

Agenda for a meeting of the Regulatory and Appeals Committee to be held on Thursday, 28 September 2017 at 10.00 am in the Banqueting Hall - City Hall, Bradford

Members of the Committee – Councillors

CONSERVATIVE	LABOUR	LIBERAL DEMOCRAT AND INDEPENDENT
Brown Rickard	Warburton Wainwright Amran Watson	Griffiths

Alternates:

CONSERVATIVE	LABOUR	LIBERAL DEMOCRAT AND INDEPENDENT
Ellis Miller	Azam S Hussain Lal Lee	Stelling

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 meeting held on 25 May and 22 June 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. POPLARS PARK ROAD, BRADFORD

Bolton and Undercliffe

The Assistant Director - Planning, Transportation and Highways will present a report (**Document “S”**) in relation to a full planning application for the construction of a residential development of 145 dwellings and associated works on land at Poplars Park Road, Bradford – 17/04666/MAF

Recommended –

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.

(John Eyles – 01274 434380)

7. **ARTHUR STREET, BRADFORD**

Eccleshill

The Assistant Director - Planning, Transportation and Highways will present a report (**Document “T”**) in relation to a full planning application for the construction of a residential development of 41 dwellings (comprising 19 open market and 22 for social rent) including infrastructure, landscape, access and all associated external works on land at Arthur Street, Bradford – 16/08854/MAF.

Recommended –

- (1) That the application be approved for the reasons and subject to the conditions set out in the Assistant Director - Planning, Transportation and Highways’ technical report.**
- (2) That the grant of planning permission be subject also to the completion of a legal planning obligation under Section 106 of the Town and Country Planning Act 1990, or such other lawful mechanism for securing the heads of terms as may be agreed in consultation with the City Solicitor, in respect of:**
 - (i) On-site affordable housing provision of 22 units,**
 - (ii) The payment of a commuted sum of £25,000 to allow compensatory tree planting to be undertaken in the vicinity of the site,**

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)

8. **EXTENSION OF LOCAL DEVELOPMENT ORDER I AND II IN THE CITY CENTRE**

In 2014 the Council adopted two Local Development Orders (LDO) covering parts of the City Centre. These granted specified types of development. The first LDO allowed businesses in selected streets between the Broadway Shopping Centre and City Park to change the use of their premises to any use within Use Classes A1, A2, A3, and A4. The second LDO allowed the creation of nine residential units or fewer in the upper floors of buildings in certain parts of the City Centre.

These LDOs were adopted by the Council on 21 September 2014 for a three year period which expires on 21 September 2017. The Assistant Director - Planning, Transportation and Highways will present a report

(**Document “U”**) that provides an update on the success of these Orders and makes a recommendation to renew the orders for a further three year period.

Recommended –

Following the consultation period it is proposed that both of these Orders be extended for a further period of three years, if no significant responses are made against these Orders and in consultation with the Portfolio Holder and the Chair of Regulatory and Appeals Committee.

(Chris Eaton – 01274 434605)

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 Regulatory and Appeals Committee to be held on 28 September 2017

S

Subject:

Full application for 145 dwellings, land at Poplars Park Road, Bradford.

Summary statement:

The application site is located within the New Bolton Woods Masterplan area where the Council has promoted a residential led mixed-use regeneration project within the Shipley-Canal Road Corridor. This is supported by the emerging Area Action Plan. The first phase of this Masterplan has been delivered with the 50 houses built by Skipton Properties, off Poplars Park Road, to the east of the application site. The proposed development would form the next phase of that development.

The proposed development for 145 dwellings is based on providing a viable scheme. The viability of the development being based on the 145 dwellings being achieved. The proposal is, in part, dependent on funding from the Leeds City Region Enterprise Partnership and without the funding the scheme would not progress. The funding is conditional on the development starting in January 2018.

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

Portfolio:

Regeneration, Planning and Transport

Overview & Scrutiny Area:

Regeneration and Economy

1. SUMMARY

This is a full application for 145 dwellings and associated works.

The principle of residential development on the application site has been agreed, with a previously approved hybrid application for residential development for the area south of Poplars Park Road and a separate hybrid application for residential development including the area north of Poplars Park Road.

The proposed development is dependent on funding from the Leeds City Region Enterprise Partnership. Without this funding, the development would not proceed. In order to meet the funding requirements, the development has to begin in January 2018. In order to deliver a viable scheme, the applicants have advised that it is critical that the number of dwellings proposed is required and this would secure the necessary funding.

There are a number of consultee objections to the application and these are described in the technical report. Whilst the concerns raised have not been fully addressed by the applicants, the application is based upon the delivery of a proscribed number of units that is required to be delivered to secure the Leeds City Region Enterprise Partnership (LEP) funding. Consequently, a number of compromises have been made concerning the housing layout & design and the effect on existing woodlands.

2. BACKGROUND

In 2012, a Masterplan for the Centre Section of the Canal Road Corridor (CRC), New Bolton Woods Masterplan, was reported to Executive. The vision being to promote the long-term regeneration of the CRC Area, which is embedded in strategic policy – the 'Big Plan', the District's Economic Strategy and the emerging Development Plan including the , Shipley- Canal Road Corridor Area Action Plan. The Councils Core Strategy identifies the Shipley and Canal Road Corridor as providing 3200 new homes by 2030. The application site is within a proposed allocation NBW1, where a residential led mixed-use development, within the emerging Shipley Canal Road Corridor AAP is promoted.

3. FINANCIAL & RESOURCE APPRAISAL

There are no direct financial implications for the Council arising from matters associated with the report. This report details matters concerning the Community Infrastructure Levy and how the scheme is linked to an already agreed Regeneration Fund that ring-fences finances to the Canal Road wider masterplan scheme.

4. RISK MANAGEMENT & GOVERNANCE ISSUES

No implications

5. LEGAL APPRAISAL

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

6. OTHER IMPLICATIONS

6.1 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.

6.2 SUSTAINABILITY IMPLICATIONS

It has previously been agreed that this location within the urban area is a good location for houses close to employment, Bradford City centre and public transport connections.

6.3 GREENHOUSE GAS EMISSIONS IMPACTS

All new residential developments generate vehicle movements and resultant emissions. Vehicle charging points are included as a planning condition as an appropriate mitigation measure.

6.4 COMMUNITY SAFETY IMPLICATIONS

There are no community safety implications, other than those raised in the technical report.

6.5 HUMAN RIGHTS ACT

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

6.6 TRADE UNION

None.

7. NOT FOR PUBLICATION DOCUMENTS

None.

8. RECOMMENDATION

The application is recommended for approval subject to the conditions included within the technical report.

9. APPENDICES

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

10. BACKGROUND DOCUMENTS

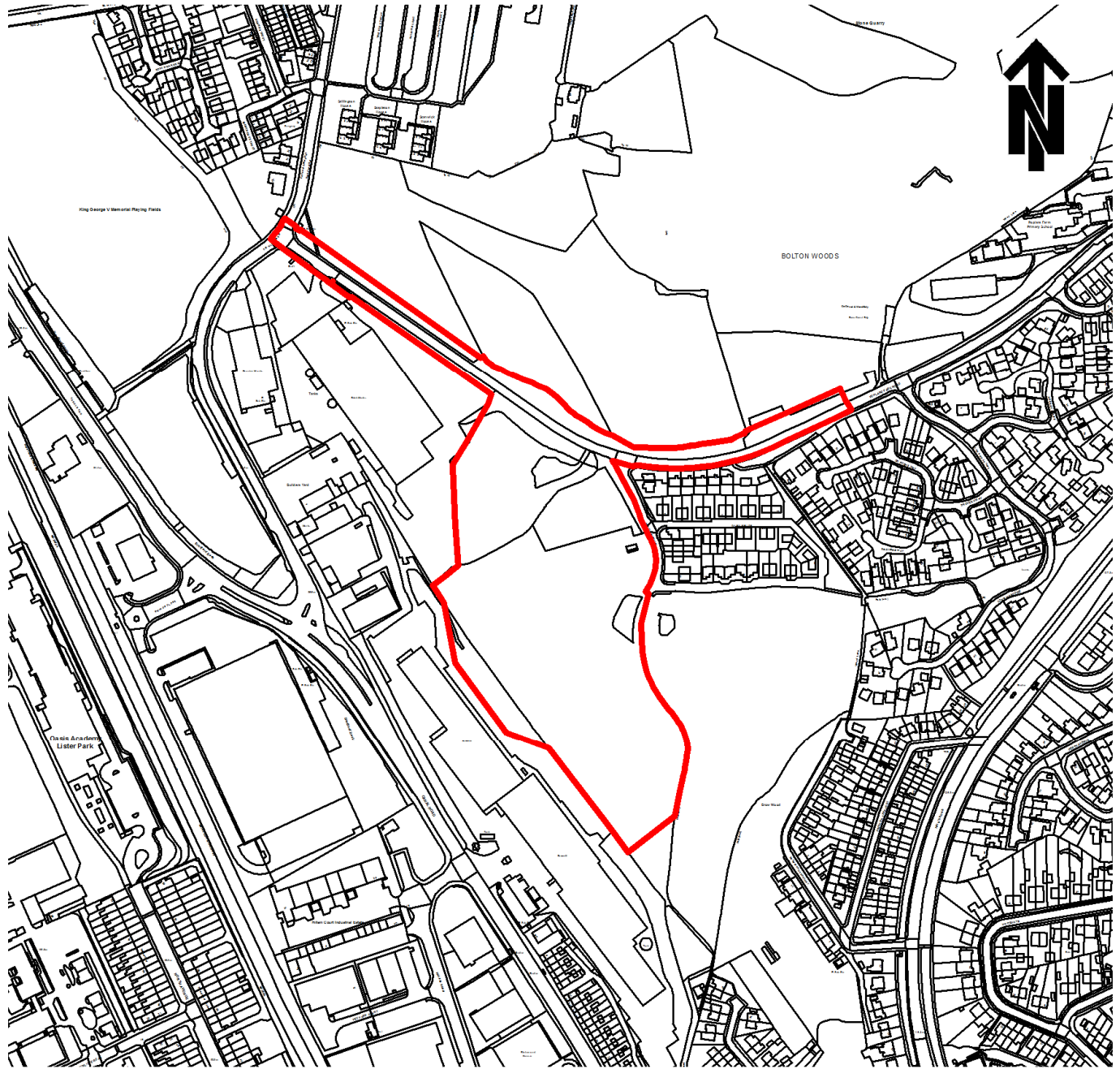
National Planning Policy Framework

Core Strategy

Shipleigh Canal Road Corridor Area Action Plan, subject to modification by the Inspector.

New Bolton Woods Masterplan

17/04666/MAF



1:5,000

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**Land At Poplars Park Road
Bradford
West Yorkshire**

Ward:

Bolton & Undercliffe

Recommendation:

That Members resolve to grant planning permission subject to the conditions included within the technical report.

Application Number:

17/04666/MAF

Type of Application/Proposal and Address:

Construction of 145 dwellings and associated works

Applicant:

Keepmoat & Canal Road Urban Village Limited

Agent:

Pegasus Group

Site Description:

The application site comprises two areas of land - one to the northern side of Poplars Park Road and one to the southern side of Poplars Park Road. To the northern side of Poplars Park Road, the land rises relatively steeply towards Bolton Woods Quarry. The site south of Poplars Park Road slopes down towards Brow Wood and includes a woodland, around what is assumed to be the original Poplars Farm holding. Beyond the woodland, there are areas of open grassland. To the western boundary of the application site, the site slopes down to the west towards a group of large industrial units.

Relevant Site History:

Application 12/03708/MAF was approved for 139 houses, with a further application approving an additional 4 houses. 50 houses were built under the full element of the application, Skipton Properties, with the remaining 93 being approved in outline. It is the 93 that are subject of this planning application, south of Poplars Park Road.

Application 14/04818/MAF was approved in 2015 for a residential led mixed-use scheme including up to a 1000 houses. The indicative layout included a limited number of houses on the northern side of Poplars Park Road. The woodland remained unaffected.

The National Planning Policy Framework (NPPF):

The National Planning Policy Framework is 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.

The Core Strategy

The Core Strategy was adopted in July 2017. The policies in the Core Strategy now take effect in the determination of planning applications.

