

## **Report of the Assistant Director (Planning, Transportation & Highways) to the meeting of Regulatory and Appeals Committee to be held on 21<sup>st</sup> October 2021**

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**Subject:** Planning application reference 20/05772/FUL - A retrospective full planning application for the installation of eleven, 10-metre high lighting columns and associated light fittings, with two columns to incorporate security camera systems at the former Braithwaite Edge Quarry, Black Hill Lane, Keighley.

### **Summary statement:**

The application seeks retrospective planning permission for the installation of eleven 10-metre high lighting columns and associated light fittings, with two columns to incorporate security camera systems at the former Braithwaite Edge Quarry, Black Hill Lane, Keighley.

The site is a former quarry and landfill, which is currently undergoing redevelopment as a cemetery. It is located 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 appropriate facilities for cemeteries and burial grounds providing that the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.

In this case, the proposal would provide facilities for a cemetery, but would fail to preserve the openness of the Green Belt and would therefore constitute inappropriate development.

In addition to the harm to Green Belt, the development would cause harm to landscape character and biodiversity and result in light pollution by virtue of the scale, appearance, and illumination, which would be out of character with the area and generally natural, open landscape, and adversely affect natural habitats and protected species, particularly those associated with Keighley Tarn, and cause general light pollution from the high lighting levels.

The identified harm to Green Belt, landscape character, biodiversity, and light pollution 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.

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& Highways)

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**Regeneration, Planning and Transport**

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

# Report to the Regulatory & Appeals Committee

## **1. SUMMARY**

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## **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 use of the site as a cemetery already benefits from planning permission and the scale and nature of the development proposed in this application is not considered likely to raise any significant issues in terms of sustainability.

