

EAST MIDLANDS REGION

Ms Sarah Pearce
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Our ref: P00077992

4 September 2009

Dear Ms Pearce

**Notifications under Circular 01/2001 & GDPO 1995
BELPER RIVER GARDENS, MATLOCK ROAD, BELPER, AMBER VALLEY,
DERBYSHIRE
Application No AVA/2009/0753**

Thank you for your letter of 23 August 2009 notifying English Heritage of the above application.

Summary

The Swiss Tea Rooms is located within a Conservation Area and Grade II registered Park and Garden. The Tea Rooms was opened in April 1906 and was constructed in a picturesque style utilising elements of Swiss cottage and Arts and Crafts style by local architects Hunter and Woodhouse. The Preliminary Historic Landscape Appraisal for the River Gardens site considers the design of the Tea Rooms 'pivotal to the design of the park' and it was clearly a substantial structure and facility within the gardens.

The condition of the Tea Rooms has deteriorated significantly since the 1980s and proposals are now submitted for its demolition on the grounds that it is both beyond economic repair and that its significance would, in any case, be lost due to the level of replacement of fabric required.

The application for conservation area consent for demolition has correctly been referred to us as the Tea Room is a locally authority owned building within a conservation area. Your authority should also be seeking the advice on the Gardens History Society as the Tea Rooms is located within a Grade II registered Park and Garden. We would suggest that the identification of the Tea Rooms as a curtilage listed structure to the Grade II listed band stand is open to question and would refer you to our detailed guidance on this issue below.

As a building which makes a positive contribution to the conservation area the



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proposals for demolition must be assessed against the relevant criteria in PPG15 3.16-19. The information submitted considers some of these criteria but we are concerned that the proposals are not accompanied by firm proposals for a replacement structure, which relate to criteria 3.19, iii 'the merits of alternative proposals for the site'. It can not be considered good practice to allow the demolition of a building where no proposals for its replacement have been agreed, particularly where mitigation for the loss of the structure appears to be based on assurances that it will be replaced.

Without a clear assessment of all the criteria for demolition in PPG15 and accompanying proposals for the replacement of the tea rooms, preferably in replication of the original design, English Heritage is unable to support the application for conservation area consent for demolition and recommends refusal.

English Heritage Advice

Curtilage listing

The identification of the Tea Rooms as a curtilage structure to the listed bandstand on the grounds that they were constructed at approximately the same time needs to be considered against the guidance in PPG15 on this matter:

For a structure to be considered to be within the curtilage of a listed building it must be 'ancillary to the principal building, that is it must have served the purposes of the principal building at the date of listing, or at a recent date before the date of listing, in a necessary or reasonably useful way and must not be historically an independent building.' (PPG15, paragraph 3.34).

Whilst the issue of whether a building can be identified as a curtilage structure is notoriously complex it seems likely to us that the tea room was constructed as and functioned independently of the bandstand and that it is unlikely therefore that it could be considered as a curtilage structure to the listed bandstand. Your authority may wish to seek further guidance from Government Office in considering whether an application for listed building consent in this case is relevant.

Conservation area consent for demolition

With regards to the application for conservation area consent for demolition your authority has referred this application to us as the site is in local authority ownership and exceeds 115 cubic metres.

The Tea Rooms is identified in the Preliminary Historic Landscape Appraisal, Volume II (Parkland Consortium) as 'pivotal to the design of the park'. The Tea Rooms was open in 1906 and was constructed to a design by local architects Hunter and Woodhouse in a picturesque Swiss Cottage style with Arts and Crafts influences. An historic photograph of the structure in the Landscape Appraisal shows it shortly after



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completion and demonstrates that the Tea Rooms were originally an architecturally charming and attractive structure. A rustic cottage or nee style appears to have been applied to many of the structures in the park such as fencing and seating and the style of the Tea Rooms compliments this approach. The lay-out of the Gardens also appears to have responded to the Tea Rooms with the central path and riverside path both providing access to the structure.

