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Agenda for a meeting of the Regulatory and Appeals Committee to be held on Thursday 20 January 2022 at 10.00 am in the Council Chamber, City Hall, Bradford

Members of the Committee – Councillors

LABOUR	CONSERVATIVE	GREEN
Warburton Wainwright Lee Shafiq	Ali Brown	Edwards

Alternates:

LABOUR	CONSERVATIVE	GREEN
Godwin Hussain Lal Salam	K Green Sullivan	Love

Notes:

- This agenda can be made available in Braille, large print or tape format on request by contacting the Agenda contact shown below.
- The taking of photographs, filming and sound recording of the meeting is allowed except if Councillors vote to exclude the public to discuss confidential matters covered by Schedule 12A of the Local Government Act 1972. Recording activity should be respectful to the conduct of the meeting and behaviour that disrupts the meeting (such as oral commentary) will not be permitted. Anyone attending the meeting who wishes to record or film the meeting's proceedings is advised to liaise with the Agenda Contact who will provide guidance and ensure that any necessary arrangements are in place. Those present who are invited to make spoken contributions to the meeting should be aware that they may be filmed or sound recorded.
- If any further information is required about any item on this agenda, please contact the officer named at the foot of that agenda item.
- A legal briefing for all Members will take place at 9:15 in the Council Chamber on the day of the meeting.
- Anyone wishing to speak to any of the business items on the agenda either as a Ward Councillor, applicant/agent, in support of or objecting to an application must register to speak by emailing the Governance Officer yusuf.patel@bradford.gov.uk by midday on Tuesday 18 January 2022. Please provide a telephone contact number, together with the relevant application details and explaining who will be speaking. They will then be advised on how you can participate in the meeting. If you have not registered, you may not be able to speak.
- If anyone wishes to submit any accompanying photographs/plans they should not exceed four and must also be submitted in writing by midday on Tuesday 18 January 2022 to the following Governance Officers: yusuf.patel@bradford.gov.uk
- Please note that any representations will be allowed 5 minutes only and this will have to be shared if there is more than a single speaker.
- On the day of the meeting you are encouraged to wear a suitable face covering (unless you are medically exempt) and adhere to social distancing. Staff will be at hand to advise accordingly.

From:

Parveen Akhtar
City Solicitor
Agenda Contact: Yusuf Patel
Phone: 07970 411923
E-Mail: yusuf.patel@bradford.gov.uk

A. PROCEDURAL ITEMS

1. ALTERNATE MEMBERS (Standing Order 34)

The City Solicitor will report the names of alternate Members who are attending the meeting in place of appointed Members.

2. DISCLOSURES OF INTEREST

(Members Code of Conduct - Part 4A of the Constitution)

To receive disclosures of interests from Members and co-opted members on matters to be considered at the meeting. The disclosure must include the nature of the interest.

An interest must also be disclosed in the meeting when it becomes apparent to the Member during the meeting.

Notes:

- (1) *Members may remain in the meeting and take part fully in discussion and voting unless the interest is a disclosable pecuniary interest or an interest which the Member feels would call into question their compliance with the wider principles set out in the Code of Conduct. Disclosable pecuniary interests relate to the Member concerned or their spouse/partner.*
- (2) *Members in arrears of Council Tax by more than two months must not vote in decisions on, or which might affect, budget calculations, and must disclose at the meeting that this restriction applies to them. A failure to comply with these requirements is a criminal offence under section 106 of the Local Government Finance Act 1992.*
- (3) *Members are also welcome to disclose interests which are not disclosable pecuniary interests but which they consider should be made in the interest of clarity.*
- (4) *Officers must disclose interests in accordance with Council Standing Order 44.*

3. MINUTES

Recommended –

That the minutes of the meeting held on 16 December 2021 be signed as a correct record.

(Yusuf Patel – 07970 411923)

4. **INSPECTION OF REPORTS AND BACKGROUND PAPERS**

(Access to Information Procedure Rules – Part 3B of the Constitution)

Reports and background papers for agenda items may be inspected by contacting the person shown after each agenda item. Certain reports and background papers may be restricted.

Any request to remove the restriction on a report or background paper should be made to the relevant Strategic or Assistant Director whose name is shown on the front page of the report.

If that request is refused, there is a right of appeal to this meeting.

Please contact the officer shown below in advance of the meeting if you wish to appeal.

(Yusuf Patel – 07970 411923)

B. BUSINESS ITEMS

5. **MEMBERSHIP OF SUB-COMMITTEES**

The Committee will be asked to consider recommendations, if any, to appoint Members to Sub-Committees of the Committee.

(Yusuf Patel – 07970 411923)

6. **LAND AT OLD ALLEN ROAD, THORNTON - 2001699MAF**

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The Assistant Director Planning, Transportation & Highways will submit a report (**Document “Q”**) which sets out a full planning application for the development of a multi-faith cemetery with car parking, garden of tranquillity, and an associated building on land at Old Allen Road, Thornton.

Recommended –

That the application be refused subject for the reasons set out in Appendix 1 to Document “Q”.

(Hannah Lucitt – 01274 434605)

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Report of the Assistant Director (Planning, Transportation & Highways) to the meeting of Regulatory and Appeals Committee to be held on Thursday 20th January 2022

Q

Subject:

Planning application reference 20/01699/MAF - A full planning application for the development of a multi-faith cemetery with car parking, garden of tranquillity, and an associated building on land at Old Allen Road, Thornton.

Summary statement:

This application seeks planning permission for the development of a multi-faith cemetery on an area of open land at Old Allen Road, Thornton.

The site is within an area of Green Belt as defined by the Replacement Unitary Development Plan, where development is generally inappropriate unless it falls into one of the exceptions set out in national policy. Exceptions include material changes of use of land for cemeteries and burial grounds and for appropriate facilities for cemeteries and burial grounds, providing that they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.

In this case, whilst the change of use to a cemetery and the proposed facilities would fall within the relevant exceptions, the development is not considered to preserve the openness of the Green Belt and would therefore constitute inappropriate development. It is not considered that the harm to the Green Belt is clearly outweighed by other considerations so as to constitute very special circumstances, as set out in the National Planning Policy Framework.

In addition to the harm to Green Belt, the development is located in an unsustainable location, which is distant from public transport provision and served by substandard roads that do not include footpaths. The development does not include adequate off-street parking provision and would lead to overspill parking on the public highway which would obstruct the free flow of traffic and lead to conditions prejudicial to pedestrian and highway safety.

The site is within the Thornton and Queensbury Landscape Character Area and is remote from the key urban areas. The development would be out of place and out of keeping with the landscape character and would neither conserve nor enhance the current landscape characteristics.

The development would harm the setting of several nearby designated heritage assets located to the south of the site on Old Allen Road. The development would harm the of these assets rather than enhancing it. The development would cause less than substantial harm to the significance of the designated heritage assets, but without sufficient public benefit to outweigh the identified harm.

The proposal would also result in an adverse impact on the amenities of the occupants of nearby residential properties, due to the intensification of the use of the site, including periods of extensive vehicle movements and activity at the site, which would cause noise and other disturbances to residential amenity.

Having considered the material planning considerations, the identified harm to Green Belt, landscape character, designated heritage assets, residential amenity, and highway safety would not be clearly outweighed by any other considerations and very special circumstances have not been demonstrated. For these reasons, the proposal is considered unacceptable when measured against relevant policies and guidance contained within the Council's Replacement Unitary Development Plan and Core Strategy Development Plan Document, the National Planning Policy Framework, and the Planning (Listed Buildings and Conservation Areas) Act 1990.

Julian Jackson
Assistant Director (Planning,
Transportation & Highways)

Portfolio:
Regeneration, Planning and Transport

Report Contact: Richard Holliday
Senior Planning Officer
Phone: (01274) 434605

Overview & Scrutiny Area:
Regeneration and Economy

1. SUMMARY

This application seeks planning permission for the development of a multi-faith cemetery on an area of open land at Old Allen Road, Thornton.

The site is within an area of Green Belt as defined by the Replacement Unitary Development Plan, where development is generally inappropriate unless it falls into one of the exceptions set out in national policy. Exceptions include material changes of use of land for cemeteries and burial grounds and for appropriate facilities for cemeteries and burial grounds, providing that they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.

In this case, whilst the change of use to a cemetery and the proposed facilities would fall within the relevant exceptions, the development is not considered to preserve the openness of the Green Belt and would therefore constitute inappropriate development. It is not considered that the harm to the Green Belt is clearly outweighed by other considerations so as to constitute very special circumstances, as set out in the National Planning Policy Framework.

In addition to the harm to Green Belt, the development would cause harm to the landscape character of the area, the setting of nearby designated heritage assets, the amenity of nearby residential properties, and the development would also lead to conditions prejudicial to highway safety.

The identified harm to Green Belt, landscape character, designated heritage assets, residential amenity, and highway safety would not be clearly outweighed by any other considerations and very special circumstances have not been demonstrated. For these reasons, the proposal is considered unacceptable when measured against relevant policies and guidance.

2. BACKGROUND

Attached at Appendix 1 is the Technical Report of the Assistant Director (Planning, Transportation and Highways). This identifies the material considerations relevant to the application

3. OTHER CONSIDERATIONS

All considerations material to the determination of this planning application are as set out in Appendix 1.

4. FINANCIAL & RESOURCE APPRAISAL

The presentation of the proposal is subject to normal budgetary constraints.

5. RISK MANAGEMENT AND GOVERNANCE ISSUES

No implications.

6. LEGAL APPRAISAL

The determination of the application is within the Council's powers as the Local Planning Authority.

7. OTHER IMPLICATIONS

7.1 EQUALITY & DIVERSITY

Section 149 of the Equality Act 2010 states that the Council must, in the exercise of its functions "have due regard to the need to eliminate conduct that is prohibited by the Act, advancing equality of opportunity between people who share a protected characteristic and people who do not share it, and fostering good relations between people who share a protected characteristic and people who do not share it. For this purpose, section 149 defines "relevant protected characteristics" as including a range of characteristics including disability, race and religion. In this particular case due regard has been paid to the section 149 duty but it is not considered there are any issues in this regard relevant to this application.

7.2 SUSTAINABILITY IMPLICATIONS

The Technical Report at Appendix 1 contains an assessment of the development and its location, which finds that the location is somewhat remote and inaccessible other than by private motor vehicle, which presents concerns over the sustainability of the site for use as a cemetery. The lack of public footpaths or public transport provision in the local area prevents the use of more sustainable modes of transport and its distance from urban areas will cause a reliance on car journeys to and from the site.

7.3 GREENHOUSE GAS EMISSIONS IMPACTS

New development will almost invariably result in the release of additional greenhouse gases associated with both construction operations and ongoing future use. However, it is not considered that the scale or nature of the proposed development itself is such that excessive greenhouse gas emissions will be generated and therefore there are not considered to be any grounds to refuse planning permission on this basis.

7.4 COMMUNITY SAFETY IMPLICATIONS

Core Strategy Policy DS5 states that development proposals should be designed to ensure a safe and secure environment and reduce the opportunities for crime. Matters pertaining to community safety implications are considered in detail in the technical report appended at Appendix 1, but no significant implications are foreseen.

7.5 HUMAN RIGHTS ACT

Article 6 - right to a fair and public hearing. The Council must ensure that it has taken into account the views of all those who have an interest in, or whom may be affected by the proposal.

7.6 TRADE UNION

None.

7.7 WARD IMPLICATIONS

Ward members have been fully consulted on the proposal and it is not considered that there are any significant implications for the Ward itself.

7.8 AREA COMMITTEE ACTION PLAN IMPLICATIONS

None.

7.9 IMPLICATIONS FOR CORPORATE PARENTING

None.

7.10 ISSUES ARISING FROM PRIVACY IMPACT ASSESMENT

None.

8. NOT FOR PUBLICATION DOCUMENTS

None.

9. OPTIONS

The Committee can refuse the application as per the recommendation contained within Appendix 1, or approve the application.

If the Committee decide that planning permission should be approved, planning reasons for approval together with any necessary conditions will have to be given based upon development plan policies or other material planning considerations. A decision to approve the application due to its conflict with green belt policy would have to be referred to the secretary of state under the Town and Country Planning (Consultation) (England) Regulations 2009.

10. RECOMMENDATIONS

The application is recommended for refusal for the reasons set out in Appendix 1.