### **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.

#### **10. RECOMMENDATIONS**

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

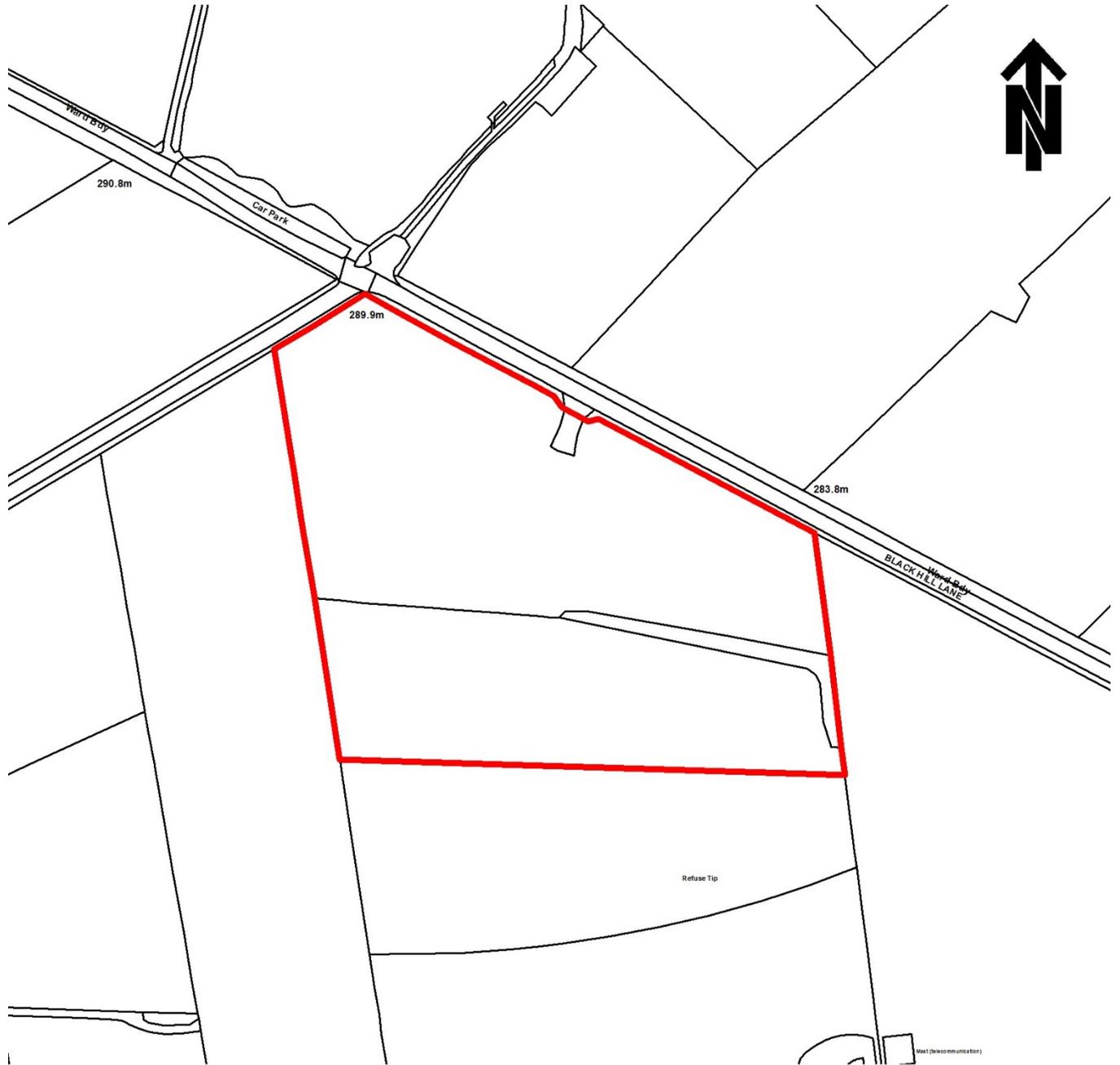
#### **11. APPENDICES**

Appendix 1 Technical Report

#### **12. BACKGROUND DOCUMENTS**

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

**20/05772/FUL**



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**Braithwaite Edge Quarry  
Black Hill Lane  
Keighley  
West Yorkshire**

# Report to the Regulatory & Appeals Committee

21<sup>st</sup> October 2021

**Ward:** Keighley West

**Recommendation:**

To refuse planning permission.

**Application Number:**

20/05772/FUL

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

A retrospective full planning application for the installation of eleven, 10-metre high lighting columns and associated light fittings, with two columns to incorporate security camera systems at the former Braithwaite Edge Quarry, Black Hill Lane, Keighley.

**Applicant:**

Keighley Community Cemetery

**Agent:**

Mr Michael Ainsworth

**Site Description:**

The proposal comprises a 3.2-hectare site, which was formerly quarried and subject to landfill when operating as the Braithwaite Edge Quarry and Landfill site. The site is currently undergoing redevelopment as a cemetery following the approval of planning application 14/03662/MAF in 2015.

Surrounding land uses are generally agricultural in nature, with pasture land to the north, east and west and residential to the south/southeast. The nearest residential dwellings are located approximately 240m west (Tarn View Farm), 250m south (properties off Braithwaite Edge Road), 290m north-west (Tarn House Farm) and 300m east (Daisy Hill Farm) of the boundary of the proposal site. The site is located approximately 300m from the established settlement boundary of Keighley and 2km from the Town Centre. Keighley Tarn is located directly north of the site on the opposite side of Black Hill Lane.

The site is enclosed by stone walls along the northern boundaries with Black Hill Lane and Tarn Lane and the eastern and western boundaries with adjacent fields. To the south there is no particular boundary treatment, with the site open to the remainder of the former landfill site. Access to the site is taken directly from Black Hill Lane to the north.

**Relevant Site History:**

14/03662/MAF - Development of cemetery on former quarry site, including improvements to existing access, formation of internal access road and car park, landscaping and drainage works and construction of building to provide ancillary office, welfare and workshop/storage facilities - Granted 01.09.2015

14/03662/SUB01 - Submission of details to comply with conditions 8, 10, 11, 12, 13, 14 and 15 - Refused 26.05.2016

14/03662/SUB02 - Submission of details to comply with conditions 2, 3, 4, 5, 8, 9, 10, 11,

12, 13, 14 and 15 - Partial Approval 01.09.2016

14/03662/SUB03 - Submission of details to comply with conditions 17viii and 21 - Refused 12.10.2016

14/03662/SUB04 - Submission of details to comply with condition 2 & 9 - Granted 05.01.2017

14/03662/SUB05 - Submission of layout, lighting, materials, landscaping, memorial, road construction, entrance, boundary wall, landscape maintenance & management details to comply with conditions 17, 20, 21, 22, 23 and 25 - Granted 14.07.2017

14/03662/SUB06 - Submission of a supplementary ground investigation report and drainage report to comply with conditions 2 (Phase 2 Methodology), 3 (Phase 2 Report), 4 (Remediation Strategy), 5 (Remediation Verification), 8 (Flood Risk Mitigation), 9 (Groundwater Monitoring Scheme), 10 (Hydrological Model), 11 (Surface Water Drainage), 12 (Car Park Drainage), 13 (Infiltration Tests), 14 (Foul Water Drainage) and 15 (Drainage Calculations) - Granted 06.11.2017

14/03662/SUB07 - Submission of details to comply with conditions 17viii (site entrance and boundary features) and 21 (facing materials) - Granted 04.06.2018

14/03662/SUB08 - Submission of details required by condition 16, 18, 19, 20 and 24 – Partially approved 26.04.2021

14/03662/SUB09 - Submission of details required by conditions 8 (surface water drainage), 11 (surface water), 12 (sustainable drainage), 13 (infiltration), 14 (foul water drainage), 15 (surface water) and 17 (landscaping) of planning permission 14/03662/MAF – Granted 29.09.2021

**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.

**Local Plan for Bradford:**

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.

The site is located within an area defined as Green Belt in the Replacement Unitary Development Plan and the southern part of the site comprises a former landfill site where superseded RUDP policy P13 (Inert waste landfill) would have applied. The site is also within the Pennine Upland Landscape Character Area and Zone C of the Special Protection Area (SPA). Accordingly, the following Replacement Unitary Development Plan and adopted Core Strategy policies are applicable to this proposal.

