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App No : 17/06648/FUL App Type: Full Application

Application for : Change of use of land and construction of single storey round chapel of remembrance with associated parking and access

At Land Adjoining Saddleback Barn, Chadwell Hill Farm, Lower Icknield Way, Longwick, HP27 9RL

Date Received : 19/06/17 Applicant : Trustees of The Round Chapel

Target date for Decision 14/08/17

1. **Summary**

- 1.1. Planning permission is sought for the erection of a single storey round building which is proposed to be used as a memorial chapel by those who have suffered a child bereavement.
- 1.2. The building would be built from Portland Stone with a conical slate roof. Access to the chapel would be via the shared vehicular access to Saddleback Barn and Chadwell Hill Farm. Parking is proposed opposite Saddleback Barn. From there visitors would walk to the chapel via a path which takes them south-westwards past Saddleback Barn before turning north-westwards into a field.
- 1.3. Then a mown path will cross to the chapel which is shown to be centrally located within the field. Public access to the chapel will be by prior telephone appointment. It will be run by the applicant which is the Trustees of the Round Chapel. This is a charitable trust set up by Mr Colinswood, who owns Saddleback Barn, and is one of the trustees.
- 1.4. This current proposal follows three similar applications; the first of which was refused and the other two were withdrawn prior to determination after the council asked for clarification and additional information.
- 1.5. It is considered that the proposed development does not accord with development plan policies due to its isolated location in the open countryside, whereby it will be dependent on private vehicles for access. Furthermore the proposed building would have an incongruous appearance detrimental to the rural character and openness of the surrounding area.
- 1.6. On balance however these matters are considered to be outweighed by the potential public benefits of the development in terms of providing a dedicated facility for bereaved families. The application is therefore recommend for approval subject to conditions, and the completion of a legal agreement to secure the removal of the building should it no longer be required for its intended purpose.
- 1.7. The application is brought to planning committee for scrutiny as the recommendation is inconsistent with adopted and emerging planning policies.

2. The Application

- 2.1. This application seeks planning permission for the change of use of land and construction of single storey round chapel of remembrance with associated parking and access.
- 2.2. Within a tranquil rural environment for visitors, the chapel is intended to act as a memorial to children who have died. It would be an ecumenical-type circular building of Portland Stone construction, 10 metres in diameter, with buttresses at the four points of the compass.
- 2.3. It would have a conical slate roof with an overall height of 8.5 metres. It would have three windows; one larger one opposite the main entrance, and two narrower windows, each with rounded arch tops. The double entrance doors would have a pointed arch top. The entrance would face north-east, towards a group of dwellings.
- 2.4. The application has been made by the Trustees of the Round Chapel, which includes Mr Colinswood, the owner of The Saddleback Barn. Mr Colinswood has explained that although not suffering such a loss himself, he is a charitable person who has seen the suffering of those who have lost children and was so taken aback that he wanted to help.
- 2.5. He therefore thought he could provide a place where families of these children could go and achieve some solace by virtue of the fact that it is a building specifically designed for those that are suffering such loss. A place located in an orchard and a meadow within sight of Whiteleaf Cross.
- 2.6. The supporting information indicates that the chapel would be built by the charitable trust, and Mr Colinswood has transferred ownership of the circular site on which the chapel is proposed to be sited to the Trust. The Trust was set up to develop the project in September 2015, and remains the same small group of trustees.
- 2.7. A web site has been created to promote the building once it has been completed, but at this stage it has not developed beyond its initial launch. The Trust would oversee the delivery and maintenance of the chapel supported by the Trustees and voluntary contributions.
- 2.8. The donor of the land and a trustee, Mr Colinswood, has indicated that over time he expects that a group of the bereaved would take over the running of the facility. Although as visitors will be parking on his property, and he will have to restrain his dogs prior to each visit, it is inevitable that he will have to remain closely involved.
- 2.9. The application has been amended to include a vehicular access to the site within the red edge application site, leading to an amendment in the description of the development. The application site now includes the chapel, the pedestrian access route from the visitor parking area (adjacent to Saddleback Barn) and the vehicular access to the main road.
- 2.10. The chapel would be non-denominational and it is intended that it would be consecrated by an Archbishop. It is proposed for the use of families of children who have died, and the interior stone face of the chapel would have carved figures depicting toys or things associated with children.

