

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

2 December 2015

AUTHOR/S: Planning and New Communities Director

Application Number: S/1396/15/FL

Parish(es): Whittlesford

Proposal: Change of use from small agricultural holding to burial ground, demolition of existing structures and erection of new entrance hall and associated parking.

Site address: Spinney Hill Farm, Newton Road, Whittlesford

Applicant(s): Mr Adam Knight

Recommendation: Members endorse the officer recommendation of refusal

Key material considerations: Sustainability of the site, Green Belt and highway safety considerations.

Committee Site Visit: 1 December 2015

Departure Application: No

Presenting Officer: Andrew Fillmore, Principal Planner

Application brought to Committee because: To clarify the Council's views on the application.

Date by which decision due: 9 October 2015

History

1. None relevant

Planning Policies

2. *National Planning Policy Framework
Planning Practice Guidance*
3. *Core Strategy
ST/1 Green Belt*
4. *Local Development Framework
DP/1 Sustainable Development
DP/2 Design of new development
DP/3 Development Criteria
GB/1 Development in the Green Belt
GB/2 Mitigating development in the Green Belt*

ET/7 Replacement of buildings in the countryside
NE/1 Energy efficiency
NE/6 Biodiversity
NE/8 Groundwater
NE/9 Water and drainage infrastructure
NE/14 Lighting proposals
NE/15 Noise pollution
CH/2 Archaeological sites
TR/1 Planning for more sustainable travel

Draft Local Plan
S/1 Vision
S/2 Objectives of the local plan
S/3 Presumption in favour of sustainable development
S/4 Cambridge Green Belt
CC/1 Mitigation and adaptation to climate change
CC/4 Sustainable design and construction
CC/8 Sustainable drainage systems
HG/1 Design principles
NH/2 Protecting and enhancing landscape character
NH/4 Biodiversity

Consultation

5. **Whittlesford Parish Council** – Recommend refusal. The Parish Council objects to this application.
 1. The proposed development would result in unacceptable incursion into the Cambridge Green Belt
 2. The proposed facilities for funerals are totally inadequate, the proposed remembrance hall should be able to accommodate at least 200 seated people; the car park should hold at least 140 car parking spaces. The west chapel at the Cambridge crematorium has approximately 200 seats and yet with many funerals people have to stand outside.
 3. Newton Road is totally unsuited as an access for such a development being extremely narrow and bendy and congested on both sides with parked cars associated with the neighbouring properties.
 4. There are no public transport facilities for people wishing to visit the burial ground (nearest bus route 1 mile away) so substantially all visits would be by car.
 5. The estimate by the developers that there would be only 2 burials per day is totally unrealistic, as such a rate of development would not be viable.
6. **South Cambridgeshire District Council (SCDC) Environmental Health (Contamination)** – The proposed end use is not particularly sensitive to contaminated land. Recommend an informative relating to the identification of contamination not previously identified.
7. **Environmental Health (Noise)** – Recommend conditions controlling hours of construction, that no waste is burnt on site and method statement should pile foundations be used. Informatives are required in respect of the need to obtain a Demolition Notice under Building Control Regulations.
8. **Cambridgeshire County Council (County Council) Highways Authority** – No objection. Recommend the following conditions; provision of visibility splays prior to first use, submission of a construction traffic management plan, access construction details, and car parking arrangements to be agreed.

