

Application No: 21/1920N

Location: Forget-Me-Not Fields, ADJACENT TO OLD PUSEYDALE, MAIN ROAD, SHAVINGTON, CW2 5DU

Proposal: Installation of an ecological burial ground with associated access, car parking and infrastructure with ancillary facilities.

Applicant: Simon Clutton

Expiry Date: 06-Jul-2021

SUMMARY

The change of use of the land, pathways and burial plots would not conflict purpose of the Strategic Green Gaps or the Open Countryside as identified within Policies PG5 and PG6 of the CELPS and Policy NE.4 of the C&NLP. However, there would be some minor harm from the building, access and parking areas and these elements would cause some conflict with the above policies.

There is sufficient burial space within the Borough, However, there is an opportunity to create new cemeteries to support the desire for woodland/ecological burial grounds (as identified within the Cemetery Strategy in the Medium Term). There is no such provision within the southern part of the Borough and the ecological burial ground will complement the other traditional cemeteries in the south of the Borough and offer choice to the residents of Cheshire East. This is a benefit of the proposed development.

The proposed development will not be incongruous or adversely affect landscape character. The development is also considered to be of an acceptable design. The proposed development complies with Policy SE4; the landscape requirements of Policy PG5, SE1, SD1 and SD2 of the CELPS and NE.4 of the C&NLP.

The highways impact will be minimal, and the improved access and parking provision are acceptable. The application demonstrates that a safe and suitable access can be achieved, there will be no severe impact upon the local highway network. The proposed development complies with policies BE.3 of the C&NLP, CO1, CO2 and CO4 of the CELPS, TRA1 and TRA2 of the SNP and the NPPF.

The proposed development would not cause such amenity harm to warrant the refusal of the application. The proposed development complies with Policy BE.1 of the C&NLP.

There are no objections in terms of the flood risk/drainage implications of the development. The proposed development complies with Policies SE12 of the CELPS, BE.4 of the C&NLP and ENV3 of the SNP.

There are no implications in terms of the impact upon trees, protected species and habitats. The use of the site would also provide ecological benefits, and this would weigh in favour of the application. The proposed development complies with Policy SE3 of the CELPS, NE.5 of the C&NLP and ENV2 of the SNP.

The minor harm to the Green Gap would be outweighed by the benefits of the scheme in terms of the provision of the natural burial ground in the southern part of the Borough as well as the ecological benefits of the development. On this basis the application is recommended for approval.

RECOMMENDATION

APPROVE with Conditions

PROPOSAL

This application relates to the change of use of land to be used as an ecological burial ground. The Supporting Planning Statement identifies that the site has capacity to offer up to 5500 urn burial plots covering 2.185 hectares of the site. The plot sizes would measure 2.5m x 1.5m.

The application proposes to use the existing access point off Main Road and includes the following works;

- Reception and maintenance building - 15m in length, 6m in width (excluding the overhanging canopies), and a ridge height of 4.3m.
- 29 car-parking spaces (including 4 disabled spaces)
- Introduction of the main and secondary pathways within the site
- Three small timber bridges across the ditches within the site

Since the refused application 20/5236N the application has been amended as follows;

- The amenity building has been reduced in length by 2m
- The lease for the burial plots will be for a 99-year Term to respond to the Planning Committee's request. A Trust Fund will be set up for the maintenance sinking fund, in line with the Ministry for Justice's guidance. This will endure for at least the minimum 100 year ownership term (ownership can never be issued for more than 100 years at any one time by law).

SITE DESCRIPTION

The application site extends to 3.24 hectares and is located to the west of Main Road, Shavington within the Open Countryside and Green Gap.

The site is relatively flat and includes a number of trees, hedgerows, pond and open ditches. There are four trees to the north-eastern boundary of the site which are protected by a Tree Preservation Order.

The nearest residential properties are located to the east and north-east of the site and front onto or are accessed off Main Road.

To the southern boundary of the site is a PROW Rope FP4.

RELEVANT HISTORY

20/5236N - Installation of an ecological burial ground with associated access, car parking and associated infrastructure with ancillary facilities – Refused 4th March 2021 for the following reason;

The proposed reception/maintenance building would result in the erosion of the physical gap between Shavington and Willaston causing harm to the Strategic Green Gap. The proposed development is contrary to Policies PG5 of the CELPS and NE.4 of the Crewe and Nantwich Replacement Local Plan.

