing 3070-SK09.

Traffic management

The CMP sets out details of restricted access to the site for delivery vehicles between 1100- 1400 which is welcomed and avoids peak network times of 0800-0930 and 1630-1800. In addition, the DMP refers to a site office within the site for welfare and the use of the existing garage for storage and also details on-site contractor parking which is welcomed. No further traffic management is proposed and would be required to access the site in the safest possible manner.

Working hours

Working hours are stated in the DMP as 08:00 - 1700 Monday-Friday and 08:00-13:00 Saturdays which are acceptable.

Site compound arrangements

Site welfare arrangements are proposed within a site office block on the right-hand site which is proposed as the main location for all facilities, comprising of toilets, hot and cold running water, drinking water, changing facilities, rest facilities / canteen area. However, this does not appear to be detailed on any submitted drawings. In addition, details of delivery of the proposed site office block is required given the constraints identified above with regards to the width of Charlcombe Way and access constraints into the site.

Conservation Historic Environment, Bath and North East Somerset Council:

As previously stated, the house and grounds form an historic and architecturally interesting entity of local importance, within the context of Bath's Victorian expansion, based on its vernacular construction and connection with Charlcombe Waterworks. Its importance also originates from its garden setting, adding value as a green space on the edge of open countryside. The site 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), reinforcing its strong connection to the countryside.

Background and Significance.

Recent research undertaken by Kirsten Elliott, writing an article for the Local Look Community Magazine in August 2022, sets out definitive evidence to demonstrate that Waterworks Cottage did form part of the original waterworks development in 1846. A local man called Powney borrowed money from the landowner; Colonel Gunning to develop the waterworks comprising of a steam engine, engine house, cottage and reservoir. It is most likely, given supporting evidence from map regression and from the physical remains of the buildings and structures on site relating to the Victorian waterworks, that Waterworks Cottage was the original cottage developed by Powney for the purpose of housing the waterworks superintendent. As the cottage was part of the original waterworks it has more historic value attached to it as a local heritage asset. Its nomination for a Locally Listed Heritage Asset (Non-designated heritage asset) has a stronger justification accordingly.

In February 2022, Historic England issued a Certificate of Immunity that removes powers from either Historic England or the Council to consider either listing the building or serving a Building Preservation Order to stop demolition for a 5-year period. This certificate, as far as I understand it, stands no matter what evidence is put forward that shed more light on the buildings historic interest.

The applicant's original application, 20/04067/FUL, supported the retention of the asset. However, following Refusal at Committee and an Appeal decision that confirmed that Waterworks Cottage is; "correctly be identified as a non-designated heritage asset. Its significance is derived, in part, from its vernacular style, traditional local materials and historic associations", the applicants no longer seek its retention and reuse.

Policy Situation;

Under the current NPPF and Placemaking Plan Policy HE1, any harm to the significance of a designated or non-designated heritage asset must be justified. Proposals will be weighed against the public benefits of the proposal; whether it has been demonstrated that all reasonable efforts have been made to sustain the existing use, find new uses, or mitigate the extent of the harm to the significance of the asset; and whether the works proposed are the minimum required to secure the long-term use of the asset.

As an LLHA, it is most unfortunate that the applicants have now decided to apply for Prior Approval for the cottage's demolition. This effectively overrides the previous planning process that sought to retain the building and does not allow the normal protective policy and frameworks, as set out above, to be taken into consideration by the Case Officer or consultees.

This leaves only one alternative route; the issuing of an Article 4 Direction (A4D) that would remove the permitted development rights of the applicants to demolish the building. In this case, the making of an A4D whilst an application is pending is bad practice. Even if such a process was initiated, because of the procedural requirements for making a direction, it would be most unlikely to be in force until sometime after the current application is determined so it would not assist in stopping the current application being determined or proposal implemented.

Conclusion;

Whilst I appreciate that we have limited avenues to try and halt what is being proposed, in relation to this site, an A4D is not a realistic option given the timescales involved. I would nevertheless bring to the applicant's attention again the heightened value of this building as a local heritage asset, based on the additional information now establishing its connection to the original Victorian waterworks and ask that they reconsider their proposals for this site. I urge them to reconsider the reuse and conservation of the cottage, ultimately a more sustainable approach that retains the existing building. This could still allow a new development within the grounds. With the assets historic and communal significance, its retention would enhance this part of the city.

