

## **Planning Sub Committee Update Report for FoBRA Members: 20 August 2020**

The PSC again hopes that the somewhat lengthy update we sent out in mid-May and mid-July 2020 helped members keep up to date with the planning matters that we thought either may affect you or that you may be interested in. This latest update aims to continue that theme and it one that we can clarify, if needs be, at the FoBRA meeting on 3 September.

### **New Planning Laws and their likely effect on Bath**

The government has recently announced radical new permitted development (PD) rights, to come into effect in September, which it claims will speed up the delivery of much-needed new homes and also facilitate the rejuvenation of our high streets, which have been badly hit following the effects of Covid-19 and Lockdown.

In general, homeowners will be able to add up to two storeys to their properties, though they will need to show that they have considered the impact on neighbours and appearance of the extension, and there will be a higher fee payable for the prior approval applications involved (in line with the general principle that the planning system should become self-financing). But these changes will not apply in Conservation Areas, World Heritage Sites or where listed buildings are involved, so should have limited impact in our city. Similar provisions allowing demolitions will not apply. As ever, it is difficult to see how the planning system can come close to paying for itself in heritage cities such as Bath.

Two new use classes are being created: Class E which will cover – and therefore allow changes between – existing uses as shops, offices, light industrial and nursery care; and a separate new use Class F will cover pubs, community uses and small rural shops (in order to protect them), whilst hot food takeaways and other potential 'bad neighbours' will become sui generis, to allow greater control. Theatres, concert halls and live music venues are also to be protected and Councils will need to take account of the 'temporary' impact of the Coronavirus when considering proposals for change or redevelopment.

The government has also now issued its Planning for the Future white paper, with major changes outlined for consultation. Mainly aimed at speeding up the plan-making process (the 30-month timescale may be reasonable for LPAs which already have adopted plans, but there are many who will struggle as always), and delivery of the numbers of new homes we all know are needed. It all seems rather familiar, indeed going back to the time before 'tests of soundness', 'duty to cooperate' and 'deliverability' (how did we manage?) but the devil as always is in the detail. Some of the more worrying proposals include penalties for Councils failing to determine applications within the statutory time limits (automatic refund of fees) or having appeals decisions made against them (ditto); and 'streamlining' of community consultation – including doing away with site notices and relying totally on online systems. (we all know residents who have no online access). Consultation on the paper runs to October 29<sup>th</sup>. The PSC will review and consider FoBRA's response.

### **FoBRA's objection to the redevelopment of the Mineral Hospital (19/04933/FUL)**

While the planning jury is still out on this proposed redevelopment, members are reminded that Historic England, Bath Preservation Trust and B&NES's Listed Buildings and Historic Environment (sic) department each recognised, in their different ways, that with the alterations proposed the level of harm being caused has been minimised as far as possible for a scheme of this nature and most believe the public benefit and the potential for alternative used of the site is not outweighed by the perceived harm it would cause. However, as reported before, the elephant in the room surely remains whether the City actually needs more hotel bed-spaces whether these be medium or long term. The Council's Planning Committee is expected to determine this application on 26<sup>th</sup> August.

### **Dick Lovett Site Lower Bristol Road - Redevelopment Consultation**

Still awaiting submission of planning application.

**FoBRA's objection to development of the Homebase Site to provide care community homes and ancillary facilities (20/00259/FUL).**

In February FoBRA supported, in principle, the provision of some care community homes on the Homebase Site, but we then expressed concern about the high numbers of dwellings the developers proposed be built, the lack of inclusion of other types of mixed residential accommodation such as affordable homes (AH) that the city so desperately needs, and the height, density and mass of the development.

