

## **City Centre Growth Zone Local Development Order for Bradford City Centre - Update Report Following Consultation (March 2019)**

### **1.0 Summary**

This is an update to the Report of the Assistant Director (Planning, Transport and Highways) presented to the meeting of the Executive which was held on 11 September 2018. The report details the consultation process, its outcome, discusses issues raised by it and outlines resultant changes (if any) to the draft LDOs. The previous report provides the justification and statement of reasons for the proposed LDOs and can be found on the Council's website.

### **2.0 Background**

The Council has adopted three other Local Development Orders (LDOs) covering parts of the City Centre since 2014 which grant permission for specified types of development. A report was presented to the Council's Executive seeking permission to begin consultation on a fourth LDO which would correlate with the Council's Growth Zone Priority Streets and would grant consent to change the use of buildings to A1, A2, A3 and A4 uses. The Committee resolved:

*(1) That a consultation exercise be carried out, to be publicised for a period of 6 weeks.*

*(2) That any changes required to the LDO as a result of the consultation be agreed by the Strategic Director of Place in consultation with the Portfolio Holder and thereafter it is recommended that the LDO is formally adopted and brought into force with immediate effect.*

### **3.0 Consultation Process**

Following the authorisation to proceed to consultation, letters were sent out to postal addresses within the boundaries of the two LDOs addressed to the owners and occupiers. At the same time site notices were posted on lampposts and street signs around the City Centre and formal consultations were sent via email. The letters, emails and site notices notified the public and consultees of the proposed renewal of the LDOs and invited comments. The consultation period ran for 6 weeks and expired on 17 December 2018.

#### 4.0 Consultation Feedback

Name	Summary of Responses	Comments	Action Proposed
<b>Historic England</b>	Supportive of efforts to reduce vacancy rates and stimulate vitality and viability of the City Centre. Planning permission and listed building consent would be required for any proposed alterations. No objections to the proposed LDO in terms of the impact on the historic environment.	N/A	No changes proposed.
<b>Environment Agency</b>	There is an area of flood zone 2/3 which is indicated on the flood map for planning. This is within vicinity of the junction of Hustlergate and Market Street. Change to an A4 use in this area would require the application of the Exception Test. Recommend the LDO boundary is altered or otherwise ensure the prior approval of the LPA is obtained to allow the flood risks of change of use to A4 to be considered by means of the submission of a flood risk assessment.	See section below regarding flood risk.	No changes proposed.
<b>Bradford Chamber of Commerce</b>	Express support but would not want uses that would definitely not have been approved without the LDO. Concerned that the reference to A2 uses does not exclude Betting Shops and Amusement Arcades. Also does not stipulate that night clubs would not be acceptable under the A4 use class. Question definition of office and leisure and raise	Betting Shops and Amusement Arcades are not within the A2 use class. Night clubs are not within the A4 use class. All of these uses are <i>sui generis</i> and would require planning permission.  It is not the place of the	No changes proposed.

		concern in regards to over-provision of certain types of uses (e.g. wine bars on North Parade).	Planning system to control competition. The LDO would not allow any uses in these areas that would not be supported if an application was to be submitted.	
<b>Bradford Society</b>	<b>Civic</b>	<p>Express support for the proposed LDO. Note that it must be made explicitly clear that planning permission is required for external changes in order to protect the visual appearance of the City Centre. This initiative must not be misinterpreted as a as a 'free for all'.</p> <p>Note an ideal vision of joined up offer of business support to encourage new business in the City Centre.</p> <p>Civic Society would like to see better promotion of the City Centre Design Guide.</p>	<p>The LDO would carry a footnote which advises that no building, engineering or other operational development is granted planning permission.</p> <p>Comments are noted in regards to business support but this is beyond the scope of this LDO consultation.</p> <p>The City Centre Design Guide SPD and the City Centre Area Action Plan form the basis of planning decisions within the City Centre. This LDO would not grant any physical changes to buildings.</p>	No changes proposed.
<b>Design &amp; Conservation Team</b>		Express general support for the LDO. Concerned about the inclusion of Use Class A4 and AA which tend to operate later in the day and the evening thus making limited contribution to levels of activity during daytime hours. Proposal could see a large number of A4 uses to	As mentioned above it is not the role of the Planning system to control competition. The location of businesses including A4 uses is subject to market demands and it is clearly evident that the focus of	No changes proposed.

