

# **BANES PLACEMAKING PLAN EXAMINATION**

## **RESPONSE TO INSPECTORS MATTERS AND ISSUES (ID/3 – REV 1)**

### **MATTER 11: HOUSING IN BATH**

**ON BEHALF OF RADSTOCK LLP (PARTICIPANT ID: 6414)**

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## 1. MATTER 11 – Housing in Bath

### Issue 1 – Whether the policies contained in the Placemaking Plan would enable the development of 7,020 dwellings in Bath

*Q1 – Will sufficient housing be provided through the site allocations and development management policies to ensure the provision of 7,020 dwellings during the plan period*

- 1.1 The purpose of the PMP is to give additional effect to the strategic delivery policies within the CS that serve to bring forward the overall strategy as set out in Policy DW.1. It is clear, on the Council's own evidence that the delivery policies of the CS and the PMP will not combine to enable the delivery of 7,020 homes for Bath. The April 2016 housing trajectory now only identifies a potential supply through completions permissions, allocations and windfall of 6,612. This is a shortfall of 408. There is no compensatory supply that has been identified to offset the Bath deficit. Consequently, the strategy for determining Housing Development Boundaries across BANES as a whole is not positively prepared, justified and consistent with national policy.
- 1.2 We highlight our position as presented for Matter 2, and do not repeat all of it here.
- 1.3 Since the Core Strategy was adopted a number of brownfield sites have fallen away as being relied upon for housing development for example Twerton Park (-150), and the southern parcel to be disposed of within the Royal United Hospital Estate (50). Although Twerton Park is allocated for development crucially, it is not relied upon for additional housing in the trajectory. Positive changes have not offset these negative changes.
- 1.4 In addition to the Council's own acknowledged shortfall, we have a number of additional concerns relating to the following sources of supply in Bath that are summarised below and are addressed in detail from paragraph 2.17
  - a) The realistic developable capacity within the plan period of the residual land at Western Riverside, Bath is at least **200** fewer than set out in the Council's April 2016 trajectory.
  - b) The lack of any 'loss' figures for 2011-12 and 2012-13 in the housing trajectory for Bath in respect of the conversion of HMOs from normal dwellings to HMO dwellings for students and an under allowance for future changes generates an additional shortfall of **185**

- c) Development issues in respect of some sites the housing trajectory:
- Manvers Street (Bath) **-60**
  - South Bank (Bath) **-100**
  - Sydenham Park Bath **-250** (of 500)
- 1.5 Our assessment is that these factors increase the acknowledged shortfall of 408 by a further 795 dwellings meaning that the Plan can only realistically positively enable 5,817 dwellings at Bath.
- 1.6 We also note that the Westmark site at Windsor Bridge Road (112) is said not be available or housing development by the landowner, which generates an additional potential shortfall.
- 1.7 Bath is of course uniquely constrained and any meaningful housing land supply response would have to involve not only additional Green Belt land, but highly sensitive Green Belt land (from a wide variety of perspectives). We defer to the Council and the Core Strategy examination to set out its resistance to a further large green belt release at Bath.
- 1.8 With this new housing land supply position 'in-play' the LPA should be tasked to draft amendments to the Plan to identify specific sites, amendments to the proposed changes to HDBs and/or additional positively framed policy wording to allow housing outside HDBs.
- 1.9 Any argument by the LPA that the acknowledged or additional shortfall can be 'kicked down the road' and dealt with as part of a full Local Plan Review should be denied. This is because the Council is in a Local Plan Review situation now – albeit one that is not looking at the time horizon of the plan or overall requirements. Although termed as Part 2 of the Local Plan the PMP is a review of the deliverability of the Development Plan and attempts to 'complete' the Development Plan. There is no Part 3 planned and thus it falls on Part 2 to complete the job. The Development Plan should not be left incomplete after two stages of plan preparation. The LPA is in the precise policy making space that has the purpose of focusing on delivering the overall requirement. The Development Plan as a whole is being reviewed to ensure that its headline requirements are being positively planned for.

Safeguarded land at Keynsham

1.10 We consider that the safeguard land at Keynsham to be a 'red-herring' on current evidence in respect of 'part' plugging the gap in supply. On the Councils own evidence, this land is not deliverable in addition to the allocated land at East Keynsham as the highways impact would be 'severe'. Only when there is evidence of a feasible solution and funded programme of works to address the issues can the safeguarded land come forward.

