

BRADFORD LOCAL PLAN CORE STRATEGY**EXAMINATION IN PUBLIC****Response to Inspector's Matters, Issues and Questions**

**Made on Behalf of Keyland Developments Limited
(Representor ID: 444)**

Matter 7B: MANAGING HOUSING DELIVERY**Preamble**

1. Keyland Developments Limited ("our Client") is the property development business of Kelda Group and a sister company of Yorkshire Water. Our client has been operating across Yorkshire for over 20 years, redeveloping and regenerating surplus and redundant Yorkshire Water operational sites for a range of uses and in doing so, facilitating development across the region.
2. Our Client owns the areas of the Esholt Waste Treatment Works at the Esholt Estate (the Site) that are now redundant having been released from operational use following a substantial investment in the existing facilities.
3. The Site has the potential to deliver a significant and high quality employment led mixed use development that would make a significant contribution to Bradford's future development needs through the redevelopment of a brownfield site.
4. As a key stakeholder in the Bradford district our Client has a keen interest in the development of the Core Strategy which seeks to promote a suitable and flexible planning policy framework for the delivery of housing and jobs to meet the growth needs of the City.
5. This statement should be read alongside our previous written representations and Promotional Document in relation to the emerging Core Strategy.
6. 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?**

7. Policy HO4 proposes the release of 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.
8. 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
9. 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.
10. 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 the district over recent years. This is shown in the Council’s latest *Annual Monitoring Report* (“AMR”) (March 2014) where the Council has delivered only twice against its relevant housing target since 2004.
11. Indeed, contrary to the justification that the Council has 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.
12. Our Client considers that 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)?

13. The NPPF in paragraph 47 is clear that the local planning authority's role is to 'boost significantly' the supply of housing. Inclusion of a phasing policy within the Core Strategy 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.
14. This view was shared by the Inspector examining the Rotherham Core Strategy who required Rotherham MBC to remove its proposed phasing policy on the basis that such policies do not accord with the NPPF. Paragraphs 49 and 50 of the Inspector's report stated:

"The approach of the Framework is to promote sustainable development which should go ahead without delay. Sites should be tested to ascertain whether they are sufficiently sustainable and deliverable to justify their development rather than phased according to their degree of sustainability. A phasing policy holding back greenfield sites until all or some previously-developed land is suitably re-used would have a beguiling attraction, but the status of any site as previously-developed land should be seen as just one consideration, albeit in some cases an especially important one. The Sites and Policies DPD should therefore identify sites which are sustainable in the round in accordance with the strategy set out in the Core Strategy. The Council should then encourage their suitable and speedy development, thereby eliminating an aspect of uncertainty. Where there is less than a 5 year supply of housing land, as in the Borough, this approach assumes even greater importance."

15. Clearly, these considerations are also relevant to Bradford on the basis that the Council also does not have a 5 year housing land supply.

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

16. 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)).
17. 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.

18. As detailed in our statement relating to Matter 4A, we believe the Council's current housing requirement does not reflect the district's OAN. Nevertheless, 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.
19. 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)?

20. 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 S.106 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.
21. 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.

HO5 – Housing Density

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

22. Whilst our Client would agree that housing sites need 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 market, design or setting point of view to deliver a minimum of 30 dwellings per hectare.

23. 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.
24. 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 Framework 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

25. 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?

26. As detailed above, there may be specific circumstances where a site is not able to develop to a minimum of 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.
27. 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?

28. 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?

29. Our Client supports the principle of maximising the use of previously developed land. However 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.

30. The policy as it stands is therefore unsound and requires amending in Part A so that ‘priority’ is substituted for ‘encouragement’. This would be consistent with changes to similar policies made by other local planning authorities within the Region, including at the recent East Riding Core Strategy Examination in Public.

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

31. Our Client supports the brownfield land targets on the basis that they will allow for the achievement of the Core Strategy Spatial Vision including the regeneration of the City of Bradford. However the approach needs to flexibly to ensure that such targets do not constrain housing deliver and as such will need to be carefully monitored.

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

32. The Council’s 2013 SHLAA shows a notable amount of brownfield land which could come forward for development subject to further assessment, suggesting that the targets could be justified. Due consideration should be given to the release of suitable previously developed sites within the Green Belt in order to achieve the proposed targets.

I) 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 a 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).

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?

38. 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 (via the Standards Review) is withdrawing the CfSH and instead is making zero carbon homes a building regulations requirement, there is no need for this element of the policy to be included. We therefore seek Part B’s removal.

39. 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.