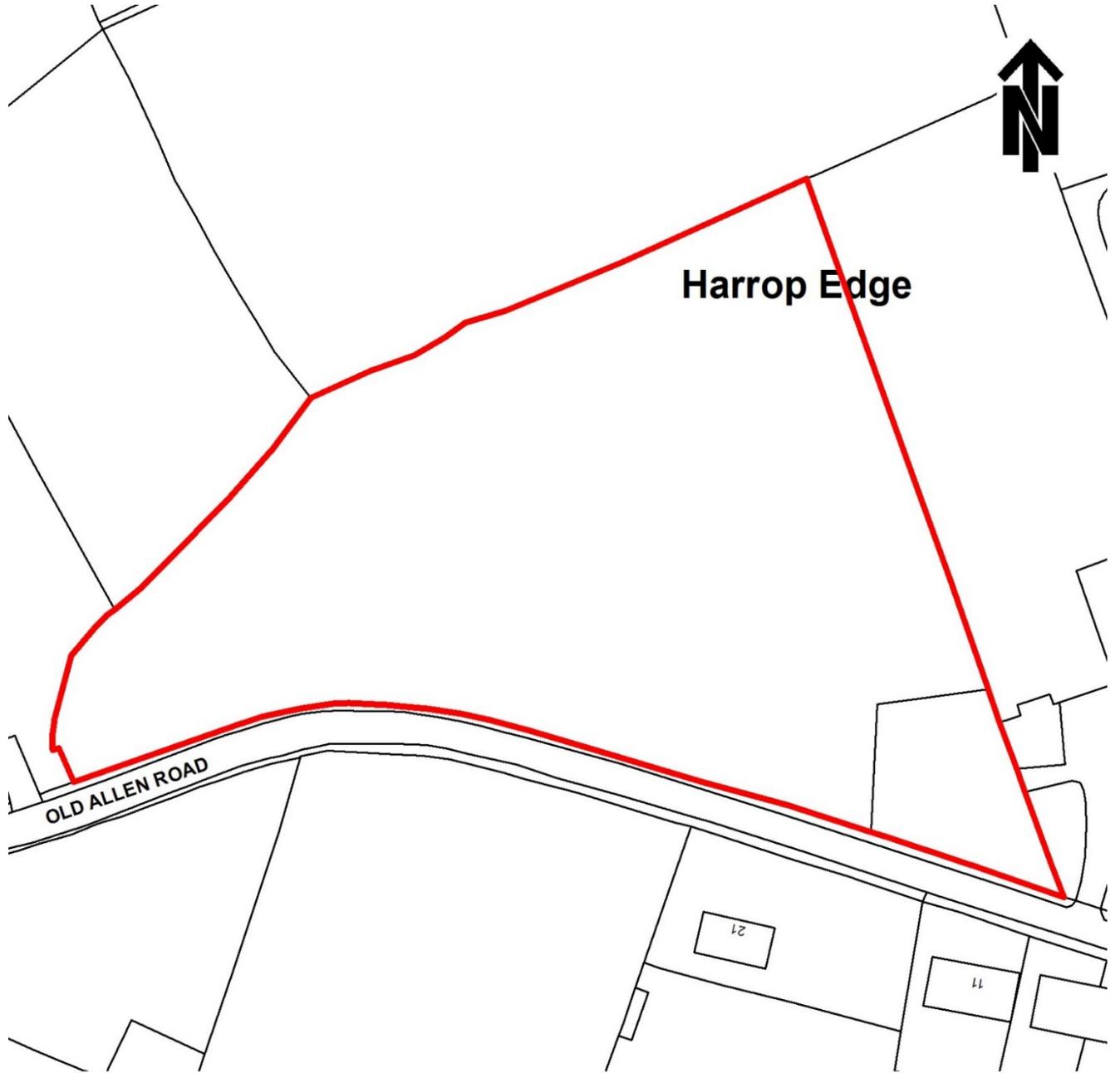
11. APPENDICES

Appendix 1 Technical Report

12. BACKGROUND DOCUMENTS

National Planning Policy Framework
Core Strategy Development Plan Document
Replacement Unitary Development Plan

20/01699/MAF



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**Land At Grid Ref 409410 434580
Old Allen Road
Thornton
Bradford, West Yorkshire**

Appendix 1
20th January 2022

Ward: Thornton and Allerton (Ward 23)

Recommendation:

To refuse planning permission.

Application Number:

20/01699/MAF

1. Type of Application/Proposal and Address:

A full planning application for the development of a multi-faith cemetery with associated car parking, garden of tranquillity, and an associated maintenance building, on land off Old Allen Road, Thornton.

2. Applicant:

Mr Amar Hussain

3. Agent:

Mr C Heffernan (The Mineral Planning Group Ltd)

4. Site Description:

4.1. The site is located within an area of Green Belt and consists of an area of undeveloped, open pasture extending to approximately 1.5 hectares, which is relatively level although the western part of the site slopes down to the west and land north and west of the site begins to gently slope down the hillside. The site is enclosed by dry stone walls with gated openings for the site access onto Old Allen Road and a further gated access into an adjacent field to the north. The site is located close to the junctions of Old Allen Road, Back Lane, Dean Lane, and Allerton Road.

4.2. The site sits roughly equidistant between Thornton (south), Wilsden (north), Allerton (east), and Denholme (west), with the surrounding area being predominantly characterised by open agricultural pasture. Old Allen Road delineates the southern site boundary, on the opposite side of which there are residential dwellings, some of which are designated heritage assets. Directly to the southeast/east there is what appears to be an agricultural storage area and a vehicle repair/MOT garage, beyond which is a covered reservoir. Approximately 400m down the hillside to the north west is the Bradford West electricity substation.

5. Relevant Site History:

5.1. 09/05590/FUL – Construction of an agricultural building – Refused 12.02.2010

5.2. 11/05203/FUL – Construction of an agricultural building – Refused 11.01.2012 – (Subsequent appeal dismissed 23.07.2012)

6. The National Planning Policy Framework (NPPF):

6.1. The National Planning Policy Framework is a material planning consideration on any development proposal. The Framework highlights the fact that the purpose of the planning system is to contribute to the achievement of sustainable development and that there is a presumption in favour of sustainable development which can deliver:-

- Planning for prosperity (an economic role) - by ensuring that sufficient land of the right type and in the right places is available to allow growth and innovation;
- Planning for people (a social role) - by promotion of strong, vibrant and healthy communities by providing an increase supply of housing to meet the needs of present and future generations and by creating a good quality built environment with accessible local services;
- Planning for places (an environmental role) - by protecting and enhancing the natural, built and historic environment, adapting to climate change including moving to a low-carbon economy.

As such, the Framework suggests local planning authorities should approve development proposals that accord with statutory plans without delay.

7. Planning (Listed Buildings and Conservation Areas) Act 1990

- 7.1. Sections 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. Any concern related to this provision is addressed in detail later in this report.

8. Local Plan for Bradford:

- 8.1. The Core Strategy Development Plan Document was adopted on 18 July 2017 though some of the policies contained within the preceding Replacement Unitary Development Plan (RUDP), saved for the purposes of formulating the Local Plan for Bradford, remain applicable until adoption of Allocations and Area Action Plan development plan documents.

- 8.2. The site is located within an area defined as Green Belt in the Replacement Unitary Development Plan, within the Thornton and Queensbury Landscape Character Area, and is within the setting of listed buildings. Accordingly, the following Replacement Unitary Development Plan and adopted Core Strategy policies are applicable to this proposal.

9. Replacement Unitary Development Plan Policies:

GB1 Green Belt
NE3 Landscape Character Areas

10. Core Strategy Policies:

P1 Presumption in Favour of Sustainable Development
SC1 Overall Approach and Key Spatial Priorities
SC7 Green Belt
SC8 Protecting the South Pennine Moor and their Zone of Influence
SC9 Making Great Places
PN1 South Pennine Towns and Villages
DS1 Achieving Good Design
DS2 Working with the Landscape
DS3 Urban Character
DS4 Streets and Movement
DS5 Safe and Inclusive Places
EN2 Biodiversity and Geodiversity
EN3 Historic Environment
EN4 Landscape
EN5 Trees and Woodlands

EN7 Flood Risk
EN8 Environmental Protection
TR1 Travel Reduction and Modal Shift
TR2 Parking Policy
TR3 Public Transport, Cycling and Walking
TR4 Transport and Tourism
TR5 Improving Connectivity and Accessibility

11. Parish Council:

- 11.1. *Wilsden Parish Council* – The site is Green Belt land and no 'very special circumstances' can be claimed for this cemetery when there is spare capacity for burial plots in cemeteries around the district notwithstanding the assertion in MPG's supporting statement that in 2015 Bradford Bereavement Services had identified a need to plan for future Muslim burial plots. CBMDC have, since that time, announced an extension to the Muslim burial ground at Scholemoor cemetery plus the siting of a new crematorium at Heaton Royds.
- 11.2. The potential harm to the Green Belt, should this application be passed, is not outweighed by other considerations and no evidence is offered as to why a cemetery should be on this site rather than one in a more sustainable location outside the Green Belt.
- 11.3. The site is at least 1.5km distant from the nearest bus route, and there is no footway for pedestrians on any of the approach roads. Use of public transport seems unlikely and we agree with the applicant's expectation that mourners will arrive by car. The car park will hold only 35 cars and the applicant's assumption of a maximum number of mourners being 80 is not capable of enforcement. Overspill from the car park cannot be accommodated on the narrow roads surrounding the site and will adversely affect the safety of other road users and those living in the Grade 2 listed buildings opposite.
- 11.4. The 2017 pre-application response from CBMDC Department of Place notes that although the proposed site entrance lies within a 30mph zone it is close to where the speed limit becomes de-restricted. The applicant's speed survey shows around one third of eastbound vehicles travelling in excess of 30mph at this point. The narrowness of the road further reduces the ability of oncoming drivers to take avoidance action. Allowing this application would be detrimental to highway safety.
- 11.5. The pre-application response advised that the proposal (in November 2016) "appears unacceptable". "The location is one of the more undisturbed pockets of the landscape character area because it is away from the main transport routes which have seen the most intervention..... The site is in an open and exposed location and any changes such as buildings, hardsurfacing, and other structures will be noticeable and potentially have a large impact on the landscape character. The site is therefore rather disconnected and remote from the key urban areas that it would serve. A cemetery here would be out of place and out of keeping with the landscape character." Wilsden Parish Council is in complete agreement with this opinion.
- 11.6. The 2017 response also showed that West Yorkshire Police had warned of potential security risks for the unsupervised building and contents and being a target for anti-

social behaviour which do not appear to have been addressed.

- 11.7. The Environment Agency has highlighted the lack, in the supporting information, of test pit results showing whether the ground is suitable for human burials. The former quarry on part of the site and made land afterwards could reduce the area available for burials. As does the westerly underlying bedrock at less than 1m depth. The presence of an aquifer underlying the site at potentially (according to MPG's report) less than 6m standoff, and the presence of springs and land drains, is also of concern.
- 11.8. The application should also make consideration of the need for a segregated area for Muslim burials with raised graves to avoid any of the graves being inadvertently walked over. This would also impact on the openness of the site.
- 11.9. There is a lack of information on the treatment of sewerage and white water from the welfare building.
- 11.10. The use of crushed sandstone over clay soil for the car park is likely to form puddles and ruts and cause difficulties in marking out parking spaces; A more resilient but porous surface would be needed.
- 11.11. The application is not supported for all of the above reasons.

12. Publicity and Number of Representations:

- 12.1. The application was publicised by press notice, site notice, and neighbour notification letters. The expiry date for the publicity exercise was 10th July 2020.
- 12.2. The local planning authority has received 749 representations, comprising 651 objections, including one from Philip Davies MP, and 98 comments in support. These representations are summarised below.

