



Ripon Spa Partnership

Please reply to:
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14 November 2008

Mr A Hough
Harrogate Borough Council Planning Department
Knapping Mount
West Grove Road
Harrogate
HG1 2AE

Dear Mr Hough,

Re Planning Application Case Nos:
08/02082/SOSLB - Listed building application
08/02082/RG4 – Conversion of Spa Baths site for housing

Having examined the amended details of these applications and the report of the case officer we wish to make the following additional objections:

1.1 The relevant planning policy concerning development of listed buildings is the Government Planning Policy Guidance No 15 – Planning and the Historic Environment (PPG15). In application no. 6.31.733.H.SOSLB the applicant has not referred directly to PPG15 at all. It is not mentioned in the advice to the design consultants, in the Design and Access statement or on the Application Forms. It has been left to the Case Officer and the Planning Committee to determine, from the Design and Access Statement and drawings, whether the proposed development would comply with this important policy.

The Case Officer has concluded that the scheme is in accordance with the advice contained in PPG15. This conclusion can only have been reached from a highly selective choice of the compliance requirements. Much of the advice in PPG15 concerns matters that are subject to judgment and opinion. We have already made the views of local people known on these issues. In some respects however the guidance is either objective or places an evidential burden on the applicant to justify his scheme. Judgement or opinion is not necessary to determine compliance with this advice. This application clearly fails to comply with the objective requirements of PPG15 as follows:

1.2 Section 3.17 states:

“... the Secretaries of State would not expect consent to be given for the total or substantial demolition⁽¹⁾ of any listed building without clear and convincing evidence that all reasonable efforts have been made to sustain existing uses or find viable new uses, and these efforts have failed; that preservation in some form of charitable or community ownership is not possible or suitable (see paragraph 3.11); or that redevelopment would produce substantial benefits for the community which would decisively outweigh the loss resulting from demolition. The Secretaries of State would not expect consent to demolition to be given simply because redevelopment is economically more attractive to the developer than repair and re-use of a historic building, or because the developer acquired the building at a price that reflected the potential for redevelopment rather than the condition and constraints of the existing historic building.”

This section requires documentary evidence not only of active efforts to protect the building, but of their failure. It requires evidence that preservation in community ownership is not possible. It asks for proof that the redevelopment would produce benefits that are greater than the loss to the community. THERE IS NO SUCH EVIDENCE WHATSOEVER IN THIS APPLICATION. We only have the assertion of compliance with PPG15 made by the Case Officer – this is not sufficient and consent should not be granted until the evidential burden envisaged in Section 3.17 has been clearly demonstrated.

The experience of the Ripon Spa Partnership is that the authority, far from trying engage in the consultation process envisaged in Section 3.17, has been actively hostile to the attempts of the community groups in Ripon to secure a future for the Spa Baths as a community asset. A petition from over 3000 people seeking proper consultation was dismissed out of hand as 'biased and inaccurate'⁽²⁾. The Ripon Spa Partnership was formed on the advice of the Prince's Regeneration Trust as a vehicle for the regeneration of the Spa Baths; our attempt to engage with HBC met with the response that:

"Whilst your group maintains a position which is based on a misinterpretation of the facts and realities of the situation and adopts a position in direct conflict with a Council decision, then there is no prospect of the Borough Council joining the partnership."

It has only been with the efforts of local councillors that an extraordinary meeting of the Council resolved (almost unanimously) to call for proper consultation. We are pleased to say that discussions are now underway with a target completion date at the end of March 2009. The completion of this consultation process is a necessary precursor for planning consent. The Council are not entitled to grant consent while the efforts required under Section 3.17 of PPG15 continue.

Objection: The application should be rejected because of a material breach of the policy guidelines set out in PPG15 Section 3.17.

1.3 Section 3.3 states:

".....Once lost, listed buildings cannot be replaced; and they can be robbed of their special interest as surely by unsuitable alteration as by outright demolition. They represent a finite resource and an irreplaceable asset. There should be a general presumption in favour of the preservation of listed buildings, except where a convincing case can be made out, against the criteria set out in this section, for alteration or demolition..... This reflects the great importance to society of protecting listed buildings from unnecessary demolition and from unsuitable and insensitive alteration and should be the prime consideration for authorities in determining an application for consent."

This section again requires the documentation of a 'convincing case'. This has not been made. The application is grounded in a report from Community Services to Cabinet on 12 December 2007 on the potential for development of future swimming facilities in Ripon. Planning policy considerations for the development are set out in section 12 of that report. Planning matters are not however addressed but deferred for later consideration. The policy to sell the site for housing approved by Cabinet on 12 December has to be viewed as subject to planning policies including those related to partial demolition of a listed building. This application is derived directly from the Community Services Report and at no stage since has there been a proper attempt to set out a convincing case for this development that takes into account heritage, green space or other relevant policy considerations such as tourism.

