

## Report of the Strategic Director of Place to the meeting of Executive to be held on 10 October 2017.

U

---

### Subject: Keep Clayton Green Petition

#### Summary statement:

The petition entitled 'Keep Clayton Green from inappropriate developments' was received by Full Council on 18 July 2017 and referred for consideration by Executive.

The petition relates to concerns about housing development within Clayton and potential impacts on the local area from any further development specifically the loss of green space but also on local infrastructure.

The report considers the concerns raised in the petition regarding development within Clayton with specific reference to the role and process of the Local Plan and consideration of planning proposals.

---

Julian Jackson  
Assistant Director – Planning,  
Transportation & Highways

Report Contact: Andrew Marshall,  
Planning & Transport Strategy  
Manager  
Phone: (01274) 43 4050  
E-mail: [andrew.marshall@bradford.gov.uk](mailto:andrew.marshall@bradford.gov.uk)

#### Portfolio:

Regeneration, Planning and Transport

#### Overview & Scrutiny Area:

Environment and Waste

## **1. SUMMARY**

- 1.1 The petition entitled 'Keep Clayton Green from inappropriate developments' was received by Full Council on 18 July 2017 and referred for consideration at Executive.
- 1.2 The Petition relates to concerns about housing development within Clayton and potential impacts on the local area from any further development specifically the loss of green space but also on local infrastructure.
- 1.3 The report considers the concerns raised in the petition regarding development within Clayton with specific reference to the role and process of the Local Plan and consideration of planning proposals.

## **2. BACKGROUND**

- 2.1 A 124 name petition was received by the meeting of Council held on 18<sup>th</sup> July. The Petition is entitled 'Keeping Clayton Green from inappropriate development'. The Lead petitioner addressed the Council meeting following which the petition was referred to Executive for consideration.

- 2.2 The petition summarises the issues/background, as follows:

*'The preservation, Conservation and protection of the Clayton and wider communities green environment, whether green fields, green spaces or green belt from inappropriate development.*

*To promote to the public of Clayton and the wider communities the benefits relating to sustainable development and the protection of the environment in the local area.'*

The action requested is:

*'.....Urge leaders to act now to stop the proposed development of Clayton's greenspaces.'*

- 2.2 The petition (including the covering letter – see Appendix 1) and the address to Council highlighted concerns about the scale of development within their community and the impact on both infrastructure and local amenity. Particular reference is made to the concern to safeguard green space in particular that around Clayton and the related potential loss of Green Belt.
- 2.3 The concerns appear to have been prompted by work on the Local Plan which is looking to establish a long term planning framework to meet development needs including the allocation of land for both homes and jobs. It also appears to relate to recent developer interest and engagement on land in and around Clayton with a view to submitting planning proposals. In this respect the Local Plan position is set out below with respect to the issues raised by the petition.

