

Agenda for a meeting of the Regulatory and Appeals Committee to be held on Thursday, 29 September 2016 at 10.00 am in City Hall, Bradford

Members of the Committee – Councillors

CONSERVATIVE	LABOUR	LIBERAL DEMOCRAT
Barker Brown	Warburton Lee Abid Hussain Wainwright	Griffiths

Alternates:

CONSERVATIVE	LABOUR	LIBERAL DEMOCRAT
Ellis Miller	Azam S Hussain Lal Watson	R Ahmed

Notes:

- This agenda can be made available in Braille, large print or tape format on request by contacting the Agenda contact shown below.
- The taking of photographs, filming and sound recording of the meeting is allowed except if Councillors vote to exclude the public to discuss confidential matters covered by Schedule 12A of the Local Government Act 1972. Recording activity should be respectful to the conduct of the meeting and behaviour that disrupts the meeting (such as oral commentary) will not be permitted. Anyone attending the meeting who wishes to record or film the meeting's proceedings is advised to liaise with the Agenda Contact who will provide guidance and ensure that any necessary arrangements are in place. Those present who are invited to make spoken contributions to the meeting should be aware that they may be filmed or sound recorded.
- If any further information is required about any item on this agenda, please contact the officer named at the foot of that agenda item.
- **A legal briefing for all Members will take place at 0915 in the Banqueting Hall on the day of the meeting.**
- Applicants, objectors, Ward Councillors and other interested persons are advised that the Committee may visit any of the sites that appear on this Agenda during the day of the meeting, without prior notification. The Committee will then reconvene in the meeting room after any visits in order to determine the matters concerned.
- At the discretion of the Chair, representatives of both the applicant(s) and objector(s) may be allowed to speak on a particular application for a maximum of five minutes in total.
- **INTERESTED PARTIES ARE ASKED TO NOTE THAT ITEMS 9 AND 10 WILL NOT BE CONSIDERED BEFORE 12.00.**

From:

Parveen Akhtar
City Solicitor
Agenda Contact: Sheila Farnhill
Phone: 01274 432268
E-Mail: sheila.farnhill@bradford.gov.uk

To:



A. PROCEDURAL ITEMS

1. ALTERNATE MEMBERS (Standing Order 34)

The City Solicitor will report the names of alternate Members who are attending the meeting in place of appointed Members.

2. DISCLOSURES OF INTEREST

(Members Code of Conduct - Part 4A of the Constitution)

To receive disclosures of interests from Members and co-opted members on matters to be considered at the meeting. The disclosure must include the nature of the interest.

An interest must also be disclosed in the meeting when it becomes apparent to the Member during the meeting.

Notes:

- (1) *Members may remain in the meeting and take part fully in discussion and voting unless the interest is a disclosable pecuniary interest or an interest which the Member feels would call into question their compliance with the wider principles set out in the Code of Conduct. Disclosable pecuniary interests relate to the Member concerned or their spouse/partner.*
- (2) *Members in arrears of Council Tax by more than two months must not vote in decisions on, or which might affect, budget calculations, and must disclose at the meeting that this restriction applies to them. A failure to comply with these requirements is a criminal offence under section 106 of the Local Government Finance Act 1992.*
- (3) *Members are also welcome to disclose interests which are not disclosable pecuniary interests but which they consider should be made in the interest of clarity.*
- (4) *Officers must disclose interests in accordance with Council Standing Order 44.*

3. MINUTES

Recommended –

That the minutes of the meetings held on 16 and 26 May 2016 be signed as a correct record.

(Sheila Farnhill – 01274 432268)



4. INSPECTION OF REPORTS AND BACKGROUND PAPERS

(Access to Information Procedure Rules – Part 3B of the Constitution)

Reports and background papers for agenda items may be inspected by contacting the person shown after each agenda item. Certain reports and background papers may be restricted.

Any request to remove the restriction on a report or background paper should be made to the relevant Strategic or Assistant Director whose name is shown on the front page of the report.

If that request is refused, there is a right of appeal to this meeting.

Please contact the officer shown below in advance of the meeting if you wish to appeal.

(Sheila Farnhill - 01274 432268)

B. BUSINESS ITEMS

5. MEMBERSHIP OF SUB-COMMITTEES

The Committee will be asked to consider recommendations, if any, to appoint Members to Sub-Committees of the Committee.

(Sheila Farnhill – 01274 432268)

6. FORMER WYKE LIBRARY SITE, HUDDERSFIELD ROAD, Wyke 1 - 22 BRADFORD

The Assistant Director - Planning, Transportation and Highways will submit a report (**Document “V”**) in relation to an outline application for the demolition of the Police Call-In Station and the erection of a new Police Call-In Station, 3 bungalows and a 64 bedroom Extra Care facility, including details of the layout and access arrangements – 16/03851/MAO.

Recommended –

That the application be referred to the Health and Safety Executive for further consideration and, subject to it deciding not to request that the application be called in for consideration by the Secretary of State, that authority be delegated to the Assistant Director - Planning, Transportation and Highways to grant planning permission for the reasons and subject to the conditions set out in his technical report.

(John Eyles – 01274 434380)



7. **ASHWELL FARM, 47-49 ASHWELL ROAD, HEATON, BRADFORD** Heaton 23 - 44

A report will be presented by the Assistant Director - Planning, Transportation and Highways (**Document “W”**) in relation to an application for the construction of 10 dwellings the design of which have been amended from the details approved under previous planning permissions for this site – 16/06365/MAF.

Recommended –

- (1) **That the application be approved for the reasons and subject to the conditions set out in the Assistant Director - Planning, Transportation and Highways’ technical report.**
- (2) **That the grant of planning permission be subject also to the completion of a legal planning obligation under Section 106 of the Town and Country Planning Act 1990, or such other lawful mechanism for securing the heads of terms as may be agreed in consultation with the City Solicitor, in respect of:**
 - (i) **The payment of a commuted sum of £49,237 for the purpose of the improvement of educational infrastructure in the area; £21,485 for primary level to be used at Heaton Primary School and £27,752 for secondary level to be used at Parkside Secondary School,**
 - (ii) **The payment of a commuted sum of £14,048 for the purpose of enhancing recreational infrastructure in the area; to be used at Lister Park,**

the legal planning obligation to contain such other ancillary provisions as the Strategic Director, Regeneration (after consultation with the City Solicitor) considers appropriate.

(John Eyles – 01274 434380)

8. **LAND AT MIDDLEWAY, SILSDEN** Craven 45 - 66

A report will be submitted by the Assistant Director - Planning, Transportation and Highways (**Document “X”**) in respect of an application seeking outline permission for a residential development of 13 dwellings on land at Middleway, Silsden, Bradford – 16/03577/MAO.

The report explains that layout is the only matter for consideration at this stage and that details of access, appearance, landscaping and scale will be considered at Reserved Matters stage.



Recommended –

- (1) That the application be approved for the reasons and subject to the conditions set out in the Assistant Director - Planning, Transportation and Highways' technical report.
- (2) That the grant of planning permission be subject also to the completion of a legal planning obligation under Section 106 of the Town and Country Planning Act 1990, or such other lawful mechanism for securing the heads of terms as may be agreed in consultation with the City Solicitor, in respect of:
 - (i) The payment of a commuted sum of £13,795 to mitigate the effects of the development on biodiversity and to enhance the recreational infrastructure in the area; to be used at Silsden Park,
 - (ii) The payment of a contribution of £11,261 towards the provision of Metrocards to encourage use of public transport,

the legal planning obligation to contain such other ancillary provisions as the Strategic Director, Regeneration (after consultation with the City Solicitor) considers appropriate.

(John Eyles – 01274 434380)

Interested parties are asked to note that the following items will not be considered before 12.00

9. **FORMER BRONTE SCHOOL, KEIGHLEY ROAD, Keighley West 67 - 96**
OAKWORTH, KEIGHLEY

The Assistant Director - Planning, Transportation and Highways will present a report (**Document “Y”**) in relation to a full application for the erection of 51 mixed tenure houses including associated infrastructure on land at the former Bronte School, Keighley Road, Oakworth – 15/02526/MAF.

Recommended –

- (1) That the application be approved for the reasons and subject to the conditions set out in the Assistant Director - Planning, Transportation and Highways' technical report.
- (2) That the grant of planning permission be subject also to the following obligations:



- (i) **The scheme is to provide affordable housing units as part of the 2015-2018 Approved Housing programme, to deliver affordable housing across six sites in the District, that has received funding from the Homes and Communities Agency. (Note: Across the programme there will be 139 houses for rent and 49 for sale with the sales properties at full market value and at a cross subsidy to the whole programme.)**
- (ii) **Payment of a contribution of £10,000 to mitigate the impact on sensitive habitats by bringing forward improvements on routes leading to, and at, the Special Protection Areas where erosion of adjacent habitat caused by widening footpaths is an issue.**

(John Eyles – 01274 434380)

10. PUBLIC SPACE PROTECTION ORDER FOR THE CITY CENTRE AND SURROUNDING AREA 97 - 154
City; Little Horton; Manningham

Previous reference: Minute 90 (2015/16)

Members may recall that, at the meeting of the Committee held on 17 February 2016, consideration was given to a proposal to implement a Public Space Protection Order (PSPO) for the Bradford City Centre and it was resolved:

- '(1) That the Strategic Director, Environment and Sport be authorised to undertake the required (minimum 6 week) consultation exercise to implement a Public Space Protection Order for Bradford City Centre, in the area shown in Appendix A and subject to the terms set out in Paragraph 4.8 of the report.*
- (2) That, further to the completion of the necessary consultation process, the proposed Order be submitted to this Committee for approval.'*

The Assistant Director – Neighbourhoods and Customer Services will now submit a report (**Document "Z"**) which provides a summary of the responses from the consultation and presents the final proposed Order for the Committee's approval.

Recommended –

- (1) That, as a result of the consultation process, the Public Space Protection Order be amended as follows:**
 - (a) The boundary of the exclusion zone be extended to include the following streets and places:**



**Trinity Green Campus
University accommodation (close to the existing
proposed boundary)
Dixon's Trinity Academy, Trinity Road
Laisterdyke Lane towards All Saints' Road (Dirkhill area)
Grantham Road
Grantham Place
Spring Place
Dirkhill Road
Rand Street
Rand Place
Alexandra Street
To the junction of All Saints' Road with Great Horton
Road
Retford Place,
St Luke's Hospital**

- (b) Under Section 63(5) of the Act an authorised person can dispose of any item that has been surrendered under Section 63(2) ie alcohol or a container for alcohol.**
- (c) An authorised person in the context of this Public Space Protection Order is defined as being either a Police Constable, Police Community Support Officer or Council Officer.**
- (d) An authorised person can decide when it is appropriate to either:
 - (i) Impose a Fixed Penalty Notice,**
 - (ii) Waive the Fixed Penalty Notice in the event that a person who would have been issued with a Fixed Penalty Notice agrees to and attends an alcohol or substance misuse service, or**
 - (iii) If anti-social awareness sessions are made available locally, reduce the level of the Fixed Penalty Notice if the person who would have been issued with a Fixed Penalty Notice agrees to and attends an anti-social awareness session.****
- (2) That the Strategic Director, Environment and Sport be requested to investigate and, if feasible, make available local anti-social awareness sessions.**
- (3) That the Strategic Director, Environment and Sport be authorised to take all the necessary action to implement the Public Space Protection Order, as amended, and to make it operational.**



- (4) That the Bradford City Centre Anti-Social Behaviour Partnership review the Order in 12 months time, taking account of the comments and suggestions made by respondents during the consultation exercise and the evidence arising during the time the Order is in force.**

(Rebecca Trueman – 01274 431364)

THIS AGENDA AND ACCOMPANYING DOCUMENTS HAVE BEEN PRODUCED, WHEREVER POSSIBLE, ON RECYCLED PAPER



Report of the Assistant Director (Planning, Transportation & Highways) to the meeting of Regulatory and Appeals Committee to be held on 29 September 2016

V

Subject:

This is an outline application for the demolition of Police Call-in-Station and erection of new Police Call-in-Station, 3 bungalows and a 64 bedroom Extra Care Building on the former site of Wyke Library, Huddersfield Road, Bradford. Details of the layout and access arrangements have been submitted for consideration at this stage.

Summary statement:

The application is in outline form with only details of the layout and access arrangements submitted for consideration at this stage. Two separate access points will be provided off Huddersfield Road, one to serve the extra care facility and the second to serve the bungalows and police call-in station. The layout has been designed such that the majority of the existing trees on the site, particularly those along the site boundaries, are retained and provide a natural screen to the development.

The application has been fully assessed against all relevant local and national planning policies and all public representations and consultation responses have been fully taken into consideration. The application is recommended for approval subject to conditions and to it being referred to the Health and Safety Executive to give them the opportunity to consider if they would wish to seek a “call-in” for the application to be considered by the Secretary of State or if they are prepared to confirm that they will not intervene in the Council granting permission.

Julian Jackson
Assistant Director (Planning,
Transportation & Highways)
Report Contact: John Eyles
Major Development Manager
Phone: (01274) 434380
E-mail: john.eyles@bradford.gov.uk

Portfolio:
Regeneration, Planning and Transport

Overview & Scrutiny Area:
Regeneration and Economy



1. SUMMARY

This is an outline application for the demolition of Police Call-in-Station and erection of new Police Call-in-Station, 3 bungalows and a 64 bedroom Extra Care Building on the former site of Wyke Library, Huddersfield Road, Bradford. Details of the layout and access arrangements have been submitted for consideration at this stage.

2. BACKGROUND

There is no relevant background to this application.

3. OTHER CONSIDERATIONS

All considerations material to the determination of this planning application are set out in the Officer's Report at Appendix 1.

4. OPTIONS

The Committee can approve the application as per the recommendation contained within the main report, or refuse the application. If the Committee is minded to refuse the application, reasons for refusal must be given.

5. FINANCIAL & RESOURCE APPRAISAL

The financial implications associated with the development relate to a recreation contribution having not been secured. However due to the nature of the development it is unlikely that it will significantly increase the pressure on the existing recreational infrastructure in the vicinity of it.

6. RISK MANAGEMENT & GOVERNANCE ISSUES

No implications.

7. LEGAL APPRAISAL

The determination of the application is within the Council's powers as the Local Planning Authority.

8. OTHER IMPLICATIONS

8.1 EQUALITY & DIVERSITY

Section 149 of the Equality Act 2010 states that the Council must, in the exercise of its functions "have due regard to the need to eliminate conduct that this prohibit by the Act, advancing equality of opportunity between people who share a protected characteristics and people who do not share it, and fostering good relations between people who share a protected characteristic and people who do not share it. For this purpose section 149 defines "relevant protected characteristics" as including a range of characteristics including disability, race and religion. In this particular case due regard has been paid to the section 149 duty but it is not considered there are any issues in this regard relevant to this application.

8.2 SUSTAINABILITY IMPLICATIONS

The site is located within the urban area and is close to a relatively frequent bus route and is therefore considered to be in a sustainable location.

8.3 GREENHOUSE GAS EMISSIONS IMPACTS

New development invariably results in the release of greenhouse gases associated with both construction operations and the activities of the future users of the site. Consideration should be given as to the likely traffic levels associated with this

development against the previous use as a school. Consideration should also be given as to whether the location of the proposed facility is such that sustainable modes of travel by users would be best facilitated and future greenhouse gas emissions associated with the activities of building users are minimised.

It is accepted that the proposed development would result in greenhouse gas emissions. However, it is considered that such emissions are likely to be relatively lower than would be the case for alternative, less sustainable locations.

In order to encourage alternative means of transport Electric Vehicle (EV) charging points are to be provided within the main car park serving the development (planning condition).

8.4 COMMUNITY SAFETY IMPLICATIONS

There are no community safety implications other than those raised in the main body of the report.

8.5 HUMAN RIGHTS ACT

Articles 6 and 8 and Article 1 of the first protocol all apply (European Convention on Human Rights). Article 6 – the right to a fair and public hearing. The Council must ensure that it has taken its account the views of all those who have an interest in, or whom may be affected by the proposal.

8.6 TRADE UNION

None.

8.7 WARD IMPLICATIONS

Ward members have been fully consulted on the proposal and it is not considered that there are any significant implications for the Ward itself.

9. NOT FOR PUBLICATION DOCUMENTS

None.

10. RECOMMENDATIONS

That planning permission is granted subject to the conditions set out in the report attached as appendix 1.

11. APPENDICES

Appendix 1 – Report of the Assistant Director (Planning, Transportation and Highways).

12. BACKGROUND DOCUMENTS

National Planning Policy Framework

The Replacement Unitary Development Plan

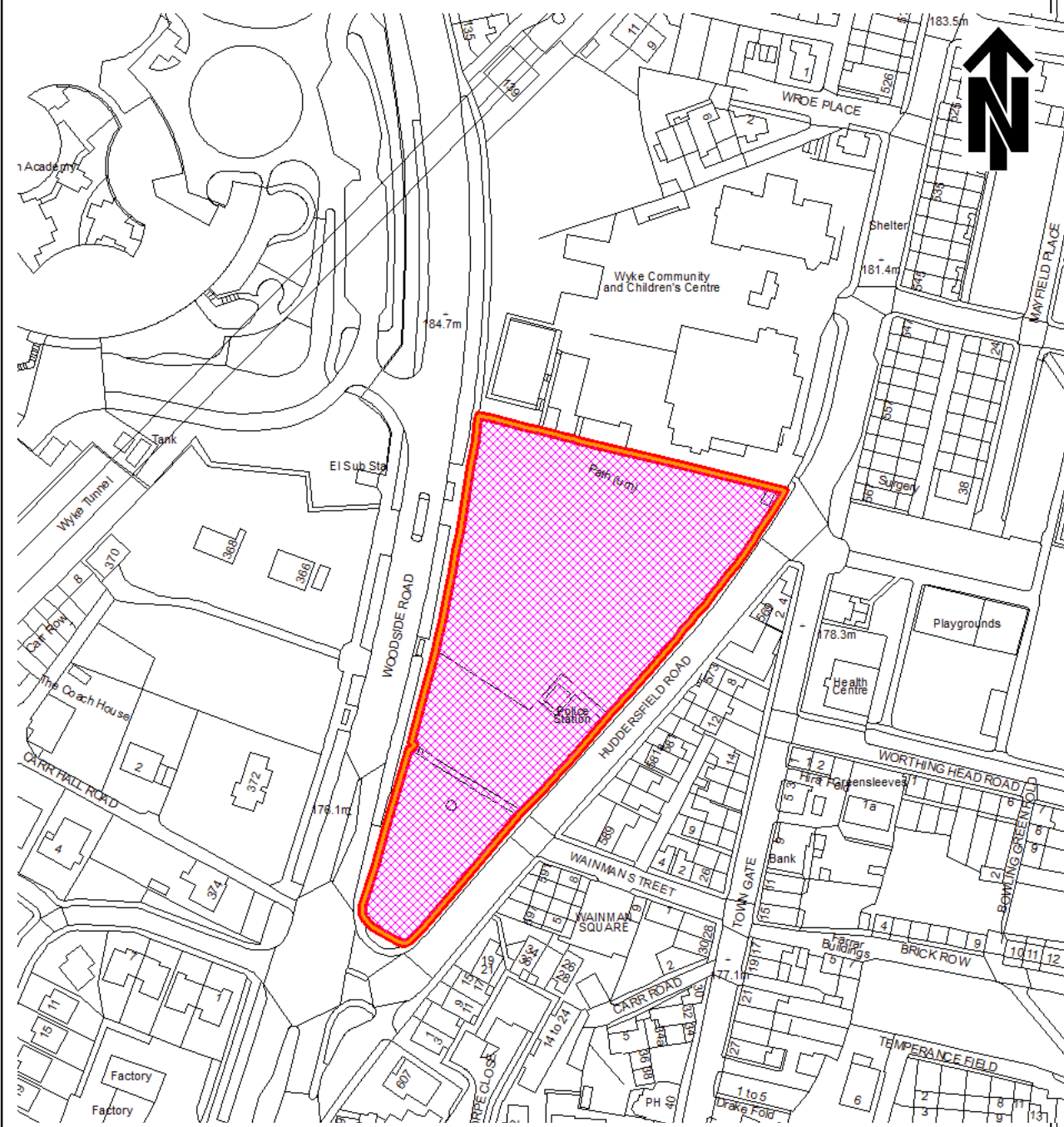
Publication Draft Core Strategy (draft subject to an examination in public in March 2015) and subject to modification which is current out to consultation

Planning application 16/03851/MAO

Regulatory and Appeals Committee

16/03851/MAO

29 September 2016



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LOCATION:

**Former Site Of Wyke Library
Huddersfield Road Bradford BD12 8HS**

29 September 2016

Ward: Wyke

Recommendation:

GRANT PLANNING PERMISSION SUBJECT TO THE APPLICATION BEING REFERRED TO THE HEALTH AND SAFETY EXECUTIVE FOR FURTHER CONSIDERATION. DELEGATED AUTHORITY BE GIVEN TO THE ASSISTANT DIRECTOR PLANNING, TRANSPORTATION AND HIGHWAYS TO ISSUE THE GRANT OF PLANNING PERMISSION, SUBJECT TO THE CONDITIONS SET OUT, IF THE HEALTH AND SAFETY EXECUTIVE CONFIRMS IT WILL NOT REQUEST THAT THE APPLICATION BE “CALLED-IN FOR CONSIDERATION BY THE SECRETARY OF STATE”.

Application Number:

16/03851/MAO

Type of Application/Proposal and Address:

This is an outline application for the demolition of Police Call-in-Station and erection of new Police Call-in-Station, 3 bungalows and a 64 bedroom Extra Care Building on the former site of Wyke Library, Huddersfield Road, Bradford. Details of the layout and access arrangements have been submitted for consideration at this stage.

Applicant:

Bradford MDC - Asset Management

Agent:

Mr Marc Pearson (Acanthus WSM Architects)

Site Description:

The site is located on the western edge of Wyke and is triangular in shape. Running along the western and eastern boundaries are Woodside Road and Huddersfield Road respectively. To the north is a complex of buildings comprising Wyke Community and Children's Centre. The boundaries of the site are occupied by a row of mature trees with there also being a small copse of trees located in the centre of the site. To the west of the site are Appleton Academy and some residential development whilst to the east and south of the site is primarily residential development.

Relevant Site History:

Permission was granted for the demolition of the library on the 30th December 2012 under reference 12/04901/PN.

Replacement Unitary Development Plan (RUDP):

Allocation

The northern part of the site is allocated as Recreation Open Space and is subject to consideration against policy OS2 (Protection of Recreation Open Space) whilst the southern part of the site is unallocated.

Proposals and Policies

UDP1 Promoting Sustainable Patterns of Development

UDP3 Quality of Built and Natural Environment

UR2 Promoting Sustainable Development

UR3 The Local Impact of Development
TM2 Impact of traffic and its mitigation
TM11 Parking standards for non-residential development
TM12 Parking standards for residential developments
TM19A Traffic management and road safety
D1 General Design Considerations
D4 Community Safety
D5 Landscaping
CF2 Education contributions in new residential development
OS2 Protection of Recreation Open Space
OS5 Provision of recreation open space and playing fields in new development
NE4 Trees and Woodlands
NE5 Retention of Trees on Development Sites
NE6 Protection of Trees during Development
NR15B Flood Risk
NR16 Surface Water Run Off and Sustainable Drainage Systems
NR17 Groundwater Protection
P3 Hazardous Installation

The National Planning Policy Framework (NPPF):

The National Planning Policy Framework is now a material planning consideration on any development proposal. The Framework highlights the fact that the purpose of the planning system is to contribute to the achievement of sustainable development and that there is a presumption in favour of sustainable development which can deliver:-

- i) Planning for prosperity (an economic role) - by ensuring that sufficient land of the right type and in the right places is available to allow growth and innovation;
- ii) Planning for people (a social role) - by promotion of strong, vibrant and healthy communities by providing an increase supply of housing to meet the needs of present and future generations and by creating a good quality built environment with accessible local services;
- iii) Planning for places (an environmental role) - by protecting and enhancing the natural, built and historic environment, adapting to climate change including moving to a low-carbon economy.

As such the Framework suggests local planning authorities should approve development proposals that accord with statutory plans without delay.

Parish Council:

Not applicable in this instance.

Publicity and Number of Representations:

The application was publicised by press notice, site notice and neighbour notification letters. The expiry date for the publicity exercise was the 9th September 2016.

As a result of the publicity exercise 7 representations have been received objecting to the proposal.

Summary of Representations Received:

Highway issues:

- The level of parking proposed is not enough and will lead to further on-street parking to the detriment of local residents

- Increase in traffic for residents to contend with, both during and after the construction of this substantial development
- Item 7.7 of the Transport Statement suggests that a Traffic Regulation Order may be necessary to protect the visibility splays of the two new vehicular access points to the development - I suspect that this will entail parking restrictions on the West side of Huddersfield Road, which will severely exacerbate the already serious parking problems
- Permit parking should be introduced for the existing residents
- Concerns with regards the number of vehicular traffic movements to/from the completed development
- Concerns regarding the positioning of the access and the proposed double yellow lines which will impact on the parking arrangements for the existing dwellings

Residential amenity:

- Loss of privacy to neighbouring dwellings

Design and appearance:

- The building is too big for the site
- Who thinks it's a good idea to put a 3 storey building so close to existing 2 storey dwellings as it will overshadow the existing dwellings
- Whilst the Application is Outline only, the footprint of the building does appear to be a monolithic slab, with very little in the way of breaking up the general form and appearance

Others:

- Why is the development of this size needed in such a small village
- A better use of the site would be as a car park and communal garden
- Concerns regarding the safety of the residents of the development due to its siting adjacent to 2 busy roads
- Impact on the wildlife on the site

Consultations:

Drainage – No objection subject to a condition relating to the discharge of foul drainage from the site

Education – No objection as the development is unlikely to affect schools and is below the threshold for requesting contributions.

West Yorkshire Police – No objection to the principle of the development but comments on specific aspects of the layout

Lead Local Flood Authority – No objection subject to the imposition of conditions relating to the disposal of surface water drainage from the site

Environmental Health Land Contamination – No objection and concur with the findings of the Phase 1 Desk Study and recommend that a proportionate Phase 2 site investigation is undertaken. Appropriate conditions are recommended

Yorkshire Water – No objection subject to the imposition of conditions relating to the disposal of surface water

Highways DC – No objection subject to the imposition of appropriate conditions including the implementation of a Traffic Regulation Order on Huddersfield Road

Health and Safety Executive – Objection on the grounds that there are sufficient reasons on safety grounds for advising against the granting of planning permission

Conservation – No objection as the proposal is unlikely to impact on the setting of the heritage asset to any greater degree than that of the existing situation

Sport England – No objection

Summary of Main Issues:

1. Principle of development
2. Visual amenity
3. Residential amenity
4. Highway safety
5. Drainage
6. Recreation open space
7. Trees
8. Education
9. Secured by design
10. Contaminated land
11. Biodiversity issues
12. Other issues

Appraisal:

The proposal relates to the demolition of the existing Police Call-in-Station and the subsequent construction of a new Police Call-in-Station, 3 bungalows and a 64 bedroom Extra Care Building. The application is in outline form with only details of the access arrangements and the layout of the site submitted for consideration. Access to both the bungalows and extra care building will be from Woodside Road.

1. Principle of development

The northern part of the site is allocated as Recreation Open Space and is therefore subject to consideration against policy OS2 (Protection of Recreation Open Space). The policy states that development will not be permitted on such sites or on sites otherwise used as recreation open space unless:

- i) The loss of recreation open space does not lead to or exacerbate a local deficiency in the availability of open space and the site could not be used to help meet any deficiency in another type of open space;
- ii) The development proposal provides for equivalent alternative provision in terms of size and quality which is close to existing users;
- iii) And in either case it does not result in a significant loss of amenity;
- iv) The development proposal is ancillary to and supports the recreational use, and would not significantly affect the quantity and quality of open space, its recreational function, and, the character and appearance of the recreation open space.

The southern part of the site is unallocated.

Sport England have been consulted on the proposal and have raised no objection on the grounds that it does not fall within their statutory or non-statutory remit for sites on which they would wish to comment. This is on the basis that it is neither currently used for any sporting activity nor is it big enough to satisfactorily accommodate a sporting pitch. The site is not included within any Council Recreation Pitch Strategy and as such is redundant in terms of its use.

The site is located in an area where there is an abundance of sports pitch provision with pitches being located to the west at the recently opened Appleton Academy and to

east on Mayfield Avenue and at the former Wyke Manor School where permission has recently been granted for an outdoor cycle track and improvements to the existing pitches.

The loss of the part of the site allocated as Recreation Open Space is therefore considered to be acceptable.

The site is located within the consultation zones for both Nufarm Ltd and BASF PLC, both of which are identified hazardous premises and are subject to consultation with the Health and Safety Executive. The computerised consultation response from Health and Safety Executive states that the initial assessment indicates that the risk of harm to people at the proposed development is such that the HSE's advice is that there are sufficient reasons on safety grounds for advising against the granting of planning permission.

As previously stated the site is located in a predominantly built up area with residential development located directly to the east, west and south and a large school also located to the west. The straight line separation distance to Nufarm is 0.5 miles whilst to BASF the distance is 0.66 miles. In between the two hazardous premises and the application site are large areas of development including both residential and commercial/industrial uses. As such it is not considered that the application site would be an exposed site on the edge of the hazardous premises. Overall it is considered that with the separation distances involved and the fact that the application site is located within an existing urban area the potential impact of an event at either premise on the application site would be significantly reduced.

It is therefore considered that the principle of the development is acceptable. However, because of the consultation response from the Health and Safety Executive advising against development on safety grounds the application will need to be referred to them for further consideration in light of the Committees resolution. If Members are minded to grant permission then the Health and Safety Executive would have the opportunity to consider if they would wish to seek a "call-in" for the application to be considered by the Secretary of State if they are prepared to confirm that they will not intervene in the Council granting permission.

2. Visual amenity

Policy D1 of the RUDP states that all development proposals should make a positive contribution to the environment and quality of life through high quality design, layout and landscaping. It contains a number of criteria against which development proposals are assessed and includes, amongst others, proposals should be well related to the existing character of the locality in terms of design, scale, massing, height and materials.

The site is bounded to the north by a complex of stone built, single/two storey buildings whilst to the east are traditional stone built terraced dwellings. To the west is a modern school building with varying materials used.

The application is in outline form with only details of the layout and access submitted for consideration. Details of the scale and external appearance have been reserved for consideration at a later stage. It is suggested within the submission that the main extra care building will be 3 storeys in height and objections have been raised to this.

However, the layout suggests that the majority of the trees located along the boundaries will be retained and this will as a natural screen to the building. Whilst 3 storeys will be higher than the neighbouring buildings it is not considered that it will be visually detracting from the streetscene because of the retained trees. As details of the design of the building are reserved for consideration at a later stage care should be taken to ensure that it is of a design such that it should add visual character to the streetscene rather than being bland.

In terms of the bungalows and the police call-in station these will obviously be single storey in height and will not be overdominant on the streetscene.

Overall therefore it is considered that the layout of the site, through the retention of the boundary trees, will provide a natural screen to the development such that it will not be visually intrusive on the streetscene.

3. Residential amenity

Policy D1 of the RUDP states that all development proposals should make a positive contribution to the environment and quality of life through high quality design, layout and landscaping. It contains a number of criteria against which development proposals are assessed and includes, amongst others, proposals should not harm the amenity of prospective or existing users and residents.

Existing residential properties are located to both the east and west of the application site. To the east the dwellings are in the form of terraced properties that have varying sizes of front garden space onto Huddersfield Road. Some properties front directly onto Huddersfield Road whilst the largest front garden is approximately 9 metres in length. The minimum separation distance between the proposed extra care building and the existing residential properties is approximately 23 metres. It is not known how the elevations will look as details of the external appearance have been reserved for future consideration but it is considered that the proposed separation distance is such that it will not have a significantly detrimental impact on the residential amenities of the occupiers of the existing dwellings.

With regard to the proposed bungalows the separation distance between the existing and proposed dwellings is 18 metres. The relationship is main elevation to gable end and whilst the external appearance of the bungalows has not been submitted for consideration at this stage it is unlikely that there will be any main habitable room windows in the side elevation of the proposed bungalow. As such the relationship is considered acceptable and will not have a detrimental impact on the residential amenities of the occupiers of the existing dwellings.

To the west of the site the dwellings are in excess of 36 metres from the site boundary and this is in excess of the required distance. As such it is not considered that the proposal will have a detrimental impact on the residential amenities of the occupiers of those dwellings.

Overall therefore, it is not considered that the siting of the proposed buildings will have a detrimental impact on the residential amenities of the occupiers of the existing dwellings.

4. Highway safety

Policies TM2 and TM19A of the RUDP support proposals for new development providing that, amongst other things, the Council is satisfied that the proposal does not adversely affect existing and proposed transport infrastructure or services, including public transport and walking and cycling facilities, in the vicinity of the site or the local environment. Policy TM12 requires the provision of parking in accordance with the Councils adopted standards.

Whilst the application is in outline form, details of the access arrangements have been submitted for consideration at this stage. It is intended to create 2 separate access points off Huddersfield Road, one to serve the extra care facility and the second to serve the bungalows and police call-in station. It will also be necessary to close the existing site access.

The Highways Department have not raised an objection to the proposal but have stated that in order to carry out the works within the highway the developer will be required to enter into a Section 278 Agreement (Highways Act 1980) with the Council. All the works will need to be agreed prior to any construction towards the development starting on site and the works then completed on site before the development is brought into use. They have also stated that there will be a requirement for a new Traffic Regulation Order to be promoted on Huddersfield Road to manage on street parking and to maintain adequate sight lines at the access points.

A car park is proposed to serve the extra care facility and this will accommodate upto 30 spaces including a number of disabled spaces. The bungalows and police call-in station will have their own separate parking spaces. The Highways Department are happy with the level of parking proposed to serve the different aspects of the development.

The West Yorkshire Police Architectural Liaison Officer has raised concerns regarding the level of parking serving the police call-in station stating that quite a few members of staff are based from this location and as proposed it could result in both police vans and cars parking on the highway outside the box. The proposed call-in station is relatively small in size with a footprint of approximately 30 square metres. The call-in station has 2 spaces allocated to it and the Highways Department are happy with that level of provision.

A number of objections have been received to the proposal on highway grounds including the loss of on-street parking for the residents, the number of vehicular movements to and from the site, and, the positioning of the access points. These objections have been fully considered by the Highways Department who do not consider that the development, in relation to the proposed means of access, expected levels of traffic using the site, and the level of car parking will neither be detrimental to highway safety nor impact on the parking of existing residents.

5. Drainage

Policy NR16 of the RUDP relates specifically to the provision of adequate surface water drainage systems whilst policy UR3 states that proposals should not have an adverse impact on the surrounding environment.

In relation to the disposal of both foul and surface water it is intended to connect to the mains sewer. No objections have been raised to these proposals subject to the imposition of appropriate conditions relating to the disposal of both foul and surface water drainage from the site.

6. Recreation open space

Policy OS5 of the RUDP states that new residential development will be required to make appropriate provision of or equivalent commuted payment for recreation open space and playing fields.

The scheme will provide a specialist facility for people who need extra care and as such, whilst the surrounding recreational facilities will get used by residents, it will not be to the same extent as they would should a private housing development be constructed on the site. As such it is not recommended in this instance to seek a contribution towards enhancing the existing recreational facilities.

7. Trees

Policy NE4 of the RUDP seeks to preserve and enhance the contribution that trees make to the landscape character of the district whilst policy NE5 seeks to retain those trees which are healthy and which have or would have a clear public amenity benefit. The Council will require the protection during construction of trees to be retained and, where appropriate, replacement tree planting for trees lost or damaged during construction.

There are a number of trees located on the boundaries of the site together with a small copse of trees within the centre of the site. The layout of the development shows the buildings have been carefully designed and sited such that any tree loss is kept to a minimum. The majority of the trees along the boundaries are to be retained, some will be lost to create the new entrance for the extra care facility, and this is welcomed as it will provide a natural screen to the development. Within the main body of the site there will also be a number of trees to be lost.

Careful management of the retained trees during the construction phase will be required and an appropriate condition requiring the submission of a root protection plan is recommended.

8. Education

Policy CF2 of the RUDP states that where new housing proposals would result in an increased demand for educational facilities which cannot be met by existing schools and colleges, the Council will seek to enter into a planning obligation in order to secure the provision of, or contribution towards, new or extended facilities.

Education Services have not raised an objection to the development as it is unlikely to place any additional pressure on the educational infrastructure due to the type of development proposed.

9. Secured by Design

Policy D4 of the RUDP states that development proposals should be designed to ensure a safe and secure environment and reduce the opportunities for crime.

The West Yorkshire Police Architectural Liaison Officer (WYPALO) has not raised any objection to the principle of the development but has made comments on specific aspects of it, these being as follows.

Removal of exiting footpath: The inclusion of the existing footpath on its current route raises concerns in that it would have no natural surveillance from any of the buildings. The concern is that this footpath could allow all types of anti-social behaviour (ASB) to occur from drug dealing, to youths congregating on an evening, to fly tipping, littering. It is suggested that it would be prudent to close this footpath route and install a new footpath towards the front of the bungalows and Police box which would benefit from improved surveillance levels which will prevent any future anti-social behaviour problems from occurring and also improves pedestrian safety as the route is overlooked and should be well lit – *The footpath is considered to provide a good link from both the site and Huddersfield Road to Woodside Road where the bus stops are located. If the footpath was to be removed then it would impact on the sustainability of the site particularly for the intended residents. Appropriate boundary treatment along the footpath would provide adequate levels of surveillance. The plans show that the proposed treatments include paladin fencing along the southern boundary of the extra care facility and a mix of 1.5 metre high close boarded timber fence with 0.3 metre high trellising on top along the rears of the bungalows. This form of boundary treatment would be considered acceptable. Whilst details of the landscaping (which would include boundary treatments) have not been submitted for consideration at this stage an appropriate condition is recommended that will require details to be submitted. It is not therefore recommended that the footpath be closed and re-routed along Huddersfield Road/Woodside Road.*

Boundary treatments: For the 3 bungalows it is recommended that 1800mm high perimeter fencing to the rear and to the side boundary of the properties be installed, in addition to a 1500mm high plot divider, which has an 1800mm high privacy panel adjacent to the rear door. Access should be restricted from of each plot to the rear with 1800mm high lockable gate. In relation to the Police box the 1800mm high fencing should be continued around the rear of the Police box and have low level fencing to the front. Low level fencing should be incorporated around the side of the box and parking area to restrict access to the rear area of the building. In relation to the extra care facility the boundary treatments should comprise 1800mm high closed boarded timber fencing or some other durable perimeter material that protects the rear boundary of the care home and continues along the front building line. Where the existing boundary wall is to be retained it should be increased in height to 1800mm. Towards the front of the care home adjacent to the entrance area it is recommended that 900mm to 1000mm perimeter treatments be installed. If the wall is to be retained the only issue with having a low wall is that it provides a seating area for any local youths to gather or congregate, if this was an alternative material such as fencing or railings it removes the problem – *Details of the proposed boundary treatments would be submitted along with details of landscaping and these have been reserved for consideration at a later stage. The comments of the WYPALO have been noted. With regard to the boundaries along Huddersfield Road and Woodside Road care needs to be taken to ensure that appropriate boundary treatment is incorporated that not only provides a safe and*

secure development but is also sympathetic to the streetscene. An appropriate condition is recommended that requires details of boundary treatments to be submitted for consideration.

