



# Ripon Spa Partnership

Please reply to:

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Secretary of State (Communities and Local Government)  
Sustainable Futures Directorate  
Government Office for the West Midlands  
5 St Philips Place  
Birmingham  
B3 2PW

Attention Judith Pizzey, Planning Team

Dear Ms Pizzey,

**Ripon Spa Baths**  
**Harrogate Borough Council Planning Application Case No:**  
**08/02082/SOSLB - Listed building application**

I am writing on behalf of the Ripon Spa Partnership (RSP) to ask the Secretary of State to reject the request from Harrogate Borough Council (HBC) for listed building consent to the partial demolition and alterations to the Ripon Spa Baths – a Grade II listed building. The RSP was formed during a vigorous campaign by local groups in Ripon, all strongly opposed to the HBC plans, and to give effect to the wishes of more than 3000 individuals who signed a petition to the Council asking for proper consultation to explore the possibilities of retaining and regenerating the building as a community asset before the granting of planning consent for the sale of the site for housing. Our concerns are shared by our local MP The Rt Hon David Curry.

We believe the application should be rejected on the following grounds:

- I. Failure of HBC to follow due process;
- II. The lasting and irreversible damage it would cause to the cultural and economic infrastructure of our city (and Conservation Area).

In a number of respects the proposed scheme fails to follow the national policies set out in Planning Policy Guidance Note 15: Planning and the Historic Environment. For convenience our objections are set out following the Section numbering in PPG15 (extracts in italics):

## **Development Control**

### **2.11 Consultation**

Inadequate consultation is at the core of our objections.

*“The Secretary of State attaches particular importance to early consultation with the local planning authority on development proposals which would affect historic sites and structures, whether listed buildings, conservation areas, parks and gardens, battlefields or the wider historic landscape. There is likely to be much more scope for refinement and revision of proposals if consultation takes place before intentions become firm and timescales inflexible.... The principle of early consultation should extend to English Heritage and the national amenity societies on cases where a formal planning or listed building consent application would be notifiable to them by direction or under the GDO.”*

Although English Heritage was consulted at the pre-application stage the amenity societies were not. As a result the scheme<sup>(1)</sup> (which had been developed at departmental level) became enshrined in HBC policy without any broader discussion. This policy is recorded in the Council's Cabinet minutes [12 December 2007]<sup>(2)</sup> as follows:

“ • *Planning and Listed Building Consent be sought from the Secretary of State for the demolition of the Ripon Spa Baths*

• *Detailed planning consent be sought for the redevelopment of the Ripon Spa Baths site, including the retained part of the building for residential use.”*

The adopted scheme also required ‘fast track’ development in order to secure planning consent before October 2008. This short timetable was deemed necessary for financial reasons – i) to avoid new affordable housing rules that the authority was planning to introduce in the Local Development Framework and ii) to mitigate the VAT liability. The adoption of this policy led to the rejection<sup>(3)</sup> of a petition<sup>(4)</sup> from more than 3000 people calling for proper consultation. The Council also refused to engage with the Ripon Spa Partnership to consider revised proposals on the grounds that our ideas were contrary to Council policy. The policy of demolition was also confirmed to us by the Chief Executive in May 2008<sup>(5)</sup>

The early adoption of the Community Services Department’s scheme and the aggressive project schedule have effectively prevented any discussion of alternative proposals that would be less damaging to the listed structure and to local amenities. This is contrary to PPG15 Section 2.11.

## **2.12 Conservation Area issues**

*“Authorities are required by section 66(1) of the Act, in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of architectural or historic interest which it possesses.....Authorities are also required by section 72 of the Act, in the exercise in a conservation area of their powers under the Planning Acts (and Part I of the Historic Buildings and Ancient Monuments Act 1953), to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.”*

The Spa Baths is in the Ripon Conservation Area close to the market square. It is part of an ensemble of amenities including the Spa Gardens, the monuments (including the war memorial and the statue of the Marquess of Ripon, Viceroy of India), the Spa Hotel and the Spa Park facilities on Park Street. It is described by English Heritage<sup>(6)</sup> as “*an important public facility of considerable communal, social and historical significance for Ripon.*” HBC have completely ignored the desirability of preserving the character of the building or the ‘Spa’ ensemble. It is known that there are substantial areas of high quality original ‘Art Nouveau’ tiling in the part of the building that is scheduled for conversion to housing. There is local evidence that much more has been covered over. No attempts have been made to survey the building for features of architectural interest. Any such features will only be discovered when building works actually commence.

