

SCHEDULE "A1" TO THE AGENDA FOR THE
WESTERN PLANNING COMMITTEE
16 DECEMBER 2009

Applications subject to public speaking.

Background Papers (DoP&D)

Background papers (as defined by Section 100D(5) of the Local Government Act 1972) relating to this report are listed under the "Representations" heading for each planning application presented, or may be individually identified under a heading "Background Papers".

The implications for crime, disorder and community safety have been appraised in the following applications but it is not considered that any consideration of that type arises unless it is specifically referred to in a particular report.

A1	WA/2009/1407 Woodland Green Ltd 29/09/2009	<u>Change of use of agricultural land to cemetery and woodland burial site on land at Hale Road, Farnham (as amplified and amended by letter dated 13.11.09, plan received 13.11.09 and Tier 1 Ground Risk Assessment received 16.11.09 and e-mails dated 10.11.09 and 06.11.09)</u>
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Grid Reference:	E: 484798 N: 148397
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Town:	Farnham
Ward:	Farnham Upper Hale and Farnham Hale and Heath End

Case Officer:	Mrs H Hobbs
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8 Week Expiry Date	29/12/2009
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Neighbour Notification Expiry Date	06/11/2009
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Neighbour Notification
Amended/Additional Expiry Date

RECOMMENDATION	That permission be GRANTED subject to conditions
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Site Description

The application site comprises 6 ha of land currently used for the grazing of horses between Farnham Park and St John's Church Hale. The site abuts the rear gardens of properties in Upper Hale Road and Oast House Lane. The site is accessed from the Hale Road lay-by on its eastern side, which is currently used as the access to Farnham Park Hotel. The site slopes from north to south and is traversed by overhead pylons. On the north-east side the site abuts land for which planning permission has already been granted for use as a cemetery and this land is currently being prepared for this purpose.

Proposal

The application relates to the change of use of land to cemetery and woodland burial site. The cemetery element would be an extension of approximately 1.1 ha of the site previously approved for this use. This part is located to the west of the Church and the area already permitted as a cemetery extension. This part of the site does not adjoin any residential curtilages.

The remainder of the site (4.9 ha), with the exception of a parking area, would be given over to the woodland burial ground. The applicant has explained that the woodland burial ground would be an area of managed landscape in which burials would take place. The graves, unlike in a traditional cemetery, would not be marked with gravestones.

The woodland burial area would be maintained in private ownership and actively managed. Access would be from Hale Road and would be available for use by those connected with the burial site. The financial viability of the proposed use would rely upon it being well maintained and therefore the applicant would have an interest in ensuring that it did not become a location that attracts antisocial behaviour. A 10 m wide landscaped strip is proposed to separate the site from the rear gardens of the adjoining properties. The applicant suggests that planting would be chosen to discourage access thereby enhancing the security at the rear of these properties. Fencing would be reviewed and replaced as necessary.

The applicant has amended the application to show the provision of 19 on site parking spaces, which would be in addition to spaces which exist for the hotel. These new spaces would be provided alongside the existing track. The parking spaces would be created using scalping or shingle and would therefore be permeable to water.

Coffins would be transported from the end of the access road, either by pallbearers or pulled on a trolley. An objective of the woodland burial site would be to provide as natural an experience as possible, avoiding mechanical transport.

The applicant has submitted a landscape plan showing that the site would be managed with a mixture of native woodland and glades. It is pointed out that the existing landscape quality is not high and is harmed by the electricity pylons. The

aim is to enhance the landscape. The plan shows areas where trees would be planted so that eventually there would be small copses of trees interspersed with glades and meadows. The planting would take place when burials happen and therefore it could take many years for the copses to become established. The applicant states that burials would first take place nearest to Farnham Park and would gradually extend westwards in accordance with the landscape plan. The landscape change would therefore be very gradual.

The site would be managed by the site owner and a company that specialises in woodland burials.

The proposed paths, like the parking area, would be created from scalping or shingle to allow water to permeate into the ground.

The siting of burials is restricted to non-water course sensitive areas. The applicant has confirmed that the nearest Source Protection Zone lies over 250 metres to the south of the site. A Ground Water Risk Assessment has been submitted as part of the application.