Other comments in relation to the external lighting and installation of CCTV and physical security in the form of appropriate door and window standards have been made and should be taken on board when designing the external appearance of the development.

10. Contaminated land

A Phase 1 Desk Study has been submitted which concludes that the site is considered to have moderate potential to be contaminated. As such it is recommended that further intrusive site investigation be carried out to confirm this potential. It is recommended that the site investigation should cover the full site, as well as specifically targeting the area of the former building. Appropriate conditions are therefore recommended in relation to the further site investigation work and where necessary associated remediation work.

11. Biodiversity issues

Policy NE10 of the RUDP states that planning permission will not be granted for development which would have an adverse impact on species protected by Schedules 1, 5 or 8 of the Wildlife and Countryside Act 1981, as amended, or European birds and habitat Directives.

A Preliminary Ecological Appraisal has been submitted in support of the application.

In relation to the presence of bats a survey of the existing building on site (police call-in station) found that it had no bat roost potential whilst the wider site has limited value for bat foraging with this mostly associated with the rows of trees. However, on the scale of the wider landscape, this is a generally poor value as a secluded area of green space. Foraging habitat only has value for species which are less sensitive to disturbance such as common pipistrelle. It was concluded that no further survey is recommended in respect of bats, though trees should be retained or their loss mitigated for where possible.

Due to the prevalence of higher value habitat within the area, it is highly unlikely that badger would establish a sett on the application Site, except when they become otherwise displaced.

Records have been returned for a small range of common birds associated with urban areas, woodland, waste ground and arable hedgerows. Of these, the site is only important to species which are less prone to disturbance created by roads and human activity, and those species which can take advantage of fragmentation associated with urban habitats. To prevent the proposed works impacting on nesting birds any clearance of vegetation will need to be undertaken outside of the breeding bird season which is 1st March – 31st August inclusive. Any clearance that is required during the breeding bird season should be preceded by a nesting bird survey to ensure that the Wildlife and Countryside Act (1981) is not contravened through the destruction of nests and that any active nests are identified and adequately protected during the construction phase of the development.

12. Other issues

There are a number of other issues that have been raised during the publicity exercise that have not been assessed in the above sections of this report. These include the following:

Why is the development of this size needed in such a small village – the Applicant will have done some market research in relation to the size of development they are proposing and it is unlikely that this application will be speculative.

A better use of the site would be as a car park and communal garden – local residents may consider this would be a better use for the site, however the application submitted relates to the extra care facility, bungalows and police call-in station and has to be considered on this basis. A refusal reason could not be justified on the basis that the residents suggest that there are potentially more suitable uses for the use.

Concerns regarding the safety of the residents of the development due to its siting adjacent to 2 busy roads – *the safety of the residents will be down to the management of the site and the details, such as boundary treatment, that will be considered at a later stage.*

Community Safety Implications:

There are no community safety implications other than those raised in the main body of this report.

Equality Act 2010, Section 149:

Section 149 of the Equality Act 2010 states that the Council must, in the exercise of its functions “have due regard to the need to eliminate conduct that this prohibit by the Act, advancing equality of opportunity between people who share a protected characteristics and people who do not share it, and fostering good relations between people who share a protected characteristic and people who do not share it. For this purpose section 149 defines “relevant protected characteristics” as including a range of characteristics including disability, race and religion. In this particular case due regard has been paid to the section 149 duty but it is not considered there are any issues in this regard relevant to this application.

Reason for Granting Planning Permission:

The scheme provides a residential scheme on a previously developed site. The density and layout of the proposal are acceptable and present no concerns with regard to visual or residential amenity and highway safety. The proposal is considered acceptable and, with the attached conditions, satisfies the requirements of policies UDP1, UDP3, UR2, UR3, TM2, TM11, TM12, TM19A, D1, D4, D5, CF2, OS2, OS5, NE4, NE5, NE6, NR15B, NR16, NR17, and, P3 together with the relevant paragraphs contained within the National Planning Policy Framework.

Conditions of Approval:

1. Time scale

Application for approval of the matters reserved by this permission for subsequent approval by the Local Planning Authority shall be made not later than the expiration of three years beginning with the date of this notice.

Reason: To accord with the requirements of Section 92 of the Town and Country Planning Act, 1990. (as amended)

2. Time scale

The development to which this notice relates must be begun not later than the expiration of two years from the date of the approval of the matters reserved by this permission for subsequent approval by the Local Planning Authority, or in the case of approval of such matters on different dates, the date of the final approval of the last of such matters to be approved.

Reason: To accord with the requirements of Section 92 of the Town and Country Planning Act, 1990 (as amended).

3. Reserved Matters

Before any development is begun plans showing the:

- i) appearance,
- ii) landscaping, and,
- iii) scale within the upper and lower limit for the height, width and length of each building stated in the application for planning permission in accordance with article 3(4)

must be submitted to and approved in writing by the Local Planning Authority.

Reason: To accord with the requirements of Article 3 of the Town and Country Planning (General Development Procedure) Order 1995.

4. Site Investigation Scheme

Prior to development commencing, a Phase 2 site investigation and risk assessment methodology to assess the nature and extent of any contamination on the site, whether or not it originates on the site, must be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and to comply with policy UR3 of the Replacement Unitary Development Plan.

5. Site Investigation Implementation

Prior to development commencing the Phase 2 site investigation and risk assessment must be completed in accordance with the approved site investigation scheme. A written report, including a remedial options appraisal scheme, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the site is remediated appropriately for its intended use and to comply with policy UR3 of the Replacement Unitary Development Plan.

6. Remediation strategy

Unless otherwise agreed in writing with the Local Planning Authority, prior to development commencing a detailed remediation strategy, which removes unacceptable risks to all identified receptors from contamination shall be submitted to

and approved in writing by the Local Planning Authority. The remediation strategy must include proposals for verification of remedial works. Where necessary, the strategy shall include proposals for phasing of works and verification. The strategy shall be implemented as approved unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the site is remediated appropriately for its intended use and to comply with policy UR3 of the Replacement Unitary Development Plan.

7. Remediation verification

Unless otherwise agreed in writing with the Local Planning Authority, a remediation verification report prepared in accordance with the approved remediation strategy shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of each phase of the development (if phased) or prior to the completion of the development.

Reason: To ensure that the site is remediated appropriately for its intended use and to comply with policy UR3 of the Replacement Unitary Development Plan.

8. Unexpected contamination

If, during the course of development, contamination not previously identified is found to be present, no further works shall be undertaken in the affected area and the contamination shall be reported to the Local Planning Authority as soon as reasonably practicable (but within a maximum of 5 days from the find). Prior to further works being carried out in the identified area, a further assessment shall be made and appropriate remediation implemented in accordance with a scheme also agreed in writing by the Local Planning Authority.

Reason: To ensure that the site is remediated appropriately for its intended use and to comply with policy UR3 of the Replacement Unitary Development Plan.

9. Materials importation

A methodology for quality control of any material brought to the site for use in filling, level raising, landscaping and garden soils shall be submitted to, and approved in writing by the Local Planning Authority prior to materials being brought to site. Relevant evidence and a quality control verification report shall be submitted to and is subject to the approval in writing by the Local Planning Authority.

Reason: To ensure that all materials brought to the site are acceptable, to ensure that contamination/pollution is not brought into the development site and to comply with policy UR3 of the Replacement Unitary Development Plan.

10. Highway Improvement before Use

Before any works towards the development starts on site full details and specifications of the works associated with Huddersfield Road, as shown indicatively on drawing number 1549.61.101B, shall be submitted to and be approved in writing by the Local Highway Authority. The development shall then not be brought into use until these works have been completed on site to the satisfaction of the Local Highway Authority.

Reason: In the interests of highway safety and to accord with Policies TM2 and TM19A of the Replacement Unitary Development Plan.

11. Provision of Traffic Regulation Order before use

The development shall not be brought in to use until all best endeavours have been undertaken to implement a Traffic Regulation Order (TRO) in the vicinity of the site on Huddersfield Road. A scheme indicating the extents and full details of the TRO shall first be agreed with and approved in writing by the Local Planning Authority.

Reason: In the interest of highway and pedestrian safety and to accord with policy TM19A of the Replacement Unitary Development Plan.

12. Means of access

Before any part of the development is brought into use, the proposed means of vehicular and pedestrian access hereby approved shall be laid out, hard surfaced, sealed and drained within the site in accordance with the approved plan and completed to a constructional specification approved in writing by the Local Planning Authority.

Reason: To ensure that a suitable form of access is made available to serve the development in the interests of highway safety and to accord with Policy TM19A of the Replacement Unitary Development Plan.

13. Closure of existing access

Concurrently with the construction of the new access and prior to it being brought into use, the existing vehicular access to the site shall be permanently closed off with a full kerb face, and the footway returned to full footway status, in accordance with the approved plan.

Reason: In the interests of highway safety and to accord with Policy TM19A of the Replacement Unitary Development Plan.

14. Visibility splays

Before any part of the development is brought into use, the visibility splays hereby shown on the approved plan shall be laid out and there shall be no obstruction to visibility exceeding 900mm in height within the splays so formed above the road level of the adjacent highway.

Reason: To ensure that visibility is maintained at all times in the interests of highway safety and to accord with Policy TM19A of the Replacement Unitary Development Plan.

15. Car parking provision

Before any part of the development is brought into use, the proposed car parking spaces shall be laid out, hard surfaced, sealed, marked out into bays and drained within the curtilage of the site in accordance with the approved plan and to a specification to be submitted to and approved in writing by the Local Planning Authority. The car park so approved shall be kept available for use while ever the development is in use.

Reason: In the interests of highway safety and to accord with Policies TM11 and TM12 of the Replacement Unitary Development Plan.

16. Construction Plan

Notwithstanding the provision of Class A, Part 4 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995, or any subsequent legislation, the development hereby permitted shall not be begun until a plan specifying

arrangements for the management of the construction site has been submitted to and approved in writing by the Local Planning Authority. The construction plan shall include the following details:

- i) full details of the contractor's means of access to the site including measures to deal with surface water drainage;
- ii) hours of delivery of materials;
- iii) location of site management offices and/or sales office;
- iv) location of materials storage compounds, loading/unloading areas and areas for construction vehicles to turn within the site;
- v) car parking areas for construction workers, sales staff and customers;
- vi) the extent of and surface treatment of all temporary road accesses leading to compound/storage areas and the construction depths of these accesses, their levels and gradients;
- vii) temporary warning and direction signing on the approaches to the site

The construction plan details as approved shall be implemented before the development hereby permitted is begun and shall be kept in place, operated and adhered to at all times until the development is completed. In addition, no vehicles involved in the construction of the development shall enter or leave the site of the development except via the temporary road access comprised within the approved construction plan.

Reason: To ensure the provision of proper site construction facilities on the interests of highway safety and amenity of the surrounding environment and its occupants and to accord with Policies TM2 and TM19A of the Replacement Unitary Development Plan

17. Wheel washing facility

Before any development commences on site, full details of arrangements for wheel cleaning of construction vehicles and equipment, including the location of such a facility in relation to the highway and arrangements for disposal of contaminated surface water shall be submitted to and approved in writing by the Local Planning Authority. The details and measures so approved shall be installed, maintained in good operational condition and used for wheel cleaning whilst ever construction or delivery vehicles are leaving the site.

Reason: To prevent mud being taken on to the public highway in the interests of highway safety and to accord with Policy TM19A of the Replacement Unitary Development Plan.

18. External lighting

Before development commences on site, details of the type and position of all proposed external lighting fixtures to the buildings and external areas (including measures for ensuring that light does not shine directly on the highway or is visible to highway users) shall first be submitted to and approved in writing by the Local Planning Authority. The lights so approved shall be installed in accordance with the approved details and maintained thereafter to prevent the light sources adversely affecting the safety of users of adjoining highways.

Reason: To avoid drivers being dazzled or distracted in the interests of highway safety and to accord with Policy TM19A of the Replacement Unitary Development Plan.

19. Surface water from hardstanding areas

Surface water from vehicle parking and hardstanding areas shall be passed through an interceptor of adequate capacity prior to discharge. Roof drainage should not be passed through any interceptor.

Reason: In the interests of satisfactory drainage and to accord with policies UR3 and NR16 of the Replacement Unitary Development Plan.

20. Surface water drainage

The development shall not commence until full details and calculations of the proposed means of disposal of surface water drainage, based on sustainable drainage principles and including details of any balancing works and off-site works, have been submitted to and approved by the Local Planning Authority. Furthermore, unless otherwise approved in writing by the Local Planning Authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works.

Reason: To ensure proper drainage of the site and to accord with policies UR3 and NR16 of the Replacement Unitary Development Plan.

21. Surface Water Drainage Maintenance and Management

Prior to the commencement of the development hereby permitted, a Surface Water Drainage Maintenance and Management document shall be submitted to and approved in writing by the Local Planning Authority. The surface water drainage infrastructure serving the development shall be managed over the lifetime of the development in strict accordance with the terms and agreements set out in the approved Surface Water Drainage maintenance and Management Document.

Reason: To ensure that the submitted drainage proposals will function adequately to mitigate flood risks and to accord with policies UR3 and NR16 of the Replacement Unitary Development Plan.

22. Foul water drainage

No development shall take place until full details and calculations of the proposed means of disposal of foul water drainage have been submitted to and approved by the local planning authority

Reason: To ensure proper drainage of the site and to accord with policy UR3 of the Replacement Unitary Development Plan.

23. Construction hours

Demolition and construction work shall only be carried out between the hours of 07.30 and 18.00 on Mondays to Fridays, 07.30 and 13.00 on Saturdays and at no time on Sundays, Bank or Public Holidays, unless specifically agreed otherwise in writing by the Local Planning Authority.

Reason: To protect the amenity of the occupants of nearby dwellings and to accord with Policy UR3 of the Replacement Unitary Development Plan.

24. Electric Vehicle Charging Points

Unless otherwise agreed in writing with the Local Planning Authority. Before the development hereby permitted commences on site a scheme for the provision of

electric vehicle charging points based on 1 space per 10 communal spaces shall be submitted to and approved in writing by the Local Planning Authority. The electrical circuits shall comply with the Electrical requirements of BS7671: 2008 as well as conform to the IET code of practice on Electric Vehicle Charging Equipment installation 2012 ISBN 978-1-84919-515-7 (PDF). All Electric Vehicle Charging Points shall be clearly marked as such and their purpose explained to new occupants within their new home welcome pack/ travel planning advice.

Reason: To facilitate the uptake of low emission vehicles by staff and visitors and to reduce the emission impact of traffic arising from the development in line with the council's Low Emission Strategy and National Planning Policy Framework (NPPF).

25. Boundary treatment

Notwithstanding the details submitted, the development shall not begin on site until a plan showing the positions, design and materials of boundary treatments has been submitted to and approved in writing by the Local Planning Authority. The treatments so approved shall then be provided in full prior to the development first being brought into use and shall thereafter be retained.

Reason: In the interests of amenity and privacy and to accord with Policy D1 of the Replacement Unitary Development Plan.

26. Root protection plan

The development shall not be begun, nor shall there be any demolition, site preparation, groundworks, tree removals, or materials or machinery brought on to the site until Temporary Tree Protective Fencing is erected in accordance with the details submitted on a tree protection plan to BS 5837 (2012) (or its successor) approved by the Local Planning Authority.

The Temporary Tree Protective Fencing shall be erected in accordance with the approved plan, or any variation subsequently approved, and remain in the location for the duration of the development. No excavations, engineering works, service runs and installations shall take place between the Temporary Tree Protective Fencing and the protected trees for the duration of the development without written consent by the Local Planning Authority.

Reason: To ensure trees are protected during the construction period and in the interests of visual amenity. To safeguard the visual amenity provided by the trees and to accord with Policies NE4, NE5 and NE6 of the Replacement Unitary Development Plan.

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Report of the Assistant Director (Planning, Transportation & Highways) to the meeting of Regulatory and Appeals Committee to be held on 29 September 2016

W

Subject:

This is a full application relating to the proposed alterations to the design of 10 house plots (ref 10/01719/OUT and 13/05022/REM) at Ashwell Farm, Ashwell Road, Heaton, Bradford.

Summary statement:

The proposal relates to the construction of 10 dwellings which are amended house types to a previously approved scheme whose permissions have now lapsed. The layout of the site, route of the access road and point of access into the site remain the same as those previously approved which accepted the principle of the development. The changes are mainly elevational.

The application has been fully assessed against all relevant local and national planning policies and all public representations and consultation responses have been fully taken into consideration. The application is recommended for approval subject to conditions.

Julian Jackson
Assistant Director (Planning,
Transportation & Highways)
Report Contact: John Eyles
Major Development Manager
Phone: (01274) 434380
E-mail: john.eyles@bradford.gov.uk

Portfolio:
Regeneration, Planning and Transport

Overview & Scrutiny Area:
Regeneration and Economy



1. SUMMARY

This is a full application relating to the proposed alterations to the design of 10 house plots (ref 10/01719/OUT and 13/05022/REM) at Ashwell Farm, Ashwell Road, Heaton, Bradford.

2. BACKGROUND

There is no relevant background to this application.

3. OTHER CONSIDERATIONS

All considerations material to the determination of this planning application are set out in the Officer's Report at Appendix 1.

4. OPTIONS

The Committee can approve the application as per the recommendation contained within the main report, or refuse the application. If the Committee is minded to refuse the application, reasons for refusal must be given.

5. FINANCIAL & RESOURCE APPRAISAL

There are no financial implications associated with the development.

6. RISK MANAGEMENT & GOVERNANCE ISSUES

No implications.

7. LEGAL APPRAISAL

The determination of the application is within the Council's powers as the Local Planning Authority.

8. OTHER IMPLICATIONS

8.1 EQUALITY & DIVERSITY

Section 149 of the Equality Act 2010 states that the Council must, in the exercise of its functions "have due regard to the need to eliminate conduct that this prohibit by the Act, advancing equality of opportunity between people who share a protected characteristics and people who do not share it, and fostering good relations between people who share a protected characteristic and people who do not share it. For this purpose section 149 defines "relevant protected characteristics" as including a range of characteristics including disability, race and religion. In this particular case due regard has been paid to the section 149 duty but it is not considered there are any issues in this regard relevant to this application.

8.2 SUSTAINABILITY IMPLICATIONS

The site is located within the urban area and is close to a relatively frequent bus route and is therefore considered to be in a sustainable location.

8.3 GREENHOUSE GAS EMISSIONS IMPACTS

New development invariably results in the release of greenhouse gases associated with both construction operations and the activities of the future users of the site. Consideration should be given as to the likely traffic levels associated with this development against the previous use as a school. Consideration should also be given as to whether the location of the proposed facility is such that sustainable modes of travel by users would be best facilitated and future greenhouse gas emissions associated with the activities of building users are minimised.

It is accepted that the proposed development would result in greenhouse gas emissions. However, it is considered that such emissions are likely to be relatively lower than would be the case for alternative, less sustainable locations.

In order to encourage alternative means of transport Electric Vehicle (EV) charging points are to be provided within the main car park serving the development (planning condition).

8.4 COMMUNITY SAFETY IMPLICATIONS

There are no community safety implications other than those raised in the main body of the report.

8.5 HUMAN RIGHTS ACT

Articles 6 and 8 and Article 1 of the first protocol all apply (European Convention on Human Rights). Article 6 – the right to a fair and public hearing. The Council must ensure that it has taken its account the views of all those who have an interest in, or whom may be affected by the proposal.

8.6 TRADE UNION

None.

8.7 WARD IMPLICATIONS

Ward members have been fully consulted on the proposal and it is not considered that there are any significant implications for the Ward itself.

9. NOT FOR PUBLICATION DOCUMENTS

None.

10. RECOMMENDATIONS

That planning permission is granted subject to the conditions set out in the report attached as appendix 1.

11. APPENDICES

Appendix 1 – Report of the Assistant Director (Planning, Transportation and Highways).

12. BACKGROUND DOCUMENTS

National Planning Policy Framework

The Replacement Unitary Development Plan

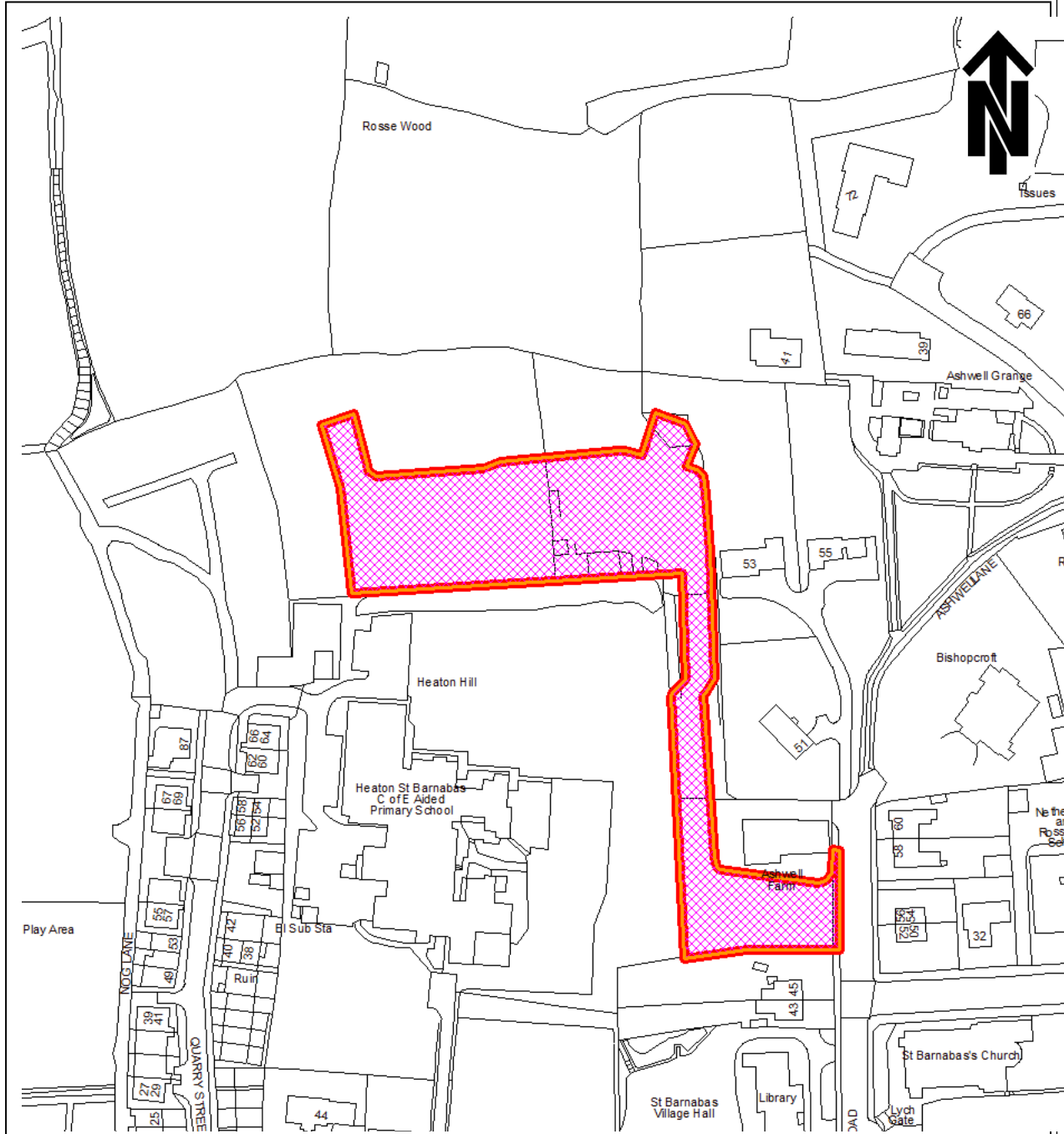
Publication Draft Core Strategy (draft subject to an examination in public in March 2015) and subject to modification which is current out to consultation

Planning application 16/06365/MAF

Regulatory and Appeals Committee

16/06365/MAF

29 September 2016



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LOCATION:

**Ashwell Farm 47 - 49 Ashwell Road
Heaton Bradford BD9 4AX**

29 September 2016

Ward: Heaton

Recommendation:

GRANT PLANNING PERMISSION SUBJECT TO A SECTION 106 LEGAL AGREEMENT

The Heads of Terms of the S106 Legal Agreement are:

Education: The payment of a commuted sum of £49,237 to be spent enhancing the education infrastructure in the vicinity of the site. This is broken down into £21,485 at primary sector level and £27,752 at secondary sector level. The money will be spent at Heaton Primary School and Parkside Secondary School.

Recreation: The payment of a commuted sum of £14,048 towards enhancing the recreational infrastructure in the vicinity of the site due to the extra pressure that will be created on it through the development. The money will be spent at Lister Park.

Application Number:

16/06365/MAF

Type of Application/Proposal and Address:

This application relates to alterations to the design of 10 house plots (ref 10/01719/OUT and 13/05022/REM) at Ashwell Farm, Ashwell Road, Heaton, Bradford.

Applicant:

Mr A Choudhury

Agent:

Ashley France (Batty France Consultancy)

Site Description:

The site is located to the north west of Ashwell Road and is accessed via an existing vehicular access that currently serves Ashwell Farm. It currently comprises a grassed field that slopes downwards from south to north. A number of trees are located along the boundaries of the site together with some dilapidated outbuildings along the southern boundary. The site is bounded by residential development (to the east), open countryside (to the north) and a school and library/village hall (to the south and west).

Relevant Site History:

There have been a number of previous applications on the site relating to residential development.

90/08151/OUT – Permission was refused on the 3rd January 1992 for the construction of 6 dwellings on the grounds that the site lies within an area allocated as Green Belt.

92/02609/OUT – Outline planning permission was granted on the 9th November 1992 for the construction of 4 detached dwellings.

97/00149/OUT – Outline planning permission was granted on the 12th March 1997 for the construction of 4 detached dwellings.

98/01824/OUT – Outline planning permission for the construction of a single dwelling was refused on the 22nd September 1998 on the grounds that the site lies within an area allocated as Green Belt, the proposed means of access was substandard, and, the location of the access in close proximity to an existing dwelling would cause harm to the amenity of that dwelling.

99/00669/OUT – Outline planning permission for the construction of a single dwelling was refused on the 25th June 1999 on the grounds that the development represents inappropriate development in the Green Belt in the absence of any very special circumstances.

10/01719/OUT – Outline planning permission was granted on the 7th December 2010 for the construction of a residential scheme.

13/05022/REM – Construction of a residential development scheme was approved on the 3rd July 2014

Replacement Unitary Development Plan (RUDP):

Allocation

The site is unallocated, however, the main body of the site was formerly allocated as a Phase 2 Housing Site (Ref: BW/H2.11).

Proposals and Policies

UDP1 Promoting Sustainable Patterns of Development

UDP3 Quality of Built and Natural Environment

UR2 Promoting Sustainable Development

UR3 The Local Impact of Development

UR6 Planning Obligations and Conditions

H7 Housing Density – Expectation

H8 Housing Density – Efficient Use of Land

H9 Affordable Housing

TM2 Impact of traffic and its mitigation

TM12 Parking standards for residential developments

TM19A Traffic management and road safety

D1 General Design Considerations

D4 Community Safety

D5 Landscaping

CF2 Education Contributions in New Residential Development

OS5 Provision of recreation Open Space and Playing Fields in New Development

NE4 Trees and Woodlands

NE5 Retention of Trees on Development Sites

NE6 Protection of Trees during Development

NR15B Flood Risk

NR16 Surface Water Run Off and Sustainable Drainage Systems

The National Planning Policy Framework (NPPF):

The National Planning Policy Framework is now a material planning consideration on any development proposal. The Framework highlights the fact that the purpose of the

planning system is to contribute to the achievement of sustainable development and that there is a presumption in favour of sustainable development which can deliver:-

- i) Planning for prosperity (an economic role) - by ensuring that sufficient land of the right type and in the right places is available to allow growth and innovation;
- ii) Planning for people (a social role) - by promotion of strong, vibrant and healthy communities by providing an increase supply of housing to meet the needs of present and future generations and by creating a good quality built environment with accessible local services;
- iii) Planning for places (an environmental role) - by protecting and enhancing the natural, built and historic environment, adapting to climate change including moving to a low-carbon economy.

As such the Framework suggests local planning authorities should approve development proposals that accord with statutory plans without delay.

Parish Council:

Not applicable in this instance.

Publicity and Number of Representations:

The application was publicised by press notice, site notice and neighbour notification letters. The deadline for the submission of comments was the 26th August 2016.

As a result of the publicity exercise 16 representations have been received.

Summary of Representations Received:

Boundary issues:

- The boundary issue with Heaton Woods Trust is still on-going and the boundary fence has not been replaced
- Concerns about the nature of the boundary conditions between the domestic dwellings and the land immediately adjacent, downhill, that belongs to the nationally recognised Heaton Wood Trust – would expect there to be a substantial woodland barrier between the new houses and the Trust land
- No evidence of boundary plans

Highway issues:

- Inadequate parking spaces
- Increase of traffic will cause severe traffic congestion within the Ashwell Road area
- Increase in construction traffic during the build process

Drainage:

- Drainage and surface water will contaminate the woodland below
- The strong possibility of surface water running off the development and onto neighbouring land, causing it damage

Design:

- Designs not in keeping with surrounding properties
- It seems to be a plan for low quality development, not in keeping with the neighbourhood

Environmental issues:

- The environmental damage that will be done to the surrounding area
- The whole site is contaminated and remediation is required
- Detrimental impact on the landscape when viewed from the woods below
- It removes a large area of green space, open land and trees which, although small and not under preservation orders, do provide nesting and other cover for a lot of birds so there will be a significant impact on animals and other wildlife as a result of the reduced open green space

Other issues:

- The proposal will ruin the allotments as the (waist high) garden boundary will overlook and be overlooked by, house and gardens
- The proposal will make the allotments into an enclosed box which will remove the joy of being there and the experience of closeness to nature, the weather and the glorious views across Bradford and Shipley
- There is also the possibility of incursion, theft or damage by occupants of the new houses
- The conditions of the original planning application have not been met
- Issues with regard to the original application have never been resolved
- Not enough room for the bore holes
- Overloading of local amenities such as public transport, schools & medical
- Lack of play space
- No evidence of areas for waste bins
- What if any are the plans for further development as this is only the first phase
- Land is unstable
- There's no stated timeline for the 3 phases of building, so the inconvenience of noise, dust and building machinery using the roads will be over an extended period of time.
- The site has a history of quarrying and has asbestos on it.

Consultations:

Education – No objection subject to the securing of a financial contribution of £49,237 towards improving the educational infrastructure at both primary (£21,485) and secondary (£27,752) sector level

Sport & Leisure – No objection subject to the payment of a commuted sum of £14,048 towards enhancing the recreational infrastructure in the vicinity of the site due to the extra pressure that will be created on it through the development

West Yorkshire Police – No objection in principle to the development but comments on specific aspects of the layout

Yorkshire Water – No objection as the drainage of the site has previously been approved under references 10/01719/OUT and 13/05022/REM

Lead Local Flood Authority – No objection subject to the imposition of appropriate conditions relating to the disposal of surface water

Drainage Services – No objection subject to the imposition of a condition relating to the disposal of foul water drainage

Environmental Health Land Contamination – No objection, seek conditions relating to the carrying out of further site investigations and, where appropriate, a remediation strategy

Environmental Health Nuisance – No comments to make

Conservation – No objection in principle to the development but would seek improvements to the detailing of the plot nearest the access

Highways DC (Non-transport Assessment) – No objection in principle but concerns about the level of parking, in particular the sizes of the garages

Summary of Main Issues:

1. Principle of development
2. Visual amenity
3. Residential amenity
4. Highway safety
5. Drainage
6. Conservation issues
7. Recreation open space
8. Trees
9. Affordable housing
10. Education
11. Secured by design
12. Contaminated land
13. Other issues

Appraisal:

The application relates to the construction of a residential development scheme comprising 27 units. The site is accessed directly off Ashwell Road. There is a mix of dwelling types including semi-detached and detached and heights including 2, 2 ½ and 3 storeys. Whilst the application makes reference to the 2 previous permissions these have, in the opinion of the Local Planning Authority lapsed, and the proposal is assessed as a new development but the previous permissions are a material consideration.

1. Principle of development

The site was formerly allocated as a Phase 2 Housing Site within the Replacement Unitary Development Plan, site reference BW/H2.11) and was granted outline planning permission for a residential scheme under reference 10/01719/OUT on the 7th December 2010 with subsequent Reserved Matters approval under reference 13/05022/REM on the 3rd July 2014. These permissions were, in the view of the Local Planning Authority, never legally implemented.

As such the principle of residential development on the site has been established despite the above permissions having lapsed.

2. Visual amenity

Policy D1 of the RUDP states that all development proposals should make a positive contribution to the environment and quality of life through high quality design, layout and landscaping. It contains a number of criteria against which development proposals are assessed and includes, amongst others, proposals should be well related to the existing character of the locality in terms of design, scale, massing, height and materials.

The site is located in a predominantly residential area where there are a mix of house types including older traditional stone built terraces through to semi-detached dwellings and large detached dwellings set in good sized curtilages. There is also a mix of materials in the area.

The layout of the development is such that there is a single proposed dwelling close to the site access with the remainder running along the southern boundary of the site. All the dwellings are served from the single access road. There are proposed to be 2 pairs of semi-detached dwellings and 6 detached dwellings. Four different house types will make up the development and comprise 2½ and 3 storey dwellings with ridge heights of between 9.0-9.6 metres. The designs are relatively basic but are considered to fit in with the surroundings. It is proposed to use York stone and render on the elevations and natural slate on the roofs which are again considered to be acceptable and blend in with the environment.

Overall it is considered that the proposal is generally in keeping with the surrounding locality and due to it being a relatively self-enclosed site will not be visually detrimental to the overall character and appearance of the locality.

3. Residential amenity

Policy D1 of the RUDP states that all development proposals should make a positive contribution to the environment and quality of life through high quality design, layout and landscaping. It contains a number of criteria against which development proposals are assessed and includes, amongst others, proposals should not harm the amenity of prospective or existing users and residents.

The site is bounded to the east by residential development fronting onto Ashwell Road. Adjacent to the main body of the site is 53 Ashwell Road whose gable end face onto the site at separation distances of 6 metres. The layout of the development is such that the nearest dwelling (plot 2) is 14 metres from the joint boundary and therefore 20 metres from the nearest dwelling. This distance is considered acceptable and will not have a detrimental impact on the residential amenities of the occupiers of either the existing or proposed dwellings.

A dwelling (45 Ashwell Drive) is located adjacent to the access road in the south eastern corner of the site but due to the siting of plot 1, it being set back from Ashwell Road, and the existing hedging along the joint boundary, it is not considered that the proposal would significantly impact on the residential amenities of the occupiers of that property.

Ashwell Farm House is located to the north of the access road and has a separation distance of 16 metres from plot 1. Due to the orientation of the proposed and existing dwellings there will be no direct overlooking of either property and as such the impact on the residential amenities of the occupiers of both dwellings will not be adversely affected.

4. Highway safety

Policies TM2 and TM19A of the RUDP support proposals for new development providing that, amongst other things, the Council is satisfied that the proposal does not adversely affect existing and proposed transport infrastructure or services, including public transport and walking and cycling facilities, in the vicinity of the site or the local environment. Policy TM12 requires the provision of parking in accordance with the Councils adopted standards.

Vehicular access to the site will be taken from Ashwell Road with the point of access and the route of the access road internally within the site being exactly the same as per the previous approval.

The Highways Department have not raised an objection to the principle of the development but have raised concerns regarding the level of parking. Each dwelling has an integral garage and a front curtilage in excess of 6½ metres in depth and 7 metres wide which can satisfactorily accommodate a parking space. As such each dwelling will have a minimum of 2 spaces and this satisfies the policy requirement.

Overall therefore it is not considered that the proposal will be detrimental to highway safety.

5. Drainage

Policy NR16 of the RUDP relates specifically to the provision of adequate surface water drainage systems whilst policy UR3 states that proposals should not have an adverse impact on the surrounding environment.

In relation to the discharge of foul water it is proposed to connect to the mains sewer whilst in relation to the discharge of surface water it is proposed to use soakaways. No objections have been raised to this subject to the imposition of appropriate conditions.

6. Conservation Issues

Policy BH7 of the RUDP states that development which would affect the setting of a Conservation Area will be expected to be of the highest standards of design and should preserve or enhance the character or appearance of the Conservation Area whilst policy BH4A seeks to protect the settings of Listed Buildings.

The site is neither located within a Conservation Area nor in the immediate vicinity of a listed buildings. However running along the eastern edge of the northern section of Ashwell Road is the boundary of the Heaton Estates Conservation Area. The main body of the application site will neither be visible from the Conservation Area nor seen in conjunction with it. The only dwelling that may have some relationship with the Conservation Area is plot 1 located near the access from Ashwell Road.

The Conservation Officer has stated that the detailing of this dwelling is simple but lacks visual interest and could appear quite bland within the context of the high quality dwellings in the surrounding conservation area environment. It is suggested that greater consideration is given to this dwelling to ensure that the design quality is of adequately high standard and that the building makes a positive contribution to the setting of the character conservation area. The use of natural materials and appropriate window/door materials should ensure that it is of an adequate standard to not be detrimental to the setting of the Conservation Area.

The Conservation Officer has also suggested that conditions are attached requiring samples of all facing, roofing and surfacing materials are submitted for approval, details of boundary treatments are sought, fenestration is recessed into the reveals by a minimum of 100mm to give depth and visual interest to the elevations and rainwater goods are finished in a dark colour. In line with these comments appropriate conditions are recommended.

7. Recreation open space

Policy OS5 of the RUDP states that new residential development will be required to make appropriate provision of or equivalent commuted payment for recreation open space and playing fields.

