

Bath and North East Somerset:
Core Strategy Public Examination

Submission to the Inspector by
Pulteney Estate Residents Association
(PERA)

In respect of:

Agenda items 17 (ID12) City Centre Boundary,
and Item 18 (ID/12), Proposed Sports
Stadium.

As amended by:

Schedule of Rolling Change to the Draft Core
Strategy for consideration by the Inspector
(Feb 2012)

February 2012

Context

PERA submitted comments to BANES on 03.02.12, following the Inspectors request for submissions regarding Agenda items 17 (ID/12) City Centre Boundary, and Item 18 (ID/12), Proposed Sport Stadium. These are attached as Appendix 1.

BANES issued a Schedule of Rolling Changes to the Draft Core Strategy for consideration by the Inspector (CD6/E2.2) in February 2012.

The relevant sections in respect of PERA submissions relating to the Recreation Ground, Rugby Club, and Leisure Centre land are:

Ref 16 (page 35 DCS) Policy B1.8 (b) Amends PC19.

Ref 17 (pages 33,37,38,39) Diagrams 5,6,7 and 8 (i)

Ref 18 (page 18) Paragraph 2.16

Ref 19 (page 40) Policy B2/3

Ref 20 (Page 40) Policy B2/4

Pages 27 and 28 – Explanatory Notes

Overview

PERA has suggested suitable amendments to make the Draft Core Strategy sound but these have been ignored in favour of a continued 'unsound' approach.

In the three options (Ref 16) created by BANES none reflect PERA's views as submitted (Appendix 1). The claim by BANES for the three (b) options "to enable the Inspector to be made aware of the full range of participants view" is not correct.

PERA consider that there are two key policy issues to be addressed:

- 1. The 'unsound' proposals to introduce commercial "associated uses", commercial 'mixed-uses', 'active frontages', and "interfaces", on the Recreation Ground, Rugby Club and Leisure Centre land.**
- 2. The 'unsound' specific site development policy for a stadium at the on the Recreation Ground, Rugby Club and Leisure Centre land.**

The inclusion of such 'unsound' policies in the Draft Core Strategy would seem to be intended to pre-empt the proper consideration and consultation on any detailed and specific stadium plans for the BANES area.

The proper process would be non-site specific and then **within approved policies** to justify an appropriate stadium site in the BANES area and bring forward a detailed set of development proposals as part of Action Area or Site Specific Development plans to form the basis for a planning application to be considered.

The site of the Recreation Ground, the Leisure Centre, and Bath Rugby, is part of the River Valley Flood Plain and should be subject to the "sequential" test for development (Policy CP5). BANES has not submitted any adequate justification for development at this location.

The use of the term "Arena" is not recognised as a term with Planning Policy Guidance 17 (PPG 17), and by adopting this term, rather than "stadium", the policy becomes a non-recreational use and is in conflict with PPG 17 requirements.

PERA considers that in putting forward such proposals the Council has not been objective as a planning authority, has been led by its role as a developer as part of Arena 1865, and has failed in its duty as Trustee of the recreation ground.

PERA's view is that an appropriate 'balance' of ancillary uses is required to protect local residents from the possibility of increased nuisance from intensification of use, and to protect the Recreation Ground and Leisure Centre sites from possible future development of 'stand alone' commercial uses (eg hotels, offices, retail, restaurants, cafes, bars, and clubs).

PERA's Suggestions to the Inspector

Ref 16 (page 35 DCS) Policy B1.8 (b) Amends PC19.

All three amended policy options are regarded as UNSOUND.

The policy for a 'stadium' should not be site specific and the use of the words "Adjoining the Central area, at the Recreation Ground" is **UNSOUND** as it is too specific, non needed, and should be deleted.

The use of the words "sporting, cultural and leisure arena" rather than just "stadium" is too wide ranging in terms of possible land uses. No land uses within the terms used have been specified, and neither have any uses been justified in the Draft Core Strategy. The words "sporting, cultural and leisure arena" should be deleted in favour of "stadium".

The uses of the word “Arena” is not a recognised as a term within Planning Policy Guidance 17 (PPG 17), and by adopting this term, rather than “stadium”, the policy becomes one for non-recreational use development, and therefore subject to PPG17 guidelines.

The introduction of commercial uses into sports and recreational facilities also requires justification under Planning Policy Guidance 17 (PPG 17), which presumes against building on open spaces and sites of sports and recreational buildings for non-recreational uses unless the spaces are surplus to requirements.

The use of the words “associated uses” is UNSOUND.

The term “associated uses” could mean any commercial mixed-use activity and is too vague in concept or any definition of the ‘intensity of use’. BANES in the notes (Page 28) also says that such “associated uses” could be “perhaps separately managed” but does not specify uses. In previous policy versions conferencing and banqueting uses have been specified.

The use of the term “associated uses” has not been made specific or justified in the Draft Core Strategy and is UNSOUND.

PERA’s view is that “associated uses” is an unsound term and contrary to DCS Policy B4 (amended PC42) which states: “There is a strong presumption against development that would result in harm to the Outstanding Universal Values of the City of Bath World Heritage Site, ...)

