

## Report of the Assistant Director (Planning, Transportation & Highways) to the meeting of Regulatory and Appeals Committee to be held on 27<sup>th</sup> August 2020

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### **Subject:**

This application relates to the change of use of former allotment land to form extension to existing cemetery on the former Allotment Gardens, Necropolis Road, Bradford.

### **Summary statement:**

This application relates to the change of use of former allotment land to form extension to existing cemetery.

The main body of the site is allocated as allotments and was formerly used as allotments until the use ceased in April 2015. The site has since been vacant and has subsequently become overgrown.

The proposal will provide an extension to the existing Muslim burial ground within Scholemoor Cemetery which is nearing capacity. Works have commenced on the development due to the need to create additional burial space and is nearing completion. Under the provisions of the Coronavirus Act 2020 emergency works were allowed to commence subject to a planning application being subsequently submitted to regularise the works and these works fell within that category. Whilst residential properties do back onto the application site and share a low level boundary wall it is intended to undertake some landscaping along this joint boundary to provide an adequate degree of screening for those residents. Concerns have been raised about the increased traffic that will likely be generated along Necropolis Road but it is not intended to create a new access from that road and the existing vehicular access from Birks Fold will be maintained.

Subject to the imposition of the recommended conditions it is considered that the proposal is acceptable.

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**Portfolio:**  
**Regeneration, Planning and Transport**

**Overview & Scrutiny Area:**  
**Regeneration and Economy**



## **1. SUMMARY**

This application relates to the change of use of former allotment land to form extension to existing cemetery on the former Allotment Gardens, Necropolis Road, Bradford.

## **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**

No significant issues raised. The site is located within a very sustainable location in that it is well placed in close proximity to public transport (bus routes along Cemetery Road, Legrams Lane & Clayton Road).

## **7.3 GREENHOUSE GAS EMISSIONS IMPACTS**

The proposal relates to the extension of an existing facility and will not result in a significant increase in traffic visiting the site and therefore there are no greenhouse gas emission implications.

## **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. Conditions are recommended in relation to matters such as boundary treatment to further enhance the security of the site.

## **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 approve the application as per the recommendation contained within Appendix 1, or refuse the application.

If the Committee decide that planning permission should be refused, in which case reasons for refusal will have to be given based upon development plan policies or other material planning considerations.

## **10. RECOMMENDATIONS**

The application is recommended for approval, subject to the conditions included with Appendix 1.

## **11. APPENDICES**

Appendix 1 Technical Report.

