

Application Number	2023/1880/LBC
Case Officer	Carlton Langford
Site	17 Bath Street Frome Somerset BA11 1DN
Date Validated	10 October 2023
Applicant/ Organisation	BKW Property
Application Type	Listed Building Consent
Proposal	Convert from Office to 5no. dwellings - flats.
Division	Frome West Division
Parish	Frome Town Council
Recommendation	Approval
Divisional Cllrs.	Cllr Martin Dimery Cllr Michael Dunk

### **Referral to Ward Member/Chair and Vice Chair:**

This application has been referred as the case officer's recommendation to approve differs from that of the Town Council.

### **Description of Site, Proposal and Constraints:**

This application relates to 17 Bath Street a Grade II Listed Building situated within the Frome conservation area and Frome development limits. The site is also located within an Area of high Archaeological Potential, a Bat consultation zone and town Centre Boundary.

This application seeks Listed Building Consent for the conversion of the building from offices to 5no. dwellings (flats). The premises is currently vacant.

The scheme has been amended to take into consideration conservation officer comments regarding the excessive number of new openings within the roof. Amended plans now clearly show that the proposed dormers will be of the same size and the number of rooflights within the rear roof slope have been reduced to 3 as instructed. Additional details have also been provided with respect to the dormer design detail and mechanical ventilation.

### **Relevant History:**

No relevant Planning History.

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

Ward Member: No response

Town Council: object to the proposal in its current form. While we are aware of the current need for flats close to the town centre we feel that this proposal does not adequately meet that need. Firstly, concerns have been raised over the lack of fire escape/suitable fire escape windows in Flat 5. The bin store/cycle storage does not seem large enough for (potentially) 5 or more bicycles as well as waste storage. We also feel that it will be inconvenient for all flats, apart from Flat 2, to access the store which may lead to waste and cycles being stored incorrectly in corridors or on the pavement outside - which will in turn lead to issues with the pavement becoming cluttered and difficult to navigate. The proposed flats do not meet Somerset Parking standards. Ordinarily, this would be less of an issue in a Town Centre location, however, as the previous point mentions there is also a lack of suitable cycle storage which limits residents to only accessing services within walking distance. We are also concerned about the location; as the building backs onto the beer garden of The Old Bath Arms, as well as being close to other restaurants and bars on Palmer Street, we are concerned about the potential impact of noise on future residents. We are further concerned that future residents may complain about noise impact, putting pressure on these businesses. There is also a lack of privacy and potential over looking as the windows on the Palmer Street Elevation will face into the flats above Castello on the other side of Palmer Street. The internal layout is convoluted and awkward. This has led to the need for conservation rooflights and dormer windows on the Bath Street Elevation. This is a prominent grade listed building with a positive frontage on Bath Street. As such the impact of any alterations to the exterior should be carefully considered, and we strongly feel that these alterations would detract from the positive entrance to the town. Finally, the building is currently in office use, providing both business and community use. While it is outside of the current Town Centre boundary, it would be considered a loss of commercial space and as such an application for change of use and a viability appraisal should have been submitted with the application.

### Planning Policy:

This proposal is for a conversion within the Frome development limit so is in accordance with Policies CP1, CP2 and CP6. However, there are a number of concerns:

- The site is in the Frome Conservation Area and is Grade II listed so advice would need to be taken from a Conservation Officer.
- The property is within an AHAP so appropriate action may need to be taken.
- The site falls within the Mells Valley Bat Consultation Zone (Band B) so will require a 'test of significance' under the Habitats Regulations to be carried out.

- There are concerns regarding the design of the scheme, particularly in relation to outdoor space and the bin/cycle store.
- There are concerns regarding the absence of any car parking and no Travel Plan has been submitted to justify a deviation from countywide standards.
- Consideration would need to be given to the Marketing and Business Evidence SPD to demonstrate that the existing office use is no longer viable.

Conservation Officer: No objections in principle, the change of use is welcomed, and will secure the building's long term viability. There are however concerns relating to the excessive number of additional openings within the roof, 3 different sized dormers and 6 roof lights. There also concerns regarding the lack of detail regarding mechanical extracts.

County Archaeologist: No objections.

Highways Development Officer: Standing Advice

Somerset Waste: Somerset Council Waste Services would have concerns over the space and access for the proposed bin area on the ground floor. There does not appear to be sufficient space for 5 bins, sets of recycling containers and potentially 5 cycles in the storage area and for ease of movement within the storage area. This is likely to result in cycle owners using the area as secure storage for the cycles and the bins being left out on the street 24/7 which is an obstruction of the Highway, particularly important in a town centre and in front of a listed building as it can encourage littering and fly-tipping if left out. Moreover, the area is accessed by steps leading to the main door. We would not recommend taking bins up/down steps.