Within the site there is no provision for either formal or informal recreation open space. As such the Parks and Greenspaces Service have requested the payment of a commuted sum of £14,048 that will be used towards the provision or enhancement of existing recreation open space and playing fields in the locality due to the extra demands placed on the locality by this development. The money would be used towards the provision and or enhancement of existing recreational facilities and infrastructure work including but not exclusive to drainage works, footpath works and fencing at Lister Park. The Applicant has accepted this level of contribution and the money will be secured via a Section 106 Legal Agreement.

8. Trees

Policy NE4 of the RUDP seeks to preserve and enhance the contribution that trees make to the landscape character of the district whilst policy NE5 seeks to retain those trees which are healthy and which have or would have a clear public amenity benefit. The Council will require the protection during construction of trees to be retained and, where appropriate, replacement tree planting for trees lost or damaged during construction.

There are a number of trees located on the boundaries of the site with the bulk being located on the boundaries with the adjacent school. These will run adjacent to the proposed access and to the rear of the bulk of the proposed dwellings. A Tree Preservation Order exists on trees on the adjoining land which may be affected by the development. As such it is important that adequate protection of these trees is incorporated within the development during the construction phase. An appropriate condition is therefore recommended in relation to the submission of a root protection plan.

9. Affordable housing

Policy H9 of the RUDP states that the Council will negotiate for a proportion of affordable housing based on, amongst other things, the extent and type of need, and, the economics of provision.

The number of units proposed as part of this application is below that for which an element of affordable housing provision can be sought (15 units).

10. Education

Policy CF2 of the RUDP states that where new housing proposals would result in an increased demand for educational facilities which cannot be met by existing schools and colleges, the Council will seek to enter into a planning obligation in order to secure the provision of, or contribution towards, new or extended facilities.

The primary schools which are readily accessible from the development include Heaton St Barnabas, Heaton, St Cuthbert & the First Martyr, Lister and Margaret McMillan. Based on data available as at July 2016 despite recent expansion current capacity in the primary schools is being exceeded in some year groups and allowing for the desire to operate at 95% occupancy to allow for population changes this is being exceeded in nearly all year groups. Overall these schools are overcrowded now and future forecasts show an increasing pupil population. The financial contribution sought that would be used towards enhancing the education infrastructure at this level would be £21,485.

The secondary schools which are reasonably accessible from the development are 11-18 schools are St Bede's & St Joseph's and Oasis Academy Lister Park. Based on data available as at July 2016 and the current capacity in there are no places in any of the year groups particularly when allowing for the desire to operate at 95% occupancy to allow for population changes as shown in the table below. Please note however that there have been changes at St Bede's & St Joseph's Catholic School who have reduced their admission number and alterations are being undertaken at both school sites making their school sites fit for purpose and which reduces their capacity. The financial contribution sought that would be used towards enhancing the education infrastructure at this level would be £27,752.

The total contribution will be £49,237 with the money being proposed to be spent at Heaton Primary School and Parkside Secondary School. The Applicant has accepted this level of contribution and the money will be secured through a Section 106 Legal Agreement.

11. Secured by Design

Policy D4 of the RUDP states that development proposals should be designed to ensure a safe and secure environment and reduce the opportunities for crime.

The West Yorkshire Police Architectural Liaison Officer has not raised an objection to the principle of the development but has raised concerns regarding specific aspects of it. These are addressed below.

Perimeter treatments: As the majority of crimes occur to the rear of the property where surveillance is minimal protecting the rear boundary is essential. Whilst foliage does provide a more natural feel to a development, it can wither away in the winter months or an intruder can easily cut back foliage at ground level to gain entry so it's preferable to use a more permanent/solid material. As a guideline rear boundary treatments should be to a height of 1800mm, ideally of a permanent structure such as stone/brick walls or closed boarded timber fencing with plot dividers to a minimum height of 1500mm with an 1800mm high privacy panel adjacent to the rear doorway, this will provide more security to the rear of the gardens – *An appropriate condition is recommended that will require details of the proposed boundary treatments to the dwellings and the comments of the WYPALO will be considered in ensuring the correct type of fencing is installed to ensure a safe and secure development.*

External Lighting: It is recommended that each plot should have external lighting installed to illuminate the front and rear entrance/ exit areas – *this is outside planning controls and will be upto either the developer or individual household as to whether or not such lighting is installed.*

Physical Security: There are no overall issues with the designs of the dwellings, however it is recommended that they are constructed to Secured by Design standards – *this is outside planning controls and it will be upto the developer as to whether or not the dwellings are constructed to such standards.*

12. Contaminated land

The Environmental Protection Team have not objected to the principle of the development but state that there will be a requirement for further site investigations to be undertaken in the form of a Phase II Site Investigation Report. If a site investigation is not undertaken and the potential for contamination dealt with appropriately at this stage, then the future residents are likely to encounter problems with obtaining 'pass' certificates from environmental search organisations during the conveyancing process. Appropriate conditions are therefore recommended in relation to the carrying out of further site investigations and dependent on the findings of such investigations there may be a requirement to submit a Remediation Statement outlining how the contamination will be dealt with.

13. Other issues

There are a number of other issues raised during the publicity period that have not been assessed in the above sections of the report. These are considered below:

The proposal will ruin the allotments as the (waist high) garden boundary will overlook and be overlooked by, house and gardens – The layout of the development is identical to that of the previously approved scheme and simply relates to amended house types. The allotments were previously overlooked by the dwellings and nothing has changed as part of this current proposal. Allotments are not considered to be private spaces and no loss of amenity will occur through the overlooking of them.

The proposal will make the allotments into an enclosed box which will remove the joy of being there and the experience of closeness to nature, the weather and the glorious views across Bradford and Shipley – The layout of the development is identical to that of the previously approved scheme and simply relates to amended house types. The proposed dwellings are not moving any closer to the existing allotments and this relationship was considered acceptable when assessing the previous scheme. Allotments are not considered to be private spaces and no loss of amenity will occur through the overlooking of them.

There is also the possibility of incursion, theft or damage by occupants of the new houses – At present the allotments abut onto an area of land that does not have any natural surveillance and could provide an easy access route into the allotments for any antisocial behaviour or criminal damage. By having a residential development on the site it will provide natural surveillance of the allotments and will most likely result in a decreased likelihood of criminal activity taking place.

The conditions of the original planning application have not been met – the previous planning permissions have expired and therefore there are no conditions to be satisfied.

Not enough room for the bore holes – any bore holes to be dug to meet the requirements of any planning conditions will be done so prior to any building work taking place so there will be sufficient room for them.

Overloading of local amenities such as public transport, schools & medical – the issue of the schools being full will be partially satisfied through the securing of a financial contribution towards improving the education infrastructure. With regard to overloading medical facilities, these facilities are often based on the level of demand in that if the level of demand increases then it is likely that level of service will increase through expanded facilities. Unfortunately this is outside the control of the planning system and no contributions can be secured towards their improvement.

No evidence of areas for waste bins – bin storage will be within the curtilages of each individual dwelling.

What, if any, are the plans for further development as this is only the first phase – the site is clearly of a size where more dwellings can be accommodated and indeed there are more dwellings shown on the submitted plan. This application relates only to the construction of 10 dwellings and it is entirely upto the owner of the site as and when, if at all, further applications are submitted for the remainder of the site.

Land is unstable – there is no evidence submitted to show that the land is unstable.

There's no stated timeline for the 3 phases of building, so the inconvenience of noise, dust and building machinery using the roads will be over an extended period of time – As with all developments there will be an element of noise and dust generated as it is impossible to control it all. However, a condition is recommended that restricts the hours of construction such that it tries to minimise the impact on the residential amenities of the occupiers of any neighbouring dwellings.

Community Safety Implications:

There are no other community safety implications other than those referred to in this report.

Equality Act 2010, Section 149:

Section 149 of the Equality Act 2010 states that the Council must, in the exercise of its functions “have due regard to the need to eliminate conduct that this is prohibited by the Act, advancing equality of opportunity between people who share a protected characteristic and people who do not share it, and fostering good relations between people who share a protected characteristic and people who do not share it. For this purpose Section 149 defines “relevant protected characteristics” as including a range of characteristics including disability, race and religion. In this particular case due regard has been paid to the Section 149 duty but it is not considered there are any issues in this regard relevant to this application.

Reason for Granting Planning Permission

The scheme provides a residential scheme on a formerly allocated Housing Site. The proposal is considered to be acceptable and presents no concerns with regard to residential amenity and highway safety and therefore subject to the imposition of appropriate conditions and a Section 106 Legal Agreement securing contributions towards education and recreation infrastructure enhancement, satisfies the requirements of policies UDP1, UDP3, UR2, UR3, UR6, H7, H8, H9, TM2, TM12,

TM19A, D1, D4, D5, OS5, NE4, NE5, NE6, CF2, CF6, NR15B, and, NR16 together with the relevant paragraphs contained within the National Planning Policy Framework.

Conditions of Approval:

1. Time limit

The development to which this notice relates must be begun not later than the expiration of three years beginning with the date of this notice.

Reason: To accord with the requirements of Section 91 of the Town and Country Planning Act, 1990 (as amended).

2. Details of new junction

Prior to any development commencing on site, a detailed scheme for the proposed new junction of the estate road with Ashwell Road shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include full sections, details of speed reducing features, construction specifications, drainage works, street lighting, white lining, surface finishes and treatment of junction/forward sight lines together with an Independent Safety Audit covering all aspects of the work. Unless otherwise agreed in writing by the Local Planning Authority all of the agreed works shall be implemented before any part of the development is first brought into use.

Reason: In the interests of highway safety and to accord with policies TM2 and TM19A of the Councils adopted Replacement Unitary Development Plan.

3. Means of access

Before any part of the development is brought into use, the proposed means of vehicular and pedestrian access hereby approved shall be laid out, hard surfaced, sealed and drained within the site in accordance with the approved plan and completed to a constructional specification approved in writing by the Local Planning Authority.

Reason: To ensure that a suitable form of access is made available to serve the development in the interests of highway safety and to accord with Policy TM19A of the Replacement Unitary Development Plan.

4. Visibility splays

Before any part of the development is brought into use, the adoptable visibility splays shall be laid out, hard surfaced, sealed and drained within the highway in accordance with the approved plan.

Reason: In the interests of highway safety and to accord with Policy TM19A of the Replacement Unitary Development Plan.

5. Off street car parking

Before the development is brought into use, the off street car parking facility shall be laid out, hard surfaced, sealed and drained within the curtilage of the site in accordance with the approved drawings. The gradient shall be no steeper than 1 in 15 except where otherwise approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety and to accord with Policy TM12 of the Replacement Unitary Development Plan.

6. Construction Plan

Notwithstanding the provision of Class A, Part 4 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995, or any subsequent legislation, the development hereby permitted shall not be begun until a plan specifying arrangements for the management of the construction site has been submitted to and approved in writing by the Local Planning Authority. The construction plan shall include the following details:

- i) full details of the contractor's means of access to the site including measures to deal with surface water drainage;
- ii) hours of delivery of materials;
- iii) location of site management offices and/or sales office;
- iv) location of materials storage compounds, loading/unloading areas and areas for construction vehicles to turn within the site;
- v) car parking areas for construction workers, sales staff and customers;
- vi) the extent of and surface treatment of all temporary road accesses leading to compound/storage areas and the construction depths of these accesses, their levels and gradients;
- vii) temporary warning and direction signing on the approaches to the site

The construction plan details as approved shall be implemented before the development hereby permitted is begun and shall be kept in place, operated and adhered to at all times until the development is completed. In addition, no vehicles involved in the construction of the development shall enter or leave the site of the development except via the temporary road access comprised within the approved construction plan.

Reason: To ensure the provision of proper site construction facilities on the interests of highway safety and amenity of the surrounding environment and its occupants and to accord with Policies TM2 and TM19A of the Replacement Unitary Development Plan

7. Preventive measures: mud on highway

The developer shall prevent any mud, dirt or debris being carried on to the adjoining highway as a result of the site construction works. Details of such preventive measures shall be submitted to and approved in writing by the Local Planning Authority before development commences and the measures so approved shall remain in place for the duration of construction works on the site unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety and to accord with Policy TM19A of the Replacement Unitary Development Plan.

8. Section 278 Agreement

Before any development work starts on site, full details for the works associated with any Section 278 Agreement shall be submitted to and approved in writing by the Local Planning Authority. The plans so approved as well as appropriate timescales for the delivery of these highway improvements shall be implemented in accordance to the specification of the LHA.

Reason: In the interests of highway safety and to accord with Policies TM2 and TM19A of the Replacement Unitary Development Plan.

9. Electric Vehicle Charging Points

Every property built on the site with a dedicated parking space shall be provided with an outdoor, weatherproof electric vehicle charging point readily accessible from the dedicated parking space. The electrical circuits shall comply with the Electrical requirements of BS7671: 2008 as well as conform to the IET code of practice on Electric Vehicle Charging Equipment installation 2012 ISBN 978-1-84919-515-7 (PDF). All Electric Vehicle Charging Points shall be clearly marked as such and their purpose explained to new occupants within their new home welcome pack / travel planning advice.

Reason: To facilitate the uptake of low emission vehicles by staff and visitors and to reduce the emission impact of traffic arising from the development in line with the council's Low Emission Strategy and National Planning Policy Framework (NPPF).

10. Gates not to open over highway

Any gates to be constructed as part of the development shall not open over the highway.

Reason: In the interests of highway safety and to accord with Policy TM19A of the Replacement Unitary Development Plan.

11. Construction hours

Demolition and construction work shall only be carried out between the hours of 07.30 and 18.00 on Mondays to Fridays, 07.30 and 13.00 on Saturdays and at no time on Sundays, Bank or Public Holidays, unless specifically agreed otherwise in writing by the Local Planning Authority.

Reason: To protect the amenity of the occupants of nearby dwellings and to accord with Policy UR3 of the Replacement Unitary Development Plan.

12. Materials

Before development commences on site, arrangements shall be made with the Local Planning Authority for the inspection of all facing and roofing materials to be used in the development hereby permitted. The samples shall then be approved in writing by the Local Planning Authority and the development constructed in accordance with the approved details.

Reason: To ensure the use of appropriate materials in the interests of visual amenity and to accord with Policies UR3 and D1 of the Replacement Unitary Development Plan.

13. Site Investigation

Prior to development commencing the proportionate Phase 2 site investigation and risk assessment must be completed. A written report, including a remedial options appraisal scheme, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the site is remediated appropriately for its intended use and to comply with policy UR3 of the Replacement Unitary Development Plan.

14. Remediation strategy

Unless otherwise agreed in writing with the Local Planning Authority, prior to development commencing a detailed remediation strategy, which removes unacceptable risks to all identified receptors from contamination shall be submitted to and approved in writing by the Local Planning Authority. The remediation strategy must include proposals for verification of remedial works. Where necessary, the strategy shall include proposals for phasing of works and verification. The strategy shall be implemented as approved unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the site is remediated appropriately for its intended use and to comply with policy UR3 of the Replacement Unitary Development Plan.

15. Remediation verification

Unless otherwise agreed in writing with the Local Planning Authority, a remediation verification report prepared in accordance with the approved remediation strategy shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of each phase of the development (if phased) or prior to the completion of the development.

Reason: To ensure that the site is remediated appropriately for its intended use and to comply with policy UR3 of the Replacement Unitary Development Plan.

16. Unexpected contamination

If, during the course of development, contamination not previously identified is found to be present, no further works shall be undertaken in the affected area and the contamination shall be reported to the Local Planning Authority as soon as reasonably practicable (but within a maximum of 5 days from the find). Prior to further works being carried out in the identified area, a further assessment shall be made and appropriate remediation implemented in accordance with a scheme also agreed in writing by the Local Planning Authority.

Reason: To ensure that the site is remediated appropriately for its intended use and to comply with policy UR3 of the Replacement Unitary Development Plan.

17. Materials importation

A methodology for quality control of any material brought to the site for use in filling, level raising, landscaping and garden soils shall be submitted to, and approved in writing by the Local Planning Authority prior to materials being brought to site. Relevant evidence and a quality control verification report shall be submitted to and is subject to the approval in writing by the Local Planning Authority.

Reason: To ensure that all materials brought to the site are acceptable, to ensure that contamination/pollution is not brought into the development site and to comply with policy UR3 of the Replacement Unitary Development Plan.

18. Boundary treatment

Notwithstanding the details submitted, the development shall not begin on site until a plan showing the positions, design and materials of boundary treatments has been

submitted to and approved in writing by the Local Planning Authority. The treatments so approved shall then be provided in full prior to the development first being brought into use and shall thereafter be retained.

Reason: In the interests of amenity and privacy and to accord with Policy D1 of the Replacement Unitary Development Plan.

19. Root protection plan

The development shall not be begun, nor shall there be any demolition, site preparation, groundworks, tree removals, or materials or machinery brought on to the site until Temporary Tree Protective Fencing is erected in accordance with the details submitted on a tree protection plan to BS 5837 (2012) (or its successor) approved by the Local Planning Authority.

The Temporary Tree Protective Fencing shall be erected in accordance with the approved plan, or any variation subsequently approved, and remain in the location for the duration of the development. No excavations, engineering works, service runs and installations shall take place between the Temporary Tree Protective Fencing and the protected trees for the duration of the development without written consent by the Local Planning Authority.

Reason: To ensure trees are protected during the construction period and in the interests of visual amenity. To safeguard the visual amenity provided by the trees and to accord with Policies NE4, NE5 and NE6 of the Replacement Unitary Development Plan.

20. Window frame inset

The works shall not begin until details showing the window frames inset from the face of the wall by a minimum of 100mm have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details and so retained.

Reason: In the interests of the character and visual amenity of the area and to accord with policies UR3 and D1 of the Replacement Unitary Development Plan.

21. Rainwater goods

All gutters, down pipes and other external plumbing shall be in black finish and so retained thereafter.

Reason: To ensure a satisfactory appearance in the interests of visual amenity and to accord with policies UR3 and D1 of the Replacement Unitary Development Plan.

22. Retention of garages

Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any subsequent equivalent legislation) the garages shall not be used for any purpose (including any purpose ordinarily incidental to the enjoyment of a private dwelling house) which would preclude the use for the housing of a private motor vehicle.

Reason: To secure a satisfactory standard of on-site parking provision in accordance with the Councils policies and in the interests of highway safety and to accord with policies TM2 and TM12 of the Replacement Unitary Development Plan.

23. Separate systems of foul/surface water

The site shall be developed with separate systems of drainage for foul and surface water on and off the site.

Reason: In the interests of satisfactory and sustainable drainage and to comply with policy UR3 of the Replacement Unitary Development Plan.

24. Provision of sewer easement

Unless otherwise agreed in writing by the Local Planning Authority, no building or other obstruction shall be located over or within 3.0 (three) metres either side of the centre line of the sewer which crosses the site.

Reason: In order to allow sufficient access for maintenance and repair work at all times and to ensure compliance with policy UR3 of the Replacement Unitary Development Plan.

25. Surface water drainage

The development shall not commence until full details and calculations of the proposed means of disposal of surface water drainage, based on sustainable drainage principles, have been submitted to and approved by the local planning authority.

Reason: To ensure proper drainage of the site and to accord with policy UR3 of the Replacement Unitary Development Plan.

26. Surface Water Drainage Maintenance and Management

Prior to the commencement of the development hereby permitted, a Surface Water Drainage Maintenance and Management document shall be submitted to and approved in writing by the Local Planning Authority. The surface water drainage infrastructure serving the development shall be managed over the lifetime of the development in strict accordance with the terms and agreements set out in the approved Surface Water Drainage maintenance and Management Document.

Reason: To ensure that the submitted drainage proposals will function adequately to mitigate flood risks and to accord with policies UR3 and NR16 of the Replacement Unitary Development Plan.

27. Foul water drainage

No development shall take place until full details and calculations of the proposed means of disposal of foul water drainage have been submitted to and approved by the local planning authority

Reason: To ensure proper drainage of the site and to accord with policy UR3 of the Replacement Unitary Development Plan.

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Report of the Assistant Director (Planning, Transportation & Highways) to the meeting of Regulatory and Appeals Committee to be held on September 29th 2016.

X

Subject:

Planning Application 16/03577/MAO

The application seeks outline permission for residential development of 13 dwellings with layout being the only matter for consideration. Details of access, appearance, landscaping and scale are not currently for consideration and would be subject of separate application for reserved matters.

Summary statement:

The application relates to the proposed residential development of an undeveloped field on the outskirts of Silsden. The land is unallocated on the Replacement Unitary Development Plan Proposals Map.

The application proposes 13 detached and semi-detached houses with a new vehicular access from Cobbydale Way.

8 objections including 1 from a Craven Ward Councillor have been received.

The planning merits of the proposal are examined in the Officer Report forming Appendix 1 to this report. This considers the various points of objection and outlines consultation advice received. Officers recommend that planning permission should be granted subject to the suggested conditions and subject to the requirements of a Section 106 agreement, which are outlined in the report.

Julian Jackson
Assistant Director (Planning,
Transportation & Highways)
Report Contact: John Eyles
Major Development Manager
Phone: (01274) 434380
E-mail: john.eyles@bradford.gov.uk

Portfolio:
Regeneration, Planning and Transport

Overview & Scrutiny Area:
Regeneration and Economy



1. SUMMARY

This is an outline application for the construction of 13 dwellings with only layout for consideration. Details of access, appearance, landscaping and scale are not currently for consideration and would be subject of an application for reserved matters.

It is recommended that planning permission be granted subject to conditions and a S106 legal agreement to deliver the financial contributions to mitigate the impact of development on education and recreation infrastructure and also to mitigate or deflect the effects of additional recreational pressures on the South Pennine Moors Special Protection Area/Special Area of Conservation.

2. BACKGROUND

This rectangular shaped field is unallocated as part of the Replacement Unitary Development Plan (2005).

The technical report attached as Appendix 1 explains the current planning policy context.

No planning permissions have previously been granted for development on the land. The application is submitted following pre-application enquiry.

3. OTHER CONSIDERATIONS

There are no financial implications for the Council arising from matters associated with the report.

4. OPTIONS

The Committee could:-

- (i) Grant permission in accordance with the suggested conditions and S.106 requirements outlined in Appendix 1
- (ii) Grant permission subject to additional or amended conditions and requirements.
- (iii) Refuse planning permission for reasons that must be given by the Committee.

5. FINANCIAL & RESOURCE APPRAISAL

There are no financial implications for the Council arising from matters associated with the report.

6. RISK MANAGEMENT & GOVERNANCE ISSUES

None

7. LEGAL APPRAISAL

The determination of the application is within the Councils powers as the Local Planning Authority.

8. OTHER IMPLICATIONS

8.1 EQUALITY & DIVERSITY

Section 149 of the Equality Act 2010 states that the Council must, in the exercise of its functions “have due regard to the need to eliminate conduct that is prohibited by the Act, advancing equality of opportunity between people who share a protected characteristic and people who do not share it, and fostering good relations between people who share a protected characteristic and people who do not share it. For this purpose Section 149 defines “relevant protected characteristics” as including a range of

characteristics including disability, race and religion. In this particular case due regard has been paid to the Section 149 duty but it is not considered there are any issues in this regard relevant to this application.

8.2 SUSTAINABILITY IMPLICATIONS

It is considered that the proposed development would deliver housing and meets sustainable development criteria outlined in national and local policy. Good design ensures attractive usable, durable and adaptable places and is also a key element in achieving sustainable development. This is a bespoke residential scheme designed to suit the character of the area and which takes into account the constraints of the site.

8.3 GREENHOUSE GAS EMISSIONS IMPACTS

New development invariably results in the release of greenhouse gases associated with both construction operations and the activities of the future users of the site. Consideration should be given as to the likely traffic levels associated with this development against the previous use as pasture. Consideration should also be given as to whether the location of the proposed facility is such that sustainable modes of travel by users would be best facilitated and future greenhouse gas emissions associated with the activities of building users are minimised.

It is accepted that the proposed development would result in greenhouse gas emissions. However, it is considered that such emissions are likely to be relatively lower than would be the case for alternative, less sustainable locations.

In order to encourage alternative means of transport electric vehicle (EV) charging points are to be provided within the main car park serving the development, which is subject of a planning condition.

8.4 COMMUNITY SAFETY IMPLICATIONS

None

8.5 HUMAN RIGHTS ACT

Articles 6 and 8 and Article 1 of the first protocol all apply (European Convention on Human Rights). Article 6 - the right to a fair and public hearing. The Council must ensure that it has taken into account the views of all those who have an interest in, or whom may be affected by the proposal. The representations received are summarised and analysed in the report forming appendix 1.

8.6 TRADE UNION

No implications.

8.7 WARD IMPLICATIONS

Implications for the Craven Ward arising are outlined in the Officer Report forming Appendix 1.

9. NOT FOR PUBLICATION DOCUMENTS

None

10. RECOMMENDATIONS

To grant planning permission subject to the suggested conditions and a S.106 agreement.

11. APPENDICES

Appendix 1: Planning Officer's appraisal.

12. BACKGROUND DOCUMENTS

National Planning Policy Framework

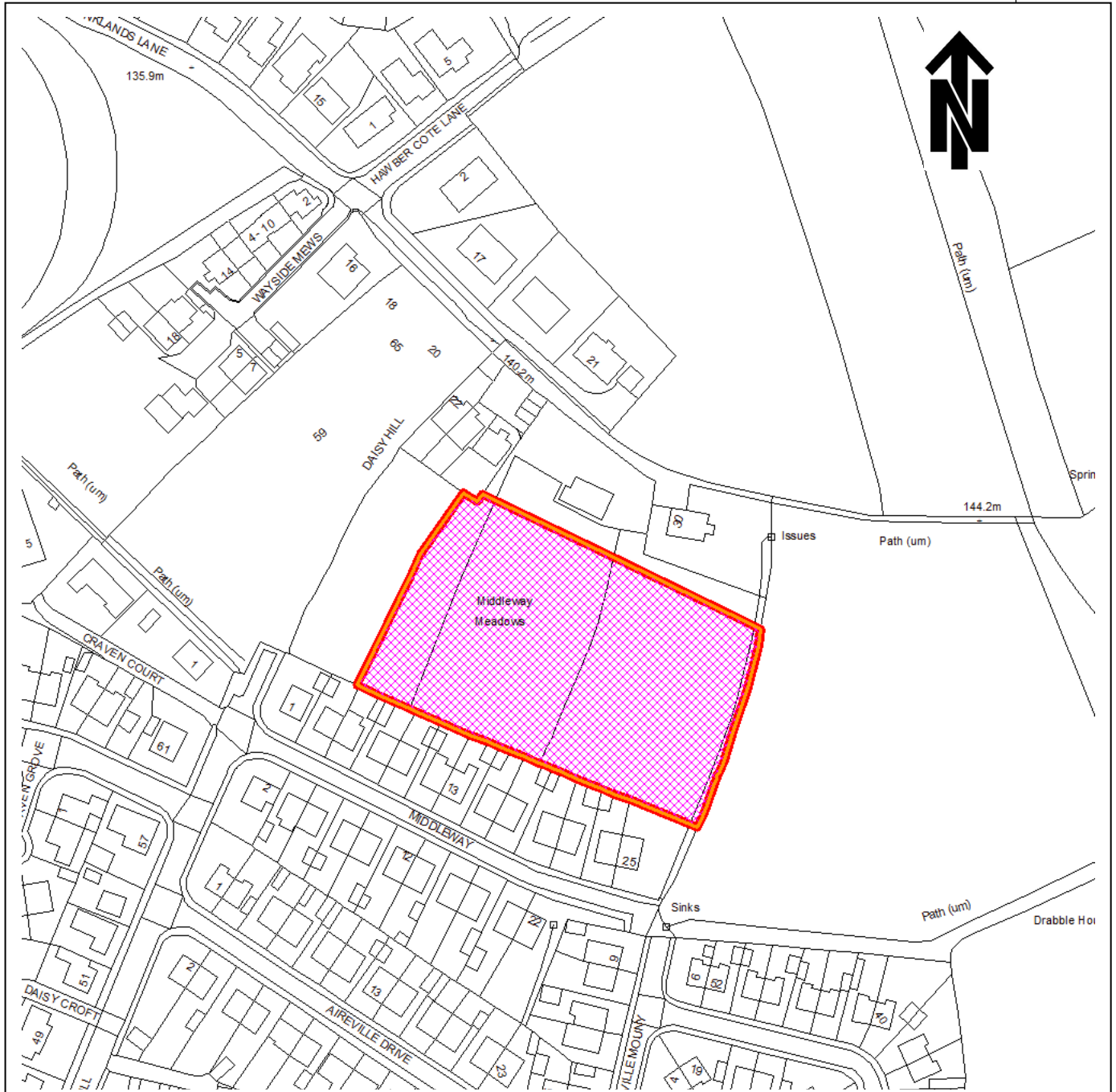
The Replacement Unitary Development Plan

Publication Draft Core Strategy (draft subject to an examination in public in March 2015).

Regulatory and Appeals Committee

16/03577/MAO

29 September 2016



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LOCATION:

**Land At Middleway
Silsden**

Appendix 1

29th September 2016

Ward: Craven

Recommendation:

To grant planning permission with conditions and subject to a S.106 agreement

The Heads of Terms of the S106 Legal Agreement are:

Sum of £13,795 to mitigate the effects of additional housing on biodiversity and contribute towards enhancing the recreational infrastructure (at Silsden Park) in the vicinity of the site due to the extra pressure that will be created on it through the development.

Contribution of £11,261 towards provision of Metrocards to encourage use of public transport

Application Number:

16/03577/MAO

Type of Application/Proposal and Address:

The application seeks outline permission for residential development of 13 dwellings at Land at Middleway, Silsden.

The application seeks consideration of layout only. Details of access, appearance, landscaping and scale are not currently for consideration and would be subject of an application for reserved matters.

Applicant:

Snell Developments Ltd and Mr & Mrs Tillotson

Agent:

Mr Mark Johnson

Site Description:

The site is open pasture with levels falling towards the South. Residential property is located to three sides of the site, more mature property are located to the northern and southern boundaries, Banklands Lane and Middleway respectively, with a recent and on-going housing development to the west (Middleway Meadows). Access would be off Cobbydale Way on the western edge of the site from the recent housing development. There are a number of protected trees on the site with a row running down the site centrally and two significant individual trees towards the eastern end of the site.

Relevant Site History:

None other than pre-application advice.

The National Planning Policy Framework (NPPF):

The NPPF is now a material planning consideration on any development proposal. The NPPF highlights the fact that the purpose of the planning system is to contribute to the achievement of sustainable development and that there is a presumption in favour of sustainable development which can deliver:-

- i) Planning for prosperity (an economic role) - by ensuring that sufficient land of the right type and in the right places is available to allow growth and innovation;
- ii) Planning for people (a social role) - by promotion of strong, vibrant and healthy communities by providing an increase supply of housing to meet the needs of present and future generations and by creating a good quality built environment with accessible local services;
- iii) Planning for places (an environmental role) - by protecting and enhancing the natural, built and historic environment, adapting to climate change including moving to a low-carbon economy.

As such the NPPF suggests local planning authorities should approve development proposals that accord with statutory plans without delay.

Replacement Unitary Development Plan (RUDP):

Allocation

The site is unallocated on the RUDP.

Proposals and Policies

UDP1 Promoting Sustainable Patterns of Development

UDP3 Quality of Built and Natural Environment

UR2 Promoting Sustainable Development

UR3 The Local Impact of Development

UR6 Planning Obligations and Conditions

H7 Housing Density – Expectation

H8 Housing Density – Efficient Use of Land

H9 Affordable Housing

D1 General Design Considerations

D4 Community Safety

TM2 Impact of Traffic and its Mitigation

TM12 Parking Standards for Residential Developments

TM19A Traffic Management and Road Safety

NR16 Surface Water Run Off and Sustainable Drainage Systems

NE4 Trees and Woodlands

NE5 Retention of Trees on Development Sites

NE6 Protection of Trees During Development

NE10 Protection of Natural Features and Species

CF2 Education Contributions in New Residential Development

OS5 Provision of recreation Open Space and Playing Fields In New Development

Parish Council:

Silsden Town Council – Objects on the grounds that no further house building should take place in Silsden until the infrastructure is in place; this includes the road networks and electricity supply. We have concerns whether the local sewer pipes can cope and the impact on flooding of even more surface water. The design of the houses could cause overlooking problems as they primarily look out onto bungalows and the plans do not show any turning spaces for bin lorries or emergency vehicles.

Publicity and Number of Representations:

Publicised by neighbour letters, advertisement in the local press and site notice with an overall expiry date of 30.06.2016.

8 objections including 1 from a Craven Ward Councillor have been received.

Summary of Representations Received:

- Development should not take place on green belt land.
- The proposal would have an unacceptable impact on trees.
- Drainage concerns regarding increased run-off and impact on local sewer network.
- Development would be out of character with bungalows near the site.
- Traffic congestion would be worsened and extra pressure on schools and other infrastructure.
- The proposal would result in a loss of green space and impact on wildlife.
- Proposed landscaping planting would overshadow existing properties gardens.
- Not enough affordable housing for the site.
- The proposed properties are too close to bungalow properties to the south of the site and would overlook them.
- There are no details of the heights of the proposed properties.
- Any development should control hours of construction.

Consultations:

Drainage

The Lead Local Flood Authority is a statutory consultee on matters relating to surface water management on all major developments. The Drainage Department will therefore cease from providing comments on the surface water drainage proposals on major planning applications. Insofar if the following details are implemented and secured by way of a planning condition on any planning permission the Drainage Department have no objection to the proposed development.

The Lead Local Flood Authority has assessed the documentation relating to the surface water disposal on the proposed development, against the requirements of the National Planning Policy Framework and Planning Practice Guidance. Notwithstanding all the documentation submitted, an assessment of the Flood Risk Assessment and Drainage Appraisal report referenced 16039-CR-01 has been carried out, and if the following details are implemented and secured by way of a planning condition on any planning permission the Lead Local Flood Authority have no objection to the proposed development.

Trees

Note some of the grade changes proposed in the sections are likely to be within root protection areas (RPAs) which is not acceptable and the development needs to do work on this to ensure no grade changes are within construction exclusions zones/tree protection areas.

No tree protection plan or arboricultural impact assessment is proposed. No services are shown. This is all required in order to assess the application's suitability in relation to trees. Tree shading is also required and the application must be accompanied with evidence that the retained trees will not be under pressure to be lopped or removed from future occupants or damaged during construction. Further comment can be provided when this information is available. Conditions can be attached for the provision of a tree protection plan, arboricultural impact assessment and tree shadow plan are all documents which would be submitted with a detailed application.

Education

13 new homes will have a very marginal effect on the primary and secondary schools in the area.

Parks and Greenspace Service

For 13 dwellings, a contribution of £13,795 is required for the provision or enhancement of recreation open space and playing fields.

Yorkshire Water

No objection in principle

Highways

As amended the proposal is acceptable in highway safety terms.

Environmental Health

Phase 1 desk study should be submitted and proportionate updated Phase 2 intrusive site investigation may be required by condition.

Biodiversity

Raise concerns regarding a highlighted tree in has moderate potential as bat habitat and that its removal should not take place without required surveys taking place.

The plots are close to protected mature trees.

While the principle of development on this site is generally acceptable, objection is made to the current layout (outline) as it doesn't demonstrate with enough confidence that the significant, mature protected trees on the site can achieve ultimate maturity without adverse impacts from construction or safety concerns from future residents.

Habitat Regulations Assessment (HRA): The site is within c2.2km of the South Pennine Moors South Pennine Moors Special Protection Area (SPA)/Special Area of Conservation (SAC) and therefore within the 2.5km/7km zones of influence. The site is unlikely to constitute 'functionally linked supporting habitat', due to its proximity to existing residential property but as a result of the increase of 13 residential properties will have an adverse impact on the European site in respect of increased recreational pressure etc. Therefore developer contributions towards mitigation will be required before the development can go ahead.

If the application is to be permitted, the following matters/considerations need to be included as part of a Reserved Matters application or conditions as appropriate:- Lighting plan, landscaping, bat boxes, other biodiversity enhancement as suggested in sections 48-50 of the Ecological Appraisal (Brooks 2015) should also be detailed for approval. Also, developer contributions towards mitigation in respect of Habitat Regulations.

Conservation

The proposed development does not have implications for any known heritage assets.

West Yorkshire Combined Authority (WYCA)

Recommend developer contributions to encourage public transport (Metrocards)
£11,261.25

Summary of Main Issues:

1. Principle
 2. Impact on local and residential amenity
 3. Trees
 4. Highway safety
 5. Drainage
 6. Biodiversity
 7. Recreation open space
 8. Affordable housing
 9. Education
 10. Contaminated land
 11. Visual amenity
- Other issues

Appraisal:

1.Principle

The application seeks outline planning permission, only considering siting for a residential scheme comprising 13 dwellings.

The site is unallocated on the RUDP but has been identified within the Strategic Housing and Land Availability Assessment (SHLAA) as a potential housing site that is suitable for housing now. The SHLAA site extends to include the adjacent residential development now nearing completion to the west of the site and which was granted permission under reference 13/02487/MAF for 26 dwellings on 14.11.2013.

Paragraph 47 the NPPF stresses the need for planning authorities to significantly boost the supply of new housing. In order to achieve this goal the NPPF indicates that local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide five years-worth of housing against the Council's housing targets. Where there has been a record of persistent under-delivery of housing the local planning authority should identify an additional 20%. The Council's SHLAA Update Report 2013 indicates that there is a substantial shortfall in housing land relative to these requirements. Whilst the Council is updating the SHLAA, it anticipates that the five-year housing land supply position will remain well below the level required by the NPPF. Under these circumstances paragraph 14 of the NPPF confirms that that relevant policies for the supply of housing should not be considered up-to-date and that there should be a presumption in favour of sustainable development.

The emerging Local Plan reiterates this strong planning policy support for the delivery of new housing. It emphasises that one of the key issues for the future development of the district is the need to house Bradford's growing population by delivering 42,100 new residential units by 2030.

The provision of 13 dwellings on the site would therefore be supported in broad terms by national and local planning policy in respect of the delivery of housing within the area. However the NPPF does not change the statutory status of the development plan as the starting point for decision making and site specific policy constraints must be considered. In this regard the site is unallocated on the RUDP.

This parcel of land will help boost the supply of new homes at a time where housing delivery has dropped to low levels. Therefore if an acceptable scheme is achieved, the site would contribute to the Council's five-year land supply and thus reduce the

pressure and threat of unplanned releases of land in other locations which conflict with current RUDP policy such as green belt. In conclusion, and as on the adjoining parcel of land being developed for housing, the residential use of the site is acceptable in principle providing it can be shown to be sustainable development as outlined by the NPPF.