## Local Plan

- 2.4 In accordance with the Planning & Compulsory Purchase Act 2004, the Council is in the process of putting in place an up to date Local Plan for the District in line with the agreed Local Development Scheme. The Local Plan will ultimately supersede the current Bradford District Replacement Unitary Development Plan (as saved by the Secretary of State Oct 08).
- 2.5 The Local Plan will be made up of several documents. The first of the Local Plan documents is the Core Strategy which provides the spatial vision and objectives for the District to 2030 and includes strategic policies to inform future development proposals. It also provides direction as to the approach, development requirements and policies to be contained within the other parts of the Local Plan such as the Area Action Plans and the Allocations Development Plan Document (DPD) which will make the decisions on which land to allocate.
- 2.6 The Core Strategy thus provides a fundamental framework to plan for the homes and jobs the District needs in a sustainable manner and in locations which respect local character and the distinctiveness of the diverse communities across the Bradford District. However, the Plan covers a much wider range of issues than just those of housing and employment development. It provides a strategic set of policies on a range of issues key to delivering sustainable development, including environmental protection and enhancement, addressing climate change and supporting low carbon development, place making, design quality and infrastructure provision. The Core Strategy in this respect needs to be considered as whole in planning for growth and development in the District to 2030.
- 2.7 The Core Strategy was adopted in July 2017 following a lengthy process over several years involving extensive formal and informal consultation and testing at examination by a Government appointed Inspector.
- 2.8 The Core Strategy states that in order to meet the needs of the District 42,100 new houses (net) will need to be delivered by 2030 and sets out requirements which show how the District wide quantum will be distributed for individual settlements and areas. Clayton is included as part of the South West quadrant of Regional City of Bradford. Sub Area policies BD1 and BD2 set out the spatial policy for the City. The South West area is set a requirement of 5,500 new homes (Clayton does not have a specific target within the Plan). Criterion C4 sets out the approach for delivering this within the area with a focus on redevelopment and intensification within the urban area but with a recognition that a significant contribution from currently designated green belt sites will also be required to deliver the required number of homes.
- 2.9 The Core Strategy sets out the high level approach to site selection for the more detailed Local Plan documents. It recognises the need to take account of local character and potential impact of development of change. In particular the Core Strategy considered as far as possible for a strategic document the issue of Infrastructure (wide ranging from transport though to education, health and green space). A Local Infrastructure Plan was produced and will be regularly updated which looks at current provision and future impact of development and investment required to support it in Infrastructure. The Inspector who conducted the

examination of the Core Strategy and considered all the issues raised by objectors concluded that the Council had considered as far as possible the critical infrastructure and improvements necessary (including highlighting key elements within the Sub Area policies) and emphasised that the process of assessing and planning for such infrastructure would continue through on-going liaison with key infrastructure providers and as the Council develops the Allocations Development Plan Document (DPD). The Inspector also noted that in some cases new development can enhance or improve existing facilities and services as well as providing new facilities.

- 2.10 It is important to stress that the Government requires Council's to plan positively to meet the needs of their populations. Both housing and infrastructure requirements are being driven by an expansion in the number of households in the District. It is not possible or appropriate for Council's to ignore the need for new homes simply because of concerns over the level of associated infrastructure required. That is why the Council has produced, in line with Government guidance a Local Infrastructure Plan. The development of Local Plans will assist infrastructure delivery as it will give certainty to service and infrastructure providers on the locations and scales of future development and allow them to bid and secure funding for expanded or new services. The Planning Service continues to liaise with infrastructure and service providers both within the Council itself such as the Education Service and with external partners such as the health service and utility providers. The need of infrastructure is examined and subject to scrutiny at all stages of the planning process from the production of strategic plans and site allocation plans but equally some service issues cannot be addressed and considered in detail until the point where a planning application is submitted.
- 2.11 The Council has now commenced work on the Site Allocations DPD with Issues and Options consultation taking place in May to July 2016. This sought views on the potential site allocations using all the sites on our books at that time and also invited views on a draft site selection methodology. The sites which were consulted upon were based on the most up to date Strategic Housing land Availability Assessment (SHLAA). The SHLAA contains a mixture of sites ranging from those which have already attained some form of planning status as appropriate sites (via allocation in the RUDP or via planning consents) to speculative proposals by land owners including areas of green belt. The SHLAA is a technical study focusing on the developability of sites and does not itself recommend or make decisions on which should be allocated in the Local Plan.
- 2.12 The Council received a number of comments during the Issues and Options consultation including some relating to the sites in Clayton and these will be considered as part of the wider technical work programme for site assessments which will be completed over the next year. Once this technical work has been completed the Council will undertake further consultation on the preferred package of sites and designations. All communities will have an opportunity to comment on the proposed sites. Following that consultation further changes will be made before finalising the plan for submission for Examination. Prior to submission the community would have a final opportunity to make representations which would then be considered by an Inspector at examination.
- 2.10 Although much of the land supply to meet housing quantum's will need to be new sites identified within the new Allocations DPD it is important to stress that there are

already a number of sites which were either identified within the RUDP for development or which have been granted planning permission which could come forward in the meanwhile. In Clayton there are 3 sites allocated as safeguarded land. Namely:

BW/UR5.3 BACK FOLD, CLAYTON (1.63 ha)

