

Mr J Jackson
Assistant Director - Planning
Department of Regeneration
Planning Service
8th Floor
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Bradford
BD1 5RW

Our ref SSS/TAY/164-25

Your ref 10/00961/MAO

9 September 2010

Dear Sir

Outline Planning Application Ref No 10/00961/MAO ("the OPA")
Local Planning Authority – City of Bradford MDC ("the LPA")
Redrow/Bellway (jointly "the Applicants")
Proposed Residential Development ("the Development") of Part RUDP Housing Allocation S/H2.10
Land at Sty Lane/Micklethwaite Lane, Micklethwaite ("the Site")

We refer to our clients OPA, which was submitted on 1 March 2010 and the subsequent meetings with the BMDC Chief Executive, Tony Reeves, on 17 May and your Officers, John Eyles and Peter Bridgman on 8 June. We are now in receipt of your letter dated 1 July, which we received on 8 July. A plan referred to in the letter was not appended to it but was received on 12 July via John Eyles' office.

The details of the letter and plan have now been considered by the Applicants and a comprehensive response is provided by the terms of this letter and the enclosed documents and drawings (3 copies are provided). Where possible we deal directly with the matters raised in your letter and use similar topic descriptions for ease of reference. Further copies of documents can be provided in different formats upon request.

In the meeting with the Chief Executive (which considered matters of inward investment in the District) he confirmed that the LPA wished to deal positively with the OPA and to move forward in a spirit of co-operation. This approach is welcomed by the Applicants and to that extent you may appreciate by a consideration of this detailed and positive response that the OPA can be progressed. Whilst the letter of 1 July does not appear to fully reflect the positive response the Applicants had anticipated from the LPA, it is believed that a review of strategic objectives, the housing delivery agenda and a greater understanding and acceptance of the Site's constraints should assist in making good progress. As you know the 16 week determination period for the OPA expired on 23 June last. It is the Applicants intention to seek to resolve matters by agreement if at all possible and to that extent are content to extend the determination period in writing, if you agree this would be an appropriate, helpful and positive offer.

Perhaps firstly, we could comment on the matters of the principle of the development, numbers of prospective units and density. We shall do so in the context of the Applicants liaison with your Planning Service, the terms of national planning guidance and the current development plan (following the recent abolition of the RS by the new Coalition Government).

Principle of Development

The principle of development is clearly confirmed by the allocation of the Site in the Replacement Unitary Development Plan 2005 ("the RUDP"), which is the development plan for the purpose of Section 38 (6) to the PCPA 2004. PPS3 Housing 2010 confirms that good design and using land efficiently and effectively is required. There is no longer a minimum density requirement and if a deliverable 5 year housing supply cannot be demonstrated, LPA's should consider favourably planning applications for housing. This is the permissive context for the LPA's current considerations. The LPA is aware that the Applicants own the Site and hence that the delivery of housing can begin in the short term, with the LPA's permission.

The Applicant considers that the proposed 30% affordable housing provision, possibly up to some 140+ units, which can be secured on site over the next 7-10 years to meet the Districts needs, is important. This view is shared by the LPA and I would refer you to paragraph 6.15 of the Bradford Housing Requirements Study – Main Report of Study Findings 2008, which says;

It is clear that affordable housing constitutes a major concern in Bradford – and whilst Bradford faces a challenge to provide overall housing delivery to satisfy identified housing requirements, *there is clearly an even bigger challenge to provide the amount of affordable housing* (italics our emphasis)

Given, the recognised chronic and acute shortage of affordable housing in the District, the deliverability of this element over the next few years via the Development might be considered worthy of priority in meeting the Council's and Government's housing agenda. The Applicants are able to confirm that they have good working relationships with RSL's.

We have noted your comments and in particular those at paragraph 2 on page 3 of your letter with regard to housing supply but it is clear that this matter is somewhat dynamic at the moment and does not prejudice a grant of planning permission for the OPA. On the basis of a current difference of only 85 units between the principal parties and the serious implications for delivery delay if the OPA is not granted in reasonable time, the Applicants would ask the LPA to positively review its priorities and position.

Numbers of Units

The Applicants consider that the LPA's demand for circa 560/600 numbers of units on the Site is inconsistent with its constraints, based on a less than forensic site analysis and contrary to the planning-led (rather than numbers-led) approach, which the Applicants had agreed with the LPA's Planning Service from the outset. Indeed, in November 2007 we took the liberty of briefing the then Assistant Director of Planning, Christopher Hughes, on this point and he agreed that any scheme would have to be properly planning and design-led given the several environmental constraints of the Site (including topography, heritage and conservation, highway capacity and access and hedge retention) rather than merely bowing to the pressures for housing numbers. At that time and also as indicated in the RUDP the LPA proposed to produce a development brief for the allocated site as a means of considering by detailed analysis what type and extent of development could be incorporated. Subsequently, the LPA resolved to take a different approach and as a consequence the detailed capacity analysis of the Site has been carried out only by the Applicants. The considerable extent of this analysis is evident in the detail of the Environment Statement (ES) and the OPA documentation.