9. **Highways England** – No objection.
10. **County Council Archaeology** – The site lies in an area of high archaeological potential, located to the immediate west of clay extraction pits. A designated moated site is located 750m to the east of the application area, with an undesignated moat located to the south east. To the south and west of the application area are Iron Age funerary monuments and a designated Roman Settlement. No objection subject to a condition requiring a programme of archaeological work undertaken in accordance with a written scheme.
11. **County Council Flood and Water Management** – The applicant has met the requirements of the NPPF and is acceptable. Infiltration is proposed to the ground, recommend a condition requiring soakage tests to demonstrate that infiltration is feasible for this site.
12. **SCDC Landscape** – Object. The change in landscape character is inevitable when undertaking any green field development and the removal of a landscape resource. Applicant has not undertaken any particular landscape mitigation or enhancement works to conserve or promote the landscape views. The Green Belt assists in creating a strong rural character to the village preserving the special landscape setting south of Cambridge. The Green Belt is also there to prevent coalescence between Whittlesford and Newton and safeguard the countryside from encroachment.
13. **SCDC Ecology** – No objection is raised on ecology grounds. The laying out of this proposed development presents opportunities for biodiversity enhancement of the current botanically poor grassland habitat that currently exists.
14. **Environment Agency** – No objection subject to conditions relating to; provision of a remediation strategy, surface and foul water disposal and a requirement that burials be a minimum of 50m from a potable ground water supply source, 30m from a water course or spring, 10m from any field drains and no burial in standing water with the base of the grave above the water table.

Representations

15. Whittlesford Society oppose to the application, endorsing the response from the Parish Council.
16. Five representations have been received from local residents objecting to the development for the following reasons; lack of parking and public transport, no pathway for visitors, no direct access from the motorway, increase in traffic congestion through the village, harm to the Green Belt, there is no need for the development and the traffic assessment undertaken is inaccurate.

Planning comments

Background

17. This application was received by the Local Planning Authority on 29 May 2015, with the statutory eight week determination date ending 29 July 2015, with this subsequently extended by the applicant to 9th October 2015 in order to provide further evidence relating to the suitability of the site. The application was not-determined by this date, and an appeal for 'non-determination' was made to the Planning Inspectorate after 5pm on 9th October 2015.

18. As an appeal has been lodged the Local Planning Authority is not able to determine the application, and Members views are sought on the position SCDC should adopt at appeal.
19. Should the committee resolve to endorse the officer recommendation of refusal, for the reasons set out below or amended/additional reason(s), officers will defend these at appeal. If the committee take the view the development is appropriate, officers will not defend the appeal and the Inspectorate will grant permission.
20. It should be noted the failure of the Local Planning Authority to reach a decision within the statutory time period will not weaken the authority's case at appeal. Furthermore there no cost implications relating to the failure to reach a decision within the designated time frames.

Site

21. Spinney Hill Farm comprises a triangular parcel of land extending to circa 4.6ha which is bound by the M11 motorway to the west and Newton Road to the north, from where a singular point of vehicular access is provided. The site is located circa 1000m from the village of Whittlesford.
22. A single dwelling house and associated outbuildings can be found to the north of the site, with the bulk of the land comprising an open grass field. The site is located outside of the framework boundary and within the Green Belt. A public footpath extends along the eastern edge of the site, adjacent a woodland.

Proposal

23. Full planning consent is sought for the change of use of the land to a burial ground and demolition of the existing buildings (dwelling and outbuildings) to be replaced by a remembrance hall and associated parking.

Appraisal

Principle of development

24. Paragraph 14 of the NPPF advises that at the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through planning decision making, and that this means where the development plan is absent, silent or out of date granting permission unless any adverse impacts of the development would significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF taken as a whole or conflict with specific policies within it.
25. Neither the adopted Development Control Policies DPD nor the emerging Local Plan contain any policies relating to burial grounds and therefore the provisions of the above paragraph apply.
26. Sustainable development is defined by the NPPF as comprising three dimensions; economic, social and environmental. The development will deliver an economic benefit through supporting a commercial venture. As addressed below there are no adverse implications in respect of ecology, ground water contamination or other environmental factors subject to the imposition of conditions. Turning to the social dimension, the NPPF defines this as '...creating a high quality built environment, with accessible local services that reflect the community's needs and support its health

and social and cultural well being'. Furthermore one of the core principles of the NPPF is to 'actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling'.

