

Application Number	2023/2451/FUL
Case Officer	Carlton Langford
Site	Flats 1-4 1 Saxon Vale Frome Somerset BA11 1PW
Date Validated	4 January 2024
Applicant/	A Harding
Organisation	Earthaus Property Ltd
Application Type	Full Application
Proposal	Change of use from four residential flats with C3 use, to C1 (hotel use).
Division	Frome West Division
Parish	Frome Town Council
Recommendation	Approval
Divisional Cllrs.	Cllr Martin Dimery Cllr Michael Dunk

Referral to Planning Committee:

This application has been referred at the Request of the Division Member with the support of the Vice Chair of the Planning Committee –

“Although Frome is in need of B&B and hotel type accommodation it is in even more need of residential flats. The application will take away 4 badly needed flats so I would suggest that this be considered in the planning balance. If you decide that it is suitable for approval then I would be grateful if you could give me the opportunity to refer this to Planning Committee should the Chair/Vice Chair approve.”

Description of Site, Proposal and Constraints:

This application relates to 1 Saxon Vale (Flats 1-4) which adjoins 2a Church Street at the rear. The premises is a Grade II Listed Building situated within the development limits of Frome, the Frome Conservation Area and Town Centre boundary, an Area of High Archaeological Potential and a Bat Consultation Area.

This application seeks full planning permission for the change of use from four residential flats to 8 separate hotel rooms on the first and second floors of the building (Change of use from C3 flats to C1 hotel)

Amended plans received which reduce the number of new vents to serve each room and

Relevant History:

2023/2416/LBC – Approval to upgrade insulation in roof, install secondary double glazing and ventilation fans in association with the change of use from flats to hotel. 26 March 2024.

Summary of Ward Councillor comments, Town/Parish Council comments, representations and consultee comments:

Ward Member: Object to the loss of flats.

Town Council: No objection subject to the concerns from Somerset Waste Partnership being managed.

Highways Development Officer: Standing advice

Conservation Officer: No objections

Somerset Waste: Comment - Somerset Council Waste Services does not provide a commercial waste service (which a hotel would have to use), however it is worth noting that the space for 8 units' waste (double the current number of residential units) is unlikely to be sufficient on the current plans. I would suggest that there needs to be ample space for separate general waste and recycling containers (likely to be 1100L bins), stored off the public highway.

Environmental Protection: No objections

Frome Civic Society: Comments - The accommodation is cramped and the layout poor (e.g a bathroom over a bedroom). Other considerations are that hotel use would imply a frequent turn-over of vehicles but there is no parking available on site or on Church Street. The bin store looks inadequate for the collation, separation and storage of waste and recycling for an 8-bed hotel.

CLLr Dunk raises an interesting point about loss of residential use, although the economic arguments around employment (to service the rooms) and for tourist accommodation in the Saxonvale area should also be considered.

Local Representations: None received.

Summary of all planning policies and legislation relevant to the proposal:

Section 38(6) of the Planning and Compulsory Purchase Act 2004 places a duty on local planning authorities to determine proposals in accordance with the development plan

unless material considerations strongly indicate otherwise. The following development plan policies and material considerations are relevant to this application:

The Council's Development Plan comprises:

- Mendip District Local Plan Part I: Strategy and Policies (December 2014)
- Mendip Local Plan Part II: Sites and Policies, Post-JR version, 16 December 2022.
- Somerset Waste Core Strategy (2013)
- Somerset Mineral Plan (2015)
- Frome Neighbourhood Plan (2016)

The following policies of the Local Plan Part 1 are relevant to the determination of this application:

- CP1 – Mendip Spatial Strategy
- CP2 – Housing
- CP3 – Employment
- CP6 – Frome Town Strategy
- DP1 – Local Identity and distinctiveness
- DP3 – Heritage Conservation
- DP6 – Bats
- DP7 – Design and Amenity
- DP8 – Environmental Protection
- DP10 – Parking
- DP21 – Managing Town Centre Uses

Other possible Relevant Considerations (without limitation):

- National Planning Policy Framework
- National Planning Practice Guidance
- Design and Amenity of New Development, Policy DP7 SPD (March 2022)
- Historic Environment Good Practice Advice in Planning Notes issued by Historic England
- Conservation Area Character Appraisals
- Somerset County Council Highways Development Control Standing Advice (June 2017)
- Frome Design Statement (SPD 2015)

Assessment of relevant issues:

Principle of the Use:

The site is within the development limits of Frome where there is a presumption in favour of development as per Core Policies CP1 and CP3.

The site is however within the Frome Town Boundary where town centre employment uses are safeguarded under policy DP21. However, the premises is neither within a primary retail frontage nor a secondary frontage where stricter employment safeguarding controls are imposed but rather within the wider town boundary which encourages a mix of uses to include elements of retail, leisure, office, residential, cultural or any other use which might attract trade or activity in the wider town centre. As the hotel use, this will attract trade to the town centre and therefore, the proposal complies with Policy DP21 of the LP.

Whilst concerns have been raised to the loss of the 4 flats to the hotel use, there are no policies within the Local Plan or Nationally which protect the loss of C3 uses (dwellings or flats). The proposal accords with the Council's Core Policies CP1, CP2, CP3 and CP6 of the LP.

Design of the Development and Impact on the Street Scene and Surrounding Area:

The majority of the works are internal save for the insertion of small vents within the walls and roof. This has been adequately covered under a separate application for Listed Building Consent already approved.

Impact on the Listed Building:

There is a duty under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 In considering whether to grant planning permission for development which affects a listed building or its setting to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

It is one of the core principles of the NPPF that heritage assets should be conserved in a manner appropriate to their significance. Chapter 16 of the National Planning Policy Framework at paragraph 201 sets out that the local planning authority should identify and assess the particular significance of any heritage asset. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.

