

Meeting: PLANNING AND DEVELOPMENT
COMMITTEE

Agenda Item:

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Date: 31 OCTOBER 2017

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Application No: 17/00653/FP

Location: Almonds Lane Cemetery, Almonds Lane, Stevenage .

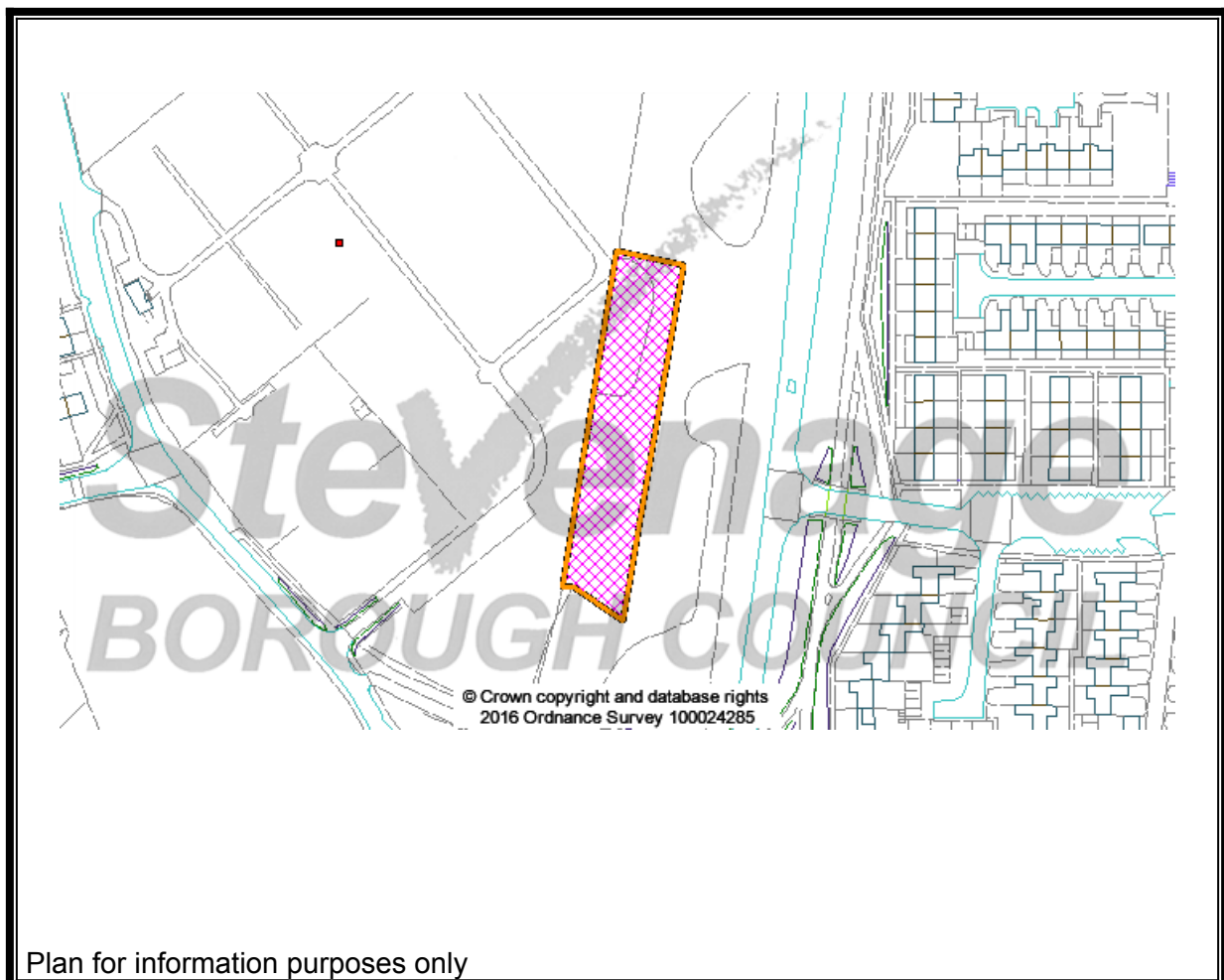
Proposal: Change of use of public amenity land to woodland burial site.

