

**Bath and North East Somerset Council**  
**Local Plan 2022 – 2042**

**Options Consultation**  
**January 2024**

**Topic Paper: Housing Need and Supply and  
Policies Approach**

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**Bath & North East  
Somerset Council**

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**Improving People's Lives**

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# 1 Background

- 1.1 Bath and North East Somerset Council's new Local Plan will update the Core Strategy, Placemaking Plan and Local Plan Partial Update and establish the planning framework for Bath and North East Somerset to 2042. It will contain a vision, strategy and policies to guide and manage how the district grows and changes over the next 20 years, and how planning applications for new development are decided.
- 1.2 The Bath & North East Somerset Local Plan 2022 to 2042: Launch Document consultation in October 2022 set out the central aims for the Local Plan including 'Maximising the delivery of affordable housing to respond to the district's demographic, social and economic needs.' The Document highlighted that we will work with our communities and stakeholders to identify the key challenges in B&NES, and the objectives and policies we need in place to address these.
- 1.3 The Local Plan Options Document sets out the Spatial Priorities for the Local Plan. This states that the Local Plan will create a fairer, more prosperous and sustainable economy, and maximise the delivery of housing that is affordable.
- 1.4 Other housing-related issues covered by the Local Plan include the delivery of the necessary type and scale of new homes to respond to the District's social and economic needs, including homes for older people, students, essential local workers, gypsies, travellers, and boat dwellers, supported accommodation for residents with health and social care needs, and provision of self-build dwellings.
- 1.5 The Local Plan 2022-2042 Launch Consultation – Findings Report highlighted that overall respondents were generally supportive of the Local Plan launch document and priorities and objectives set out within it. In terms of housing, there was a general consensus among respondents that there is a need for more affordable housing in the area, particularly for young people and families. However, there were concerns raised around the impact of new developments on the local environment and infrastructure, and a number of respondents called for more sustainable and environmentally friendly approaches to housing development particularly in light of the Council's climate and ecological emergency declarations.

## 2 Launch Document Consultation and Engagement Responses

- 2.1 The Local Plan 2022-2042 Launch Consultation – Findings Report sets out responses to the primary ambitions identified in the scope of the Local Plan which included ‘Maximising the delivery of affordable housing to respond to the district’s demographic, social and economic needs.’ Responses included ‘address affordable housing crisis, maximise market and affordable housing and boost all forms of housing to meet the ambition of improving people’s lives.’
- 2.2 Responses to other issues included ‘Community-led housing and Self-Build, development of towns outside of Bath to reduce commuting, social and affordable housing, importance of housing, health and social care and infrastructure, no more student accommodation or high-end housing schemes and flexibility in market housing to reflect local circumstances and viability.’
- 2.3 Responses were also received during the Launch consultation to evidence base and included requirements for an updated Housing Needs Study, need for older persons housing, student accommodation and updated HELAA (Housing and Employment Land Availability Assessment).
- 2.4 In addition to the Launch Document consultation, a range of workshops and follow-up workshops were held around key issues and priorities of the new B&NES Local Plan. Sessions included workshops around Bath and its Environs, Keynsham and Saltford, Hicks Gate, Whitchurch Village, Somer Valley, rural areas of the district and also consultation with seldom heard groups.
- 2.5 Feedback was as follows:

### Bath and its Environs

- There are opportunities to provide more shared assets or resources alongside homes such as laundry rooms or garden sheds.
- Well located affordable and key worker housing, and more family housing are important.
- A proactive approach to providing homes for an ageing demographic is highlighted with more provision of Lifetime Homes that are attractive to downsize to and support independence for longer.
- Using land efficiently is necessary because space is limited. Concern about impact of too many Airbnbs.

## **Keynsham and Saltford**

- Given Keynsham and Saltford's excellent location between Bristol and Bath, they are considered ideal locations for young professionals and young families to relocate.
- No lack of new development, but there is a lack of affordable and social housing. Need for a wider variety of housing types, especially those for young families, single residents, self-build properties, shared ownership and first homes.
- HMOs and AirBnB's are an issue as they have an impact on those looking to downsize or move to the area as first-time buyers.
- Keynsham has gained residential development, but there is a significant lack of infrastructure built to support this population increase.
- There could be an opportunity to attract young people to the area through the development of student accommodation.
- Needs of boat dwellers are varied and should be met.
- During the 2nd workshop, many voices expressed the desire for sufficient social/rentable housing to be provided, and for it to be integrated into developments rather than segregated.
- Participants noted a need for a positive mix of housing types and sizes and the need for older person housing within the area and within their local communities.

## **Hicks Gate**

- Opportunity for development to become a new community for young professionals and families. People priced out of other locations in the area, such as Bath and Bristol, but who work in those locations, could locate at Hicks Gate and be in an accessible commuter location along a public transport and active travel corridor.

## **Whitchurch Village**

- The recent expansion to the village – which has almost doubled in size – is unsustainable, and Whitchurch should not be the location of any more housing.
- Since 2019 the number of dwellings in the village, including infill, has increased from 585 to 798, with no infrastructure changes or additions – result is increased pressure on existing infrastructure.

- Some buildings or sites used for housing could be redeveloped into much needed amenities.
- If more development were proposed, residents would like to see affordable housing and homes fit for downsizing and single people.
- During the 2nd workshop, expressed the need for more affordable housing for local people. Young people cannot afford to stay in the village and older people want to downsize to bungalows. Bungalows and three-bedroom houses are the most desired types of housing but are identified as not being the most affordable.

## **Somer Valley**

- It is well known that housing in the Somer Valley is much more affordable than that in Bath or Bristol.
- There is a lack of smaller homes for first-time buyers or for the older generation looking to downsize.
- New development should be for affordable and starter homes, bungalows, and possibly some apartments.
- Not enough infrastructure has been provided to support all housing development.
- In Radstock particularly, there are many empty buildings that need repurposing.
- Opportunity to both live and work in the area should be facilitated.
- During the 2nd workshop, concerns were raised around delivering appropriately sized houses. It was suggested that homes are typically built to be 'in character' (3-4 bedroom houses which are larger than required).

## **Rural Areas**

- Need for appropriate, diverse, affordable mix of housing to support a vibrant demographic and make better use of existing stock.
- Lifetime homes to ensure independence can be maintained for as long as needed, more attractive small/compact downsizing opportunities and supported living and housing for older people.
- Housing needed for key workers, young people and families.
- Greater flexibility of housing – business diversification.

- Enable role of community land trusts.
- During the 2nd workshop, highlighted the need for smaller, more affordable and social housing to ensure more diversity. Need for smaller (1-2 bed) starter homes in rural locations to retain affordability.

## **Seldom Heard Groups**

*(including B&NES Youth Climate Conference, Bath Ethnic Minority Senior Citizens Association, Twerton Sheltered Housing Lunch Club, Bath Wheelchair Basketball Club, Somer Valley Family Food and Play Hub, Bath Young Professionals, Chew Valley School and Interactive Poster Engagement)*

- Need for lifecycle inclusive housing.
- New homes should be designed for the full life course.
- More social housing required, as well as good quality, accessible homes suitable for downsizing.
- High saturation of students has damaged the local identity and sense of community in some areas.
- Housing is increasingly unaffordable and isn't meeting local needs, particularly young families.
- Housing should be provided close to local centres with access to a shop, a post office and bank and new development should include a new local centre.
- Housing should suit the whole life cycle, e.g. downstairs bathrooms and flat access.
- All new builds to have level thresholds.
- More large social houses and flats for families required.
- New housing should be smaller and more affordable than the existing housing stock, suitable for young people and older people.
- There is demand for increased affordable housing, especially in the Somer Valley.

## 3 Housing Need and Supply

### Need for housing

- 3.1 The Economic Strategy highlights that the lack of availability and affordability of housing is a key issue affecting Bath and North East Somerset and that this also impacts on the performance of our economy and wider sustainability issues. In order to underpin the Local Plan, a Local Housing Needs Assessment (LHNA) has been undertaken and the January 2024 draft has been published alongside the Local Plan Options document. The context for assessing local housing needs is also set by the National Planning Policy Framework (NPPF).
- 3.2 The overall need for housing in B&NES is for 725 new homes per annum, or 14,500 over the twenty-year Local Plan period. This figure is derived from calculations by the government, which is based on population and household projections which are then adjusted upwards to take account of the affordability (or unaffordability) of housing in B&NES. This is known as the 'standard method' housing figure. The standard method figure can vary year on year if the level of housing affordability changes e.g. if house prices rise or fall or incomes change. However, it is unlikely to change significantly when new figures are published next year.
- 3.3 The standard method housing figure is taken as the advisory starting point for determining local housing need and for then establishing the housing requirement (amount of housing to be planned for) in the Local Plan. The Council appointed a specialist consultant to undertake a local assessment or calculation of housing need, which as required by government is also based on population and household projections and takes account of market signals or affordability. Their assessment identifies a similar, albeit slightly lower, level of overall housing need.
- 3.4 Importantly their analysis shows that a significant proportion of projected population growth and therefore, overall need for new housing is comprised of projected growth in the student population.
- 3.5 The plan period runs from 2022 to 2042. At this stage it is proposed that the Local Plan responds to the standard method identified housing need of 14,500 homes during that period. In responding to the identified need the council needs to take account of the supply of housing on existing commitments i.e sites with planning permission and sites allocated for development in the current adopted Local Plan which runs to 2029. Homes to be delivered on the existing commitments are deducted from the housing requirement to calculate the number of homes required to be planned for on new sites through the Local Plan. Information on the number of homes anticipated to come forward during the Local Plan period on existing commitments is set out below.



3.6 In preparing a Local Plan we are also able to make an allowance for housing likely to be delivered on small windfall sites, that is sites that will provide less than ten homes and will be granted planning permission without being specifically allocated for development. A windfall allowance over the plan period has therefore been calculated. Up until 2029 and for the remainder of the adopted plan period the existing figures from the published housing trajectory have been used. Beyond 2029 a realistic and relatively cautious approach has been taken based on past rates of delivery. Small sites permissions have reduced over the past two years and therefore this is taken into account in the future allowance. Further information on the proposed small windfall sites allowance is set out below. The small windfall sites allowance will be kept under review in light of annual monitoring of housing delivery and permissions.

### Existing Commitments and Small Windfall Sites

3.7 Set out below are the existing commitments from 2022 (the start of the Local Plan period). The figures below also include the surplus from the previous plan period. The inclusion of a surplus in delivery is proposed by the New NPPF and Levelling Up and Regeneration Act. Therefore, it has been factored into the number of new homes anticipated to be delivered during the Local Plan period (2022-2042) from existing commitments.

<b>Policy area</b>	<b>Total</b>
Bath	4,349
Keynsham	671
Somer Valley	830
Rural	390
<b>Total</b>	<b>6,240</b>

- 3.8 The above commitments figure includes a small windfall allowance that is included in the housing trajectory until 2029 (the end of the adopted Local plan period). The windfall allowance in the five year supply is based on the amount of small sites permitted for each area divided by 5 to give annual figure. In addition to the small windfall allowance included in the commitments figure, calculated as outlined above, we can make an allowance for the remainder of the Local Plan period. Beyond the five year supply in the current housing trajectory the 10 year average of previous delivery is used. The number of small sites currently permitted is lower than the 10 year average of past delivery. Therefore, going forward beyond 2029 the annual windfall allowance has been calculated as the mid-point between the permitted sites and the 10 year average. This amounts to 2,080 homes from 2029 to 2042. This figure will be reviewed when the housing completions for 2023/24 are known in informing the Draft Local Plan.
- 3.9 Through the Local Plan 2022-2042 we will need to identify and allocate sites to deliver the remaining housing that is required, amounting to approximately 6,180 homes. However, it should be noted that a proportion of the housing to be planned for will be to accommodate the growing student population. Given that the accommodation requirements of students differ to the general population we will seek to plan for this separately e.g. through the provision of Purpose Built Student Accommodation. Delivering a proportion of new housing that is needed in the form of student accommodation will reduce the number of additional 'general needs' homes that have to be planned for. This issue will be considered further in preparing the Draft Local Plan.

## 4 Proposed Housing Policy Areas

- 4.1 The Local Plan (2022-2042) Options consultation sets out Options where policy changes may be proposed, together with proposed new policies. The Local Plan (2022-2042) will also include updates to existing policies to reflect updated legislation, national and local policy and guidance and B&NES strategies. Some policies are proposed to be taken forward as set out in the current B&NES Development Plan.
- 4.2 The following proposed housing policy areas are addressed in this topic paper. For each of these, further detail is provided where required on the policy context, current evidence, further work if required and proposed Options.

<b>H/AH</b>	<b>Affordable Housing</b>	Affordable housing policy includes proposed options for affordable housing on large sites and approach to First Homes and small sites and viability options. Policy will also include the approach to vacant building credit, design and tenure and housing mix requirements.
<b>H/RS</b>	<b>Affordable Housing Regeneration Schemes</b>	The policy aims to protect against the net loss of much needed affordable housing stock.
<b>H/RES</b>	<b>Rural Exception Sites, First Homes Exception Sites and Community Led Development Exception Sites</b>	Rural Exception Site policy options relate to where rural exceptions sites will apply, scale and cross-subsidy. It is proposed that many key elements of the existing policy be retained. First Homes Exceptions Sites policy options relate to how to determine applications for such sites. First Homes Exceptions Sites cannot come forward in areas designated as Green Belt or AONBs. Community Led Development is a way of delivering housing development to meet local needs. Community Led Development Exception Sites options relate to how to determine applications for such sites.