**Replacement Unitary Development Plan Policies:**

GB1 Green Belt

**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

AD1 Airedale

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

EN4 Landscape

EN8 Environmental Protection

TR8 Aircraft Safety

**Parish Council:**

*Keighley Town Council* - No objection.

**Publicity and Number of Representations:**

The application was publicised by site notice. The expiry date for the publicity exercise was 25<sup>th</sup> January 2021.

The local planning authority has received 971 representations, which comprises 39 separate objections and 926 separate comments in support. One Ward Councillor has made a representation in objection to the development. These representations are summarised below.

**Summary of Representations Received:**

Objections

*Principle of development*

- Retrospective application - lights erected without permission

- Too many retrospective applications – ride rough shod over planning procedure
- Inappropriate development in the Green Belt
- Application does not demonstrate any very special circumstances to justify consent
- Issues of crime, security, health and safety raised against original application
- All cemeteries should be treated equally – others do not have lighting, so why should this be different?
- Application contains numerous irregularities
- Will burials be carried out at night?
- Flood lights are not necessary for a cemetery
- Original application did not allow lighting
- Lower level lights would be sufficient
- Some ambient lighting would surely suffice
- If this is passed then planning laws mean nothing
- Quarry never had lights so why now
- Existing cemetery at Lidget Green is convenient

#### *Visual impact*

- Lights/lampposts are too large
- Out of character with the area
- Looks like an airport landing strip or sporting event
- This area has little light pollution
- Light pollution will affect the countryside
- Will destroy the aesthetic look of the tarn and surrounding area
- Will be an eyesore in the countryside and spoil views
- Lighting will be seen for miles around

#### *Environment and Ecology*

- Disturbance to wildlife and livestock
- Keighley Tarn is a beauty spot and local wildlife is an essential part
- The lights will affect birds, nocturnal animals, and other wildlife
- Cause distress and disorientation in native bird and mammal species
- We should protect and improve natural sites for wildlife
- Light pollution
- Water contamination

#### *Highways*

- Distraction for drivers

#### *Support*

##### *Lighting and CCTV proposals*

- Lighting will facilitate evening and night time burials
- Lighting needed so the community feel safe, especially in winter
- Lighting and CCTV fundamental to health and safety
- Lights will only be used during burials
- Adds to the appearance of the cemetery
- Blends into the surroundings and local architecture
- Adds to the environment
- No negative impacts
- Will reduce crime and anti-social behaviour

- Columns are black to minimise their visual impact
- Prudent security measure
- Less intrusive than the nearby wind turbine
- Will help staff, grave diggers and visitors
- Lights brighten the land and surrounding areas
- Will light up area for walkers, drivers, local residents, wildlife, traffic
- Lighting issue should have been raised at initial stage
- West Yorkshire Police should comment on the scheme
- Objectors care more for animals than humans
- More site notices put up for this application than for other sites to generate more objections
- Should be an inquiry if this is delayed or not approved

#### *Principle of cemetery use*

- Support opening of new cemetery
- New cemetery needed as Utley is almost full
- Conditions and facilities at Utley cemetery are poor
- Will ease pressure on other cemeteries
- Coronavirus has increased number of deaths
- Cemetery is complete and should open as soon as possible
- It is a private cemetery that will not cost the Council anything
- Well planned and will be seen as an example for other cemeteries
- High quality development
- Facilities at this site are fantastic
- Will benefit the community and bring communities together
- Council should not hinder or block the cemetery opening

#### **Consultations:**

*Biodiversity* – The Design and Access Statement states that the lighting arrangements will prevent any harm to wildlife. However, we are not certain as to how this conclusion has been reached. The proposed lighting systems are very tall and with high strength lighting involved. There are a number of protected species and species assemblages associated with the Keighley Tarn, the surrounding fields and potentially with the on-site mitigation (e.g. the pond) from previous planning applications. Even occasional lighting may disturb breeding birds and other species.

In addition, Keighley Tarn is part of our ecological habitat network and as such has some policy protection.

An Ecological Impact Assessment (EclA) is required to assess what species are present on the site and on the surrounding fields and Tarn, and then assess the impact of the proposed lighting arrangements on any of the species located. Any recent information regarding previous applications may feed into this assessment. The EclA should be undertaken in accordance with guidance provided by CIEEM and BS42020.

The impact to Biodiversity will be assessed against the Core Strategy Development Plan policies EN2 and SC8, and the NPPF and will take into account any relevant protected sites and species legislation. Required mitigation will need to be clearly set out within Development submissions.

*Civil Aviation Authority (Leeds Bradford Airport)* – No response.

*Environment Agency* – Proposed development falls outside of the EA's consultation tool and therefore no consultation required. However, the proposal should incorporate pollution prevention measures to protect ground and surface water. Guidance is available on the Government website at 'pollution prevention for businesses'.

*Environment Health Land Contamination* – No land contamination comments on the retrospective proposals.