	open to the detriment of the character, sense of place and perception of this area.	City Centre retailing has shifted to the area in and around the Broadway Shopping Centre.	
<b>Coal Authority</b>	No specific comments to make.	N/A	N/A
<b>Environmental Health</b>	General comments in regards bars and clubs where there is a potential for disturbance to be caused by the playing of amplified music.	The comments are noted however there is sufficient control within the Environmental Health regime to control such issues.	No changes proposed.
<b>West Yorkshire Police</b>	No objections to A1, A2 and A3 uses. Concerned in regards to A4 uses being included as they can provide noise nuisance and potential anti-social problems. Accept that Licensing would be notified of such uses.	As noted in the response a Licence would be required for A4 uses which would include consideration of noise nuisance and anti-social problems. There is considered to be sufficient protection for the amenities of local residents within the Licensing regime. Planning policies support such uses in the City Centre.	No changes proposed.
<b>Natural England</b>	No objections	N/A	N/A
<b>Mr Nicholas Hewlett</b>	Make a series of general comments on the state of the City Centre and query whether certain business would locate in the city centre. Notes that more shops selling useful things and that close at a respectable time are needed.	Comments noted.	No changes proposed.
<b>Mr Bruce Barnes</b>	Concerned at lack of inclusion of A5	This LDO relates to the	No changes proposed.

	uses. Takeaways should be located within the City Centre and not in residential areas outside the Centre.	specified uses. Planning permission will be required for A5 uses within the City Centre and these will be considered on their own merits. Policies contained within the Council's Hot Food Takeaway SPD would be applied in considering such applications. The lack of inclusion within this LDO does not mean that the Council would not approve such applications.	
<b>Mr John Rhodes</b>	Understand the need and advantages of the LDO but hope that it does not result in inappropriate shop frontages, lighting and displays.	This LDO does not grant consent for any external changes and so the Council will retain full control over physical changes to buildings.	No changes proposed.
<b>Mr David Craig</b>	Fear for the design quality of the city centre if a blanket relaxation is applied. Question whether it sends out a message of desperation rather than support.	As noted above the LDO does not grant consent for external changes. The LDO would ease the setting up of new businesses in the city centre and give more certainty to potential investors.	No changes proposed.

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## **5.0 Flood Risk**

Technical guidance published alongside the National Planning Policy Framework (NPPF) identifies A4 drinking establishments and residential uses as being more vulnerable to flooding. The general principle is to direct such developments away from areas at risk of flooding but where it is necessary it should be made safe without increasing flood risk elsewhere. The Environment Agency have noted that a small area of the LDO boundary at the junction of Market Street and Hustlergate falls within Flood Zones 2 and 3 thus requiring application of the exceptions test, a flood risk assessment is required which would assess the risks and appropriate mitigation measures in regards to flooding.

The Flood Zone Map is attached in appendix 2. The affected units would be the Barclays Bank on Market Street and the 'Size?' store on the bottom part of Hustlergate. The Barclays Bank unit has its main entrance on Cheapside and has alternative access on Kirkgate. The main entrance to the 'Size?' store is located outside of Flood Zone 2. Access to the upper floor of 49 Hustlergate is close to the junction but this LDO relates only to ground level uses.

It is noted that the LDO does not allow any operational development and so any change of use carried out under the proposed LDOs would not increase the risk of flooding elsewhere. The liability for assessing the risk of flooding and ensuring that adequate provision for escape and egress in the case of flooding is made falls on the developer. In light of this no changes are required to the LDO.

## **6.0 Monitoring**

It is a requirement that the LDOs are subject to continuous monitoring to assess their effectiveness. A notice of completion form is to be returned from people who take advantage of the LDOs and there is a footnote referring to this on the LDOs.

It is likely that many of the developments which are carried under the LDOs will also be the subject of planning applications for external changes which will also assist in monitoring. Building regulations files have been particularly useful in previous years in determining works that have been carried out.

## **6.0 Changes Proposed**

No changes are proposed.

## **5.0 Adoption Route and Recommendation**

Part 8, Paragraph 11 of The Town & Country Planning (Development Management Procedure)(England) Order 2015 requires the Council to provide as soon as reasonable practicable, and no later than 28 days after the Council has adopted an LDO to send to the Secretary of State a copy of the LDO, the Statement of Reasons relating to the LDO and any environmental statement relating to the LDO. This is to notify the Secretary of State of the Council's decision and not to determine if he wishes to call the LDOs in for determination.

The Council's Executive agreed that any changes required to the LDO as a result of the consultation be agreed by the Strategic Director Place in consultation with the Portfolio Holder and thereafter that the LDO be formally adopted and brought into force with immediate effect.

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This report was presented to the Portfolio Holder Regeneration, Planning and Transport Portfolio on 23 May 2019. Confirmation was received that following the consultation exercise and in light of the lack of any significant objection the proposed LDO be adopted for a three year period in line with the resolution of the Council's Executive.

