

Agenda for a meeting of the Regulatory and Appeals Committee to be held on Thursday, 27 April 2017 at 10.00 am in the Banqueting Hall - City Hall, Bradford

Members of the Committee – Councillors

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

Alternates:

CONSERVATIVE	LABOUR	LIBERAL DEMOCRAT
Ellis Miller	Azam S Hussain Lal Lee	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.

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 15 December 2016, 12 January 2017 and 9 February 2017 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. LAND AT SIMPSONS GREEN, APPERLEY ROAD, APPERLEY BRIDGE, BRADFORD Idle and Thackley

Previous references: Minutes 36 (2014/15) and 12 (2016/17)

The Assistant Director - Planning, Transportation and Highways will present a report (**Document “AJ”**) in relation to a planning application, submitted under the provisions of Section 73 of the Town and Country Planning Act 1990, in respect of the residential development of 267 dwellings and integral public open space, with associated access, parking and landscaping on land at Simpsons Green, Apperley Bridge, Bradford -16/07708/VOC. The scheme had originally been granted planning permission on 17 December 2014 (14/00255/MAF).



The report explains that the application is for a minor material amendment to the previously approved development through a variation of Condition 2 to substitute revised drawings showing changes to retaining walls, boundary treatments, levels, layout and house designs. The changes partly relate to a change in house designs/ layout for 63 units, which are now proposed to be developed by a second house builder, and partly relate to the retrospective regularisation of changes to site retaining walls/ ground levels.

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 authority be delegated to the Assistant Director - Planning, Transportation and Highways, in consultation with the City Solicitor, to enter into a Deed of Variation of the original legal obligation under Section 106 of the Town and Country Planning Act 1990 and Section 278 of the Highways Act 1980 attached to Planning Permission 14/00255/MAF to retain all the obligations as follows:**
 - (i) Payment of a commuted sum of £1,926,006 towards the highway improvement scheme at the New Line/Harrogate Road junction in lieu of affordable housing provision, with any monies not required for the works to the junction being directed back to the provision of affordable housing within the Idle and Thackley Ward as the first priority and Bradford North Constituency as the second priority.**
 - (ii) Payment of a commuted sum of £21,000 to be used for improvements of the existing playing pitches in the nearby locality.**
 - (iii) On-site provision of recreation equipment in the area to be designated as Public Open Space. The equipment to be maintained in perpetuity by the management company responsible for the open spaces on the site (see (v) below) and the detail of the type and location of the equipment to be approved in writing by the Local Planning Authority.**
 - (iv) Payment of a commuted sum of £1,058,840 for educational infrastructure improvements within the Idle and Thackley Ward or adjoining wards; £462,054 towards primary facilities and £596,786 towards secondary facilities. (To be paid in four equal instalments at the following triggers: 25% on the occupation of the 50th unit, second instalment on the occupation of the 100th unit, third instalment on occupation of 150 units with the remainder paid on the occupation of the 200th unit.)**



- (v) A management plan agreement for the management of all communal areas on the site which shall include long term design objectives, management responsibilities and maintenance schedules for all the areas in addition to including biodiversity enhancements. The Public Open Spaces to be provided prior to occupation of the 50th unit and to remain open and free from any built form in perpetuity.
- (vi) Payment of a commuted sum of £134,000 for transport infrastructure improvements and/or initiatives to support modal shift in the locality such as; upgrades to the Bridleway and the Public Rights of Way network. £20,000 of these monies to be put towards the upgrading of bus stops 17179 and 17178.
- (vii) Payment of a commuted sum of £15,000 to fund a mid/post development assessment and consultation exercise and any highway improvements considered necessary on Apperley Road and neighbouring roads, with consideration being given to the introduction of a road closure/one way system and resident's permit parking.
- (viii) Payment of a commuted sum of £5,000 to fund a Resident's Permit Parking Scheme, if identified as necessary by the mid/post development assessment and consultation exercise. The scheme to be agreed with the Council.
- (ix) Highway works, to include:
 - (a) A contribution of £1,926,006 towards the planned improvements to the New Line/Harrogate Road junction.
 - (b) A contribution of £14,000 for Traffic Regulation Orders and a Speed Hump Order to implement waiting restrictions to the protect visibility splays at the junction and for the relocation of the existing speed humps on Apperley Road.
 - (c) The provision of an Emergency Access, along with a shared pedestrian/cycle link, between the site and Leeds Road,

the legal planning obligation to contain such other ancillary provisions as the Assistant Director - Planning, Transportation and Highways (after consultation with the City Solicitor) considers appropriate.

(John Eyles – 01274 434380)



7. **LAND AT TRAFALGAR STREET, BRADFORD**
City

Previous reference: Minute 28 (2016/17)

A report will be submitted by the Assistant Director - Planning, Transportation and Highways (**Document “AK”**) in respect of an outline application for the construction of a mixed-use development scheme comprising apartments and wedding venue with conferencing facilities and associated car parking on land at Trafalgar Street car park, Snowden Street, Bradford - 16/02316/MAO. The application is in outline form with details of the access and layout submitted for consideration at this stage

The report explains that the application was considered by the Committee on 4 August 2016 when it was resolved to grant permission subject to a Section 106 Legal Agreement covering a number of matters. However, the applicant has failed to complete the Agreement within a reasonable period of time and there are no indications that it will be completed imminently and therefore the application is now recommended for refusal.

Recommended –

That the application be refused for the reasons set out in the Assistant Director - Planning, Transportation and Highways’ technical report.

(John Eyles – 01274 434380)

8. **GREENHOLME MILLS, BURLEY IN WHARFEDALE/BRIDGEHOUSE MILLS, HAWORTH**
Wharfedale
Worth Valley

A report will be presented by the Assistant Director - Planning, Transportation and Highways (**Document “AL”**) which informs the Committee of the Secretary of State’s consultation responses further to the resolutions to approve the planning applications at Bridgehouse Mills, Haworth (15/07479/MAF) and Greenholme Mills, Burley in Wharfedale (15/03339/MAF) at the meeting held on 9 February 2017.

Recommended –

That Document “AL” be noted.

(John Eyles – 01274 434380)



9. PRIVATE HIRE AND HACKNEY CARRIAGES - NEW CONDITIONS

The report of the Strategic Director, Place (**Document “AM”**) seeks the approval of the Committee to implement new conditions for private hire driver/operator/proprietor licences and hackney carriage drivers and vehicle licences.

The report explains that the conditions will assist operators, proprietors and drivers in delivering an effective, safe service, improved vehicle maintenance and better business protocols. The use of good practice will increase the safety of the travelling public.

Recommended –

That the implementation of the proposed new conditions for private hire driver/operator/proprietor licences and hackney carriage drivers and vehicle licences, as set out in Paragraphs 3.1 to 3.6 of Document “AM”, be approved.

(Carol Stos - 01274 437506)

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



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Report of the Assistant Director (Planning, Transportation & Highways) to the meeting of the Regulatory and Appeals Committee to be held on Thursday the 27th of April 2017.

AJ

Subject:

Land At Simpsons Green, Apperley Road, Apperley Bridge, Bradford

Summary statement:

The committee is asked to consider a planning application to develop land without compliance with conditions previously attached, submitted under the provisions of Section 73 of the Town and Country Planning Act 1990. The development in question is the residential development of 267 dwellings and integral public open space, with associated access, parking and landscaping, which was granted planning permission on 17 December 2014, ref. 14/00255/MAF.

Government guidance makes it clear that an application under Section 73 can be used for the purpose of making a Minor Material Amendment to a previously approved development scheme. This application is for a minor material amendment to the previously approved development through a variation of condition 2 to substitute revised drawings showing changes to retaining walls, boundary treatments, levels, layout and house designs. The changes partly relate to a change in house designs/ layout for 63 units, which are now proposed to be developed by a second house builder, and partly relate to a retrospective regularisation of changes to site retaining walls/ ground levels.

Taking development plan policies and other relevant material considerations into account it is recommended that the proposed minor material amendment is approved and that planning permission for the residential development of 267 dwellings on the land at Simpsons Green is granted subject to a new set of planning conditions which include the proposed revised plans, as set out in Appendix 1.

Julian Jackson
Assistant Director (Planning,
Transportation & Highways)
Report Contact: John Eyles
Major Development Manager
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Portfolio:
Regeneration, Planning and Transport

Overview & Scrutiny Area:
Regeneration and Economy



1. SUMMARY

The Regulatory and Appeals Committee are asked to consider the recommendations for the determination of planning application ref. 16/07708/VOC made by the Assistant Director (Planning, Transportation and Highways) as set out in the Technical Report at Appendix 1.

2. BACKGROUND

Attached at Appendix 1 is a copy of the Technical Report of the Assistant Director (Planning, Transportation and Highways). This identifies the material considerations relevant to the assessment of the planning application.

3. OTHER CONSIDERATIONS

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

4. OPTIONS

If the Committee proposes to follow the recommendation from the Assistant Director (Planning, Transportation and Highways) and approve the application then the Assistant Director (Planning, Transportation and Highways) can be authorised to issue a Decision Notice granting planning permission for the residential development of 267 dwellings and integral public open space, with associated access, parking and landscaping on the land at Simpsons Green, subject to a new set of planning conditions which include the proposed revised plans.

Alternatively, if the Committee decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they may refuse the application, in which case reasons for refusal will have to be given based upon development plan policies or other material considerations.

5. FINANCIAL & RESOURCE APPRAISAL

None material to the consideration of this application.

6. RISK MANAGEMENT & GOVERNANCE ISSUES

Not applicable.

7. LEGAL APPRAISAL

Both options set out above are within the Council's powers as the Local Planning Authority under the provisions of the Town and Country Planning Act 1990 (as amended).

Section 73(2) of the Act directs that, in considering a planning application under Section 73 of the Town and Country Planning Act 1990, the Local Planning Authority shall consider only the question of the conditions subject to which planning permission should be granted.

8. OTHER IMPLICATIONS

8.1 EQUALITY & DIVERSITY

In writing this report due regard has been taken of the need to eliminate unlawful discrimination, harassment and victimisation, advance equality of opportunity between different groups and foster good relations between different groups, in accordance with the duty placed upon Local Authorities by Section 149 of the Equality Act 2010.

The context of the site, the minor material amendments proposed and the representations which have been made have been reviewed to identify the potential for the determination of this application to disadvantage any individuals or groups of people with characteristics protected under the Equality Act 2010. The outcome of this review is that there is not considered to be any sound reason to conclude that the proposal would have a significantly detrimental impact on any groups of people or individuals with protected characteristics.

Furthermore it is not considered that the proposal would lead to significant adverse impacts on anyone, regardless of their characteristics. Likewise, if planning permission were to be refused by the Committee, it is not considered that this would unfairly disadvantage any groups or individuals with protected characteristics. Full details of the process of public consultation which has been gone through during the consideration of this application and a summary of the comments which have been made by members of the public are attached at Appendix 1.

8.2 SUSTAINABILITY IMPLICATIONS

The proposed minor material amendments to the previously approved development scheme would only result in relatively minor changes to the previously approved residential development. The proposed changes would have no significant impact upon the principle sustainability issues relevant to the residential development of the site in terms of traffic, transportation, construction methods or design.

8.3 GREENHOUSE GAS EMISSIONS IMPACTS

The proposed changes would have no significant impact upon the greenhouse gas emissions associated with the residential development of the site.

8.4 COMMUNITY SAFETY IMPLICATIONS

There are not considered to be any community safety issues material to the consideration of this planning application.

8.5 HUMAN RIGHTS ACT

The Council must seek to balance the rights of applicants to make beneficial use of their property with the rights of nearby residents to quiet enjoyment of their land; together with any overriding need to restrict such rights in the overall public interest. In this case there is no reason to conclude that either granting or refusing planning permission will deprive anyone of their rights under the Human Rights Act.

8.6 TRADE UNION

There are no implications for Trades Unions relevant to this application.

8.7 WARD IMPLICATIONS

The proposal site is within the Idle and Thackley Ward. Ward Councillors the Parish Council and local residents have been made aware of the application and have been given opportunity to submit written representations through two rounds of publicity. In response to this publicity 10 written representations have been received, all of which object to the proposals. A summary of the representations and an assessment of the impact the proposed amendments would have on adjacent residents is included in the report at Appendix 1.

9. NOT FOR PUBLICATION DOCUMENTS

None

10. RECOMMENDATIONS

To Grant Planning Permission for the residential development of 267 dwellings, with associated public open space, access, parking and landscaping works, as previously approved under planning permission ref. 14/00255/MAF, subject to a varied set of planning conditions which incorporate the proposed minor material amendments and also subject to a Deed of Variation under Section 106 of the Act to ensure that the developer continues to be bound by the previously agreed Planning Obligations.