*Landscape Design* – The cemetery is on a manmade flat area on elevated ground to the north west of Keighley, surrounded by countryside. The site is within the Pennine Upland Character Supplementary Planning Document, Volume 3: Pennine Upland, adopted by Bradford Council in October 2008. Within this character area, the site falls within the character type 'Upland Pasture'.

The site is within countryside that retains all the essential characteristics and landscape elements of the area. These simple, well defined characteristics with lack of urban influences are for conservation in accordance with the policy guideline for the Upland Pasture of the Pennine Upland.

Although the surrounding countryside is unspoilt and retains a sense of remoteness, the cemetery is flat and currently with a large expanse of gravel for car parks, paths and other surfaces. These are elements of urban characteristics that detract from the landscape character area. These surfaces are highly visible from surrounding more elevated areas due to the open nature of the landscape and they are totally inappropriate for the area.

A large number of various types of lights are around the site. At night the site is very bright. The existing level of lighting is excessive and inappropriate for the Upland Pasture of the Pennine Upland. These should be reduced in numbers and the present level of lighting should be reduced to avoid light pollution and be acceptable for the location within the countryside.

The 10m tall lighting columns proposed with this application are urban elements and an unnecessary addition for the amount of required lighting. Furthermore, the vertical alignment of the columns is not appropriate to the context of the surrounding countryside that retains all the essential agricultural characteristics and landscape elements typical of the Landscape Character Area. The visual impact of the tall lighting columns on the prominent and open nature of the surrounding landscape is considerable and views are affected during the day and during the night in the short, medium and longer distances. Therefore, in landscape terms we cannot accept the retention of the tall lighting columns. These need to be removed and replaced with low level lighting scheme as appropriate for the location of the site.

*Minerals and Waste* – The site is partially located on a former landfill. Planning permission was granted in 1980 for the infilling of the quarry with foundry sand and builders waste. Further permission granted in 2015 (ref: 14/03662/MAF) for development of the cemetery which included due consideration of the proposal by the Environmental Health Land Contamination Team and the Environment Agency. Therefore, they are best placed to advise on such matters.

## Summary of Main Issues:

1. Background
2. Principle of development
3. Design and landscape
4. Biodiversity
5. Land quality and light pollution
6. Community safety implications
7. Other planning matters
8. Outstanding matters raised by representations

## Appraisal:

### 1. Background

The application seeks retrospective planning permission for the installation of eleven 10-metre high lighting columns and associated light fittings, with two of those columns to incorporate security camera systems, at the former Braithwaite Edge Quarry, Keighley, which is currently undergoing works to create a cemetery.

#### *Site history*

In 2015, the Council approved the development of a cemetery (ref. 14/03662/MAF), subject to a series of conditions, some of which required the submission and approval of details prior to works commencing on site. The Council has subsequently determined a number of 'applications for approval of details reserved by condition', as summarised in the planning site history detailed above. These applications have approved details in respect of all relevant planning conditions attached to the original approval of the cemetery and, if the development is completed in accordance with those approved details, it would be able to begin operating in line with the terms of the planning permission.

The original 2015 permission included a condition requiring the submission and approval of details of any lighting scheme to be introduced at the site:

*22. No external lighting shall be installed at the site to which this notice relate, other than in accordance with a lighting scheme, which shall first have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, position and angle of glare of any external lighting. Any external lighting at the site shall only be installed in accordance with the approved details whilst ever the development subsists.*

*Reason: To ensure that any external lighting at the site does not cause adverse ecological impacts, in accordance with policies NE10 and UR3 of the replacement Unitary Development Plan.*

Application 14/03662/SUB05 approved, among other things, details of a scheme of external lighting, which consisted of:

- two ground mounted lights at the site entrance

- one floodlight and one lantern light mounted onto the service building
- fifteen down-lighting 50cm high lighting posts

The fifteen low-level lights were proposed along the main access, at a few locations along footpaths, and within the parking area.

It should be noted that the lighting scheme ultimately approved under application 14/03662/SUB05 included the revised lighting details summarised above, and removed (superseded) a previous lighting plan, which primarily included 14 taller lighting columns (approximately 2.25m tall) and 40x LED wide beam lights across the site (which would have required installation on a wall, post, or other vertical structure).

The number and size of lights indicated on that first (superseded) lighting plan was considered inappropriate and therefore the revised scheme detailed above was submitted and subsequently approved by the LPA. The lighting scheme approved under application 14/03662/SUB05 does not appear to have been implemented on site but does still remain extant and capable of implementation irrespective of the outcome of this current application.

Additionally, it is worth noting that a significant number of low-level lights have been installed on site, mostly along both sides of the access road and which far exceed the number of lights indicated on any of the previously submitted plans. These low-level lights installed on site are not submitted as part of this application and do not benefit from any planning permission; they remain unauthorised and subject to a separate planning enforcement investigation. This application is therefore concerned only with the eleven lighting and CCTV columns and does not include any other aspects.

