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# **Representations to Bradford Core Strategy Proposed Main Modifications (November 2015)**

Prepared on behalf of Harworth Estates Investments Ltd

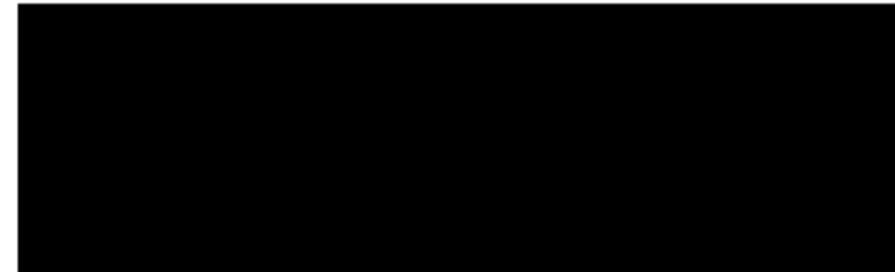
January 2016

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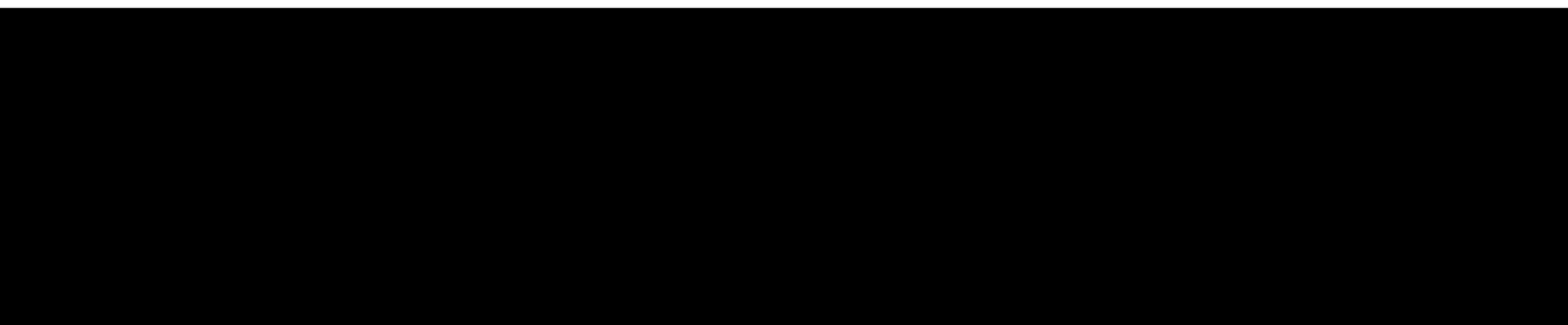
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Barton Willmore LLP



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## 1.0 INTRODUCTION

1.1 Barton Willmore is instructed by Harworth Estates Investments Ltd (hereafter referred to as 'our Client') to submit representations to the Bradford Core Strategy Proposed Main Modifications (November 2015).

1.2 As the landowner of a number of sites within Bradford, Harworth Estates Investments Ltd is a key stakeholder in the future development of the District and welcomes the opportunity to engage in the Local Plan process. Overall, our Client is keen to ensure that the local planning authority meets the aspirations for housing and economic growth through the allocation of sufficient and suitable sites through the Local Plan process.

### **About Harworth Estates Limited**

1.3 Harworth Estates is one of the largest landowners in the UK and a leading property developer, based at the flagship Waverley development site in the heart of the Sheffield City Region. The company was born out of the need to manage the land and property assets of UK Coal Plc, and was formally separated from the mining business in December 2012. Accordingly, Harworth Estates is now an independent company.

1.4 In addition to addressing the legacy of its coalfield sites, Harworth Estates also manage a portfolio of strategic land with the ultimate aim of delivering successful, high quality developments.

### **Consultation**

1.5 The current consultation seeks comments on the Council's proposed main modifications to the Core Strategy and runs from 25<sup>th</sup> November 2015 until 20<sup>th</sup> January 2016.