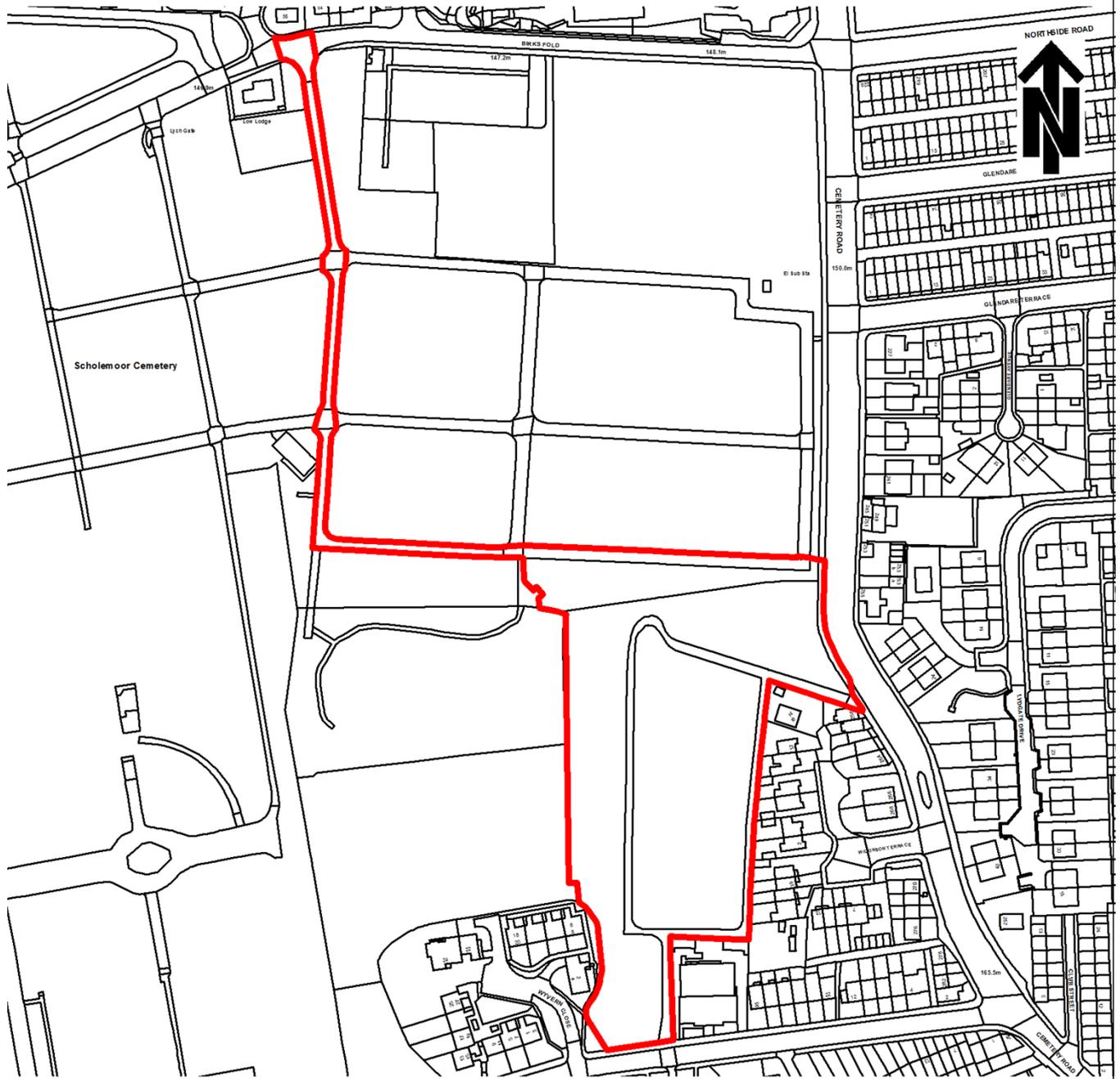
## **12. BACKGROUND DOCUMENTS**

National Planning Policy Framework  
Core Strategy  
Replacement Unitary Development Plan

20/01571/REG



City of  
**BRADFORD**  
METROPOLITAN DISTRICT COUNCIL



1:2,500

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**Former Allotment Gardens,  
Necropolis Road,  
Bradford**



20<sup>th</sup> August 2020

**Ward: Great Horton**

**Recommendation:**

**TO GRANT PLANNING PERMISSION SUBJECT TO CONDITIONS**

**Application Number:**

20/01571/REG

**Type of Application/Proposal and Address:**

This application relates to the change of use of former allotment land to form extension to existing cemetery on the former Allotment Gardens, Necropolis Road, Bradford.

Work has already started on the development and is almost complete. The works were commenced under the provisions of the Coronavirus Act 2020 which allowed for essential works to be carried out without the need to first obtain planning provision but on the proviso that a planning application would subsequently be submitted to regularise the works. This was seen as essential work due to the need to create additional space for the Muslim burial ground to cope with an increase in deaths caused by the coronavirus.

**Applicant:**

Andy Ross (CBMDC)

**Agent:**

Not applicable

**Site Description:**

The site is located to the south of the existing cemetery and formerly comprised an overgrown area of land. It is bounded to the east and south west by residential development (Wilkinson Terrace and Wyvern Close respectively). To the south east is a church and to the south is Necropolis Road. Vehicular access to the site is via the existing access to the cemetery from Birks Fold with pedestrian access from Cemetery Road. The majority of the works have already been undertaken.

**Relevant Site History:**

There is no relevant planning history on the site.

**The National Planning Policy Framework (NPPF):**

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:-

- i) 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;
- ii) 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;

- iii) 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.