If, however, the applicants wish to continue this process and implement demolition, I request, as before, a full record of the building and the site is made. Whilst a Heritage Assessment was submitted with the previous application, this needs to be updated to provide a more detailed record of the building on the site for submission to the Historic Environment Record held by SWHT. This should provide an opportunity to update the research and take account of Kirsty Elliott's article and research. The report should be carried out in line with Historic England's; "Understanding Historic Buildings; A Guide to Good Recording Practice" guidance (2016). On the basis that the original Heritage Statement that did not include the research/documentary evidence that has since come to light about the buildings use, this new information should be incorporated into an updated report that should be produced up to Historic England's Level 3 standard, in view of the impending complete demolition of the property.

Ecology, Bath and North East Somerset Council:

A bat emergence survey has been submitted and finds no use of the building by bats at this time. The findings of the bat survey report are accepted.

An ecological impact note is also submitted.

As this is a demolition notice it is understood that the principle of demolition is not in question (it is already established via the legislation). This advice is therefore confined to establishing whether sufficient ecological / protected species information is available and ensuring sufficient and

appropriate measures are proposed to protect wildlife. It is also understood that conditions cannot be attached to a consent (as would be the case for a planning application) therefore all details of proposed measures to protect wildlife, including method statement/s as applicable, must be provided at this stage.

Therefore I would request the following additional information:

More detail is required in the ecological impact note regarding specific measures that will be in place to protect wildlife - and wording for all measures required must state what will happen and use committal language that is enforceable (eg "shall" instead of "should").

A wildlife protection method statement is also required and must include the following details:

- o Confirmation of proposed timing and seasonality of works
- o locations of storage of materials, demolition rubble and waste disposal - all details also to be shown on a plan;
- o details of proposed fenced exclusion zones, to be shown accurately on a plan, within which there shall be no excavation; removal of vegetation; vehicle movements; use of machinery; storage of materials or waste; waste disposal; or any other activities that may cause harm to wildlife. The fenced exclusion zones must be retained and maintained as such throughout works, and conditions should be suitable to provide safe refuge for wildlife and to offer vegetated routes and connective habitat that can function as wildlife corridors enabling safe movement of wildlife and animals through the site.
- o Details of a named ecological clerk of works (that must be a suitably experienced professional ecologist) to carry out pre-commencement checks and inspection of the site for concealed wildlife and to ensure all mitigation and protection measures including fenced exclusion zone are properly installed and in place before commencement of works, and thereafter to provide on-site supervision and repeat inspections (a stated commitment to a minimum frequency and number of visits should be provided).

A "Demolition and Environmental Method Statement" is submitted but the document does not include a section on ecology. The ecological method statement should be included within this document. This is essential to demonstrate that timing and methods of work will not cause unacceptable ecological harm or risk of harm to protected or vulnerable species.

Update: A revised Demolition and Environmental Method Statement was received 8th September 2022. This includes an updated Ecology Protection section. Following review by the Council's Ecologist, it has been confirmed that the wildlife protection this offers is appropriate, more rigorous and most importantly likely to be more effective with this in place. The revised Demolition and Environmental Method Statement sets out that demolition will take place between May and September, a defined area of works including ecology exclusion zone by way of fencing and pre-commencement ecologist surveys. These measures address the concerns raised above and are welcomed from an ecological perspective.

The further note from the toad rescue group (8 September 2022) has also been taken into account and is understood. As this is a demolition notice rather than a planning application, the scope and extent of works makes it more difficult for the LPA to make requirements. This proposal involves a more limited scope and extent of works (compared with what would be involved for wider development site preparation and clearance). The proposed timing of works now avoids the time of year with greatest risk of encountering amphibians in large numbers and works will be confined to the specified area, which will be made less suitable for wildlife and therefore reduce the risk of use by wildlife. The purpose of the proposed Heras fencing is not to provide an impermeable

barrier to wildlife but to ensure a zone is provided that is free of activities that may harm wildlife, whilst also providing habitat and conditions that are more suitable and attractive to wildlife and be the area more likely to be used by wildlife. Should animals be encountered within the area of works, site workers will have been briefed regarding the appropriate action to take, and the heras fenced area can be used as a refuge and receptor area. The method statement also commits to a weekly visit by the applicant's ecologist who can therefore make regular checks of the site and check in each time with site workers, and respond to any issues arising as applicable.