2.11. This application follows a previous application considered in 2015 for the same form of development, but with no vehicular access or parking shown (14/08339/FUL refers). This was refused by the Council for the following reasons:

- 1 The proposed chapel would be located in an isolated rural location which is not within or adjacent to an identified settlement, which is not served by public transport and is therefore car dependant, and has poor pedestrian links. The proposed development is therefore considered to be unacceptable in principle in this unsustainable rural location and no justification has been advanced or is apparent which would overcome the harm arising from the development.

It is therefore contrary to Policy C10 of the adopted Wycombe District Local Plan to 2011 (as saved, extended and partially replaced), Policies CS2 (Main Principles for the Location of Development), CS7 (Rural Settlements and the Rural Areas) and CS15 (Community Facilities and Built Sports Facilities) of the adopted Wycombe Development Framework Core Strategy DPD and Policy DM1 (Presumption in Favour of Sustainable Development) of the adopted Delivery and Site Allocations Plan.

- 2 The proposed building design fails to reflect the surrounding rural context and would have an incongruous appearance in this exposed rural landscape to the detriment of the rural character and appearance and visual amenities of the surrounding area. Furthermore it has not been demonstrated that the provision of a parking area (so as to prevent parking on the highway network, which would be detrimental to highway safety) could be accommodated without detriment to the rural character and appearance of the surrounding area.

It is therefore contrary to Policies G3 (General Design Policy) and C10 (Development in the Countryside Beyond the Green Belt) of the adopted Wycombe District Local Plan (as saved, extended and partially replaced) and CS19 (Raising the Quality of Place Shaping and Design) of the adopted Wycombe Development Framework Core Strategy DPD.

2.12. Two subsequent applications 16/06723/FUL and 16/07958/FUL sought to overcome the above reasons for refusal, but both were withdrawn prior to determination when the council asked for clarification and additional information.

2.13. The following information has been submitted in support of the application:

- Covering Letter
- Details of the Charitable Trust
- Plan P100A Site Location Plan (1:2500)
- Plan P102 Floor Plan (1:100)
- Plan P103 North-West Elevation (1:50)
- Plan P104 South-West Elevation (1:50)
- Plan P105 North-East Elevation (1:50)
- Plan P106 East Elevation (1:50)
- Plan P107 Site Plan (Parking) (1:500)

2.14. The covering letter indicates that it is considered essential that the proposed building be located in an area that facilitates peaceful remembrance of children who have died. So a

relatively isolated rural location is required, the exact location being chosen for the clear view/sight it provides of Whiteleaf Cross and its relationship with, and views of sunsets to the west.

- 2.15. The statement concludes “This offers a peaceful and reflective environment, unfettered by its relationship to existing building uses and activities – all of which combine to provide the essential environment for the purposes of the building.”
- 2.16. The chapel is expected to be visited principally by friends and families of deceased children. Visits are expected to be mainly at the weekends and during the evening period and to be of 30 - 45 minutes duration. The facility would be unlocked during the daylight hours and locked at all other times.
- 2.17. At any one time it is not expected that there would be more than two vehicles on-site in connection with the facility. With parking located within the existing built complex of Saddleback Barn. Visits would be by appointment only to ensure that the owner’s dogs are secured.
- 2.18. Since the application was submitted the Longwick-cum-Illmer Parish Neighbourhood Plan (2017-2033) was been made on March 2018. The application site lies within the plan area but no specific policies apply.
- 2.19. A summary of the consultation responses and representations received is attached as Appendix A.

3. Working with the applicant/agent

- 3.1. In accordance with paragraph 38 of the NPPF (Feb 2019) Wycombe District Council (WDC) approach decision-taking in a positive and creative way taking a proactive approach to development proposals focused on solutions and work proactively with applicants to secure developments.
- 3.2. WDC work with the applicants/agents in a positive and proactive manner by offering an initial planning advice service, and as appropriate updating applications/agents of any issues that may arise in the processing of their application.
- 3.3. In this instance the applicant was informed/ advised that while the proposal did not accord with development plan policies, an exception to policy may be considered acceptable providing the council could secure certain checks and balances to ensure that the chapel fulfils its intended purpose. In this respect the applicant agreed to a Legal Agreement to secure the chapels removal if in practice there was no demand for its use.
- 3.4. During the consideration of the application it became apparent that the applicant did not own the vehicular access being proposed. The applicant was invited to amend the application to include the access within the “red line” application site and serve noticed on the owner. The description of the development was also changed to include the access, parking and the change of use of the land on which the chapel will sit.

