

MC/16/0796

Date Received: 19 February, 2016

Location: Former Butthaw Meadow, Vicarage Lane, Hoo St Werburgh, Rochester, Kent

Proposal: Change of use of land from agricultural to burial ground

Applicant: Hoo St Werburgh Parish Council

Agent: Mrs M Rees Hoo St Werburgh Parish Council 160 Main Road
Hoo Rochester Kent ME3 9HB

Ward Peninsula

Recommendation of Officers to the Planning Committee, to be considered and determined by the Planning Committee at a meeting to be held on 3 May 2016.

Recommendation - Approval with Conditions

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:

Site Location Plan - BUTTHAW/015, Site Features Plan - BUTTHAW/011 and Block Plan - BUTTHAW/012 received 19 February 2016 and Landscaping and Access Details (revised) - BUTTHAW/013a received 6 April 2016.

Reason: For the avoidance of doubt and in the interests of proper planning.

- 3 No development shall take place until full details and a plan of all soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. The details shall include a plan indicating the written specifications (including cultivation and other operations associated with grass and plant establishment, aftercare and maintenance); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate and implementation programme of all soft landscaping. The plan shall include the provision of a visual screen surrounding the site (such as a native hedgerow) and shall avoid the uses of ornamental shrubs.

Reason: Required prior to commencement of development to avoid any irreversible damage to the countryside and to ensure that the development protects and enhances the appearance and character of the site and surrounding landscape, in accordance with Policies BNE1 and BNE25 of the Medway Local Plan 2003.

4 In this condition, "retained tree" refers to the oak tree west of 16 Vicarage Lane and identified on drawing number BUTTHAW/013. No development shall commence until there has been submitted to and approved in writing by the Local Planning Authority:

- a) A tree protection plan* on a scale drawing, informed by descriptive text where necessary, based upon the finalised proposals. The plan must show retained trees, their root protection area, and the tree and landscape protection measures.
- b) Arboricultural method statements (methodology), appropriate to the proposal, for the implementation of any aspect of development that is within the root protection area, or has the potential to result in loss of or damage to a tree to be retained. The details should incorporate relevant information from other specialists as required. Particular attention should be given to:
 - i. Removal of any existing structures or hard surfacing;
 - ii. The installation of temporary ground protection where necessary;
 - iii. Any excavations or requirement for specialized trench less techniques;
 - iv. The installation of new hard surfacing – materials, design constraints and implications for levels;
 - v. Any retaining structures required to facilitate changes in ground levels;
 - vi. Any preparatory works for new landscaping such as soil cultivation;
 - vii. The alignment of utility apparatus including drainage.

Details shall accord with the recommendations contained in British Standard 5837:2012 Trees in relation to design, demolition and construction - Recommendations or any revision thereof and shall be carried out as described and approved before any equipment, machinery or materials are brought on to the site for the purposes of the development. No alterations or variations to the approved details shall be made without prior written consent of the local planning authority and they shall be maintained until all equipment, machinery and surplus materials have been removed from the site.

Reason: Required before commencement of development to avoid any irreversible damage to retained trees pursuant to section 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality, in accordance with Policies BNE1 and BNE6

of the Medway Local Plan 2003.

For the reasons for this recommendation for approval please see Planning Appraisal Section and Conclusions at the end of this report.

Proposal

This application seeks planning permission for the change of use of agricultural land to a burial ground. This would involve levelling the site and it would be laid to grass with pathways and a shrub border, with two access gates provided fronting onto Vicarage Lane.

The application site comprises two areas of land, with a pathway that runs between the two areas. One plot had planning permission for a change of use to burial ground in 2002 (please see background section of this report), which was not implemented. This area of land is rectangular in shape and measures approximately 80 metres in length (at its longest point) by approximately 23 metres in width (at its widest point). The second area, which adjoins the original application site, is square and measures approximately 30 metres in length (at its longest point) by approximately 30 metres in width (at its widest point). The smaller of the two areas is proposed to be used first, with the larger area being cultivated with wild flowers until it's required. There is an Oak tree near to the western boundary, which is protected by a Tree Preservation Order (TPO).

The proposal differs from the previous application (MC/13/0503) in that it does not propose to utilize the neighbouring land, which was originally proposed to be used as access/parking for funeral directors vehicles and chief mourners. This will all now be carried out from the church itself.

Relevant Planning History

MC/13/0503	Change of use from agricultural land to burial ground Decision: Approval With Conditions Decided 24/04/2014
MC/02/0628	Change of use from agricultural land to burial ground Decision: Approval with Conditions Decided 02/09/2002

Representations

The application has been advertised on site and by individual neighbour notification to the owners and occupiers of neighbouring properties.

Three letters have been received, raising the following summarised planning objections:

- Fencing seems low/small allowing easy access 'out of hours';
- Will access gates be locked at night?;
- Bench on Vicarage Lane will attract youths – this will create mess and cause

- disturbance;
- How many burial plots remain on the current site? There are only two burials in Hoo per annum;
- What is the 'Private Access Rd' at the side of the plan?

The Environment Agency has written, stating that it has no objection.

Development Plan

The Development Plan for the area comprises the Medway Local Plan 2003. The policies referred to within this document and used in the processing of this application have been assessed against the National Planning Policy Framework, 2012 and are considered to conform.