### *Current application*

Although the original permission (14/03662/MAF) includes a condition (condition 22) requiring submission of a lighting scheme for approval, this application is submitted as a 'standalone' full planning application rather than an 'application for approval of details reserved by condition'.

It is noted that a significant proportion of the public representations refer to the principle of the cemetery use, commenting that a cemetery should, or should not, be permitted to operate on this site. However, as set out above, the site already benefits from planning permission for use as a cemetery by virtue of the 2015 permission (ref. 14/03662/MAF). Therefore, subject to compliance with the requirements of the conditions attached to that approval and the details subsequently approved through the various 'approval of details' applications, the cemetery use can commence.

On that basis, it must be noted that the use itself is not for consideration as part of this application and that this planning application seeks approval only of the eleven lighting columns, including two with CCTV systems, and does not include any other lights or other elements that may exist on site.

## **2. Principle of development**

The site lies within an area designated as Green Belt, as defined by the Council's Replacement Unitary Development Plan, where there is strong presumption against

inappropriate development.

### *National Policy*

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.

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.

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.

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:

- 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.

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*

In terms of local policy, RUDP Policy GB1 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.

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*

The development comprises the installation of eleven 10-metre high lighting columns, with two of those including CCTV cameras. As set out above, The NPPF considered new development 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 to determine whether the development falls into one of the exceptions to inappropriate development set out in paragraph 149 of the NPPF.

Para.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...as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it'.

In this regard, the development could fall into the classification of appropriate facilities associated with the use of the land as a cemetery, so may constitute an exception under paragraph 149 (b) and therefore not be inappropriate development. However, this exception is subject to the caveat that the development would preserve the openness of the Green Belt and not conflict with the purposes of including land within it.

The eleven lighting columns are similar to those used for street lighting, measuring 10 metres tall and finished in a graphite colour. Nine of the lights are positioned around the perimeter of the car park and two at the site entrance. One column at the site entrance and one at the northeast corner of the car park will also accommodate CCTV cameras.

The lights are set out in a formal arrangement around three sides of the car park and at the site entrance. When in use, the lights emit a bright, blue-white light, with the technical details suggesting that they operate at similar lighting levels to typical street lights. Therefore, they are not features typically found in more rural areas such as this.

When not illuminated, the lighting columns themselves remain visible both locally and further afield, and are considered to adversely affect the openness of the Green Belt by virtue of their visual intrusion resulting from their tall, vertical structure, with the urban appearance being out of character with the generally low-level natural landforms and relatively sparse agricultural buildings. The site's elevated and exposed location provides no natural features to help obscure or mitigate the visual impact of the lights on the openness of the Green Belt.

When the lights are illuminated they become more noticeable in both shorter and longer distance views, being visible from surrounding hillsides, for example. The illumination is such that it creates a visible glow, which clearly highlights the visual intrusion and impact on the openness of the Green Belt.

Whilst in spatial terms the development's impact might be limited, the visual impact on openness is considered to be significant, particularly when the lights are in use, as the lighting is bright and visible in longer distance views of the site and broader landscape.

It is noted that there is already permission in place for a lighting scheme at the site, as detailed above, which included limited low-level lighting. The approved low-level lighting would not be so extensive, prominent or visually intrusive within the Green Belt, and in contrast, the proposed lighting columns would be greatly more apparent and harmful to openness.

Consideration also needs to be given to the cumulative effects of this proposal alongside the lighting scheme approved by application ref. 14/03662/SUB05, which remains extant. Should the lighting approved under that application be implemented in addition to the proposed lighting contained within this current application, it would result in greater cumulative impact on the openness of the Green Belt, further worsening the impact on the Green Belt caused by the eleven lighting columns.

The development would represent encroachment of built development into the countryside, which is contrary to one of the key purposes of the Green Belt, as detailed in paragraph 138 of the NPPF. It is unclear how often and for how long the lights would be turned on, but whether in use or not, the development would cause harm to the openness of the Green Belt.

The development would not preserve the openness of the Green Belt and would represent encroachment into the countryside, contrary to the purposes of including land within the Green Belt. As such, the development would not meet the exceptions criteria within paragraph 149 of the NPPF.

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.

### **3. Design and landscape**

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.

Core Strategy Policy AD1 sets out the overarching sub-area policies for Airedale. Section D relates to environmental matters, with the most pertinent points for this application being the following:

1. Protect and enhance landscape character and the range of habitats and diversity of species found in the wetlands, woodlands, Pennine Uplands and upland fringe areas of Airedale.
2. Protect and enhance the integrity of the South Pennine Moors SPA/SAC and identify measures to support valuable upland fringe habitats. For the protection of the South Pennine Moors SPA, avoid and/or mitigate loss or deterioration of important foraging land within the SPA's zone of influence, and mitigate the impact of increasing visitor numbers.

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.

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.

The site lies within the Pennine Upland Landscape Character Area, and the site falls within the 'upland pasture' character type, as described in the adopted Landscape Character Supplementary Planning Document, Volume 3: Pennine Upland.

