

Minutes of a remote meeting of the Regulatory and Appeals Committee held on Thursday, 11 February 2021

Commenced 10.00 am
Concluded 11.35 am

Present – Councillors

LABOUR	CONSERVATIVE	LIBERAL DEMOCRAT AND INDEPENDENT GROUP
Warburton Godwin Wainwright Watson	Ali Pennington	Reid

Observers: Councillor Mukhtar (minute 50)

Councillor Warburton in the Chair

46. DISCLOSURES OF INTEREST

Councillor Wainwright disclosed that, as he had previously supported the application in respect of land at Shetcliffe Lane (minute 46), he would withdraw from the meeting for that item and take no part in the discussion or voting thereon.

ACTION: City Solicitor

47. MINUTES

Resolved –

That the minutes of the meeting held on 14 January 2021 be signed as a correct record.

48. INSPECTION OF REPORTS AND BACKGROUND PAPERS

There were no appeals submitted to review decisions to restrict documents.

49. MEMBERSHIP OF SUB-COMMITTEES

Resolved –

That Councillor Engel be appointed Chair of the Education Appeals Panel.

ACTION: City Solicitor

50. LAND AT SHETCLIFFE LANE BRADFORD - 20/04555/REG

NB: at this point, Councillor Wainwright left the remote meeting.

The Assistant Director (Planning, Transportation & Highways) submitted a report (**Document “AW”**) which set out a full application for the construction of purpose built crematorium, bereavement suite, areas of hard standing (car park/access roads) and landscaped grounds on land at Shetcliffe Lane, Bradford.

A full presentation of the application was made to Members, including plan and images of the site. They were also informed that, since the publication of the report, three additional representations had been received but that they had simply reprised issues which had already been raised. An objection from a local MP had also been received in respect of the consultation which had taken place. In response, the Assistant Director advised that all the usual consultation had been carried out, pandemic notwithstanding and during that process no request had been received for a public meeting. The MP had also queried whether the application complied with government guidance on crematoria and the Assistant Director further advised that, in his opinion, it did.

Objections had been received from the agent acting for the landowner in respect of whether the very special circumstances necessary for development on green belt had been proven; issues of car parking and issues of landscaping. The Assistant Director stated that he considered that the necessary very special circumstances had been met and that issues of both landscaping and car parking had been resolved.

Members were advised that the proposed crematorium would replace the facility at Scholemoor, which did not have the full suite of facilities needed. They were also advised of the criteria necessary for a modern day crematorium and how they meant that, in the Bradford District, any new crematorium would be highly likely to be sited within the green belt.

Members were shown an extensive set on photographs and plan of the proposed site and surrounding locality and the design and materials for the new building were also explained. A number of rights of way crossed the proposed site and one of those would need to be diverted by a separate process than this application.

Members were also advised that Highways officers were content with the proposed access and egress from the site.

Members then asked a number of questions in respect of the application,

including:-

- The location of the nearest school
- Whether there would be any facility for burial at this site
- Was the footpath for walkers only and would it remain open during the construction period ?
- Would the application need to be referred to the Secretary of State ?
- had the legislation of 1902 referred to been updated ?
- the photographs showed pylons on the site – would they be moved ?
- were the roads mentioned by the local MP wide enough the amount of traffic envisaged ?
- if this site was used for housing, what would the level of traffic movement be ?

In response, Members were advised:-

- of the location of the nearest school
- that there would be no facility for burial on this site
- that the footpaths was for walkers only; that it would be replaced by a path of a better standard; that its new route would be agreed with the Rights of Way Officer and that it would be open for use during the construction period but would be fenced off for safety
- that, if approved the application would be forwarded to the Secretary of State for comment as it dealt with a site in the green belt
- That the 1902 legislation was still extant and dealt with the distance of this type of facility from housing etc. This application complied with all requirements in respect of distance.
- The pylons would not be moved and the design of the site meant there would be no adverse impact
- Both roads mentioned by the local MP were more than wide enough to cope with the traffic levels that would result from this application.
- If the site was to be proposed for housing use it would likely occasion 130 traffic uses AM and PM as opposed to a likely level of 37 for a crematorium.