11. APPENDICES

Appendix 1: Technical Report

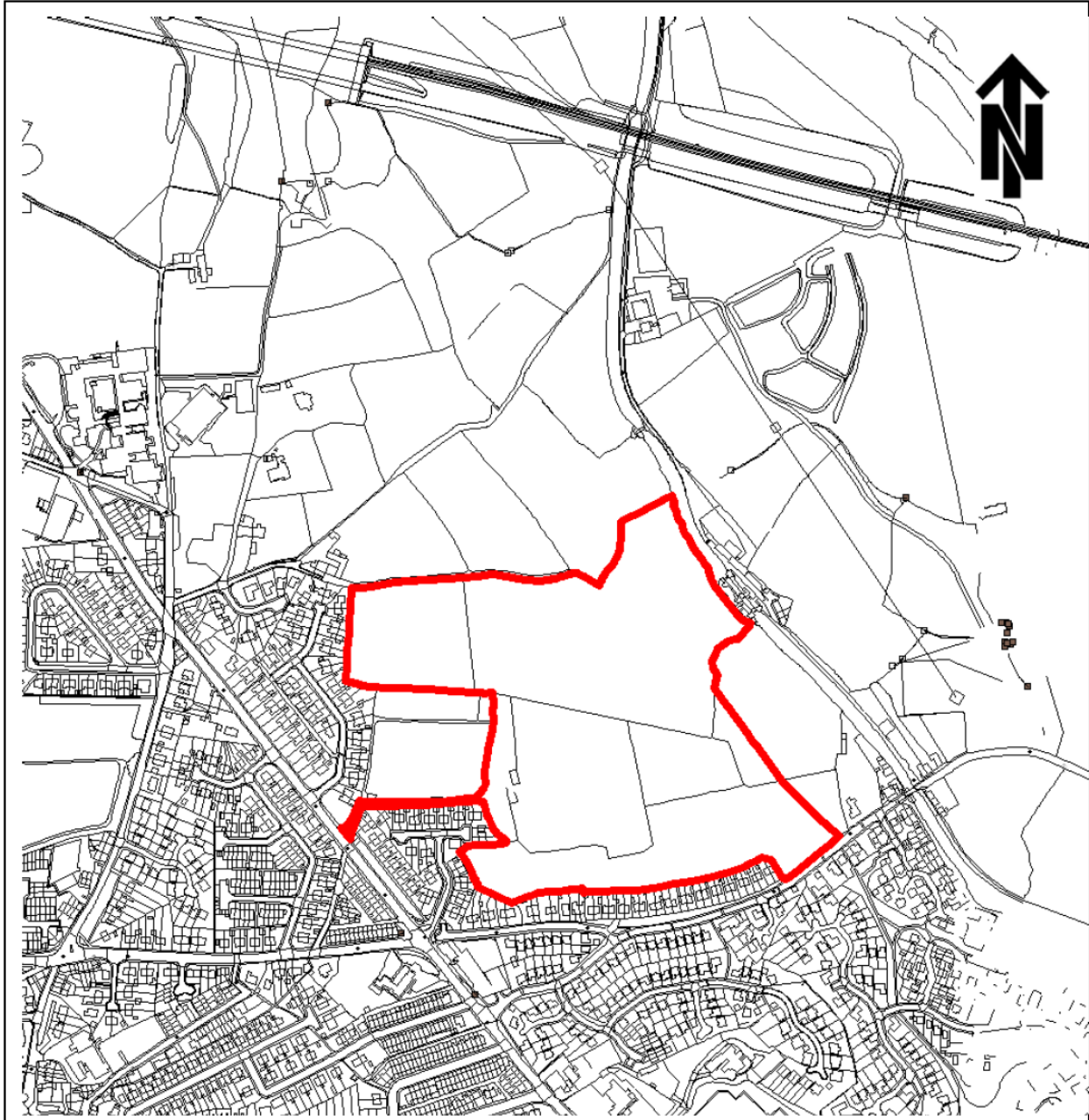
12. BACKGROUND DOCUMENTS

- Replacement Unitary Development Plan for the Bradford District
- National Planning Policy Framework
- Application file 16/07708/VOC
- Application file 14/00255/MAF

16/07708/VOC

City of Bradford MDC

www.bradford.gov.uk



**Land At Simpsons Green
Apperley Road
Apperley Bridge
Bradford**

Appendix 1

27 April 2017

Ward: Idle and Thackley

Recommendation:

To Grant Planning Permission for the residential development of 267 dwellings, with associated public open space, access, parking and landscaping works, as previously approved under planning permission ref. 14/00255/MAF, subject to a varied set of planning conditions which incorporate the proposed minor material amendments and also subject to a Deed of Variation under Section 106 of the Act to ensure that the developer continues to be bound by the previously agreed Planning Obligations.

Application Number:

16/07708/VOC

Type of Application/Proposal and Address:

This is a planning application to develop land without compliance with conditions previously attached, submitted under the provisions of Section 73 of the Town and Country Planning Act 1990. The development in question is the residential development of 267 dwellings and integral public open space, with associated access, parking and landscaping, which was granted planning permission on 17 December 2014, ref. 14/00255/MAF. Government guidance makes it clear that an application under Section 73 can be used for the purpose of making a Minor Material Amendment to a previously approved development scheme.

This application is for a minor material amendment to the previously approved development through a variation of condition 2 to substitute revised drawings showing changes to retaining walls, boundary treatments, levels, layout and house designs. The changes partly relate to a change in house designs/ layout for 63 units, which are now proposed to be developed by a second house builder, and partly relate to a retrospective regularisation of changes to site retaining walls/ ground levels. The site is the land at Simpsons Green, Apperley Road, Apperley Bridge, Bradford.

Applicant:

Mr Shaun Linton – Linden Homes North

Agent:

Paul Butler – PB Planning Ltd

Site Description:

An 11.7 hectare Greenfield site located in Apperley Bridge to the west of the Leeds-Liverpool Conservation Area. Residential development exists to the west and south of the site along with allotments abutting the western boundary of site. To the east lies the Leeds and Liverpool Canal which is a conservation area which runs through the District and listed buildings and the listed Dobson staircase locks exist on the far side of the towpath. A small sliver of the application site actually falls within the conservation area. To the north of the safeguarded land lies designed green belt land.

The site is identified as a safeguarded site (BN/UR.5) within the Replacement Unitary Development Plan: Proposals for the Bradford North Constituency. Part of the

safeguarded allocation is outside the red line boundary of this application. The site was undulating pasture land enclosed by various dry stone walls.

Bradford North Public Bridleway 84 abuts the northern boundary of the site, and this route is also known as Mitchell Lane. The site itself slopes down from Leeds Road towards the Canal to the north. At present the site is a construction site upon which the 267 new dwellings authorised by planning permission ref. 14/00255/MAF are being constructed. Significant engineering operations have been undertaken to form a series of development platforms upon which the houses are to be built. The site is being built out east to west and a significant number of houses have already been substantially constructed within the eastern area of the site.

Relevant Site History:

Application Ref.	Description	Decision
14/00255/MAF	Construction of 267 dwellings and integral public open space, with associated access, parking and landscaping	Granted 17.12.2014
16/00479/FUL	Full planning permission for two residential dwellings	Granted 10.03.2016
16/02985/FUL	Erection of a 1.8m high wall and fence either side of the proposed emergency access with associated reduction in ground levels	Granted 21.06.2016
16/07707/FUL	Full planning application for four residential dwellings	Pending Consideration

Replacement Unitary Development Plan (RUDP):

Allocation

Within the Proposals for the Bradford North Constituency Volume of the Replacement Unitary Development Plan the site is identified as being part of an allocated safeguarded site under policy UR5 (reference BN/5.5). A small sliver of the site along its eastern boundary is located within the Leeds-Liverpool Conservation Area.

Proposals and Policies

The proposed minor material amendments principally concern house designs, retaining structures and ground levels and therefore the following saved RUDP policies are most relevant:

- UR3 (The Local Impact of Development)
- D1 (General Design Considerations)
- D5 (Landscaping)

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. Where the development plan is absent, silent or relevant policies are out-of-date, permission should be granted unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole;
- or specific policies in the NPPF indicate development should be restricted.

At paragraph 58 the NPPF sets out detailed design criteria, stating that decisions should aim to ensure that developments:

- will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;
- optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks;
- respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;
- create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and
- are visually attractive as a result of good architecture and appropriate landscaping.

The National Planning Practice Guidance

National Planning Practice Guidance (NPPG) acknowledges that new issues may arise after planning permission has been granted, which require modification of the approved proposals. Where these modifications are fundamental or substantial, a new planning application under section 70 of the Town and Country Planning Act 1990 will need to be submitted. Where less substantial changes are proposed, there are other options. These options are to either make a non-material amendment to the planning permission or to amend the conditions attached to the planning permission, including seeking to make minor material amendments.

An application can be made under section 73 of the Town and Country Planning Act 1990 to vary or remove conditions associated with a planning permission. One of the uses of a section 73 application is to seek a minor material amendment, where there is a relevant condition that can be varied. The NPPG advises that there is no statutory definition of a 'minor material amendment' but it is likely to include any amendment where its scale and/or nature results in a development which is not substantially different from the one which has been approved.

Parish Council:

Not in a Parish

Publicity and Number of Representations:

The application has been advertised through the publication of site notices and press advertisements and the issuing of notification letters to neighbouring properties. Two rounds of publicity were undertaken. The initial consultation period took place between 04 October 2016 and 04 November 2016; this initial consultation only concerned the proposed changes to house designs. In response to this first round of consultation five letters of objection were submitted.

Subsequently the scope of the application was revised to also include retrospective proposals to amend the previously approved site ground levels and associated retaining structures. Further consultation letters were sent out on 16 March 2017 inviting comments of the revised proposals. The further consultation period closed on 06 April 2017. In response to this second round of consultation five further objections were submitted bringing the total to 10.

Summary of Representations Received:

- We have had a high intrusive wall built very close to our property which has now been lowered, but from the back of our garden we still see the high end of it, this is imposing.
- The original plans stated that there would be trees and shrubs planted where the wall is now.
- There has been a complete disregard for wildlife, what was once green space is now a huge pile of barren rocks.
- The levels are much higher than originally planned.
- The new houses will completely overlook our home and garden, we will have no privacy even inside our house.
- I am also concerned about surface water as the land slopes towards our property.
- The new build will be intrusively overlooking.
- This is a huge change to the original topography of the land.
- On previous plans, the gabion wall had an approximately 5 foot gap between the boundary fence. Where the gabion wall is now there is no gap for any trees/foliage.
- Object due to the intrusive high gabion walls and that properties will be overlooked by the new builds.
- At the original Miller Homes public meeting we were told that the new development would be no higher than the existing properties adjacent to them. To achieve this, soil would be removed from the site as required. This clearly has not happened.
- The original proposal was for the development to include a wildlife corridor behind the existing houses on Apperley Road and between the new development properties. This corridor was to be planted with trees and shrubbery, providing some degree of privacy and help to block out the imposing views of the new houses as well as to protect the local wildlife. I can see no indication of this corridor on the plans.
- The houses to be built directly behind our property are to be at an elevation which is unnecessarily high and with total disregard for us.

- Consideration should be given to only developing single storey houses on the plots adjacent to existing properties on Apperley Road.
- Concern that the proposed levels will potentially lead to more rainwater run-off onto adjacent properties.
- Land stability concerns.
- The main drainage/man hole plate that was put in place last year/early this year is 3 feet higher than my property.
- My objection is the height of the development site at the back of my property.
- The light has been affected by the high mound of soil without houses on there yet.
- We accept there will be houses there but not towering above us.
- No thought has gone into this short stretch of land compared to the vast amount of land that is remaining.
- I am concerned that my house valuation will be significantly reduced.
- I fully accept that there is going to be a development, but I feel that the levels of the land are not being considered. I have been in residence for 17 years with not being overlooked.

Consultations:

Drainage Unit

- No comments.

Highways Development Control

- I have no highway objection to raise about the proposed amendments.

Heritage Conservation

- The variation of house types on plots within the site does not appear to present any heritage issues.

Summary of Main Issues:

- 1) Background
- 2) Principle
- 3) Impact of house design/ layout changes
- 4) Impact of ground level and retaining structure changes
- 5) Heritage
- 6) Other Issues

Appraisal:

1) Background

Planning permission for the residential development of land at Simpsons Green was granted on 17 December 2014 subject to 25 planning conditions and several planning obligations enshrined within a legal agreement made under Section 106 of the Act. Subsequently various technical details, such as drainage, landscaping and construction site management proposals, were approved through submission of details reserved by planning condition applications.

Additionally further full planning applications were approved in respect of the site emergency access and a change in house type for 2 units. Non-material amendment applications were approved in respect of the location of an electricity sub-station and the carriageway alignment of the emergency access road.

The planning permission was implemented by Miller Homes and the major earthworks required to prepare the site for residential development were undertaken by a groundworks contractor over the course of 2016. The groundworks are now nearing completion and house building is well underway. The planning application which is the subject of this report was initially submitted proposing a change in house type for 63 of the 267 units approved under planning permission 14/00255/MAF.

The relevant plots would be developed by a second house builder, Linden Homes. As discussed in following sections of this report, the house type changes do not significantly amend the overall design ethos for the site, in terms of the arrangement, scale, massing and materiality of houses, but will allow the design of the 63 units to be adjusted to reflect the specific architectural style of the second house builder.

However the applicant has chosen to submit the proposed revisions to house types as a minor material amendment to the previous planning permission and any planning permission which ensues from this application would in effect re-issue a new planning permission for the whole site. Therefore any other irregularities from the originally approved development scheme should also be considered.

Independently of the proposed changes to house types a second issue arose in late 2016 which the application is now also seeking to regularise. This issue relates to the site retaining structures and ground levels, particularly along the southern boundary with existing properties on Apperley Road.

An external works plan which illustrated the groundworks proposed to prepare the site for residential development was approved as part of the original planning application. This external works plan illustrated the development of houses on the main part of the site on series of terraces/ development platforms rising from east to west. These development platforms were to be retained, both internally and from the lower level rear gardens of properties on Apperley Road to the south, through the construction of a large number of retaining structures including walls and battered embankments.

The height of the retaining walls shown on the approved plan ranged from 5 metres at the highest but was more typically 1 metre to 2 metres. The retaining proposals for the southern site boundary adjacent to the Apperley Road properties was a battered embankment at the site boundary with a predominantly 1 metre to 2 metre high retaining wall set back approximately 5 metres from the site boundary.

Following the granting of planning permission and prior to commencement on-site the developer reviewed the approved external works plans and certain amendments were made to the retaining wall design in terms of the location and height of retaining structures. Planning approval was not sought for the changes.

In late 2016 complaints were received by the Planning Enforcement Service from the residents of existing properties on Apperley Road. The complaints primarily related to concerns about the height and location of the retaining walls which were being constructed on the southern site boundary adjacent to residents' rear garden fences. Following investigation the discrepancy with the approved external works plan was identified as was the need for remedial works to reduce the overbearing impact of the retaining structures.

The developer was advised of the concern about the height and location of the retaining walls and the fact that the structures which had been erected materially differed from the approved plans. Consequently the developer's engineer was instructed to draw up revised plans showing remedial works to reduce the height of the retaining walls.

These plans were drawn up and submitted for approval under the current section 73 application, which is the subject of this report. The retaining walls shown on the revised plans have been reduced by approximately 1 metre in the locations where the structures were having the greatest overbearing impact on adjacent properties.

2) Principle

The proposal is an application under Section 73 of the Act for the residential development of the land at Simpsons Green, as previously authorised under planning permission ref. 14/00255/MAF, but subject to a varied set of conditions which allow for minor material amendments to the approved development scheme, including changes to house designs, ground levels and retaining structures.

Section 73(5) prohibits applications under Section 73 from being used to extend the time within which a development must be started. The development permitted by planning permission 14/00255/MAF (residential development) has already begun and the changes proposed in the current application have already been partially implemented (in respect of the remedial works to the site retaining walls), therefore section 73(5) is not relevant.

Section 73A states that planning permission for development which has been carried out before the date of the application may be granted so as to have effect from the date on which the development was carried out. Therefore if planning permission is granted as a consequence of the current application it will have immediate effect.

Section 73(2) directs that, for Section 73 applications, 'the local planning authority shall consider only the question of the conditions subject to which planning permission should be granted'. Therefore the principle of granting planning permission for the development as a whole cannot be revisited. However the effects of the proposed changes to the conditions should be fully considered having regard to the provisions of the development plan and to any other material considerations.

In considering an application under Section 73, a full review should be undertaken of all previously imposed planning conditions, taking account of any material changes in circumstances. This process has been gone through and the set of conditions recommended at the end of this report includes various updates to the previously imposed conditions in recognition of details which have already been approved. A new condition requiring approval of landscaping details has also been recommended to allow for an updated landscaping plan to be produced which includes soft landscaping proposals to soften the residual impact of the reduced height gabions & fence upon adjacent residents.

It is considered that the revised conditions recommended at the end of this report are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects and consistent with both saved RUDP policies and the national planning policies set out in the NPPF.