27. The site is located in an isolated position circa 1000m from the village of Whittlesford (although there is linear residential development extending towards the site along Newton Road), in excess of 3km from the train station. Furthermore the site is not served by any bus provision and is not accessible by public footpath. Should permission be granted the burial ground would only be accessible by private car.
28. Given this isolated position and the essential need for all user groups, and particularly the elderly, to be able to access this facility (to attend funerals and visit graves) it is considered the proposal does not represent sustainable development as defined by the NPPF.
29. The application is accompanied by a 'needs survey' which concludes there is limited burial space left in the district and that given the proposed growth in the Local Plan this should be planned in advance. The LPA has no evidence to contradict this assessment of need, but it should be noted most of the growth proposed in the Local Plan is directed to 'New Communities' where new graveyards would provide for the need arising (eg. Northstowe phase 2 development). As such there is limited public benefit associated with this scheme.

Green Belt

30. The NPPF sets out the 5 purposes of the Green Belt as;
 1. Check the unrestricted sprawl of large built up areas;
 2. Prevent neighbouring towns merging into another;
 3. Assist in safeguarding the countryside from encroachment;
 4. Preserve the setting of special character of historic towns; and
 5. Assist urban regeneration
31. Inappropriate development is by definition harmful to the Green Belt and should only be approved in very exceptional circumstances, with one of these being the provision of appropriate facilities for cemeteries (as opposed to cemeteries per se) provided this preserves the openness of the Green Belt and does not conflict with the purposes of including land within it.
32. The plans accompanying the application indicate that new planting is proposed around the remembrance hall/car parking, which is to replace an existing dwelling and outbuildings. Subject to conditioning details of the planting no harm to the Green Belt is identified.

Landscape and Design

33. Views are offered into the site from Newton Road to the north and the public footpath running along the eastern edge. The application proposes a high density graveyard development which is partly broken up by 'remembrance gardens' and soil deposition mounds, and given the nature of the development is not considered to unacceptably intrude into the landscape character, subject to conditions securing additional planting (above that indicated on the plans) to the site perimeter and controlling the maximum height of the gravestones.
34. The scale, form and appearance of the memorial hall is appropriate to its use subject

to securing details of the external finish.

Transport safety

35. The site is served by an existing point of vehicular access which is proposed to be enhanced. Both the county council, as local highways authority, and Highways England do not raise any concerns. Conditions are recommended in respect of providing visibility splays, construction traffic management plan, access construction including width and securing adequate parking/turning facilities.

Ground Water Contamination

36. The Environment Agency advise the site is located in a very sensitive area underlain by the Holywell Nodular Chalk formation and is within the groundwater catchment for a drinking water supply. The chalk formation is a principal aquifer of high vulnerability to containment leaching through the soils and is part of the drinking water protected area, with the chalk outcrop considered to be a recharge area, with ground water levels responsive to rainfall and infiltration rates. The nearest surface water features are drains located east of the site at approximately 25m and 170m respectively. Subject to conditioning the provision of a remediation strategy, surface and foul water disposal arrangements and requirements relating to the location and depth of the graves no harm is identified.

Other considerations

37. Concerns relating to archaeology, contamination, noise, surface water drainage and ecology can all be addressed through imposition of suitable conditions.

Recommendation

38. That Members endorse officers reason for refusal of the development:
39. Given the sites isolated location, lack of access by public transport provision and nature of use of the burial ground (vital facility which is likely to be used mostly by the elderly) the proposal results in unsustainable development contrary to the requirements of the NPPF. It is considered this harm significantly and demonstrably outweighs the benefits of providing graveyard capacity.

Background Papers:

The following list contains links to the documents on the Council's website and / or an indication as to where hard copies can be inspected.

- South Cambridgeshire Local Development Framework Core Strategy (adopted January 2007)
- South Cambridgeshire Local Development Framework Development Control Policies (adopted July 2007)
- Planning File Ref: (These documents need to be available for public inspection.)
- Documents referred to in the report including appendices on the website only and reports to previous meetings

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