



Bath Heritage Watchdog

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APPLICATION NUMBER: 21/04147/FUL

ADDRESS: Frome House, Lower Bristol Road

PROPOSAL: Enlargement of Frome House and associated change of use from office (Use class E(g)) (Excluding existing ground floor tyre repair centre) to 67 student bedspaces and associated works

CASE OFFICER: Samantha Mason

DATE: 21 September 2021

COMMENT: STRONG OBJECTION

Bath Heritage Watchdog strongly objects to this application, both because of what the application proposes and for the lack of accuracy in some of the claims put forward.

World Heritage

Although sometimes treated as a lesser suburb of Bath, Twerton was once the heart of a thriving industrial area, and it has a significant number of listed buildings even if they are not in the Georgian style seen nearer the centre of Bath. Of particular interest regarding this application is the adjacent GWR line designed by Isambard Kingdom Brunel with its listed tunnels, viaduct and the Twerton Station House right next to the application site. The Jews Lane railway bridge is locally important; it would have been listed but for the damage caused by several vehicle collisions with the structure in the past.

That railway line is elevated and affords extensive views across the World Heritage Site for visitors arriving by train. Listed attractions include Beckford's Tower on the hilltop, Royal Victoria Park with the Royal Crescent behind and Lansdown Crescent above it. Thus whilst the building proposed in this application is not a critical blight on the content of the World Heritage Site while looking towards it, its height and length so close to the railway will block the visitors' existing views of it almost entirely. The Heritage Statement falsely claims that '*these assets are blocked by power stations and other modern built form*'. There are no power stations, and other structures which obstruct the views are considerably further away and only momentarily block the sight lines. The first views of the city often form the overall impression, so it is important what visitors see (or not) from a train.

As proposed it destroys the appreciation of the Outstanding Universal Value of the WHS, and therefore fails the test in Policy B4.

Design

The documentation falsely claims that “*there will be aesthetic improvements to an unattractive building*” when it is just the same building made bigger and therefore its unattractiveness is made far more obvious. Currently the building is modest in size and bulk and for that reason it is tolerated in the street scene even though it takes few clues from its surroundings.

The elevational drawings omit the Twerton Station building which, along with the Herman Miller Building should afford the listed building Building Height yardstick, and the photomontages manage to hide the station building behind a road sign, so that there can be no visual height comparisons to illustrate clearly how large and monolithic the proposed building would be. Making the building larger as is proposed means it makes its inappropriateness so much more obvious. The mass and bulk becomes excessive such that it overwhelms what is a very tight corner location.

It also harms the OUV because it more obviously fails to take any cues from the surroundings, and it lacks human scale. To justify the excessive heights proposed, the Building Heights Strategy has been selectively quoted. It does say it may be permissible to have 4 storeys, plus one in the roof, but that comes with the condition “*except where it is in close proximity to existing 2-3 storey residential areas*”. The location is surrounded by just those very properties: Argyle Terrace is 2 storeys (with a few loft conversions), Avon Buildings (opposite) is two storeys, Avon House is two storey, Albany Road behind the railway is two storeys, and the houses in Lansdown View, King George’s Road, Inverness Road and Burnham Road are 2 with some at 3 storeys. This is an area of predominantly 2 storey buildings with just a few, further away, of 3 storeys. It also has to be borne in mind that these are Victorian and Edwardian storey heights and not the taller modern storeys.

The Building Heights Strategy also says that ‘*It may be necessary for the height to be less than 4 storeys in response to heritage assets, residential amenity and to prevent intrusion in views*’. Those views bring in the heritage assets of Avon House (Grade II), Twerton Station House (Grade II) and Twerton Viaduct (Grade II) and Charlton Buildings (Grade II). Also nearby is the Grade II listed Herman Miller Building which is only a single storey and would appear dwarfed by the proposed enlarged building.

There are “designed in” views too. Brunel designed Bellott’s Road and Brook Road bridges (both Grade II listed) to have views along the curve of the line towards Twerton Station, and these are oft photographed views, which would be destroyed if the applied-for enlargement is built.