### **The National Planning Context and Basis of These Representations**

1.6 Where appropriate these representations refer to relevant paragraphs in the National Planning Policy Framework, with which the Core Strategy must be consistent including the tests of soundness outlined at paragraph 182. The relevant tests are outlined below for the avoidance of doubt:

- **"Positively prepared – the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development;**
- **Justified – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;**

- **Effective – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and**
- **Consistent with national policy – the plan should enable the delivery of sustainable development in accordance with the policies in the Framework.”**

1.7 This document responds to, and addresses specific elements of the Main Modifications along with making recommendations and suggested amendments. We trust that the comments provided are useful and look forward to ongoing engagement in the emerging Local Plan process.

## 2.0 CORE STRATEGY DPD – PROPOSED MAIN MODIFICATIONS

2.1 The Core Strategy was submitted to the Secretary of State for examination in December 2014 and hearings subsequently took place in March 2015. Following the hearing sessions the Council have undertaken further work in respect of the following matters:

- Affordable Housing;
- Gypsy and Traveller accommodation;
- Habitats Regulations Assessment review.

2.2 The Council are proposing to make a number of main modifications to the Core Strategy as a result of the discussions that took place at the hearing sessions, together with information gathered through the new evidence base.

2.3 Our Client has a number of comments to make in respect of the proposed modifications and these are set out below.

### Section 3 – Vision, Objectives and Core Policies

2.4 Our Client **supports** MM1 which confirms that the District's housing, business and commercial needs will be met in full, rather than being merely aspirational. However, the Council must ensure that sufficient land is allocated through the Site Allocations DPD to ensure the District's needs are met in full.

2.5 With regard to MM3, which deletes the reference to new housing within local service centres meeting local needs, our Client **supports** the proposed change, which provides clarification in respect of this matter.

2.6 Our Client welcomes the proposed changes of MM14, which allow for greater flexibility within Policy SC5. Previously, the policy stated that when considering accessibility, sites must 'comply with the public transport accessibility criteria set out in Appendix 3'. The policy now allows for mitigation measures to be considered to ensure that the public transport accessibility criteria can be met.

2.7 Harworth Estates have land interests in Haworth and the implications of the Habitat Regulations Assessment need to be taken into consideration. Our Client is pleased to note that the Council acknowledge through MM15 that the provision of green infrastructure can assist in mitigating against any adverse impacts of increased recreation on the South Pennine Moors SPA/SAC, and as such M15 is **supported**.

- 2.8 Our Client **supports** the proposed changes to Policy SC7 criterion B, set out within MM17, which acknowledges that exceptional circumstances exist to release land from the Green Belt, in order to deliver in full the district's housing and employment needs. Notwithstanding this, they consider that a full Green Belt review, rather than a selective review should be undertaken. Similarly, MM18 is also **supported** by our Client.
- 2.9 Our Client is generally supportive of MM23 insofar as it acknowledges that caution should be applied to the HRA work that has been undertaken in relation to the identification of areas of importance for foraging birds and that further assessment can be undertaken at the site allocations stage. It is considered that flexibility should be given to enable landowners to commission their own survey work in respect of this matter where necessary.
- 2.10 The Council are proposing under MM28 to re-word Policy SC8 (Protecting the South Pennine Moors and their zone of influence) and our Client is supportive of the changes as there is greater clarity in the amended policy. Furthermore, our Client **supports** the proposal to prepare an SPD, as outlined in MM28 and MM30 that will outline the mechanism for calculating the financial contribution that could be sought in compensating against the impacts of development upon the South Pennine Moors SPA and SCA. It is understood that our Clients land interests in Haworth would be located within Zone B as it is within 2.5km of the South Pennine Moors SPA and SCA.
- 2.11 The original wording of the Policy stated that the Council would take a precautionary approach to the identification of Greenfield sites within Zones Bi (sites between 400m and 2.5km of the SPA and SCA). There was no reference to mitigation but our Client is pleased to see that this has been rectified through MM28. Similarly, the reference to a precautionary approach has been removed which is **supported**.
- 2.12 It should be noted that the Council make reference to Zone Bi in MM32 and this should be amended to accord with the proposed zoning.
- 2.13 The Council now acknowledge that the impacts of development upon foraging birds within the SPA and SCA can potentially be mitigated against and our Client **supports** MM33 which proposes to incorporate this to the supporting text of the policy. In addition, the re-wording of the supporting text allows landowners and developers greater flexibility to provide evidence that development of sites will not adversely impact the SPA and SCA and the acknowledgement that this can be addressed through the Allocations process is welcomed.

