

# 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