**The Local Plan for Bradford:**

The Core Strategy for Bradford 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. The main body of the site is allocated for Allotments (Policy OS6) in the RUDP. The site is also located within an area of Urban Greenspace (Policy OS1 – site reference BW/OS1.5 – Scholemoor/Leaventhorpe). Accordingly, the following adopted saved RUDP and Core Strategy policies are applicable to this proposal.

**Replacement Unitary Development Plan Policies:**

OS1 Urban Greenspace  
OS6 Allotments

**Core Strategy Policies:**

TR1 Travel Reduction and Modal Shift  
TR2 Parking Policy  
TR3 Public Transport, Cycling and Walking  
EN2 Biodiversity and Geodiversity  
EN4 Landscape  
EN5 Trees and Woodland  
EN7 Flood Risk  
EN8 Environmental Protection  
DS1 Achieving Good Design  
DS2 Working with the Landscape  
DS3 Urban Character  
DS5 Safe and Inclusive Places

**Parish Council:**

There is no Parish Council in the Great Horton Ward.

**Publicity and Number of Representations:**

The application was publicised by press notice, site notice and neighbour notification letters. The expiry date for the publicity exercise was the 12<sup>th</sup> June 2020.

As a result of the publicity exercise 6 representations have been received commenting on the proposal together with a petition comprising 12 signatures.

**Summary of Representations Received:**

Principle:

- A 1 metre high wall on Necropolis Road will not deter people parking on that road to reach the cemetery by climbing over the wall
- Terminating the burial ground to the end perimeter at the back of the church would be a better deterrent to using Necropolis Road as parking

- The land adjacent to the church could be used as a communal area for both the church and the community, by way of supporting our current elders group and the upcoming community child nursery which is at the early planning stage

Highways:

- Traffic control measures be put in place to reduce noise pollution at unsociable hours, except of course in the case of funerals
- The increase in traffic on Necropolis Road will impact on existing uses along that road
- Install removable bollards to restrict vehicular access at agreed times (vehicle access to be restricted, preferably to weekday daytime i.e. no access evenings and weekends except for funerals as necessary)

Residential amenity:

- For privacy and security we'd also want tree's in place between the houses at Wilkinson Terrace and the cemetery extension
- Would ask for traffic control to be considered and double yellow lines to stop all parking cars outside
- Where are the plans about protecting people's privacy in the gardens adjacent to the cemetery extension?
- Whilst the conifers would provide privacy, and some security and possibly a reduction in traffic noise we are concerned if not kept to a reasonable height they will, in time, result in a loss of light to our property

Other issues:

- Sending the letter about 3 weeks later after work has already started to ask for comments what a joke the Bradford council is

**Consultations:**

Highways DC (Non-transport Assessment) – No objection to the proposal

Environmental Health Land Contamination – No objection to the proposal subject to the imposition of an appropriate condition relating to the discovery of unexpected contamination

The West Yorkshire Archaeology Advisory Service – No objection as there are no apparent significant archaeological impacts associated with work in the area identified

West Yorkshire Police – No objection to the principle of the development but comments on specific aspects of the layout

Lead Local Flood Authority – No objections

**Summary of Main Issues:**

1. Principle of development
2. Visual amenity
3. Residential amenity
4. Highways
5. Trees
6. Land contamination

- 7. Drainage
- 8. Secure by Design
- 9. Other issues

**Appraisal:**

The proposal relates to the creation of an extension to the existing Scholemoor cemetery. The proposal does not involve the construction of any buildings and simply relates to the change of use of the land together with the construction of an extension to the internal access road within the existing cemetery.

1. Principle of development

Paragraph 7 of the National Planning Policy Framework states that the purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs. Paragraph 8 goes on to state that achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways and these include identifying and co-ordinating the provision of infrastructure (economic objective) and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being (social objective), and, to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy (environmental objective).

Paragraph 11 of the National Planning Policy Framework states that development proposals should be determined in accordance with an up-to-date development plan without delay.