Relevant Planning History

WA/2007/0175	Erection of stables, sand school and a barn (revision of WA/2006/1488) (as amended by letter dated 01/03/07 and plan received 01/03/07). (Adjacent to Site).	Full Permission 08/03/2007
WA/2006/1868	Erection of an extension to form additional bedrooms (as amended by plans received 14/09/06 and 27/09/06 and letters dated 13/09/06 and 27/09/06). (Adjacent to Site).	Full Permission 29/09/2006
WA/2006/1488	Erection of stables, sand school and barn; widening of existing hard standing to form parking area (as amended by letter dated 20/07/06). (Adjacent to Site).	Refused 09/08/2006 Appeal Withdrawn 12/03/2007
WA/2006/1217	Use of land as an extension to cemetery (renewal of WA/2001/2331). (Adjacent to Site).	Full Permission 05/09/2006
WA/2003/2108	Continued use of premises for mixed use Class C1 (guest house) and Class A3 (restaurant) purposes; retention of an existing extension and erection of a further extension; retention of existing parking area. (Adjacent to Site).	Refused 18/12/2003 Appeal Dismissed 17/05/2004

WA/2001/2331	Use of land as an extension to cemetery. (Adjacent to Site).	Full Permission 30/01/2002
WA/2001/2205	Erection of extensions to provide 40 additional bedrooms, new restaurant and conference / function facilities ancillary to existing use following demolition of certain existing buildings; provision of car parking for hotel and adjacent church; modification.	Refused 11/06/2002 Appeal Dismissed 28/03/2003
WA/2000/2035	Outline application for the erection of an 80 bedroomed hotel with ancillary restaurant, leisure and function facilities, parking for hotel and adjacent Church and construction of an access to Six Bells roundabout (as amplified by letters dated 04/01/01.	Refused 26/04/2001
WA/1999/1952	Change of use to guest house (as amended by letters dated 14/12/99, 21/01/00, 21/02/00 and 29/02/00 and plans received 14/12/99, 21/01/00, 21/02/00 and 01/03/00). (Adjacent to Site).	Full Permission 06/03/2000
WA/1999/0346	Change of use and conversion of milking parlour to provide a single dwelling; use of land as residential curtilage and construction of access drive (revision of WA98/1816). (Adjacent to Site).	Full Permission 30/04/1999

Planning Policy Constraints

Thames Basin Heath Buffer Zone
Electricity supply Line
Area subject to special advertisement control.
Countryside beyond the Green Belt (C2) – outside development area
Area of Great Landscape Value (C3)

Development Plan Policies and Proposals

Policies C2, C3, D1, D4, CF2, M2 of the Waverley Borough Local Plan 2002
Policies CC1, CC3, CC4, CC6, CC8, NRM2, NRM5, C4, C5 of the South East Plan 2009

Consultations and Town Council Comments

Farnham Town Council: No objections.

Environment Agency: No objection –detailed comments contained in body of report.

County Highway Authority: No objection.

Original Scheme:

Surrey Police: Cemeteries away from buildings are often used as gathering places and there can be signs of litter including beer tins etc. However, this is true of most open spaces. There appears to be a footpath running along the boundary in Farnham Park. I would recommend that the proposed footpath in a loop round the large area should not take place and shorter footpaths with no connection be thought of. I appreciate that, with an open space, they could still walk across, but these would formalise the walking areas and hopefully deter people from walking near to the private areas at the bottom of the plan.

Amended Scheme:

Not yet received, to be reported orally.

Environmental Health Officer:

Private Water Supplies and Ground Disturbance:

It is necessary for burial grounds to be more than 250 m from a potable spring. There would appear to be no such private water supplies within this area, however, this information should be considered in association with comments made by the Environment Agency regarding other possible water sources that could be affected.

It should be ensured that the proposed site is on an appropriate soil type to minimise ground disturbance and possible contamination of other sources. It is also suggested in the Association of Natural Burial Grounds document that the bodies be buried at a depth of 4 ft 3 inches. I would suggest that this is too shallow and may present a problem where foxes and other animals may disturb the bodies. Consideration needs to be given to the depth dependant on soil conditions.

