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App No : 18/08068/FUL App Type : FUL

Application for : Change of use of land to cemetery including administration building, maintenance storage area, car park and landscaping

At Land Adjacent Allotment Gardens, Queensway, Hazlemere, Buckinghamshire

Date Received : 04/12/18 Applicant : Wycombe District Council

Target date for decision: 05/03/19

## 1. **Summary**

- 1.1. Application is for a new cemetery facility which is needed within the District due to the existing cemetery facilities being close to capacity for certain types of burials.
- 1.2. The site is an informal recreational area adjacent to the allotments in Queensway, Hazlemere and next to the Hazlemere Golf Course.
- 1.3. The site is within the Green Belt and the Chilterns AONB.
- 1.4. The site has been allocated for a new cemetery within the newly adopted Local Plan.
- 1.5. The cemetery layout, low level administration building and landscape approach to the site are acceptable and minimise harm to the openness of the Green Belt.
- 1.6. The main access is onto Penn Road and the position of the access has had to be amended following highway safety concerns. However, the revised access position and car parking layout has been supported by the Highway Authority. There are no objections from the Highway Authority subject to recommended conditions.
- 1.7. The necessary risk assessments have been undertaken and the Environment Agency has no objection to the cemetery. The LLFA also raise no objection subject to conditions.
- 1.8. The proposal complies with the relevant policies and is recommended for approval subject to conditions.

## 2. **The Application**

- 2.1. The site is within the metropolitan Green Belt and has been allocated within the new Wycombe District Local Plan for cemetery use.
- 2.2. This application is made by Wycombe District Council, who is responsible for providing adequate cemetery services.
- 2.3. Planning permission is sought for an area approximately 4 hectares in size to be used as a cemetery. Within the site there will be two different faith burial areas, a children's burial area, an administration building, reflective pools and a columbaria (a place for the respectful and usually public storage of cinerary urns), maintenance storage area and car parking.
- 2.4. The application is accompanied by:
  - a) Planning and Need Statement
  - b) Design and Access Statement
  - c) Transport Statement
  - d) Statement of Community Involvement
  - e) Landscape and Visual Appraisal
  - f) Flood Risk Assessment

- g) Reptile Survey'
- h) Ecological surveys
- i) Sequential test
- j) Geotechnical site investigation

2.5. During the application amended plans have been received which addressed the following issues:

- Concerns were raised by the highway authority about the point of access. This was addressed by altering the access point to ensure highway safety.
- The new access point required a revision to the car parking layout.
- The design of the administration building was also amended.

2.6. Statement of Community Involvement. The applicant has carried out a community consultation exercise. The Council has also widely consulted on the planning application and the responses are summarised in Appendix A of this report and are available in full on our web site.

### **3. Working with the applicant/agent**

3.1. In accordance with paragraph 38 of the NPPF2 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. WDC work with the applicants/agents in a positive and proactive manner by offering a pre-application advice service, and as appropriate updating applicants/agents of any issues that may arise in the processing of their application.

3.2. In this instance:

- The applicant/agent was provided with pre-application advice,
- The applicant/agent was updated of any issues after the initial site visit,
- The applicant was provided the opportunity to submit amendments to the scheme/address issues.
- The application was determined without delay.
- The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

### **4. Relevant Planning History**

4.1. No relevant planning history.

### **5. Issues and Policy considerations**

#### **Principle and Location of Development**

DSA: DM1 (Presumption in favour of sustainable development), Wycombe District Local Plan adopted August 2019 - CP1 (Sustainable Development), CP2 (Overall Spatial Strategy) CP8 (Green Belt), CP10 (Green Infrastructure and the Natural Environment), HW20 Land at Queensway, Hazlemere, DM33 (Managing Carbon Emissions, Transport and Energy Generation)

- 5.1. The site is within the Green Belt and the Chilterns Area of Outstanding Natural Beauty. No change to the Green Belt was proposed in the new Local Plan.
- 5.2. Paragraph 146 of the NPPF identifies that material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds) are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it.
- 5.3. The site is currently open semi-improved grassland used for informal recreation mainly by dog walkers. There are no rights of way across the site.
- 5.4. There is a strong landscape based approach to the design and layout of the cemetery. There are a minimal number of buildings on the site and overall the development will

preserve the openness of the Green Belt.