3) Impact of house design/ layout changes

The National Planning Policy Framework (NPPF) confirms that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Planning decisions should aim to ensure that developments:

- will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;
- optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks;
- respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;
- create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and are visually attractive as a result of good architecture and appropriate landscaping.

The NPPF also stresses that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. At the local level saved RUDP policy D1 sets out design principles, indicating that new development should relate to the existing character of the locality, and policy D5 emphasises the importance of appropriate and effective site landscaping, indicating that existing and new landscape features should be incorporated as an integral part of the proposal.

The proposal includes revised house design plans which affect 63 of the 267 dwellings approved under planning permission 14/00255/MAF, with also associated minor adjustments to the arrangement (layout) of houses and garages. The revised plans propose a similar range of 2 storey detached, semi-detached and terraced houses of a similar form, massing and height to the approved house designs. The main differences relate to the architectural detailing of the elevations in terms of the position and size of projecting gables and the incorporation of bay window and porch features. Although the 63 affected units would be noticeably different in appearance to the approved house types it is not considered that this difference would be significant or adverse or that the revised design elements would be detrimental to the overall quality and character of the residential development scheme.

The relationship between the proposed revised house types and adjacent existing houses has also been considered. It is not considered that either the minor adjustments to layout or the alterations to the appearance and architectural features of the proposed houses would result in a development which is unsympathetic to the character of the existing built environment or which would harm visual amenity in the locality. The proposal is therefore considered to accord with the design and amenity policies set out at paragraph 58 of the NPPF and saved policies UR3 and D1 of the RUDP.

4) Impact of ground level and retaining structure changes

The proposal includes amendments to the site levels and retaining walls, with the main changes relating to the retaining structures constructed adjacent to existing properties

on Apperley Road. The originally approved plans included proposals for extensive retaining structures along the southern boundary of the site; however the approved retaining structures were set-back from the site boundary and were generally 1 to 2 metres in height.

The approved finished floor levels for the houses to be constructed on the plots adjacent to the southern site boundary and the height of those houses is not proposed to change significantly as part of this application. Therefore it is the location and height of the retaining structures which is the primary focus of this report.

As explained in the background section above, an external works plan revision process was undertaken outside of the planning process and the retaining structures which the developer began to construct towards the end of 2016 differed from the approved plans. The applicant was therefore asked to produce revised external works plans and reduce the height of the retaining structures adjacent to the southern site boundary to alleviate the overbearing impact of these structures on adjacent properties.

The worst impact is caused by the gabion retaining wall constructed between plots 233, 234 and 235 and 151, 153 and 155 Apperley Road, the gabion retaining wall constructed between plots 210 and 211 and 131, 133 and 135 Apperley Road and the masonry retaining wall located between plot 199 and 111 Apperley Road.

The approved retaining walls related to these plots were up to 2 metres in height but set-back 5 metres from the rear garden boundaries of the existing properties on Apperley Road, with the 5 metre strip along the boundary formed into a sloping batter. The revised (unapproved) external works plan which was being implemented on-site in late 2016 and was the cause of resident complaints, provided for the construction of retaining walls increased in height to up to 2.9 metres in height, for the upper gabion wall, and up to 2.75 metres in height (with the corner adjacent to 155 Apperley Road at 3.3 metres in height) for the lower gabion wall.

The revised retaining wall proposals which are the subject of this current application are still proposed to be located closer to the site boundary than was originally approved (with a separation of less than 1 metre to the rear boundaries of existing properties) but are now proposed at a reduced height. This reduced height has been achieved by the upper gabion baskets being removed and the gardens of the proposed new plots being stepped down in level internally.

The revised retaining wall height has been reduced by 1.2 metres, from a maximum height of 2.9 metres to a maximum height of 1.7 metres, for the upper gabion wall adjacent to 131, 133 and 135 Apperley Road and has been reduced by 0.85 metres, from a maximum height of 2.75/ 3.3 metres to a maximum height of 1.9/ 2.6 metres for the lower gabion adjacent to 151, 153 and 155 Apperley Road. The 2.6 metre height for the lower gabion wall only relates to a short section of wall at a corner which affects a short section of the rear boundary of the adjacent property 155 Apperley Road. In order to provide for the privacy of adjacent residents the proposal also includes the construction of a 1.8 metre high closed boarded boundary fence on top of the gabion retaining wall.

In terms of the retaining wall proposals for plot 199 the retaining wall for this location is now lower than the originally approved maximum height, a reduction from up to 2 metres in height to up to 1.75 metres in height, and has now also been set-back from

the boundary with 111 Apperley Road, with a batter being formed up to the site boundary in a similar arrangement to the original approval. The projecting culvert manholes which residents have raised concerns about in this location would be covered beneath the batters once the earthworks have been completed in this location.

A full assessment of the acceptability of the revised retaining wall and boundary fencing proposals has been made, in terms of their impact on adjacent residents. As part of this assessment the separation distance between the retaining walls and the rear elevation of the existing houses has been taken into account, with rear garden lengths for the affected properties generally being over 16 metres. The north facing orientation of the gardens and the potential overbearing effect of the proposed reduced height retaining walls on the ground floor rear elevation windows of existing houses has also been taken into account (applying the 25° rule).

The outcome of this assessment is that it is not considered that the proposed revised retaining wall proposals would unacceptably affect the amenities enjoyed by existing adjacent residents through either overshadowing, overbearing/ dominance or overlooking. This is also considered to be true for internal relationships between proposed retaining walls and proposed new houses.

There is no overlooking issue, as screen fencing is to be provided on top of the retaining walls. Notwithstanding the above assessment it is considered appropriate to fully review the landscaping treatments to be provided to the southern site boundary, with a view to introducing soft landscaping to soften the appearance of the retaining walls/ boundary fence as perceived from adjacent gardens. A condition is recommended below reserving approval of details of a revised landscaping scheme accordingly.

The proposed revised external works plans also include other minor changes to the height and location of retaining structures elsewhere on the site. The impact of these other minor changes to the external works proposals on the site have also been carefully assessed; however it is not considered that any of the proposed changes would result in any significant additional harm in terms of amenity or any other considerations.

Therefore it is considered that, subject to reservation of approval of a revised landscaping plan for the site, the proposed minor material amendments to the site levels, retaining walls and boundary treatments are acceptable and accord with saved policies UR3, D1 and D5 of the RUDP.

5) Heritage

To the east of the proposal site lies the Leeds and Liverpool Canal which is a conservation area which runs through the District and listed buildings and the listed Dobson staircase locks exist on the far side of the towpath. A small part of the application site actually falls within the conservation area. Paragraph 132 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset (such as a listed building or conservation area), great weight should be given to the asset's conservation.

The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development

within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.

In the case of Barnwell Manor the Court of Appeal held that in enacting section 66(1) of the Listed Buildings Act 1990 Parliament intended that the desirability of preserving the settings of listed buildings should not simply be given careful consideration by the decision-maker for the purpose of deciding whether there would be some harm, but should be given “considerable importance and weight” when the decision-maker carries out the balancing exercise.

The application has been carefully and fully assessed in relation to the positive requirements to protect the conservation area and the setting of nearby listed buildings in accordance with Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and paragraph 132 of the NPPF, including through consultation with the Council’s Heritage Conservation team.

As part of this assessment it was noted that the majority of the most significant proposed changes to house types, layout and retaining structures/ levels do not affect parts of the site which have the greatest potential to impact on the Conservation Area or Listed Buildings. Consideration of the relative significance of the proposed changes in the context of the overall development scheme and the previously judged acceptability of the overall development scheme in terms of its impact on heritage assets also formed part of the assessment.

The outcome of the assessment is that, in this instance, it is not considered that either the proposed minor material amendments to the development scheme, or the overall development itself, would result in any significant harm to either the Conservation Area or the setting of the adjacent Listed Buildings. It is therefore considered that the proposal is in accordance with the provisions of saved RUDP policies BH4A, BH7 and BH20 and Section 7 of the NPPF.

6) Other Issues

Concern has been raised by objectors in relation to the effect the proposed revised retaining structures would have on drainage/ surface water run-off. The Council’s drainage team have been consulted and the potential impact of the altered height and location of retaining structures on the site surface water drainage regime has been fully considered.

However it should be noted that the engineering concept for site has remained relatively consistent from the approved scheme. There is not considered to be any reason to conclude that the proposed amendments to the retaining structures would result in any significant detrimental impacts in terms drainage or flooding issues affecting adjacent properties. A separate issue associated with the diversion of a culverted watercourse along the southern site boundary is currently being addressed but is not relevant to the consideration of the current application.

Residents have also raised concerns about the potential overlooking impact of the proposed new houses adjacent to the existing Apperley Road properties, which are mainly set at a higher level than the existing properties. In relation to this issue it should be noted that the originally approved and currently proposed finished floor level, height and footprint of the proposed new dwellings adjacent to the southern site boundary are

not proposed to alter significantly, with separation distances generally over 25 metres and proposed house heights generally in the range of 8 to 9 metres.

Several development plots are set at a higher level than existing houses on Apperley Road; however this level difference is not proposed to be substantially increased as part of this application. It is not considered that the proposed minor material amendment would result in any significantly increased harm in terms of overlooking or overbearing impacts from proposed new houses upon adjacent existing residential dwellings.

Reason for Granting Planning Permission:

The proposed minor material amendment would allow a second house builder to amend the house design for 63 plots with associated minor adjustments to layout. It is considered that the changes do not compromise the design principles of the development scheme and that the revised house designs are appropriate to the site and will not be harmful to visual amenity.

The proposal would also allow for the retrospective regularisation of various changes to the site ground levels and associated retaining structures. Subject to the reduced retaining wall height which has been negotiated and the approval and implementation of appropriate soft landscaping, it is not considered that these changes would unacceptably affect the amenities enjoyed by adjacent residents or result in any other significant harm.

It is considered that the proposal accords with the design principles set out in paragraph 58 of the National Planning Policy Framework and accords with saved policies UR3, D1 and D5 of the replacement Unitary Development Plan.

Conditions of Planning Permission:

1. ***** Implementation Condition Omitted – Application Partly Retrospective *****
2. The development hereby approved shall only be carried out in accordance with the approved plans listed below:

LOCATION PLAN - DWG: 100-002
PLANNING SITE LAYOUT - DWG: 100-001 REV S
BOUNDARY TREATMENTS – DWG: 100-004 REV S
BOUNDARY WALL/FENCE DETAIL - DWG: 100-010
BOUNDARY TREATMENTS 01 - DWG: B.01
BOUNDARY TREATMENTS 02 - DWG: B.02
BOUNDARY TREATMENTS 03 - DWG: B.03
PLAY AREA - DWG: 04
HOUSE TYPE - PART 1 REV A
HOUSE TYPE - PART 2 REV A
HOUSE TYPE - PART 3 REV A
DWELLINGS ADDENDUM - PART 1
DWELLINGS ADDENDUM - PART 2
DWELLINGS ADDENDUM - PART 3
PLANNING DRAWING OPTION 3E - DWG: 4118013E REV A

LINDEN HOMES PLANNING DRAWINGS - DATED AS RECEIVED ON 28
SEPTEMBER 2016
GARAGES 01 - DWG: G.01
GARAGES 02 - DWG: G.02
GARAGES 03 - DWG: G.03
GARAGES 04 - DWG: G.04
GARAGES 05 - DWG: G.05
425/51/25.01 REV C - EMERGENCY ACCESS LINK GENERAL ARRANGEMENT
425/51/25.02 REV A - EMERGENCY ACCESS LINK PROPOSED LEVELS
425/51/25.03 - EMERGENCY ACCESS LINK LONG SECTION
425/51/26.01 REV B - SECTION THROUGH EMERGENCY LINK 1
425/51/26.02 REV B - SECTION THROUGH EMERGENCY LINK 2
425/51/26.03 REV B - SECTION THROUGH EMERGENCY LINK 3
425/51/26.04 REV B - SECTION THROUGH EMERGENCY LINK 4
EXTERNAL WORKS LAYOUT (SHEET 1 OF 7) – DWG: 425-51-08.01 REV.K
EXTERNAL WORKS LAYOUT (SHEET 2 OF 7) – DWG: 425-51-08.02 REV.L
EXTERNAL WORKS LAYOUT (SHEET 3 OF 7) – DWG: 425-51-08.03 REV.N
EXTERNAL WORKS LAYOUT (SHEET 4 OF 7) – DWG: 425-51-08.04 REV.L
EXTERNAL WORKS LAYOUT (SHEET 5 OF 7) – DWG: 425-51-08.05 REV.F
EXTERNAL WORKS LAYOUT (SHEET 6 OF 7) – DWG: 425-51-08.06 REV.L
EXTERNAL WORKS LAYOUT (SHEET 7 OF 7) – DWG: 425-51-08.07 REV.N
GABION SECTIONS - PLOTS 234 & 235 – DWG: 811099-GW-001
GABION ELEVATION - PLOT 232-235 MILLER – DWG: 811099-GW-002
PLOT 211 REAR GARDEN TREATMENT – DWG: LHN182-EW001
PLOT 208 REAR GARDEN TREATMENT – DWG: LHN182-EW002
PLOT 202 REAR GARDEN TREATMENT – DWG: LHN182-EW003
TREE RETENTION/REMOVAL AND PROTECTION – DWG: 1462 06 REV D
PROPOSED REMEDIATION METHOD STATEMENT, REF. MLR/04, JANUARY 2015
CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN, DATED AS RECEIVED
ON 02 JUNE 2015
CONSTRUCTION MANAGEMENT PLAN, REF. CEMP – 02 REV. A
DRAINAGE LAYOUT 1 OF 3 REF. 425-51 SK15-01 REV A
DRAINAGE LAYOUT 2 OF 3 REF. 425-51 SK15-02 REV A
DRAINAGE LAYOUT 3 OF 3 REF. 425-51 SK15-03 REV A
DIVERTED CULVERTED WATERCOURSE REF. 425-51-11.01 REV L
DIVERTED CULVERTED WATERCOURSE SECTIONS REF. 425-51-11.02 REV E
SITE PHASING PLAN, DATED AS RECEIVED ON 09 JAN 2015
ECOLOGICAL MANAGEMENT STRATEGY, DATED AS RECEIVED ON 09 JAN 2015

Reason: For the avoidance of doubt.

3. The development shall be phased in accordance with the provisions of the Site Phasing Plan, dated as received on 09 Jan 2015. References to a Phase in this planning permission shall be interpreted as references to a phase as identified on the approved Phasing Plan.

Reason: To ensure the satisfactory overall development of the site and to accord with policy UR3 of the Replacement Unitary Development Plan.

4. The development permitted by this planning permission shall be carried out in accordance with the approved flood risk assessment (FRA) 425/51r3 and

supplementary flood risk assessment statement 425/5 along with the following mitigation measures:

- A. Limiting the surface water run-off generated by the up to and including 1 in 100 year critical storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.
- B. An easement of 6 metres will be maintained between the culverted watercourse and the development.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site and to maintain management easement and protect properties from flood risk and to accord with the requirements of the National Planning Policy Framework, and policy NR16 of the Replacement Unitary Development Plan.