There are a number of Core Strategy Policies which should be considered as part of the application, some of these policy areas will be covered in detail in other consultation responses to this application:

- P1 Presumption in Favour of Sustainable Development
- SC5 Location of Development
- SC6 Green Infrastructure
- SC9 Making Great Places
- TR1 Travel Reduction and Modal Shift
- TR2 Parking Policy
- TR3 Public Transport, Cycling and Walking
- H05 Density of Housing Schemes
- HO8 Housing Mix
- HO9 Housing Quality
- HO11 Affordable Housing
- EN1 Open Space, Sports and Recreation
- EN2 Bio-diversity and Geo-diversity
- EN4 Landscape
- EN5 Trees and Woodlands
- EN6 Energy
- EN7 Flood Risk
- EN8 Environmental Protection Policy
- DS1 Achieving Good Design
- DS2 Working with the Landscape
- DS3 Urban Character
- DS4 Street and Movement
- DS5 Safe and Inclusive Places
- ID3 Developer Contributions

The Shipley Canal Road Corridor Area Action Plan

(The Council is awaiting modifications following the Inspectors report).

The AAP identifies the site within a proposed allocation for New Bolton Woods, where a comprehensive residential led mixed-use development, including neighbourhood centre, education, employment and open space is proposed.

To deliver a vibrant and sustainable community the development will be expected to: deliver well-designed neighbourhoods and homes, which incorporate a range of house types, sizes and tenures, including a high proportion family sized homes. Higher density housing, including flats and apartments will be supported in accessible locations close to public transport links and the neighbourhood centre; provide

specialist housing for older people, including retirement homes (C2) and custom build/self- build plots within the site, subject to local demand; deliver homes built to high standards of sustainable design and construction. The use of innovative low carbon housing will be supported and encouraged.

Development should provide significant improvements to green infrastructure and will be expected to: support the delivery of the Linear Park and protect and enhance green spaces running alongside the Bradford Beck, between Gaisby Lane and Poplar Road. Proposals should retain a green corridor which safeguards areas of higher flood risk, the Canal Road Greenway and the proposed route for the Bradford Canal; protect and enhance wildlife networks and woodlands around Poplar Park Farm Bradford Wildlife Area (BWA) and on the hillside north of Poplars Park Road and contribute to enhancing the Daleways Link; positively respond to and enhance the setting of Bradford Beck as a key waterway and wildlife corridor; utilise Sustainable Urban Drainage methods which maximise green infrastructure and ecological benefits and provide new water features, where practicable; include adequate provision for the long-term management and maintenance of green spaces, play areas and the Bradford Beck within the development.

Development will be expected to: deliver an exemplar development with high standards of sustainable design; provide enhanced built form and public realm with a strong frontage to Canal Road; demonstrate how the scheme connects to existing communities and relates to future re-development of Bolton Woods Quarry; deliver a coherent, distinctive and attractive series of well- designed neighbourhoods throughout the development, which have a clear character that relates well to the local context.

Publicity and Number of Representations:

Site notices were displayed at and around the application site, a notice placed in the Telegraph and Argus and individual neighbourhood notifications were also carried out, with the statutory period of expiry being 1st September 2017.

There have been 11 objections and a representation from a Ward Councillor.

Summary of Representations Received:

- Object to Poplars Park Road becoming a through way between Kings Road and Stanley Road.
- Concerns on the increased amount of traffic, safety and noise pollution.
- It is likely that this road would be used as a through- road encouraging speeding traffic endangering children.
- There is also a school on this road which already causes congestion for local residents at peak times and access from Kings Road to Stanley Road via Poplars Park Road will compound this problem.
- The two estates should have separate access to ensure there is no additional non-residential traffic. I feel this will remain sympathetic to local residents' requirements and be welcomed by residents of the new estate.
- Poplars Farm Primary School does not have sufficient places despite proposals for expansion. New family dwellings are being created at a faster pace than school places are for local children. As part of the urban village plan we were anticipating a new local primary school to go hand in hand with the new development proposals but have not seen plans of this. I feel that this is an issue that needs to be addressed urgently.

- The existing road is in poor condition additional heavy traffic means this would need to be relaid.
- With the opening of the road, the area will become a rat-run and the level of burglaries will increase.
- The road needs to remain closed as promised. The new development should be sent out via Canal Road - this is a main road with lights, crossings and junctions able to sustain the amount of traffic.
- It poses serious risks as this is a congested area with Poplars Farm Primary School which requires daily traffic management to ensure the safety of young children and the public. The opening of this road to mainstream traffic is ludicrous and we want to put these objections on record as the Council will in no doubt be held accountable if any risk is posed to these children or the wider public in the future.

The Ward Councillor raises a number of issues –

Road Safety.

There is no clear plan on how the traffic will be calmed, would this be speed humps, tables, chicanes or build outs?

The plans do not show a safe place to cross the road.

It does not appear that there are any plans to alter the road past Poplars Farm Primary School. Will the Council be asking for the Developers to make a financial contribution to allow this section of road and the junction with Kings Road to be improved?

Lack of play equipment.

There is open space between houses and the proposed development but there are no play facilities - there are no play facilities on Kings Park. Would like to see a commitment from the developer to provide some play equipment.

Transport.

The plans do not demonstrate how public transport links will be accommodated, there is no provision to link Kings Park with the new Cycle Superhighway.

Hours of working.

Residents have also asked that a condition - work will not start before 08.30, the site does not operate seven days a week and that the developer provide a contact should issues on-site arise.

Consultations:

Highways

The Highways officer originally raised a number of concerns in relation to the layout of this development. The developer has submitted further details to address these concerns. Significant discussion has taken place with the developer's specialist highways consultants and the Council's highways officer and it is understood that the original issues raised have been fully address. As the additional details we submitted shortly before the writing of this report members will be updated orally.

Rights of Way

Bradford North Public Bridleway 165 (Wood Lane) abuts the site/access road, this route was retained as part of the earlier Skipton Properties development and included the provision of two linking paths. These proposals do not appear to adversely affect this public right of way. This route joins the main access through the site and while connectivity through to Stanley Road is welcomed from a pedestrian, cycle and horse-rider point of view I am aware there are concerns of its use as a through route by vehicles. Highways to comment on the vehicular use but we would like to ensure that at a through route is retained for pedestrians, cyclists and horse-riders. Such use connecting Stanley Road and Poplars Park Road helps fulfil a Rights of Way Improvement Request previously received.

Parks & Greenspaces

Parks and Green Spaces Service would have previously requested a commuted sum associated with the planning application for the provision or enhancement of Recreation Open Space and Playing Fields due to the extra demands placed on the locality by this development.

However, due to the implementation of CIL from 1.7.2017 we hereby comment that the development will result in significant impact on the existing public open space due to the provision of 145 residential homes.

If the developer is looking to provide new public open space they will be required to maintain the areas themselves and a full landscape management plan will need to be produced and agreed as part of the planning process. If the developer is looking to the Council to maintain any new areas of public open space prior agreement is required as part of the planning process and a commuted sum will be required to maintain the areas for the next 25 years.

Drainage Team

The use of open surface water attenuation features has been discounted on the basis of topography, in that to create 'level' areas to store water would require unnatural 'dam' like bunding structures.

This reason is accepted in most parts of the site however the lower southern tip of the site is designated as open space and is proposed to include an underground tank. Although the land is sloping it is not as steep as other parts of the site. Owing to this, it would be appropriate for the applicant to prepare a statement to append to the FRA to justify or discount the following points.

1. Catchment 1 as referenced in the flood risk assessment proposes to use a sealed underground attenuation tank to store surplus runoff. Further justification is required in the form of cross sections to show why this area of land could not be used as open surface water attenuation such as a wetland or pond.
2. The ground investigation report suggests the site could support the use of infiltration methods. Justification should be provided to why the storage solution for catchment 1 cannot incorporate infiltration properties.
3. An opportunity exists to open up further parts of the watercourse within the site boundaries to potentially offset the missed ecological benefits of an underground storage system. Justification should be given to why this opportunity has not been explored.

Yorkshire Water

We have agreed in principle diversion works and protective measures for the public sewerage and water supply infrastructure that is laid within the site .

If planning permission is to be granted, conditions should be attached in order to protect the local aquatic environment and YW infrastructure.

West Yorkshire Ecology Service

WYE drew up the ecological elements of the Shipley and Canal Road Corridor Area Action Plan and has reviewed the documents supplied in support of this proposed development. Whilst we recognise that some effort has been made to minimise the loss of some biodiversity features, at present we consider that the proposed development falls short of the objectives set out in that Plan.

Siting the line of houses to the north of Poplars Park Road would result in the loss of approximately 30% of the moderately species rich, semi-natural woodland in this area. This woodland is developing good structure and includes native woodland ground flora, particularly bluebell not found elsewhere within the proposal site. The extent of the damage to this woodland will be more severe because the design for the site will require the slope of the land to be regraded into the woodland. This appears to be a poor choice of design options for this part of the site from a biodiversity perspective.

The older woodland in the centre of the site also suffers from significant tree loss in the proposal, as indicated in the Arboricultural Impact Assessment drawing submitted. This drawing indicates that over 60 trees are to be lost, making up approximately one-third of this central woodland block. Again, this runs contrary to the approved New Bolton Woods Masterplan which protects this part of the woodland in its entirety. We would suggest a similar solution, as that recommended above, is sought here i.e. that the layout is altered to avoid the loss of this part of the woodland. We recognise that there has been some compensation in the form of locally native tree planting which we support, but avoidance of such impacts is preferable to compensation for losses.

We currently do not consider the proposals meet policy SCRC/NBE4 of the Shipley and Canal Road AAP or policy EN2 of the Core Strategy. The objective is to enhance biodiversity. The current proposal is unlikely to even maintain the current level of interest and does not meet policies set out in the submission version of the AAP and it will require significant amendments before it can be determined favourably.

Landscape Design

The approved Masterplan shows the existing trees retained and recognises the importance of the woodlands in this locality.

The proposed site contains many important trees and in particular the large wood that constitutes a significant part of a Bradford Wildlife Site. These trees are also a significant landscape landmark feature along the Canal Road Corridor.

The design layout proposed as part of this development requires the removal of approx. 200 trees, 30 - 40 from the main semi-mature woodland and trees along the southern boundary and north of Poplars Park Road.

These trees are significant and important not only in visual terms but also the green infrastructure and ecology of the Canal Road Corridor.

We cannot recommend this design for approval due to the loss of these trees and in particular those associated with the central area and north of Poplars Park Road.

The layout should be modified to retain as many existing trees as possible. Pockets of proposed public open space north of Poplars Park Road may also be temporary as they may be used as access roads based on the approved Masterplan, so the proposal should clarify which are permanent and which are temporary.

The management of public spaces and any ecological improvements must be submitted and clearly show the objectives of the design and management proposals.

WYCA

The closest bus stop on this corridor 16620 does not have a shelter. As part of this scheme, a bus shelter could be provided at the above named stop at a cost of £10,000 to improve the public transport offer. In addition a Real Time Information display could be provided at bus stop 16621 at a cost to the developer of £10,000.00. In order to access this stop, safe and direct pedestrian links are required.

To encourage the use of sustainable transport as a realistic alternative to the car, the developer needs to fund a package of sustainable travel measures. We recommend that the developer contributes towards sustainable travel incentives to encourage the use of sustainable modes of transport. Leeds City Council has recently introduced a sustainable travel fund. The fund can be used to purchase a range of sustainable travel measures including discounted Metro Cards (Residential Metro Card Scheme) for all or part of the site. This model could be used at this site.

West Yorkshire Police (Architectural Liaison Officer)

Whilst there is no objection in principle to the application, West Yorkshire Polices support for the application is predicated on a number of recommendations – boundary treatments; natural surveillance of parking; shared pathways; public open space; external lighting and garages being conditioned as part of any planning approval.

Children's Services

To create sustainable communities, Bradford Council needs to ensure there is adequate provision and a viable education infrastructure. It has a statutory duty to ensure that there are sufficient Early Years and school places in its area and to promote parental choice, through increasing the diversity of provision.

Based on the data available in July 2017, the proposed housing development may cause concerns on where children of families coming to reside in the development might attend school. Parents usually have an expectation that their children would be able to secure a school place at their local school and minimise the distance they may need to travel.