<b>H/SH</b>	<b>Specialist Housing and Homes for Older People Design</b>	Proposed policy options relate to high quality, specialist and inclusive design of specialist and older person housing.
<b>H/EC</b>	<b>Affordable Housing Requirements within Older Person and Specialist Housing (including Extra Care)</b>	Policy options relate requiring affordable housing within Older Person Housing (including Extra Care) where it constitutes a self contained dwelling or unit.
<b>H/AS</b>	<b>Accessible Homes and Residential Space Standards</b>	Accessibility Standard policy options propose accessible housing to meet the needs of older and disabled people as well as creating the flexibility for homes to meet the changing needs of individuals and families at different stages of life. Residential Space Standards (NDSS) require internal spaces requirements relating to bedrooms, storage and internal areas for new dwellings. Policy options include the requirement for NDSS within affordable and market housing.
<b>H/HM</b>	<b>Housing Mix</b>	Housing Mix policy options include highlighting that housing mix on application sites should meet the needs of different household types and sizes within the local communities.
<b>H/BtR</b>	<b>Build to Rent Developments</b>	Options relating to how Build to Rent schemes will be assessed, including approach to affordable rent.
<b>H/CL</b>	<b>Co-living Schemes</b>	Options relating to how co-living schemes will be assessed, including approach to affordable housing and amenity standards.
<b>H/PBSA</b>	<b>Purpose Built Student Accommodation (PBSA)</b>	Sets out policy options for accommodating / controlling PBSA, and approach to affordable student accommodation.
<b>H/SBCHB</b>	<b>Self and Custom Housebuilding</b>	Sets out proposed options which could help to boost the delivery of self-build plots.

<b>H/GT</b>	<b>Gypsies, Roma, Travellers and Travelling Show People</b>	Sets out proposed policy approach to traveller sites and transit pitch requirements.
<b>H/M</b>	<b>Moorings</b>	Sets out policy approach to provision of moorings.

## 5 Policy H/AH: Affordable Housing:

### National Context

5.1 Paragraph 63 of the National Planning Policy Framework (NPPF December 2023) requires local authorities to assess the size, type and tenure of housing needed for different groups in the community, including those who require affordable housing, and reflect the results of this assessment in their planning policies. The NPPF also sets out that as part of achieving sustainable development a sufficient range of homes should be provided to meet the needs of present and future generations. Paragraphs 64-66 of the NPPF state that where a need for affordable housing is identified that planning policies should:

- specify the type of affordable housing required,
- expect that the affordable housing is provided on-site (unless an off-site provision of an appropriate financial contribution in lieu can be robustly justified),
- contribute to the objective of creating mixed and balanced communities,
- only seek affordable housing on major developments (defined as being sites of 10 or more dwellings), other than in designated rural areas where policies may set out a lower threshold of 5 units or fewer,
- allow a proportionate reduction to the affordable housing contribution where vacant buildings are being re-used or re-developed, and
- expect at least 10% of all homes on a major development to be available for affordable home ownership unless the development is solely for build to rent, specialist accommodation, self or custom build homes, or is exclusively for affordable housing, a community-led development exception site or a rural exception site.

5.2 Paragraph 58 of the NPPF sets out that where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable, and that it is for the applicant to demonstrate that there are particular circumstances that justify the need for a viability assessment at the application stage.

- 5.3 Affordable housing is defined in the Glossary of the NPPF as ‘housing for sale or rent, for those whose needs are not met by the market (including housing that provides a subsidised route to home ownership and/or is for essential local workers)’ and which complies with the specific definitions included in the glossary for affordable housing for rent, starter homes, discounted market sales housing, and/or other affordable routes to home ownership.
- 5.4 A Written Ministerial Statement – Affordable Homes Update provides policy as relates to the delivery of First Homes with details set out in First Homes Planning Practice Guidance (PPG). First Homes are a specific kind of discounted market sale housing that fall within the affordable housing definition. National planning guidance sets out that First Homes should account for at least 25% of affordable homes delivered on a development that is expected to provide affordable homes. As part of their plan-making process, local planning authorities should undertake a housing need assessment to take into account the need for a range of housing types and tenures, including various affordable housing tenures to enable an evidence-based planning judgement to be made about the evidence to meet housing need in their local authority area.
- 5.5 Bath & North East Somerset has been identified by the Government as an area of high affordability pressure  
<https://www.gov.uk/government/publications/areas-of-high-affordability-pressure/list-areas-of-high-affordability-pressure>

## **Regional / Local Context**

- 5.6 The West of England Combined Authority (WECA) mayor has a duty to prepare a Spatial Development Strategy (SDS) for the sub-region, covering Bath and North East Somerset, Bristol and South Gloucestershire. However, work on the SDS has been halted by the WECA Mayor in May 2022, so the three WECA authorities are progressing their Local Plans in collaboration.
- 5.7 The B&NES Local Plan will plan for development in response to local needs to create attractive, healthy and sustainable places in line with the Council’s Corporate Strategy. The overarching objectives of the Local Plan include maximising the delivery of housing that is affordable and creating a fairer, more prosperous and sustainable economy.

- 5.8 The B&NES Corporate Strategy 2023-2027 introduces nine priorities and includes 'The right homes in the right places – improving availability of affordable housing, accessible to local jobs and services.' The B&NES Economic Strategy priorities further include addressing housing affordability by ensuring residents have access to affordable and high quality housing. The BSW (Bath and North East Somerset, Swindon and Wiltshire) Integrated Care Strategy 2023-2028 highlights that there is a severe shortage of social housing across BSW and that quality of housing remains a problem across both private and social housing which can have a significant detrimental impact on occupants' physical and mental health and wellbeing.

### **Current B&NES Development Plan Policy, Planning Obligations Supplementary Planning Document, Guidance Note and Interim Position Statement**

- 5.9 The adopted [Bath and North East Somerset Development Plan consisting of the Core Strategy, Placemaking Plan and Local Plan Partial Update](#) under Policy CP9 sets out policy on Affordable Housing around requirements, viability, design (including tenure, type, size and mix) and delivery.
- 5.10 The B&NES Planning Obligations Supplementary Planning Document Review (January 2023) sets out detail around affordable housing requirements, including as relates to housing and tenure mix, Homeseach policy, local housing allowance, delivering specialist and supported housing, affordable housing design and management requirements, working with registered providers and delivering homes in rural areas.
- 5.11 Amendments to Planning Practice Guidance (PPG) on Planning Obligations introduced changes to the way that affordable housing contributions can be sought from development and included the introduction of the vacant building credit which is intended to provide an incentive for brownfield development on sites containing vacant buildings. B&NES Council published [guidance notes \(dated November 2017\)](#) on applying the vacant building credit to affordable housing contributions
- 5.12 B&NES Council adopted a First Homes Interim Position Statement (February 2023) setting out B&NES Council approach to First Homes with the intention of reviewing this position comprehensively through the Local Plan 2022 to 2042. This Position Statement was our response to UK government guidance on the provision of First Homes in new residential developments, a policy which aims to make more affordable property available for first-time buyers, by securing an affordable housing contribution from developers.



- 5.13 Evidence showed that properties which meet the criteria for First Homes are still relatively unaffordable in the B&NES area, and so they may not always be the best solution to enable first-time buyers to secure a property. Therefore through the [Position Statement](#), we encourage developers to meet the low-cost home ownership element of affordable housing contribution via shared ownership tenure and do not make it mandatory to provide First Homes on qualifying schemes/sites. There may be circumstances where First Homes are suitable, such as First Homes Exception Sites, and we make provision for this within the [Position Statement](#).

## Evidence

- 5.14 The B&NES Local Housing Needs Assessment (LHNA) January 2024 Draft sets out an affordable housing requirement of 77% of overall housing need within Bath City and 31% within the rest of Bath and North East Somerset. The LHNA shows that there is a significant need for more affordable forms of housing for those households that can afford market rents but aspire to home ownership. This need is particularly significant in Bath.
- 5.15 The Strategic Evidence Base for Bath and North East Somerset dated 27th July 2023 sets out 'At the end of March 2022 there were 5,482 households in B&NES on the waiting list for social housing, a 12.5% increase from the previous year. This compares to only 474 new social housing lettings between April 2021 and March 2022, which is less than 10% of the number on the waiting list.' The Evidence Base highlights that the delivery of a higher affordable housing target will be challenging and 'will require a combination of strong delivery through the planning system, public subsidy and other strategic intervention, to deliver.'
- 5.16 Evidence of need for more affordable forms of housing for those that aspire to home ownership is corroborated by the Economic Strategy, which notes there is a need for housing that can be afforded by essential local workers and other workers in the local economy. Essential local workers are defined in the NPPF as 'Public sector employees who provide frontline services in areas including health, education and community safety – such as NHS staff, teachers, police, firefighters and military personnel, social care and childcare workers'.
- 5.17 [The Cotswold National Landscape Management Plan 2023-2025](#) highlights under development priorities that 'Housing delivery in the Cotswolds National Landscape (CNL) should be focussed on meeting affordable housing requirements, particularly housing that is affordable in perpetuity such as social rented housing.'

- 5.18 The [Mendip Hills AONB Management Plan 2019-2024](#) sets out that ‘A number of villages have identified a need for affordable housing to support rural communities.’

## Further work required

- 5.19 Whilst the evidence in the LHNA sets out the affordable housing need within the district and the split between social rent and low cost home ownership, this evidence will need to be viability tested (alongside other Local Plan policy requirements) to inform the proportion of affordable housing to be required on qualifying sites. The Local Plan viability assessment will be undertaken to inform the Regulation 19 Draft Local Plan and is likely to strongly influence the proportion of affordable housing that will be sought on qualifying sites particularly in Bath. Therefore, at this Options stage the proportion of affordable housing to be required is not established, nor the tenure split. Both will be set out in the Regulation 19 Draft Local Plan.
- 5.20 The lack of availability and affordability of housing is making it difficult for some employers, including those in the public sector, to attract and retain staff. First Homes may play a role in helping to meet this need. In addition, there may be an opportunity for employers to provide affordable housing for their essential local worker staff on specific sites or land that they own. The Council is considering whether to introduce a policy approach that would seek to facilitate delivery of such employer linked affordable housing for essential workers on specific sites e.g. enabling 100% affordable housing schemes to be developed by potentially being more flexible in terms of tenure mix. Subject to evidence of need, there may be a case to allow such essential worker housing as an exception to other policies in the Local Plan (these would be defined in the Draft Local Plan).

## Proposed Options

### Large Sites

- 5.21 It is proposed to take forward the requirement for affordable housing on large sites as follows:
- Affordable Housing will be required as on-site provision in developments of 10 dwellings\* and above (0.5ha and above) in line with percentages as set out in the LHNA and as tested through the Local Plan viability (whole plan) assessment. It is also proposed this will be on a grant free basis.

\*note that dwellings is not confined to C3 use class but comprises all residential accommodation that provides a dwelling or a household. Some forms of dwellings are subject to separate Affordable Housing policy options e.g. co-living and Build to Rent schemes.

- 5.22 The Affordable Housing policy proposes to take forward current policy as relates to sub-division and phasing and other design elements, property size and mix to be guided by the Local Housing Needs Assessment and other local housing requirements, affordability in perpetuity and that any sales or staircasing affecting affordable housing delivered through AH policy will be made to recycle the receipts/subsidy for the provision of new alternative affordable housing located elsewhere within B&NES. The policy will also include delivery mechanisms and include current approach to vacant building credit.

### **First Homes**

- 5.23 National policy requires that at least 25% of the affordable housing secured on large sites should be delivered as First Homes. These are dwellings that are available to purchase for first time buyers at a discounted price, set nationally at a minimum of a 30% discount. National policy also stipulates that the maximum price to be paid for a First Homes (after the discount has been applied) must be no higher than £250,000. Evidence previously produced by the Council showed that, given the relationship between incomes and house prices, First Homes will still be relatively unaffordable in Bath and North East Somerset and would not meet the needs of those households requiring affordable housing. As such evidence showed that shared ownership provides a more affordable low-cost home ownership product within the district. The council set out its approach to First Homes in the Bath and North East Somerset First Homes Interim Position Statement, which in summary is that First Homes will not be mandatorily required on qualifying large sites.
- 5.24 Through the reparation of the Local Plan 2022-2042 this approach needs to be reviewed in light of up to date evidence. The LHNA shows that there is a significant need for more affordable forms of housing for those households that can afford market rents, but aspire to home ownership. This need is particularly significant in Bath. First Homes are a product that could play a useful role in meeting this need, alongside shared ownership homes. Therefore, as an option it is proposed to require that 25% of all affordable housing secured on a large site should be delivered as First Homes. It is also proposed that, despite house prices being very high in the district, especially in Bath, the discount should be set at 30% because a greater discount would reduce the amount of developer subsidy available to fund provision of shared ownership homes which are crucial in helping to meet affordable housing need more widely. Given the 30% discount evidence shows that it is likely that First Homes in Bath will typically be smaller (1 and possibly 2 bed) dwellings given the £250,000 price cap.
- 5.25 It is proposed to take forward the requirement for First Homes on large sites as follows:

- It is proposed that on qualifying large sites 25% of all affordable housing secured will be required to be delivered as First Homes. The First Homes will be provided at a 30% discounted price and sold at a price, after the discount has been applied, of no more than £250,000.

## Small Sites

- 5.26 Paragraph 65 of the NPPF December 2023 sets out that provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas (where policies may set out a lower threshold of 5 units or fewer).
- 5.27 The Cotswolds and Mendip Hills National Landscapes are designated rural areas within B&NES and cover almost a third of the local authority area. Both the Cotswold National Landscape and Mendip Hills AONB Management Plans highlight affordable housing requirements to meet the needs of local rural communities within the AONBs.
- 5.28 The NPPF provides under paragraph 182 that ‘Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues.’ Paragraph 183 sets out ‘When considering applications for development within National Parks, the Broads and Areas of Outstanding Natural Beauty, permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest.’
- 5.29 It is proposed to take forward the requirement for affordable housing on small sites within designated rural landscapes, given nationally protected landscape national policy as relates to major development and limited opportunities to bring forward affordable housing within these sensitive landscapes.
- 5.30 Options for AH requirements on small sites within the new B&NES Local Plan are proposed as follows:
- **Option 1:** Residential developments on small sites from 5 to 9 dwellings within the Cotswold National Landscape and Mendip Hills National Landscape should provide either on site provision or an appropriate financial contribution towards the provision of affordable housing with commuted sum calculations. The target level of affordable housing for these small sites will be viability tested through the Local Plan viability assessment to support the Draft Local Plan.