- 5.5. There are five purposes to the Green Belt which are identified at para 134 of the NPPF. The cemetery does not conflict with any of these purposes. Indeed, the site sits between the urban area of Hazlemere and a golf course and as a cemetery will help to maintain an undeveloped open buffer on the edge of the built development.
- 5.6. In principle the change of use of the site to a cemetery is acceptable subject to compliance with other Local Plan policies.

### **Transport matters and parking**

DSA: DM2 (Transport requirements of development sites)

New Local Plan: CP7 (Delivering the infrastructure to support growth), DM33 (Managing Carbon Emissions, Transport and Energy Generation)

- 5.7. The initial submitted plans had a new access from Penn Road. The location was opposite the Wynn Grove junction at the point that the horizontal alignment of Penn Road deflects in each direction. This essentially formed a 4-arm crossroads that needed to be spaced at least 30m apart. This off set was not be achievable and the Highway Authority objected on Highway Safety grounds.
- 5.8. Subsequently the access point was repositioned further east, although still onto Penn Road. This repositioned access could achieve the minimum junction spacing while still maintaining the visibility splays for the speed limit in force on Penn Road. This effectively dealt with the Highway Authority's objection to the scheme.
- 5.9. A third revision of the layout plan was submitted which revised the internal access and car parking layout. The view of the Highway Authority is that the access configuration and width, setback distance of the gates and car park layout are acceptable. They have no objection to the cemetery subject to conditions.
- 5.10. There is no car parking standard for cemeteries within the car parking guidance. Therefore, there is no required number of parking spaces. A sensible and logical approach to the car parking provision is required.
- 5.11. There are 35 car parking spaces provided to the Council's adopted size standards, 5m by 2.8m. It is clear the parking levels could vary enormously depending on the nature of the burial. However, for burials that would attract a large number of visitors parking will be made available along the roads within the site. During standard operation these roads will have bollards restricting access, however these will be manually removed should a large number of visitors be expected. The car parking will be managed by on site staff.
- 5.12. This seems to be a satisfactory response to deal with the likely variation in car parking needs.
- 5.13. The applicant has agreed to the request by the Control of Pollution team to include electric charging points within the car parking area.
- 5.14. The proposal is considered to comply with the relevant policy.

### **Raising the quality of place making and design**

New Local Plan: CP9 (Sense of place), DM34 (Delivering Green Infrastructure and Biodiversity in Development), DM35 (Placemaking and Design Quality)

- 5.15. The plans have been revised since initial submission.
- 5.16. The access and car parking layout has been revised. The layout is acceptable. The site requires a strong landscape approach and the initial landscaping scheme provides an indicative approach but has been superseded because of the changes to the layout during the application process. A detailed landscaping plan will be required by condition.
- 5.17. The design of the administration building has also been revised to better reflect a

design that is appropriate for its function and its location within the Chilterns Area of Outstanding Natural Beauty. It is a simple single storey building with a large canopy overhang to allow people the opportunity to congregate prior to a burial. The building will be used by cemetery staff and will also provide WC facilities and limited facilities for visitors to the cemetery.

- 5.18. The building has been designed with wooden security screens that will slide across the glass window frontage. This will be an acceptable way of ensuring the security of the building. They are also proposing security lighting and CCTV around the building to address issues of anti-social behaviour.
- 5.19. A condition requiring materials to be submitted will ensure that the quality of materials are satisfactory.

### **Amenity of existing and future residents**

New Local Plan (Submission Version): DM35 (Placemaking and Design Quality), DM40 (Internal space standards)

- 5.20. This application has been the subject of significant objection however few objections relate to the impact on the amenity of existing residents.
- 5.21. While some local residents do not wish to live in close proximity to a cemetery there is no specific impact upon their individual properties in terms of loss of outlook or overlooking. The nearest neighbour is at 78 Penn Road who shares a boundary with the cemetery. One of the car parking areas is situated close to this boundary. It is acknowledged that this will have some impact upon this property given that there the property currently neighbours a green field. However, with the revised plans the quantity of parking has reduced and the majority of parking is situated away from this boundary. The impact is considered to be acceptable.

### **Environmental issues**

New Local Plan: CP7 (Delivering the infrastructure to support growth), DM20 (Matters to be determined in accordance with the NPPF)

- 5.22. Concerns have been raised in representations about land contamination. The Environment Agency are a required consultee for a cemetery. The appropriate risk assessments have been prepared and accepted by the Environment Agency. An informative will be added regarding a recommendation that a further risk assessment is conducted if the number of burials exceeds the anticipated levels.
- 5.23. There will be a limited level of lighting and given the site's location in the AONB this is appropriate.
- 5.24. Environmental Health have raised concerns about additional vehicle movements affecting the air quality. They have requested that electric charging points are available within the car park for at least four car parking spaces. A condition has been included to address this.