Core Strategy Policy EN4 is also relevant to sites within landscape character areas. This requires that development proposals make a positive contribution towards the conservation, management and enhancement of the diversity of landscapes within the District.

The site occupies a relatively flat plateau although the southern part of the site slopes down to the south and the site is within the Pennine Upland character area, as described in the Council's Landscape Character Supplementary Planning Document Volume 3: Pennine Upland. Within this character area, the site falls more specifically into the character type of 'Upland Pasture'.

The Pennine Upland Landscape Character SPD provides several statements relevant to this development:

*"This area has a perceived sense of remoteness, wide open skylines and strong horizontal emphasis, yet there is a close proximity to the settled valleys. Consequently, there is pressure of urbanisation beginning to seep into the area."*

*"The overall strategy for the character area is to conserve the visual and perceptual qualities of openness, remoteness and wildness associated with the South Pennine moorland and the surrounding moorland fringe and upland pasture elements which form the character of the area."*

The analysis of the Upland Pasture character type states that *"The upland pastures of the*

*Pennine Upland occur only in the northern part of the character area, lying in an elevated position north west of Keighley...*” and that *“The elevated position, absence of trees, sparse inhabitation and glaciated, rolling landform, highlighted by the strong, yet simple field pattern gives this landscape type a strong sense of place and remoteness.”*

The Landscape Character SPD identifies that the landscape strategy for the Upland Pasture is to:

- *“Conserve the upland pastures as a landscape with a sense of remoteness and as a transitional zone between the moorland edge and the sheltered settled valleys.*
- *Conserve the open treeless nature of the landscape...*
- *Conserve the strong pattern of field enclosures in the landscape, especially along main routes, adjacent to footpaths, lanes and where open views of the landscape are key features; promote the restoration of stone wall boundaries where necessary.”*

The policy guidelines in terms of the potential for development state that *“the strong sense of character, high historic continuity and prominent and open nature of the landscape indicates that this landscape is very sensitive to development.”*

The Council’s Landscape Architect advises that the site is within countryside that retains all of the essential characteristics and landscape elements of the area. These simple, well-defined characteristics with a lack of urban influences are for conservation in accordance with the policy guidelines set out above.

The lighting columns are urban elements with clear vertical alignment, which is not appropriate to the context of the surrounding countryside that retain all of the essential agricultural characteristics and landscape elements typical of the Landscape Character Area.

The visual impact of the tall lighting columns on the prominent and open nature of the surrounding landscape is considerable and views are affected during the day and night in the short, medium, and longer distances. The proposed lighting is considered far in excess of what would be required for the cemetery to operate and there is no explanation as to why the lighting scheme already approved would not provide adequate illumination of the access and parking area without the need for the eleven 10-metre tall lighting columns.

In the absence of a demonstrated need for the proposed lighting, it is considered that the previously approved scheme would afford appropriate lighting of the site and the proposed lighting columns would appear as an alien and obtrusive feature in what is an otherwise open upland landscape, which is generally undeveloped and open to longer distance views by virtue of its elevated and exposed location.

The lights introduce a clear vertical, urban element to the site, and are arranged in regular layout, which is in clear contrast to the existing natural informal landscape form and character. The development would be incongruous and would not conserve the character or appearance of the site or wider surrounding landscape.

The proposal is therefore considered unacceptable and fails to comply with the requirements set out in Policies SC9, AD1, DS1, DS2, DS3, and EN4 of the Core Strategy, the Landscape Character SPD, and the National Planning Policy Framework.

#### **4. Biodiversity**

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.

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. Paragraph 185 of the NPPF also require that new development is appropriate for its location taking account of the likely effects of matters including the natural environment, setting out in paragraph 185(c) that development should limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

The site is located adjacent to Keighley Tarn, which is part of Bradford's ecological habitat network, and there are a number of protected species and species assemblages associated with the Tarn, surrounding fields, and potentially with the on-site pond. The development's effect on biodiversity therefore needs careful consideration against the aforementioned policies.

The Design and Access Statement states that the lighting will be turned on and off manually, rather than relying on a dusk till dawn function, and that the lights will only be used when it is essential to aid the burial process. No further detail is provided in this regard so it is unclear precisely how often and for how long the lights would need to be turned on as part of any burials.

The Design and Access Statement asserts that this process of manually turning lights on and off will prevent any harm to wildlife, but there is no further information or evidence to support this assertion. The application is not accompanied by an ecological impact assessment or any other ecological surveys to assess what species are present on the site, surrounding fields and tarn and to then assess what impact there may be on any species as a result of the lighting.

The lighting columns are tall and feature bright white lights that illuminate the car parking area and entrance, but with light spill also illuminating other parts of the cemetery. The lights are also clearly visible from the Tarn and surrounding areas which are known to support wildlife including protected species and other habitats. Bright white artificial light with a higher blue light content as proposed here is more disruptive and harmful to wildlife and natural environments. Given the ecologically sensitive nature of the site and its immediate surroundings, even occasional lighting would be likely to disturb breeding birds and other species.