13. Summary of Representations Received:

13.1. Objections

13.2. *Principle of development*

- Inappropriate development in the Green Belt
- Does not preserve the openness of the Green Belt
- No further encroachment into the Green Belt is appropriate
- There is no need for the cemetery
- There is no shortage of burial space across the district or in this area as per Bradford Council's Bereavement Services Strategy
- There is already enough burial space at Thornton cemetery and the recent extension of Scholemoor Cemetery and other cemetery/crematoria investments by the Council
- Future need will be the Shipley/Keighley corridor, not here
- No very special circumstances
- Would introduce extensive hard standing, buildings, and headstones in the Green Belt
- There are more accessible cemeteries nearby, with the nearest being Thornton Cemetery, which has 4000 burial plots available
- There are other more suitable sites that are not in the Green Belt

- Cemeteries should be located where they are more easily accessible
- Agricultural developments nearby have been refused so why allow this
- Recent approval for an energy storage facility on Old Allen Road – not appropriate to develop even more Green Belt land on this country lane.
- Unsustainable location
- Should be built on a brownfield site nearer the city centre
- Existing cemeteries should be extended
- Previous application for agricultural building was refused
- Who/what area will this serve
- Could be future pressure to extend the cemetery, increasing the negative impact
- Will set a precedent for other developments in the Green Belt
- Application uses old and misleading data from Bereavement Services

13.3. *Highways*

- Inadequate parking provision
- Parking does not take account of hearses, official cars, staff, and other visitors
- Roads in the area are too narrow and busy to support the extra traffic
- Increase in congestion and traffic disruption
- Not accessible by public transport
- No footpaths to the site
- Visitors would be reliant on cars to visit the site
- Local road junctions have limited visibility and no lighting
- Increased risk of road traffic collisions
- Road leading to the site has a 60mph speed limit
- Local roads sometimes hazardous and inaccessible in winter due to snowfall
- Overflow of cars parking on roadsides will reduce visibility, cause traffic and obstructions
- Disruption and inconvenience to local residents
- Other cemeteries have more parking but still experience overflow parking on local highways
- Recent serious accidents at the junction of Old Allen Road and Back Lane, including unreported incidents
- Roads used as rat run for speeding drivers
- Previous applications refused due to unsuitability of the site and parking
- Will affect walkers, runners, cyclists, and horse riders
- Farmers use this road for moving animals, tractors, etc.
- Local roads are dangerous and sometimes impassable in winter

13.4. *Visual and landscape impact*

- Not in keeping with the area
- Don't want the landscape to change
- Spoils the landscape, countryside and rural views
- Area should be preserved
- Will ruin the tranquillity of the area
- Site is on the top of a hill and can be seen for miles around
- Grass verges will be destroyed by parked cars
- Would appear prominent in views
- Poor design and position of maintenance building
- Building looks more like a dwelling
- Poor landscaping

13.5. *Heritage*

- Heritage Impact Assessment contains inaccuracies and misleading photographs
- Listed buildings are closer to the site than stated (15m away)
- Impact on listed buildings
- Photos do not show correct views of the listed buildings
- Listed buildings complied with regulations to keep the area of special character
- Cemetery is disrespectful to the heritage of the area
- Would not preserve the setting and character of Thornton village
- Thornton conservation area should remain without new building work

13.6. *Residential amenity*

- Will be an eyesore for residents
- Noise disturbance for local residents
- Will affect views from local houses
- Residents would not feel safe
- Loss of light and overshadowing
- Loss of privacy for local properties

13.7. *Drainage, Environment, Pollution, and Ecology*

- Local springs, boreholes, and water sources could be contaminated
- Does not meet the minimum requirements for burials as advised by the Environment Agency e.g. wells within 250m of the site
- What safeguards will be in place to ensure that burials do not affect existing water sources
- Will affect wildlife habitats and nature
- Land and water contamination from leachates
- Air, noise, and environmental pollution
- Litter and flytipping will increase
- Unstable land due to old mine workings and not safe to excavate
- Visitors would be welcomed by the smell of the nearby animal incinerator plant
- Groundworks will cause noise, disturbance, and pollution
- There are no drains in the area (properties use septic tanks)
- Surface water will run downhill onto nearby farm land and across the highway
- Potential contamination of the water table, water sources, and covered reservoir

13.8. *Other*

- Previous enforcement action against a haulage business on site and works carried out to the boundary wall and site. If this was complied with there would just be an open field
- People not notified of application
- Will affect house sale prices and ability to sell
- High pressure electric cables require 24-hour access
- Antisocial behaviour
- Profit making exercise with no consideration for the area
- Might lead to future expansion plans including a place of worship
- Cemeteries should be run by the Council
- Would others want to live near/across from this cemetery
- Applicant has not followed advice given in pre-application response

13.9. Support

- Great idea and much needed
- Would be a great resource
- Will benefit all faiths and communities
- Lovely location
- Beautiful surroundings
- Peaceful area
- Better than filling the area with more buildings
- Other cemeteries are filling up
- More Muslim burial grounds needed
- This is planning for the future
- Will reduce waiting times for burials and provide more choice
- Competition will help lower cost of burials
- Bradford is multicultural so why not have a multi-faith cemetery
- Convenient location for members of the public
- Tranquillity garden will allow people to grieve in peace
- Should support the diversification of the rural economy
- Employment for maintenance staff

13.10. Support subject to comments:

- Only concerns are if it is Green Belt and does not take account of traffic and environmental issues
- Ideally there should be increased parking, highway improvements, permit parking for residents, and double yellow lines

13.11. Philip Davies MP

I have been contacted by residents in my constituency and wish to object to this planning application because of the impact it will have on Harecroft, Wilsden and Cullingworth. I am particularly concerned that the narrow roads nearby are unsuitable for lots of traffic plus there are only 35 parking spaces and nearby roads are unsuitable for overflow parking. It is in the Greenbelt, there is no public transport, no pavement on Old Allen Road and there will be a detrimental impact on wildlife.

14. Consultations:

14.1. *Coal Authority* – The site is within the defined development low risk area, where there is no requirement for a Coal Mining Risk Assessment. If granting planning permission, the decision notice should include the Coal Authority’s Standing Advice as an informative note in the interests of public health and safety.

14.2. *Conservation* – The site is in proximity to listed buildings on Old Allen Road, comprising a former public house, a row of cottages, and a converted former barn. All date from the late 18th or early 19th centuries and display the local vernacular in their form and appearance. The local stone used in their construction and roofing is consistent with the stone used for field boundaries and combined with the open landscape generates a strong sense of place. That the listed buildings were constructed as agricultural buildings is significant to their character, and hence the quality and openness of the Green Belt and their setting is important to their significance. Very little consideration is given in the application to any effects the development would have on the heritage assets.

The site layout proposes a car park adjacent to the road, with a stone building to provide storage and administration to the proposed use. The creation of a formal parking layout with hard surfacing in lieu of pasture and the presence of parked cars will detract from the open and pastoral setting of the listed buildings. The proposed building would be an intrusive new feature in a predominantly open setting. There is very little scope for mitigation or screening for parking or a structure of this nature in an open landscape without it appearing incongruous or contrived. Other anticipated aspects such as a formalised entrance from the road, gates, lighting, signage and the general activity of the site would all cumulatively add to the impact of the car park, building and more formalised general appearance to result in a discordant feature in the locality. This would harm the setting of the listed buildings, eroding the simple and informal openness. Contrary to paragraph 200 of the NPPF there would be no enhancement of the setting of the listed buildings. The harm would also be contrary to the advice of paragraph 196 of the NPPF. The development would be intrusive and incongruous and would adversely affect the setting of the listed buildings and wider visual amenity. It does not accord with policy EN3 of the Core Strategy.

- 14.3. *Conservation (update)* – The assessment makes various assertions about heritage impacts, however the points raised in the initial heritage comments about the impact of car parking, surfacing, the proposed building, levels of activity, indeterminate changes to boundary walls and entrance features (the plans give minimal information on this), potential for lighting and the overall discordancy all remain applicable as no additional information has been provided. The previous comments remain applicable upon review of the additional information.
- 14.4. *Drainage* – The site is located within Flood Zone 1 and it is not shown to be at risk from surface water flooding. The surface water management plan is unproven and the application should not be determined until a surface water drainage strategy has been agreed.

The LLFA does not have any records of any watercourses at this location and there are no public sewers within the immediate vicinity, therefore the developer will need to undertake soakaway tests (in accordance with BRE Digest 365) at the location of the proposed soakaway. The tests should be carried out within the bed-rock, and not the superficial soils. The test report should also include a photographic record.

- 14.5. *Drainage (update)* – The LLFA are satisfied that the developer has demonstrated that the site can be drained by infiltration. It is not apparent whether there will be toilet facilities. If so, it is likely that the treated effluent will be able to discharge into the ground. The LLFA do not have any objections to the proposed development subject to suggested conditions.
- 14.6. *Environment Agency* – The Hydrogeological Risk Assessment does not include the logs of trial pits/boreholes in the appendices as stated. From the descriptions given, conditions across the site seem to be very variable. Some areas of the land have been excluded as unsuitable for burial. Statements are made about "extremely dilute" concentrations of potential dissolved compounds but this is not backed up by the frequency of proposed burials. The dilution of any compounds will depend upon the number of burials over time and the diluting capacity of the receiving groundwater.

Information is not provided about either of these.

Human burials are not currently controlled through the permitting system under the Environmental Permitting (England and Wales) Regulations 2016. Proposals for new cemetery developments for greater than 50 burials per year are considered to be high risk even in a lower sensitivity groundwater - Secondary A aquifer in this instance. Such proposals will only be agreed by the Environment Agency where a developer can demonstrate through detailed risk assessment that, given the site specific setting and the engineering methods proposed, groundwater pollution will be avoided.

We believe that the applicant has this information but it has not been provided as part of the application. In any case, the minimum requirements for burial (given below) must be met in all areas of the cemetery. These have been taken into account in the submitted risk assessment. Minimum requirements for burial:

No human burials should take place within:

- a groundwater SPZ1
- 10m of the nearest land drain
- 30m from the nearest watercourse (which includes ditches and open land drains which may run dry for part of the year) or any other surface water
- 50m of any well, spring or borehole, irrespective of its current use
- 250m of any well, spring or borehole where the water is intended for human consumption or used in food production
- areas identified as having karstic groundwater flow characteristics (following the groundwater risk assessment)

No human burials should take place on land which is liable to flooding. The base of each grave should be at least 1m above the highest predicted annual groundwater level. There should be no standing water in graves when dug. Graves should not be dug in unaltered or unweathered bedrock. This is solid rock which can be buried or exposed at the earth's surface, and which has not been altered by physical or chemical reactions (or both), such as exposure to the weather.

- 14.7. *Environment Agency (update)* – We have further reviewed the information submitted with the application and received additional clarification from the applicant. Therefore, we remove our objection to the proposal.

When examining the Additional Information report together with the Hydrogeological Risk Assessment schematic we are satisfied that the risk assessment of the risk the proposed cemetery poses to the water environment has been carried out, specifically:

- vulnerability and sensitivity of the underlying groundwater
- depth to the water table
- proximity of groundwater abstractions, particularly those used for drinking water or food production purposes
- proximity to watercourses and wetland habitats
- aquifer type and local hydrogeological conditions
- number and density of burials
- burial techniques employed

The Hydrogeological Risk Assessment concludes that “As the risk posed to groundwater is (demonstrably) exceptionally low, in-line with CBGRA guidance, there is no requirement for monitoring prior to, or, during operations at the site.” And “In the highly unlikely event that water strikes are encountered in the burial area during operations, the affected area should immediately be excluded from future burials.”

Bearing all of this in mind, we are satisfied with this conclusion and can recommend that the objection due to lack of information now be lifted, as long as all the recommendations in the supporting documents are followed. These should be added to the approved document list for any planning permission.

During the coronavirus pandemic, local authorities or other cemetery operators do not need to apply for an environmental permit (under the Environmental Permitting (England & Wales) Regulations 2016) for:

- any proposed new cemetery development
- the expansion of an existing site

After the pandemic has ended, you will not need a permit if your site is either:

- in a low risk groundwater area
- not a high risk development and an Environment Agency agreed risk assessment shows you do not need active mitigation measures or burial controls at your site.

Active mitigation measures to prevent pollution to the environment could include, for example:

- ongoing groundwater monitoring
- active groundwater drainage controls to facilitate burials

Based on the information provided we accept that the site is unlikely to require a permit.

14.8. *Environmental Health (Air Quality)* – This is a minor development for the purpose of the West Yorkshire Low Emission Strategy and the West Yorkshire Low Emission Planning Guidance. Under the provisions of the LES planning guidance, minor developments are required to provide Type 1 emission mitigation. In this case, that should comprise the provision of electric vehicle charging facilities and adherence with guidance on the control of dust and emissions from construction and demolition during activities at the site.

14.9. *Environmental Health (Land Contamination)* – Environmental Health recommends refusal of this application unless additional information is submitted. The number of interments per year must be stated and must be taken into consideration as appropriate in geo-environmental and hydrogeological risk assessments.

The documentation submitted does not comprise a thorough assessment of land quality and hydrogeological issues as is required to demonstrate that a new cemetery will be acceptable in this environmental setting.

Information required to support an application for such development includes a Phase 1 geo-environmental desk study along with the existing site investigation details cited in the MPG documents.

Given the information available, particularly about the importation of material to the

south eastern corner of the site, the presence of an unauthorised haulage business and Planning Enforcement in relation to the vehicle inspection pit, it is anticipated that a proportionate geo-environmental Phase 2 site investigation will subsequently be required. If a Phase 2 geo-environmental site investigation report is not submitted with the application, Environmental Health would also anticipate recommending Planning conditions requiring such investigation.

