



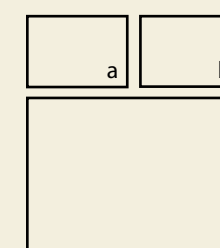


**6.00 Scope and Content of Planning Obligations for Implementing the Housing Allocations**

- 6.01 The principle of securing developer contributions is supported by national, regional and local planning policies.
- 6.02 Nationally, Circular 05/2005 (July 2005) provides government guidance and promotes the use of planning obligations. This Circular replaces Circular 1/97. In particular, it sets out a number of key principles to guide the application of planning obligations. Planning obligations should only be sought to make development proposals acceptable that might otherwise be unacceptable in planning terms. Planning obligations should only be sought where they meet the requirements of Circular 05/2005 which requires obligations to be:-
- Relevant to planning;
  - Necessary to make the proposed development acceptable in planning terms;
  - Directly related to the proposed development;
  - Fairly and reasonably related in scale and kind to the proposed development; and
  - Reasonable in all other respects.
- 6.03 Other sources of national guidance have clear policies about the use of planning obligations. For example Planning Policy Statement 3: Housing, Planning Policy Guidance Note 13: Transport, and Planning Policy Guidance Note 17: Outdoor Sport and Recreation, provide national policy justification for securing developer contributions towards affordable housing, transport infrastructure and public open space respectively.

6.04 The Council will seek to impose conditions or require obligations (known as S106 legal agreements) where development proposals would not be acceptable without the provision of physical infrastructure, the mitigation of adverse environmental impacts and/or the enhancement of the environment and social infrastructure. Planning obligations should be negotiated with the Council as part of the application process at the appropriate time and these will be dependent on the precise type and level of development proposed as well as local needs. It is important for developers and landowners to be aware of the Council's likely expectations in bringing either or both of these sites forward for development and the cumulative package of measures which may need to be provided or implemented.

- 6.05 The list of planning obligations which developers will be expected to provide will include:-
- On site Affordable Housing;
  - Commuted sum payment for Education Contribution;
  - Provision and maintenance of on site children play spaces or if inappropriate, a commuted sum payment for provision or enhancement elsewhere in Menston;
  - Commuted sum payment for Playing Pitch provision or enhancement elsewhere in Menston;
  - Improvements to public transport provision and incentives to encourage the use of public transport;
  - Commuted sum payment for improvements to existing community facilities (library, community centre, doctor's surgery);
  - Planting Management Scheme;
  - Sustainable Urban Drainage System.



a Dicks Garth Road  
 b River Gritstone Walling  
 c Dicks Garth Road looking South

- 6.06 Policies UR6, H9, CF2, CF7a, OS5, TM1, TM2 and NE4 in the Council's Replacement Unitary Development Plan are all designed to secure developer contributions towards improving facilities and infrastructure in the District. These policies relate to the provision of affordable housing, securing educational contributions, the provision of recreation open space and playing fields, the provision of built facilities for community sport and recreation and so forth.
- 6.07 In accordance with Circular 05/2005 the requirement for such obligations must arise from a clear need as a result of proposed developments. The level of provision and the scale of any financial contribution required should be in accordance with the requirements of the appropriate UDP policies that may be further supplemented by future SPDs. At the time of writing a draft Planning Obligations SPD is being produced by the Council, once adopted, this will form a material planning consideration at planning application stage.
- 6.08 Other legal agreements can be secured with the developer in relation to works to the public highway (known as S278 legal agreements) to deliver the required transport infrastructure to support the proposed forms of development. These may include junction remodelling to incorporate roundabouts, improved or new street lighting, traffic signals etc.