In the absence of any supporting ecological assessment, the application does not include

sufficient information to demonstrate that the development would not affect biodiversity and therefore with insufficient information to enable a full and proper assessment of the biodiversity implications, the development cannot be found to comply with the ecology related policies set out above.

The development is therefore found to fall short of the requirements set out in Core Strategy Policy EN2 and paragraphs 174 and 185 of the National Planning Policy Framework.

## **5. Land quality and light pollution**

Paragraph 183 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.

Paragraph 185 of the NPPF requires that new development limits the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

Policy EN8 of the Core Strategy requires that in order to protect public health and the environment, 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. Where land may be contaminated or unstable appropriate investigation and remediation is required to be undertaken in order that the development will not pose a risk to human health, public safety and the environment.

### *Land Quality*

The submitted details have been reviewed by the Council's Minerals and Waste Officer, who advised that the site is partially located on a former quarry and landfill site. Infilling of the quarry was undertaken with foundry sand and builders waste in accordance with planning permission granted in 1980 (ref. 79/1/05394). The recent planning permission for the site's redevelopment as a cemetery (ref. 14/03662/MAF) included consideration of the proposal by the Environmental Health Land Contamination Team and the Environment Agency and, on that basis, the Minerals and Waste Officer advised that they would be best placed to offer comments on this development.

The Council's Environmental Health Land Contamination team have subsequently confirmed that they have no land contamination comments in relation to the scheme and the Environment Agency have also confirmed they do not have any comments to make. On that basis, it is considered that the installation of the eleven lighting columns does not pose a risk to or from land quality.

### *Light Pollution*

The National Planning Practice Guidance sets out how light pollution should be addressed through the planning process. It advises that artificial light is not always necessary and that

it has the potential to become 'light pollution' and that not all modern lighting is suitable in all locations, in that it can be an annoyance to people, harmful to wildlife and undermine the enjoyment of the countryside or the night sky.

When assessing whether a development might have implications for light pollution, the national planning guidance sets out a series of factors for consideration. These include:

- Will a new development, or a proposed change to an existing site, be likely to materially alter light levels in the environment around the site and/or have the potential to adversely affect the use or enjoyment of nearby buildings or open spaces?
- Will the impact of new lighting conflict with the needs of specialist facilities requiring low levels of surrounding light (such as observatories, airports and general aviation facilities)?
- Is the development in or near a protected area of dark sky or an intrinsically dark landscape where new lighting would be conspicuously out of keeping with local nocturnal light levels?
- Is a proposal likely to have a significant impact on a protected site or species?

Where any of the above matters would apply, planning authorities should consider where, when and how much the light shines and possible ecological impacts.

When considering the proposed lighting scheme in the context of these policies and guidance, it is considered that the development would result in light pollution caused by the effect of bright, high level lighting, located on an elevated and exposed site in otherwise open countryside and in an area where biodiversity could be affected.

When in use, the lighting is visible in both short and longer distance views, due to the elevated and exposed location on a hilltop and appearance on/above the horizon. Although the site is not in a protected area of dark sky or an intrinsically dark landscape, the lighting would be out of keeping with the area, which is not extensively lit and is generally comprised of open agricultural land. The lighting would therefore materially alter light levels in the environment around the site, which would also be likely to have a significant impact on protected species and biodiversity, as set out above.

The impact of the lighting on Leeds Bradford Airport has been considered and comments sought from the airport authority. The airport authority has not offered any comments and it is noted that the site does not fall within a higher risk zone on the Aerodrome Safeguarding Area. The lighting is therefore not considered to cause any particular conflict with the needs of the airport and no issues are foreseen in this regard.

Nevertheless, the development is considered to conflict with the aforementioned policies and planning guidance in terms of the potential for light pollution. As such, the proposed lighting scheme is considered harmful and contrary to Policy EN8 of the Core Strategy and the National Planning Policy Framework.

## **6. Community safety implications**

Whilst anti-social behaviour, crime, and vandalism are generally a matter for the Police, paragraph 92 of the NPPF states that 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 quality of life or community cohesion.

Core Strategy Policy DS5 requires that development proposals make a positive contribution to people's lives through high quality, inclusive design by ensuring safe and secure environments and reducing opportunities for crime.

The design and access statement accompanying the application argues that lighting and CCTV is essential for burials to take place, as a matter of health and safety and as a deterrent to crime. It also sets out that lighting is manually turned on and off and does not have a dusk till dawn function, with the lights only to be utilised when it is essential to aid the burial process.

In terms of the CCTV mounted on two of the lighting columns (one at the car park and one at the site entrance), the supporting information states that the cemetery is isolated and was subject to a number of break-ins during construction and that the adjacent tarn is a known area of anti-social behaviour. The CCTV cameras are to act as a deterrent and aid police investigation in the event of any illegal behaviour.

West Yorkshire Police have advised that the cemetery site has been the subject of one recorded incident, which consisted of criminal damage to a building that was under construction at the time; this is presumed to be the building currently on-site at the cemetery. There are a number of other recorded incidents in the area, which are mostly identified as occurring at Keighley Tarn.

