

Name of Applicant	Proposal	Plan Ref.
H2 Land Ltd	Change of use of maintenance/chapel building approved under 12/0448 to allow for cremations to take place, reduction in scale of building and hardstanding. Land Adjacent, New Inns Lane, Rubery, Birmingham, Worcestershire	16/0581

RECOMMENDATION: That, subject to satisfactory impacts relating to ecology matters, planning permission be Granted.

Consultations

Birmingham City Council Highways Consulted 08.08.2016

I note that the access has not particularly altered and would request that the S278 agreement condition is applied to this proposal.

If possible I would also like to see a condition for a Construction Management Plan providing details of routing, construction workers car parking arrangements, mud on the highway/wheel washing etc.

Landscape & Tree Officer Consulted 17.08.2016

No Comments Received To Date

Aisling Nash County Archaeological Officer Consulted 17.08.2016

No Comments Received To Date

National Grid Plant Protection Consulted 12.08.2016

No Comments Received To Date

Highways Department- Worcestershire County Council Consulted 15.07.2016

I have no highway objections to the proposed planning application.

Worcester Regulatory Services- Air Quality Consulted 15.07.2016

I have reviewed the submitted information and I can confirm that based on the information submitted in the Air Quality Assessment the cremator would meet with current UK guidance. Based on the chimney height calculations I would agree with the recommendations requiring a minimum chimney height of at least 2 metres above the roof level.

Before the crematorium can begin operating a permit will be required under the Environmental Permitting (England and Wales) Regulations 2010 (as amended). The operator will need to send the application to Worcestershire Regulatory Services who will act of behalf of Bromsgrove District Council.

Community Safety Team Consulted 15.07.2016

No Comments Received To Date

North Worcestershire Water Management Consulted 15.07.2016

Having looked at this consultation, I do not believe there is any change in terms of on- or off-site flood risk or drainage from the previously approved application, and therefore I have no observations to make.

Birmingham City Council Planning Consulted 15.07.2016

I have no objections to the proposal but note that the proposed crematorium use is relatively close to dwellings and would wish to ensure that there is no adverse impact on the Green Belt.

Worcestershire Wildlife Trust Consulted 15.07.2016

No Comments Received To Date

Environment Agency Consulted 15.07.2016

Thank you for referring the above application which was received on the 18 July 2016. We have no objection to the proposed development and would have no further comments to make than those provided on the related planning application (12/0448) and subsequent Discharge of Conditions.

West Mercia Constabulary Consulted 15.07.2016

I don't think this development will have a detrimental impact on crime and disorder in the area, therefore I don't have any comments or objections to it.

Natural England Consulted 15.07.2016

Natural England has no comments to make on this application.

Leisure Services Consulted 15.07.2016

No Comments Received To Date

Health & Safety Executive Consulted

HSE's Advice: Do Not Advise Against, consequently, HSE does not advise, on safety grounds, against the granting of planning permission in this case.

Publicity

A total of 106 letters were sent, the latest being on 25th July 2016, which therefore expired on 15th August.

A site notice was posted on New Inns Lane, opposite the proposed entrance to the application site on 27th July 2016, which expired on 17th August 2016.

1 press notice was published on 22nd July 2016 which expired on 5th August 2016.

Public Comments

97 letters of objection and 2 of support received, summarised as appropriate. Members are encouraged to read the comments in full on Public Access.

Comments in support of the proposal:

- I would like to make it clear that I have no objection whatsoever regarding the crematorium plans, either in the previous plans or the updated plans.
- Our family is fully behind the development and it would be lovely to see something like the crematorium at Kidderminster

Comments in objecting to the proposal:

Green Belt

- This is inappropriate development in the Green Belt
- Site is next to the Waseley Hills Country Park, a popular area for all the community. This will spoil the outstanding natural beauty enjoyed by all. The proposed chimney would spoil the character of the landscape. This should be protected for the benefit of future generations
- This is a Green Belt area and it should be kept that way with no building work of any kind carried out on it. Fast losing green areas due to housing/schools/shops etc
Strongly opposed to more Green Belt land being used for a project that could be built anywhere on brown land
- A crematorium is an industrial process which should not be sited in a green belt close to residential properties
- A precedent could be set for further inappropriate development
- Councillors from Birmingham and Bromsgrove should support each other in preserving what little green belt recreational facilities we have