a Derry Hill



b Wall - Derry Hill



**Affordable Housing**

- 6.09 National planning policy guidance on affordable housing is set out in 'Planning Policy Statement 3: Housing' (PPS3), and the DCLG report 'Delivering Affordable Housing' (November 2006).
- 6.10 PPS3 states that the Government is committed to providing high quality housing for people who are unable to access or afford market housing. The Government's definition of affordable housing includes social rented and intermediate housing but excludes low cost market housing. PPS3 states that Local Authorities should specify amount, size and type of affordable housing which is likely to be needed in particular locations or on specific sites. It suggests that in seeking developer contributions to facilitate affordable housing, the presumption is that the affordable housing will be provided on the application site thereby assisting the creation of mixed and sustainable communities.
- 6.11 A range of research and survey work has been carried out by the Council and its partners, informing both the RUDP and its affordable housing policies and the Council's wider housing strategy. The findings of these assessments are contained within a number of documents including:-
- Modelling Housing Markets in Bradford 2000
  - Local Housing Assessment 2000
  - The Joint Housing Strategy 2000 – 2010
  - A Decent Home in a Decent Neighbourhood – Joint Housing Strategy 2003–2010.
  - Rural Housing Enablers Surveys
- 6.12 The Local Housing Assessment is due to be replaced in 2007 and will form a material planning consideration at planning application stage.
- 6.13 Menston lies within the Wharfedale Housing Market Area where private sector house prices are very high. Despite generally high incomes, a fifth of all households within this area have low incomes resulting in an acute affordability gap. The Council's Joint Housing Strategy recognises that in order to ensure a sufficient supply of affordable and social rented housing in places where people need it, the application of varying quotas to private housing developments for the provision of affordable housing based on needs in different market areas will be required.
- As such, Policy H9 of the RUDP states:-
- "On planning applications for substantial residential development, the Council will negotiate for a proportion of affordable housing based on the extent and the type of need, the suitability of the site or building in the case of conversions, and the economics of provision."*
- 6.14 In the Wharfedale Housing Market Area, 40% of the total proposed development should consist of affordable dwellings.
- 6.15 For the purposes of the policy, substantial means sites or developments yielding 15 dwellings or more. This reflects the national policy advice on affordable housing in PPS3. 40% of the total number of dwellings promoted on both Derry Hill and Bingley Road sites will be for affordable homes. The payment of commuted sums in lieu of the provision of on site affordable units will not be considered acceptable.
- 6.16 In implementing the policy, the Council will normally ask developers to enter into a Planning Obligation under S106 of the Town and Country Planning Act 1990 (as amended) to ensure the affordable housing is built. It is particularly important to ensure that the affordable housing remains affordable in perpetuity.
- 6.17 Advice will also be taken from the Council's Housing Strategy Section as well as from the Rural Housing Enablers in order to ensure the correct mix of affordable housing, i.e. that housing for (singles/couples, family housing, housing for older people) is achieved and is of the right size (2 bed, 3 bed, 4 bed) of the right type (bungalows, houses, sheltered housing for the elderly, and flats) and also a mix of tenures.
- 6.18 The Local Housing Assessment concludes that out of the total new build developments mainly 2 and 3 bedroom housing should be developed in order to meet housing need. In addition to this the Council's Housing Strategy Section has identified a need for sheltered housing in the form of two bedroom bungalows to support elderly people wishing to stay in the local vicinity.
- 6.19 **Homebuy:** A number of units must be identified for a Homebuy scheme operated through a nominated RSL. Homebuy units involve shared equity between an RSL and tenant/buyer. The tenant/buyer can purchase more equity in the unit over time (known as "staircasing"). The Section 106 Agreement will require the developer to make these available to an RSL at a 50% discount.

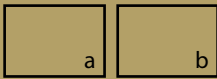


**Education Contributions in New Residential Development**

- 6.20 The Council as Local Education Authority (LEA) has a statutory duty to ensure sufficient school places are available to meet the needs of the population. New housing development can often put a strain on existing school facilities, which may then require the extension of an existing school or in extreme cases, a new school. When this occurs, the Council will seek by negotiation the signing of a Section 106 Legal Agreement with the developers of new housing sites to the satisfaction of the Education Authority.
- 6.21 Policy CF2 of the RUDP on Education Contributions in New Residential Development of the RUDP states:-
- "Where new housing proposals would result in an increased demand for education facilities which cannot be met by existing schools and colleges, the Council will seek to enter into a Planning Obligation under S106 of the Town and Country Planning Act 1990, in order to secure the provision of, or contribution towards, new or extended facilities".*
- 6.22 The starting point for calculating education contributions is an assessment by the Local Education Authority of existing school provision. Whilst the village of Menston lies within the administrative boundaries of Bradford Council, primary school and secondary school provision is administered by separate Local Education Authorities. Primary School provision is administered by Bradford Education and Secondary School provision by Education Leeds. It will therefore be necessary for Bradford Council to liaise with Education Leeds in terms of securing an appropriate contribution towards funding secondary school places.