Frome Civic Society: Frome Civic Society objects to the conversion in its present form. The space for the storage of bins and bicycles for five apartments is completely inadequate. The storage in its present position is set up from street level by a substantial flight of steps and this is likely to result in bins being frequently left out on the pavement, creating an eyesore on a principal street in the heart of the conservation area. This aspect needs to be completely re-thought. We have concerns about the planning and fire safety of Flat 5 in the attic. Bedroom 2 is not a room, as no door is shown, so is open to the kitchen, providing no fire separation and no alternative means of escape from the top floor. In general, the layout of the rooms looks contorted and cramped with partitioning breaking up the existing spaces into awkward room shapes to maximise occupancy. There is an inconsistency between the loft plans and the roof section and the elevation in the that former propose rooflights and the latter dormer windows. This needs to be clarified but neither form of fenestration should be introduced to the front façade of the listed building.

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
- DP3 - Heritage Conservation

The following policies of the Frome Neighbourhood Plan are relevant to the determination of this application:

- POLICY H1 - BUILDING A BALANCED COMMUNITY

## **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
- Frome Design Statement (SPD 2015)

## **Assessment of relevant issues:**

## **Principle of the Use:**

The application site is situated within the development limits of Frome where there is a presumption in favour of development which included residential conversions.

The site is however within the Frome Town Centre where town centre employment uses are safeguarded under policy DP21. To this end, the premises is neither within a primary retail frontage nor a secondary frontage where stricter employment safeguarding controls are imposed but rather within the primary shopping area 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 a proposed residential use, it therefore complies with Policy DP21 in attracting trade to the town centre.

Policy DP20 seeks to ensure the reuse of employment sites falling under Classes 'B' of the Use Class Order (Classes B1, B2 and B8). The last known use of the premises was a B1 Office use operated by St John's Ambulance. The policy suggests that for the reuse of such a premises, it will be expected that any scheme deliver comparable employment generation and not prejudice the Council's wider employment land strategy. Whilst it is unlikely that the loss of the employment use would prejudice the Council's wider employment strategy, the scheme will not deliver comparable employment generation and to this end does not strictly comply with Policy DP20 of the Local Plan. However, the policy goes on to suggest that in determining such a proposal, the Council will balance the application of this policy against the need to secure wider regeneration objectives in the area and environmental impacts.

The premises was vacated by St John's who decided to move because of the access stairs to both entrances creating difficulties. It is understood that the premises was marketed towards the latter half of 2022 with little interest and remained unsold following an auction in December 2022. Further marketing was carried out at a reduced guide price and the applicant purchased the property in July 2023 against no competing offers with the option of seeking alternative uses, as being applied for.

The marketing carried out provides the Council with some understanding of the current commercial premises market within the area and it is clear that the need for office accommodation within the area has significantly diminished with the advent of hybrid working i.e. hotdesking and more employees working from home on a permanent basis, before and since the pandemic.

Other material considerations to consider in favour of the proposal are –

The shortfall of housing stock with the Council failing to demonstrate a 5-year housing supply and the shortfall of smaller 1 and 2 bed units coming forward on larger development sites in the Frome area.

The Listed Building having under previous uses, having fallen further into disrepair with the change of use recognised by the Conservation Officer as a means to securing the building's long-term viability.

The building having poor access arrangement for a commercial premises and, the constrained internal layout of the building(s) together with not having a 'shop' frontages, means that it does not lend itself to other town centre uses such as retail or leisure.

Taking all these factors into consideration, it is considered that the benefits of bringing the premises forward for a purely residential use will in this case, outweigh the relatively limited harm with respect to the loss of employment floorspace in the area and on balance, a logical proposal which meets the ongoing wider regeneration objectives within the town centre and therefore, acceptable in principle subject to the usual planning controls of design, amenity, highway safety and impact on the heritage assets.

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

The proposed change of use will have very little impact on the overall character or appearance of the building within the street scene. Whilst the principal roof slope fronting Bath Street will be interrupted with the insertion of 3 small dormer windows, they will be sympathetic to the architecture of the host property and a roof addition not uncommon on other buildings within the street. The rear roof slope will be interrupted with 3 small conservation rooflights, again not uncommon within period buildings in the area. All other elevations to remain unchanged.

Whilst concerns have been made to the convoluted room arrangements, this is brought about in the interests of safeguarding the integrity of the Listed Building i.e. minimising breaches in existing walls and relying on existing openings etc.

He overall scheme will have very little impact on the character or appearance of the building within the street scene and the character of the wider conservation area will be maintained, all in accordance with Policies DP1, DP3 and DP7 of the LP.

