

## **Planning Report for FoBRA Committee Meeting 14 November 2017**

### **Regeneration of Foxhill Estate (16/05219/EOUT)**

On the face of it, there doesn't seem to have been much movement on the Foxhill front and the SoS has not yet made a decision whether to call-in the Outline Planning Approval planning application. The PSC has been informed that the SoS has put a 'Stop Order' on a number of other planning applications in England. Each of these awaits his decision. However, there have been two meetings between the FRA and CURO, chaired by Wera Hobhouse MP, and it is understood that the latter now seem more willing to listen and would like Foxhill residents to become more involved in the design brief. [Professor] Mark Hepworth, author of the 2012 report into the social wellbeing of the estate that was misinterpreted and misused in the developer's planning statement, may be invited to participate in any further meetings between the FRA and CURO. Neither of the Ward Councillors was invited to the two meetings which begs the question: why not, since our Local Authority is ultimately responsible for the provision of social housing? When questioned about their exclusion when she met FoBRA's Chairman and Vice-Chairman on 27 October, Bath's MP explained that the meetings had been non-political and that she had convened it to facilitate discussion and help to build trust between the two bodies in her role as an MP. Ultimately, she agreed that it would be for the Ward Councillors and B&NES to take over this dialogue to see the process through. Mrs Hobhouse will chair the next [3<sup>rd</sup>] meeting on 8 November, and FRA have agreed to update representatives on 14 November.

Wera Hobhouse may have been informed by officers that there would be a net loss of social homes if and when Foxhill is regenerated and believes that the Stop Order would probably be released soon or every attempt to re-develop worn-out estates (sic) would similarly be challenged and, without extra funding to increase numbers of social homes, what else could be done? She hopes to discuss this with the SoS. The PSC has been advised that the net loss of social homes for rent will be 256 social homes, not "about 100" as claimed by CURO because the homes that are planned to be built in Mulberry Park have already been counted into the regional social housing requirement figures, so the actual loss is much greater than assumed. Smokes and mirrors, or simple double-counting?

Cllr Warren was not minded to support the call-in request, even after a second more persuasive letter was sent by the Chairman to encourage him to do so. He did not reply to this letter.

### **'Party Houses' including No.5 Belvedere (17/02592/FUL)**

Unfortunately, the owners of No.5 Belvedere withdrew their application for change of use from Category C3 to *Sui Generis* in early October, so the matter could not be determined by the DMC as FoBRA and other stakeholders had hoped because, had this been refused, the decision would have sent a message to dissuade other property owners with similar intent. The Council's enforcement team are currently monitoring activities in No.5.

NORA has very recently urged DCLG to introduce a new housing Category Use Class for short-term holiday lets, but reported they were reluctant to do this. However, DCLG officials helpfully commented that, in their opinion, all properties not being used as family homes (Category C3) should require planning permission. NORA asked DCLG to issue an explanatory note to all LAs; this is still awaited.

A meeting chaired by Cllr Turner (Abbey Ward) on 27 September (attended by ABCPRA, Vineyards RA, BIGHA and several Council officers, including the Divisional Director for Communities and Regeneration, and 'Enforcers' from the Planning Department) was convened to debate a collective strategy covering planning, policy and enforcement of unregulated of short-term holiday lets. Residents' concerns about the noise, disturbance and the fire risk principally in Georgian properties used for this purpose in the centre of the city were noted; so was their worry about the proliferation of these houses. It was agreed in the first instance that

FoBRA and BIGHA could help channel complaints from residents and neighbours anonymously to the Council without individuals having to be identified. Subsequently, as representatives will now know, a 'Nuisance Log' template has been designed and circulated to RAs with support from the Council's 'Enforcers'. FoBRA also suggested that a Guidance Booklet with content relating to "how to run a short-term holiday let" identifying best practice including staying within the law for safety, noise, disturbance and parking. It was further agreed that the Council would arrange a Scrutiny Day to discuss the issue more comprehensively. This Scrutiny Day has not yet been arranged.

### **Redevelopment of the Pickford's Site (17/03774/OUT)**

FoBRA and many other major stakeholders submitted objections to the developer's resubmission of a slightly amended planning application that did little to satisfy concerns, and it is still anticipated that the DMC will reconsider this application in mid-November. The developers have warned the Council that they will appeal if their application is refused.