#### Additional Shortfall

##### Western Riverside, Bath

1.11 The non-inclusion of any land form Western Riverside in years 4 and 5 of the current 5-year land supply period is a sure sign that the longer term delivery of this allocation is in trouble. The developable capacity for the site for the plan period that was presented during the Core Strategy hearings was 2,281 and this was unchallenged/untested as it represented the upper limit of an outline consent for the site. However, the capacity in the latest (April 2016) trajectory is now 2,000, of which only 1,760 are now said to be developable by 2029. The reduced capacity result form no new Development Management activity. That is 521 less than originally claimed. No detailed masterplan was ever tested at outline planning stage showing 2,281 units.

1.12 Of the 2,000 in the trajectory, the housing land supply report identifies a high degree of certainty for 785 dwellings previously and currently being built by Crest, on an area of 6 hectares and at a density of 130 dph (yet achieving a mix of housing types and 6+ stories in most cases (in a World Heritage Site). We have no issue with this but note the density, layout and the apparent lack of potential to exceed this development/density typology on the residual allocation.

1.13 Against the currently claimed overall capacity of 2,000 the residual is 1,215. The land supply to deliver that residual is formed of two broad areas. There is 5 hectares to the west of Crest's current phase and an additional 1ha to the north of the river Avon on the Midland Road waste transfer station.

1.14 Taking the later area, it is contended that the Council will not argue that this can realistically deliver more than 150 units, due to the SPDs parameters for this area. Once added to 785 this generates 935.

- 1.15 In order for the remaining 5ha of residual land to be developed so as to enable 2,000 dwellings overall, the density would have to be 203 dph. We see no evidence that this is achievable based on the consented masterplan. At 130 dph the residual area would yield 655 dwellings. Added to 935 this generates 1590, not 2000 overall, nor 1,750 within the plan period. There is therefore an overall gap of 410 between our analysis and the Council' capacity a gap of 170 between us in terms of developable supply in the plan period.
- 1.16 Up to this point we have not made mention of the issue raised in the Councils April 2016 Housing Land Supply Report of the need to re-design the residual land to incorporate the need for a primary school, the original anticipated site for which is not available due to arrangement of leases until after the plan period. We contend that the arrangement of leases makes CPO unrealistic. If the residual allocation also has to deliver a school, then its capacity will fall further so that the pan period gap will increase to over 200 dwellings (at least).
- 1.17 Finally, the lack of an alternative allocation for the Midland Waste Depot within the Placemaking Plan is conspicuous by its absence, suggesting that there is uncertainty as to whether the Council actually intends to vacate the site.

#### Student HMO conversions

- 1.18 The context for this discussion is amended Policy B5 of the Core Strategy which has been updated to include a clause on the housing market impacts of student growth. It says:
- Between 2011 and full Plan review the number of C3 dwellings permitted to convert to (Class 'N' Council tax exempt) C4 Houses in Multiple Occupation will be monitored and compensatory provision will be made if the achievement for 7,000 net additional dwellings for the city is at risk.*
- 1.19 The Article 4 Direction came into force in July 2013 (in the 2013/14 monitoring year) and from this time the Council has been able to monitor change to the stock (in combination with Council tax records) to determine how many HMO conversions are for student use. There is often a lag between permission being granted, the known occupants and therefore the supporting Council tax data.
- 1.20 There is an emerging trend that has been recorded for part of 2013/14, 2014/15 and 2015/16. Given the Housing Land Supply Report was published in April, 2015/16 the relevant loss figures need rechecking due to the Council tax lag.

Sometimes it is not until the following September/October that the true nature of occupation becomes evident. Nevertheless, the Council has rightly begun to record such changes as a net loss of housing and make a future allowance. In rinpel, this is correct but that the data needs to be monitored regularly and that

(1) losses need to be recorded for 2011/12 and 2012/13, and

(2) an allowance of -15 per annum is too low.