It will be necessary for consideration to be given to ensure that the premise does not cause disturbance to the adjoining or neighbouring properties, particularly from the movement of patrons and the work activities / practices.

Recommends condition relating to lighting. The other issues raised by the EHO would be controlled by other legislation.

Representations

26 letters of objection and 2 letters of observation raising the following concerns:

- AGLV.
- Contiguous with Farnham Park forming a large rural area, land should remain rural.
- Land could never again be used for agriculture.
- Land is used for grazing.
- Visitors causing noise, disturbance.
- Disturbance to wildlife.
- Unneighbourly.
- Loss of light and overshadowing.
- Loss of privacy.
- Security of homes compromised – properties more vulnerable to criminal and anti-social behaviour including motorbikes.
- Need secure fences.
- Inadequate parking.
- Concerns about highway safety.
- Increased traffic when burials coincide with church functions.
- Ground contamination and contamination of watercourse.
- Flooding.
- Risk of erosion.
- Inappropriate and distasteful in close proximity to residential properties – bodies being buried close to and within sight of houses.
- Need to comply with legal statutes.
- Open landscape would be crowded with trees.
- Concern about tarmac path.
- Concerned about future maintenance and danger of land becoming derelict.
- Plants may aggravate allergy.
- Smells.
- Usually this type of development is in the country.
- Tree species should not require high levels of water due to danger of shrinkage of clay.

23 letters of support making the following points:

- A beautiful spot for a cemetery.
- Running out of space to bury people – cemetery needed.
- Will provide and preserve the natural environment and will stop building on the land forever.
- Natural setting will create peace and tranquillity for mourners.
- Much needed grave space.
- Turn land into a mini forest will become natural woodland creating sanctuary for wildlife.
- Effective and permanent alternative to traditional funerals.
- At present no agricultural use.

Determining Issues

- Impact on the countryside and AGLV.
- Impact on neighbours / security.
- Parking and access.
- Flooding and water contamination issues.
- Other issues raised by third parties.

Planning Considerations

Impact on the countryside and AGLV

Cemeteries and woodland burial sites are considered acceptable, in principle, in countryside areas subject to Policy C2 because they retain the openness of the area and are a form of community use. The land the subject of this application plays a significant role in separating Hale and Upper Hale from Central Farnham. The importance of this space was noted by the Inspector who dismissed an appeal for a 40 bedroomed hotel on the site in March 2003. The Inspector commented at the time that “the amount of built form, hard surfacing and urban landscape features would encroach into the open countryside to the south-west of the Church. This would result in a substantial urbanisation of the countryside and erosion of the important gap between North Farnham and Central Farnham”.

The site adjoins Farnham Park to the west but is less attractive than the Park as it has been used for the grazing of horses for a number of years and electricity pylons and associated wires, which cross the site, detract from its appearance. The proposal would maintain the rural character and openness of the land and would, over time, enhance the visual appearance, as the grazing land would be replaced with native planting in the form of copses with glades in the area proposed for the woodland burials. The use would maintain the openness of the countryside and ensure that this part of the important space between North Farnham and Central Farnham is retained. Officers consider that the proposal would be in keeping with the countryside and AGLV policies and that the use would conserve and enhance the landscape character of the AGLV.

Impact on neighbours / security

The site abuts residential gardens to the north and there are residential properties to the south-east close to the entrance. The landscaping plan submitted on 13.11.09 shows a 10 m. wide planted buffer strip, which would be planted to separate the woodland burial ground from the residential gardens of the adjoining properties. The area proposed for the conventional graveyard does not abut any residential curtilages because it is adjacent to the existing churchyard and the previously approved cemetery extension.

Officers consider that the amount of activity on the site would be limited and that other than the time when a burial is actually taking place visitors would be few and far between. The buffer zone would ensure that direct overlooking of properties would be avoided and adequate fencing, as required by recommended condition 3, would protect properties from intruders. The applicant has confirmed that access to and from the site would be from Hale Road and therefore the site would not offer an opportunity to be used as a cut through for criminals. As the site would be managed, any antisocial behaviour would be unlikely.