#### **Section 4 – Sub-area policies**

- 2.14 Our Client **objects** to MM56 which proposes to reduce the overall housing target for the South Pennine Towns and Villages from 3,500 units to 3,400. The overall reduction is as a

result of dropping the housing provision in Haworth from 500 units to 400 over the lifetime of the Plan. This is not considered to be justified, effective or positively planned and Policy PN1 is unsound as the test of paragraph 182 of the NPPF would not be met.

- 2.15 Similarly, our Client **objects** to MM57 which states that the level of housing that will be delivered in the local service centres of Cullingworth, Denholme and Haworth will be reduced from 1,200 to 1,100. This is not considered to be justified, effective or positively planned and Policy PN1 is unsound as the test of paragraph 182 of the NPPF would not be met.
- 2.16 It would appear that the Council have reduced the housing target for Haworth following representations that have been made from English Heritage during the Core Strategy hearings. They stated that the proposed level of growth within Haworth could harm elements which contribute to its character and landscape setting and also that the *'margin of flexibility between the total amount of housing identified in the SHLAA and the figure given for Haworth in the Core Strategy does not appear to be sufficient to have confidence that the level of housing proposed can be delivered in a manner which is consistent with the conservation of the settlement's historic settlement'*. We would question whether it is within English Heritage's remit to comment on the impact of developments on the landscape setting of an area.
- 2.17 English Heritage's view is considered to be fundamentally flawed and our Client is very concerned that the Council are proposing to reduce the housing target in Haworth on the basis of English Heritage's comments. Firstly, of all sites put forward for consideration in the SHLAA within Haworth, there would be a total yield of 1,353 units, which is nearly three times more than the original Core Strategy target of 500 units over the plan period. It is acknowledged that not all sites will be suitable for development, however there is in fact a significant margin of flexibility.
- 2.18 English Heritage imply that all sites which could harm the setting of the village and the character of the Conservation Area should not be allocated, however this is too simplistic and no evidence is provided to demonstrate that development of such sites would harm the Conservation Area, other than the simple fact that they happen to be located within it. There is no acknowledgement of the tests of the Planning (Listed Buildings and Conservation Areas) Act 1990 which states that development within a Conservation Area should preserve or enhance the asset, thus setting a test of neutrality. Providing that development is sensitively designed, this should ensure that development within and adjacent to Conservation Areas preserves the asset. The correct approach to this matter is not to reduce the housing target, but to introduce a development management policy through the Site Allocations DPD which seeks a sensitive design within and adjacent to Conservation Areas.



- 2.19 Furthermore, English Heritage do not appear to acknowledge that the SHLAA is an evolving document and new sites can be put forward and those sites which may currently be assessed as 'red' such as our Clients (HA/013), could be reassessed as either 'amber' or 'green'. Our Client's site was dismissed on the basis of 'limited information has been submitted to allow proper consideration'. New supporting information has been submitted which demonstrates that the site is suitable, achievable and available and would not adversely impact upon the Conservation Area.
- 2.20 There has been no evidence put forward which justifies the Council's proposal to reduce the housing target in Haworth from 500 to 400. It is considered that 500 units can be delivered within Haworth without adversely impacting upon the historic setting of Haworth. Furthermore, Haworth is a sustainable settlement with a number of key services and the growth of the settlement should not be restricted. The proposed changes to the Core Strategy set out in MM56-MM60 are not positively planned, effective or justified and therefore are unsound as the tests of paragraph 182 of the NPPF are not met.

