

**BATH AND NORTH EAST SOMERSET
CORE STRATEGY EXAMINATION**

COMMENTS ON PAPER BNES31

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**On behalf of:
The Duchy of Cornwall**

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1. This statement has been prepared to address matters raised in the Council's Submission Document BNES31 which relates to the issue of student accommodation and its suggested classification as C3 Housing. The suggestion in BNES31 is that 120 dwelling pre-2006 and 300 dwellings post-2006 should retrospectively be classed as comprising purpose built self contained off campus cluster flats and should count towards the housing provision within the Core Strategy.
2. On behalf of our clients we disagree with this suggested approach. In particular the approach to the matter set out in BNES 31 is in direct contrast to, on the one hand, the comments regarding student provisions set out in BNES7, together with the verbal submissions made by the Council at the first 2 days of the Examination. There, and in respect of student numbers and their impact on the local demographic projections and also the housing market, the argument of the Council was that this factor was to be largely ignored and should not feature or be used as a significant element to justify increased future housing need calculations.
3. Para 6.7 onwards of BNES7 addressed the issue of student accommodation. Here it is generally argued that the student letting market is different from the regular market, so the effect of additional students would have limited impact on the conventional housing market (para 6.7.2).
4. DCLG in November 2011 have indicated that in certain circumstances student accommodation may be counted as comprising part of the provision of housing in a given area. The Council are now seeking to argue that with this redefinition, and retrospectively, it is legitimate to count pre-2006, 120 dwellings as part of the past supply and post-2006 and within the current CS Plan period, a further 300 dwellings.

5. We dispute the acceptability of this approach, in the first instance because the Council are seeking to apply retrospectively a provision which has been introduced as recently as November 2011. With reference to the DCLG advice note (as referred to at the foot of BNES31) 1 the first line reads as follows:

“For dwelling stock data, unless specifically stated, the definition used follows the Census’ definition applicable at that time...”

6. To our mind it is clear therefore that any student accommodation built up to November 2011 at least must fall within the definitions used in past Census surveys and also in line with the then relevant National Advice. It is apparent therefore that for this reason alone, student accommodation did not previously fall within the C3 definition, as clarified by DCLG in 2008 and the Council’s proposed addition ‘post facto’ of these units to the dwelling counts has no legitimacy.
7. There are further reasons why this element of the stock should not be counted. Firstly, it is understood that at least some of the student units in Bath are specifically restricted to occupation by students and also are to be occupied for no more than 40 weeks in the year. In this respect the units are not available for occupation by the public or the general market. Further, and again by definition there would have been ‘student related’ Section 106 contributions and support infrastructure only with the relevant planning permissions, as opposed to the conventional requirement for affordable units and wider contributions which one normally finds with conventional housing.

8. It follows that this accommodation cannot be counted retrospectively for the reasons set out above and the Inspector is asked to disregard the submissions made by the Council in BNES31. It remains to be seen whether any future student accommodation can meet the various tests established by the DCLG advice and whether any such development should count towards meeting conventional housing needs in Bath or elsewhere.

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