

Planning Report for FoBRA Committee Meeting 14 May 2018

North Quays Regeneration (18/00058/ERE03) - Viability Statement

There are differing views from experienced planners and chartered surveyors on the viability statement about lack of provision of affordable housing (AH) in the Planning Statement issued by the developers. One group opines "the provision of much needed employment space comes at a greater cost and with much lower returns than residential ...and therefore such a re-development is likely to be more precarious" and the other suggests that that "one can drive a coach and horses though it". Who is right? In FoBRA's submitted objection to this viability statement, we stated that "...*viability assessment by the planning department must be seen to be undertaken completely independently but not "preferably transparently" as the Trust recommends, but completely transparently.*" Senior B&NES Cabinet members recognise the concerns of many that this non-viability statement for AH sends the wrong signal to both would-be [rapacious and speculative developers] and those on the AH waiting list but they remain adamant that the former opinion is the correct one. The primary aim of North Quays regeneration is to provide urgently needed modern office space, and that the viability of this regeneration would be seriously jeopardised if any AH were to be built. B&NES make a good case but to date the PSC believes they should make more effort to promote this case to a wider audience.

Regeneration of Foxhill Estate (16/05219/EOUT) – Judicial Review

The PSC understands that the Judicial Review will be heard in the High Court on 16 May 2018. In addition, Foxhill RA's (FRA) solicitors, Leigh Day, quoting B&NES's promise that "We will no longer consider demolition of homes on the Foxhill estate, either privately owned or belonging to Curo." have invited CURO to provide Foxhill residents with an undertaking that the promise is made legally binding: (a) not to implement the Outline Planning Permission (OPP), and in doing so not to demolish any home on the Foxhill estate on land owned by CURO or any other person or organisation (private or otherwise); and (b) in the event that the OPP is quashed by the Court or revoked by the Defendant, to withdraw CURO's subject current planning application in respect of Foxhill estate altogether, thus binding not just B&NES but any other owner of land on the estate. To date, CURO have refused to do so and the Council also seems determined to resist FRA's action. Unsurprisingly, this legal battle has caused Foxhill's residents, especially members of the FRA, much stress which has also impacted on their health.

Regulation of Short Term Commercial Holiday Lets ('Party Houses') – Scrutiny Day

The Council considered the holding of a Scrutiny Day to be premature and instead on 19 April 2018 convened a non-political round table meeting chaired by Cllr Turner (Abbey Ward) and attended by Cllr Warren, Leader of the Council, the chairmen of CARA, TARA, LCA, ABCPRA, Bath Independent Guest House Association (BIGHA), Bath Self Catering Association (BASCA), Avon Fire & Rescue Service (AFRS) and two Council planners/enforcers. Discussion was based on where we were, where we needed to be, where we needed to get to and what powers or help were needed to change legislation to achieve this. Agenda item headings were: definition of the houses concerned; planning and its limitations; questions from FoBRA; Brighton & Hove experience; implementation of fire regulations; and, finally, the way ahead. It was agreed that a small working group be set up to take matters forward; this is likely to comprise: Cllr Peter Turner, Nick Tobin (ABCPRA), Barry Gilbertson (CARA), Harry Tedstone (BIGHA) and Ian Perkins (TARA). Subsequently, at a meeting with the Leader of the Council (supported by B&NES cabinet members, Cllrs Bob Goodman, Mark Shelford and Paul Myers), Robin Kerr and Nick Tobin reviewed the round table discussion and highlighted the disappointingly negative attitude of both the planners/enforcers and the AFRS who we suggested should be encouraged to use more initiative and energy and to pursue more vigorously and openly complaints of 'party house' disturbance and to challenge more actively the obvious breach of use of their C3 status.

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

To everyone's surprise this planning application was approved by the DMC. The committee votes were even but that Chairman, ignoring Officers' advice, voted for the application. It is understood that the BPT have called-in this decision.

Destination Management Plan (DMP)

No further update is forthcoming despite prompting by the PSC. Cllr Paul Myers will convene a meeting to discuss this [and upstream flooding] on 9 May 2018 with *inter alia* FoBRA's Chairman and Vice-Chairman.

Proposal to demolish Bath College's Ralph Allen Building (Milk/Avon Streets) and application to erect a new 207-bedroom hotel by Dominus Group(17/06214/FUL)

This planning application has yet to be considered by the DMC. The Council is aware of FoBRA's objection to this application.

Christmas Market 2018

No further information about the proposed Christmas Market 2018's footprint expansion plans have been forthcoming from Visit Bath(VB) but it is still likely that VB will apply to use Milson Street.

Proposed development of Chivers House, Windsor Bridge Road Twerton into PBSA (18/00770/FUL)

FoBRA has submitted an objection to this planning application - fully endorsing the objection of extreme height, mass, scale and impact on the WHS by Bath Preservation Trust - that proposes to demolish an existing building and erect one 9-storey building and one 7-storey building to provide a PBRA comprising 199 studio bed spaces (rent c £375-£400/week!) on a very tight site. The developers have offered to provide communal facilities and 8 affordable dwellings, together with some commercial space. The Environment Agency is concerned about contamination and "Highways" have exposed fundamental flaws in the plan. However, while endorsing B&NES's Planning Policy team's objection to change of use of the site which is at the western edge of the Enterprise Zone (in contravention of certain policies in the Development Plan), FoBRA has raised concerns about the mixed signals given by the Council at the screening stage which has obviously encouraged the developers to submit what we term an audacious and speculative bid. This application has yet to be considered by the DMC.

University of Bath's application to build School of Management (18/01267/FUL)

FoBRA has objected to this application on the grounds that a project of this magnitude will attract a significant number of additional students into Bath with no regard to where they will be housed, and we have also taken the opportunity to highlight the continuing absence of a Student Housing Policy for the city. We suggested that, as submitted, the application even removes a key opportunity to house a significant number of students on an area of the campus that has already been identified by the adopted Placemaking Plan and UoB campus Masterplan as suitable for student residences. FoBRA has recommended refusal unless and until it can be tied by Condition and/or Section 106 Agreement to the provision of sufficient student accommodation on the campus to house those students and be shown to be addressing the backlog.

Mulberry Park Phase 3 (18/00807) – Northern Boundary

FoBRA has informed the Council that we share the concerns expressed by the Council's Arboricultural Team, Bath Preservation Trust and Widcome Association because the development shown on the site development plan Phase 3 seems to extend further into the northern tree belt than shown on the Masterplan, endangering existing trees and exposing the inadequacy of the ridge tree shelter belt. We have always been concerned at the paucity of tree planting and other soft landscaping in the woodland walk area on this border, and we have pointed out that we are not satisfied that the agreed Advance Planting Plan has been met robustly.

30 April 2018