Air Quality

- Air quality is a major concern, as potential pollutants from the cremation process consist of particulate matter, hydrogen chloride, nitrogen oxides, carbon monoxide, volatile organic compounds (from methane to polyaromatic hydrocarbons), mercury compounds and polychlorinated dibenzo-p-dioxins and furans simply referred to as dioxins.
- The fumes, pollution, smell etc from the change of use will be unpleasant and possibly impact on the health of local residents and there are three schools close by.
- There is already considerable air pollution in Rubery with implications for asthma sufferers, the proposal would only exacerbate the problem.
- Many reports are available on the danger these substances present to human health from airborne smoke and waste products, heavy metal contamination and carcinogenic residues.

Highways/Traffic

- The road network is inadequate. The increase to traffic in the general area will be very significant given how busy the road already is.
- Increased traffic conflicting with many families walking to Waseley Hills.
- The proposed 80 car parking spaces does not appear adequate in the context of back to back cremations. The funerals of people from certain faiths attract very large crowds
- Exiting Thurloe Crescent onto New Inns Lane is already difficult, with visibility hindered by the curve of the road. Additional traffic and parking along New Inns Lane would increase the chances of an accident
- The applicant's supporting statement does not cover the matter of traffic adequately

Other matters

- Disappointed to see another application has been made for a crematorium in Rubery after the first one (14/0575) was refused in 2014.
- Flood risk as a result of additional hardstanding
- Pollution risk to the River Rea. The Rea Valley Heritage Trust who oversees and promotes the intrinsic value of the Heritage Trail along the River right from it's source may wish to revise their thinking as to it's classification if the purity of the water is compromised
- In the original public consultation at Waseley Country Park in 2012, residents were assured that there would be no crematorium only a chapel and burials.
- Nothing significant or substantial has been amended from the previous proposal which was refused
- The trees bordering onto properties in Romsley Close do not appear to be on the site plans. These trees benefit from a preservation order which precludes their removal
- The residents of Rubery were not adequately consulted in relation to this application.
- There is no need for the facility. Rubery is already well served by Lodge Hill Crematorium and Redditch Crematorium which are within a short drive of Rubery and both carry out fewer cremations than they are capable of on a daily basis
- Loss of the habitat of protected species such as the badger
- Noise and disturbance to neighbours due to intensification of site use and traffic; noise disturbance and fumes from increased traffic; crematorium too close to residential properties
- Loss of residential amenity to adjoining houses/gardens
- It's unclear how plans have been allowed to be submitted after the previous plans were rejected and no appeal was made
- The permission for a cemetery had a 'Condition 24', which stated that ' the building hereby granted permission shall not be used for any other purpose'. This

condition should stand as it was a condition on which the buildings were granted permission in the first place.

- A mature tree (at the proposed entrance) in which bats foraged/nested has been felled, the remains of this old tree trunk are currently being sawn up by a contractor prior to its removal.
- The proposal would have a negative impact on property values.
- Concerns raised in respect of the maintenance and security of the site given the cemetery will be in private ownership

New Frankley Parish Council

- The proposal is considered by Members to be inappropriate development in the Green Belt
- The parking proposed is inadequate and mourners would be forced to park on New Inns Lane causing congestion
- The entrance and egress to the proposed cemetery is close to the junction of New Inns Lane and Boleyn Road and traffic controls need to be in place to manage this situation

Birmingham City Council Councillors

Cllr Ian Cruise:

I am writing to object to the planning application number 16/0581, change of use from chapel to crematorium.

I objected to the original application for the cemetery due to drainage and traffic issues. If the application is approved it will have a huge impact on New Inns Lane and the immediate residential area due to the increase in traffic generated.

Cllr Carole Griffiths:

I am against this due to the high level of traffic it will cause.