A ward councillor joined the meeting and stated that she had been reassured about the application after speaking to officers. She acknowledged that the facility at Scholemoor was coming to the end of its useful life and that a new facility would be better for the District. She understood residents' concerns but considered that the proposed development would be well landscaped and would provide a well laid out green space. She noted that the footpaths would be preserved as well as an area of marsh land. She also noted that the modern facilities would be able to deal with a wider range of residents' needs and so would provide a better service.

The agent for the landowner also joined the meeting and highlighted that the applicant in this case had no agreement in place to acquire this land. He did not consider that there was sufficient very special circumstances to demonstrate the need for this facility in this location, given its green belt status. He also advised that the landowner had suggested an alternative site on their land and that this was being considered. The landowner considered the harm to the green belt from the proposed development to be very significant and requested deferral of this application to consider their objections further.

In response, the Assistant Director advised that a potential alternative site was not a relevant consideration for this application; that there had been a thorough survey of potential sites and that he considered the very special circumstances had been demonstrated.

The architect for the proposed development joined the meeting and spoke in support of the application, stressing that the application had arisen as the result of major concerns about existing facilities. He also highlighted that other potential sites which has been considered did not meet the requirements of legislation and that this site did so. He stressed that there had been comprehensive consultation; that great care had been taken to screen the site to preserve residential amenity; that access would be from Shetcliffe Lne which would means works would be required to improve the road, including the provision of a crossing and that the management plan for the site would mean a net gain in biodiversity.

The Chair queried whether the time for publicly attended funerals could be amended to prevent and traffic conflict. The applicant noted that this could be incorporated but that the overall operating time needed to be early enough for practical purposes.

Members commented on the application, noting that:-

- Given the constraints involved this application was the best possible option
- It may be better to defer consideration to undertake a site visit
- Group site visits were not a practical option at the moment and members had undertaken individual visits to view the site
- Full details of the application had also been available to view on the Council's website for some time

The Committee's legal advisor advised Members that issues in respect of burials and compulsory purchase were not relevant for this application and that all relevant information was available on the Council's planning portal.

Resolved –

- (1) That the application be approved subject to the conditions set out in Appendix 1 to Document "AW".**
- (2) That an additional condition be imposed to specify that no public funeral services shall commence prior to 09:00 hours Monday-Friday during the school term times of St John's CE Primary School located on Dawson Lane, Bradford and to specify when direct funeral service can operate.**

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

- (3) That the precise wording of the condition referred to in (2) above be delegated to the Assistant Director, Planning Transportation and Highways.**
- (4) That the application be referred to the Secretary of State for**

**Communities and Local Government under the provisions of the
Town and Country Planning (Consultation) (England) Direction 2009.**

- (5) That, If the Secretary of State confirms he does not intend to
intervene then the Assistant Director (Planning, Transportation and
Highways) be authorised to issue the grant of planning permission.**

ACTION: Assistant Director, Planning , Transportation & Highways

51. PROGRESS WORKS HALL LANE BRADFORD - 20/04238/MAF

NB: at this point Councillor Wainwright rejoined the remote meeting.

The Assistant Director (Planning, Transportation & Highways) submitted a report (**Document “AX”**) which set out a full planning application for the modification and extension to an existing industrial unit and the creation of service yard areas, relocation of existing pre-fabricated building and additional car parking at Progress Works, Hall Lane, Bradford.

The Assistant Director made a detailed presentation of the application for members, including sharing plans and photographs of the site and surrounding area. He explained that the matter required a member decision as the size of the site was just over the maximum size permitted for consideration under officer delegation.

He also noted that, due to the fall of the land, the impact of the extension would be no different to the current buildings in place. He also noted that there would be no detriment to the nearby footpath as increased lighting would make it safer to use.

A member queried whether an increase to the area of hard standing would increase the risk of flooding and was informed that both Yorkshire Water and the Council’s drainage officers were satisfied with the proposals.

Resolved –

**That the application be approved subject to the conditions set out in
Appendix 1 to Document “AX”.**

ACTION: Assistant Director, Planning , Transportation & Highways

Chair

**Note: These minutes are subject to approval as a correct record at the next meeting
of the Regulatory and Appeals Committee.**

THESE MINUTES HAVE BEEN PRODUCED, WHEREVER POSSIBLE, ON RECYCLED PAPER