



Appeal Decision

Site visit made on 25 February 2022

by Nick Davies BSc(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 March 2022

Appeal Ref: APP/F0114/W/21/3285251

St Martin's Hospital, Clara Cross Lane, Odd Down, Bath BA2 5RP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Colburn Homes Ltd against the decision of Bath and North East Somerset Council.
 - The application Ref 20/04546/OUT, dated 27 November 2020, was refused by notice dated 3 August 2021.
 - The development proposed is residential development of 8 no. apartments.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposal has been made in outline, with landscaping reserved for future consideration. The submitted plans include details of some retained and proposed landscaping. I have considered these landscape details solely on the basis that they have been submitted for illustrative purposes.

Main Issue

3. During the appeal, the appellant submitted a Unilateral Undertaking (the UU) dated 12 January 2022, pursuant to section 106 of the 1990 Act. The Council has confirmed that the UU overcomes the second reason for refusal on the decision notice. Consequently, the main issue is whether the proposal would preserve the settings of the Grade II listed Chapel of St Martin and St Martin's Hospital.

Reasons

4. The appeal site lies at the junction of Midford Road and Clara Cross Lane, and comprises a single storey office building that is closely surrounded by trees and shrubs. The site is not defined by any existing physical features on the ground, but forms part of a wider green swathe of land that also accommodates The Chapel of St Martin. These buildings and the surrounding green space are part of the wider St Martin's Hospital site, which previously included the former workhouse building that is closely located to the northwest.
5. The former workhouse building is Grade II listed under the title St Martin's Hospital. Its significance as a heritage asset lies largely in its historic value as a good example of the workhouse designs of the early and mid C19, following the 1834 Poor Law Amendment Act. Although converted to residential use, the building retains its symmetrical plan form, monumental scale, and unadorned

- architecture, with small windows and wide expanses of unrelieved wall. As a result, it still has a utilitarian appearance and austere character.
6. The Chapel was built by the inmates of the workhouse, and is also Grade II listed. Its significance lies in its Early English style, with relatively modest detail and finishes, which may have been designed to accommodate the comparatively unskilled labour that was to be employed in its construction. It is also of historic interest, due to its functional and social relationship with the former workhouse. These associations, together with the strong visual relationship, and the physical proximity of the buildings, give them a strong group value.
 7. The area of green space that includes the appeal site allows both listed buildings to be experienced in verdant surroundings. In the case of the Chapel, it provides the building with a landscaped environment, akin to a churchyard, giving it a relatively tranquil setting in its otherwise busy suburban location. The building can be readily appreciated in these green surroundings from public viewpoints along Midford Road, and from Clara Cross Lane, which wraps around two sides of the site. The green space also allows wide views of both buildings, allowing an appreciation of their overall scale, design, and historic association.
 8. The existing building on the site is unattractive in design and is of no historic interest. As a result, it is not, in itself, a positive feature in the setting of the listed buildings. However, it has a low profile, and is well screened by shrubs and trees. From most viewpoints, therefore, it does not significantly detract from the visual dominance of the listed buildings. Consequently, despite the presence of the building, the setting provided by the wider green space makes a positive contribution to the significance of the listed buildings.
 9. My attention has been drawn to evidence indicating that the appeal site is largely outside the original boundary wall of the Chapel. However, the setting of a heritage asset is defined in the glossary of the National Planning Policy Framework (the Framework) as "*the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve*". Regardless of its historic association (or otherwise), the entire green space provides an important element of the surroundings within which the listed buildings are now appreciated, so it forms an integral part of their setting.
 10. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to have special regard to the desirability of preserving the listed buildings, or their settings, or any features of special architectural or historic interest which they possess.
 11. 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.

12. Whilst the building would be much smaller in scale than either of the listed buildings, it would be located very close to the road frontage. It would, therefore, be a very strident feature in the street scene when entering Clara Cross Lane. The building would also extend significantly further to the southwest than the existing building, as part of the structure shown by a dotted line on the Site Layout Plan no longer exists. When viewed from Clara Cross Lane, the southwestern extension of the building would obscure views of the workhouse building that are currently available across the green space. Furthermore, the building would be a dominant presence in the foreground, intruding into views of the Chapel, where it is seen in close association with the workhouse. Consequently, it would harm the way in which these listed buildings and their group value is experienced.
13. It is suggested that the building would provide much-needed enclosure to the street scene and passive surveillance. However, the openness of the site allows the heritage assets to be viewed across a green expanse, so is an important element in the way they are experienced. The proposed building would reduce this openness, which would be harmful to their setting.
14. Viewed from Midford Road, to the northwest of the site, the removal of the evergreen trees would allow a high degree of intervisibility between the rear elevation of the building and the side elevation of the Chapel. Whilst the design seeks to draw on the materials, symmetry, and vertical windows in the listed building, it would neither convincingly replicate the architectural style of the Chapel, nor provide a successful and innovative contemporary contrast. It would, however, be larger and more prominent than the existing building on the site, and, although further to the west, it would be closer to the listed building at its nearest point. Consequently, it would be a more intrusive feature, that would diminish the contribution made by the green space to the setting of the heritage asset.
15. As well as the building, the development would involve the construction of a 17-space carpark. The submitted plans show that the first six metres of the surface would be tarmac, and the remainder gravel, although the use of grasscrete is mentioned elsewhere in the evidence. The creation of such a large expanse of car-parking would alter the character of the green space as, regardless of the materials used, the surface would have to be robust enough to cater for vehicular traffic, and some delineation of spaces would be necessary. Furthermore, the presence of parked cars in this area would be harmful to the tranquil churchyard character which forms the setting of the south-eastern gable of the Chapel.
16. This harm would be experienced in views from Clara Cross Lane, where the gable end of the Chapel is currently viewed between the trunks of the trees, and across an expanse of grass, in semi-natural surroundings. The existing building is also evident in these views, but it is offset, and screened to some extent, so does not have such a close and direct impact on the setting of the gable end of the building as the carpark would. The carpark, parked cars, covered cycle stand, and bin enclosure would also be readily visible from Midford Road, over the stone boundary wall, and between the trunks of the frontage trees. Seen with the proposed larger building beyond, the combined impact on the setting of the Chapel would be far more intrusive than the current building in its landscaped surroundings.