- 14.10. *Environmental Health (Land Contamination) (update)* – Environmental Health considered the MPG report ‘Contaminated Land Risk Assessment Addendum’ dated 24/05/2021, and the CLRA Addendum Plan and CSM which were not included in the CLRA Addendum report. A Phase 1 geo-environmental desk study report has not been submitted.

Section 2.2 of the MPG Contaminated Land Risk Assessment Addendum report states that ‘It is considered likely that in the first 1 – 2 years of operating, there is likely to be less than 50 burials per year. Once established, the anticipated rate of burials is 50 – 100 per year.’ This clarification was taken into account in the Environment Agency’s response dated 24/08/21.

The MPG CLRA Addendum report notes the potential sources on site and from the adjacent scrap yard. The potential for a pathway for contamination from the adjacent site is dismissed with the statement ‘The Site is separated from the scrapyard by a drystone wall, and the Site is at a similar elevation, meaning there is unlikely to be surface water run-off from the scrapyard towards The Site.’

The potential for sub-surface migration of contamination from the adjacent scrapyard site is not discussed further in this Addendum report.

With regard to the onsite sources, it is noted that a further 2x, 1m deep, trial pits were excavated in the area of the site where the ‘vehicle storage and maintenance area’ and ‘the inert waste deposited in the 1980s’ were understood to have been located and 2 samples of material were sent for analysis. The depth from which the samples were extracted is not noted. No trial pit logs or photographs of the excavation are presented in the report. The analysis of 2 samples is not statistically significant.

The report states that the location of the sources and the trial pits were identified on Plan ref: 288/1 – CLRA-1 and indicates that the ‘two remaining Sources are both located in the south east corner of The Site’. The Addendum Plan indicates the approximate location of the trial pits.

The results of the laboratory analysis were compared with Category 4 Screening Levels (C4SLs) for commercial end use, which they were stated not to exceed. The MPG report further states that ‘It was noted that some hydrocarbons from diesel fuels and lubricants are detected in the results, but these are well below the C4SL thresholds.

However, the C4SL figures are not stated in the report. Also, the use of Public Open Space assessment criteria to take account of potential exposure of maintenance personnel may be more appropriate to this site specific scenario.

Environmental Health notes that C4SLs are only available for arsenic, benzene, benzo(a)pyrene, cadmium, chromium (VI), lead and, more recently for tetrachloroethene, trichloroethene and vinyl chloride. Therefore, there are no C4SLs available for most of the contaminants for which analysis was undertaken. The additional use of a broader range of generic assessment criteria such as the CIEH/LQM 'Suitable 4 Use Values' would be appropriate to provide a robust Tier 2 assessment of risk.

The MPG assessment of risk concluded that 'it can be reasonably concluded that there is no viable Source of contaminants from the previous uses of the land.'

The Conceptual Site Model (CSM) presented as MPG Report plan reference: 288/1 – CLRA-2 does not provide a robust examination of the potential pollutant linkages.

Land contamination summary:

The MPG CLRA Addendum report confirms that further investigation, in the form of 2x, 1m deep trial pits, was undertaken in the part of the site formerly occupied by the vehicle storage and maintenance area where the inert waste was understood to have been deposited.

The additional site investigation is not explained sufficiently in the report, no trial pit logs are included, the use of C4SLs on their own is not sufficient, the risk assessment is severely limited and does not follow the good practice outlined in LCRM.

The area where contamination is most likely to be located will be covered by the car park in which a SUDS system is to be located. The data obtained from 2 shallow samples is insufficient to confirm whether contamination is, or is not, present. If contamination is present within this area, there is potential for it to be mobilised by infiltration of drainage water. Therefore, Environmental Health recommends that when the SUDS system is being installed, a watching brief be implemented to identify potential contamination. A condition will be recommended for the decision notice which identifies how that situation should be managed.

The MPG CLRA Addendum report concludes that 'there is a very small residual risk of contaminants in high concentrations in very localised parts of The Site that were not detected through the chemical testing. Therefore, construction workers will be instructed on the previous uses of The Site and should remain vigilant of possible contamination.' Environmental Health agrees that all works must take into account the potential for previously unexpected contamination to be identified.

With regard to the potential for contamination from the operation of the site as cemetery, the Environment Agency has considered the MPG Hydrogeological Risk Assessment and other information submitted and concluded that it has no objections to the Planning Application.

In conclusion, a Phase 1 geo-environmental desk study has not been submitted; the MPG CLRA Addendum report provides only minimal information; the additional sampling is limited; the Tier 2 risk assessment is incomplete.

However, the proposed site use is of lower sensitivity. Graves will not be excavated

in the area where contamination is most likely to be present. The area where land contamination is most likely to be present will be covered by a car park. During operation as a cemetery, the most sensitive receptors in relation to potential existing contamination are likely to be groundwater and cemetery staff excavating graves. The Environment Agency has not raised any issues with regard to potential existing contamination and groundwater.

Therefore, should the Local Planning Authority be minded to approve the geo-environmental information submitted with this application, Environmental Health will not object. Environmental Health recommends that suggested conditions should be included on the decision notice.

- 14.11. *Environmental Health (Pollution)* – Previously, the site was used as a small scale haulage business, during which time there have been complaints related to noise from traffic movements to and from the site on an evening and weekend. The site previously had an operator's licence for 2 vehicles.

The proposal shows the site having 34 parking spaces and could therefore give rise to further complaints about noise from vehicle movements. Additionally, if a large scale funeral was taking place, vehicles would park on the public highway and cause potential problems to local residents as well as other road users.

The current application has not provided any information on how noise would be controlled and it does not provide sufficient detail on whether the site will be open to members of the public on an evening and weekend. I acknowledge it states that the site will operate between 09:00 and 19:00 hours but this does not provide sufficient clarity on whether members of the public will be able to visit the garden of tranquillity and burial plots outside of these times.

If so, the potential for people to park up and use the car park as a meeting point alongside the intended use raises serious concerns for me as it will impact on local residents who currently enjoy living in the green belt in a relatively quiet location.

- 14.12. *Highways* – The site is in a remote, rural, unsustainable location and it is most likely that all attendees would travel by car.

Old Allen Road and all roads in this vicinity are rural / semi-rural with no footways, no street lighting and narrow width. The proposed site access is approximately just 80m from the junction of Old Allen Road with Back Lane, which is substandard with poor visibility to the left and there have been two recorded accidents at this junction within the past three years. There have been a high number of accidents at the junction of Back Lane with Allerton Road - another close by junction, approximately 50m from the aforementioned junction (with 10 recorded road traffic accidents in the past three years, plus two others approaching the junction).

The proposal would be likely to lead to an intensification of use of these rural roads and substandard junctions. The Transport Statement (TS) explains that funerals would be likely to take place out of peak hours (between 10am and 3pm), however the Council would have no control over timings. Due to the nature of the proposal, the majority of traffic would be likely to arrive and depart at the same time leading to

congestion and potentially a significant increase in traffic in the locality, whether or not this coincides with network peak time.

A car park for 35 vehicles is proposed and the submitted TS explains that this is based on information from the Council's Bereavement Services, however no evidence of this information has been submitted. Experience of existing cemeteries in the district is that attendee numbers do vary widely and others with similar car park sizes do often lead to overspill on street parking, despite being in more accessible locations. Overspill parking in this locality, close to the junction would be likely to lead to conditions detrimental to highway safety and residential amenity.

A visibility splay has been indicated on plan based on actual wet weather speeds. This has been shown correctly in the TS Appendixes, yet incorrectly on the submitted site plan (which shows splays measured to the centre line of Old Allen Road and a different boundary wall alignment proposed). Notwithstanding this, any overspill on street parking would be likely to obstruct the visibility splay, giving rise to highway safety concern.

The proposal for a new cemetery in an unsustainable location would be likely to lead to overspill parking on the highway and an intensification of use of substandard rural roads and nearby junctions, where there have been a number of road traffic accidents, likely to lead to conditions detrimental to highway safety.

- 14.13. *Highways (update)* – The technical note provides accident data for the junctions of Old Allen Road/Back Lane and Allerton Road/Back Lane. Whilst the accident data does not necessarily highlight an existing road safety issue, visibility to the left at both these junctions is substandard. At present traffic levels are low, technical note submitted states 140 vehicles over an hour peak period, an average of 2.3 per minute. In contrast, at the start and end of a funeral, traffic levels would be likely to increase relatively significantly with the majority of arrivals/departures taking place in a much shorter period of time and arguably potential safety concerns could arise.

With regard to parking concerns, the proposal is now for 37 formal parking spaces plus 4 disabled and an additional overspill parking area is proposed. Unless the overspill area is hard surfaced and set out as formal parking this would not count towards parking provision as for much of the year it is likely to be unsuitable for use, i.e. if muddy etc. during the winter. I consider the figures provided, which state the average number of attendees would be 30 and maximum number 80, to be significantly low and no evidence as to what these figures are based on is provided.

As such I am still concerned that the car park of 41 spaces would be unlikely to suffice, particularly for high attendance funerals. Furthermore, calculations for parking requirement submitted (which assumes 2.4 person occupancy per car) are based on attendees only. No consideration is made for staff parking, visitors to the cemetery/garden etc. (those not attending funerals), or any overlap that may occur between those departing and those arriving for funerals. Insufficient parking provision would be likely to lead to overspill parking on the highway, obstructing the free flow of traffic to the detriment of highway safety. Whilst waiting restrictions could be provided it is unlikely that these would be enforced. Additionally, pedestrian provision on Old Allen Road for those parking on highway and walking into the site is poor with

no footways or street lighting.

The proposal for a new cemetery with insufficient off street parking would be likely to lead to on street parking on a rural road with no footway, likely to obstruct the free flow of traffic and lead to conditions prejudicial to pedestrian and highway safety.

- 14.14. *Landscape Design* – The site lies within the Mixed Upland Pasture of the Thornton and Queensbury Landscape Character Area as described in the Local Development Framework for Bradford, which states that:

“Mixed upland pasture accounts for around 60% of the Thornton/Queensbury character area. This gives the character area a certain uniformity of landscape, although it is also a complex landscape; it has a mixture of elements within it, and this mixture varies throughout the character area.

In general, it consists of a basic structure of relatively small, rectangular fields enclosed by drystone walls and farmsteads. In addition, housing groups, tree clumps, street lights, telegraph poles, roads, fences, quarries, pavements, small woods, and occasional hedges all occur separately or in combination....”

The strength of character of the Mixed Upland Pasture is described as moderate. “In general the presence of dominant urban elements in the landscape such as pylons and streetlights etc, and the lack of distinctiveness, gives this landscape a moderate strength of character. However, there are wide variations between different areas, ranging from weak/moderate to moderate/strong”.

The condition of the Mixed Upland Pasture is described as declining. “There are significant amounts of neglected or marginal pasture land, and walls are in need of repair. Some areas have quite a degraded character, and there are industrial buildings and retail outlets in a gradually deteriorating condition. Nature is recolonizing; unmanaged land with rushes or moorland vegetation encroaching into some of the pasture land.”

This landscape has moderate strength of character, medium historic continuity, and is prominent and open. The prominence of the mixed upland pasture means that any changes that do occur in the landscape are very noticeable and have a large impact on the landscape character.

The policy guideline is to conserve areas with stronger landscape character and enhance areas with weaker landscape character:

In conclusion, the site is disconnected and remote from the key urban areas that it would serve. A cemetery here would be out of place and out of keeping with the landscape character.

The proposed location is one of the more undisturbed pockets of the landscape character area because it is away from the main transport routes which have seen the most intervention. Policy guidelines for the area are to conserve and enhance.

Native tree planting is proposed at the boundary adjacent to the farm to the east and to the west of the carpark. Dry stone walls either new or repaired are indicated around

the various proposed areas.

The introduction of further urbanising elements, including lighting and hard surfacing of the proposed development together with the intensified use of the site and the additional vehicular traffic are neither conserving nor enhancing the current rural environmental characteristics of the area and they are likely to contribute to the deterioration of the existing landscape character and views, therefore in landscape terms we cannot support this application.

However, should this type of development proceed at the above site, we would require the submission of full landscape specific proposals developed in accordance with the landscape character description and design guidelines available in the Council's landscape character assessment supplementary planning document.

- 14.15. *Landscape Design (update)* – The landscape comments previously provided are still applicable. The proposals are likely to affect the site and the current rural environmental characteristics of the area in the longer term as well and not only during the construction phase. In fact, there will be additional urbanising elements, such as lighting and hard surfacing, intensified use of the site and additional vehicular traffic; these are likely to contribute to the deterioration of the current landscape.
- 14.16. *West Yorkshire Police Architectural Liaison* – The consequences of insufficient parking would be increased on street parking along narrow country lanes with no street lights or pathways, which may likely increase the risks of potential traffic / pedestrian accidents. If the location is to be granted approval there should be more parking provision on site. Other measures should be considered such as double yellow lines, keep clear signs and speed restriction limits to enforce any rule setting.