Sustainability and Density

The NPPF advises that the purpose of the planning system is to contribute to sustainable development. The key sustainable development principles articulated through the NPPF are that good quality, carefully sited and accessible development within existing towns and villages should be allowed where it benefits the local economy and/or community; maintains or enhances the local environment; and does not conflict with other planning policies. Accessibility should be a key consideration in all development decisions. Most developments that are likely to generate large numbers of trips should be located in or next to towns or other service centres that are accessible by public transport, walking or cycling. New building development in the open countryside away from existing settlements, or outside areas allocated for development in development plans, should be strictly controlled.

In terms of the sustainability criteria set out in the saved policies of the RUDP, saved policy UDP1 is relevant, which seeks to focus new development on the urban areas. The proposal would infill open undeveloped land within the existing settlement of Silsden. The site would neither result in the creation of a new settlement in open countryside nor result in the sprawl of the existing settlement of Silsden into the surrounding Green Belt.

Policy H7 of the RUDP advises that planning permission for residential development will only be granted if a density of 30 to 50 dwellings per hectare net at least is proposed. Policy H8 confirms that the Council will refuse planning permission where it is satisfied that the site is capable of accommodating a greater density of development than that proposed. The application site has an area of 1.16ha and the provision of 13 dwellings would yield a density below the requirements of policies H7 and H8 of the RUDP. However paragraph 47 of the NPPF advises that local planning authorities should set out their own approach to housing density to reflect local circumstances. The proposed density is therefore considered to reflect local circumstances such as on site protected trees and is likely to accord with paragraph 47 of the NPPF.

The development site meets the key sustainability considerations as set out in national and local planning policy documents and the density achieved and would reflect local circumstances.

2. Impact on Local and Residential Amenity

Concern has been raised by neighbours and interested parties regarding the proposal's likely impact on neighbouring property and the residential amenities of their occupants. Particular concern has been raised with regard to overlooking and over dominance of the bungalow properties to the south on Middleway.

As previously noted, the application is outline and only seeks consideration of layout with all other matters for consideration at a later stage in the planning process.

With regard to the submitted layouts the proposal achieves Council's required separation distances. The proposed dwellings at the southern edge of the site would be

between 22 and 23 metres from the rear elevations of the bungalow property on Middleway; distances to shared boundaries are between 7 and 13 metres.

Separation of the properties at the northern edge of the site is between 23 and 24.6 metres, with distance to boundaries between 12 and 6.5 metres.

There is a fall in levels towards the southern boundary. Section drawing has been submitted and shows that two-storey properties can be sited without having adverse impact on daylight. It should be noted that the proposed dwellings lie to the north of the bungalows at Middleway and as such direct overshadowing would be reduced.

The drawing also demonstrates that the neighbouring properties to the north on Banklands are set at higher level and would not be significantly adversely affected.

Whilst the section drawing submitted indicates some planting proposals, boundary treatments and two-storey properties, it should be noted that this application is only for the consideration of layout only, not scale, appearance, etc.

Whilst the concerns of neighbours have been carefully noted, the proposed layout submitted meets with acceptable spacing standards.

Detailed design proposals and which include design, scale and landscaping would be required in subsequent application for reserved matters where specific concerns regarding tree planting, boundary treatments and overlooking can be considered fully in relation their impact on neighbouring property.

It is not accepted that existing homes along the site boundaries will notice any appreciable loss of sunlight or privacy from the layout and house types proposed and there is no conflict with policies D1 or UR3 of the RUDP in this respect.

3. Trees

No trees are required to be removed to facilitate the development though three (ref T3, T6 and T7) are proposed for removal due to identified health issues with them in the submitted tree survey.

Policy NE4 of the RUDP seeks to preserve and enhance the contribution that trees make to the landscape character of the district whilst Policy NE5 seeks to retain those trees which are healthy and which have or would have a clear public amenity benefit. The Council will require the protection during construction of trees to be retained and, where appropriate, replacement tree planting for trees lost or damaged during construction.

There are a number of trees located within the boundaries of the site with the bulk being located in a central belt and some notable specimens on the eastern edge of the site. A Tree Preservation Order exists on trees on the land.

There is concern regarding proposed grade changes within (RPAs of trees and a section of hawthorn hedge would be removed to allow access road through the site but most of it is to be retained.

Given the application is at outline stage only considering layout, and following discussion with the Trees Officer, it is advised that an appropriate condition could be

attached to require a tree protection plan with methodology and tree shading diagram at reserved matters stage. Any shaded areas close to proposed dwellings could then be designed to avoid future daylight issues with consideration of window placements etc.

4. Highway Safety

Public comment has been received regarding the impact of an additional 13 properties on existing highway conditions, including an increase in both on-street parking and of vehicular movements in the area. The Council's Highways Engineer has assessed the application and has secured some amendment to the scheme, which include:-

- Swept Paths Plan for a large refuse vehicle (Drawing No. 16039-C-55 Rev A)
- Proposed Site Plan (Drawing No. 03 Rev A)
- External Works Layout (Drawing No. 16039-C-54 Rev A)

The amended plans incorporate a number of changes to the scheme including, the incorporation an 8metre radius turning head allowing the dustbin lorry to turn within the carriageway. The gradient on the adopted turning head and to driveways has been amended to 1 in 15. The refuse area at the end of the private drive has also been added to Plots 10 –13.

Accordingly and following receipt of the amended plans the Highway Engineer advises that they have no objections to the proposal.

The development is of a scale that would not generate a level of traffic that would overwhelm the local highway network. The layout allows for off-street parking of at least 2 vehicles per dwelling in line with required standards, detailed design of the facilities would be considered under a reserved matters application. Overall therefore it is not considered that the proposal will be detrimental to highway safety.

5. Drainage

The Council's Drainage Engineer has examined the submitted Flood Risk Assessment and Drainage Appraisal Report (ref 16039-CR-01) and, if its details are implemented and secured by way of planning conditions, no objection to the proposed development are raised. Detail should be submitted regarding full details and calculations for surface water disposal and also the foul water drainage plans.

6. Biodiversity

Impact on the South Pennine Moors SPA/SAC

The site is within 2.5 km of the South Pennine Moors which are designated at national and international (European) level for their nature conservation interest. At national level, the moor is designated as a Site of Special Scientific Interest (SSSI).

Internationally, as part of the South Pennine Moors Phase 2 designation, the moor qualifies under Article 4.1 and 4.2 of the EU Birds Directive as a SPA by supporting breeding populations of European bird species and breeding bird assemblage. The moor is also included in the South Pennine Moors EU Habitats Directive designation as a SAC as it supports Annex 1 habitat types (European dry heath, blanket bog and oak woodlands).

The most recent and relevant policy is contained within the Bradford Local Development Plan Core Strategy. A HRA identified a range of likely significant impacts which would come into play if residential developments were located close to the European site boundaries. These impacts would depend on the proximity of the

development and Strategic Core Policy SC8 was formulated to address potential conflict between development and the SPA/SAC.

Although not yet formally adopted, the Core Strategy, including policy SC8, has been subject to public examination and there have been no substantial objections to this element of the policy. The Policy should therefore be considered as a material consideration in the decision making process.

Strategic Core Policy (SC8): Protecting the South Pennine Moors SPA and the South Pennine Moors SAC and their zone of influence. In this Policy:

Zone A is land up to 400m from the South Pennine Moors SPA and SAC boundary;

Zone B is land up to 2.5km from the SPA and SAC boundary; and

Zone C is land up to 7km from the SPA and SAC boundary.

The application site is within 2.5km of the edge of the SPA/SAC i.e. zones B/C.

Subject to the derogation tests of Article 6(4) of the Habitats Directive, in all zones development will not be permitted where it would be likely to lead, directly or indirectly, to an adverse effect (either alone or in combination with other plans or projects), which cannot be effectively mitigated, upon the integrity of the SPA or the SAC.

In conducting the above assessment the following approach will apply:

In Zone A no development involving a net increase in dwellings would be permitted unless, as an exception, the development and/or its use would not have an adverse effect upon the integrity of the SPA or SAC.

In Zone B it will be considered, based on such evidence as may be reasonably required, whether land proposed for development affects foraging habitat for qualifying species of the SPA.

In Zone C, in respect of residential developments that result in a net increase of one or more dwellings, it will be considered how recreational pressure on the SPA or SAC, that such development might cause, will be effectively mitigated. The mitigation may be:

(i) such that the developer elects to offer, either onsite and / or deliverable outside the boundary of the development site, such as the provision of accessible natural greenspace and/or other appropriate measures; or

(ii) in the form of a financial contribution from the developer to:

1. the provision of additional natural greenspace and appropriate measures to deflect pressure from moorland habitats and the long-term maintenance and management of that greenspace;

2. the implementation of access management measures, which may include further provision of wardens, in order to reduce the impact of visitors;

3. a programme of habitat management and manipulation and subsequent monitoring and review of measures.

To mitigate impacts on the SPA and SAC European sites due to the increase in population, an SPD will be adopted that sets out a mechanism for the calculation of the financial planning contributions, by reference to development types, the level of predicted recreational impact on the SPA or SAC, and the measures upon which such contributions will be spent.

Although not yet formally adopted, the Core Strategy, including policy SC8, has been subject to Examination in Public and so can be afforded weight in decision making.

This site is within Zone B. The Biodiversity Officer accepts that the site is not of value as supporting habitat to the SPA/SAC. However, the additional 13 dwellings would increase potential recreational pressure on the SPA/SAC moorland due to the additional people living in close proximity.

To mitigate these effects, it is proposed to require mitigation in the form of a financial contribution from the developer towards appropriate countryside management measures to mitigate pressure on moorland habitats or for the development of alternative outdoor recreation facilities in the area to deflect such pressures.

The Council's Countryside and Rights of Way Officer advises that the figure asked for by Parks and Greenspace Service for improvements to the facilities at the nearby recreation ground (Silsden Park) to the north west would fulfil this requirement.

Therefore the financial contribution of £13,795 for 13 houses for the provision or enhancement of recreation open space and playing fields is also considered sufficient to mitigate the effects of additional housing on the integrity of the SPA and SAC.

Biodiversity Issues On Site

The significant, mature protected trees on the site can achieve ultimate maturity without adverse impacts from construction or safety concerns from future residents. This can be ensured and given further consideration at reserved matters stage when proposals for design and scale are submitted. Trees to the eastern edge of the site are being retained as part of the development and therefore an emergence survey for bats would not be required at this time, instead it can be a condition of a future reserved matters application.

Other matters relating to lighting, landscaping, bat boxes and other biodiversity enhancement can be addressed by conditions and/or at reserved matters stage.

7. Recreation Open Space

Policy OS5 of the RUDP states that new residential development will be required to make appropriate provision of or equivalent commuted payment for recreation open space and playing fields.

Within the site there is no provision for either formal or informal recreation open space. As such the Parks and Greenspace Service has requested the payment of a commuted sum of £13,795 that will be used towards the provision or enhancement of existing recreation open space and playing fields in the locality due to the extra demands placed on the locality by this development. The money would be used towards the provision and or enhancement of existing recreational facilities and infrastructure work including but not exclusive to drainage works, footpath works and fencing at Silsden Park. This money will be secured via a Section 106 Legal Agreement and the applicant has accepted this contribution.

8. Affordable Housing

Policy H9 of the RUDP states that the Council will negotiate for a proportion of affordable housing based on, amongst other things, the extent and type of need, and, the economics of provision. The number of units proposed as part of this application is below that for which an element of affordable housing provision can be sought (15 units).

9. Education

At pre-application stage advice was received from the Education Officer who advised that all schools at primary sector level in vicinity of the site are operating at capacity and therefore there will be the requirement of a commuted sum will be required towards improving the existing infrastructure. The sum equates to £24,288 at primary sector level. This has been included in the applicants S106 Heads of Terms. However the consultation response to this current application advises that the proposal would not have a significant impact on local schools.

10. Contaminated Land

The site comprises previously undeveloped pasture and submitted environmental report indicates a low risk of contamination on the site. Given the outline nature of the proposal it is considered reasonable to require the submission of a Phase 1 desk study should be submitted and proportionate updated Phase 2 intrusive site investigation if required by condition.

Appropriate conditions are therefore recommended in relation to the carrying out of further site investigations and dependent on the findings of such investigations there may be a requirement to submit a Remediation Statement outlining how the contamination will be dealt with.

11. Visual Amenity

Policy D1 of the RUDP states that all development proposals should make a positive contribution to the environment and quality of life through high quality design, layout and landscaping. It contains a number of criteria against which development proposals are assessed and includes, amongst others, proposals should be well related to the existing character of the locality in terms of design, scale, massing, height and materials.

The application is in outline form with only details of the layout submitted for consideration. Details of the scale and external appearance have been reserved for consideration at a later stage.

Overall therefore it is considered that the layout of the site, through the retention of the on-site trees, will allow the provision of a development that it will not be visually intrusive on the streetscene.

Other Issues

Other issues raised during the publicity period that have not been assessed in the above sections of the report includes the overloading of local amenities such as public transport, schools and medical services; the issue of the schools being full has been considered by the Council's Education Officer. With regard to overloading medical services, these are often based on the level of demand and respond to any such increase through provision of expanded facilities. This is outside the control of the current planning system and no contributions can be secured towards their improvement.

Community Safety Implications:

There are no other community safety implications other than those referred to in this report.

Equality Act 2010, Section 149:

Section 149 of the Equality Act 2010 states that the Council must, in the exercise of its functions “have due regard to the need to eliminate conduct that this is prohibited by the Act, advancing equality of opportunity between people who share a protected characteristic and people who do not share it, and fostering good relations between people who share a protected characteristic and people who do not share it. For this purpose Section 149 defines “relevant protected characteristics” as including a range of characteristics including disability, race and religion. In this particular case due regard has been paid to the Section 149 duty but it is not considered there are any issues in this regard relevant to this application.

Reason for Granting Planning Permission:

Although undeveloped, this site is not protected by Green Belt or any other protective land designations and residential development here is considered to be acceptable in principle considering the need for housing development in the Bradford District. The layout of houses is compatible with the characteristics of the locality, and the layout achieves appropriate separation between existing and neighbouring dwellings and protected trees. The scheme makes appropriate provision in respect of the mitigation of any impact of additional housing on recreation facilities and the South Pennine Moors SPA/SAC and on site biodiversity.

Subject to conditions and a Section 106 Agreement the proposed development would not cause any significant harm to visual amenity, residential amenity, flood risk, biodiversity or trees and can provide good standards of amenity for existing and future occupiers. The proposal is compatible with the NPPF and complies with the above-noted policies of the RUDP.

Conditions of Approval:

1. Time Scale for Reserved Matters

Application for approval of the matters reserved by this permission for subsequent approval by the Local Planning Authority shall be made not later than the expiration of three years beginning with the date of this notice.

Reason: To accord with the requirements of Section 92 of the Town and Country Planning Act, 1990 (as amended).

2. Time Scale for Commencement

The development to which this notice relates must be begun not later than the expiration of two years from the date of the approval of the matters reserved by this permission for subsequent approval by the Local Planning Authority, or in the case of approval of such matters on different dates, the date of the final approval of the last of such matters to be approved.

Reason: To accord with the requirements of Section 92 of the Town and Country Planning Act, 1990 (as amended).

3. Reserved Matters

Before any development is begun plans showing the:

- i) access
- ii) appearance,
- iii) landscaping, and,

iv) scale within the upper and lower limit for the height, width and length of each building stated in the application for planning permission in accordance with article 3(4) must be submitted to and approved in writing by the Local Planning Authority.

Reason: To accord with the requirements of Article 3 of the Town and Country Planning (General Development Procedure) Order 1995.

4. Site Investigation Scheme

Prior to development commencing, a Phase 1 site investigation and risk assessment in addition to the environmental report already submitted, to assess the nature and extent of any contamination on the site, whether or not it originates on the site, must be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors and to comply with policy UR3 of the Replacement Unitary Development Plan.

5. Site Investigation Implementation

Prior to development commencing the proportionate Phase 2 site investigation and risk assessment must be completed. A written report, including a remedial options appraisal scheme, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the site is remediated appropriately for its intended use and to comply with policy UR3 of the Replacement Unitary Development Plan.

6. Remediation Strategy

Prior to development commencing a detailed remediation strategy, which removes unacceptable risks to all identified receptors from contamination shall be submitted to and approved in writing by the Local Planning Authority. The remediation strategy must include proposals for verification of remedial works. Where necessary, the strategy shall include proposals for phasing of works and verification. The strategy shall be implemented as approved unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the site is remediated appropriately for its intended use and to comply with policy UR3 of the Replacement Unitary Development Plan.

7. Remediation Verification

A remediation verification report prepared in accordance with the approved remediation strategy shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of each phase of the development (if phased) or prior to the completion of the development.

Reason: To ensure that the site is remediated appropriately for its intended use and to comply with Policy UR3 of the Replacement Unitary Development Plan.

8. Unexpected Contamination

If, during the course of development, contamination not previously identified is found to be present, no further works shall be undertaken in the affected area and the contamination shall be reported to the Local Planning Authority as soon as reasonably practicable (but within a maximum of 5 days from the find). Prior to further works being carried out in the identified area, a further assessment shall be made and appropriate remediation implemented in accordance with a scheme also agreed in writing by the Local Planning Authority.

Reason: To ensure that the site is remediated appropriately for its intended use and to comply with policy UR3 of the Replacement Unitary Development Plan.

9. Car Parking Provision

Before any part of the development hereby permitted is brought into use, the off-street car parking facility shall be constructed of porous materials, or made to direct run-off water from a hard surface to a permeable or porous area within the curtilage of the site, and laid out with a gradient no steeper than 1 in 15. The parking so formed shall be retained whilst ever the use hereby permitted subsists.

Reason: In the interests of highway safety, drainage and to accord with policies UR3, TM12 and NR16 of the Replacement Unitary Development Plan.

10. Surface Water Drainage

The development shall not commence until full details and calculations of the proposed means of disposal of surface water drainage, based on sustainable drainage principles and including details of any balancing works and off-site works, have been submitted to and approved by the Local Planning Authority. Furthermore, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works.

Reason: To ensure proper drainage of the site and to accord with policies UR3 and NR16 of the Replacement Unitary Development Plan.

11. Surface Water Drainage Maintenance and Management

Prior to the commencement of the development hereby permitted, a Surface Water Drainage Maintenance and Management document shall be submitted to and approved in writing by the Local Planning Authority. The surface water drainage infrastructure serving the development shall be managed over the lifetime of the development in strict accordance with the terms and agreements set out in the approved Surface Water Drainage maintenance and Management Document.

Reason: To ensure that the submitted drainage proposals will function adequately to mitigate flood risks and to accord with policies UR3 and NR16 of the Replacement Unitary Development Plan.

12. Foul Water Drainage

No development shall take place until full details and calculations of the proposed means of disposal of foul water drainage have been submitted to and approved by the Local Planning Authority

Reason: To ensure proper drainage of the site and to accord with policy UR3 of the Replacement Unitary Development Plan.

13. Construction Hours

Demolition and construction work shall only be carried out between the hours of 07.30 and 18.00 on Mondays to Fridays, 07.30 and 13.00 on Saturdays and at no time on Sundays, Bank or Public Holidays.

Reason: To protect the amenity of the occupants of nearby dwellings and to accord with Policy UR3 of the Replacement Unitary Development Plan.

14. Electric Vehicle Charging Points

Before the development hereby permitted commences on site a scheme for the provision of electric vehicle charging points based on 1 space per 10 communal spaces shall be submitted to and approved in writing by the Local Planning Authority. The electrical circuits shall comply with the Electrical requirements of BS7671: 2008 as well as conform to the IET code of practice on Electric Vehicle Charging Equipment installation 2012 ISBN 978-1-84919-515-7 (PDF). All Electric Vehicle Charging Points shall be clearly marked as such and their purpose explained to new occupants within their new home welcome pack/travel planning advice.

Reason: To facilitate the uptake of low emission vehicles by staff and visitors and to reduce the emission impact of traffic arising from the development in line with the Council's Low Emission Strategy and National Planning Policy Framework.

15. Tree Methodology

Construction of the housing development shall be carried out using the tree-friendly construction techniques. No development shall be carried out within the root protection areas of the retained trees until further details of such arboricultural protection and remediation measures, that comply with industry best practice, have been submitted to and approved in writing by the Local Planning Authority. Such measures shall be formulated in accordance with BS 5837 "Trees In Relation To Construction" and indicate all excavation and grade changes likely to affect root protection areas together with changes to surface treatment affecting these areas. It shall show how the development is to proceed without interfering with tree protection measures and agreed root protection areas and shall provide, at least, the following information:

- (a) Identification of the position of all new sewers, drains, electrical, gas and other service trenches in proximity to the retained trees, which shall be outside the root protection areas;
- (b) Details of any ground level changes that would affect root protection areas;
- (c) Method of construction of car parking areas and building foundations - where root protection areas are affected;
- (d) Details of surfacing materials for areas within root protection areas;
- (e) Timing of operations.

The development shall be carried out in accordance with the details so approved.

Reason: To ensure trees are protected during the construction period and in the interests of visual amenity. To safeguard the visual amenity provided by the trees on the site and to accord with Policies NE4 and NE5 of the Replacement Unitary Development Plan.

16. Construction Plan

Notwithstanding the provision of Class A, Part 4 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any

subsequent legislation, the development hereby permitted shall not be begun until a plan specifying arrangements for the management of the construction site has been submitted to and approved in writing by the Local Planning Authority. The construction plan shall include the following details:-

- i) full details of the contractor's means of access to the site including measures to deal with surface water drainage;
- ii) hours of delivery of materials;
- iii) location of site management offices and/or sales office;
- iv) location of materials storage compounds, loading/unloading areas and areas for construction vehicles to turn within the site;
- v) car parking areas for construction workers, sales staff and customers;
- vi) the extent of and surface treatment of all temporary road accesses leading to compound/storage areas and the construction depths of these accesses, their levels and gradients;
- vii) temporary warning and direction signing on the approaches to the site

The construction plan details as approved shall be implemented before the development hereby permitted is begun and shall be kept in place, operated and adhered to at all times until the development is completed. In addition, no vehicles involved in the construction of the development shall enter or leave the site of the development except via the temporary road access comprised within the approved construction plan.

Reason: To ensure the provision of proper site construction facilities on the interests of highway safety and amenity of the surrounding environment and its occupants and to accord with policies TM2 and TM19A of the Replacement Unitary Development Plan.

16. Preventive Measures: Mud on Highway

The developer shall prevent any mud, dirt or debris being carried on to the adjoining highway as a result of the site construction works. Details of such preventive measures shall be submitted to and approved in writing by the Local Planning Authority before development commences and the measures so approved shall remain in place for the duration of construction works on the site unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety and to accord with Policy TM19A of the Replacement Unitary Development Plan.

17. Bat Emergence Survey

No development shall commence on the site until the developer has carried an up-to-date bat roost survey and report to establish the presence or otherwise of bats and/or bat roosts within the existing development site, and until the survey and its findings have been submitted to and approved in writing by the Council. The report shall include proposals for methodology and phasing of development to safeguard bats should the presence of bats be confirmed and measures to mitigate the impact of the proposals on bats. The development hereby approved shall then be carried out in strict accordance with the phasing, methodology and mitigation measures outlined in the report, agreement to which shall first be confirmed in writing by the Local Planning Authority.

Reason: To safeguard bats and bat roosts that may be found to exist on the site and to accord with Policy NE10 of the Unitary Development Plan.

18. Biodiversity Improvements

Before any development takes place a detailed strategy for making provision for bats, and improving biodiversity on the site, shall be submitted to, and approved in writing by the Local Planning Authority. This strategy shall provide the detailed mitigation strategy and measures, including details of the proposed timing of development activities. The development shall then be carried out in strict accordance with those agreed details.

Reason: In the interests of nature conservation and to accord with policy NE10 of the replacement Unitary Development Plan.

Report of the Assistant Director (Planning, Transportation & Highways) to the meeting of Regulatory and Appeals Committee to be held on 29th September 2016

Y

Subject: Full planning application for the erection of 51 mixed tenure houses including associated infrastructure on land at the Former Bronte School, Keighley Road, Oakworth – planning application 15/02526/MAF

An application made under Regulation 3.

Summary statement:

The development of this parcel of Brownfield land with residential development in the manner proposed is considered an appropriate development of the site that gives the opportunity to provide a sustainable pattern of development within Oakworth located on the major road leading down to the principal town of Keighley. It is considered that the development creates a residential development which provides a suitable mix of housing and which appropriately respects the qualities of the site and character of the surrounding locality and topography. The effect of the proposal on the biodiversity of the site itself, the surrounding locality and the adjacent neighbouring residential properties has been assessed and is considered acceptable. The provision of an access to the site to Keighley Road is acceptable and will not create any adverse or severe consequent effect on highway safety and the movement of road users.

Overall, it is considered that the provision of a residential scheme as proposed along with the associated new landscaping and the proposed vehicular and pedestrian accesses within the site appropriately builds upon the opportunities of the site to provide a suitable development. As such, it is considered development in the manner proposed is in conformity with the core principles outlined within the National Planning Policy Framework (paragraphs 17, 32, 47, 49, 50, 56, 57, 58, 61, 69) and Replacement Unitary Development Plan policies UDP1, UDP3, UDP7, UR3, UR6, H7, H8, H9, TM2, TM12, TM19A, D1, D2, D4, D5, D6, CF2, OS5, NE3, NE3A, NE4, NE5, NE9, NE10, NE11, NE12, NE13 and NR16.

Julian Jackson
Assistant Director (Planning,
Transportation & Highways)
Report Contact: John Eyles
Major Development Manager
Phone: (01274) 434380
E-mail: john.eyles@bradford.gov.uk

Portfolio:

**Regeneration, Planning and Transport
Overview & Scrutiny Area:**

Regeneration and Economy



1. SUMMARY

The proposal relates to a full application for the construction of 51 mixed tenure houses with access from Keighley Road. Permission is recommended to be granted for the scheme subject to restrictive conditions. In addition, as this is an application being determined under Regulation 3 (Council owned land where the Council intends to construct the scheme) it should be noted that the planning permission has been granted with the following obligations:-

- that the scheme provides affordable housing units as part of the 2015-18 Approved Housing Programme of delivering affordable housing across 6 sites in the District that has received HCA (Housing and Communities Agency funding). Note: within the programme there will be 139 houses for rent across the programme and 49 for sale with the sales properties at full market value and at a cross subsidy to the whole programme;
- payment of a contribution of £10,000 to mitigate impacts on sensitive habitats by bring forward the improvements on routes leading to and at the Special Protection Areas. On these routes, erosion of adjacent habitat caused by widening footpaths is an issue and this can be addressed through a suitable contribution.

It should be noted that if the application was not one which was being determined under Regulation 3, the above mentioned obligations would have to be delivered via a formal S106 legal obligation.

Overall, it is considered that the provision of a residential scheme on the site with the proposed vehicular access takes into account the constraints of the site.

2. BACKGROUND

There is no recent history for the development of this site. The former school was demolished in 2007/8. Part of the site is unallocated Brownfield land whilst the remainder is allocated as playing fields (in the Keighley Constituency Volume of the Replacement Unitary Development Plan).

On the adjoining land to the east of this parcel of land (on land which was also part of the Bronte School site) planning application 16/06766/MAF has been submitted for the extra care and residential care scheme comprising the following development:-

(i) Extra Care : 36 two bed 3 person apartments and 33 one bed 2 person apartments and communal area comprising of ; lounge, activity room, restaurant, offices, hair salon, buggy store, therapy room, laundry and staff facilities.

(ii) Care Home: 50 bedrooms in household of 10 with separate lounge and dining areas. Communal area comprising of: gym, lounge, offices and staff facilities,

and is currently under consideration.

The technical report attached as appendix 1 explains the current situation with regard to housing proposals in the District.

3. OTHER CONSIDERATIONS

None

4. OPTIONS

Members can decide to:

- Approve this full application subject to conditions and obligations on the applicants (the Council); or
- Approve the application with different conditions and or different obligations on the Council; or
- Refuse the application giving reasons as to why it is unacceptable; or
- Defer the application for further consideration

5. FINANCIAL & RESOURCE APPRAISAL

There are no financial implications for the Council arising from matters associated with the report.

6. RISK MANAGEMENT & GOVERNANCE ISSUES

No implications

7. LEGAL APPRAISAL

The determination of the application is within the Councils powers as the Local Planning Authority

8. OTHER IMPLICATIONS

8.1 EQUALITY & DIVERSITY

Section 149 of the Equality Act 2010 states that the Council must, in the exercise of its functions “have due regard to the need to eliminate conduct that this prohibit by the Act, advancing equality of opportunity between people who share a protected characteristics and people who do not share it, and fostering good relations between people who share a protected characteristic and people who do not share it. For this purpose section 149 defines “relevant protected characteristics” as including a range of characteristics including disability, race and religion. In this particular case due regard has been paid to the section 149 duty but it is not considered there are any issues in this regard relevant to this application.

8.2 SUSTAINABILITY IMPLICATIONS

It is considered that the proposed development meets the sustainability criteria outlined in established national and local policy. Good design ensures attractive usable, durable and adaptable places and is also key element in achieving sustainable development. The scheme provides an attractive layout which utilises the relatively steep topography of the site. Sustainable methods of drainage from the site are also provided as part of the proposal along with a travel plan promoting sustainable modes of travel.

8.3 GREENHOUSE GAS EMISSIONS IMPACTS

No issues raised other than those identified in the appended technical report. EV charging points are to be provided at each property (planning condition). The travel plan proposals also seek to ensure that more sustainable means of travel are promoted by the developer of the site.

8.4 COMMUNITY SAFETY IMPLICATIONS

Boundary treatments are considered within the application details and are suitable solutions which add to the design elements of the layout.

8.5 HUMAN RIGHTS ACT

Articles 6 and 8 and Article 1 of the first protocol all apply (European Convention on Human Rights). Article 6 – the right to a fair and public hearing. The Council must ensure that it has taken its account the views of all those who have an interest in, or whom may be affected by the proposal.

8.6 TRADE UNION

No implications

8.7 WARD IMPLICATIONS

The scheme provides a mixed tenure housing scheme on part Brownfield land which is considered acceptable in principle for housing development subject to detailed policy requirements of the Replacement Unitary Development Plan.

9. NOT FOR PUBLICATION DOCUMENTS

None.

10. RECOMMENDATIONS

That planning permission is granted subject to the conditions and appropriate obligations set out in the report attached as appendix 1. Under Regulation 3 the Council cannot enter into a Section 106 legal agreement with itself (as the developer of a site). As such it is considered that any planning permission should be granted subject to the following details (which would form part of the decision notice):

- that the scheme provides affordable housing units as part of the 2015-18 Approved Housing Programme of delivering affordable housing across 6 sites in the District that has received HCA (Housing and Communities Agency funding. Note: within the programme there will be 139 houses for rent across the programme and 49 for sale with the sales properties at full market value and at a cross subsidy to the whole programme;
- payment of a contribution of £10,000 to mitigate impacts on sensitive habitats by bring forward the improvements on routes leading to and at the Special Protection Areas. On these routes, erosion of adjacent habitat caused by widening footpaths is an issue and this can be addressed through a suitable contribution.

11. APPENDICES

Appendix 1 – Report of the Assistant Director (Planning, Transportation and Highways).

12. BACKGROUND DOCUMENTS

National Planning Policy Framework

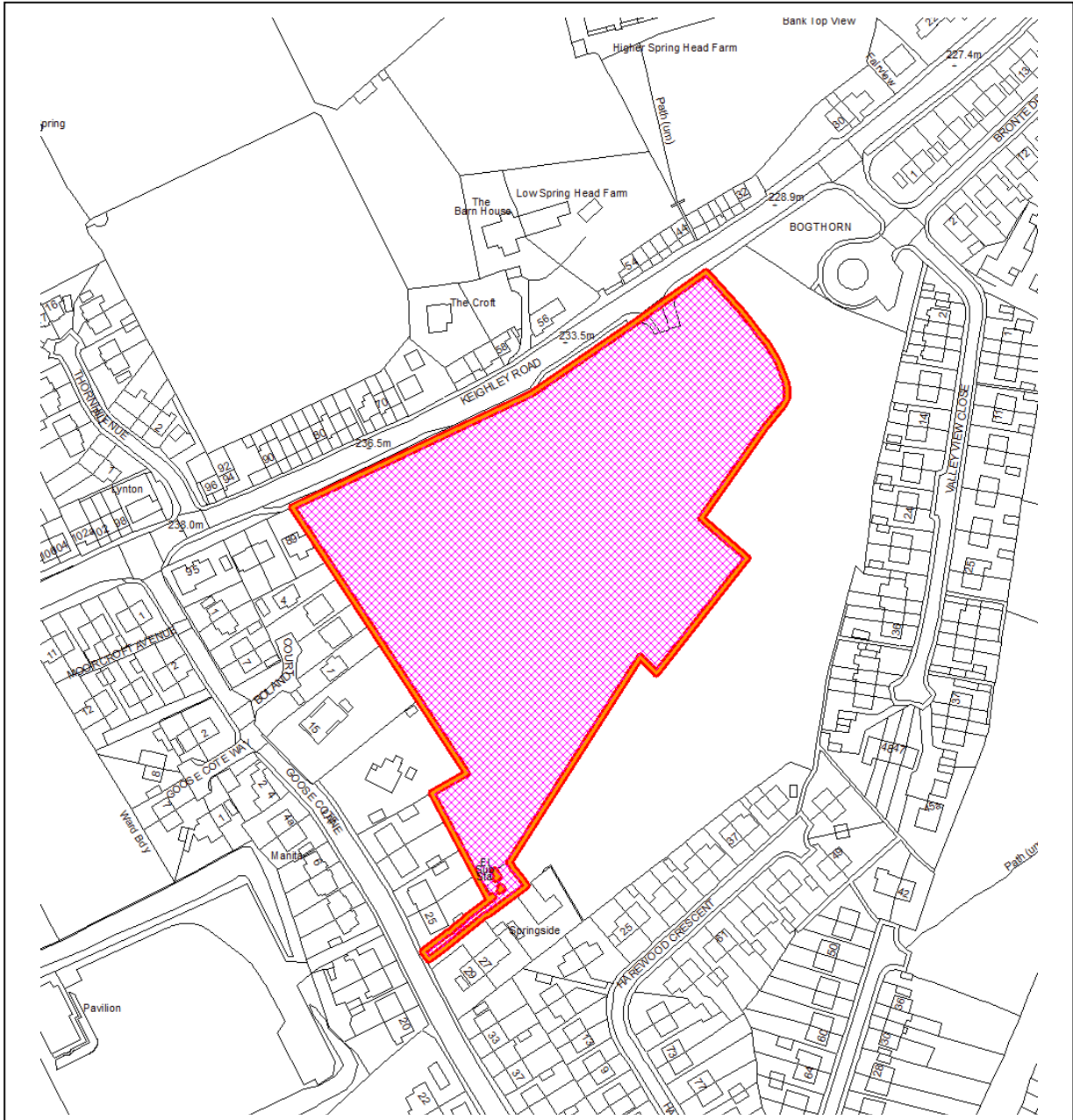
The Replacement Unitary Development Plan

Publication Draft Core Strategy (draft subject to an examination in public in March 2015) and subject to modification which was examined by the Inspector in May 2016

Regulatory & Appeals Committee

16/02526/MAF

29 September 2016



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**LOCATION:
Land At Bronte School
Oakworth**

29th September 2016

Ward: Keighley West

Recommendation:

To grant planning permission subject to conditions and obligations

Application Number:

16/02526/MAF

Type of Application/Proposal and Address:

A full application for the proposed development of 51 No mixed tenure houses including associated infrastructure

Applicant:

City of Metropolitan District Council – Julie Rhodes

Agent:

City of Metropolitan District Council

Site Description:

A 2.87 hectare part Greenfield/part Brownfield site located at the north east edge of Oakworth with an extensive frontage to Keighley Road (B614). At present the site is vacant but was formerly used as a middle school prior to the demolition of the school in 2007/8. The land is enclosed by a dry stone wall with trees along its northern boundary whilst the remaining boundaries are open to the surrounding land which was formerly used as playing fields. The site on a gradient sloping downwards from north to south towards the former playing fields.

The site is bounded to the north by Keighley Road beyond which lies traditional terraces of cottages, to the west lies residential properties in Goose Cote lane, to the south and east by the former playing fields and residential properties in Harwood Crescent and Valley View close. The surrounding area is mixed in character with residential properties. Significant preserved trees are evident on the boundaries of the site all of which have preservation orders on them.

There are 3 existing accesses to the site. The principal existing highway access to the site is via Keighley Road which was used as the in and out to the former Bronte School. The access off Valley View Road was for school buses and parent drop off and the final access is a single road width off Goose Cote lane which services the electricity substation.

Relevant Site History:

07/05042/FUL- Proposal: Demolition of former Bronte School and redevelopment of the site for 96 dwellings- withdrawn from determination January 2009

15/02294/TPO- Proposal: T1, T3, T5, T7 and T10 Sorbus - Fell T2, T6, T8, T9 and T11 Sycamore - Fell T4 Rowan - Fell T12-T14 – Fell - granted 05/08/15.

On the adjoining land to the east of this parcel of land (on land which was also part of the Bronte School site) planning application 16/06766/MAF has been submitted for the extra care and residential care scheme comprising the following development:-

(i) Extra Care : 36 two bed 3 person apartments and 33 one bed 2 person apartments

and communal area comprising of ; lounge, activity room, restaurant, offices, hair salon, buggy store, therapy room, laundry and staff facilities.

(ii)Care Home: 50 bedrooms in household of 10 with separate lounge and dining areas. Communal area comprising of: gym, lounge, offices and staff facilities,

and is currently under consideration.

Replacement Unitary Development Plan (RUDP):

Allocation

Within the Proposals for the Keighley Constituency of the Replacement Unitary Development Plan the site is identified as being part unallocated and part playing fields.