The main body of the site is allocated for Allotments (Policy OS6) in the Replacement Unitary Development Plan. The site is also located within an area of Urban Greenspace (Policy OS1 – site reference BW/OS1.5 – Scholemoor/Leaventhorpe).

Policy OS1 states that within Urban Greenspaces development will not be permitted unless it retains the open and green character of the area and through its design makes a positive contribution to the character and amenity of such areas. Policy OS6 states that on land allocated for allotments on the Proposals Map or on sites under 0.4 hectares used as allotments development will not be permitted unless either alternative satisfactory provision can be made or community support for the allotments is demonstrably negligible.

The proposal simply relates to the change of use of the site incorporating only an extension to the access road within the existing cemetery and some additional tree planting along the eastern boundary of the site. Any development within the site in the form of gravestones will be low level and will not impact on the overall openness of the site and therefore it is considered that the proposal will satisfy the requirements of policy OS1 of the Replacement Unitary Development Plan.

The site was formerly used as allotments and the use ceased on the 1<sup>st</sup> April 2015. The site has since been vacant and has subsequently become overgrown. It is considered therefore that community support for allotments on the site is negligible and there is no demand for such a use on the site. It is not intended to provide an alternative site for allotments to replace those that previously existed on the site. As such it is considered that the proposal satisfies the requirements of policy OS6 of the Replacement Unitary Development Plan.

As such, therefore, it is considered that the principle of the creation of the extension to the cemetery on the application site is acceptable.

## 2. Visual amenity

The National Planning Policy Framework states in paragraph 124 that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Paragraph 127 states that planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users<sup>46</sup>; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Paragraph 130 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development.

Policy DS1 of the Core Strategy states that planning decisions 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, and, taking a comprehensive approach to redevelopment in order to avoid piecemeal development which would compromise wider opportunities and the proper planning of the area.

Policy DS2 of the Core Strategy states 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.

The proposal relates to the change of use of the existing land from allotments to a cemetery extension. There will be an extension to the existing access road within the cemetery. There will be no buildings constructed as part of the proposal. Some landscaping is proposed along the boundaries in order to protect the amenities of the occupiers of the neighbouring dwellings and this will also help to minimise the visual impact of the proposal. Whilst the nature of the site will change it is not considered that the change of use of the site will have a detrimental visual impact on the streetscene.

As such therefore it is considered that in visual amenity terms the proposals meets the requirements of policies DS1 and DS2 of the Core Strategy and no objection is raised to the proposal.

### 3. Residential amenity

Policy DS5 of the Core Strategy states that development proposals should make a positive contribution to people's lives through high quality, inclusive design by, amongst other things, not harming the amenity of existing or prospective users and residents.

The site is bounded to the east by residential properties on Wilkinson Terrace and to the south west by dwellings on Wyvern Close. The rear gardens of the dwellings on Wilkinson Terrace currently comprises a low level stone wall and can be overlooked from the application site. In order to minimise the impact on the residential amenities of the occupiers of these properties it is intended to undertake some planting along the joint boundary. The trees will be standard 8-10 centimetre girth and planted at 3 metre spacing. Whilst the trees will not offer immediate screening the trees will become established relatively quickly and offer adequate screening to protect the residential amenities of the occupiers of the dwellings.

Overall therefore it is considered that the proposal satisfies the requirements of policy DS5 of the Core Strategy and no objection is raised to the proposal on residential amenity grounds.

### 4. Highways

Paragraph 102 states transport issues should be considered from the earliest stages of development proposals such that, amongst other things, the potential impacts of development on transport networks can be addressed, and, opportunities to promote walking, cycling and public transport use are identified and pursued.

Paragraph 109 of the National Planning Policy Framework states 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. It goes on to state in paragraph 110 that applications for development should:

- a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;
- b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;
- c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;
- d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and
- e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

Policy TR1 of the Core Strategy seeks 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 whilst policy TR2 seeks to manage car parking to help manage travel demand, support the use of sustainable travel modes, meet the needs of disabled and other groups whilst improving quality of place.