- **Option 2:** Residential developments on small sites from 2 to 9 dwellings within the Cotswold National Landscape and Mendip Hills National Landscape should provide either on site provision or an appropriate financial contribution towards the provision of affordable housing with commuted sum calculations. The target level of affordable housing for these small sites will be viability tested through the Local Plan viability assessment to support the Draft Local Plan.

## Viability

- 5.31 The NPPF December 2023 paragraph 58 sets out ‘Where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force. All viability assessments, including any undertaken at the plan-making stage, should reflect the recommended approach in national planning guidance, including standardised inputs, and should be made publicly available.’
- 5.32 [Planning Practice Guidance: Viability](#) sets out that ‘Policy requirements, particularly for affordable housing, should be set at a level that takes account of affordable housing and infrastructure needs and allows for the planned types of sites and development to be deliverable, without the need for further viability assessment at the decision making stage’ and ‘Under no circumstances will the price paid for land be a relevant justification for failing to accord with relevant policies in the plan.’ However, PPG also includes a caveat on this that ‘It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage’ and sets out how viability should be reviewed in during the lifetime of a project, principles for carrying out viability assessments and standardised inputs to viability assessments.
- 5.33 Given the aims of the new B&NES Local Plan in maximising the delivery of affordable housing to respond to the district’s demographic, social and economic needs and the significant requirement for affordable housing within the local authority area as set out in the LHNA, it will be imperative that new development deliver affordable housing to meet the need. We require policy that is clear that viability of affordable housing has been viability tested at plan-making stage. We will maximise opportunities to deliver affordable housing wherever possible through planning obligations and other delivery mechanisms.
- 5.34 Options in terms of viability considerations are as follows:

- **Option 1:** Take forward existing policy as relates to affordable housing viability with the addition that where an application fails to provide the full affordable housing policy requirement, to include effective review mechanisms aimed at achieving a greater level of policy compliance over the lifetime of the development where viability improves or the availability of grant.
- **Option 2:** Update existing affordable housing viability policy highlighting the presumption that there should be no need for further viability assessment at the decision-making stage. It is for the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage and under no circumstances will the price paid for land be a relevant justification for failing to accord with relevant policies in the plan.

5.35 In considering affordable housing viability within the proposed development, the following considerations will be taken into account:

- Whether grant or other public subsidy is available.
- The tenure and size mix of the affordable housing to be provided.
- Whether there are exceptional build or other development costs.
- The achievement of other planning obligations.

5.36 Where an application fails to provide the full affordable housing policy requirement, to include effective review mechanisms aimed at achieving a greater level of policy compliance over the lifetime of the development where viability improves or the availability of grant.

## **6 Policy H/RS: Affordable Housing Regeneration Schemes**

### **National Context**

- 6.1 In promoting healthy and safe communities, the National Planning Policy Framework (NPPF 2023) under paragraph 98 sets out that ‘Planning policies and decisions should consider the social, economic and environmental benefits of estate regeneration. Local planning authorities should use their planning powers to help deliver estate regeneration to a high standard.’

### **Current B&NES Development Plan Policy**

- 6.2 Policy H8 in the Placemaking Plan provides that there is a general presumption to support the redevelopment of social housing where certain criteria including physical condition of stock, socio-economic justification and no loss of amenity space can be demonstrated. The policy further sets out that there is a presumption against the net loss of affordable housing, subject to viability considerations and other social balance considerations.

### **Proposed Options**

- 6.3 The case for regeneration of areas of social housing is often based on a concentration of poor-quality housing stock, in both larger estates and smaller developments, where a comprehensive programme of repair or refurbishment is not a cost effective or deliverable solution. The other significant driver for regeneration of social housing estates is the correlation between the large concentrations of social housing stock and socio-economic deprivation. In these cases, even large-scale investment in existing housing stock may not address the socio-economic challenges or lessen the strain on wider support services across the area.
- 6.4 In some instances, redevelopment-led regeneration of social housing may be the most effective means of delivering improvement. Policy H8 in the Placemaking Plan seeks to facilitate such redevelopment in order to deliver enhancement to the social housing stock.

### **Issues with the current policy approach**

- 6.5 In seeking to facilitate redevelopment or regeneration of social housing the current policy seeks, as the starting point, to ensure that there is no net loss in affordable housing. However, the current policy caveats this position by stating that it is subject to viability considerations and other social balance considerations. Therefore, it allows the applicant to demonstrate viability or social balance/community mix reasons as to why retaining the existing number of affordable units cannot or should not be delivered.

- 6.6 As outlined above, the need for affordable housing within B&NES and particularly in Bath is significant and therefore, any potential loss of affordable housing through the operation of the current policy is of concern.
- 6.7 It is proposed that options relating to the explicit inclusion of viability considerations within the policy should be considered. The alternative means of improving social housing stock through refurbishing or repairing individual properties also has a financial cost. In operating the policy and considering viability, the cost of property repair/ refurbishment should be taken into account.
- 6.8 In accordance with the factors outlined above it is proposed that the policy should be tightened in respect of achieving no net loss of affordable housing units.
- 6.9 Options for proposed policy approach for the regeneration of Social Housing within the new Local Plan are as follows:
- **Option 1:** Where the redevelopment/regeneration of areas of social housing is supported it is required that there will be no net loss of affordable housing subject to social balance considerations.
  - **Option 2:** Where the redevelopment/regeneration of areas of social housing is supported it is required that there is no net loss of affordable housing subject to social balance and viability considerations.



## **7 H/BtR: Build to Rent Developments**

### **National Policy Context**

- 7.1 Build to rent developments are defined within the glossary of the National Planning Policy Framework 2023 as follows:
- 7.2 “Purpose built housing that is typically 100% rented out. It can form part of a wider multi-tenure development comprising either flats or houses, but should be on the same site and/or contiguous with the main development. Schemes will usually offer longer tenancy agreements of three years or more, and will typically be professionally managed stock in single ownership and management control.”
- 7.3 The relevant national policy and guidance for each area of discussion is set out in the evidence base section below.

### **Local Policy Context**

- 7.4 The adopted B&NES Local Plan does not currently comprise a policy relating to Build to Rent developments. An increase in applications for such developments in recent years has highlighted a need to provide clarity as to how any proposals for Build to Rent development will be considered.

### **Evidence Base**

#### **Need for Build to Rent Developments in B&NES**

- 7.5 National planning policy requires the size, type and tenure of homes needed for different groups in the community, including those who rent their homes, to be assessed, and that the results be reflected in planning policies. Build to Rent homes can respond to a need by providing high quality homes for renters, albeit at a higher cost than other private rental options (as discussed later in this chapter).
- 7.6 The B&NES LHNA (2024) sets out at paragraph 3.6 and 3.7 that growth in the private rental sector seems likely to continue, driven by a combination of demand and supply factors including increasing demand from more households, recent reductions in incomes (in real terms), reducing affordability of owner occupation, changing bank lending practices, and pension reform: pension drawdowns invested in Buy-to-Let (BTL) property.

- 7.7 The growth of the Sector has been acknowledged as both an increasing and long-term option for meeting the nation's housing need. The LHNA concludes that the increased demand for Private Rented Sector property is likely to continue, driven particularly by young households with few other options should they wish to establish their own household. In practice this implies that unless current trends are reversed there will be a further growth in the private rented sector.
- 7.8 Build to Rent developments provide a rental option within the District, which is considered to meet the housing needs of some people seeking to rent a property. Affordability consideration relating to this product are discussed below.

### **Location of Build to Rent Developments**

- 7.9 National Guidance sets out that where a LHNA identifies a need for build to rent developments, authorities should include a Local Plan policy setting out their approach to promoting and accommodating build to rent, recognising the circumstances and locations where build to rent developments will be encouraged.
- 7.10 In B&NES, there is a need for private rental sector properties, as set out in the LHNA, of which Build to Rent properties play a role. However, Build to Rent properties are nationally on average **9.3%** more expensive than the median rent for other rented accommodation. Further work is being undertaken relating to local rental levels within the District, so that we can understand how much more expensive Build to Rent properties in B&NES are than the median rent for other rented accommodation. This research will be used to inform the Draft Local Plan.
- 7.11 Although the LHNA does not identify a need specifically for Build to Rent development, it does identify a need for private rental sector properties, therefore policy options explore approaches to promoting and accommodating such developments across the district.
- 7.12 Proposed Options relating to the location of Build to Rent properties comprise:
- **Option 1:** Policy to set out preferred situations in which BtR will be encouraged, i.e. located in city / town centre locations. This option would encourage BtR in more sustainable locations, but may be considered too restrictive in restricting smaller BtR schemes outside town centres.
  - **Option 2:** Policy to restrict BtR developments, apart from within site allocations where levels of provision are specified, based on local need. This option would ensure provision as an appropriate balance of tenures within a scheme, based on need, but may be considered too restrictive.

- **Option 3:** Policy to stay silent on the preferred location of BtR developments, therefore allowing the market to lead location of future development. This option provides more flexibility, and less control over preferred locations for BtR.

7.13 As we prepare the Draft Plan, more specific policy requirements may be explored which set out the preferred level of provision of Build to Rent dwellings within a locality or within a mixed-tenure scheme. It may be considered appropriate to include specific levels of provision within site allocations for larger new development, based on local context, local housing need, potential impact on communities, and to ensure an appropriate balance with other tenures.

### **Affordable Private Rent Discount Level**

7.14 The National Planning Policy Framework 2023 states that affordable housing on build to rent schemes should be provided in the form of affordable private rent (APR).

7.15 National planning policy states that affordable private rent should be set at a level that is **at least 20% less than the private market rent** (inclusive of service charges) for the same or equivalent property. National guidance sets out that the discount should be calculated when a discounted home is rented out, or when the tenancy is renewed. The rent on the discounted homes should increase on the same basis as rent increases for longer-term (market) tenancies within the development.

7.16 The Council's Planning Obligations SPD sets out a requirement that for all affordable rented tenures, the total housing cost (including service charges) for the tenant should not exceed the appropriate **Local Housing Allowance (LHA)** set by the National Valuations Office. This requirement applies to APR units.

7.17 Opinion Research Services (ORS) was commissioned by B&NES to prepare a Local Housing Needs Assessment (LHNA) to understand and investigate the nature and make-up of current and future housing needs across the district. The LHNA includes an assessment relating to whether a 20% discount level on market rent for build to rent properties would provide an affordable level of rent in B&NES, in line with Local Housing Allowance.

7.18 Research by JLL15 shows that, nationally, the average Build to Rent property is 9.3% more expensive than the median private rent, therefore in the calculations below, Median Private Rent plus 9.3% is used as an indicator of average Build to Rent cost.

7.19 The tables below show an indication of the likely discount required to bring Build to Rent properties in line with Local Housing Allowance for each dwelling size:

## 20% discount

Beds	BTR (Median private rent + 9.3%)	BTR - 20% discount	Local Housing Allowance
<b>Bath City</b>			
1-bed	£239.27	£191.41	£166.85
2-bed	£303.51	£242.81	£195.62
3-bed	£375.73	£300.59	£228.99
4+ bed	£620.90	£496.72	£402.74
<b>Rest of B&amp;NES</b>			
1-bed	£164.73	£131.78	£166.85
2-bed	£264.62	£211.70	£195.62
3-bed	£324.96	£259.97	£228.99
4+ bed	£535.12	£428.10	£402.74

## 30% discount

Beds	BTR (Median private rent + 9.3%)	BTR - 30% discount	Local Housing Allowance
<b>Bath City</b>			
1-bed	£239.27	£167.49	£166.85
2-bed	£303.51	£212.46	£195.62
3-bed	£375.73	£263.01	£228.99
4+ bed	£620.90	£434.63	£402.74
<b>Rest of B&amp;NES</b>			
1-bed	£164.73	£115.31	£166.85
2-bed	£264.62	£185.24	£195.62
3-bed	£324.96	£227.47	£228.99
4+ bed	£535.12	£374.58	£402.74

## 40% discount

<b>Beds</b>	<b>BTR (Median private rent + 9.3%)</b>	<b>BTR - 40% discount</b>	<b>Local Housing Allowance</b>
<b>Bath City</b>			
1-bed	£239.27	£143.56	£166.85
2-bed	£303.51	£182.11	£195.62
3-bed	£375.73	£225.44	£228.99
4+ bed	£620.90	£372.54	£402.74
<b>Rest of B&amp;NES</b>			
1-bed	£164.73	£98.84	£166.85
2-bed	£264.62	£158.77	£195.62
3-bed	£324.96	£194.98	£228.99
4+ bed	£535.12	£321.07	£402.74

- 7.20 To summarise, in the City of Bath, for all sized dwellings, a discount of between 30% - 40% would be required to provide a rent in line with Local Housing Allowance.
- 7.21 Within the rest of B&NES, a 20% discount would provide a rent in line with LHA for 1-bed dwellings. However, a discount of between 20 – 30% would be required for all other sized dwellings to provide a rent in line with LHA.
- 7.22 It is clear from the evidence set out above that the 20% discount suggested in the NPPF does not provide an affordable level of rent in Bath and North East Somerset. As such, a policy option is explored to require Build to Rent developments to provide Affordable Private Rent at a level that is equivalent to or below Local Housing Allowance for the relevant sized property. Policy options set out in the Options Document comprise:
- **Option 1** - Affordable Private Rent provided at a level that is equivalent to or below Local Housing Allowance for the relevant sized property (inclusive of service charges). This option will provide genuinely affordable APR, though it may lead to a reduction in the number of affordable units provided due to viability.
  - **Option 2** - Affordable Private Rent provided at a level that is at least 20% less than the private market rent (inclusive of service charges) for the same or equivalent property. This option is in line with the NPPF, and has the potential to increase the number of affordable homes within a scheme, however it is not likely to lead to affordable units being genuinely affordable, and would be reliant on the planning application determination process to seek a higher than 20% discount.

### **Proportion of Affordable Private Rent homes required within each development**

- 7.23 Planning Practice Guidance on Build to Rent advises that 20% is generally a suitable benchmark for the level of affordable private rent homes to be provided (and maintained in perpetuity) in any build to rent scheme. However, if local authorities wish to set a different proportion, they should justify this using the evidence emerging from their local housing need assessment, and set the policy out in their Local Plan.
- 7.24 A key priority for the B&NES Local Plan is to maximise the delivery of housing that is affordable. This includes all types of housing and affordable housing to meet the city's identified needs, including Affordable Private Rent (APR).
- 7.25 The B&NES LHNA evidences a significant need for affordable homes in the district.