20/5237N - Advertisement Consent for an entrance sign – Application Undetermined

16/5849N - Proposed Development of Three Detached Dwellings – Refused 30th January 2017

14/5883N - New Control kiosk, hardstanding and permanent access – Approved 9th March 2015

7/04145 - Siting of residential caravan – Approved 29th June 1978

NATIONAL & LOCAL POLICY

Cheshire East Local Plan Strategy – Submission Version (CELPS)

MP1 – Presumption in Favour of Sustainable Development

PG2 – Settlement Hierarchy

PG5 – Strategic Green Gaps

PG6 – Open Countryside

PG7 – Spatial Distribution of Development

SD1 - Sustainable Development in Cheshire East

SD2 - Sustainable Development Principles

SE 1 - Design

SE 2 - Efficient Use of Land

SE 3 - Biodiversity and Geodiversity

SE 4 – The Landscape

SE 5 - Trees, Hedgerows and Woodland

SE 6 – Green Infrastructure

SE 12 – Pollution, Land Contamination and Land Instability

SE13 – Flood Risk and Water Management

IN1 – Infrastructure

IN2 – Developer Contributions
CO1 – Sustainable Travel and Transport

Crewe and Nantwich Local Plan (C&NLP)

The relevant Saved Policies are:

NE4 – Green Gaps
NE5 – Nature Conservation and Habitats
NE9 – Protected Species
NE17 – Pollution Control
NE20 – Flood Prevention
BE1 – Amenity
BE3 – Access and Parking
BE4 – Drainage, Utilities and Resources
BE6 – Development on Potentially Contaminated Land
RT9 – Footpaths and Bridleways

Neighbourhood Plan

The Shavington Neighbourhood Plan (SNP) has passed referendum and can be given full weight.

ENV1 – Footpaths and Cycleways
ENV2 – Trees and Hedgerows
ENV3 – Water Management and Drainage
TRA1 – Sustainable Transport
TRA2 – Parking
ECON1 - Economy

National Policy

The National Planning Policy Framework establishes a presumption in favour of sustainable development.

Of relevance are paragraphs:

11. Presumption in favour of sustainable development.
83-84 Supporting a Prosperous Rural Economy
124-132. Requiring good design

CONSULTATIONS

Environment Agency: No objection.

CEC PROW: It appears unlikely that the development will affect the PROW. An informative is suggested.

United Utilities: A large diameter trunk main crosses the site and UU will not permit building over it – an access strip will be required in accordance with the 'Standard Conditions for Works Adjacent to Pipelines'. Planning conditions are suggested.

Flood Risk Manager: No comments received. As part of the last application it was stated that;

'No objection subject to the imposition of planning conditions and an informative'

Head of Strategic Infrastructure: No objection subject to the imposition of a planning condition and an informative.

Environmental Health: Conditions and informative suggested relating to electric vehicle charging and contaminated land.

Parks Services Manager: No comments received. As part of the last application it was stated that;

'Whilst the Council Cemetery Strategy show that the Council is providing sufficient burial space, it is apparent that many small churchyards are filling up and closing. The Council is not planning on building any replacements. The Strategy does suggest that there is an opportunity to create new cemeteries to support the growing desire for woodland/ecological burial grounds.

Therefore, whilst recognising this niche in the burial market, CEC has limited space to create this type of burial ground in our existing cemeteries. (There is a similar privately run cemetery near Mobberley in the north of the Borough.) An additional ecological burial ground in the south of the Borough will complement the other traditional cemeteries in Nantwich and Crewe and offer another choice for our communities'

VIEWS OF THE TOWN COUNCIL

Shavington Parish Council: The Parish Council agreed that the comments made on planning application No. 20/5236N (considered at the December 2020 meeting) should be repeated for planning application 21/1920N.

RESOLVED: *That the following comments be made in respect of planning application No. 21/1920N.*

- As this is a 25-year site, could the application be conditioned to enable it to be put into trust at the end of that period so that it remains a burial site.
- The applicant states that burials would be limited to two per day and they do not envisage this being a regular occurrence. Vehicles at each internment are limited to 18, but it is possible that there may be visitors to existing plots and the Parish Council is concerned about the potential increase in traffic.
- Graves to be prepared deeper than indicated.
- Ensure that the Association of Natural Burial Grounds Code of Conduct is followed.
- Could the Parish Council be provided with evidence of the 100 years of environmental benefits.