### **Flooding and drainage**

New Local Plan 2019: DM39 (Managing Flood Risk and Sustainable Drainage Systems)

- 5.25. A flood risk assessment has been submitted. The Lead Local Flood Authority have no objection to the proposal subject to recommended conditions.

### **Landscape and visual Impact**

New Local Plan Adopted 2109: CP9 (Sense of place), DM30 (Chilterns Area of Outstanding Natural Beauty) DM32 (Landscape character and Settlement Patterns)

- 5.26. The site is within the AONB. Comments have been received by the Chilterns Conservation Board (CCB) who have objected to the proposal.
- 5.27. Firstly, they were concerned that the Local Plan should be close to adoption before the application is determined to ensure certainty regarding the policy and approach to be

taken regarding the site. With the adoption of the Local Plan the relevant policy is now adopted and this issue is addressed.

- 5.28. Secondly, they believe that a landscape approach to the site is important and they do not agree with the traditional approach adopted. In terms of Landscape Character the site is defined as 18.2 - Penn Rolling Farmland which is characterised by large blocks of woodland interspersed with farmland. In their opinion a cemetery that enhances and conserves the AONB should reflect a natural burial ground of woodland and wildflower meadows, without headstones, tarmac drives and formal features. On this basis they object to the proposal.
- 5.29. In response to these concerns - it is important to consider the context of the site within the AONB. The site is surrounded by significant urbanising influences.
- 5.30. While the site is contained within the Landscape Character Assessment [LCA] (18.2 Penn Rolling Farmland) it is weak in reflecting the key aspects of this character area and is heavily influenced by the urban edge it adjoins. It is also separated from nearby woodlands and the wider LCA by the formal parkland landscape of the golf course.
- 5.31. Where the AONB approaches/adjoins the major urban area, it can reasonably be considered that the landscape here is in transition between the prevailing character of both the LCA and the urban area itself.
- 5.32. The proposed development contributes to this transition in an appropriate manner, being predominantly open green space, including trees and interspersed with circulation routes and one single-storey building. In this way, it will share much in common with the golf course which is already part of the adjacent AONB. It is therefore not necessary to take a less formal approach to the cemetery, such as a woodland burial site suggested by the CCB.
- 5.33. The use and design of the cemetery is appropriate in landscape terms for the AONB.
- 5.34. The initial landscape strategy for the cemetery was updated to reflect concerns raised by officers. However, as the layout plan has evolved the landscape plan will need to be updated and this will be required by condition.

## **Ecology**

DSA: DM13 (Conservation and enhancement of sites, habitats and species of biodiversity and geodiversity importance), DM14 (Biodiversity in development)  
New Local Plan Adopted 2019: DM34 (Delivering Green Infrastructure and Biodiversity in Development)

- 5.35. The necessary ecology information has been submitted. However, the proposed mitigation strategy is only a recommendation at this stage. It is, therefore, necessary to require a mitigation strategy by condition to ensure that it will be implemented.

## **Community facilities**

Community facilities SPD

New Local Plan Adopted 2019 DM29 (Community Facilities)

- 5.36. A cemetery can be regarded as a community facility. Policy DM29 of the Local Plan requires that an evidence based approach is adopted for new community facilities. The Planning and Needs Assessment submitted with the application has presented the evidence to demonstrate that there is a need for additional burial space.
- 5.37. There are two particular types of burials with the greatest need, they are Children's burial and non-viable foetus and Muslim burial space. The deficiency in burial space for these groups drives the need for a further cemetery.
- 5.38. As a consequence of this need a site review was conducted and a suitable site was allocated within the Local Plan.
- 5.39. Compelling evidence has been presented to demonstrate that a new cemetery facility is required in the High Wycombe area and as such accords with the requirements of

the community facilities policy.

### **Building sustainability**

New Local Plan Adopted 2019: DM41 (Optional Technical Standards for Building Regulations Approval)

- 5.40. Policy DM41 requires all new dwellings to achieve higher water efficiency standards. As commercial building DM41 does not apply.

### **Infrastructure and Developer Contributions**

New Local Plan (Submission Version): CP7 (Delivering the infrastructure to support growth)

- 5.41. The development is a type of development where CIL would not be chargeable.
- 5.42. 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.