7.26 Due to the significant need within B&NES, the Local Plan Options document tests the delivery of a higher percentage of affordable housing from Build to Rent schemes than the 20% set out in PPG. The increased percentage will be subject to viability testing following the Options consultation. Options comprise:

- **Option 1** - At least 20% affordable private rent homes to be provided (and maintained in perpetuity).
- **Option 2** - Percentage of affordable private rent homes to be provided (and maintained in perpetuity) in line with standard affordable housing percentages required across other housing types.

### **Further work required**

7.27 Each of the above options will be viability tested to inform the next stage of Plan preparation.

## **8 H/CL Co-living**

### **National Policy Context**

- 8.1 National policy and guidance do not define co-living accommodation, therefore for the purpose of this topic paper, co-living schemes are defined as purpose-built residential schemes, that comprise studio bedspaces with access to shared communal facilities. Schemes may be new build, or conversions of existing buildings. They fall under a sui generis planning use class, and are not restricted to any particular user group, i.e. students.
- 8.2 Co-living is a relatively new housing model which allows occupiers to live together communally with accommodation containing individual bedrooms and communal areas such as kitchens, living areas, and areas to work.
- 8.3 Co-living schemes are being promoted by developers as a more affordable and transitional form of purpose built rented accommodation for various groups of people such as young professionals or recent graduates who are on their way to transitioning to rented self-contained flats or houses, or home ownership.
- 8.4 Some co-living schemes are aimed at other groups, such as older people, who have chosen to move out of individual homes, and live communally. There are also examples of co-living schemes in the UK where intergenerational living is promoted.
- 8.5 Co-living is considered to provide an alternative to traditional shared housing, and often includes the provision of additional services and facilities, such as on-site gyms and concierge services.

### **Local Policy Context**

- 8.6 The adopted B&NES Local Plan does not currently include a policy relating to co-living developments.

### **Evidence Base**

#### **Location and Provision**

- 8.7 Co-living schemes are mainly aimed at young professionals and recent graduates, or older people who have chosen to move out of individual homes and live communally. It is therefore considered important that the accommodation is located in highly sustainable locations, very well connected by public transport, and are close to employment opportunities and amenities. As such, options comprise:



- **Option 1** - Policy to set out preferred location in which co-living will be encouraged, i.e. located in city / town centre locations
- **Option 2** - Policy to stay silent on the preferred location of co-living developments, therefore allowing the market to lead location of future development.

## **Affordable Housing Provision**

- 8.8 Co-living is considered to fall under a sui generis planning use class.
- 8.9 Current policy CP9 in the B&NES Core Strategy requires developments of 10 or more dwellings to provide on-site provision of affordable dwellings, unless evidence is submitted to show that such provision would be unviable.
- 8.10 It is established in planning legislation that a dwelling refers to a unit of residential accommodation which provides the facilities needed for day-to-day private domestic existence.
- 8.11 Co-living schemes generally provide studio accommodation which comprise the facilities required for single person occupancy, comprising a bed, seating, bathroom facilities, and a small kitchen or kitchenette. It is therefore appropriate that co-living accommodation contributes to affordable housing provision within the District.
- 8.12 However, because it does not meet minimum housing space standards co-living accommodation is not considered to provide a suitable form of affordable housing in itself.
- 8.13 As such, a financial contribution is required in lieu of on-site provision. This is the policy approach set out in the Options Document.

## **Co-living Standards**

- 8.14 Housing design standards and policies do not apply to this kind of accommodation as it falls under a sui generis use class, therefore policies and guidance are considered to be required to provide consistent standards to ensure good quality, well-managed living spaces are provided, that positively integrate with the surroundings.
- 8.15 Reference is made within the options to exploring the adoption of NDSS for market housing. Whilst the layouts of co-living developments are not usually appropriate to meet the requirements of NDSS, reference is proposed to a need to provide high quality amenity spaces which meet the needs of occupants.
- 8.16 As such, options comprise:

- Option 1 – Policy setting out requirement to ensure good quality, well-managed living spaces
- Option 2 - Policy setting out specific requirements to ensure good quality, well-managed living spaces, including minimum room sizes for bedrooms and communal areas, lighting standards, and management requirements.

### **Further work required**

8.17 Each of the affordable housing related options will be viability tested to inform the next stage of Plan preparation. Further research relating to appropriate standards will also be carried out.

## 9 H/SB: Self-build

### National Policy Context

- 9.1 The NPPF states that Councils should plan for a mix of housing including for people wishing to build their own homes. The Self-Build and Custom Housebuilding Act 2015 places a duty on local councils in England to keep and have regard to a register of people who are interested in self-build or custom-build projects in their area. This register helps inform the council of the level of demand for self-build and custom-build plots in the Bath and North East Somerset area and enable the council to develop a strategy for delivering serviced plots for self-build and custom-build projects.
- 9.2 Following the introduction of the 2016 Regulations, the register is divided into two parts:
- 9.3 Part 1 – people who meet the local connection test and the basic eligibility (as listed in the 2016 Regulations). This part of the register keeps track of local demand and the Council will need to consider the number of registrations when looking to provide sufficient planning consents for serviced plots for self and custom build projects.
- 9.4 Part 2 – people without a local connection but meeting the basic eligibility. This part of the register keeps track of general demand for self-build and custom build and will inform planning policy and the Council's overall approach to self-build and custom housebuilding. There is no requirement for the Council to grant sufficient development permissions for serviced plots of land to meet this demand.
- 9.5 Being on either part of the register does not guarantee that a suitable plot will be identified or become available and those interested in self-build projects will need to look for their own suitable plots. The Register, Part 1 or Part 2, does not act as a waiting list for plots.

### Local Policy Context

- 9.6 The self-build register is organised into 'base periods' (BP), as per the regulations. Base periods run for a year, ending 30th October, with the exception of base period 1, which was only 6 months, from 1st April 2016, until 30th October 2016. The data is collected on a district-wide level and the table below shows up to the last full BP (BP8), which closed on the 30th October 2023:

<b>Base Period</b>	<b>BP1</b>	<b>BP2</b>	<b>BP3</b>	<b>BP4</b>	<b>BP5</b>	<b>BP6</b>	<b>BP7</b>	<b>BP8</b>
Date	2016	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22	2022-23
Individuals	456	252	151	126	65	89	37	34
Groups	1	2	1	0	0	0	0	0
New applicants on the register	457	254	152	126	65	89	37	34
Part 1 - Local connection to B&NES	457	180	32	41	32	54	21	23
Part 2 - Outside of B&NES	Prior to connection test	74	120	85	33	35	16	11
Required Permissions (Part 1 individual entries and group plots)	457	180	32	41	32	54	21	23
Total number of required permissions	457	637	669	710	742	796	817	840
Planning permissions for serviced plots granted (CIL Exemptions)	16	46	49	54	32	43	35	35
Total Planning permissions for serviced plots granted (CIL Exemptions)	16	62	111	165	197	241	275	310

- 9.7 The Local Eligibility Criteria was introduced in B&NES in June 2017, part way through BP2, after analysis of BP1 showed that BP1 significantly over estimates actual demand for self-build plots in B&NES, because many of the registered persons are also likely to be registered elsewhere in the country (and therefore generating a requirement to permit further plots) and only a small proportion of those registered actually live within or have connections to the district.
- 9.8 Relevant authorities must give development permission to enough suitable serviced plots of land to meet the demand for self-build and custom housebuilding in their area. The level of demand is established by reference to the number of entries added to an authority's register during a base period. Entries on Part 2 do not count towards demand for the purpose of the 2015 Act (as amended) but relevant authorities must have regard to the entries on Part 2 when carrying out their planning, housing, land disposal and regeneration functions.
- 9.9 At the end of each base period, relevant authorities have 3 years in which to permission an equivalent number of plots of land, which are suitable for self-build and custom housebuilding, as there are entries for that base period.
- 9.10 The Council currently monitors CIL exemptions applied for during each base period.
- 9.11 Whilst it is appreciated that for BP1 and BP2 the levels of demand have not been met through permissions, the 3 years in which to permission an equivalent number of plots of land for the demand in these BPs, as required in the legislation has now passed (both the legislation and NPPG are silent in this regard); the table above shows that CIL Exemptions have closely matched/exceeded the demand created from the last 3 base periods (BP3 – BP5).
- 9.12 It should be noted that the Levelling Up and Regeneration Act (LURA) was given Royal Assent on 26th October 2023. We await further consultations, secondary legislation and guidance in order to bring the provisions in LURA fully into effect – however we note that Chapter 6 makes some important changes to the 2015 Self-Build and Custom Housebuilding Act. These relate to local authorities' duty to grant planning permission for self-build and custom housing:
- The amendments to the wording mean that development permissions must specifically be for 'the carrying out of self-build and custom housebuilding'. In ascertaining whether demand has been met, local authorities can no longer count what 'could' be self-build and custom housing (all single plots for example) only what is actually permitted as such.

- It has also been clarified that demand not met within 3 base periods will be rolled over to the next base period.

9.13 The Placemaking Plan, through policy H4, supports the principle of self-build housing where the proposals are of sufficient design and sustainability merit, and in line with other policies in the Development Plan.

9.14 There are a number of different policy approaches that are presented in the Options document and could be explored which might help boost the delivery of self-build plots in Bath & North East Somerset. The policy approaches are presented for purposes of stimulating discussion to address facilitating the delivery of self-build plots.

# 10H/RES: Rural Exception Sites, First Homes Exception Sites and Community Led Development Exception Sites

## National Policy Context

- 10.1 The National Planning Policy Framework (NPPF 2023) supports the delivery of rural exception sites to bring forward affordable housing to address identified local needs. Market housing can be included in rural exception schemes where this will facilitate the delivery of the affordable housing. Schemes are typically on the edge of a rural community on a site that would not normally be granted planning permission for residential use.
- 10.2 The government also introduced First Homes exception sites to deliver affordable housing for first time buyers. A Written Ministerial Statement was published on 24 May 2021. First Homes exception sites replaced entry-level exception sites and changes were made to national planning guidance to facilitate this. First Homes exception sites can address housing needs across the local authority area rather than be focussed on the needs of a specific community, although the local authority does have discretion to introduce local eligibility criteria where evidenced based.
- 10.3 As set out in PPG, a First Homes exception site is an exception site (that is, a housing development that comes forward outside of local or neighbourhood plan allocations to deliver affordable housing) that delivers primarily First Homes as set out in the First Homes Written Ministerial Statement (WMS). <https://www.gov.uk/guidance/first-homes> sets out more detailed requirements as relates to First Homes.
- 10.4 First Homes exception sites cannot come forward in areas designated as Green Belt or AONBs and thus are limited in terms of which areas they can come forward in B&NES as can be seen on the map below. First Homes exception sites should be on land which is not already allocated for housing. The WMS (24 May 2021) sets out that entry-level exception sites should be adjacent to existing settlements, proportionate in size to them, not compromise the protection give to areas or assets of particular importance in the NPPF and comply with any local design policies and standards.

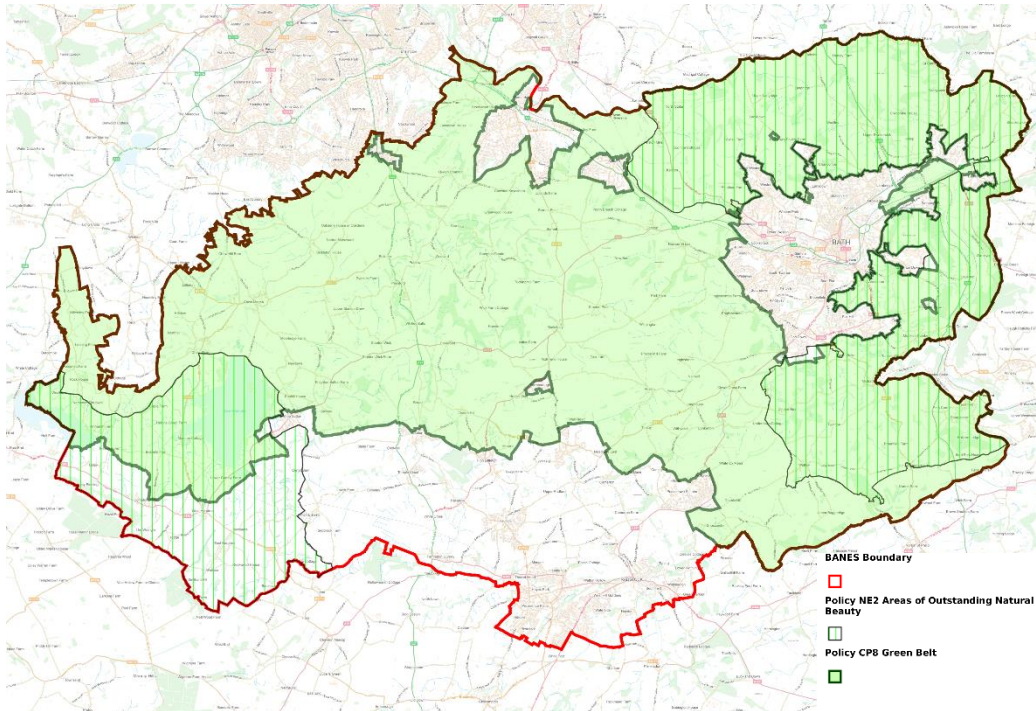


Figure 1 Green Belt and National Landscape designations (formally Areas of Outstanding Natural Beauty) in B&NES

Community Led Housing is a way of delivering housing developments to meet local community needs. Paragraph 73 of the NPPF (December 2023) sets out that 'Local Planning authorities should support the development of exception sites for community-led development (as defined in Annex 2 of the NPPF) on sites that would not otherwise be suitable as rural exceptions sites.'

