

**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**



September 2021

## **The situation**

There is a piece of land on the site of St Martin's Hospital, Odd Down that has been designated in the local plan as being suitable for housing development. On the HELAA map it is designated LYN04 and its entry states:

### ***"Housing and Economic Land Availability Assessment***

*Reference* LYN04

*Address* Site B, St Martins Hospital

*Ward* Odd Down

*Parish* Bath

*Constraints* World Heritage Site, World Heritage Site Indicative Extent, Agricultural Land Grade 3

*Suitability* Secondary Potential

*Availability* Availability not proven

*Achievability* Achievability not proven"

**The land consists of a now defunct NHS cabin (Frome House) dating back to the 1940s, St Martin's Chapel (a consecrated Grade II listed building) and a part of the Bath Union Workhouse consecrated cemetery. The land adjoins land owned under a 999-year lease by The Hexagon Property Management Company Limited (HPMCL); the boundary is not marked but the majority of the land is owned by HPMCL.**

Since the land known as LYN04 on the HELAA plan was designated for development, several planning applications have been made. However, these appear to have been made without knowing the history or status of the land or the chapel. That is, without realisation that both the land and chapel are consecrated or that the land was a part of the consecrated Workhouse cemetery.

## **History**

It is understood that St Martin's Chapel, part of the adjacent Green Space and Frome House are currently owned by NHS Property Services. When the adjacent Grade II listed Hexagon Building was converted in 2006, a the large part of the open Green Space surrounding St Martin's Chapel was passed into the private ownership of the Hexagon Property Management Company Limited but part of this land nearest the boundary wall with Midford Road was kept back as it was still required by the NHS for operational considerations, although at one time it was to be have been included in the land and property being developed. At the time of the change to keep this area of land, B&NES planning clarified that they had no objection to the split ownership if the Green Space was kept as open green space.

At some point, the NHS designated St Martin's Chapel and Frome House as surplus to operational requirements and it was put out to tender, with an option to purchase currently with a local developer. This land was then indicated in the Local Plan as being part of future housing provision.

In 2019 a planning application was submitted by Colburn Homes concerning the site of St Martin's Chapel and the adjacent burial ground. The proposal was to build houses on the piece of land where the NHS Frome House Building stands, use the NHS-owned part of the burial ground for parking and seek a change of usage for the Chapel to business and leisure. This application was rejected by B&NES. Since then, several variations of proposed developments have been submitted by the developers, the latest being an application for outline planning to build a block of eight apartments (20/04546/OUT) and completely excluded the chapel from its plans. This application was rejected in August 2021.

Both the Chapel and burial ground are significant historic sites; the burial ground is also home to two memorials to the American singer/songwriter Eddie Cochran, who was involved in a car crash en-route to Bristol and was brought to St Martin's hospital, where he died.

The consecrated burial ground contains the remains of over 1,100 inmates of the Bath Workhouse including young children. Significantly the remains of John Plass, an inmate who single handed laid all the Chapel stonework over a period of 2 years, are also buried here.

The Chapel and burial ground were consecrated by the Bishop of Bath and Wells in July 1847 and remain so to this day. The Chapel is a Grade II listed building and in the description of the building, particular emphasis is made of the fine wooden interior as well as the exterior stonework.

The open green space of the burial ground has surrounded the Chapel building since it was first constructed and the absence of gravestones or grave markers reflects the sad truth that the thousand plus workhouse inmates buried there were too poor to have stones erected in their memory, and indeed were crammed several bodies deep to fit into the relatively small burial space available. The open green space reflects the original peaceful setting to the Chapel building and is an integral part of the way that the Chapel has sat within its site adjacent to the Hexagon buildings for nearly two hundred years.

### **Key points regarding the burial ground**

The fact that the Green Space adjacent to St Martin's Chapel still contains the remains of over 1,100 inmates of the workhouse is an important and material consideration in any plan to develop this area as housing. It is still consecrated although there are no memorials to those who died. In the past few years there has been some local interest led by volunteers in raising awareness of the workhouse burial sites (there is another later one-off Wellsway, in B&NES ownership, where a recent memorial plaque has been erected – created when the land around St Martin's Chapel was unable to take any more bodies).

