

**Draft Locally listed Heritage Assets.
Supplementary Planning Document**

Annex 2 to Consultation Statement – Responses in full

	Respondent name	Response
1	Bath Preservation Trust	<p>Locally Listed Heritage Assets Supplementary Planning Document</p> <p>Response to consultation draft</p> <p>June 2018</p> <p>The Trust welcomes this proposal to formalise the publication and subsequent planning policy considerations of a Local List. In particular we are very pleased to see explicit references to the protection of locally listed assets by naming them as a material consideration in a planning application.</p> <p>Our comments and recommendations (on the B&NES consultation draft dated January 2018) are as follows:</p> <ul style="list-style-type: none"> • While this document needs to serve the whole of B&NES, we would suggest that there are slightly different considerations in the city of Bath and in conservation areas than in other non-identified areas. • The introduction needs to explain ‘statutory listed’ i.e. formally designated and protected ‘listed buildings’ on the national register. • Section three will need to be revised to tie into the new NPPF. Reference to the

2012 document will become outdated.

In the Criterion section:

- This section should make clear that selection is irrespective of the state of repair.
- The reference to age does not really make sense, certainly in the City of Bath context. We would suggest that age is less of a consideration in locally listed assets, as often it is 'younger' heritage assets that are locally important for reasons besides age. The older a building the more significance it has historically, and therefore the more likely it is to be on the national list. It is fair to say that in Bath, most older housing stock is listed, and most non-designated assets tend to be 19th or 20th century. Therefore perhaps this criterion should be re-written or expanded.
- Rarity should be expanded to explain e.g. that it is the only, or one of few examples of its type in the local area. Similarly, integrity could also be referenced, if an asset exists in an unaltered state (without unsympathetic alterations) this may make its case for inclusion on the list stronger, though this may be covered under Aesthetic Value.
- In the Criterion section, the archaeological interest section is too long (and, with its footnote, repetitive) and should be rationalised. The acknowledgement that most archaeology remains undesignated is a clue as to how much should be written here (i.e. relevance). In Bath, by contrast, there are significant archaeological remains protected by statute.
- In the Criterion section, the reference to historic association should be 'beefed up' as this will be, in our view, one of the key reasons why an asset should be locally listed. Also, there are two references to significance close together. We suggest para should read *'As well as any association to notable national figures, the special interest of a local heritage asset of any kind may be underpinned or enhanced by an historical association to important local figures or organisations*

such as key business people and architects or to artisan or industrial processes which are not documented by names of people.'

- Archival interest isn't just written, it is pictorial, photographic, and illustrative.
- With regard to identifying the asset, we are concerned that the request to include a Statement of Significance within the nomination may be quite onerous/off putting to a lay person. Perhaps this should be re-written to say, '*Assessment of significance: details of the special interest or significance of the asset based on the criteria contained in the form*'.
- The reference to Know Your Place is well made but the interactive element is quite buried in the tool so it should perhaps be primarily identified as a mapping regression and information tool for those researching local assets with a secondary reference to the ability to upload information and images.
- Whilst we accept that the adoption and amendment of entries in any SPD requires signoff at Councillor level, we do not think that decision-making is sufficiently consultative, independent, or transparent, certainly within Bath. Councillors may be under significant political pressure to facilitate certain developments or to resist listing. We would suggest that recommendations to list should have the input of a trained heritage or planning professional. We therefore suggest that the Senior Team Leader of Planning & Conservation (perhaps in conjunction with the Group Manager) should have final recommendation on the nominations, in consultation with the Chair of the World Heritage Site, and the Bath Preservation Trust (in Bath) and the Parish Councils in wider B&NES, with sign off by the two Councillors suggested but with any lack of consensus between officers and Councillors going to wider committee with third parties able to make the case. We suggest that an organogram of the decision-making process should be included.
- In Section 7, the reference to Banes at the end of the para should read Bath and

NE Somerset.

- In Section 8, reading as a lay person, what exactly are you saying? The actual planning position is not as clear as it could be (though we acknowledge that national policy surrounding local assets is itself not definitive). We suggest a rationalisation in bullet points to outline the different planning scenarios (e.g. demolition in the conservation area = permission needed, demolition outside the conservation area = permission not needed unless Article 4 in place, alterations to local assets in the CA etc.). Using phrases like 'may still require pp' may be true but is confusing, therefore you may at this stage want to consider referring to your informal and formal pre-app channels.
- Can alterations be made to locally listed properties without permission or will there be an Article 4 in place as you suggest in Section 10? Detailing the Article 4 as a possibility is not helpful for the lay person to understand whether they will or will not need to seek planning permission. Perhaps it would be better to leave the Article 4 reference out or incorporate it into Section 8 if they are definitely going to be implemented. We would welcome Article 4 Directions removing PD rights from locally listed assets at the least in the World Heritage Site.
- In the draft 2008 Locally Important Buildings SPD, there is a section of guidance on what constitutes appropriate alterations, use of materials etc. in locally listed buildings; we suggest perhaps that a potted version of this could be included in this guidance (and that this would not unnecessarily lengthen the document as there are a couple of full pages that are just images).
- The BPT conservation team, our library and archives should be mentioned as a specific local resource for advice and research in Section 12. We also suggest that the Gardens Trust (and/or Avon Gardens Trust) are included in this section.
- Resources: have/can adequate resources be secured to fully implement this