REPRESENTATIONS

Letters of objection have been received from 3 households raising the following points;

- Main Road is already overloaded with traffic and is used by many pedestrians
- There is extensive on-street parking along Main Road which results in a single-track carriage way
- The pavements are too narrow

- The prospect of having 2 burials a day plus hundreds or even thousands of graves is ridiculous and inconsiderate
- Is this ecological? and is this burial?
- No change to the application to reverse the previous committee refusal
- Most burial sites do not need a building as it would not be ecological
- Eco sites have very few paths and are expected to meet stringent transport plans
- All ecological burial sites seem to be body burials. This site would be unsuitable as it is very wet
- The plan refers to the visual impact of some of the houses and the those using the footpaths. This does not match the Shavington Plan Guidance
- It is not an ecological use of the land as body burial plots are 1.5m x 2.5m
- It is not clear if sheep are going to graze the site as per the previous application
- Concerns that the site will not be sustainable if it achieves one or two burials a week. What is the income? Is there a future maintenance fund? There is no estimated cost to maintain the building or road for a prolonged period of time
- What is the estimated percentage of the maintenance fund? With the cost for 4 part time staff, construction cost of the building, construction of the road.
- Are the plots going to be affordable to the local community?
- Will the site end up as housing?
- What percentage of deaths use interment of ashes?
- Demand is very low
- The financial viability of the site is seriously questionable
- Why is an office needed? If numbers of attendees are low and no services – then why is a meeting place needed?
- The opening hours are not suitable and excessive
- Why is there a need for 29 parking spaces?
- Soak-away from the site is already affecting a neighbouring dwelling
- The access is not wide enough to cater for the proposed use and there is no footpath
- The proposal is not inclusive for all users – wheelchair access
- Where will residents store their bins on collection day
- There is no waste collection plan for the site
- The proposed car park is a serious danger due to the proximity to the farm track
- Not clear how the gate opening will be managed
- UU reverses vehicles into the access
- The pavement crossing is not in line with the law
- There is no lighting on the lane and this will be dangerous at dusk
- Impact on privacy
- Residents will be trapped in their homes by traffic using the lane
- The proposed CCTV will be an intrusion into privacy of the adjacent properties
- The application is incomplete
- The laying of a pipe on the site means that the site has become home to rats
- The lane is not wide enough for two vehicles to pass when you take into account UU and farm vehicles which use the access. There are also deliveries of heating oil to properties on the lane
- A pedestrian footpath will reduce the width of the lane
- Widening the lane will potentially harm a protected Oak tree
- Disruption of deliveries to the properties on the lane
- If truly ecological the development would use sustainable methods of construction – they are not

- The development will set a precedent for building in the Green Gap
- This is not the correct location for an ecological burial ground as it has limited access and does not uphold the true values of an environmentally friendly burial site
- There appears to be considerable financial investment in a business which has very limited financial return

Two letters of support have been received which raises the following points;

- Shavington does not have its own burial ground and the people who live in the village should be able to have their ashes buried where they have lived rather than in the main town cemetery
- The eco-burial idea is fantastic
- It would not be used daily and not intrusive (small gatherings and no funeral cortege)
- The eco part is caring for the environment
- A better alternative to more housing being built
- This is something the whole village should embrace

One letter of general observation has been received which raises the following points;

- Not against the proposal as there is a need to bury and remember our loved one's
- Do not agree with the proximity of the site to gardens – it is insensitive to residents and those burying their loved ones
- The supporting report states that it is not farmland but there have been cows grazing on the land
- There will be a big impact upon those backing onto the site
- The report mentions screening – unless 30m conifers this will be insufficient
- No amount of screening will prevent noise – e.g. a garden party taking place in close proximity to a burial
- Has there been any consideration of the main water pumping station? When it fails UU have to use large tankers to transport the water
- Not against the idea but feel strongly about proximity to housing

APPRAISAL

Previous Refusal

The previous application was refused for one specific reason. The issue related to the amenity building eroding the physical gap between Shavington and Willaston causing harm to the Strategic Green Gap. Following from this refusal the amenity building has been reduced in size (a reduction in length by 2m).

