

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

Expiry Date: 02-May-2011

**Date Report Prepared:** 24 May 2011

#### **SUMMARY RECOMMENDATION**

Approve subject to conditions, the completion of a s106 legal agreement and subject to further comments from English Heritage and the Environment Agency.

#### **MAIN ISSUES**

- Whether the proposal is acceptable in the Green Belt
- Impact upon character of Historic Parkland / wider area
- Impact upon amenity of neighbouring properties
- Impact upon highway safety
- Pollution risk to groundwater

#### **REASON FOR REPORT**

This application is before the Committee as it represents a change of use of land on a site in excess of 1 hectare.

#### **DESCRIPTION OF SITE AND CONTEXT**

The application site comprises a 7.96 hectare area of open agricultural land to the south west of Adlington crossroads within the grounds of Adlington Hall. A watercourse runs through the site, the land to the west of the watercourse is designated grade II\* in the English Heritage Register of Historic Parks & Gardens and the trees to the eastern boundary are protected by TPO. The site is located within the Green Belt as identified in the Macclesfield Borough Local Plan.

## **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 HISTORY**

None

## **POLICIES**

### **Regional Spatial Strategy**

DP1 (Spatial Principles)

### **Local Plan Policy**

NE5 – Parkland landscapes

NE11 – Nature conservation

BE1 – Design Guidance

DC1 – Design New Build

DC3 – Residential amenity

DC6 – Circulation and access

DC8 - Landscaping

DC9 – Tree Protections

DC19 – Groundwater resources

## **CONSULTATIONS (External to Planning)**

Highways – No objection subject to condition

Environmental Health – No objections

Archaeology – No objections subject to condition

Environment Agency – Object due to the absence of information relating to the impact upon groundwater

Natural England – No objections

English Heritage – Further information is required

Adlington Parish Council – Object on the grounds that the burial ground should be located where it is not visible from highway or neighbouring properties. A location elsewhere on the Adlington Hall Estate would avoid inevitable traffic congestion. Resultant views of the burial ground from the nearby houses will restrict owners' ability to sell their properties.

## **OTHER REPRESENTATIONS**

9 letters of representation have been received from local residents and interested parties. 5 of these letters object to the proposal / raise concern on the following grounds:

- Visual impact when viewed from properties on London Road, which are elevated above the site
- Burial process will be fully visible
- Landscaping would take years to establish
- Burial ground should be located on land that is not visible from highway or local housing
- Additional traffic and impact upon highway safety
- Impact upon protected trees
- Negative impact upon residential amenity
- Is there a need for such a facility?

4 of the letters support the proposal noting that:

- It will not have any detrimental impact upon the Green Belt
- Having attended a funeral at a similar site in Merseyside, it is a wonderful and natural concept
- There is clearly a need as local cemeteries are full
- Ideally located for the local community

## **APPLICANT'S SUPPORTING INFORMATION**

A design & access statement and a habitat survey were originally submitted with the application. However, additional information has since been received including; a Landscape Character Impact Statement, a Landscape and Habitat Management Plan, a Heritage Statement, a landscape plan and a schedule of proposed plant species and sizes.

Given the receipt of this additional information neighbours and the Parish Council have been re-notified, and the last date for the receipt of comments on the additional information is now Friday 3 June 2011.

## **OFFICER APPRAISAL**

### **Green Belt**

Paragraph 3.12 of PPG2 states that “the making of any material changes in the use of land are inappropriate development unless they maintain openness and do not conflict with the purposes of including land in the Green Belt.” It is also notable that paragraph 3.4 of PPG2 (relating to new buildings in the Green Belt) makes specific reference to essential facilities for cemeteries, which are identified as being not inappropriate. The current proposal does not include any new buildings, but this paragraph is useful to the extent that it implies cemeteries can be an appropriate use of land in the Green Belt.

No structures are proposed on the site other than a timber pedestrian footbridge crossing the stream. There will be no memorials or grave stones on the site, individual burial plots will be marked with a small plaque which will be laid flush with the ground which will not be visible from any distance away from the plot. Therefore, the most significant impact upon the

openness of the Green Belt is likely to arise from the parking of vehicles associated with the use of the land as a burial ground.