Contrary to Section 2.12, we can find no evidence in the Design and Access statement. in the listed building application or in the papers disclosed to the RSP under the Freedom of Information Act that HBC have paid the special regard and attention that this building requires.

## **2.16 Setting**

*“Sections 16 and 66 of the Act require authorities considering applications for planning permission or listed building consent for works which affect a listed building to have special regard to certain matters, including the desirability of preserving the setting of the building. The setting is often an essential part of the building's character, especially if a garden or grounds have been laid out to complement its design or function.”*

The Spa Baths is a public building with access from the gardens that were originally laid out to complement it. It is the focus of the ensemble mentioned above. The setting will effectively be destroyed if private housing is allowed to replace the public baths. What the RSP is seeking is time to develop a scheme that will retain the whole ensemble as a community facility. The gardens consistently win Green Flag awards and are a prized local amenity.

## 2.17 Notice of application affecting setting

Three of the structures in the gardens – the statue of the Marquess of Ripon, the bandstand and the war memorial – are Grade II listed. The houses on Park Street adjacent to the Baths are also Grade II listed as is the adjacent Ripon Hospital. Redevelopment of the Ripon Spa Baths for housing will have a material effect on the setting of all of these buildings/structures. The people most affected will be the users of the gardens (visual impact) and of the hospital (increased traffic through the hospital grounds). We are not aware that a notice has been issued as required under section 67 of the Town and Country Planning Act 1990.

## 3 Listed Building Control

### 3.3 Presumption in favour of preservation

*“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. While the listing of a building should not be seen as a bar to all future change, the starting point for the exercise of listed building control is the statutory requirement on local planning authorities to ‘have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses’ (section 16). 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”*

Section 3.3 requires a documented ‘convincing case’ for alteration or demolition. This has not been made. The Design and Access statement supporting the application merely states that the proceeds of sale of the Spa Baths are necessary to fund another development elsewhere.

The application is grounded in the report<sup>(1)</sup> from HBC Community Services to Cabinet on 12 December 2007 on the potential for development of future swimming facilities in Ripon. The possibility of regenerating the existing facilities and replacing the existing swimming pool was examined and although both feasible and cheaper was rejected because of the interruption to swimming facilities. The report does not address planning or heritage issues which are deferred for later consideration. The policy to sell the site for housing approved by Cabinet on 12 December was therefore reached without any consideration of planning policies including PPG15. The application was 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. The overwhelming view of those canvassed during the ‘Save Our Spa’ campaign was that a period of disruption to swimming facilities in Ripon was an acceptable price to pay for a new pool on the existing site.

The application should be rejected on the grounds that 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.

### 3.4 Justification

*“Applicants for listed building consent must be able to justify their proposals. They will need to show why works which would affect the character of a listed building are desirable or necessary. They should provide the local planning authority with full information, to enable them to assess the likely impact of their proposals on the special architectural or historic interest of the building and on its setting.”*

The real reason for this application is that the proceeds of sale are necessary for another development and that securing planning consent for housing will maximise those proceeds. This is not an acceptable justification. Box 10 on the application form states that a new development of terraced housing will provide a more appropriate neighbour for the original Spa building and for the gardens. This is *post hoc* rationalisation; it is neither a true reason nor a justification for the works.