The following schools are within a reasonable distance of the proposed development:
Primary: Poplars Farm, Grove House, High Craggs, Low Ash, St Francis and Swain House Schools
Secondary: Hanson, Oasis Academy Lister Park, St Bede's & St Joseph's Catholic School.

It may therefore mean that the Council would need to increase the number of school places in this area.

The development is in a nil CIL contribution area.

Summary of Main Issues:

Principle of development
Planning Obligations
Design
Highways & Transportation
Effect on woodlands

Appraisal:

Principle of Development

The northern part of this development comprising of a linear form of houses fronting the exiting hard surfaced highway was included in the previous outline consent. The southern section of this site was not included in the most recent outline consent but was included in an earlier (now expired) outline consent for houses. The site sits within the Canal Road Urban Village Masterplan area promoting housing and the development of the site for housing would fully accord with the emerging Area Action Plan.

It is considered that the development of this site for housing development is fully established.

Planning Obligations

The Council's Community Infrastructure Levy (CIL) was approved on the 18th July 2017. CIL is a tariff system that it replaces parts of the Section 106 system.

CIL is intended to provide infrastructure to support development of an area, rather than making an individual planning application acceptable in planning terms, which is the purpose of the S106 system. The Council has set out a list of those projects or types of infrastructure that it intends to fund through the CIL. This is known as the Regulation 123 List and amongst a number of other things, it includes:

- i) Education, including primary and secondary provision.
- ii) Community sport and recreation facilities.
- iii) Sustainable transport improvement schemes.

However, the application site is within 'Residential - Zone 4' in which the rate is nil. This rate was the result of a modification by the Planning Inspector at the CIL examination, due to viability issues in certain parts of the District. Therefore, there will be no requirement for the applicant/developer to make payment under CIL.

The affordable housing requirement for this area is 15%. The application includes no affordable housing. The case for no provision is based on the earlier arrangement agreed for the New Bolton Woods proposal, whereby, in accepting that a S106 Agreement could not be used as part of the NBW planning approval, a new development agreement would provide the means to deliver planning obligations.

In the case of the hybrid outline/full planning permission which covers the majority of the CRUVL masterplan area (14/04818/MAF) it was agreed that a standardised approach to providing S106 contributions, including affordable housing would be replaced by a separate development agreement tying the development to the previous CRUVL Shareholder agreement to secure where appropriate, requirements for infrastructure usually required by the planning application process. The concept of the CRUVL project is the provision of an 'Overage Fund' which recycles profits made within the greater CRUVL project into further phases and regeneration-based projects; based on clearly defined priorities set out in the Joint Venture Partnership Shareholders Agreement. Traditional infrastructure priorities normally included in the consideration of a planning application were then added by way of a "Supplemental Agreement" completed following grant of planning application 14/04818/MAF.

The Supplemental Agreement has established the following:

- A mechanism to determine a list of 'Agreed Enhancements' in priority order, prepared by the Council and reviewed on a basis to be determined by the Council ,
- The deposit of any overage monies into a 'Enhancement Fund' to be held by CRUVL to fund the delivery of the 'Agreed Enhancements' that may include additional standard S106 type infrastructure,
- CRUVL Shareholders shall use their reasonable endeavours to agree a Phase Development Plan for each phase within the Development. Each Phase Development Plan will identify the Prioritised Objectives for such Phase and include a Cost Plan for such Phase and shall take account of the most up to date list of Agreed Enhancements subject always to the extent of the funds available in the Ring-fenced Account to facilitate delivery of such Agreed Enhancements.

When the Supplemental Agreement detailed above was drafted, the applicants explain that relevant clauses were worded so that they apply to all future planning permissions within the entire CRUVL area (including the land the subject of this planning application) and the applicants therefore maintain that these provisions would apply to the development, the subject of this application. At the time of writing the report, the Council's Legal Services were reviewing the terms of the Supplemental Agreement to determine if the provisions contained within it were sufficient to safeguard infrastructure provision related to this site and the Regeneration Fund, or if a new/revised Development Agreement would necessary. Members will be updated orally concerning this matter.

Members are advised that since the grant of planning application 14/04818/MAF the Council has introduced CIL. CIL will apply to this site regardless of the fact that there is a separate Overage Fund arrangement operated under the CRUVL JV Agreement. However in this case the site falls within the CIL funding zone where the payment figure is £0 /square metre. In such locations it would still be a normal requirement to consider the delivery of affordable housing which is not included under CIL.

It has already been established that the local market area is clearly "challenging" – this is a defined nil CIL area for instance. Also it has been determined that in the early stages (early phases), whilst developer and homeowner confidence is less well established house sales values will be lower. Members are reminded that the concept

of the New Bolton Woods scheme is to build early phases showing a commitment to new housing and providing quality local facilities to demonstrate and improve confidence in the local housing market, as well as establishing local identity and a sense of place, all to produce a more attractive place to live and invest and thereby promote increased future land values. A key strategy of the project is that over time this should allow for land values to rise and accelerated growth of delivery of both housing and commercial activity. In turn this would boost the content of the Overage Fund and allow for the release of pooled monies for items prioritised social infrastructure etc. listed above.

If approved, the development subject of this application would be brought into line with the same "Overage Fund" arrangements (either by the existing Supplemental Agreement previously signed by the relevant parties or by a revised Development Agreement). The CRUVL scheme encourages and predicts opportunities for the delivery of affordable housing in at least some of the planned phases. This could be as a proportion of the houses built on a later set phase or by a whole phase being delivered by a Registered Provider (Social Landlord). Delivery will depend upon on funding and viability and could come from overage fund spend or from Registered Providers bidding for individual phases.

Design

In relation to the issues raised by West Yorkshire Police, a number of conditions would be included to address the concerns raised.

The design and layout of the proposed development is very much dictated to by the relatively steep gradients running across the site and with the need to achieve satisfactory estate road gradients. With this in mind design is considered acceptable

Highways & Transportation

This proposal has been the subject of continued negotiation with the Council's Highways Officer with the objective of securing a satisfactory scheme. As part of the application, a number of traffic-calming measures would be introduced along Poplars Park Road. This is likely to include additional speed humps/tables. These measures would be delivered through a Section 278 agreement, with a condition to ensure the works were carried out before the development was occupied.

It is expected that the barrier currently sited on Poplars Park Road, western end, will be removed, once the proposed residential development is occupied. At present there is no through route between Kings Road and Canal Road. The road was constructed on Council land in the 1990s, although it was neither completed nor adopted. Effectively, Poplars Park Road has been a cul-de-sac with the road serving the housing at Ploughmans Croft -Drovers Way beyond Poplars Farm school and the more recent Skipton Properties development.

The intention being that as housing development was brought forward this traffic route would be opened. The route is shown as a through route in the Masterplan and on the preciously approved outline consent. The removal of the barrier would enable traffic to travel via Stanley Road, between Canal Road to Kings Road, along Poplars Park Road and with good/better connections to local services and the railway station. Whilst residents have benefitted from lower levels of traffic over a number of years, the opening of Poplars Park Road along its full length, was always planned as further housing was developed, as part of the Masterplan for the Bolton Woods area.

Loss of Woodland

There are two areas of woodland within the site. On the northern part of the site (sitting mainly behind the proposed houses fronting Poplars Park Road) there is a triangular shaped area of woodland believed to have been planted around 20 years ago. These trees sit on land rising from the road up to the higher land behind (towards the adjacent quarry site). Some of these trees will be lost as levels are changed to create gardens at the rear of these houses. The remaining trees will however be clearly seen as a visual asset as an attractive backdrop to this linear form of development.

There is another woodland area within the southern part of this site. This is an older area of woodland and was previously linked to the Poplars Park farm which once stood on the site. This woodland is older than the aforementioned woodland but not believed to date back to other older (ancient) woodland areas that exist in the Canal Road area. To accommodate development the lower section of this woodland area would be lost.

In support of their application in relation to the loss of existing trees on the site the applicants make out the following case. Firstly the applicants explain that it is a critical factor that the development achieves a minimum number of residential units to achieve grant funding. Without this funding the scheme is not viable.

The developers also draw attention to the total number of new trees that will be planted within the scheme including a number of trees in highway verges and garden areas. The applicant proposes to mitigate the loss of trees to the woodland areas by planting over 250 new heavy/extra heavy standard and feathered trees, along with hedge planting.

On the basis of this it is considered that the loss of the woodland planting is justified.

Impact on residential amenity

There are a number of houses to the east of the application site including the recently built Skipton Homes development and beyond that Drovers Way/Long Meadows. These properties are some distance from the proposed development. A condition will be used to control the hours of construction work on the application site.

Sustainability

This report already details the sustainability benefits of this development. The scheme forms the next phase of a planned regeneration project to deliver new homes and related facilities close to the city centre and transport hubs. There is already consent for a new foodstore within the masterplan site which would be around ½ a mile away once Poplars Park Road is opened up. The greater master plan consent also includes the provision of a "Greenway" which would run through the site and which will connect to the Bradford city centre to Shipley town centre pedestrian and cycle route.

Reason for Granting Approval:

the proposed development meeting the requirements of Core Strategy policies P1, SC5, SC6, SC9, HO5, HO8, HO9, HO11, EN1, EN2, EN4, EN5, EN6, EN7, EN8, DS2, DS3, DS4, DS5 and ID3 the application is supported.

Conditions:

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

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

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

Reason: To ensure the use of appropriate materials in the interests of visual amenity and to accord with Policies SC9 of the Core Strategy.

3. The approved development shall not begin until a plan showing the positions, design and materials of boundary treatments (including any retaining wall structures to gardens) has been submitted to and approved in writing by the Local Planning Authority. The treatments so approved shall then be provided in full prior to the first occupation of the development and shall thereafter be retained.

Reason: In the interests of amenity and privacy and to accord with Policy DS1 of the Core Strategy.

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

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

Reason: To ensure trees are protected during the construction period and in the interests of visual amenity. To safeguard the visual amenity provided by the trees and to accord with Policies EN5 of the Core Strategy.

5. The development shall not be begun nor any works carried out on the development site until a detailed tree planting scheme has been submitted to and approved in writing by the Local Planning Authority.

In the first planting season following the completion of the development or as otherwise specified by the Local Planning Authority the trees shall be planted in accordance with the approved tree planting scheme.

Any trees becoming diseased or dying within the first 5 years after the completion of planting shall be removed immediately after the disease/death and a replacement tree of the same species/specification shall be planted in the same position no later than the end of the first available planting season following the disease/death of the original tree.

No other tree shall be removed from the site except with the written consent of the Local Planning Authority. Any replacement tree or trees specified in such written consent shall be planted as soon as reasonably practicable and in any event during the first available planting season following such removal.

Reason: For the maintenance of tree cover and in the interests of visual amenity and to accord Policies DS2 of the Core Strategy.

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

Reason: In the interest of satisfactory and sustainable drainage.

7. No development shall take place until details of the proposed means of disposal of surface water drainage, including details of any balancing works and off-site works, have been submitted to and approved by the Local Planning Authority. The discharge rate to public sewer from the whole site shall not exceed 5 litres a second. Furthermore, unless otherwise approved in writing by the Local Planning Authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works.

Reason: To ensure that no surface water discharges take place until proper provision has been made for its disposal.

8. No construction in the relevant area(s) of the site shall commence until the 875mm public combined sewer and the 300mm foul water sewer have been diverted in accordance with the details shown on submitted drawing 4644-C-D1-01 (revision 0) dated 15/08/2017. Furthermore, unless otherwise agreed in writing by the Local Planning Authority, no trees or other obstructions shall be planted within 5 metres either side of the re-laid sewers i.e. a protected strip width of 10 metres.

Reason: In order to protect the public sewerage and allow sufficient access for maintenance and repair work at all times.

9. Raising and/or lowering of ground levels over the public sewerage and public water supply networks that are laid within the site shall only be permitted subject to full implementation of protection measures, to include the means of ensuring access to manholes, valves etc. full details of which shall have been submitted to and approved in writing by the Local Planning Authority before development begins. Furthermore, unless otherwise agreed in writing by the Local Planning Authority, no trees or other obstructions shall be planted within a maximum stand-off distance of 5 metres either side of the infrastructure.

Reason: In order to protect public health and the water supply and sewerage infrastructure.

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

remediation implemented in accordance with a scheme also agreed in writing by the Local Planning Authority.

