



# Bath Heritage Watchdog

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APPLICATION NUMBER: 17/04266/LBA

ADDRESS: Belvoir Castle, 32-33 Victoria Buildings, Bath

PROPOSAL: Provision of a new skittle alley, a new community room, provision of new accessible toilets, refurbishment of the public house and the demolition of the existing skittle alley to in order provide 10 no. studio apartments at the Belvoir Castle, Bath.

CASE OFFICER: Chris Gomm

DATE: 3 October 2017

COMMENT: STRONG OBJECTION

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Bath Heritage Watchdog strongly objects to this application.

Any pre-application advice will be based on the description of the property as described by the applicant. When the Application Form states "*The Skittle Alley is a relatively modern, albeit dated construction with no inherent value ...*" this will guide the thought processes through the pre-application assessment. Unfortunately that description is wrong. We do not believe the landlord and landlady deliberately misled, because one of the Watchdog members discussed the earlier signage and colour scheme with them just after they took over the pub, and reported back that they knew very little of the pub they had moved into. Therefore to put the current application into context it is important to give a more complete history than the Heritage Statement covers.

## HISTORICAL CONTEXT

Although the address is 32-33 Victoria Buildings, this end of Victoria Buildings numbered 30-33 was part of the Park View development not an extension of the rest of Victoria Buildings. The Heritage Statement correctly reports that the 1840 Tithe Survey shows this location as undeveloped land; and the next significant date mentioned in the Heritage Statement is 1886. However there are relevant documents in the archives between these two dates.

The exact date of original construction is between 1840 and 1850, because by 1850 it was a residential dwelling. It was converted into a pub in 1851, coinciding with the completion of Park View. The 1852 map by Spackman and Cotterell shows that the single storey front extension was in place in 1852, and also significantly, that the skittle alley was in existence too. It seems very probable that the front and rear extensions were constructed at the same time as the original dwelling was converted into a pub called the Belvoir Castle.

There is some speculation about how the name was chosen, but given that it was part of the Park **View** development and Belvoir translates as beautiful **view**, and this whole development would originally had such views until the sight lines were blocked by the construction of the Midland Railway embankment to the north in the late 1860s, it does seem likely to be chosen independently from the stately home of the same name in Leicestershire (though perhaps it may have influenced the choice of “Castle” to follow Belvoir).

It is known that the pub when it opened had its own brewery at the back. We couldn't find any site plans showing its exact location, but a logical place to have out it would have been between the pub and the skittle alley, and thus ultimately replaced by the current garden level toilets with the Pool Table Room above. When Joseph Sparks took over the pub in 1862 he prepared an inventory which still survives. That inventory describes a bar, a parlour, a tap room, a skittle alley, and a brewery; so it does confirm that the skittle alley is at least 150 years old and it thus shares the history of the pub, making it far more important than a curtilage listed later addition as described in the planning application. It also proves conclusively that the claim in the Design and Access Statement that it is circa 1920 is completely false. We believe it is the oldest surviving skittle alley in Bath and thus is far too important to be considered disposable. It deserves the full protection of the Planning (Listed Buildings and Conservation Areas) Act, and it needs to be considered in conjunction with the rest of the original development. The relevant extracts from the Statutory List are:

***Nos 30, 31 & 32 Belvoir Castle***

*Two houses and public house dating from the mid 19<sup>th</sup> century with 20<sup>th</sup> century addition. Return to Midland Road. Listed Grade II.*

***1-6 Park View***

*Six terrace houses dating from the mid 19<sup>th</sup> century. Row of cottages set back from and at right angles to Lower Bristol Road, with gardens to front and rear. Artisans' cottages tucked in on back land, and little modified externally. Listed Grade II.*

***Garden Walls Opposite nos 1-6 Park View***

*Garden walls and gatepiers dating from mid 19<sup>th</sup> century. Set forward from and opposite frontage of houses run of stone open balustrading with moulded coping, set between six pairs of plain square piers to flat pyramidal cappings on bed mould. No gates. At outer end, adjacent to railway embankment, walls returns at same height as balustrade, and crowned with low railing with flat spearheads. Between house fronts and walls stone flagged pavement running full length. Unusually complete survival of this ancillary item to cottages. Listed Grade II.*

The reference to the 20<sup>th</sup> Century addition to the Belvoir Castle is almost certainly the more modern extension with the toilets below the Pool Room, and not the skittle alley which has documentary proof that it is 19<sup>th</sup> century, dating from around 1852.

## PRINCIPLE OF DEVELOPMENT/IMPACT ON LISTED BUILDINGS

The location of the proposed development is very narrow and constricted and is in close proximity to, and in the setting of numerous listed buildings. With such restrictions we remain to be convinced as to how such development can be achieved without causing unacceptable harm. Midland Road is narrow at that point and any hoardings placed around the proposed development would restrict the carriageway such that the construction traffic for the Western Riverside might find the road impassible.

The skittle alley and extension are also defined under Section 1 (5) of the Planning (listed Buildings and Conservation Areas) Act 1990 as listed structures by being attached to the host building. Therefore demolition of those structures has to be fully justified. The Historic Assessment provided is vague and relies mainly on selective map interrogation. It seems to wrongly tie the age of the skittle alley between 1886 and 1920, whereas the archives tell a different story.

