

BRADFORD LOCAL PLAN CORE STRATEGY**EXAMINATION IN PUBLIC****Response to Inspector's Matters, Issues and Questions****Made on Behalf of Persimmon Homes (West Yorkshire)
(Representor ID: 423)*****Matter 7B: MANAGING HOUSING DELIVERY*****Preamble**

1. On behalf of our client Persimmon Homes (West Yorkshire), we write to provide comments in response to the Inspector's schedule of Matters, Issues and Questions in relation to the Bradford Local Plan Core Strategy. This follows our previous comments made on the Publication Draft of the Core Strategy in March 2014.
2. Our client is one of the UK's leading house builders, committed to the highest standards of design, construction and service. They have a large number of site interests across Bradford District and therefore are very keen to engage with the Council and assist in preparing a sound plan which is positively prepared, justified, effective and consistent.

Persimmon Homes Site Interests in Bradford

3. This is a list of our areas where our client has site interests:

Wharfedale

- Menston
- Ilkley/Ben Rhydding

Airedale

- Keighley
- Cottingley

Regional City of Bradford including Shipley and Lower Baildon

- Nab Wood (Shipley)
- Heaton (North West Bradford)
- Daisy Hill (North West Bradford)

4. These statements should be read alongside our previous written representations in relation to the emerging Core Strategy.
5. Matter 7B, which covers Managing Housing Delivery for Bradford with questions set for each individual policy. These are considered below:

Policy HO4 – Phasing and Release of Housing Sites**a) What is the justification for the Council’s proposed approach to phasing and releasing housing sites?**

6. Policy HO4 proposes the release land for housing development in two phases; one covering 8 years of the plan (2015 – 2023) (on the basis that the Core Strategy is adopted by 2015) and the other covering the remaining 7 years of the plan (up to 2030). It is intended that whilst the phasing of the release of land will need to be consistent with Policy HO3, it will also depend on a number of future site allocating development plan documents coming forward which will provide further detail.
7. Nevertheless, for the time being, Appendix 6 of the Core Strategy provides a housing trajectory which broadly splits the delivery in the following way:
 - 2015/16 – 2022/23 = 18,300 dwellings
 - 2023/24 – 2029/30 = 25,000 dwellings
8. The justification for this approach for the Council is that phasing is necessary to ensure a sustainable pattern of development and that the correct infrastructure is in place to support housing growth.
9. Whilst our client appreciates the need to ensure development in Bradford and its district is sustainable (as required by the National Planning Policy Framework (“NPPF”)), this does not necessarily equate to having to phase housing delivery; especially given that the Council have historically been under delivering housing in district over recent years. This is shown in the

Council's latest *Annual Monitoring Report* ("AMR") (March 2014) where the Council have delivered only twice against their relevant housing target since 2004.

10. Indeed, contrary to the justification that the Council have sought which mentions the need to create a sustainable pattern of development, it is considered by our client that constraining the release of housing sites earlier on in the plan period will in itself lead to unsustainable patterns of development in that it will inevitably lead to imbalanced local housing markets and commuting as a result of constrained supply.
11. Our client believes the real need to delivering housing in the short term within Bradford means that this policy as currently worded is unsound and has not been positively prepared.

b) Is the approach to phasing in line with national guidance (NPPF paragraph 47)?

12. The NPPF in paragraph 47 is clear that the local planning authority's role is to 'boost significantly' the supply of housing. Putting in a phasing policy which seemingly restricts housing delivery in the first years of the plan would hamper the Council's ability to address paragraph 47 of the NPPF. Consequently it is our client's view the approach in Policy HO4 is inconsistent with the NPPF and on this basis is unsound.
13. The Council's historic and persistent under delivery in housing only serves to highlight the importance of addressing paragraph 47 of the NPPF and the need to have active policies in place to promote housing development in the shorter term (Policy HO4 unfortunately does the opposite to this).

c) Would the phasing approach lead to shortfalls in housing provision, putting at risk 5- year housing land supply?