Functional Considerations

The entire enlargement of Frome House will be devoted to “67 Student bedspaces”, despite the assurance from Bath University that it does not intend increasing numbers over the coming years, and the requirement in the Core Strategy that student accommodation should be created on campus; the leeway allowed while the Universities consider how to handle this on-campus expectation has long expired.

The Design & Access Statement says that it will ‘*create a development that is responsive to local student needs and acts as a catalyst for further inward investment*’. Nowhere is the expected “*inward investment*” described or quantified. It is the printed equivalent of a meaningless sound-bite. As for the local student needs, there is already evidence that these have been excessively met.

Recently there have been various applications from PBSAs in the vicinity of Frome House to allow rooms originally given permission to house students to be alternatively used as Holiday Lets, AirBNB rooms and similar short-term non-student residences. Thankfully the applications have so far all been refused so the murky question of what is and what isn't "educational use and exempt from Council Tax or Business Rates" has not needed to be resolved, though arguably any non-student use would make the entire building a business liable to Business Rates. There are such uses already being conducted without planning applications though so the applications submitted do not tell the whole story. However, the planning applications for alternative use submitted do prove that there is a demonstrable over-supply of PBSA bedspaces already and this proposal will thus not be "*responsive to local student needs*". This is before PBSAs at the old Pickfords site on the Lower Bristol Road, the approved development at Bath Cricket Club, the Plumb Centre, the the former Strawberry Field Bakery in Jews Lane, and the student rooms to replace the Banglo Restaurant come into play.

The application claims it will achieve '*The release of 22 existing student HMOs back into traditional residential use*' which is repeatedly proved to be untrue by the statistics. Almost every application for PBSAs has made a similar untrue claim when there continues to be successful planning applications for conversion from housing to HMO far in excess of any conversions the other way round.

The fact is that students will almost always favour living in an HMO rather than a PBSA. The main exception to this is the overseas students who want to remain in Bath in summer out of term time when HMO owners typically expect the rooms to be vacated for repairs and maintenance at the end of the academic year.

PBSAs all have restrictive tenancy agreements and warden control, so the freedom to come and go and live as they please offered by an HMO (provided they don't annoy the neighbours too much) is far more attractive. Then there is the difference in cost, because converting an existing building into an HMO will always produce a lower profitable rent capability than recouping the cost of building a completely new PBSA. Finally, there is the myth that those living in a PBSA won't bring a car to Bath. Students may not need a car once they are in Bath, but a car is by far the easiest and cheapest way of travelling from their home to their student let and back with all the luggage they wish to transport; public transport is nowhere near as cheap or convenient.

The difference is that PBSA applications always claim to be car free despite High Court Case Law making any attempt to enforce it illegal, while HMO owners make no such pretence and students in HMOs can be much less wary of being seen using a car. Yet many PBSA tenants bring cars and PBSA managers do seem to be aware that the restriction is unenforceable and therefore ignore the breach of tenancy agreement.

Travel

This particular location is by a busy junction, and the plans for student drop-off and pick-up rely on students booking a specific 30 minute slot to use a single disabled parking space.

Firstly, our members living near student HMOs report that 30 minutes is insufficient time for the majority of arrivals by car, and far too short for loading a car as compactly as possible to fit everything in, ready for departure.

Secondly, arriving for a specific 30 minute slot at the end of (say) a 100 mile journey is an impossible target with some held up in traffic and arriving late and others arriving too early and having to drive around looking for somewhere to park waiting for their allocated slot.

What happens if there is a disabled student who parks in the one disabled bay and leaves their car there is not mentioned, other than assuming that person will be the last in and first out, which is disability discrimination, contrary to the Equalities Act. There also seems to be nothing the site management can do if a tenant overstays their 30 minute slot at the end of an academic year when all the threats about losing their tenancy become meaningless. The strategy will be unworkable in practice.