- 6.23 One bedroom and two bedroom flats and one bedroom dwellings will be exempt from contributions, but other properties will be eligible on the basis that they comprise family units. Family units are defined as houses with two or more bedrooms and flats with 3 or more bedrooms. Only developments comprising 50 or more units will trigger the requirement for the consideration of education requirements.
- 6.24 Affordable housing will not be exempt from the assessment unless falling within one of the exempt categories. Affordable housing is capable of generating demand for school places on the same basis as market housing.
- 6.25 Forecasts of future school capacity and national population growth are made by the Local Education Authority. If these forecasts identify that local primary and secondary school provision within the catchment are deemed to be at capacity, contributions will be sought for places generated by the development.
- 6.26 It is important that each individual new development that gives rise to the need for additional school place provision provides appropriate facilities.
- 6.27 If the affected school is 'x' places short of capacity and the development generates 'y' places, contributions will be sought on the difference between 'x' and 'y'. If 'x' is greater than 'y', then no contributions will be sought. Baseline research has indicated however that existing primary place provision is tight and what little surplus spaces there are for secondary school places will be taken up by pupils resulting from the new High Royds Village development. It is therefore expected that new residential development at both Derry Hill and Bingley Road will be required to contribute monies towards places for pupils at both primary and secondary school level.

- 6.28 The Section 106 Education contribution will be based on advice from Bradford Education, for primary school provision, and Education Leeds for secondary school provision.
- 6.29 For primary school provision, Bradford Education advise that the basis for calculating primary school places is:-
- 2.5 children x 7 year groups x 100 eligible homes x DfES Primary School Cost Multiplier = Primary School Contribution
- 6.30 For secondary school provision, Education Leeds advise that the basis for calculating secondary school provision is:-
- The development pupil number (10% of eligible dwellings)  
– Secondary School Capacity x DfES Secondary School Multiplier x Location Factor = Secondary School Contribution
- 6.31 It is important to note that a Planning Obligations SPD is being produced by the Council. Once adopted, this will form a material planning consideration in the assessment of any contributions to education provision that are likely to arise as a result of these developments.



a Walker Road  
b Menston Village Centre

**Public Open Space Provision and Maintenance**

6.32 New residential development will be required to ensure that appropriate provision exists or to make appropriate provision of or equivalent commuted payment for recreation open space, including children's play space and informal open space and playing fields. The need for housing developers to provide open space, or contribute to provision is determined by the existing amount of open space in the locality, the quality of that open space and the scale and nature of the housing development. Where a financial contribution is appropriate, the scale of the contribution will be calculated using a formula which takes account of the scale of the development, the types of dwellings to be built and the cost of designing, laying out or enhancing recreation space as appropriate.

6.33 National planning policy guidance on open space provision is set out in 'Planning Policy Guidance Note 17: Outdoor Sport and Recreation (PPG17)'. PPG17 indicates that it may be appropriate for Local Authorities to enter into legal agreements under Section 106 to secure the provision of on site and off site recreational facilities related to the development.

6.34 Policy OS5 of the RUDP takes on board this advice and states that:-

*"New residential development will be required to make appropriate provision of, or equivalent commuted sum payment for:*

- *Recreation open space, included children's play space and informal open space, to a minimum standard of 20 square metres per dwelling (including a suitably designed and equipped play area in development of 0.8 ha or 50 or more dwellings); and*
- *Playing fields to a minimum standard of 40 square metres per dwelling.*

*Provision will be located within the site, however where this is inappropriate, off site provision or improvements to existing local provision can be suitable alternatives. Developments will be required to make arrangements for adequate maintenance of any new provision."*

6.35 The Council have appointed consultants to develop a detailed strategy for playing pitch provision within Bradford as part of a West Yorkshire initiative supported by Sport England. This work is presently ongoing but when completed will include a comparative profile of outdoor playing pitch sport in the region and an analysis of cross boundary issues, as well as an individual strategy for Bradford. This work will be based upon the methodology developed by Sport England.

6.36 When complete this will inform future provision of new outdoor playing pitches and the improvement and protection of existing facilities.