Reason: To ensure that the site is remediated appropriately for its intended use and to comply with policy SC9 of Core Strategy.

11.A methodology for quality control of any material brought to the site for use in filling, level raising, landscaping and garden soils shall be submitted to, and approved in writing by the Local Planning Authority prior to materials being brought to site.

Reason: To ensure that all materials brought to the site are acceptable, to ensure that contamination/pollution is not brought into the development site and to comply with policy SC9 of the Core Strategy.

12. From the date of first occupation each property within the application site with dedicated parking shall be provided with access to a fully operational 3-pin socket on a dedicated circuit, capable of providing a 'trickle' charge to an electric vehicle. Every other property (without dedicated parking) shall be provided with access to a communal EV charging point at a rate of 1 per 10 properties. Charging points should be provided via outdoor, weatherproof sockets within easy access of the parking areas or within garage space. All EV charging points shall be clearly marked with their purpose and drawn to the attention of new residents in their new home welcome pack/travel planning advice.

Reason: To facilitate the uptake and use 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 the National Planning Policy Framework (NPPF).

13. A low emission travel plan shall be submitted prior to first occupation of the approved development setting out how the applicant/developer intends to reduce car trips to and from the site. It should include information on how the use of low emission vehicles will be promoted, including information on provision of EV charging at the site and wider promotional activities to encourage their use.

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

14 .Prior to commencement of the development a Construction Emission Management Plan (CEMP) for minimising the emission of dust and other emissions to air during the site preparation and construction shall be submitted to and approved in writing by the Local Planning Authority. The CEMP must be prepared with due regard to the guidance set out in the IAQM Guidance on the assessment of dust from demolition and construction and include a site specific dust risk assessment. All works on site shall be undertaken in accordance with the approved CEMP unless otherwise agreed in writing by the Local Planning Authority.

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

15. 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 to accord with Policy SC9 of the Core Strategy.

16. Prior to the commencement of development a scheme of further intrusive site investigations shall be submitted to and approved in writing by the LPA. Those site investigations to be carried out and a report of the findings of the site investigations shall also be submitted to the LPA. In the event of any remedial works being required those works shall be carried out following agreement with the LPA.

Reason: To establish the situation regarding coal mining legacy.

17. No development shall take place until details of earthworks have been submitted to and approved in writing by the Local Planning Authority. These details shall include the proposed grading and mounding of land areas including the levels and contours to be formed, showing their relationship to existing vegetation and surrounding landform. The earthworks and timescale shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory landform in the interests of visual amenity and to accord with Policy DS2 of the Core Strategy.

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

Reason: To ensure that the site is remediated appropriately for its intended use and to comply with policy SC9 of the Core Strategy.

19. Unless otherwise agreed in writing with the Local Planning Authority, a remediation verification report, including where necessary quality control of imported soil materials and clean cover systems, prepared in accordance with the approved remediation strategy shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of each phase of the development (if phased) or prior to the completion of the development.

Reason: To ensure that the site is remediated appropriately for its intended use and to comply with policy SC9 of the Core Strategy.

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Report of the Assistant Director (Planning, Transportation & Highways) to the meeting of Regulatory and Appeals Committee to be held on 28th September 2017

T

Subject:

This is a full application for the construction of a residential development scheme including infrastructure, landscape, access and all associated external works on land at Arthur Street, Bradford.

Summary statement:

The proposal relates to the construction of a residential scheme of 41 dwellings comprising 19 open market dwellings and 22 socially rented. There is a mix of house sizes proposed including 12x2 bed, 10x3 bed and 19x4+bed. Access to the site will be taken directly from Arthur Street.

The layout of the development is such that it will not have a significantly detrimental impact on the residential amenities of the occupiers of the adjacent dwellings to the east, south and west whilst the design of the dwellings is considered to be in keeping with the overall character of the area. The access to the site will be taken from Arthur Street and the Highways Authority have not raised any objection to this subject to the carrying out of some off-site highway works to improve Arthur Street. The proposal will result in the loss of a number of trees that are protected through a Tree Preservation Order. The Applicant has offered a compensatory payment of £25,000 to allow replanting to take place within the Ward. This figure has been supported by a Financial Viability Appraisal as it is below the figure requested by the Tree Officer (£48,540). The Appraisal has been assessed by the Council and the offer has been considered to be acceptable.

Through the attachment of the proposed conditions and a Section 106 Legal Agreement to secure the affordable housing and compensatory payment for the loss of the trees it is considered that the proposal is acceptable.

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

Portfolio:
Regeneration, Planning and Transport

Overview & Scrutiny Area:
Regeneration and Economy

1. SUMMARY

This is a full application for the construction of a residential development scheme including infrastructure, landscape, access and all associated external works on land at Arthur Street, Bradford.

2. BACKGROUND

There is no relevant background to this application.

3. OTHER CONSIDERATIONS

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

4. OPTIONS

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

5. FINANCIAL & RESOURCE APPRAISAL

There are no financial implications associated with this proposal.

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 is prohibited by the Act, advancing equality of opportunity between people who share a protected characteristic and people who do not share it, and fostering good relations between people who share a protected characteristic and people who do not share it. For this purpose section 149 defines "relevant protected characteristics" as including a range of characteristics including disability, race and religion. In this particular case due regard has been paid to the section 149 duty but it is not considered there are any issues in this regard relevant to this application.

8.2 SUSTAINABILITY IMPLICATIONS

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

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

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

8.4 COMMUNITY SAFETY IMPLICATIONS

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

8.5 HUMAN RIGHTS ACT

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

8.6 TRADE UNION

None.

8.7 WARD IMPLICATIONS

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

9. NOT FOR PUBLICATION DOCUMENTS

None.

10. RECOMMENDATIONS

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

11. APPENDICES

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

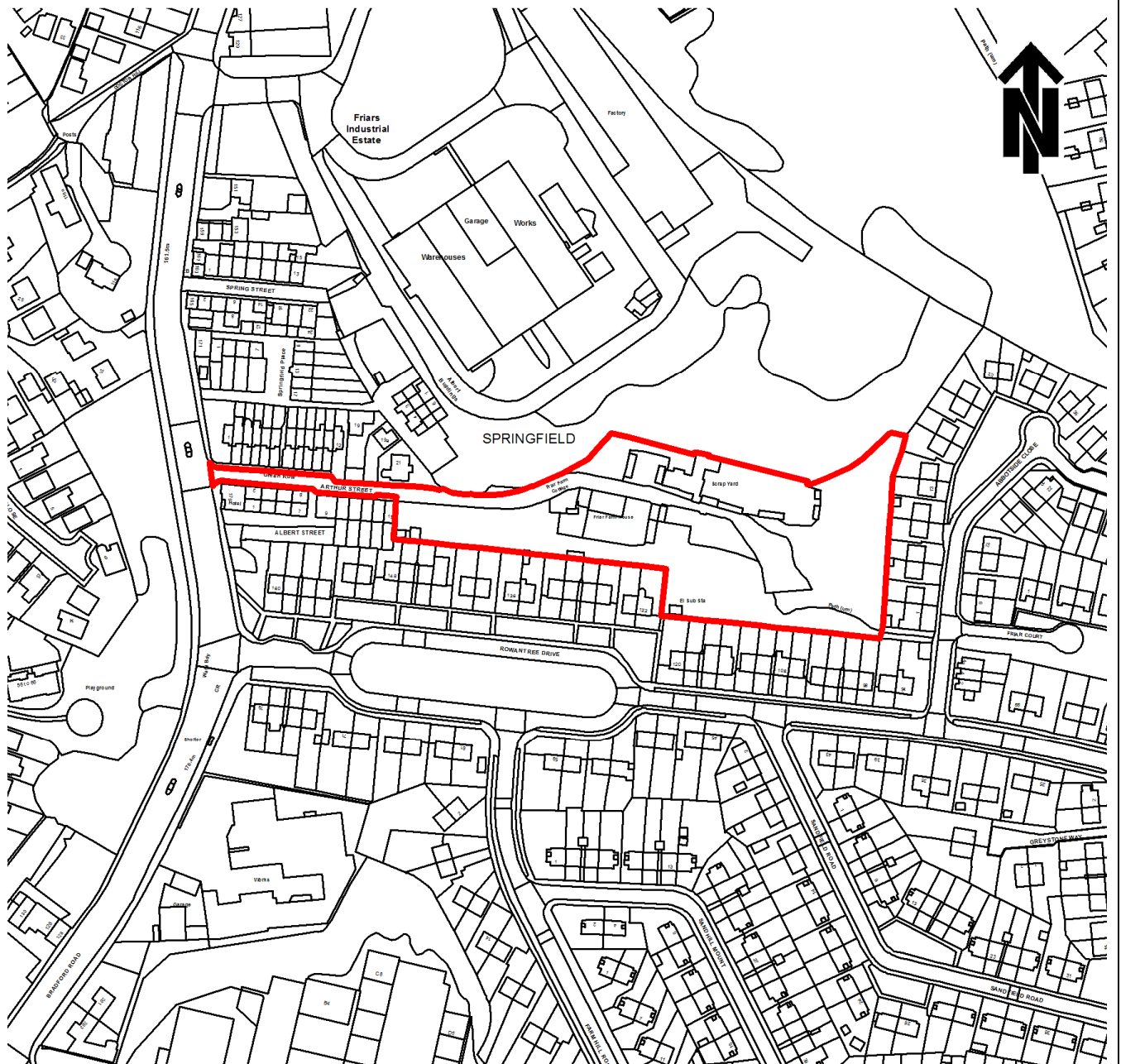
12. BACKGROUND DOCUMENTS

National Planning Policy Framework
The Replacement Unitary Development Plan
Local Plan for Bradford
Planning application: 17/04224/MAF

17/04224/MAF



City of
BRADFORD
METROPOLITAN DISTRICT COUNCIL



1:2,500

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**Land at Arthur Street
Bradford
BD10 8SL**

Appendix 1

28 September 2017

Ward: Eccleshill

Recommendation:

GRANT PLANNING PERMISSION SUBJECT TO A SECTION 106 LEGAL AGREEMENT TO SECURE THE PROVISION OF THE AFFORDABLE HOUSING UNITS AND THE COMMUTED SUM TO COMPENSATE FOR THE LOSS OF THE TREES ON SITE

Application Number:

17/04224/MAF

Type of Application/Proposal and Address:

This is a full application for the construction of a residential development scheme including infrastructure, landscape, access and all associated external works on land at Arthur Street, Bradford.

Applicant:

Mr Darren Ingham (Solo Developments and Construction Ltd and Incommunities)

Agent:

Mr Kevin Twigger (KRT Associates Limited)

Site Description:

The site is located at the eastern end of Arthur Street and is currently occupied by a number of commercial/industrial units used as auto spares and repairs together with outdoor storage areas. To the east (Abbotside Close), south (Rowantree Drive) and west (Arthur Street) is residential development whilst to the north is a large commercial/industrial unit. A large copse of trees is located along the northern boundary separating the two sites. Within the site itself are a number of trees that are protected by a Tree Preservation Order.

Relevant Site History:

Planning permission was refused on the 27th July 2017 under reference 16/08854/MAF for the construction of a residential development scheme including infrastructure, landscape, access and all associated external works for the following reasons:

1. The proposed development, by reason of the restricted width of the entrance to the site from Arthur Street, would give rise to serious highway safety implications being detrimental to the free flow of traffic and pedestrian safety and would therefore be contrary to policies UR3, D1 and TM19A of the Replacement Unitary Development Plan.
2. The proposed development would create increased pressure on the existing education and recreation infrastructure and no mitigation measures have been offered. The proposal is therefore contrary to policies CF2 and OS5 of the Replacement Unitary Development Plan.
3. The proposed development would lead to the loss of a significant number of protected trees without adequate compensatory provision to the detriment of visual

amenity and would therefore be contrary to policies NE4 and NE5 of the Replacement Unitary Development Plan.

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.

The Local Plan for Bradford:

The Core Strategy for Bradford was adopted on 18 July 2017 though some of the policies contained within the preceding Replacement Unitary Development Plan (RUDP), saved for the purposes of formulating the Local Plan for Bradford, remain applicable until adoption of Allocations and Area Action Plan development plan documents. The site is not allocated for any specific land-use in the RUDP. Accordingly, the following adopted saved RUDP and Core Strategy policies are applicable to this proposal.