Unfortunately the condition of the Tea Rooms has deteriorated since the 1980s when it was closed. The illustrated report prepared by Mercia Building Consultancy indicates that the original tongue and groove panelling to the interior has been lost in substantial sections and the whole building is suffering from various levels of decay associated with water ingress, damp and pests. It is clear that the building has not been maintained for some time.

On the basis of its historic significance and remaining architectural importance the Tea Rooms can be identified as a structure which makes a positive contribution to the conservation area, and is a key structure within the registered Park and Garden. Your authority will therefore be aware that the tests for demolition outlined in PPG15 3.16-19 apply to proposals for its demolition.

A condition survey is provided by Mercia Building Consultancy - their website does not appear to suggest that this company is experienced in the conservation of historic structures. Costs for reinstatement are provided in the Mercia Building Consultancy report of approx £175-200k. It is not clear what this cost actually refers to but it is assumed on the basis of the earlier content of the report that this is a repair cost. We would expect a detailed breakdown of costs to be provided to accompany a condition report specifying what needs to be replaced/repared and accompanying costs. This assessment is key to a consideration of the criteria in PPG15 3.19, i and will demonstrate (or not) if the Tea Rooms can be repaired, the extent of historic fabric which can be retained and the cost of doing so. This will enable all parties to agree as to whether repair is viable and worthwhile.

No value is provided for the building when repaired, presumably because there would be no intention to dispose of it. However the supporting statement prepared by Amber Valley Borough Council concludes that the Tea Rooms were 'integral to the future success of the river gardens and would be a worthwhile business venture attracting more visitors and encouraging existing visitors to stay longer.' Thus it can be supposed that the Tea Rooms has a potential value and a long-term ability to generate funds to be off-set against any capital costs for its repair. This issue is addressed in PPG15 3.19, i and information relevant to this point needs to form part of any consideration of proposals for demolition.



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The information provided does not address the point raised at PPG15 3.19, ii - the adequacy of efforts made to retain the building in use. The potential for a restored Tea Rooms on the site to be economically viable is discussed above and this issue is therefore valid to consideration of this point.

The supporting statement from Amber Valley refers to the salvage of materials from the original Tea Rooms and their reuse in a replacement facility. The intention therefore appears to be that the Tea Rooms should be replaced with improved toilet facilities. The form of any replacement is an essential part of the consideration of the case for demolition and relates to the 'merits of alternative proposals for the site' (PPG15 3.19,iii). The absence of any firm proposals for the replacement of the Tea Rooms significantly weakens the case for demolition.

In essence it would appear on the basis of the information submitted that your authority believe the Tea Rooms is beyond economic repair and that repair would, in any case, require the replacement of so much historic fabric that the Tea Rooms would no longer be historic. Mitigation for demolition is offered in the form of replacement of the Tea Rooms in an unspecified form.

In order for English Heritage to properly consider the case for demolition we believe information on the points raised above must be comprehensively addressed and the proposals for a replacement Tea Room must accompany the formal applications for demolition in the form of an application for planning permission.

Considering the analysis contained within the Landscape Appraisal concerning the significance of the design of the Tea Rooms to the registered Park and Garden and Conservation Area it would appear that sound arguments exist for rebuilding of a facsimile Tea Rooms in this case.

Recommendation

The information submitted does not fully address the criteria for demolition in PPG15 and in particular fails to include final proposals for a replacement structure. English Heritage is therefore unable to support the proposals in their current form and must recommend refusal of conservation area consent. We urge Amber Valley to fully consider all the issues raised in this letter, in consultation with the Garden History Society in developing their proposals for the Tea Rooms.

We would welcome the opportunity of advising further. Please consult us again if any additional information or amendments are submitted. If, notwithstanding our advice, you propose to approve the scheme in its present form, please advise us of the date of the committee and send us a copy of your report at the earliest opportunity.



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Yours sincerely

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cc Garden History Society;

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