



BATH HERITAGE WATCHDOG

Chairman:

Patrick Hutton
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Reference: **120220/CD6**

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Chris Banks
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Dear Mr Banks

Thank you for your e-mail of 8th February 2012, drawing attention to the Schedule of Rolling Changes and inviting comments.

Bath Heritage Watchdog is an all-volunteer group with members who have other commitments on their time. Because of that it was impossible to guarantee continuity at Examination sessions and we took a decision that we should provide comprehensive written submissions rather than attend the Examination and participate in person.

We have continued that approach and submit detailed written comments on document CD6/E2.2. Please take these into account during the Examination.

Yours sincerely,

A handwritten signature in black ink that reads "Patrick P. Hutton". The signature is written in a cursive style with a large loop at the end.

COMMENTS ON CD6/E2.2

Ref 1

The page number quoted is incorrect, but having found Objective 5 on page 11 rather than page 20 as shown, the proposed change is acceptable.

Ref 2

No Comment

Ref 3

The change proposed is acceptable, but it is incompatible with Ref 7; see our comment there.

Ref 4

No Comment

Ref 5

Past decisions have shown that supposed enhancements are not always desirable nor successful. To guard against such mistakes in future, the insertion should read (our amendment is in bold):
Protecting, conserving and **if appropriate**, enhancing the district's nationally and locally important cultural and historic assets.

Ref 6

No Comment

Ref 7

The proposed deletion brings a potential conflict with the amendment proposed in Ref 3. It is suggested that the clause should read (our amendment is in bold):
4: retaining the general extent of the Bristol – Bath Green Belt within B&NES **with minor adjustments made only in exceptional circumstances.**

Ref 8

The proposed change is acceptable as it is intended to be read, but some may misconstrue the use of the word "conservative" to have political connotations. We suggest the use of an alternative word (eg cautious) to avoid this.

Ref 9

In view of the number and range of comments made on the draft core strategy, it is likely that any changes made during periodic reviews could also provoke strong reactions, so:

The core Strategy will be reviewed around every five years and, **after public consultation**, changes made to ensure that both: . . .

Refs 10, 11 and 12

The amended diagram is not part of the document CD6/E2.2 so we are unable to comment on the acceptability of the changes, and in particular whether the extent of the Green Belt is shown with sufficient accuracy.

Ref 13

The amendment proposed is an improvement over the over the original wording but it still leaves the risk that the judgement of what is an appropriate enhancement of the World Heritage Site could be faulty, and combining the World Heritage Site and the Cotswold AONB in a single sub-item is confusing. We suggest an improved wording:

Protect, conserve, and where appropriate enhance:

- a. The Outstanding Universal Value of the world Heritage Site and its setting, **subject to the endorsement by ICOMOS-UK for enhancements.**
- b. The Cotswold Area of Outstanding Natural Beauty.

(then renumber the existing b to f)

In the past, English Heritage has been asked to comment on World Heritage matters, but the World Heritage Committee, having sent a Mission to Bath to examine the plans for the Western Riverside, flatly disagreed with the English Heritage assessment of the impact. Because according to the World Heritage Convention that they signed up to, the UK Government is answerable to the World Heritage Committee, a Local Authority should be advised by that Committee's agents in World Heritage matters and not a UK body that has been shown to give unsound advice in the past.

Ref 14

It is important that this addition is included, because otherwise Ref 15 could dictate building on locally important open spaces, or high-rise development that have an adverse impact on the Outstanding Universal Value.

Ref 15

This is acceptable only if Ref 14 is adopted.

Ref 16

Effectively all three statements mean the same thing, though only the first (and the council's preferred option) specifically mentions the Rec. The remaining

statements infer the Rec, just avoid naming it. The explanatory notes at the very end of the document say that there is already a stadium in situ on the Rec. Yet what is there is by no stretch of the imagination a stadium. There are two permanent but unconnected stands and the other two sides are temporary stands, and in the eyes of the covenant none are legal. The proposition that there is already a stadium so there's no real change is disingenuous and needs to be dismissed.

Likewise the reference to the Ministerial statement as a justification for development cannot be argued to overcome legal issues and constraints.

The council has a High Court Judgement that makes it abundantly clear that when the land was conveyed, the covenants referenced in that conveyance place the land in trust to the council as an open recreational space and became legally binding, and that the council has to eventually remedy the fact that parts of the Rec are not currently open. This obligation to remedy has been repeated in a report to the council by the Charity Commission.