Replacement Unitary Development Plan Policies:

N/A

Core Strategy Policies:

P1 Presumption in Favour of Sustainable Development
SC1 Overall Approach and Key Spatial Priorities
SC4 Hierarchy of Settlements
SC9 Making Great Places
EC4 Sustainable Economic Growth
TR1 Travel Reduction and Modal Shift
TR2 Parking Policy
TR3 Public Transport, Cycling and Walking
HO5 Density of Housing Schemes
HO6 Maximising the Use of Previously Developed Land
HO8 Housing Mix
HO9 Housing Quality
HO11 Affordable Housing
EN2 Biodiversity and Geodiversity
EN5 Trees and Woodland
EN7 Flood Risk
EN8 Environmental Protection

EN12 Minerals Safeguarding
DS1 Achieving Good Design
DS2 Working with the Landscape
DS3 Urban Character
DS4 Streets and Movement
DS5 Safe and Inclusive Places
ID2 Viability
ID3 Developer Contributions

Parish Council:

Not applicable in this instance.

Publicity and Number of Representations:

The application was publicised by press notice, site notice and neighbour notification letters. The expiry date for the publicity exercise was the 18th August 2017.

As a result of the publicity exercise 19 representations have been received objecting to the proposal.

Summary of Representations Received:

Principle:

- The site represents one of the few remaining open spaces in the Thorpe Edge area and supports urban fox, bats and an owl population
- At least two established business undertakings will have to close with the potential loss of much needed local employment

Highways:

- The application only looks at the site itself and not the surrounding area such as the existing roadway of Arthur Street or its junction with Bradford Road
- The danger of additional traffic along Arthur Street and its almost blind junction with Bradford Road have been totally ignored
- Arthur Street is a narrow roadway, with parked vehicles from the terraced houses to its south making it effectively a single track road, the prospect of having a further 41 properties with the associated cars and daily traffic movements up and down it look almost impossible, and certainly a major problem for the existing users of Arthur Street both vehicular and pedestrian
- There are some properties on Albert Street that do not benefit from off-street car parking and the increase in traffic
- Why has no one from the council noted that there is no parking on Albert Street
- My house was sold to me WITH on street parking 10 years ago
- Arthur Street cannot cope with another 60+ cars coming onto or off of the street it is a blind corner

Trees:

- Will any of the funding secured for the replacement trees be used in the area or will it disappear into the Council coffers?
- What will happen to the retained trees that are affected by the development?

Infrastructure:

- There is nothing submitted that will change the Committees decision in that the development will still cause increased pressure on the education and recreation infrastructure
- Where are the new school places, additional capacity at places such as local Doctors etc, coming from? There is no infrastructure to accommodate further development
- The recent development of 28 properties on Abbotside Close for another social housing landlord has brought with it a change to the area - traffic being driven at ridiculous speed, drug deals being carried out in the open street, caravans being burnt out then scrapped on the driveways of the new properties, furniture and other no longer required household items simply being dumped over fences and left to rot and this brings blight to the area and neighbouring properties

Residential amenity:

- Over the last 4 years there have been 4 major housing developments within 500 metres of the site and existing residents of the area have endured almost non-stop construction traffic, noise, inconvenience and the dust and dirt arising from construction
- Impact on the residential amenity of neighbouring properties through overlooking and possibly through different finished land levels

Others:

- The bat survey was not undertaken during the dusk hours when we regularly see bats flying in our garden, which is on the eastern boundary with the bats coming from the area of the development
- The creation of your "emergency link" with "removable bollards" will only add to the problem of the use of unlicensed and unregistered motorcycles by providing a short cut through to Bradford Road
- The boundary plan makes detailed reference to the internal types of wall and fences to be used and that on the northern edge of the site, but makes no reference to what is proposed for the Eastern and Southern boundaries where the site comes up against existing residential properties
- The residents feelings and considerations of Arthur Street have not been taken in to consideration and no reasonable resolution has been proposed

Consultations:

Rights Of Way – No objection in principle to the development but state that Bradford North Public Footpath 351 crosses the site and a link should be provided along the drive of plots 21-24 and the continuation of the path to its junction with Abbotside Close should also be improved as required. The alignment of the proposed estate road differs to the current line of the un-adopted road (that part of Arthur Street) and its junction with the public footpath. Therefore a diversion/closure order will need to be completed before any works can be carried out.

Highways DC (Non-transport Assessment) – No objection subject to the imposition of appropriate conditions and the Developer entering into a Section 278 Agreement to secure the off-site highway works required to make the development acceptable

West Yorkshire Combined Authority (Highways) – No objection to the principle of the development but seek the payment of a commuted sum of £9,331.85p to be used towards the provision of a Residential MetroCard Scheme

Environmental Health Land Contamination – No objection subject to the imposition of appropriate conditions relating to the remediation of the site, discovery of unexpected contamination, and, materials importation

Minerals Section – No objection to the principle of development in relation to the impact on minerals however concern is raised in relation to the loss of the existing scrap yard use on the site in that existing waste management facilities are safeguarded through policy WDM3 of the emerging Waste Development Plan Document

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

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

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

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

Trees Section – No further comments to those raised as part of application 16/08854/MAF in that a contribution of £48,540 would be requested in lieu of the trees to be lost to enable replanting to take place

Development and Enabling – No objection to the principle of the development. There is a requirement for 2 & 3 bedroom houses in the area and this should be provided via an agreement with a housing association that has the capacity to manage the tenancies created at these properties

Education (Client Team) – The development may cause concerns as to where children of the families occupying the site might attend school in that local schools are operating at near capacity

Sport & Leisure – The proposal will result in increased pressure on the existing recreational facilities. If open spaces are to be provided on site the developer must maintain them themselves or alternatively pay a commuted sum to the Council for a period of 25 years for the Council to maintain them

Economic Development Unit – No objection in relation to the viability of the scheme and concurs with the findings of the submitted appraisal

Summary of Main Issues:

1. Principle of development
2. Visual amenity
3. Residential amenity
4. Highway safety
5. Drainage

6. Trees
7. Secured by design
8. Contaminated land
9. Biodiversity issues
10. Community Infrastructure Levy
11. Other issues

Appraisal:

The proposal relates to the construction of a residential scheme of 41 dwellings comprising 19 open market dwellings and 22 socially rented. There is a mix of house sizes proposed including 12x2 bed, 10x3 bed and 19x4+bed. Access to the site will be taken directly from Arthur Street.

1. Principle of development

Paragraph 47 of the National Planning Policy Framework stresses the need for Local Planning Authorities to significantly boost the supply of new housing. In order to achieve this goal the National Planning Policy Framework requires Local Planning Authorities to identify a 5 year supply of deliverable housing sites judged against their housing requirement. The emerging Local Plan underscores this strong planning policy support for the delivery of new housing, emphasising that one of the key issues for the future Development of The District is the need to house Bradford's growing population by delivering 42,100 new residential units by 2030.

The National Planning Policy Framework sets out more specifically how planning authorities should shape the pattern of development within their Districts to promote sustainable development through the Core Planning Principles set out at paragraph 17. Included in the core planning principles of the National Planning Policy Framework is the objective of actively managing patterns of growth to make the fullest possible use of public transport, walking and cycling, and focusing significant development in locations which are or can be made sustainable. Paragraph 34 of the National Planning Policy Framework clarifies that decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. Paragraph 38 further specifies that, where practical, particularly within large-scale developments, key facilities such as primary schools and local shops should be located within walking distance of most properties.

The Framework also states in paragraph 111 that the planning system should encourage the effective use of land by reusing land that has been previously developed (brownfield land) provided that it is not of high environmental value. It goes on to state that Local Planning Authorities may make allowance for windfall sites in the five-year supply if there is evidence that such sites have consistently become available in the local area and will continue to provide a reliable source of supply.

The site is unallocated within the Replacement Unitary Development Plan and is currently occupied by a number of single storey industrial buildings used as a garage and scrap yard. Policy EC4 of the Core Strategy seeks to support economic and employment growth and in order to do this will, amongst other things, refuse planning permission for alternative development of land and buildings currently in use for business or industrial purposes within urban area unless it can be demonstrated that

the site is no longer suitable for such a use in relation to issues such as location, accessibility, and, adjacent land uses.

The site is bounded to the east, south and west by existing residential development and whilst there are a number of trees along the joint boundaries it is not considered that the site is a suitable location for the existing use. Access is relatively poor for the types of vehicles that will visit the site and they will use Arthur Street as the sole access which does not benefit from off-street parking to serve all the dwellings. It also has the potential to cause nuisance to the neighbouring residential dwellings. As such the loss of the use on the site would not be contrary to the terms of policy EC4.

One of the aims of the Core Strategy is to achieve sustainable housing growth and to achieve this, the following principles apply:

- Distribute housing growth in a way which reflects accessibility to jobs and services and supports the role of Bradford as a Regional City
- Prioritising, wherever possible, the use and recycling of previously developed land and buildings
- Making most efficient use of land recognising that it is a scarce resource and thus setting challenging but achievable density targets for developers to achieve
- Ensure that development provides an appropriate mix of housing to fulfil the needs and aspirations of the Districts current and future populations
- Ensure that housing development meets high standards of construction and design
- Making adequate provision for affordable housing and ensuring that the housing is of the size, type and tenure to address the most pressing needs of those who cannot access market housing

Policy HO5 of the Core Strategy states that states that in order to meet both the objectives of delivering housing growth and managing that growth in a sustainable way developers will be expected to make the best and most efficient use of land. Densities should normally achieve at least a minimum density of 30 dwellings per hectare although higher densities would be possible in areas well served by public transport.

Policy HO6 of the Core Strategy states that in order to meet both the objectives of delivering housing growth and managing that growth in a sustainable way the Council will give priority to the development of previously developed land and buildings. It also states that District wide there should be a minimum of 50% of total new housing development over the Local Plan period will be on previously developed land.

Policy HO8 of the Core Strategy states that the Council will ensure that a mix and balance of housing is provided to meet the needs of the District's growing and diverse population. All large sites will be expected to incorporate a mix of housing types, sizes, prices and tenures and the mix should be based on both market demand and evidence of local need within the District's SHMA.

Due to the site currently being occupied by existing buildings and associated external areas it does constitute previously developed land and the re-use of such sites for residential development is encouraged. The site is located within the urban area of Bradford and is in reasonably close proximity to a number of facilities and services including shops, schools, employment and recreational spaces.

The proposed scheme does incorporate a mix of dwelling sizes including 12x2 bed, 10x3 bed and 19x4+bed as well as a mix of tenure including both open market dwellings and socially rented.

The site measures 0.98 hectares and proposes up to 41 dwellings. This equates to a density of 42 dwellings per hectare which is considered to be acceptable in terms of making the most efficient use of the site.

The current use of part the site is a scrap yard and policy WDM3 of the emerging Waste Development Plan Document, in relation to safeguarding existing waste management facilities, states that the Council will resist the loss of existing facilities through redevelopment or change of use for any other purposes other than waste management, unless the applicant can demonstrate any of the particular circumstances exist:

a) There is no longer any identified need for the facility or site across any form of waste arising in the District and sub-region, and such a facility could be accommodated elsewhere; or

b) the facility or site does not accord with Bradford's core waste policies or cannot contribute to the waste hierarchy's objectives; or

c) the use of the facility or site for waste management activities are proved to be obsolete or economically unviable and market testing effectively demonstrates that other waste operators would not bring the site facility or site into use there is no realistic prospect of the site being used for waste management purposes; or

d) an alternative, suitable waste facility site is identified elsewhere in the District enabling a site swap that is capable of satisfying the site location criteria for the waste management facility.

The Waste Development Plan Document does carry substantial weight in that it has been through examination in public and the Planning Inspector has submitted a report which found it to be sound subject to certain main modifications.

Only a small section of the site is used as a scrap yard with the remainder of the site used as a parking area, storage, open areas and the tree copses. Whilst the policy does carry some relevance to the site it is considered that the scrap yard is small in nature and does not play a significant role in the waste management activities within the District. Its location adjacent to residential development, access along Arthur Street and the unrestricted hours of use do make it a nuisance neighbour to the surrounding residential properties.