Drawing Nos.: Site Location Plan; Proposed Site Layout

Applicant: Stevenage Borough Council

Date Valid: 15 September 2017

Recommendation: GRANT PLANNING PERMISSION



1. SITE DESCRIPTION

- 1.1 The application site, which measures 0.24 hectares in size, is a parcel of land located between Almonds Lane Cemetery (to the west) and Grace Way (to the east) and is designated as a Green Link. The site currently consists of an area of public amenity space which is bordered by a number of mature trees. In terms of topography, the site slopes down on a gentle gradient to the west from Grace Way towards the existing cemetery.

2. RELEVANT PLANNING HISTORY

- 2.1 Planning application 2/0047/64 sought permission for the extension to the cemetery. This was granted planning permission in April 1964.

3. THE CURRENT APPLICATION

- 3.1 The current application seeks planning permission for an extension of the existing cemetery onto the application site and would provide a new woodland burial site. The application does not propose any new buildings and would utilise the existing cemetery facilities on the site. In addition, the proposal would comprise of an internal pathway through the site which would connect to the existing internal footpath connections within Almond Lane Cemetery.
- 3.2 Given the nature of the proposal, it would comprise the planting of a number of trees which will enhance the overall visual characteristics of the site. The site would be enclosed by a 2m high boundary fence which would be interwoven with mature hedging.
- 3.3 This application comes before the Planning and Development Committee as the applicant and land owner is Stevenage Borough Council.

4. PUBLIC REPRESENTATIONS

- 4.1 The application has been publicised by way of letters to nearby residential premises and the display of site notices. At the time of drafting this report responses have been received from the occupiers of numbers 22 and 23 Headingley Close, 10 and 43 Trent Close. The objections are for the following reasons:-

- A woodland burial site should be set in a woodland or meadow;
- The plans submitted are incorrect as the proposal is to the east and not the west and therefore, the application is misleading;
- It should not be located to the side of a busy highway;
- It is in an area where children play and go sledging and is also used by dog walkers and general members of the public;
- How will the extra traffic be managed?;
- There is a concern it would result in the loss in further open space in the future;
- Unacceptable loss of open space to a commercial enterprise;
- The land provides scenic value to the built up environment;
- The proposed development would involve the loss of public amenity land;
- There is a footpath running adjacent to the boundary of the cemetery which links the open spaces and therefore, a diversion would necessitate climbing a steep slope;
- The proposal would result in the loss of visual amenity as people currently enjoy the broad swathes of grassland as originally planned, the proposal would interrupt this;
- The proposed erection of welded mesh fence would have a negative impact on the northern boundary which has a steep slope and therefore will require stepped panels;
- A fair section of the site gets flooded and waterlogged in the spring;
- The proposed development is no benefit to the local community;

- The proposal will be expensive to develop due to the sloping topography of the site and therefore, the Council should withdraw the planning application.

5. CONSULTATIONS

5.1 Hertfordshire County Council Highways

- 5.1.1 It is considered that the proposed development would not have a detrimental impact on the safety and operation of the highway.

5.2 Environment Agency

- 5.2.1 It is considered that the proposed development would be acceptable subject to a condition regarding the burials. This condition will ensure that all ground water would be protected and as such, there would be no risk to the wider environment.

5.3 Council's Environmental Health Section

- 5.3.1 There are no concerns with the proposed development.

5.4 Council's Parks and Amenities Section

- 5.4.1 The proposed development is considered to be acceptable. In terms of matters raised regarding boundary treatment and hardsurfacing, the case officer confirmed that these matters can be addressed via conditions if permission were to be granted.

6. RELEVANT PLANNING POLICIES

6.1 Background to the Development Plan

- 6.1.1 In the determination of planning applications development must be in accordance with the statutory development plan unless material considerations indicate otherwise. For Stevenage the statutory development plan comprises:

- Hertfordshire Waste Development Framework 2012 and Hertfordshire Waste Site Allocations Development Plan Document (adopted 2012 and 2014);
- Hertfordshire Minerals Local Plan 2002 – 2016 (adopted 2007); and
- The Stevenage District Plan Second Review 2004.

