

Planning Report for FoBRA Committee Meeting 19 September 2019

Arena 1865 Environmental Impact Assessment Scoping Report (19/03133/SCOPE)

On 15 August 2019 FoBRA submitted comments to B&NES concerning Arena 1865's Environmental Impact Assessment(EIA) Scoping Report. In B&NES's earlier letters to PERA and WA they suggested that the developer's agents, Turley, had been misleading in suggesting that the Local Authority could consult with a range of organisations, not just statutory consultees, that may include these two RAs and their umbrella association, FoBRA. We opined that in our view, Turley was absolutely right to make this suggestion because it was important that the residents of Bath, especially those closest to the Rec, should consider and comment on the efficacy and accuracy of the submitted EIA Scoping Report. We commented that this was a unique situation: no development proposals in Bath had taken place under the current EIA regulations in a location that so affected the Georgian centre of city of Bath.

We observed that PERA had submitted a comprehensive and compelling forensic analysis of Arena 1865's EIA Scoping Report and fully endorsed their view that their comments should be fully considered by Council officers; not least taking account of public interest in having an EIA carried out diligently, comprehensively and effectively in this highly sensitive and important site in our World Heritage City of Bath and its setting.

PERA's findings highlighted significant general omissions and deficiencies throughout the submitted EIA Scoping Report. We further observed that it was noteworthy that the submitted report had been compared unfavourably with a corresponding EIA document relating to the development of a stadium at Stamford Bridge in Chelsea, London, which was similarly a site within a city location having nearby residential properties, but not with the huge heritage significance of Bath.

From the perspective of wider Bath, one of the most obvious concerns endorsed by FoBRA was the underplaying of the value, susceptibility and sensitivity of various views, and our understanding was that, if the applicant's proposals on this were accepted, it would have consequences for the weight that was then given to these views in the examination of the full planning application.

The major shortcomings were numerous but some of the highlights detailed in the PERA report were the complete absence of any detail about stadium uses other than rugby (even though the 680 space capacity car park use will effectively be 365 days a year as compared with 15 to 20 for rugby); the complete absence of any mention of the temporary facilities which had been much trailed; and the silence as to the pitch - which we understood was likely to be hybrid. We suggested that the absence of such detail in the scoping report meant that the EIA process would be practically meaningless and lack any proper framework. FoBRA's concern was that the EIA scoping report downplayed the importance or susceptibility of certain views and receptors, and the use of the current temporary stands as the baseline for the EIA, rather than the 2015 stadium heights and capacity. FoBRA also supported Historic England's suggestion of erecting balloons/cranes in situ to demonstrate the impact of the building on sight lines etc.

In summary FoBRA supported PERA's concerns and believed that their comments were a valuable contribution that should be considered both by the applicant and the Local Planning Authority. We considered that the submitted EIA Scoping Report was seriously deficient and needed to be revised thoroughly to ensure the EIA itself was appropriately designed and carried out. We concluded that if a scoping report was either drawn too narrowly, or had omissions or inaccuracies in detail, any subsequent EIA would be flawed and would not be fit for the purpose intended.

FoBRA objection to the application to redevelop of Bath City Football Club (19/02276/FUL)

In their last Planning Report, the PSC concluded that the future of the club was dependent principally on the investment in the development of 356 PBSA bed spaces and questioned whether this was what the city community wanted. We also suggested that the AH affordability argument should be fully appraised and that alternative mixes of housing types tested. We also recognised the strength of support for the redevelopment from the local community and noted the potential environmental contamination concerns over BCFC's proposal to fit a 3G pitch.

However, in a business case submitted recently the developer states, "*Bath City Football Club (BCFC) currently generates operating losses and has accumulated both current and historic debts that are expected to be approx. £1m by the time they fall due for repayment in 2022. The operating losses have been reducing since the Club became community owned in 2017 as a result of various new initiatives. However, the Directors believe that given cost inflation and the under-invested, poor quality of the facilities at Twerton Park, there are no further actions they can take that would eliminate these losses in full and thereby position the Club to repay the loans over time. It is also worth highlighting the attempts made over many years by the previous shareholders to create a financially sustainable Club, which despite ongoing cost cutting only resulted in accumulated losses and increasing debts until the change of ownership in 2017.*"

A planning decision has yet to be made but as ever, the dichotomy remains that according to the business case the survival of the BCFC and the regeneration of Twerton's village centre are entirely dependent on the PBSA investment. So, if the business case is sound, and it would appear to be, should FoBRA continue to object to the re-development proposals? However, the developer's business case is bound to be written in support of their application, but does it truly demonstrate that their proposals will be commercially viable, or will the new development simply pay off the current debt but the club continues to be unprofitable? As a matter of principle, we would like to see the case for more PBSA clearly articulated by B&NES in their developing Local Plan 2016-2036 but, even if this is not carried out in the short term, should FoBRA really continue to object for the sake of this principle? We thus have a conflict of interests between persuading the Council to put a lid on PBSA growth and encouraging the universities to deliver more on-site student accommodation, our environmental concerns about the installation of an artificial 3G pitch and the survival of a much loved football club in arguably Bath's most deprived community. Perhaps in this case we should swallow our PBSA principle and, instead, focus on the environmental concerns?

Mulberry Park development by CURO: Revised Reserved Matters (RM) application ref 19/00497/ERES: Housing Heights and Screening

At the last meeting the PSC was invited to enquire whether the National Trust owned and/or would be prepared to purchase the non-site tree line on the northern border that needs succession planting. The National Trust owns about a quarter of the treeline and is making enquiries into land ownership of the remainder.

Planning Application 19/01854/OUT- Hartwells Garage Site Newbridge Road

The target decision date of 31 August 2019 has been missed. In early July the Joint Cabinet member for Transport, Cllr Joanna Wright, suggested that

"As a development this application appears to be a great opportunity to create high density living for students with good active travel connection to the city centre....."

However, she also noted the issues she has over the Strategic Transport Report Route (STR) as being:

"1) The Strategic Transport Route (STR) is not guaranteed to be delivered by this development. Yet the developer is pushing the cycling aspects of the development as a big win for the city.

2) There is no mitigation to discourage car ownership by the 200+ students. A Newbridge Controlled Parking Zone is necessary (and is desired by residents) and should be funded by the developer.

3) The site does not provide an inclusive connection to Newbridge Road as the access road has a resident controlled barrier preventing use by pedestrians or cyclists.

4) There is no accessible ramp connection from the STR to Osborne Road. (She recommends the closing of Osborne Road bridge to vehicular traffic).

5) No recognition of the need to get from the STR to Newbridge Primary School and the provision of an upgraded Toucan crossing (cycle/walk).

6)The Strategic Transport Route does require better active travel connections and this development presently stops a new cycle route from the A3604 to the Bath to Bristol Cycle Path by failing to create adequate infrastructure that is accessible to all for cycling and walking through the development."

On 20 August B&NES 'Highways and Traffic' department also invited the developers to comment on their concerns that include pedestrian/cycle access, public transport, student and apartment parking, servicing, cycle parking, site management and travel plans. Before a final highway recommendation can be made, they requested that the applicant considers and responds to the above issue. It is not known when this planning application will be considered by the Planning Committee.

4 September 2019