The vehicular access arrangements to the site will remain unchanged in that it will continue to be from the existing access points on both Necropolis Road and Birks Fold. The proposal will not result in an intensification of use of the site and as such will not result in an increase in the number of people using it. There are no plans to create a new access or egress onto Necropolis Road to serve the extension and as such there is no justification for the inclusion of any traffic controls on the road. In order to try and discourage visitors to the cemetery from parking on Necropolis Road and accessing the cemetery from there it is intended to undertake some additional planting within the application site in the form of a 1.5 metre wide planting buffer. The Highways Department have not raised an objection to the principle of the development and are satisfied that the existing access arrangements serving the cemetery will be sufficient to serve the proposed extension.

It is not considered that the proposal will be detrimental to highway safety and as such the proposal complies with the requirements of policies TR1 and TR2 of the Core Strategy.

## 5. Trees

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.

There are no trees on the site that are considered to be of any visual amenity value. As part of the proposal it is intended to undertake some additional planting along the eastern boundary of the site which is considered acceptable to enhance the level of tree cover on the site.

Overall therefore it is considered that the proposal satisfies the requirements of policy EN5 of the Core Strategy and no objection is raised to the proposal with regards to the impact on existing trees.

## 6. Land contamination

Paragraph 178 of the National Planning Policy Framework states that decisions should ensure that:

- a) a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation);
- b) after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and
- c) adequate site investigation information, prepared by a competent person, is available to inform these assessments.

Paragraph 179 states that where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

Policy EN8 of the Core Strategy states that proposals which are likely to cause pollution or are likely to 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.

A Phase I Desk Study Report and Phase II Ground Investigation Report (Tier 2 Groundwater Assessment) have been submitted in support of the application.

The intrusive investigation detailed in the report revealed that the site is covered by “a layer of made ground (up to approximately 0.90 metres in thickness) which represents a potential source of ground contamination for this site. The made ground deposits typically comprised silty sandy gravelly clay and gravelly clayey soil with ash and brick fragments and occasional glass and plastic”. A representative number of 13 soil samples were obtained from the site for chemical analysis and the results of the chemical analysis were screened against relevant generic assessment criteria within the context of a Public Open Space (Park) end use. From the screening it was concluded that “the made ground across site is not considered to represent a potential risk to human health, and will not require treatment, removal, protection measures or further risk assessment, based on a Public Open Space (Park) end use”.

In relation to groundwater the report concluded that “there are no groundwater/surface water abstraction points within around 2000 metres of the site boundaries and there are no source protection zones within around 500 metres of the site. When considering the type of drift deposits overlying the solid geology it is felt that the deep groundwater does not represent a plausible receptor. Therefore, no further assessment i.e. a detailed quantitative risk assessment (DQRA), is considered necessary at this stage as there is a negligible long-term risk of significant contamination impacting deeper groundwater or surface waters when considering the hydrogeological setting”.

Environmental Health agrees with the conclusions presented in the Phase II Ground Investigation Report (Tier 2 Groundwater Assessment) by Arc Environmental Limited that the site is acceptable for the proposed use without the need for any further site investigation or remediation work.

Subject to the imposition of an appropriate condition relating to the discovery of unexpected contamination it is considered that the proposal satisfies the requirements of policy EN8 of the Core Strategy and no objection is raised with regard to land quality.

## 7. Drainage

Paragraph 163 of the National Planning Policy Framework states that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Paragraph 165 states that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should:

- a) take account of advice from the lead local flood authority;
- b) have appropriate proposed minimum operational standards;
- c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and
- d) where possible, provide multifunctional benefits.

Policy EN7 of the Core Strategy states that the Council will manage flood risk pro-actively which policy EN8 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.

With regards to the disposal of surface water it is proposed to connect to the existing on site drainage which outfalls to the existing combined sewer system with a surface water attenuation system. This is considered to be acceptable by the Lead Local Flood Authority and no objections are raised to the proposal.

Subject to the imposition of appropriate conditions it is considered that the proposal complies with the requirements of policies EN7 and EN8 of the Core Strategy and no objection is raised to the proposal on drainage grounds.

