

Planning Report for FoBRA Committee Meeting 22 January 2019

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

As members will recall, this planning application was approved by the DMC and subsequently the Bath Preservation Trust applied for a Judicial Review to which FoBRA honoured its pledge and donated £200. The Trust initiated the Judicial Review because it believed B&NES's Development Management Committee erred in law in their decision making. In particular, the Trust was dismayed at the weight of public benefit the Committee claimed would be brought by the development, which some Councillors deemed to be greater than the harms stated by the Council's own planning, conservation, urban design and landscape officers who had all recommended refusal. BPT's legal advice affirmed there were grounds for pursuing the case further. However, it became apparent to the BPT Trustees that the financial risks to charitable funds of moving to the next stage were too great for BPT to continue. Although donors had contributed to the challenge, the donations were not sufficient to cover the potential tens of thousands of pounds costs and liabilities (in the event of losing the case), since the outcome of the case could not be guaranteed. BPT therefore decided not to proceed further with its Judicial Review.

Chivers House, Windsor Bridge Road (18/03797/FUL)

Members will recall that planning application 18/00770/FUL to build a 199-room PBSA was withdrawn in May 2018, and it was reported at the last meeting that the developers had instead submitted a new application to develop 95 dwellings in two separate buildings on the site instead, but without any provision for affordable housing, contrary to B&NES's Core Strategy CP9. The developers stated that a viability assessment would be provided to the Council under separate cover to demonstrate the exceptional costs of developing the site makes it unviable to provide any affordable housing. As expected, the developers (Pegasus) have recently submitted a robust response to the objections by both statutory and third-party consultees. DMC decision still pending.

Local Plan 2016-2036: Options Document

FoBRA comments on Local Plan Options Consultation document November 2018 General were submitted on 5 January and have been posted on the FoBRA website. We observed that there were some encouraging signs that issues about student housing, HMOs, short-term lettings and hotel growth are recognised, but commented that the policy response generally was uneven and still more inclined to accommodate the market rather than determining what was in the balanced interests of the city and its residents. We believed that the proposed overall approach is too strongly market driven, while noting the acute housing shortages and other stresses this causes. The continuing reduction of local authority funding no doubt contributes to this disappointing response. We have requested a discussion of our comments with B&NES's policy planners.

Community Asset Transfer Policy

The Council has produced a draft Community Asset Transfer Policy and Guidance (CAT). Community assets are land or buildings that have current or future potential use for community value. They can be brought into community ownership through a number of routes, and can involve different organisational structures and terms of ownership. The Council is seeking comments on its [draft policy](#) - the consultation deadline ends on the 25th January 2019. The draft policy will be presented to the [CTE Scrutiny Panel](#) on the 21st January 2019 and then will be considered by the Council's Cabinet on the 6th February. Here is a link to all the documents <https://www.bathnes.gov.uk/consultations/draft-community-asset-transfer-policy-and-guidance>

Foxhill/Mulberry Park Phase 2 Heights (17/04829/ERES)

UNESCO has submitted a detailed response to the proposals for two large buildings which form part of the Foxhill/Mulberry Park Phase 2 scheme. Historic England, Bath Preservation Trust, FoBRA and Widcombe Association all independently registered their strong concerns regarding the impact of the proposed Plot F1 and F2 developments on the 'visual integrity' of the World Heritage property. In particular, BPT are opposed to this proposed scheme on the basis that the height and design of the buildings would be harmful to the Outstanding Universal Value of the World Heritage Site, specifically that it would introduce a hard urban built form to the tree lined ridge which currently forms part of the important landscape setting of the WHS. The ICOMOS Technical Review entirely agrees with these concerns and states: *'ICOMOS concludes that the concerns of Heritage England, the BANES Landscape and the Bath Preservation Society (sic) are valid and need to be addressed.....ICOMOS would recommend that the ambition for the Phase II project, to provide views over the historic inner city for the top apartments of Plot F1 and Plot F2, be abandoned and the height of the development reassessed.....the current proposals should not be approved'*. FoBRA are pleased UNESCO has made this statement which, we believe, will be difficult for the DMC to ignore.

15 January 2019