This view is also supported by PPG17 which states (Section 11), that “open spaces and sites of sports and recreational facilities ... of particular value to the community, should be recognised and given protection by Local Authorities through appropriate plan policies”.

PERA’s preferred wording is:

“Enable the development of a stadium with ancillary uses.”

To regard a Stadium proposal as a ‘sui-generis’ use and/or D2 (outdoor sports and recreation) use only and for this to be non-site specific pending a more detailed justification in accordance with an approved Core Strategy.

continued ...

Ref 17 (pages 33,37,38,39) Diagrams 5,6,7 and 8 (i)

PERA supports the BANES amendment to the Central Area boundary such that it will not encompass the Recreation Ground/North Parade Road.

However, the Central Area boundary is still proposed as drawn along the river walkway between Pulteney Bridge and North Parade Bridge (on the EASTERN side of the river).

This boundary still leaves open the introduction of unspecified commercial 'mixed-uses', "associated uses", or 'active frontages' along the river as part of an extended Central Area. Again such a proposal is **UNSOUND**, as commercial uses have not been justified in the Draft Core Strategy.

BANES claims in its notes to Ref 17 that concerns about "a wide range of commercial uses" is unfounded.

BANES also in its notes to Ref 17 refers to an 'arena' type development bringing "associated uses" located as part of the 'interface' with the riverside.

BANES in the notes (Page 28) also says that such "associated uses" could be "perhaps separately managed" and could include "banqueting facilities".

PERA's view is that BANES' own comments give genuine concerns that this boundary, combined with the amended policy Ref 16 (B1 8), could lead to the introduction of restaurants, cafes, bars, and clubs, hotels, and retail uses, along the 'interface' 'active river frontage'. With the current high vacancy level of retail and restaurant premises in the Central Area such a proposal is not justified, is contrary to a policy of protecting economic activity in the Central Area, and is **UNSOUND**.

Ref 18 (page 18) Paragraph 2.16

As the eastern 'Central Area – Neighbouring Area has been removed no reference to "east" in this policy is now not needed.

Ref 19 (page 40) Policy B2/3

Amendment to delete is acceptable.

Ref 20 (Page 40) Policy B2/4

Amendment to delete is acceptable.

Pages 27 and 28 – Explanatory Notes

Paragraph 3

PERA would suggest that none of the three options is sound and that the alternatives suggested are clear and effective and preferred.

Paragraph 4

PERA considers that BANES has NOT submitted adequate supporting evidence to justify development at the Recreation Ground and on the river valley flood plain.

Paragraph 5

A specific site development reference is not appropriate and has not been justified. There are further statutory processes that are designed to be more specific. BANES appears to using an inappropriate process in the Draft Core Strategy policy proposals to secure site specific land uses and avoid proper consultation on detailed site development plans.

BANES view is that the ‘appropriateness’ of specific key areas (such as MoD and Bath Press site (Twerton Riverside) has not been questioned by the Inspector, and this somehow removes the need for non site specific proposals regarding the Recreation Ground, Rugby Club, and Leisure Centre land. PERA has not previously commented on other plan issues but it would seem that the BANES approach in respect of the two mentioned locations may also be considered by the Inspector as UNSOUND and better dealt with by follow-up site specific plans.

APPENDIX 1 -

PERA email to Richard Walker sent 03.02.12

Just to follow up with a summary on the points discussed today:

Policy B2/3 and B2/4

The removal of Policy B2/3 and Policy B2/4 is fine; clearly these have go once the Recreation ground and Leisure centre are no longer designated as part of the Central Area.

Diagrams 5, 6,7, and 8i.

It was useful to clear up the point that you meant the eastern side of the river, rather than western. There is no doubt that PERA would rather see the boundary of the Central Area just as currently shown by the solid line on the WESTERN side of the river.

The broken line boundary - defined as Central Area - Areas Neighbouring the City Centre - should be removed from the river eastern side Pulteney Bridge to North Parade Bridge. Any indication by a line of a Central Area designation on the eastern side of the river brings with it the possibility of a wide range of commercial uses along the river frontage.

I appreciate that the River Corridor needs to be defined in respect of other policies but perhaps this could be indicated by another diagram notation and a different 'style' of line (dots perhaps) along the riverbank itself.

Policy B1 (8b)

I think it is difficult to have any mention of an actual location/boundary for a stadium as this is too specific for a Core Strategy. The Inspector seems to be emphasising this point in many of his comments.

In other UK Core Strategy documents most site development details are contained in Site Specific Allocations or Action Area plans as part of, or following on from adoption, of a Core Strategy.

In the B1 (8b) text our view is that it would be better to remove mention of "Adjoining the Central Area, at the Recreation ground", as this is too specific.

Perhaps back to just to go back to basics and have general policy of " Enable the development of a stadium with appropriate ancillary uses".

This could then perhaps then have a 'for information' factual sub-point of " Site specific proposals are under discussion in respect of part of the Recreation ground, taking into account any unique legal issues and constraints."

Policy D2

Local Plan Policy D2 seems to provide a design framework for any future proposals.

I hope this helps in your deliberations.
