

Town & Country Planning Act 1990

Section 77 Call in inquiry.

Statement by Bernard Poulter B.A.(hons)

(Public Management & Community Governance)

Planning Inspectorate Ref: APP/W4705/V/18/3208020

Bradford Metropolitan District is a place of two distinct areas when studying housing. In one area it has a very low **need**, but a high aspirational **demand**, and consequent high property values, whereas the other has a very high **need**, but low to median property values and a steady **demand**.

Wharfedale and Airedale :

The two areas are divided by the South Pennine Moors special protection area, an area designated by European agencies as in need of strict protection from development as it is the habitat of numerous endangered and rare species of wildlife.

In terms of land opportunities available with potential for development, in the first area they are extremely rare, and frequently in the protected Green Belt, whereas in the second area, they are plentiful, mainly in the category of previously developed land, or "Brownfield". This can be evidenced by the Councils "Brownfield Register"

The two areas have very different employment profiles. The first, Wharfedale, is mainly populated by commuters to the centres of Leeds, Bradford and Harrogate, then supplemented by limited employment within local service providers, covering education, retail and healthcare.

The second, Airedale, including the City Centre of Bradford, has a wide range of manufacturing, transport warehousing and distribution, and service industries, creating a large volume of minimum wage level employment.

There have been a number of studies commissioned by BMDC into housing need, both in terms of overall numbers, and of affordability and social housing needs.

In its "Understanding Bradford District Intelligence Bulletin" of March 2017, it identified there are 11,803 households on the Council's Housing Register, with 3,856 (33%) in a Reasonable Preference category. It concluded that the overwhelming need is for a large amount of affordable homes for rental or purchase within the city centre, M606 corridor, Canal lane corridor, and around the Keighley area.

These reports have also highlighted the continued house price rise in the rural areas of Wharfedale, that have effectively excluded local people wishing to stay in the family area once they start work.

Bradford Council identified this disparity when it carried out its “Core Strategy –Further Issues and Options for Consultation” paper in January 2008.

At point 1.3 in the introduction on page 1, it states that:

“A detailed evidence and data gathering stage will aid the identification of those settlements which are able to accommodate further growth without placing undesired pressures – social (in terms of community facilities and resources), economic (in terms of employment opportunities), environmental (in terms of the impact on natural resources) and transport infrastructure (in terms of accommodating new development and growth). ”

When the Council then carried out its further work into the detailed nature of the settlements in its report “LDF Evidence Base : Bradford District Settlement Study Update – October 2011” , it examined the vitality and size of the social infrastructure , the level of facilities available to residents, the connectivity via road and public transport, along with employment opportunities. At the end of this process they were then allocated a position in the Hierarchy of Settlements.

Baildon, a settlement just the other side of Rombalds Moor from Burley, was described in similar terms to Burley in Wharfedale. Both were originally allocated as “Local Service Centres”. Baildon remains one .

It is worth comparing the findings of the two settlements, to give an idea as to how relatively small Burley in Wharfedale is.

	Para	Baildon	Para	Burley in Wharfedale
Population 2001 census	5.2.5	15,861	5.3.5	5,735
Housing	5.2.7	6,751	5.5.7	2,346
Housing land	5.2.8	4.58ha	5.5.8	4.58ha
Employment	5.2.9	Major employment	5.5.9	Less than 85
RETAIL:		Table 56		Table 66
Outlets total		61		37
Public houses		several		Several
takeaways		Not stated		Several
Post Office		2		1
Convenience stores		Large Co-op		Several
Pharmacy		2		1
Doctors Surgeries		2		1
Dentists		1		1

Other facilities:		Banks		
		Bars		
		Cafes		
		Restaurants		
		Health & beauty outlets		
Library		1		1
Primary schools		3		2
Secondary schools		0		0
Railway station		1		1
High frequency Bus services/corridor		0		0
Infrequent bus services		Yes		Yes

There is frequent reference to Burley being a well-connected centre to Leeds and Bradford City Centres via public transport. The bus connection to Leeds varies from 20 minutes to 41 minutes , then to hourly after 8.00pm. There is no bus connection to Bradford.

The train connection runs to Leeds at 30 minute intervals and at 30 minutes intervals to Bradford throughout the day, and hourly after 7.30pm.