Overall therefore it is considered that the development of the application site with a residential development scheme accords with the principles of sustainable development articulated through the National Planning Policy Framework and the policies contained within the Core Strategy and that the amount of development proposed would make an efficient use of the land without compromising design imperatives. The principle of residential development is considered acceptable subject to the detailed consideration in the following sections of this report.

2. Visual amenity

Policy DS1 of the Core Strategy states that planning decisions should contribute to achieving good design and high quality places through, amongst other things, taking a holistic, collaborative approach to design putting the quality of the place first, and, taking a comprehensive approach to redevelopment in order to avoid piecemeal development which would compromise wider opportunities and the proper planning of the area.

Policy DS2 of the Core Strategy states that development proposals should take advantage of existing features, integrate development into wider landscape and create new quality spaces. Wherever possible designs should, amongst other things, retain existing landscape and ecological features and integrate them within developments as positive assets, work with the landscape to reduce the environmental impact of the development, and, ensure that new landscape features and open spaces have a clear function, are visually attractive and fit for purpose, and have appropriate management and maintenance arrangements in place.

Policy HO9 of the Core Strategy states that new housing should be of high quality and achieve good design, should be accessible and easily adaptable to support the changing needs of families and individuals over their lifetime and provide private outdoor space for homes.

The National Planning Policy Framework 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.

The site is located in an area where there are existing residential properties to the east, south, and, west. These dwellings a mix of design and materials and include 2 storey semi-detached and terraced dwellings (of brick, render and concrete tile construction) as well as a row of traditional stone built terraced dwellings running along the southern edge of Arthur Street.

The layout of the proposed development comprises a mix of semi-detached dwellings and terraces of 3 dwellings. The dwellings will be either 2 or 2½ storeys in height. It is proposed to construct the dwellings using buff brickwork or reconstituted stone on the elevations and concrete grey tiles on the roofs. It is considered that the designs of the dwellings and the use of materials will not be visually detrimental to the character and appearance of the locality.

3. Residential amenity

Policy DS5 of the Core Strategy states that development proposals should make a positive contribution to people's lives through high quality, inclusive design by, amongst other things, not harming the amenity of existing or prospective users and residents.

The site is bounded to the east (Abbotside Close), south (Rowantree Drive) and west (Arthur Street) by existing residential development and it is important therefore to assess the impact the proposal will have on the residential amenities of the occupiers of this dwellings.

To the north of the site are commercial/industrial premises.

The first relationship to consider is that with the dwellings to the west that front onto Arthur Street. Two aspects that need to be considered are firstly the impact of the proposed dwellings on the residential amenities of the occupiers of the existing dwellings and secondly the increase in traffic along Arthur Street. The relationship of the existing to proposed dwellings is that of gable end (19 Arthur Street) to rear elevations (Plots 1 & 2) and has a separation distance of 16 metres which is in excess of the policy requirement and as such it is considered that the relationship is acceptable.

The impact of the traffic along Arthur Street also needs to be considered. At present there are a number of commercial/industrial buildings occupying the application site and they will generate a number of vehicular movements throughout the day. The type of traffic using Arthur Street will change from commercial/industrial to residential and will be concentrated at different times of the day. The proposed development will introduce significant vehicular movements to and from the site from those associated with the existing use and therefore it is not considered that it will impact on the residential amenities of the occupiers of the existing dwellings.

The second relationship to consider is that with the dwellings to the south on Rowantree Drive. The relationships comprise both front/rear elevation to gable end, for example, 142 Rowantree Drive to plot 2, and rear elevation to rear elevation, for example 124 Rowantree Drive to plot 10. The separation distances range between 6-14 metres (rear elevation to gable end) and 18-28 metres (rear elevation to rear elevation). These separation distances are considered acceptable and will not impact on the residential amenities of the occupiers of the existing or proposed dwellings.

The third and final relationship is with the dwellings to the east along Abbotside Close where the relationships are again rear elevation to gable end, for example 3 Abbotside Close to plot 24, and rear elevation to rear elevation, for example 7 & 9 Abbotside Close to plots 25-27. The separation distances are 11 metres and 20 metres respectively which comply with policy guidance and therefore will not result in the residential amenities of the occupiers of the existing dwellings being adversely affected.

With regard to the north of the site there is a commercial/industrial use which is separated from the site by a substantial tree buffer which will protect the residential amenities of the future occupiers of the site.

Within the site the separation distances generally comply with the policy requirements. Where there is a shortfall it is where the dwellings front directly onto the road and any

future occupiers of the dwellings will be aware of the relationships prior to moving into the dwellings.

Overall it is not considered that the proposed layout of the development will have a significantly detrimental impact on the residential amenities of either the existing or proposed dwellings.

4. Highway safety

Policy TR1 of the Core Strategy seeks to reduce the demand for travel, encourage and facilitate the use of sustainable travel modes, limit traffic growth, reduce congestion and improve journey time reliability whilst policy TR2 seeks to manage car parking to help manage travel demand, support the use of sustainable travel modes, meet the needs of disabled and other groups whilst improving quality of place.

Paragraph 32 of the National Planning Policy Framework indicates that all developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Plans and decisions should take account of whether:

- the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;
- safe and suitable access to the site can be achieved for all people; and
- improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

The site is located off the eastern end of Arthur Street. The street currently serves a number of residential dwellings together with the existing uses on the application site. It is proposed to upgrade and extend Arthur Street and use it as the main access into the development. Within the site a single access road will serve the entire site. Off-street parking is proposed within the development to serve the proposed dwellings as well as a limited number of spaces for the occupiers of the existing dwellings on Arthur Street that do not currently benefit from off-street parking.

The previous application under reference 16/08854/MAF for an identical development was refused on a number of grounds including a specific highways reason which stated the following:

The proposed development, by reason of the restricted width of the entrance to the site from Arthur Street, would give rise to serious highway safety implications being detrimental to the free flow of traffic and pedestrian safety and would therefore be contrary to policies UR3, D1 and TM19A of the Replacement Unitary Development Plan.

No technical objection was raised to the previous scheme by the Highways Department in that it was considered that Arthur Street could accommodate the additional traffic generated by the proposed development although it would result in a change on movement and vehicle patterns from the existing use. It was also considered that the

junction of Arthur Street and Bradford Road is of an adequate design to accommodate the additional traffic generated by the proposed development.

With regard to the current proposal the Highways Department did request changes to the layout in relation to the minimum centre line radius (20 metres) for a bend within this type of residential road and the removal of the previously proposed traffic calming measures. The Highways Department have stated that the current proposal will require the developer to carry out works on Arthur Street to support the proposed development i.e. upgrade of the existing highway to a specification agreed with the Highways Department. In order to carry out the works within the highway the developer will be required to enter into a Section 278 Agreement (Highways Act 1980) with the Council and this is conditioned accordingly.

The Rights Of Way Officer has stated that Bradford North Public Footpath 351 crosses the site and no objection is raised to the proposal subject to there being a link to the footpath at its junction with Abbotside Close. This is provided down the private drive serving plots 21-24. They have also pointed out that the alignment of the proposed estate road differs to the current line of the un-adopted road (that part of Arthur Street) and its junction with the public footpath and therefore a diversion/closure order will need to be completed before any works can be carried out. An appropriate note is recommended to be attached to a planning permission.

The West Yorkshire Combined Authority have not raised an objection to the principle of the development but in order to improve the sustainability of the site and encourage the use of public transport they are seeking the payment of a commuted sum of £9,331.85p to be used towards the provision of a Residential MetroCard Scheme. A Financial Viability Appraisal has been submitted by the Applicant, and subsequently assessed by the Councils Economic Development Unit, which shows the profit levels associated with the development to be significantly lower than the 20% which is the accepted norm within the development industry. As such there is no capacity within the scheme to offer this contribution and it is therefore recommended that in this instance it is waived.

5. Drainage

Policy EN7 of the Core Strategy states that the Council will manage flood risk proactively which policy EN8 states that proposals for development will only be acceptable provided there is no adverse impact on water bodies and groundwater resources, in terms of their quantity, quality and the important ecological features they support.

With regards to the drainage of the site it is proposed to connect to the main sewer in relation to the disposal of both foul sewage and surface water whilst a sustainable drainage system will also be used for the disposal of surface water. No objections have been raised to the proposed methods of drainage subject to the imposition of appropriate conditions.

6. Trees

Policy EN5 of the Core Strategy states that the Council will seek to preserve and enhance the contribution that trees and areas of woodland cover make to the character of the district.

There is a small copse of trees located in the south western section of the site and scattered along the southern boundary. These trees are protected by a Tree Preservation Order. The layout of the proposed development will result in the loss of all these trees. Whilst the Tree Officer would prefer to see the retention of the trees, and has objected to the proposal on the basis of the loss of the trees, they would be prepared to accept the loss of the trees subject to replanting on a 1:1 basis being undertaken elsewhere by the Applicant or a commuted sum paid to allow the Council to undertake replacement planting. The Applicant has accepted the need to compensate for the loss of the trees and has agreed to pay a commuted sum to allow replacement planting elsewhere within the vicinity of the site. This commuted sum has been calculated using the cavat process (Capital Asset Value for Amenity Trees) and equates to £48,540. This money will be secured through a Section 106 Legal Agreement.

Whilst the loss of the trees is regrettable it will not result in the loss of all tree cover in the area. As stated previously within this report there is a good sized copse of mature trees located to the immediate north of the site which wraps around the southern and western boundaries of the industrial site to the north. These trees will remain untouched as part of the proposal.

As part of the previous application under reference 16/08854/MAF the Applicant offered £5,000 as compensatory payment for the loss of the trees. This figure was based on the viability of the site. This amount was considered to be inadequate and subsequently formed part of the refusal reasons for that application.

The Applicant has now offered £25,000 as a compensatory payment for the loss of the trees. It is still significantly lower than the sum requested by the Trees Officer but the offer has been supported by the submission of a Financial Viability Appraisal has been submitted by the Applicant, and subsequently assessed by the Council's Economic Development Unit, which shows the profit levels associated with the development to be significantly lower than the 20% which is the accepted norm within the development industry. As such there is no capacity within the scheme to offer the full contribution and therefore, in this instance, it is recommended that the offer of £25,000 be accepted. This money will be secured through a Section 106 Legal Agreement.

7. Secured by design

Policy DS5 of the Core Strategy states that development proposals should make a positive contribution to people's lives through high quality, inclusive design. In particular they should, amongst other things, be designed to ensure a safe and secure environment and reduce the opportunities for crime.

The National Planning Policy Framework 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 should, amongst other things, 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 West Yorkshire Police Architectural Liaison Officer has not raised an objection to the principle of the development but has raised a number of comments regarding site specific aspects of it, these being as follows:

Boundary treatments – The layout and proposed boundary treatments are considered to be acceptable – *An appropriate condition is recommended to ensure that the boundary treatment is installed in accordance with the details submitted.*

Lighting – It is recommended that external lighting is installed to the front and rear doorways and should be in the form of Photo cell or dusk until dawn lighting which are energy efficient and cost effective to use – *the provision of external lighting is outside the control of the planning system and does not require planning permission to install. If the Developer is not prepared to install such lighting the residents can do so without the need to submit a formal planning application.*

Comments are also made about the installation of appropriate doors and windows and intruder alarms/spur points. These are not covered by the planning system and are incorporated within Building Regulations Approved Document Q.

8. Contaminated land

Policy EN8 of the Core Strategy states that proposals which are likely to cause pollution or are likely to result in exposure to sources of pollution (including noise, odour and light pollution) or risks to safety, will only be permitted if measures can be implemented to minimise pollution and risk to a level that provides a high standard of protection for health, environmental quality and amenity.

Paragraph 120 of the National Planning Policy Framework states that to prevent unacceptable risks from pollution and land instability, planning policies and decisions should ensure that new development is appropriate for its location. Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

Paragraph 121 of the National Planning Policy Framework advises that planning decisions should ensure that the site is suitable for its new use taking account of ground conditions and land instability, including from natural hazards, former activities such as mining or pollution arising from previous uses. The National Planning Policy Framework also advises that, in cases where land contamination is suspected, applicants must submit adequate site investigation information, prepared by a competent person.

A Geoenvironmental Appraisal Report has been submitted with the application and states the site currently comprises an active scrap yard and garage services within the central northern portion, and a residential property with associated private garden within the central southern portion. The majority of the other parts of the site are covered by dense vegetation, comprising semi mature/mature trees, low-lying shrubs and rough grassland. Previous uses of the site include agricultural land, private garages and an electrical sub-station.