As detailed above, the original planning permission included a condition requiring the approval of a scheme of external lighting. Such details were submitted and approved as part of application 14/03662/SUB05 and, as such, the development already benefits from an approved lighting scheme, which provides for a range of low-level lighting across the site, including along the access road, pedestrian footpaths, car parking area, and service building.

The submission does not provide any information to explain why the previously approved lighting would not be sufficient or to otherwise demonstrate a need for the proposed lighting columns and on that basis the eleven lighting columns do not appear to be necessary and any possible benefit to be derived from them is not considered sufficient to outweigh the harm identified above.

In terms of the CCTV cameras installed on two of the lighting columns, the benefit of these is accepted and it is understandable that the applicant would seek to include these in the development. However, with the lighting columns themselves being found to be unacceptable and the CCTV cameras being attached to the columns, their inclusion is affected by the unacceptability of the columns. It is noted that there is scope to include CCTV camera(s) on the building, for example, which would afford additional security and act as a deterrent for crime and antisocial behaviour.

Although the lighting and CCTV may help to reduce the opportunities for crime and antisocial behaviour, there is an existing permission for low-level lighting and CCTV camera(s) could be located without the need for the tall columns, such as by attachment to the building. Therefore, whilst there are benefits of the lights and CCTV, this is not considered to outweigh the harm identified above, particularly when alternative measures are available and where no specific justification is set out in support of the proposal.

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

## **7. Other planning matters**

### *Heritage implications*

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 any conservation areas, listed buildings, and the setting of nearby listed buildings.

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.

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.

The nearest heritage assets to the site are Braithwaite Conservation Area and 10-12 Braithwaite Village (Grade II listed), which are some 430m south of the site and separated from it by intervening buildings and the natural landform which acts as a barrier to direct views between the sites. The development is not considered to cause harm to any heritage assets and in this regard, the development does not present any adverse heritage implications.

### *Other matters*

The development is not considered to pose any significant issues beyond those already considered above. The proposal raises no other planning related matters that have not been addressed within the report.

## **8. Outstanding matters raised by representations**

- *Retrospective application - lights erected without permission*
- *Too many retrospective applications – ride rough shod over planning procedure*
- *All cemeteries should be treated equally – others do not have lighting, so why should this be different?*
- *Existing cemetery at Lidget Green is convenient*
- *Should be an inquiry if this is delayed or not approved*

Each planning application must be considered on its own planning merits against relevant planning policies and guidance.

- *More site notices put up for this application than for other sites to generate more objections*
- The application has been advertised in accordance with the Council's adopted publicity requirements.

*- Principle of cemetery use*

Several of the supporting comments make various references to the cemetery use itself and various reasons why the cemetery use should be allowed and should commence. However, it should be noted that the use of the site as a cemetery is not for consideration as part of this application and already benefits from planning permission, as detailed in the report above.

## **Conclusion**

The development would result in unacceptable harm to the openness of the Green Belt and in the absence of any very special circumstances is inappropriate development in the Green Belt. Additionally, the proposal would be harmful to the landscape character qualities of the area, would cause harm to biodiversity, and result in light pollution. 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, and the National Planning Policy Framework.

## **Reasons for Refusing Planning Permission**

### *1. Inappropriate development in Green Belt*

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 facilities would be appropriate facilities for a cemetery use that would preserve the openness of the Green Belt and not conflict with the purposes of including land within it. Nor has any evidence been provided 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.

### *2. Landscape character*

The site lies within the Pennine Upland Landscape Character Area. No assessment of the proposal's impact on landscape character is provided and in the absence of any justification for the development, it is not considered to conserve the visual and perceptual qualities of openness, remoteness and wildness associated with the moorland and upland pasture elements which form the character of the area. 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 Pennine Upland Landscape Character Supplementary Planning Document.

### *3. Biodiversity*

The application fails to include an ecological impact assessment to assess what species are present on the site, the surrounding fields, and Keighley Tarn, and therefore there is no

assessment of the impact of the proposed lighting on any species and habitats. Keighley Tarn forms part of the ecological habitat network and there are a number of protected species and species assemblages associated with the Tarn and potentially with the on-site pond. In the absence of an ecological assessment, the application does not include adequate information on protected species and the LPA is unable to assess the full implications for biodiversity. The proposal fails to meet the requirements of the NPPF and Policy EN2 of the Core Strategy Development Plan Document.

#### 4. Light pollution

The development would cause light pollution in an area of relatively open, undeveloped, and unlit countryside. The lighting would be fixed onto tall lighting columns and would be a bright white light, located on an elevated and exposed site, which would be out of character with the local nocturnal light levels and would be likely to adversely affect biodiversity. The lighting would be visible in shorter and longer distance views due to the site's elevated and exposed location. As such, the development is considered to conflict with Policy EN8 of the Core Strategy and paragraph 185 of the National Planning Policy Framework.