### **Weighing and balancing of issues – overall assessment**

- 5.43. 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.
- 5.44. 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
- 5.45. As set out above it is considered that the proposed development would accord with the development plan policies.

### **Other matters**

Equalities Act Duties

- 5.46. Local Planning Authorities, when making decisions of a strategic nature, must have due regard, through the Equalities Act, to reducing the inequalities which may result from socio-economic disadvantage. In this instance, it is considered that this proposal would not disadvantage any sector of society to a harmful extent.

## **Recommendation: Application Permitted**

- 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:  
  
CDS\_WYC\_OMB\_01 Rev 01 - Location Plan  
CDS\_WYC\_OMB\_64 Rev 01 General Site layout plan  
CDS\_WYC\_OMB\_66 Rev 01 Indicative Exterior Lighting Plan

CDS\_WYC\_OMB\_60 Rev 00 Highways Detail  
CDS\_WYC\_OMB\_03 Rev 05 Layout Plan  
CDS\_WYC\_OMB\_04 Rev 04 Brickwork and Timber Screen Options  
CDS\_WYC\_OMB\_05 Rev 04 Brickwork and Timber Screen Options  
CDS\_WYC\_OMB\_05 Rev 06 Drainage Plan  
CDS\_WYC\_OMB\_06 Rev 04 Brickwork and Timber Screen Options  
CDS\_WYC\_OMB\_06 Rev 03 Sectional Details  
CDS\_WYC\_OMB\_07 Rev 04 Brickwork and Timber Screen Options  
CDS\_WYC\_OMB\_08 Rev 04 Administration Building Views  
CDS\_WYC\_OMB\_16 Rev 04 Vehicular Flow Plan  
CDS\_WYC\_OMB\_17 Rev 03 Foul Water Drainage Plan

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, this shall include details of the slatted wooden screens to be used, 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 Notwithstanding any indication of materials which may have been given in the application, a schedule and/or samples of all surfacing materials shall be submitted to and approved in writing by the Local Planning Authority before any work to the finished surfaces 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 appearance.
- 5 Development shall not begin until construction details of sustainable drainage components as shown on the Drainage Plan (drawing CDS\_WYC\_OMB\_05 Rev. 3 (Cemetery Development Services, dated 18.10.2018) has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.  
Reason: The reason for this pre-start condition is to ensure that a sustainable drainage strategy has been agreed prior to construction in accordance with Paragraph 163 of the National Planning Policy Framework to ensure that there is a satisfactory solution to managing flood risk.
- 6 Development shall not begin until a "whole-life" maintenance plan for the site has been submitted to and approved in writing by the local planning authority. The plan shall set out how and when to maintain the full drainage system (e.g. a maintenance schedule for each drainage/SuDS component), with details of who is to be responsible for carrying out the maintenance. The plan shall subsequently be implemented in accordance with the approved details.  
Reason: The reason for this being a pre-start condition is to ensure that maintenance arrangements have been arranged and agreed before any works commence on site that might otherwise be left unaccounted for.
- 7 The development hereby permitted shall not be brought into operation as a cemetery until the new means of access off Penn Road has been sited and laid out in accordance with the approved drawing and constructed in accordance with Buckinghamshire County Council's guide note "Commercial Vehicular Access Within Highway Limits" 2013.  
Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and of the development