The amenity building includes a single meeting/gathering room that can be used for visitors to gather out of the weather. It will also be used by the management to talk through the options of natural benefit which is a new concept for many people. The amenity building includes two wheelchair accessible toilets (male and female). The maintenance store will accommodate a tractor and trailer for general maintenance.

At the previous committee meeting there was concerns that the amenity building could in future be used as a dwelling. This concern was compounded by the proposed 25-year lease which was outlined in the Site Management Plan.

Following on from the previous refusal the agent for the applicant has liaised with the Ward Member and the applicant has agreed to update the Management Plan to agree to a 99-year lease.

Principle of Development

Excluding a small part of the proposed access the site lies in the Green Gap and Open Countryside, as designated in the Development Plan.

Policy PG5 of the CELPS identifies that the construction of new buildings or the change of use of land will not be granted where the development would;

- Result in the erosion of a physical gap between any of the settlements named in policy (this includes Willaston/Rope/Shavington/Crewe)
- Adversely affect the visual character of the landscape
- Significantly affect the undeveloped character of the Green Gap, or lead to the coalescence between existing settlements

The above is similar to the wording contained within Policy NE.4 of the C&NLP.

The site is also subject to Policy PG6 of the CELPS, and it is identified that other uses appropriate to a rural area will be permitted. A burial ground is appropriate in a rural area.

The proposed development involves the change of use of land to form a burial ground. The Planning Statement identifies that the deceased will be buried in a biodegradable urn with each plot being marked on a topographical survey of the land so that a GIS System can be cross referenced to ensure that accurate identification of the plots.

There is the option for a small natural stone or a tree (in the designated tree planting area to the north-west of the site) to remember the deceased. There are two types of pathway within the site; main pathways (1.5m in width and formed of compacted grey gravel) and secondary paths (1m in width and maintained mowed grass). The impact of the burial plots, headstone and pathways upon the physical gap between the settlements and the undeveloped character of the Green Gap would be neutral and it could be argued that the tree planting burial area is a benefit.

The main impact upon the Green Gap would be from the proposed amenity building, access and parking areas. These are clearly ancillary elements of the development and represent a very small part of the development. However, development such as this within the Green Gap would have some impact upon the physical gap between the settlements and the undeveloped character of the Green Gap. The level of harm is considered to be minor due to the small size of the building, carpark and access and these elements are an ancillary part of the development.

The landscape implications of the impact upon the Green Gap are considered separately within the landscape section of the report below.

The change of use of the land, pathways and burial plots would not conflict purpose of the Strategic Green Gaps or the Open Countryside as identified within Policies PG5 and PG6 of the CELPS and Policy NE.4 of the C&NLP. However, there would be some minor harm from

the building, access and parking areas and these elements would cause some conflict with the above policies. The harm will need to be considered as part of the planning balance.

Need for the Development

According to the submitted Planning Statement, natural burial is a term used to describe the burial of human remains where the burial creates habitat for wildlife or preserves existing habitats or sustainably managed farmland. The application states that the proposed natural burial site would be the first of its kind in South Cheshire with the nearest being 10 miles to the north at Winsford or 17 miles to the south at Whitchurch.

The application states that there are circa 400,000 cremations per year within the UK and there in particular there are no available sites locally that are not tied to a particular religion or faith.

The CEC Cemeteries Strategy identifies the following grave capacity within the Borough;

Cemetery	Available	Created	Extension	Total
Alderley Edge	322		1,000	1,322
Congleton	792			792
Crewe Coppenhall	0			0
Crewe Badger Avenue	0			0
Crewe Meadow Brook	6,705			6,705
Knutsford	426			426
Macclesfield	2,718			2,718
Nantwich	918			918
Sandbach	115	120		235
Weston	0	26	448	474
Wilmslow	283			283
Totals	12,279	146	448	13,873

Figure 5: Summary of grave capacity

Figure 3 – Summary of Grave Capacity in Cheshire East

As stated within the consultation response from the Parks Services Development Manager above, there is sufficient burial space within the Borough. However, he also notes that there is an opportunity to create new cemeteries to support the desire for woodland/ecological burial grounds (as identified within the Cemetery Strategy in the Medium Term).