Parking and access

The existing access to the Farnham Park Hotel would be used and the County Highway Authority has no objection to make on highway safety, capacity or policy grounds. The landscaping plan submitted shows parking for 19 cars, in addition to the existing hotel parking. This is likely to cater for most burials. The parking would be informal in nature and therefore would be accommodated without detriment to the character of the landscape. A turning head is also proposed.

Flooding and water contamination issues

The Environment Agency has no objection to the proposal. A Tier 1 Groundwater risk assessment (submitted 16.11.09) has been reviewed by the EA. The site falls within the low-risk category and therefore risk to groundwater posed by the extension to the cemetery are minimal. The EA agrees that no groundwater sampling is required.

The EA confirms that it has a record of a field drain that cuts through the area where graveyard headstones are proposed. The EA's guidance is that burial sites should not be located within 10 metres of any field drain. A buffer zone should be established and maintained along the ditch and this is now shown on the amended plan submitted 13.11.09.

The EA has agreed that, although the site is over 1 ha and within Flood Zone 1, a full Flood Risk Assessment is not required subject to a condition relating to the surfacing of the hard surfaces.

Other issues raised by third parties

Many of the concerns of local residents have been addressed above. The EH, CHA and Environmental Health officers have no concerns subject to conditions. At present, many local residents enjoy views across the land. These views should not be prejudiced but over time the landscape would change from one of fields used for grazing to one of copses with meadows and glades, which would provide habitats for wildlife and will help to screen the pylons. In any event, the planning system cannot protect views over neighbouring property.

Conclusion

The proposed use of the application site for a cemetery and woodland burial site would maintain the open character of the area and with careful planting would, over time, enhance the character and appearance of the area whilst maintaining this important visual break between Hale, Upper Hale and Central Farnham. It would enhance the environs of Farnham Park for the foreseeable future. The applicant has shown that he would be able to comply with the necessary constraints imposed by the Environment Agency.

Recommendation

That permission be **GRANTED** subject to the following conditions:

1. Condition
No development shall take place until a detailed planting scheme has been submitted to and approved by the Local Planning Authority in writing. The planting scheme shall include the time scale for the planting. The planting shall be carried out strictly in accordance with the agreed details and timescale or as otherwise agreed in writing with the Local Planning Authority. The planting shall be maintained to the satisfaction of the Local Planning Authority for a period of 10 years after planting, such maintenance to include the replacement of any trees and shrubs that die or have otherwise become, in the opinion of the Local Planning Authority, seriously damaged or defective. Such replacements to be of same species and size as those originally planted.

Reason

To safeguard the character and appearance of the area and to accord with Policies C2, C3, D1 and D4 of the Waverley Borough Local Plan 2002.

2. Condition
No development shall take place until a schedule of landscape maintenance for a minimum period of 10 years has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its implementation. Development shall be carried out in accordance with the approved schedule.

Reason

To safeguard the character and appearance of the area and to accord with Policies C2, C3, D1 and D4 of the Waverley Borough Local Plan 2002.

3. Condition
No development shall take place until details of fencing along the northern, north eastern and north western boundaries of the site and any other proposed screen walls or fences, or other means of enclosure, have been submitted to and approved by the Local Planning Authority in writing and such walls or fences or means of enclosure as may be approved by the Local Planning Authority shall be erected within a period of 2 months from the date of commencement of any part of the approved development, and thereafter be maintained.

Reason

To safeguard the character and appearance of the area and the amenities of the occupiers of neighbouring properties and to accord with Policies C2, C3, D1 and D4 of the Waverley Borough Local Plan 2002.

4. Condition

No development shall take place until such time as a scheme to ensure that new paths, pavements and hard surfacing areas as part of the proposed development areas shall be of permeable/porous construction to allow the infiltration of surface water through them has to be submitted to and approved in writing by, the Local Planning Authority.

The scheme shall be fully implemented and subsequently maintained, in accordance with the timing/phasing arrangements to be submitted or any other periods as may subsequently be agreed, in writing by the Local Planning Authority. The development shall only be carried out in accordance with the detail of the scheme agreed and thereafter shall be retained.

Reason

To prevent an increase in surface water runoff and associated flood risk from the site and to safeguard the character and appearance of the area and the amenities of the occupiers of neighbouring properties and to accord with Policies C2, C3, D1 and D4 of the Waverley Borough Local Plan 2002.