The site plan shows that existing stone walls are being retained to maintain the nature of the site. As the stone walls are low in height and accessible the plants that are being used to create a natural border should be mature / established plants or shrubs so that they are of a height that can provide a defensible border and increase the boundary rather than waiting for these to grow over the years. The plants heights should be between 1500mm to 1800mm to provide a suitable natural border to the site.

If the access gates are to be manually operated, they should not be constructed or include any hardware or features that would enable them to be climbed easily. The cemetery should include good lighting levels within the car park areas, footpaths, and above access doors to increase visibility. CCTV is also a useful deterrent and should provide high definition images that can be monitored and/or recorded for review. Doors and windows should aim to achieve one of the suggested security standards and the building should include an intruder alarm.

- 14.17. *Yorkshire Water* – The site is not in an area served by the public sewerage network. In this instance, the application should be referred to the Environment Agency and the Local Authority's Environmental Health section for comment on private treatment facilities.

15. **Summary of Main Issues:**

Principle of development
Design and landscape
Heritage
Highway and pedestrian safety
Drainage, flood risk, and contamination
Residential amenity
Biodiversity
Community safety implications
Other planning matters
Outstanding matters raised by representations

Appraisal:

16. Principle of development

- 16.1. The proposal seeks permission for the development of a multi-faith cemetery with a car park, garden of tranquillity and associated building on a 1.49-hectare parcel of land at Old Allen Road, Thornton.
- 16.2. The site lies within an area designated as Green Belt, as defined by the Council's Replacement Unitary Development Plan, where there is a strong presumption against inappropriate development.

National Policy

- 16.3. Section 13 of the National Planning Policy Framework 2021 (NPPF) sets out the national framework for assessing proposals for development within the Green Belt and confirms the Government's commitment to protecting the Green Belt. The NPPF reiterates that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and that the essential characteristics of Green Belts are their openness and their permanence.
- 16.4. Paragraph 138 of the NPPF identifies that Green Belt serves five purposes, these being:
- a) to check the unrestricted sprawl of large built-up areas;
 - b) to prevent neighbouring towns merging into one another;
 - c) to assist in safeguarding the countryside from encroachment;
 - d) to preserve the setting and special character of historic towns; and
 - e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 16.5. Paragraph 147 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 148 directs that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

- 16.6. At paragraph 150, the NPPF sets out that certain other forms of development are also not inappropriate in the Green Belt, provided they preserve openness and do not conflict with the purposes of including land within it. Paragraph 150 (e) allows for:

(e) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds)

- 16.7. At paragraph 149, the NPPF requires that the construction of new buildings should be regarded as inappropriate in the Green Belt, subject to several exceptions. In this case, the most relevant exception is provided under paragraph 149 (b), which allows for:

(b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.

- 16.8. The Government's Planning Practice Guidance on Green Belt development confirms that assessing the impact of a proposal on the openness of the Green Belt requires a judgment based on the circumstances of the case, with matters for consideration including, but not limited to:

- openness is capable of having both spatial and visual aspects – in other words, the visual impact of the proposal may be relevant, as could its volume;
- the duration of the development, and its remediability – taking into account any provisions to return land to its original state or to an equivalent (or improved) state of openness; and
- the degree of activity likely to be generated, such as traffic generation.

Local Policy

- 16.9. In terms of local policy, RUDP Policy GB1 remains broadly compliant with the NPPF and establishes that except in very special circumstances, planning permission will not be given within the Green Belt as defined on the proposals maps for development for purposes other than:

(1) agriculture and forestry, essential facilities for outdoor sport and outdoor recreation, cemeteries;

Or

(2) for other uses of land which preserve the openness of the Green Belt and which do not conflict with the purposes of including land in it.

- 16.10. RUDP Policy GB2 sets out how new buildings that are considered acceptable in principle in the Green Belt (under Policy GB1) should be sited so as to reduce their impact:

Within the Green Belt, new buildings which may be acceptable in principle should be sited so that they relate closely to existing buildings, or, where their functional requirements demand otherwise, in an unobtrusive position within the landscape.

Where appropriate, additional tree planting and landscaping should be included to further reduce the impact of the buildings.

- 16.11. The up-to-date Core Strategy Policy SC7 also relates to development in the Green Belt, identifying that among its purposes is the role of conserving countryside.

Green Belt implications

- 16.12. The proposal comprises the development of a multi-faith cemetery with car parking, a garden of tranquillity and an associated building. The cemetery will provide approximately 1000 burial spaces across the 1.5-hectare site and the building would accommodate an office, welfare facilities, and storage for burial and grounds keeping equipment.
- 16.13. The supporting planning statement(s) states that the cemetery will “serve the rural and local populations surrounding Thornton” and further asserts “that there is an urgent demand for new grave space”, “that there is/will be limited land for cemeteries outside of the Green Belt”, and that “the need for the proposed cemetery is clear and its location does not conflict with any spatial planning policies (both National and Local)”.
- 16.14. As set out above, the NPPF considers new development to be inappropriate in the Green Belt except in certain specified circumstances or where there are very special circumstances that clearly outweigh the harm. The first issue is therefore to determine whether the development falls into one of the exceptions to inappropriate development set out in paragraphs 149 and 150 of the NPPF.
- 16.15. Paragraph 150 (e) provides an exception for material changes in the use of land for cemeteries and burial grounds, and paragraph 149 (b) provides an exception for “the provision of appropriate facilities (in connection with the existing use of land or a change of use) for...cemeteries and burial grounds”.
- 16.16. In this regard, the proposed development of a cemetery could fall into the exceptions provided by paragraphs 149 (b) and 150 (e) and therefore not be considered inappropriate development. However, both of these exceptions are subject to the caveats that the development preserves the openness of the Green Belt and does not conflict with the purposes of including land within it.
- 16.17. Therefore, it is necessary to consider whether or not the development would meet the two tests of preserving the openness of the Green Belt and not conflicting with the purposes of including land within it.
- 16.18. The site is undeveloped and located in an elevated and exposed position where it is visible in longer distance views primarily to the north and west and shorter distance views from the south where residential properties on Old Allen Road currently face towards the site. Views to the southeast/east are largely obscured by existing trees, vegetation, buildings and the topography.
- 16.19. The supporting statements argue that *“the site is virtually invisible from the north east, east and south east due to a combination of topography, built form and mature*

vegetation” and that *“the cemetery would, therefore, not adversely impact the visual openness of the Green Belt”*. However, this does not take account of the sites visibility from other vantage points, particularly those to the north and west, where the site is open to longer distances views by virtue of its open and exposed hill top location.

- 16.20. The site plan, revised in response to highways concerns, indicates that the site will be accessed from the southern edge of the site via Old Allen Road and that the south east part of the site will be developed with the maintenance building, car park, and garden of tranquillity. The revised site plan provides a slightly larger car park, with the developed area in the south corner extending to approximately 2000sqm. The field directly west of the proposed car park is annotated as *“field to be used as overflow parking as needed”*; this area would add approximately 1800sqm of additional parking area although it is not clear whether the intention is to surface this area as well, but in line with the highways comments below, it is currently rough pasture land so if it is not surfaced it would not be considered as part of the parking provision of the site.
- 16.21. The surfacing of the parking area is proposed to be crushed sandstone/gritstone, and together with the maintenance building and other features such as lighting, water feature, pathways, headstones, would introduce features into the Green Belt which would be visible in longer distance views primarily to the north and west, where the site is most open and prominent.
- 16.22. It is acknowledged that the proposal includes native tree planting around the car park, however, this would take some time to establish to the point where it could offer some effectiveness as screening for the car park, maintenance building, etc. and as discussed below, would not appear especially in keeping with the landscape character of the area, by appearing structured in linear rows.
- 16.23. The level of parking currently indicated is not considered sufficient to support the proposed use and would therefore be likely to lead to overspill parking, either within the adjacent field (if surfaced) or on the public highway, as discussed in greater detail below. Harm to openness would arise from the visual impact of the car park, building, and other features, and from vehicles parked within the car park and any overspill parking on the adjacent field or local highways resulting from inadequate on-site parking provision (as discussed below), even if only temporary during burial services.
- 16.24. There is also some concern that the proposed maintenance building - measuring 13m by 5m - would not provide sufficient storage for maintenance and burial equipment, with the area of the building proposed for such storage measuring approximately only 4m by 4.2m. Should this storage space be inadequate there could be subsequent pressure for further development/building(s) within the Green Belt, although this application must be considered on its merits as submitted.
- 16.25. Therefore, it is not considered that the development would preserve the openness of the Green Belt and would conflict with the purposes of including land within it by causing encroachment. As such, the proposal would constitute inappropriate development and should not be approved except in very special circumstances.
- 16.26. At this point, it is also worth noting that a number of objections refer to the development of a cemetery being inappropriate in the Green Belt and make reference

to the previous pre-application enquiry which made similar comments. However, the pre-application advice was provided in 2017 and was therefore based on a previous version of the NPPF. The current NPPF does include an exception for the development of cemeteries within the Green Belt, subject to certain criteria as set out above.

Very special circumstances

- 16.27. As highlighted above, the supporting statements assert that the cemetery will “serve the rural and local populations surrounding Thornton” and further asserts “that there is an urgent demand for new grave space”, “that there is/will be limited land for cemeteries outside of the Green Belt”, and that “the need for the proposed cemetery is clear and its location does not conflict with any spatial planning policies (both National and Local)”.
- 16.28. The Council’s Bereavement Services Strategy (2016-2031) sets out the district’s needs for burials and cremations, detailing that the Council currently facilitates approximately 3000 cremations and 800 burials annually. A Bereavement Services update in January 2019 advised that there exists sufficient cemetery space to cover current levels of burial activity for some 30 to 40 years, with the exception of Muslim burials, for which there was 2 to 3 years of burial space remaining. Since that report, Bereavement Services confirm that they have completed an extension to Scholemoor cemetery, which provides approximately 3000 spaces for Muslim burials, which has increased the provision to approximately 10 years. There has also been the opening of a privately operated cemetery at Braithwaite Edge, Keighley, which offers a further 1500-2000 burial spaces.
- 16.29. Bereavement Services advise that there is no identified need to develop further significant capacity within the next 15 years, after which the main area of shortfall is projected to be the Shipley to Keighley corridor. The nearest cemetery to this site is Thornton Cemetery, which by road is circa 2 miles from this site, and which currently has approximately 4000 burial spaces remaining.
- 16.30. The proposed development would create a multi-faith cemetery providing 1000 burial plots, which is proposed to serve the rural and local populations surrounding Thornton. In the medium to longer term there will be a need for further Muslim burial spaces, but in light of the short to medium term (10-15 years) availability of burial spaces available locally at Thornton cemetery and slightly further afield at Scholemoor Cemetery, in addition to the general burial space provision at other cemeteries across the District, it is not considered that the need is sufficient to constitute very special circumstances that would outweigh the harm to the Green Belt.
- 16.31. Consequently, in the absence of any clear and convincing justification for the development, the harm to Green Belt is not outweighed by any other considerations and therefore very special circumstances do not exist and the development is therefore considered to constitute inappropriate development in the Green Belt, contrary to RUDP Policy GB1, Core Strategy Policy SC7, and the National Planning Policy Framework.