### 3.5 General criteria

As mentioned above, in their comments on this application<sup>(6)</sup> English Heritage state that the Spa Baths is an important public facility of considerable communal, social and historical significance for Ripon. The Spa was built to celebrate the 300<sup>th</sup> anniversary of the city charter. Its exceptional stained glass panels celebrate significant events in the history of the city. Built at the height of the terracotta revival, it is an exuberant example of Art Nouveau and Arts and Crafts design that is unique in the region. It was the last public spa to be built and the only one to be opened by royalty. The public have been able to enjoy both the facilities and the architectural splendour for more than 100 years.

Apart from its architectural and historical significance, the building is closely associated with George Frederick Samuel Robinson – Marquess of Ripon. Robinson, a figure of huge political significance in the late 19<sup>th</sup> century, was instrumental in promoting the original Spa development. It was his last contribution to the welfare of Ripon and he still keeps an eye on it from his statue in the gardens. It would be a great pity if the Spa Baths were consigned to history as a terrace housing development in his centenary year.

The future of the building should not be considered in isolation from the Spa Gardens and monuments, the hotel and the park facilities – a group for which it is the focus and unifying feature. Ripon is extremely fortunate in having such an ensemble of heritage and green space in immediate proximity to the city centre. The Spa area forms a perfect counterbalance to the cathedral on the east side of the market square. Conversion to housing would be an irretrievable loss of public amenity. It would cause permanent damage to the attraction of the city for visitors who would no longer be able to enter the building (apart from on very occasional heritage days).

None of this has been taken into proper consideration by HBC either as applicant or as planning authority.

### 3.9 Use

*“Judging the best use is one of the most important and sensitive assessments that local planning authorities and other bodies involved in conservation have to make..... This may not necessarily be the most profitable use if that would entail more destructive alterations than other viable uses.....  
...grant assistance from ..... English Heritage or other sources may need to be considered.”*

In contemplating the future use of the Spa Baths HBC have refused to accept any use that did not yield the value of the site for housing (£1.1M) i.e the most profitable use. The Leader of the Council has repeatedly stated that the Council could not accept any offer that did not yield this sum. The adopted timescale has precluded the possibility of looking for grant assistance. The RSP has pointed out in representations to the authority that engaging with community groups would open the door to grant assistance not otherwise available. HBC has rejected this approach<sup>(7)</sup>.

### 3.10 Community support

*“The Secretaries of State attach particular importance to the activities of the voluntary sector in heritage matters: it is well placed to tap local support, resources and loyalty, and buildings preserved in its care can make a contribution to community life, to local education, and to the local economy.”*

The Ripon Spa Partnership represents 3000 ‘Save Our Spa’ objectors, the Ripon Civic Society, the Ripon business community and the sports clubs that use the baths. We hope that the Secretary of State will reach a decision in this case that will allow us to make a contribution to the future of the Spa Baths.

### 3.15 Alterations

*“.....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.*

The design and access statement that supports the application is primarily concerned with preservation of the Park Street façade and the Pump Room foyer. The remainder of the 1904 building will be gutted and the character changed by insensitive conversion from single to two stories [the new floor will cross all the front

windows of the Park Street façade]. Without intervention during the building construction all significant architectural features in the wings of the main building will be destroyed. The magnificent Pump Room will become the entrance hall for two maisonettes, completely inaccessible to the public except for the occasional heritage days. The character of the building will be permanently changed. No case has been made to justify the exceptional alterations in this proposal other than the need to maximise the no/size of the housing units on the site. We submit that this is not an acceptable approach.

## Demolitions

It is the view of the RSP that the works proposed by the applicant constitute “substantial demolition” within the meaning contemplated in PPG15 and that Sections 3.16 to 3.19 are applicable to this listed building application. We also believe that Box 10 c) of the application has been completed incorrectly. For the purposes of the relevant legislation the English Heritage listing covers all structures within the curtilage and the term “listed building” encompasses the whole site. The listing of a building confers protection also on any object or structure within its curtilage which forms part of the land and has done so since before 1 July 1948 (as in this case). The Secretary of State has not to date attempted to consider individually all the structures and buildings on this particular site which can be construed as separate buildings and to list those which qualify for listing [see PG15 S3.33]. In the absence of such construal the correct answer to question 10 c) is ‘Yes’ and the applicant should have continued to answer questions i), ii) and iii).