Numerous developers have had a policy of paying retainers to land owners to obtain the "option" to develop various plots of land within the agricultural Green Belt in Wharfedale should the planning regulations change, or the protection afforded such areas be eased or lifted.

Jump forward to 2013/15 when BMDC was in the process of changing its RUDP into the newly required Core Strategy document.

This massive process, demanded by Central Government, saw a stretched and under resourced Planning department work valiantly towards writing the appropriate policies to underpin the aspirations identified by the Council members at a strategic level.

This strategic work had involved the creation of hierarchy of settlements, with the smallest locations allocated as Local service centres, then Local growth centres, then Principal Towns and larger.

It also called for a Habitat Regulations Assessment to be carried out , to inform the policy creation of the levels of protection it would need to

dictate within its final policy. This was carried out in 2012 & 2013 by the specialists , Urban Edge.

This then contributed to the allocation of place within the hierarchy of settlements, along with the information gathered in the Bradford District settlement Study update of October 2011, and information from the Office for National Statistics.

Burley was initially categorised as a “local growth centre”, with a housing allocation target over the period of the plan (till 2030)of 500 new homes, although the methodology behind this decision has always remained a mystery, despite repeated calls from various bodies, including the Parish Council , for an explanation.(see Core Strategy Development Plan Document proposed main modifications November 2015 Representation forms re:MM18;MM2;MM23;MM33;MM51;MM69;MM7;MM83;MM9;all dated 20.1.2016,from the Parish Council, and “ BCC comments on Main Modifications to the core strategy”18.1.2016

Upon the transposing of the original Habitat Regulations assessment recommendations into one of the core policies (SC8), the protection of the 2.5km area outside the SPA meant that there was no reasonable way to be able to override both it, and the Green Belt protection regulations on the areas surrounding Burley in Wharfedale and Menston, so a designation of “local service Centre”, and the target for completion was reduced to 200 new homes.

Meanwhile, a Brownfield area of semi derelict Mills to the north of the village, in partial use for a range of small businesses, was allocated full planning permission to convert the Mill into 66 apartments, and to construct 23 new homes on the site of the old mill yard, alongside creating a restaurant, café, spa, gym complex. This would have replaced the existing 22 jobs with approximately 50+ new ones. (Planning reference: 15/03339/MAF) Permission was granted on 16.2.2016

This would also go a long way to satisfying the allocation of 200 homes in the plan.

The developers (ceg: ltd) holding the option on a parcel of land at the north west of the Village then put in for a Judicial review of the decision, in June 2016 after trying to get the land re-classified as B1, B2 & B8 industrial land,(page 2 of 9, letter to the Parish council, 16.2.16, from NLP on behalf of CEG landholdings ltd) effectively slowing down the delivery of the new units, whilst at the same time, lodging a succession of substantial complaints with the Planning Inspector reviewing the Legality of the new

Core Strategy about the nature and scope and consequent effect of the Councils policy SC8.

Over the course of 2015 and 2016, ceg:ltd , effectively rewrote the entire policy to remove the level of protection from the parcel of land they held the option upon.

This delaying of the development at Greenholme Mills occurred on three separate occasions, resulting in the Council considering it 3 times, and approving it 3 times.(see Greenholme Mills items)

At the same time, once the protection of SC8 had been removed from the South Pennine Moors SPA curtilage, the council decided to regrade the villages of Burley in Wharfedale and Menston as " Local Growth Centres", upgrading their housing allocations for new homes from 200 to 700 and from 400 to 600 respectively in May 2016

They also then, through the medium of their representative NLP, wrote again to the Parish Council on 14/10/2016 to dissect the Parish work towards a Neighbourhood plan (see page 10 of 11, NLP on behalf of CEG: to Burley Parish Council) ... and discounting the work done on public consultation as inadmissible as it had related to the originally planned 200 homes.

Eventually, in October 2016, having had the whole affair brought to his attention, the Secretary of State issued a "Holding Direction" to prevent BMDC progressing the Core strategy development plan, thereby removing the plethora of delays from the objector, CEG: and allow the council to progress the application under existing RUDP constraints.