14. As detailed in the question above, the Council is currently under delivering housing in the district and according to its latest *Strategic Housing Land Availability Assessment* ("SHLAA") (May 2013) (EB/049) is unable to demonstrate a robust 5 year supply of housing land. The shortfalls in housing recorded year on year only serve to exacerbate this situation given that previous recorded under delivery will need to be met within the next 5 year period (as put forward in the National Planning Practice Guidance (NPPG)).
15. Housing requirements going forward will need to be informed by Objectively Assessed Needs ("OAN") and this has been firmly established in case law (Hunston Properties Limited v. (1) Secretary of State for Communities and Local Government and (2) St Albans City and District

Council [2013] EWHC 2678 (Admin) and South Northamptonshire v. (1) Secretary of State for Communities and Local Government and (2) Barwood Land and Estates Limited [2014] EWHC 573 (Admin)). This can then be broken down into an annual requirement and form a basis for calculating housing land supply.

16. A phasing policy such as that advocated in Policy HO4 would seemingly provide delivery under the Council's requirement in the early years of the plan and so would result in shortfalls in housing provision and year upon year would have an ever worsening effect on the Council's housing land supply position, given that the Council would deliberately not be fulfilling its annualised housing requirement in this period.
17. This raises questions of soundness in the Council's approach as it shows inconsistency with national planning policy and guidance with Policy HO4 itself being ineffective and not being positively prepared.

d) Does the proposed approach to phasing properly recognise infrastructure requirements (including cross boundary infrastructure requirements)?

18. The Council seeks to justify (in part) constraining the release of housing development to allow infrastructure to come forward to support development, however with the inevitable introduction of the Community Infrastructure Levy (CIL) and the continuing use of S106 contributions (be it individual or pooled contributions) it should be possible to deliver the necessary infrastructure alongside the delivery of any housing development without the need to constrain housing delivery. In fact allowing housing to come forward sooner could indeed help fund the required infrastructure through planning obligations.
19. In addressing cross boundary issues specifically, the duty to cooperate should allow an appropriate strategy to come forward to deliver infrastructure and again should not be in itself a reason to restrict delivery of housing.

Policy HO5 – Housing Density

e) Is the approach to housing density in accordance with national policy?

20. Whilst our client would agree that housing sites needs to be used efficiently, a 'one size fits all' policy as promoted in Part B of Policy HO5 is not appropriate as specific site circumstances

may mean some developments cannot deliver to this density and in other instances it may be undesirable from a design or setting point of view to deliver 30 dwellings per hectare.

21. In particular it should also be noted that the policy requirements may create conflict with other policies particularly Policy HO8, which seeks larger homes and need for accessible homes both of which need larger floor areas and therefore will reduce densities, and Policy DS3 which seeks development to be within the context of its urban character.
22. It is also unclear whether such a requirement relates to net or gross site areas. Given other requirements within the plan, such as open space and Policy DS3 it is important that any requirement should relate solely to the net developable area. Whilst paragraph 47 of the NPPF permits the Council to set out its approach to housing density to reflect local circumstances our client has not seen any substantive evidence to support the Council's position. On this basis the policy is unsound as it cannot be justified.

f) Would the proposed approach adversely affect the 5-year housing supply

23. Prescribing densities as outlined in Policy HO5 could stifle housing development coming forward on many sites where viability is an issue. This in turn would adversely affect the shorter term delivery of sites and the Council's housing land supply.

g) Should the policy introduce more flexibility to address viability and other considerations?

24. As detailed above, there may be specific circumstances where a site is not able to develop to up 30 dwellings per hectare including for reasons of viability, design or setting. The approach the Council should adopt is to assess each site on its own merits through the development management process.
25. To assist in the Council determining future delivery of sites, the Strategic Housing Land Availability Assessment ("SHLAA") should be able to establish an appropriate density for each individual site. This should provide reassurance that sites are able to deliver specific numbers of dwellings.

h) Is there sufficient evidence to justify the specific density targets for particular areas?