Objection: The application should be rejected as no documented or convincing case has been made out to counter the presumption in favour of the preservation of the listed building as required by PPG15 Section 3.3

1.4 Section 3.15 states:

".....The preservation of facades alone, and the gutting and reconstruction of interiors, is not normally an acceptable approach to the re-use of listed buildings: it can destroy much of a building's special interest and create problems for the long-term stability of the structure.

Objection: No case has been made to justify the exceptional alterations in this proposal contrary to PPG15 Section 3.15

1.5 Section 3.19 states:

Where proposed works would result in the total or substantial demolition of the listed building, or any significant part of it, the Secretaries of State would expect the authority, in addition to the general considerations set out in paragraph 3.5 above, to address the following considerations:

i....." Less favourable levels of rents and yields cannot automatically be assumed for historic buildings. Any assessment should also take account of the possibility of tax allowances and exemptions and of grants from public or charitable sources.

ii. the adequacy of efforts made to retain the building in use. The Secretaries of State would not expect listed building consent to be granted for demolition unless the authority (or where appropriate the Secretary of State himself) is satisfied that real efforts have been made without success to continue the present use or to find compatible alternative uses for the building. This should include the offer of the unrestricted freehold of the building on the open market at a realistic price reflecting the building's condition (the offer of a lease only, or the imposition of restrictive covenants, would normally reduce the chances of finding a new use for the building);

Objection: The application is predicated on maximising the capital receipt from sale of a listed building by securing a change of use for housing. No assessment has been made of the possibility of grants from public or charitable sources by a community partnership arrangement. No efforts (real or half-hearted) have been made to find compatible alternative uses⁽³⁾. No attempts have been made to test the market for the building. These deficiencies comprise a material breach of Section 3.19 of PPG15.

1.6 Section 3.37 states:

".....The Secretaries of State ask authorities to deal with their own buildings in ways which will provide examples of good practice to other owners. It is particularly important that every effort should be made to maintain historic buildings in good condition, and to find appropriate new uses for buildings in authority ownership which are no longer in active use.....

In this case the authority is setting a very poor example by seeking to maximise the capital receipts from the sale of a listed building at the expense of its value as a community asset, by seeking substantial demolition and by removing the building from public access.

Objection: This proposal runs contrary to the guidelines set out for local authorities in PPG15 Section 3.37.

1.7 Section 4.19 states:

"The Courts have recently confirmed that planning decisions in respect of development proposed to be carried out in a conservation area must give a high priority to the objective of preserving or enhancing the character or appearance of the area. If any proposed development would conflict with that objective, there will be a strong presumption against the grant of planning permission, though in exceptional cases the presumption may be overridden in favour of development which is desirable on the ground of some other public interest."

The Spa Baths is the premier element in the group of amenities that lie on Park Street in the Ripon Conservation Area. This group comprises the Spa Baths, the Spa Gardens, the Spa Hotel, and the childrens' play area, tennis courts and maze on the North side of Park Street. The Spa Baths was the raison d'être for these leisure facilities. This proposal would irrevocably damage the character of the 'Spa' facilities. The design of the housing has been prepared only as damage limitation exercise in respect of the visual appearance of the development.

Objection: This application does not give the priority required in PPG15 Section 4.19 to the objective of preserving or enhancing the character of the area.

2.1 Tourism

One of the top three Council policies is to attract visitors to the District. This application if it succeeds will remove the Ripon Spa Baths from the list of visitor attractions in Ripon and represents a significant missed opportunity to develop this part of the Ripon Conservation Area as a visitor destination.

The government "Planning Guide for Tourism Development" (which replaces PPG21) has some specific guidance concerning the use of historic buildings:

The guide notes that visitors to historic buildings can provide income or voluntary effort which help maintain and conserve such assets. The guide observes that tourism can bring benefits to urban areas and help to deliver development that is sustainable. It can be the focus of regeneration. The re-use of buildings that have become redundant further improves the overall sustainability of new developments. This also often has the advantage of maintaining important and historic buildings and providing continuity in the landscape and townscape.

The application states that public access to the existing building will be restricted to the Pump Room and then only on 'Heritage Days'. This effectively removes the Spa Baths as a visitor attraction to Ripon. This is in complete conflict with one of the main policy aims in the District – which is to attract visitors. It is absolutely fundamental to the future economic viability of Ripon that its status as a tourist destination is enhanced. Granting this application will remove one of our most iconic heritage buildings from the amenities available to visitors. The bigger policy issue must not be ignored.

Objection: This proposal is contrary to council policies concerned with tourism and with government guidelines.

Yours sincerely



Neil Grandison
Ripon Spa Partnership

Notes

- (1) The works under consideration comprise 'substantial demolition' within the definition provided in PPG15.
- (2) The 'bias and inaccuracies' refer to a campaign statement that HBC are planning to sell our *beautiful* Spa Baths to fund an *inadequate* new pool at Camp Close.
- (3) HBC have been entirely reactive (PCT discussions) or negative (Ripon Spa Partnership) in their efforts to find alternative uses.