The developer, ceg:ltd then put in an application for outline planning permission on the land at Sun Lane for 500 houses in the September of 2016, which was then subsequently supported by the local planning authority and Regulatory and Appeals Committee, with resolution to grant permission subject to securing a S106 Agreement, with almost all details of it noted as "reserved".

In March 2017, following detailed study of all the proposed new Core Strategy development plan ,in his letter releasing the Council from the Holding direction, the Secretary of State made it very clear that :

"In removing the holding direction the Secretary of State is not accepting that the exceptional circumstances exist to justify the amendment of any specific Green Belt boundaries"

In the various council submissions to the Inspector regarding this, the developer and the Council have alluded to the demand for new housing in the area. Whilst there is an aspiration for people living and working within the centres of Leeds and Bradford to live in the rural hinterland , there is no proven demand.

Large schemes similar in nature to this one have been proposed, accepted, granted permission, appealed and given Planning Inspectorate approval yet still remain unstarted.

Sty Lane, at Micklethwaite, as mentioned as an example in the councils statement of case as justifying a speedy resolution, still remains without a sod of earth being moved to start the project. Why? There simply is not the demand that the applicant would have you believe.(see Ref: APP/W4705/V/14/2228491 :- Application by Redrow Homes Ltd & Belway Homes Ltd, Sty lane, Micklethwaite,

Bingley BMDC ref:14/00293/MAO)

The area around Burley and Menston is seen as a "cash Cow" in terms of revenues for Bradford council. Unlike so many of its inner city areas, the occupants of these Villages **pay their tax**, and those are at some of the highest bandings across the entire BMDC area.

In addition, in its adoption of the Community infrastructure Levy, BMDC allocated banding of costs per metre squared of developments over 100 square metres in total to assist in generating funds to contribute to various expenses, such as education, social housing and Sports facilities. This banding is in 4 levels, with city centre developments being charged £0, whereas Burley in Wharfedale attracts £100 per metre squared.(see BMDC Community Infrastructure Levy Charging Schedule 21.3.2017)

Again, the alleged "demand" for housing to supply those commuting to the city centres is already being supplied by developments along the A650 route to Leeds through Otley, Bramhope and Adel, with 1483 homes in the process of development over the plan period shown by Leeds housing allocations list. (see "Leeds proposed homes in Otley, Bramhope & Adel") A similar amount , 1380 homes, are in the process of development along the A65 corridor to Leeds in Guisley, Yeadon and Rawdon(see "Leeds proposed homes in Aireborough") with a vast number on offer inside the ring road in Horsforth, Kirkstall and others.

Indeed, the Developer, ceg: has themselves a 1380+ development in progress at the Kirkstall Forge site on the A65 halfway between the Ring Road and the city centre.(See Deed of variation details between Leeds City Council & various others, 2014, item 5 page 4)

The council has made many references over countless plans, policies and meeting minutes, to the need to develop "Brownfield" sites: to bring underused or abandoned land in or near the city and principal town centres to relieve the pressures on demand for homes.

This sounds a laudable objective, but a detailed examination of the councils' "Brownfield" register reveals that numerous sites within the city have been given permission to be developed, and there has been so little interest in doing so that the permissions have lapsed... so at least two years of sitting idle.

Such lapsed permission "Brownfield" sites include:

Reference	location	Area	No. of Homes
CC/001	Fulton street	City centre	100
CC/003	Hamm Strasse	City centre	166
CC/007	Beehive Mills, Thornton Rd	City centre	220
CC/022	Midland Mills, Cape St	City centre	200
CC/026	Sunbridge Rd	City centre	67
CC/047	Westgate	City centre	80
HA/010	Ivy Bank	Howarth	52
KY/027	West Lane	Keighley	42
NE/013A	Westfield Lane	Wrose	44
QB/002	Albert Rd	Queensbury	44
SH/042	Queens Rd	Saltaire	42
SW/035A	Thornton Rd	Girlington	131
SW/08	Manchester Rd	Little Horton	178

with many other more minor ones.(see Brownfield register notes)

(References refer to BMDC " Housing Land Supply Update – 31.3.2018")

There is currently a 700 home proposed development on the Bolton Woods Quarry site that is labouring under far more detailed scrutiny at its development than has been given to the Sun lane application! (see "Regulatory & Appeals committee – AW" 14.5.2018)