The Travel Plan places considerable emphasis on cycling, which completely overlooks the reality that nobody arriving by car to the accommodation is going to have a cycle and very few arriving by public transport would have thought the inconvenience of bringing a cycle with them alongside all their luggage worth the effort. This has all the hallmarks of a box-ticking exercise than a realistic expectation. As an aside, a “campus” is an area for the exclusive use of a university, and therefore there can be no Locksbrook or Sion Hill campus.

It is interesting to note that of the bus services quoted, only the U5 is a university service, to the Newton Park campus. There is a service 20 to the University of Bath, but it is a smaller bus running once an hour and not late evenings nor on Sundays.

The application, including the travel arrangements have been reviewed by the South West Design Review Panel who gave it what can best be described as a guarded approval. However, this is an application for Bath and nobody not living in Bath is in a position to make a meaningful contribution.

Only those who permanently live in Bath understand the true parking situation outside normal working hours. 67 PBSA students will typically occupy 20-30 parking spaces, and because they won't normally use their car often during term time these need not be in streets adjoining the PBSA, they can be some distance away, anywhere outside the Resident's Parking Zones. There will always be another student, living in an HMO with parking, who will give a lift back to a remotely parked car. There have already been complaints in the local press that student cars are parked for weeks on end to the detriment of the permanent residents, and every new PBSA makes the problem worse.

Public Consultation

This was totally inadequate. There was no website showing the proposed drawings, no e-mail address from which to obtain clarifications, and only those 153 local residents were invited to comment, despite the site being visible from many more locations, and other groups like ourselves being concerned about what was proposed.

What was published as a “Public Consultation” couldn't have been less public, and the responses to the few criticisms that were received had all the hallmarks of someone just going through the motions and taking absolutely no notice of genuine concerns. As a “public” consultation it was a complete dud.

Conclusion

This proposal seeks to replace office accommodation with student accommodation, arguing that there is no demand for office accommodation. This is contrary to Policies DW1 and B1 which seek to promote places to work. The fact that in the last year and a half nobody would be seeking new office accommodation in the middle of a pandemic has been carefully ignored. It is also worth noting that the price asked per square metre is not mentioned though it will make a significant impact on the level of interest if the owners try to recoup their refurbishment outlay too quickly.

The conflicting claims that the existing building is a classical pastiche and yet it is an unattractive building is one of several misleading statements. A pastiche is defined as taking the best of another's work, and the main building is just a “seen anywhere” design without classical proportions, but which is small enough to be unobtrusive.

The proposal to enlarge the building makes it far more intrusive and contrary to Policy D2, and because of its position it has a severe impact on the views visitors arriving by train get of the World Heritage Site, damaging the appreciation of the Outstanding Universal Value and therefore unacceptable to Policy B4.

Some reliance has been placed on the irrational decision of a Planning Inspector on the Plumb Centre stating (based on the applicant's claim of a shortage of “*purpose built bed spaces*” that completely ignores the role of HMOs in meeting student demand) that there is a shortfall in student accommodation, despite PBSA operators complaining there are so many vacancies that their buildings are unprofitable, and the University of Bath stating that they would not be increasing student intake. The reality is that with three more PBSAs with planning permission yet to come on stream, there is no unfulfilled demand for further student bedspaces. Whilst there is no obligation in the Local Plan to demonstrate the need for more student accommodation, the current over-supply does allow Policy B5 which expects future student accommodation to be on campus, to be a reason for refusal.

The design is based on a storey height of 3 metres, which is considerably more than the storey height of classical Bath. A 15-metre high building is far in excess of what the Building Heights Strategy in the Core Strategy (very carefully misinterpreted in the application documentation) identifies as acceptable in this location. The South West Design Review Panel makes specific mention of the excessive proposed floor to ceiling height compared to Argyle Terrace.

The exercise described as the Public Consultation was totally inadequate, hence the length of the comments above, which we believe give sound policy reasons for refusal. In the unlikely event that permission is given either by the LPA or on appeal after refusal, it should include a Condition that only students of the local universities can be accommodated in it unless other specific planning permission is sought.