### **Wansdyke Business Centre (17/00955/FUL)**

Representatives will recall that the re-submission of an application to demolish the existing buildings and structures for a mixed-use development of 126 student studios, commercial units, a fitness centre with associated access, parking etc was refused by the DMC on 2 June 2017. The developer's appeal is still *sub judice*.

### **Development of Bath Cricket Club's (BCC) car park to build PBSA (17/04388/FUL)**

BCC's application through their chosen developers to erect "... 142 no. bed spaces of purpose built student accommodation (*sui generis*) and associated communal and ancillary facilities, re-provision of car parking, demolition and replacement of indoor cricket training facility..." in their car park has, not surprisingly, received a mixed reception. Like the Rec, it's probably a Marmite issue within FoBRA. The numbers of objectors and supporters are broadly balanced, but importantly not only have Bath Preservation Trust and Widcombe Association joined the ranks of the former, but the proposal is not supported by Planning Policy, Landscape, Arboriculture Environment and Urban Design departments. The Environment Agency is not happy either because they consider that it fails to pass the Flood Risk Sequential Test.

This proposal is considered by some as being too high, too massive, one which would dwarf the current clubhouse and, importantly severely restrict iconic city views. Objectors have suggested that much needed housing, including affordable housing, should be built instead of yet another PBSA, yet the developers claim that because the ground is liable to flooding (see above), building a PBSA which is manned 24 hours per day is the only option. Could not clever architecture overcome the flooding problem?

Could BCC upgrade its much-needed indoor training facility so that it can become ECB compliant without this PBSA development ensuring financial viability? Is this [well-heeled] club "pleading poverty" as justification for development when they enjoy a lucrative and steady income from the existing car park?

The PSC has deliberately chosen not to take sides without consultation with representatives but could do so if necessary even though the deadline for commenting has passed.

### **Bath Western Riverside: Approval for 52 flats instead of 11 town houses**

Concern has been expressed because Crest Nicholson has been granted permission to build 52 flats instead of 11 town houses in Riverside without the application having been scrutinised by the DMC. Moreover, no "affordable" [social] houses will be amongst the new mix of properties. This change was approved under the 'non-material amendment' rules. The PSC has been

assured however that the numbers of social homes will be 'made up' by the developer before the completion of the overall riverside development project.

### **Destination Management Plan (DMP)**

At the last meeting representatives were made aware that FoBRA's concerns about the draft DMP, principally at our exclusion from the Steering Group (SG) that helped to develop the plan, were considered by the Council's Policy, Housing, Economic Development & Scrutiny Panel on 5 September. FoBRA's comprehensive written comments were forwarded soon after the meeting and subsequently it was agreed by B&NES's Divisional Director for Community Regeneration that FoBRA should become a member of the SG.

At a further meeting with Council Officers, the CEO of Bath Tourism Plus (BTP) and Visit Bath's (VB) Head of Membership and Business Relations on 19 October FoBRA, represented by the Chairman, Vice-Chairman, Chairman of CARA and our Transport Lead, presented comments and suggestions to remedy some of our concerns especially with regard to righting the balance between the needs of the residents and those with commercial and business interests which we argued was weighted too far towards the latter. It was agreed that a formal partnership between maybe four or five key stakeholders, including FoBRA and the World Heritage Site Steering Group should be considered because this would be key to DMP evolution and delivery, allowing the informal testing of ideas, plans and proposals in the implementation phase. Now was the time to try and develop and deliver a more carefully balanced approach to tourism in B&NES.

After this meeting, BTP/VB bravely acknowledged that their proposed delivery and steering model was not quite right. They are currently having meetings discussions with towns and rural areas beyond the city, and agreed to share the feedback from these with FoBRA when it is available. FoBRA's comments have already been disseminated to all other members of the SG. However, BPT/VB's current team's workload and upcoming office and Visitor Information Centre move is making progress on the DMP a little challenging at the moment. We all agreed that haste is not the aim – consultation, dialogue and achieving a well-balanced plan is.

30 October 2017