There has sadly been little interest in establishing exactly the footprint of the burial ground although the Bishopric of Bath and Wells diocesan office have been very helpful in providing official records and documents. It is important to establish the exact layout of the burial ground as this remains consecrated ground and permission would have to be obtained from the Ecclesiastical Court for any use on consecrated ground, and this would include vehicle parking.

To remedy this, a group of residents have recently conducted research and have created a plan of what the evidence shows is the layout of the burial ground, which is provided below. It will be seen that the unusual diagonal nature of the site (due to the historical boundary of the workhouse with land belonging to a local farmer) means that it cut into land now to the right of Frome House when facing it from Clara Cross Road and would mean that any development would have to approach the Ecclesiastical Court for permission. Any such application would be vigorously objected to by many residents on the grounds that the last

resting place of these workhouse inmates should be fully respected and acknowledged by leaving them in a green open space which can be appreciated and used by all.

Figure 1: Clear evidence of former gated entrance to the St Martin's burial ground between two brick piers close to Frome House.



Figure 2: The original gated entrance in the wall to the overflow burial ground off Wellsway. Identical in design to that in the St Martin's Chapel burial ground. Now filled in. It is likely that coffins of the deceased were taken on a hearse or cart from the workhouse infirmary to their final resting place through the burial ground entrance gate.

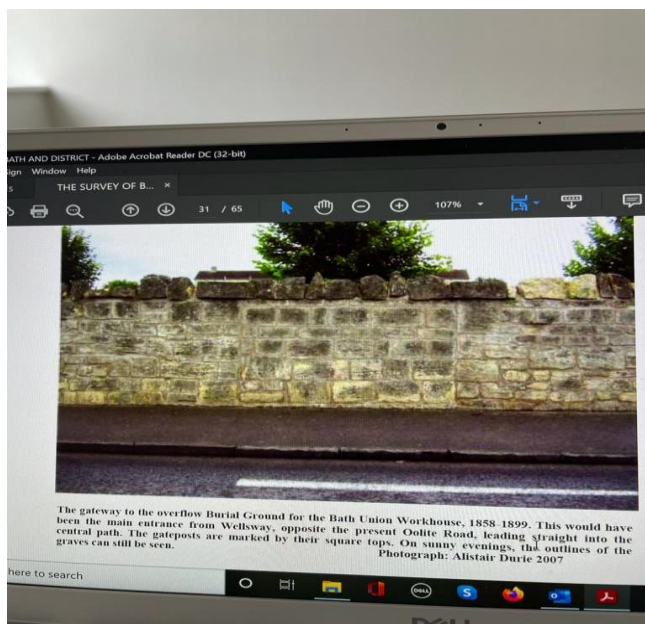




Figure 3: This photograph taken in the 1930s shows the building of St Martin's with the burial ground boundary wall clearly still in existence at the top right-hand corner of this photo.