4. Relevant Planning History

- 4.1. Saddleback Barn has a long planning history including various enforcement enquiries, enforcement notices, Certificates of Lawfulness and retrospective applications. The

following applications relate directly to the Round Chapel and potential access arrangements;

13/06674/FUL	Formation of access track across adjacent field (retrospective).	Permission refused and dismissed on appeal
14/08339/FUL	Erection of single storey round chapel.	Refused
15/08269/CLE	Certificate of Lawfulness existing for surfacing access track by laying of tarmac scalpings.	Certificate granted
16/06723/FUL	Erection of single storey round chapel.	Withdrawn
16/07958/FUL	Erection of single storey round chapel.	Withdrawn

5. **Issues and Policy considerations**

- 5.1. The main difference between this application and the previous applications is the change in access and parking arrangements. These are now proposed to be via the main access to the Chadwell Hill properties, with parking in the courtyard opposite Saddleback Barn.

Principle and Location of Development

ALP: C10 (Development in the Countryside Beyond the Green Belt)

CSDPD: CS2 (Main principles for location of development), CS7 (Rural Settlements and the Rural Areas) and CS15 (Community Facilities and Built Sports Facilities)

DSA: DM1 (Presumption in favour of sustainable development),

New Wycombe District Local Plan: DM44 (Development in the Countryside Outside of the Green Belt)

Summary of Policy

- 5.2. The application site is located in open countryside outside any settlement identified in either the Adopted Local Plan or The New Local Plan.
- 5.3. The main principles for the location of development set out in the Core Strategy Policy CS2 are that development should be focused on existing settlements. Elsewhere the emphasis is on protecting the rural character of the District. Development should only take place where it supports the rural economy and the vitality of local communities.
- 5.4. Policy CS7 of the Core Strategy indicates that development will be strictly controlled in the open countryside, although by exception the provision of necessary new local community facilities is supported.
- 5.5. Policy CS15 deals specifically with the provision of community facilities. This identifies the locations where the provision of new facilities will be supported, indicating that these should be in settlements where the facility is needed to serve the immediate local area, and could not be provided elsewhere.
- 5.6. Adopted Local Plan Policy C10 sets out the types of development which will be acceptable in the open countryside. This includes local community facilities which cannot be provided elsewhere, or development wholly appropriate to a rural area which cannot be located in a settlement.

- 5.7. This policy will in time be replaced by new local plan policy DM44 which reinforces the view that development should be restricted in the countryside and only allowed for certain limited uses. New buildings are only considered acceptable where the:
- a) Development that accords with a made Neighbourhood Plan;
 - b) Development for agriculture and forestry, outdoor sports and recreation, and for cemeteries where there is a genuine need;
 - c) Additional buildings for employment where these are required to support an existing rural enterprise or business located in the countryside, which are proportionate to the existing;
 - d) The construction of additional dwellings and other buildings only within settlement boundaries identified in accordance with CP3 and DM21 as shown on the Policies Map;
 - e) Rural exceptions housing in accordance with DM25;
 - f) Sites for travellers in accordance with DM26;
 - g) Housing for rural workers in accordance with DM27;
 - h) Extensions and alterations to existing dwellings in accordance with DM36;
 - i) The conversion of existing buildings in accordance with DM45;
 - j) The redevelopment of previously developed land, provided this respects the rural character of the surroundings.

Issues

- 5.8. The application site is located in the countryside beyond the Green Belt where development is normally restricted, and any community facilities would be expected to be located within a settlement and serve an identified local need. The site is not located within a settlement, or at the edge of an existing settlement.
- 5.9. The proposed chapel is regarded as a form of community facility to serve the needs of bereaved families by providing a memorial to loved ones. Albeit it is not a community facility intended to specifically serve the local community; a view that would seem to be confirmed by the parish council's lack of support for the application.
- 5.10. The two issues to be addressed are therefore:
- a) given the unsustainable location why does the development have to be on this particular site? and;
 - b) will there be sufficient demand to justify such a building in a location not supported by development plan policy?
- 5.11. The tranquillity sought could potentially be achieved at another location within a settlement or more publicly accessible location, perhaps in conjunction with an existing burial ground which by their very nature often provide both peace and tranquillity, a church, memorial or other place of peace, or in a rural location that is less isolated than that being proposed.
- 5.12. In response the applicant argues that the proposed chapel is to provide a place of peace specifically for use by the parents, families and friends of children who have died. There are very few locations across the country where families can go to remember their departed children. Such a peaceful rural setting is available due to the generosity of Mr Colinswood who has provided the site. Alternative sites are not however an option as the project relies on the land specifically transferred into Trust for this purpose.
- 5.13. At present there are no local groups or national bereavement groups with a known demand for such a building looking for a site. In this instance it is the intention to