- 8 The development hereby permitted shall not be brought into operation as a cemetery until the new means of egress onto Queensway has been sited and laid out in accordance with the approved drawing and constructed in accordance with Buckinghamshire County Council's guide note "Commercial Vehicular Access Within Highway Limits" 2013.  
Reason: In order to minimise danger, obstruction and inconvenience to users of the highway and of the development.
- 9 Notwithstanding the provisions of Part 2 of the Second Schedule to the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any Order revoking or re-enacting that Order) no gates or other means of enclosure other than those shown on the approved plan shall be erected along the site frontage within 7 metres of the edge of the carriageway.  
Reason: To enable vehicles to draw off clear of the highway for the safety and convenience of the highway users
- 10 Details of the parking, manoeuvring and loading/unloading scheme shall be submitted in writing to and approved by the Local Planning Authority, and activities associated with the use hereby permitted within this application will not be brought into operation until the approved scheme has been laid out.  
Reason: To enable large vehicles to draw off, park, load/unload and turn clear of the highway to minimise danger, obstruction and inconvenience to users of the adjoining highway.
- 11 Prior to the commencement of any works on the site, a Construction Traffic Management Plan detailing the management of construction traffic (including vehicle types, frequency of visits, expected daily time frames, use of a banksman, on-site loading/unloading arrangements and parking of site operatives vehicles) shall be submitted and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with such approved management plan.  
Reason: This is a pre-commencement condition as development cannot be allowed to take place, which in the opinion of the Highway Authority, could cause danger, obstruction and inconvenience to users of the highway and of the development.
- 12 Prior to the use of the development hereby permitted, four electric vehicle charging point must be installed. Thereafter the electric vehicle charging points must be maintained in full working order and, as such, a long-term management and maintenance plan shall be submitted in writing and approved by the Local Planning Authority.  
Reason: to reduce the negative impact on the health of residents living within Air Quality Management Areas.
- 13 Notwithstanding the details shown on the drainage plan (CDS\_WYC\_OMB\_05) there should be no drain crossing the area allocated for future public at the roundabout at the far end of the site.  
Reason: This is because the presence of a drain could unnecessarily limit what could be placed in this location.
- 14 Prior to the commencement of any works on site an Ecological Mitigation Strategy shall be submitted to, and approved in writing by the Local Planning Authority, this will include specific provisions for lighting, reptiles and birds. All works shall then proceed in accordance with the approved strategy with any amendments agreed in writing.  
Reason: This is a pre-start condition to ensure that protected species are not adversely impacted by the proposals.
- 15 Prior to the construction of the vehicular access a fully detailed landscaping scheme for the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be based on the landscaping proposals and planting schedules that were submitted with the application but should include:



- a greater proportion of native and naturalised plant species that are characteristic of the Chilterns landscape.
- details of the proposed boundary and fencing treatment identifying retained and enhanced details
- cross sections of each of the boundaries to demonstrate how these will be detailed

The development shall be implemented in accordance with the approved details unless otherwise first agreed in writing by the Local Planning Authority.

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development, whichever is the sooner. Any trees, plants or areas of turfing or seeding which, within a period of 3 years from the completion of the development, die are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority first gives written consent to any variation

Reason: In the interests of amenity and to ensure a satisfactory standard of landscaping.

- 16 Prior to first use of the cemetery details of the public art feature that is to be installed on the roundabout (as shown on drawing CDS\_WYC\_OMB\_64 Rev 01) shall be submitted and approved in writing by the Local Planning Authority. Once approved it shall be installed and maintained during the life of the development.

Reason: In the interests of public amenity and to provide a focal point for views into the cemetery site.

#### INFORMATIVE(S)

- 1 In accordance with paragraph 38 of the NPPF2 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. WDC work with the applicants/agents in a positive and proactive manner by offering a pre-application advice service, and as appropriate updating applications/agents of any issues that may arise in the processing of their application.
- 2 It is contrary to section 163 of the Highways Act 1980 for surface water from private development to drain onto the highway or discharge into the highway drainage system. The development shall therefore be so designed and constructed that surface water from the development shall not be permitted to drain onto the highway or into the highway drainage system.
- 3 The applicant is advised that the off site works will need to be constructed under a Section 184 of the Highways Act legal agreement. This Small Works Agreement must be obtained from the Highway Authority before any works are carried out on any footway, carriageway, verge or other land forming part of the highway. A minimum period of 3 weeks is required to process the agreement following the receipt by the Highway Authority of a written request. Please contact Transport for Buckinghamshire at the following address for information:-

Development Management  
 Buckinghamshire County Council  
 9th Floor, County Hall  
 Walton Street  
 Aylesbury  
 Buckinghamshire  
 HP20 1UY

- 4 It is an offence under S151 of the Highways Act 1980 for vehicles leaving the development site to carry mud onto the public highway. Facilities should therefore be provided and used on the development site for cleaning the wheels of vehicles before they leave the site.
- 5 No vehicles associated with the building operations on the development site shall be parked on the public highway so as to cause an obstruction. Any such wilful obstruction is an offence under S137 of the Highways Act 1980.
- 6 The attention of the applicant is drawn to the requirements of section 60 of the control of pollution Act 1974 in respect of the minimisation of noise on construction and demolition sites. Application under Section 61 of the Act, for prior consent to the works, can be made to the environmental Services Division of the Council
- 7 It is strongly recommended by the Environment Agency that if the number of burials should increase above the projected 60 to 70 a year then a Tier 3 Risk Assessment should be carried out for the site.