

**Bath and North East Somerset Council Local Plan Partial Update Examination  
Matter 3 – Housing Land Supply****Note on Five Year Housing Land Supply identifying areas of disagreement between the Council and Walsingham Planning representing Vistry Homes**Introduction

1. At day one of the Examination hearings relating to Matter 3 on Housing Supply discussion took place in respect of the five year housing land supply (5YHLS) calculations of the Council. The Inspector requested that the main participant that had assessed the Council's housing delivery trajectory on a site-by-site basis (Walsingham Planning on behalf of Vistry Homes) and the Council meet to discuss the trajectory and identify and outline areas of agreement and disagreement in a note for the Inspector.
2. The note below and attached Appendices from Walsingham Planning and Intelligent Land, on behalf of Vistry Homes, set out the remaining areas of disagreement between the parties.

Walsingham Planning Note (Appendix 1)

3. The note attached as Appendix 1 from Walsingham Planning, on behalf of Vistry Homes, briefly outlines their identified areas of disagreement in respect of the Council's assessment of housing supply. For the avoidance of doubt the Council confirms these remain areas of disagreement and outlines below a short response to the points made by Walsingham Planning (which are set out fully in Appendix 1).

*Walsingham Planning consider the housing requirement should be based on standard method and not the Core Strategy requirement.*

4. Through the Local Plan Partial Update (LPPU) the Council has reviewed the housing requirement and for the reasons set out in the Housing Requirement and Housing Supply Topic Paper (see section 2) (CD-SD026); The basis of the Housing Requirement for the Core Strategy Review (CD-SD027); and Matter 3 statement (EXAM 4C), considers that the Core Strategy housing requirement of 722 per year remains appropriate for plan-making. The scope of the LPPU is confined to replenishing housing supply in order to meet the Core Strategy housing requirement, with flexibility, and not to extend the plan-period or amend the housing requirement. Through preparation of a full new Local Plan the Council will plan for housing to meet the requirement for housing over a longer plan-period of 2022 – 2042.

*Walsingham Planning consider Purpose Built Student Accommodation (PBSA) should be included in housing land supply based on standard method.*

5. As set out above the Core Strategy housing requirement is considered to remain appropriate for plan-making. The student population has not been included in the Core

Strategy housing requirement and therefore PBSA is not included in the 5YHLS. The Council has provided a detailed list of PBSA in EXAM 11 for information. As detailed in EXAM 11 in accordance with the NPPG and Housing Delivery Test Rule Book the ratio of 2.5 beds to 1 dwelling has been applied when calculating the dwelling yield from PBSA. In the case of studio accommodation, in accordance with the NPPG, studios are counted as one dwelling. The total amount of PBSA permitted is 426.

*Walsingham Planning state that there is no policy basis on which to deduct past oversupply from the housing requirement.*

6. As detailed in the Council’s Housing Requirement and Housing Supply Topic Paper (CD-SD026) (in particular paragraphs 4.20 to 4.28) and Matter 3 statement (EXAM 4C) the Council considers it appropriate to take account of past oversupply, which amounts to 760, in calculating the 5YHLS.

Intelligent Land Analysis (Appendix 2)

7. Walsingham Planning disagree with the Council’s assessment of deliverability, time scales and delivery rates of some sites in the trajectory and therefore, conclude the Council cannot demonstrate a 5YHLS. Appendix 2 sets out the analysis by Intelligent Land of the Council’s housing delivery trajectory and sites within it. The table below sets out the Council’s response to the main issues raised by Intelligent Land in respect of housing development sites. As such these remain areas of disagreement between the parties.