Arboriculture, Bath and North East Somerset Council:

A desk top assessment indicates that no trees of individual arboricultural significance are present on the site, however, existing vegetation on site may have ecological value.

The submissions provide no information on how existing vegetation on site will be protected during works.

The provision of a wildlife protection method statement referred to within the comments from the Ecologist should include existing vegetation such as hedges and any trees. This information must be provided prior to determination.

Policies/Legislation:

Officer Assessment:

The application is made under Schedule 2, Part 11, Class B of The Town and Country Planning (General Permitted Development) (England) Order 2015 which relates to demolition of buildings. This legislation sets out procedure for demolition of buildings under permitted development rights which do not require full planning permission.

The National Planning Practice Guidance (NPPG) defines permitted development rights as: "Permitted development rights are a national grant of planning permission which allow certain building works and changes of use to be carried out without having to make a planning application. Permitted development rights are subject to conditions and limitations to control impacts and to protect local amenity."

"Where a relevant permitted development right is in place, there is no need to apply to the local planning authority for permission to carry out that work. In a small number of cases, however, it may be necessary to obtain prior approval from a local planning authority before carrying out permitted development. Permitted development rights do not override the requirement to comply with other permission, regulation or consent regimes."

In relation to the prior approval process, the NPPG states:

"Prior approval means that a developer has to seek approval from the local planning authority that specified elements of the development are acceptable before work can proceed. The matters for prior approval vary depending on the type of development and these are set out in full in the relevant Parts in Schedule 2 to the General Permitted Development Order. A local planning authority cannot consider any other matters when determining a prior approval application."

"The statutory requirements relating to prior approval are much less prescriptive than those relating to planning applications. This is deliberate, as prior approval is a light-touch process which applies where the principle of the development has already been established. Where no specific procedure is provided in the General Permitted Development Order, local planning authorities have discretion as to what processes they put in place. It is important that a local planning

authority does not impose unnecessarily onerous requirements on developers, and does not seek to replicate the planning application system."

Public consultation responses listed above refer to the National Planning Policy Framework. However as acknowledged in the NPPG, the Local Planning Authority cannot consider any other matters when determining a prior approval application. Therefore the NPPF and its policies are not relevant to prior approval applications made under permitted development legislation. Prior approval applications must be determined in accordance with the terms set out within the relevant legislation (Schedule 2, Part 11, Class B of the GDPO in this case).

Assessment against Schedule 2, Part 11, Class B of the GDPO is set out beneath.

Class B states that permitted development includes any building operation consisting of the demolition of a building.

Development not permitted by class B includes:

B.1 Development is not permitted by Class B if—

(a) 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;

(b) the demolition is "relevant demolition" for the purposes of section 196D of the Act (demolition of an unlisted etc building in a conservation area)(a); or

(c) the building is a specified building and the development is undertaken during the specified period, regardless of whether, in relation to the development, a prior approval event has occurred.

In relation to the above:

(a) Waterworks cottage has neither been rendered unsafe or otherwise uninhabitable. The application therefore qualifies with B.1 (a).

(b) "Relevant demolition" for the purposes of section 196D of the Act (Town and Country Planning Act 1990) includes demolition of a building that is situated in a conservation area in England. Waterworks Cottage is not situated within a conservation area and therefore the demolition would not be relevant demolition for the purposes of section 196D of the Act. The application therefore qualifies with B.1 (b).

(c) "Specified building" means a building used for a purpose falling within Class A4 (drinking establishments) of the Schedule to the Use Classes Order. Specified buildings for this purpose relate to public houses or pubs. Waterworks Cottage is not a pub and does not fall within Class A4 of the Use Classes Order. It is a dwellinghouse falling within Class C3 of the Use Classes Order. The application therefore qualifies with B.1 (c).