Within close proximity of the site there are a number of significant historical potentially contaminative land uses and these include garage services, old shafts, sandstone

quarries (some backfilled), brick and tile works, mill/mill ponds, railway land, works and refuse tips. There are also a number of historical landfill sites within 1 km of the site.

The report incorporates results of the testing of the land and as a result goes on to make a number of outline remediation options and concludes by recommending that “A remediation strategy report should be produced and agreed with the regulatory authorities prior to commencement of remediation/ground preparatory works.”

Gas monitoring results were submitted in an addendum report. The report advises “Based on the results received, we would recommend that a hydrocarbon resistant membrane is installed specifically within those plots located within the scrap yard. Alternatively and based on the chemical analyses from the earlier GAR, soils exhibiting significant hydrocarbon contamination are removed as part of the enabling works, thereby effectively removing any source.”

The Environmental Protection Team concur with findings of the Geoenvironmental Appraisal report which concludes by recommending that “A remediation strategy report should be produced and agreed with the regulatory authorities prior to commencement of remediation/ground preparatory works.” Appropriate conditions are therefore recommended.

The Minerals Officer has stated that the site is located within a Minerals Safeguarding Area for clay, sandstone and coal, that is the area has been identified as containing a potential mineral resource that should be considered for extraction prior to development in order to prevent the sterilisation of the mineral. In accordance with policy EN12 of the Core Strategy, it is a requirement for such developments to give due consideration to extraction prior to development. However, it is highly unlikely that it would be viable to extract any minerals that maybe present.

9. Biodiversity issues

Policy EN2 of the Core Strategy states that development proposals that may have an adverse impact on important habitats and species outside Designated Sites need to be assessed against the impact it will have on habitats and species as well as the extent to which appropriate measures to mitigate any potentially harmful impacts can be identified and carried out.

An Ecological Report has been submitted with the application which identifies that the two buildings on the site have either moderate value or negligible likelihood of supporting roosting bats and also states that the removal of the trees and scrub and the installation of lighting could impact on foraging areas and flight lines/commuting roots of the bats. The Report recommends that a Preliminary Roost Assessment for all buildings on the site together with one or more emergence surveys are likely to be required. Should bats be found the demolition of the buildings will have to be carried out under licence and appropriate mitigation required. It should be pointed out that bats are afforded protection under the Wildlife and Countryside Act 1981 and not under planning legislation. Appropriate conditions relating to the submission of these surveys are recommended.

The Ecological Report also recommends a number of mitigation measures to maximise the biodiversity value of the site post-development and these include the installation of a number of bird and bat boxes on both the dwellings and retained trees, the inclusion

of plant species of known value to wildlife in any landscape design proposals, and, ecological input to landscape plans and the production of a constraints and opportunities plan and strategy. Again an appropriate condition is recommended to secure the implementation of these mitigation measures.

10. Affordable housing

Policy HO11 of the Core Strategy states the Council will ensure that there is a sufficient supply of good quality affordable housing distributed throughout the District and, subject to viability, will negotiate upto 20% in towns, suburbs and villages.

The site is located in an area where the affordable housing requirement is upto 15% of the number of units to be provided to a Registered Provider. Housing Services have stated that the need in the area equates to 2 & 3 bedroom houses. The development incorporates 22 socially rented dwellings which equate to 54% of the number of units. This is significantly above the normal requirement for this area and as such the scheme is supported. However, it is expected that the social housing will be provided via agreement with a housing association (Registered Provider) that has the capacity to manage the tenancies created at these properties.

11. Community Infrastructure Levy (CIL)

The site is located within a nil CIL area and therefore will not generate any monies towards infrastructure provision under the CIL legislation.

12. Other issues

A number of other issues have been raised during the publicity exercise that have not been addressed in the earlier sections of this report. These issues, together with the response, are as follows:

The boundary plan makes detailed reference to the internal types of wall and fences to be used and that on the northern edge of the site, but makes no reference to what is proposed for the Eastern and Southern boundaries where the site comes up against existing residential properties – *the plan submitted showing the proposed boundary treatments incorporates a 1.8 metre high closed boarded timber fence along the boundaries of the site.*

The residents feelings and considerations of Arthur Street have not been taken in to consideration and no reasonable resolution has been proposed – *all the comments raised during the publicity exercise are considered and assessed but in this instance it is considered that the proposal is acceptable for the reasons outlined in the earlier sections of this report.*

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 this is prohibited by the Act, advancing equality of opportunity between people who share a protected

characteristic and people who do not share it, and fostering good relations between people who share a protected characteristic and people who do not share it. For this purpose Section 149 defines “relevant protected characteristics” as including a range of characteristics including disability, race and religion. In this particular case due regard has been paid to the Section 149 duty but it is not considered there are any issues in this regard relevant to this application.

Reason for Granting Planning Permission:

The scheme provides a residential development on a previously-developed land. The layout of the proposal is acceptable and presents no concerns with regard to residential amenity and highway safety. The proposal is considered acceptable and, with the proposed Section 106 Legal Agreement securing the affordable housing and compensatory payment for the loss of the trees, and the attached conditions, satisfies the requirements of policies P1, SC1, SC4, SC9, EC4, TR1, TR2, TR3, HO5, HO6, HO8, HO9, HO11, EN2, EN5, EN7, EN8, EN12, DS1, DS2, DS3, DS4, DS5, ID2, and, ID3 of the Local Plan for Bradford, and, the relevant paragraphs of the National Planning Policy Framework.

Conditions of Approval:

1. Time limit

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

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

2. Sewer easement

No building or other obstruction including landscape features shall be located over or within 3 metres either side of the centre line of the 375 mm diameter public sewer, i.e. a protected strip width of 6 metres, that crosses the site. If the required stand-off distance is to be achieved via diversion or closure of the sewer, the developer shall submit evidence to the Local Planning Authority that the diversion or closure has been agreed with the relevant statutory undertaker and that prior to construction in the affected area, the approved works have been undertaken

Reason: In order to allow sufficient access for maintenance and repair work at all times and to accord with policy EN7 of the Local Plan for Bradford.

3. Separate foul/surface water drainage

The site shall be developed with separate systems of drainage for foul and surface water on and off site. If sewage pumping is required, the peak pumped foul water discharge shall not exceed 6 (six) litres per second.

Reason: In the interest of satisfactory and sustainable drainage and to accord with policy EN7 of the Local Plan for Bradford.

4. Surface water disposal

No development shall take place until details of the proposed means of disposal of surface water drainage, including but not exclusive to:-

a) evidence to demonstrate that surface water disposal via infiltration or watercourse are not reasonably practical;

- b) evidence of existing positive drainage to public sewer and the current points of connection; and
- c) the means of restricting the discharge to public sewer to the existing rate less a minimum 30% reduction, based on the existing peak discharge rate during a 1 in 1 year storm event, to allow for climate change have been submitted to and approved by the Local Planning Authority .

Furthermore, unless otherwise approved in writing by the local planning authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works.

Reason: To ensure that no surface water discharges take place until proper provision has been made for its disposal and in the interest of sustainable drainage and to accord with policy EN7 of the Local Plan for Bradford.

5. Use of SUDS

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

Reason: To ensure proper drainage of the site and to accord with policy EN7 of the Local Plan for Bradford.

6. Temporary drainage strategy

The development should not begin until a temporary drainage strategy outlining the drainage arrangements for different construction phases of the project has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter only proceed in strict accordance with the approved temporary drainage strategy.

Reason: To ensure proper drainage of the site and to accord with policy EN7 of the Local Plan for Bradford.

7. Disposal of foul water drainage

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

Reason: To ensure proper drainage of the site and to accord with policy EN7 of the Local Plan for Bradford.

8. Remediation strategy

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

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

Reason: To ensure that the site is remediated appropriately for its intended use and to comply with policy EN7 of the Local Plan for Bradford.

9. Remediation verification

Unless otherwise agreed in writing with the Local Planning Authority, a remediation verification report, including where necessary quality control of imported soil materials and clean cover systems, prepared in accordance with the approved remediation strategy shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of each phase of the development (if phased) or prior to the completion of the development.

Reason: To ensure that the site is remediated appropriately for its intended use and to comply with policy EN7 of the Local Plan for Bradford.

10. Unexpected contamination

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

Reason: To ensure that the site is remediated appropriately for its intended use and to comply with policy EN7 of the Local Plan for Bradford.

11. Materials importation

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

Reason: To ensure that all materials brought to the site are acceptable, to ensure that contamination/pollution is not brought into the development site and to comply with policy EN7 of the Local Plan for Bradford.

12. Highway Improvement before Use

Before any works towards the development starts on site full details and specifications of the works associated with Arthur Street, i.e. upgrade of the existing highway shown hatched on the proposed site Plan Ref: 1157-03 Rev Q (dated 25.08.17), shall be submitted to and be approved in writing by the Local Highway Authority. The development shall then not be brought into use until these works have been completed on site to the satisfaction of the Local Highway Authority.

Reason: In the interests of highway safety and to accord with policies DS4 and DS5 and Appendix 4 of the Core Strategy.

13. Means of access

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

Reason: To ensure that a suitable form of access is made available to serve the development in the interests of highway safety and to accord with policies DS4 and DS5 of the Local Plan for Bradford.

14. Off-street car parking

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

Reason: In the interests of highway safety and to accord with policies DS4 and DS5 of the Local Plan for Bradford.

15. Gates

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

Reason: In the interests of highway safety and to accord with policies DS4 and DS5 of the Local Plan for Bradford.

16. Construction Plan

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

- i) full details of the contractor's means of access to the site including measures to deal with surface water drainage;
- ii) hours of construction work, including any works of demolition;
- iii) hours of delivery of materials;
- iv) location of site management offices and/or sales office;
- v) location of materials storage compounds, loading/unloading areas and areas for construction vehicles to turn within the site;
- vi) car parking areas for construction workers, sales staff and customers;
- vii) temporary warning and direction signing on the approaches to the site

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

Reason: To ensure the provision of proper site construction facilities on the interests of highway safety and amenity of the surrounding environment and its occupants and to accord with policies TR1, TR3, DS4, and, DS5 of the Local Plan for Bradford.

17. Wheel wash facility

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

Reason: In the interests of highway safety and to accord with policies DS4 and DS5 of the Local Plan for Bradford.

18. Electric Vehicle Charging Points

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

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

19. Construction Environmental Management Plan

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

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

20. Materials

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

Reason: To ensure the use of appropriate materials in the interests of visual amenity and to accord with policy DS1 of the Local Plan for Bradford.

21. Root protection plan

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

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

Reason: To ensure trees are protected during the construction period and in the interests of visual amenity. To safeguard the visual amenity provided by the trees and to accord with policy EN5 of the Local Plan for Bradford.

22. Finished floor levels

Prior to the development hereby permitted commencing on site, plans of the site showing details of the existing and proposed ground levels, proposed floor levels, levels of any paths, drives, garages and parking areas and the height of any retaining walls within the development site have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in complete accordance with the details so approved and shall be so retained thereafter.

Reason: To ensure that the works are carried out at suitable levels in relation to adjoining properties and highways in the interests of visual amenity and to accord with policy DS1 of the Local Plan for Bradford.

23. Biodiversity enhancements

The development shall be carried out in accordance with the biodiversity enhancement recommendations contained with the Arbtech Ecological Assessment dated 15th August 2016. A timetable for the implementation of the recommendations shall first be submitted to and approved in writing by the Local Planning Authority before the development hereby permitted commences on site.

Reason: To enhance the biological value of the site and to accord with policy EN2 of the Local Plan for Bradford.

Informative:

The developer's attention is drawn to the fact that an acceptable Public Path Order must be obtained as necessary and the most appropriate route selected for the new adopted path, before any development takes place. Details of the procedures may be discussed with Stephen Jenkinson - 01535 618316 of the Transportation and Planning Service. It cannot be assumed that development can automatically take place where a highway/right of way is affected by it, because the general public may successfully object to its closure or diversion. If such objections are not withdrawn then development may not commence unless the Order is confirmed by the Secretary of State. If no objections are received the Order must first be approved by the Council as Highway Authority. In any event, the process will generally take at least 12 months, and thus applicants are advised to discuss their requirements as soon as possible.