While the developers subsequently submitted a revised application, this has only addressed a fraction of our earlier concerns so, on 29 July, we again objected. We acknowledged that the height of the accommodation blocks A and B had been reduced and the number of units by [only] eight but, as a result of these proposed changes, we considered the subsequent scale, heights of Blocks C and D, density and massing of the development to be even more extreme; the cladding remained incongruous and therefore inappropriate; there was still no provision of, or even recognition of the need for Affordable Homes (AH), especially social homes for rent; and, by limiting the development to care community homes (Class C2), the developers would [cunningly] avoid the Community Infrastructure Levy (CIL) payment which one objector calculated could be in the order of £2.4m. So, with no CIL, no AH, deprivation to residents of an important retail (DIY) facility with parking, potential harm to the OUV of the World Heritage Site, more pressure on local services, negative visual impact and loss of amenity to nearby residents, we asked what then was the city's gain by this redevelopment? Our answer was: Care community homes that in many instances local residents would probably be unable to afford, a children's nursery school and 'ancillary facilities'. We concluded that there would be little gain, but so much unnecessary pain.

Unsurprisingly, Riverside Community Voice and Widcombe Association and many others have also objected. This application still awaits determination by the Planning Committee

**FoBRA's Objection to application to extend 138 Wells Road and 2 – 6 Wellsway to create 28 units of Purpose Built Student Accommodation (C4) (20/01591/FUL)**

A revised scheme was submitted by the developers on 5 August but we believe this too is inappropriate in terms of siting, design and height and the net loss of existing residential accommodation but still, principally, on whether there is actually a quantifiable need or indeed demand for more PBSA in Bath in general and in this area in particular. The PSC will submit another objection obo FoBRA. Awaiting determination.

**FoBRA's Objection to application to redevelop the Jubilee Centre, Lower Bristol Road and to erect 127 PBSA units (20/01794/FUL)**

Awaiting determination.

**FoBRA's – Objection to application to erect a 20m 5G mast in Widcombe (20/02388/TEL)**

On 28 July 2020 FoBRA fully supported the objections to the subject planning application submitted by Widcombe Association (WA) on 24 July, the applicants only having given passing recognition that the chosen site is within a Conservation Area and thus is in close proximity to many listed buildings. Neither did they acknowledge that the whole of the City of Bath (and the Outstanding Universal Value (OUV) of its setting) is inscribed as an UNESCO World Heritage Site. And we also considered their claim that the public benefits of such an installation in this specific site outweighed perceived harm was subjective and, as such, we did not believe it accords with the requirements of NPPF.

The PSC of course recognise that there is a need for 5G infrastructure rollout in the city but consider that applications for such installation must be sensitive to the area where cells are sited. The application did not and, while the applicants' oft-repeated claim that cell search areas were extremely constrained was not challenged *per se*, the submission neither highlighted the constraints nor what the criteria for cell site selection actually were. We opined their statement that the chosen site was the only viable option needed substantiation and that their submission should have identified the other options considered and the reasons why they have been rejected.

Subsequently, the Council's planning department invited the applicants, Hutchison 3G UK Ltd, to withdraw their application by 17 August, but it would seem they have not done so because it was refused on 17 August.

However, the problem is not going to go away and, as stated in our objection, we recognise that there is a need for 5G infrastructure rollout in our WHS city. Therefore, we have urged (in writing) the Council to establish a closer dialogue with future applicants (including Hutchison) and importantly residents' associations likely to be affected at the pre-application stage and to learn of the likely mast numbers, possible sites and cell site selection criteria.

### **Locksbrook Road PBSA Appeal (20/00023/FUL)**

As members may recall, the application (18/05047/FUL) to develop the Plumb Centre/Genesis Gym site into an 80-bed PBSA with 1354sqm light industrial space beneath in the Locksbrook Road Trading Estate was refused by the Council's Planning Committee on 14 August 2019 and, on 6 January 2020, the applicant submitted another application that was almost identical to its antecedent. Unsurprisingly, this received many negative comments and objections from many people and organisations, including the Bath Preservation Trust and relevant Council departments, namely Planning Policy, Ecology, Arboriculture and Economic development. There are a few letters of support, primarily from the users of the Genesis gym. While this renewed application has yet to be determined, the applicant has appealed against the refusal of the first application on 17 April 2020. As expected much paperwork has ensued and the Appeal Hearing will commence on 15 September.

NJT/JS/CC

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