As a result of compliance with B.1 (a) - (c), demolition of Waterworks Cottage is permitted development allowed by the legislation and planning permission is not required.

Conditions B.2 (a) - (b) (i) - (x) set out the procedure which must be followed in order to benefit from the permitted development rights provided by Class B.

This includes condition (b) (i) (aa) which states that: "the developer must, before beginning the development— (aa) in all cases, apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to the method of demolition and any proposed restoration of the site".

The current application represents the developers application as to whether the prior approval of the authority will be required as to the method of demolition and any proposed restoration of the site. The Local Planning Authority will assess matters relevant to the method of demolition and any proposed restoration of the site under the subsequent subheadings.

Assessment relates only to the method of demolition and any proposed restoration of the site and impacts directly resulting from these factors. The Local Planning Authority cannot consider matters which go beyond the method of demolition and any proposed restoration of the site as the legislation does not require or allow this.

Access, Transport and Highways

The application is supported by a 'Demolition and Environmental Method Statement' which provides details in relation to the proposed method of demolition and proposed restoration of the site. This includes details relating to access and highways implications associated with the proposed demolition and restoration.

The Method Statement states: "Deliveries and collections from suppliers will be carefully managed, so that there is no disturbance to residents within the area and minimum inconvenience between school hours, where possible. All deliveries and collections are intended to be within the site boundary, as it is appreciated that the carriageway is narrow being that cars park on the side of the road. This will stop traffic build-up during busy times, however, residents will be notified by mailshot regarding deliveries, as necessary. However, no vehicles larger than that of a 4x4 (on average - 4.725m Long x 1.785m Wide) will be required to access the site, as the scale of the demolition works is minor for a small one and a halfstorey cottage, in which the stone fabric of the building is to be cleaned down and carefully retained and stored at the end of the project, within the existing Garage. Any surplus stone will be carefully removed from site and stored for reuse off site."

"Signage will be shown at the entrance of site with regards to speed limits, which is currently indicated on Charlcombe Way by speed control signage. Contractors will ensure no dust or debris is dropped outside the boundary and that all vehicles are in a suitable condition before and after entering/leaving site. No Lorries will be required for removing any debris or deliveries. It will be ensured that the required scaffold vehicle will be no larger than a 4x4 (on average - 4.725m Long x 1.785m Wide) to access the narrow single lane road, on Charlcombe Way and details of timings for arrival and removal at the end of the Demolition, will be with prior notice with neighbours. This will be controlled by the site agent and the contracts manager."

"It is not envisaged that parking by suspension will be required. Parking is available in the surrounding roads should additional parking be required for sub-contractors, during the Demolition in addition to the 3 spaces allocated within the site. Staff will be encouraged to use either train or bus travel to the site to reduce the necessity of parking."

"Due to the small nature of the project, deliveries, or collections, as referenced above, would try to be kept to one a day depending upon the programme of works, within a delivery period of between 11a.m.-2 p.m. to avoid busy traffic periods. All vehicles will be small scale (4x4 - size as noted above), such that no turning will be permitted on private property/driveways, particularly on the garage forecourt at the end of Charlcombe Way. All vehicle turning will take place on the site and via the site access road. All details of the temporary site parking are included on the attached Site Plan (Drawing No S03). & Highways Consultants, EAS, Vehicle Tracking Drawings (Nos. SK05/REVA & SK09), submitted with this application, which confirms the total number of vehicles in 3No. and the size of the 4x4 vehicles, as are indicated on the drawings - on average are 4.75m Long x 1.785m Wide. Vehicles will enter Charlcombe Way in a forward motion, as indicated on the aforementioned drawings, which indicated manoeuvrability. A banksman will be allocated to oversee vehicles arriving and leaving the site."