Report of the Assistant Director (Planning, Transportation & Highways) to the meeting of Regulatory and Appeals Committee to be held on 28 September 2017

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Subject:

Renewal of the two Local Development Orders covering parts of Bradford City Centre

Summary statement:

In 2014 the Council adopted two Local Development Orders (LDO) covering parts of the City Centre. These granted specified types of development. The first LDO allowed businesses in selected streets between the Broadway Shopping Centre and City Park to change the use of their premises to any use within Use Classes A1, A2, A3, and A4. The second LDO allowed the creation of up to nine residential units in the upper floors of buildings in certain parts of the City Centre.

These LDOs were adopted by the Council on 21 September 2014 for a three year period which expires on 21 September 2017. This report provides an update on the success of these Orders and makes a recommendation to renew the orders for a further three year period. It also provides reasons for this recommendation.

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Portfolio:
Regeneration, Planning and Transport
Overview & Scrutiny Area:
Regeneration and Economy

1. SUMMARY

- 1.1 In 2014 the Council adopted two Local Development Orders (LDO) covering parts of the City Centre. These granted specified types of development. The first LDO allowed businesses in selected streets between the Broadway Shopping Centre and City Park to change the use of their premises to any use within Use Classes A1, A2, A3, and A4. The second LDO allowed the creation of nine residential units or fewer in the upper floors of buildings in certain parts of the City Centre.
- 1.2 These LDOs were adopted by the Council on 21 September 2014 for a three year period which expires on 21 September 2017. This report provides an update on the success of these Orders and makes a recommendation to renew the orders for a further three year period. It also provides reasons for this recommendation.

2. BACKGROUND

- 2.1 Local Development Orders (LDOs) were introduced by the Planning and Compulsory Purchase Act in 2004 and they grant planning permission for specified types and scales of development. LDOs are supported by the Government as a tool to promote growth by giving greater freedom from planning control at a local level and have been adopted by several other Authorities to facilitate development in their areas.
- 2.2 LDOs essentially identify certain types of development that a Local Planning Authority decides would no longer need to be subject to a planning application. LDOs can therefore be seen as an extension of permitted development, but decided upon locally in response to local circumstances.
- 2.3 In September 2014 the Council adopted two LDOs which allow for the creation of residential units in upper floors across the primary shopping area and a range of commercial uses in the streets between the Westfield Shopping Centre and the City Park. The Council also has an LDO in Little Germany which supplements a Local Listed Building Consent Order.
- 2.4 In 2012 Bradford launched the City Centre Growth Zone, which includes the proposed area of the proposed LDO. The aim of the zone is to create a specific, targeted area to stimulate investment and private sector growth through a range of incentives for new or existing businesses. The City Centre Growth Zone provides a range of development and commercial opportunities, suitable for a range of city centre uses. The Council are committed to ensuring these opportunities are maximised through a flexible and responsive approach to planning in the city centre.
- 2.5 The LDOs are part of a range of incentives in the City Centre Growth Zone, which will help support growth and regeneration in the City Centre. By allowing a wider range of uses in the City Centre without the need to apply for planning permission, the LDO can offer benefits for business including greater certainty, time and costs savings.

3.0 Policies that the LDO supports

- 3.1 National Planning Policy Framework (NPPF) - Paragraph 199 of the NPPF states that Local Planning Authorities should consider using LDOs to relax

planning controls for particular areas or categories of development, where the impacts would be acceptable, and where this would promote economic, social or environmental gains for the area, such as boosting enterprise. In accordance with the NPPF the objectives of LDO 2 will support sustainable economic growth and the vitality of the city centre.

- 3.2 Core Strategy Policy ID6 Simplification of planning guidance to encourage sustainable development. The LDO will support the implementation of Policy ID6. Policy ID6 states that the Council will consider the use of LDOs to facilitate efficient and effective delivery of sustainable development.
- 3.3 The Bradford City Centre Area Action Plan (AAP) will guide the transformation of the city centre regeneration area up to 2028. The Bradford City Centre AAP Publication Draft states that planning tools, such as LDOs, can stimulate regeneration. A LDO for specific parts of the city centre, allowing change of use of existing buildings without the need for planning permission, is identified as a proposed option in the Further Issues and Options Report.
- 3.4 LDO 1 sits within the Primary Shopping Area of Bradford City Centre and the affected streets are identified as Primary Shopping Frontages within the emerging City Centre AAP. Part A of Policy EC5 notes that Bradford City Centre should be the focus for a wide diversity of economic activity including office, residential, convenience and comparison retail.
- 3.5 Parts of LDO 2 are located within the Primary Shopping Area of Bradford city centre. Part J of Policy EC5 of the Core Strategy encourages the use of upper floors of buildings within designated centres provided they do not have a significant adverse impact on the retail function of the Primary Shopping Area.
- 3.6 Provided the LDO applies only to the upper floors of buildings the proposals will not affect the retail function of the Central Shopping Area and thus would comply with Policy CT5 of the RUDP and Policy EC5 of the Core Strategy.
- 3.7 LDO 2 was limited to a maximum of 9 residential units as any number over this threshold would have previously attracted planning contributions towards education, recreation and potentially affordable housing. The Council has recently adopted a Community Infrastructure Levy which partly replaces Section 106. Given the general scale of units within the LDO 2 area, restricting the number of units to a maximum of 9 is not considered to be an unreasonable limit. It is therefore not proposed to alter this limit.

4.0 Update on Progress Since Adoption and Reasons for Renewing

4.1 Local Development Order 1

- 4.1.1 In 2014 when this Order was adopted Bradford was still waiting for work to begin on the construction of the Broadway Shopping Centre and the streets which surrounded this site were in decline with very high rates of vacancy. The intention of this Order was to facilitate the introduction of new uses within these vacant units.
- 4.1.2 It was anticipated at the time that construction work was imminent on the shopping centre and the LDO was intended to facilitate the rejuvenation of this

area. Work restarted in 2014 and the Broadway Shopping Centre opened in November 2015.

- 4.1.3 Work was also completed on the adjacent Xchange development at the Arndale House which is also nearly fully let and work is underway on the construction of a new cinema and leisure development on Broadway.
- 4.1.4 The streets between City Park and the Broadway Shopping Centre have seen a reduction in vacant units though there are also a noticeable number of vacant units. It is acknowledged that some of these have been at the expense of units in the streets towards the top part of the City Centre.
- 4.1.5 The Local Development Order has seen some success particularly in regard to the Xchange Arndale House development. However as work continues on the regeneration of this area it is considered to be reasonable to keep the Order in effect.

4.2 Local Development Order 2

- 4.2.1 This Order has been particularly successful in encouraging the reuse of vacant upper floors. In the time since the Order was adopted planning records show that 48 units have been proposed across the City Centre that could have been created by this Local Development Order. Building control records indicate that 43 units have been created in the City Centre in this time.
- 4.2.2 It is worth noting that these figures relate only to developments that could have been carried out under this LDO. There have been a number of applications for much larger schemes and also for Houses of Multiple Occupation across the City Centre.
- 4.2.3 Despite the relative success of the LDO large amounts of upper floor space remains underused. As a consequence LDO 2 is still considered to be an important tool in the regeneration of the city centre.

5.0 Proposal for Renewal of Orders

- 5.1 Whilst the Orders have had some success it is clear that there is still a need for these Orders to remain in place. It is therefore proposed that both of these Orders be extended for a further period of three years.
- 5.2 Following the end of this three-year period, the LDOs would cease to apply. The Council would then have the following options:
 - Renew the LDO under the same terms/conditions as previously;
 - Renew the LDO but modify its terms and conditions; or
 - Allow the LDO to lapse and require planning permission for any further developments.
- 5.3 Work on developments which have started but not been finished, under the provision of these LDOs, will be allowed to be completed in the event that the LDO is revoked or allowed to lapse.

5.4 Developments which have been finished and occupied under the provision of the LDOs will be allowed to continue to operate and no new change of use or other consent will be required.

5.5 If the LDOs are allowed to lapse, no new change of use will be allowed under the terms of these LDOs following its expiry without planning permission.

6.0 Monitoring the Local Development Orders

6.1 It is intended that the LDOs will be subject to continuous monitoring to assess their effectiveness. The main ways in which this will be done will be:

- In addition Council Tax and Business Rates records can be accessed and analysed.
- In all cases Building Regulations approval will be required and if developers use the Council's Building Inspectors these records would provide valuable information. Where an independent Building Inspector is used the Council still receives notification of development.
- It has also been common for developers to apply for planning permission for parts of their development also and so planning records have been very useful.

6.2 It will also be the subject of a section in the Annual Monitoring Report, which will discuss further the impact of the LDO on the area and the quality of the public realm.

7.0 Consultation Process

7.1 This document sets out the Council's reasons for seeking to renew the Orders. Formal consultations with internal and external consultees and owners and occupiers of premises within the area covered by the Orders will be sent on receipt of authority to do so from the Regulatory & Appeals Committee. This is in accordance with the Town & Country Planning (Development Management Procedure)(England)(Order) 2010. [DMPO]

7.2 The Council is statutorily required to give 4 weeks to consultees but it is considered good practice to give at least 6 weeks.

8.0 Adoption Process

8.1 Following the 6 weeks of publicity set out above, the responses will be analysed and it will then be determined whether the Orders should be adopted with any changes to their terms. If, as a result of feedback from consultees, changes are proposed to the terms of the Orders a further period of consultation will be undertaken.

8.2 Once this is done a report will be presented to the Council's Regulatory & Appeals Committee with a recommendation to either adopt the Orders without any changes or adopt the changes recommended.

8.3 Part 8 of the DMPO 2015 includes a power of intervention for the Secretary of State.

8.4 This only requires Local Authorities, as soon as reasonably practicable, and no later than 28 days after the adoption of an LDO to send to the Secretary of State

a copy of the LDO, the statement of reasons and any environmental statement relating to the LDO.

- 8.5 This is to notify the Secretary of State of the Council's decision and not to determine if he wishes to call the LDO in for determination. The Council's Regulatory & Appeals Committee therefore has the authority to adopt such documents after consultation.

9. OTHER CONSIDERATIONS

None.

10. OPTIONS

- 10.1 The Committee may decide that the LDO period should be extended as proposed to enable the benefits outlined above to continue. Alternatively, the Committee may decide to not extend the period remove the effect of the Orders.

11. FINANCIAL & RESOURCE APPRAISAL

- 11.1 The potential benefits include the certainty provided by not having to apply for planning permission, the savings in costs of the process to businesses, and the increased speed in change available to businesses allowing for better competitiveness. The increase in business activity may see the increase in business rates income for the Council, and an increase in Council Tax revenue.
- 11.2 The LDOs have and would lead to a reduction in the number of planning applications made to the Council, and in the fees received, but this is outweighed by the benefits outlined above.

12. RISK MANAGEMENT & GOVERNANCE ISSUES

- 12.1 LDOs are controlled by the Planning and Compulsory Purchase Act 2004.

13. LEGAL APPRAISAL

- 13.1 LDOs are controlled by the Planning and Compulsory Purchase Act 2004.

14. OTHER IMPLICATIONS

14.1 EQUALITY & DIVERSITY

Due regard has been given to the need to eliminate unlawful discrimination, harassment and victimisation, advance equality of opportunity between different groups and foster good relations between different groups. It is not considered that any issues with regard to this matter are raised by the continued adoption of the LDOs.

14.2 SUSTAINABILITY IMPLICATIONS

The LDOs encourage the re-use of buildings space, and the conversion of redundant and under-used space.

14.3 GREENHOUSE GAS EMISSIONS IMPACTS

None

14.4 COMMUNITY SAFETY IMPLICATIONS

None

14.5 HUMAN RIGHTS ACT

There are no direct human rights implications arising from this report.

14.6 TRADE UNION

None

14.7 WARD IMPLICATIONS

None

15. NOT FOR PUBLICATION DOCUMENTS

None

16. RECOMMENDATIONS

16.1 Following the consultation period it is proposed that both of these Orders be extended for a further period of three years, if no significant responses are made against these Orders and in consultation with the Portfolio Holder and the Chair of Regulatory and Appeals Committee.

17. APPENDICES

Appendix 1 LDO1 and LDO2 area

18. BACKGROUND DOCUMENTS

None

