

Planning Report for FoBRA Committee Meeting 9 May 2019

Retention of Bath Rugby Club's East Stand throughout summer months: objection by FoBRA to the application ref 19/00860/REM

On 10 March 2019 FoBRA received notification that Bath Rugby Club Ltd had applied to seek the removal of a condition of planning permission 17/01637/FUL which would allow the temporary structure, the East Stand, to be retained in situ throughout the summer months. At its meeting on 14 March FoBRA concluded overwhelmingly to oppose this application because:

1. the structure is of a temporary nature and was permitted for a limited period subject to its removal at the end of each season. The Council's reasoning was made clear in the reasons for the condition – that permission for a structure of this nature could only be acceptable on such a basis, 'in the interests of the use, character and appearance of the site as recreational open space within the Conservation Area and World Heritage Site and the setting of listed buildings'. In FoBRA and PERA's view, nothing has changed which would render the condition unnecessary;
2. allowing the East Stand to remain over the summer months would mean that the openness of this valuable green space within the city centre would be restricted, as would the area available for other sports and recreational activities at a time when there is greatest demand, contrary to the terms under which the land was bequeathed to the people of Bath. As an inappropriate structure in the centre of our World Heritage City, it should be removed as soon as its use as a spectators' stand ends each season, in accordance with the terms of the current planning permission, and;
3. FoBRA is aware of the work in progress for the design of a new, larger stadium, but is also aware that there are significant issues yet to be resolved and there has been no planning application submitted to date. There can be no certainty as to the timescale of any permission being granted or development commencing and there can therefore be no justification for allowing the stand to remain this year. Subject to these uncertain timescales, Bath Rugby Club Ltd may indeed find the need to apply for a further temporary permission for the East Stand to be constructed in 2021 and possibly beyond – it could set a dangerous precedent for untold future years if the retention of the stand were to be permitted in the current year.

FoBRA, and separately PERA and other stakeholders, urged the Council to reject the application in the interests of the heritage city and residents of Bath. Bath Rugby have now withdrawn their application. Was this exercise merely to save money or a cynical testing of the choppy objection waters prior to the submission of their application for the new, larger stadium?

FoBRA comments on the recent consultation on proposals for redevelopment of Bath City Football Club

At the last meeting members were made aware of Bath City Football Club's proposal of redevelopment which was to include new shops, a refurbished High Street and improved public space. Some PSC members attended the exhibition and reported to the meeting on 14 March 2019. On 31 March FoBRA submitted its observations that the need for investment to safeguard the future of the club was recognised and the principle of a mixed use development, which would add to the vibrancy and range of local facilities was generally welcomed. The design at this early stage appeared good, though there were concerns over the building heights in relation to nearby homes. However, the focus on, and significant quantity of, student housing raised questions, particularly as there would appear to be a high level of need for more general housing, including affordable homes, in this area. Given the existence of much PBSA development in the vicinity, there was a danger of the permanent community being overwhelmed and the character of the area being lost. FoBRA expected the viability argument to be fully appraised and alternative mixes of housing types tested. It is understood that BCFC's request for a screening opinion has been approved by the DMC.

Comments by the Widcombe Association (WA) on the revised Reserved Matters (RM) application ref 19/00497/ERES of the Mulberry Park development by CURO

WA had previously expressed its concerns at the scale of proposed new housing and layout of this part of the site, which has the potential to impact visually on the important wooded skyline to the south of Bath. From the outset, the Widcombe Association, and others, including FoBRA and the Bath Preservation Trust, had recognised that the most important aspect of the redevelopment of the former MoD site would be its potential visual impact on the WHS city and its OUVs. While WA agreed that the LPA should be keen to achieve a high quality of development within the whole of the site, and to create a well-balanced community, it is its impact on the city of Bath itself which was of greatest concern to the wider community and this must be given the highest priority. The critical issues being the strength, scale and permanence of the planting along the edge of the site and the heights of the buildings.

WA's and FoBRA's concerns have also been echoed by the Bath Preservation Trust and by ICOMOS, recognising the serious effect this could have on the World Heritage Site and its Outstanding Universal Values, which include its setting within a green and wooded landscape. However, WA opined that the revised RM application did little, if anything, to allay these concerns, in particular because of the strong reliance on the area of existing woodland immediately to the north of the site boundary, on the slopes leading down to Perrymead and Lyncombe Vale, to offer screening to views from across the city of Bath. The masterplan for the former Foxhill site showed a 'woodland walk' area immediately within the site boundary, but this has been whittled away to a few patches of young trees, whilst the new homes appear to have been edged closer to this boundary than originally envisaged. Any screening effect is, in places, therefore entirely dependent upon the existing woodland trees, which are outside the site boundary (so beyond the control of the applicants).

WA pointed out that many of these trees have now reached or are rapidly reaching the end of their natural lifecycle, and there has already been some necessary felling of dead or diseased trees in this area, with very little replacement planting. Its effectiveness as a visual barrier to protect the important setting of the city on its southern limits is diminishing and should now be enhanced – and that the area of planting in the 'woodland walk' proposed by the Mulberry Park developers within their site boundaries must itself now be sufficiently wide and dense to provide this function into the future. WA has urged the Council to recognise the failings of this current RM scheme and to secure the appropriate degree of screening through new planting within the site controlled by the applicants. DMC decision awaited.

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

At the last meeting members were made aware that the planning application to build a 199-room PBSA had been withdrawn in May 2018 and, instead, the developers had submitted a new application to develop 95 dwellings in two separate buildings on the site instead, but without any provision for affordable housing (AH), contrary to B&NES's Core Strategy. Subsequently the developers accepted the findings of the Viability Assessors who had stated that in their opinion of the level of affordable housing that the scheme could viably accommodate in between 18% and 25%. The developers have agreed to provide 18% of AH. However, despite objections from Historic England and other stakeholders that the over dominance and accumulation of tall buildings in this area would have a detrimental impact on views and the experience of the wider World Heritage Site, and the precedent it would set, the DMC, against officers' advice - perhaps persuaded by the developers providing 18% of AH - approved this application 6:4 on 13 March 2019.

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