On this basis the provision of an ecological burial ground will complement the other traditional cemeteries in the south of the Borough and offer choice to the residents of Cheshire East. The need for this type of development is a benefit which will be weighed within the planning balance.

Residential Amenity

There are residential properties to the east facing onto Main Road and dwellings located off the access to the site (55, 57 Main Road and Old Pusey Dale).

The use of the site as a burial ground would not cause any harm to residential amenity. Such uses are often located alongside residential properties and do not raise issues such as noise and disturbance.

The proposed access and carpark do have the potential to impact upon residential amenity. However, the level of use and the low level of vehicular movements associated with this use (as discussed within the highways section) would mean that the proposed access and carpark would not cause such harm to warrant the refusal of the application on amenity grounds.

The proposed reception and amenity building would be 40m from the nearest dwelling (Old Pusey Dale). Given the off-set location and existing boundary treatment this would not harm residential amenity.

The proposed development would comply with Policy BE.1 of the Crewe and Nantwich Local Plan.

Design

The proposed building is of a simple design with a pitched roof. It would be finished in timber to soften the impact of the development within the Open Countryside/Green Gap location.

The design of the building and car-parking is acceptable and would not conflict with Policies SE1, SD1 and SD2 of the CELPS.

Contaminated Land

The application site has a history of agricultural use and therefore the land may be contaminated. A standard condition is suggested in relation to unexpected contamination on the site.

Trees

The application site comprises of pastureland which benefits from established hedgerows, small groups of younger trees and occasional mature trees. Several mature Oaks located along the south eastern boundary of the site to the rear of Pusey Dale Close are afforded formal protection by the Borough of Crewe & Nantwich (Main Road, Shavington) Tree Preservation Order 1985.

The site has been supported by a Tree Report by Yew Tree & Gardens. The report has assessed all trees and hedgerows on the site in accordance with BS5837:2012, Trees in relation to design, demolition and construction - Recommendations. The report indicates that the intention is to retain all recorded trees on the site while accommodating the proposed burial ground.

The submitted Landscape Layout suggests that trees and natural features will be retained. While the principal of the proposal appears acceptable, for the avoidance of doubt, the

proposed development layout in terms of any level's changes, footpath positions and location of burial plots should be indicated onto a tree constraints plan to clearly identify areas where any conflicts may arise in close proximity to retained trees (this could be controlled via the imposition of a planning condition). An additional condition could be imposed to ensure that burial plots do not occur within RPA's of retained trees on the site.

Subject to the above conditions the development complies with Policies SE3 and SE5 of the CELPS, Policy NE.5 of the C&NLP and Policy ENV2 of the SNP.

Landscape

The application site is undulating pastureland that covers an area of approximately 3.2 hectares with a variety of boundary features including hedgerows, trees and some fencing. There are a number of trees towards the central part of the site and along the rear of properties that lie between the site and Main Road. Footpath FP 4 Rope follows runs along the south-western boundary of the application site.

As part of the application an Outline Landscape and Visual Appraisal has been submitted. The Appraisal identifies the landscape Character of the application site as LCT 7: Lower Wooded Farmland, and specifically LCA 7f Barthomley. The Appraisal provides minimal information on the proposals, but the Support Planning, Design and Access Statement indicates that the application site could accommodate up to 5500 urn burial plots, each plot being 2.5 x 1.5m, which would cover approximately two-thirds of the site

The Statement indicates that the majority of trees will be retained, that natural materials will be used for paths and tracks, along with new tree, hedgerow and scrub planting. It also indicates that each individual site will be identifiable with a Geotag, but that parties may opt for a recessed natural stone or a tree in the designated area of planting. The submitted Landscape Masterplan shows an area towards the northern part of the site for tree planting burials; it will therefore be necessary to have a limited number of tree burials. The same plan identifies the location of the proposed reception/store building and associated car parking area.

There is a trunk main located towards the southern part of the application site. Submitted information indicates that this does not require the removal of any trees and that since footpaths are gravel, and burials 2ft deep and could be dug by hand, that this would cause no issue. There is an easement along such routes (normally 10m) and no burials would take place within the easement of this trunk main.