construct the building and then promote its existence through a website. Once constructed the applicant believes that it will attract patronage.

- 5.14. They consider that from the bereaved child community within a reasonable geographic area, and probably within an hour's travel time of the site, many would be attracted to the facility. This is supported by the fact that the representations received in support of the proposal come from a reasonably wide geographical area: Aylesbury, Princes Risborough, Kings Lynn, Amersham, Stoneleigh, and Leeds.
- 5.15. It is estimated by the applicant that during a busy weekend period it is likely that there will only be 2/3 visitors to the site and a similar number of vehicles, with each visit unlikely to last more than an hour.
- 5.16. In order to better understand the needs of bereaved families and to ascertain the potential attractiveness of the chapel to such families, officers sought advice from Child Bereavement UK, a nationwide charity who offer support to families who have lost a child. Their response is very insightful and is therefore reproduced in full:

Whilst we cannot comment on this application specifically and are therefore responding in principal only, our comments below reflect our learning from families on what is meaningful and helpful to them.

What do bereaved families say they need, in terms of a place to go to?

Everyone is different when it comes bereavement, but families might have a special place that they associate with their child who has died, or a place where they can go to reflect and grieve. One key thing for families is to find an enduring connection with their child.

A special place might be where they made memories, had fun together, or had a special day such as the child's birthday. It might be a special place which the child loved, or which is special to the wider family. It might be at home, in a place where there is other family or friends, or a peaceful place such as a local hill or garden.

The family might like a memorial garden, or they may want to visit the graveside or place where their child's ashes were scattered.

If they are offered the use of a place (however tranquil or attractive) that currently has no particular meaning for them, they may need to be offered a specific reason to go there.

This could include:

- A chance to meet others who have had similar experiences,
- A place that is clearly set aside for just for bereaved families, and so gives them the sense of specific support,
- A remembrance event at the place, or opportunities to create their own event or meaningful activity. Such activities could include a remembrance book, a candle they can light, a sculpture which they can add to, for example a sculptured "tree" to which they can add a leaf for their child, or a garden of pebbles with each child's name on,
- A focal point which is meaningful to them, such as a cultural or spiritual focus. What is meaningful to each family will be highly individual, and therefore such a cultural or spiritual focal point would need to be neutral to be accessible for all.

Practical considerations

A place specifically aimed at supporting bereaved families would need to be:

- Easily accessible by both private and public transport,
- Secure and protected from possible vandalism or intrusion, and,
- Openly accessible at times families need, for example after school, during the day, during the week and at weekends.

In summary, every family is different in what they need, but most families tell us that special places for them have a connection with their child. In visiting and gaining support from a place that is new to them, it is likely that there would need to be clear aims as to the place's purpose and intent.

- 5.17. It is clear from Child Bereavement UK that everyone mourns and remembers a departed child in a different way.

Transport matters and parking

ALP: T2 (On – site parking and servicing), T4 (Pedestrian movement and provision), T5 and T6 (Cycling)

CSDPD: CS16 (Transport), CS20 (Transport and Infrastructure), CS21 (Contribution of development to community infrastructure)

DSA: DM2 (Transport requirements of development sites)

The new Local Plan. Policy DM32 (Accessible Locations, Sustainable Transport and Parking). However, the application of this draft policy holds limited weight.

