

[REDACTED]  
Bolton  
BL1 [REDACTED]

Bradford Local Plan Group  
City of Bradford Metropolitan District Council  
2nd Floor South, Jacob's Well  
Nelson Street  
Bradford  
BD1 5RW

25.3.14

Dear Sirs,

**Representations to Bradford CS DPD Publication Draft on behalf of the Trustees of the Green Emmott Trust**

We act for the Trustees of the Green Emmott Trust and have been instructed to make representations on their behalf to this document. Our clients' address is: [REDACTED] Ingham and Yorke, [REDACTED] Padiham, [REDACTED] BB12 [REDACTED]

Our contact details, as agent in this matter, are as shown at the head of this letter. All correspondence on these representations should be addressed to us at Dickman Associates Ltd, FAO: J Dickman.

Our representations are set out below using the relevant policy and/or paragraph numbers in the consultation document.

**Section 3**

Policy P1 Presumption in favour of sustainable development - The reference in brackets in this policy to *'(and, where relevant, to policies in Neighbourhood Plans)'* should be deleted as Neighbourhood Plans have to be in conformity with the adopted development plan so the fact an application needs to conform to the development plan means it also complies with any Neighbourhood Plan. Not consistent with national policy.

Para 3.18 Strategic Core Policy 1 (SC1) – we note the support for Local Service Centres (LSC) at point 6 of this policy and are pleased to note Haworth is identified as an LSC in the Settlement Hierarchy in Policy SC4.

Para 3.60 Strategic Core Policy 4 (SC4) – we note that LSCs are identified in the settlement hierarchy as suitable settlements to meet housing needs and support this broad principle in particular in relation to Haworth which is the settlement that includes our client's landownership. Furthermore development in LSCs will mean existing services are supported and also dispersal to smaller settlements will be prevented.

[REDACTED]

Para 3.78 – the recognition of the unique situation of Haworth compared to other LSCs is noted given its international cultural recognition through the Bronte connection. To enhance the offer of services and housing in the settlement and encourage its vitality and viability through development is supported. However in maintaining local character this should not be blanket coverage but should be in line with appropriate policy and statutory requirements, so a site in the Conservation Area will require more considered development materials than a site outside such an allocation. Not consistent with national policy. Not justified.

Para 3.79 – the NPPF para 17 while it does encourage the effective use/reuse of PDL also requires that there is flexibility and that plans are positively planned with the presumption in favour of sustainable development being the golden thread running through the Framework (para 14). The proposed sequential approach to land for housing development set out here if adopted would not give the flexibility the market requires to encourage development and growth in line with the NPPF requirements. Indeed sites most likely to be developed sooner following the economic downturn are more likely to be in smaller settlements and suburban areas of larger settlements than inner city PDL. Thus the sequential approach being applied in this consultation document is not flexible and does not meet the criteria set out in NPPF para 47 and the footnotes 11 and 12 to that paragraph of NPPF setting out what is meant by deliverable and developable. Not Justified, not sound, not consistent with national policy.

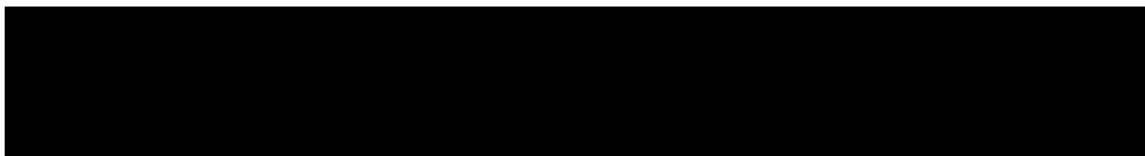
Para 3.80 Strategic Core Policy 5 (SC5) – the same comments apply here as to para 3.79 above. In addition we wonder why in the third priority point of the policy the word 'Local' has a capital 'L'? Is it a typo or is Local Green Belt a non-statutory borough designation? We do support Green Belt release in LSC in sustainable locations.

Strategic Core Policy 6 (SC6) – this seems to go further than the definition in para 77 of NPPF as to what constitutes local green space and covers a range of green issues. Points C3 and C4 of SC6 should be in line with NPPF para 77. Not justified, not consistent with national policy.

Para 3.102 – we agree that any amends to Green Belt should be such that that have longevity beyond the plan period.

#### **Section 4 Sub Area Policies**

Sub Area Policy PN1 – we note that the South Pennine Towns and Villages should fit to the settlement hierarchy and strategic patterns of development. Also that in regard to Haworth any development should be within the existing settlement boundary but will need some boundary changes around the edges to include Green Belt release in order to accommodate the 500 dwelling increase proposed up to the end of the plan period (2030). We note that PN1 cross references to policy HO3 and will expand on the housing numbers point in more detail in our response to HO3. Not consistent with national policy.



