

Planning Report for FoBRA Committee Meeting 18 January 2018

Regeneration of Foxhill Estate (16/05219/EOUT)

Despite pressure from many stakeholders to do so and, as representatives are aware, the Secretary of State decided not to call-in the Outline Planning Approval planning application so, in theory, the developers have the right to progress the regeneration of much of the Foxhill Estate. That is to demolish 542 homes within the so-called 'Red Zone' within an estate of about 850 homes, including 95 owner-occupied dwellings and to build 700 new homes. While his decision was of course disappointing, it did not come as a surprise. However, Phase 1 of regeneration has not started, because clearly there still is much work to be done to meet the conditions imposed by the LPA before it can begin. Of the 414 social homes for rent within the red zone 399 are provided by CURO and 15 by others, including 13 by another large social housing association called Knightstone, whose tenants do not support CURO's plans. Knightstone own 850 social homes for rent in B&NES and a further 7000 in Bristol, Somerset and South Gloucestershire.

Recently, Bath's MP, Wera Hobhouse, has chaired three meetings between CURO and the Foxhill Residents' Association (FRA) to help improve dialogue between the key stakeholders, but disappointingly these meetings excluded the ward councillors. However, CURO's CEO has admitted that the consultation so far has been inadequate and has expressed an intention to improve the way Bath's principal social housing provider operates. The FRA have been discussing how future meetings will be held, a new terms of reference document is being written and an independent chairperson has been sought, and at present they are waiting to hear whether the preferred candidate for the role of chair is willing to accept the position.

Representatives will also be aware that the regeneration will represent a net loss of 256 social homes for rent from the estate. The 95 owners-occupiers remain in a 'limbo land' of not having the confidence to upgrade their homes or, as has happened to at least one house owner, being unable to sell their property; members continue to live in fear of compulsory purchase orders even though the Leader of the Council, Cllr Warren, has attempted to reassure owners that he will only impose CPOs in extremis.

Bath's MP raised the subject of Foxhill during an Adjournment Debate in Parliament on 6 December. Interestingly, during the debate, the Housing Minister, Alok Sharma MP, stated:

... "Let me come on to talk about several issues around the Foxhill estate redevelopment. I want to be clear that the Government are committed to putting councils and communities in the driving seat when it comes to their housing needs. That was reinforced by the estate regeneration national strategy, published last year, which emphasised the need to engage residents and give council and housing association tenants the choice to return to their estate or other suitable housing options.

There are currently 414 affordable homes on the Foxhill estate. I understand that the proposed redevelopment, taken together with affordable homes proposed at the adjoining Mulberry Park development, will provide a total of 420 affordable homes. Bath and North East Somerset Council has said that the quantum of affordable homes proposed across the two sites will ensure that all existing residents of the Foxhill estate can be accommodated in the immediate area. I know that I will be meeting the hon. Lady before the recess, and I am sure that we can discuss social housing issues in more detail than as well...."

The statement is not only inaccurate in that the 414 homes are actually social homes for rent, not the all-encompassing "affordable" type, and it would be highly unlikely that B&NES will be able to meet his reassurance that the Council will be able to accommodate all [256] existing tenants in the immediate area.

Finally, the FRA have appointed a legal team (Leigh Day and barrister Sarah Sackman at Francis Taylor Buildings) who have recently issued a pre-action letter to BANES council questioning the legality of the decision to grant planning permission. FRA's lawyers feel that they have an

unusually good claim, and see it as a very important case that could have implications for other regeneration projects. One of the issues that they consider to be very important is the failure of the Council to undertake an equality impact assessment. It appears that the lawyers are prepared to represent the FRA on a no win no fee basis and will look at ways to limit liability should FRA be unsuccessful. The FRA committee are persuaded to go ahead with a JR against B&NES but are waiting to hear the Council's response to their challenge and to listen to what our members have to say before proceeding.

FRA have sought and are seeking opinion from outside stakeholders, including Bath's MP and local Ward councillors. However, much as though these would probably like to support FRA publicly in their quest for justice, as ever both national and local politics might intervene. **The PSC recommends that FoBRA fully supports FRAs proposals to issue a JR if they commit to that course of action.**

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

On 11 December, FoBRA submitted its "paper and questions" analysis (that Patrick Rotheram was largely responsible for drafting) of the subject matter to Cllr Peter Turner and expressed a wish for a Scrutiny Day to be held early in the New Year, Tuesday 13 February 2018 looking the best option. Also appended to the paper were the 'List of 49 properties' [now 48], the Nuisance Log form, the Nuisance Log Template and Guidance Notes, a relevant note from BPT's magazine 'Bath Matters', and the Brighton & Hove Scrutiny Paper. Cllr Turner has commented to John Wilkinson, the Council's Divisional Director for Regeneration that FoBRA's paper was comprehensive and had been diligently prepared and asked him and his officers (a) to supply some answers in advance of and (b) to draft an agenda for the Scrutiny Day.

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

Disappointingly, the DMC has approved this amended planning application.

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 was dismissed by the Planning Inspectorate on 3 November 2017.