17. Design and landscape

- 17.1. The Core Strategy DPD and NPPF require that development proposals make a positive contribution to achieving good design and high quality places. Core Strategy Policy SC9 directs that development proposals should take opportunities to improve areas, create a strong sense of place, and provide a well-connected network of attractive routes and spaces.
- 17.2. Core Strategy Policy PN1 sets out the overarching sub-area policies for the South Pennine Towns and Villages. Section D relates to environmental matters, with the most pertinent points for this application being to protect and enhance the biodiversity and landscape character of the Pennine Upland, to conserve and enhance the designated and undesignated heritage of the Pennine towns and villages, and that the close proximity of open moorland, the significance of heritage assets and viewpoints mean that development must be sensitively managed.
- 17.3. Policy DS1 and DS3 state that developments should contribute to achieving good design and high quality places through, amongst other things, taking a holistic, collaborative approach to design putting the quality of the place first, being informed by a good understanding of the site/area and its context, and be appropriate to their context in terms of matters such as layout, scale, density, details, materials, and landscaping.
- 17.4. Policy DS2 requires that development proposals should take advantage of existing features, integrate development into wider landscape, and create new quality spaces. Wherever possible designs should, amongst other things, retain existing landscape and ecological features and integrate them within developments as positive assets; work with the landscape to reduce the environmental impact of the development; and ensure that new landscape features and open spaces have a clear function, are visually attractive and fit for purpose, and have appropriate management and maintenance arrangements in place.
- 17.5. The site lies within the Thornton and Queensbury Landscape Character Area and therefore Policy EN4 is relevant. This requires that development proposals should make a positive contribution towards the conservation, management and enhancement of the diversity of landscapes within the District.
- 17.6. Policy EN5 of the Core Strategy states that the Council will seek to preserve and enhance the contribution that trees and areas of woodland cover make to the character of the district.
- 17.7. The National Design Guide supports the NPPF's renewed focus on improving design and supplements design guidance contained within the Government's planning practice guidance.
- 17.8. The site comprises approximately 1.5 hectares of rough pasture land across a relatively level plateau, although the site does slope down more steeply towards its western edge. Old Allen Road delineates the southern site boundary and the site is bound by dry stone walls except for the main site access onto Old Allen Road and a gated access to an adjacent field on the north boundary.

- 17.9. The site falls within the Mixed Upland Pasture character type, as described in the adopted Landscape Character Supplementary Planning Document, Volume 6: Thornton and Queensbury. The SPD makes the following relevant statements:
- 17.10. *“Mixed upland pasture accounts for around 60% of the Thornton/Queensbury character area. This gives the character area a certain uniformity of landscape, although it is also a complex landscape; it has a mixture of elements within it, and this mixture varies throughout the character area.*
- 17.11. *In general, it consists of a basic structure of relatively small, rectangular fields enclosed by drystone walls and farmsteads. In addition, housing groups, tree clumps, street lights, telegraph poles, roads, fences, quarries, pavements, small woods, and occasional hedges all occur separately or in combination....”*
- 17.12. The strength of character of the Mixed Upland Pasture is described as moderate: *“In general the presence of dominant urban elements in the landscape such as pylons and streetlights etc, and the lack of distinctiveness, gives this landscape a moderate strength of character. However, there are wide variations between different areas, ranging from weak/moderate to moderate/strong”.*
- 17.13. The SPD describes the condition of the Mixed Upland Pasture as declining: *“There are significant amounts of neglected or marginal pasture land, and walls are in need of repair. Some areas have quite a degraded character, and there are industrial buildings and retail outlets in a gradually deteriorating condition. Nature is recolonizing unmanaged land with rushes or moorland vegetation encroaching into some of the pasture land.”*
- 17.14. The SPD sets out that the landscape has moderate strength of character, medium historic continuity, and is prominent and open. The prominence of the mixed upland pasture means that any changes that do occur in the landscape are very noticeable and have a large impact on landscape character.
- 17.15. The SPD policy guidelines are to conserve areas with stronger landscape character and enhance areas with weaker landscape character, establishing the following:
- *“Conserve key areas of the open landscape that separate the settlements from each other and from the Bradford urban core.*
 - *Conserve areas with stronger landscape character (i.e. not dominated with pylons and together urban elements), as mixed upland pasture. Retain rural farmed character, repair walls, and resists urbanising elements.*
 - *Enhance areas with weaker landscape character, either through encouraging traditional farming practices and removing/screening urban elements; or through encouraging a managed return to natural vegetation and habitats e.g. Moorland, grasslands or small woodlands....”*
- 17.16. The Council’s Landscape Architect advises that the site is disconnected and remote from the key urban areas that it would serve and therefore advises that a cemetery in this location would be out of place and out of keeping with the landscape character.
- 17.17. The proposed location is one of the more undisturbed pockets of the landscape

character area because it is away from the main transport routes, which have seen the most intervention.

- 17.18. The introduction of further urbanising elements, including lighting and hard surfacing of the proposed development, together with the intensified use of the site and the additional vehicular traffic, are neither conserving nor enhancing the current rural environmental characteristics of the area and they are likely to contribute to the deterioration of the existing landscape character and views. Whilst the supporting landscape assessment argues that the site is not visible from the north east, east and south east, the development would remain visible from other directions and public vantage points where the site is currently open to longer distance views.
- 17.19. The proposed development of a cemetery would therefore likely affect the site and the current rural landscape and environmental characteristics of the area, by introducing urbanising elements, such as the building, hardsurfacing, lighting, additional vehicular traffic and parking, and intensified use of the site, which would likely contribute to the deterioration of the current landscape and which would not conserve and enhance the landscape as required by the aforementioned policies.
- 17.20. The proposals include tree planting around the western, southern, and eastern boundaries of the car park, small clusters of trees within the garden of tranquillity, and a line of trees along the full length of the eastern boundary. The tree planting appears to have been proposed as a means of softening and screening the car parking area and maintenance building.
- 17.21. The Landscape Character SPD sets out that, in contrast to 'upland pasture', the mixed upland pasture includes trees, but that the tree cover is not as dominant as in the Enclosed Pasture, but that there are isolated trees and tree clumps present, giving the landscape a rougher, more textured feel.
- 17.22. The introduction of some individual and/or small clusters of trees therefore need not be inappropriate or harmful to the landscape, however the proposal would introduce linear rows of trees along site boundaries, with the row of trees along the eastern boundary being particularly long and linear. The result is that the tree planting could appear somewhat structured and enclosing as opposed to a more natural and open landscape feature similar to other relatively small, informal clusters of trees elsewhere within the upland landscape.
- 17.23. For the reasons set out above, the proposal is considered harmful to the landscape character and is therefore considered unacceptable and fails to comply with the requirements set out in Policies SC9, PN1, DS1, DS2, DS3, and EN4 of the Core Strategy DPD, the Landscape Character SPD, and the National Planning Policy Framework.

18. Heritage

- 18.1. Core Strategy Policy EN3 relates to developments affecting the historic environment. This policy requires that developments, among other things, preserve, protect, and enhance the character, appearance, and historic value and significance of heritage assets; this would include the conservation area, listed building, and setting of nearby

listed buildings.

- 18.2. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that, in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 18.3. Paragraph 199 of the National Planning Policy Framework advises that when considering the impact of development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
- 18.4. The site is located within close proximity to the designated heritage assets of the former public house (Duke of York Inn) at the junction of Old Allen Road and Back Lane and 9 Dean Lane Head, Old Allen Road, which are grade II listed buildings. These are comprised of the former public house, a row of cottages, and a converted former barn. These all date from the late 18th or early 19th centuries and display the local vernacular in their form and appearance. The local stone used in their construction and roofing is consistent with the stone used for field boundaries and combined with the open landscape generates a strong sense of place.
- 18.5. The listed buildings were originally constructed as agricultural buildings, which is significant to their character and hence the quality and openness of the surrounding land and their setting is important to their significance.
- 18.6. The proposed site layout includes a car park adjacent to the road, with a stone building to provide storage and administration to the proposed use. The creation of a formal parking layout with hard surfacing in lieu of pasture and the presence of parked cars would detract from the open and pastoral setting of the listed buildings. The proposed building would appear as an intrusive new feature in what is otherwise a predominantly open setting. Other aspects such as the formalised entrance from the road, gates, lighting, signage, and the general activity of the site would all cumulatively add to the impact of the car park, building, and more formalised general appearance.
- 18.7. The Heritage Impact Assessment (HIA) submitted in support of the application includes only limited assessment of the significance of the buildings and the effects of the development, but concludes that the development of the cemetery will have a neutral impact on the setting and therefore the significance of the listed buildings.
- 18.8. Notwithstanding the view put forward in the HIA, it is considered that the proposed development would affect the setting of the nearby listed buildings, as it would erode the simple and informal openness of the area and would be intrusive and incongruous, thereby adversely affecting the setting of the heritage assets.
- 18.9. There appears to be very little scope to introduce effective mitigation or screening for the formalised parking, building, hard surfacing, and entrance without those possible mitigation measures themselves appearing incongruous, contrived, or even formalised, which would cause further harm to the setting of the heritage assets.

- 18.10. In assessing the overall impact of the development on heritage assets, regard must be given to paragraph 199 of the NPPF which requires that great weight should be given to a heritage asset's conservation. The NPPF also sets out three categories of harm when assessing the impact on heritage assets, these being substantial harm, less than substantial harm, and no harm.
- 18.11. Although the HIA finds that the development would have a 'neutral impact', in accordance with the categories set out in the NPPF, it is considered that the proposal would cause some harm to the setting of heritage assets, but that this will not be substantial.
- 18.12. As such, Paragraph 202 of the NPPF sets out that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. Having identified that the development would cause less than substantial harm to the significance of the designated heritage assets, any public benefit to be derived from the proposed development needs to be identified and given due consideration.
- 18.13. As set out in the 'principle of development' section above, the Council's Bereavement Services advise that whilst there might be a desire to increase the availability of burial grounds/spaces in general, at present there is sufficient burial space across the District for a 30-40 year period. Currently, there is an expected shortfall along the Shipley corridor, but in terms of nearby cemetery provision, Thornton Cemetery currently has 4000 spaces remaining and the recently completed extension to Scholemoor cemetery now provides an additional 3000 spaces.
- 18.14. Therefore, there is not a pressing need for additional burial spaces, particularly in this area. The development is therefore not considered to bring a degree of public benefit that would outweigh the harm to the significance of the heritage asset, as required by paragraph 202 of the NPPF.
- 18.15. It is acknowledged that the presence of the sub-station, pylons, and aggregate facilities in the local area do not make a positive contribution to the setting, but these are existing, longstanding features, which do not negate the harm caused by this proposal.
- 18.16. The development would also be contrary to the requirements of paragraph 206 of the NPPF, which requires that Local Planning Authorities look for opportunities for new development within the setting of heritage assets to enhance or better reveal their significance. Contrary to paragraph 206 there would be no enhancement of the setting of the listed buildings.
- 18.17. The development is therefore considered to cause less than substantial harm to the significance of designated heritage assets without sufficient public benefit to outweigh the identified harm, contrary to NPPF paragraph 202. The proposal would be contrary to paragraph 206 of the NPPF as it would not enhance the significance of the setting of the heritage assets. The development would also conflict with the requirements of policy EN3 of the Core Strategy DPD in that it would fail to preserve, protect, and enhance the character, appearance, and historic value and significance of the heritage assets. The development would therefore also not accord with the

requirements of the abovementioned Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

19. Highway and pedestrian safety

- 19.1. Paragraph 110 of the NPPF requires that in assessing planning applications it should be ensured that:
 - appropriate opportunities to promote sustainable transport modes can be - or have been - taken up, given the type of development and its location;
 - safe and suitable access to the site can be achieved for all users; and
 - any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.
- 19.2. Paragraph 111 of the NPPF makes clear that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 19.3. Paragraphs 110 and 112 of the NPPF confirm that development should be designed to minimise traffic and highway safety implications.
- 19.4. Core Strategy Policy TR1 requires that developments should aim to reduce the demand for travel, encourage and facilitate the use of sustainable travel modes, limit traffic growth, reduce congestion and improve journey time reliability. Policy TR2 seeks to manage car parking to help manage travel demand, support the use of sustainable travel modes, and meet the needs of disabled and other groups whilst improving quality of place. Appendix 4 provides indicative parking standards for new developments and Policy DS4 sets out design criteria for streets and car parking, indicating that developments should support the overall character of the place and take a design led approach to car parking.
- 19.5. The Council's Highways Engineer has reviewed the submitted information and raised concerns with the proposed development. The site is in a remote, rural, unsustainable location where it is most likely that all attendees would need to travel by car.
- 19.6. Old Allen Road and all roads in the vicinity are rural and/or semi-rural with no footways, no street lighting, and narrow width. The proposed site access is approximately only 80m from the junction of Old Allen Road with Back Lane, which is substandard with poor visibility to the left and there have been two recorded accidents at this junction within the past three years. There have also been a high number of accidents at the junction of Back Lane and Allerton Road, which is another nearby junction (10 recorded road traffic accidents in the past three years, plus two other approaching the junction).
- 19.7. The proposed development would be likely to lead to an intensification of the use of these rural roads and substandard junctions. The Transport Statement (TS) explains that funerals would be likely to take place out of peak hours (between 10am and 3pm), however, the Council would have no control over the timings of funerals. Due to the nature of the proposal, the majority of traffic would arrive and depart at the same time, leading to congestion and potentially a significant increase in traffic in the locality,

whether or not this coincides with the network peak times.