The proposed 32 parking spaces themselves will occupy an area which will be a maximum of 30 metres wide and 35 metres long. In the event that all parking spaces are used at one time, there is some potential for a reduction in the openness of the Green Belt. However, given that it is the ancillary car parking that is the only aspect that has the potential to reduce openness rather than the burial ground itself, the limited scale of the car parking and temporary nature of the presence of vehicles, the openness of the site is considered to be adequately maintained.

In addition the proposal does not conflict with any of the five purposes of including land in Green Belts, which are:

- To check the unrestricted sprawl of large built up areas
- To prevent neighbouring towns from merging into one another
- To assist in safeguarding the countryside from encroachment
- To preserve the setting and special character of historic towns
- To assist in urban regeneration, by encouraging the recycling of derelict and other urban land

It is therefore considered that the proposed burial ground complies with the requirements of PPG2 and is not inappropriate development in the Green Belt.

### **Landscape Character**

The development site is part of the Adlington Hall Estate and consists of two gently undulating fields which are divided by a tree-lined brook. There is a mature hedgerow with trees along the eastern site boundary with the A523 London Road. There is a woodland plantation along the western boundary which screens the site from Adlington Hall and the more formal gardens. The main site access is off Mill Lane located between a row of residential properties and a small copse of semi mature trees at the north-eastern corner. There is also a field access gate off London Road opposite Smithy Garage.

The field to the west of the brook is part of the medieval deer park and is designated as grade II\* on the National Register of Historic Parks and Gardens. This designation means that the site is nationally “particularly important, of more than special interest”.

Views into the site from the A523 London Road are generally well screened or filtered by the mature roadside hedge and trees. Views from the properties on the eastern side of London Road are screened by the site boundary vegetation and also by trees and hedges in front gardens (though the three southernmost properties have more open frontages). These properties do benefit from some open views across the site from first floor bedroom windows. The properties on Mill Lane that back on to the site are owned by the Adlington Estate. Views from the living rooms and gardens are partially screened by trees and hedges but there are probably good views across the site from rear bedroom windows.

The natural burial site proposals include the following features:

- The boundary hedgerow, trees and low stone wall on either side of the entrance on Mill Lane would be removed and replaced with a new native hedgerow located to the rear of the visibility splays improve sight lines.
- A new tarmac access road off Mill Lane leading to a gravel car park.
- A new timber field gate and separate pedestrian access gate.
- A new bound gravel footpath with timber edges running down the centre of the site
- A small timber footbridge across the brook.
- Blocks of woodland around the car park and along the eastern site boundary.
- A native hedgerow along the southern site boundary and also along the rear garden boundaries of the Mill Lane properties.
- Wildflower meadows would be formed over the remainder of the site with mown footpaths to facilitate access to burial plots.

A Landscape and Habitat Management Plan has been submitted which describes how the area would be managed to establish and retain the appearance of a wildflower meadow rather than a formal cemetery, which is considered to be necessary in the interests of the character and appearance of the area. There would be no memorials or grave stones; individual burial plots would be marked with small plaques laid flush with the ground which would not be visible from any distance away from the plots. Floral tributes would be removed on a daily basis. Plots would be chosen by families and would be located randomly rather than in uniform rows.

Low soil fertility is required to successfully establish wildflower meadows. The land has up until recently been used for grazing and would most likely have received applications of fertiliser to improve the pastureland. The recent clearance of grassland and seeding with maize will have further increased soil fertility. Measures will be taken to actively encourage nutrient depletion. The exact methodology of this will be detailed at a later date when the tenant farmer's lease has expired and the opportunity to study the soil conditions is available. Topsoil removal or soil inversion (very deep ploughing) are possible options. The management plan must be updated prior to approval once the methodology has been determined.

In terms of the visual impact of the proposal, the removal of the hedges and trees along the Mill Lane frontage would have an adverse visual impact but this would be mitigated by the replacement native hedge along this boundary.

The new car park and vehicle movements would be noticeable from the properties on Mill Lane, particularly Mill Lane Cottage. However, the proposed woodland planting around the car park and the new hedgerow around the rear garden boundaries would eventually mature and screen these views.

There could also be some oblique views of the car park from the bedroom windows of the properties on the eastern side of London Road. The proposed woodland planting around the car park and along the eastern site boundary would eventually screen views of the car park

and vehicles. The proposed woodland planting along the eastern site boundary has been designed in blocks rather than a continuous belt in order to retain some open views from these properties of the wildflower meadows. Overall, the proposed visual impact of the proposal is considered to be acceptable, subject to the agreement and implementation of a landscape management plan. Given that the land is of historical importance and will be managed as a burial site for the foreseeable future it is considered that this would be necessary to secure the management plan via a s106 rather than by condition. Periodic monitoring and review of the Management Plan by the LPA and possibly English Heritage could also be necessary to ensure that the aims and objectives of the plan are being achieved and the landscape appearance is acceptable.