### Section 5.3 Housing

Para 5.3.5 /Figure HO1 – There are a number of concerns about the consistency of approach being advocated here in meeting NPPF requirements as well as the inter link to infrastructure provision. NPPF para 14 starts from the presumption in favour of sustainable development and para 47 of NPPF explains how to boost housing supply and a wide choice of homes. The 10 principles in HO1 do not reflect how the housing market works especially in the current economic environment. Not consistent with national policy, not justified, not sound.

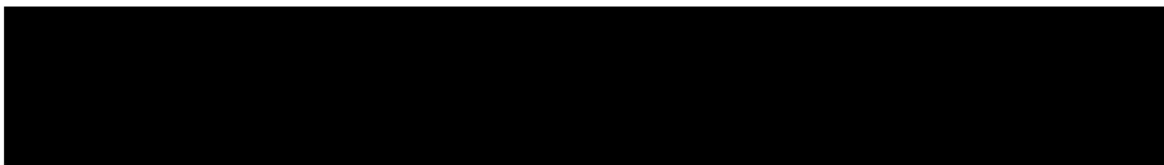
Table HO1 – this does not take account of para 47 NPPF and is fundamentally flawed. The background documents (SHLAA, SHMA and AMRs) show that over at least the last 5 years Bradford Council have not met their housing delivery targets. In such cases para 47 of NPPF makes it very clear that a 20% buffer should be moved forward from later periods of the plan yet your calculations show a 10% decrease in overall housing numbers compared to the last CS consultation and also then spread the housing shortfall over the full CS plan period mainly in the mid-term rather than the 0-5 years as required by NPPF and a stance that has been supported in a significant number of recent planning appeal decisions across England. It seems the 5 year HLS calculations have used the residual rather than Sedgefield method. Again it is the latter approach PINS and SoS have supported on appeal. Also whilst your UDP adopted in 2006 it is arguably not up to date so again is not as required by NPPF. Not consistent with national policy, not justified, not sound.

Para 5.3.24 – whilst this sets out existing sites and unimplemented allocations it takes no account of consents which may have expired since the last update in 2013. It places heavy reliance on windfalls, mill conversions and city centre flats. In regard to windfalls we do not consider the approach taken is consistent with para 48 of NPPF and places reliance on windfalls. The other 2 categories noted above appeal to only a limited market sector. Not consistent with national policy, not justified, not sound.

Para 5.3.25 and Table HO2 – these refer to the AMR and SHLAA both of which were last updated nearly a year ago yet further sites have been submitted in the Call for Sites which have not yet been added to the SHLAA list and sites in the AMR 2012 could now no longer have extant consent. These documents need to be updated in order for a sound plan to emerge. Not consistent with national policy, not justified, not sound.

Para 5.3.29 – we support the need for amendment to Green Belt boundaries in sustainable locations in settlements identified in the settlement hierarchy, especially in the LSC and particularly Haworth. However in assessing sites careful consideration as to weight to be given to various criteria and policies is paramount and should comply with NPPF para 14. Not consistent with national policy.

Para 5.3.31 – we would ask that our clients are involved as a key landowner when you engage with stakeholders in regard to Green Belt boundary amendments in Haworth.



Para 5.3.36 – this paragraph suggests landscape and topographic constraints mean limited growth for Haworth yet as already identified in the Strategic Core policies Haworth is identified as a LSC and additionally is one of the City Council's main tourist destinations suited to accommodating 500 new dwellings over the plan period. Our client's sites are dispersed through the settlement and thus we can offer a range of sites to meet a suitable sustainable and deliverable housing mix on sites that are for Haworth relatively flat. Indeed one of our client's site is a safeguarded site within the adopted UDP and whilst part of the site is constrained 0.6ha or thereabouts is developable thus we reiterate that this site is available and suitable for development of housing and the developable area of the site is flat.

Policy HO3 – We concur that Haworth should accommodate 500 new houses over the plan period but this should be a minimum given the points previously raised above in regard to the anomalies in the calculation and approach in Tables HO1 and HO2. Not consistent with national policy, not justified, not sound.

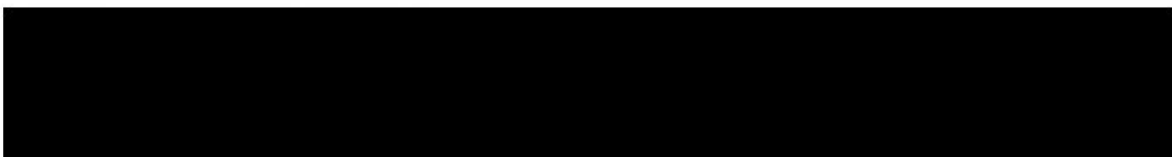
Policy HO4 – this policy and its phrasing is a major concern in its approach and failure to reflect the fundamental need for a flexibility as set out in NPPF. It ignores how the market works and implies the council will decide which sites they will invite applications to be made on so as not to exceed their housing numbers in a given time period. It totally fails to take account of market forces, how the housing market works by offering a range of sites and house types, the need for flexibility and fundamental economic supply and demand issues. It further begs the question that if applications are made that do not fit Bradford's phasing will these applications be alleged to be not able to be validated or will they be validated but refused on grounds of prematurity. Neither options would stand up to scrutiny in legal or policy terms. A second matter of question on this policy is the mismatch to NPPF timeframes. Generally NPPF identifies three 5 year time periods (0-5; 6-10; 11-15 years) yet this policy proposes 2 phases one of 8 years and the other of 7 years. Not consistent with national policy, not justified, not positively prepared, not sound.