Councillor Peter MacDonald has requested that this application is determined at Planning Committee and is not considered under Delegated Powers

Relevant Policies

Bromsgrove District Local Plan 2004 (BDLP):

DS2 Green Belt Development Criteria
DS13 Sustainable Development
C1 Designation of Landscape Protection Areas
E9 Criteria for New Employment Development
TR11 Access and Off-Street Parking

Bromsgrove District Plan Proposed Submission

BDP1 Sustainable Development Principles
BDP4 Green Belt
BDP13 New Employment Development
BDP21 Natural Environment
NPPF National Planning Policy Framework
NPPG National Planning Practice Guidance

Relevant Planning History

12/0448	Change of land use from Pasture Land to a Cemetery development including a Chapel and Maintenance building	Approved	25.10.2012
14/0575	Variation of Condition Number 2 and 24 of Application Reference Number: 12-0448 to allow cremations to take place within the approved cemetery maintenance building and to allow the installation of cremation facilities within part of the approved maintenance building	Refused	11.11.2014

Assessment of Proposal

Planning history

Planning permission was granted under application 12/0448 for the change of use of the site to a cemetery, including landscaping, access and parking provision and the construction of a chapel and maintenance building. All conditions requiring further details to be submitted have been agreed. The access to the site has been implemented and therefore a material commencement of development has taken place. This permission remains extant, could be continued with at any point in the future and therefore is a material consideration in the determination of this application.

The site and its surroundings

The site comprises open pasture land bounded to the north by New Inns Lane, which also forms the administrative boundary between Bromsgrove District and Birmingham City. To the south east there are properties accessed off Romsley Close and to the east playing fields which are designated public open space. To the west lies open countryside. The site lies within the green belt.

Proposed development

This application seeks planning permission for the use of the site as a cemetery and a chapel and maintenance building, which will include facilities to allow cremations to take place. The building will also have a flue which will take a conical form and is proposed to be timber clad. The proposed building is of a modest height and takes a modern form. It

is effectively comprised of two overlapping elliptical shapes which are lowest where the two buildings meet. The plans indicate that the building will have a green roof. Vehicular and pedestrian access and egress is proposed off New Inns Lane. A total of 109 car parking spaces are proposed for visitors including 2 disabled spaces, with 10 staff car parking spaces to include 2 disabled spaces.

Planning considerations:

Principle

The site lies within the Green Belt. National policy on development in the Green Belt is set out in the National Planning Policy Framework ('the Framework'), which advises that the essential characteristics of Green Belts are their openness and permanence. There is a general presumption against inappropriate development in the Green Belt unless very special circumstances exist. The large majority of development within the Green Belt is considered to be inappropriate, subject to a limited number of exceptions.

Paragraph 89 of the Framework lists the exceptions to inappropriate development within the Green Belt. Changes of use of land and the provision of appropriate facilities for crematoria are not contained within this list.

It is therefore considered that the proposed development represents inappropriate development in the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt. Paragraph 88 of the NPPF states that substantial weight should be given to any harm to the Green Belt. In such cases very special circumstances need to exist to outweigh any harm.

Do very special circumstances exist?

Extant permission

As explained above planning permission has previously been granted for the change of use of the land subject to this application to a cemetery, to include a chapel and maintenance building. A lawful commencement of this development has taken place through works to the vehicular access off New Inns Lane and part of the foundations being constructed. Therefore the permission remains extant and could be continued with at any point. This forms material consideration which has to be given weight in the determination of this application.

Changes to the proposed scheme when compared with that approved

A number of physical changes to the scheme are proposed when considered against that which has planning permission:

- A 20% reduction in the amount of hardstanding across the site
- Reduction in height of the chapel part of the building by 350mm
- Proposed timber clad conical flue

The reduction in built form through the reduction in hardstanding, reduction in the height of the building and consequential reduction in volume will have a positive impact on the

openness of the green belt when compared against the extant scheme. When considered in the context of the overall scheme it is considered that the impact of the addition of the flue will not have a significant impact on the openness of the green belt.

