

Application No: 11/0366M

Location: LAND SOUTH OF THE JUNCTION OF MILL LANE AND,
LONDON ROAD, ADLINGTON

Proposal: CHANGE OF USE OF LAND FROM AGRICULTURAL TO
A NATURAL BURIAL GROUND AT ADLINGTON HALL

Applicant: ADLINGTON HALL ESTATE

Date Report Prepared: 2 March 2012

SUMMARY RECOMMENDATION

Delegate back to Development Management & Building Control Manager in consultation with the Chairman and Vice Chairman to approve subject to conditions, and the completion of a s106 legal agreement

REASON FOR REPORT

This application was considered by the Northern Planning committee on 8 June 2011, where it was resolved to delegate the application back to the Head of Planning & Housing in conjunction with the Chairman and Vice Chairman for approval in order to address any further representations that the planning department may receive in relation to the application, subject to conditions and the completion of a Section 106 agreement.

It has subsequently come to light that the incorrect certificate of ownership was submitted with the original application; the correct certificate has now been submitted. The planning issues remain unchanged since it was previously determined by the Committee, however, due to this technicality we are required to seek a fresh resolution to delegate the application back to officers for final determination.

DETAILS OF PROPOSAL

This application seeks full planning permission to change the use of the land to a natural burial ground. The development involves alterations to the existing vehicular access from Mill Lane, the provision of 32 parking spaces, access road and turning circle, and a footpath through the site.

Relevant planning policies, summaries of consultation responses, and summaries of representations are included within the original report and update report, together with the minutes of the meeting of 8 June 2011, which are all attached as appendices.

KEY ISSUES

The section 106 agreement for this application is still to be completed, and therefore the decision has not been issued. A “certificate B”, as opposed to certificate A, should have been served with the application. Certificate B is confirmation to the Local Planning Authority that the requisite notice has been served on any person who is an owner or tenant of the land.

The tenant farmer was served with notice to terminate the tenancy he has with Adlington Hall Estate on 28 January 2011, and the application was received on 31 January 2011. Therefore 21 days before the date of the application, the tenant farmer still had an interest in the land and certificate B should have been submitted and notice should have been served upon him under Article 11 of the Town & Country Planning (Development Management Procedure) (England) Order 2010, which was not done.

Certificate B has now been received from the applicants and notice was served on the farmer on 19 January 2012. No representations have been received as a result of this notice being served..

CONCLUSIONS AND REASON(S) FOR THE DECISION

The proposal remains as previously considered, and the planning merits do not need to be revisited given the procedural nature of the change outlined above. It is therefore recommended that the application is delegated to the Development Management and Building Control Manager to formally approve the application subject to the s106 legal agreement and the 13 conditions listed within the printed minutes of the meeting from 8 June 2011, attached to this report.

