

B BATH B LITZ MEMORIAL PROJECT

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Reference: Planning Application 15/00701/LBA

I am writing in my role of Committee member and historical researcher of the Bath Blitz Memorial Project (BBMP). There is a lot of information available about the Bath Blitz and the background to this particular building: in Ministry of Home Defence archive records, Civil Defence archives, press archives, minutes of wartime meetings, university studies and council archives, yet the Heritage Statement is superficial and the update to it contains fundamental errors. It is not clear whether this was deliberate in order to downplay the facts about the building according to a covert defined objective of the council's or whether this was just slapdash work. Either way, the Heritage Statement is inadequate and inaccurate and cannot therefore be used to advise a Listed Building planning decision.

The true significance of the building is that when it was built it provided Local Government functions: as a Labour Exchange; as a Weights & Measures office; as a Dole Office from 1937. At the outbreak of the war, there was a need to staff the wartime industries, and as the war progressed it became compulsory for single women to work towards the war effort too, and matching staff to vacancies became the subject of legislation. This made the Labour Exchange function far more important, and a Help Point for war victims was added. So when the building suffered wartime damage ("Seriously damaged, repairable, but requiring immediate work in the interests of public safety" according to the damage survey at the time) there was considerable urgency attached to making the building safe and its functions usable in the face of shortages of materials and workmen. So the building had a "Make do and Mend" repair: demolition of unsafe pieces of wall, the adaptation of the floor of the upper storey to form a roof, weatherproofing the staircase that gave access to it and cementing over the ground floor holes and cracks and repairing windows. Thus the entire building is a rare surviving example of how such repairs were undertaken, the type of materials available and the skill levels of those who did the work, and equally relevant, the types of damage that could be left; in short, an archaeologist's dream. English Heritage followed their normal style of featuring in the listing the most visible qualities, but this does not exclude the value of the less visible parts and the entire building is protected by the legislation as a very rare relic of a historical period (believed to be the only surviving example still fit for use). **Anything** that is done to alter its current structure seriously damages its significance to archaeologists and so it is very clearly categorised by NPPF 133 and the current plans create very substantial harm.

It is my belief that this significance will be ignored. For the following reasons I believe that the council has pre-determined the development, and facts will not be allowed to get in the way of the intended approval.

- The council has never valued this building as a heritage asset despite it being a listed building. Previously there were plans to develop it as a “Wet House” and these plans were only abandoned in August 2011 on the grounds of cost, not protection of heritage.
- A charity “The Genesis Trust” was moved into the building and was granted Change of Use permission in 2007. Despite the building being suited to their needs without modification, making them the ideal tenant for a listed building, the council would only enter into a Tenancy at Will allowing them to terminate the lease at any time. Despite the Genesis Trust occupying the building for seven years, it was always on terms of instant eviction so the council clearly had no intention of abandoning development plans.
- In February 2014, a council budget statement asked the full council to approve a spend of £175,000 on the development of this building: “Heads of terms have been agreed with the preferred developer for the redevelopment of James Street West, for residential on the upper floors and ground floor retail, with discussions on-going with regard to the relocation of the current temporary tenants to accommodation identified in Walcot Street.” This revealed that an approved developer had been chosen, apparently without complying with the EU Directive on competition, and that the type of development had been defined by the council. This development is therefore a council development and this should be a Regulation 13 application with the approved developer in the role of council's agent for the planning process. The decision to use the developer as a front to a listed building application can only be a cynical attempt at avoiding the application coming to the attention of the Secretary of State as required by Regulation 13.
- Although the Heritage Statement shows the preferred developer on the front page as the customer, the text inside says it was prepared for the council, indicating again that this is really a council application.
- At various times in February and March 2014 “A council spokesman” was reported in the press. Each time the attempt was made to play down the control that listing a building is supposed to introduce. Firstly there was the claim that the building wasn't listed, subsequently altered after the error of this was publicised to say that parts of the building are listed. The council even sent in a surveyor to survey the interior of the building with the brief that only parts of the building are listed. The definition in the Act is abundantly clear, that a listing is always, as a minimum, the entire building. Furthermore the concrete patch from 1942 (falsely dismissed in the Heritage Statement as “post-war render”) is an essential part of the façade even if there is a wish to preserve just the façade.
- The Genesis Trust was asked to quit in June 2014. The Listed Building Application was raised in February 2015, thus proving that the notice to quit was premature. Its purpose was to allow the Heritage Statement to point out that it was an abandoned building. About the same time, some windows were needlessly boarded over to make the building look less attractive in the street scene. The building owner (the council) had deliberately made the building look abandoned in order to make development appear more beneficial. This is in defiance of council policy that removing a community facility should be a reason for refusal, and planning guidance that deliberate dilapidation is not a reason for granting permission. Meanwhile the Genesis Trust was moved into premises much less suitable than the Old Labour Exchange, so would certainly have stayed on given the opportunity.

- The corresponding planning application 14/01896/FUL was given permission with an S106 agreement quoting more floors than the planning permission applied for. Such was the rush to get this approved that nobody cross-checked the documentation. Also for that application I wrote a detailed critique with photographs to show that the flood risk assessment was fundamentally wrong. This was not mentioned in the Case Officer's report as being said, let alone being material. Clearly this was a pre-determined decision, and there was a desire not to involve the Environment Agency who has the power to have the decision called in.

I am submitting this letter as a strong objection to the planning application, pointing out that:

- the removal of the Genesis Trust to less suitable accommodation is the loss of a site last used for community purposes without adequate replacement;
- the entire building is listed because it demonstrates the survivability of wartime temporary repairs, and anything that alters any of the exterior surfaces, including the roof, destroys the set of wartime repairs and therefore causes serious harm as defined by NPPF 133. The nature of the site does not prevent reasonable use because the Genesis Trust were very happy there and had made reasonable use of it; and but for the notice to quit issued by the council, the building would still be in use;
- substantial demolition, which this is, should only be permitted in exceptional circumstances, and there is nothing exceptional about the proposed modifications. The design of the proposed modification does not respect the design, scale or style of the original building. Retained policies BH2 and BH3 both require that this application is refused.

I bring to your attention the High Court Case Law often referred to as the Hammercrest Case. It states: "**The requirement to pay "special attention" should be the first consideration for the decision-maker:** it was to be regarded as having considerable importance and weight. ... Any detrimental effect was a material consideration" Also that "this obligation was of particular importance where the site was of such universal value that protecting it is the concern of all mankind". I note that among the objections to application 14/01896/FUL were some from overseas (I noted USA, Finland and Germany; there may have been others). In a World Heritage Site, that can be classed as "all mankind". There is also the regularly repeated BBC documentary "The Forgotten Blitz" which features this building, and visitors having seen the broadcasts have visited to see it at first hand (I know that, because some have e-mailed me via the Bath Blitz website asking how to find it).

As a footnote, I have examined the premises identified in the press as the location offered to the Genesis Trust as the replacement for the furniture sales space they had in the Old Labour Exchange. This was the space previously occupied by Abbey Furniture, now evicted by the council, and is open to the elements and below the gardens of the Paragon so permanently damp. Abbey Furniture stored and sold outdoor furniture, mostly in rust-proofed metal, so had no problems with those conditions. The Genesis Trust restores indoor wooden furniture, which will be ruined by damp conditions. A long established business has been closed down to move in somebody who will find the space unsuitable for their purposes. How callous is that?