There are sites on the register showing as "withdrawn by owner", as developers cannot see the profit margin they want being realised in areas where the median house price is £135,000, and the lower quartile house

price is just £90,000, both according to the Office for national statistics. (see tables 5a & 6a ONS)

The ONS goes further, in identifying the median gross wage for the area as £25,708 in 2018, with the lowest quartile being £19,495 per annum. (see tables 5b&6b ONS)

They identify the ratio of lower quartile house prices to lower gross annual earnings in the BMDC area as 4.62. (see table 6c ONS)

The most recent report on house pricing in the Wharfedale area gave Ilkley an average price of £377,000 and Burley and Menston an average of £304,000.(Understanding Bradford District Intelligence Bulletin March 2017 page 12;Section 4.1)

One can see in an instant why developers would move heaven and earth (and restrictive wording in potential policies) to develop in the area....but there is little if any likelihood that those homes would be available to those on lower or median wages for the district.

In the meantime, BMDC Planning Committee has rightly defended the Green Belt around Burley in Wharfedale against all manner of applications, refusing them all on the grounds inappropriate development and potential urban sprawl. (See 17/04724/OUT Land at Hag farm Rd, Nov 2017; 17/05708/FUL Land at Former garage Addingham, Mar 2018;17/00496/MAO Land east of Bradford Rd, B in W, Jan 2018;17/00497/MAO Land at Bradford Rd, B in W, Jan 2018)

Many of the objections that the developer CEG: levelled at the development of Greenholme Mills could quite reasonably be levelled at the Sun lane proposal.

Insufficient assessment has been given to the impact of the development on the green belt

The new build will appear and function as a pocket of development on an area of the site where little development exists. In the absence of "very special circumstances" being demonstrated, the inappropriate development in the Green belt proposed by the new build cannot be justified, and should be refused planning permission on the basis of being contrary to Policy GB1 and paragraph 87 of the NPPF. (Note: now paragraph 143 of the updated NPPF)

Not only will this impact on the openness of the Green Belt in general, but will have a detrimental impact on the approach to the site when viewed from the direction of the Nidderdale AONB

The proposed development will bring the edge of the settlement of Burley in Wharfedale to within 1.5 kilometres of the Ilkley suburb of Ben Rhydding

So: there is no evidence of the "demand" for housing as "identified" within the Core Strategy SHLAA of 700 units in the village.

There is substantial evidence of a need for housing development in the employment centres as shown by the employment land review.

The highest density of household populations is within the city centre wards, in the areas of greatest deprivation, amid communities primarily of immigrant families.

There is an abundance of sites complete with Planning permission across the district that developers have no interest in progressing.

There are many sites that have been awaiting development after the grant of permission that now have that permission lapsed.

The adjoining Authority has approved development along the two main commuter access corridors to Leeds, the A650 and A65, of a combination in excess of 2,680 homes.

The mechanisms by which the Burley in Wharfedale settlement was re assessed as a Local Growth Centre were, and remain, obscure. Details supplied to the previous inspector's inquiry suggested that Burley & Menston possessed far more by way of health care providers, namely dentists, Surgeries and chemists, than was the truth. Details of connectivity via Public transport were exaggerated, and this exaggeration was accepted by the inspector.

Close examination of the November 2015 "Sustainability Appraisal" shows that the compiler grouped together Burley in Wharfedale with Menston, treating them as one location repeatedly throughout the section 'WD1'. (pages 105 – 121). As this document was initially interpreted, Burley in Wharfedale is shown as having development potential for 200 houses.

The reduction in protection of the SPA was a direct consequence of the pressure brought about by the developer, CEG:, and the amended Habitat

Regulation Assessment failed to take account of the abundance of evidence that the area was a major feeding ground for a wide variety of protected species.

The comparison with Baildon, a settlement 3 times as large, and graced with many more facilities for residents, and yet classed as a Local Service Centre stands very close scrutiny.

It suggests Planning officers applied an unfair assessment, possibly consequent to undue and overwhelming pressure from developers to reschedule Burley in Wharfedale in the light of the significant 'watering down' of policy SC8.