

Planning Report for FoBRA Committee Meeting 20 March 2018

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

The developers' Planning Statement states, "Our viability appraisal demonstrates that in all scenarios, including those providing a nil affordable content, a viability deficit is produced. As would be expected this becomes significantly greater with the inclusion of a 30% affordable content which forms an additional cost burden to the scheme. The primary reason for this deficit is due to the burden of 'abnormal' on and off-site costs, including the significant costs in relation to the requirement for provision of on-site basement parking and offsite enabling works..... Having considered these options we conclude that the outline planning application returns a viability deficit under all scenarios tested and is not able to provide a policy compliant (30%) or indeed any affordable housing based on current market conditions and the costs required to deliver the scheme."

Unsurprisingly, a number of objections have been submitted along the lines "I am very disappointed that this new housing development will include no affordable housing whatsoever. The new properties will be unaffordable to the majority of people living in Bath. I think the council should seriously consider whether the parameters taken into account in your viability assessment if basement parking is of greater concern than providing affordable housing."

FoBRA has noted these statements/objections and has observed that like many objectors,

"...we remain concerned that no affordable housing whatsoever is planned. It is evident to us that the provision of much needed employment space comes at a greater cost and with much lower returns than residential – sadly few private developers are building any - so we realise the viability of such a re-development is likely to be more precarious. That said, we fully endorse the comments on the viability and affordable housing by the Bath Preservation Trust and, in particular, we agree that the 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."

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

On Wednesday, 21 February 2018 High Court Judge Mrs Justice Lang granted leave for a Judicial Review (JR) by the Foxhill Residents Association challenging the decision of B&NES to grant planning permission for the redevelopment of Foxhill Estate in Bath and the provision of 700 new dwellings resulting demolition of the existing estate of 542 dwellings and the net loss of 204 units of social housing. The judge granted permission on all of the Claimant's grounds namely that the Council:

1. failed to discharge the public-sector equality duty;
2. misdirected itself that all existing residents could be rehoused in an adjoining development at Mulberry Park in circumstances where this commitment has not been secured by way of a planning condition or s.106 obligation;
3. failed to take into account the fact that by rehousing displaced Foxhill residents in the adjoining Mulberry Park development, the new development would no longer be providing additional affordable housing which was the basis on which the permission for that development had been granted;
4. misinterpreted the term "viability considerations" in its development plan and/or applied it in an irrational manner.

This threat of a JR persuaded CURO to write on 28 February 2018: ".....We have reluctantly taken the difficult decision to change our approach to regeneration at Foxhill. We will no longer consider demolition of homes on the Foxhill estate, either privately owned or belonging to Curo.

Instead, we will work in partnership with local residents to create a new plan focussed on significant investment in the refurbishment of existing Curo-owned homes over the next few years. This will help give certainty to residents and deliver improvement to homes in Foxhill more quickly...."

FoBRA fully supported FRA's actions throughout and commends their endeavours to win this decision. As ever FRA have been typically magnanimous and are cautiously optimistic about the future of Foxhill. Common-sense prevails at last, no thanks to the DMC or, indeed, the Council, and the PSC recognises that future negotiations on much softer regeneration must be handled with great care with consultation including not only [obviously] key stakeholders (FRA, CURO and the Council) but if possible, a wider cross-section of social tenants in the estate.

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

It was with some surprise and concern that FoBRA learned that its attempts (since September 2017) to persuade the Council to hold a Scrutiny Day on 13 February 2018 to address the vexed question of the regulation of short-term holiday lettings have been thwarted by Council officers and postponed until the summer, despite the best efforts of Cllr Peter Turner (PT). The team Manager of the Council's Policy stated,

"With regard to Air B&B/hotel development issues raised in email conversations with both you (PT) and Harry Tedstone (Chairman BIGHA), there is little I could update the Group (Independent Organisation Bath) on at this stage in any event. As you are aware further evidence work/analysis needs to be undertaken to understand better the issues prior to looking at policy/strategy options moving forward. It is intended that key stakeholders, including Independent Group representatives, will be involved in discussing the key issues and potential policy options to address (via the Local Plan). The timing and form of this involvement has not yet been agreed, but once there is a proposed route forward.....I hope the above is clear and hopefully I will be in a position to come to a future Group meeting to discuss progress/issues."

Clear? Like mud. The Council leader has been apprised of our disappointment.

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

Equally disappointing is that amended application (by not much at all) to develop the Pickford's site was delegated to planning officers who gave their approval on 26 February, typically ignoring the cogent and compelling arguments submitted against this proposal. In the PSC's view this application should not have been delegated and this point has been made to a member of the DMC.

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

FoBRA's objection to this development was submitted on mid-November 2017, and the developers submitted changes to their planning proposals in late December 2017. There have subsequently been a few hard-hitting objections, principally from Bath Preservation Trust and Widcombe Association and some critical comments from Heritage England. The latter observed

"The massing, bulk and design of the proposed development would still erode the green setting of the city, one of the attributes of the Outstanding Universal Value (OUV) of the City of Bath World Heritage Site, and cause harm to the character and appearance of the Conservation Area.....the proposed revisions are viewed as being overly modestand we remained concerned over the impact of the proposed development."

