

Hearing Statement; Day 2, Volume 2 Bath, SB25

The context

Based on the BATH AND NORTHEAST SOMERSET COUNCIL Local Plan (Core Strategy and Placemaking Plan) Partial Update Proposed submission draft document including Policies, Map changes, Regulation 19 of the Town and Country (Local Plan) Regulations 2012, dated August 2021, new allocation policy SB25 – St Martin’s Hospital:

- *220m: The context of the site is that “The site is historically sensitive. It is located within the World Heritage Site and has many layers of history prior to its development by the NHS. Records show that it may have once been used as a military barracks, before becoming a workhouse, and then a hospital. The main building within the complex, a former workhouse building, which has now been converted to apartments [The Hexagon], is Grade II listed, as is the Chapel of St Martin, located to the north of the site. A nineteenth century paupers burial ground is also located within the site, and there are known archaeological deposits in the surrounding area”.*

The vision states that:

- *“220o: Attractive landscaped areas throughout the site are considered important both visually and potentially in terms of biodiversity. There are many trees throughout the site, which require retention and protection, some of which are located very close to the footprint of the buildings.*
- *220r. Provision of new dwellings shall be achieved through conversion of Kempthorne House, Midford House and Ash House, and through the redevelopment of Frome House. Development proposals will ensure the protection and enhancement of the site’s historic significance, and its valued landscaped areas.”*

The “development principles” state that:

“...Any scheme should be informed by a detailed, site-wide heritage assessment, which considers each of the individual buildings within the site, their context and relationship to each other, as well as other heritage assets, including the World Heritage Site, adjacent listed buildings, and undesignated heritage assets. The proposed subdivision and alteration of the buildings, and the design and layout of external areas shall be informed by this heritage assessment.

Protect and enhance existing landscape infrastructure and habitats within the site, including trees, hedgerows, planting, and landscaped areas. Protect all retained connecting habitats from increased light spill. Any extension or redevelopment of existing buildings will be designed to ensure minimal to no encroachment into landscaped areas...”

Previous planning applications for the Frome House/St Martin's Chapel site

The three planning applications made by Colburn Homes to replace Frome House with apartments/car parking have been all been rejected by the planning authority on the basis the building mass and design would have significant detriment to the setting of the site's heritage assets. The last application went to Appeal (Ref: APP/F0114/W/21/3285251) and the appeal was dismissed on 3rd March 2022. The main reasons given by the Inspector were:

"The proposed building would replace the existing structure and would be similarly positioned. However, it would be two-storey, so would have a significantly greater volume. Furthermore, the proposal would involve the removal of two groups of evergreen trees, and two individual specimens. Whilst these trees are not of high individual amenity value, their removal would significantly reduce the level of screening for the development. Combined with its increased height and volume, therefore, the proposed building would be a much more prominent and intrusive feature in the setting of the heritage assets."

The appeal decision concluded:

"In the overall balance, however, the legislation requires special regard to be paid to the desirability of preserving the listed buildings, or their settings, and the Framework requires that great weight should be given to the heritage assets' conservation. I therefore conclude that the benefits would not outweigh the harm that would be caused to the significance of the heritage assets by the intrusive development in their settings. The development would, therefore, be contrary to Policy CP6 of the Bath and North East Somerset Core Strategy (2014) and Policies HE1, D1, and D2 of the Bath and North East Somerset Placemaking Plan District-wide Strategy and Policies (2017). Taken together these policies seek to conserve and enhance the historic environment and to secure development that contributes positively to local character and distinctiveness."

It is clear that previous planning applications did not meet the development principles set out by BANES nor address the historical sensitivity of the SB25 allocation site.

Answers to MIQs and the case for modifying the Local Plan to remove the Chapel of St Martins and the workhouse burial ground from the proposed SB25 site allocation.

The Inspector has posed two important questions with regards to the SB25 site allocation of the Chapel of St Martin, the burial ground and Frome House which make up the eastern most part of the SB25 site allocation at St Martin's Hospital. See Figure 1 below.

Figure 1 – SB25 St Martins Hospital (Diagram 27)

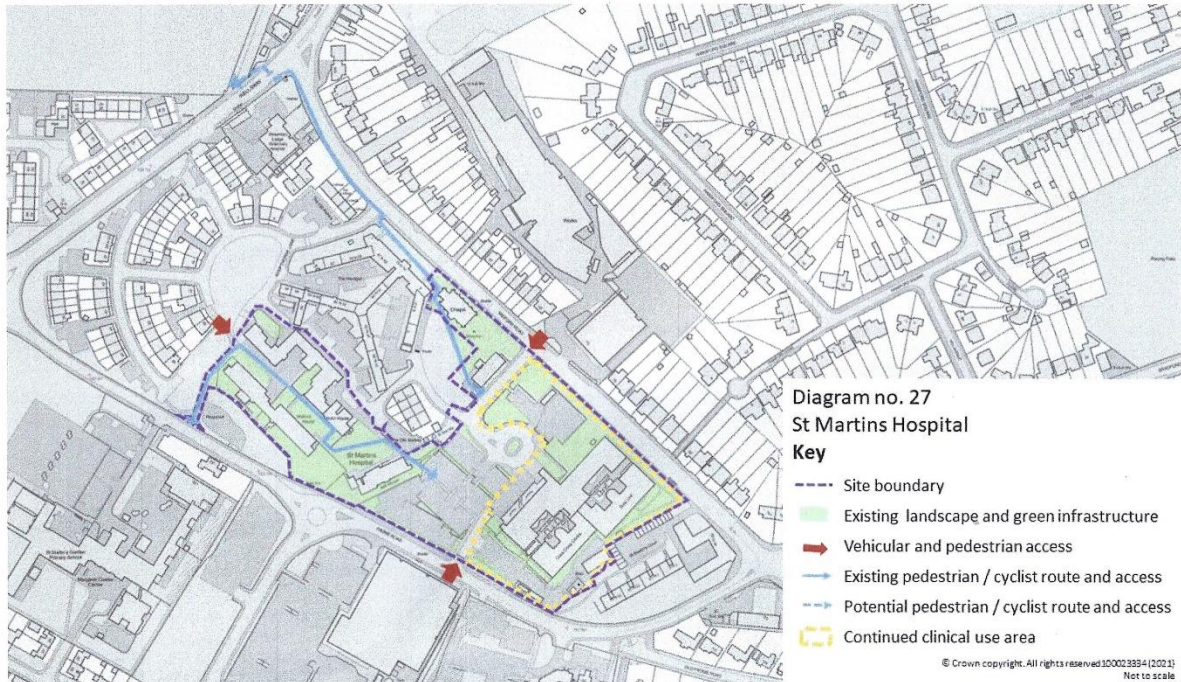


Figure 1: St Martin's Hospital SB25 – Site Allocation

MIQ SB25, Q35

Q35 asks: "What is the evidence that the proposed allocation would be deliverable or developable in terms of the NPPF within the plan period?"

The Chapel of St Martin and the burial ground comply with the NFFP definitions of Heritage Assets. Further, the NPPF, section three, "Heritage Assets", states:

"Bath and North East Somerset is fortunate in having a rich variety of designated and undesignated heritage assets. Designated heritage assets include the City of Bath World Heritage Site, as well as features such as Listed Buildings and Conservation Areas. National policy states that when considering the impact of a proposed development on the significance of a heritage asset, great weight should be given to the asset's conservation. The more important the heritage asset, the greater the weight. World Heritage Sites are considered to be of the highest significance among heritage assets, along with (amongst others)

- Grade 1 and II* listed buildings, grade
- 1 and II* registered parks and gardens
- and battlefields,

all of which exist in B&NES, and therefore any significant harm to any of these should be wholly exceptional."

The National Planning Policy Framework, March 2012, clarifies the definition of the setting (of a heritage asset). It states that it is:

The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.

It further explains how the significance of a heritage asset can be described in terms of heritage planning policy.

The value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting.

To date, the three planning applications proposed by the NHS / Colburn Homes have been rejected as being wholly unsuitable in terms of the damage they would inflict on the Heritage assets of the Chapel of St Martin and the burial ground, both physically and to the setting of the assets. These applications failed to adequately consider the impact their proposals would have on the heritage assets and their historical setting.

One reason that the development proposals put forward for the proposed allocation have been unsuitable is likely to be that both the NHS and developer have set financial targets against any development which resulted in an increase in the number of dwellings required to ensure financial viability.

The developers failed to undertake sufficient research of the development site to determine the exact siting of the historical burial ground. It is now clear that the historical burial ground extends to a portion of the land allocated to the three previous planning submissions (see figure 2). This burial site holds over 1100 bodies buried in communal graves and remains consecrated ground. Any proposals which effect the burial ground in any way, including car parking, would damage the heritage assets and their setting. Further, the need to reinter human remains would undoubtedly have a serious impact on the financial viability of any proposed development and the proposed time scales.

The burial site at St Martin's and the adjacent overflow burial site which houses more than 3,000 bodies have only recently been raised to prominence. The workhouse poor lay unforgotten in unmarked graves with no public acknowledgement by BANES until recently of their existence yet they represented many of the craftsmen who helped to build the impressive city centre buildings. Recent local campaigns by volunteers, with the support of the local press, media, councillors and MP have raised the profile of the Bath Workhouse. There are many local families who have ancestors buried in these burial sites. There would undoubtedly be considerable local opposition to any proposals to deconsecrate the burial ground and to the reburial of human remains away from St Martins.

It is unlikely that proposed allocation of the Chapel of St Martin, the burial ground and Frome House could be developable within the plan period as the reduced size of development required to address the needs of the heritage assets as indicated by national planning policy and to address the siting of the burial ground, would mean that it would be unlikely to be financially viable.

MIQ SB25, Q36

Q36 asks: “Which designated and non-designated heritage assets may be affected by the proposed allocation, what is the significance of such heritage assets and how may their significance be affected by the proposed allocation? How would the proposed allocation affect the Paupers Burial Ground and how may that affect the deliverability of the allocation? Would the Policy be effective in conserving the significance of any affected heritage assets?”

The heritage assets that would be affected are the Chapel of St Martin, a Grade II listed building and the workhouse burial ground adjacent to the chapel (see maps provided below), also the adjacent Grade II listed buildings which comprise the former Bath Union Workhouse (known as The Hexagon) together with its ancillary buildings, the Stables and the Bakery.

Furthermore, the Grade II listing for the Chapel of St Martin (11th August 1972, English Heritage Legacy i.d. 511124, listing NGR ST7424862221) does not only recognise the exterior of the building, but also lists the interior of the building:

“INTERIOR: All in unplastered ashlar, five-bay nave of full width with queen-post roof trusses and three ranges of wind bracing. Lancets to simple splays. To right small plank door to confessional, formerly vestry, and at rear full width gallery with painted panelled front, on two cast iron columns, sloping plastered soffit. Plank doors to lobby, narrow passageway with no embellishment. Floor in plain wood strip, chancel on three steps, and two to sanctuary, all carpeted.

FITTINGS: Low octagonal wood pulpit, small octagonal stone font, and benches. Altar in fine carved oak, Decalogue boards on walls each side, various monumental plaques.

HISTORY: One tablet records the "First stone laid by Tristram Whitter under the auspices of G.W Blathwayt Esq.... " and notes that the chapel was "...as far as practicable ...built by inmates of the Union Workhouse, for whose spiritual benefit it was designed ...", also, in the lobby, a tablet to John Plass, inmate, who, at the age of 78, "...laid all the stone..."; he died in 1849, aged 82. A bold statement in convincing Early English detail, the detail and finishes possibly aimed at the relatively unskilled labour to be employed. The building of so prominent a chapel at the workhouse shows the rising influence of the High Church party, and their desire to create a forceful religious presence at an otherwise Utilitarian establishment.”

To date, none of the planning proposals put forward by the NHS/Colburn Homes have met the requirements of 220m, 220o or 220r of The BANES Local Plan (Core Strategy and Placemaking Plan) Partial Update proposed submission draft document (08/21). They have been too dominant visually and have required building / parking on the consecrated burial ground. They have also required significant degradation of the trees on the burial site. Any trees removed within the burial site will involve disrupting the remains and final resting place of over 1100 bodies recorded as being buried in this consecrated ground. The Chapel of St Martin has not been included in the last two development proposals and remains severely neglected inside and out with several broken window lights.

Regarding the consecrated burial ground, a group of local residents have conducted extensive research concerning the St Martin’s site. The full details of this research were given in the document “Request for the removal of the parcel of land known as LYN04 on HELAA comprising St Martin’s Chapel, the Workhouse burial ground and Frome House from the local plan as land available for housing development”) which was submitted to this LPPU consultation.

This work has determined with good accuracy the exact location of the burial ground on the land between the Chapel of St Martin, Midford Road and Clara Cross Lane using historical maps and aerial photography (see Figure 2). A wall marked the boundary which extended over Midford Road to the neighbouring properties which can still be seen in property ownership today. This research has identified the burial ground as bisecting the area adjacent to Frome House, thus limiting the scope for any development for housing or car parking without damaging it. The burial ground wall which appeared in 1930s dated photographs was likely removed during WWII, when there was an urgent need to quickly erect additional hospital accommodation to treat wounded military personnel. This resulted in a number of one storey buildings seen in contemporary photographs of which Frome House is the only remaining example. Buildings of this type are often found to have been built with asbestos materials.

As previously stated, the burial ground is consecrated land as is the Chapel of St Martin. Further, access to the Chapel of St Martin is only possible via Chapel Lane – a single lane private road, built it is understood over a complex of underground caverns. The road is subject to a 999-year lease held by The Hexagon Property Management Company Ltd (HPMCL) a not-for-profit company owned by the leaseholders of The Stables and The Bakery [the converted workhouse buildings] as is the land on the burial ground adjacent to the land currently owned by NHS. The HPMCL estate is outlined in red in Figure 2.