Planning Appraisal

Background

In 2002, planning permission (MC/02/0628) was granted for the change of use of part of agricultural land to burial land. A second application was then approved in 2013 (MC/13/0503). The land was brought by Hoo Parish Council in 2003. Whilst it was originally anticipated in 2002 that there would eventually be the need to use the land as burial ground, the need did not arise and as such the permission was not implemented. It is now considered that within the next five to ten years, there will be a need to expand the churchyard and as such, this application has been submitted with the view to prepare the land for burial use. As already stated, the plans have been altered since the 2013 consent, as the area to the side of the burial ground is no longer to be used for vehicular use. Access is only to be from Vicarage Lane, with funeral directors and chief mourners expected to use the road for unloading and the church grounds/car parks would be used to accommodate visitors.

Principle

The application site is located outside the Urban Area defined by the Medway Local Plan 2003 (Local Plan). With the exception of policy BNE25, there are no specific policy designations that apply to this site. The pre-ambles to policy BNE25 at paragraph 3.4.78 states that *"on the rare occasion when an institutional or public use needs to be located in the countryside, a supporting statement from the body involved should accompany any planning application, explaining why the use cannot be situated in an urban area, including an analysis of alternative sites considered, and justifying why the proposed site has been chosen."* This is further supported by part (vii) of policy BNE25 that states that *"Development in the countryside will only be permitted if...a public or institutional use for which the countryside location is justified and which does not result in volumes of traffic that would damage rural amenity."*

The church and current burial grounds are within the urban village, as defined by the proposal map. The justification for choosing this site is that part of it had previously had permission to be used as burial grounds (MC/02/0628). The site is situated away from dwellings (approximately 24 metres) but also relates well to the Church to form a natural extension to the existing graveyard. With this being the case, it is

considered that the justification for the change of use for this site from agricultural land to burial land is acceptable.

Impact on landscape

The principle of development, as set out above, is considered to be acceptable. The Medway Landscape Character Assessment indicates that the site is within the Hoo Flats Landscape Character Area and is described as marshland fringe. In order to soften views of the burial ground from the surrounding countryside and to mitigate any intrusion into the countryside, the applicant has been requested to avoid the introduction of ornamental planting and to provide a visual screen in the form of a native hedgerow, to run alongside the post and rail fence. This can be secured by way of a landscaping condition.

With this in place, it is considered that the proposed burial ground would not have an unacceptable, detrimental impact upon the rural character of the area. The public footpath would remain in-situ and could continue to be used, although it does appear to be overgrown currently. It is proposed that two gates would be used to gain access to the site, both on Vicarage Lane (one opposite the Church car park and the second adjacent to the Oak Tree). The gates proposed would be in keeping with the post and rail boundary fence, which is proposed to encompass the site and would be appropriate for this countryside location. It is considered that this application conforms to policies BNE1 and L10 of the Local Plan, which set out the standards for built development and require that development does not prejudice the amenity of public rights of way.

It is acknowledged that there has been comment from neighbours that the fencing should be higher. The proposed post and rail fence is shown to be 1m in height. This is considered modest and low key and appropriate for this rural location. Given that this is not meant to be secure fencing, but merely a boundary treatment to denote that boundary of the burial ground, it is considered acceptable. Previous applications included similar height fencing.

Residential amenity

The nature of burial grounds is a low-key use. The existing burial ground is surrounded by residential properties and there are no records of complaints from local residents. The proposed burial site is further away; approximately 24 metres away from the nearest residential property. The proposal would not have an unacceptable impact on residential amenity and is therefore considered to conform to Policy BNE2 of the Local Plan.

Comments have been made by residents in the vicinity that the location of a park bench within the grounds for use by visitors will attract youths; however it is not considered that a bench is an unreasonable addition within a cemetery. The bench would be in full view of neighbouring houses, so natural surveillance of this bench would help to discourage its use as an area where people would congregate.

A neighbour has also raised the issue that the pedestrian gates fronting Vicarage Lane would cause disturbance in the wind if not closed properly, as the gate would

bang against the post. In order to alleviate this concern, it is considered reasonable to include a condition specifying that the details of the fixture/lock shall be a self-locking gate latch.

Highways

It is considered that there are no highways implications as a result of this application and the proposal therefore conforms with policy T1 of the Local Plan.

Trees

Located on site is an Oak tree, which is protected by a Tree Preservation Order. The proposal states that the tree would not be removed and it is recommended that a condition be imposed requiring details of the protection measures to be taken around the Oak tree whilst landscaping works are undertaken.

Flood area

The application site is in close proximity to a Tidal Flood Plain of the River Medway. The application site however falls just outside of a Tidal Flood Plain and as such the proposed development does not impact on any flood defences. The Environment Agency raises no objections to the proposal and the application conforms to policy CF13 of the Local Plan.

Conclusions and Reasons for Approval

It is considered that the principle of the proposed change of use is acceptable and refers to the same area of land as the previously approved 2013 application (MC/13/0503). It is also considered that there are no detrimental impacts to either residential or rural amenities and the proposal conforms with policies BNE1, BNE2, L10 and CF13 of the Local Plan and it is recommended for approval.

The application would normally be determined under delegated powers but is being referred to Committee for determination due to the number of representations received expressing a view contrary to the recommendation.

Background Papers

The relevant background papers relating to the individual applications comprise: the applications and all supporting documentation submitted therewith; and items identified in any Relevant History and Representations section within the report.

Any information referred to is available for inspection in the Planning Offices of Medway Council at Gun Wharf, Dock Road, Chatham ME4 4TR and here <http://publicaccess.medway.gov.uk/online-applications/>