The Council has now commenced work on the new Stevenage Borough Local Plan 2011-2031. The draft version of the Plan was published in January 2016 and will be used as a material consideration in the determination of all planning applications registered on or after Wednesday 6 January 2016. The Site Specific Policies DPD, the draft Gunnels Wood Area Action Plan (AAP), the draft Old Town AAP, the Pond Close Development SPG, Stevenage West Masterplanning Principles SPG, the Gunnels Wood Supplementary Planning Document and the Interim Planning Policy Statement for Stevenage are no longer material considerations in the determination of all planning applications registered on or after Wednesday 6 January 2016.

- 6.1.2 Where a Development Plan Document has been submitted for examination but no representations have been made in respect of relevant policies, then considerable weight may be attached to those policies because of the strong possibility that they will be adopted. The converse may apply if there have been representations which oppose the policy. However, much will depend on the nature of those representations and whether there are representations in support of particular policies.

6.1.3 In considering the policy implications of any development proposal the Local Planning Authority will assess each case on its individual merits, however where there may be a conflict between policies in the existing Development Plan and policies in any emerging Development Plan Document, the adopted Development Plan policies currently continue to have greater weight.

6.2 Central Government Advice

6.2.1 In March 2012 the National Planning Policy Framework (NPPF) was published and in doing so it replaced many documents including all Planning Policy Guidance Notes and Planning Policy Statements. The NPPF sets out the Government's planning policies for England and how these are expected to be applied. Annex 1 of the NPPF provides guidance on how existing local plan policies which have been prepared prior to the publication of the NPPF should be treated. Paragraph 215 of the NPPF applies which states that only due weight should be afforded to the relevant policies in the adopted local plan according to their degree of consistency with it.

6.2.2 Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is itself a material consideration. Given that the advice that the weight to be given to relevant policies in the local plan will depend on their degree of consistency with the NPPF, it will be necessary in the determination of this application to assess the consistency of the relevant local plan policies with the NPPF. The NPPF applies a presumption in favour of sustainable development.

6.2.3 In addition to the NPPF advice in the Planning Practice Guidance (March 2014) also needs to be taken into account. It states that, where the development plan is absent, silent or the relevant policies are out of date, paragraph 14 of the National Planning Policy Framework requires the application to be determined in accordance with the presumption in favour of sustainable development unless otherwise specified.

6.3 Adopted Local Plan

Policy TW1: Sustainable Development;
Policy TW2: Structural Open Space;
Policy TW8: Environmental Safeguards;
Policy TW9: Quality in Design;
Policy T6: Design Standard;
Policy T12: Bus Provision;
Policy T13: Cycleways;
Policy T14: Pedestrians;
Policy T15: Car Parking Strategy;

6.4 Stevenage Borough Local Plan 2011-2031 Publication Draft (Emerging Local Plan)

Policy SP1: Presumption in favour of sustainable development;
Policy SP2: Sustainable Development in Stevenage;
Policy SP8: Good Design;
SP11: Climate change, flooding and pollution;
SP12: Green infrastructure and the natural environment;
FP7: Pollution;
Policy NH4: Green Link;
Policy NH5: Trees and Woodland;
Policy NH6: General protection for open space;

6.5 Supplementary Planning Documents

Parking Provision Supplementary Planning Document January 2012.

7. APPRAISAL

7.1 The main issues for consideration in the determination of this application are land use policy, impact on the character and appearance of the area, impact upon neighbouring amenities, means of access, parking provision, development and flood risk, trees and landscaping and the impact on the environment.

7.2 Land Use Policy Considerations

7.2.1 The application site is not currently designated under the Stevenage District Plan Second Review 1991 – 2011 (adopted 2004) (hereby referred to as the adopted Local Plan (2004)). However, it would be classed as an area of structural open space under Policy TW2 of the aforementioned Plan. Given this, Policy TW2 states that development proposals which have an unacceptable adverse impact on structural open spaces of the town will not be permitted. The criteria used in assessing the impact that a development proposal may have are a) the size, form, function and character of the structural open space affected by the development proposal; and b) the impact of the development proposal on the structural open space.