The Councils Landscape Architect has stated that he would broadly agree with the submitted appraisal that the proposals will not be incongruous in relation to the surrounding landscape character and that the proposals will not adversely affect the landscape character; he would also agree that the visual impacts will be negligible.

The proposed development complies with Policy SE4; and the landscape requirements of Policy PG5 of the CELPS and NE.4 of the C&NLP.

Highways

The site is currently a field with little vehicle movement associated with it, with an existing access off Main Road. The proposal is for a natural burial site for up to which will take 10 to 20 years to fill. The plots will be accessed via an amended access off Main Road and off-road parking will be provided.

The proposal will provide up to 2 urn burials per day and any funeral services will take place off-site prior to the burial.

The site is accessed from Main Road which provides footway connection for pedestrians to the wider Shavington area including bus stops which are a short walk away on Main Road and Greenfields Avenue. The national cycle route 551 runs through the north of Shavington a short distance from the site.

Visibility splays of 43m in both directions would be provided and a site visit confirmed that visibility is sufficient, subject to a hedge of an adjacent property being trimmed back.

The existing access is narrow but will be widened to 5m from the point of access off Main Road to the parking area, which is wide enough for 2 cars to pass each other and is considered acceptable.

The plan shows the access to be gravel but off Main Road it will need to be bounded material which can be secured via the imposition of a planning condition.

The applicant has stated that an urn burial is generally limited to the immediate family, such as partner, children, parents, with no hearse or funeral cortege, and the vehicle movement associated with a burial will be up to 3 vehicles. There will be up to 2 burials per day; one in the morning and another in the afternoon.

The busiest days for visiting burial sites are generally Sundays, and the applicant has stated that there will be no burials or maintenance staff present on a Sunday. They anticipate a maximum of 10 visitors at any given time which is considered reasonable assuming the site is filled, and visits are spread over the course of a year.

Car parking provision for 29 spaces is proposed. Given the number of visitors expected and that burials will not take place on the busiest days, this is considered sufficient. The number of spaces will also cater for fluctuations in demand for odd occasion when more visitors attend.

One of the letters of representations refers to alterations to the existing access. This involves the removal of some kerbing as well as other works. This does not affect this application as a scheme for the proposed access is provided within the submitted Transport Statement. A condition will be imposed to ensure that the amendments to the access are provided prior to the first use of the development.

The highways impact will be minimal, and the improved access and parking provision are acceptable. The application proposes a safe and suitable access can be achieved, there will be no severe impact upon the local highway network. The proposed development complies with policies BE.3 of the C&NLP, CO1, CO2 and CO4 of the CELPS, TRA1 and TRA2 of the SNP and the NPPF.

Ecology

Breeding Birds

In order to safeguard breeding birds a standard planning condition could be imposed regarding the timing of works.

Habitats

Areas of scrub in the southern section of the site are shown as retained and created on the proposed plans, whilst the pond is labelled as being retained and improved. An ecological method statement should be submitted detailing the proposed habitat creation/retention/improvements and how they will be achieved. This can be secured via the imposition of a planning condition.

Hedgerow

Hedgerows are a priority habitat and hence a material consideration. If planning consent is granted, a landscape condition can be attached that includes the retention and enhancement of existing hedgerow where possible, and compensatory native species planting to compensate for any sections of hedgerow unavoidable loss.

Ecological Enhancement

Local Plan Policy SE 3(5) requires all developments to aim to positively contribute to the conservation of biodiversity. This planning application provides an opportunity to incorporate features to increase the biodiversity value of the final development in accordance with this policy. It is recommended that if planning permission is granted a condition should be attached which requires the submission of an ecological enhancement strategy.

Great Crested Newts (GCN)

There is a pond on site and several in the surrounding area. However, the onsite pond tested negative for GCN eDNA and the ecologist concluded that the proposals are unlikely to present a risk to GCN.

Flood Risk/Drainage

The application site is located within Flood Zone 1. This land is defined as having a low probability of flooding.

The application has been subject to consultation with the Councils Flood Risk Officer, United Utilities and the Environment Agency. UU and the EA have stated that they have no objection to the development subject to the imposition of drainage conditions. The Councils Flood Risk Officer has not provided any formal comments, but he raised no objection as part of the previous application.

A condition will be imposed to safeguard the water main on the site and a condition will also be imposed to ensure there will be no burials within the easement.