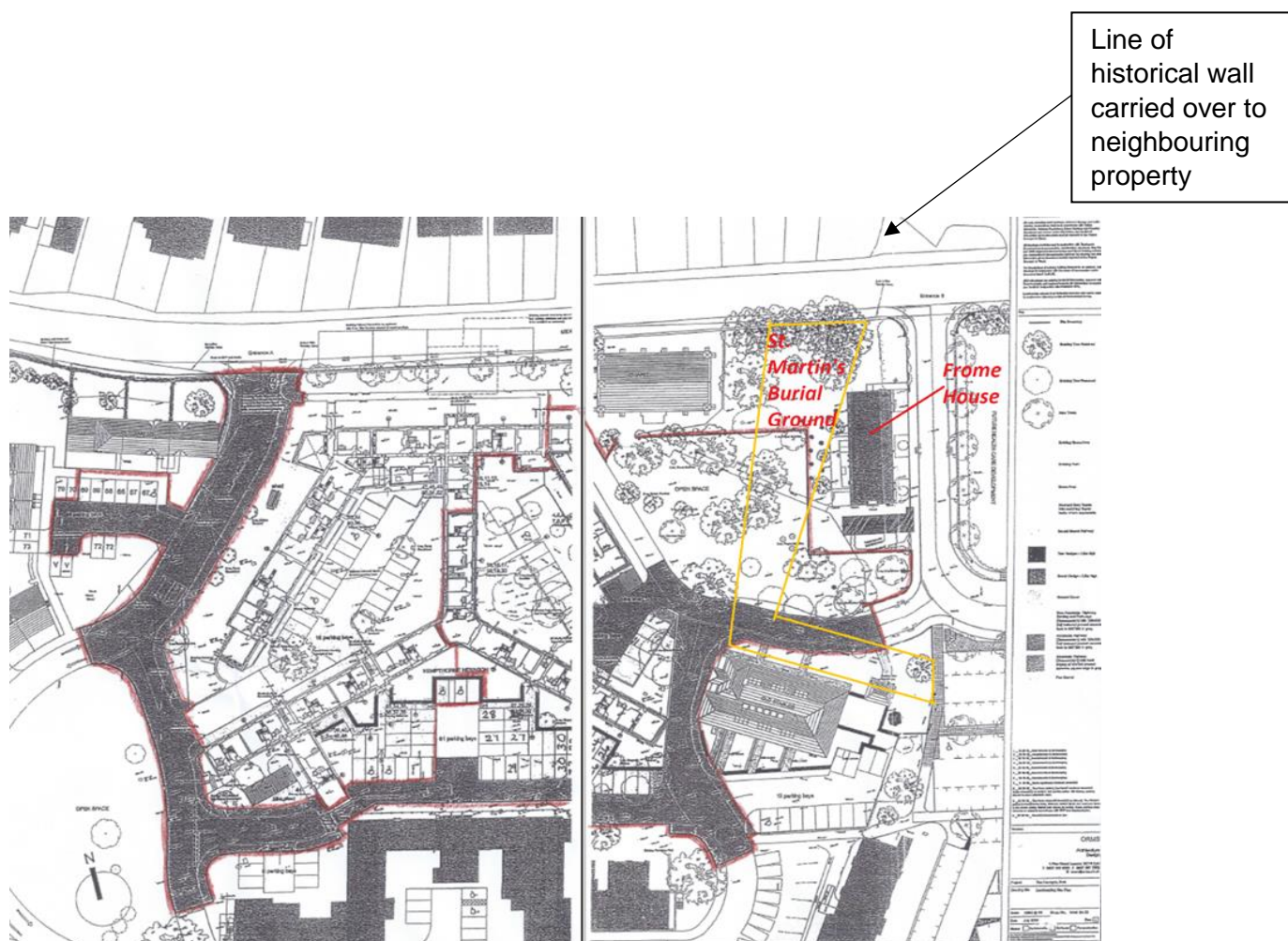


Figure 2: The location of the workhouse burial ground and the HPMCL estate

These facts limit the scope for development of the proposed allocation because there would be a very high probability of disturbing the burial ground. The destruction of trees would degrade the environment and historic burial ground site. Any proposed development of the Chapel of St Martin would have to preserve the integrity of the interior of the Grade II listed building which limits the scope to develop the building for residential or other purposes. There is no vehicular access to the Chapel and no possibility of parking for vehicles without causing very significant damage to the burial ground and the environment. Therefore, the setting of the heritage assets of the Chapel of St Martin, the burial ground and adjacent Grade II listed Hexagon buildings would be permanently damaged. As planning policy has provided, the significance of a heritage asset derives not only from its *physical presence but also from its setting*.

As it stands, the current Policy would not be effective in conserving the significance of the affected heritage assets: Development on the site of any significance “*would, therefore, be contrary to Policy CP6 of the Bath and North East Somerset Core Strategy (2014) and Policies HE1, D1, and D2 of the Bath and North East Somerset Placemaking Plan District-wide Strategy and Policies (2017)*” as stated in the report dismissing the appeal (Ref: APP/F0114/W/21/3285251) by Colburn Homes in respect of their latest Planning Application (Ref 20/04546/OUT, dated 27 November 2020, which was refused by notice dated 3 August 2021).

A further point is that it was said during the appeal process that there were no alternatives to the St Martin’s Chapel site other than the proposals put forward by the NHS / Colburn Homes. That is not the case. There is a growing awareness in the local community of the significance that the Bath Union Workhouse played in the history of the development of the City of Bath. The out-of-town location of the workhouse is now very much part of the urban city sprawl, but the peaceful green space which marked the last resting place of the poorest Bath citizens still provides a peaceful green oasis today. Once the planning process has been completed, with the support of our local Bath MP, Wera Hobhouse, local councillors and residents, a proposal will be developed to preserve the open green space of the burial ground for future generations to enjoy as well as restoring and developing the Chapel of St Martin as a community resource/museum for the use of local residents and visitors alike (both facilities will be needed as the St Martin’s site is further developed for residential housing). There will no need for car parking provision as users can arrive by foot or by public transport. There are sources of funding which can be applied for.

I ask that the proposed allocation of the land comprising the Chapel of St Martin, the burial ground and Frome House be designated as not available for development under SB25 on the basis not only that the first two are important heritage and historical assets but that the development for housing of Frome House would appear not to be financially viable due to the required reduction in the development mass, the reduced site footprint and/or the costs of seeking to have the burial ground deconsecrated and the reinterment of human remains.

The impact this would have on the overall site allocation of land for development of housing on the total St Martin Hospital site would be small, whilst its removal would preserve these heritage assets and the environment for future generations and permit the remains of over 1100 Bath citizens to rest in the peace that they undoubtedly deserve.