The following policies are relevant:-

Proposals and Policies

UDP1 – Promoting sustainable patterns of development

UDP2 – Restraining development

UDP3 – Quality of built and natural environment

UDP7 – Reducing the need to travel

UR2 – Promoting sustainable development

UR3 – The local impact of development

UR6 - Planning Obligations and conditions

H7 – Housing Density – Expectation

H8 – Housing Density – Efficient Use of Land

H9 – Affordable Housing

TM1 - Transport Assessment

TM2 – Impact of traffic and its mitigation

TM12 – Parking standards for residential developments

TM19A – Traffic management and road safety

D1 – General design considerations

D2 – Energy Efficiency and Sustainable Design

D4 – Community safety

D5 - Landscaping

D6 - Meeting the needs of pedestrians

OS5 – Provision of recreation open space and playing fields in new development

NE3 – Landscape Character Areas

NE3A – Landscape Character Areas

NE4- Trees and Woodlands

NE5 - Retention of Trees on Development Sites

NE6 - Protection of Trees during development

NE10 - Protection of Natural features and Species

NE11 - Ecological Appraisals

NR16 - Surface Water Run Off and sustainable Drainage Systems

BMDC – Supplementary Planning Guidance

Landscape character

Planning Obligations

Planning for Crime Prevention

The Examination Draft of the Core Strategy (Independent hearing of the Core strategy closed on 19th March 2015)

The Local Plan Core Strategy seeks to ensure that sustainable economic growth takes place throughout the District. Whilst the core strategy is not yet adopted, modifications have been consulted upon (examined in May 2016) and the Inspectors Report has now been issued (although the Core Strategy has not been adopted by the Council to date) and it is appropriate to add some weight to various policies of the Plan. To this end with regard to this application the Core Strategy identifies Oakworth and Keighley as areas for housing growth.

The National Planning Policy Framework (NPPF):

The National Planning Policy Framework is now a material planning consideration on any development proposal. The Framework highlights the fact that the purpose of the planning system is to contribute to the achievement of sustainable development and that there is a presumption in favour of sustainable development which can deliver:-

- i) Planning for prosperity (an economic role) - by ensuring that sufficient land of the right type and in the right places is available to allow growth and innovation;
- ii) Planning for people (a social role) - by promotion of strong, vibrant and healthy communities by providing an increase supply of housing to meet the needs of present and future generations and by creating a good quality built environment with accessible local services;
- iii) Planning for places (an environmental role) - by protecting and enhancing the natural, built and historic environment, adapting to climate change including moving to a low-carbon economy.

As such the Framework suggests local planning authorities should approve development proposals that accord with statutory plans without delay.

Town Council: No comments.

Publicity and Number of Representations:

Site notices were displayed at the site, advertisements were placed in the local paper and individual neighbourhood notifications were also carried out with the statutory period of expiry date for comments on the revised application red line details being 8th September 2016. 38 letters of representation have been made: 35 objections, 2 letters of comment and 1 letter of support.

All comments summarised below are written in no particular order of importance. Any additional representations which may be received after the publication of this report will be reported orally at the planning panel.

Summary of Representations Received:

- There are good reasons why the development should not take place and not many reasons in favour of the scheme other than making revenue for the Council.
- Infrastructure - additional traffic and disruption on Oakworth Road.
- Schools in the area will not have the places for additional children
- Drainage – the area is known for its springs and existing properties already flood
- There is wildlife on the site providing bat boxes will not help other creatures
- Using all of this land for housing is a waste. Phase 2 on the plans should be used to provide a recreational area of any children to plan
- Too many brownfield sites which enhance residential areas are being used in

this way – once you have taken it away it never comes back.

- Doctors are full
- The road is already unsafe
- The way this planning application has been carried out has been devious and misleading. First there were the odd notice, and then a few neighbours were notified, the site at first was just the footprint of the former school.
- No need for any more houses in the locality whether affordable housing or not as there aren't enough facilities in Oakworth to facilitate the residents of Oakworth now.
- The site lends itself to infrastructure improvements such as a school and doctors surgery
- As this is the Council who are the applicants we can only presume that on past performances all requests for reason will again be ignored and we will end up with more problems than solutions.
- All trees on the Bronte site have a preservation order on them and it would be an act of ecological vandalism to remove them. For decades they have been absorbing greenhouses gases
- Planting saplings to replace them is not an alternative. What's the point of TPOs if Councils can easily over turn them
- These trees are beautiful and enhance the area.
- Have recently moved to Oakworth and cannot get our daughter into the already oversubscribed school.
- Gardens and garages already get flooded – with more houses getting built on a bog what happens then
- Difficult to see the saleability of small houses on a flood prone site with no facilities.
- At the moment the area is used for recreation and down walking and is a lovely piece of land that will be point by housing.
- A shame the council can't spend some money and use it to provide something that would benefit the local community.
- Local dentists are over scribed
- The drainage in the area is already at maximum- this was pointed out on the previous planning application and Yorkshire Water agreed the current infrastructure would not be able to withstand an increase in houses
- Local drainage is very poor and would only increase the local flooding on both Harewood Crescent and Valley View Close
- Impact on social behaviour – there is only one park for the children to play in.
- Local amenities are very limited.
- The application is misleading as it refers to 51 houses but this is only phase 1 – in reality the number is far closer to 100 houses.
- The highway report is at time comical using cycles and distances to other schools yet not taking into consideration the gradients in the area or access. No local residents travel to work or school on bicycles.
- The application is not about local needs but Bradford Council making housing targets given to them at any cost regardless of current residents needs.
- Oakworth has had its fair share of house building over the last 10 years. We now have no green fields along Oakworth Road. Keighley and Oakworth are running into each other.
- There is no need for this kind of mixed tenure housing in this area
- Detest that the village of Oakworth has been turned into a town.

- Traffic is already a problem in Oakworth and parking at school starting and closing time is already at a dangerous level.
- Sadly this is a proposal based on Bradford Council profiteering and making money from the land but the land is unsuitable for building so many homes on.
- In general welcome the development as the current open site is clearly in need of something.
- Support the mixed nature of the overall proposals however there are some significant opportunities or drawback in the current scheme
- More provision should be made for walking and cycling.
- Where is the play area
- What about incorporating solar powered technology.

Consultations:

Highways Development Control Section – a Transport Assessment (TA) and Travel Plan have been submitted with the application. The TA is accepted in terms of its traffic generation and impact on the highway network.

It is proposed to provide the vehicular access for the phase 1 development from the existing site access location on Keighley Road, The existing access would be amended to meet current residential standards i.e. a traditional estate road comprising of a 5.5m carriageway with 2.0 footways on both sides. The site access visibility onto Keighley Road would be based on recorded vehicle speeds – and the TA indicates that visibility splays of at least 2.4m x 49m are achievable in both directions. These splays are acceptable.

A separate pedestrian and cyclist link only is proposed at the existing site access onto Goose Cote Lane.

Sport England - advise that part of the site which is allocated as playing fields it is considered broadly meet exception E1 of the Sport England planning policy which states “An assessment has demonstrated that there is an excess of playing field in the catchment and the site has no special significant for sport”; as such Sport England does not wish to raise an objection to the planning application

West Yorkshire Combined Authority – there is a regular bus service running next to the development servicing Keighley, Oakworth, Stanbury, Haworth. There are also more services nearby.

Future residents would benefit if one of the new live bus information displays were to be erected at bus stop 21859 at a cost of approximately £10,000.

Good pedestrian access to/from the site to/from bus stops should be provided taking into consideration the needs of the elderly and mobility impaired. Recommend that the development contribute towards sustainable travel incentives such as discounted Metro Cards.

Lead Local Flood Authority –The Lead Local Flood Authority (LLFA) has assessed the documentation relating to the surface water disposal on the proposed development, against the requirements of the National Planning Policy Framework and Planning Practice Guidance. An assessment of the submitted documentation has been carried out, including the Flood Risk Assessment and Proposed Site Plan referenced AR

00165(00)01 and if the following details are implemented and secured by way of a planning condition on any planning permission the Lead Local Flood Authority have no objection the proposed development.

Suggested conditions:

a). The development shall not commence until full details and calculations of the proposed means of disposal of surface water drainage, based on sustainable drainage principles, have been submitted to and approved by the local planning authority.

b) The surface water drainage infrastructure serving the development shall be managed in strict accordance to the terms and agreements, over the lifetime of the development, as set out in a Surface Water Drainage Maintenance and Management document to be submitted to the Lead Local Flood Authority for approval.

c) No development shall take place until the site is investigated for its potential for the use of sustainable drainage techniques in disposing of surface water from the development. Consideration should be given to discharge surface water to soak away, infiltration system and watercourse in that priority order. Only in the event of such techniques proving impracticable will disposal of surface water to an alternative outlet be considered. In the event of infiltration drainage techniques proving unviable the maximum pass forward flow of surface water from the development shall be agreed with the LLFA.

Drainage Section – The Lead Local Flood Authority is a statutory consultee on matters relating to surface water management on all major developments. The Drainage Department will therefore cease from providing comments on the surface water drainage proposals on major planning applications and only provide comments on flood risk and foul drainage matters.

The Drainage Department has suggested a condition regarding foul water drainage to be attached to any permission granted (Note: attached to the rear of this agenda as condition 11).

Yorkshire Water – No objections.

Policy Architectural Liaison Officer – No objections in principle subject to several aspects of the proposal:

Permeability – making sure that the layout does not cause antisocial behaviour; perimeter treatments being provided, reduction in the number of parking bays, low planting around the public open space. Provision of front bin storage to various plots

Landscaping - It is noted that the topography of the site places particular constraints upon the way in which this development can be laid out, and using the existing alignment of the school drive to form the main access road into the development does seem to offer the best way of keeping the gradient of the access road acceptable while also avoiding the need to take out trees adjacent to Keighley Road.

A consequence of retaining the trees and wall adjacent to Keighley Road is that rear elevations will face the main road (Keighley Road) and rear gardens will slope up to end at the existing boundary wall. This makes the development inward facing. There will not be much privacy in the rear gardens that back onto Keighley Road, with

overlooking of the gardens from the pavement. Raising the height of the wall or introducing higher level screening would enhance the severance between the site and Keighley Road. However, it is noted that further down Keighley Road there are existing houses backing onto the boundary wall in a similar way, also having rear gardens that are overlooked from the pavement.

There is an attenuation pond to be constructed as part of Phase 1 but linked to swales that seem to be part of the later Phase 2. Since it is referred to as a pond rather than a dry basin, it is assumed that it will always contain some water. As such, the pond should form a focal point feature within the development. Instead, it is tucked into one of the courtyard areas, where it will feel like it belongs to that particular courtyard. The impression given by this design is that primarily the layout has been determined by placement of the access roads, and placement of the houses has left the space within which the pond has been squeezed.

While there are no existing rights of way through the site, there are benefits to having a pedestrian link into the heart of the development from Goose Cote Lane. However, this pedestrian link seems to be incomplete. It takes people alongside the swale to the pond and then stops within that courtyard area. In my opinion it should continue alongside the swale, since that is where people will want to walk. It is suggested that it needs to connect through into Phase 2 so that it provides a well-considered and meaningful pedestrian route through the development. It might also ultimately link all three phases of the development. As with the pond, the pedestrian link should have more dominance in the scheme rather than taking very much second place to the vehicular roads.

There is at present no landscape plan that covers soft planting, and little detail regarding boundary treatments

Tree Section - Original comments: The contents of the tree survey are noted. It provides a statement on why the RPAs deviate from the requirements of BS5837. The RPAs are incorrectly shown as circles rather than the likely root habit given the existing topographical features.

No evidence is currently provided corroborating the opinion that tree roots are growing under the retaining wall and under the carriageway in any significance to justify the RPAs as circles. However, auger samples within the grass verge to Keighley Road could be taken, and photographic proof provided, to determine the presence or absence of tree roots. There are limitations to this approach but it may nevertheless provide some evidence one way or the other. In the absence of any evidence to the contrary the RPAs should form the shape of the likely rooting habit in accordance with BS5837 and therefore be offset within the site.

Despite being fragmented the tree belt to Keighley Road makes an important contribution to amenity. The housing to this boundary does not relate satisfactorily to trees and a number of plots would have little useable private amenity space and the trees dominating above which will place pressure to remove and fragment further the tree belt. Other trees, despite being TPOs make less of a contribution to amenity and some tree retention is misplaced in my opinion.

There is an extant tree planting condition to plant 14 trees to the south boundary see 15/02294/TPO. It is unclear whether the application has considered this or not. In any event this planting would have to be fulfilled.

No tree protection plan is submitted or arborcultural impact assessment. These would be expected as a minimum considering the level changes proposed close to retained trees. Given the above, proposed engineering and lack of tree protection plan I would support a new layout that includes tree removal to the west and south boundary provided that the trees to Keighley Road are given adequate space (for existing RPAs and future growth) and tree planting reinforces the north belt. Presently I cannot support the current layout.

Revised Plans: Formal comments are awaited on the revised plans and will be reported orally.

Natural England - The Authority should consider that Habitats Regulation Assessment (HRA) of the Draft Core Strategy which identifies the potential for adverse effects with respect to new housing allocation in proximity to the South Pennine moors SPA and SAC, particularly in relation to urban edge effects (fly-tipping, invasive species, cat predation and increased risk of fire), loss of feeding areas used by SPA birds and recreation disturbance /trampling. Proposed mitigation has been identified by your authority and further survey work has been undertaken to ensure the Core Strategy directs development away from areas used by SPA birds and incorporates avoidance/mitigation measures to reduce urban edge effects and recreational disturbance/trampling.

The proposed development is within an area that NE considers could benefit from enhanced green infrastructure, biodiversity enhancement and landscape enchantments.

Biodiversity/Countryside – Formal comments awaited and will be reported orally if any are received.

Environmental Health (Air Quality) – Have reviewed the content of this application and concluded that it constitutes a medium application for the purpose of Appendix 2 (Land use planning and road transport emission guidance) of the Bradford Low Emission Strategy (adopted November 2013), addendum to the Bradford Air Quality Action Plan (March 2013).

Under the provisions of the Bradford LES planning guidance all medium developments are required to:

- Provide Type 1 emission mitigation in the form of electric vehicles charging points at the rates set out in the Bradford LES planning guidance (1 charging point per house with dedicated parking and 1 point per every 10 houses with undedicated parking).
- Adhere to the London Best Practice Guidance on the Control of Dust and Emissions from Construction and Demolition
- Provide a comprehensive low emission travel plan (which includes measures to discourage the use of high emission vehicles and encourage the use of low emission vehicles)

If the Local Planning Authority is minded to approve planning permission it is recommended that as a minimum the following planning conditions are included on the planning decision notice: EV charging points, Construction Environmental Management Plan and travel plan.

Environmental Health (Contamination) – considered the application and the supplied Phase 1 and 2 reports.

A remediation strategy will be required which details the ground gas protection which will be installed across the site dependent on the findings of the updated risk assessment. It must also detail the activities to be undertaken should unexpected contamination be identified and remedial actions take place. A remediation verification report will subsequently be required to confirm that remediation activities have been carried out as per the remediation strategy.

Environmental Health, therefore, recommends the following conditions on any permission granted – gas monitoring implementation, remediation strategy, remediation verification, unexpected contamination and materials importation.

Minerals and Waste – no objections raised in principle as the proposal is not in a minerals safeguarding area. A former landfill site is situated 180m from the proposals which is considered to be a sufficient enough distance from the proposals not to cause any stability or contamination issues. The phase 2 investigation report is noted.

If the proposal is to crush and screen hard standings that exist on site this is considered a sustainable option. Appropriate conditions would need attaching to any permission to ensure that any adverse impacts are kept to a minimum.

Yorkshire Electricity – No comments given

National Grid – No comments given.

Local Plans Section – No comments given.

Enabling Housing (affordable housing section) – The affordable housing requirement is that 20% of the number of units on the site.

Education/Children's service – We have assessed the situation in this area and can advise that we would need to request a contribution towards primary educational provision as all schools serving this area are now full. The calculation for 51 houses is as follows:

Primary

Houses: 0.02 (yield per year group) x 7 (year groups) x 41 (number of dwellings) x $£13345$ (cost per place) = $£95,283$

There is sufficient capacity therefore no request for section 106 funding to expand secondary educational provision.

Total section 106 request for education purposes: $£95,283$

Recreation/leisure services - require a contribution of $£105,054$ for the provision of Recreation Open Space and Playing Fields due to the extra demands placed on the locality by this development. The money would be used towards the provision and enlargement of existing recreational facilities and infrastructure work including but not exclusive to drainage works, footpath works and fencing at Bronte playing fields and Holden Park, Oakworth.

Summary of Main Issues:

Principle of development
Sustainability
Density
Design/landscaping
Highway Safety
Flooding/drainage matters
Impacts on the amenities of the nearby properties
Other impacts: - biodiversity, contamination, air quality
Use of planning conditions/S106 legal agreements
Comments on representations made
Community Safety

Appraisal:

1. Permission is sought for the construction of 51 mixed tenure dwellings and associated infrastructure on this site. Demographical studies have identified that the Bradford District is experiencing increased demand for affordable houses. In response to this CBMDC housing service are developing housing for rent and affordable housing projects across the District and this site is proposed to have a mixture of 2, 3 and 4 bedroomed houses for rent and sale:

14 x 2 bedroomed houses
31 x 3 bedroomed houses
6 x 4 bedroomed houses.

2. The proposed layout and scale seeks to follow the grain and scale of the character of the existing locality by the creation of short terraces and semi-detached houses with in curtilage parking. Materials are proposed from reconstituted stone with render with features of stone heads, cills and jambs. The two bed terraced houses are proposed to have a combination of random stone rubble and render in contrast to the coursed stone on the larger proposed dwellings. The fenestration patterns has been designed to maximise the daylight and take advantage of natural heat gains.

3. Access to the proposed houses is via Keighley Road, using the former access to the school. This access has been designed to even out the steep gradients across the site and to take account of the topography of the site which slopes steeply down from north to the south.

Principle

4. This is a primarily Brownfield site with a Greenfield element in the shape of part of the former playing fields. The National Planning Policy Framework (NPPF) underlines and increases the importance of delivering housing development (including affordable housing provision) in support of the district's growing population. A core planning principle in the NPPF states that planning should proactively drive and support sustainable economic development to the deliver homes, business and industrial units, infrastructure and thriving local places that the country needs (page 5, paragraph 17). The NPPF states that every effort should be made objectively to identify and meet the housing needs of an area and respond positively to wider opportunities for growth.

5. Local Planning Authorities (LPAs) are responsible for setting their own housing requirement. This must be based on robust evidence including household and population projections, which take into account migration and demographic change. In

assessing the housing needs in their area over the plan period, the NPPF states LPAs should identify the scale and mix of housing that meets household and population projections, taking account of migration and demographic change (pages 12-13, section 6).

6. In terms of delivering a wide choice of high quality homes the NPPF states at page 12, paragraph 47 that LPAs should boost significantly the supply of new housing. In order to achieve this goal the NPPF requires LPAs to identify a 5 year supply of deliverable housing sites judged against their housing requirement. Moreover the NPPF goes on to state that where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer i.e. over and above the basic 5 year requirement by 20% to provide a realistic prospect of achieving the planned housing supply. It is clear that Bradford has experienced just such a sizeable and persistent under delivery of housing in recent years. Bradford is therefore be required to identify the additional 20% of deliverable land in order to meet the requirements of NPPF paragraph 47. It is also clear that unless sites such as this one are successfully implemented and brought to the market this under supply will not only remain unmet but will also grow significantly worse. This in turn will have severe impacts on the prospects for regeneration in the district and will exacerbate existing and growing problems of overcrowding and long waiting lists for social housing which already exist in parts of the district.

7. The most up to date situation with regard to housing supply is that the LPA gave evidence at the recent Bradford Local Plan core Strategy Examination in Public (CS EIP) held between of the 4th and 20th March 2015. Following this examination major modifications were made to the draft Local Plan which was then reopened for examination in May 2016. The Inspectors report into the soundness of the Submission Draft Core Strategy has just been received but has not yet been to Members of the Council to consider. The most up to date housing land supply assessment produced by the LPA is that the District has a 2.33 years supply of deliverable housing sites. This represents a considerable under-supply and is less than 50% of the total required. The strategic case for permitting housing development at this site therefore has been strengthened as a result of the application of the policies of the NPPF.

8. Further the Framework advises that relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a 5 year supply of deliverable housing sites. Paragraph 14 indicates that were policies are out of date the proposal must be considered in the context of the presumption in favour of sustainable development and permission granted unless tests derived from specific policies in the Framework (or material considerations) indicate otherwise or any adverse impact of granted in permission would significantly and demonstrably outweigh the benefits of the scheme when assessed against the Framework taken as a whole.

9. The appropriateness of the Keighley/Oakworth as a location for further housing development is reinforced by the emerging Core Strategy where it is intended to be a local focus for housing and other development. As such, it is considered that the location and scale of the housing proposed on this formerly allocated housing land would be consistent with policies promoting a sustainable pattern of development in the Bradford District. Furthermore, the proposed application site is well-located in relation to the built-up areas and their form in the locality and is in close proximity Keighley Road which has a 10 minute bus route down into Keighley Town Centre. Local facilities exist in Oakworth village centre also; as such, it can be concluded that a

housing proposal (in this location) represents a sustainable form of development and that it would thereby comply with policy UDP1 of the RUDP.

10. Overall, the proposed residential use of the site is acceptable in principle. The Ministerial statement *Planning for Growth* makes it clear that the economic benefits of proposals should be taken into account, and encourages support for sustainable forms of development, including housing. The importance of sustainable economic growth is reiterated in the Framework: one of the core principles of the Framework is that planning should proactively drive and support economic development to deliver, amongst other results, the homes which the country needs. The proposed housing at this site would represent a sustainable form of development. Its economic benefits, including job creation, the new homes bonus, and expenditure in the local economy, carry significant weight.

Sustainability

11. The National Planning Policy Framework advises that the purpose of the planning system is to contribute to sustainable development. For the planning system delivering sustainable development means:

- Planning for prosperity (an economic role) – by ensuring that sufficient land of the right type and in the right places is available to allow growth and innovation;
- Planning for people (a social role) - by promotion of strong, vibrant and healthy communities by providing an increase supply of housing to meet the needs of present and future generations and by creating a good quality built environment with accessible local services;
- Planning for places (an environmental role) – by protecting and enhancing the natural, built and historic environment, adapting to climate change including moving to a low-carbon economy.

12. The approach to planning for sustainable development is set out the National Planning Policy Framework. The key principles of this document are that are that good quality, carefully sited accessible development within existing towns and villages should be allowed where it benefits the local economy and/or community; maintains or enhances the local environment; and does not conflict with other planning policies. Accessibility should be a key consideration in all development decisions. Most developments that are likely to generate large numbers of trips should be located in or next to towns or other service centres that are accessible by public transport, walking or cycling. New building development in the open countryside away from existing settlements, or outside areas allocated for development in development plans, should be strictly controlled; the overall aim is to protect the countryside for the sake of its character and beauty and the diversity of its landscapes.

13. It is considered that the proposed development meets the sustainability criteria outlined in established national and local policy. Indeed, it is considered that the site is well located in relation to built-up areas, that there is a reasonable level of accessibility by non-car modes of transport - especially as this site is adjacent to the 10 minute bus route down into Keighley, a Principal Town of the District; and, that the proposal represents a sustainable form of development which would comply with Policy UDP1 of the RUDP.

14. Good design ensures attractive usable, durable and adaptable places and is a key element in achieving sustainable development. The layout provided is considered an

appropriate design for the site as it utilises the sloping topography of the site whilst still providing development in proximity to the Keighley Road frontage which allows interest in the streetscape along this existing route.

Density/Efficient use of land

15. Policies H7 and H8 of the RUDP seek to ensure that the best and most efficient use is made of any development site. As such there is a requirement to achieve a minimum density of 30 dwelling per hectare on sites. The National Planning Policy Framework also advises that Local Planning Authorities shall have regard to:

- Achieving high quality housing
- Ensuing development achieve a good mix of housing
- Setting out their own approach to housing density to reflect local circumstances.

16. The approximate net site area is 1.87 hectares. The provision of 51 dwellings on the site would create a density of 27 dwellings per hectare which whilst lower than the policy requirement of 30 dwellings per hectare is considered acceptable on this steeply sloping site (which is also constrained by preserved trees).

Affordable housing/Housing Mix

17. This is a site which is proposed to accommodate 51 houses; therefore the mix of housing on the site should achieve a mix of households as well as a mix of tenure and price. It is recognised and supported that the applicant (BMDC housing) has advised that this scheme provides affordable housing units as part of the 2015-18 Approved Housing Programme of delivering affordable housing across 6 sites in the District that has received HCA (Housing and Communities Agency funding. It should be noted that within the programme there will be 139 houses for rent across the programme and 49 for sale with the sales properties at full market value and at a cross subsidy to the whole programme. This provision – across several sites - is in line with the most recent evidence put forward in the Publication draft of the Core strategy and will help ensure that the Councils essential affordable housing programme to provide a mix of tenure and range of prices will not just be provided on this site but will help facilitate the proposed range of affordable housing schemes across the District.

Design principles/landscape impacts

18. The National Planning Policy Framework sets out the national policy objectives for housing. A key objective is '*to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed*'. In order to facilitate this, local authorities should draw on relevant guidance and standards. At the local level there are design policies in the Replacement Unitary Development Plan (RUDP). Of particular relevance are:-

- Policy D1 which states that new development should relate to the existing character of the locality,
- Policy D5 which states that existing landscape features should be incorporated as an integral part of the proposal, and

19. The design approach (as set out in the Design & Access Statement), is based on a number of positive aspects such as providing an appropriate access road through the site, the provision of sustainable drainage, the retention of many existing trees (although it should be noted that it is prosed to remove some preserved trees), linking the site to Goose Cote Lane for pedestrians to walk through and orientation of the houses to maximise natural light and free heat gain. Driveways will be in permeable

tarmac with paving slabs. The proposed materials reflect the varied character of the existing locality.

20. In conclusion, the application is supported in design terms. It is considered that the proposal is an appropriate design in terms of layout and scale and will not impact unduly on the existing street scene. The proposal complies with policies D1 and D5 of the Replacement Unitary Development Plan and the design guidance brought forward in the National Planning Policy Framework and Guidance.

Highway matters

21. A Transport Assessment (TA) and Travel Plan have been submitted as part of the application. Highway engineers agree that the proposed development of 51 dwellings on this site can be accommodated on the surrounding highway network without raising any undue highway safety concerns assuming that the highway improvements suggested as part of this development are delivered (viability splays onto Keighley Road). As such, the means of access to the site from Keighley Road is considered to be satisfactory and will not compromise highway or pedestrian safety.

22. The consultation comments from the highways section have been fully enclosed earlier within this consultation section of this report. Details of the proposed conditions have been attached to the end of this report. Essentially, there is no highway objection in principle to this proposed development. Overall, it is considered that the provision of highway access in the manner proposed is satisfactory and will not comprise highway safety but will accord with established highway standards and policies TM2 and TM19A of the RUDP.

23. The Travel Plan promotes the integration of travel modes to improve the accessibility of the site by means other than the single person occupied car, to ensure that the travel plan framework meets the needs of the residents and employees, to make people aware of the benefits to be derived from the travel plan, to minimise the level of vehicular traffic generated by the development and to enable the development to protect and enhance the environment as far as practically possible. It is considered that the provision of a travel plan will ensure that the development of this site in the manner proposed encourages, as far as practically possible, sustainable practices in this location in accordance with the National Planning Policy Framework. A condition regarding the implementation of a travel plan for this development which incorporates matters raised by the Councils Air Quality section is suggested on any permission granted.

Flooding/drainage

24. The Lead Local Flood Authority and Yorkshire Water have both made consultation comments on the application scheme. In a nutshell each of the above advise that planning permission can be granted for the scheme subject to conditions being attached to any permission granted. These conditions are set out at the end of this report at numbers 8, 9, 10 and 11.

Effects on the surrounding locality

25. The development is proposed on primarily Brownfield land within an urban area which is surrounded by varying style of residential development. In principle, development of the site for the housing as proposed is acceptable. Further, it is considered there is no undue adverse impact which would arise out of the grant of planning permission on this site in the manner proposed. Suitable drainage solutions

can be achieved for the site and the highway impacts are considered acceptable with regard to both vehicular traffic and pedestrian users. The specific design of the buildings including the use of building materials and landscape treatments are acceptable in principle subject to details which are proposed to be covered by conditions attached to the rear of this agenda.

Effects on the adjoining residential properties

26. Residential properties immediately about the site and are evident along Keighley Road. It is considered that no undue loss of amenities would be created on any of the surrounding residential properties. The design and layout of the proposed dwellings takes into account the surrounding development and retains appropriate spatial distances between those existing properties and the proposed new proposed. As such, it is considered that the proposal complies with policy UR3 of the Replacement Unitary Development Plan.

Other Impacts - Biodiversity

27. Whilst Policy NE10 of the RUDP states that wildlife habitats accommodating protected species will be protected by the use of Planning conditions/obligations it is clear from the supporting text and Policy NE11 that an ecological appraisal should be submitted with a planning application so that the Local Planning Authority can 'assess the potential impact of the proposed development prior to the consideration of granting planning permission.'

28. Habitat Regulations Assessment (HRA) - It should further be noted that as the site is 3.6km from the nearest edge of the South Pennine Moors Special Protection Area/Special Area of Conservation (SPA/SAC) and therefore falls in a zone of impact identified in the Habitat Regulations Assessment of the emerging Core Strategy for the Bradford District. Article 6(3) and (4) of the habitats and Birds Directives require that plans and projects are subject to appropriate assessment, alone or in combination where there is a potential to have an impact on a European Site.

29. It is considered that as previously developed land, the site doesn't constitute 'supporting habitat'. However, as there may be an increased recreational impact on the European Site developer contributions towards mitigation will be required (specific details are shown in the Heads of Term of the S106 section of this letter).

Other Impacts - Contamination Issues

30. Sufficient information has been submitted within the application to advise that development of the site is acceptable in principle subject to conditions regarding gas monitoring, remediation strategy, remediation verification, unexpected contamination and materials importation being attached to any permission granted.

Other Impacts – Air Quality

31. The proposed development constitutes a medium development for the purpose of Appendix 2 (Land use planning and road transport emission guidance) of the Bradford Low Emission Strategy (adopted November 2013), addendum to the Bradford Air Quality Action Plan (March 2013).

32. Under the provisions of the Bradford LES planning guidance all medium developments are required to:

- Provide Type 1 emission mitigation in the form of electric vehicles charging points.

- Adhere to the London Best Practice Guidance on the Control of Dust and Emissions from Construction and Demolition
- Provide a comprehensive low emission travel plan (which includes measures to discourage the use of high emission vehicles and encourage the use of low emission vehicles)

As such, conditions regarding electrical vehicle charging points, construction environmental management plan and travel plan are suggested to be attached to any permission granted.

Use of planning conditions/Legal Agreements/278 agreements/Contributions

33. Development of housing of the scale proposed inevitably involves physical infrastructure works and social infrastructure works such as recreation provision, contributions towards education expansion facilities and affordable housing. In line with policy UR6 of the Replacement Unitary Development Plan it is usually appropriate that the developer should enter into a Section 106 to address the following issues – affordable housing, recreational provision, transport infrastructure and educational contributions.

34. Members should note however that due to the fact that the applicant is the Local Authority and the units are being delivered under the 2015-18 Affordable Housing Programme a financial viability information has been submitted with regard to how the scheme is delivered as part of the overall BMDC affordable housing provision. As such it is intended in the remainder of this section to review what the S106 contributions would be requested and then consider the financial viability matters which have been raised before concluding what the Heads of Terms could be.

35. The up to date evidence base of the Publication Draft of the Core Strategy advises that up to 20% affordable housing should be achieved in this locality. There is also a need for affordable 2 and 3 bedroom properties in the area. As this scheme is part of a package to provide 188 houses across 6 sites within the District (of which 139 houses will be for affordable rent and 49 will be for general sale) is considered appropriate that the affordable housing is provided within this scheme along with the other 5 schemes to provide an average of 74% affordable housing across the total sites. This is significantly in excess of planning policy requirements for individual sites.

36. Policy OS5 of the RUDP requires that new residential development be required to make appropriate provision of or equivalent commuted payment for recreational open space. The Sport and Leisure Service require a contribution of £105,054 for the provision of recreation open space and playing fields due to the extra demands placed on the locality by this development.

37. In addition because of the habitat regulations a contribution towards mitigating the sensitive habitats on the nearby South Pennine Moors by bring forward the improvements on routes leading to and at the Moors is required to be provided. This will help mitigate the nearby footpaths and those footpaths leading to moorland routes upon which people are undertaking recreational pursuits by ensuring that the erosion of adjacent habitat caused by widening footpaths is suitably addressed.

38. Further development contributions on this scheme also include: -

- a) Educational provision - Under policy CF2 of the Replacement Unitary Development Plan, new housing proposals that would result in an increased

demand for educational facilities that cannot be met by existing schools and colleges should contribute to new and extended school facilities. The nearest schools, at primary level, are full and a contribution of £95,283 towards primary facilities should be provided .

b) Provision of Real Time Bus display at the nearest bus stop a cost of £10,000

It should be noted that a landscape management plan agreement to ensure that all communal areas of the site are effectively managed is proposed as a condition.

39. Overall, above are the contributions amounts generally required under the Heads of Terms of a S106 legal agreement for a housing scheme such as the one proposed in accordance with policies in the Replacement Unitary Development Plan and the Councils Supplementary Planning Guidance on Planning Obligations. As discussed above however the applicants are the housing service from BMDC and have submitted evidence showing the financial arrangements to deliver the 2015-18 approved affordable housing programme which effectively shows that the above development contributions noted above simply render the scheme unviable as this scheme will provide a greater amount of affordable housing than required by policy and is part of a strategy to delivery 139 affordable properties to rent across the District.

40. Essentially it is acknowledged that this proposal is one of a large project to be delivered under the 2015-2018 Affordable Housing Programme. The land for the development is owned by the local authority and is being put into the scheme at nil value. The financial model shows that borrowing is paid back via rental income from the proposed units and the Council are subsidising the programme from two other sources to make the projects viable from “recycled capital receipts” of 2.6m and from previous commuted sums of 2.23m.

41. The development is being undertaken to meet an ever growing need for social housing in this area of the District. There is no profit to the local authority as developer or a return for the landowner and any further S106 payments (such as recreation or education contributions) will need to be from additional prudential borrowing which will make the scheme undeliverable. The new units will be on a Brownfield site and if the development is delivered promptly the Council will benefit from a new homes bonus which, can be used to offset the reduction in obligations/S106 contributions agreed. As such it is considered that the proposal for limited S106 contributions as outlined below is acceptable.

42. Proposed Obligations under Regulation 3 (as this is a Council owned site) taking into account viability/delivery matters:-

- That the scheme provides affordable housing as part of the 2015-18 Approved Housing Programme of delivering affordable housing across 6 sites in the District that has received HCA (Housing and Communities Agency funding. Note: within the programme there will be 139 houses for rent across the programme and 49 for sale with the sales properties at full market value and at a cross subsidy to the whole programme;
- Payment of a contribution of £10,000 to mitigate impacts on sensitive habitats by bring forward the improvements on routes nearby the application site and leading to and at the SPAs.

Comments on the letters of representation

43. There is opposition to this development from the local community. The issues raised in the letters of representation received have in the main been covered within the relevant sections of the above report .e.g. the principle of development on this school site, the lack of infrastructure to and from and around the site in terms of highways and local school places etc.

44. It is clear from the letters of representation that one of the main concerns of this scheme is how traffic from this development will create drainage/flooding issues. Residents have advised that the field is a bog throughout the winter months, nearby gardens flood after a heavy downpour. Goose Cote is well known for springs – the areas is also known as Bogthorn. These concerns have been considered by the Councils specialist drainage engineers acting as in their capacity as the Lead Local Flood Authority. They have recommended conditions to be attached to any permission granted which should ensure that drainage matters are satisfactorily dealt with and that any development of the site will see betterment of the existing drainage situation.

Community Safety Implications

It is considered that appropriate initial design principles have been established within the application. Furthermore the application provides a commitment to be developed to the principles of Secure by Design: as such it is considered the proposal will accord with the spirit of policy D4 of the Replacement Unitary Development Plan.

Equality Act 2010, Section 149:

Section 149 of the Equality Act 2010 states that the Council must, in the exercise of its functions “have due regard to the need to eliminate conduct that this prohibit by the Act, advancing equality of opportunity between people who share a protected characteristics and people who do not share it, and fostering good relations between people who share a protected characteristic and people who do not share it. For this purpose section 149 defines “relevant protected characteristics” as including a range of characteristics including disability, race and religion. In this particular case it is considered that the above characteristics have been fully considered within the scheme

Reason for Granting Planning Permission

In granting permission for this development the Council has taken into account all material planning considerations including those arising from the comments of many statutory and other consultees, public representations about the application and Government Guidance and policy as detailed in the National Planning Policy Framework, and the content and policies within the Supplementary Planning Guidance and The Development Plan consisting of the Replacement Unitary Development Plan for the Bradford District 2005.

The Council considers that the following matters justify the grant of planning permission:

The development of this parcel of Brownfield land with residential development in the manner proposed is considered an appropriate development of the site that gives the opportunity to provide a sustainable pattern of development within Oakworth located on the major road leading down to the principal town of Keighley. It is considered that the development creates a residential development which provides a suitable mix of housing and which appropriately respects the qualities of the site and character of the surrounding locality and topography. The effect of the proposal on the biodiversity of

the site itself, the surrounding locality and the adjacent neighbouring residential properties has been assessed and is considered acceptable. The provision of an access to the site to Keighley Road is acceptable and will not create any adverse or severe consequent effect on highway safety and the movement of road users.

Overall, it is considered that the provision of a residential scheme as proposed along with the associated new landscaping and the proposed vehicular and pedestrian accesses within the site appropriately builds upon the opportunities of the site to provide a suitable development. As such, it is considered development in the manner proposed is in conformity with the core principles outlined within the National Planning Policy Framework (paragraphs 17, 32, 47, 49, 50, 56, 57, 58, 61, 69) and Replacement Unitary Development Plan policies UDP1, UDP3, UDP7, UR3, UR6, H7, H8, H9, TM2, TM12, TM19A, D1, D2, D4, D5, D6, CF2, OS5, NE3, NE3A, NE4, NE5, NE9, NE10, NE11, NE12, NE13 and NR16.

Conditions of Approval

1. The development hereby permitted shall begin not later than three years from the date of this decision.

Reason: To accord with the requirements of Section 91 of the Town and Country Planning Act, 1990 (as amended).

2. Prior to commencement of the development a Construction Environmental Management Plan (CEMP) for minimising the emission of dust and other emissions from the site operations and associated transport movements should be submitted to, and approved in writing by the Local Planning Authority. The CEMP should be prepared with due regard to the guidance set out in the London Best Practice Guidance on the Control of Dust and Emissions from Construction and Demolition. All works on site shall be undertaken in accordance with the approved CEMP unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect amenity and health of the local population and to accord with policy UR3 of the replacement Unitary Development Plan.

3. Every housing unit with dedicated parking within curtilage shall be provided with an electric vehicle charging point readily accessible from the outside of the property. The electrical circuits shall comply with the Electrical requirements of BS7671: 2008 as well as conform to the IET code of practice on Electric Vehicle Charging Equipment installation 2012 ISBN 978-1-84919-515-7 (PDF). All EV charging points shall be clearly marked as such and their purpose explained to new occupants within their new home welcome pack /travel planning advice.