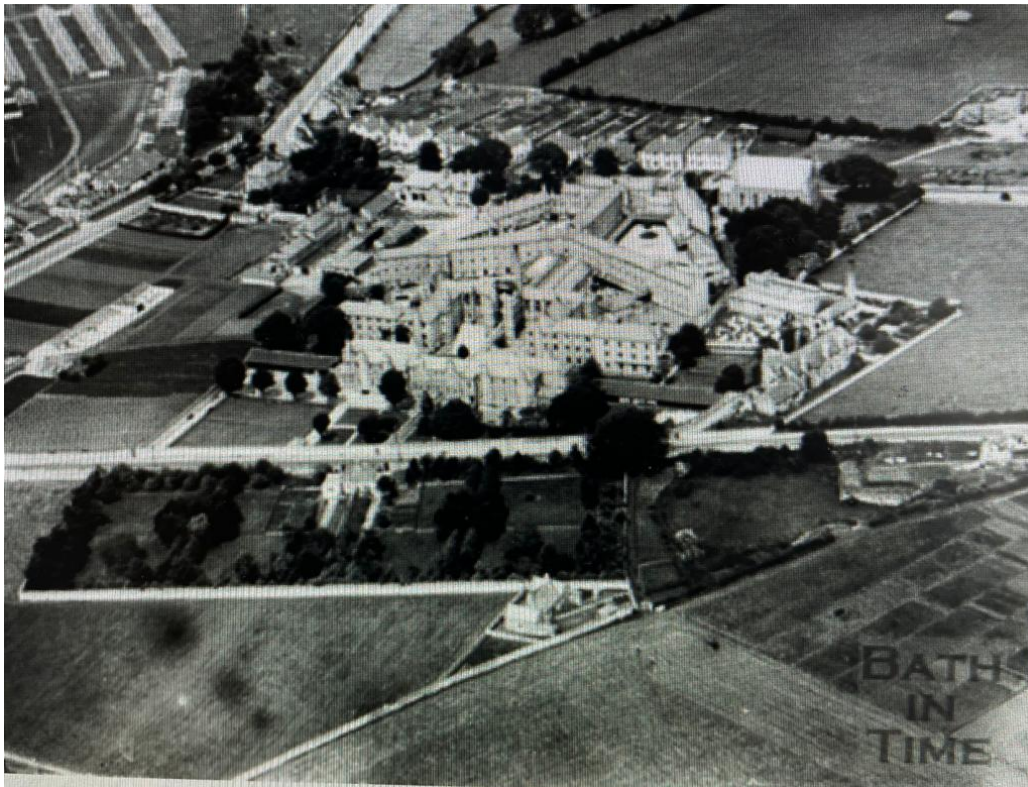


Figure 4: Photo taken by a German reconnaissance plane during WWII showing the burial ground boundary wall still in situ behind what is now called the Frome House building (put up during WWII). A close inspection shows that the wall continues at the same angle across the Midford Road. At some point this wall was demolished. When recently erecting temporary information signs we found this a difficult task as we hit solid mass a few inches below the grass. We believe that it is probable that the wall pieces were distributed over the ground and the grass grew on top.

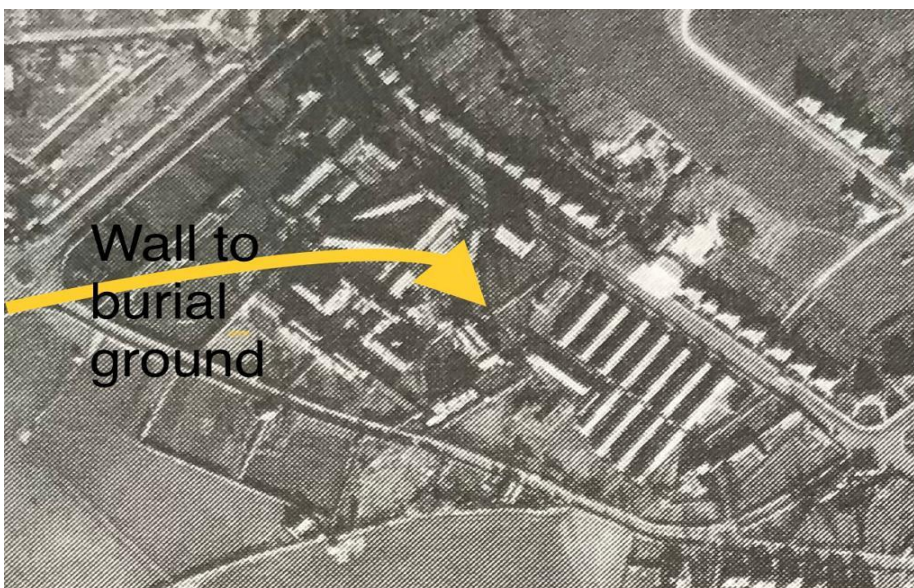
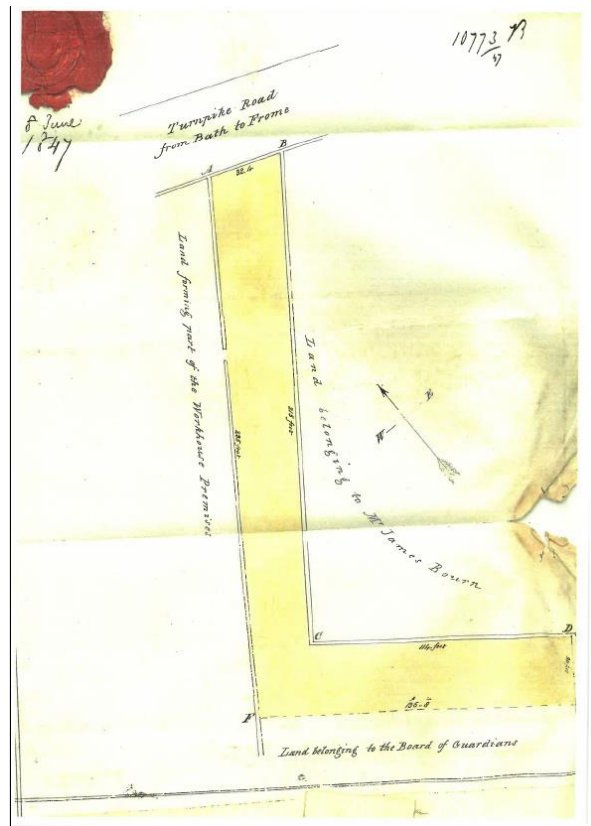