### **Section 5.3 - Housing**

- 2.21 Our Client agrees with MM72 which states that factors such as feasibility, deliverability and Green Belt review should be taken into consideration when determining the scale of new housing provision. In addition, our Client is encouraged that the Council consider that the full objectively assessed housing needs can be met within the District.
- 2.22 Our Client **objects** to MM85 which proposes to amend Policy HO7 so that it reflects the amendments that are being proposed to the settlement hierarchy. Local service centres will now deliver approximately 1,500 less dwellings than originally proposed due to Burley-in-Wharfedale and Menston being elevated to local growth centres, and the reduction in delivery in Haworth and Baildon. The justification for our clients objections are noted at paragraphs 2.13-2.19 of these representations.
- 2.23 Our Client **objects** to MM88 due to the proposed reduction in housing delivery in Haworth. This is not considered to be justified, effective or positively planned and as such the Policy is not sound.
- 2.24 The Council are proposing to add additional criteria to Policy HO4 and our Client is encouraged by the provision of criterion E (MM91) which states that the Council will consider releasing subsequent phases of allocations to maintain a five year supply where there is a persistent shortfall. This is considered to be important given the existing chronic shortfall in housing delivery in the District. Notwithstanding this, our Client **objects** to the use of the Liverpool approach and consider that the Sedgefield approach should be used. Our Client **supports** MM92 which states that the Council will consider the early release of phase 2 sites

in the event of persistent shortfall. The inclusion of a definition of a persistent shortfall is also welcomed.

- 2.25 Our Client welcomes MM93 which provides greater flexibility in terms of housing density. The Council require new residential development to be developed at 30 dwellings per hectare, however, Policy HO5 is to be amended to state that 'most developments should achieve a minimum density of 30 dwellings per hectare'. The policy originally stated that 'all' development should achieve this density.
- 2.26 MM99 is welcomed by our Client as it acknowledges that the viability of providing an appropriate housing mix should be taken into consideration.
- 2.27 Our Client **supports** MM100 which deletes references to the Code for Sustainable Homes and Zero Carbon Housing and states that the delivery of sustainable housing will be achieved through the standards set in Building Regulations.

#### **Section 5.4 – Environment**

- 2.28 As previously noted within these representations our Client supports the introduction of an SPD to identify the contributions and to secure mitigation measures in respect of the impacts of development within the South Pennine Moors SCA and SPA. MM113 is therefore **supported**.

### 3.0 SUMMARY AND CONCLUSIONS

- 3.1 These representations has been prepared on behalf of Harworth Estates Ltd and set out their comments on the proposed Core Strategy Main Modifications. The representations set out a number of issues that our Client believes should be addressed prior to adoption.
- 3.2 Our Client has a keen interest in the future development of Bradford, and is grateful for this opportunity to engage in the forward planning process. They are committed to ensuring that the Core Strategy is prepared on a sound and robust basis and in particular ensure that the correct provision of housing is provided throughout the plan period to meet the needs of residents within the district.
- 3.3 Harworth Estates have land interests in Haworth and they therefore strongly **object** to the Council's proposals to reduce the housing target from 500 to 400 over the plan period. It appears the Council are proposing this reduction based upon representations made by English Heritage over concerns that the level of development would have the historic character of the village and Conservation Area. We contend that this is unjustified and is not based upon any sound evidence. The proposed modifications in respect of Haworth are considered to be unsound as they are not justified, effective or positively planned and as such do not meet the test of paragraph 182 of the NPPF.
- 3.4 Haworth is a sustainable settlement and its growth should not be restricted on heritage grounds, particularly as this matter could be managed through the provision of a development management policy within the Site Allocations DPD seeking sensitive design within and adjacent to Conservation Areas.
- 3.5 Our Client generally welcomes the greater clarity that is being provided with regards to the Habitat Regulations Assessment and the acknowledgement that impacts upon the South Pennine Moors SPA and SCA can potentially be mitigated against. The introduction of a SPD regarding this matter is welcomed.
- 3.6 We trust that our Clients comments will be duly considered and can be incorporated into subsequent drafts of the Local Plan.