## 8. Secured by design

Paragraph 91 of the National Planning Policy Framework states that Planning decisions should aim to achieve healthy, inclusive and safe places which are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of clear and legible pedestrian routes, and high quality public space, which encourage the active and continual use of public areas.

Policy DS5 of the Core Strategy states that development proposals should make a positive contribution to people's lives through high quality, inclusive design. In particular, they should, amongst other things, be designed to ensure a safe and secure environment and reduce the opportunities for crime.

The National Planning Policy Framework confirms that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Planning decisions should aim to ensure that developments should, amongst other things, create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and are visually attractive as a result of good architecture and appropriate landscaping.

The West Yorkshire Police Architectural Liaison Officer has stated that there are no issues with regard to the use for the land, however from looking at the general arrangement proposal, the Cemetery is very permeable and whilst it is appreciated that there needs to be connectivity and access, too many routes in and out can create more entry/escape routes. Introducing a new footpath route to the side of 256 Cemetery Road will only create more permeability and as there is already access routes from Birks Fold, Necropolis Road and Wyvern Close, additional routes into this area are not considered to be required. Scholemoor is one of the larger Cemeteries and due to the location, access routes this has encountered more anti-social behaviour problems – *a new access will be off Cemetery Road for pedestrian access whilst the main vehicular access will remain from Birks Fold. It is considered necessary to introduce the additional pedestrian access as it will allow easier access to the cemetery extension rather than the existing routes are considerably further away. Many elderly people visit cemeteries and it is important that easy access is provided for them to gain access to the proposed extension.*

Installing a replacement wall along Necropolis Road adjacent to the Church would create more defensible space for the perimeter preventing pedestrian access or desire lines via the damaged section of wall. If the new boundary in this location is to be 1 metre in height, the overgrown shrubs should be cut back slightly to around 1.5 metres to improve surveillance – *the wall will be constructed to a height of 1 metre and it is intended to undertake some additional planting to include trees and 'prickly' shrubs in a 1.5 metre wide planting belt behind the wall to prevent people using it as an unauthorised access to the cemetery.*

Where the 12 parking bays are proposed within the grounds, installing a knee rail fence around the perimeter of the parking bays will deter any vehicles driving beyond this point. In relation to parking, could more parking spaces be included in this location? I'm aware that this surrounding area gets congested when there are funerals which results in double parking on the side roads and nearby streets – *the aim of the application is to provide an extension to the cemetery. It is not intensifying the use of the site and the same numbers of people will attend the cemetery as they do now. It is acknowledged with Muslim burials that many people do attend and that there will be a lot of on-street parking on the surrounding road network. This happens at the moment and to reduce the amount of on-street parking would require the creation of quite a substantially sized car park which would reduce the overall size of the area for burials. As such it is considered that the level of parking to be provided is acceptable and no objection has been raised to this by the Highways Department.*

Where the parking bays are located and the main vehicle road is created, installing external lights within this location will help improve visibility of the route and surrounding areas, CCTV can also provide a good deterrent to any ASB issues. Other measures such as locking access gates after hours prevents unauthorised vehicle entry, the same can be applied for pedestrian routes if there are any gates – *the*

*inclusion of lighting and CCTV is outside the control of the planning system and will be up to the owner of the cemetery (the Council) as to whether or not it is installed.*

As such it is considered that the proposal will provide a safe and secure environment for the users. The Council will work with the Council for Mosques, who will be managing the site, and will address any issues should they subsequently arise.

It is considered that the proposal satisfies the requirements of policy DS5 of the Core Strategy and no objection is raised to the proposal with regards to site security and safety.

#### 9. Other issues

One other issue has been raised which hasn't been addressed in the above sections of the report, this being:

*Sending the letter about 3 weeks later after work has already started to ask for comments what a joke the Bradford council is – the works were originally started under the emergency measures provided by the Coronavirus Act 2020 as the amount of burial space within the Muslim section of the cemetery was limited and additional space was to be provided in case the existing spaces were used. There was always the intention to submit a planning application to authorise the works and this was submitted as soon as possible and the letters sent out as soon as the application was valid.*

#### **Community Safety Implications:**

There are no other community safety implications other than those referred to in the main body of the report.