- 5.18. As with the previous application the proposed location of the site is not considered to be sustainable in terms of transport and travel choice. The B4009 is not a bus route and the nearest routes are along the A4010 (Aylesbury to Princes Risborough Road) and A4129 (Princes Risborough to Longwick).
- 5.19. The railway stations at Princes Risborough, Little Kimble and Monks Risborough are also some distance. Also the B4009 in the vicinity of the site does not encourage use by pedestrians due to the lack of a dedicated footway, although the site could be accessible by bicycle.
- 5.20. The plans submitted show a pedestrian path, leading from the proposed parking area through the hardstanding area located to the south of Saddleback Barn and into a field south of the field in which the chapel would be located. Then taking a route parallel to the eastern hedge into the adjacent field where a route is shown though to the chapel which is located in a position just off the centre of this field.
- 5.21. Vehicular access would be taken from the existing shared access to Chadwell Hill Farm with parking for the chapel located in the hardstanding (gravelled) areas to the southeast of Saddleback Barn.
- 5.22. In terms of land ownership:
- the “land locked” circular site of the chapel has been transferred to the Trustees of the Round Chapel; a 1m strip around the building;
 - the path and parking area are within the ownership of Mr Colinswood, and the Trust has no legal rights of access across this land or to use the car parking area;
 - finally, the owner of Chadwell Hill Farm owns the access drive.
- 5.23. While Mr Colinswood has a legal right of access to his property from the main road along this drive, the Trustees or visitors to the chapel do not. In seeking a S106 legal

agreement the solicitor acting for the owner of Chadwell Hill Farm stated that with regards to access;

- 1) My client will provide access to the Council from the highway over her land in the event that the Council needs to enter Mr Colinswood's land to remove any buildings.
 - 2) Mr Colinswood has assured my client that general public access to the chapel on his land will not be via her driveway.
- 5.24. In response to this Mr Colinswood has stated that he does not require the permission of his neighbour as he has access rights to his property, and so does those visiting him. As he would need to be made aware of any visitors to the chapel, to allow him to secure his dogs, then effectively those visiting the chapel are there by his invitation and would be parking on his property.
- 5.25. It is possible that at some point in the future a civil issue could arise over the use of the driveway. This is however an unusual situation in that, at least initially, if the chapel is built but then cannot be used for its intended purpose because the public have no access to it, then the Council could exercise its rights through the proposed legal agreement to remove the building.
- 5.26. Other alternative access solutions have been investigated, but would not meet the requirements of the Highway Authority; such as a new direct driveway across the fields or use of an existing field access.
- 5.27. The applicant acknowledges the proposed development would be largely car dependant. The letter submitted with the application indicates that there are not expected to be more than two vehicles visiting at any one time, with peaks in the evenings and at weekends.
- 5.28. This level of demand is an estimate as the potential level of demand is unknown, but as visits to the chapel can only be made via appointment this can be controlled by the applicant who will operate the booking system.
- 5.29. The applicant is therefore confident that the level of visitors will be low and that sufficient parking will be provided within the existing building complex without parking being displaced onto the adjacent road which is a well-used, fast road, with a 50mph speed limit. Parking on a road of this nature would lead to danger and inconvenience to users of the highway network so sufficient parking off the road is reasonably required.
- 5.30. The County Highway Authority initially objected to the application as they disagreed with the applicants parking assessment. While it is accepted that the use of the chapel is likely to be relatively low and intermittent it is quite feasible that it would be used by family groups and parking for several cars would therefore be required at times.
- 5.31. To overcome this objection the applicant submitted an amended plan (P107) showing that 9 on-site parking spaces can be accommodated. This is considered sufficient given that an appointment system is to be operated.

Raising the quality of place making and design

ALP: G3 (General design policy), G7 (Development in relation to topography), G8 (Detailed Design Guidance and Local Amenity), G10 (Landscaping), G11 (Trees), G26 (Designing for safer communities), Appendix 1

CSDPD: CS19 (Raising the quality of place shaping and design)

New Local Plan: Policy DM34 (Placemaking and Design Quality), in rural areas outside the Chilterns Area of Outstanding Natural Beauty Policy DM44.

5.32. The design, appearance and location of the proposal remains as previously submitted. As no significant material change of circumstances has occurred the assessment of the building remains as before:

“The proposed building design fails to reflect the surrounding rural context and would have an incongruous appearance in this exposed rural landscape to the detriment of the rural character and appearance and visual amenities of the surrounding area”.

5.33. In response the applicant claims that the proposed design is based on similar round churches found elsewhere which are in turn based on the design of the Church of the Holy Sepulchre. The applicant has indicated that it would be inappropriate for the proposal to take its inspiration from local vernacular architecture as the proposed use of the building points towards an ecumenical design as any village church would.