26. We are unaware of specific evidence for density targets in particular areas and note that the Council is proposing to set these density targets as part of its site allocations process. Our client has concerns regarding this approach as the delay in clarifying densities in specific areas will simply lead to uncertainty; further frustrating the delivery of housing.

Policy HO6 – Previously Developed Land

i) Is the Council's approach to prioritising development on Previously Developed Land consistent with the latest national guidance in the NPPF/PPG?

27. It is our client's view that the current wording of Policy HO6 is not consistent with the latest national guidance. Paragraph 17 of the NPPF seeks to 'encourage' the use of previously developed land, whilst in contrast the Council's policy is much more stringent in that it seeks to 'prioritise' the use of brownfield land; effectively advocating a sequential approach which favours previously developed land.
28. The policy as it stands is therefore unsound and requires amending in Part A so that 'priority' is substituted for 'encouragement'.

j) Will the proposed targets stifle development and undermine meeting housing need and supply?

29. Taking such a stringent view on the use of previously developed sites and setting such a definitive target will inevitably frustrate and stifle housing development. It is clear that there is an imperative for the Council to begin delivering significant amounts of housing in the shorter term to meet its current needs and to address needs from previous years which have not been met, as well as attempting to achieve a 5 year supply of deliverable housing sites.
30. It is often the case that brownfield sites are more expensive to deliver and in the current market developing brownfield sites in many areas of Bradford will simply not be economically viable. A review of the Council's latest SHLAA (May 2013) (EB/049) would indicate a heavy reliance on delivering brownfield sites in weaker market areas to enable this target to be met, whilst the Council's *Local Plan Viability Assessment* (EB/045) and its update (EB/046) show that many of these areas are unviable to develop.

31. If the Council is to 'boost significantly' its supply of housing and achieve a 5 year supply of deliverable housing land (as required by the NPPF) then it needs to revise this policy so as to strike a better balance between encouraging the use of brownfield sites but also allowing other viable and sustainable sites to come forward at the same time. This will ensure the policy is effective.

k) Are the proposed targets fully justified with available evidence?

32. Whilst the Council's latest SHLAA does show a notable amount of brownfield land, it is not clear as to how deliverable these sites are in the current market and there is no specific evidence available to show that this policy is justified.
33. The *Local Plan Viability Assessment* (EB/045) and its update (EB/046) which accompanies the Core Strategy does however raise viability issues across Bradford and its district but does not provide the detail to establish whether this policy can actually be delivered effectively in specific areas of the district and when measured against other policy requirements.
34. This raises concerns for our client regarding the soundness in the approach proposed in Policy HO6. The NPPF is clear that the delivery of housing is of the most importance and development of brownfield land cannot be given priority over meeting the general housing requirement over the plan period.

l) Do the proposed targets properly reflect viability considerations, or should the policy provide more flexibility to ensure it is effective?

35. As outlined above, viability is the major concern with this policy given that brownfield land is generally more expensive to develop and that such land in poorer market areas in Bradford is unlikely to be viable.
36. The NPPG provides further guidance of brownfield land by stating:

"Local Plan policies should reflect the desirability of re-using brownfield land, and the fact that brownfield land is often more expensive to develop. Where the cost of land is a major barrier, landowners should be engaged in considering options to secure the successful development of sites. Particular consideration should also be given to Local Plan policies on planning obligations, design, density and infrastructure investment, as well as in setting the Community Infrastructure Levy, to promote the viability of brownfield sites across the local area. Provided sites are likely to deliver a competitive return for willing landowners and willing developers authorities should seek to select sites that

meet the range of their policy objectives, having regard to any risks to the delivery of their plan.”

37. Our Client's view is that the Council needs to provide evidence that delivering houses against this target is viable. Failure to do this makes this policy unsound as it cannot be fully justified. Indeed the implications are great as failure to reach this target would inevitably lead to a situation where the Council cannot demonstrate a 5 Year Housing Land Supply and therefore leaving their housing policies out of date (paragraph 49 of the Framework).
38. To ensure that the Council's approach to previously developed land is sound, it is considered that the brownfield target needs to be revisited and that the Council need to ensure the wording of policies are entirely consistent with the NPPF and NPPG.