It remains to be seen whether the Council can withstand the pressures from The University of Bath and the BCC to develop the site as proposed.

Destination Management Plan (DMP)

With so many deferrals and delays to many projects in the city, exacerbated by budget cuts, it is perhaps not surprising that the draft DMP is still undergoing consultation. The results of the 'Voicebox' survey result, expected to be available in late January 2018, have still not been received and Visit Bath (VB) only received other recently completed consultations in mid-February, including an event in Midsomer Norton and a presentation to members of the Bath BID board. Hence, no changes have been made to the draft DMP, and they will not start to do so until the survey results come in and have been assessed.

FoBRA has also been informed that VB are about to review the delivery and action plan with B&NES officers. This statement begs the question, "Why not include the Councillors responsible for the DMP?". The original plan proposed by the project consultants, The Tourism Company, was based on their view that three organisations should share the remit to lead on the delivery of different aspects of the plan, VB, B&NES and Bath BID, with a formal agreement needed between the three to do so. This arrangement has not yet been agreed and, given the level of financial cuts now being imposed on VB by the LA over the next two years, their ability to co-ordinate and deliver parts of the plan could be in question. These cuts will impact on their staffing levels and operational budgets, so they say they cannot commit to the delivery of actions in the DMP which they feel they cannot realistically achieve. Thus, until this review of the draft action plan takes place with B&NES and Bath BID, VB will not be involving any other groups or the wider DMP Steering Group. Another can that's been kicked down the road....

New B&NES Local Plan 2016 – 2036: Options Consultation: Phase 2

FoBRA's comments on Phase 1 consultations of the Local Plan 2016-2036 on the use and development of land were submitted on 4 January 2018 and, as presaged in the previous Planning Report, focused in some detail on university issues. It was expected that Phase 2 consultations would be in the spring, but these have been postponed until the summer.

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)

FoBRA joined c163 others in objecting to this application, principally on the ground that the basis of economic need claimed by the developers is flawed. The stated number of additional hotel accommodation and diversity of that bed stock as required by 2029 (Core Strategy and adopted Placemaking Plan: 500-750 rooms) has not only already been met but, with c800 Airbnbs, many short-term rental and existing B&B (guest house) accommodation that were [deliberately?] not reflected in the application, there is now and will be an oversupply of bed-spaces in Bath for the foreseeable future. FoBRA also agreed that further provision will mean that the sustainable economic development of the market will be undermined leading to a contraction and change in the market place, noting that the current employment market is unable to meet all positions within the sector. Increasing the demand will simply add further pressure onto a sector that is barely able to cope.

We pointed out that approval of this application would conflict with the B&NES's economic strategy 2014-2030 and argued that Bath's stock of office and industrial floor space "*needs to be managed, enhanced and increased to enable the delivery of the Council's Economic Strategy*" as set out in the adopted Placemaking Plan, and that we were disappointed to have seen a number of schemes permitted in recent times that have eroded this valuable stock within the city (e.g. Pickfords). An application for change of use of Ralph Allen Building from D1 Education to B1 Office use had been approved less than a year ago. In conjunction with the development of the Enterprise Zone, this site should be designated to provide much needed small footprint office space to enable the development of Bath's growing IT, media, creative and small start-up businesses to bring more high value jobs to the city.

Notwithstanding, one of the conclusions in the recently submitted Planning Statement by B&NES' agent (Turley) for the development of North Quays (less than a stone's throw away) states:

"The Bath College site is protected primarily for educational purposes, although opportunities for business accommodation that reflect the aspirations of the college to integrate the campus into Bath's Enterprise Zone, and which help to enable delivery of the principles as set out above, will be supported. Should it be demonstrated that parts of the site are no longer required for educational or related purposes, the site will be expected to deliver mixed use development appropriate to its proximity within an expanded city centre...."

However, the PSC has been informed recently that the Council's offer to buy the site and include it in the North Quays development was overbid by a factor of about 25% by the Dominus Group and, not surprisingly, it was an offer that neither B&NES could match nor Bath College refuse. Clearly the right balance must be struck between the needs of the city to manage visitors, tourists and students and the key economic priority for Bath which is to develop its vital commercial future.

Christmas Market 2018

Rumours abound, but the truth is that Visit Bath (VB), the event organisers of the Christmas Market 2018, do not intend to apply to extend the market from 18 to 25 days. VB already have planning consent to hold a market in the centre of the city for 18 days until 2020. However, like 2017, the market's footprint will need to be expanded. The reasons for this are that the major Abbey 'Footprint' and the adjacent 'Archway' projects means that neither the Abbey Churchyard nor York Street can be used for the market. The loss in this central area of 60 or so stalls/chalets is a major concern, so VB are looking at installing market stalls (chalets) in Milsom Street, but not in Queens Square or Royal Avenue. VB are consulting all concerned and an update will be given at the 20th March FoBRA meeting.

4 March 2018