6.37 An Open Space and Built Recreational Facilities SPD is currently being produced by the Council. This will establish the needs for open space and built recreational facilities in the various parts of the district once adopted. It will also form material planning consideration at planning application stage.

**The Council's Expectations in terms of Public Open Space Provision and Maintenance in New Housing Developments:**

6.38 The Council's Parks and Landscape Services Department have advised that due to the number of dwellings likely to be developed upon the Derry Hill and Bingley Road sites, it is unlikely that the village will be able to sustain the potential growth in population in terms of the existing recreation sites in the village.

6.39 The current playing pitch strategy for Shipley & Keighley presently identifies deficiencies in the number of junior and mini football pitches, an area where there appears to be a continued and sustained growth.

6.40 Bearing in mind the potential number of new properties and the increase in team generation rates, it is expected that additional provision will need to be made to serve these two developments either at an on site or off site (purchase of additional land) location.

6.41 Provision should be made within any new recreation area for a full size winter sports pitch (100 m x 60 m), changing accommodation, parking and an equipped children's play area. A commuted sum would also be required for future maintenance, or alternative means would need to be demonstrated as to how the site would be maintained in the long term.

6.42 Playing pitch construction and changing accommodation should be in accordance with Sport England recommendations. Children's play equipment should comply with the National Playing Fields Association LEAP standard (local equipped area for play). This includes compliance with the latest European standards BSEN 1176 and BSEN 1177 and information on the range of equipment, and proximity to nearby dwellings. An area of not less than .75 hectare should be allocated.

6.43 A commuted sum will be required for the maintenance of open space provided as part of these developments. This will form part of the Section 106 contribution for each site covering a 20 year period.



**Built Facilities for Community Sport and Recreation**

6.44 Within Menston Kirklands Community Centre is utilised for a range of purposes. Therefore the Centre is well used by the community, often to capacity, seven days a week. The Church and Primary School are also used. At planning application stage an assessment of the impact that these new developments will have on community facilities in the village will need to be made. This approach is supported by RUDP Policy CF7A which states that:-

*“Where major development proposals would result in an increased demand for built recreational facilities which cannot be met by existing facilities a developer may be required to enter into a planning obligation under Section 106 of the Town and Country planning Act 1990, in order to secure the provision of, or contribution towards new or extended facilities.”*

6.45 As stated earlier the Council is currently producing an Open Space and Built Recreational Facilities SPD. Once adopted this will form a material planning obligation at planning application stage.

**Access, Traffic Management, Transport and Travel Planning Requirements**

- 6.46 Section 278(1) of the Act (as amended by the New Roads and Street Works Act 1991)
- 6.47 Section 278 agreements are often used together with an agreement under Section 106 of the Town and Country Planning Act 1990. Such agreements, between a planning authority, a landowner and a developer, are used to regulate developments where using planning conditions would not be appropriate. Section 106 with Section 278 agreements may cover a number of matters such as securing off-site highway works, landscaping, phasing the development, paying sums of money to enhance public transport capacity and so on.
- 6.48 Both Section 278 and Section 106 agreements operate in the same way in relation to highway works. They follow the procedures involved in the approximate order that they occur, from initial consultations through to the final completion of the highway works.
- 6.49 A traffic and transport survey was undertaken by Faber Maunsell as part of the Baseline Study and Options Appraisal in the Sustainability Appraisal. This identifies a number of highway safety issues, access and circulation difficulties, as well as a lack of public transport capacity in Menston. It concludes that the development of these sites will significantly worsen the situation. A full detailed Traffic Impact Assessment is required to be submitted with each planning application so to address these impacts. A Scoping Study will also be required prior to the submission of this Transport Impact Assessment Report; terms of which will need to be agreed with the Council.
- 6.50 The High Royds Village development will be fully occupied by the time these sites come forward for development. Therefore the reality of the traffic impact of High Royds Village will be taken into account as part of the existing traffic conditions. A Travel Plan will need to be implemented and annually monitored once development commences.

6.51 The Section 278 Agreement for High Royds Village seeks to address the impact on traffic and public transport it creates through a raft of measures. This agreement is regarded as exemplary in its approach to “travel planning”.

