**APPLICATIONS FOR DEMOLITION**

**WARREN COTTAGE AND THE BAY VIEW CAFE**

**Three** further applications have been made to South Hams District Council for the demolition of buildings on the Warren Cottage and Bay View Café site. These are as follows:

1. 0470/18/PAA Prior approval application for proposed demolition of Bay Café (following application 4383/17/PAD) - dated 2 February 2018.
2. 0406/18/PAD Application for prior notification of proposed demolition of Warren Cottage – dated 8 February 2018.
3. 0403/18/PAD Application for prior notification of proposed demolition of Warren Cottage and Bay View Café – dated 8 February 2018.

Valid reasons for objection

The Council are limited in the reasons that they can give for refusing the demolition of non-designated heritage assets which are outside of a conservation area and the listing of the Bay View Café as an asset of community value does not protect it from demolition. The reasons that the Council can give to refuse the demolition relate to:

1. **The method of demolition** eg are the methods safe or will the demolition result in unreasonable harm to the amenities of adjoining neighbours.
2. **The proposed restoration** of the site following demolition eg will it be clean, tidy and safe. Will the appearance of the site following demolition be satisfactory?
3. **Other health and safety reasons** why demolition should not be allowed eg will this result in the illegal spread of contaminated soil ie in this case soil contaminated with Japanese Knotweed.

NB The fact that the local community would like to see both Warren Cottage and the Bay View Café retained and reused are not reasons which the District Council can give for refusing these applications.

The reasons given for the recent dismissal of the appeal against the refusal of the planning application on grounds of loss of a heritage asset and loss of a community asset, tourist facility and employment use are not reasons that the District Council can give for refusing these applications.

However, there is no reason why the public cannot object on these grounds and to point out that the site will still remain as asset of community value and the lawful use of the site for party café/restaurant use will remain.

Although it will carry little weight people could also object on grounds that there is no reason to demolish the buildings. Although vacant the buildings are not derelict or unsafe.

The Parish Council have now objected to all of these applications and hopefully their reports will now have been placed on the application websites. I would encourage people to read the reasons that the Parish Council have given for objection to these three applications. This is summarised below.

1. **Application Ref: 0470/18/PAA – Proposed demolition of Bay Café only**

The first application 0470/18/PAA is related to the previous application for prior notification of demolition of the Bay Café Ref: 4383/17/PAD which was made on 21 December 2017 and determined on 21 December. The Council determined on 16 January 2018 that prior approval was required for the following reasons:

1. *Inadequate information had been submitted to the Authority to demonstrate that the demolition and/or restoration of the site will not involve disturbance of soil contaminated by Japanese Knotweed. Please provide clarification of the impacts of the demolition and restoration of the site on the extent of Japanese Knotweed contamination within your control.*
2. *In the event that the demolition and/or restoration of the site will disturb Japanese Knotweed, please provide details of how this will be mitigated and/or how the waste will be disposed of in a manner compliant with the relevant Environmental Health and Wildlife regulations.*
3. *Inadequate information has been submitted to the Authority to demonstrate how unacceptable impacts upon amenity of the adjacent Warren Cottage with regard to parking, traffic movements, hours of operation and noise and dust suppression measures.*
4. *Inadequate information has been submitted to the Authority to demonstrate how and by what means and materials the site will be restored. Please supply details of the proposed finishes and relandscaping of the site, including new levels, the finish of any areas of hardstanding, details of any soft landscaping and details and the finish of any retaining walls or other structures.*

This further application for prior approval now includes a Method Statement and Risk Assessment, an Ecology Report prepared by Acorn Ecology in August 2015, a plan showing the buildings to be demolished comprising the Bay View Café and three outbuildings and a plan showing post demolition levels. There is also a covering letter from Ashfords Solicitors providing further information on how the applicant intends to deal with the problem of the site being contaminated with Japanese knotweed.

**Issues relating to demolition prior to treating or satisfactorily removing Japanese Knotweed**

The letter from Ashfords states that ‘

‘*In relation to* *Japanese knotweed, the extent of the knotweed was identified during the most recent planning application in the Acorn Ecology report now resubmitted. The demolition of the former café will not impact on the knotweed which is limited to a two square metre area to the north west of the site as indicated in figure 3, at page 18 of the Ecology Report. This area will be separated and protected by Heras fencing during demolition as indicated on drawing DEMO2.’ (My underlining).*

These proposals for dealing with the problem of the contamination of the site is wholly inadequate and goes against the recommendations of Acorn Ecology that the Japanese knotweed should be satisfactorily treated or disposed of prior to construction/excavation works commencing.

Ashford Solicitors have not submitted the more detailed report entitled ‘Proposal for Eradication of Japanese knotweed, dated 23 October 2015’ that was prepared by Environet UK Ltd. This report following a survey carried out two months later than that carried out by Acorn states

‘*The knotweed is located in the corner of the plot, in close proximity to two neighbouring properties. An area approximately 4m2 was visible at the time of the survey, however it is likely that the area affected is significantly more than this’. (My underlining).*

The report also states at Table 1 that the infestation area at that time was 24m2.