Figure 5 below illustrates the extent and shape of the Burial ground as consecrated in 1847<sup>1</sup>. Please note that Turnpike Road is now Midford Road.

Figure 5: dioecian record of the Workhouse cemetery



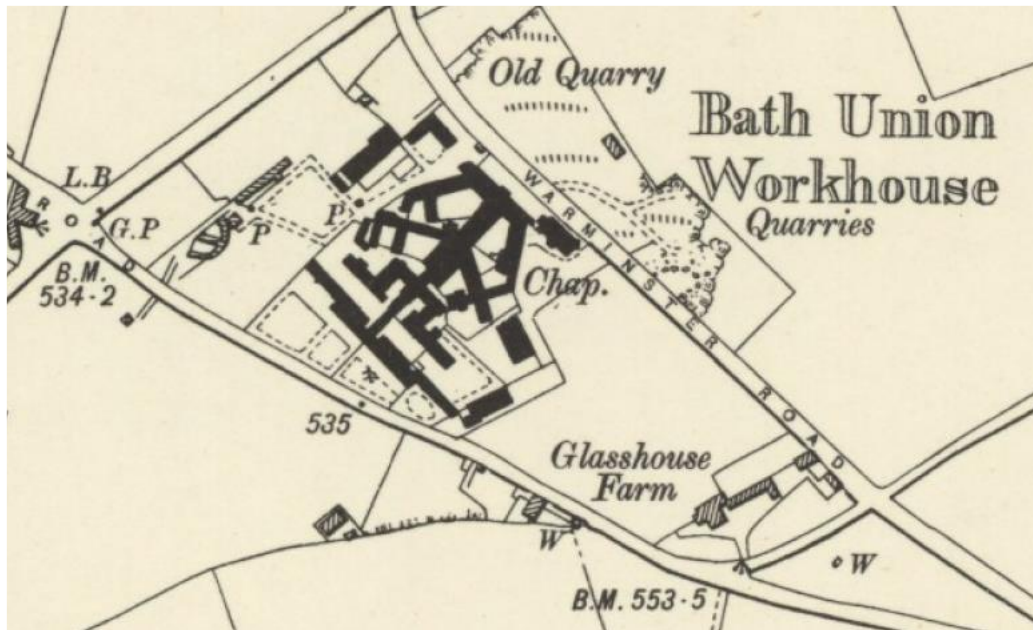
As stated, the reason for the “L” shape of the burial ground can be seen from the aerial photos above, the 1902 map (and the 1884 map before it). Also, it further illustrates that the border of the land between the Bath Union Workhouse and Glasshouse Farm was, in fact, “L” shaped (see figure 6)<sup>2</sup>.

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<sup>1</sup> Diocese records

<sup>2</sup> Historical maps

Figure 6: Ordinance survey map of St Martins (1902)



Again, please note that Warminster Road is now named Midford Road.