		<p>SPD and the associated Article 4 Directions? In particular there would be time pressure placed on conservation planning officers to assess applications for local listing as well as their normal workload. We sincerely hope that the appropriate amount of support can be found to ensure this beneficial proposal can be properly implemented.</p> <p>Conclusion.</p> <p>As stated BPT wholeheartedly supports the implementation of a Local List and commends this initiative. We urge the implementation of Article 4 Directions to support the provisions of the SPD. Our comments on semantics notwithstanding, our primary concern is the proposal to leave final decision-making to lay person councillors rather than heritage planning professionals. We hope this element of the proposals can be altered as per our comments.</p>
2	Bath Heritage Watchdog	<p>The consensus was that the basic approach of the draft SPD was acceptable, but there are a few details which should be brought to your attention. Also, there are some safeguards which the document mentions which we believe are essential.</p> <p>Content</p> <p>I must bring to your attention the cover picture and the lead picture to Section 07. This shows the Bath Press building. The same building was similarly featured in the original 2008 draft. The text accompanying it states that it is a prominent feature along Lower Bristol Road. We agree that it deserved the description of a locally important heritage asset, but unfortunately the planners didn't; and it is now a prominent pile of minced-up bricks. This leaves you with two problems:</p> <ul style="list-style-type: none"> <input type="checkbox"/> What to replace those pictures with, because you can't leave them in the final SPD. <input type="checkbox"/> How to convince planners, and the DMC members especially, that they need to put local importance above other advantages that a planning application might offer. <p>Procedures</p> <p>In Section 6 you have the following paragraph: Nominations shall be approved for the local list in consultation with the Council's Heritage Champion and the Council's Chairman of Development Management</p>

		<p>Committee</p> <p>We were unhappy with such an approach that puts the entire control in the hands of elected councillors who may have party allegiances. Nevertheless, if the DMC is to take Local Listing seriously, they can't be left entirely out of the decision-making process. We recommend something along the lines of planning applications, where the decisions are made by the full DMC and minuted accordingly, with the brief for the committee prepared by the Senior Conservation Officer. That way the initial Yes or No recommendation is made on the judgement of staff with the appropriate heritage skills, but the DMC members have the final say on whether or not that recommendation is endorsed.</p> <p>We appreciate that once the SPD is endorsed and becomes active there is likely to be a peak of applications which will gradually reduce over time to a trickle. It would make sense to limit the Local List agenda items to five per meeting to protect both Conservation Officers and DMC Members.</p> <p>The only potential drawback to this queue with a limited feed is the outside possibility that an application for local listing might be pending when a planning application for the same site or building is submitted. The ideal would be for the Validation stage to know what is queued so that the queued Local List item could be given express treatment and get a DMC "Aye" or "Nay" within the public consultation window for the planning application so that the Case Officer can take it into account. The alternative would be for Case Officers to be able to access the queue of local listing proposals, and ask for a Conservation Officer opinion on the application. The Placemaking Plan recognises the need to cater for "non-designated heritage assets", so the DMC endorsement for Local List items are not essential for planning decisions made under delegated authority provided the Case Officers are properly advised.</p> <p>These are just options at this stage, but there does need to be a workable policy to cater for the overlap of normal planning and Local List applications. Somebody with a better insight into the council planning systems should advise on the most appropriate procedure.</p> <p>Legislation</p>
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3	Bath Chamber of Commerce and Business West Initiative in Bath and North East Somerset	<p>I am writing on behalf of the Initiative in Bath and North East Somerset, a business leadership group whose members are keen to support long term sustainable growth and supportive of development, whilst being mindful of maintaining high quality heritage.</p> <p>We have reviewed the draft SPD on Locally Listed Heritage Assets and would argue against its adoption.</p> <p>First, we believe the SPD is unnecessary and would create a further hurdle for developers, which could result in delays and increase costs. Most buildings which could potentially be listed will already sit in conservation areas or common sense will dictate they should be preserved if they have real merit.</p> <p>In practice, we feel this will be yet another constraint to be considered, another expert to be consulted, another report to be written, and yet another ground for those who oppose change to latch onto.</p> <p>We are particularly concerned about the suggestion that alterations to a building should not harm its setting. This seems to be beyond the limits of existing policy and has the potential for creating a wide area of confusion about what "setting" means.</p> <p>In short, we feel the SPD would not achieve its stated aims and the law of</p>

		unintended consequences could be the result.
4	Historic England	<p>Thank you for inviting our consideration of this welcome initiative.</p> <p>The only comment we have is that perhaps it may worth including a paragraph regarding the Heritage List (National Heritage List for England) as there may be situations where the higher level of protection (rather than local listing) may be more appropriate?</p> <p>https://historicengland.org.uk/listing/</p>
5	Salford Parish Council	<p>Dear B&NES Conservation and Planning,</p> <p>Here are Salford Parish Council's comments on the process for identifying locally listed heritage assets:</p> <p>The assessment procedure at item 6 in the document as proposed does not include a consultation role for Parish and Town Councils and we would suggest that B&NES Council's Specialist Team in making its assessments should provide an opportunity for Parish and Town Councils to provide a view before reaching a decision. (We no longer need an extension until 6 June to respond to this consultation).</p>
6	Priston Action Group for the Environment	<p>Dear Conservation Officer</p> <p>I am very pleased to see that the planning department is compiling a list of buildings, structures and landscape features that make up the local character and distinctiveness of our area. I would like to nominate the fingerposts in and around Priston. I recognise that they are only some of the many in the BANES area, perhaps they should all be listed.</p> <p>I attach a list of the fingerposts in the parish, or near the boundary of the parish, and some which have a pointer to Priston but are not very close to the parish boundary. I list</p>

		<p>the OS grid reference, the information on the posts and their general condition, together with a photo of each one. (I surveyed the posts summer last year.)</p> <p>I note that the draft consultation document for BANES Locally Listed Heritage Assets recognises the importance of such street furniture to the landscape and to the population generally. They are, of course, still used by many motorists and cyclists for navigation!</p> <p>Please let me know if I can provide any further help in order to add these posts to the list.</p>
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