The report states that the target date for completion of the treatment programme is ‘*prior to the commencement of development’ and that ‘the treatment or removal of the knotweed from the site should be carried out by a specialist contractor’.*

Permitting the spread of knotweed into the wild is illegal and whatever method is chosen for the eradication of the knotweed this does need to be done prior to the commencement of development including demolition works.

The Japanese Knotweed Eradication Report was prepared nearly two and a half years ago and the knotweed is likely to have spread significantly since this report was prepared. It grows at 20cm per day in the summer months both underground and overground and the extent of the knotweed on the site at present is not known. The plant is dormant in the winter months and the extent of the knotweed will only become evident once the new shoots appear in June or July.

Fencing off the area shown visibly to be affected in 2015 is not sufficient to ensure that no infected soil would be removed as a result of this demolition, clearance of the debris, the base, and levelling of the site which will inevitably involve removal of soil. The extent of Japanese knotweed on the site is not known and in any case should be treated or removed prior to any demolition works taking place.

**On these grounds alone the application for prior approval for demolition should and could be refused.**

**Restoration of site following demolition**

The applicants have not provided satisfactory details of how the site will be restored following demolition to ensure that it is left in a clean, safe and tidy condition. Reason 4 of the Council’s reasons for requiring prior approval requested details of any areas of hardstanding, details of any soft landscaping and details and the finish of any retaining walls or other retaining structures.

The Method Statement refers to proposals to dig out the slab and foundations and to then level the site to the surrounding levels. However this will leave an area of exposed soil which unless planted with shrubs or grass will end up covered in weeds and look extremely unsightly.

The covering letter provided by Ashfords that following demolition:

 ‘*The site will be fenced with a mix of solid timber board fencing and Heras fencing depending on ground conditions and site levels. The fencing will remain in place and be maintained in the future to safeguard against members of the public entering the site for their own safety’.* NB No details have been provided about the height of this fence.

To provide hoardings around the site following demolition is unnecessary. They may be there for several months or possibly years as there is no planning permission in place for the redevelopment of the site. Hoardings around the site would be extremely harmful in relation to the appearance of the site and wholly inappropriate having regard to its prominent location on the seafront, within the AONB, the South Devon Heritage Coast and on the South West Coastal Path. It is not a requirement which is set out in the Method Statement and the plan showing treatment following demolition shows ‘*existing vegetation and boundaries to remain’*

**The unsatisfactory appearance of the site following the demolition of the Bay View Café is another valid planning reason for the District Council to refuse to allow the demolition of the Bay View Café.**

**Reason for demolition**

The applicants have not provided any satisfactory reason for the demolition of the Bay Café. It is listed as an ‘Asset of Community Value’. The lawful use of the site as part residential and part Class A3 café/restaurant will remain even if the building was to be demolished and the policies of the adopted Local Plan and emerging Joint Local Plan seek to protect community assets of this type. The café would therefore need to be rebuilt as part of any future development on this site.

The building despite being vacant is not in a derelict or unsafe condition and should therefore remain.

1. **Application Ref: 0406/18/PAD – Proposed demolition of Warren Cottage only**

It is a complete mystery why an application to demolish Warren Cottage only has been submitted especially as the plans do show the Bay View Café remaining on site. As the Bay View Café is probably supported by Warren Cottage it is unlikely that the cottage could be demolished without the Bay View Café falling down. If it was the intention to remove the Bay View Café first, this might make sense, but the plans do show the Bay View Café remaining in place and the Method Statement makes no mention of the Bay View Café also being demolished.

The issues relating to this application are similar to those set out above in relation to the demolition of the Bay View Café. Similar documents have been submitted but with the plans showing demolition of Warren Cottage and a detached garage only.

The reasons to object to this application would be the same as those set out above with the additional reason of objecting to the Method of Demolition. It would not be safe to leave the Bay View Café in place if Warren Cottage was demolished.

1. **Application Ref: 0430/18/PAD – Proposed demolition of Warren Cottage and the Bay View Café**

This application is similar to the first application but involves the demolition of both Warren Cottage and the Bay View Café. Similar documents have been submitted with the post demolition plan showing the removal of all buildings on the site, removal of slabs and levelling of the soil but no treatment such as covering with grass or planting. Again hoardings around the site are to be maintained following demolition.

All of the reasons for objecting to the application for the demolition of the Bay Café apply with the added reason of objecting to the loss of a much valued heritage asset.

**How to make objections**

You can find the applications on the South Hams District Council Planning Application Search website and do an objection on line but it is best to compose your objection first as a word document before starting the process and then attach or copy this prior to submitting. The box given for stating the reason for your objection is limited in terms of size so I normally put ‘refer to report attached’ when it asks to reasons for objection.

The link to the website is as follows:

<http://apps.southhams.gov.uk/planningsearchmvc>

**IT IS IMPORTANT TO OBJECT INDIVIDUALLY TO ALL OF THESE APPLICATIONS ALTHOUGH YOU COULD DO JUST ONE REPORT RELATING TO ALL THREE AND ATTACH THIS TO EACH OBJECTION.**

If you have problems using the website for your objections you can send in your objections by email to dm@swdevon.gov.uk, copied to the case officer matt.jones@swdevon.gov.uk or send a letter to the Development Manager, South Hams District Council, Planning Department, Follaton House, Totnes, TQ9 5NE .