Para 5.3.71 – seems to take a less stringent approach to sequential allocations of sites for development and is more in tone with NPPF.

Para 5.3.77/ Policy HO5 – we support the average density of 30dph minimum and that developers should make best and most efficient use of land to ensure sustainable development and growth.

Policy HO6 – this seeks to maximise use of PDL and suggests 35% of sites in LSCs be on PDL. We assume this is not per LSC but generally across all LSCs in order to be flexible.

Policy HO7 – seems unduly prescriptive and surely this is for the SHLAA allocations and Allocations DPD thus needs to be more flexible especially as the SHLAA sites in the current June 2013 SHLAA are not the most up to date. Our client's sites in Haworth being cases in point. Whilst their site at Baden Street is a safeguarded site in the UDP and should remain as an allocation for the reasons we have stated on the updated call for sites forms we have previously submitted where we have justified



why this site in part is developable and thus should still be included in the sites for consideration in the SHLAA and any site allocations document.  
Policy is not consistent with national policy, not justified, not sound.

Policy HO8 – housing mix is generally supported but we question the level of market demand for city centre flats, though also note the specialist accommodation for seniors in the SHMA is quite widely defined.

Para 5.3.151 – states that overcrowding is the result of lack of availability or choice which surely harks back to the consistent under delivery over the last 5 years and therefore again we question the heavily prescriptive approach in Policy HO4.

Policy HO11 – we have concerns that provision of affordable applying to sites of 5 dwellings in Haworth will have viability and thus deliverability implications even if that is provided by off-site contributions. Especially as South Pennines area is not identified in the highest values in terms of market housing. Not justified.

Para 5.3.175 – this refers to tenure mix for affordable and states a 70:30 split social to affordable rent/intermediate. So what happens on sites where only 1 affordable unit would be required e.g. in the Haworth case on a site of 5 units only 1 would be affordable and the type of affordable could impact on the value of the market properties undermining overall site viability. This is a concern and not acceptable.

## Section 6

Policy ID1- this is the first mention that Neighbourhood Plans should be in general conformity with the CS DPD. This in our view needs to be made clearer earlier in the document.

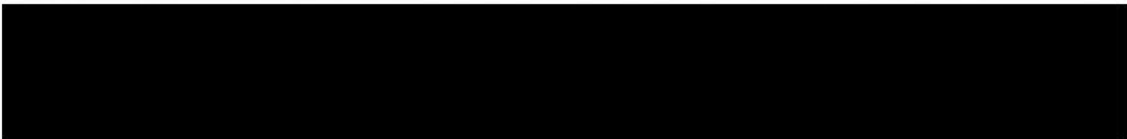
Para 6.15 – requires developers to meet the costs of the Council's valuer in looking a viability appraisals. This should say 'reasonable' costs.

Paras 6.25/ 6.26 & Policy ID3 – it is unclear how this marries with policy HO4 C6. Is the new infrastructure dependent on private sector and therefore development coming forward otherwise no new infrastructure? How is this to be weigh compared to viability of sites which if unduly burdened with infrastructure costs may not happen? Contributions should be proportionate and reasonable. Not positively prepared, not justified, not sound.

## Appendix 6

Table 1 – the table uses 1-3; 4-8 and 9-15 years whereas NPPF refers to 0-5; 6-10 and 11-15 years. What is the rationale for not following NPPF? Not consistent with national policy.

Table 2 – As there has been an under delivery of housing in Bradford Council area over at least the last 5 years NPPF requires the shortfall +20% is made up in the immediate (0-5year) time frame yet Table 2 seems to spread the shortfall across the plan period and mainly toward the mid/late end not now. This is the absolute



opposite of NPPF and unacceptable. Not consistent with national policy. Not justified, not sound.

Table 3 – the housing delivery parameters seem to focus on PDL as the focus for delivery but given the under delivery these last 5 years + the first priority should be to apply NPPF paras 14 and 47. Not consistent with national policy. Not justified, not sound.

We ask that you confirm in writing that these representations were made in due time and will be taken into account in your deliberations and any amendments to your plan.

Yours faithfully

 Dickman

**CHARTERED TOWN PLANNER**

Director: J Dickman BSc (Hons) DipTP MRTPI FRGS FRICS

Company No 6874283, a company registered in England and Wales VAT No 152 2106 58

Registered office: 11 Riverside, The Embankment Business Park, Vale Road, Heaton Mersey, Stockport, SK4 3GN