

Local Development Orders for Bradford City Centre - Update Report December 2017

1.0 Summary

This is an update to the Report of the Assistant Director (Planning, Transport and Highways) presented to the Regulatory & Appeals Committee on 28 September 2017. The report details the consultation process, its outcome, discusses issues raised by it and outlines resultant changes 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

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 expired on 21 September 2017. A report was presented to the Regulatory & Appeals Committee seeking to extend this period for a further three years. The Committee resolved:

'That following the consultation period, Local Development Order 1 and 2 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.'

3.0 Consultation Process

Following the authorisation to proceed to consultation work, around 2300 consultation letters were sent out to known owners and a list of postal addresses within the boundaries of the two LDOs. 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 20 November 2017.

4.0 Consultation Feedback

Name	Summary of Responses	Comments	Action Proposed
English Heritage	On the basis of the available information do not wish to offer any comments	N/A	No changes proposed.
CIL Officer	No objections but note that developments associated with LDO 2 would be CIL liable. In a nil charging zone but developers are advised to submit the CIL additional information form and assumption of liability form before commencing development.	N/A	Add a footnote to LDO 2 which advises property owners and developers of the need for CIL forms.
Housing Development & Enabling	LDO 2 limits the number of units to 9 which is below the 15 unit threshold for affordable housing. No objections.	N/A	N/A
West Yorkshire Police Architectural Liaison Officer	Have reservations about extending LDO 2. Some of the applications that are made have very few security measures listed. Having good security measures applied in the first instance provides better security for those who reside in the apartments.	It is noted that the planning process has very limited influence over security measures installed to such developments. Approved Document Q of the Building Regulations applies in relation	No comments

		to new dwellings and provides that reasonable provision must be made to resist unauthorised access to any dwelling. The document sets out reasonable standards for doors and windows to resist physical attacks by being both sufficiently robust and fitted with appropriate hardware. This is considered to be the best way to properly secure premises.	
Yorkshire Water	No observation comments to make	N/A	N/A
Bradford Civic Society	<p>Welcome the proposal and support any efforts to bring vacant upper floors back to life through residential usage and encourage more variety of active frontage at street level and see how an LDO can facilitate this.</p> <p>Only note of caution which is not entirely pertinent but hope that the highest standard of design is encouraged in new city centre development especially within conservation areas. There have been several high profile examples since the initial implementation of the LDOs where new businesses have installed unsympathetic, inappropriate and frequently illegal shop fronts. Encourage Bradford Council to better activate and</p>	Neither of the LDOs allow for external changes to buildings and this is noted within both LDOs. The Local Planning Authority has adopted guidance which it implements when planning applications are considered. Where unauthorised work is carried the Council has powers to enforce against such breaches.	No changes proposed

	promote its city centre design guide.		
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5.0 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

In light of the feedback received from the consultation process the following change is proposed to Local Development Order 2:

i) Footnote relating to assumption of liability and CIL additional information forms for CIL liable development.

5.0 Adoption Route and Recommendation

Article 2 of the Growth & Infrastructure Act 2013 (Local Development Orders) (Consequential Provisions) (England) Order 2013 requires the Council to provide as soon as reasonable practicable, and no later than 28 days after the LPA 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.

This report was presented to the Chair of the Regulatory & Appeals Committee on 11 December 2017 and to the Portfolio Holder Regeneration, Planning and Transport Portfolio. Confirmation was received on 01 March 2018 that following the consultation exercise and in light of the lack of any significant objection the two City Centre LDOs be adopted for a further three year period in line with the resolution of the Regulatory & Appeals Committee.

Appendix 1 – Local Development Order 1

DRAFT LOCAL DEVELOPMENT ORDER

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)

Development Not Permitted

Development is not permitted by Class 1

(a) if the premises subject to change of use to A2 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) It should be noted that some of the properties on Broadway, Charles Street and Market Street fall within Flood Zones 2 and 3 which are at highest risk of flooding. Developers are advised to ensure that adequate provision is made for escape and egress in the case of flooding.