Reason: To facilitate the uptake of low emission vehicles by future occupants and reduce the emission impact of traffic arising from the development in line with the council's Low Emission Strategy and Paragraph 35 of the National Planning Policy Framework (NPPF).

4. Notwithstanding the details shown within the application, within 6 months of the commencement of development a scheme and programme of landscaping shall be submitted to and approved in writing by the local planning authority. The scheme shall include the size, species and spacing of planting, the areas to be grass covered, and the treatment of hard-surfaced areas. The scheme shall be carried out in accordance

with the approved programme; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written approval to any variation.

Reason: To safeguard the visual amenity of the locality and to accord with Policies UR3, D1 and D5 of the Replacement Unitary Development Plan.

5. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed in writing with the Local Planning Authority.

Reason: To achieve a satisfactory standard of landscaping in the interests of amenity and to accord with Policies UR3, D1 and D5 of the Replacement Unitary Development Plan.

6. A management plan/maintenance agreement for the long term management/maintenance of communal/public open space areas, including long term design/ecological objectives, management responsibilities and maintenance schedules for all landscape and open areas, shall be submitted to, and approved by the Local Planning Authority prior to the first occupation of any unit. The management plan/maintenance agreement shall be carried out as approved.

Reason: To ensure proper management and maintenance of the landscaped communal areas in the interests of amenity and to accord with Policies UR3, D1 and D5 of the Replacement Unitary Development Plan.

7. The development shall not be begun, nor shall there be any demolition, site preparation, ground works, tree removals, or materials or machinery brought on to the site until Temporary Tree Protective Fencing is erected in accordance with the details submitted on the tree protection plan approved by the Local Planning Authority. The Temporary Tree Protective Fencing shall remain in the location for the duration of the development. No excavations, engineering works, service runs and installations shall take place between the Temporary Tree Protective Fencing and the protected trees for the duration of the development without written consent by the Local Planning Authority.

Reason: To ensure trees are protected during the construction period and in the interests of visual amenity. To safeguard the visual amenity provided by the trees on the site and to accord with Policies NE4, NE5 and NE6 of the Replacement Unitary Development Plan.

8. The development should not begin until full details and calculations of the proposed means of disposal of surface water drainage, based on sustainable drainage principles outlined within the submitted proposed site plan AR 00165(00)01 rev B have been submitted to and approved by the Local Planning Authority.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface and foul water from the site and to accord with policies UR3 and NR16 of the Replacement Unitary Development Plan.

9. The surface water drainage infrastructure serve in the development shall be managed in strict accordance with the terms and agreements, over the lifetime of the development, as set out in a Surface Water Drainage Maintenance and Management document which shall be submitted to the Local Planning Authority within 3 months of development commencing on site.

Reason: In order to ensure that the development is properly drained for the lifetime of the scheme and to accord with policy UR3 of the Replacement Unitary Development Plan

10. No development shall take place until the site is investigated for its potential for the use of sustainable drainage techniques in disposing of surface water from the development. Consideration should be given to discharge surface water to soak away, infiltration system and watercourse in that priority order. Only in the event of such techniques proving impractical will disposal of surface water to an alternative outlet be considered. In the event of infiltration drainage techniques proving unviable the maximum pass forward flow of surface water from the development shall be restricted to a rate agreed with the Local Planning Authority.

Reason: To prevent flooding by ensuring the satisfactory disposal of surface and foul water from the site and to accord with policies UR3 and NR16 of the Replacement Unitary Development Plan.

11. No development shall take place until full details and calculations of the proposed means of disposal of foul water drainage have been submitted to and approved in writing by the Local Planning Authority.

Reason: In order to ensure that the development properly disposes of foul water for the lifetime of the scheme and to accord with policy UR3 of the Replacement Unitary Development Plan

12. Prior to development commencing the additional ground gas monitoring and risk assessment in addition to that already submitted must be completed. A written report, including a remedial options appraisal scheme, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the site is remediated appropriately for its intended use and to comply with policy UR3 of the Replacement Unitary Development Plan.

13. Prior to development commencing a detailed remediation strategy, which removes unacceptable risks to all identified receptors from contamination shall be submitted to and approved in writing by the Local Planning Authority. The remediation strategy must include proposals for verification of remedial works. Where necessary, the strategy shall include proposals for phasing of works and verification. The strategy shall be implemented as approved unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the site is remediated appropriately for its intended use and to comply with policy UR3 of the Replacement Unitary Development Plan.

14. Unless otherwise agreed in writing with the Local Planning Authority, a remediation verification report prepared in accordance with the approved

remediation strategy shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of each phase of the development (if phased) or prior to the completion of the development.

Reason: To ensure that the site is remediated appropriately for its intended use and to comply with policy UR3 of the Replacement Unitary Development Plan.

15. If, during the course of development, contamination not previously identified is found to be present, no further works shall be undertaken in the affected area and the contamination shall be reported to the Local Planning Authority as soon as reasonably practicable (but within a maximum of 5 days from the find). Prior to further works being carried out in the identified area, a further assessment shall be made and appropriate remediation implemented in accordance with a scheme also agreed in writing by the Local Planning Authority.

Reason: To ensure that the site is remediated appropriately for its intended use and to comply with policy UR3 of the Replacement Unitary Development Plan.

16. A methodology for quality control of any material brought to the site for use in filling, level raising, landscaping and garden soils shall be submitted to, and approved in writing by the Local Planning Authority prior to materials being brought to site. Relevant evidence and a quality control verification report shall be submitted to and is subject to the approval in writing by the Local Planning Authority.

Reason: To ensure that all materials brought to the site are acceptable, to ensure that contamination/pollution is not brought into the development site and to comply with policy UR3 of the Replacement Unitary Development Plan.

17. No construction work shall take place outside the following times: 0730 to 1800 hours from Monday to Friday, and 0730 to 1300 on Saturdays. There shall be no construction work at any time on Sundays and bank or public holidays.

Reason: To protect the amenities of the occupants of nearby dwellings and premises and to accord with Policy UR3 of the Replacement Unitary Development Plan.

18. Before any works towards construction of the development commence on site, the proposed means of vehicular and pedestrian access hereby approved shall be laid out hard surfaced, sealed and drained within the site to a base course level in accordance with the approved plan AR/00165/(00)20 Rev A.

Reason: To ensure that a suitable form of access is available to serve the development in the interests of highway safety and to accord with Policy TM19A of the Replacement Unitary Development Plan.

19. Before any part of the development is brought into use, the visibility splays hereby approved on plan as part of the Transport Assessment details shall be laid out and there shall be no obstruction to visibility exceeding 900mm in height within the splays so formed above the road level of the adjacent highway.

Reason: To ensure that visibility is maintained at all times in the interests of highway safety and to accord with policy TM19A of the Replacement Unitary Development Plan.

20. Before any part of the development is brought into use, the proposed means of vehicular and pedestrian access hereby approved shall be laid out, hard surfaced, sealed and drained within the site in accordance with the approved plan and completed to a constructional specification approved in writing by the Local Planning Authority.

Reason: To ensure that a suitable form of access is made available to serve the development in the interests of highway safety and to accord with Policy TM19A of the Replacement Unitary Development Plan.

21. Notwithstanding the provision of Class A, Part 4 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995, or any subsequent legislation, the development of any phase shall not be begun until a Construction Environmental Management Plan specifying arrangements for the environmental management of the construction site for that phase has been submitted to and approved in writing by the Local Planning Authority. The Construction Environmental Management Plan shall include the following details:

- i) contractor's means of access to the site including measures to deal with surface water drainage;
- ii) location of site management offices and/or sales office;
- iii) location of materials storage compounds, loading/unloading areas and areas for construction vehicles to turn within the site;
- iv) car parking areas for construction workers, sales staff and customers;
- v) a wheel cleaning facility or other comparable measures to prevent site vehicles bringing mud, debris or dirt onto a highway adjoining the development site;
- vi) the extent of and surface treatment of all temporary road accesses leading to compound/storage areas and the construction depths of these accesses, their levels and gradients;
- vii) temporary warning and direction signing on the approaches to the site
- ix) site working hours
- x) the advisory routing of construction vehicles over 7.5 tonnes

Reason: In the interests of highway safety and to accord with Policy TM19A of the Replacement Unitary Development Plan

22. The development shall not be occupied prior to implementation of those parts of the approved Travel Plan that are capable of being implemented prior to occupation. Those parts of the approved Travel Plan that are identified therein as only being capable of implementation after occupation shall be implemented in accordance with the timetable contained therein and shall continue to be implemented as long as the development is occupied.

Reason: To encourage alternative modes of sustainable transport and build upon existing modes of transport to provide a sustainable development in accordance with paragraphs 17, 29, 32 and 36 of the National Planning Policy Framework and policies UDP7 and UR3 of the Replacement Unitary Development Plan.

23. Notwithstanding the boundary details shown on the submitted plans prior to the first occupation of the development a scheme of measures to take account of Secure by Design principles for phase 1 of the development including the external landscaping areas shall be submitted to and approved in writing by the Local Planning Authority. Thereafter all agreed measures shall be implemented and remain in place whilst ever the use subsists.

Reason: To ensure the site fully accord with policy D4 of the Replacement Unitary Development Plan.

24. Prior to the commencement of construction above foundation level of any part of the built development hereby approved, full details of all external wall and roofing materials to be used in that plot or plots shall be submitted to and approved in writing by the Local Planning Authority. The residential development shall be constructed in accordance with the approved details.

Reason: To ensure the use of appropriate materials in the interests of visual amenity and to accord with Policies UR3 and D1 of the Replacement Unitary Development Plan.

Obligations of the scheme

- That the scheme provides affordable housing units as part of the 2015-18 Approved Housing Programme of delivering affordable housing across 6 sites in the District that has received HCA (Housing and Communities Agency funding. Note: within the programme there will be 139 houses for rent across the programme and 49 for sale with the sales properties at full market value and at a cross subsidy to the whole programme;
- Payment of a contribution of £10,000 to mitigate impacts on sensitive habitats by bring forward the improvements on routes leading to and at the SPAs. On these routes, erosion of adjacent habitat caused by widening footpaths is an issue and this can be addressed through a suitable contribution.

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Report of the Assistant Director Neighbourhoods and Customer Services to the meeting of Regulatory and Appeals Committee to be held on 29th September 2016

Z

Subject:

Proposed Public Space Protection Order Bradford City Centre and surrounding area.

Summary statement:

This report provides a summary of the responses from the statutory consultation on the proposed Public Space Protection Order for Bradford City Centre and submission of the proposed Order for this Committee's approval.

Steve Hartley
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Environment & Sport

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Portfolio:

Neighbourhoods & Community Safety

Overview & Scrutiny Area:

Environment & Waste Management

1.0 SUMMARY STATEMENT

- 1.1 This report provides a summary of the responses from the statutory consultation on the proposed Public Space Protection Order (PSPO) for Bradford City Centre and surrounding area and submission of the proposed Order for this Committee's approval.

2. BACKGROUND

- 2.1 This report is submitted in compliance with the decision of this Committee of the 17th February 2016:

(1) That the Strategic Director, Environment and Sport be authorised to undertake the required (minimum 6 week) consultation exercise to implement a Public Space Protection Order for Bradford City Centre, in the area shown in Appendix A and subject to the terms set out in Paragraph 4.8 of the report.

(2) That, further to the completion of the necessary consultation process, the proposed Order be submitted to this Committee for approval.

(Regulatory and Appeals Committee Document 'AS' and Minute 90 17 February 2016).

2.2 Consultation methodology

- 2.2.1 The consultation was carried out in accordance with legal requirements as described in section 72 Anti-Social Behaviour Act 2014 (later referred to as ' the Act')
- 2.2.2 Appendix A contains the list of statutory consultees.
- 2.2.3 Letters were sent to all businesses, landowners and residents and other organisations within the boundary of the proposed PSPO for which a postal address was identified. In accordance with legal requirements letters were also sent to local Police Divisions, West Yorkshire Police Service, West Yorkshire Police and Crime Commissioner, West Yorkshire Fire and Rescue Service. Appendix A contains copies of the consultation letters.
- 2.2.4 The letters provided information about the consultation and how to participate. This included all residents, businesses, landowners and other organisations within the boundary of the proposed PSPO. Appendix A contains a map showing the boundary of the proposed PSPO.
- 2.2.5 Where possible representative bodies, such as the Bradford Chamber of Trade, were also contacted and encouraged to participate in the consultation.
- 2.2.6 Information about the consultation and links to the consultation documents, including the online survey, were posted on the front page of the Council's website.

2.2.7 An article about the consultation was published in the local Telegraph and Argus. Appendix A contains this article.

2.3 Consultation summary findings

2.3.1 The summary of the findings are as follows:-

- a) 170 submissions were made via the online survey or via telephone. Whilst this response rate was disappointing, the overwhelming majority of respondents were supportive of the introduction of the PSPO in the area shown on the map and the prohibitions within it.
- b) The number of respondents was fairly balanced across local residents and people who work in the area. The business response rate was somewhat lower but the Bradford Chamber of Trade did submit a composite response from its members as detailed below at 2.3.5.
- c) Most responders visited the area of the proposed PSPO every day. Visits by the responders to the area mainly occurred from Monday to Friday and between 12 noon and 6pm, although a sizable number were present from 7am – 12 noon and after 6pm.
- d) 51% of respondents felt fairly or very unsafe in the area shown on the map. Of these respondents, 71% were aged 18-24 and 57% were aged 40-59. Males and females were equal in feeling fairly or very unsafe in the area.
- e) Additionally, 66% of all respondents stated they felt less safe in some places on the map than in others.
- f) Business owners who responded to the consultation were more likely than others responding in other groups to feel fairly or very unsafe in the area contained within the map.

A list of the places where people felt most unsafe is provided at Appendix B - PSPO Consultation Survey Data

- g) 45% of those responding stated that they felt less safe in the area from 6 pm until 12 midnight compared with 20% feeling less safe between 12 noon and 6 pm. 14% felt less safe from midnight to 7am.
- h) Some of the comments made by those responding to feeling safe or not in the area covered by the proposed PSPO were about being verbally abused and intimidated by those drinking or taking drugs in the area, a lack of Police patrols, begging and intimidation by large groups of intoxicated people loitering in the area.
- i) When asked what they felt were the anti-social issues occurring in the area, respondents stated that the biggest problems in the area were with people behaving as if they were intoxicated and the drinking of alcohol in the street. This supports the prohibitions within the PSPO.

- j) Respondents who commented about the problems in the area contained within the map were mainly concerned about drug dealing and taking, problem alcohol consumption and drunken people.
- k) Begging and aggressive begging was also considered to be a big problem in the area of the map. Some respondents also cited charity collectors as an issue.
- l) Other concerns cited included: Homelessness, intimidating groups of young people, riding bikes in City Park, use of quad bikes, speeding drivers, prostitution and racism.
- m) 84% of respondents were supportive of the use of the PSPO to stop people using intoxicating substances in the area shown on the map. 9% of respondents were opposed to this.
- n) 85% of respondents supported the use of a PSPO to stop people continuing to drink alcohol when asked to stop drinking by an authorised officer in the area shown on the map. 9% of respondents were opposed to this.
- o) 86% of respondents supported the use of a PSPO to require a person to surrender alcohol at the request of an authorised officer in the area shown on the map. 8% of respondents were opposed to this.
- p) Those who supported the introduction of the PSPO with its stated prohibitions and who commented felt that the PSPO was needed to improve the situation and improve Bradford's image.
- q) Some respondents wanted the area of the PSPO extended to include the following places:
- University accommodation
 - New Dixon's School (Dixon's Trinity Academy)
 - Boundary to extend from Laisterdyke Lane towards All Saints' Road and include Grantham Road and Spring Place (Dirkhill area)
 - Dirkhill Road
- r) Some of the comments made by those who did not support the introduction of the PSPO in the area were that the measures restricted individual liberties, there were problem drinkers using the licenced premises, that it will drive the problem out of the City Centre and into other areas, the measures would criminalise certain activities, drinking in licenced premises costs more. There were also comments that the measures would be antagonistic. Several stated that alcohol was legal to buy and consume.
- s) A few respondents felt the area to be protected by the PSPO was too big.
- t) The majority of those providing a response to these questions were local residents.
- u) Other comments made by respondents included:

- extending the PSPO to cover Dirkhill Road, Spring Place, Grantham Road, Rand Street, Rand Place, Alexandra Place, more of Great Horton Road, Retford Place, Grantham Place, St Luke's Hospital, to include the City Centre swimming pool. (Please note that there cannot be a recommendation to extend the PSPO exclusion zone to include the area of the proposed new City Centre Sports Centre as there is no evidence of issues of ASB, as described in the proposed PSPO, currently taking place at this location).
 - Putting more resources into services to help people with alcohol and substance misuse issues, conditional cautioning intervention could be a method to use
 - Issue is with drivers
 - Not a reasonable or proportionate response to the issues
 - Needs to be enforced well
 - Will help our vulnerable adults
 - Move the chemist next to the Oastler Centre
 - Feel the issue is having insufficient officers to enforce it
 - Bikes and football should not be allowed in the City Pool area
 - Bizarre that the order specifies 'legal highs' when illegal drugs are also being taken
 - PSPO may just displace people out of the bounded area into other areas
 - Stop drug dealers and others causing problems too
 - Too many off-licenses within the proposed protected area.
 - Police and Council will not have the resources to manage it effectively.
- v) In summary, most respondents agreed with the proposed PSPO and some wanted the area it covered extending. The majority of respondents felt the PSPO would improve the City Centre and reduce anti-social behaviour caused by the use of intoxicating substances.
- w) Those that disagreed with the PSPO were concerned with a reduction in civil liberties, the targeting of particular groups and criminalisation of individuals penalised by the measures.

2.3.2 The report of findings from the online consultation is attached at Appendix B.

2.3.3 Bradford College would like the boundary (of the PSPO) extended to include the Trinity Green campus.

2.3.4 Grantham Residents Association commented that the Grantham Rd area should be included within the area protected by the PSPO.

2.3.5 Horton Housing Association's respondent suggested that it would be more useful to intervene and assist people to address their behaviour.

2.3.6 West Yorkshire Police Service, Bradford Police Senior Leadership Team and the Police and Crime Commissioner provided a written submission. Appendix B contains a copy of this response. These statutory consultees were supportive of the proposed PSPO. These are some of the suggestions they made about the PSPO:

- a) The Safer & Stronger Communities Partnership Board has recently agreed to a new district wide approach to ensure appropriate support and intervention is offered on a partnership level to anyone who is visibly begging or rough sleeping in Bradford. This is a stepped approach for dealing with those individuals who refuse support and intervention and persistently continue to beg. It is felt that one area for consideration, at the six month review, would be whether 'persistent begging' could be included within the PSPO if partnership intelligence supports this.
 - b) A further consideration for inclusion within the PSPO would be inclusion of a power for an **authorised person** to dispose of any item that has been surrendered. This prevents the logistical concerns of having to store prohibited items or potentially return at a future date alcohol to persons suffering from alcohol addiction. This suggestion has been raised previously for inclusion by the partnerships Inspector, but does not feature within the draft order circulated.
 - c) It is felt that the Bradford City Centre ASB Partnership would be the group best placed to consider and review any amendments at the six monthly juncture.
- 2.3.7 Bradford Chamber of Trade, following discussion at their executive meeting of the 13 June 2016, provided a written submission. Appendix B contains a copy of the Chamber's response. The Chamber was fully supportive of the Council obtaining a PSPO to combat anti-social activities and behaviour as set out in the proposed PSPO.

3. OVERVIEW AND SCRUTINY COMMITTEE CONSIDERATION

Not applicable.

4. OTHER CONSIDERATIONS

Public Space Protection Orders

- 4.1 A Public Space Protection Order is an order that identifies the space to which it applies and can make requirements, or prohibitions within the area. This means that the local authority can, require people to do specific things in a particular area or not to do specific things in a particular area. The local authority can grant the prohibitions/requirements where it believes that they are reasonable in order to prevent or reduce the detrimental impact. The order can be made so as to apply to specific people within an area, or to everybody within that area. It can also apply at all times, or within specified times and equally to all circumstances, or specific circumstances. The order can apply for a maximum of three years upon which the process of reviews and consultation must be repeated to ensure the issues is still occurring and the order is having the required effect. Thereafter it can be extended for a further three years and, upon the reviews and consultation taking place, can be extended more than once for further periods of three years.
- 4.2 Failure to comply with the order is an offence. Breaches of the order can also be discharged by use of a fixed penalty notice (FPN) £100.00.

- 4.3 Consumption of alcohol, contrary to the terms of any order made, is a separate issue and is not in itself an offence; the offence is committed by failure to comply with a request to surrender the alcohol, from an authorised person.
- 4.4 The Act is not overly prescriptive about the necessary process required for application of these powers. It has therefore been necessary to design a process that is considered to be appropriate and suitably robust.
- 4.5 The recommendation following the consultation period is to seek a Public Space Protection Order with the terms as set out below and for an area, as shown on the plan attached at Appendix C.

Person(s) within this area will not:

- *Ingest, inhale, inject, smoke or otherwise use intoxicating substances.*

Intoxicating Substances is given the following definition (which includes Alcohol and psychoactive substances: Substances with the capacity to stimulate or depress the central nervous system).

Exemptions shall apply in cases where the substances are used for a valid and demonstrable medicinal use, given to an animal as a medicinal remedy, are cigarettes (tobacco) or vaporisers or are food stuffs regulated by food health and safety legislation.

Persons within this area who breach this prohibition shall: surrender intoxicating substances in his/her possession to an authorised person.

(An authorised person could be a Police Constable, Police Community Support Officer or Council Officer, and must be able to present their authority upon request.).

5. OPTIONS

- 5.1 This report provides a summary of the consultation responses and identifies the types of anti-social behaviour of main concern to those who submitted a response.
- 5.2 The Draft Public Space Protection Order has been amended to reflect some of the issues raised through the consultation process. Approval is now sought from this Committee to make the Order.
- 5.3 It should be noted some years ago the Council created two City Centre Designated Public Place Orders (DPPOs) which become PSPOs in October 2017 automatically under the legislation. The Council has the option to allow that event to take effect, however this is not recommended due to enforcement problems which exist relating to the existing DPPO as a result of redevelopment within the area of the DPPO and the additional powers of a PSPO as outlined above. The Existing DPPOs area plans do not include the former highway which ran along what is now the mirror pool and does not correctly identify the extremities of existing building lines.

- 5.4 This issue will be considered as part of the review of the PSPO.
- 5.5 It should also be noted the Council has the option of including enforcement of issues relating to dogs e.g. dog fouling and dogs on lead etc in the terms of a new PSPO given supporting evidence or allowing the Councils existing Dog Control Orders (DCO's) to become PSPOs due to the passage of time in October 2017. This natural transition is strongly recommended as the most cost effective and efficient way of continuing with enforcement powers relating to dog control.

6. FINANCIAL & RESOURCE APPRAISAL

The cost of implementation of the proposed Order, including the cost of the public notices will be met from within existing resources.

7. RISK MANAGEMENT AND GOVERNANCE ISSUES

There are no risk management or governance issues apparent.

8. LEGAL APPRAISAL

- 8.1 The Anti-Social Behaviour, Crime and Policing Act came into force on 20th October 2014. This Act contains the provisions for the making of a Public Space Protection Order.
- 8.2 Under section 59 local authorities have the power to make Public Space Protection Orders if satisfied on reasonable grounds that two conditions are met?

The first condition is that—

- a) activities carried on in a public place within the Authority's area have had a detrimental effect on the quality of life of those in the locality, or
- b) it is likely that activities will be carried on in a public place within that area and that they will have such an effect.
- 8.3 The second condition is that the effect, or likely effect, of the activities— is, or is likely to be, of a persistent or continuing nature,
- a) is, or is likely to be, such as to make the activities unreasonable, and
- b) Justifies the restrictions imposed by the notice.

- 8.4 Activities can include things that a person or a group does, has done or should do (in order to reduce the detrimental effect). As with any new legislation of its type, this is untested ground and the legislation will be further defined in years to come by a process of appeals and High Court rulings. Any legal challenge presents a risk to the Authority. The legislation supporting implementation of the new Orders states that "interested persons" may challenge the validity of any order in the High Courts.

This means that the Council could face a challenge against its ability to implement the Order. An application of this nature must be made within six weeks; beginning on the day the Order is made or varied. There are three grounds upon which a challenge could be made, these are:

- That the local authority did not have the power to make the order or variation, or to include particular prohibitions or requirements imposed by the order (or by the order as varied)
- That a requirement under this element of the legislation not complied with in relation to the order or variation
- The High Court would have the power to quash, amend or uphold the order.

Section 63 of the act states

Consumption of alcohol in breach of prohibition in order

(1) This section applies where a constable or an authorised person reasonably believes that a person:

- a) is or has been consuming alcohol in breach of a prohibition in a public spaces protection order, or
- b) intends to consume alcohol in circumstances in which doing so would be a breach of such a prohibition.

In this section “authorised person” means a person authorised for the purposes of this section by the local authority that made the public spaces protection order (or authorised by virtue of section 69(1)).

(2) The constable or authorised person may require the person;

- a) not to consume, in breach of the order, alcohol or anything which the constable or authorised person reasonably believes to be alcohol;
- b) to surrender anything in persons possession which is, or which the constable or authorised person reasonably believes to be, alcohol or a container for alcohol.

(3) A constable or an authorised person who imposes a requirement under subsection (2) must tell the person that failing without reasonable excuse to comply with the requirement is an offence.

(4) A requirement imposed by an authorised person under subsection (2) is not valid if the person—

- a) is asked by the person to show evidence of his or her authorisation, and
- b) fails to do so.

(5) A constable or an authorised person may dispose of anything surrendered under subsection (2)(b) in whatever way he or she thinks appropriate.

- (6) A person who fails without reasonable excuse to comply with a requirement imposed on him or her under subsection (2) commits an offence and is liable on summary conviction to a fine not exceeding level 2 on the standard scale.

Section 67 creates a second offence of failing to comply with order

- (1) It is an offence for a person without reasonable excuse—
- a) to do anything that the person is prohibited from doing by a public spaces protection order, or
 - b) to fail to comply with a requirement to which the person is subject under a public spaces protection order.
- (2) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (3) A person does not commit an offence under this section by failing to comply with a prohibition or requirement that the local authority did not have power to include in the public spaces protection order.
- (4) Consuming alcohol in breach of a public spaces protection order is not an offence under this section (but see section 63).
- 8.5 The penalty for breaches of a PSPO relate to fixed penalty notices and fines alone, which may lead to significant levels of non-payment. The suite of new powers available however would allow officers to utilise a range of measures for those identified as persistently breaching the order, for example:
- Community Protection Notices could be issued against the individuals
 - An Anti-Social Behaviour Injunction (ASBI) could be sought against individuals, which carries tougher sanctions (and ultimately imprisonment)
 - A Criminal Behaviour Order could be sought. Breach of the PSPO is an offence and upon conviction, individuals could be made subject to a Criminal Behaviour Order. This carries both tougher sanctions, along with the ability to implement positive conditions requiring support for substance misuse issues.
- 8.6 Consideration was also given by officers of the Council and the police as to whether or not to include in the draft PSPO prohibitions lifted from the Council's 1998 Good Rule and Government Byelaws e.g. prohibitions against the use of motor cycles and other vehicles, skateboarding, noise in streets and other public places, touting (selling), fireworks and urinating some of which appear to be supported by evidence from the police. Other prohibitions under consideration are begging, rough sleeping and busking but these issues do not appear to be identified specifically in current Police evidence.
- 8.7 Given the evidence provided to the Council by the police of current levels of ASB and following the consultation in respect of the additional prohibitions it is not recommended the matters referred to in Paragraph 8.6 are included by way of

additional prohibitions in the PSPO. The existing Good Rule and Government Byelaws 1998 will continue in force under section 70 of the Act.

- 8.8 The making of a PSPO does not affect existing DCOs or DPPOs.
- 8.9 In October 2017 all the Councils existing DPPOs and DCOs will become PSPOs under section 75 of the Anti-Social Behaviour Crime & Policing Act 2014 and FPNs will then apply to the existing DPPOs. If a PSPO was not pursued now in relation to prohibition of the consumption of alcohol then in October 2017 the current City Centre DPPOs could be reviewed and including the whole of the new City Park . As mentioned above the current DPPOs do not include those parts of the City Park which were part of former public highways.
- 8.10 In order to implement a PSPO the procedure under section 72 of the Act must be followed. Section 72 states

Convention rights, consultation, publicity and notification

(1) A local authority, in deciding—

- a) whether to make a public spaces protection order (under section 59) and if so what it should include,
- b) whether to extend the period for which a public spaces protection order has effect (under section 60) and if so for how long,
- c) whether to vary a public spaces protection order (under section 61) and if so how, or
- d) whether to discharge a public spaces protection order (under section 61), must have particular regard to the rights of freedom of expression and freedom of assembly set out

In articles 10 and 11 of the Convention.

- (2) In subsection (1) “Convention” has the meaning given by section 21(1) of the Human Rights Act 1998.
- (3) A local authority must carry out the necessary consultation and the necessary publicity, and the necessary notification (if any), before—
- a) making a public spaces protection order,
 - b) extending the period for which a public spaces protection order has effect, or
 - c) varying or discharging a public spaces protection order.
- (4) In subsection (3)—
- “the necessary consultation” means consulting with—

- a) the chief officer of police, and the local policing body, for the police area that includes the restricted area;
- b) whatever community representatives the local authority thinks it appropriate to consult;
- c) the owner or occupier of land within the restricted area;

“the necessary publicity” means—

- a) in the case of a proposed order or variation, publishing the text of it;
- b) in the case of a proposed extension or discharge, publicising the proposal;

“the necessary notification” means notifying the following authorities of the proposed order, extension, variation or discharge—

- a) the parish council or community council (if any) for the area that includes the restricted area;
- b) in the case of a public spaces protection order made or to be made by a district Council in England, the county council (if any) for the area that includes the restricted area.

(5) The requirement to consult with the owner or occupier of land within the restricted area—

- a) does not apply to land that is owned and occupied by the local authority;
- b) applies only if, or to the extent that, it is reasonably practicable to consult the owner or occupier of the land.

(6) In the case of a person or body designated under section 71, the necessary consultation also includes consultation with the local authority which (ignoring subsection (2) of that section) is the authority for the area that includes the restricted area.

(7) In relation to a variation of a public spaces protection order that would increase the restricted area, the restricted area for the purposes of this section is the increased area.

8.11 Guidance relating to publication of PSPOs is set out in the Anti-Social Behaviour Crime and Policing Act 2014 (Publication of PSPOs) Regulations 2014. There is also the July 2014 Home office guidance which will assist in the legal formalities in creating an order.

9. OTHER IMPLICATIONS

9.1 EQUALITY & DIVERSITY

9.1.1 Generally it is understood anti-social behaviour has a disproportionate affect on

those most vulnerable in our communities.

9.1.2 Penalties for breaching prohibitions contained within the proposed Public Space Protection Order may impact more on those people most vulnerable to substance and alcohol misuse than on any other identifiable group who use this space.

9.1.3 This possible impact could be mitigated by waiving any FPN where the person deemed to be in breach of the PSPO agrees to and participates in alcohol and substance misuse services.

9.2 SUSTAINABILITY IMPLICATIONS

There are no sustainability implications apparent.

9.3 GREENHOUSE GAS EMISSIONS IMPACTS

There are no greenhouse gas emissions impacts apparent.

9.4 COMMUNITY SAFETY IMPLICATIONS

Anti-social behaviour can have an adverse impact on town and city centres. Any actions the authority can take to improve community safety and consequently the reputation of the city centre will be of benefit to visitors and businesses.

9.5 HUMAN RIGHTS ACT (HRA)

Individuals have rights established under the HRA some of which are absolute and some of which are qualified.

The Council is required under the HRA to balance the rights of those affected by the order, against the rights of the community to enjoy the area proposed to be included in the order without being subject to acts of anti-social behaviour as evidenced by complaints to the police and as prohibited by the draft order.

9.6 TRADE UNION

Consultation relating to job roles has taken place with the relevant trade unions

9.7 WARD IMPLICATIONS

9.7.1 Area Co-ordinators were asked to invite relevant ward members within their Constituency Areas to comment on the proposals.

9.7.2 The boundary of the proposed PSPO covered parts of Manningham and City wards.

10. NOT FOR PUBLICATION DOCUMENTS

There are no items that are not for publication.

11. RECOMMENDATIONS

The Committee approves:

11.1 The proposed PSPO is amended as per the consultation as follows:

11.1.1 The boundary of the exclusion zone is extended to include the following streets and places:

Trinity Green Campus
University accommodation (close to the existing proposed boundary)
Dixon's Trinity Academy, Trinity Road
Laisterdyke Lane towards All Saints' Road (Dirkhill area)
Grantham Road
Grantham Place
Spring Place
Dirkhill Road
Rand Street
Rand Place
Alexandra Street
To extend to the junction of All Saints' Road with Great Horton Road
Retford Place,
St Luke's Hospital

11.1.2 Under section 63(5) of the Act an **authorised person** can dispose of any item that has been surrendered under section 63(2) i.e. Alcohol or a container for alcohol.

An **authorised person** in context of this PSPO is defined as being either a: Police Constable, Police Community Support Officer or Council Officer.

11.1.3 That an **authorised person** can decide when it is appropriate to either

11.1.3.1 Impose a FPN

11.1.3.2 Waive the FPN in the event that a person who would have been issued with a FPN agrees to and attends an alcohol or substance misuse service.

11.1.3.3 If anti-social awareness sessions are made available locally, reduce the level of the FPN if the person who would have been issued with a FPN agrees to and attends an anti-social awareness session.

11.2 The Strategic Director, Environment and Sport be requested to investigate and, if feasible, make available local anti-social awareness sessions.

11.3 The Strategic Director, Environment and Sport be authorised to take all necessary actions to implement and make operational the PSPO as amended.

11.4 The Order will be reviewed in 12 months time by the Bradford City Centre ASB Partnership and will consider comments and suggestions made by respondents during this consultation exercise and evidence arising during the time the Order is in force.

12 APPENDICES

- 12.1 Appendix A – Consultation documents, including the proposed PSPO and map of the proposed exclusion zone presented to Regulatory and Appeals Committee 17 February 2016, and T & A article dated 10 May 2016.
- 12.2 Appendix B - Consultation Survey Data and written responses from the West Yorkshire Police and Crime Commissioner, West Yorkshire Police Service and Bradford Chamber of Trade.
- 12.3 Appendix C – Amended draft PSPO exclusion zone map showing the extent of the proposed PSPO
- 12.4 Appendix D – Amended draft proposed PSPO.

13. OTHER BACKGROUND DOCUMENTS

- 13.1 Two schedules of supporting evidence in support of Public Space Protection Order
- 13.2 City Centre ASB Strategy Group – Action Plan 2015/16.
- 13.3 The existing byelaws which apply to the City Centre.
- 13.4 The two existing DPPO's (Designated Public Place Orders) which apply to the Bradford City Centre.
- 13.5 Document 'AS' to Regulatory and Appeals Committee 17 February 2016
- 13.6 Minute 90 of Regulatory and Appeals Committee 17 February 2016
- 13.7 Survey data and comments

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**Report to Regulatory and Appeals Committee 29 September
2016 -**

Appendix A – Consultation documents

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1. Online consultation documents:
 - a) Proposed Public Space Protection Order Bradford City Centre and surrounding areas:

PROPOSED DRAFT ORDER

BRADFORD METROPOLITAN DISTRICT COUNCIL

PUBLIC SPACE PROTECTION ORDER NUMBER 1 of 2016 (the "Order")

ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014

This order may be cited as the City of Bradford Metropolitan District Council Public Spaces Protection Order Number 1 of 2016.

The City of Bradford Metropolitan District Council ("the Council") in exercise of its powers under Section 59, 64 and 72 of the Anti-Social Behaviour, Crime and Policing Act 2014 ("the Act") and under all other enabling powers, hereby makes the following Order:

1. This Order shall come into operation on 1 April 2016 and shall have an effect for 3 years thereafter, unless extended by further orders under the Council's statutory powers.
2. This Order relates to the part of the City of Bradford Metropolitan District as shown edged red on the attached plan (the Exclusion Zone").
3. The Council is satisfied that the conditions set out in Section 59 (3) of the Act have been met. Namely, that anti-social behaviour and criminal activities have been carried out within the Exclusion Zone through the use of intoxicating substances. These activities have had a detrimental effect on the quality of life of those in the locality, and it is likely that the activities will be carried out within that area and have such an effect.
4. The Council is also satisfied that the conditions set out in Section 59 (3) of the Act have been met. Namely, that the effect or likely effect of the activities is, or is likely to be, of a persistent or continuing nature and that these activities are unreasonable and justify the restrictions imposed by this Order and that it is in all the circumstances expedient to make this Order for the purpose of reducing crime and/or anti-social behaviour in a public place.

PROHIBITIONS:

1. **Person(s) within the Exclusion Zone will not: ingest, inhale, inject, smoke or otherwise use intoxicating substances.**
2. **Intoxicating Substances is given the following definition which includes alcohol and what are commonly referred to as 'legal highs': substances with the capacity to stimulate or depress the central nervous system.**
3. **Exemptions shall apply in cases where the substances are used for a valid and demonstrable medicinal use, given to an animal as a medicinal remedy, are cigarettes (tobacco) or vaporisers or are food stuffs regulated by food health and safety legislation or for the avoidance of doubt the consumption of alcohol is on premises licensed under the Licensing Act 2003.**

4. **Persons within this area who breach this prohibition shall (with the exemption of the matters referred to in Paragraph 3 above): surrender intoxicating substances in his/her possession to an authorised person.**
5. **An authorised person could be a Police Constable, Police Community Support Officer or Council Officer, and must be able to present their authority upon request.**

FIXED PENALTY NOTICES AND OFFENCES:

1. It is an offence for a person without reasonable excuse to engage in any activity that is prohibited by this Order.
2. In accordance with section 63 of the Act, a person found to be in breach of this Order by consuming alcohol or by refusing to surrender alcohol to an authorised person is liable on summary conviction to a maximum penalty of a level 2 fine or to a Fixed Penalty Notice up to £100.
3. In accordance with section 67 of the Act, a person found to be in breach of this Order other than by consuming alcohol or by refusing to surrender alcohol to an authorised person is liable on summary conviction to a maximum penalty of a level 3 fine or to a Fixed Penalty Notice up to £100.

APPEALS:

1. In accordance with section 66 of the Act, any interest person who wishes to challenge the validity of this Order on the grounds that the Council did not have the power to make the Order or that a requirement under the Act has not been complied with may apply to the High Court within six weeks from the date upon which the Order is made.