These proposals have been reviewed by the Council's Transportation and Highways officer and are found to be acceptable. It is recognised that access to the site presents several challenges including limited carriageway width and a tight bend. For this reason, it is specified that averaged sized vehicles only, such as cars and vans will be used for demolition. It is specified that skips will not be used for storage and removal of materials. The tracking submitted with the application demonstrates that a multi point manoeuvre is required to enter and exit the site. Whilst this is undertaken, Charlcombe Way will temporarily be blocked. The highway does not carry high levels of traffic however so this will not cause significant levels of congestion or inconvenience. Visibility is good and speeds will be low due to the 20mph limit on Charlcombe Way. The Method Statement indicates that a banksman will be deployed to oversee vehicles entering and exiting the site. This will aid both to vehicles manoeuvring as well as management of traffic on Charlcombe Way to ensure conflict is avoided. It is also outlined that deliveries and collections will be scheduled between 11:00 and 14:00 in order to avoid peak times on Charlcombe Way and the surrounding road network. These factors are all welcomed from a highways perspective and will limit highways impacts associated with proposed demolition.

Parking within the site is proposed within x3 spaces which will be created through laying a temporary mat on the existing lawn. There is sufficient space to accommodate the proposed demolition vehicles within the proposed parking area. There is also sufficient area available for manoeuvring on site and exiting in forward gear to enable visibility of the highway and safe egress. Highways have raised no concerns in relation to these proposals.

It is proposed that existing facilities on site such as the garage and outhouse will be used for welfare during demolition. Therefore no site office or additional facilities will need to be imported.

It is highlighted that the site retains permitted development rights given by Schedule 2, Part 1 of The Town and Country Planning (General Permitted Development) (England) Order 2015 for development within the curtilage of a dwellinghouse. Various extensions and alterations to the existing building and site could be undertaken under this legislation without any prior permission or subject to controls by the Local Planning Authority. Such projects would likely be associated with comparable scenarios in terms of access and impacts to highways as the demolition proposed. In this context, it is found that resisting demolition on the basis of highways impacts would amount to unreasonable behaviour by the Council, liable to costs awards against the Council were any refusal subject of appeal.

Overall, no objection has been raised following review by Highways officers in relation to the safe and free flow of the surrounding highway network based on the method detailed within the submitted Demolition and Environmental Method Statement. The Local Planning Authority is therefore satisfied that it's prior approval can be given in relation to this aspect of demolition and restoration.

Ecology

The updated 'Demolition and Environmental Method Statement' received 8th September 2022 includes ecology protection proposals. These proposals have been prepared in response to concerns previously raised by the Council's Ecologist. Whilst the site is not within an area designated for nature conservation, the Charlcombe Valley Site of Nature Conservation Interest is located immediately to the north. The domestic garden at the site is not habitat of a high quality for nature but the site may be accessed by badgers, amphibians, bats, birds and other small creatures such as mice. Surveys have been undertaken which rule out badgers and bats residing on the site itself.

The submitted ecology note has been revised to incorporate additional detail and measures to protect ecology which are also incorporated into the Demolition and Environmental Method

Statement. The additional measures are supported and welcomed. The Council's Ecologist has confirmed no further objection on ecological grounds.

The further note from the toad rescue group has also been taken into account and is understood. As this is a demolition notice rather than a planning application, the scope and extent of works makes it more difficult for the Local Planning Authority to make requirements. This proposal involves a more limited scope and extent of works (demolition of the dwelling only, compared with what would be involved for wider development site preparation and clearance). The proposed timing of works (May to September) now avoids the time of year with greatest risk of encountering amphibians in large numbers and works will be confined to the specified area, which will be made less suitable for wildlife and therefore reduce the risk of use by wildlife. The purpose of the proposed Heras fencing is not to provide an impermeable barrier to wildlife but to ensure a zone is provided that is free of activities that may harm wildlife, whilst also providing habitat and conditions that are more suitable and attractive to wildlife and be the area more likely to be used by wildlife. Should animals be encountered within the area of works, site workers will have been briefed regarding the appropriate action to take, and the fenced area can be used as a refuge and receptor area. The method statement also commits to pre-commencement and weekly visits by the applicant's ecologist during demolition. They can therefore make regular checks of the site and check in each time with site workers and respond to any issues arising as applicable.

It is again highlighted that the site retains permitted development rights given by Schedule 2, Part 1 of The Town and Country Planning (General Permitted Development) (England) Order 2015 for development within the curtilage of a dwellinghouse. Various extensions and alterations to the existing building and site could be undertaken under this legislation without any prior permission or subject to controls by the Local Planning Authority. Such projects would likely be associated with comparable if not greater ecological impacts than the demolition proposed. In this context, it is found that resisting demolition on the basis of ecological impacts, particularly accounting for the protection measures now proposed by the applicant, would amount to unreasonable behaviour by the Council. This would be liable to costs awards against the Council were any refusal subject of appeal.