#### **Equality Act 2010, Section 149:**

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 this 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.

#### **Reason for Granting Planning Permission:**

The scheme provides a development scheme on an allocated site. The scale, form, layout and design of the proposal are acceptable and present no concerns with regard to residential or visual amenity, and, highway safety. The proposal is considered acceptable and, with the attached conditions, satisfies the requirements of policies OS1 and OS6 of the Replacement Unitary Development Plan together with policies TR1, TR2, TR3, EN2, EN4, EN5, EN7, EN8, DS1, DS2, DS3, and, DS5 of the Core Strategy, and, the relevant paragraphs of the National Planning Policy Framework.

#### **Conditions of Approval:**

##### 1. Approved plans

The development hereby approved shall only be carried out in accordance with the following plans:

Drawing Number P/PTH/CC/104049/6A showing the General Arrangement for Proposals and received by the Local Planning Authority on the 30th April 2020;  
Drawing Number P/PTH/CC/104049/SC-1A showing the General Arrangement for Site Clearance and received by the Local Planning Authority on the 30th April 2020;  
Drawing Number H/SD/05/41B showing the Gullies Permitted Design Group 1 and received by the Local Planning Authority on the 30th April 2020;  
Drawing Number H/SD/11/01B showing the Kerbing and Channelling and received by the Local Planning Authority on the 30th April 2020;  
Drawing Number H/SD/11/03B showing the Quadrants and received by the Local Planning Authority on the 30th April 2020;  
Drawing Number H/SD/11/04B showing the Kerbing and Channelling and received by the Local Planning Authority on the 30th April 2020;  
Drawing Number H/SD/11/05B showing the Edging and received by the Local Planning Authority on the 30th April 2020;  
Drawing Number H/SD/12/21B showing the Concrete Bollards and received by the Local Planning Authority on the 30th April 2020;  
Drawing Number H/SD/24/02B showing the Stone Walls and received by the Local Planning Authority on the 30th April 2020;  
Drawing Number LS/SC/104049/A Rev A showing the Site Survey and received by the Local Planning Authority on the 30th April 2020;  
Drawing Number PTH/D/104049/01 showing the Drainage Layout and received by the Local Planning Authority on the 30th April 2020;  
Drawing Number PTH/D/104049/02 showing the Drainage Construction Details and received by the Local Planning Authority on the 30th April 2020;  
Drawing Number PTH/D/104049/03 showing the Flow Control Manhole Construction Detail and received by the Local Planning Authority on the 30th April 2020;  
Drawing Number PARKS/20/01571-01 showing the Location Plan and received by the Local Planning Authority on the 14th May 2020; and,  
Drawing Number PARKS/20/01571-02 showing the Planting Plan and received by the Local Planning Authority on the 12th June 2020.

Reason: For the avoidance of doubt as to the terms under which this planning permission has been granted since amended plans have been received.

## 2. Unexpected contamination

If, during the course of development, contamination not previously identified is found to be present, no further works shall be undertaken in the affected area and the contamination shall be reported to the Local Planning Authority as soon as reasonably practicable (but within a maximum of 5 days from the find). Prior to further works being carried out in the identified area, a further assessment shall be made and appropriate remediation implemented in accordance with a scheme also agreed in writing by the Local Planning Authority.

Reason: To ensure that the site is remediated appropriately for its intended use and to comply with policy EN8 of the Local Plan for Bradford.

## 3. Landscaping implementation

In the first full planting season following the completion of the development, or in accordance with an alternative timetable for implementation that has been agreed in writing by the Local Planning Authority, the landscaping proposals forming part of the

approved plans schedule shall be implemented in accordance with the submitted specifications and details.

Any trees or plants comprising the approved landscaping that become diseased or die, or which are removed or damaged within the first 5 years after the completion of planting shall be removed and a replacement landscape planting using the same or similar species/specifications shall be planted in the same position no later than the end of the first available planting season following the demise of the original landscape planting.

Reason: In the interests of visual amenity and to accord Policies EN5, DS2 and DS3 of the Core Strategy Development Plan Document.