With regard to the heritage designation of the site, English Heritage initially raised concerns with regard to the level of information submitted with the application. They were subsequently involved in further on site discussions with the agent, and Council officers, and have received further details. Comments on these revised details are awaited, but it is anticipated that the further information will overcome their concerns. Once received, Members will be advised of the English Heritage comments in an update.

### **Trees**

The majority of the trees along the London Road boundary are protected by a 2006 Tree Preservation Order, there are also a significant number of trees associated with the water course which extends through the centre of the site. Also directly to the east of the proposed access stand a number of semi-mature trees, as well as those located within the private garden of Mill Lane Cottage. The submitted management plan confirms that there will be no burial plots within the Root Protection Areas (RPA) identified within BS5837:2005 of mature trees, unless a method statement is first agreed with the Council. The Arboricultural Officer has commented that he is satisfied that this inclusion within the management plan, together with the impact of previous farming practices upon the RPAs, will ensure a satisfactory impact upon trees of amenity value.

### **Archaeology**

The majority of the site does not contain any sites currently included in the Cheshire Historic Environment Record. In addition, an archaeological watching brief during the construction of a new water main across the site did not reveal any archaeological deposits. In view of these facts and the nature of the proposed works, the Council's Archaeologist advises that it would not be reasonable to require any further archaeological mitigation across most of the area. The exception to this lies immediately to the south of Mill Lane where the new access and parking is proposed. Evaluation work was carried out at this location in connection with the proposed Adlington bypass some years ago. This revealed evidence of post-medieval buildings and features and, whilst much of the evidence was adequately recorded, it is likely that further deposits would be exposed by the construction of the visibility splay, tarmac entrance, and any other significant ground disturbance. It is therefore recommended that works in this area should be subject to a controlled top soil strip followed by the excavation and recording of any archaeological deposits that may be present, which may be secured by condition.

### **Highways**

The access to the proposed burial ground is to be taken from an existing field access that is to be upgraded as part of the application. The frequency of burials has been indicated to be

1-2 per day and to serve the visitors 32 car parking spaces are provided as well as a turning area for hearses. The Strategic Highways Manager has commented on the proposal and considers that that this number of spaces is sufficient to cater for the use proposed.

The access is to be widened to allow two-way flow and also the visibility at the access point is being improved in both directions. The access point is in excess of 30m away from the junction of London Road and is a sufficient distance away not to cause problems at the junction through traffic generation from the development, especially as the access is to be widened. No significant highway safety issues are therefore raised.

It should also be noted that the site is relatively well served by public transport, with Adlington railway station and local bus stops located a short walking distance from the site.

### **Ecology**

The Council's Nature Conservation Officer has had detailed pre-application discussions with the applicant and their ecologist. The application is supported by an acceptable phase one habitat survey and Great Crested Newt Habitat Suitability Assessment. The Great Crested Newt assessment recommends the completion of a full Great Crested Newt survey. The report was prepared prior to the proposals for the scheme being finalised.

As a result of refinements to the proposed development following pre-application discussions the Nature Conservation Officer is satisfied that great crested newts are unlikely to be affected by the proposed development. A further newt survey is therefore not required. Trees on site were identified as offering potential roosting opportunities for bats, which should be retained as part of the proposed development. Overall the proposal is not considered to have a significant impact upon nature conservation interests.

### **Amenity**

The residential dwellings along Mill Lane, which are under the applicant's control, back onto the application site, and the properties on the opposite side of London Road are located approximately 40 metres from the site boundary. It is acknowledged that from these properties the burial process would be visible, and neighbours could potentially witness mourners in some emotional distress, which could impact upon the living conditions of local residents. However, having regard the distances involved the existing vegetation and additional hedge planting, there is not considered to be any significant loss of amenity arising from the proposal.