Site	Information
BWR OPA.1 ‘red & pink land’ (St William/Council) SB8)	As detailed in EXAM 4D-1 an application is expected relating to this site shortly with a start date of 2023 anticipated. The site will be developed as flats so the annual delivery rate is expected to be high. The developer is also proposing to use MMC to develop the site which will speed up delivery.  The site has been cleared and remediation works are under way. The site is part of a wider development site which has been consistently delivering throughout the plan period.
BWR car showrooms, ‘green land’ (SB8)	Delivery from this site is not included in the plan period.
Dick Lovett PBSA (SB8)	The council has provided a detailed list of PBSA in EXAM 11. As detailed in EXAM 11 in accordance with the NPPG and Housing Delivery Test Rule Book the ratio of 2.5 beds to 1 dwelling has been applied. In the case of studio accommodation, in accordance with the NPPG, studios are counted as one dwelling. As the Dick Lovett site contains some studios the net gain is 206.

	The total amount of PBSA permitted is 426.
Sion Hill (SB24)	<p>As detail in EXAM 4C and EXAM 4D Bath Spa University have advised in their statement of common ground (CD-SD068) that they intend to deliver housing on this site within the next five years. The site will deliver as a flatted development so would be likely to deliver dwellings as a high number in a single year.</p> <p>The re-development of the site aligns with the university's estates strategy to focus development at the two campuses of Newton Park and Locksbrook Road, enabling the release of this site for residential development.</p>
St Martins Hospital (SB25)	EXAM 4D has confirmed that the majority of buildings to be re-developed are vacant and those remaining tenants are being re-located. The building layouts are no longer considered suitable for modern healthcare use. The land owner intends to develop the site in the next five years.
Keynsham Safeguarded land (KE3C)	As stated in EXAM 4C the council's planning committee has resolved to grant permission on this site and the section 106 agreement will be signed shortly. The delivery trajectory is based on past delivery in the area as well as information provided by the applicant.
Paulton Printworks (SSV 22)	The site has been included in the 5YHLS to deliver 80 dwellings as allocated by the LPPU. As detailed in EXAM 4C two applications have been submitted. Application 22/01348/FUL is pending consideration for 7 dwellings and early years facility/nursery. Application 22/01124/FUL is pending consideration for 73 dwellings.

## **Appendix 1 – Walsingham Planning Note**

## Bath and North East Somerset Local Plan Partial Update: Housing Land Supply

This note has been prepared by Walsingham Planning in conjunction with Intelligent Land on behalf of their client Vistry Group. It briefly summarises the areas of disagreement with Bath and North East Somerset Council in relation to their assessment of housing land supply in relation to the Examination in Public of the Bath and North East Somerset Local Plan Partial Update (LPPU).

- 1. The housing requirement.** The housing requirement should be based upon the Standard Method and not the Core Strategy requirement. The Council have not reviewed and saved the local plan housing requirement within five years of adoption. National Planning Practice Guidance (Paragraph: 003 Reference ID: 2a-003-20190220) is clear that there is an expectation that the standard method will be used, and that any other method will be used only in exceptional circumstances. The Council have not demonstrated exceptional circumstances exist to justify departing from the Standard Method.
- 2. Purpose Built Student Accommodation.** The requirement for student accommodation was separate from the housing requirement in the Core Strategy and therefore the Council have not included PBSA within their supply figures. The housing requirement should be based upon the Standard Method and therefore PBSA should be included within supply at a ratio of 0.4.
- 3. Past Oversupply.** There is no policy basis on which to deduct past over supply from the housing requirement. Paragraph 68a of the NPPF states that planning policies should identify a supply of “*specific, deliverable sites for years one to five of the plan period*”. By definition, sites that have already been delivered are specially not deliverable in years one to five of the LPPU plan period. Furthermore, the housing requirement should be based on the Standard Method and therefore past oversupply against the Core Strategy requirement is not relevant.
- 4. Deliverability of supply.** We disagree with the deliverability, timescales and delivery rates of some of the sites included within the Council’s supply. See Intelligent Lands report for further details.
- 5. Five-year supply.** We conclude that the Council cannot demonstrate a five-year housing land supply. At best their case is marginal. Therefore, additional sites should be allocated to ensure there will be a sufficient supply.