5. No residential units within a Phase shall be brought into occupation until the drainage infrastructure for that Phase, as detailed on the drawings listed below, has been fully completed:

DRAINAGE LAYOUT 1 OF 3 ref. 425-51 SK15-01 REV A
DRAINAGE LAYOUT 2 OF 3 ref. 425-51 SK15-02 REV A
DRAINAGE LAYOUT 3 OF 3 ref. 425-51 SK15-03 REV A
DIVERTED CULVERTED WATERCOURSE ref. 425-51-11.01 REV L
DIVERTED CULVERTED WATERCOURSE SECTIONS ref. 425-51-11.02 REV E

Reason: To prevent the increased risk of flooding, to improve and protect water quality and improve habitat and amenity and to accord with policy NR16 of the Replacement Unitary Development Plan.

6. Unless otherwise approved in writing by the local planning authority, no construction of buildings or other structures shall take place until measures to divert or otherwise formally close the sewers that are laid within the site have been implemented in accordance with details that have been submitted to and approved by the local Planning Authority.

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

7. ***** Drainage Condition Omitted – Details Approved Under Condition 5 *****

8. Prior to the commencement of each Phase of the residential development, details of all external wall and roofing materials to be used in that Phase 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 unless otherwise agreed in writing by the Local Planning Authority.

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

9. Before any Phase of the development is brought into use, the proposed means of vehicular and pedestrian access for that Phase shall be laid out, hard surfaced, sealed and drained within the site in accordance with drawing 0135-100-001 Rev S 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.

10. Construction works shall only be carried out in accordance with the provisions of the CONSTRUCTION MANAGEMENT PLAN, ref. CEMP – 02 Rev. A. Any temporary works, signs and facilities shall be removed and the access reinstated on completion of the development.

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

11. Prior to the occupation of the development, the i-Transport Travel Plan dated 2014 shall be implemented and thereafter be carried out and operated unless otherwise agreed in writing by the Local Planning Authority.

Reason: To promote sustainable travel options, minimise reliance on the private car, in the interests of environmental sustainability and reduction of traffic congestion, in the interests of highway and pedestrian safety and to accord with policies TM2, TM19A and UR3 of the Replacement Unitary Development Plan.

12. 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. Additional communal electric vehicle recharging points shall be provided at a rate of 1 per every 10 communal parking bays. 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 National Planning Policy Framework (Paragraph 35).

13. The Construction Environmental Management Plan, Dated as Received on 02 June 2015 shall be implemented in full during the construction of the development.

Reason: To protect amenity and health of surrounding residents in line with the Council's Low Emission Strategy and the National Planning Policy Framework.

14. A remediation verification report prepared in accordance with the approved remediation 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 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. The provisions of the PROPOSED REMEDIATION METHOD STATEMENT, ref. MLR/04, January 2015 shall be implemented in full.

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 ensure that requirements of policy UR3 of the Replacement Unitary Development Plan have been accorded with.

17. Construction work shall only be carried out between the hours of 0730 and 1800 on Mondays to Fridays, 0730 and 1300 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 premises and to accord with Policy UR3 of the Replacement Unitary Development Plan.

18. No residential units within a Phase shall be brought into occupation until full details of the hard and soft landscaping to be provided within that Phase and details of the provisions which shall be made for the maintenance and management of that landscaping, have been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved landscaping works shall be fully implemented before more than half of the residential units within that Phase have been brought into occupation and subsequently maintained and managed in accordance with the approved details.

Reason: To ensure that appropriate landscaping is implemented to provide for an attractive environment which is of ecological benefit and to mitigate the visual impact of the development upon existing adjacent residents. To accord with saved policies D1 and D5 of the replacement Unitary Development Plan.

19. The development shall not be begun, nor shall any demolition, site preparation, ground works, materials or machinery be brought on to the site until Temporary Tree Protective Fencing is erected in accordance with the details shown on the approved drawing entitled TREE RETENTION/REMOVAL AND PROTECTION – dwg: 1462 06 REV D. The temporary Tree Protective Fencing shall be erected in accordance with the

approved plan or any variation subsequently approved, and remains 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 protect 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.

20. No residential units within a Phase shall be brought into occupation until the retaining walls and boundary treatments to be provided within that Phase have been fully constructed in accordance with the details shown on the drawings listed below:

EXTERNAL WORKS LAYOUT (SHEET 1 OF 7) – dwg: 425-51-08.01 REV.K
EXTERNAL WORKS LAYOUT (SHEET 2 OF 7) – dwg: 425-51-08.02 REV.L
EXTERNAL WORKS LAYOUT (SHEET 3 OF 7) – dwg: 425-51-08.03 REV.N
EXTERNAL WORKS LAYOUT (SHEET 4 OF 7) – dwg: 425-51-08.04 REV.L
EXTERNAL WORKS LAYOUT (SHEET 5 OF 7) – dwg: 425-51-08.05 REV.F
EXTERNAL WORKS LAYOUT (SHEET 6 OF 7) – dwg: 425-51-08.06 REV.L
EXTERNAL WORKS LAYOUT (SHEET 7 OF 7) – dwg: 425-51-08.07 REV.N
Boundary Treatments – dwg: 100-004 Rev S
Boundary Wall/fence detail - dwg: 100-010
BOUNDARY TREATMENTS 01 - dwg: B.01
BOUNDARY TREATMENTS 02 - dwg: B.02
BOUNDARY TREATMENTS 03 - dwg: B.03

Reason: In the interests of amenity and to accord with saved policies UR3, D1 and D5 of the replacement Unitary Development Plan.

21. No development shall take place until a Land Drainage consent is granted by the Local Authority.

Reason: Records indicate a watercourse crosses the site and the extent of the land drainage network within the existing site boundaries must be consented to ensure that no flooding will occur from the site and to accord with the requirements of the National Planning Policy Framework, and policy NR16 of the Replacement Unitary Development Plan.

22. Any trees or plants planted as part of the development, 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: In the interests of visual amenity and to accord with Policies D1, UR3, UR5 of the Replacement Unitary Development Plan.

23. The approved Ecological Management Strategy, Dated as Received on 09 Jan 2015 shall be implemented in full.

Reason: To ensure the protection of wildlife and supporting habitat, to secure opportunities for the enhancement of the nature conservation value of the site and to ensure the site is developed in accordance with the principles of the National Planning Policy Framework and policies UR3, NE9, NE10, NE11, NE12 and NE13 of the Replacement Unitary Development Plan.

24. 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: 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.

25. The development of a phase shall not be begun, nor shall any site preparation, ground works, materials or machinery be brought on to the site in relation to that phase until a Tree Protection Plan showing Root Protection Areas and location of temporary Tree Protective Fencing for that phase has been submitted to and approved in writing by the Local Planning Authority in order to protect those trees which are shown to be retained.

The Tree Protection Plan for each phase shall be to a minimum standard as indicated in BS 5837 (2012) or its successor and show the temporary Tree Protective Fencing for each phase being at least 2.3m in height of scaffold type construction and secured by chipboard panels or similar. The position of the temporary Tree Protective Fencing for each phase will be outside Root Protection Areas for that phase (unless otherwise agreed with the Local Planning Authority) as shown on the Tree Protection Plan for that phase.

The development of each phase shall not be begun, nor shall any site preparation, ground works, materials or machinery be brought on to the site in relation to that phase until Temporary Tree Protective Fencing for that phase is erected in accordance with the details submitted in the Tree Protection Plan for that phase as approved by the Local Planning Authority.

The temporary Tree Protective Fencing for each phase shall be driven at least 0.6m into the ground and remain in the location as shown in the approved Tree Protection Plan for that phase and shall not move or be moved for the duration of the development of that phase.

The Local Planning Authority must be notified in writing of the completion of erection of the temporary Tree Protective Fencing for each phase and have confirmed in writing that it is erected in accordance with the approved Tree Protection Plan for that phase.

No development, excavations, engineering works and storage of materials or equipment for each phase shall take place within the Root Protection Areas of that phase for the duration of the development of that phase 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.

Report of the Assistant Director (Planning, Transportation & Highways) to the meeting of the Regulatory and Appeals Committee to be held on 27 April 2017

AK

Subject:

This is an outline application for the construction of a mixed-use development scheme comprising apartments and wedding venue with conferencing facilities and associated car parking on land at Trafalgar Street car park, Snowden Street, Bradford. The application is in outline form with details of the access and layout submitted for consideration at this stage.

Summary statement:

The proposal is in outline form with only details of the access and layout submitted for consideration at this stage. Indicative plans suggest that the tallest building will be 10 storeys in height. The layout of the development and proposed access arrangements are both considered acceptable subject to off-site highway works in the form of an amended Traffic Regulation Order and speed cushion. Concerns have been raised in relation to the impact on an adjacent listed building through design, materials and fenestration but this can only fully be assessed at Reserved Matters stage.

The application was first submitted to the Regulatory and Appeals Committee on the 4th August 2016 where it was resolved to grant permission subject to a Section 106 Legal Agreement (with the heads of terms highlighted in the main body of the report). Despite repeated requests the Applicant has failed to complete the Agreement within a reasonable period of time and there are no indications that it will be completed imminently. As a result the application is now recommended for refusal.

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 a mixed-use development scheme comprising apartments and wedding venue with conferencing facilities and associated car parking on land at Trafalgar Street car park, Snowden Street, Bradford. The application is in outline form with details of the access and layout 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 refuse the application as per the recommendation contained within the main report, or approve the application.

5. FINANCIAL & RESOURCE APPRAISAL

The grant of planning permission with reduced or nil S106 contributions would potentially place a strain on local infrastructure.

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. 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 refused subject to the reasons 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

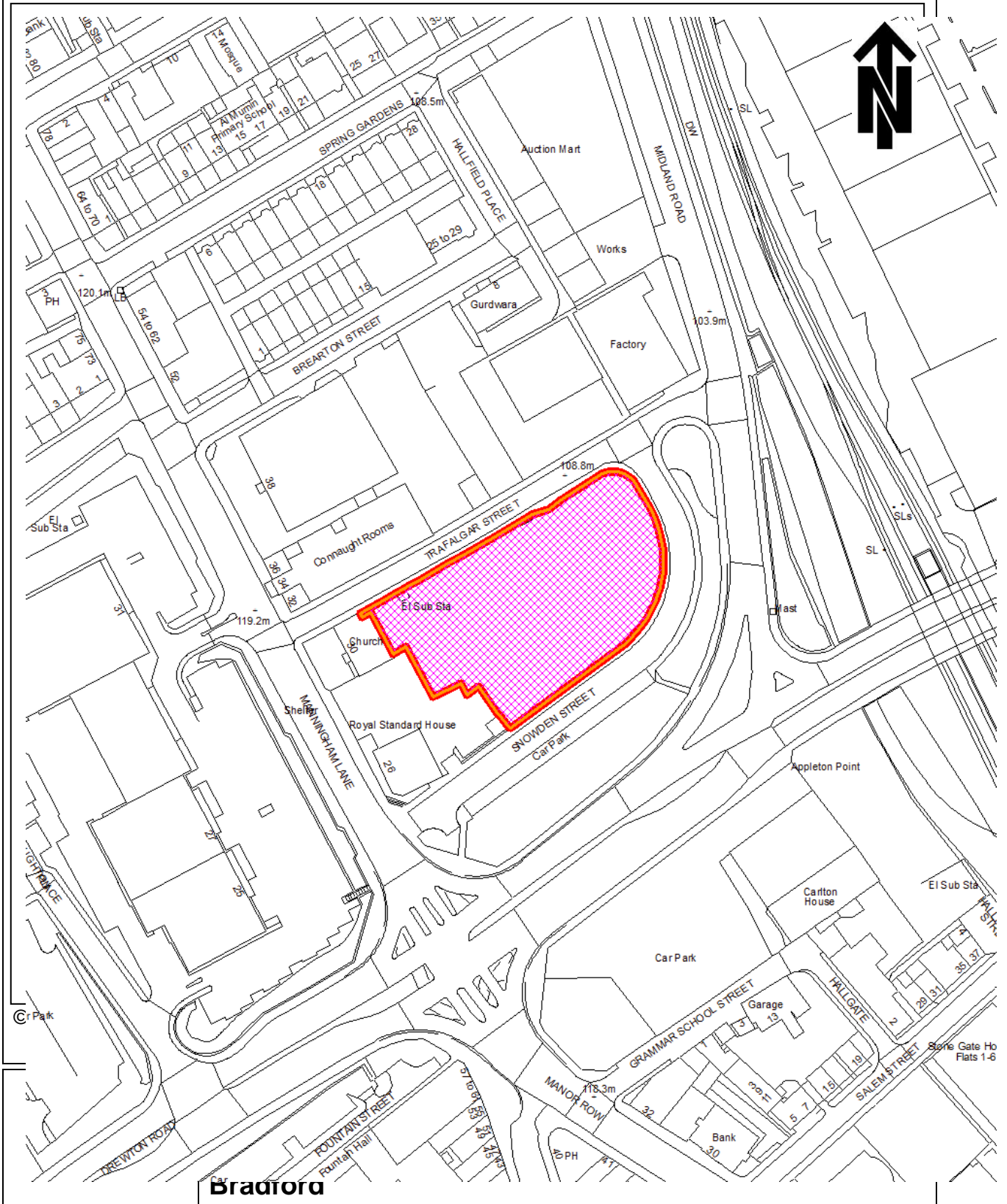
Publication Draft Core Strategy (draft subject to an examination in public in March 2015) and subject to modification which is current out to consultation

Planning application 16/02316/MAO

Regulatory & Appeals Committee

16/02316/MAO

27 April 2017



Appendix 1

27 April 2017

Ward: CITY

Recommendation:

REFUSE PLANNING PERMISSION

Application Number:

16/02316/MAO

Type of Application/Proposal and Address:

This is an outline application for the construction of a mixed-use development scheme comprising apartments and wedding venue with conferencing facilities and associated car parking on land at Trafalgar Street car park, Snowden Street, Bradford. The application is in outline form with details of the access and layout submitted for consideration at this stage.

Applicant:

Betra Ltd

Agent:

Roger Lee Planning Ltd

Site Description:

The site comprises a vacant piece of land that is bounded by Trafalgar Street to the north and Sowden Street to the east and south. To the west are existing buildings including a church. To the further north of the site are commercial and industrial buildings located on the northern side of Trafalgar Street whilst to the further east is the railway line. The site slopes gradually downwards from west to east.

Relevant Site History:

Planning permission was granted on the 15th January 2004 under reference 03/04621/OUT for the demolition of the existing warehouse units and the construction of a multi-unit apartment block.

An outline application under reference 04/05107/REM for a residential scheme comprising 300 units with associated parking was withdrawn on the 24th May 2005.