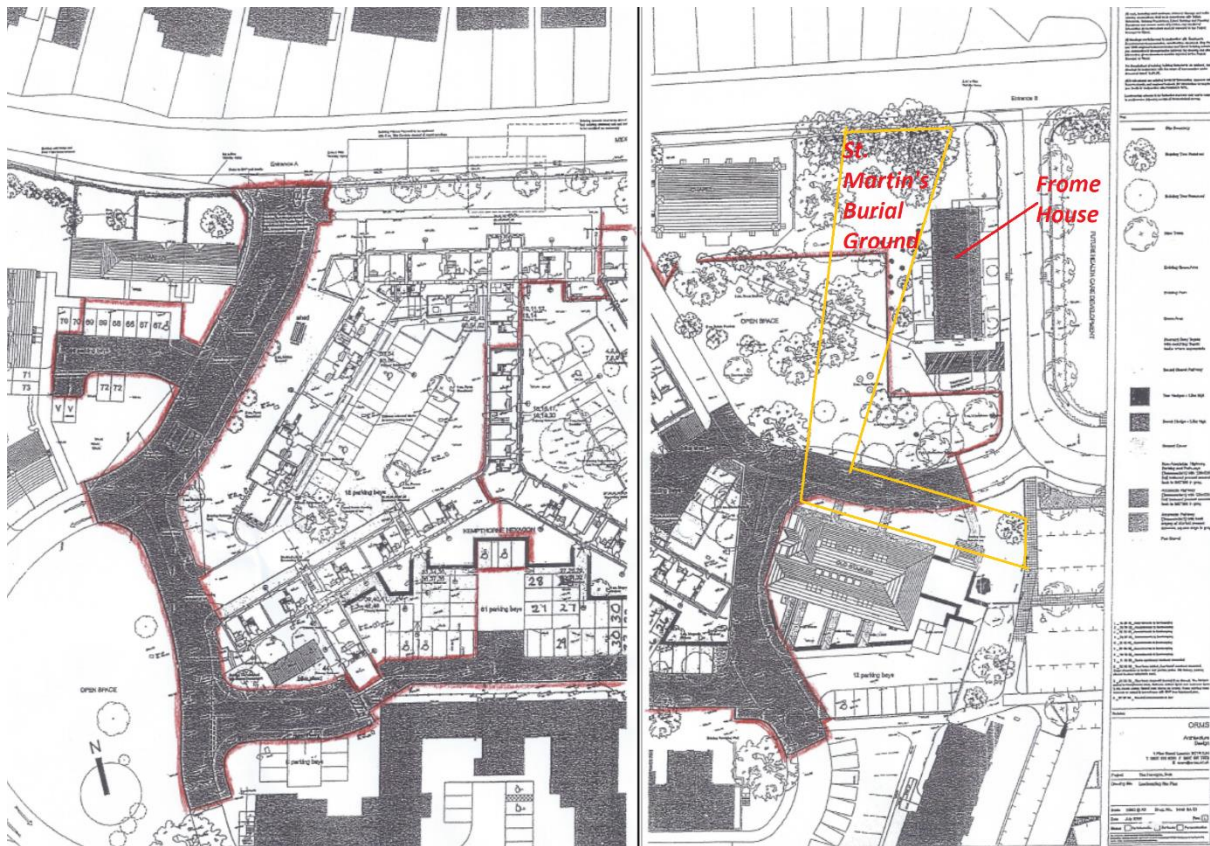
It is likely that the burial ground was not extended close to the workhouse buildings due to the smell which would arise from the high number of bodies per dug grave, which could number up to 17 or 18, particularly if there was an outbreak of disease such as cholera or smallpox.

It is also likely that young babies who died in or close to childbirth and were not baptised would be buried under or close to the burial ground boundary wall as it was a common belief in Victorian England that these babies did not have a soul. Burial grounds were often walled due to the risk of body snatching to meet the demands of medical research although the 1832 Anatomy Act had stated that workhouse bodies could be sold by the workhouse guardians for medical research if not collected by relatives within a week of death for burial.

The evidence collected demonstrates that the burial ground extends from the Midford Road to the wall of the Old Stables and then takes a right angle along the front of the Old Stables (going under Clara Cross Lane). The Bath Union Workhouse (now known as The Hexagon) originally bordered onto a farm. A wall was built between the workhouse and the farm – the boundary was 'L' shaped, hence the shape of the cemetery.