Putting anything into the core strategy that suggests development on the Rec or obliquely references such development because the Rec is the only land on which such a development could take place, is a direct conflict of interest between the council as Trustee and the council as a Local Authority, and such a conflict of interest should not be embedded in a forward strategy: it renders the eventual Core Strategy vulnerable to a Judicial Review.

Therefore, none of the statements are acceptable. Bath Heritage Watchdog has copies of the High Court Judgement, the Conveyance and the referenced Covenant, and these can be provided on request should the Inspector need to see them and be unable to obtain them from the council.

Removal of B1.8(b) altogether is essential. In the very unlikely event that the current legal constraints on the Rec are removed in the future, the area can either be treated as a windfall site or it can be brought into a periodic review as proposed in Ref 9.

Ref 17

The words under Proposed Change” sound acceptable, though the reference under “Reason for change” to Policy B1 (b) is not acceptable for the reasons set out under Ref 16 above. The revised diagrams are not part of the document, so we cannot comment on whether they accurately reflect the words.

Ref 18

The popular view of “The City Centre” is that part of Bath that was originally enclosed by the city walls, and therefore any reference to it expanding will cause confusion. As the reason for the change is described as “Accuracy and clarity”, there ought to be better regard to clarity. The changes proposed as far as the words “south and east” are desirable. The remainder of the proposed change should be deleted. There is no problem with the concept of a Central Area being different to the city centre, but any suggestion that the city centre might change its boundaries will bring confusion rather than clarity.

We would like to see a commitment for the Conservation Area to be extended to cover the whole of the Central Area.

Ref 19

The change proposed is necessary to maintain compatibility with Ref 17.

Nevertheless, there is still room for confusion from the other items in B2/3. There never have been quays along the part of the river identified as Bath Quays South (the Riverside Business Park area) nor most of the area described as Bath Quays North (the Green Park Road area), so these designations are geographically incorrect. Part of the area referred to as Bath Quays North was historically Broad Quay, though Broad Quay is now reused as a road name. Furthermore the terminology "South Quays" has previously been used for a much smaller location (The Newark Works site). Such potential for confusion and ambiguity should be removed from the Core Strategy. We have suggested alternatives.

Ref 20

Whilst the proposed change sounds innocuous enough, the underlying suggestion that the concept of zoning will be applied to the Central Area is dangerous. Other towns and cities that have introduced zoning have seen a higher proportion of businesses fail than the expected average. Zoning is fast becoming a discredited concept, and should form no part of Bath's future strategy.

Furthermore, several thriving Bath business have been relocated in the past in order to clear the way for future plans, and they have failed in their new location. The conclusion to be drawn is that a successful business is successful partly because of the business conducted and partly because of its location. The loss of real jobs that might be in the way of potential jobs is not a policy the council should be promoting. The following revision is suggested:

(h) Existing uses within the Central Area should where possible be retained and incorporated in development proposals. Failing that, suitable alternative sites would be found for them.

Ref 21

Proposed change (a) is welcomed.

Proposed change (b) sounds too deterministic. Where Bath has been successful in the past is where it has been allowed to evolve, and defining protectionist policies for the Central Area could stifle real opportunities for growth. Council protectionist policies balked several attempts to develop the former Herman Miller listed building until sufficient of the Southgate shops had been filled to allow proposals to be put forward, and now the planning application is held up for other spurious reasons leading to speculation on the underlying hidden agenda.

As travel costs continue to increase, the desirability of employment and relaxation within walking distance of residences has to be taken into account, and Twerton is populous enough and far enough away from the Central Area for developments in Twerton to be considered without reference to the Central Area. Ideally, Ref 21

should be concerned about saturation in any area by any specific use rather than trying to be too prescriptive.

A suggested alternative wording is:

(b) Twerton Riverside is prioritised for mixed use development, with a bias towards economic development if possible. The aim is to either meet unsatisfied local needs or to create diversity of use in comparison with neighbouring areas.