- 10.5 The NPPF further sets out that these sites should be on land which is not already allocated for housing and should: comprise one or more types of affordable housing as defined in Annex 2 of the NPPF, a proportion of market homes may be allowed on the site at the local planning authority's discretion, be adjacent to existing settlements, proportionate in size to them (not larger than one hectare in size or exceed 5% of the size of the existing settlement), not compromise the protection given to areas or assets of particular importance in the NPPF and comply with any local design policies and standards.

## Local Policy Context

- 10.6 The Bath & North East Somerset Council Economic Strategy 2024-2034 includes that whilst B&NES remains one of the least deprived local authorities in the country, patterns of rural poverty are growing. The Strategy further highlights that 'The lack of affordable housing in our rural communities threatens the vitality of local businesses and the social sustainability of our towns and villages.'



## **Current B&NES Development Plan Policy**

- 10.7 Core Strategy Policy RA4 sets out the current policy in respect of rural exceptions sites that broadly reflects the NPPF policy. The supporting text to the policy currently emphasises that it is imperative that the majority of the scheme must be affordable and that market housing will only be permitted where it is robustly demonstrated it is needed to subsidise the provision of affordable housing.
- 10.8 Rural exceptions policy has not delivered any affordable housing to date during the Core Strategy period (2011 - 2029). This is largely due to changes in the affordable housing sector funding and delivery models, but also to the restrictive and overly complex nature of exception site delivery, as well as a relatively imprecise planning policy.
- 10.9 The current policy does not provide any guidance on the scale or size of exceptions site that will be permitted (albeit the supporting text does refer to 'small sites' which is usually defined as sites delivering less than 10 homes) and provides limited clarity on the level of market housing appropriate in cross-subsidising delivery of affordable housing. This lack of clarity is acting as an obstacle to the delivery of affordable housing on exceptions sites.

## **Proposed Options**

### **Rural Exception Sites**

- 10.10 There is a need for affordable housing in rural communities to meet local needs, however limited development in these areas and the limitation on bringing forward affordable housing on small sites mean few affordable homes come forward through market development. Exception sites enable the delivery of more affordable housing in communities, and the affordable housing can be specifically tailored to meet the needs of rural communities.
- 10.11 Preparation of the new Local Plan presents the opportunity to consult stakeholders on the appropriateness and scale of affordable housing on sites within rural settlements that would not normally be used for housing development i.e. as an 'exception' to restraint policies that would normally apply both outside and within the Green Belt. This means on sites outside the Housing Development Boundary (HDB).

10.12 It is proposed that many key elements of the existing policy be retained, including ensuring provision meets a demonstrable need for affordable housing, support of local communities, that homes remain as affordable housing in perpetuity and local connections tests are met. The need for affordable housing within a rural settlement will be determined through a Rural Housing Needs Survey based on robust methodology and housing need (including housing mix/size) within the settlement as evidenced through the Housing Register.

10.13 Given that 'exceptions site' development would be outside controlled/defined areas (i.e. the HDBs), sites should be identified through a sequential approach which includes assessment of the economic, social and environmental impacts. It is considered necessary to emphasise the importance of development being on sites well related to settlements and appropriate to their context in terms of character, scale and form and have no adverse impact on internationally or nationally protected species and/or their habitats.

10.14 In relation to the Green Belt locations rural exception sites will be allowed in the Green Belt only when it can be demonstrated that non-Green Belt alternative sites are not available. The policy would also seek to ensure that 'rural exceptions sites' are selected in order to minimise harm to the openness and purposes of the Green Belt.

10.15 Options as relates to where rural exceptions sites apply are as follows:

- **Option 1:** In terms of location of rural exception sites set no prescriptive approach in the policy and simply rely on the NFFP definition of rural exception sites as 'Small sites used for affordable housing in perpetuity where sites would not normally be used for housing. Rural exception sites seek to address the needs of the local community by accommodating households who are either current residents or have an existing family or employment connection. A proportion of market homes may be allowed on the site at the local planning authority's discretion, for example where essential to enable the delivery of affordable units without grant funding.'
- **Option 2:** Set out that within B&NES where and to which settlements rural exception sites will apply in line with emerging rural areas strategy to support rural communities.

10.16 Options as relates scale of rural exceptions sites are as follows:

- **Option 1:** Continue to refer to Rural Exceptions Sites on small sites. Generally small sites are defined as less than 10 dwellings.

- **Option 2:** Set out that sites could have a capacity of up to 20 dwellings in total subject to levels of local housing need, cross-subsidy requirements and size of settlement.

10.17 Further guidance might be needed as to village size proportionality in order to determine where a maximum site capacity would be less than 20 dwellings.

10.18 Options as relates to cross subsidy of rural exceptions sites are as follows:

- **Option 1:** Continue to refer to a small proportion of market housing will be appropriate only where it can be demonstrated that the market housing is essential to cross-subsidise the affordable housing and that the site would be unviable without this cross-subsidy.
- **Option 2:** Maximum of 40% market housing to meet local needs (including downsizing) will be appropriate where it can be demonstrated that the market housing is essential to cross-subsidise the affordable housing and that the site would be unviable or undeliverable without this cross-subsidy, taking into account the availability of public subsidy.

### **First Homes Exceptions Sites**

10.19 As set out above, First Homes exceptions sites cannot come forward in areas designated as Green Belt or AONBs and which are not already allocated for housing. The Written Ministerial Statement (WMS) on Affordable Homes Update (24 May 2021) set out national policy on First Homes, including that they are adjacent to existing settlements, proportionate in size to them, not compromise the protection given to areas or assets of particular importance in the NPPF and comply with any local design policies and standards. Given that there are limited areas in B&NES in which First Homes Exceptions Sites can come forward, proposed Options are as follow:

- **Option 1:** It is not proposed to take forward specific policy on First Homes Exception Sites within Bath and North East Somerset as there are limited areas in which these Exception Sites could come forward in Bath and North East Somerset and planning applications would be determined in line with National Policy (Written Ministerial Statement) and Guidance and the Development Plan.
- **Option 2:** Take forward a criteria-based policy on First Homes Exception Sites within Bath and North East Somerset.

### **Exception Sites for Community Led Development**

10.20 Community Led Development is a way of delivering housing developments to meet local community needs. Proposed options as relates to exception sites for community lead development are as follows:

- **Option 1:** Do not take forward specific policy on exception sites for community-led development within planning applications being determined in line with National Policy and Guidance and the Development Plan.
- **Option 2:** Take forward a criteria-based policy on exception sites for community-led development within Bath and North East Somerset.

## **11 H/SH: Specialist Housing and Homes for Older People Design**

- 11.1 Specialist housing (within both Use Classes C2 and C3) can be needed to support a variety of people such as older people, disabled people and others who may, for a variety of reasons, be unable to access general housing. Specialist housing is designed so that support can be provided to its occupants (and often to others in the wider community) while promoting independent living. Examples of specialist housing range from a small scheme of cluster flats with additional facilities for support staff, to much larger extra care schemes enabling older and disabled people to live in their own self-contained accommodation but with care and support on-site.

### **National Policy Context**

- 11.2 Paragraph 135 of the NPPF highlights that planning policies should ensure that developments ‘create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users...’
- 11.3 Planning Practice Guidance (PPG) Housing for older and disabled people (published June 2019) sets out that it is critical to provide housing for older people as people are living longer and the proportion of older people in the population is increasing, and therefore offering older people a better choice of accommodation to suit their changing needs can help them live independently for longer, feel more connected to their communities, and help reduce costs to the social care and health systems. It also sets out that provision of appropriate housing for people with disabilities, including specialist and supported housing, is crucial in helping them to live safe and independent lives.
- 11.4 The National Design Guide sets out that ‘Well-designed places include a variety of homes to meet the needs of older people, including retirement villages, care homes, extra-care housing, sheltered housing, independent living and age-restricted general market housing. They are integrated into new settlements with good access to public transport and local facilities.’

### **Local Policy Context**

- 11.5 The B&NES Corporate Strategy 2023-2027 principles include ‘focussing on prevention’, whilst the spatial priorities of the Local Plan include ‘Improve health and well-being outcomes for all, including through planning health promoting and inclusive places and providing for cultural enrichment.’

- 11.6 The B&NES Joint Health and Wellbeing Strategy – Our Vision for 2030 (June 2023) support the Health and Wellbeing Board’s vision that ‘Together we will address inequalities in Bath and North East Somerset so people have the best start in life, live well and age well in caring, compassionate communities, and in places that make it easier to live physically and emotionally healthy lives.’
- 11.7 The Strategy is an all-age strategy, with each priority delivering for all-life stages ‘start well, live well, age well’ and includes creating health promoting places and sets out ‘Good spatial planning is important to ensure that people can access everything that is needed to live a healthy life. This includes having access to green space, local shops that offer healthy and affordable fruit and vegetable options and access to health and care services in local neighbourhoods.’ The Strategy’s actions include supporting the NHS, Local Authority, voluntary and community sectors and other partners to increasingly embed prevention and inequalities action into their planning and prioritisation.
- 11.8 The Bath and North East Somerset, Swindon and Wiltshire Integrated Care System (BSW Together) Implementation Plan 2023 (July 2023) focusses on improving health and reducing inequalities with an approach rooted in prevention and early intervention to support our population to remain healthier and happier and as long as possible.

### **Current B&NES Development Plan Policy**

- 11.9 POLICY H1: HOUSING AND FACILITIES FOR THE ELDERLY, PEOPLE WITH OTHER SUPPORTED HOUSING OR CARE NEEDS within the adopted Placemaking Plan sets out design requirements for housing and facilities for the elderly and people with other supported housing or care needs. It includes that development should meet national best practice standards relevant to the type of development proposed, including HAPPI principles and highlights criteria when considering whether a proposal is C2 in use.
- 11.10 POLICY CP10: HOUSING MIX specifies that ‘Housing developments will also need to contribute to the provision of homes that are suitable for the needs of older people, disabled people and those with other special needs (including supported housing projects), in a way that integrates all households into the community.’

### **Proposed Options**

- 11.11 In considering national, regional and local planning policy and guidance together with B&NES strategies, proposed options for policy within the new Local Plan are as follows:

- **Option 1:** Take forward current Development Plan Policy (H1 and relevant policy within CP10).
- **Option 2:** Take forward design requirements for specialist housing older person housing and facilities in line with best practice design principles (and that meet with CQC standards where required).
- **Option 3:** Take forward design requirements for specialist housing and older person housing and facilities in line with best practice design principles (and that meet with CQC standards where required) and provide policy to ensure that specialist housing and homes for older people are designed to support integrated and cohesive communities in accessible locations.

11.12 National policy and guidance is clear that in achieving sustainable development, the planning systems objectives include ‘to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe place, with accessible services and open space that reflect current and future needs and support communities’ health, social and cultural well-being.’

## 12 H/EC: Affordable Housing Requirements within Older Person and Specialist Housing (including Extra Care)

### National Policy Context

- 12.1 Paragraph 63 of the National Planning Policy Framework (NPPF December 2023) requires local authorities to assess the size, type and tenure of housing needed for different groups in the community and reflect the results of this assessment in their planning policies. The NPPF 2023 also sets out that as part of achieving sustainable development a sufficient range of homes should be provided to meet the needs of present and future generations.
- 12.2 This range of homes includes housing for older people (including those who require retirement housing, housing-with-care and care homes). PPG Housing for older and disabled people highlights that ‘The need to provide housing for older people is critical. People are living longer lives and the proportion of older people in the population is increasing.’ It further sets out that ‘Offering older people a better choice of accommodation to suit their changing needs can help them live independently for longer, feel more connected to their communities and help reduce costs to the social care and health systems.’
- 12.3 There are different forms of older person specialist housing which are set out the PPG as follows:
- age restricted general housing: this is general housing specifically for people over a certain age that may include some shared amenities such as communal gardens, but does not include support or care services.
  - sheltered housing: this usually consists of purpose built flats or bungalows with limited communal facilities such as a lounge, laundry room and guest room, and does not generally provide care services, but does provide some support such as 24 hour on site assistance via alarms and wardens.
  - extra care housing or housing with care: this usually consists of purpose built flats or bungalows with medium to high levels of care available (if required) through an onsite care agency. These developments have 24 hour access to support services and staff, and meals are available. They often include extensive communal areas, such as space to socialise or a wellbeing centre.
  - residential care homes and nursing homes: these have individual bedrooms and provide a high level of care meeting all activities of daily living.



- 12.4 Some forms of specialist housing will be considered to be use class C3 (dwellings) and some will be considered to be use class C2 (residential institutions / communal accommodation) even although they constitute a dwelling. National planning guidance sets out that it is for the local planning authority to determine which use class a particular development falls into, but suggests that when making the decision consideration could be given to the level of care provided and the scale of communal facilities provided.
- 12.5 Within the High Court Judgment - Rectory Homes Ltd v Secretary of State for Housing Communities And Local Government [2020] EWHC 2098 (Admin) (31 July 2020) Justice Holgate noted: ‘With respect to the Use Class Order (“UCO”), the term “residential accommodation” in C2 includes properties with the physical characteristics of dwellings. C2 Use can include accommodation in the form of dwellings including flats and bungalows for an independent existence. Their use only falls within Use Class C2 if “care” [1] is provided for an occupant in each dwelling in need of such care. The distinction for C2 is not simply provision of care, as this can also be provided within Use Class C3. The distinguishing feature of C2 accommodation is occupants being in “need of care”.
- 12.6 Justice Holgate further sets out that ‘There is no reason why a C2 development cannot provide accommodation in the form of dwellings provided its use did not fall within Use Class C3. The UCO does not preclude extra care development from representing dwellings.’

## **Regional/Local Context**

- 12.7 The West of England extra care housing improvement project – August 2023 sets out under Table 7 Income Deprivation Affecting Older People Index (IDAOPi) a score of 9.6% as relates to B&NES. The report further provides that whilst tenure mix amongst 65+ households shows a majority of older households are homeowners (including shared ownership), the percentage of older households living in social housing or private rented housing within B&NES is c.21% and set out that evidence from socio-economic factors indicates that there is likely to be an ongoing need for affordable extra care housing to rent as well as extra care housing for sale and shared ownership.
- 12.8 The above study undertaken by Housing LIN on behalf of the West of England authorities highlighted that whilst older people required varying needs for support and had different views and preferences about housing and support services they may need or want, the consistent theme from research evidence about future housing preferences is that people want homes that enable them to live as independently as possible in later life.