The 1930s pool building was built as an extension to the 1904 spa building and is integral with it. It is not a separate detached building. The RSP further believe that effect of demolishing the pool building and the extent of the alterations to the wings of the 1904 building constitute both as a matter of fact and degree ‘substantial demolition’ in their own right.

For the above reasons we believe that Sections 3.17 and 3.19 in particular should apply to this application.

### 3.17

*“... the Secretaries of State would not expect consent to be given for the total or substantial demolition 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 puts an objective obligation on the applicant. It 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 engaging 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’. The RSP 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.”<sup>(7)</sup>*

It has only been with the subsequent efforts of local councillors that an extraordinary meeting of the Council resolved<sup>(8)</sup> in July 2008 to call for proper consultation and for a referendum in Ripon on this issue in 2009. We are pleased to say that discussions have commenced. The completion of this consultation process is a

necessary precursor for planning consent. Listed building consent should not be granted while the efforts required under Section 3.17 of PPG15 continue.

### 3.19

*“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. the condition of the building, the cost of repairing and maintaining it in relation to its importance and to the value derived from its continued use. Any such assessment should be based on consistent and long-term assumptions. Less favourable levels of rents and yields cannot automatically be assumed for historic buildings. Also, they may offer proven technical performance, physical attractiveness and functional spaces that, in an age of rapid change, may outlast the short-lived and inflexible technical specifications that have sometimes shaped new developments. Any assessment should also take account of the possibility of tax allowances and exemptions and of grants from public or charitable sources. In the rare cases where it is clear that a building has been deliberately neglected in the hope of obtaining consent for demolition, less weight should be given to the costs of repair;*

*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);*

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. No attempts have been made to test the market for the building. These deficiencies comprise a material breach of Section 3.19 of PPG15.

## Recording Buildings

### 3.24

*“If there is any likelihood that hidden features will be revealed, the local planning authority should attach an appropriate condition to the listed building consent to ensure their retention or proper recording, or should require exploratory opening up, with listed building consent as necessary, before considering consent for the main works.”*

In this case the discovery of very substantial areas of original tiling is very likely and the appropriate course of action is to take exploratory action before consent, not to rely on the (perhaps remote) possibility of action being taken if such features are discovered during work.

## Local Authority Applications

### 3.37

*“.....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.....”*

Harrogate Borough Council in this case is setting a very poor example. The deficiencies are numerous:

- Council officers had started to implement their preferred scheme prior to management and Cabinet approval. Architects had been hired and were working on detailed designs in September 2007, at least two months before the scheme was given formal approval.
- The timescale for the scheme was determined by the need to avoid new affordable housing rules that HBC planned to introduce in 2008. This was an improperly imposed constraint and has precluded proper consultation.
- HBC made a commitment to the scheme without reference to planning and heritage considerations.
- The public were not made aware of the proposals until January 2008 in a presentation to Ripon City Council setting out HBC intentions. No planning staff were present at this presentation.
- The 'consultation' envisaged by HBC at the beginning comprised two display stands describing the proposal and seeking comments (which were largely negative).
- The entire process followed by the authority has been 'conclusion driven'. All decisions, judgements or opinions have been made to be consistent with the policy to sell the Spa Baths site for housing.
- A petition signed by more than 3000 people, supported by constructive criticism and tabling detailed alternatives, was rejected out of hand without any discussion.<sup>(3)</sup>
- HBC initially refused any dialogue with the Ripon Spa Partnership, a group formed from several local community groups to discuss plans to retain the Spa Baths as a community asset.
- It took a great effort by local residents and councillors to arrange for an Extraordinary Meeting of the Council to remedy the failure of officers to consult. It was only by the resolution of that meeting that HBC agreed to discuss alternative proposals from and with the community. The meeting also called for a referendum to be held in Ripon on the issue and for the project to be deferred until consultations were complete.
- HBC continued to press ahead with the planning and listed building applications despite ongoing consultations with RSP and the local Primary Care Trust over alternatives to housing and before the referendum had been held. By proceeding with the planning and listed building applications the authority is acting in contravention of its own Council resolutions.
- We remain concerned that the authority is joining discussions only as a means of ticking the boxes necessary to demonstrate compliance with due process.
- Choosing to maximise the capital receipts by change of use to housing at the expense of its value as a community asset and without reference to its obligations in respect of a listed building.
- Wilful avoidance of the policies set out in PPG15. The advice given by the applicant to the consultant architects does not mention PPG15. The policy statement in the Design and Access Statement produced by the architects does not mention PPG15.
- Factual mistakes in the application drawn to the attention of the case officer were ignored. For example, the approved design for the new houses requires them to be roofed in Welsh slate to match the existing 1904 building. The 1904 building is not roofed in Welsh slate. This is a significant error when considering the visual impact of the proposed new building.
- The case officer for the planning application in his report to the Planning Committee explicitly states that the application complies with PPG15. It is difficult to see how this conclusion can be reached by an objective and rational examination of the application. Much of the advice in PPG15 concerns matters that are subject to judgment and opinion. In some respects however the guidance is either objective or places an evidential burden on the applicant to justify his scheme. In these respects compliance is a question of fact, not opinion.
- HBC Planning Committee was misled by the Case Officer's advice and may not have approved the application without the reassurance of compliance with PPG15.
- The decision of the Planning Committee was reached on party political lines reflecting the support by the Leader of the Council for the scheme. This is very poor planning practice and means that the fate of an important listed building has become a political football.

The approach of the authority to its responsibilities towards a heritage building in its care is exemplified by the present disgraceful condition of the building<sup>(9)</sup> and the state of the Pump Room:

- When HBC took over responsibility for the building the original Art Nouveau reception desk was in position. This was removed (presumably destroyed) and replaced with modern furniture.
- A robust biennial preventative maintenance programme in which the pool was drained and regouted was replaced by a policy of repair. This had led to a steady deterioration in both the building and the equipment.
- When roof lead was stolen in 2008, it was not replaced and only patch repairs carried out. These were not successful. There is now frequent ingress of water to the interior and bulging of the plasterwork. Three pictures frames with original photographs and posters from the 1905 opening ceremony have been seriously damaged but remain in situ. These are probably not replaceable.
- The beautiful features of the Pump Room including two large stained glass windows are obstructed by notice boards, display material, a large soft drinks machine and modern office furniture. No attempt has been made to present the Pump Room to visitors - only the service functions of the building are addressed. Staff are not trained to explain the historical significance of the building.
- The Leader of the Council is on record as justifying the approach of the authority on the basis that no-one goes into the building except to swim<sup>(10)</sup>
- Since it assumed responsibility for the building over thirty years ago the authority has made no ongoing provision for major refurbishment.
- The plant room has been in a dangerously unsafe condition for several years. No attempt has been made to repair the structural defects. The forest of 'temporary' supports has become a permanent feature.

It is apparent that HBC have managed the Ripon Spa Baths purely and simply as a leisure facility with no regard to the heritage value of the building and no attempt to sustain it in the list of visitor attractions in Ripon. The current policy enables them relieve themselves of the burden of listed building ownership and adopt the much easier policing role.

## Conservation Areas

### 4.19 :

*“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 children's play area, tennis courts and maze on the north side of Park Street. The Spa Baths was the *raison d'être* of and the catalyst 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 a damage-limitation exercise in respect of the visual appearance of the development.

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.

## Other policies

There are other policies apart from PPG15 that are applicable to this application in particular those concerning tourism.

One of the top three Council "mission statement" 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. There are mechanisms in place that allow local authorities to transfer assets to community groups to help in regeneration.

The application states that public access to the existing building will be restricted to the Pump Room, and 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 – 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.