A full and accurate appraisal of the structures was required. It certainly could not be considered as a windfall development site when demolition of a listed structure has to precede the development. Without such detailed information the case for demolition could not be accurately assessed as part of the pre-application advice. We do not consider the case for demolition has been accurately explained nor proved.

Any development in the grounds of, and therefore in the setting of, a listed building have to take into account the full scope of that protected building. In this, consideration has to be given to the Belvoir Pub, but also to Park View, built at the same time and which alongside the garden walls to Park View are listed in their own right.

The rear windows of Park View currently look over the gardens behind numbers 30-33, and the view ends with the garden fence of the Belvoir Castle and above that, part of the single storey blind wall and roof of the skittle alley. Replacing the skittle alley with residential windows looking towards the rear of Park view destroys their impression of intimate privacy they have enjoyed since they were built.

It is stated that the development is effectively essential to enable the pub to keep going and to 'save' the listed building, which is an odd claim because the listing entry will save the building itself. No evidence of this has been put forward, nor has any comment been included from the current building owners. We do know that the skittle alley is in active use and that guarantees at least 16 players as customers each match day (which renders false the claim in the Design and Access Statement that it is "*neither economical or socially productive*"). We also know that the Crest Nicholson site design deliberately omitted a pub in their development because they expected their residents to use the pubs around their buildings under construction, and once the western end of the development is occupied there will be more customers as permanent residents on the pub's doorstep. With a garden and large smoking area, this pub is likely to prove increasingly popular in the summer when the trade from students already living nearby normally ceases.

It is unclear whether the building owners approached the developers or the other way around. We are concerned that the developers in this application are well known for such infill and opportunist developments, mainly for student accommodation. There are concerns that this is yet another “Trojan Horse” development, described as one thing but intended to be used for another once built. The Planning Statement refers to several applications in respect of the requirement for parking spaces. It is noted that each of these relate to student accommodation which is probably the biggest indicator of the ultimate use of the proposed development. If so, the students in the pub's back garden will leave their accommodation empty in the summer, a situation which will reduce the customer footfall and do nothing to save the pub.

## DESIGN CONSIDERATIONS

Any development would have to be subservient to the protected buildings. In no way can the proposed development be considered as subservient. At the tallest point it is above the ridge line of the Belvoir Pub and by that very fact is challenging to the protected buildings. It would completely dwarf the modest two storey artisan cottages of Park View just 7 metres away from the existing skittle alley and thus only 5 metres away from the proposed development. These cottages are, as the Historic England listing states ‘*little modified externally*’. Whilst this alone does not preclude nearby development, such development would have to be proportionate. The Building Heights Strategy embedded in the Core Strategy is intended to prevent such excess height.

It is appreciated that the nearby Redbridge House is a larger and taller structure, but this is at a greater distance from, and not in the immediate setting of the protected buildings. Previous inappropriate development, permitted under different legislation and before Bath was granted World Heritage status, is not a justification for further damaging development.

The montages show that the upper storeys of the proposed structures extend out over part of the pavement of Midland Road, which is a trespass that Highways should veto.

## THE DESIGN IN DETAIL

Any design should take its cues from and respect the protected buildings in order not to cause contextual harm. This certainly cannot be said of this design which is probably one of the worst we have seen for some time.

The design, scale and massing of the development, clearly illustrated by the photomontage provided, is akin to stone portakabins stacked one on top of another. It is completely alien and takes absolutely no cues from the local context. It would be highly damaging to the street scene and the protected buildings. The height of the buildings would dominate Park View and would lead to a significant reduction in light levels especially in the evenings, and would hem in the residents. Even a reduction to the standard two storeys would lead to domination given the small (approximately 5 metres building to building) distance involved. For this reason the only way we can see any possible development being acceptable is if it was restricted to one storey.

Whilst the Midland Road boundary retains the current windows and the access door which serves the skittle alley, there is an enormous difference between providing an emergency exit to a skittles team and providing an exit to the street for ten flats distributed over two and three storeys with a far greater risk of a fire because they contain kitchens and flammable material. In this respect we doubt whether this single exit route is adequate escape egress in case of fire. Having bike storage as a hazard to exiting in the dark in the event of a power failure makes the single exit even more inadequate.

The use of Bath Stone ashlar would be supported but the combination with brick is not understood and is not something that forms the local vernacular.

We also fail to see how the doorway marked “*Access for refuse collection*” can provide access to the bins shown stored in the courtyard of Block 1.

### FLOOD RISK

The elevational drawings show that the land that forms Midland Road slopes steadily downhill from the Lower Bristol Road, and those who have been inside the Belvoir Castle will have seen that the bar is level with the street and there is a flight of stairs down to the toilets and the garden and skittle alley which is lower than the Midland Road the other side of the wall.