APPENDIX:

A Street plan of area of the area of the Council showing The Exclusion Zone edged in red.

Given under the Common Seal of
The City of Bradford M D C

On the.....day of.....2016

**THE COMMON SEAL of the
COUNCIL**

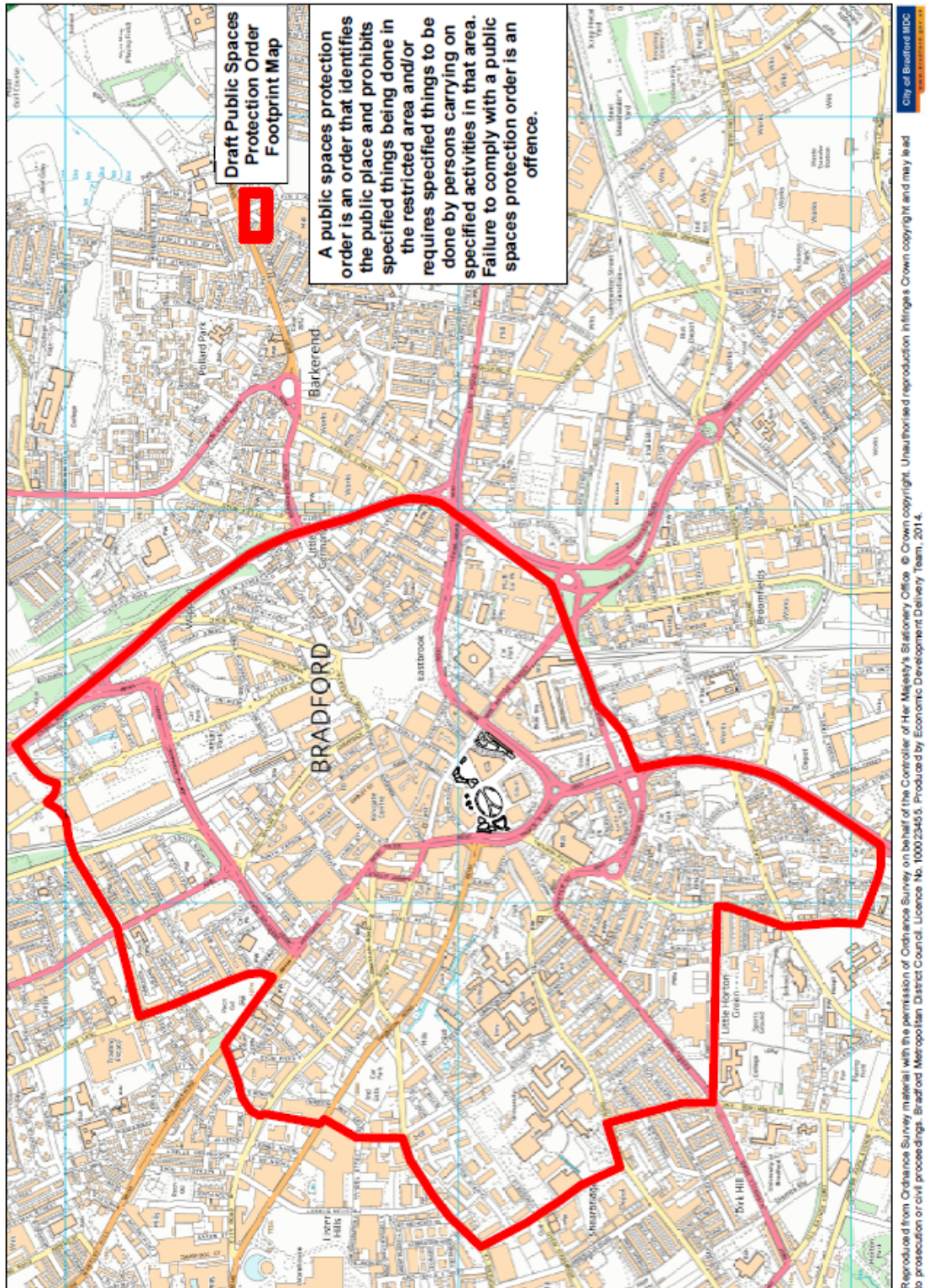
Was hereunto affixed
In the presence of:

.....Authorised Officer

.....Designation

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1. Online consultation documents:
 - b) Map of proposed area to be protected



1. Online consultation documents:

c) FAQ

**Consultation on the draft Public Spaces Protection Order for the
Bradford City Centre and surrounding areas**

Frequently asked questions

1. Where can I complete the survey?

You can go online to _____ to complete the questionnaire.

Background papers can be found here

The Draft Public Spaces Protection Order (PSPO) can be found here _____

If you need any help in completing the survey, you can e-mail us at safer.communities@bradford.gov.uk

2. When is the consultation taking place?

The consultation starts on the **9th May 2016** and closes on **20th June 2016**. You can take part in the consultation by submitting your completed online survey during this period.

3. What is a Public Spaces Protection Order

A Public Spaces Protection Order (PSPO) is legislation that allows a Council to address a particular nuisance or problem in a particular area that is detrimental to the local communities' quality of life.

The order works by imposing conditions on the use of that area which apply to everyone.

The orders are designed to ensure the law-abiding majority can use and enjoy public spaces, safe from anti-social behaviour.

4. Why is a Public Spaces Protection Order needed for addressing anti-social behaviour (ASB) related to alcohol and psychoactive substances (previously known as ‘Legal highs’)?

Bradford Council and its partners have already gathered evidence that has highlighted the impact on individuals and businesses of the types of incidents that the proposed Public Spaces Protection Order (PSPO) is trying to address, anti-social behaviour caused by the use of alcohol and psychoactive substances within the City Centre and surrounding area.

For more information about PSPOs please follow this link to: [Home Office web pages](#)

5. Why has the Council selected these issues in particular to consult on?

Alcohol and psychoactive substances (previously known as ‘Legal highs’), have been identified as a significant contributor to incidents of ASB in this area.

This is evidence through reported incidents, complaints and concerns raised by members of the public, businesses and key stakeholders around public safety.

6. Why was this area selected?

The Council selected this area based on the evidence of reported incidents, complaints and concerns raised by those using the area.

Your views on the area to be included in the PSPO are being sought as part of this consultation.

7. How will decisions be made about the PSPO?

Decisions about the proposed PSPO will be made by the Council.

Evidence supporting the need for the PSPO along with the analysed results from this consultation will be presented to the Council’s Regulatory and Appeals Committee. This committee will then decide whether to implement the PSPO.

Documents presented to the Committee will be public and include findings from the consultation. Council committee documents can be found here: [Committee documents - Regulatory and Appeals Committee](#)

8. What is a 'Legal high'?

'Legal highs' are psychoactive substances that contain one or more chemical substances which may produce similar effects to known illegal drugs such as heroin, LSD, cannabis etc.

There is often not enough research about these psychoactive substances to know about their potency, adverse effects from human consumption, or when used with other substances or alcohol.

'Legal highs' cannot be sold for human consumption so they are often sold as incense, salts or plant food to get round the law.

The term 'Legal high' may imply to some who use these substances that they are safe for consumption. This is not always true.

9. Isn't new legislation coming into force about 'Legal highs'?

Yes, the Psychoactive Substances Act 2016 was passed by Parliament on the 6th April 2016.

This new legislation, yet to come into force, will, along with other measures, outlaw the selling and distribution of psychoactive substances previously known as 'Legal highs'.

10. Is there already legislation to deal with some of these issues?

There is already a Designated Public Protection Order in place.

The current 2002 Designated Public Protection Order does not identify as an area the whole of City Park as this order was made by the Council prior to this being built.

Since 2002 there have been other significant regeneration works carried out within the public area of the City Centre.

As a consequence a formal review of provisions to reduce and minimise the impacts of anti-social behaviour in the City Centre was needed. The Council and Police need to ensure that the right area is covered by any 'Order' and that they have the right enforcement powers to deal with anti-social behaviour in the area covered.

11. How is the Public Spaces Protection Order going to be enforced?

Authorised officers will be able to ask people to hand over to them intoxicating substances (alcohol, psychoactive substances, or 'legal highs') in their possession. Failure to do this would be an offence.

The authorised officer can issue a Fixed Penalty Notice (FPN) of £100. Failure to pay the FPN can result in prosecution with a maximum Fine of £1000.

12. Is there not a danger that you could be accused of picking on some of the most vulnerable people in our society?

Authorised officers will engage with alleged offenders appropriately and sign post them to relevant support services.

13. Where do I go for more information?

You can find the draft Public Safety Protection Order (PSPO) and other documents here _____

You can e-mail: safer.communities@bradford.gov.uk

You can write to us at:

PSPO consultation, Safer Communities, Neighbourhood and Customer Services, 3rd Floor, Jacob's Well, Bradford BD1 5RW

You can call us on: 01274 431326.

1. Online consultation documents:

d) Online survey questions:

Page one

Introduction

We are considering introducing a Public Spaces Protection Order (PSPO) for Bradford City Centre and surrounding area. The 'Order' is being considered to address identified issues around anti-social behaviour related to alcohol and psychoactive substances (previously known as 'Legal highs').

We want your views and feedback on the draft PSPO before the Council consider whether or not to make a final 'Order'. Please complete and submit a survey.

Public Spaces Protection Orders (PSPO) deal with a particular nuisance in a defined public space (Exclusion Zone) where this is having a negative impact on the quality of life for those in that public space.

A PSPO can stop or require an activity. For example, it may limit or stop alcohol consumption in a particular public space.

Before introducing a PSPO the local authority must decide:

- Whether or not the behaviour is having or is likely to have a negative effect.
- If the effect or likely effect of the activity is recurring therefore making it unreasonable.

A PSPO lasts for a maximum of three years and can be renewed if necessary.

Failure to comply with an 'Order' can result in a Fixed Penalty Notice or a maximum Fine of £1000.

When filling in this survey please refer to the

Map _____ link)

Frequently asked Questions can be found here _____

The Draft Public Spaces Protection Order can be found here:

Report on the Draft PSPO to Regulatory and Appeals committee can be found here: _____

Instructions on filling in the survey

Please answer the questions after looking at the map which shows the proposed Exclusion Zone (Public Space) of Bradford City Centre and surrounding area.

Insert usual snap instructions please



QUESTION 1

Are you responding as a... (Please mark all that apply)

- Local resident who lives in the area shown on the map
- Local resident who lives outside the area shown on the map
- Person who works in the area shown on the map
- Visitor to the area shown on the map
- Owner of a business in the area shown on the map
- Land owner in the area shown on the map
- Other e.g. community group, councillor etc (please state the name of the group and postcode below)

QUESTION 2

How often do you visit [Bradford City Centre and surrounding area \(Exclusion Zone\) shown on the map](#)? Please cross only one option.

- Every day
- More than two times a week
- At least once a week
- About once a month
- Once within the last six months
- Once within the last year
- More than one year ago
- I have never visited this area of Bradford

QUESTION 3

When do you visit the area [shown on the map](#)? Please tick all options that apply

I visit/have visited the area on : Monday, Tuesday, Wednesday, Thursday, Friday, Saturday, Sunday

I am in/have been in the area between: :
7-12 noon 1- 6pm 7-12 pm 1 am – 7am

QUESTION 4

How safe do you feel in the area **shown on the map**?

- Very safe
- Fairly safe
- Neither safe nor unsafe
- Fairly unsafe
- Very unsafe
- Don't know

Please tell us why?

QUESTION 5

Are there some parts of the **area shown on the map** where you feel less safe than others?

- Yes
- No

If YES, please tell us where

QUESTION 6

Are there some times of the day or night when you feel less safe than others?

7-12 noon 1- 6pm 7-12 pm 1 am – 7am

QUESTION 7

How much of a problem, if at all, do you think each of the following are to people living in, working in or visiting **the area shown on the map?**

Please tick one answer on each row.

	A Very big problem	A fairly big problem	Not a big problem	Not a problem at all	Don't know/not applicable
People being rowdy					
People behaving like they are intoxicated					
People harassing, intimidating or causing distress to other people					
People drinking alcohol in the street					
People taking psychoactive substances ('Legal highs')					
Other. Please give details in box below					

NEW PAGE NEW PAGE -----

Detail about the draft PSPO

We are proposing to introduce two prohibitions through the draft PSPO:

Prohibition ONE – Use of intoxicating substances

1. Person(s) within the Exclusion Zone will not: ingest, inhale, inject, smoke or otherwise use intoxicating substances.
2. Intoxicating Substances is given the following definition (which includes alcohol and what are commonly referred to as 'legal highs'): substances with the capacity to stimulate or depress the central nervous system.
3. Exemptions shall apply in cases where the substances are used for a valid and demonstrable medicinal use, given to an animal as a medicinal remedy, are cigarettes (tobacco) or vaporisers or are food stuffs regulated by food health and safety legislation or for the avoidance of doubt the consumption of alcohol is on premises licensed under the Licensing Act 2003.
4. Persons within this area who breach this prohibition shall (with the exemption of the matters referred to in Paragraph 3 above): surrender intoxicating substances in his/her possession to an authorised person.

5. An authorised person could be a Police Constable, Police Community Support Officer or Council Officer, and must be able to present their authority upon request.

The Council is proposing to bring in measures that will stop people using psychoactive substances, previously known as 'legal highs'. It does not include: caffeine, cases where the substances are used for a valid and demonstrable medicinal use, substances given to an animal as a medicinal remedy and cigarettes (tobacco).

This means anyone found 'using, possessing or supplying to another person any intoxicating substances, i.e alcohol or psychoactive substances (previously known as 'Legal highs') may be asked to surrender these substances to an authorised officer.

QUESTION 8

Do you support the use of a PSPO to stop people from using psychoactive substances in [the area shown on the map](#)?

Please tick only one option.

Yes
No
Don't know

Please say why

NEW PAGE NEW PAG -----

Prohibition TWO - Consumption of Alcohol

The Draft PSPO proposes to bring in an 'alcohol exclusion zone' for the area shown on the map.

This will mean it is an offence to fail to comply with a request by an authorised officer to cease drinking or to surrender the alcohol. However, it is not an offence to drink sensibly within licensed areas or establishments

QUESTION 9

Do you support the use of a PSPO to stop people continuing to drink alcohol when asked to stop drinking by any authorised officer in [the area shown on the map](#)?

Yes
No
Don't know

Please say why

QUESTION 10

Do you support the use of a PSPO to require a person to surrender alcohol at the request of an authorised officer in [the area shown on the map](#)?

Yes
No
Don't know

Please say why

QUESTION 11

Do you have any other comments regarding the Public Spaces Protection Order?

2. List of those invited to participate in the consultation:

Type	Organisation	Role
Public service	Police	Police and Crime Commissioner
		Bradford Divisional Commander
		Chief Constable of West Yorkshire Police Service
		Bradford Police Leadership Team
	University of Bradford	
	Bradford College	Bradford College
	Hospitals – St Lukes and BRI	
Owners/Occupiers	Premises within the proposed protected area on the map	Residents, businesses and land owners
Community representatives	Residents and tenants associations	Bradford District Tenants and Residents Federation
	Little Germany Action Ltd	
Inform		
Representative organisations	Bradford Trident	CIC
Additional		
Community Leaders	Bradford Council	Ward Councillors (East, West, South) via Area Co-ordinators
Representative groups	Bradford Chamber of Commerce	
	Bradford District Chamber of Trade	
	University of Bradford Student Union	
	Bradford College Student Union	
Housing associations	Horton Housing Association	
	Abigail Housing	
Substance misuse support projects	Piccadilly Project	
	Bridge Project	
Partnerships and others	Safer and Stronger Communities Partnership	
	City/Outer ASB Group	
	Bradford Council - Public Health	
	Bradford Council - YOT	
	Gypsies and Travellers Partnership	
	Area co-ordinators	Bradford East, South and West
	Markets manager	
Transport providers	Interchange Railway and Bus station	West Yorkshire Metro
	Forster Square Railway station	
Museums/Galleries	National Media Museum	
	Impressions Gallery	
	Peace Museum UK	
General public/visitors	<ul style="list-style-type: none"> • Banner header on Council website • Information on Council website • Articles in T&A 10 May 16 	

3. Letters sent to those directly invited to participate in the consultation:

Copy of letter sent to businesses within the area of the proposed PSPO which had signed up for mailings from the Council's City Centre Manager.

Ref: SRH/SPW

Department of Environment and Sport

3rd Floor, Jacob's Well
BRADFORD
West Yorkshire BD1 5RW

Tel: (01274) 434748
E-mail: steve.hartley@bradford.gov.uk
Website: www.bradford.gov.uk

Date: May 17, 2016

Dear Sir/Madam

PROPOSED PUBLIC SPACES PROTECTION ORDER (PSPO) Bradford City Centre and surrounding areas

As either a resident, business or land owner in the area you may be aware of issues of anti-social behaviour occurring in the Bradford City Centre and surrounding area. Bradford Council is seeking measures to address this behaviour for the benefit of residents and others using this area.

In October 2014 the Anti-social Behaviour Crime and Policing Act 2014 was introduced. As part of this legislation comes the introduction of the Public Spaces Protection Order. This allows Local Authorities to impose prohibitions or requirements to specified areas to enable law abiding citizens to enjoy public areas without being affected by anti-social behaviour.

The draft PSPO seeks to introduce prohibitions around alcohol consumption and psychoactive drugs (previously known as 'Legal highs') and will enable authorised officers from Bradford Council and West Yorkshire Police to deal more effectively with alleged offenders at the time they are behaving anti-socially.

We are therefore contacting you as part of the consultation process before making the application for the enclosed draft Public Spaces Protection Order for Bradford City Centre and surrounding areas.

The consultation period is open to you from **12th May until 24^h June 2016**.

To find out more information about the proposed 'Order' or to take part in the consultation please visit:

www.bradford.gov.uk/consultations/current-consultations/consultation-on-public-spaces-protection-order-pspo/

If you require a paper copy of the survey or other documents please e-mail:

safer.communities@bradford.gov.uk.

Yours faithfully,

Steve Hartley,
Strategic Director, Environment & Sport.

Copy of letter sent to all premises within the area of the proposed PSPO for which a postal address could be identified.

Ref: SRH/SPW

Department of Environment and Sport

3rd Floor, Jacob's Well
BRADFORD
West Yorkshire BD1 5RW

Tel: (01274) 431326
E-mail: safer.communities@bradford.gov.uk
Website: www.bradford.gov.uk

Date: June 20, 2016

Dear Sir/Madam

PROPOSED PUBLIC SPACES PROTECTION ORDER (PSPO) Bradford City Centre and surrounding areas

As either a resident, business or land owner in the area you may be aware of issues of anti-social behaviour occurring in the Bradford City Centre and surrounding area. Bradford Council is seeking measures to address this behaviour for the benefit of residents and others using this area.

In October 2014 the Anti-social Behaviour Crime and Policing Act 2014 was introduced. As part of this legislation comes the introduction of the Public Spaces Protection Order. This allows Local Authorities to impose prohibitions or requirements to specified areas to enable law abiding citizens to enjoy public areas without being affected by anti-social behaviour.

The draft PSPO seeks to introduce prohibitions around alcohol consumption and psychoactive drugs (previously known as 'Legal highs') and will enable authorised officers from Bradford Council and West Yorkshire Police to deal more effectively with alleged offenders at the time they are behaving anti-socially.

We are therefore contacting you as part of the consultation process before making the application for the enclosed draft Public Spaces Protection Order for Bradford City Centre and surrounding areas.

The consultation period is open to you from now until the 3rd August 2016.

To find out more information about the proposed 'Order' or to take part in the consultation please visit:

www.bradford.gov.uk/consultations/current-consultations/consultation-on-public-spaces-protection-order-pspo/

If you require a paper copy of the survey or other documents please e-mail:

safer.communities@bradford.gov.uk.

Yours faithfully,

Steve Hartley,
Strategic Director, Environment & Sport.

Copy of letter sent to public bodies as part of the statutory consultation.

Department of Environment and Sport

Ref: SRH/SPW

3rd Floor, Jacob's Well
BRADFORD
West Yorkshire BD1 5RW

Tel: (01274) 434748
E-mail: steve.hartley@bradford.gov.uk
Website: www.bradford.gov.uk

Date: May 12, 2016

Dear <Name>

PROPOSED PUBLIC SPACES PROTECTION ORDER (PSPO) Bradford City Centre and surrounding areas

I am contacting you as part of the Council's statutory requirement to consult and inform specific bodies and groups about its proposal to make a **PUBLIC SPACES PROTECTION ORDER (PSPO) for Bradford City Centre and surrounding areas**.

You may already be aware of issues of anti-social behaviour occurring in the Bradford City Centre and surrounding area. Bradford Council is seeking measures to address this behaviour for the benefit of residents, visitors and businesses.

In October 2014 the Anti-social Behaviour Crime and Policing Act 2014 was introduced. As part of this legislation comes the introduction of the Public Spaces Protection Order. This allows Local Authorities to impose prohibitions or requirements to specified areas to enable law abiding citizens to enjoy public areas without being affected by anti-social behaviour.

The draft PSPO seeks to introduce prohibitions around alcohol consumption and psychoactive drugs (previously known as 'Legal highs') and will enable authorised officers from Bradford Council and West Yorkshire Police to deal more effectively with alleged offenders at the time they are behaving anti-socially.

Information about the proposed 'Order' and other documents related to the consultation are located on the Council's website and can be accessed via the URL below:

www.bradford.gov.uk/consultations/current-consultations/consultation-on-public-spaces-protection-order-pspo/

Your views, comments and observations about this proposal are sought and will be used by the Council in considering whether or not to make a final 'Order' and the content of any 'Order' that might be made.

Please use a method to respond that you deem most appropriate. That could be by letter, e-mail or by completing and submitting the online consultation survey.

Please respond no later than 24 June 2016.

If you require any further information please contact Rebecca Trueman on 01274 43 1326 or e-mail: safer.communities@bradford.gov.uk.

Yours faithfully,

Steve Hartley,
Strategic Director, Environment & Sport.

4. Telegraph and Argus press article about the consultation

10 May 2016

Have your say on proposed drink and legal highs ban in Bradford's public spaces

POWERS: Wardens would be able to fine people for drinking in City Park, among other areas

/ [Claire Wilde](#), City Hall Reporter / [ClaireW_TandA](#)

PLANS to ban troublemakers from using booze or so-called legal highs in Bradford city centre have moved a step closer.

Council chiefs want to arm police community support officers and council wardens with tough new powers to deal with street drinkers or drug-takers causing a nuisance.

They have now started a public consultation into their plan to apply a Public Space Protection Order to the whole of the city centre, which would give the authorities added powers to intervene and confiscate alcohol or legal highs if people are seen using them. Officers would be able to issue a fixed penalty notice of £100 if the offenders refused to co-operate.

Alternatively, offenders could be fined up to £2,000 by the courts.

Traders have long complained about problem drinkers and drug users blighting business in areas like [City Park](#) or Rawson Road, near the Oastler Centre.

They have complained of abuse, spitting, begging, urinating and drug-taking, which puts off customers.

The new order would apply to a large swathe of central Bradford, from Little Germany in the east to the University of Bradford in the west and Forster Square retail park in the north to the Hawkshead Estate in the south.

The rules would apply within all public spaces, including City Park, although people would still be allowed to drink in beer gardens or outdoor seating areas for premises with an alcohol licence.

Val Summerscales, secretary of the Bradford and District Chamber of Trade, welcomed the progress.

She said the chamber was behind the idea, as long as it didn't affect outdoor drinking areas at legitimate licensed pubs and bars.

She said: "We welcome people into the city centre and we don't want it spoiled by a few people, who would be excluded by this legislation.

"The city centre is there for everybody to enjoy and this is what we would like to see. This order would hopefully exclude those who are causing problems."

The six-week consultation started yesterday and ends on June 20. To take part, visit bradford.gov.uk/consultations.

If all goes to plan, an order could be in place as early as September.

[Councillor Arshad Hussain](#), Bradford Council's executive member for community safety, said: "It's really important we get your feedback on this proposal to inhibit anti-social behaviour. We want to improve the quality of life for our residents and ensure visitors have a positive experience in the city so they will want to return again and again."

Public Space Protection Orders were introduced by the Government as part of the Anti-Social Behaviour Crime and Policing Act 2014.

Separately, a blanket ban on legal highs across England and Wales is set to come into force within weeks.

The Psychoactive Substances Act is due to be enacted on May 26.

**Report to Regulatory and Appeals Committee 29 September 2016 -
Appendix B - Consultation data and written Submissions**

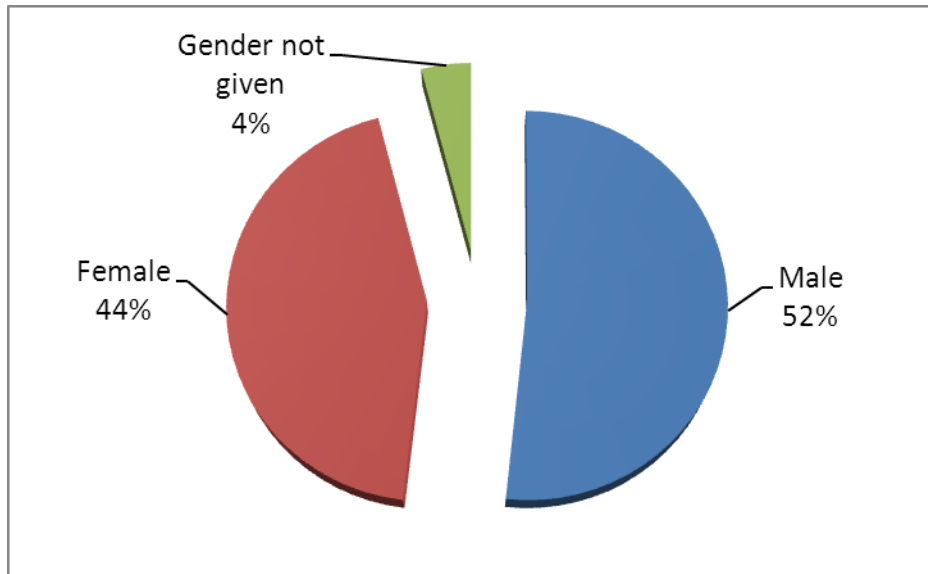
Contents

Contents	Page
1. PSPO Consultation Survey Data	2
2. Written submissions	
a) Police	13
b) Bradford District Chamber of Trade	17

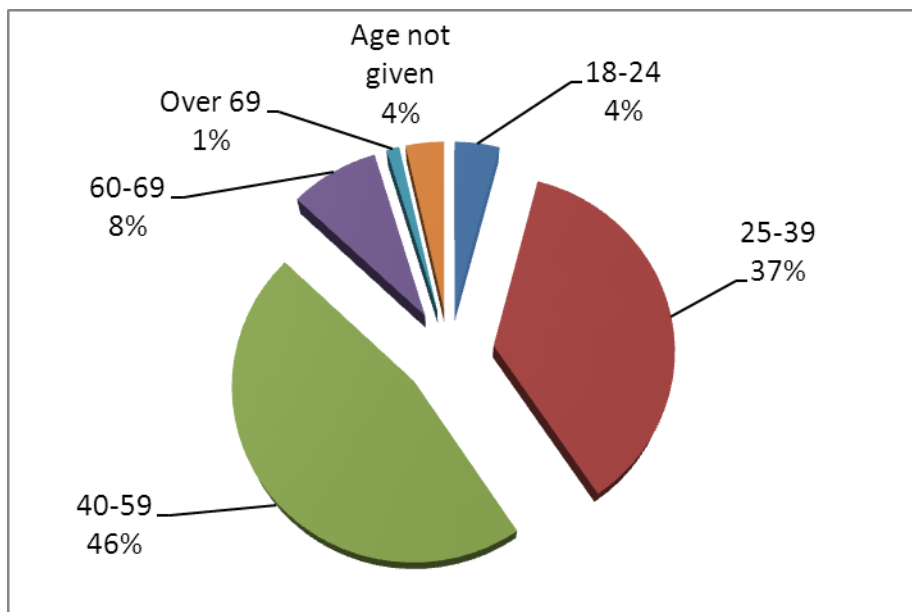
1. PSPO Consultation Survey Data

In total there were 170 responses to the survey (including 5 telephone responses)

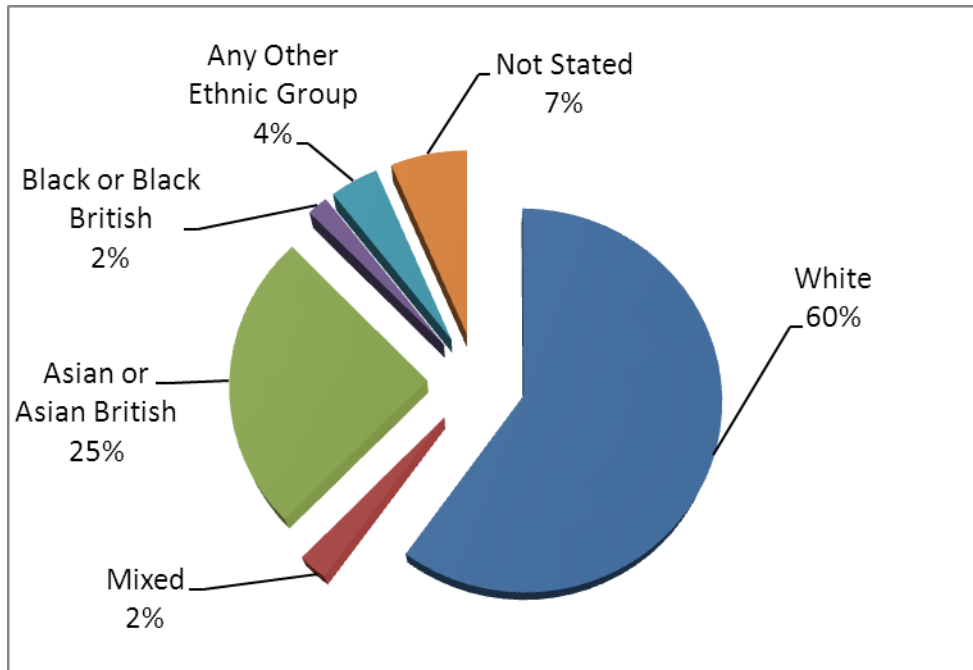
Responses by Gender	Male	Female	Gender not given
	88	75	7



Responses by Age Group	18-24	25-39	40-59	60-69	Over 69	Age not given
	7	62	79	14	2	6

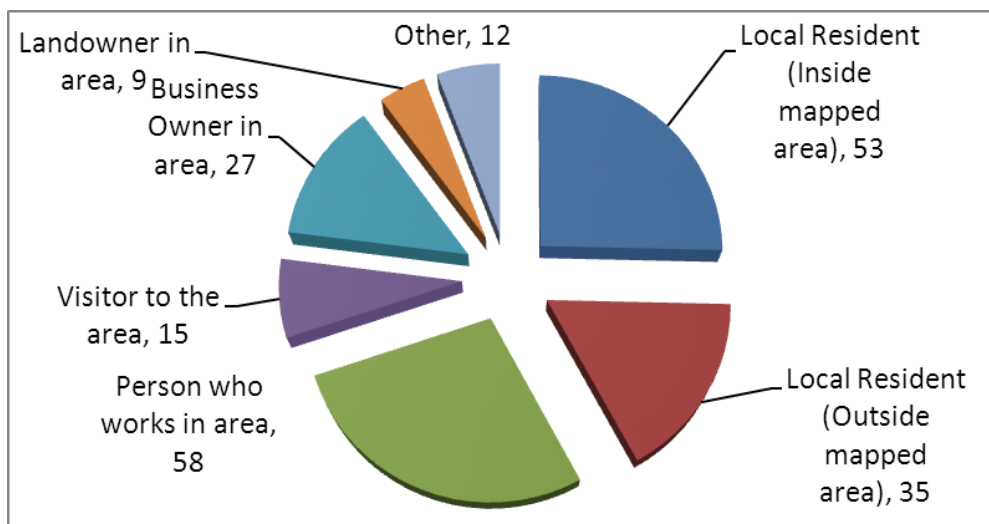


Responses by Ethnicity	White	102
	Mixed	4
	Asian or Asian British	43
	Black or Black British	3
	Any Other Ethnic Group	7
	Not Stated	11



Q1 Are you responding as a

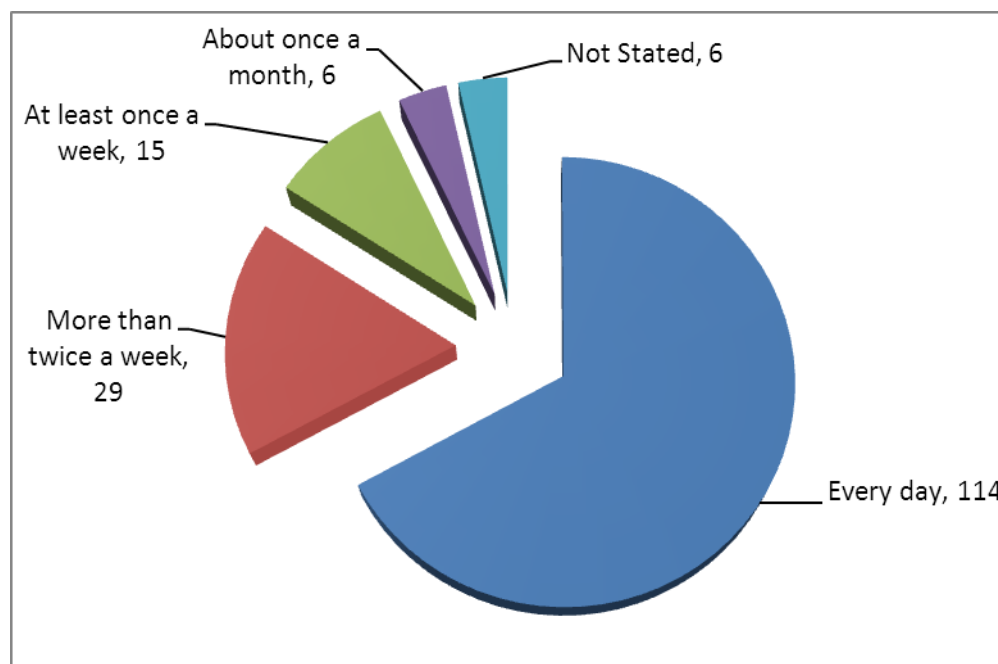
Local Resident (Inside mapped area)	Local Resident (Outside mapped area)	Person who works in area	Visitor to the area	Business Owner in area	Landowner in area	Other
53	35	58	15	27	9	12



*Respondents were asked to choose all that applied

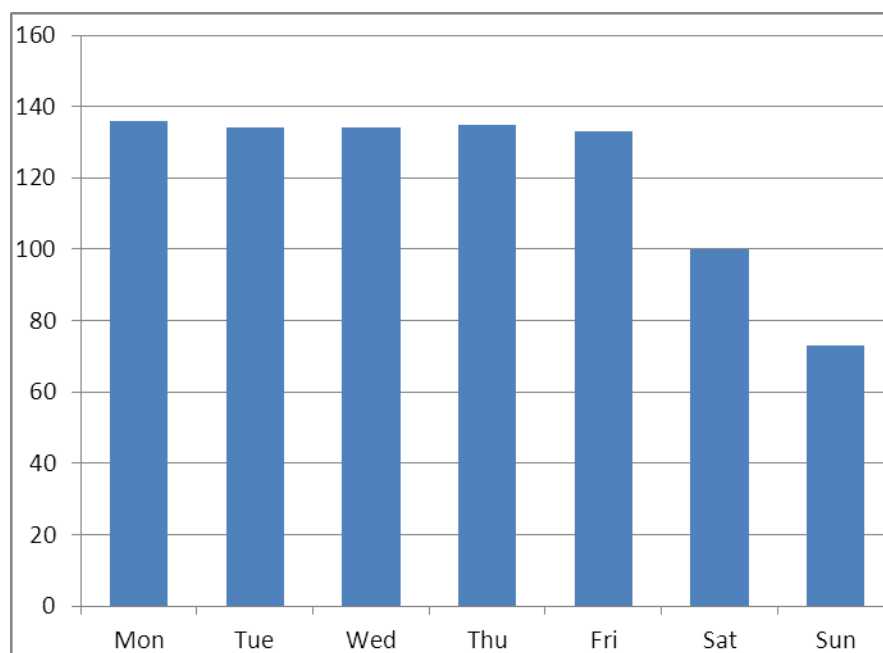
Q2. How often do you visit Bradford City Centre and surrounding area (Exclusion Zone) shown on the map? (Please choose only one option)

Every day	More than twice a week	At least once a week	About once a month	Not Stated
114	29	15	6	6

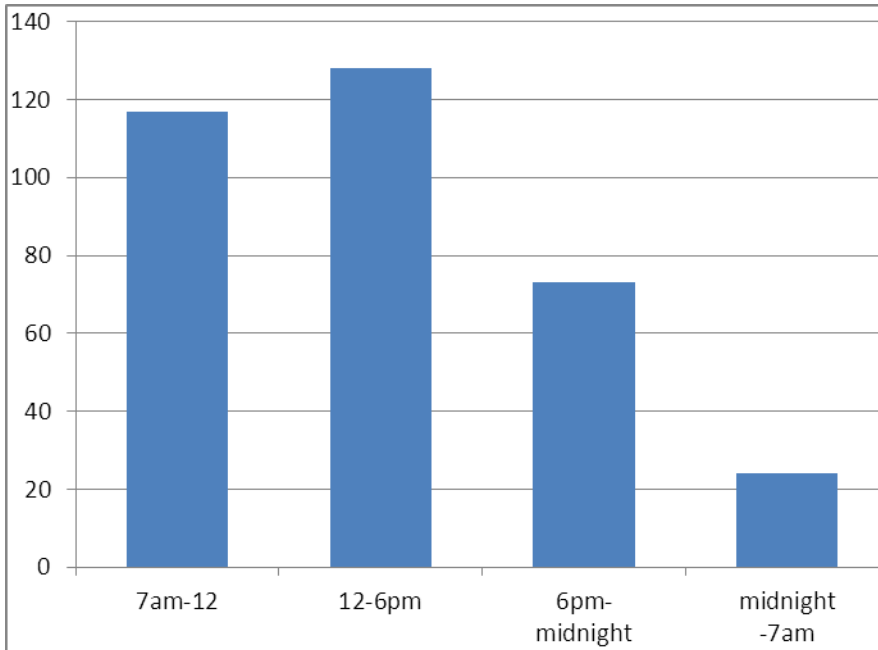


Q3. When do you visit the area shown on the map? (Please choose all options that apply)

Mon	Tue	Wed	Thu	Fri	Sat	Sun
136	134	134	135	133	100	73

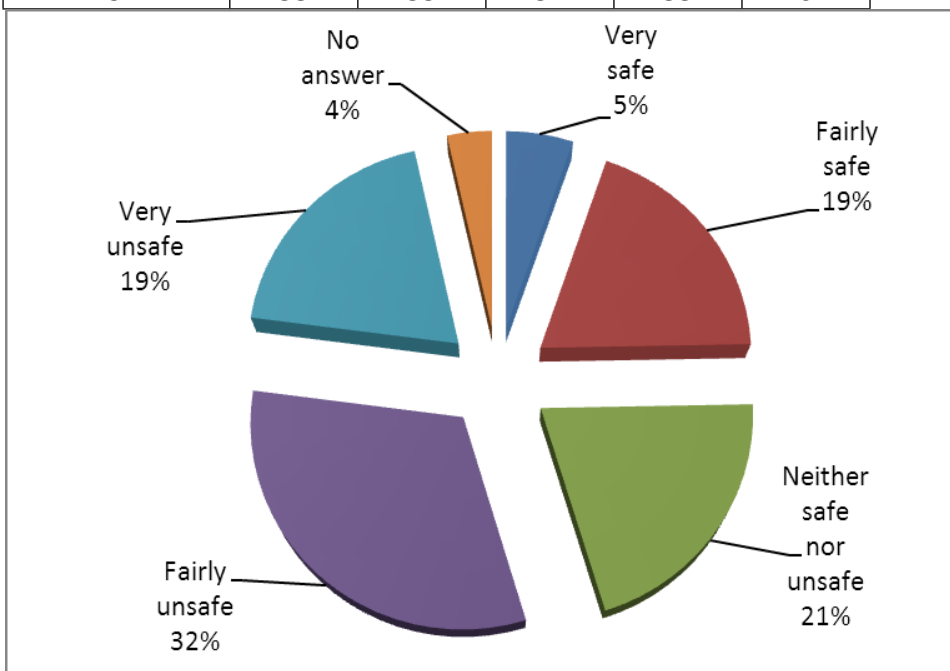


7am-12	12-6pm	6pm-midnight	midnight-7am
117	128	73	24



Q4. How safe do you feel in the area shown on the map?