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

**Closing remarks:**

- 1) Nowhere in the listed building application is there any attempt to justify the exceptional grounds on which national policy guidelines should be ignored.
- 2) Over the last twelve months we have watched, with increasing dismay, a seriously deficient and undemocratic planning process unfold. The Local Government Ombudsman recently published a report<sup>(10)</sup> so critical of HBC planning committee that two members, including the chairman (now deputy chairman), were "named and shamed". This has seriously undermined public confidence that planning applications will be dealt with fairly and objectively. When this application was heard last November the deputy chairman described the proposal as "Good enough for Ripon"! – hardly an objective endorsement of the plan. The RSP will be making a complaint in this particular case to the Local Government Ombudsman irrespective of the determination of this Listed Building Consent.
- 3) Since the planning meeting of 18 November 2008, the effect of the current recession has manifested itself in the authority's financial planning for 2009-10. The development that the sale of the Ripon Spa Baths was to fund has been shelved indefinitely because of borrowing constraints.<sup>(12)</sup> There is no longer any urgency in the need dispose of the Spa Baths for housing.
- 4) It has taken a radical proposal by Harrogate Borough Council for the importance of the Ripon Spa Baths to register to both the local community, who hold it in deep affection, and local amenity groups as a part of our national architectural heritage. The English Heritage listing<sup>(13)</sup> has not been reviewed since originally drafted and is still the brief description from the 1980's. At the time of the original listing Edwardian buildings were not generally regarded as of particular importance and in fact were somewhat unfashionable. Ripon is a small city; it cannot afford to lose such an important and prominent building from public use. The building is a gem and has a particular historic resonance with Ripon. Following preliminary discussions with English Heritage the Ripon Civic Society will be making an application for relisting of the building as Grade II\* in order to mark its special significance, improve the level of protection and to open the door to grant assistance for the regeneration of the Spa.

- 5) A good test of the merits of this application is to ask what the reaction of the planning authority would have been had the applicant been a private owner seeking to maximize the capital value of the Ripon Spa Baths by demolition and conversion to housing. We suggest that short shrift would have been given to this application had it come from a private owner.
- 6) We trust that this submission provides the information necessary for the rejection or at very least postponement of consent until the efforts required by PPG15 have been exhausted.

Yours sincerely



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Ripon Spa Partnership

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cc The Rt Hon David Curry MP  
English Heritage (York)

**Citations:**

- |  |   |
|--|---|
| 1) HBC Report to Cabinet; subject: "Options for Future Swimming Provision in Ripon" from the Director of Community Services; tabled 12 December 2007 | Assumed to be in your possession  |
| 2) Minute 101/07 of HBC Cabinet Further Meeting held 12 December 2007  | Exhibit A   |
| 3) HBC letter rejecting petition dated 7 May 2008  | Exhibit B   |
| 4) Petition to Harrogate Borough Council dated 16 April 2008   | Extracts in Exhibit C. Full document available at: <a href="http://www.saveourspa.co.uk">www.saveourspa.co.uk</a> |
| 5) HBC letter confirming policy of demolition dated 8 May 2008   | Exhibit D   |
| 6) English Heritage comments ref P00060794 dated 10 June 2008  | Assumed to be in your possession  |
| 7) HBC letter to RSP dated 8 May 2008  | Exhibit E   |
| 8) HBC Minutes of Extraordinary Meeting held 30 July 2008  | Exhibit F   |
| 9) Conditions Survey; Hill, Cannon Associates; August 2007.  | Assumed to be in your possession  |
| 10) Guardian Newspaper interview 4 April 2008 (Martin Wainwright)  | See link at <a href="http://www.saveourspa.co.uk/news">www .saveourspa.co.uk/news</a>                             |
| 11) Local Government Ombudsman report into complaint No 05/C/15424   | Available on LGO website  |
| 12) Email HBC to RSP 12 January 2008   | Exhibit G   |
| 13) Ripon Spa Baths English Heritage Listing   | Assumed to be in your possession  |