A Reserved Matters application under reference 05/08198/REM for a residential scheme of part 9 storey residential development including 171 units with car parking was withdrawn on the 14th December 2006.

Planning permission under refer 07/10500/FUL was granted on the 21st August 2008 for the construction of a residential development for 362 Residential units, including 164 Studios, 109 one bed, 89 two bed, provisions of 327 car parking spaces with 18 visitors' spaces. Plus related ancillary A1 (shops)/A3 (cafes) and B1 (offices)/D1 (leisure), landscaped courtyard and public realm improvements. This permission was subject to a Section 106 Legal Agreement which secured the following contributions:

- Affordable Housing - total sales value of all units x 15% (the Affordable Housing quota) x 35% (the required discount)

- Education – Payment of a commuted sum of £134,924 towards improving existing educational facilities in the locality
- Recreation – Payment of a commuted sum of £259,450 towards improving recreational facilities in the locality
- Provision of the public art works

Planning permission was refused on the 16th May 2012 under reference 12/00723/MAF for the renewal of planning application 07/10500/FUL. Development for 362 Residential units, including 164 Studios, 109 one bed, 89 two bed, provisions of 327 car parking spaces with 18 visitors' spaces. Plus related ancillary A1 (shops)/A3 (cafes) and B1 (offices)/D1 (leisure), landscaped courtyard and public realm improvements on the grounds that no social contributions (education, recreation and affordable housing) were offered.

Planning permission was granted on the 28th February 2013 under reference 12/03157/MAF for the renewal of planning application 07/10500/FUL for 362 residential units (including 164 studios, 109 one bed and 89 two bed); provision of 327 parking spaces plus 18 visitor spaces and ancillary A1/A3 and B1/D1 uses with landscaped courtyard and public realm improvements. The permission was subject to a Section 106 Legal Agreement which secured the following Heads of Terms:

- To pay a recreation contribution of £161,045
- To pay an education contribution of £178,049
- To pay an affordable housing contribution of £1,075,021
- To provide 12 affordable housing units on the site
- To submit details of a Public Art Scheme

An application under reference 15/06105/MAO for the construction of a mixed use development of apartments and wedding venue with conferencing facilities and associated car parking was withdrawn on the 22nd January 2016.

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.

Replacement Unitary Development Plan (RUDP):

Allocation

The site is unallocated within the Replacement Unitary Development Plan but is located within a Community Priority Area.

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
E8 New Tourist Facilities
E9 Major Hotel and Conference Facilities
H7 Housing Density – Expectation
H8 Housing Density – Efficient Use of Land
H9 Affordable Housing
TM2 Impact of traffic and its mitigation
TM11 Parking standards for non-residential developments
TM12 Parking standards for residential developments
TM19A Traffic management and road safety
D1 General Design Considerations
D4 Community Safety
D5 Landscaping
D11 Gateways
D12 Tall Buildings
BH4A Setting of Listed Buildings
CF2 Education Contributions in New Residential Development
CF6 Development of Unallocated Land in Community Priority Areas
OS5 Provision of recreation Open Space and Playing Fields in New Development
NR15B Flood Risk
NR16 Surface Water Run Off and Sustainable Drainage Systems

Parish Council:

Not applicable in this instance

Publicity and Number of Representations:

The application has been publicised by press notice, site notice and neighbour notification letters. The expiry date for the publicity exercise was the 13th May 2016.

As a result of the publicity exercise 1 representation has been received objecting to the proposal.

Summary of Representations Received:

- The proposed venue will impact on existing businesses in the locality
- The redevelopment of the site will result in the loss of on-street car parking

Consultations:

Environmental Health (Nuisance) – No objection subject to conditions relating to the incorporation within the scheme of the mitigation measures to reduce potential noise impact

Environmental Health (Land Contamination) – No objection subject to the imposition of conditions relating to the submission of both Phase I and II Reports and appropriate Remediation Strategy where appropriate

Environmental Health (Air Quality) – No objection subject to the imposition of appropriate conditions relating to the provision of electric vehicle charging points and a construction environmental management plan

Conservation – Concerns regarding the lack of detail submitted and the impact on the adjacent heritage assets

Sport and Leisure Services – No objection but seek a contribution of £41,261 that will be used towards enhancing the existing recreational infrastructure due to the increase pressure that will be placed on it by the development

Education – No objection but seek the payment of a financial contribution of £77,067 towards improving the educational infrastructure in the vicinity of the site. This is split into £33,629.40p at primary sector level and £43,437.60p at secondary sector level

Development and Enabling – No objection subject to the provision of on-site affordable housing equating to upto 15% of the number of units

Landscape Design Unit – No objection to the principle of the development but state that a sense of place needs to be established which functions well for the users due to the lack of open spaces in this area of the City and movement through to the facilities in and around the Northern Quarter of Bradford

Highways – No objection subject to conditions

West Yorkshire Police – No objection to this application providing crime prevention matters were adequately dealt with at reserved matters stage

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

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

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. Affordable housing
9. Education
10. Secure by design
11. Contaminated land
12. Other issues

Appraisal:

The proposal relates to the construction of a mixed use development comprising apartments and wedding venue with conferencing facilities and associated car parking. The application is in outline form with details of the access and layout submitted for consideration at this stage with all other matters reserved for consideration at a later stage.

1. Principle of development

The site is unallocated within the Replacement Unitary Development Plan but is located within a Community Priority Area (BN/CF6.2 – Manningham). Policy CF6 of the Plan supports the development of open space or other land in community use providing that there is adequate provision of such land and that priority is given to the following uses (in order):

- Community facilities where there is a demonstrable need for such facilities;
- Housing to meet local needs; and,
- Employment generating uses.

The site has previously been granted permission for a mixed-use scheme comprising residential units and ancillary A1 (shops)/A3 (cafes) and B1 (offices)/D1 (leisure). As such the principle of residential development of the site has previously been accepted. The proposal does incorporate a number of apartments that will be self-serviced in relation to their use associated with the wedding venue and conference facility to allow delegates/attendees to reside during events. These apartments will be secured for that use through a Section 106 Legal Agreement and will be assessed separately from the market dwellings.

Policies E8 and E9 of the RUDP are generally supportive of the creation of tourist facilities (including hotels) providing that it is of a scale appropriate to the locality, has good access to the highway network and public transport services, and, provides infrastructure works to accommodate the increased visitor pressure brought about by the development. The proposal is considered to be of a scale which is suitable for its location and the site is in close proximity to the city centre and is considered to be in a very sustainable location in relation to its access to the public transport services.

Overall therefore it is considered that the principle of the development is acceptable subject to the detailed design.

2. Visual impact

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 also adjacent to a Gateway Road and as such policy D11 states that development proposals should be of the highest possible standard in terms of design, materials, landscaping and boundary treatment.

The application is in outline form with details of the scale and external appearance reserved for consideration at a later stage. Indicative plans suggest that the buildings will be of varying heights with the tallest being 10 storeys with an additional 2 floors of undercroft parking. The proposed height is lower than the tallest part of the previously approved scheme under reference 07/10500/FUL which was 18 storeys in height. Whilst the proposed building will be taller than the neighbouring buildings it is considered that, subject to an appropriate design and use of materials, they will not be visually intrusive in relation to either the streetscene or wider locality and will have less impact than the previously approved scheme.

The application site has no inherent landscape features in that it is an area of open land that has become overgrown. However, the surrounding area is a well-established planted area implemented as part of the Ring Road. There is an opportunity to enhance the visual character of the area through an appropriate landscaping scheme incorporating both public and private spaces. A sense of place needs to be established which functions well for the users due to the lack of open spaces in this area of the City and movement through to the facilities in and around the Northern Quarter of Bradford.

The layout plan shows landscaped areas proposed along both the northern and southern boundaries of the site together with a garden deck in the centre of the site that will incorporate a pedestrian route through the site. Landscaping of the site has been reserved for consideration at a later stage and there is the opportunity therefore to create a high quality landscaped scheme on what will be a visually important development.

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.

There are no residential properties adjacent to or within the immediate vicinity of the site that will be affected by the proposed development.

A Noise Report has been submitted which assesses both the existing and future noise sources that could impact on the development and proposes a number of mitigation measures that should be incorporated within the development to minimise the impact on the future residents because of the mixed-use nature of the development.

The two main existing noise sources are the surrounding road network and the nearby commercial premises. With regard to the surrounding road network both Trafalgar Street and Snowden Street, which are immediately adjacent to the site, generate very little traffic whilst both the Manningham Lane and Hamm Strasse, which are close to the site, generate more continuous traffic noise on a more consistent basis. In relation to the commercial development the noise is generally restricted to normal working hours but some noise has been recorded from a nearby warehouse between the hours of 23.15-00.15 in the form of loading and unloading.

In relation to the proposed development it will introduce a number of new potential noise sources including the wedding and conference venue where the main noise source will be entertainment noise such as amplified music and mechanical building service systems. The Noise Report submitted with the application proposes a number of mitigation measures to be incorporated within the development aimed at reducing the potential impact on the future residents of the scheme and the area in general. Such measures include the incorporation of appropriate standards of double glazing ventilators in the proposed apartments, and, adequate sound proofing in the construction of the external walls and the ceilings of the apartments.

The Environmental Health Department have not raised an objection to the proposal subject to the noise mitigation measures contained within the supporting Noise Report being implemented and this is conditioned accordingly.

As such it is not considered that the proposal will have a detrimental impact on the residential amenities of the future occupiers and residents of the development.

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.

Details of the access arrangements have been submitted for consideration at this stage with the main points of access being off both Snowden Street and Trafalgar Street. A Transport Assessment and Travel Plan have been submitted in support of the proposal.

The Highways Department have assessed the proposal in relation to both the access/parking arrangements for the development and the impact on the wider highway network. In relation to the proposed access points these are considered to be acceptable and appropriate visibility splays can be provided in each case. There are existing access points serving the site that will not be used to serve the development and these will need to be permanently closed off and reinstated as footways and this would be achieved through appropriate conditions.

In terms of the level of car parking to serve both the apartments and the community facility it is slightly lower than the maximum standards recommended within Appendix C of the Replacement Unitary Development Plan. However the site is in a very sustainable location being close to the city centre and having good access to alternative methods of transport including bus and rail. The submitted travel plan, when implemented, will also assist in reducing car use.

Off-site highway works include a raised platform to be provided across Snowden Street at the pedestrian connection to Hamm Strasse and an amendment to the existing Traffic Regulation Order on Trafalgar Street will need to be implemented and these would normally be secured within a Section 106 Legal Agreement.

An objection has been received in relation to the loss of on-street car parking. There will likely be some spaces lost through the amendments to the Traffic Regulation Order on Trafalgar Street but the site is in close proximity to a number of car parks, such as the Foster Square Retail Park and Kirkgate Market, as well as other areas of on-street parking. As such it is not considered that the loss of any on-street parking resulting from the development will impact on the level of available car parking to serve visitors to the area and neighbouring businesses

The Applicant initially agreed to the provision of the off-site highway works and they would have been incorporated within a Section 106 Legal Agreement. The application was presented to the Regulatory and Appeals Committee on the 4th August 2016 with a recommendation for approval subject to a Section 106 Legal Agreement to secure

these works. However despite repeated requests the Applicant has not completed the Section 106 Legal Agreement and there is no indication that it will be completed imminently. It is considered that an appropriate length of time (over 8 months) has been afforded to the Applicant to complete the Agreement. With there being no indication from the Applicant that they intend to complete the Agreement it is now recommended that the application be refused on the basis that the off-site highway works will not be secured and the proposal is therefore contrary to policy TM2 of the Replacement Unitary Development Plan.

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 main sewer. No objection has been received to this subject to the imposition on a planning permission of appropriate conditions.

6. Conservation Issues

Policy BH4A states that development will not be permitted if it would harm the setting of a Listed Building.

The site affects the settings of 2 listed buildings, Connaught Rooms (the former masonic hall) on Manningham Lane, and 30 Manningham Lane, an early 19th century former villa.

In assessing the impact on these listed buildings it is important that the history of the site is taken into account in that it did benefit from having planning permission for a predominantly residential development with built form of greater height than now proposed. Whilst this application is in outline form, with details of only the access and layout submitted for consideration at this stage, indicative plans have been submitted that show the height of the buildings (10 storeys) and the relationship with the adjacent buildings, including the afore-mentioned listed buildings.

The Conservation Officer has stated that the application proposes 2 built elements, the tallest at the lower end of the site towards Midland Road, taking advantage of the decreasing topography. The L-shaped block towards the west of the site would have more impact on the listed buildings. This is proposed at some 8 stepping up to 10 storeys above ground level. Connaught Rooms is a substantial structure which does not diminish in height with the decreasing ground levels. It is considered that despite the new built form being taller than Connaught Rooms it would not compete with the listed building to an unacceptable degree.

30 Manningham Lane is of domestic scale, although set on a platform when viewed from the rear. The new built form would be in fairly close proximity to the rear of the listed building, and would be very obvious as a backdrop to the listed building, dominating it in views from Manningham Lane. A number of the massing views are taken from aerial positions, and hence are of limited benefit in assessing the impact, as these are unrealistic to actual human appreciation of the visual impacts. The Conservation Officer suggests that there is insufficient information on the appearance

and palette of materials to enable a full understanding of the impact of the proposed development. A bland and monotonous fenestration on the scale of building proposed could result in a harmful impact, whereas an exceptional appearance might have the potential to mitigate this.

It must be stressed that the application is in outline form and that details of the scale and appearance have been reserved for consideration at a later stage. This will include the design of the buildings, the materials to be used together with details of the fenestration, all the matters the Conservation Officer has raised as lacking in this application. The opportunity to comment on these aspects of the proposal will be afforded to the Conservation Officer at Reserved Matters stage with the Applicant being fully aware of what has been raised and will hopefully take them on board in the final design of the building. The development, at the height proposed, will be visually significant and it is important that the design is acceptable in terms of the relationship with the streetscene, wider vicinity and the listed buildings.

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.

The proposed layout does not incorporate any formal recreational open space. Due to residential element on the site the proposal is likely to increase the pressure on the existing recreational infrastructure in its vicinity. As such Parks and Greenspaces Service require a recreation contribution of £41,261 due to the extra demands placed on the locality by this development. The level of contribution secured is lower than that previously sought in the original consultation response due to the number of market apartments being reduced because of the inclusion of 63 self-serviced apartments.

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 Thurnscoe Road Play Area & Lupton Street Play Area & contribution towards delivery of CBMDC's Playing Pitch Strategy in the area.

The Applicant initially agreed to pay this contribution and the application was presented to the Regulatory and Appeals Committee on the 4th August 2016 with a recommendation for approval subject to a Section 106 Legal Agreement to secure this contribution. However despite repeated requests the Applicant has not completed the Section 106 Legal Agreement and there is no indication that it will be completed imminently. It is considered that an appropriate length of time (over 8 months) has been afforded to the Applicant to complete the Agreement. With there being no indication from the Applicant that they intend to complete the Agreement it is now recommended that the application be refused on the basis that the contribution will not be secured and the proposal is therefore contrary to policy OS5 of the Replacement Unitary Development Plan.