Paragraphs 200-210 sets out the framework for decision making in planning applications relating to heritage assets and this application takes account of the relevant considerations in these paragraphs.

The site is a Grade II Listed Building, located in the historic heart of Frome. It used to form part of the rear of the property at Number 2 Church Street but is now separated. The building is thought to have been used as a warehouse historically and was converted into flats during the late 1990s. Very little historic fabric remains, following these alterations, apart from the external walls. Despite this, the building forms part of Frome's rich industrial heritage and it makes a positive contribution to the character of the Conservation Area.

This application seeks permission for a series of internal changes, to create greater flexibility for letting either serviced apartments or residential flats. The works involve upgrading loft insulation, the installation of secondary glazing and additional ventilation measures.

The building went through substantial alterations during the 1990s and very little, if any, significant historic fabric has survived, apart from the external walls. As such, the internal changes will have no impact to the significance of the Listed Building and are considered to be acceptable.

Originally 9 additional vent tiles were proposed, although they are already present on the roof, they are made from plastic and are poor additions to the building. The revised scheme submitted proposes the use of 4 cast iron cowl vent cover and one vent tile. The cast iron cowls are in keeping with the industrial character of the building and will have minimal impact to the listed building. Due to the layout of the building, one tile vent is proposed onto the roof. The only alternative for this would be a cast iron cowl, just below the apex of the roof at the gable end, this would look odd and be very prominent. As vent tiles are already present here, the addition of one more will have minimal impact to the listed building. In line with the NPPF, this would fall within the category of less than substantial harm, at the very low end. Paragraph 208 of the NPPF states 'where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use'. There is public benefit to be gained from this scheme, providing the building with a long-term viable use, as such, the small impact from the tile vent is outweighed.

Having regard to the above, no material harm to the designated heritage asset has been identified and therefore, having due regard to Section 66(1) of the Planning (Listed Building and Conservation Area) Act 1990 and DP3 of the Mendip District Local Plan 2006-2029 (Part 1 Strategies and Policies - adopted 15th December 2014) consent should be approved.

Impact on Residential Amenity:

No significant changes over and above the current use as flats.

Impact on Ecology:

No alterations are proposed which might impact on ecology and the works/change of use do not warrant the need for any ecological enhancements.

Assessment of Highway Issues:

The existing premises are not afforded off-street parking provision. The premises is however within walking distance of several town centre car parks which are considered acceptable to serve the proposed development. As such, it would be unreasonable to insist on the provision of off-street parking at this site in relation to the change of use proposed.

Refuse Collection:

The applicant has confirmed that there is adjoining land within their control where a commercial bin store can be accommodated. It will be necessary to ensure that this is provided prior to the first occupation of the premises.

Environmental Impact Assessment

This development is not considered to require an Environmental Statement under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

Equalities Act

In arriving at this recommendation, due regard has been given to the provisions of the Equalities Act 2010, particularly the Public Sector Equality Duty and Section 149. The Equality Act 2010 requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their activities. Protected characteristics are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race/ethnicity, religion or belief (or lack of), sex and sexual orientation.

Conclusion:

The proposal is acceptable in principle and raises no design, amenity, heritage, highway safety or other concerns and is recommended for approval.

Recommendation

Approval

Conditions

1. **Standard Time Limit (Compliance)**

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: As required by Section 91 of the Town and Country Planning Act 1990 (as amended) and to avoid the accumulation of unimplemented planning permissions.

2. **Plans List (Compliance)**

This decision relates to the following drawings:

1949 S 01 and 02

1949 P 01B

Reason: To define the terms and extent of the permission.

3. **Provision and Storage of Recycling and Waste Containers (Pre-occupation)**

The development hereby approved shall not be occupied until provision for the storage of commercial waste containers (bins) has been made within the site in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the character and appearance of the area, residential amenity and highway safety having regards to Policies DP3, DP7 and DP9 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

Informatives

1. In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 38 of the National Planning Framework by working in a positive, creative and pro-active way.

2. **Condition Categories**

Your attention is drawn to the condition/s in the above permission. The heading of each condition gives an indication of the type of condition and what is required by it. There are 4 broad categories:

Compliance - The condition specifies matters to which you must comply. These conditions do not require the submission of additional details and do not need to be discharged.

Pre-commencement - The condition requires the submission and approval of further information, drawings or details before any work begins on the approved development. The condition will list any specific works which are exempted from this restriction, e.g. ground investigations, remediation works, etc.

Pre-occupation - The condition requires the submission and approval of further information, drawings or details before occupation of all or part of the approved development.

Bespoke Trigger - The condition contains a bespoke trigger which requires the submission and approval of further information, drawings or details before a specific action occurs.

Please note all conditions should be read fully as these headings are intended as a guide only.

Failure to comply with these conditions may render the development unauthorised and liable to enforcement action.

Where approval of further information is required you will need to submit a conditions application and pay the relevant fee, which is 145GBP per request (or 43GBP where it relates to a householder application). The request must be made in writing or using the Standard Application form (available on the Planning Portal, see council's website). For clarification, the fee relates to each request for the discharge of condition/s and not to each condition itself. There is a no fee for the discharge of conditions on a Listed Building Consent, Conservation Area Consent or Advertisement Consent although if the request concerns condition/s relating to both a planning permission and Listed Building Consent then a fee will be required.

3. The responsibility for ensuring compliance with the terms of this approval rests with the person(s) responsible for carrying out the development. The Local Planning Authority uses various means to monitor implementation to ensure that the scheme is built or carried out in strict accordance with the terms of the permission. Failure to adhere to the approved details will render the development unauthorised and vulnerable to enforcement action.