### **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.

17 Bath Street is a Grade II Listed Building located along the main thorough fare in the historic heart of Frome. It is located within the Frome Conservation area within Character Area One, The Historic Core.

The site consists of two buildings, both of which have gone through significant changes, the ground floors remain separate but wrap around each other and the first floors are internally linked. Archival evidence has traced the building back to 1713 and it shows that the site has been used for various purposes, including, shops, workshops, and as part of a pub. During the 1930s the building went through extensive alterations, to form the current layout, as it was to be used as a Tax, Customs and Excise Office. This also included the replacement of the roof structure where it was rebuilt as one single hipped roof across both of the properties. Despite much of the historic fabric and historic floor plan being lost, the building does make a positive contribution to the character of the Street scene and the wider Conservation Area.

The principle of the application is welcomed, as the building is currently empty and this proposal will ensure a long-term viable use for it. It is clear that there is very little, if any, internal historic fabric that has survived the alterations. Despite this, the principle is welcomed that as much existing fabric is being retained and refurbished where possible. The retention of the windows to be refurbished is welcomed, although likely not to be original, some are much older than others and they do make a positive contribution to the character of the building. They should be finished in an off-white colour, with an egg-shell or satin finish. This is to emulate the lead paint which was used historically.

There are concerns, however, about the alterations to the roof structure and the excessive number of additional openings, 3 different sized dormers and 6 roof lights. These additions will have a negative impact to the significance of the Listed Building. I appreciate for this space to function as residential, some changes will be needed which will require new openings within the roof space. Following the site visit and the information included within the application, it is clear the current roof structure is a modern addition,

and their introduction will not result in the loss of any significant historic fabric. The two roof lights on the gable ends should be omitted, they will be clearly visible from the street frontage and will have a negative impact to the significance of the Listed Building. The proposed roof plans show the dormers being different sizes, they should be all the same size, it is hard to fully comment on the suitability of them, without the full details being provided. The Design and Access Statement states they will be 'traditional flat roof led dormers', but no further details have been provided. The three dormers and the five roof lights to the rear are excessive, if the dormers are removed from the application, the introduction of the five rear roof lights will be supported. If the dormers are introduced, the number of roof lights should be reduced to three. This will still allow for this space to become residential, without negatively impacting the significance of the Listed building. If the dormers are to be retained, please provide further details of them, including methods of attachment and joinery details for the windows.

Further details of the mechanical extracts are also required, the Design and Access Statement states that 'new extracts through the walls and roof will be installed and will be finished using a traditional grill' but no further information is provided. Please provide details of the proposed grill and the placement of them to be able to assess the impact to the significance of the Listed Building.

The scheme has been amended to take into consideration all the above conservation officer comments regarding the excessive number of new openings within the roof. Amended plans now clearly show that the proposed dormers will be of the same size and the number of rooflights within the rear roof slope have been reduced to 3 as instructed. Additional details have also been provided with respect to the dormer design detail and mechanical ventilation grills which will all be located on the rear elevation.

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 Policy DP3 of the Mendip District Local Plan 2006-2029 (Part 1 Strategies and Policies - adopted 15th December 2014) consent should be approved.

### **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:**

Having regard for the above assessment, it is considered that the benefits of bringing the premises forward for a purely residential use will in this case, outweigh the relatively limited harm with respect to the loss of employment floorspace in the area and on balance, a logical proposal which meets the ongoing wider regeneration objectives within the town centre and therefore, acceptable in principle.

The assessment concludes that 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 Policy DP3 of the Mendip District Local Plan 2006-2029 (Part 1 Strategies and Policies - adopted 15th December 2014) consent should be approved.

## **Recommendation**

Approval

## **Conditions**

### **1. Standard Time Limit - Listed Building Consent (Compliance)**

The works hereby approved shall be begun before the expiration of three years from the date of this consent.

Reason: To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

### **2. Plans List (Compliance)**

This decision relates to the following drawings:

AH2023/42 SHEET 1, 2, 3 Rev B, 4 Rev B, 5, 6, 7 rev B, 8, Roof Plan Rev B, Joinery Details (AH2023/42 SHEET 4 Rev B), Flat Roof Dormer Details, Mechanical Ventilation Grille and Soil Vent.

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

### **3. Sample Panel - Roofing (Bespoke Trigger)**

No construction of the roof of the development shall commence until a sample of all external roofing materials include dormer windows have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved details.

Reason: In the interests of the appearance of the development and the surrounding area in accordance with Policy DP3 and DP7 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

#### 4. **Materials (Compliance)**

The development hereby approved shall be carried out using the joinery details and grille and soil vents details as specified on the application plans and submitted details.

Reason: In the interests of the appearance of the development and the surrounding area in accordance with Policy DP3 and DP7 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.