Overall, no objection has been raised following review by the Council's Ecologist in relation to the impact to ecology based on the method detailed within the submitted Demolition and Environmental Method Statement. The Local Planning Authority is therefore satisfied that its prior approval can be given in relation to this aspect of demolition and restoration.

Arboriculture

The Council's Arboricultural officer was consulted in relation to the proposed demolition. They undertook a desk based assessment of the site which concluded that no trees of individual arboricultural significance are present on the site. It is noted that the site is not located within a conservation area and therefore trees can be removed without any legal requirement for permission or control from the Council. There are no trees subject of Tree Protection Order at the site and none which would warrant further protection by Tree Protection Order. As such, the demolition is found to have acceptable impact to trees.

The Arboricultural officer did acknowledge that existing vegetation on site may have ecological value as habitat for nature and that wildlife protection proposals should be secured. As discussed in the ecology section above, this has now been provided and is deemed sufficient by the Council's Ecologist. Consequently, no arboricultural issues apply which would justify withholding prior approval for demolition.

Neighbouring Amenity

The site is located in a residential area with nearby dwellings at neighbouring sites. This includes Combe House immediately to the south, 8-12 Charlcombe Way to the west and 130-136 Fairfield Park Road to the east.

The submitted 'Demolition and Environmental Method Statement' outlines that: "Construction works will only be allowed between the hours of 8 a.m. - 5.00 p.m. Monday to Friday and 8 a.m. - 1 p.m. on Saturdays. Any contractor's vehicles associated with the demolition works, will be limited to these hours only. As noted previously, deliveries will try to be limited to once per day at the appropriated times designated earlier". Deliveries are proposed between 11:00 and 14:00.

The Method Statement indicates that the applicant intends to inform the local community in advance of works commencing. It is indicated that a 'Site Liaison Officer' will be allocated to manage communication and any concerns raised by neighbours.

These proposals have been reviewed by the Council's Environmental Health Pollution Control officer and they confirmed they had no objections. The proposed site hours are within the Council's adopted code of practice for construction noise and standard construction hours. Protocols for liaison with neighbours are welcomed and encouraged. There will remain options available for the Council to take action against any excessive or anti-social noise resulting from demolition under other environmental legislation such as the Environmental Protection Act 1990.

It is inevitable that demolition will result in some awareness and impact to living experience at neighbouring properties, particularly those immediately adjacent. However this impact will be temporary and is unlikely to extend over a significant period given the scale of the building. The character of noise and activity would not be dissimilar to construction works associated with other types of domestic building or development project which routinely take place within similar settings. The timing limits set out within the method statement will ensure that demolition takes place during the day when background noise levels are higher and minimising disruption to living at neighbouring properties.

The submitted information sets out that hazardous materials (if found), such as asbestos, will be removed from the site by a third-party contractor who will undertake the appropriate surveys and assessments. The method of demolition will be largely by hand and machine and will include an internal soft strip of the building. The existing stone will be set aside for potential re-use and stored in the existing garage which will not be demolished.

Overall, it is not found that the proposed demolition would pose undue harm to living conditions and amenity at neighbouring properties which would warrant prior approval being withheld.

Proposed restoration of the land

The submitted Demolition and Environmental Method Statement sets out that:

"Upon the completion of the above demolition works, any back filling required and grading of the land, where the existing ground floor has been removed, will be carried out and left level with the adjacent finish levels and gradient of the site. The site will be left clear, safe and tidy, with all scaffolding, fencing, hoarding, equipment and materials, as listed above, cleared from site, and the landscape left clear for regrowth. The formation layer comprising the temporary parking area will be removed, as part of the reinstatement works."

Officers consider that sufficient confidence has been provided and that the proposed restoration works will not result in a significant change in the land levels at the site. The proposals as indicated in the statement would leave the site in an acceptable condition which posed no issues in terms of safety or amenity. A landscaping plan is not considered necessary in this case regarding the visual appearance of the land.