- 1.21 We contend that is it unrealistic to suppose that there was not a negative effect on the housing market from this issue in 2011/12 and 2012/13. At this time the Article 4 direction was not in place and therefore student HMO conversions would have been higher. Indeed, in 2012/13 there would have been a spike in conversions within the year between the intention to bring in the Article 4 Direction was announced and it coming into force.
- 1.22 We draw the Inspector's attention to CD.PMP/B16/1, the Council's up to date Student Numbers and Accommodation Report (May 2016). Table 14 sets out the revised growth in student housing needs since 2011/12 and changes to bedspace supply. The conclusion is that there was residual need amounting to a growth in student HMO bedspaces of 747 since 2011/12 (row 21), equating to around 187 HMOs (row 24).
- 1.23 Turing to the housing trajectory; near to the bottom of the Bath trajectory are two rows identifying 43 losses (-8, -20 and -15) in the first 5 years of the plan period (but all since July 2013). There are two issues – the need to establish a reliable cumulative figure for losses since the beginning of the plan period, and a reliable allowance from 2016/17.
- 1.24 We contend that due to the lag between permissions being granted and confirmation of Council tax occupants being known, that the -15 figure for 2015/16 will now be higher (say 20) if the Council was to re-run its Council tax analysis of 2015/16 now, compared within in April 2016. This would see 43-48 recorded losses in the trajectory since July 2013 playing 187 loses identified in CD.PMP/B16/1. The difference is therefore 139. There is strong justification for assuming that in the two years and 3 months between the start of the plan period that there were indeed HMO losses, that they were at a greater rate of 20 per annum (as no Article 4 Direction was in place), and that with the forthcoming regulation being advertised, a surge in activity.

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- 1.25 139 over 27 months is around 5 per month, implying losses of 60 for per annum for the first two years and 15 in the months immediately before the Article 4 Direction was made. There is certainly no justification for a zero figure for the first two years of the plan period or a figure than is based on post Article 4 Direction trends. We suggest 60 per annum for 2011/12 and 2012/13.
- 1.26 Further, an allowance of at least -20 per annum for the reaming 13 years of the pan period as opposed to -15 is more reliable. That is an additional 65 losses to allow for.
- 1.27 Clause of Policy B5 states that compensatory hosing provision will be made if the 7,000 net additional dwellings for the city is at risk. That risk has been identified and we are in a phase of Development Plan review. Therefore the examination of the PMP should be addressing this need for compensatory provision.
- 1.28 We contend that additional losses of 120 to date, plus 65 in the future allowance are factored into hosing land supply picture.



Other Site Specific Matters

<p>Manvers Street (Bath)</p>	<p>-60</p>	<p>The University of Bath has recently taken over ownership the Police Station as administrative office space and there is no evidence whatsoever of an alternative feasible and viable site for the Royal Mail sorting depot, which has very specific requirements, and in Bath a central location. The site cannot be relied upon for mixed used redevelopment and 60 dwellings. The Place making Plan offers no enabling relocation strategy for the Royal Mail depot.</p>
<p>South Bank (Bath)</p>	<p>-100</p>	<p>Previously the LPAs approach was to allocate the site and prepare site requirement in case it became available, but it acknowledged that it was unwise to rely on it coming forward. Now it relies upon its development, yet circumstances have not changed in respect of landowner intent.</p>
<p>Sydenham Park Bath</p>	<p><b>-250</b> (of 500)</p>	<p>The Council has changed its strategy for this area from one of city centre expansion (as set out in the CS) to one of housing. It is now an eastwards extension of the Western riverside allocation. The anticipated capacity has increased from 300 (See 2014 trajectory) to 500. It is in multiple ownerships (as confirmed by diagram 11 of the PMP), which is not an insurmountable obstacle, but crucially, part of the ownership relates to Sainsbury's</p>

		<p>'split' car parking (albeit immediately adjoining Homebase). This is needed operationally for Sainsbury's and in the absence of any strategy for its relocation within the area, is unlikely to be developable.</p> <p>The Homebase lease runs out in 2021 and is the site is therefore available from this time, albeit the CS.</p> <p>The is scant design based evidence to show how 500 dwellings would be delivered on the entire area, nor what the capacity of just the British land (Homebase Area would be). Building height will have to respond to a number if issue, not least the scale of the 26 new townhouses built on the river frontage.</p> <p>Further, it is not at all clear than the yellow land in diagram 11 is developable. It is in active use.</p> <p>The PMP policy for this area risks running roughshod over CS Policy B2:h re the 'cleansing' of commercial uses for housing.</p>
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1.29 Accordingly, based on the analysis set out, the proposed Housing Development Boundaries are not positively prepared, justified and consistent with national policy. Additional allocations and amendments are needed, or greater flexibility in respect development outside HDBs at sustainable locations is needed.