7.2.2 Policy NH6 of the Stevenage Borough Local Plan 2011 – 2031 publication draft 2016 (herby referred to as the emerging Local Plan (2016)) stipulates that for development of any existing, unallocated open spaces, development would be permitted where:

A) the loss of the open space is justified having regard to:

- i) the quality and accessibility of the open space;
- ii) the existence, or otherwise, or any interventions to improve the quality or access;
- iii) whether the open space is serving its function and purpose; and
- iv) whether alternative space(s) remain available for community use, and

B) Reasonable compensatory provision is made.

7.2.3 In addition to the above, under Policy NH4 of the emerging Local Plan (2016) the site is designated as a Green Link. Given this, planning permission would only be granted where a proposal does not create a substantive physical or visual break in the Green Link; does not have a material adverse effect on the recreational, structural, amenity or wildlife value of the green link; reasonably provide extensions of, or connections to, existing green links through the provision of on-site open space, and, it reasonably contributes towards the maintenance, improvement of Green Links.

7.2.4 The proposed development would involve a change of use of 0.24 hectares of public amenity space in order to create a woodland burial ground. Given the area of public amenity land surrounding the cemetery is approximately 3.3 hectares in area, the proposal would only result in a reduction of this land by 7.27%. Consequently, there is a significant area of public amenity space which is being retained which can still be used by members of the community. In addition, the site is positioned on a slope and therefore, is a less usable area of public amenity space. Furthermore, as the proposal does not physically break the designated Green Link, members of the public can still utilise the rest of the Green Link which is not affected by the proposal. Moreover, the Council's Parks and Amenities Department, subject to conditions on boundary treatment and the hardsurfacing, consider the proposal would not have a detrimental impact on the public amenity space.

7.2.5 Further to the above, through the provision of additional planting and soft landscaping, the proposal would also help to enhance the visual amenities of the Green Link. Moreover, the development is of a benefit to the town given that it provides the first natural burial ground. Therefore, the overall benefit of the proposal outweighs the limited loss of open space and associated Green Link.

7.3 Impact on the Character and Appearance of the Area

7.3.1 The NPPF states that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Furthermore, as set out in paragraph 131 bullet point 3, account of the desirability of new development to make a positive contribution to local character and distinctiveness need to be considered in the determination of planning applications.

7.3.2 Turning to the Planning Practice Guidance (PPG) (2014), Paragraph 001 reinforces the NPPF in that it states that good quality design is an integral part of sustainable development. Further, the guidance states that it is recognised in the NPPF that design quality matters and that planning should drive up standards across all forms of development. The guidance goes on to state that as a core planning principle, decision takers should always seek to secure high quality design. Achieving good design is about creating places, buildings or spaces that work well for everyone, look good, last well, and will adapt to the needs of future generations.

7.3.3 The above is supported by adopted Local Plan (2004) Policies TW8 and TW9 and Policies GD1 and SP8 of the emerging Local Plan (2016) and the Council's Design Guide SPD (2009).

7.3.4 The proposed development, in order to create a woodland burial ground, would be enclosed by a 2m high welded mesh fence which would tie into the existing boundary fence. In order to soften the appearance of the fence and to protect the visual amenities of the area, the planting of hedging along the boundary of the site would be undertaken. To ensure the boundary treatment and associated hedging is acceptable from a visual perspective, a condition could be imposed to any permission issued requiring further details of the fencing and hedging be considered before the commencement of development.

7.3.5 Further to the above, the proposal would comprise the planting of a number of trees along the boundary, combined with some tree planting as part of the burial process, in order to create a woodland environment. This would enhance the visual amenity value of the site as it would benefit local wildlife and ecology. It would also reflect the appearance of the nearby wooded area located to the south of the application site.

7.3.6 In regards to the footpath which would run through the application site, this would be constructed from a temporary, bio-degradable material. This footpath would be connected to the existing tarmac road located within the existing cemetery site. The internal footpath would be designed to allow access for both machinery and people and would follow the least steep gradient. However, if planning permission were to be granted, a condition could be imposed requiring further details of the hardsurfacing which is to be created as part of the development. This is to ensure that firstly, it does not harm the visual amenities of the area and secondly, it will allow the Council to provide suitable access to the woodland burial site for persons who are disabled.

7.3.7 Given the aforementioned assessment, it is considered that the proposed development would not have a detrimental impact on the character and appearance of the site nor harm the visual amenities of the wider area.