The garden surface is a significant vertical drop from the Lower Bristol Road. The flood risk assessment helpfully shows past flooding events with the flood water not quite reaching the pub entrance door. However, it is abundantly clear from the photographs that the water does flow down Park View, and satellite images show that there is a gap between the buildings in Park View and Victoria Buildings, and between the end of Park View and the end of the garden of the Belvoir Castle. The Belvoir Castle garden and the floor of the skittle alley would have been under a significant depth of floodwater at the times the photographs were taken, even assuming that the photographs were taken at the time the water was at its highest, which seems a little unlikely because the pictures were not taken while it was raining (which, according to a resident who remembers the 1968 flood, was torrential rain overnight).

The published Strategic Flood Risk Assessment recognises that there are risks of fluvial flooding and risks of surface run-off flooding, but it makes no attempt to assess the combined risk of both occurring together, an omission which the planning application also fails to recognise. In addition, the fluvial risk is based on the River Avon, and nowhere in the SFRA is there recognition that almost directly opposite the Belvoir Castle is the Regency Laundry and beside that building is a flowing stream that is open to the sky until it reaches the Lower Bristol Road when it disappears into a culvert, almost certainly then piped onwards to the river. When the river is in flood as the photographs show, the water level in the culvert will be at least the height of the river, in which case the swollen stream opposite the pub will be a major source of water run-off when it can't empty through the culvert and pours instead onto the road. The application's flood risk assessment is supposed to consider all potential sources of flooding, and it doesn't.

It is inevitable that in a flood event, the land between the Lower Bristol Road and the Western Riverside development which has had to be built above the potential floodwater level, will accumulate water which now has very few routes to the River Avon because the raised Western Riverside land levels will act as a dam (a development which post-dates the EA assessments of risk and therefore invalidates their assessment). The proposed development site will flood; the fact that the records consulted don't reflect this is a combination of familiarity (“no need to report it because it often does that”) and the solid boundary wall that ensured that the extent of flooding cannot be seen from the public realm (the Midland Railway service had been discontinued by the time of the 1968 flood so there would not even have been a passing glance through a train window).

The supplied Flood Risk Assessment claims that “*the entire development will be safe from flooding over the anticipated lifetime of the development, and that the Site is afforded safe access and egress during flood conditions via the strategic highway network*” but we have already shown that the single doorway in the boundary wall is the only exit from the entire development and that is downhill from the previously documented flood levels so could itself be partially below water level; and that there will be occasions when the pub garden level will be underwater, which means that the lowest floor of both blocks (as shown in drawing AL(02)21) are liable to flood and that four bedrooms (as shown in drawing AL(02)12) are very much at risk. The target water level to be accommodated is 19.3m AOD and the floor level of the skittles alley (and thus the apparent floor level of the proposed development) is 18.4m AOD which makes it highly vulnerable and thus unsuitable for bedrooms. Although much support is claimed from the council's assessment that some developments may need to be built on Flood Zone 3 land to meet housing targets, that generalisation cannot be assumed to cover this site where there is photographic evidence of past flooding events of a depth that would ensure that if the proposed development had existed then, four ground floor residents may have drowned in their beds. The evidence of the failure to meet the exception test is in the documentation set, but the applicant has not drawn attention to it and has not been entirely honest in the Exception Test claims.

It is also worth noting that the current grassed area of the pub garden will be completely covered by the proposed development, so the existing natural soak-away effect will be lost.

### AMENITY

The proposed development provides almost no amenity space for the residents. Block 1 has three storeys of residents, and the only amenity space provided for the upper two floors is a small courtyard to their block accessed via the bin store, or a smaller courtyard to Block 2. Block 2 has only one upper floor and shares the same limited amenity. Both small amenity spaces have folding windows which when open would lead into the four garden-level flats, and even when closed gives views into these flats, which those residents may not be happy about.

For the residents of Park View, their current relatively open aspect above the roof of the skittle alley will be replaced by rows of windows potentially illuminated at any time after dark, and the prospects of their new neighbours looking through such windows into their residences. Park View had not previously been overlooked, so those living there would not have experienced such illumination before, and probably had no concerns about being viewed. Being '*little modified externally*' according to the Historic England listing entry there will be no obscure glass in the rear elevation and any request to now install it for privacy is unlikely to gain listed building consent.

For the users of the Belvoir Castle there is currently a large grassed garden area where the open air can be enjoyed in good weather and the breeze can carry any cigarette smoke away. The replacement "beer garden" is tiny with very little natural airflow, and has virtually no amenity value for smokers.

The existing skittle alley is twice as long and considerably wider than the tiny replacement. The current journey from bar to alley is covered to protect from the rain. The replacement alley is accessed from the new beer garden, so either the route to it is open to the sky and skittles teams will have to brave the rain or else it is covered, in which case the beer garden cannot legally entertain smokers and there is nowhere else on the entire site where they can smoke. We also wonder if any teams would want to play on such a short replacement alley; the existing alley is a more typical length.

## SUMMARY

The works, by virtue of the lack of justification of listed structures, the scale, massing, design, height and materials are considered to be detrimental to the special architectural and historic character and interest of adjacent listed buildings and the 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 clarified by retained policies BH2 and BH3, and Policies SD1, CP5, CP6, D1, D2, D3, D4, D5, D6, D7, HE1 of the Core Strategy and Placemaking Plan and should be refused.