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 affordable housing quota for this area is up to 15% of total number of units proposed and in this instance it equates to 25 affordable homes. The need is for on-site provision with the mix made up of 19x1bedroom apartments and x2bedroom apartments. The affordable units should be delivered via a Registered Provider at Affordable Rent (ie 80% of the market rent). The purchase price would have to be determined by the Registered Provider when carrying out the financial appraisal based on net affordable rent after deducting their management and maintenance charges.

The Applicant initially agreed to pay this contribution and the application was presented to the Regulatory and Appeals Committee on the 4th August 2016 with a recommendation for approval subject to a Section 106 Legal Agreement to secure this contribution. However despite repeated requests the Applicant has not completed the Section 106 Legal Agreement and there is no indication that it will be completed imminently. It is considered that an appropriate length of time (over 8 months) has been afforded to the Applicant to complete the Agreement. With there being no indication from the Applicant that they intend to complete the Agreement it is now recommended that the application be refused on the basis that the contribution will not be secured and the proposal is therefore contrary to policy H9 of the Replacement Unitary Development Plan.

9. 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.

At primary sector level there are no near primary schools however the nearest ones accessible from the development include Heaton St Barnabas, Lilycroft, Lister, Margaret McMillan, Miriam Lord, Poplars Farm, St Francis and Westbourne. Based on data available as at March 2016 despite some 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. As such Education Services are seeking a financial contribution of £33,629.40p towards improving the education infrastructure at this level.

In relation to the secondary sector, the schools which are reasonably accessible from the development are 11-18 schools are Feversham College, Oasis Academy Lister Park, One In A Million and St Bede's & St Joseph's Catholic College. Based on data available as at March 2016 and the current capacity in there are places in some of the year groups but a shortfall when allowing for the desire to operate at 95% occupancy to allow for population changes. As such Education Services are seeking a financial contribution of £43,437.60p towards improving the education infrastructure at this level.

The level of contribution secured is lower than that previously sought in the original consultation response due to the number of market apartments being reduced because of the inclusion of 63 self-serviced apartments.

The Applicant initially agreed to pay this contribution and the application was presented to the Regulatory and Appeals Committee on the 4th August 2016 with a recommendation for approval subject to a Section 106 Legal Agreement to secure this contribution. However despite repeated requests the Applicant has not completed the Section 106 Legal Agreement and there is no indication that it will be completed imminently. It is considered that an appropriate length of time (over 8 months) has been afforded to the Applicant to complete the Agreement. With there being no indication from the Applicant that they intend to complete the Agreement it is now recommended that the application be refused on the basis that the contribution will not be secured and the proposal is therefore contrary to policy CF2 of the Replacement Unitary Development Plan.

10. Secure 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 application is in outline form with details of both the scale and external appearance reserved for consideration at a later stage. As such the West Yorkshire Police have no objection to the proposal providing crime prevention matters are adequately dealt with at reserved matters stage, where the main concerns will be access control of both the undercroft car parking and the apartments.

11. Contaminated land

A Phase I Site Investigation Report has been submitted which was prepared in 2005 and as such is over 10 years old. Since this report was prepared there has been very little activity on the site and it has simply become overgrown. The findings of the report need updating to take into account current guidance and accepted good practice.

As the proposal is for a more sensitive end use on the site the Environmental Protection Team have no objection to the proposal subject to the imposition of appropriate conditions relating to the submission of Phase I and II Site Investigation Reports together with an appropriate Remediation Strategy if required.

12. Other issues

One other issue has been raised during the consultation exercise that has not been addressed in the above sections of the report, this being that the proposed venue will impact on existing businesses in the locality. Unfortunately the matter competition on other existing uses is not a material planning consideration and as such cannot be taken into account in assessing this application.

Community Safety Implications:

There are no other community safety implications other than those referred to in the main body of the 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 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.

Reasons for Refusal:

1. Education and recreation contributions

The proposal is of a type and scale that would normally require contributions to be made due to the additional pressures placed on local infrastructure in relation to education and recreation open space provision. The developer has neither offered any commitment to such contributions nor given any justification as to why they should not be made. For this reason, the proposal fails to comply with policies CF2 and OS5 of the adopted Replacement Unitary Development Plan.

2. Affordable housing

The proposal is of a type and scale that would normally require contributions to be made due to the additional pressures placed on local infrastructure in relation to affordable housing. The developer has neither offered any commitment to such contributions nor given justification as to why they should not be made. For this reason, the proposal fails to comply with policy H9 of the adopted Replacement Unitary Development Plan.

3. Highways

The proposal would result in an increase in the level of traffic in the vicinity and without appropriate restrictions in place would lead to a significant increase in the level of on-street parking to the detriment of highway safety. The developer has neither made any commitment to provide such restrictions nor provided a justification as to why they should not be provided. As such the proposal is considered to be contrary to policy TM2 of the adopted Replacement Unitary Development Plan.

Report of the Assistant Director (Planning, Transportation & Highways) to the meeting of Regulatory and Appeals Committee to be held on Thursday the 27th of April 2017.

AL

Subject:

Secretary of State's Consultation Responses following the Regulatory and Appeals Committee's resolution to grant planning application ref. 15/07479/MAF: Bridgehouse Mills and planning application ref. 15/03339/MAF: Greenholme Mills

Summary statement:

The Regulatory and Appeals Committee are asked to note that the Secretary of State has decided, having had regard to his policy for calling in planning applications, not to call in the applications for either the redevelopment of Greenholme Mills, Burley-in-Wharfedale, or the redevelopment of Bridgehouse Mills, Haworth. He is content that the applications should be determined by the local planning authority. Both applications include proposals for development within the Green Belt.

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 purpose of this report is to update the Regulatory and Appeals Committee on the outcome of the consultation with the Secretary of State on the planning applications for development at Greenholme Mills, Burley-in-Wharfedale, and Bridgehouse Mills, Haworth, following the positive Committee Resolutions at the Regulatory and Appeals Committee Meeting of 09 February 2017.

Both sites are within the Green Belt and represent Green Belt Development, as defined by paragraph 4 of the Town and Country Planning (Consultation) (England) Direction 2009. In accordance with the requirements of the Consultation Direction, the Secretary of State was required to be consulted to allow him opportunity to call-in the applications for his own determination, if he so choose, following the resolutions of the Regulatory and Appeals Committee to grant conditional planning permission.

The Secretary of State was duly consulted, via the National Planning Casework Unit, on 10 February 2017 following the Committee Meeting of 09 February 2017. The Secretary of State's consultation response on the Greenholme Mills development was received on 13 February 2017 (Appendix B) and his response on the Bridgehouse Mills development was received on 02 March 2017 (Appendix A). In both cases the Secretary of State confirmed as follows:

In deciding whether to call in the application, the Secretary of State has considered his policy on calling in planning applications. This policy gives examples of the types of issues which may lead him to conclude, in his opinion that applications should be called in. The Secretary of State has decided, having had regard to this policy, not to call in the application. He is content that the application should be determined by the local planning authority.

2. BACKGROUND

This report is to update the Regulatory and Appeals Committee following the resolutions made at the meeting of 09 February 2017, the relevant resolutions were as follows:

GREENHOLME MILLS, IRON ROW, BURLEY IN WHARFEDALE

Full planning application for alterations and extensions to existing mill buildings to create a mixture of residential and commercial uses including a crèche, spa/gym and restaurant together with 20 new build houses and 6 new build apartments and ancillary infrastructure at Greenholme Mills, Iron Row, Burley in Wharfedale – 15/03339/MAF.

Resolved -

- 1) That the application be referred to the Secretary of State for Communities and Local Government under the provisions of the Town and Country Planning (Consultation)(England) Direction 2009 and, subject to him deciding not to call-in the application for determination, it 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. On-site affordable housing provision of 6 units at a level of discount on the open market value of the properties necessary to allow disposal of the properties to a Registered Social Landlord,
- ii. The payment of a sum of £93,415 to the Local Planning Authority for the purpose of upgrading the existing educational infrastructure at Menston Primary School or Burley Oaks Primary School,
- iii. The payment of a sum of £120,660 to the Local Planning Authority for the purpose of upgrading the existing educational infrastructure at Ilkley Grammar School,
- iv. The payment of a sum of £21,334 to the Local Planning Authority for the purpose of improving recreational infrastructure; to be used either towards the delivery of a new Multi Use Games Area on land to the west of Iron Row or for drainage works, footpath works and fencing at Iron Row Recreation Ground and Burley Park,
- v. On-site Recreation/Open Space Provision:
 - a. Provision of a 'Public Plaza and Gardens' in the area shown on the 'Landscape Management Plan', to be made available and accessible for public use in perpetuity in accordance with details to be approved in writing by the Local Planning Authority;
 - b. Provision of the 'Riverside Walk' in the area shown on the 4 'Landscape Management Plan' to be made available and accessible for public use in perpetuity in accordance with details to be approved in writing by the Local Planning Authority;
 - c. Approval of details and implementation of a plan for the management/maintenance of the Public Plaza and Gardens, Riverside Walk, Woodland Areas and Wildlife Meadows, as shown on the 'Landscape Management Plan',

the legal planning obligation to contain such other ancillary provisions as the Assistant Director - Planning, Transportation and Highways (after consultation with the City Solicitor) considers appropriate.

BRIDGEHOUSE LANE, HAWORTH

(i) Planning application for a mixed use development at Bridgehouse Mills, Bridgehouse Lane, Haworth – 15/07479/MAF

(ii) Associated application for Listed Building Consent for partial demolition and alterations to this Grade II Listed building complex – 15/07481/LBC.

Resolved –

(i) 15/07479/MAF

- 1) That the application be referred to the Secretary of State for Communities and Local Government under the provisions of the Town and Country Planning (Consultation)(England) Direction 2009 and, subject to him deciding not to call-in the application for determination, it be approved for the reasons and subject to the conditions set out in the Assistant Director - Planning, Transportation and Highways' technical report further to the inclusion of an additional condition as set out below:

None of the residential units to be formed within the existing Bridgehouse Mills buildings, as shaded in red on drawing 3901-02 PL01, shall be brought into occupation until details of the level of obscuring of the windows to be provided to the eastern elevation of the eastern building wing have been submitted to and

approved in writing by the Local Planning Authority. The approved obscurely glazed windows shall be fully installed in accordance with the approved details before any of the residential units are occupied and the approved level of obscurity shall be maintained whilst ever any of the residential units remain in occupation.

Reason: To prevent overlooking, in the interests of amenity, in accordance with saved policy UR3 of the replacement Unitary Development Plan.

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 provision of 5 units at a discount of 20% on the open market value of the properties, subject to occupancy restrictions (properties to be offered to people who have not previously been a home buyer and want to own and occupy a home and who are below the age of 40 at the time of purchase) and appropriate restrictions being put in place to ensure that these starter homes are not re-sold or let at their open market value for five years following the initial sale,
- ii. The maintenance and management of the Public Open Space and Flood Storage Area provided as part of the development and described as Bridgehouse Beck Park, in accordance with details which shall be submitted to the Local Planning Authority for approval in writing, such maintenance and management details shall include provisions for removing any silt and debris which accumulates within the Public Open Space and Flood Storage Area following a flood event and for the inspection of the Public Open Space and Flood Storage Area following any flooding event which occurs or, where no such event occurs in any given year, on an annual basis,

the legal planning obligation to contain such other ancillary provisions as the Assistant Director - Planning, Transportation and Highways (after consultation with the City Solicitor) considers appropriate.

(ii) 15/07481/LBC

Resolved – That the application for Listed Building Consent be approved for the reasons and subject to the conditions set out in the Assistant Director - Planning, Transportation and Highways' technical report.

3. OTHER CONSIDERATIONS

None.

4. OPTIONS

The Committee are asked to note the consultation responses received from the Secretary of State (Appendices A and B). The Committee Resolutions of the Meeting of 09 February 2017 already authorise the formal granting of planning permission in respect of both planning applications, following the completion of the requisite legal agreements under Section 106 of the Act. At the time of writing this report the decision notice formally granting planning permission has been issued in respect of the planning application for development at Greenholme Mills, Burley-in-Wharfedale.

5. FINANCIAL & RESOURCE APPRAISAL

Not applicable.

6. RISK MANAGEMENT & GOVERNANCE ISSUES

Not applicable.

7. LEGAL APPRAISAL

The consultation process with the Secretary of State described in this report fulfils the requirements placed upon the Council by the Town and Country Planning (Consultation) (England) Direction 2009. This process allows the Secretary of State opportunity to call-in for his own determination proposals which include significant development within the Green Belt. On this occasion he has chosen not to do so in respect of either application.

8. OTHER IMPLICATIONS

8.1 EQUALITY & DIVERSITY

Not applicable.

8.2 SUSTAINABILITY IMPLICATIONS

Not applicable.

8.3 GREENHOUSE GAS EMISSIONS IMPACTS

Not applicable.

8.4 COMMUNITY SAFETY IMPLICATIONS

Not applicable.

8.5 HUMAN RIGHTS ACT

Not applicable.

8.6 TRADE UNION

Not applicable.

8.7 WARD IMPLICATIONS

The proposal sites are within the Worth Valley and Wharfedale Wards. Ward Councillors the Parish Councils and local residents were consulted on the applications and were also given the opportunity to speak at the Regulatory and Appeals Committee Meeting of 09 February 2017. The Regulatory and Appeals Committee's Resolutions were informed both by the verbal representations made by residents and Councillors at the Committee Meeting and a Committee Report which summarised the material planning issues raised in the public and Councillor/ Parish Council representations and assessed the potential effects of the development proposals upon residents within the relevant Wards.

9. NOT FOR PUBLICATION DOCUMENTS

None

10. RECOMMENDATION

The Committee are asked to note the consultation responses received from the Secretary of State in respect of the planning applications for development at Greenholme Mills, Burley-in-Wharfedale, and Bridgehouse Mills, Haworth.

11. APPENDICES

Appendix 1: Secretary of State Consultation Response Letter in respect of Bridgehouse Mills, Haworth.

Appendix 2: Secretary of State Consultation Response Letter in respect of Greenholme Mills, Burley-in-Wharfedale.