7.4 Impact upon Neighbouring Amenities

- 7.4.1 The proposed development site would be located approximately 79m from the nearest residential properties which front onto Grace Way. Given the aforementioned separation distance combined with the sloping topography of the application site; it would not have a detrimental impact on the amenities of nearby residential properties.

7.5 Means of access

- 7.5.1 The existing cemetery is accessed off Almonds Lane which is designated a local access road with a limited speed restriction of 30mph. The proposed development does not seek to extend or alter this existing vehicular access. In regards to the existing vehicular access point itself, this has sufficient vehicle-to-vehicle inter visibility and pedestrian visibility in accordance with the Department for Transport (DfT) Manual for Streets. In addition, due to the layout of the existing surface car park, vehicles can safely manoeuvre within the existing cemetery and exit in a forward gear.
- 7.5.2 In terms of traffic generation, the proposal is unlikely to significantly alter the level of traffic which is currently generated by the existing cemetery. Given the aforementioned assessment, Hertfordshire County Council as Highways Authority do not consider the proposed development would have a detrimental impact on the safety and operation of the highway authority.

7.6 Parking provision

- 7.6.1 Policy T15 of the adopted Local Plan (2004) states that car parking provision should be made at, or below, the maximum provision which is specified in the Council's adopted standards. Policy IT5 of the emerging Local Plan (2016) states that planning permission will be granted where proposals comply with the parking standards set out in the plan.
- 7.6.2 There are no specific standards in the Council's Car Parking Standards SPD (2012) for cemeteries (Use Class Sui Generis). Notwithstanding this fact, given the nature of the proposed development, it is unlikely to generate an increase parking demand and given there is an existing surface car park at the cemetery, it is considered that this would be sufficient to accommodate the proposed extension to create a woodland burial site and the existing cemetery.

7.7 Development and flood risk

- 7.7.1 The application site is designated as Flood Zone 1 as set out in the Environment Agency flood risk maps. Given that the probability of flooding from water sources such as rivers is low, it is considered that Flood Mitigation Measures would not be required in this instance. In terms of surface water flooding, it is noted that there is a foul water sewer system which runs through the existing cemetery which has flooded in the past, however, this does not run through the application site.
- 7.7.2 Separate to the above, there is a surface water pipe which runs through the application site which is operated by Thames Water. This pipe is designed to drain water away and as such, the proposal is unlikely to affect this existing drainage system. Furthermore, the proposal would comprise the planting of additional trees and limited hardsurfacing and as such the likelihood of the site flooding from surface would be low.

7.8 Trees and Landscaping

- 7.8.1 Policy EN13 of the Local Plan (2004) states that development proposals will be expected to protect and retain individual trees within development sites and should include new planting where appropriate. Policy NH5 of the emerging Local Plan (2016) stipulates that where

proposals result in the loss of trees which is demonstrated to be unavoidable, sufficient land should be reserved for appropriate replacement planting and landscaping which are of equal or better quality than the trees which are lost. In addition, they should be sensitively incorporated into the development and provide appropriate locally native species of similar maturity.

- 7.8.2 The proposed development does not consist of or include the removal of any trees to facilitate the change of use of the land to a woodland burial site. In addition, the proposed development comprises the provision of additional soft landscaping and tree planting which would help to enhance the visual appearance of the site. Moreover, the proposal would also utilise mature planting in order to soften the appearance of the fencing and for the development to assimilate itself with the existing cemetery.

7.9 Impact on the Environment

- 7.9.1 The proposed development is considered by the Council's Environmental Health Section to generate a low risk to the wider environment. In addition, the Environment Agency does not consider the proposed development would have a detrimental impact on ground water and the wider environment subject to a condition. This condition will control where burials can be undertaken within the application site to ensure ground water is not affected during the lifetime of the development.