Ref 22

Whilst the desirability of dense development on ex-MOD land is understood, the figures quoted may be optimistic. Both Ensleigh and Foxhill are prominent on the skyline of the World Heritage Site, and the MOD has always been restricted to a maximum of two stories because of this. Policy DW1 should therefore enforce a similar limitation of any developments on those sites. Furthermore, with several thousand jobs transferring to Abbey Wood (it is always two words, not one word as in the proposed change), the desirability of these sites for residences when there are very few local amenities is in doubt. Unless these sites are developed for mixed use, the dwellings vacated by MOD staff opting to move to Bristol will be far more attractive to those looking for a house than a new (and probably cramped) housing estate with poor transport links and no convenient schools. Ensleigh would only be attractive for commuters to Bristol or Chippenham, so would bring virtually nothing to Bath's economy.

We have been told by an ex-MOD employee that Ensleigh was a wartime commandeer from the Royal School (it was a playing field) and it was on a "to be returned when no longer required" wartime lease, so its availability for development may depend on whether the Royal School lays claim on it. The same source also reported that much of the Foxhill site is only suitable for shallow foundations. Whether these reports are true or not we don't know, but it would be wise for the Core Strategy not to put specific numbers on expectations for these sites until the MOD has actually vacated the sites and they can be surveyed to see what might be practical.

Ref 23

The setting of the World Heritage Site is more correctly described thus: "The setting is the surroundings to which and from which the World Heritage Site is experienced.

Reference is made to the World Heritage Site Setting Study which is dated 2009, makes reference to Government policies that have been superseded, omits a number of popular and much photographed views, and takes no account of the findings of the UNESCO Mission to Bath which (amongst other things) said that the Green Belt was part of the setting of the World Heritage Site and should be sacrosanct. Therefore the Setting Study cannot be taken forward as a Supplementary Planning Document until after it has been reviewed, updated and offered for consultation. It does not, in its current form provide "the information needed to assess whether a proposed development falls within the setting, and whether it will have a harmful impact". Also, reference only to the "general extent" of the Green Belt is inadequate.

Ref 24

Whilst the general intention is acceptable, the loose wording can lead to an interpretation of a large increase in academic space and a small increase in study bedrooms being within the policy constraints, which would export students to the easily commutable locations of Oldfield Park and Twerton, already virtually saturated with student lodgings. The policy needs to place the emphasis on additional study bedrooms **in excess of** the numbers to be accommodated by any increase in academic space.

Ref 25

The reduction in HGVs is welcomed. This aim should be extended to imposing weight limits on some central streets, not least to protect Bath's historic buildings and vaults which were not designed to withstand such weights.

There is a lot wrong with the other statements made:

The future demographics for Bath is of a significant increase in the proportion of residents over the age of 70. This age group is not going to be walking or cycling, and any policy that makes other journey types difficult will simply encourage a significant proportion of Bath's residents to treat the city as a no-go area.

For the younger generations, walking or cycling may be suitable for commuting, but are less attractive for shopping. Bus fares are already at deterrent levels so that it costs less to have shopping delivered by a supermarket than it does to travel to one and back by bus. The council may consider that other improvements to public transport are desirable, but few such improvements will offset high fares.

Reference is made to the Bath Transport Package, yet the original package is dead, and the council is aware of a High Court judgement that the council cannot cherry-pick from the previous planning permissions. So three Park and Ride extensions need new planning permissions, and the new intentions need to be offered for public consultation as the original package was; we have received formal confirmation from the DfT that this is also their expectation. It is unwise to refer to a package when no such revised package officially exists yet.

Electrification of the GWR will make no difference to travel options and is not designed to increase capacity. The statement is inaccurate. Ease of access to rail travel at Bath Spa Station has been adversely impacted by removal of ramp and the level access to the platform for disabled car drivers and passengers, and for many of these a lift is not an alternative but a deterrent. The mooted closure or reduction of services to stations such as Oldfield Park will also make local access to rail travel far more difficult. The council has no control over the number or frequency of rail services, or the fares. These issues cannot therefore be part of a list of measures to be taken.

The expansion of pedestrian areas, whilst welcome as a general concept, must be subject to proper public consultation. These items are at present dealt with by the Public Realm team who are not answerable to the public and clearly are not taking on board disability issues (eg access to the Mineral Water Hospital).

The expansion of car clubs implies an increase in the expected number of car journeys, which rather contradicts the aim for more pedestrian areas.. The only

thing a car club achieves over car ownership is a reduced demand for parking spaces.

Ref 26

Again reference is made to a diagram which is not provided, and therefore cannot be checked.