## **Appendix 2 – Intelligent Land Analysis**

BaNES

# Housing Land Supply Report

Prepared by  
**Intelligent Land**

July 2022



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## 1 Introduction

- 1.1 This report is supplementary to the previous Intelligent Land (IL) report, submitted to the B&NES Local Plan Partial Review Examination on behalf of Vistry, and the two documents should be considered together. The previous document was based on the Council's 2021 Housing Trajectory report (CD-HOU002), and this supplementary considers the impact of the new 2022 Trajectory (CD-HOU009). This supplementary therefore only considers where Intelligent Land have adjusted conclusions accordingly and disagree with the latest predictions provided by the Council.
- 1.2 Appendix 1 contains a spreadsheet showing where the Council has added new sites, or amended the delivery trajectory for previously identified sites. Appendix 2 shows the real differences in delivery between the Councils 2021 and 2022 Trajectories.

## 2 Sites Assessment

### Bath

*IL Ref: Site 1 BWR OPA.1 'red & pink land'(St. William/Council)*

- 2.1 This is part of the large Bath Waterside Regeneration site which is under construction. Delivery of the site is complex, as it involves over 2,200 dwellings, along with student accommodation and ancillary uses. In the Council's 2021 Housing Trajectory report (CD-HOU002) it had updated information from its 2021 HLS report had increased delivery from 80 dpa to 188 dpa when compared to the previous Trajectory without explaining why there had been an increase. This was derived from the Council's own Regeneration and Housing Services predictions, with no clear evidence provided for the change, and maintained housing delivery would commence from 2024/25, despite a planning application having not been submitted.
- 2.2 The new Trajectory (CD-HOU009) has reduced the annual delivery rate to 120 dwellings. A public consultation on the project has been undertaken, and the Council and developer has confirmed an application will be submitted in Summer 2022, with an earliest start on site in the autumn of 2023. However, at the Examination, the developer has explained the scheme can only be delivered if there is change to the relevant proposed policy in the Partial Update Local Plan. As such there is clearly uncertainty as to whether a policy

compliant application will be submitted, and consequently whether this will be viable and therefore deliverable.

- 2.3 IL does not dispute that delivery will take place, but does not consider it will be undertaken as quickly as predicted by the Council. A full application on this scale could well take 9 months for determination, particularly as it should be subject to an EIA, and a S.106 agreement will then need to be signed, which could take a further 6 months to a year. A further minimum 6 months should be added to the timeframe to clear conditions. Consequently, IL do not consider completions will be obtained from the site until 2026/27. Additionally, IL question the scale of predicted annual completions and consider the original figures in the Council's HLS report should be used. It is appreciated the scheme involves the development of flats which will lead to an unusual delivery profile, but as the Council has shown this is still best reflected as a regular pattern of completions.

*IL Ref: New Site (a) BWR OPA Car Showrooms 'green land' (Renrod, Ston)*

- 2.4 The Council has not included completions within the next five years, but IL consider it premature to include delivery in the subsequent years, as there is presently no planning application, and the allocation has not yet been confirmed.

*IL Ref: New Site (c) Dick Lovett PBSA*

- 2.5 This site is linked to New Site (b) and relates to the PBSA element of planning permission 20/03071/EFUL. The Council has not shown completions within the next five years for this site as it is student accommodation. If the housing requirement is based on the standard method calculation, as IL and Vistry believe should be the case, completions from this site should be included. The permission is for 335 units, so using the student ratio of 0.4 reduces delivery to 134 dwellings. The scheme shows this will be delivered as one purpose built element.

*IL Ref: New Site (i) Sion Hill*

- 2.6 This is a proposed new allocation, and there have been no relevant planning applications submitted. IL therefore do not consider it is appropriate to include delivery of the site

within the next five years, and have shown delivery commencing at the end of the Plan period.

*IL Ref: New Site (j)      St Martins*

- 2.7 This is also a proposed new allocation, and there have been no relevant planning applications submitted. IL therefore do not consider it is appropriate to include delivery of the site within the next five years, and have shown delivery commencing at the end of the Plan period.

### Keynsham

*IL Ref: New Site (k)      Keynsham Safeguarded Land*

- 2.8 The previous IL report had mistakenly made comment on IL Ref: Site 33, when this should have applied to IL Ref: New Site (k). IL maintains its position, but now applies the impact to the correct site.