Other matters

The comments of third-parties and the Conservation Officer are noted in regard to the implementation of an immediate Article 4 direction on the site to prevent the demolition of the cottage, by removing permitted development rights to do so. In order to evoke and Article 4 Direction, the Council must be able to fully justify the appropriateness of an Article 4 to the Secretary of State. Officers do not consider this an appropriate, realistic or financially viable option and an Article 4 direction will not be evoked by the Council at this time.

The Local Planning Authority neither encourages, nor endorses the demolition of Waterworks Cottage. However it is required to assess this application under the terms of the relevant legislation (Schedule 2, Part 11, Class B of the GPDO 2015) which do not exclude or prevent demolition of non-designated heritage assets.

However, officers would like to strongly encourage the applicant's to fully record the building and the site. Whilst a Heritage Assessment was submitted with the previous application, this needs to be updated to provide a more detailed record of the building on the site for submission to the Historic Environment Record held by South West Heritage Trust. The report should be carried out in line with Historic England's; "Understanding Historic Buildings; A Guide to Good Recording Practice" guidance (2016). On the basis that the original Heritage Statement that did not include the research/documentary evidence that has since come to light about the buildings use, this new information should be incorporated into an updated report that should be produced up to Historic England's Level 3 standard.

In relation to sustainability and embodied carbon which has been raised in public consultation responses, it is highlighted that under the legislation (Schedule 2, Part 11, Class B of the GPDO 2015) demolition of buildings is permitted development which does not require planning permission. The Local Planning Authority therefore cannot object to the principle of demolition despite sustainability implications, as demolition is exactly what the legislation permits. The application only relates to the method of demolition and restoration of the site. It is noted that the method statement does indicate that stone from the building will be stored on site for re-use and other materials will be donated to salvage yards. Therefore, no objection is held on the basis of sustainability and refusal on such ground cannot be justified.

Conclusion

The proposed demolition of Waterworks Cottage is found to be permitted development under the terms of Schedule 2, Part 11, Class B of The Town and Country Planning (General Permitted Development) (England) Order 2015. The developer has applied to the Local Planning Authority for a determination as to whether the prior approval of the authority will be required as to the method of demolition and any proposed restoration of the site. Following review of the demolition method and site restoration proposed, the Local Planning Authority has concluded that no further information is required and the details presented are acceptable. It is therefore decided that prior approval is not required.

Recommendation:

PRIOR APPROVAL NOT REQUIRED

1 Time Limit

In accordance with Condition B.2 (ix) (bb) of Schedule 2, Part 11, Class B of The Town and Country Planning (General Permitted Development) (England) Order 2015, the development must

be carried out within a period of 5 years from the date of notification of demolition (12 August 2022).

Reason: To comply with Condition B.2 (ix) (bb) of Schedule 2, Part 11, Class B of The Town and Country Planning (General Permitted Development) (England) Order 2015.

2 Compliance with submitted details

In accordance with Condition B.2 (viii) of Schedule 2, Part 11, Class B of The Town and Country Planning (General Permitted Development) (England) Order 2015, the demolition must except to the extent that the Local Planning Authority otherwise agree in writing, be carried out where prior approval is not required, in accordance with the details submitted with the application.

Reason: In order to comply with Condition B.2 (viii) of Schedule 2, Part 11, Class B of The Town and Country Planning (General Permitted Development) (England) Order 2015 and ensure that the method of demolition and any proposed restoration of the site are acceptable.

3 Plans List

The application is decided based on the following details submitted with the application:

8 September 2022	Demolition & Environmental Method Statement Rev D
7 September 2022	Ecology File Note by Quantock Ecology
7 September 2022	S03 REV A Demolition Site Plan - Vehicle Parking/Turning
12 August 2022	SK05 REV A Swept Path Analysis - Charlcombe Way
Junction	
12 August 2022	SK09 Swept Path Analysis - Parking for 3 x 4 Wheel
Drive Cars	
12 August 2022	P00 Existing - Site Location Plan
12 August 2022	Updated Bat Survey - Emergence and Activity Surveys

PLANS LIST:

Case Officer:

David MacFadyen

Authorising Officer:

Chris Gomm