12. BACKGROUND DOCUMENTS

- The Town and Country Planning (Consultation) (England) Direction 2009
- Application file 15/07479/MAF
- Application file 15/03339/MAF
- Minutes of the Regulatory and Appeals Committee Meeting of 09 February 2017

Appendix 1



Department for
Communities and
Local Government

Mr Michael Eaglestone
City of Bradford Metropolitan District Council

Via email:
Michael.Eaglestone@bradford.gov.uk

Please ask for: Fiona Hobbs
Tel: 0303 44 48066
Email: Fiona.hobbs@communities.gsi.gov.uk
Your ref: 15/07479/MAF
Our ref: NPCU/CONS/W4705/77429
Date: 2 March 2017

Dear Mr Michael

The Town and Country Planning (Consultation) (England) Direction 2009

Mixed Use Development Comprising: Change of use, alteration, conversion, extension and partial demolition of existing mill buildings to develop 45 retirement living apartments; construction of 77 new dwellings including associated access; construction of an extension to the existing industrial building accommodating Airedale Springs; construction of a new factory for Wydean Weaving; provision of junction improvement works, landscaping works, flood water storage works, parking and links to public footpaths
Location: Bridgehouse Mills, Bridgehouse Lane, Haworth, West Yorkshire, BD22 8PA
Application: 15/07479/MAF

I refer to your letter of 10 February referring to the Secretary of State for Communities and Local Government ("The Secretary of State") an application for planning permission for the above development.

The Secretary of State has carefully considered the case against call-in policy, as set out in the Written Ministerial Statement by Nick Boles on 26 October 2012. The policy makes it clear that the power to call in a case will only be used very selectively.

The Government is committed to give more power to councils and communities to make their own decisions on planning issues, and believes planning decisions should be made at the local level wherever possible.

National Planning Casework Unit
Department for Communities and Local Government
5 St Philips Place
Colmore Row
Birmingham B3 2PW

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In deciding whether to call in the application, the Secretary of State has considered his policy on calling in planning applications. This policy gives examples of the types of issues which may lead him to conclude, in his opinion that applications should be called in. The Secretary of State has decided, having had regard to this policy, not to call in the application. He is content that the application should be determined by the local planning authority.

In considering whether to exercise the discretion to call in the application, the Secretary of State has not considered the matter of whether the application is EIA Development for the purposes of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011. The local planning authority responsible for determining these applications remains the relevant authority responsible for considering whether these Regulations apply to these proposed developments and, if so, for ensuring that the requirements of the Regulations are complied with.

Yours sincerely

Edward Chapman

Edward Chapman
Planning Casework Manager

Appendix 2



Department for Communities and Local Government

Michael Eaglestone
City of Bradford MDC
Department of Regeneration
Major Developments, Minerals and Waste
Team
4th Floor Britannia House
Bradford
BD1 1HX

Please ask for: Rachael Beard
Tel: 0303 44 48073
Email: rachael.beard@communities.gsi.gov.uk
Your ref: 15/03339/MAF
Our ref: NPCU/CONS/W4705/77421
Date: 13 February 2017

Dear Mr Eaglestone

The Town and Country Planning (Consultation) (England) Direction 2009

**Full planning application for alterations and extensions to existing mill buildings to create a mixture of residential and commercial uses including crèche, spa/gym and restaurant together with 20 new build houses and 6 new build apartments and ancillary infrastructure at Greenholme Mills, Iron Row, Burley in Wharfedale, Ilkley, West Yorkshire, LS29 7DB
Application reference 15/03339/MAF**

I refer to your letter of 10 February referring to the Secretary of State for Communities and Local Government ("The Secretary of State") an application for planning permission for the above development.

The Secretary of State has carefully considered the case against call-in policy, as set out in the Written Ministerial Statement by Nick Boles on 26 October 2012. The policy makes it clear that the power to call in a case will only be used very selectively.

The Government is committed to give more power to councils and communities to make their own decisions on planning issues, and believes planning decisions should be made at the local level wherever possible.

In deciding whether to call in the application, the Secretary of State has considered his policy on calling in planning applications. This policy gives examples of the types of issues which may lead him to conclude, in his opinion that applications should be called in. The Secretary of State has decided, having had regard to this policy, not to

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Yours sincerely

Rachael Beard

Rachael Beard
Planning Casework Manager

Report of Strategic Director, Department of Place to the meeting of the Regulatory and Appeals Committee to be held on Thursday 27 April 2017

AM

Subject:

Private Hire and Hackney Carriage Policy and Conditions Changes 2017

Summary statement:

This report seeks the approval of the Regulatory and Appeals Committee to implement new conditions for private hire driver/operator/proprietor licences and hackney carriage drivers and vehicle licences.

Steve Hartley
Director of Place

Portfolio:

Environment, Sport and Culture

Report Contact: Carol Stos
Phone: (01274) 437506
E-mail: carol.stos@bradford.gov.uk

Overview & Scrutiny Area:

Regulatory & Appeals



1. SUMMARY

This report seeks the approval of the Regulatory and Appeals Committee to implement new conditions for private hire drivers/operator/proprietor licences and hackney carriage drivers and vehicle licences.

The conditions will assist operators, proprietors and drivers to deliver an effective, safe service, improved vehicle maintenance and better business protocols. Use of good practice will increase the safety of the travelling public.

2. BACKGROUND

The Licensing Service is working towards developing policies and procedures with colleagues of the Combined West Yorkshire Authorities. The primary goal is the protection of the travelling public and the delivering of a consistent level of compliance/enforcement across the districts. The proposals in this report are aimed at minimising concerns around safeguarding, improving vehicle maintenance and information security whilst working towards the Combined Authority.

3. PROPOSED CONDITIONS

3.1 Displaying CSE/Safeguarding Information to Customers in Licensed Vehicles

The Licensing Service introduced information pertaining to the reporting of Child Sexual Exploitation (CSE) issues in the form of a safeguarding car window sticker on 21st March 2016. The adoption of the window sticker was left to the discretion of the trade and whilst a number of operators supported the initiative, take up was very low. (See appendix C)

Proposal – that a condition be introduced requiring proprietors of licensed vehicles to display approved safeguarding information in the form of a window sticker placed on the inside of a vehicles rear passenger window (nearside). The condition shall also require operators and drivers to ensure the sticker remains in place.

3.2 Suitability of Employees of Private Hire Operators

The Licensing Service does not have regulatory powers to ascertain whether an employee of an operator is of good character and suitable for the position held in their business. An employee is person employed by a licensed operator and is working within the office / despatch environment and who has access to customer information. Customers who use hackney carriage/private hire vehicles do so with the clear expectation that any personal information gathered as a result of this interaction is protected. If information, such as home addresses, whereabouts of a customer, daily routines, holiday timetables were to fall into the wrong hands this would pose a potential risk.

It is a reasonable expectation that an operator conducts appropriate checks on employees. This should include the legal right to work check, a minimum of two references, the length of previous employments, a home address check. Operators

would also be required to provide reasonable training for their employees, of which data protection, customer service, complaint handling and equality would be mandatory. Promotion of such measures would give operators and the public at large the reassurance that operator base employees have undergone an appropriate recruitment process.

Proposal - a Condition be introduced requiring operators to conduct adequate background checks and to provide training for employees who work within their business. The condition shall also require a work activity record to be maintained showing the hours/shifts such employees work. Appropriate information shall be made available to the Licensing Service on request.

3.3 **Employee Code of Conduct**

The purpose of a code of conduct is to develop and maintain a standard of conduct that is acceptable to the Council, the operator, its customers and other employees. It also serves to remind the employee of what is expected of them, and that their actions, appearance and conduct may affect the company and their reputation.

The code of conduct should be as clear as possible and list the standards required. As a minimum it should include prohibitions of illegal activities, smoking, drinking, foul language, discrimination and harassment. It should also include confidentiality expectations, procedures for calling in sick, expected dress and appearance and reporting procedures for emergency situations.

Operator should strive to maintain a work environment for their staff which promotes honesty, integrity and respect not only for fellow employees but for the public at large.

Proposal - a condition be introduced which requires operators to produce an employee charter/code of conduct which should be signed by the employee, at which point it becomes a legal agreement between the employer and employee. A copy should be kept in the employee's record. Appropriate information shall be made available to the Licensing Service on request.

3.4 **Fitment of In-Car Closed Circuit TV Systems (CCTV)**

Consultation has been carried out on a policy that would make it a mandatory condition of license that hackney carriage and private hire vehicles are fitted with In-Car Closed Circuit TV Systems (CCTV). The primary aim of the proposed condition is to provide protection, confidence and reassurance to the public when they are travelling in a hackney carriage or private hire vehicle. This policy will support hackney carriage or private hire drivers by providing a safer environment, enabling the trade to build up trust and confidence in the industry.

Identified key benefits of installation of in-car CCTV systems are;

1. An aide to the safe guarding of vulnerable persons and the deterrence of trafficking
2. Deterring and preventing the occurrence of crime

3. Assisting the enforcement agencies in the investigation of incidents NB where outward facing cameras are fitted this may contribute the reductions in motor vehicle insurance premiums.

The benefits of CCTV do not come solely from safeguarding and protection of the public but also for the trade. During consultations at trade meetings concerns have been voiced regarding both threats of, and acts of violence towards drivers from passengers. CCTV will provide vital evidence for Police/ Investigating Officers to inform outcomes which either prove or disprove allegations made against drivers or passengers. The Service also seeks to ensure that the installation and operation of CCTV within licensed vehicles does not interfere with the privacy of members of the public.

The specification for in-car CCTV system apparatus has been considered. The Licensing Service recommends adoption of a specification used by Rotherham Council who adopted a policy of mandatory installation for their HCPH trade in July 2016. The Licensing Service will provide a list of approved suppliers.

Proposal 1 - a mandatory condition be introduced requiring all hackney carriage and private hire vehicles be fitted with In-Car Closed Circuit TV Systems in accordance with ICO (Information Commissioner) requirements and BMDC policy (See appendix A) . All vehicles to be fitted with approved CCTV by 31st July 2019

Proposal 2 – a one off £50 reduction on an annual vehicle licence subject to the production of a certified installation certificate from a Council Approved Supplier.

3.5 **Amendment to Hackney Carriage and Private Hire Licensing Policy Following Deregulation Act 2015**

The Deregulation Act 2015 commenced on October 1st 2015 implements two pieces of legislation.

Section 10 Driver and Operator Licence Duration

To set a standard duration of three years for a HCPH driver's licence. A lesser period may be specified only if appropriate in a particular case.

Bradford Council introduced the option of a 1 or 3 year licence in June 2012 and has been taken up by many of the full time established drivers.

The new legislation requires that a 3 year licence is offered to a driver in the first instance; however the 3 year licence is not wanted by some drivers for various reasons. As such a 1 year licence should be available on request. Some applicants are offered a 1 year licence only as appropriate due to individual circumstances.

The same stipulation has been made for Operators Licences which are currently for 1 year. The standard duration of five years for a PHV operator's licence should be offered in the first instance.

This option will be offered from 1 July 2017 with only a small reduction in fee as almost all of the background work is still required.

Section 11 Cross Border Hiring

The Act allows a private hire vehicle operator to sub-contract a private hire vehicle booking to another operator who is licensed in a different licensing district, for example Leeds or Manchester. The onus is on the original operator, who accepts the booking and subsequently passes it on, to retain liability for the satisfactory completion of that journey. There is a duty on the operator who takes the booking to keep a full record and to report the full record of that journey.

There are no conditional changes proposed for this change in legislation as the existing legislation at S56 (2) of the Local Government (Miscellaneous Provisions) Act 1976 explains that records are required to be kept by the operator even when a 'hire' is subcontracted to them from another operator

Proposal 1 – Drivers licences are issued for one or three years.

Proposal 2 – Operator's licences are issued for one or five years.

3.6 Vehicle Safety and Maintenance

For several years the Licencing Service has worked with the trades through education and support to improve vehicle safety inspection results. This has not worked and circa 40% of licensed vehicles are still failing vehicle safety inspections, of which circa 20% are for serious or multiple point failures. Operator/proprietors have expressed their frustration at this situation and are reporting that if they endeavour to enforce the required standards then those drivers who do not wish to comply simply move to operators who do not require appropriate safety standards.

The Licensing Service proposes two new conditions set out below and accompanied with a revised fee structure:

Proposal 1 – a Condition be introduced requiring the proprietor of a licensed vehicle to provide a certificate of mechanical safety and vehicle maintenance in accordance with the vehicle's user handbook at the scheduled intervals. Also, that the certificates are retained to provide a history of the vehicles safety record.

Proposal 2 – that the proposed fees as below be introduced.

Current Fees		Proposed Fees	
Fail (1 to 4 minor faults)	Free	Fail (Max 2 minor faults)	Free
Fail Multiple (5+ minor faults)	£20	Fail Multiple (Max 4 minor faults)	£50
		Fail Multiple (5 minor faults)	£75
Fail Safety Critical (1 x defect)	£20	Fail Safety Critical (1 x defect)	£100
Fail Dangerous (2 x defects)	£100	Fail Dangerous (2 x defects)	£100 + suspension

4. CONSULTATION

Consultation was carried out initially at Trade Meetings. Additionally the trade were

notified of consultation through email correspondence, newsletters and regular updates on the Licensing Service website. The consultation was carried out online using 'SNAP SURVEY' programme where the proposed conditions were outlined via a link to an explanatory document and the consultation itself.

The consultation began on the 19th November closing on the 16th of December 2016. The Licensing Service extended the consultation period from the 19th December until January 13th 2017. At the end of the consultation period a total of 126 responses were received from drivers/operators and proprietors. Broken down in percentage terms, this represents 1.68% of the licensed trade who responded to the consultation. (See Appendix B)

5. FINANCIAL & RESOURCE APPRAISAL

The Licensing Service estimates the cost per in-car CCTV system installation to be in the region of £400. Some suppliers are able to offer discounts if systems are bought in bulk, many suppliers offering monthly payment options for HCPH licence holders who may find it difficult to purchase a system outright.

In-car CCTV systems may attract motor insurance premium discounts. The cost of an in-car CCTV system is also tax deductible, meaning that a driver may reduce the amount of tax he or she pays by offsetting the cost of the system against their earnings.

The Licensing Service proposes to assist the HC&PH trade by offering a reduction of the annual vehicle renewal fee in the sum of £ 50.00 per in-car CCTV installation subject to production of an original authenticated certificate of compliance. It is proposed this reduction will be available to the HCPH trade from April 2017 to September 2020 for existing licensed vehicles or those licensed before 1st August 2017. The revenue reduction cost to BMDC of the proposed reduction in licensing fees is circa £160,000.

6. RISK MANAGEMENT AND GOVERNANCE ISSUES

All CCTV installations in licensed vehicles must meet the requirements of:

- BMDC specification – Appendix A
- ICO, CCTV code of practice
- ICO

7. LEGAL APPRAISAL

A Privacy Impact Assessment (PIA) into the use of CCTV within licensed vehicles has been conducted to mitigate any identifiable privacy risk and lay down clear guidelines to how personal information will be collected, used, accessed, shared, safeguarded and stored. (See Appendix A)

8. OTHER IMPLICATIONS

None

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. Bradford Council is committed to promoting equal treatment for all and promotes all legislation that governs discrimination for race, age, sex, disability, religious beliefs and sexual orientation.