In the period of pre-application consultations with the LPA's Officers from Feb 2008 it was clear to the Applicants that Planning and Design Officers were subject to pressure from the LPA's Policy Team to seek to deliver very substantial numbers of houses on the allocated site – in line with the 700-900 that had been discussed (without detailed site analysis) at the RUDP Inquiry. It was admitted to the Applicants that there was a tension between Officers and those (Planning and Design Officers) wanting to support a planning led scheme and those (Policy Officers) seeking to get as many houses built on site as possible. The pressure was based on pure consideration of numbers rather than appropriate density. The Applicants consider this absolute demand for more unit numbers is frustrating their ability to deliver housing on the Site over the next few years in accordance with the Districts housing needs, including its social housing requirements. During the course of the extensive pre-application design and layout consultations and having

progressively worked up an indicative layout masterplan, the Applicants were advised by Planning and Design Officers that that the scheme would not be allowed to be prejudiced by unrealistic demands for housing numbers due to the specific site constraints. In meetings the Applicants were consistently advised that the progressive schemes by EDAW and later Baldwin Design Consultancy based on a "best fit" (limiting engineering reworking of the site levels, substantially retaining the hedges and ensuring highway capacity) in planning and design terms were on the right track at about 400-450 dwellings. The LPA's Design Enabler made it clear that his was the lead advice on planning, design and conservation and as a consequence the Applicants progressed the scheme in good faith with a view to submitting the outline planning application (once the pre-application community engagement exercise had been completed and the full extent of the ES and OPA documents worked up).

This advice and position changed in May 2009 when, in response to the ES Scoping Report, the LPA advised that a minimum of 600 units was required. This was inconsistent with the position reached with the pre-application consultations over the course of the previous 15 months and the Applicants responded to say so on 29 May. Subsequently, at meetings with the LPA on 13 August and 3 September the best fit layout at about circa 400 units was discussed in the context of the previous position and agreement. The LPA advised that it had no objection to the Applicants progressing its prospective community exhibition at St Aidans Church Hall for 18 September on this basis. Regrettably, the following day on 4 September an email was received by the Applicants from the LPA, which had clearly followed a conversation with the LPA's Policy Team that day on housing numbers. It stated that the current scheme was not acceptable and that the LPA would require 600 units (but might accept 550 units subject to a reasoned justification). The Applicant was understandably more than frustrated with such inconsistent advice and that the LPA's demands were still not evidenced by its own analysis of the site. The Applicants responded again to the LPA on 8 September to say so. The LPA's Design Enabler suggested that he would seek to resolve the situation but subsequently he was withdrawn from meetings with the Applicants with an explanation that his view differed to that now given. The Applicant considers that this was a most unfortunate situation as it had reasonably progressed the scheme for more than 18 months by proper consultation and indeed had prepared the OPA for submission, which occurred at the end of October. Subsequently, and following the Applicants meeting with you on 12 November, the Applicants revisited the scheme layout and increased the unit numbers to up to 475 following more detailed analysis (including on site constraints and highway capacity). This increase in numbers meant that less open space could be provided on site and the development was at the limit of the Applicants considerations of highway capacity.

Density

In your letter of 1 July you seek to employ RUDP Policy H7 and a consideration that the Site is highly accessible to justify the current demand for unit numbers, which now appears to be a minimum of 560 units based on an assumption of the developable part of the site being some 14.76 ha and a multiple of 38. You say that the OPA current density is wholly unacceptable in principle, although we are unsure of what you regard the current density as being and how you have calculated it. We have repeatedly asked you to consider this matter and provide your analysis of the net density but no response has ever been received. In November last year a detailed plan was provided to you, to assist you in calculating the net dwelling density and as a means of making progress and seeking common ground. This showed a total site area of 16.07ha of which 0.18ha was taken up by the spine road, 1.21ha as woodland, non-developed buffers or other areas not incidental to the development and 3.09ha of structural public open space. This indicates that the OPA scheme has a net dwelling density of 41 units per hectare (at 475 units on 11.59ha). Even if only a third of the structural open space was regarded as not having some incidental value the net dwelling density would be 38 units per hectare (at 475 units on 12.59ha). The Applicants regard these calculations as consistent with the definition of net dwelling density in Annex B to PPS3.

We enclose a Local Density Analysis document by BDC (**Appendix 1** to this letter) and a Density Parameter Plan (**Appendix 2**), which we consider strongly suggests that the density approach on the Site to be entirely appropriate to the local context.

On this basis the Applicants view is that the current OPA net dwelling density is comparable with that, which you are seeking and entirely consistent with RUDP Policy H7.

RUDP Policy H7 is, of course, to a certain degree influenced by the removal of minimum density targets in PPS3. In terms of its objectives we concur that the Site is sustainable and accessible but prefer the temperate comments of the RUDP Inspector who regarded the site as not highly accessible and thus did not encourage increased intensity of development. In the absence of a more detailed site analysis the Inspector appeared comfortable at about 40dph (a gross figure rather than net and based on 700 units for 17.65 ha) for the allocated site on the basis of a replacement bridge, new pedestrian bridge and a bus service into the site.