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## Appendix 1 – City Centre Priority Streets Local Development Order

### LOCAL DEVELOPMENT ORDER - PRIORITY STREETS

Within the area of Bradford City Centre as detailed on Plan 1 planning permission is hereby granted for the following changes of use within the Town & Country Planning (Use Classes) Order 1987 including any statutory amendment to that Order:

#### **Class 1**

#### **Permitted Development**

Development consisting of a change of the use of a building to:

- A1: Shops (includes shops, hairdressers, travel and ticket agencies, post offices, dry cleaners, pet shops, sandwich bars)
- A2: Financial and professional services (includes banks, building societies, estate and employment agencies)
- A3: Restaurants and cafes (includes snack bars)
- A4: Drinking establishments (includes public houses, wine bars – but not night clubs)
- AA: Drinking establishments with extended food offer

#### **Development Not Permitted**

Development is not permitted by Class 1

(a) if the premises subject to change of use involves betting shops, pawnbrokers, amusement arcades or other premises or as a payday loan shop of any description falling within the A2 use class;

#### **Conditions**

(a) The LDO and the terms within it will be active for a period of three years following the day of its adoption and will expire following this period. It will cease to apply on the day following the third anniversary of its adoption.

(b) Subject to these conditions, uses which have started under the provision of the LDO may continue even if the LDO expires or is modified

(c) An active display window, relevant to the commercial use, shall be maintained at all times in the window(s) fronting the street at ground floor level, in order to protect the vitality and viability of the town centre.

#### **Footnotes:**

(a) The LDO does not grant any planning permission for any building, engineering or other operational development

(b) The permission granted by this LDO does not include or remove any need (i) to obtain listed buildings consent for works to or affecting a listed building or (ii) to obtain any express consent for the display of any advertisement, where, in either such case, this is required.

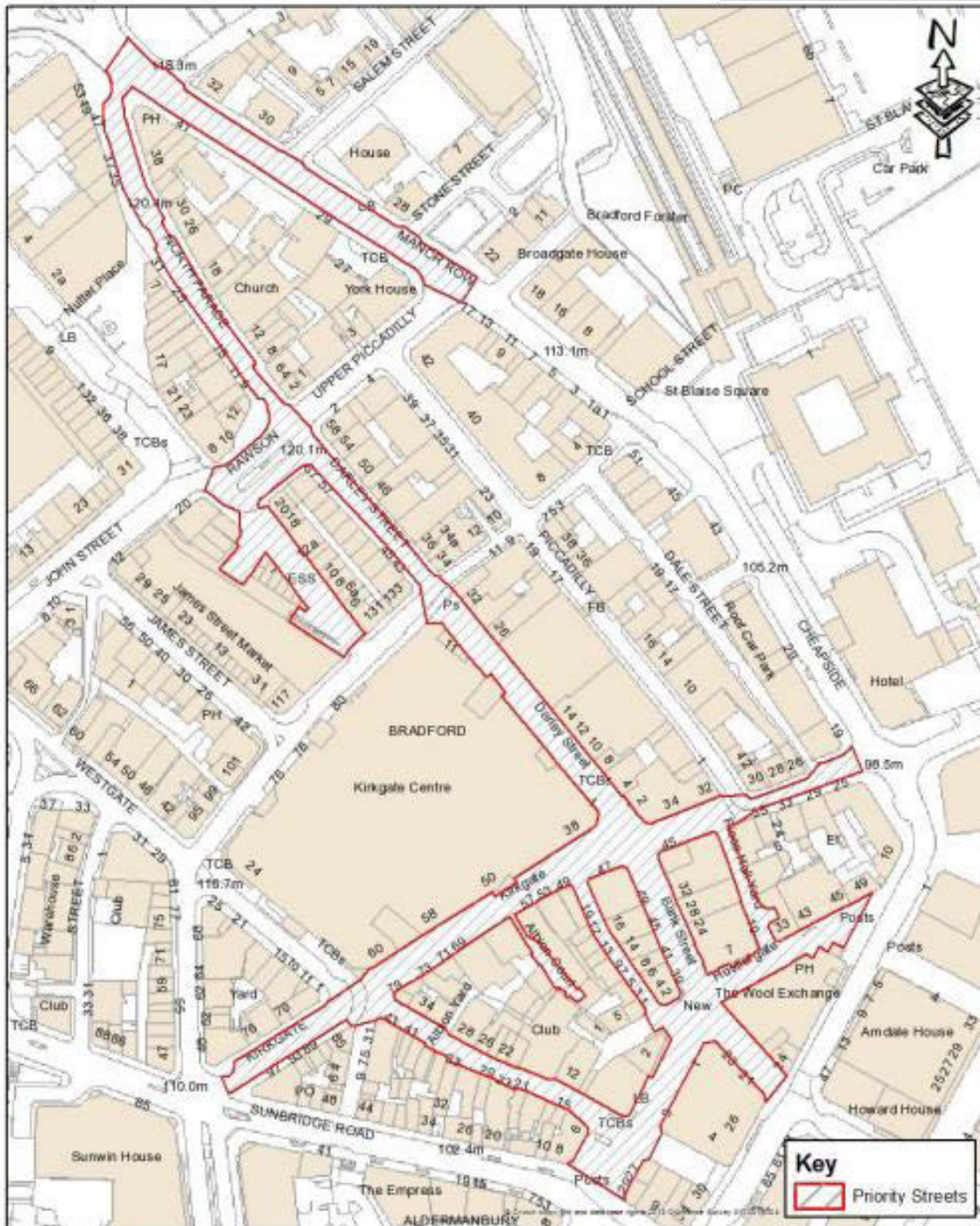
(c) Once development granted by this LDO has been completed developers are requested to complete and return the 'notice of completion' form to the Planning Service. Please contact the Planning Service on 01274 434605 for more information.