- 19.8. The site plan indicates a car park for 35 vehicles and the TS explains that this is based on information from the Council's Bereavement Services, however no evidence of this information has been submitted and Bereavement Services have advised that other existing cemeteries in the district generally experience quite widely varying attendee numbers and others with similar car park sizes often lead to overspill on-street parking, despite being in more accessible locations. Overspill parking in this locality, close to the junction would be likely to lead to conditions detrimental to highway safety.
- 19.9. A visibility splay has been indicated on plan based on actual wet weather speeds. However, any overspill on-street parking would be likely to obstruct this visibility splay, giving rise to further highway safety concern.
- 19.10. In response to the Highway Engineer's original comments, a technical note has been submitted, which provides accident data for the junctions of Old Allen Road/Back Lane and Allerton Road/Back Lane. Whilst the accident data does not necessarily highlight an existing road safety issue, visibility to the left at both of these junctions is nevertheless substandard. At present, traffic levels are low, and the technical note states a figure of 140 vehicles over an hour peak period, which is an average of 2.3 per minute. In contrast, at the start and end of a funeral, traffic levels would increase relatively significantly with the majority of traffic movements for arrivals and departures taking place in a much shorter period of time and it is therefore considered that potential highway safety concerns would arise.
- 19.11. The technical note includes an updated site plan, which now shows 37 formal parking spaces, plus 4 disabled and the adjacent field is indicated as an additional overflow parking area. The Highways Engineer advises that unless the overflow parking area is hard surfaced and set out as formal parking it would not count towards the parking provision, as for much of the year it is likely to be unsuitable for use i.e. when wet and/or muddy during winter.
- 19.12. The Highways Engineer considers that the figures provided regarding the average number of attendees as 30 and the maximum number being 80 to be significantly low, with no evidence of what these figures are based on. The total of 41 dedicated parking spaces would therefore be unlikely to suffice, particularly for high attendance funerals. Furthermore, the calculations for the parking requirement, which assumes 2.4 person occupancy per car, are based on attendees only, with no consideration made for staff parking, visitors to the cemetery/garden, or any overlap that may occur between those arriving and departing for funerals.
- 19.13. Although a field is identified for overflow parking, this would not be hard surfaced and is currently quite uneven and is likely to be wet and muddy for at least some of the year, and therefore cannot be relied upon to provide overflow parking year-round. Consequently, the site provides insufficient parking provision and it is likely that the development would lead to overspill parking on the highway, thereby obstructing the free flow of traffic to the detriment of highway safety. Additionally, pedestrian provision on Old Allen Road for those parking on the highway and walking into the site is poor, with no footways or street lighting available.

- 19.14. The proposed cemetery is in an unsustainable location and includes inadequate parking provision, which would likely to lead to overspill parking on the highway, likely to obstruct the free and safe flow of traffic, and an intensification of the use of substandard rural roads and nearby junctions, where there have been a number of road traffic accidents, thereby leading to conditions that are prejudicial to pedestrian and highway safety.
- 19.15. Development proposals that have the potential to affect air quality are required to incorporate measures to mitigate or offset their emissions and impacts in accordance with Policy EN8 of the Core Strategy and the Low Emission Strategy for Bradford. As such, the Council seeks the provision of Electric Vehicle Charging Points within developments, with the normal method of securing these being through a condition attached to a planning permission.
- 19.16. The proposed site plan does not identify any parking spaces to include electric vehicle charging points, but the Council's Environmental Health Air Quality Officer advises that a minimum of 1 purpose built EV charging point (serving 2 parking bays) should be provided for use by staff and visitors to the site.
- 19.17. Given that many visits to the site will be of limited duration, the minimum requirement should be the provision of a fast charging facility, with a minimum power output of between 7kW and 23kW with a 32A supply, which will allow fast charging over a short period. If the development is to be approved, the decision notice could include a condition to secure the necessary EV charging point(s), which would facilitate the use of more sustainable modes of transport.
- 19.18. Nevertheless, for the reasons stated above, the development is unacceptable due to the highway safety implications, and it therefore fails to accord with the requirements of the Core Strategy and NPPF as set out above.

20. Drainage, flood risk, and contamination

- 20.1. Paragraph 166 of the NPPF requires that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood risk assessment. Development should only be allowed in areas at risk of flooding where it meets the five criteria set out within paragraph 166.
- 20.2. Paragraph 168 of the NPPF sets out the importance of the use of sustainable drainage systems for major developments and requires that the systems used should take account of advice from the lead local flood authority; have appropriate proposed minimum operational standards; have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and where possible, provide multifunctional benefits.
- 20.3. Paragraph 178 of the NPPF states that planning decisions should ensure that the site is suitable for its proposed use taking account of ground conditions, land stability, and contamination, including risks arising from natural hazards, former activities such as mining, or pollution from previous uses. The NPPF also advises that in cases where

land contamination is suspected, applicants must submit adequate site investigation information, prepared by a competent person.

- 20.4. At the local level, the objectives of the NPPF are reflected in Policy EN7 of the Core Strategy, which states that the Council will manage flood risk pro-actively. In assessing development proposals this will require that all sources of flooding are addressed, that proposals will only be acceptable where they do not increase flood risk elsewhere, and that any need for improvements in drainage infrastructure is taken into account.
- 20.5. Policy EN8 of the Core Strategy requires that where land may be contaminated or unstable appropriate investigation and remediation is undertaken in order that the development will not pose a risk to human health, public safety and the environment. Policy EN8 further states that proposals for development will only be acceptable provided there is no adverse impact on water bodies and groundwater resources, in terms of their quantity, quality and the important ecological features they support.
- 20.6. The site is located within flood zone 1, which is the lowest category of flood risk, and is not shown to be at an identified risk of surface water flooding as indicated on the Environment Agency's flood maps. Although the site is within Flood Zone 1, the site area exceeds 1 hectare and so the application is supported by a Flood Risk Assessment (FRA), hydrogeological risk assessment, surface water management plan, soakaway testing results, and a contaminated land risk assessment.
- 20.7. The Council's Environmental Health team and the Environment Agency have reviewed the proposed scheme and, after initially raising concerns with the level of detail included in the application, have both confirmed that they withdraw their initial objections to the development, subject to the development being carried out in accordance with the recommendations made within the supporting documents.
- 20.8. In response to the initial objections and queries raised by Environmental Health and the Environment Agency, the applicant submitted an addendum to their Contaminated Land Risk Assessment, results of soakaway testing, and a drawing of the soakaway test pit design.
- 20.9. The Environment Agency has now reviewed all of the submitted information, including updated investigations and plans, and they confirm that they are satisfied that the risk assessment considers the risks of the proposed cemetery poses to the water environment.
- 20.10. The updated information clarifies the following points:
 - vulnerability and sensitivity of the underlying groundwater, finding that a secondary A aquifer likely exists more than 20m below the base of the graves and that the risk to the aquifer is reasonably considered as extremely low.
 - The depth to groundwater is at least 5.7m beneath the surface, based on the trial pits, with springs located some 220m and 370m from the site. Various portions of the site have been excluded from the proposed burial area due to the presence of either groundwater or unweathered bedrock.
 - The Hydrogeological Risk Assessment states that it has confirmed that there are no

groundwater abstractions, particularly those used for drinking water or food production purposes, either licensed or unlicensed, within 400m of the site.

- The nearest surface watercourse is Pitty Beck, located more than 400m from the site.

- The underlying low vulnerability minor aquifer may receive dissolved compounds from the burial area in extremely dilute concentrations due to the lack of a direct pathway. The stand-off to the underlying aquifer has been demonstrated, through intrusive investigation, to be more than 5.7m and based on desk-based evidence, more likely to be some 20m.

- The agent has confirmed that during the first 1-2 years of operation, there will likely be less than 50 burials per year, but that once established, the anticipated rate of burials will be 50-100 per year.

- It is also confirmed that only traditional forms of burial will be used at the proposed site and that the proposed burial areas meet all of the following criteria listed in the Government guidance: Cemeteries and burials: prevent groundwater pollution (CBPGP):

- Have at least 1 metre clearance between the base of the grave and the top of the water table – they should not have any standing water in them when dug

- Not be dug in unaltered or unweathered bedrock

- Be deep enough so at least 1 metre of soil will cover the top of the coffin, body or animal carcass

- The Hydrogeological Risk Assessment concludes that “the risk posed to groundwater is (demonstrably) exceptionally low, in-line with CBGRA guidance, there is no requirement for monitoring prior to, or, during operations at the site” and “in the highly unlikely event that water strikes are encountered in the burial area during operations, the affected area should immediately be excluded from future burials”.

20.11. The E.A. advise that with all of these points in mind, they are satisfied with the conclusion and therefore remove their initial objection providing the recommendations in the supporting documents are followed.

20.12. The Council’s Environmental Health Officer (EHO) has also reviewed the submitted information. The EHO comments that the further investigation carried out on site, in the form of two 1m deep trial pits was undertaken in the part of the site formerly occupied by the vehicle storage and maintenance area, where inert waste is understood to have been deposited. The EHO advises that the additional site investigation is not explained sufficiently in the report, with no trial pit logs included, the use of category 4 screening levels (C4SLs) on their own is not sufficient, the risk assessment is severely limited and does not follow the good practice outlined in Land Contamination Risk Management (LCRM).

20.13. The area of the site where contamination is most likely to be located will be covered by the car park in which a SUDS system is to be located. The data from the 2 shallow samples is insufficient to confirm whether contamination is, or is not, present. If contamination is present within this area, there is potential for it to be mobilised by infiltration of drainage water. Therefore, Environmental Health recommend that when the SUDS system is being installed, a watching brief be implemented to identify potential contamination, which can be secured by condition if approving.

20.14. The EHO concludes that a phase 1 geo-environmental desk study has not been

submitted and that the CLRA addendum report provides only minimal information, the additional sampling is limited, and the Tier 2 risk assessment is incomplete. However, the proposed site use is of lower sensitivity. Graves will not be excavated in the part(s) of the site where contamination is most likely to be present, and the area where land contamination is most likely to be present will be covered by the proposed car park. During operation as a cemetery, the most sensitive receptors in relation to potential existing contamination are likely to be groundwater and cemetery staff excavating graves.

- 20.15. With regards to the potential for contamination from the operation of the site as a cemetery, the Environment Agency has considered the Hydrogeological Risk Assessment and other information submitted, and concluded that it has no objections with regard to potential contamination and groundwater.
- 20.16. Therefore, following the submission of additional information as discussed above, the Council's Environmental Health Officer is also satisfied that their objection can be withdrawn, subject to the imposition of suggested conditions.
- 20.17. In terms of drainage and flood risk, the Council's Drainage Engineer (as Lead Local Flood Authority (LLFA)) initially objected on the basis that the surface water management plan was unproven and that a surface water drainage strategy would need to be agreed prior to determination.
- 20.18. It is noted that there are no records of any watercourses at the site and there are no public sewers within the immediate vicinity, therefore, there was a requirement to undertake soakaway tests at the location of the proposed soakaway to demonstrate that the proposed method of drainage is appropriate.
- 20.19. The LLFA have reviewed the updated information, including the soakaway tests, and are now satisfied that the developer has demonstrated that the site can be drained by infiltration. The LLFA has no objection to the proposed development provided that the suggested drainage conditions are included on any approval of planning permission.
- 20.20. It is worth noting that the site is also located within a Coal Authority Development Low Risk Area, where there is no requirement for a Coal Mining Risk Assessment. As such, the Coal Authority have advised that should the application be approved, the decision notice should include the Coal Authority's standing advice as an informative note to the applicant in the interests of public health and safety.
- 20.21. Following the submission of updated supporting information, the proposed development is considered acceptable in terms of the implications for drainage, flood risk, and contamination. Nevertheless, should the development be approved this would need to be subject to a series of necessary conditions to control the implementation and ongoing maintenance of appropriate measures to ensure no risks arise for drainage, flood risk, or contamination, and to accord with the requirements of the aforementioned NPPF and Core Strategy policies.