Figure 7 illustrates the position of the cemetery; it has been superimposed onto a map of the site – it is the definitive map that includes the boundary of the Hexagon Property Management Company Limited and it is the one contained in the 999-year lease for the company.





**Figure 7: The location of the Bath Union Workhouse cemetery (bordered in Gold). Please note: The red line defines the boundary of the land owned by HPMCL**

**The reasons to remove LYN04 from HELAA and grant it a protected status that will prevent development**

*We request that LYN04 be removed from HELAA as a site for housing or any other development. We request this for the following reasons:*

*Proximity of the burial ground to Frome House*

As can be seen, the burial ground runs very close to Frome House, dissecting the ground where the NHS/Colburn Homes wanted to build flats. On this basis, the site as a whole (designated LYN04 on the HELAA map) given that the land and the chapel are consecrated, with the latter being listed inside and out, is unsuitable for anything other than a very small replacement for Frome House which we believe would be economically unviable for any developer particularly as the type of temporary construction materials employed in the 1940s Frome House typically contained asbestos materials and may need expensive mitigation measures when being demolished. Further, we understand that the St Martin's site has been designated to provide 50 homes. This could we believe be achieved by the development of Ash House, Midford House and Kempthorne House alone (LYN03 on the HELAA map) – the development of Frome House would contribute little to achieving the figure of 50 homes. Therefore, its exclusion would not result in a failure to meet the housing target.

Based on evidence uncovered at the Bristol workhouse site, it seems that the practice in Victorian workhouses was not to bury infants who died prior to baptism in consecrated ground because they were thought not to have Souls. Instead, they were either buried under



boundary walls or just to the side of the consecrated land. We know from records that there were many infant mortalities at the Bath Union Workhouse and there is no reason to suppose their policy was any different from that of the Bristol Workhouse. The burial ground may extend further than we know.

*Therefore, we believe that the whole of LYN04 should be protected from housing development on the basis that the site is unsuitable for development.*

#### Possible ground water contamination

One further discovery is that in the centre of the burial ground at some point in time, the local water authority placed a “monitoring point” in the ground. It is configured to be used as a sampling point - perhaps it could have been used to take ground water samples to measure contamination; a serious possibility in an area where over 1100 bodies are buried.

#### Respect for the people who built Bath and for the environment

To fully develop the site, listed buildings consent and a formal process to obtain consent from the Ecclesiastical Court would be required in addition to the BATHNES Planning consent. There was considerable opposition from local residents and councillors to the original proposal from Colburn Homes, in part due to its design and bulk and deleterious impact on St Martin’s Chapel, but also because it envisaged the loss of the existing open green space forming an important and historical part of the curtilage of the Grade II listed buildings (the Chapel and The Hexagon buildings) by using a significant proportion not owned by the Hexagon Property Management Company Limited (HPMCL) in order to create car parking, a bin store and a cycle shed to cater for the proposed new buildings. Residents and councillors were also concerned that the proposals did not show sufficient respect and appreciation of the fact that the land remains consecrated and that 1100 plus remains of workhouse inmates representing such an important part of Bath’s social history including the Chapel’s main builder had lain undisturbed there for nearly two centuries. Some of these were the people who quarried the stone that built the city of Bath.

Later versions of the proposed development removed car parking from the burial ground but appeared to violate the boundary of the adjoining land owned by HPMCL and the latest version reinstated the car parking over the burial ground to provide sufficient car parking spaces for 8 flats. Furthermore, the proposals put forward by Colburn Homes required the felling of some healthy, mature deciduous trees in a built-up residential area where there are few trees. The arboricultural, ecological and archaeological reports submitted by Colburn Homes were all deeply flawed relying on trees and land not forming part of the application site and conducting an archaeological report which was demonstrably nowhere near the burial ground site.