**PLAN 1 - Local Development Order Area**

**Figure 1 – Location of the LDO  
Priority Streets Area**

**City of Bradford MDC**  
www.bradford.gov.uk

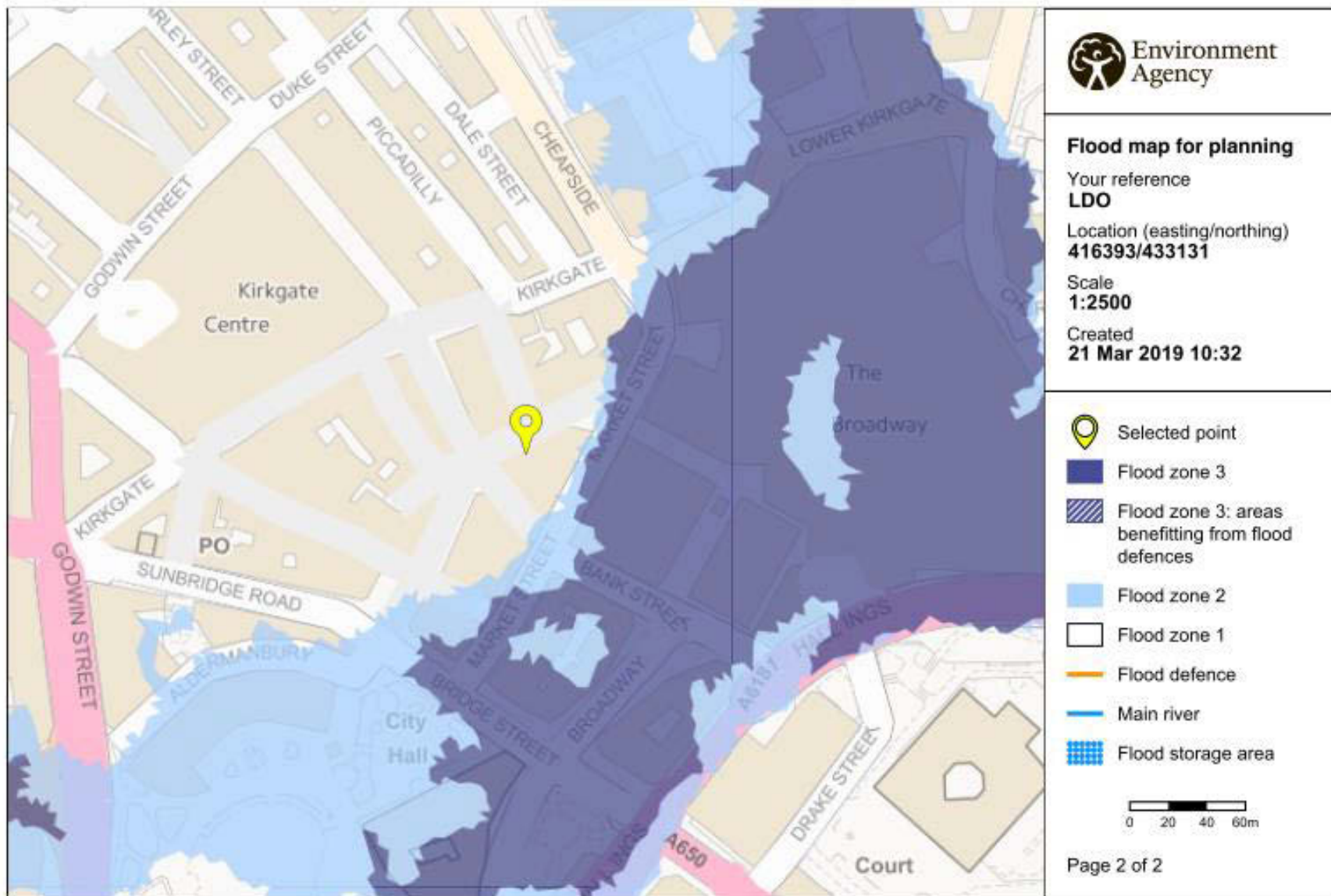


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Date Printed - 20 August 2018

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## Appendix 2 - Flood Map



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