21. Residential amenity

- 21.1. Policy DS5 of the Core Strategy DPD and the NPPF require that development proposals make a positive contribution to quality of life through high quality design and that developments should not harm the amenity of existing or prospective users and residents.
- 21.2. Policy EN8 of the Core Strategy requires that development proposals which are likely to cause pollution or result in exposure to sources of pollution (including noise, odour, and light pollution) or risks to safety, will only be permitted if measures can be implemented to minimise pollution and risk to a level that provides a high standard of protection for health, environmental quality and amenity.
- 21.3. There are several residential properties located directly to the south and south east of the site on Old Allen Road. The access to the site would be located directly opposite 11 Dean Lane Head (also identified as Dean Head Farm House). The impact of the development on these nearby residential properties therefore requires appropriate consideration.
- 21.4. The Council's Environmental Health Officer (EHO) advises that a previous small scale haulage business operating from the site in the early 2000s generated noise complaints from traffic movements to and from the site on an evening and weekend. Subsequent enforcement action was taken to end the use of the site for a haulage business.
- 21.5. The EHO considers that the development could give rise to further complaints about noise from vehicle movements, particularly from large scale funerals, where vehicles would be likely to park on the public highway and cause potential problems for local residents and other road users (as also discussed in the highway safety section above).
- 21.6. There is also concern that visitors would be able to visit the burial plots and garden of tranquillity outside of the stated hours of operation (09:00 to 19:00); however, the hours of use of the site could be controlled by condition alongside appropriate access control for the site.
- 21.7. Nevertheless, the nearby residential properties could be affected by burial services and other activities at the site, particularly as a result of the level of vehicular movements to and from the site and likely level of overflow parking on the highway resulting from the inadequate off-street parking provision, which could result in noise and other disturbances to residential amenity, in an area which is currently a relatively quiet and undeveloped location.
- 21.8. The proposed development would therefore adversely affect the living conditions of neighbouring residential occupants, which could be mitigated only in part by measures such as controlling hours of use, and is therefore considered unacceptable in its current form, thereby contrary to Policies DS5 and EN8 of the Core Strategy DPD and the NPPF.

22. Biodiversity

- 22.1. Core Strategy Policy EN2 states that proposals should contribute positively towards

the overall enhancement of the District's biodiversity resource. They should seek to protect and enhance species of local, national, and international importance and to reverse the decline in these species. The Council will seek to promote the creation, expansion, and improved management of important habitats within the district and more ecologically connected patchworks of grasslands, woodlands, and wetlands.

- 22.2. Core Strategy policy EN5 confirms that, in making decisions on planning applications, trees and areas of woodland that contribute towards the character of a settlement or its setting or the amenity of the built-up area, valued landscapes or wildlife habitats will be protected.
- 22.3. Opportunities for specific habitat creation within development proposals will be sought, including provision for future management. Development that would cause serious fragmentation of habitats, wildlife corridors or have a significantly adverse impact on biodiversity networks or connectivity will be resisted. Paragraph 174 of the NPPF confirms that one of the government's objectives for the planning system is to minimise impacts on biodiversity and provide net gains in biodiversity.
- 22.4. A Preliminary Ecological Appraisal (PEA) accompanies the application, which has been developed through completion of a desk-based study of designated wildlife sites and records of protected or notable species, and an extended Phase 1 Habitat Survey.
- 22.5. The PEA finds that the site is of relatively low ecological value and unlikely to support any protected species. However, it finds that the site does retain some locally valuable acid grassland habitat, which the proposal would retain and is therefore unlikely to lead to significant ecological impacts. The PEA states that biodiversity enhancement can be incorporated and delivered to ensure the proposal does not lead to a net loss of biodiversity.
- 22.6. The PEA identifies three habitats within the site and on its immediate boundaries: poor semi-improved grassland, acid grassland, and ruderal. The acid grassland is confined to a small corner at the far western edge of the site, the poor semi-improved grassland covers the remainder of the site, and the ruderal habitat grows in patches across the grassland.
- 22.7. The proposed site plan indicates that the areas to be developed for the burial ground, building, car park, etc. would retain the most important habitat (acid grassland) and around one third of the semi-improved grassland. The PEA recommends entering this retained grassland into conservation management following a Biodiversity Management Plan (BMP), which would adequately compensate for the impacts of the proposal.
- 22.8. The revised site plan has altered the area and layout of the proposed car park to include additional parking spaces and to provide greater screening (planting) around the car park. The car park now extends further into the grassland, although this is relatively minor. However, the revised site plan includes an annotation that the 'field to be used as overflow parking as needed'. The merits of this area as an overflow car park are discussed in the highway safety section above, where its usability is considered limited and is discounted as parking provision by the Highway Engineer

unless made formally, and permanently, available for parking. If this area were to be given over to create a formal car park, there would be further loss of the semi-improved grassland, although there would still appear to be adequate scope for biodiversity improvements, and net gain, elsewhere on site.

- 22.9. The development could incorporate biodiversity enhancement features such as bird and bat boxes, and could also include species rich planting to support biodiversity. A BMP could detail such biodiversity measures alongside landscaping details and could be secured with an appropriately worded condition should the application be approved. This being the case, the development is considered acceptable in terms of the ecological implications, in accordance with the abovementioned policies.

23. Community safety implications

- 23.1. Whilst anti-social behaviour, crime, and vandalism are generally a matter for the Police, paragraph 92 of the NPPF states that decisions should promote a 'safe and accessible environment where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion'. Core Strategy Policy DS5 (A) requires that developments be designed to ensure a safe and secure environment and reduce the opportunities for crime.
- 23.2. West Yorkshire Police have advised that insufficient parking would increase on-street parking along narrow lanes with no street lights or footpaths, which may increase the risks of potential traffic/pedestrian accidents. More parking should be provided and other measures considered, such as double yellow lines, keep clear signs, and speed restriction limits.
- 23.3. Further advice is given, including measures such as ensuring that the gated access is secured out of hours; that any boundary walling and planting is sufficiently robust so as to provide a defensible border; that good lighting levels and cctv be incorporated; and that the maintenance building includes appropriate door and window security.
- 23.4. Subject to the implementation of appropriate security measures, such as boundary treatments and site access controls, discussed above, which could otherwise be secured by condition on approval, the proposal does not pose any apparent significant community safety implications and accords with the requirements of Policy DS5 of the Core Strategy DPD and the NPPF.
- 23.5. There are no other community safety implications other than those referred to in the main body of the report.

24. Other planning matters

- 24.1. The proposal raises no other planning related matters that have not been addressed within the report or that could otherwise be adequately controlled through appropriately worded conditions, if approving the application.

25. Outstanding matters raised by representations

25.1. *Principle of development*

- Cemeteries should be located where they are more easily accessible
- Agricultural developments nearby have been refused so why allow this
- Recent approval for an energy storage facility on Old Allen Road – not appropriate to develop even more Green Belt land on this country lane.
- Should be built on a brownfield site nearer the city centre
- Existing cemeteries should be extended
- Previous application for agricultural building was refused
- Could be future pressure to extend the cemetery, increasing the negative impact
- Will set a precedent for other developments in the Green Belt

Response: The application must be considered on its own merits against relevant planning considerations. Matters pertaining to the principle of development are discussed in the report above.

25.2. *Highways*

- Other cemeteries have more parking but still experience overflow parking on local highways
- Recent serious accidents at the junction of Old Allen Road and Back Lane, including unreported incidents
- Local roads are dangerous and sometimes impassable in winter

Response: The highway safety implications have been considered above, including parking provision, accident data, and consideration of the suitability of the local road network.

25.3. *Heritage*

- Heritage Impact Assessment contains inaccuracies and misleading photographs
- Listed buildings are closer to the site than stated (15m away)
- Photos do not show correct views of the listed buildings
- Would not preserve the setting and character of Thornton village
- Thornton conservation area should remain without new building work

Response: Heritage impacts have been considered and any discrepancies in the submitted information does not alter the assessment and recommendation made above. The site is not located within or near to Thornton conservation area.

25.4. *Drainage, Environment, Pollution, and Ecology*

- Litter and flytipping will increase
- Visitors would be welcomed by the smell of the nearby animal incinerator plant
- Groundworks will cause noise, disturbance, and pollution

Response: Matters of drainage, environment, pollution and ecology have been addressed in the report above, but issues of litter and flytipping would need to be investigated under separate legislation. Temporary pollution during construction could be controlled through planning condition if approved.

25.5. *Other*

- Previous enforcement action against a haulage business on site and works carried out to the boundary wall and site. If this was complied with there would just be an

open field

- People not notified of application
- Will affect house sale prices and ability to sell
- High pressure electric cables require 24-hour access
- Antisocial behaviour
- Profit making exercise with no consideration for the area
- Might lead to future expansion plans including a place of worship
- Cemeteries should be run by the Council
- Would others want to live near/across from this cemetery
- Applicant has not followed advice given in pre-application response

Response: The application must be considered on its own merits and against relevant material planning considerations. The application has been advertised in accordance with necessary publicity requirements. Other matters listed here have been considered in the assessment above, where they are relevant material considerations.

25.6. Support

- Will reduce waiting times for burials and provide more choice
- Competition will help lower cost of burials
- Bradford is multicultural so why not have a multi-faith cemetery
- Tranquillity garden will allow people to grieve in peace
- Should support the diversification of the rural economy
- Employment for maintenance staff

Response: These matters have been considered but the application can only be assessed against relevant material planning considerations and against applicable policies and guidance.

26. Conclusion

26.1. The development of the multi-faith cemetery would result in unacceptable harm to the openness of the Green Belt and, in the absence of any very special circumstances, constitutes inappropriate development in the Green Belt. Additionally, the proposal would be harmful to highway safety, the landscape character qualities of the area, the setting of nearby designated heritage assets, and would adversely affect the amenity of neighbouring residential properties.

26.2. The development is therefore unacceptable when measured against the relevant policies and guidance contained within the Replacement Unitary Development Plan, Core Strategy Development Plan Document, the National Planning Policy Framework, and the requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990.

26.3. A decision to grant planning permission contrary to the recommendation to refuse the application must be supported with reasons and any such decision with supporting information (as detailed in the direction) must be referred to the Secretary of State under the Town and Country Planning (Consultation) (England) Regulations 2009. This will prevent the Council from issuing a grant of planning permission within the 21-day period following notification to the SofS and the SofS during this period has

the right to call the application in for his decision instead of that of the Council. In the absence of a call in by the SofS during the 21-day period the Council will be free to issue the grant of permission.

27. Reasons for Refusal:

27.1. *1. Green Belt inappropriate development*

The proposed development lies within an area defined as Green Belt wherein there is a strong presumption against inappropriate development. The proposed development would constitute inappropriate development in the Green Belt which is, by definition, harmful to the Green Belt. The application is not supported by sufficient evidence that the development would preserve the openness of the Green Belt and not conflict with the purposes of including land within it. Nor has sufficient evidence been provided to demonstrate that the potential harm to the Green belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. In the absence of any very special circumstances, which may warrant the proposal being treated as an exception, the proposed development is, by definition, harmful to the Green Belt and contrary to Policy GB1 of the Replacement Unitary Development Plan, Policy SC7 of the Core Strategy Development Plan Document, and Section 13 of the National Planning Policy Framework.

27.2. *2. Impact on landscape character*

The site lies within the Thornton and Queensbury Landscape Character Area. The site is disconnected and remote from key urban areas and its location would be out of place and out of keeping with the landscape character. The development would neither conserve nor enhance the current landscape characteristics and would likely contribute to the deterioration of the existing landscape character and views. The proposed development will have a detrimental impact on the character and appearance of the landscape contrary to policies DS2 and EN4 of the Core Strategy Development Plan Document and the Thornton and Queensbury Landscape Character Supplementary Planning Document.

27.3. *3. Impact on heritage assets*

The proposed development would harm the setting of nearby designated heritage assets located to the south of the site on Old Allen Road. The development would erode the simple and informal openness of the area and would be intrusive and incongruous. The development would therefore be contrary to paragraph 206 of the NPPF as it would not enhance their setting. The development is considered to cause less than substantial harm to the significance of the designated heritage assets, without sufficient public benefit to outweigh the identified harm, thereby contrary to paragraph 202 of the NPPF. The development would also conflict with the requirements of policy EN3 of the Core Strategy DPD in that it would fail to preserve, protect, and enhance the character, appearance, and historic value and significance of the heritage assets. The development would therefore also not accord with the requirements of Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

27.4. *4. Impact on highway safety*

The proposed cemetery is in an unsustainable location, distant from public transport infrastructure, and with inadequate off-street parking provision, which would result in overspill parking on the highway, which would be likely to obstruct the free and safe flow of traffic. The development would also result in an intensification of the use of substandard rural roads and nearby junctions, where there have been a number of road traffic accidents, thereby leading to conditions that are prejudicial to pedestrian and highway safety. For this reason, the proposed development is unacceptable when measured against policies TR1, TR2, and TR3 of the Core Strategy DPD and the NPPF.

27.5. *5. Impact on residential amenity*

The proposal would result in an adverse impact on the amenities of the occupants of nearby residential properties, located to the south of the site on Old Allen Road, by reason of the intensification of the use of the site, which would create periods of high vehicle movements and activity at the site, which would cause noise and other disturbances to residential amenity. The proposal therefore fails to accord with policies DS5 and EN8 of the Core Strategy DPD and the NPPF.

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