The applicants supporting information submitted with the application advises that the diversification of the site to provide cremations as well as burials will result in a 0.9% increase in vehicular traffic to the site. This will in turn increase the levels of activity at the site, through vehicle movements, and general comings and goings associated with proposed use. I am mindful that the supporting documentation submitted with the application also explains that it is expected that the proportion of burials to cremations will be split 70/30 in favour of cremations. Taking these matters in to account it is considered that the proposal will intensify the use of the site which in turn would be harmful to the openness of the Green Belt.

This impact, however, has to be balanced against both the presence of the extant planning permission and the physical changes to the scheme proposed when compared against the extant permission.

Other matters

The concerns of residents raised via representations particularly in relation to highway matters have been noted, however, neither Worcestershire County Council nor Birmingham City Council have raised objections to the scheme on highway grounds. I am also mindful of impact that extant permission will have on the highway network if fully built out and operated and the relatively modest increase in traffic movements expected through the provision of cremation services. Furthermore, the NPPF at paragraph 32 makes it clear that “development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe”. As such it is considered unreasonable to recommend that permission is refused on highway safety grounds.

Concerns are raised in relation to the siting of the development on green belt land, however this is addressed above.

Issues relating to air quality as a result of the cremation process have been raised, however in the absence of an objection from Worcestershire Regulatory Services it is considered unreasonable to refuse planning permission on this basis. Furthermore, in the event that planning permission is granted, a permit will be required as per the consultation response above.

The applicant has provided information in relation to the need for the development, particularly in relation to population levels, predicted mortality rates and the limited similar facilities in proximity to the application site. An appeal for a similar development elsewhere in the country has found that need can weigh heavily in favour of a proposal of this nature as well as the difficulty in providing cremation facilities in urban areas. I have no evidence to dispute the applicants assertion in relation to need.

Information relating to ecology at the site has been submitted by the applicant and this is currently under consideration. An update regarding this matter will be provided at the committee meeting.

Conclusion

In coming to a conclusion relating to this proposal, it has to be recognised that there are a number of competing factors which have to be finely balanced against one another.

Weighing against the granting of permission is the fact that the proposal represents inappropriate development in the green belt by definition, as well the actual harm to openness that will result, one of the essential characteristics of land within the green belt. Furthermore, the provision of cremations will increase the activity, albeit modestly, at the application site.

Weighing in favour of the development, planning permission has been granted, implemented and remains extant for a proposal which is very similar to that currently proposed. This matter has to be given significant weight. In addition, there are some physical differences between the extant permission and that currently proposed, which will result in a reduction of built form across the site. This would result in a benefit to the green belt when compared against the extant scheme. Furthermore, the development would fulfil a need that the applicant explains exists in relation to sites of this nature. Finally, the development would provide economic benefits to the local area, through the creation of jobs during the construction phase and to a lesser degree in relation to the ongoing operation of the site.

Taking all these matters in to account, and subject to no adverse impacts relating to ecology, it is considered that the balance weighs in favour of granting planning permission.

RECOMMENDATION: That planning permission be Granted

Conditions:

I intend to attach conditions in relation to the following themes:

1. Time limit for the implementation of the development
2. Drawings numbers to be complied with
3. Provision of a landscaping scheme
4. Materials
5. Drainage strategy and monitoring
6. Ecological method statement
7. Headstone height to be limited to 1 metre
8. External lighting scheme

9. Hours of opening to members of public restricted to 09.30-18:00 Monday to Saturday and 11:00-16:00 on Sundays and Bank Holidays
10. Hours that burials and cremations can take place restricted to 09:30-18:00 Monday to Saturday and 11:00-16:00 on Sundays and Bank Holidays
11. Hours that construction works can take place restricted to between 08:30 and 18:00 Monday to Saturday and 08:30 and 15:30 on Saturdays. No working shall take place on Sundays or Public or Bank Holidays.
12. Tree protection measures
13. Written Scheme of works in relation to archaeology.

Informatives

- 1) The local planning authority is aware of the requirement in the NPPF and Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 to work with applicants in a positive and proactive manner, seeking solutions to problems arising from applications.

Case Officer: Sarah Hazlewood Tel: 01527 881720
Email: sarah.hazlewood@bromsgroveandredditch.gov.uk