Design

We enclose a detailed response from the Applicants designers, BDC, (**Appendix 3**) to the comments made by your Messrs Broadbent and Van Zeller. It is disappointing that at this stage these negative comments are being made by Officers following the previous indications of support during some 18 months of pre-application consultation. Perhaps you would review the terms of the enclosed revised masterplan layout in particular so that we might consider progress as soon as possible.

Environmental Impact Assessment

We are obliged for your advice and requests for further submissions following the consultation responses from Natural England, West Yorkshire Ecology, BMDC Countryside and Rights of Way Section, English Heritage (EH) and West Yorkshire Archaeology. Please find enclosed a detailed PPS5 Assessment of Heritage Assets by Woodhall Planning and Conservation (**Appendix 4**) in response to your Conservation Officers comments and those from EH and a composite written response from WSP dated 18 August 2010 (**Appendix 5**) on the other matters.

Red Line/Blue Line Boundary

Please find enclosed Baldwin Design Consultancy drawing ref RED-Mick-08 Rev D at **Appendix 6**, which perhaps you would substitute for that existing.

Replacement Vehicular/Pedestrian Swing Bridge

We are unsure why you have raised again the issue of a fixed bridge. This matter was considered in very great detail at pre-application stage and agreement reached in respect of the two lane replacement swing bridge with pedestrian facility on planning, environment and highway grounds. As you know British Waterways have no objections. Perhaps we could refer you to the agreed minutes for the substantive bridge meeting held on 2 July 2009 at Jacobs Well and attended by BMDC Planning Services (DC, Design and Landscaping), Highways (DC, Structures) and British Waterways (enclosed at **Appendix 7** for ease of reference).

Highway Network - Oakwood Drive

We note your changed position and that Fairfax Rd is now not considered suitable as an emergency access for residents should the bridge fail. Previously and in consultation with your highway engineers the Applicants have been advised that this route was acceptable. Notwithstanding this we enclose a report by Sanderson Associates dated 20 August 2010 at **Appendix 8**, which includes an assessment of options in this regard and which more particularly addresses your invitation and comment that Council engineers consider that Oakwood Drive could be used as for vehicular access. The Applicants assume you are similarly minded to support this possibility and that Planning Services would have no objections in terms of its implications.

Pedestrian Bridge/Pedestrian Facilities

As you are aware the replacement vehicular swing bridge is to incorporate a pedestrian link and pedestrian links are provided to Fairfax Rd and Sty Lane. You are aware of the Applicants position with respect to the requested new pedestrian bridge towards the southern end of the site near Canal Rd and you advise that you very recently spoke with British Waterways on the point. Given that the Applicants are committed to funding a shuttle bus to the Site, to conveniently connect residents with the train station and other local facilities, it does not regard the provision of a new independent pedestrian bridge as also necessary in accessibility terms and hence the LPA might come to a view as to which element is considered a priority. If the LPA prefer the bridge then, in principle, the Applicants would be prepared to fund the design, construction and maintenance of it and to allow access etc onto its land via the terms of a S106 Obligation. If the LPA considers that the prospective solution would have no implications for DDA compliance and liability and would be acceptable in terms of impact on the environment (including the character and appearance of the conservation area) then it would be in a position of being able to implement this facility.

Conservation Area/Listed Buildings/Key Unlisted Buildings

You suggest that the OPA elevational and plan drawing ref 24311858/404001A Outline Design Proposal for New 2 Lane Swing Bridge in WSP's detailed Canal Bridge Options report Oct 2009 is insufficient to judge impact. To assist we are enclosing WSP photomontages at **Appendix 9** and would draw your attention to the PPS5 report previously referred to, which concludes that the replacement bridge would not be materially harmful to the character and appearance of the Conservation Area (Woodhall's conclude a Low Adverse impact).

In respect to the other matters raised in pages 8 and 9 of your letter we would refer you to the PPS5 report. As you know PPS5 post dated the submission of the OPA. We would also draw your attention to the revised Masterplan ref RED-MICK-10D by BDC at **Appendix 10**, which removes housing development from the land south of Laythorp Farm and following the Applicants review of your Conservation Officer's comments and those of its heritage consultants at Woodhall Planning.

Impact on Biodiversity/Landscape

We would refer you to the enclosed composite written response to these matters by WSP as referred to earlier.

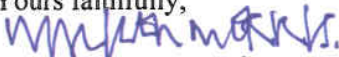
Impact on Archaeology

Please see WSP's letter enclosed as above.

The Applicants hope that in a spirit of cooperation this matter can now be progressed quickly and positively. To assist it would be helpful if the Applicants could meet with you and Senior Officers at your earliest convenience to review all pertinent matters. We understand that a meeting at Jacobs Well is now confirmed for 20 September 2010 at 3pm.

Should any matters arise please contact our Head of Planning, Stephen Sadler, here at Kings Court.

Yours faithfully,


WALKER MORRIS

Cc Redrow/Bellway
WM Internal
WSP
BDC
Sanderson Associates
Woodhall Planning & Conservation
Mr A Reeves – BMDC Chief Executive