BW/UR5.4 FERNDALE/BROOK LANE, CLAYTON (3.29 ha)

BW/UR5.7 LAND AT WESTMINSTER DRIVE, CLAYTON, BRADFORD (4.07 ha)

- 2.11 These safeguarded land sites were allocated in the RUDP as acceptable in principle for development but beyond the plan period (2014). However the commentary for each site recognised there were infrastructure issues which would have to be overcome and also careful consideration of local impact. These sites are now considered as part of the suitable and available supply in the five year land supply ( see paragraph 3.11 below), subject to the satisfactory overcoming of the infrastructure issues and detailed considerations.

#### Conclusion

- 2.12 The Council notes the concerns raised by the Petition which are mirrored by similar concerns about development and change in most communities across the District. The Core Strategy process and examination considered these exact same issues carefully to provide a robust policy framework which aims to manage development in the most appropriate way based on local knowledge and evidence in line with national policy. The Core Strategy in this respect recognises the challenges for all communities in managing such significant growth and puts in place appropriate checks and balances both for how sites will be selected and also for decisions on development proposals submitted via planning applications.
- 2.13 The issues raised by the petition related to the possible allocation and development of the sites. As noted above the decision on the allocation of new sites in Clayton has not yet been made and will be part of the work over the next 2-3 years. In this respect the issues and concerns should most appropriately be considered through the local plan process. The Council in its work will clearly look to assess all sites to ensure the most appropriate ones are allocated. This will look at a range of considerations in order to minimise impacts and seek to mitigate where needed. The Community and other stakeholders will have several opportunities to comment on the emerging Allocations and the choices and work of the Council prior to examination. Information on the Local Plan is made available on the Council's web site and anyone interested can ask to be put on the electronic notification database for the local plan.
- 2.14 In advance of the Local Plan allocations being put in place the Council is required to consider all planning applications on their own merits in line with NPPF presumption ( see paragraph 3.1 below). In this respect the Council cannot place a moratorium on development. Communities have an opportunity to make representations on planning applications which would then be considered when coming to a decision.

### **3. OTHER CONSIDERATIONS**

- 3.1 The Council has a statutory duty to prepare an up to date local plan. The National Planning Policy Framework (NPPF) presumption in favour of sustainable

development makes clear that decisions should be made against the Local Plan. For planning decision it states that this means:

- approving development proposals that accord with the development plan without delay; and
  - where the development plan is absent, silent or relevant policies are Out-of-date, granting permission unless:
    - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
    - specific policies in this Framework indicate development should be restricted
- 3.8 The RUDP was adopted in 2005 and most of its policies saved in 2008. The RUDP plan period was only until 2014 and had a land supply which reflected much lower levels of housing need than that which is now required to be delivered. .
- 3.9 The land supply elements of the RUDP are therefore already considered as out of date.
- 3.10 The reliance on the remaining unimplemented former RUDP housing site allocations together with other more recent planning consents means that the Council is and will continue to be unable to demonstrate, as required by the NPPF, that it has an appropriate supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 20% (moved forward from later in the plan period), to ensure choice and competition in the market for land. In such circumstances paragraph 14 of the NPPF applies.
- 3.11 The latest Strategic Housing Land Availability Assessment (SHLAA) update demonstrates that the Council does not currently have a five year supply in line with NPPF. It currently stands at 2.3 years. This includes the current safeguarded land allocations in the RUDP. Given the scale of the housing requirement the only way the District can ensure a 5 year supply is to allocate more land through the new Local Plan. The Core Strategy includes policies to promote and encourage the development of brown field sites and this is reflected in the Council's efforts to promote development and regeneration in a number of areas including the City Centre and the Canal Road Corridor. However, the SHLAA also indicates that it will be impossible to meet housing needs without the release of both green belt and green field land and this is a position which has been confirmed and endorsed by the appointed Core Strategy Examination Inspector. This position is not unique to Bradford SW and Clayton but is also the case in most areas across the District.
- 3.12 Given the presumption in NPPF all planning applications need to be considered on their own merits with reference to the adopted local plan, national policy other material considerations.