## Evidence Base

12.9 The Bath and North East Somerset Council Local Housing Needs Assessment (LHNA) January 2024 Draft under paragraph 5.39 sets out that 'there would be a need to provide an additional 557 specialist older person housing units in Bath City (of which 43% would need to be provided as affordable housing) and 1,121 specialist units in the Rest of B&NES (including 50% affordable housing). The need for specialist older person housing represents 15% of the overall housing need identified for Bath City and 14% of the overall housing need identified for the Rest of B&NES.

## Proposed Options

12.10 Given the primary objectives of the new Local Plan which include 'Maximising the delivery of affordable housing to respond to the district's demographic, social and economic needs', we will be looking to take forward the requirement for affordable housing within specialist older person housing where it meets with the definition of age restricted general housing, sheltered housing, extra care housing or housing with care where it is a dwelling or self-contained unit.

12.11 The proposed policy approach relating to the requirement for affordable housing within specialist older person housing is as follows:

- Take forward AH requirements within specialist older person housing where it constitutes a self-contained dwelling or unit in line with percentages set out in the LHNA and as tested through the Local Plan viability (whole plan) assessment.

## 13 H/AS: Accessible Homes and Residential Space Standards

### National Policy Context

- 13.1 Paragraph 135 of the National Planning Policy Framework (NPPF 2023) states that planning policies should ensure that developments create places with a high standard of amenity for existing and future users. The accompanying footnote (Footnote 52) states that planning policies for housing should make use of the optional technical standards for accessible and adaptable housing and also the nationally described space standard, where these would address a need and can be justified.
- 13.2 Planning Practice Guidance (PPG) Housing: optional technical standards sets out that local authorities can require accessibility, adaptability and wheelchair standards in new dwellings provided that they have evidence that demonstrates a clear need for these types of housing and their resulting policies plan to meet this need. They should clearly state in their Local Plan what proportion of new dwellings should comply with the requirement.
- 13.3 PPG states that planning policies should only set out the requirements for enhanced accessibility or adaptability of dwellings through reference to the optional requirements within Part M of Building Regulations – M4(2) ‘accessible and adaptable dwellings’ and M4(3) ‘wheelchair user dwellings’. Any planning policies requiring either Building Regulations M4(2) and / or M4(3) should take into account site specific factors and that for developments where step free access is not viable, neither of the requirements should be applied.
- 13.4 Government consulted on raising accessibility standards for new homes and responded to consultation <https://www.gov.uk/government/consultations/raising-accessibility-standards-for-new-homes/outcome/raising-accessibility-standards-for-new-homes-summary-of-consultation-responses-and-government-response> Their response set out that ‘Government proposes that the most appropriate way forward is to mandate the current M4(2) (Category 2: Accessible and adaptable dwellings) requirement in Building Regulations as a minimum standard for all new homes – option 2 in the consultation. M4(1) will apply by exception only, where M4(2) is impractical and unachievable (as detailed below). Subject to a further consultation on the draft technical details, we will implement this change in due course with a change to building regulations.’

- 13.5 In terms of space standards, PPG provides that where a local planning authority wishes to require an internal residential space standard that this can only be done by reference to the nationally described residential space standard (NDSS) within their Local Plan. The nationally described residential space standard sets out internal space requirements relating to bedrooms, storage and internal areas for new dwellings, with the requirements determined by the number of storeys, bedrooms and bedspaces.
- 13.6 Where a need for internal space standards is identified, local planning authorities should provide justification for requiring internal space policies taking account of need, viability and timing.
- 13.7 The National Design Guide 2021 highlights that good design promotes quality of life for occupants and users of buildings including function and should provide comfort, safety, security, amenity, privacy, accessibility, and adaptability. It further sets out that ‘Well-designed homes and communal areas within buildings provide a good standard and quality of internal space. This includes room sizes, floor-to-ceiling heights, internal and external storage, sunlight, daylight and ventilation.’

## **Regional/Local Policy Context**

- 13.8 The West of England Placemaking Charter <https://www.westofengland-ca.gov.uk/wp-content/uploads/2022/07/West-of-England-Placemaking-Charter.pdf> sets out the commitment to ‘Design homes to be comfortable, robust, adaptable and genuinely affordable to suit people at all stages of life and support independence.’
- 13.9 The B&NES Corporate Strategy 2023-2027 principles include ‘focussing on prevention’, whilst the spatial priorities of the Local Plan include ‘Improve health and well-being outcomes for all, including through planning health promoting and inclusive places and providing for cultural enrichment.’
- 13.10 The Bath and North East Somerset, Swindon and Wiltshire Integrated Care System (BSW Together) Implementation Plan 2023 (July 2023) sets out in terms of the implementation of objectives to improve social mobility and tackle inequalities ‘Promote health and care in all policies – including housing, employment and planning. This will include the development of sustainable communities, whole life housing and walkable neighbourhoods.’

## Current B&NES Development Plan Policy and Planning Obligations Supplementary Planning Document

- 13.11 The Local Plan Partial Update included an update to Policy H7: Housing Accessibility to provide suitable housing that meets the needs of different groups in the community, including disabled people, older people and families with young children. These accessibility standards were taken forward in line with the relevant evidence base and subject to viability testing.
- 13.12 Subsequent to Housing Standards Review in 2015, space standards (NDSS) for affordable housing were taken forward in the B&NES Planning Obligations SPD <https://beta.bathnes.gov.uk/sites/default/files/2023-01/PlanningObligationsSPDJan2023%28accessible%29.pdf> as set out under Table 3.1.B. to support health and well-being of residents where homes are occupied at full occupancy.

### Evidence Base

- 13.13 The Bath & North East Somerset Local Housing Needs Assessment (LHNA) January 2024 Draft in Figure 70 sets out a minimum 26% and maximum 63% need for adapted housing for households (2022-42) as an appropriate range for the local authority to consider.
- 13.14 Figure 75 of the LHNA provides that within Bath City households needing Wheelchair Adapted Housing is 8.9% (6.6% within market housing and 10.6% within affordable housing) whilst within the Rest of B&NES households needing Wheelchair Adapted Housing is 6.8% (5.2% in market housing and 10.5% within affordable housing).

### Proposed Options

#### Accessibility Standards

- 13.15 Providing accessible housing is important in ensuring that the needs of older and disabled people are met, as well as creating the flexibility for homes to meet the changing needs of individuals and families at different stages of life.
- 13.16 Whilst awaiting potential building regulation updates as set out above, we are proposing housing accessibility standard options as follows:
- **Option 1:** Take forward optional technical standards M4(2) and M4(3) in line with up-to-date evidence base (LHNA) and subject to viability testing and with reference to relevant caveats in exceptional circumstances where M4(2) and M4(3) standards cannot be delivered.

- **Option 2:** Take forward M4(2) and M4(3) standards in all housing. M4(3) requirements in line with LHNA evidence base and subject to viability testing. Set out relevant caveats in exceptional circumstances where M4(2) and M4(3) standards cannot be delivered.
- **Option 3:** Take forward M4(3) standards in line with up-to-date evidence base and subject to viability testing. Reference relevant caveats in exceptional circumstances as set out PPG where M4(2) Building Regulation requirements and M4(3) standards cannot be delivered.

13.17 This Option is reliant on the requirement of M4(2) accessibility standards to come through Building Regulations updates.

13.18 Where M4(2) and M4(3) cannot be delivered, the requirement would be to deliver M4(1) compliant dwellings.

### **Residential Space Standards (Affordable Housing)**

13.19 NDSS are required within Affordable Housing within B&NES and were taken forward within the B&NES Planning Obligations SPD subsequent to the Housing Standards Review in 2015. Options as relates to Nationally Described Space Standards (NDSS) in Affordable Housing within the new Local Plan are as follows:

- **Option 1:** Take forward the requirement for NDSS within Affordable Housing within the Local Plan as currently set out in the B&NES Planning Obligations SPD in line with evidence base (note – this is subject to the Local Plan viability assessment that will inform the Draft Local Plan).
- **Option 2:** Leave current NDSS requirements for Affordable Housing in the B&NES Planning Obligations SPD.

### **Residential Space Standards (Market Housing)**

13.20 We do not currently have a requirement for NDSS within market housing in our Local Plan, although within B&NES anecdotal evidence suggests that generally developments are brought forward using these space standards.

13.21 Given the health and wellbeing benefits for residents of NDSS and viable delivery, we are proposing to test options around the requirement for NDSS within market housing, including Build to Rent schemes.

13.22 We also need to consider our approach to space standards in terms of delivering high quality innovative approaches to alternative forms of housing such as micro-housing and co-living to meet the needs of some of our communities, considering how we would ensure high amenity levels can be reached without NDSS (see separate section on co-living).

13.23 Options as relates to NDSS in market housing are as follows:

- **Option 1:** Do not take forward NDSS requirements within policy as relates to market housing.
- **Option 2:** Take forward the requirement for NDSS within market housing within the Local Plan in line with evidence base.

13.24 Note: NDSS requirements would not apply to specific types of residential accommodation e.g. co-living, as set out later in this Topic Paper.

## **14 H/HM: Housing Mix**

### **National Policy Context**

- 14.1 Paragraph 63 of the National Planning Policy Framework (December 2023) requires local authorities to assess the size, type and tenure of housing needed for different groups in the community and reflect the results of this assessment in their planning policies. The NPPF 2023 also sets out that as part of achieving sustainable development a sufficient range of homes should be provided to meet the needs of present and future generations.

### **Local Policy Context**

- 14.2 The Bath & North East Somerset Council Economic Strategy 2024-2034 highlights the intention to ensure that residents have access to affordable and high quality housing and 'Develop a housing offer that is accessible and attractive to all.'

### **Current B&NES Development Plan Policy**

- 14.3 POLICY CP9: AFFORDABLE HOUSING provides that 'Residential developments delivering on-site affordable housing should provide a mix of affordable housing units and contribute to the creation of mixed, balanced and inclusive communities. The size and type of affordable units will be determined by the Council to reflect the identified housing needs and site suitability. The type and size profile of the affordable housing will be guided by the Strategic Housing Market Assessment and other local housing requirements but the Council will aim for at least 60% of the affordable housing to be family accommodation including some large 4/5 bed dwellings.'
- 14.4 POLICY CP10: HOUSING MIX sets out new housing development, both market and affordable must provide for a variety of housing types and size to accommodate a range of different households, including families, single people and low income households as evidenced by local needs assessments and the Strategic Housing Market Assessments or future evidence. It further provides that 'The mix of housing should contribute to providing choice in tenure and housing type, having regard to the existing mix of dwellings in the locality and the character and accessibility of the location.'

### **Evidence Base**

- 14.5 With regards to the type and size of housing that is required across the district the Bath & North East Somerset Local Housing Needs Assessment (LHNA) provides useful information split between the city of Bath and the rest of Bath and North East Somerset. More detailed information for specific places or parishes can be gathered through Local Housing Needs Surveys.



14.6 The LHNA identifies the largest proportion of housing that is needed is for 3 bed houses (around 50% of overall housing need) in both the city and the rest of the district. There is also significant need for smaller dwellings, 1 and 2 bed flats and house (more than 20% of overall housing need) for smaller households e.g. younger people and older people looking to downsize.

## Proposed Options

14.7 Whilst the mix of affordable housing units is delivered to reflect current evidence base (housing needs assessment and housing needs register) and in consultation with the Council to ensure that housing delivered meets needs, there are issues that within market housing, particularly on smaller sites, some housing mixes are driven more by commercial considerations than local need. As well as delivering the right number of homes, the Local Plan needs to guide the size and type of homes delivered, so that they reflect the needs of different groups in the community.

14.8 Consultation on the B&NES Local Plan 2022-2042 Launch Document (October 2022) provided feedback from a range of stakeholders who highlighted the need to ensure that housing mix meets the needs of their local communities, including young people, young families, single residents, keyworkers, families and an ageing population.

14.9 It will be important that housing mix within developments reflect the needs of local communities. Rural Exception site policy highlights that the need for affordable housing within a rural settlement will be determined through a Rural Housing Needs Survey based on a robust methodology and housing need within the settlement as evidenced through the Housing Register. The Survey will also consider the proposed housing mix required within the community.

14.10 Options as relates to proposed housing mix policy are as follows:

- **Option 1:** Take forward policy in line with that currently set out in Policies CP9 and CP10 of the Development Plan.
- **Option 2:** Take forward policy in line with that currently set out in Policies CP9 and CP10 of the Development Plan. Further to highlight that housing mix on the application site should meet the needs of different household types and sizes within local communities as demonstrated by evidence either through a Local Housing Needs Survey or the LHNA.

## **15 H/HMO: Houses in Multiple Occupation (HMO)**

### **Existing Policy Context**

- 15.0 A House in Multiple Occupation (HMO) is a house or flat which is occupied by three or more unrelated people who share facilities such as a kitchen or bathroom. HMOs are an important part of the local housing market, particularly within Bath, providing affordable accommodation for student, professionals and migrant workers among others.
- 15.1 The Council exerts greater planning controls over HMOs in Bath, and in July 2013 introduced a citywide Article 4 Direction to control the future growth and geographic spread of HMOs, which operates together with LPPU policy H2 and the Houses in Multiple Occupation Supplementary Planning Document. In response to the Article 4 Direction, a change of use from residential to C4 HMO now requires planning permission across Bath.
- 15.2 Policy H2 in the LPPU sets out the criteria against which a planning application for a new or intensified HMO must be assessed, including consideration relating to the existing concentration of HMOs within the local area. The tests relating to the concentration are set out within the supporting HMO SPD.

### **Proposed Policy Approach**

- 15.3 It is proposed that LPPU policy H2 is retained in its existing format.

## **16 H/PBSA: Purpose Built Student Accommodation (PBSA)**

### **National Policy Context**

- 16.1 The NPPF sets out at paragraphs 61 - 63 that strategic policies should be informed by a local housing need assessment, and within this context the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies, including students.
- 16.2 Purpose Built Student Accommodation (PBSA) is accommodation built, or converted, with the specific intention of being occupied by students. Such accommodation is usually provided in the form of cluster flats with shared facilities, individual en-suite units, or studios, and relates to buildings which are not classified by planning use class, or licensing, as HMOs.