5. Condition

No floodlighting or other form of external lighting scheme shall be installed unless it is in accordance with details which have previously been submitted to and approved in writing by the Local Planning Authority. Such details shall include location, height, type and direction of light sources and intensity of illumination. Any lighting, which is so installed, shall not thereafter be altered without the prior consent in writing of the Local Planning Authority other than for routine maintenance that does not change its details.

Reason

To safeguard the character and appearance of the area and to accord with Policies C2, C3, D1 and D4 of the Waverley Borough Local Plan 2002.

6. Condition

The plan number to which this permission relates is 228-012. The development shall be carried out in accordance with the approved plans. No material variation from these plans shall take place unless otherwise first agreed in writing with the Local Planning Authority.

Reason

In order that the development hereby permitted shall be fully implemented in complete accordance with the approved plan and to accord with Policies C2, C3, D1 and D4 of the Waverley Borough Local Plan 2002.

7. Condition
Within the area proposed for woodland burials no gravestones or monuments shall be erected. Within the cemetery no gravestones or monuments shall exceed 1 metre in height, without the prior approval in writing of the Local Planning Authority.

Reason

To safeguard the character and appearance of the area and to accord with Policies C2, C3, D1 and D4 of the Waverley Borough Local Plan 2002.

8. Condition
Before any development commences details shall be submitted to and approved in writing by the Local Planning Authority of the depth of the proposed burials. The burials shall be carried out in direct accordance with the agreed details.

Reason

To safeguard the character and appearance of the area and the amenities of the occupiers of neighbouring properties and to accord with Policies D1 and D4 of the Waverley Borough Local Plan 2002.

9. Condition
The proposed 10m. buffer zones, adjacent to residential properties and alongside an existing filed drain, as shown on drawing 228-012, shall be provided and maintained and shall at no time be used for burials.

Reason

To safeguard the water quality of the field ditch and to safeguard the character and appearance of the area and the amenities of the occupiers of neighbouring properties and to accord with Policies C2, C3, D1 and D4 of the Waverley Borough Local Plan 2002.

SUMMARY OF REASONS FOR GRANTING PERMISSION

The development hereby approved has been assessed against the following Development Plan policies: Policies C2, C3, D1, D4, CF2, M2 of the Waverley Borough Local Plan 2002, Policies CC1, CC3, CC4, CC6, CC8, NRM2, NRM5, C4, C5 of South East Plan 2009 and material considerations, including third party representations. It has been concluded that the development would not result in any harm that would justify refusal in the public interest.

Informatives

1. "IMPORTANT" This planning permission contains certain conditions precedent that state 'before development commences' or 'prior to commencement of any development' (or similar). As a result these must be discharged prior to ANY development activity taking place on site.

Commencement of development without having complied with these conditions will make any development unauthorised and possibly subject to enforcement action such as a Stop Notice. If the conditions have not been subsequently satisfactorily discharged within the time allowed to implement the permission then the development will remain unauthorised.

2. On 6 April 2008 a new fee was introduced by the Town and Country Planning (Fees of Applications and Deemed Applications) (Amendment) (England) Regulations 2008. This fee relates to requests to discharge a condition on a planning consent. The fee payable is £85.00 or a reduced rate of £25.00 for household applications. The fee is charged per written request not per condition to be discharged. A Conditions Discharge form is available and can be downloaded from our web site.

Please note that the fee is refundable if the Local Planning Authority concerned has failed to discharge the condition by 12 weeks after receipt of the required information.

3. The applicant is advised that further guidance on pervious paving can be found within the freely available document CIRIA C697 'The SUDS Manual' (www.ciria.org).
There are a number of watercourses which pass through the site. Please note that the erection of flow control structures or any culverting of a watercourse, or works on/with the watercourse requires the prior written approval of the Environment Agency under s.23 of the Land Drainage Act 1991 or s.109 of the Water Resources Act 1991. This permission is separate from planning permission and can not be considered retrospectively. These proposals need to be considered in detail through the Flood Defence Consent process. The Environment Agency resists culverting on nature conservation and other grounds and consent for such works will not normally be granted except for access crossings.

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