Ref 27

Whilst the wording “post-war” is accurate, it should be noted that the council has taken an active part in the spread of unsympathetic development, failing to enforce damage to the character from unauthorised development, granting planning permission to structures that are alien to the character of the area (the bus station, the Holburne, and to some extent Southgate where very few shop fronts got planning permission before installation, and virtually none, no matter how incongruous to a “prestige development”, were refused).

A significant number of planning applications have asked for the opinion of the Historic Environment team only to have the case officer overrule any objections put forward. In a Conservation Area, the judgement of the Historic Environment officer must be the more important of the two. This proposed change ought to commit to that.

Ref 28

Again reference is made to a diagram which is not provided, and therefore cannot be checked.

Whilst the problems faced by the rural areas are accurately described, there is a basic incompatibility between the recognition of the dependence on the car for rural residents, and the policy of making it more expensive or more difficult to use and park that car in the destinations that the rural areas might wish to travel to.

The lack of affordable housing in rural areas and the impact that it has are stated without any commitment to improve the situation.

Ref 29

Again reference is made to a diagram which is not provided, and therefore cannot be checked.

Refs 30 to 41

Bath Heritage Watchdog is primarily concerned with policies which could have an impact on the World Heritage Site and its environs, so these items are outside its remit, and no other inference should be drawn from any lack of comment.

Ref 42

The term “high quality design” is very subjective. In Bath, the Outstanding Universal Value is largely based on a homogeneous appearance, and what may be appropriate elsewhere may not be suitable for Bath. The use of adjectives like “attractive” and “inspiring” is worrying, because the outcome is often something that sticks out like a sore thumb, like the rotunda building at the bus station and the Welcome building at the City College. An adjective like “fitting” would be safer.

Ref 43

The changes proposed are supported, but unfortunately past experience suggests that they won't be adhered to. The paragraph left unchanged is wrong, in that it doesn't meet the latest government guidelines. It should start:
Where a development has an **exceptional** public benefit ...

Ref 44

This is supported but would benefit from some additions:

To the list of proposed SPDs, add a Shopfronts Guide SPD which would guide materials, colours, sizes, finishes etc in Conservation Areas and on Heritage Assets.

Whilst accepting that the list of high profile heritage assets at risk is not intended to be comprehensive, we would like to see Victoria Bridge and The Cornmarket specifically mentioned alongside The Wansdyke and Cleveland Pools.

The Public Realm and Movement Strategy has been developed largely behind closed doors, has already produced some horrors on the streets like childish cycle stands and ugly wayfinders, and if the Public Realm and Movement Strategy is to have a place in the strategy for the historic environment, it must be offered for public consultation with an openness to alternative designs for street furniture and a willingness to accept alternative suggestions for a movement strategy beforehand.

It is not sufficient to just consider the preparation of a local list, there needs to be a commitment to preparing it.

Likewise there should be a commitment to use Article 4 Directions to remove permitted development rights, so that within the World Heritage Site boundary such things as solar panels, dormers, loft conversions etc which could affect desirable views require a planning application and can thus be assessed on their merits.

Refs 45 to 51

No Comment.

Ref 52

This is laudable but too little too late. The ideal place for older people would have been on the Western Riverside, where ground floor accommodation offering level travel (if necessary by mobility scooter) into the Central Area could have been made available, but the outline permission makes no such provision.

Ref 53

No Comment

Ref 54

Delete “double glazing”. Secondary glazing is usually acceptable but double glazing has reflections which spoil the character of historic windows, and it should not be encouraged by collecting statistics. Far better would be recording permissions for draught-proofing sash windows with Ventrolla systems or similar.

Delete “wood burners”. Domestic wood burners operate at lower efficiencies than large scale boilers, and produce nitrous and sulphurous emissions which are more intense greenhouse gasses than carbon dioxide. Again their use should not be encouraged by collecting statistics.

Ref 55

The measure should be for office floor space in use not the floor space developed. There is a large amount of office space currently empty (nationwide, not just in Bath) and bringing this into use is far more beneficial than building more to stand empty. There are already a large number of extant planning permissions for the construction of offices that are not being taken forward because there is no demand for it.

Ref 56 and 57

Similarly, the target should be to deliver new and occupied homes. There is no point in building additional homes if there is no demand, because that just uses up land which could otherwise be used for places of employment. Targets should be useful, not just boxes to tick.