8.2 **SUSTAINABILITY IMPLICATIONS**

None

8.3 **GREENHOUSE GAS EMISSIONS IMPACTS**

None

8.4 **COMMUNITY SAFETY IMPLICATIONS**

Surveillance camera systems are deployed extensively within England and Wales, and these systems form part of a complex landscape of ownership and operation. Where used appropriately, these systems are valuable tools which contribute to public safety and security and in protecting both people and property. (Home Office Surveillance Camera Code of Practice)

8.5 **HUMAN RIGHTS ACT**

The Licensing Service acknowledges that CCTV systems can give reassurance to drivers and passengers in a hackney carriage/ private hire vehicle that incidents can be viewed, the evidence gathered and appropriate action taken. We must also take into account the travelling public’s right to privacy is observed. CCTV systems pose a potential conflict of those rights; therefore it is necessary that all steps are taken to secure information, i.e. the limiting of who has access to stored images to authorised personnel, industry standard encryption of images, voice functionality disabled (unless in a panic situation) and clear and prominent signage displayed informing the customer that the vehicle they have entered has CCTV in use. (See appendix A)

8.6 **TRADE UNION**

None

8.7 **WARD IMPLICATIONS**

None

9. NOT FOR PUBLICATION DOCUMENTS

None

10. OPTIONS

1. The Committee approves the proposals outlined in paragraph 3 of this report
2. Alternatively the Committee decides not to approve the proposals outlined in Paragraph 3 of this report

11. RECOMMENDATIONS

The Licensing Service recommends that the Committee approves the proposals outlined in Paragraph 3 of this report.

Paragraph 3.1
Paragraph 3.2
Paragraph 3.3
Paragraph 3.4
Paragraph 3.5
Paragraph 3.6

12. APPENDICES

Appendix A

BMDC Requirements for the Installation of CCTV in Hackney Carriage and Private Hire Vehicles Document

Appendix B

Snap Online Survey Consultation

Appendix C

CSE Safeguarding Sticker

13. BACKGROUND DOCUMENTS

Home Office Surveillance Camera Code of Practice
ICO Guide to data protection
Rotherham MBC Taxi Camera Requirements Document
Deregulation Act 2015 Document

APPENDIX A

BMDC REQUIREMENTS FOR THE USE AND INSTALLATION OF CCTV IN HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES

1. PURPOSE

1.1 This document sets out the requirements of Bradford Council to operators and drivers licensed by Bradford Council who intend to install and use in car CCTV systems within their vehicles. The document will set out the minimum criteria that the Licensing Authority considers to be acceptable for the trade when installing and using CCTV in vehicles.

1.2 In doing so the Licensing Authority recognises that such systems can be helpful in the prevention and detection of crime, reduce the fear of crime and enhance the safety of hackney carriage and private hire vehicle drivers, as well as improving public safety. However, this document also seeks to ensure that the installation and operation of CCTV systems does not compromise the safety of drivers or passengers or unreasonably interfere with the privacy of members of the public.

2. INFORMATION COMMISSIONER (ICO)

The ICO is the regulatory body responsible for enforcing compliance with privacy and data protection legislation i.e. the Data Protection Act 1998 (DPA). The DPA requires every data controller who is processing personal information to register and register what they are processing with the ICO. Users of CCTV Systems in vehicles are data controllers and **MUST** therefore register their use of in car CCTV with the ICO and pay £35. Failure to register will result in a fine. They must also comply with the attached Information Commissioner's CCTV Code of Practice. Registration can be done by visiting the Information Commissioner's website www.ico.org.uk or alternatively calling them on 03031231113 for further information.

3. DATA CONTROLLER

3.1 The Data Protection Act 1998 defines a "data controller". It is a data controller's responsibility for how personal information is collected and processed. It is the data controller who is responsible for how images from the CCTV are stored within the device and in what circumstances the information should and should not be disclosed.

3.2 For the purpose of the installation and operation of a CCTV system in hackney carriages and private hire vehicles, the "data controller" may be the holder of the hackney carriage or private hire vehicle licence, an operator who is responsible for the vehicle or the driver.

3.3 The data controller will therefore be responsible for ensuring compliance with the requirements of all relevant data protection legislation in operating the CCTV in the vehicles. The data controller is also responsible for any data breaches.

4. THIRD PARTY DATA PROCESSING

4.1 Where a service provider is used for the remote storage of CCTV data other than the data controller they will act as a 'data processor'. If there is no storage facility on the device this is not applicable.

4.2 A data processor, in relation to personal data, means any third party person or organisation (other than an employee of the data controller) that processes data on behalf of the data controller, in response to specific instructions. The data controller retains full responsibility for the actions of the data processor.

There must be a formal written agreement or contract between the data controller and the data processor. The data processing agreement/contract should include security arrangements, retention/deletion criteria, who has access to the information and termination arrangements.

5. INSTALLATION AND OPERATION CCTV (Recording of sound)

Operators should not use CCTV systems to record conversations between members of the public and or drivers. CCTV systems should not have any sound recording facility. If at the time of purchasing a system it comes equipped with a sound recording function then this functionality must be disabled. In exceptional circumstances the use of audio recording may be justified in circumstances where there is a threat or potential threat to a person's safety for example a panic button if a driver or one of his passengers feels threatened or vulnerable and activates the sound function in order to record evidence.

6. MANUFACTURING SPECIFICATIONS

6.1 All equipment must comply with any legislative requirements in respect of Motor Vehicle Construction and Use Regulations. All equipment must meet any and all requirements with regards to safety, technical acceptability and operational and data integrity.

6.2 Equipment should always be designed, constructed and installed in such a way and in such materials as to present no danger to passengers or to the driver, in the event of a motor vehicle collision/ wear and tear or misuse through vandalism.

7. INSTALLATION OF CAMERA

The camera(s) must be fitted safely and securely in such a way that it does not adversely encroach into the passenger area and must not impact on the safety of the driver, passenger or other road users.

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8. INSTALLATION SPECIFICATIONS

8.1 All equipment must be installed as per manufacturer installation instructions. The CCTV system installed must not weaken the vehicle structure or interfere with the integrity of the vehicle manufacturer's original equipment.

8.2 All equipment must be protected from weather conditions; secure from tampering and positioned in such a manner has to not impact on passenger comfort.

8.3 The Construction and Use Motor Regulations 1986 states that equipment should not obscure the view of the road through the windscreen. Equipment must not obscure or interfere with the operation of any of the vehicle's standard or mandatory equipment, i.e. not mounted on or adjacent to air bags/air curtains or within proximity of other supplementary safety systems which may cause degradation in performance or functionality of such safety systems.

9. IMAGE SECURITY

All Images captured by the CCTV system must remain secure at all times. The captured images must be protected using encryption software which is designed to guard against the compromise of the stored data, for example, in the event of the vehicle or equipment being stolen.

10. CCTV IMAGE RETENTION

The CCTV equipment selected for installation must have the capability of retaining images either within its own hard drive which should be secured and encrypted appropriately. A detachable mass storage device such as a compact flash/ solid state card. For the purposes of storage, users should not download images onto portable media devices such as CDs or memory sticks.

CCTV images must not be kept longer than necessary. Therefore the CCTV footage must include an automatic overwriting function so that images are only retained within the storage system for a fixed amount of time. There is not a defined standard period for the retention of captured images. A recommended maximum period of 31 days from the date of capture would be appropriate.

11. ACCESS AND USE OF INFORMATION RECORDED

11.1 Any captured CCTV images and any audio recording should only be used for the purposes described in this document. Under limited circumstances requests can be made by certain individuals and bodies for access to footage e.g. The Police. The person (s) making the request will need to give full reasons for the request, what legal basis they have for making the request and explain why disclosure is necessary. Furthermore, the Data controller must still comply with the DPA.

11.2 Individuals themselves may request CCTV footage of themselves subject to certain exceptions. They can only see images of themselves and not images of other people. This is known as a Subject Access Request (See Data Protection Act 1998)

12. CLEAR AND PROMINENT SIGNAGE

12.1 Hackney carriages and private hire vehicles with CCTV installed should display clear signage in a prominent position to indicate that CCTV is in operation and this must be visible to passengers both before and when they get in the vehicle. The driver should also verbally bring this to the attention of the passenger(s) that CCTV is in operation when passengers enter the vehicle. If there is an audio capability this should also be clearly displayed and verbally related to the passengers. The signage must also include details of who the CCTC system is owned and operated by.

CONCLUSION

This document does not seek to endorse or recommend any particular CCTV system. The aim is to lay out the minimum criteria that would have to be adhered to for the installation of in car CCTV Systems within licensed hackney carriage and private hire vehicles.

Any decision made to install In-Car CCTV systems **must** satisfy the requirements outlined in this document and the Data Protection Act 1998. The Data Controller i.e., the holder of the hackney carriage or private hire vehicle licence, an operator who is responsible for the vehicle or the driver is the person (s) ultimately responsible if there any breaches of the DPA. (See attached ICO CCTV Code of Practice)

To comply with the requirements of Bradford Council for CCTV- In-Car Installations please state that you have complied with the following requirements? (Please ~~delete~~ Yes/No where applicable)

1. Have you submitted the appropriate notification to the Information Commissioner's Office (ICO)? You **must** register your use of in car CCTV with the ICO and pay £35. **Please note failure to register will result in a fine**

Yes/ No

2. Has the ICO provided you with documentation to evidence your notification as the "data controller" and you are registered to use in car CCTV system?

Yes/ No

3. Do you have documentary evidence regarding contractual arrangements with any data processor or service provider associated with the operation or management of the CCTV system? (Where applicable)

Yes/ No

4. Have you displayed the required signage in a prominent position including with details of who the system is owned and operated by?

Yes/ No

5. Does the CCTV system meet the requirements and installation standards as set out in this document

Yes/ No

If you have answered no to any of the above, you will most likely not be compliant with the requirements of BMDC. Please see a list of key points set out below.

LIST OF KEY POINTS

1. **THE REQUIREMENT TO REGISTER WITH THE INFORMATION COMMISSIONER** (see paragraph 2)
2. **THE DATA CONTROLLER** (see paragraph 3)
3. **THIRD PARTY DATA PROCESSING** (see paragraph 4)
4. **RECORDING OF SOUND** (see paragraph 5)
5. **MANUFACTURING SPECIFICATIONS** (see paragraph 6)
6. **CAMERA INSTALLATIONS** (see paragraph 7)

APPENDIX B

Snap Online Survey/ Consultation - Licensing Conditions

1. Displaying Safeguarding Information to Customers in Licensed Vehicles

Proposal - that a condition be introduced requiring proprietors of licensed vehicles to display approved safeguarding material on the inside of a vehicles rear passenger window (nearside). The condition shall also require operators and drivers to ensure the sticker remains in place.

Question 1	Driver	Operator	Proprietor	Grand Total
I agree with the proposal	25	4	17	46
I disagree with the proposal	26	4	35	65
Undecided	5	1	8	14
Grand Total	56	9	60	125

Overall: 46 Agreed, 65 Disagreed, 14 Undecided

2. Suitability of Employees

Proposal – a condition be introduced requiring operators/proprietors to conduct adequate background checks on non BMDC licensed employees and to also provide training for employees who work within their business. The condition shall also require a work activity record to be maintained showing the hours/shifts such employees work. All such information shall be made available to the Licensing Service on request.

Question 2	Driver	Operator	Proprietor	Grand Total
I agree with the proposal	21	5	21	47
I disagree with the proposal	29	3	36	68
Undecided	7	1	3	11
Grand Total	57	9	60	126

Overall: 47 Agreed, 68 Disagreed, 11 Undecided

3. Employee Charter / Code of Conduct

Proposal - a condition be introduced which requires operators/proprietors to produce an employee charter/code of conduct and to enforce same.

Question 3	Driver	Operator	Proprietor	Grand Total
I agree with the proposal	17	5	12	34
I disagree with the proposal	30	1	39	70
Undecided	10	3	9	22
Grand Total	57	9	60	126

Overall: 34 Agreed, 70 Disagreed, 22 Undecided

4. Fitment of In-Car Closed Circuit TV Systems (CCTV)

Proposal - a Condition be introduced requiring all licensed vehicles be fitted with in-car CCTV in accordance with ICO requirements and BMDC policy.

Question 4	Driver	Operator	Proprietor	Grand Total
I agree with the proposal	28	4	14	46
I disagree with the proposal	26	5	44	75
Undecided	3	0	2	5
Grand Total	57	9	60	126

Overall: 46 Agreed, 75 Disagreed, 5 Undecided

5. Amendment to hackney carriage and private hire licensing policy following Deregulation Act 2015 (2 Proposals)

Proposal 1 – Issue Drivers licences for a one year or three year period

Question 5 (Proposal 1)	Driver	Operator	Proprietor	Grand Total
I agree with the proposal	45	8	48	101
I disagree with the proposal	7	0	9	16
Undecided	5	1	3	9
Grand Total	57	9	60	126

Proposal 2 – Issue Operator’s licences for a one year or five year period

Question 5 (Proposal 2)	Driver	Operator	Proprietor	Grand Total
I agree with the proposal	40	8	36	84
I disagree with the proposal	8	0	10	18
Undecided	9	1	14	24
Grand Total	57	9	60	126

Overall: Proposal 1 = 101 Agreed, 16 Disagreed, 9 Undecided

Overall: Proposal 2 = 84 Agreed, 18 Disagreed, 24 Undecided

6. Vehicle Safety and Maintenance

Proposal 1 – a Condition be introduced requiring the proprietor of a licensed vehicle to provide a certificate of mechanical safety and vehicle maintenance (in accordance with the vehicle’s user handbook) at the scheduled intervals. Also, that the certificates are retained to provide a history of the vehicles safety record.

Question 6 (Proposal 1)	Driver	Operator	Proprietor	Grand Total
I agree with the proposal	15	5	5	25
I disagree with the proposal	37	4	51	92
Undecided	5	0	4	9
Grand Total	57	9	60	126

Proposal 2 – that the proposed fees below be introduced.

Current Fees		Proposed Fees	
Fail (1 to 4 minor faults)	Free	Fail (Max 2 minor faults)	Free
Fail Multiple (5+ minor faults)	£20	Fail Multiple (Max 4 minor faults)	£50
		Fail Multiple (5 minor faults)	£75
Fail Safety Critical (1 x defect)	£20	Fail Safety Critical (1 x defect)	£100
Fail Dangerous (2 x defects)	£100	Fail Dangerous (2 x defects)	£100 + suspension

Question 6 (Proposal 2)	Driver	Operator	Proprietor	Grand Total
I agree with the proposal	9	4	4	17
I disagree with the proposal	41	3	53	97
Undecided	7	2	3	12
Grand Total	57	9	60	126

Overall: Proposal (1) 25 Agreed, 92 Disagreed, 9 Undecided

Overall: Proposal (2) 17 Agreed, 97 Disagreed, 12 Undecided



SAY something if you **SEE** something

Join the fight against child sexual exploitation.
Child sexual exploitation is abuse and a crime

If you see something suspicious, report it to
the Police: **RING 101 or 999 in an emergency**

Let's stop child sexual exploitation now!

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