



Bath Heritage Watchdog

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APPLICATION NUMBER: 22/02297/DEM

ADDRESS: Waterworks Cottage, Charlcombe Way, BA1 6JZ

PROPOSAL: Demolition of dwellinghouse (Waterworks Cottage)

CASE OFFICER: Isabel Daone

DATE: 13 June 2022

COMMENT: OBJECTION

Bath Heritage Watchdog strongly objects to this application.

This is a repeat of refused application 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.

The application 22/02297/DEM again suggests the Planning Authority is limited by the Permitted Development policy, picking out the parts that support this point of view and carefully avoiding all the parts which disprove it. This objection identifies the reasons why this latest application must be refused, and the reasons for refusal that need to be included in the Decision Notice to foreclose any further attempts to harm this building.

Primary Reason for Refusal

The entire City Of Bath is on the UNESCO list of World Heritage Sites and the UK Government has signed up to the Operational Guidelines for the Implementation of the World Heritage Convention, and in accordance with those Guidelines B&NES has produced and maintains its City of Bath World Heritage Site Management Plan, endorsed by the Secretary of State for Culture, Media and Sport, which covers protecting the WHS up to the boundary and the impact of the site on the areas immediately outside it. This forms an agreement under TCPA Section 106, and all applications for the Waterworks Cottage site have included the World Heritage Site as a planning constraint. This is therefore a “relevant obligation” in the definitions in B3 and is thus excluded from demolition under Part 11 Section B2(b).

Secondary Reasons

The building has been confirmed as a Locally Important Building by the Planning Inspector considering the appeal to 20/04067/FUL, and that application also had reported to the Planning Committee that considered it the fact that the Bath Preservation Trust had objected

to harm to the building because it is (among other things) a Locally Important Building. In addition, the Planning Inspector recognised it as a Locally Important Building in April 2022 and Statutory Instrument 2421 of 2021 introduced a Local Connection as a body other than a parish council has a local connection with land in a local authority's area if the body's activities are wholly or partly concerned with the local authority's area, Which the Planning Inspectorate clearly was.

Statutory Instrument 2421 of 2021 also introduced the authority of Voluntary or Community bodies as Community Interest Bodies to The Localism Act 2011, to designate assets of community value, and their activities are both as a registered charity and an unincorporated body of more than 21 members. Thus by the time 22/01884/DEM was raised the Local Planning Authority has to regard Waterworks Cottage as a community asset and that protects it from any Permitted Development activities for 5 years from April 2022, or from the date of the lodging of the first BPT objection to 20/04067/FUL if Government Departments are excluded by any other Statutory Instrument.

The objection to 22/01884/DEM by the Planning & Conservation officer with a comment which includes "This building meets the criteria, as set out in Historic England's guidance; Local Heritage Listing (2016) and the BANES draft SPD on Locally Listed Heritage Assets, for recognition as a locally listed heritage asset" so there can be no argument that the Local Planning Authority does not maintain a list which includes this building. It is unfortunate that the objection did not spell out (as we are doing here) the fact that a locally important building is an asset of community value and is therefore excluded from demolition as a permitted development.

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."

Conclusion

The applicant is wrong to assume that permission to demolish is a foregone conclusion. There is a significant "relevant obligation" described above which rules out the ability to use Permitted Development in the site managed by the City of Bath World Heritage Site Management Plan. The application must be refused on that basis.

The recent update to the Localism Act also protects community assets, which also include undesignated heritage assets, though on an individual case by case basis. For protection of Locally Important Buildings outside the World Heritage Site it would be preferable to follow up the Conservation recommendation to pursue an Article 4 exclusion for such buildings from Permitted Development demolition, so that case by case arguments become unnecessary. This objection is copied to Conservation for information.