### **Current B&NES Development Plan Policy**

- 16.3 LPPU policy H2A sets out that purpose built student accommodation of an appropriate scale and design will be permitted:
- On allocated sites where student accommodation use is specifically identified within the Development Principles; or
  - Elsewhere in the District, only where there is a need for additional student accommodation, and subject to the provisions of policy B5. In these locations proposals for Purpose-Built Student Accommodation will be required to demonstrate that:
    - There is a need for additional student accommodation of the type and in the location proposed, evidenced by a formal agreement between the developer and a relevant education provider located within the District, or
    - The proposed development meets the needs of second and third year university students.

### **Evidence Base**

#### **Current and Permitted Supply of Student Accommodation**

- 16.4 Many university students live in halls of residence, either purpose built or university-owned accommodation, but there are not enough places in halls of residence to accommodate all students. Most students not living in halls of residence or purpose-built student accommodation live in private rented accommodation such as Houses in Multiple Occupation (HMO).

16.5 Table1 shows all Purpose Built Student Accommodation (PBSA) bedspaces on and off campus, including those currently available (8,003 bedspaces), those permitted but not yet built out (801 bed spaces), and a strategic allocation at Claverton Campus (LPPU policy SB19) (870 bedspaces). This results in a total supply of **9,602 bedspaces**.

Table 1: Supply of PBSA bedspaces in Bath (existing, permitted and allocated)

<b>University / Private</b>	<b>Built</b>	<b>Consented / allocated but not built</b>	<b>Total</b>
University of Bath (including nomination agreements)	5,352	0	5,352
Bath Spa University	1,731	0	1,731
Private	920	1,599	2,519
<b>Total</b>	<b>8,003</b>	<b>1,599</b>	<b>9,602</b>

- 16.6 Permitted schemes that are not yet complete, with projected completion dates, comprise:
- Hartwell Garage – 186 bedspaces – projected completion 2027/28
  - Dick Lovett – 335 bedspaces – projected completion 2024/25
  - Jubilee Centre – 120 bedspaces – projected completion 2026/27
  - Scala – 88 bedspaces – projected completion – 2024/25
- 16.7 As noted above, the University of Bath’s Claverton Campus site allocation comprises 870 PBSA bedspaces. This is projected to come forward over the three year period between 2028/29 to 2030/31.
- 16.8 One permitted scheme (Plumb Centre, 72 bedspaces) has been removed from the calculations due to recent planning history indicating that will not be built out.

### **Projected Student Growth and Accommodation Needs Local Housing Need Assessment (LHNA)**

- 16.9 The LHNA calculates projected growth in student population based on average growth trends for the 20-year period between 2001-2021, consistent with the approach taken for other forms of housing.
- 16.10** Based on these growth trends, it calculates that the number of the students requiring accommodation in Bath and North East Somerset across the 20 year Plan period to be **7,300 (or 370 per year)**.

### **University of Bath**

- 16.11 The University of Bath have provided the Council with projected student growth figures up to 2029/30.
- 16.12 The Council uses growth projections to calculate projected accommodation requirements across the Plan period (up to 2042). However, post-2029/30 there is significant uncertainty in growth figures for the University of Bath. Their current University Strategy runs to 2026, and this will be updated over the coming few years, following the appointment of a new vice-Chancellor. In the meantime, the Council has made various assumptions relating to post 2029/30 growth, as explained later in this chapter.
- 16.13 Not all students require student accommodation, for example they may be living at family homes or part-time students. As agreed with the university, it is assumed that **78%** of the total student population of the University of Bath requires student accommodation.

16.14 The University of Bath has recently increased the number of postgraduate students through a Masters' degree apprenticeship (DA) and Distance Learning (DL), in ways that do not generate demand for residential accommodation in Bath. The table below includes DA and DL forecasts that were used in the Local Plan Partial Update, as an indication of the number of students enrolled on these types of courses, who will not require accommodation in Bath.

16.15 The table below sets out the University of Bath's student growth forecast up to 2029/30, and projected accommodation requirements based on removal of DA and DL students, and the assumption that 78% of the remaining students will require student accommodation.

*Table 2: UoB Student Numbers and Accommodation Forecast*

<b>Years</b>	<b>22/23</b>	<b>23/24</b>	<b>24/25</b>	<b>25/26</b>	<b>26/27</b>	<b>27/28</b>	<b>28/29</b>	<b>29/30</b>
<b>UoB Forecast</b>	19,128	20,086	20,860	21,289	21,588	21,876	22,106	22,206
<b>DA and DL</b>	1,171	1,183	1,195	1,207	1,225	1,243	1,262	1,281
<b>Total</b>	17,957	18,903	19,665	20,082	20,363	20,633	20,844	20,925
<b>Accom Need (78%)</b>	14,006	14,744	15,339	15,664	15,883	16,094	16,258	16,332

## **Bath Spa University**

16.16 Bath Spa University have provided the Council with projected student growth figures up to 2041/42. In the latter part of this time period between 2038 – 2042, no growth is projected. Their current University Strategy runs up to 2030, so an element of uncertainty relating to student growth figures post-2030 exists.

16.17 Not all students require student accommodation, as discussed above regarding the University of Bath. As Bath Spa University has more students living at their family homes, and more part time students, a lower multiplier is used to calculate the student population requiring accommodation. The multiplier of **56%** (as agreed with Bath Spa University) is used.

16.18 The table below sets out Bath Spa University's student growth forecast up to 2042/43, and projected accommodation requirements based on the assumption that 56% of the remaining students will require student accommodation.

Table 3: Bath Spa Student Numbers and Accommodation Demand Forecast

<b>Years</b>	<b>22/23</b>	<b>23/24</b>	<b>24/25</b>	<b>25/26</b>	<b>26/27</b>	<b>27/28</b>	<b>28/29</b>
<b>Bath Spa forecast</b>	6,787	6,618	7,372	7,618	7,989	8,315	8,535
<b>Accom need (56%)</b>	3,801	3,706	4,128	4,266	4,474	4,656	4,780
<b>Years</b>	<b>29/30</b>	<b>30/31</b>	<b>31/32</b>	<b>32/33</b>	<b>33/34</b>	<b>34/35</b>	<b>35/36</b>
<b>Bath Spa forecast</b>	8,731	9,014	9,141	9,270	9,402	9,535	9,670
<b>Accom need (56%)</b>	4,889	5,048	5,119	5,191	5,265	5,340	5,415
<b>Years</b>	<b>36/37</b>	<b>37/38</b>	<b>38/39</b>	<b>39/40</b>	<b>40/41</b>	<b>41/42</b>	<b>42/43</b>
<b>Bath Spa forecast</b>	9,807	9,945	10,086	10,086	10,086	10,086	10,086
<b>Accom need (56%)</b>	5,492	5,569	5,648	5,648	5,648	5,648	5,648

## Projected growth vs Supply

- 16.19 The growth projections and accommodation forecasts for both Universities have been merged within the tables at **appendix 1** to provide a comprehensive view of current and future student numbers, the accommodation needs arising, the available supply of dedicated space (current and forthcoming) and residual needs to be met by additional dedicated space (PBSA) or the private rent sector.
- 16.20 Within the tables at appendix 1, the 'total housing need' minus the total available PBSA bedspaces ('beds total') shows the residual demand which is assumed to be accommodated by the private rented sector.
- 16.21 In 2022/23, it was assumed that 9,804 students were living in the private rented sector, such as HMOs or rented flats. This total is taken as a baseline, with the residual demand indicating the number of additional bedspaces required across the Plan period to meet the forecasted accommodation requirements of both Universities.
- 16.22 Due to significant uncertainty in student growth projections post-2029/30 for both universities, a number of different scenarios have been tested, to understand the potential range in student accommodation bedspaces that might be required over the Plan period (up to 2042/43). This will need to be kept under review during the Local Plan period. The scenarios tested comprise:
- **Scenario 1:** Projections as provided by both universities, with a 1% annual growth assumed for the University of Bath post-2029/30
  - **Scenario 2:** Projections as provided by both universities up to 2029/30, with a 1% annual growth assumed for both universities up to 2029/30
  - **Scenario 3:** Projections as provided by both universities up to 2029/30, with the average percentage increase between 2022/23 – 2029/30 projected forward annually from 2030/31 – 2042/43
  - **Scenario 4:** Projections as provided by both universities up to 2029/30, with no growth at either university after this time.



16.23 The table below shows the total bedspace requirement across the Local Plan period, and the bedspace requirement per annum, for each of the scenarios.

16.24 It also includes the requirements projected by the LHNA for comparison.

<b>Scenario</b>	<b>Total bedspace requirement 2022/23 – 20242/43</b>	<b>Bedspace requirement per annum</b>
<b>Scenario 1</b> - Projections as provided by both universities, with a 1% annual growth assumed for the University of Bath post-2029/30	<b>4,817</b>	<b>241</b>
<b>Scenario 2</b> - Projections as provided by both universities up to 2029/30, with a 1% annual growth assumed for both universities up to 2029/30	<b>4,734</b>	<b>237</b>
<b>Scenario 3</b> - Projections as provided by both universities up to 2029/30, with the average percentage increase between 2022/23 – 2029/30 projected forward annually from 2030/31 – 2042/43	<b>10,093</b>	<b>505</b>
<b>Scenario 4</b> - Projections as provided by both universities up to 2029/30, with no growth at either university after this time	<b>1,805</b>	<b>90</b>
<b>LHNA</b> - LHNA calculates growth in student population based on average growth trends for the 20-year period between 2001-2021	<b>7,300</b>	<b>370</b>

## Challenges in accommodating student growth accommodation needs

- 16.25 Challenges exist in accommodating continued levels of student growth within Bath, and across the District, particularly given the priority for accommodating non-student housing and especially affordable housing to meet local need and employment space. Additionally other Local Plan priorities e.g. relating green infrastructure provision and protection of the World Heritage Site, its setting, and other heritage assets also limit the ability to accommodate further PBSA.
- 16.26 Options presented in the Local Plan Options document therefore tests three ways in which provision of PBSA could be accommodated and / or controlled within the District, as follows:
- **Option 1 – Restrict PBSA across the district other than on-campus.** This option seeks to protect sites across the district for general housing and employment uses. However, if provision of PBSA is not in line with educational establishment growth, there is potential to limit growth, or increase HMO numbers across the district.
  - **Option 2 – Allow PBSA to only be developed on sites specifically allocated for that purpose, including a review of potential locations outside Bath, i.e. Keynsham and Hicks Gate.** This option seeks to encourage better management of location and quantum of PBSA, protect key sites for general housing and employment uses, and encourage exploration of sustainable locations outside of the city of Bath to provide PBSA. However, if provision of PBSA is not in line with educational establishment growth, there is potential to limit growth, or increase HMO numbers across the district.
  - **Option 3 - Retain LPPU policy H2A as worded, giving educational establishments flexibility to use nomination agreements to bring forward PBSA.** This option provides educational establishments with flexibility to meet growth needs off-campus. However, off-campus PBSA likely to lead to loss of land for employment and general housing, and is market-led, so likely to provide higher proportion of studios, rather than more affordable cluster flats.

## PBSA Affordable Housing or Rent Requirement

- 16.27 LPPU policy H2A does not currently require the delivery of affordable housing or affordable rent in relation to provision of PBSA.
- 16.28 Both universities in the city of Bath have raised significant concerns relating to the high cost of student accommodation, and the negative impact that these high costs have on the well-being of their students.

- 16.29 The B&NES Local Housing Needs Assessment sets out a significant need for affordable homes across the District, particularly within the city of Bath.
- 16.30 In order to meet the priorities of the Local Plan relating to providing homes that are affordable, the Options Document seeks to introduce a requirement for all PBSA developments to contribute towards housing that is affordable within the District, either through a contribution to conventional C3 affordable housing, or provision of on-site affordable student accommodation.
- 16.31 The first option seeks to meet the needs of students who struggle to afford the high costs of accommodation in the city, by requiring all PBSA developments to deliver a certain percentage of bedspaces as 'affordable student accommodation', which is likely to be defined as being set at a rent level that is no more than 55% of the maximum maintenance grant available for that academic year.
- 16.32 The second option seeks to meet the general need for affordable dwellings in the city by requiring all PBSA developments to deliver a cash in lieu contribution towards conventional C3 affordable housing. This option is justified by the consideration that sites allocated for PBSA could otherwise have been allocated for use as C3 dwellings, which would be required to provide a certain percentage of on-site affordable housing. As PBSA does not meet minimum housing space standards it is not considered suitable as a form of affordable housing itself. Therefore, a cash in lieu contribution would be required towards conventional C3 affordable housing.
- 16.33 The third option seeks to meet both needs, by requiring provision of affordable student accommodation for PBSA developments located on-campus, or sites owned by either of the universities, and a cash in lieu contribution towards conventional C3 affordable housing on any other site.

## **17 H/M: Moorings**

### **National Policy Context**

- 17.1 The National Planning Policy Framework (NPPF) encourages local planning authorities to deliver a wide choice of high-quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities. It is recognised that houseboats contribute to increasing diversity of homes within the District.
- 17.2 The NPPF further sets out that in determining the minimum number of homes needed, strategic plans should be based upon a local housing need assessment conducted using the standard method in national planning guidance. NPPF paragraph 62 then states the following:
- 17.3 ‘Within this context, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes).’
- 17.4 Provisions set out in the Housing and Planning Act now include a duty (under Section 8 of the 1985 Housing Act that covers the requirement for a periodical review of housing needs) for local authorities to consider the needs of people residing in, or resorting to, their district with respect to the provision of sites on which caravans can be stationed, or places on inland waterways where houseboats can be moored.

### **Regional/ Local Policy Context**

- 17.5 Except for those stretches of the river and canal which run through the built-up area of Bath, the river and canal lie within the Green Belt and hence the controls of Green Belt policy will apply. The NPPF is clear that inappropriate development within the Green Belt is, by definition, harmful and should not be approved except in very special circumstances. Substantial weight should be given to any harm to the Green Belt. As moorings are not recognised as appropriate development in the Green Belt by national policy, applications for residential and other moorings outside the urban areas and within the Green Belt will have to demonstrate ‘very special circumstances’.