7.10 Other matters

- 7.10.1 One of the issues raised by local residents is that the development proposal should be located within woodland or meadows. However, the Council does not own any woodland areas which can be closed off to members of the public and be utilised as a woodland burial ground. In addition, the use of existing woodland or meadows would generate potential issues with impact on established ecology and potentially protected species. Furthermore, some of the meadow areas within Stevenage fall within a Flood Zone. Therefore, it is considered that the location of the proposed development in this instance is acceptable.
- 7.10.2 In regards to the concerns about further loss of open space, each application has to be assessed on its own merits. It is not for the Council to assume that future expansion is to be undertaken at the cemetery. However, if a formal application were to be made in the future, an assessment would be undertaken to determine whether or not such additional expansions to the cemetery would harm the established public amenity space and designated Green Link.
- 7.10.3 In regards to footpaths, despite the concerns raised by local residents, the application site does not comprise of any footpaths which need to be stopped up and/or diverted in order to facilitate the creation of the woodland burial ground. In respect to the concerns raised about the costs of carrying out the development, this is not a material planning consideration.

8. CONCLUSIONS

- 8.1 It is considered that the proposed development would not have a detrimental impact on the public amenity space or the designated Green Link. Furthermore, the proposed development would not have a detrimental impact on the amenities of nearby residential properties or prejudice the safety and operation of the highway network. Moreover, the proposal would have sufficient off-street parking and with a low probability of being susceptible to surface water flooding. In addition, the proposal would not harm any existing trees which are to be retained with additional tree planting being created. It is also considered that the proposal would have a low risk of creating contaminants which could affect the environment.

- 8.2 Given the above, the proposed development accords with the Policies contained within the adopted Local Plan (2004), the Council's Draft Local Plan (2016), the Council's Supplementary Planning Documents, the NPPF (2012) and NPPG (2014).

9. RECOMMENDATIONS

- 9.1 That Planning permission be GRANTED subject to the following conditions:

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:
Site Location Plan; Proposed Site Layout

REASON:- For the avoidance of doubt and in the interests of proper planning.

- 2 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON:- To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

- 3 No development shall take place, including site clearance, until full details of the proposed boundary treatment has been submitted to and approved in writing by the Local Planning Authority. Prior to the first use of the development the boundary treatment shall be erected as approved and shall thereafter be permanently retained and maintained.

REASON:- To ensure the development has an acceptable appearance and does not harm the visual amenities of the designated Green Link.

- 4 No development shall take place, including site clearance, until details of the hard and soft landscaping have been submitted to and approved in writing by the Local Planning Authority. The scheme shall, as approved, be carried out in the first planting season. Any trees, shrubs or plants that die within a period of five years from the completion of the development, or are removed and/or become seriously damaged or diseased in that period, shall be replaced (and if necessary to continue to be replaced) in the first available planting season with others of similar size and species, unless the Local Planning Authority gives prior written permission for any variation.

REASON:- To ensure the development has an acceptable appearance and does not harm the visual amenities of the designated Green Link.

- 5 The hard landscaping scheme as approved by the Local Planning Authority shall be implemented within six months after the first use of the development hereby permitted has commenced.

REASON:- To ensure the development has an acceptable appearance and does not harm the visual amenities of the designated Green Link.

- 6 No demolition or construction works relating to this permission shall be carried out on any Sunday or Bank Holiday, nor before 07.30 hours or after 18.00 hours on any weekdays, nor on any Saturday before 09.00 hours or after 13.00 hours. These times apply to work, which is audible at the site boundary.

REASON:- To protect the amenities of adjoining land users.

- 7 All burials at the cemetery shall be:-

- A minimum of 50m from a potable groundwater supply source;
- A minimum of 30m from a water course or spring;
- A minimum of 10m distance from field drains;

- No burial into standing water and the base of the grave must be above the local water table.

REASON:- In order to protect ground water, the site is located in Source Protection Zone 3 (SPZ3) and any new burials must not pose a risk to the environment.

Pro-active Statement

Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant at the pre-application stage and during the determination process which led to improvements to the scheme. The Council has therefore acted pro-actively in line with the requirements of the National Planning Policy Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

BACKGROUND DOCUMENTS

1. The application file, forms, plans and supporting documents having the reference number relating to this item.
2. Stevenage District Plan Second Review 1991-2011.
3. Stevenage Borough Council Supplementary Planning Documents – Parking Provision adopted January 2012.
4. Stevenage Borough Local Plan 2011-2031 Publication Draft.
5. Responses to consultations with statutory undertakers and other interested parties referred to in this report.
6. Central Government advice contained in the National Planning Policy Framework March 2012 and Planning Policy Guidance March 2014.