### Somer Valley

*IL Site Ref: New (o)      Remainder of land at Paulton Printworks*

- 2.9 The Council does not include completions from this site in the five year supply, and IL agree with this approach. However, as there is no planning history associated with the site at present, IL consider an even more cautious approach should be adopted and delivery is shown as being at the end of the plan period.

### 3 Conclusions

3.1 Tables 1 to 3 set out a comparison of the Council's and IL's predicted supply figures for the three five year periods starting from 2021 – 2026.

Supply source 2022 - 2027	Council	Intelligent Land
Committed large sites	3,677	2,904
Committed small sites	643	643
Small site windfalls	0	0
Large site windfalls	0	0
Totals	4,320	3,547
Student Accommodation	182	316
Total with Student Accommodation	4,502	3,863

*Table 1*

Supply source 2023- 2028	Council	Intelligent Land
Committed large sites	3,727	2,690
Committed small sites	513	513
Small site windfalls	196	196
Large site windfalls	0	0
Totals	4,436	3,399
Student Accommodation	128	262
Total with Student Accommodation	4,564	3,661

*Table 2*

Supply source 2024 - 2029	Council	Intelligent Land
Committed large sites	3,855	2,891
Committed small sites	384	384
Small site windfalls	392	392
Large site windfalls	0	0
Totals	4,631	3,667
Student Accommodation	103	237
Total with Student Accommodation	4,734	3,904

Table 3

- 3.2 The Council has presented the Inspector with a series of possible scenarios to identify the following five year housing requirements, which include a 5% buffer:
- i. Out of date Local Plan requirement less a past surplus = 2,993 dwellings (599 dpa)  
*(NB. Student accommodation would not count towards the supply)*
  - ii. Out of date Local Plan requirement = 3,791 dwellings (758 dpa)  
*(NB. Student accommodation would not count towards the supply)*
  - iii. Standard Method = 3,890 dwellings (778 dpa)
- 3.3 Using these three requirements an assessment of the five year housing supply over the current and future periods can be derived as set out in Tables 4 to 6.

Housing Supply Summary	2022-2027		2023-2028		2024-2029	
	BANES	IL	BANES	IL	BANES	IL
<b>Requirement</b>	2,993 (599 dpa)	2,993 (599 dpa)	2,993 (599 dpa)	2,993 (599 dpa)	2,993 (599 dpa)	2,993 (599 dpa)
<b>Supply</b>	4,320	3,547	4,436	3,399	4,631	3,667
<b>Years supply out of five</b>	<b>7.2</b>	<b>5.9</b>	<b>7.4</b>	<b>5.7</b>	<b>7.7</b>	<b>6.1</b>

Table 4 Out of date Local Plan requirement less a past surplus

Housing Supply Summary	2022-2027		2023-2028		2024-2029	
	BANES	IL	BANES	IL	BANES	IL
<b>Requirement</b>	3,791 (758 dpa)	3,791 (758 dpa)	3,791 (758 dpa)	3,791 (758 dpa)	3,791 (758 dpa)	3,791 (758 dpa)
<b>Supply</b>	4,320	3,547	4,436	3,399	4,631	3,667
<b>Years supply out of five</b>	<b>5.7</b>	<b>4.7</b>	<b>5.9</b>	<b>4.5</b>	<b>6.1</b>	<b>4.8</b>

Table 5 Out of date Local Plan requirement not factoring in past oversupply

Housing Supply Summary	2022-2027		2023-2028		2024-2029	
	BANES	IL	BANES	IL	BANES	IL
<b>Requirement</b>	3,890 (778 dpa)	3,890 (788 dpa)	3,890 (778 dpa)	3,890 (788 dpa)	3,890 (778 dpa)	3,890 (788 dpa)
<b>Supply</b>	4,502	3,863	4,564	3,661	4,734	3,904
<b>Years supply out of five</b>	5.8	4.9	5.9	4.6	6.1	5

Table 6 Standard Method (not factoring in past oversupply)