- 17.6 In many cases moorings will not need planning permission. However, physical development required to create a mooring will require planning permission and Policy H6 sets out the circumstances in which planning applications for moorings will be acceptable. The NPPF and local planning policies also seek to conserve and enhance the natural and local environment. Any planning application for development affecting a waterway will be assessed to ensure that the proposed use of land or development is appropriate and whether opportunities for enhancing the amenities of the waterways have been fully recognised.
- 17.7 Placemaking Plan Policy H6 covers development proposals seeking new moorings. The policy seeks to guide proposals to the most sustainable locations where there is easy access to necessary services and facilities.

### **Key Issues**

- 17.8 It cannot be assumed that all needs can be met through the provision of additional moorings as many boat dwellers do not seek permanent moorings and navigate waterways on a permanent basis. As such, other issues that should be considered include the availability and distance between facilities such as water taps, rubbish disposal, chemical toilet disposal and fuel pumps; the threat of eviction from moorings is seen as inappropriate; restrictions placed on boat dwellers through licence restrictions; and access to 'off-side' moorings – i.e. those not on a tow path.

### **Evidence Base**

- 17.9 Key evidence as relating to this policy can be found via the following documents:
- Bath and North East Somerset Boat Dwellers Accommodation Assessment 2022
  - The Canal & River Trust guidance for the development of new residential mooring sites to assist both developers and local authorities in considering residential mooring site applications.

### **Further Work Required**

- 17.10 In 2022 the Council commissioned The Bath and North East Somerset Boat Dwellers Accommodation Assessment (BDAA). This considers the accommodation needs of households living on boats on the River Avon and Kennet and Avon Canal through Bath and North East Somerset Council area.

- 17.11 The BDAA provides an evidence base to enable the Council to comply with their requirements towards Boat Dwellers under the NPPF and the Housing and Planning Act. The BDAA covers a study area which consists of the Hanham Lock to the western edge of Bath City, Bath City, and the eastern edge of Bath to the eastern edge of the Dundas Aqueduct. The report focuses on the moorings that are needed in the study area currently and for the next five years.
- 17.12 The BDAA identifies there is a need within the district of permanent moorings. The report describes permanent moorings as the following:
- 17.13 'Permanent/licenced permanent moorings are moorings where a boat dweller can moor for an indeterminate time. Some will be very long term, others may be on some form of rolling contract, perhaps for a few months at a time.'
- 17.14 There is an evidence-based current need for 6 permanent/ licenced moorings and a Modelled maximum need for 17 moorings based on an estimated 100 live aboard boats across the district. This need is in addition to existing moorings.

### **Proposed Policy Direction**

- 17.15 The waterways that are used for moorings primarily lie within the Green Belt (other than within the city of Bath). Appeal decisions and Court judgements have confirmed that marinas and moorings related development is inappropriate development in the Green Belt, unless it preserves the openness of the Green Belt. Given the limited scale of need for moorings and that most of the waterway lie within the Green Belt it is proposed to take forward a criteria-based policy approach within the Local Plan in addition to National Planning Policy requirements, as well as to consider the potential for additional moorings as part of the development location option at North Keynsham (see also Options Document chapter 6) should this site be taken forward in the Draft Local Plan and land proposed to be removed from the Green Belt.
- 17.16 The criteria-based policy would be based on adopted Policy H6. The existing policy sets out that development involving new and additional moorings will be permitted provided they are located outside the Green Belt. As noted above most waterways situated within Bath and North East Somerset are located within the Green Belt. The adopted policy presents limitations for delivering moorings especially considering there are some exceptions to inappropriate development within the Green Belt set out within the NPPF.

- 17.17 It is therefore proposed to make amendments to the supporting text/policy relating to moorings development in the Green Belt. In line with national policy, it will be made clear that some limited moorings development might fall within one of the exceptions to inappropriate development within the Green Belt i.e. a material change of use of land that preserves the openness of the Green Belt.
- 17.18 We are proposing to take forward a criteria-based policy approach with amended references to the Green Belt, as well as considering the potential for additional residential moorings as part of the development options at North Keynsham as outlined above.

## 18 H/GT: Gypsies, Roma, Travellers and Travelling Show People

### National Policy Context

- 18.1 The National Planning Policy Framework (December 2023) states that the needs of groups with specific housing requirements must be addressed and this includes the needs of travellers. National policy guidance is provided in the government's [Planning policy for traveller sites \(PPTS\)](#). This guidance recently updated Annex 1 (December 2023) and clarifies that Gypsies and Travellers mean any 'persons of nomadic habit of life whatever their race or origin, including such persons who on ground only of their own or their family's or dependants' educational or health needs of old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.'
- 18.2 PPTS provides that 'Local planning authorities should ensure that traveller sites are sustainable economically, socially and environmentally. Local planning authorities should, therefore, ensure that their policies:
- a) promote peaceful and integrated co-existence between the site and the local community
  - b) promote, in collaboration with commissioners of health services, access to appropriate health services
  - c) ensure that children can attend school on a regular basis
  - d) provide a settled base that reduces both the need for long-distance travelling and possible environmental damage caused by unauthorised encampment
  - e) provide for proper consideration of the effect of local environmental quality (such as noise and air quality) on the health and well-being of any travellers that may locate there or on others as a result of new development
  - f) avoid placing undue pressure on local infrastructure and services
  - g) do not locate sites in areas at high risk of flooding, including functional floodplains, given the particular vulnerability of caravans
  - h) reflect the extent to which traditional lifestyles (whereby some travellers live and work from the same location thereby omitting many travel to work journeys) can contribute to sustainability.'



## **Current B&NES Development Plan Policy**

POLICY CP11: GYPSIES, TRAVELLERS & TRAVELLING SHOWPEOPLE sets out a criteria based policy for the identification and allocation of suitable, available and deliverable or developable sites in a Development Plan Document and when considering planning applications.

### **Evidence Base**

- 18.3 The Bath & North East Somerset Council Gypsy and Traveller Accommodation Assessment (Final Report) September 2021 (GTAA) undertaken by Opinion Research Services (ORS) on behalf of B&NES Council, set out the pitch requirement for the period 2020-2034. Although the approach and methodology to the GTAA was underpinned by the planning definition for a Gypsy, Traveller or Travelling Showperson as set out in PPTS (2015), it also included an assessment of need for households that did not meet the planning definition.
- 18.4 The 2021 GTAA set out the requirement of 12 pitches (2020-2034) to meet the need for households that meet the planning definition of gypsies and travellers. Planning application 21/04206/FUL Carrswood View permitted the change of use of three transit Gypsy and Traveller pitches to use as permanent residential pitches for Gypsy and Traveller households. This leaves a residual requirement to 2034 of nine pitches.
- 18.5 ORS in an update note to this work on pitch requirements to 2042 set out a requirement of an additional 2 pitches required to meet PPTS planning definition. The 2021 GTAA highlights that most of the identified need comes from households living on private sites. Therefore, consideration should be given to meeting it through intensifying existing private pitches or sites.

### **Further work required**

- 18.6 An updated GTAA (comprising new household interviews) will be undertaken in early 2024 to inform the Draft (Regulation 19) Local Plan and consider the implications of the recent update to the definition of Gypsies and Travellers as set out in Annex 1 of the PPTS.

### **Proposed Policy Direction**

- 18.7 Based on current evidence given the limited and local specific pitch requirements, it is proposed to take forward a criteria based policy approach within the Local Plan in addition to National Planning Policy requirements. The criteria-based policy would include consideration of intensification of private traveller sites given local requirements. Infrastructure requirements, and specifically the need for school places, will need to be considered in relation to any sites or intensification of existing sites proposed.

- 18.8 In terms of transit pitches, the GTAA concluded that 'Due to low numbers of unauthorised encampments and the presence of designated transit pitches, it is recommended that there is no need for any additional transit provision in Bath & North East Somerset at this time.'
- 18.9 At this stage we are proposing to take forward a criteria-based policy approach as outlined above and we do not consider that there would be a requirement to allocate additional sites for permanent residential or transit pitches within the Local Plan.

## **Appendix 1 – Projected Student Growth and Accommodation Requirement Tables**

**Scenario 1 - Projections as provided by both universities, with a 1% annual growth assumed for the University of Bath post-2029/30**

Factor	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35	2035/36	2036/37	2037/38	2038/39	2039/40	2040/41	2041/42	2042/43	Plan period requirement	Annual need
Total Student Forecast	24,744	25,521	27,037	27,700	28,352	28,948	29,379	29,656	30,148	30,487	30,829	31,177	31,527	31,882	32,241	32,604	32,971	33,200	33,431	33,665	33,901		
Total Housing Need	17,807	18,450	19,467	19,930	20,357	20,750	21,038	21,211	21,533	21,769	22,007	22,249	22,494	22,741	22,991	23,243	23,499	23,677	23,858	24,040	24,224		
Beds Total	8,003	8,003	8,426	8,426	8,546	8,732	9,022	9,312	9,602	9,602	9,602	9,602	9,602	9,602	9,602	9,602	9,602	9,602	9,602	9,602	9,602		
Residual demand 2022/23 assumed to be met by HMOs or other accommodation	9,804	10,447	11,041	11,504	11,811	12,018	12,016	11,899	11,931	12,167	12,405	12,647	12,892	13,139	13,389	13,641	13,897	14,075	14,256	14,438	14,622		
Bed space demand from 2022/23 baseline		643	594	463	307	207	-2	-117	32	236	239	242	244	247	250	252	256	179	180	182	184	4,817	241

**Scenario 2 - Projections as provided by both universities up to 2029/30, with a 1% annual growth assumed for both universities up to 2029/30**

Factor	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35	2035/36	2036/37	2037/38	2038/39	2039/40	2040/41	2041/42	2042/43	Plan period requirement	Annal need
<b>Total Student Forecast</b>	24,744	25,521	27,037	27,700	28,352	28,948	29,379	29,656	29,953	30,252	30,555	30,860	31,169	31,480	31,795	32,113	32,434	32,759	33,086	33,417	33,751		
<b>Total Housing Need</b>	17,807	18,450	19,467	19,930	20,357	20,750	21,038	21,211	21,423	21,637	21,854	22,072	22,293	22,516	22,741	22,968	23,198	23,430	23,664	23,901	24,140		
<b>Beds Total</b>	8,003	8,003	8,426	8,426	8,546	8,732	9,022	9,312	9,602	9,602	9,602	9,602	9,602	9,602	9,602	9,602	9,602	9,602	9,602	9,602	9,602		
<b>Residual demand 2022/23 assumed to be met by HMOs or other accommodation</b>	9,804	10,447	11,041	11,504	11,811	12,018	12,016	11,899	11,821	12,035	12,252	12,470	12,691	12,914	13,139	13,366	13,596	13,828	14,062	14,299	14,538		
<b>Bed space demand from 2022/23 baseline</b>		643	594	463	307	207	-2	-117	-78	214	216	219	221	223	225	227	230	232	234	237	239	4,734	237

**Scenario 3 - Projections as provided by both universities up to 2029/30, with the average percentage increase between 2022/23 – 2029/30 projected forward annually from 2030/31 – 2042/43**

Factor	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35	2035/36	2036/37	2037/38	2038/39	2039/2040	2040/41	2041/42	2042/43	Plan period requirement	Annual need
<b>Total Student Forecast</b>	24,744	25,521	27,037	27,700	28,352	28,948	29,379	29,656	30,439	31,245	32,073	32,925	33,801	34,701	35,628	36,580	37,560	38,568	39,605	40,672	41,769		
<b>Total Housing Need</b>	17,807	18,450	19,467	19,930	20,357	20,750	21,038	21,211	21,751	22,305	22,875	23,460	24,061	24,678	25,312	25,964	26,633	27,321	28,027	28,753	29,499		
<b>Beds Total</b>	8,003	8,003	8,426	8,426	8,546	8,732	9,022	9,312	9,602	9,602	9,602	9,602	9,602	9,602	9,602	9,602	9,602	9,602	9,602	9,602	9,602		
<b>Residual demand 2022/23 assumed to be met by HMOs or other accommodation</b>	9,804	10,447	11,041	11,504	11,811	12,018	12,016	11,899	12,149	12,703	13,273	13,858	14,459	15,076	15,710	16,362	17,031	17,719	18,425	19,151	19,897		
<b>Bed space demand from 2022/23 baseline</b>		643	594	463	307	207	-2	-117	250	555	570	585	601	617	634	651	669	688	707	726	746	10,093	505

**Scenario 4 – Projections as provided by both universities up to 2029/30, with no growth at either university after this time**

Factor	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35	2035/36	2036/37	2037/38	2038/39	2039/40	2040/41	2041/42	2042/43	Plan period requirement	Annual need
<b>Total Student Forecast</b>	24,744	25,521	27,037	27,700	28,352	28,948	29,379	29,656	29,656	29,656	29,656	29,656	29,656	29,656	29,656	29,656	29,656	29,656	29,656	29,656	29,656		
<b>Total Housing Need</b>	17,807	18,450	19,467	19,930	20,357	20,750	21,038	21,211	21,211	21,211	21,211	21,211	21,211	21,211	21,211	21,211	21,211	21,211	21,211	21,211	21,211		
<b>Beds Total</b>	8,003	8,003	8,426	8,426	8,546	8,732	9,022	9,312	9,602	9,602	9,602	9,602	9,602	9,602	9,602	9,602	9,602	9,602	9,602	9,602	9,602		
<b>Residual demand 2022/23 assumed to be met by HMOs or other accommodation</b>	9,804	10,447	11,041	11,504	11,811	12,018	12,016	11,899	11,609	11,609	11,609	11,609	11,609	11,609	11,609	11,609	11,609	11,609	11,609	11,609	11,609		
<b>Bed space demand from 2022/23 baseline</b>		643	594	463	307	207	-2	-117	-290	0	0	0	0	0	0	0	0	0	0	0	0	1,805	90