



Bath Heritage Watchdog

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APPLICATION NUMBER: 17/01445/LBA

ADDRESS: Cleveland House, Sydney Road, Bath

PROPOSAL: Provision of lighting to the tunnel under Cleveland House.
(Regularisation)

CASE OFFICER: Sasha Berezina

DATE: 6 April 2017

COMMENT: STRONG OBJECTION

Bath Heritage Watchdog objects to this application in its current format.

We first have to address the issue of the retrospective application. Unauthorised works to a listed building are a criminal offence and cannot be condoned. In this case the applicant cannot claim not to know that the tunnel is listed. Using retrospective applications shows disdain for the democratic planning processes.

We have several concerns regarding the unauthorised installation of lights.

PHYSICAL DAMAGE

We have to consider the physical damage caused to the Grade II* listed structure. No information has been provided as part of the application as to how the lighting has been installed. There are no scale drawings and no information as to fixings, etc. Considering this affects a Grade II* listed structure it is unacceptable and this alone is sufficient for the application not to be validated.

Our concern is that the usual best practice of drilling into mortar joints has not been carried out therefore causing damage to the stonework itself. It is not clear whether the contractors are well versed in working with listed structures and if not just how much long term damage has been caused.

It is stated in the Design & Access Statement that '*The main architectural feature visible within the tunnel is a historic hatch three meters (sic) from the south western entrance to the tunnel*'. The original use for the hatch is open to conjecture but the fact that the hatch is noted as an architectural and historic feature should strongly indicate that running a cable through it is by its very nature going to be damaging.

The cabling runs the entire length of the tunnel with the LED lights at intervals. In itself with the lights switched off this causes considerable and unnecessary harm to the tunnel. When lit, the fittings can be seen in their full unsympathetic glory. It is crude and utilitarian and not befitting of such an important structure.

The line of lights is off centre, being aligned with the towpath railings. This also is inappropriate in a tunnel and a setting which is effectively balanced and symmetrical.

AESTHETIC DAMAGE

The lighting of the tunnel has to be considered in a wider context. The tunnel is undisputedly intertwined with Cleveland House, the Kennet & Avon Canal and Sydney Gardens, but the proposals also have an impact on the Conservation Area, World Heritage Site and a Site of Nature Conservation Interest. It is part of one of the finest collections of listed structures, all forming part of the setting of the next. The atmosphere and character of the gardens also has to be considered. The tunnel cannot be taken in isolation.

The scale of illumination spreads out from the tunnel to the surrounding area and is very strident. This is exacerbated by the reflection from the water. It therefore impacts on the entire area. Sydney Gardens is a low, or rather zero, light area therefore this lighting acts as an intrusive beacon. It is the sort of light you would expect to see in an urban area rather than a park.

Whilst noting the modern obsession with light and technology, there needs to be places left untouched to be enjoyed. Using coloured lighting simply exacerbates this.

ECOLOGY

Although not within our normal remit, the wildlife attracted to the canal is part of its character. We remain to be convinced that any illumination scheme will not impact on the wildlife, most of which would be legally protected. It is not something to be toyed with and the retrospective justifications are questioned. We defer to the specialist knowledge of the Local Authority's Ecologist.

OWNERSHIP

We note the comments with regard to ownership of the tunnel. Clearly historically the canal and the structures would have belonged to the Kennet & Avon Canal Company, whose offices were at Cleveland House. The vast majority are now likely to be in the ownership of the River & Canal Trust who now protect the waterways. Of course the ownership of Cleveland House has now been changed and it appears puzzling in that instance why the subject of ownership was not dealt with at that time.

However, it would be a sensible assumption for the remainder of the tunnel to be under the ownership of the River & Canal Trust and it would be surprising for them to be in agreement with such works.

JUSTIFICATION

Works to a listed building require justification, works to a Grade II* listed structure requires very strong justification.

It is stated that the lighting will deter anti-social behaviour. We are not aware of incidents of anti-social behaviour. It is incumbent on the applicants to provide such information if this is to be used as justification. Likewise the appreciation of some walkers for lighting is understood but we are not aware that such issues have been raised in the past for discussion. It could equally be argued that the lighting has spoilt the area for other walkers and photographers.

We are somewhat concerned at the support of Arts officers which potentially shows their lack of understanding of the historic environment.

We do not consider that the limited and tenuous justification given outweighs the substantial harm that has been and is being caused by the lighting.

OPERATION

The hours of operation and whether the lights are on all the time or human triggered appears to be very woolly and even with strict timings, etc are going to be unenforceable. This is another reason why the proposals are unacceptable.

The ongoing maintenance, etc of the scheme is also problematical. Although the lights have been installed and are being paid for by the current owners, there is no guarantee that this is likely to continue going forwards. We therefore have serious concerns that any new owner may not wish to continue paying for either the maintenance or electricity which will then mean the infrastructure will decay and no doubt leave the Canal & River Trust with a large bill to rectify the situation.

CONSULTATION

The so called consultation process appears to have been very narrow, being advertised in the local paper (which is read by few people). The River & Canal Trust were not included in this, nor the Georgian Group and other heritage stakeholders. It would appear that likewise advice was also not sought from the Historic Environment Team of the Local Authority.

This all seems to indicate that the scheme was to be installed regardless. A situation which is unacceptable for custodians of our national heritage.

SUMMARY

The works by virtue of the installation of unnecessary illumination in an unacceptable manner are considered to cause substantial harm to the Grade II* listed tunnel, Cleveland House and Sydney Gardens and the surrounding Conservation Area contrary to S16 and S72 of the Planning (Listed Buildings & Conservation Areas) Act 1990, Section 12 ‘Conserving & Enhancing the Historic Environment of the NPPF and Local Plan Policies CP6 and B4 of the BANES Core Strategy and saved policies BH2, BH6, BH9, BH22, NE9, NE10 and NE11 and should be refused.

The case should then be passed back to the Enforcement Team to ensure the removal of the lighting and the careful reversal of the works within a short timeframe, under the supervision of the River & Canal Trust.