### **Groundwater**

At the time of writing the Environment Agency were objecting to the proposal on the grounds that the proposed development may pose an unacceptable risk of causing a detrimental impact to groundwater quality because:

- Published geological mapping indicates that the site is situated above the principal aquifer of the Sherwood Sandstone at rockhead. This is shown to be overlain by superficial deposits, with glaciofluvial sands and gravels, and glacial till shown to occur at the surface.
- The site also lies within a groundwater source protection zone 2 for a nearby public water supply abstraction.

- Nearby groundwater level information indicates that the water table may be relatively close to the surface in this area.

The applicant has not submitted any ground or groundwater level information with the application. A risk assessment should be carried out, accompanied by appropriate ground investigation information to demonstrate that the land is suitable for use as a burial ground and will not pose an unacceptable risk to groundwater.

The Environment Agency will maintain their objection until they receive a satisfactory risk assessment that demonstrates that the risks to groundwater posed by this development can be satisfactorily managed.

It is understood that the applicant also had pre-application discussions with the Environment Agency, and that additional information has now been forwarded to them for consideration. It is anticipated that the additional information may overcome their concerns but Members will be advised on this matter in an update.

### **Other considerations**

With regard to the comments received in representation not addressed above, the application must be assessed on its own merits, therefore, whilst the comments relating to alternative, less visible sites are acknowledged, they cannot be afforded any weight in the determination of the application. Similarly, there is no requirement for the need of the facility to be demonstrated.

## **CONCLUSIONS AND REASON(S) FOR THE DECISION**

The proposed burial ground is not considered to be inappropriate in the Green Belt. The impact upon the visual amenity of the area is considered to be acceptable having regard to the submitted management plan, which can be secured over the longer term by legal agreement. Subject to the resolution of the concerns of English Heritage and the Environment Agency, for the reasons outlined above a recommendation of approval is made, subject to conditions and the completion of a s106 legal agreement.

### **Heads of Terms**

Should the Committee be minded to approve the application, then a s106 legal agreement would be required to include the following:

- Provision and implementation of a Landscape & Habitat Management Plan

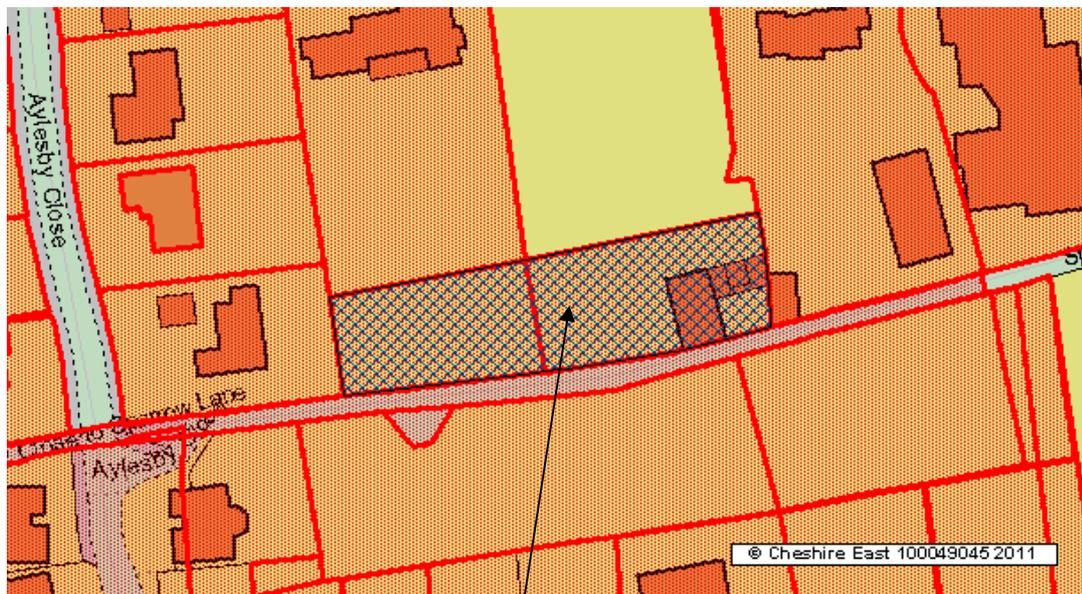
Application for Full Planning

RECOMMENDATION: Approve subject to following conditions

1. Commencement of development (3 years)
2. Development in accord with approved plans
3. Tree retention

4. Construction of access
5. Details to be approved
6. Submission of samples of building materials
7. Submission of additional landscape details
8. Archaeological investigation

# Location Plan



The Site