The Section 278 requirements for the development of Derry Hill and Bingley Road have been developed as follows:

- Traffic survey and public transport analysis conducted by Faber Maunsell;
- Consultation with METRO;
- Consultation with Leeds City Council on the High Royds Section 278 agreement;
- Liaison with Bradford Council’s Highways Development Control Officers.

**The Council’s Expectations in terms Section 278 Works:**

**Site Access**

6.52 The location and provision of site access and traffic management proposals have been drawn up for both sites. An indicative plan of these proposals follows. These works are considered essential to securing development on these sites.

**Off Site Highway Improvements**

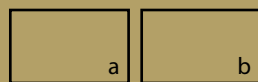
- 6.53 Traffic generation from the sites will impact on the wider road network and will necessitate off site highway improvements and traffic management proposals to the surrounding road network. Faber Maunsell advise that the increased traffic from these developments will require detailed analysis and a raft of measures. The indicative plan (page 53) highlights the locations of traffic management measures which will need to be considered to address the impact of development on the local highway network: in particular, the impact on Derry Hill and the immediate surrounding network. A traffic management scheme is required to address the prospect of additional northbound traffic on Derry Hill into the village, for example through the use of a one way system. Before any application is determined for development of these sites traffic management proposals should be approved by the Area Committee, the effect of which will be to manage additional traffic on Derry Hill (north of Derry Lane), Derry Lane and Cleasby Road so as to reduce as far as is practicable its impact on the existing settlement; the means of funding and implementation of such a scheme to be identified by the Area Committee.

**6.54 Travel Planning Requirements**

The following initiatives have been designed to work with those secured in the High Royds Village development as possible additions to improve the local transport service to support the development. The following proposals are put forward as travel planning requirements arising from developing each site. These will be subject to negotiation as part of the Section 278 Agreement at planning application stage.

**6.55 Shuttle Bus**

The provision of a free Shuttle Bus Service to carry residents of the new dwellings, occupiers, and individuals that work on the site to and from Menston railway station between the hours of 7am and 10am and 3pm and 7pm Monday to Friday. The developer is urged to collaborate with the Shuttle Bus provider at High Royds Village in terms of both funding and the provision of the services themselves.



a Hargrave Crescent  
b Dick's Garth Road

**Bus Service Through Each Site**

- 6.56 Bus stops are some distance from each site. As a means to encourage the use of public transport the developer will be expected to negotiate with Metro in seeking bus penetration through each site. In terms of duration of provision this would be more permanent and therefore preferred to the provision of a Shuttle Bus.

**Metro Cards**

- 6.57 The developer will be expected to provide a voucher to every dwelling to facilitate the provision of a bus and rail metro card. This will provide travel from Menston to Leeds and Bradford city centre's and should be valid for one year. The approximate cost of this is £400 per ticket, per annum. This type of financial incentive will encourage the use of public transport amongst the first occupants and will reduce reliance on the private car as travel patterns change.

**Real Time Timetables**

- 6.58 Waiting passengers should be able to access timetable and exact waiting time information regarding impending bus services. This is known to increase the attractiveness of travel by bus.

**6.59 Public Transport Capacity**

The Baseline study and consultation responses have highlighted the lack of existing capacity on the Airedale and Wharfedale line at peak times. The developments at Derry Hill and Bingley Road will further reduce this capacity. Through the High Royds Section 278 agreement financial resources have been secured to bid to increase train services. On the basis of this precedent the development of the sites will be required to contribute a commuted sum to increase train services.

- 6.60 A need for further car parking provision around the station is likely to arise from each of these developments. A developer will therefore be expected to assess and provide measures to increase parking provision in and around the station.

- 6.61 As the sites are some distance from the station it is likely that some people living in the new housing will cycle to the station. A developer will be required to assess cycle locker provision at the station in discussion with Metro and make further provision where a need arises from the development.

**Street Lighting**

- 6.62 The provision of street lighting in and immediately adjoining the surrounding area will be the subject to the Section 278 Agreement at planning application stage.