5.34. What is proposed is the use of high quality materials; Portland stone construction, solid oak, welsh slate roof and stained glass, with the internal stonework carved with child etchings to reflect the theme of the building.

5.35. Despite reservations about the proposals failing to reflect the rural context of the site, on balance, the benefits of the development are considered to outweigh these concerns, subject to the Council securing via a legal agreement the removal of the building should it not be required for its intended purpose.

5.36. Details provided about the Trust confirm that it has been set up to oversee the building of the chapel and its ongoing maintenance. The Councils solicitor is satisfied that the Trust has been properly set up.

5.37. Previously expressed concerns about the potential visual impact of the parking provision have been overcome by locating the parking within the adjacent complex of buildings.

Amenity of existing residents

ALP: G8 (Detailed design guidance and local amenity)

CSDPD: CS19 (Raising the quality of place shaping and design)

NLP: DM34 (Placemaking and Design Quality)

5.38. The proposed chapel is located in the middle of a field at some distance from nearby dwellings. The information provided about visitor numbers and the use of the access serving the dwellings at Chadwell Hill Farm suggests only a small increase in activity can be expected. The parking for the chapel will be opposite Saddleback Barn and should have no significant impact on the amenities of this property, or further away Chadwell Hill Farm.

5.39. The proposed use should not therefore result in undue loss of amenity to nearby residents.

Building sustainability

CSDPD: CS18 (Waste, natural resources and pollution)

DSA: DM18 (Carbon reduction and water efficiency)

New Local Plan (Submission Version): DM41 (Optional Technical Standards for Building Regulations Approval)

5.40. Policy CS18 requires development to minimise waste, encourage recycling, conserve natural resources and contribute towards the goal of reaching zero-carbon developments

as soon as possible, by incorporating appropriate on-site renewable energy features and minimising energy consumption.

- 5.41. Following the Adoption of the Delivery and Site Allocations Plan (July 2013) and in particular policy DM18 (Carbon Reduction and Water Efficiency) it would have previously been necessary to impose a condition to secure the required 15% reduction in carbon emissions as well as reducing future demand for water associated with the proposed dwelling. However, this was superseded in October 2016 by ministerial policy to transfer the issue to Building Regulations.
- 5.42. The applicant has indicated that as individual visits are only expected to last for under an hour there is no need for any visitor facilities other than parking. So water or power supplies will not be required.

Infrastructure and Developer Contributions

CSDPD: CS21 (Contribution of development to community infrastructure)

DSA: DM19 (Infrastructure and delivery)

- 5.43. The development is not of a type where CIL would be chargeable.
- 5.44. It is considered that there would not be other types of infrastructure that will be put under unacceptable pressure by the development to justify financial contributions or the direct provision of infrastructure.

Other matters

- 5.45. The site is within a gas pipeline notification area. National Grid Gas has been consulted but no response has been received. The notification line is 250 metres in width, and it is reasonable to assume that the pipeline is central to this.
- 5.46. The proposed chapel is approximately 60 metres from the centre of the notification line and the building proposed, which is likely to have limited numbers of visitors, would not pose a risk to the pipeline or vice versa.

Weighing and balancing of issues – overall assessment

- 5.47. This section brings together the assessment that has so far been set out in order to weigh and balance relevant planning considerations in order to reach a conclusion on the application.
- 5.48. In determining the planning application, section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. In addition, Section 143 of the Localism Act amends Section 70 of the Town and Country Planning Act relating to the determination of planning applications and states that in dealing with planning applications, the authority shall have regard to:
- a) Provision of the development plan insofar as they are material
 - b) Any local finance considerations, so far as they are material to the application (in this case, CIL)
 - c) Any other material considerations

Positive Factors

- 5.49. The proposed chapel could provide peaceful remembrance and solace to parents, families and friends of children who have died. Particularly if it provides one or more of the opportunities listed by Child Bereavement UK.
- 5.50. Such an isolated site provides a quiet setting with attractive rural views.

Neutral factors

- 5.51. It is considered that the amended parking and access arrangements proposed now overcome previously expressed concerns regarding the impact of these on the rural amenities of the area.