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

On 16 November FoBRA submitted post deadline objections to 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. The developers have submitted changes to their planning proposals, received 29 on December. These will be studied and commented on (if necessary) in due course.

Destination Management Plan (DMP)

At the last meeting representatives were made aware that BPT/VisitBath's current team's workload and office and Visitor Information Centre move was making progress on the DMP challenging. It was agreed that haste was not the aim – consultation, dialogue and achieving a well-balanced plan between tourism, residents and the commercial sector is. The draft DMP is still undergoing consultation and the 'Voicebox' poll survey results will be available in late January 2018 with a final draft programmed for February. Both FoBRA and the World Heritage Site Steering Group will have the opportunity to comment on the final draft, but it is not known when the DMP Steering Group will next meet.

Buro Happold Seminar

On 29 November, engineering consultants Buro Happold with support from Creative Bath, B&NES and RIBA SW held a well-attended seminar to explore "How does Bath use development opportunities to create its future, without undermining the past". To introduce the event they asked:

"We live in a stunning historic city. How do we build on Bath's many assets, to attract more exciting, forward-thinking businesses to our city? How do we create work-places that people will thrive in? What are the jobs that Bath needs to create, in order to diversify employment opportunities for our people? Ones that will retain more of the students graduating from our two world-class universities? Building on the recent Festival of the Future City events, the event will challenge a number of high profile design and economic experts to present approaches to creating new opportunities for Bath"

Jan Shepley reported that there was little controversy, despite the well-qualified speakers being set up on two potentially conflicting sides – with a 'modern' architect, Buro Happold's Director (an accountant) and a planner pitched against the BPT and a more Conservation-minded architect. There were some good examples of new developments in Sweden, Germany (Freiburg) and elsewhere. But there was general agreement (or at least no argument) on most 'issues':

- The historical development of Bath over the past 3 centuries provides a framework for new development and should not be ignored (we have learned the hard way from mistakes of the latter part of the 20th century)
- There is no place for high-rise development in Bath
- But there is a place for 'modern' design if it is imaginative, respects the past and is of high quality in terms of materials and construction
- New development does not need to be 'beige'

Unfortunately, the question of getting rid of the car, although referred to in the context of the European examples, was then ignored. Perhaps in the 'too difficult' box.

New B&NES Local Plan 2016 – 2036: Options Consultation: Phase 1

B&NES is preparing a new Local Plan which is principally about the use and development of land. It is being produced alongside the West of England Joint Spatial Plan, which will provide a new strategic planning context for all four West of England Districts. Both plans cover the 2016-2036 period. The new B&NES Local Plan will include a strategy to guide development, site allocations (including strategic development locations and smaller sites) to meet development requirements and district-wide Development Management policies for determining planning applications.

The consultation process began with publication of a Commencement Document (on the Core Strategy review) when stakeholders had the opportunity to comment on the issues to be addressed in the Plan, and the Options consultation is the next stage in preparing the Local Plan and will be split into two phases. Phase 1 will address options and Phase 2 (Spring 2018) will consult on the preferred approach. Phase 1 covers four broad areas:

1. Vision & Priorities
2. Where new development should be located
3. Strategic Development Locations
4. University growth and student accommodation requirements

The emphasis in the Local Plan consultation is on substantial developments proposed for areas beyond the city, and the priority given for housing is clear. The PSC believes FoBRA should support both the general strategy of expansion of the villages North Keynsham and at Whitchurch and the strategy of focusing development in settlements that are served by existing

public transport and cycle routes (or perhaps also where infrastructure can readily be provided). The issue of local facilities, especially schools lacking capacity or space to expand is a difficult one, but further investigation might identify potential in some cases for nearby settlements to share facilities where there are good links for walking, cycling or 'busing'.

However, while a Joint Transport Study has been prepared other references to transport are vague, noting that improvements are needed and specifying walking and cycling rather than investment in modern, sustainable systems. However, these references are mainly linked to major new housing developments outside Bath. Disappointingly, the challenge of resolving the acute levels of congestion and pollution which the city already faces are not addressed, even though a number of large housing estates are of course already under construction, together with the emerging Enterprise Zone of South and North Quays, but with little linked investment in public transport, roads or parking. At present it seems there is no money available even to keep the central area streets and pavements in a decent state of cleanliness and repair! The PSC considers it would be helpful to know for Phase 2 consultation what traffic growth forecasts B&NES is working to. There is acknowledgement that transport investment should be in tandem with housing development, given the urgent political pressure for housing, but FoBRA is bound to be sceptical and should and will probe how tandem transport – and other necessary- investment will be ensured before the first housing sod is turned!

FoBRA will also continue to press for minimum room size requirements because we don't want to be building the slums of the future when Bristol has already introduced space standards. All this may change if, as has been reported, B&NES is going to resume house building itself. The vision presented is of Bath offering a splendid life style and being internationally renowned, yet no framework is presented for developing world class management of the heritage nor of the urgently required bespoke transport system.

Finally, the at this first stage of the consultation process the PSC recommends FoBRA's detailed comments focus on the university issues.

1 January 2018