The proposed development complies with Policies SE12 of the CELPS, BE.4 of the C&NLP and ENV3 of the SNP.

PROW

PROW Rope FP4 is located to the south of the site and would not be affected by the development. An informative will be attached to any approval to protect the PROW.

Other issues

The site will have to adhere to the Institute of Cemetery and Crematorium Management (ICCM) and Government legislation to operate legally. The burial site and burial plots will be managed and operated for a minimum of 99 years from the last burial taking place at the site. After the lease expires on any given urn burial plot there should be no subsequent material change to the grazing of the fields by sheep, which will continue to be grazed during the operation of the burial site.

The site will be managed in accordance with the Ministry of Justice's guidance for Natural Burial Ground Operators (2009) and a Management Plan has been provided to confirm this. This will be controlled via the imposition of a planning condition.

CONCLUSION/PLANNING BALANCE

The change of use of the land, pathways and burial plots would not conflict purpose of the Strategic Green Gaps or the Open Countryside as identified within Policies PG5 and PG6 of the CELPS and Policy NE.4 of the C&NLP. However, there would be some minor harm from the building, access and parking areas and these elements would cause some conflict with the above policies.

There is sufficient burial space within the Borough, However, there is an opportunity to create new cemeteries to support the desire for woodland/ecological burial grounds (as identified within the Cemetery Strategy in the Medium Term). There is no such provision within the southern part of the Borough and the ecological burial ground will complement the other traditional cemeteries in the south of the Borough and offer choice to the residents of Cheshire East. This is a benefit of the proposed development.

The proposed development will not be incongruous or adversely affect the landscape character. The development is also considered to be of an acceptable design. The proposed development complies with Policy SE4; the landscape requirements of Policy PG5, SE1, SD1 and SD2 of the CELPS and NE.4 of the C&NLP.

The highways impact will be minimal, and the improved access and parking provision are acceptable. The application proposes a safe and suitable access can be achieved, there will be no severe impact upon the local highway network. The proposed development complies with policies BE.3 of the C&NLP, CO1, CO2 and CO4 of the CELPS, TRA1 and TRA2 of the SNP and the NPPF.

The proposed development would not cause such amenity harm to warrant the refusal of the application. The proposed development complies with Policy BE.1 of the C&NLP.

There are no objections in terms of the flood risk/drainage implications of the development. The proposed development complies with Policies SE12 of the CELPS, BE.4 of the C&NLP and ENV3 of the SNP.

There are no implications in terms of the impact upon trees, protected species and habitats. The use of the site would also provide ecological benefits, and this would weigh in favour of the application. The proposed development complies with Policy SE3 of the CELPS, NE.5 of the C&NLP and ENV2 of the SNP.

The minor harm to the Green Gap would be outweighed by the benefits of the scheme in terms of the provision of the natural burial ground in this part of the Borough as well as the ecological benefits of the development. On this basis the application is recommended for approval.

RECOMMENDATION:

APPROVE subject to the following conditions;

- 1. Standard Time**
- 2. Approved Plans**
- 3. Breeding Birds – timing of works**
- 4. Ecological Method Statement to be submitted and approved**
- 5. Ecological Enhancement Strategy to be submitted and approved**
- 6. Landscaping to be submitted**
- 7. Landscaping to be implemented**
- 8. Details of any level's changes, footpath positions and location of burial plots should be indicated onto a tree constraints plan**
- 9. Burial plots shall not occur within RPA's of retained trees on the site**
- 10. No more than two burials a day and no burials to take place on a Sunday**
- 11. Provision of the proposed access**
- 12. Surfacing details for the proposed access and parking areas to be submitted for approval (the access should consist of a bound material for the 1st 20m off Main Rd to prevent stones and debris being deposited onto the highway)**
- 13. Parking spaces to provided prior to the first use of the site**
- 14. Unexpected contamination**
- 15. Construction Risk Assessment Method Statement – UU infrastructure**
- 16. Surface water drainage to be submitted and approved**
- 17. No burials within the UU easement**
- 18. Compliance with the submitted Management Plan**

In order to give proper effect to the Board`s/Committee`s intentions and without changing the substance of the decision, authority is delegated to the Head of Planning (Regulation), in consultation with the Chair (or in his absence the Vice Chair) of Southern Planning Committee, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice