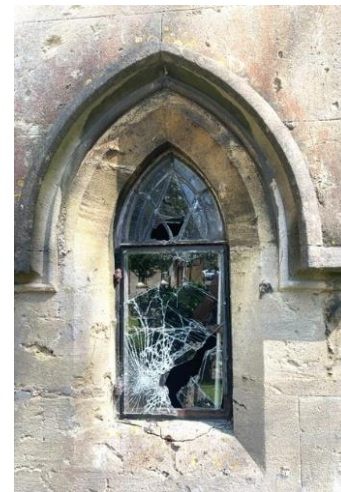
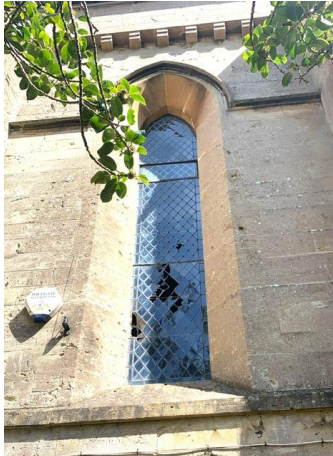
#### Boundaries

The section of the burial ground included in LYN04, currently designated for housing development, adjoins the part of the land and burial ground that is owned by The Hexagon Property Management Company Ltd (HPMCL). There is no physical boundary between the two parts of the land. In the event of the proposal being approved by BATHNES and the Church Court, the boundary between the land that is under contract to Colburn Homes and that owned by HPMCL would have to be formally agreed by Surveyors. To date, plans submitted by Colburn Homes appear to violate that boundary.

The boundary of the two pieces of land is defined by the Head Lease issued to HPMCL.

### St Martin's Chapel

The Chapel is grade II listed inside and out. It is also consecrated. As such, it is completely unsuitable for most development purposes unless these designations are changed. At the present time there is no comprehensive plan for the chapel and maintaining it going forward which is most disappointing. It remains empty and neglected with ivy creeping up its walls and damaged leaded glass.



The access road to the Chapel, owned by the Hexagon Property Management Company Limited, provides a right of access only to the Chapel and prohibits access to any heavy construction traffic which we believe may be due to it being built over underground vaults.

The Hexagon Buildings are also Grade II listed building, and this listing also effects buildings and land in its curtilage as in the curtilage of St Martin's Chapel.

The full Grade II listings are provided below.

<https://historicengland.org.uk/listing/the-list/list-entry/1395717>

St Martin's Hospital, known as The Hexagon Buildings

<https://historicengland.org.uk/listing/the-list/list-entry/1395713>

St Martin's Chapel

Although the City of Bath has many listed historical properties, there are relatively few outside of the city centre and it is a fact that the site of the former workhouse, its Chapel (every stone of which was laid by one workhouse inmate) and its two burial grounds are a rather neglected part of Bath's history – not even being included on the Bath Historical Tour itinerary!

## Concluding remarks

The parcel of land designated on the HELAA map as LYN04 is not suitable for development or housing and should be removed from HELAA because:

- It is a site of historic importance and has been in existence for nearly 200 years.
- St Martin's Chapel is grade II listed inside and out and is consecrated.
- It contains a consecrated burial ground where over 1,100 people from the Bath Union Workhouse are buried.
- The chapel and burial ground cannot be developed or built on without prior permission from the Ecclesiastical Court.
- The burial ground is nearer to Frome House than previously believed reducing the area available for development and its economic viability for a developer.
- Three recent planning applications have all been rejected by the Council due to the scale and mass of the building design and its effect on the Grade II listed St Martin's Chapel and its green setting. Proposed schemes have been contrary to the Planning (Listed Building and Conservation Areas) Act 1990, Section 16 (Conserving and Enhancing the Historic Environment) of the NPPF, policies B1, B4, and CP6 of the B&NES Core Strategy and policies CP6, D2, D5, HE1, BD1, B.4 of the Placemaking Plan.
- The land forms a part of a tranquil green space for residents and hospital staff/patients. One of few such areas in the immediate locality. It has mature, deciduous trees that are an environmental asset to the area and to wildlife. Retaining these trees will support B&NES Council's express aim to deliver a biodiversity net gain of at least 10% in accordance with Policy NE3a rather than contribute to a loss.
- The loss of LYN04 as housing development can be compensated for during the redevelopment of Ash House, Midford House and Kempthorne House.
- Other uses can be explored for the chapel that could bring it back into good condition and which would turn it into a community asset.

**We ask the Council to remove the parcel of land designated LYN04 on the HELAA map that includes St Martin's Chapel and the green space, burial ground and Frome House from the local Plan as part of the land available for development for housing due to the information provided above. It is entirely unsuitable, is still consecrated and is the burial place of many former Bath citizens. It is surely time that the city of Bath fully recognised that there are two historical Baths, the rich one and the poor one. One would not have happened without the skills and dedication and hard work of the other – made up of Bath citizens who sadly did not have adequate provision when ill health or old age took over and had no choice but to enter the workhouse and often dying there. We believe that thought should now be given to how St Martin's Chapel and the green space can provide a suitable commemoration to the 1100+ workhouse inmates buried there.**

A suitable plan could then be drawn up to preserve St Martin's Chapel going forward and to ensure a use commensurate with its status and Grade II listing. With the proposed increase in housing provision within the island site, the Chapel could, we believe, be re-designated as a community resource under the plan and become a community centre, as described below:

## Proposing a better future use of St Martin's Chapel / LYN04

If the Chapel and burial ground are to be preserved for future generations, what alternative use can be found for the Chapel, given that the burial ground is consecrated and cannot (or at least, should not be "developed")?



A group of residents and interested parties have come together to give some thought regarding what practical uses could be made for the Chapel, given that the view of those same people is to retain the open green space that is the burial ground as an amenity for local people and the Hospital.

The views collected to date amount to a proposed action plan for the Chapel and burial ground. The group propose the following: BATHNES Planning to change the local plan and remove LYN04 from the list of sites that can be developed. Once this has been done, work could begin on restoration of the chapel and developing a model for its use as a community centre asset / museum etc. A Social Enterprise company could be formed to fundraise and manage the chapel and cemetery and demolish and convert the land that Frome House sits on to be a memorial garden and an area where charging points for electric vehicles could be installed (something severely lacking in the Hexagon and surrounding area).

The Chapel could become a valuable community meeting space and museum, celebrating the lives of Clara Cross, Samuel Kempthorne (designer of the workhouse and chapel) John Plass (who built most of the Chapel) and Eddie Cochran, as well as those who lived / died in the Union Workhouse. Because the Chapel is renowned<sup>3</sup> for its interior wood carvings, plaques etc, a fee or voluntary donation could be collected from visitors and a fee for the hire of the chapel for community events. Further, as it is still consecrated, it could also be used for weddings, baptisms and perhaps the occasional Service.

In short, the chapel can be maintained and used for the following purposes by the local community:

- A heritage centre to document and celebrate the lives of Samuel Kempthorne (designer of the Workhouse and Chapel) John Plass (who built the Chapel) the citizens of Bath who died in the Workhouse, many of whom are buried there, Clara Cross (who turned St Martin's hospital into a major medical centre during WWII) and Eddie Cochran
- Local community events
- Café
- Weddings, baptisms and perhaps church services
- To keep the burial ground as a single, open green space as it has been for nearly two hundred years since the Chapel was first built so that can continue to be used as a local amenity for residents and users of the hospital site.

In implementing this plan, it will be necessary to limit access by car for Chapel users as there will be no provision for parking. This is not without precedent in Bath as Prior Park also does not facilitate visitors arriving by car. St Martin's is served by two buses from the town centre, so access to the site is easy without a car. Further, if tour buses could be persuaded to stop at the Midford Road bus stops access from other tourist attractions in the city would be easy.

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<sup>3</sup> Historical England, English Heritage Listing NGR: ST7424862221

*Proposal to acquire Chapel and burial ground*

We propose that a Social Enterprise organisation be established and that it purchases the Chapel and burial ground from the NHS/Colburn Homes for a nominal sum to be agreed.

Currently, no maintenance work is being carried out on the chapel and it is deteriorating rapidly. It is the duty of the owners to ensure a grade II listed building is maintained. The NHS and Colburn Homes are failing in that duty.







## **Bibliography**

<https://www.brh.org.uk/site/project/eastville-workhouse/>  
<https://www.open.edu/openlearn/history-the-arts/history/social-economic-history/what-were-victorian-paupers-graves>  
<https://www.devonheritage.org/Places/DevonCounty/Thefinalfateofthepoor-theAnatomyActof1832.htm>

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