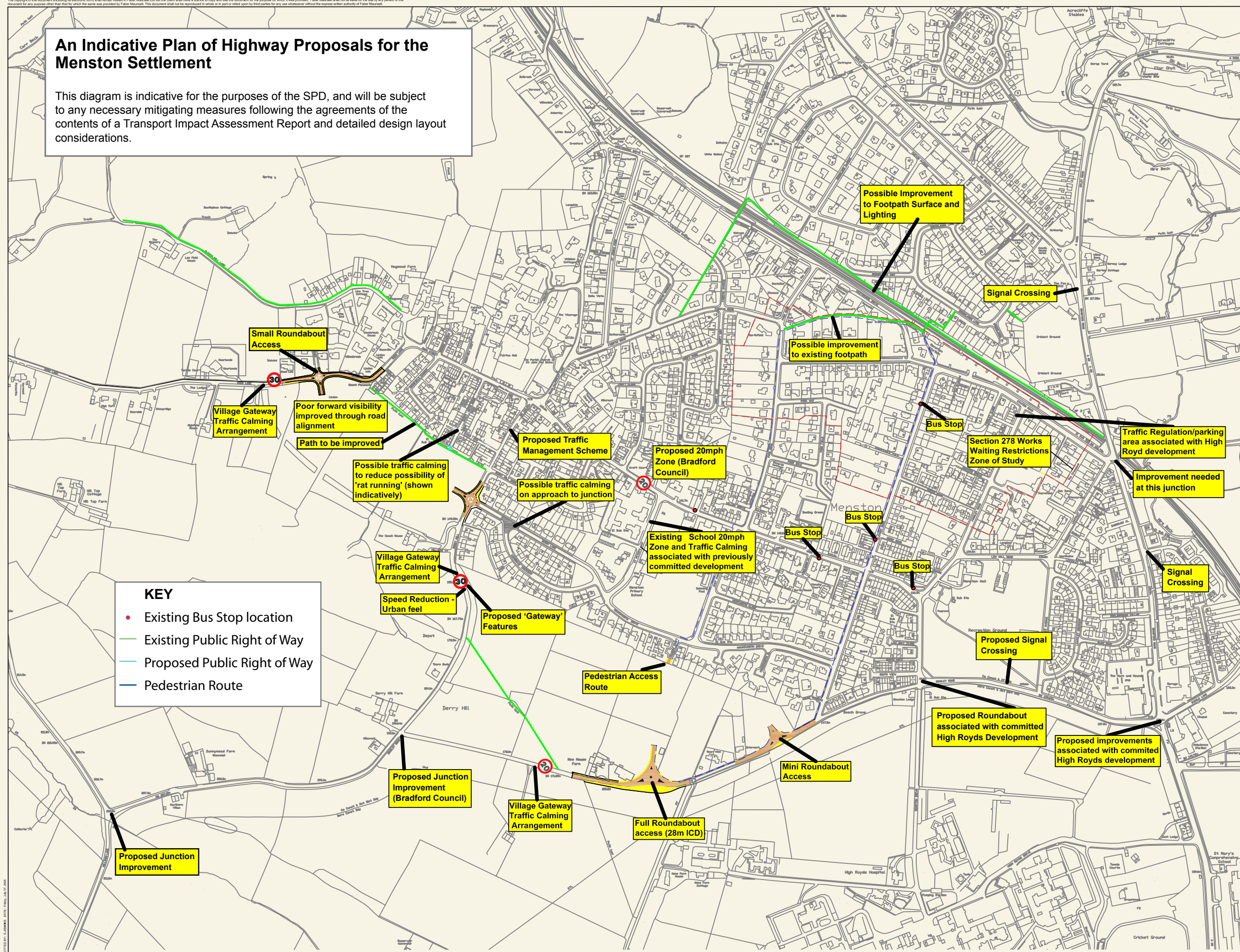
**On Site Highways Improvements**

- 6.63 The internal layouts of both sites will be subject to all relevant Highway Development Control Guides and what is deemed to be 'good practice' at the time of submission.





This diagram is indicative for the purposes of the SPD, and will be subject to any necessary mitigating measures following the agreements of the contents of a Transport Impact Assessment Report and detailed design layout considerations.



## NOTES

Client: **BRADFORD METROPOLITAN DISTRICT COUNCIL**

MENSTON SPD

## ACCESS AND TRAFFIC MANAGEMENT PROPOSALS

Design: JC	CAD: JC
Chk'd: TD	App'd: TD
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