Policy HO8 – Housing Mix

39. Our client does not have specific comments on this policy at this stage but reserves the right to contribute to the discussions on housing mix where it impacts on their site interests.

Policy HO9 – Housing Quality

a) Is the Council's approach to housing quality consistent with the latest national guidance (NPPF/NPPG), particularly with recent national consultation about how the government intends to deal with many of the code standards through building regulations?

40. Part B of Policy HO9 requires that developments conform to Code for Sustainable Homes (CfSH) Level 4 and achieve zero carbon homes by 2016. Given that the Government through their Standards Review are withdrawing the CfSH and are making zero carbon homes a building regulations requirement, then there is no need for this element of the policy to be included. We therefore seek Part B's removal.
41. Similarly Part E of the policy outlines space standards for houses within the District. This part of the policy is not required; especially again as the Government has signalled the introduction of national space standards. There is little evidence to support this locally based standard and indeed its introduction will be to the detriment of house building in the area as the requirement to build larger homes will mean more expensive homes which will price individuals and families out of mainstream housing. The Council in fact note within its Housing Background Paper (Paper 2) (SD/016 and 017) that these standards may indeed not be

feasible or viable. It is therefore queried how the Council can justify the inclusion of such standards and as such our client seeks their removal.

b) Does this policy properly consider the viability implications of requirements for specific codes on new developments?

42. Our client has concerns over several of the standards outlined in this policy. Part C of the policy requires accessible homes adaptable to changing needs over the occupants' lifetime. This is interpreted in the Core Strategy as Lifetime Homes standards. Whilst our Client is supportive of accessible homes and many developers already conform to such standards, the policy should seek to encourage rather than require a specific standard. The Lifetime homes website quotes additional costs per dwelling for implementing the standards to be in a range from £545 to £1615 per dwelling. This is not an insignificant figure when it is considered that much of the plan area is unviable or marginal even with no additional burdens placed upon it. In addition, due to the fact that Lifetime Homes generally require a larger footprint but do not provide additional revenue, the costs on site of providing Lifetime Homes are often multiplied. This issue does not appear to have been considered within the Local Plan Viability Assessment or its update (EB/045 and 046). On this basis Part C of the policy is not justified against the evidence base provided by the Council. As such Part C should be adapted to ensure that such standards are optional/aspirational and not mandatory.
43. As outlined above, there are also concerns regarding the application of local space standards detailed in Part E of Policy HO9 with the impact this would have on house prices across the district and the effect this will have on affordability of housing for individuals and families and whether such an approach is viable within Bradford and its district (which the Council in their evidence base even question).

c) Is the policy too onerous and detrimental to new developments, (including viability) and would it benefit from some further flexibility?

44. For the reasons given above we believe certain areas of Policy HO9 are too onerous and will affect the viability and ultimately deliverability of housing schemes across the district. Even if houses are capable of being delivered, such requires would make these houses more expensive and could have the effect of pricing individuals and families out of the mainstream housing market.

45. The NPPF itself specifically states in paragraph 173 that:

“Plans should be deliverable. Therefore, the sites and the scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened. To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards [our emphasis], infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable.”

46. The Council will need to ensure that housing standards are set so as to comply with national policy and guidance.
47. Outside of viability considerations, Part A of Policy HO9 also requires the submission of Building for Life Assessments (“BfL Assessments”) with planning applications over 10 dwellings. Whilst our Client already strives to meet the 12 standards of BfL, we believe it is overly onerous to require developments to formally submit such assessments as they will simply create additional costs and burdens. As the evidence required to justify the mandatory requirement for such an assessment has not been made we believe this element of the policy is unjustified. To make this part of the policy sound the Council should withdraw or make optional the requirement for such an assessment.

Policy HO10 – Overcrowding and Empty Homes

48. Our client does not have specific comments on this policy at this stage but reserves the right to contribute to the discussions on this policy where it impacts on their site interests.