#### **4. FINANCIAL & RESOURCE APPRAISAL**

- 4.1 There are no financial or resource implications.

## **5. RISK MANAGEMENT AND GOVERNANCE ISSUES**

- 5.1 The Local Plan preparation is overseen by Executive with the submission and adoption being decisions for Full Council.

## **6. LEGAL APPRAISAL**

- 6.1 The Council's Core Strategy was adopted by Full Council on the 18<sup>th</sup> July 2017 and the period of challenge has now passed. The Allocations DPD, will be part of the Local Plan if adopted and will deliver the vision and objectives set out within the Core Strategy. The Local Plan is prepared in line with the appropriate, legislation (UK and EU), regulations and guidance, in particular the Planning and Compulsory Purchase Act 2004 as amended by the Localism Act 2012 and Planning and Housing Act 2016 and it is considered that any concerns raised by the Petitioners would be more adequately and appropriately dealt with under the statutory procedure as outlined within this report

## **7. OTHER IMPLICATIONS**

### **7.1 EQUALITY & DIVERSITY**

- 7.1.1 The consultation on the Local Plan Document will be undertaken in line with the Statement of Community Involvement, which sets out how the Council will seek to engage the community in the preparation of development plan documents. In order to achieve this it seeks to set a framework to ensure representative and inclusive involvement and engagement at all stages of document preparation. Particular consideration is given in the document to hard to reach groups. In addition the Local Plan documents are subject to an Equality Impact Assessment screening.

### **7.2 SUSTAINABILITY IMPLICATIONS**

- 7.2.1 All Local Plan Development Plan Documents are required to be subject to Sustainability Appraisal (SA) including Strategic Environmental Appraisal (SEA) at all key stages. The SA seeks to assess the likely impacts of the policies and proposals of the relevant plan.

### **7.3 GREENHOUSE GAS EMISSIONS IMPACTS**

- 7.3.1 The Local Plan is subject to Sustainability Appraisal throughout its development, which identifies the likely impacts of the Plan and where appropriate any mitigation to manage any negative impacts.

### **7.4 COMMUNITY SAFETY IMPLICATIONS**

- 7.4.1 There are no direct community safety implications arising from this report.

## **7.5 HUMAN RIGHTS ACT**

- 7.5.1 The adopted Statement of Community Involvement sets out how all individuals can have their say on the development plan documents and planning applications. Anyone who was aggrieved by a Local Plan document as drafted has a right to be heard at an independent examination in public following submission to the Secretary of State.

## **7.6 TRADE UNION**

- 7.6.1 There are no Trade Union implications.

## **7.7 WARD IMPLICATIONS**

- 7.7.1 The report relates to the Clayton ward.

## **8. NOT FOR PUBLICATION DOCUMENTS**

- 8.1 None

## **9. OPTIONS**

- 9.1 The Executive should note the issues raised in the petition. The issues raised will be considered together with other comments received to the Issues and Options consultation on Land Allocations as the work progresses to preferred options.
- 9.2 The statutory local plan process is the most appropriate and suitable avenue for the formal consideration of any concerns regarding the allocation of land in Clayton. To this end Executive should recommend those with an interest engage with the Local Plan process over the next 2 –3 years. This allows representations on the allocation choices and evidence and ultimately an opportunity through examination for any concerns which they may still have to be considered by an independent Inspector. Similarly, the public can raise their concerns to any submitted planning applications for consideration in coming to a decision whether to approve.

## **10. RECOMMENDATIONS**

- 10.1 The Executive is recommended to note the contents of petition
- 10.2 That the Assistant Director (Planning Transportation and Highways) receive the issues for consideration as part of the local plan preparation process



## **11. APPENDICES**

1. Covering Letter to the petition

## **12. BACKGROUND DOCUMENTS**

- 12.1 Local Development Scheme (July 2014)
- 12.2 Core Strategy (July 2017)
- 12.4 National Planning Policy Framework
- 12.5 Statement of Community Involvement