Very safe	Fairly safe	Neither safe nor unsafe	Fairly unsafe	Very unsafe	No answer
9	33	35	54	33	6



Of the 33 people who replied 'Very unsafe' 15 people left comments on this question, 13 of which stated alcohol/drug issues within the area being the main reason they felt unsafe.

52% of females who answered the survey felt fairly or very unsafe compared to 55% of males.

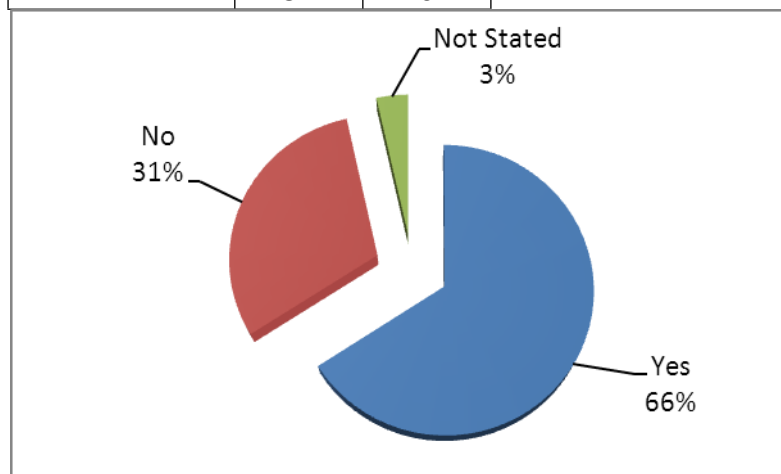
By Age Group	18-24	25-39	40-59	60-69	Over 69	not given
Percentage responding Fairly or Very Unsafe	71%	50%	57%	43%	0%	0%

Please note there were only 7 responses in the 18-24 age group and 2 in the over 69 age group

	Percentage responding Fairly or Very Unsafe
Local Resident in area	59%
Worker	47%
Visitor	33%
Business Owner	65%
Landowner	60%

Q5. Are there some parts of the area shown on the map where you feel less safe than others?

Yes	No	Not Stated
112	52	6

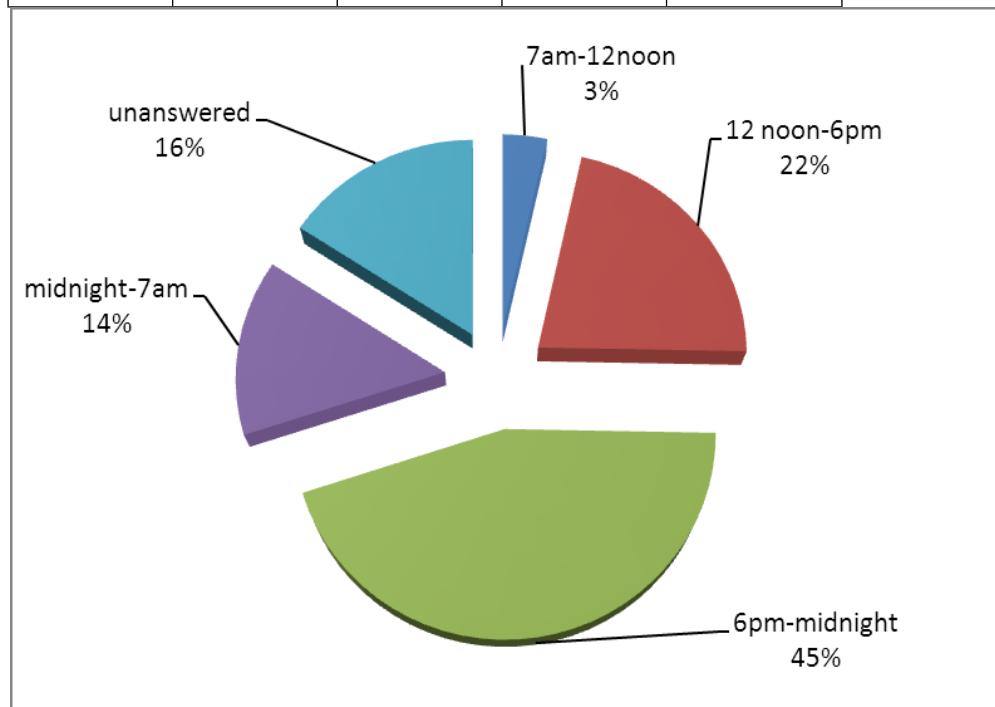


Of the people who commented on the areas that felt the least safe these are the areas that came up the most:

- Centenary Sq
- City Park
- Great Horton Rd / University area
- Hallfield Road/Houghton Place
- Ivegate
- Morley St
- Oastler Centre
- Rawson Road
- Sunbridge Road

Q6. Are there some times of the day or night when you feel less safe than others?

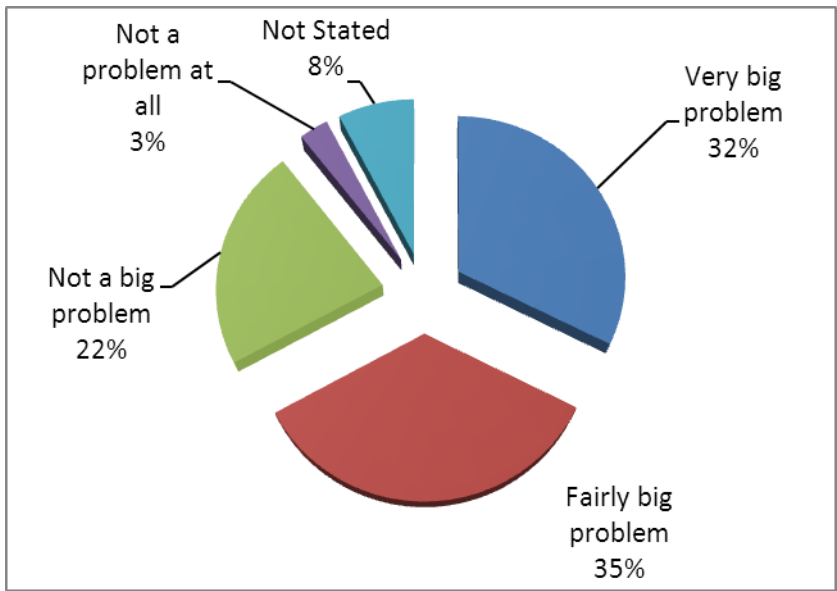
7am-12noon	12 noon-6pm	6pm-midnight	midnight-7am	Not Stated
6	37	76	24	27



Q7. How much of a problem, if at all, do you think each of the following are to people living in, working in, or visiting the area of Bradford shown on the map? (Please choose one option for each row)

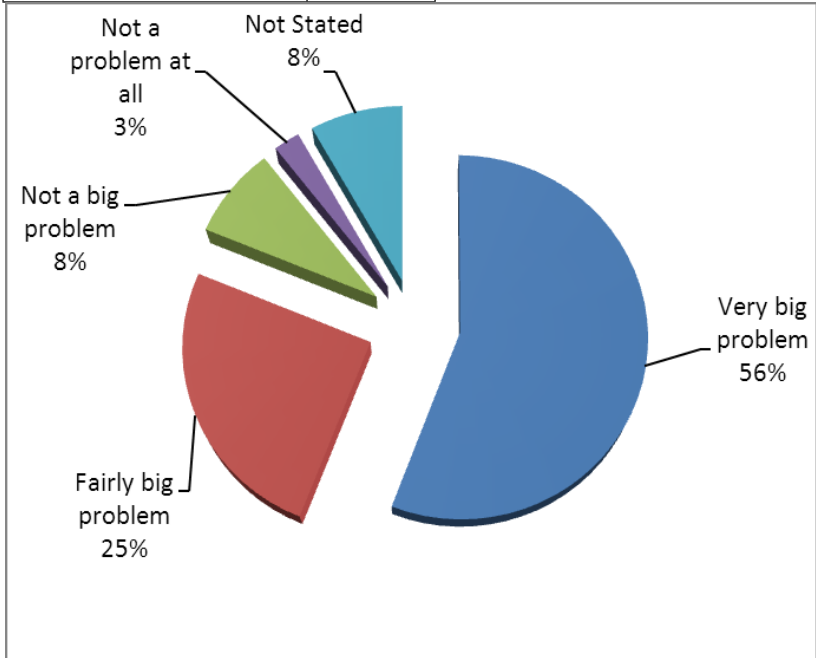
People being rowdy

Very big problem	55
Fairly big problem	59
Not a big problem	38
Not a problem at all	5
Not Stated	13
Total	170



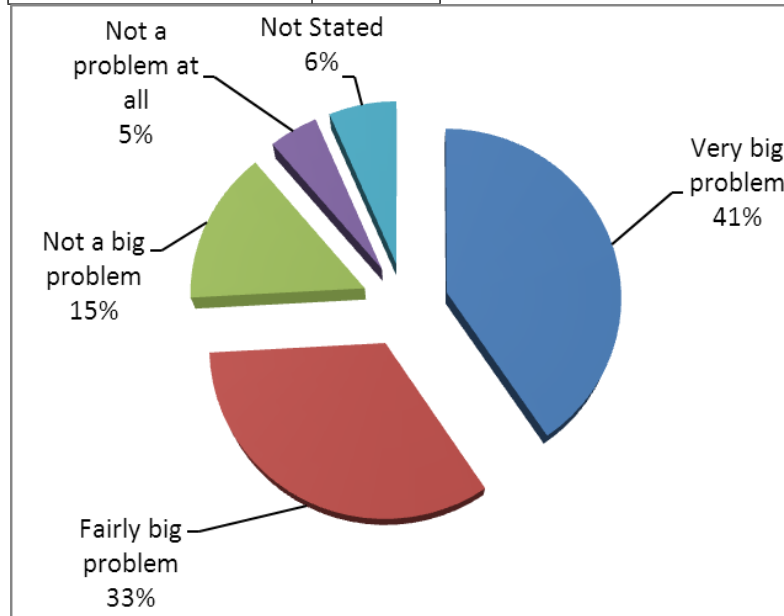
People behaving like they are intoxicated

Very big problem	95
Fairly big problem	43
Not a big problem	14
Not a problem at all	4
Not Stated	14
Total	170



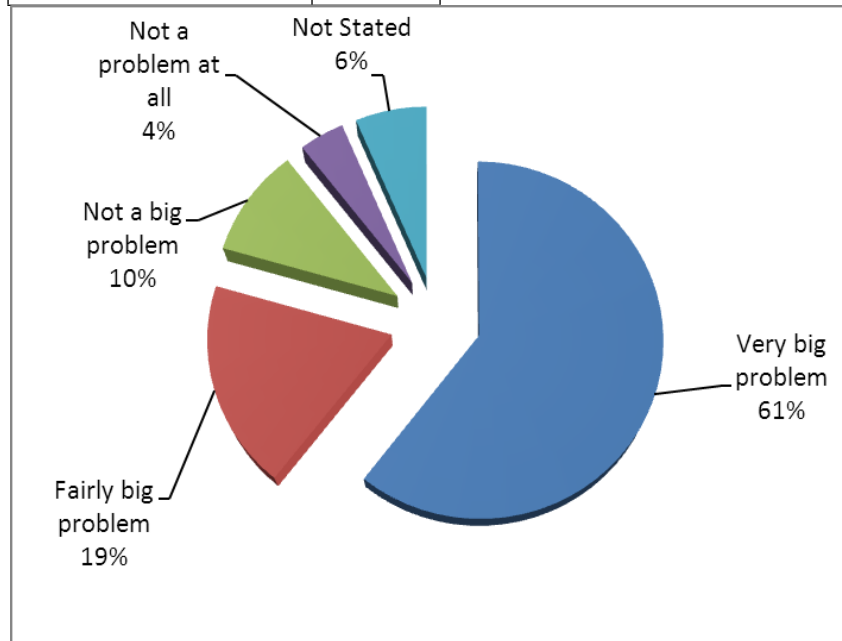
People harassing, intimidating or causing distress to other people

Very big problem	69
Fairly big problem	57
Not a big problem	25
Not a problem at all	8
Not Stated	11
Total	170



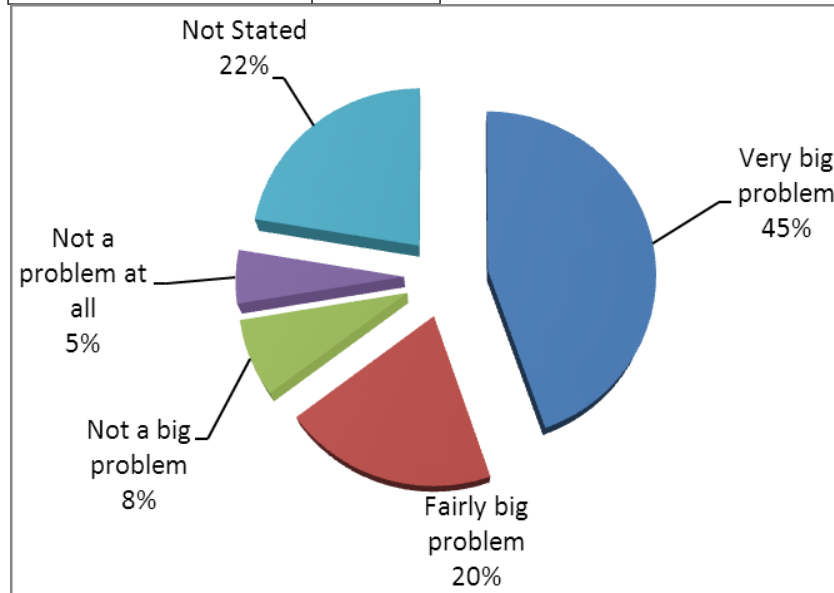
People drinking alcohol in the street

Very big problem	103
Fairly big problem	32
Not a big problem	17
Not a problem at all	7
Not Stated	11
Total	170



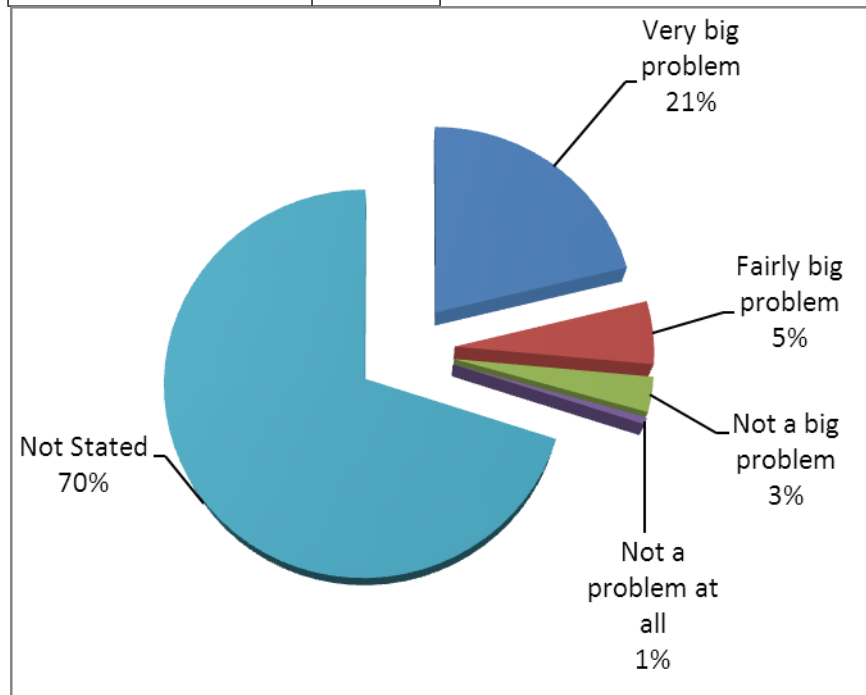
People taking psychoactive substances ('legal highs')

Very big problem	76
Fairly big problem	34
Not a big problem	13
Not a problem at all	9
Not Stated	38
Total	170



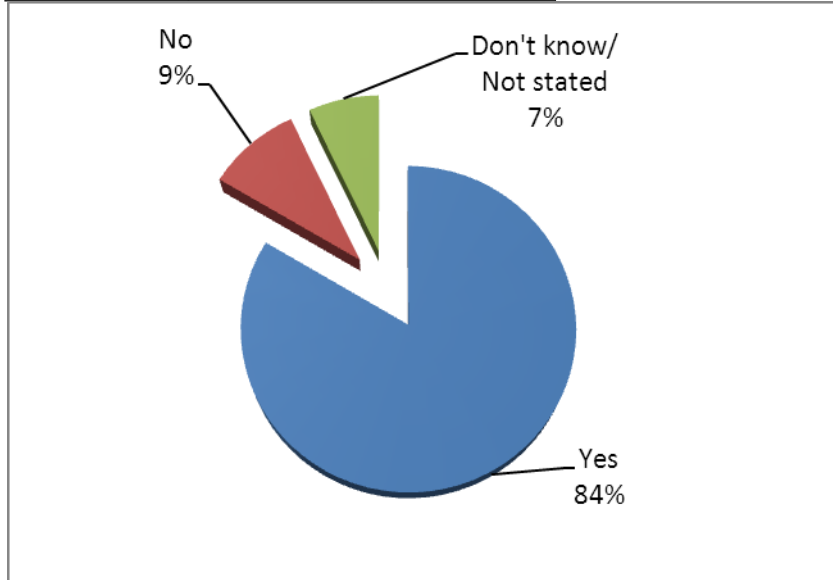
Other

Very big problem	36
Fairly big problem	9
Not a big problem	5
Not a problem at all	1
Not Stated	119
Total	170



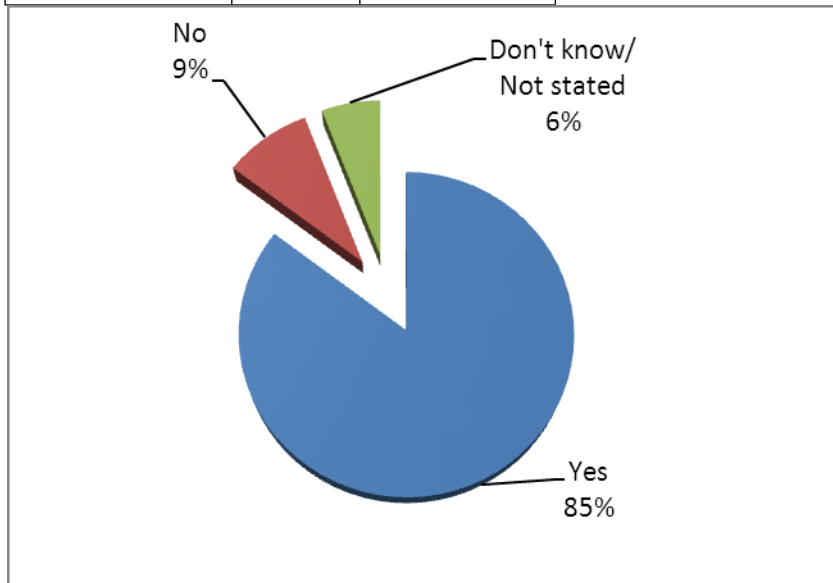
8. Do you support the use of a PSPO to stop people from using intoxicating substances in the area shown on the map?

Yes	No	Don't know/ Not stated
142	16	12



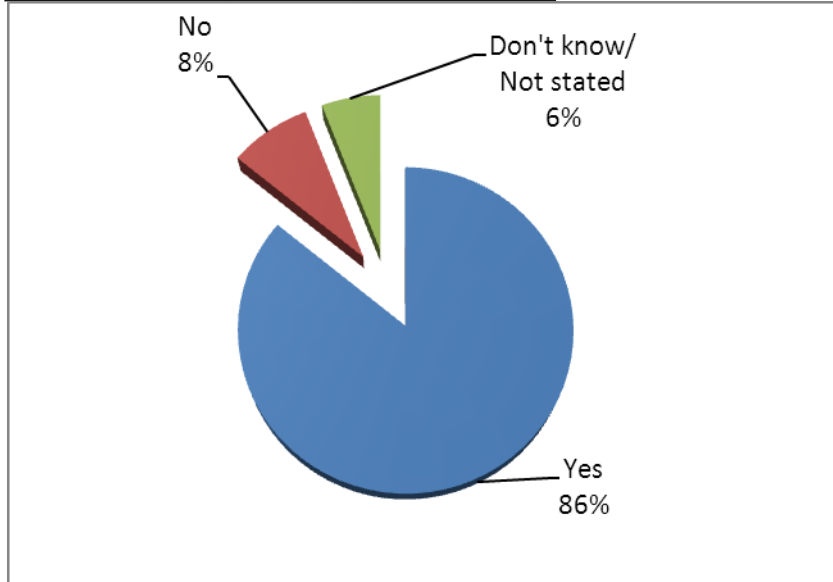
Q9. Do you support the use of a PSPO to stop people continuing to drink alcohol when asked to stop drinking by any authorised officer in the area shown on the map?

Yes	No	Don't know/ Not stated
145	15	10



Q10. Do you support the use of a PSPO to require a person to surrender alcohol at the request of an authorised officer in the area shown on the map?

Yes	No	Don't know/ Not stated
146	14	10



The majority of those responding 'No' to questions 8 through to 10 were local residents.

2. Written submissions

a) Police:

NOT PROTECTIVELY MARKED



Police and Crime Commissioner
for West Yorkshire
Ploughland House
62 George Street
Wakefield
WF1 1DL

Temporary Chief Constable
West Yorkshire Police Headquarters
PO Box 9
Laburnum Road
Wakefield
WF1 3QP

21st June 2016

Steve Hartley
Strategic Director
Department of Environment and Sport
Bradford City Council
BD1 5RW

Dear Steve

Thank you for your letter dated May 17th 2016 inviting West Yorkshire Police and the Office of the Police and Crime Commissioner to consider and be consulted upon proposals for public spaces protection orders (PSPO) in Bradford City Centre and surrounding areas.

We have now had the opportunity to consider these proposals and I have enclosed a response with this letter for your consideration.

Thank you for consulting with us on these proposals and should you require any further assistance Chief Superintendent Atkin will be available to discuss this with you.

Yours sincerely

Dee Collins QPM
Temporary Chief Constable
West Yorkshire Police

Mark Burns-Williamson, OBE
Police and Crime Commissioner
for West Yorkshire

Bradford City Centre PSPO

West Yorkshire Police and the Office of the Police and Crime Commissioner support the introduction of a Public Space Protection Order (PSPO) for the area of Bradford City Centre as defined by the circulated map.

The PSPO will complement the existing intervention work that Bradford City Centre Neighbourhood Policing Team have delivered using Dispersal powers to tackle issues relating to Anti-Social Behaviour, drinking and legal highs. It will also work alongside recent legislation introduced to combat the use of psychoactive substances (legal highs).

Importantly, this power allows Council employees, (or those accredited by the Council) to take enforcement action alongside Police Officers and Police Community Support Officers, allowing both services to publically work together to tackle ASB within Bradford.

Locality of the order

The boundaries of the proposed PSPO is consistent with current Police and partnership intelligence and reported incidents. It also protects areas around Bradford University and Bradford College, and associated residential premises, from potential relocation of anti-social drinking / behaviour should the map have simply involved the regeneration area of Bradford. (This wider area has been included to reflect learning from the implementation of a PSPO in Lincoln where issues were dispersed into residential streets surrounding the order).

Similarly, the residential flats around Manchester Road are included which reflects the wishes of In Communities, (Residential Social Landlord) and allows positive action for any anti-social drinking or use of legal highs in the vicinity of these residences. This ensures wider partnership and community support for the scheme.

Scope and review of prohibited actions

The Bradford Senior Leadership Team acknowledge that the use and preparation of legal highs, and anti-social drinking form the two key areas of reported anti-social behaviour in Bradford centre and fully support these being the key prohibitions for initiating a PSPO.

The 'report on the draft PSPO' notes that a **six monthly review** will be held after the PSPO is launched. The Bradford Senior Leadership Team would fully support a review at this time of both police and partnership intelligence to consider any adjustments to the prohibitions or geographic area covered by the order. For example, a future area that may be suitable for inclusion in the PSPO may be persistent begging. Bradford District Neighbourhood Teams have recently launched a new District wide policy to ensure appropriate support and intervention is offered on a partnership level to anyone who is visibly begging or rough sleeping in Bradford. This policy is shared across the community safety partnership and includes a stepped approach for dealing with those individuals who refuse support and intervention and persistently continue to beg. It is felt that one area for consideration at the six month review would be whether 'persistent begging' could be included within the PSPO if partnership intelligence supports this.

A further consideration for inclusion within the Order would be inclusion of a power for an **authorised person** to dispose of any item that has been surrendered. This prevents the logistical concerns of having to store prohibited items or potentially return at a future date alcohol to persons suffering from alcohol addiction. This suggestion has been raised previously for inclusion by the partnerships Inspector, but does not feature within the draft order circulated.

It is felt that the Bradford City Centre ASB Partnership would be the group best placed to consider and review any amendments at the six monthly juncture.

Positive Partnership Media Strategy

It is important to ensure that public support is maintained for the partnership enforcement of the PSPO. Therefore business and residential users of the city centre should be positively encouraged to share with the Council any positive feedback they have once the PSPO is in force. With approval, this could be shared with the wider public through use of established media, including T&A, Social media and Bradford Online Watch Link through the Bradford District Neighbourhood Support Team. This should positively influence public perception and satisfaction with partnership work in Bradford. Equally, any negative feedback could be incorporated and considered at the six monthly review.

Practical reassurances required from Bradford Council

The short and long term success of the PSPO relies upon active intervention from both Council and Police representatives, ensuring shared demand and a united public approach to tackling ASB in Bradford.

Bradford Senior Leadership Team note the following extract from the 'report on the draft PSPO to regulatory and appeals committee;'

5.11 Bradford Council and Bradford Police have agreed joint responsibility for enforcement. Council ASB (Anti-Social Behaviour) Officers, Police Officers and PCSOs will conduct enforcement patrols and have the power to issue Fixed Penalty Notices for breaches. However the Council's Wardens do not have the equipment or the capacity to do on-street enforcement of this nature due to heightened element of risk to personal safety and therefore additional enforcement activities would not be appropriate for Council staff with their current training and safety measures. Council Wardens who witness contraventions will therefore contact the Council ASB Officer and request their attendance to enforce the PSPO on their behalf.

Bradford Senior Leadership team note that Council Wardens are not currently trained, or in possession of safety measures to allow on-street enforcement. Reassurances are sought that the Council ASB officers will be trained and suitably equipped in time for the launch of the PSPO. There are also some concerns held by the partnerships Inspector that this work may impact upon the superb Criminal Behaviour Order work conducted by the council ASB officers having wider implications on partnership ASB intervention.

It is noted from government PSPO legislation (link; [Home Office web pages](#))

that;

'The FPN can be issued by a police officer, PCSO, council officer or other person designated by the council.'

If there should be a delay in Council ASB officers being suitably trained, provided with safety equipment and supported by Unions to deal with ASB, then a potential stop-gap measure would be for the Council to authorise and designate an individual or company to enforce on their behalf. This could also be considered in conjunction with training Council ASB officers to ensure no detrimental impact to their CBO work.

If this suggestion was followed, Community Safety Funding could potentially be considered to second a Police officer or PCSO, or recruit an enforcement officer (perhaps advertised to existing Special Constables as well as a wider audience) on behalf of the council. This would ensure that an individual with public safety training and appropriate equipment was in a position to enforce on behalf of the council at the commencement of this order ensuring maximum partnership impact.

It is also queried whether long term, an appropriate solution would be to reconsider the powers and remit of Council Wardens, who would provide an appropriate uniformed reassurance and deterrent if they were authorised to issue FPN's in the future.

2. Written submissions
- b) Bradford District Chamber of Trade



Gleave House
91A Victoria Road
Eccleshill
Bradford BD2 2DQ

Tel: 01274 635637

WEB PAGE: <http://www.bradford-chamber-of-trade.co.uk>
EMAIL: thesecretary@bradford-chamber-of-trade.co.uk

Secretary: Val Summerscales

15th June 2016

Steve Hartley
Strategic Director, Environment and Sport
Bradford MDC.,
3rd Floor, Jacobs Well,
Bradford BD1 5RW

Dear Mr Hartley

Re : Proposed - Public Spaces Protection Order (PSPO)
Bradford City Centre and Surrounding Areas.

Following full discussions at our Executive Meeting held on 13th June 2016 - we wish to advise that the Chamber of Trade is fully supportive of the Council obtaining a PSPO to combat anti social activities and behaviour - via the terms set out in the Draft PSPO currently being consulted on.

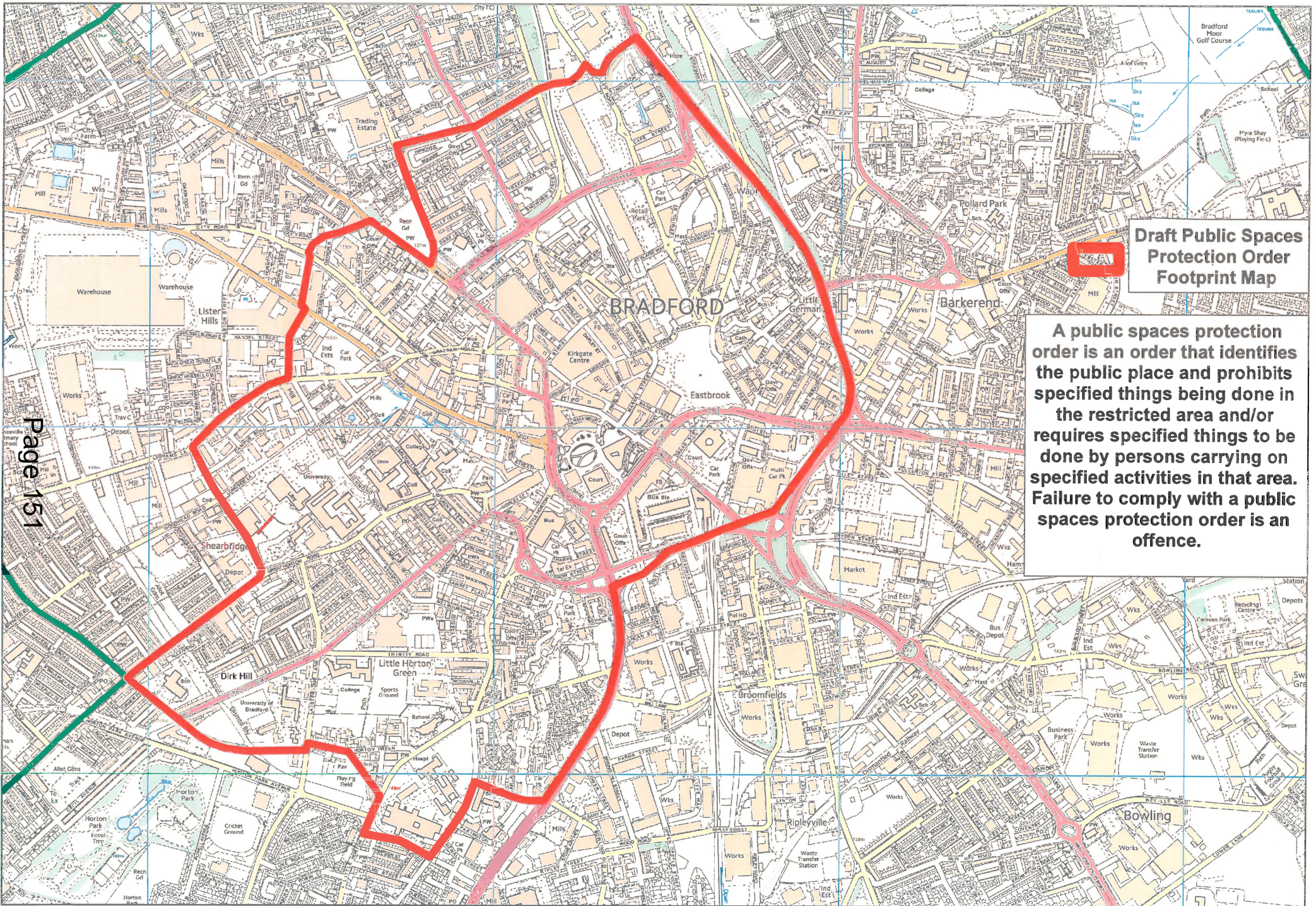
The Chamber is also fully supportive of the advertised map stating the intended / proposed footprint of the PSPO

Yours sincerely

VAL SUMMERSCALES
SECRETARY

Affiliated to: - West Yorkshire Chambers of Trade and Commerce & Croner Consulting

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Draft Public Spaces Protection Order Footprint Map

A public spaces protection order is an order that identifies the public place and prohibits specified things being done in the restricted area and/or requires specified things to be done by persons carrying on specified activities in that area. Failure to comply with a public spaces protection order is an offence.

Page 151

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PROPOSED DRAFT ORDER**BRADFORD METROPOLITAN DISTRICT COUNCIL****PUBLIC SPACE PROTECTION ORDER NUMBER 1 of 2016 (the "Order")****ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014**

This order may be cited as the City of Bradford Metropolitan District Council Public Spaces Protection Order Number 1 of 2016.

The City of Bradford Metropolitan District Council ("the Council") in exercise of its powers under Section 59, 64 and 72 of the Anti-Social Behaviour, Crime and Policing Act 2014 ("the Act") and under all other enabling powers, hereby makes the following Order:

1. This Order shall come into operation on 1 December 2016 and shall have an effect for 3 years thereafter, unless extended by further order under the Council's statutory powers.
2. This Order relates to the part of the City of Bradford Metropolitan District as shown edged red on the attached plan (the Exclusion Zone").
3. The Council is satisfied that the conditions set out in Section 59 (3) of the Act have been met. Namely, that anti-social behaviour and criminal activities have been carried out within the Exclusion Zone through the use of intoxicating substances. These activities have had a detrimental effect on the quality of life of those in the locality, and it is likely that the activities will be carried out within that area and have such an effect.
4. The Council is also satisfied that the conditions set out in Section 59 (3) of the Act have been met. Namely, that the effect or likely effect of the activities is, or is likely to be, of a persistent or continuing nature and that these activities are unreasonable and justify the restrictions imposed by this Order and that it is in all the circumstances expedient to make this Order for the purpose of reducing crime and/or anti-social behaviour in a public place.

PROHIBITIONS:

1. **Person(s) within the Exclusion Zone will not: ingest, inhale, inject, smoke or otherwise use intoxicating substances.**
2. **Intoxicating Substances is given the following definition which includes alcohol and what are commonly referred to as 'legal highs' i.e. substances with the capacity to stimulate or depress the central nervous system.**
3. **Exemptions shall apply in cases where the substances are used for a valid and demonstrable medicinal use, given to an animal as a medicinal remedy, are cigarettes (tobacco) or vaporisers or are food stuffs regulated by food health and safety legislation or for the avoidance of doubt the consumption of alcohol is on premises licensed under the Licensing Act 2003.**
4. **Persons within this area who breach this prohibition shall (with the exemption of the matters referred to in Paragraph 3 above): surrender in accordance with the requirements under section 63(2) intoxicating substances in his/her possession to an authorised person and the authorised person is thereafter authorised to dispose of any item under section 63(5) of the Act.**

5. An authorised person could be a Police Constable, Police Community Support Officer or Council Officer, and must be able to present their authority upon request.

FIXED PENALTY NOTICES AND OFFENCES:

1. It is an offence for a person without reasonable excuse to engage in any activity that is prohibited by this Order.
2. In accordance with section 63 of the Act, a person found to be in breach of this Order by consuming alcohol or by refusing to surrender alcohol to an authorised person is liable on summary conviction to a maximum penalty of a level 2 fine or to a Fixed Penalty Notice up to £100.
3. In accordance with section 67 of the Act, a person found to be in breach of this Order other than by consuming alcohol or by refusing to surrender alcohol to an authorised person is liable on summary conviction to a maximum penalty of a level 3 fine or to a Fixed Penalty Notice up to £100.

APPEALS:

1. In accordance with section 66 of the Act, any interested person who wishes to challenge the validity of this Order on the grounds that the Council did not have the power to make the Order or that a requirement under the Act has not been complied with may apply to the High Court within six weeks from the date upon which the Order is made.

APPENDIX:

A Street plan of area of the area of the Council showing The Exclusion Zone edged in red.

Given under the Common Seal of
The City of Bradford M D C

On the.....day of.....2016

**THE COMMON SEAL of the
COUNCIL**

Was hereunto affixed
In the presence of:

.....Authorised Officer

.....Designation

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