17. For these reasons, I conclude that the proposed building and carpark would have a more harmful impact on the setting of the listed buildings than the existing structure on the site. The development would, therefore, fail to preserve the settings of the heritage assets. The harm that I have identified would be less than substantial for the purposes of paragraph 199 of the Framework. Nevertheless, paragraphs 199 and 200 state that great weight should be given to the conservation of heritage assets, and that any harm to, or loss of, their significance, including through development within their setting, should require clear and convincing justification.
18. Paragraph 202 requires that, where a proposal would lead to less than substantial harm, the harm should be weighed against the public benefits of the development.
19. The development would provide eight apartments, which would contribute towards meeting the aim of Policy B1 of the Core Strategy to deliver 1,150 homes through small-scale intensification within the urban area. Whilst this would be a modest contribution to the overall total, a large number of such small sites will be necessary to achieve delivery of the target figure, each of which, by itself, would make a similarly modest contribution. I therefore give significant weight to the contribution that the site would make to the Council's housing strategy.
20. The development would also contribute to the Framework's objective of significantly boosting the supply of homes. Paragraph 69 recognises the important contribution that small and medium sized sites can make to meeting the housing requirement of an area, and says that great weight should be given to the benefits of using suitable sites within existing settlements for homes. Paragraph 120 says that substantial weight should be given to the value of using suitable brownfield land within settlements for homes. The site is in an existing residential area, with good access to services and facilities so, in these respects, it is a suitable site for homes.
21. There would be economic benefits through the creation of employment during construction, and through the ongoing spend of future residents in the local shops and attractions. The development would also facilitate the improvement of local infrastructure, as it would be liable for payments under the Community Infrastructure Levy (CIL). The limited scale of the development means that these benefits only carry moderate weight.
22. The appellant contends that the removal of the existing unattractive building from the site would be a public benefit. However, I have found that the overall development would result in net harm to the setting of the heritage assets. The removal of the building does not, therefore, weigh in favour of the proposal.
23. It is also suggested that public benefits could be realised through the development by the imposition of grampian planning conditions to secure a wider landscape management plan to better reveal the Chapel in public views from Midford Road, and to secure a repair and maintenance plan for the Chapel. Regarding the first of these, I saw that the wider green space was well maintained and provided an attractive setting for the Chapel, including in views from Midford Road. Consequently, I do not consider that a condition requiring landscape management, beyond the appeal site, would be necessary or reasonable. Furthermore, it would not offset the harm to the setting of the

- buildings that would result from the development. Consequently, I give no weight to this suggested benefit.
24. The Chapel is disused, so there is a risk that it will fall into disrepair. However, from external inspection it appears to be in relatively good condition, and there is no detailed survey to indicate otherwise. The photographs in the appellant's evidence show that there are internal issues resulting from lack of maintenance, but these appear to be largely cosmetic. Consequently, whilst the Planning Practice Guidance confirms that reducing or removing risks to a heritage asset constitute a public benefit, there is no evidence of a pressing need to secure a repair and maintenance plan. In these circumstances, a grampian condition would not be necessary or reasonable. Furthermore, such a condition would not be directly related to the development proposed. It would not, therefore, meet the tests set out at paragraph 56 of the Framework. As this suggested benefit could not be secured through the appeal, it carries no weight in my decision.
25. In summary, the development would make a valuable contribution to the Council's housing strategy, a matter that attracts significant weight. The apartments would be sustainably located, and would involve the efficient use of brownfield land. However, the great weight that the Framework gives to these benefits is reliant on the site being suitable for the development. In this case, the development would be harmful to the setting of heritage assets, which reduces the weight that I can give them. The economic benefits from the generation of CIL receipts, construction jobs and from the ongoing spend of residents attracts moderate weight.
26. 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.

Conclusion

27. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

Nick Davies

INSPECTOR