Negative Factors

- 5.52. It remains the case that the site is not in a particularly accessible location and that visits will have to be made by appointment. So that while it would be a managed, secure and protected place it will not be openly accessible or easily accessed except by car. It lacks facilities and managed in this way it will provide limited opportunity as a potential place to meet others.
- 5.53. It is considered that the proposed development does not accord with development plan policies due to its isolated location in the open countryside, whereby it will be dependent on private vehicles for access.
- 5.54. The proposed building would have an incongruous appearance detrimental to the rural character and openness of the surrounding countryside.
- 5.55. Usually with such community projects there is already a local group who have an identified need for the facility. This is therefore an unusual situation in that what is being proposed is that the construction of the building will create a demand, rather than the demand being evident first and the building being constructed to meet it. As a result there is no actual evidence that if constructed the building will attract a sufficient ongoing number of patrons to justify an exception to the application of planning policy.

Conclusion and Recommendation

- 5.56. On balance the negative factors are considered to be outweighed by the potential public benefits of the development in terms of providing a dedicated facility for bereaved families, subject to the mitigation proposed by means of a S106 legal agreement.
- 5.57. The demand for the building will only be known after the construction and promotion of the building has taken place. The concern that remained therefore was that a redundant building which had an adverse impact on the character of the open countryside could result if the anticipated patronage did not materialise.
- 5.58. To overcome this concern the applicant has agreed to enter into a S106 legal agreement. It is recognised that this is not an ideal situation as it imposes a burden on the applicant both financially and in terms of accurately monitoring visitors to the chapel. It also imposes a difficult burden on the Council in terms of monitoring and potential enforcement. In an attempt to overcome the earlier reasons for refusal, although an unusual approach, following extensive discussion with the applicant it appears to be the only means available.

5.59. In summary the legal agreement will secure the following for a period of 2 years from first occupation:

- The Council can request the demolition of the building, removal of all materials from the site and reinstate the site to its former condition as pasture land if it is no longer required for its intended use.
- Access to the site to allow the councils appointed contractors to demolish the building remove all materials from the site and reinstate the site to its former condition as pasture land if it is no longer required for its intended use if a request to remove the building is not complied with.
- A payment of £10,520 to cover the costs of the above.
- To keep a visitors book which shall include the provision for recording names and contact details of visitors.
- As part of the appointment system to keep an accurate record of the number of people that visit the Round Chapel for the purposes of remembering a lost child, including names and contact details.
- To allow the Council to view the visitors book when required.
- To provide a record of the number of visitors to the chapel after 6, 12 and 18 months from the date of first occupation.

5.60 The application has been advertised under the Departure Procedures. The application is recommended for approval.

Recommendation: Minded to grant planning permission and that the Head of Planning and Sustainability be given full delegated authority to approve the application.

It is anticipated that such permission would only be approved subject to;

- a) an appropriate planning obligation, and,
- b) appropriate planning conditions,

but that the application would be refused planning permission if an Obligation cannot be secured.

Suggested planning conditions:

1. 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).
2. The development hereby permitted shall be built in accordance with the details contained in the planning application hereby approved and plan numbers;

Plan P100A Site Location Plan (1:2500)
Plan P102 Floor Plan (1:100)
Plan P103 North-West Elevation (1:50)
Plan P104 South-West Elevation (1:50)
Plan P105 North-East Elevation (1:50)
Plan P106 East Elevation (1:50)
Plan P107 Site Plan (Parking) (1:500)

unless the Local Planning Authority otherwise first agrees in writing.

Reason: In the interest of proper planning and to ensure a satisfactory development of the site.

3. Notwithstanding any indication of materials which may have been given in the application, a schedule and/or samples of the materials and finishes for the development shall be submitted to and approved in writing by the Local Planning Authority before any work to the external finish of the development takes place. Thereafter, the development shall not be carried out other than in accordance with the approved details.

Reason: To secure a satisfactory external appearance.

4. The scheme for parking and manoeuvring indicated on the submitted plans shall be laid out prior to the commencement of the development hereby permitted and that area shall not thereafter be used for any other purpose. Parking associated with the chapel shall not be anywhere except for in the designated parking area.

Reason: To enable vehicles to draw off, park and turn clear of the highway to minimise danger, obstruction and inconvenience to users of the adjoining highway and to prevent parking on the adjacent agricultural land or in areas where they may cause an obstruction to neighbouring properties.