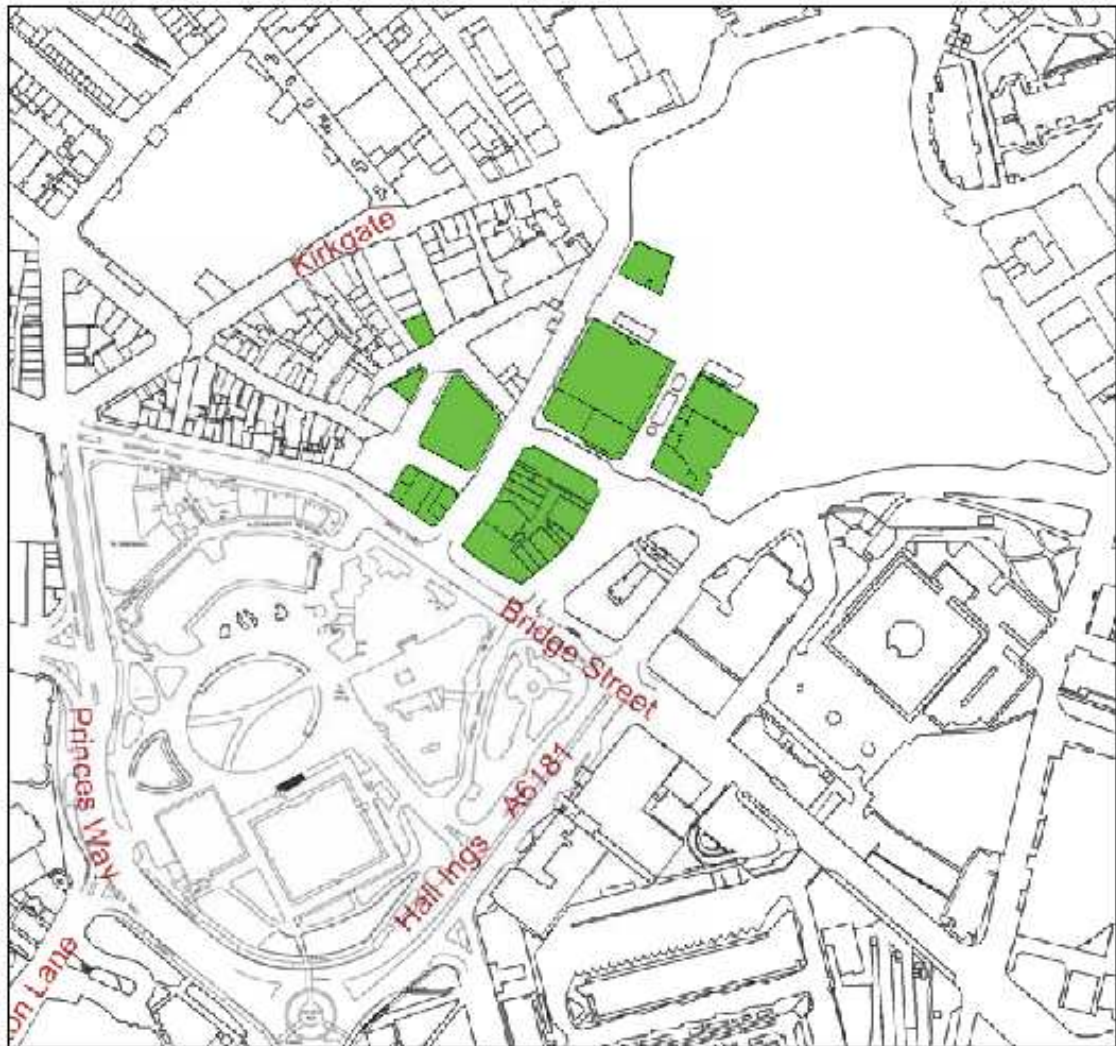
(b) The LDO does not grant any planning permission for any building, engineering or other operational development

(c) 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.

(d) 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.

**Bradford City Centre
Local Development Order 1**

Local Development Order 1



Appendix 2 - Draft Local Development Order 2

DRAFT LOCAL DEVELOPMENT ORDER

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 the creation of up to 9 residential units in the upper floors of a building.

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) A display window 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) It should be noted that some of the properties on Broadway, Charles Street, Bank Street and Market Street fall within Flood Zones 2 and 3 which are at highest risk of flooding. Developers are advised to ensure that adequate provision is made for escape and egress in the case of flooding.

(b) This Order does not grant any planning permission for any building, engineering or other operational development, which will be subject to any statutory requirements

(c) The permission granted by this Order 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.

(d) The LDO does not remove the need for consents obtained through other legislation such as licensing regulations

(e) 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.

(f) Bradford Council's Community Infrastructure Levy (CIL) was adopted by Full Council from 01 July 2017. Currently the city centre falls within a nil charge area (Zone 4). Developers are however required to submit to the Council the CIL additional Information

Form and the Assumption of Liability Form. Both these forms can be downloaded here https://www.planningportal.co.uk/info/200126/applications/70/community_infrastructure_levy/5

Whilst the CIL liability will be nil for LDO applications within the city centre, failure to submit the Assumption of Liability Form may result in surcharges being imposed upon the applicant(s). These charges can be viewed here in more detail <https://www.bradford.gov.uk/planning-and-building-control/planning-applications/community-infrastructure-levy/>

