

Name of Applicant	Proposal	Expiry Date	Plan Ref.
h2land	Change of use of maintenance/chapel building approved under planning permission 12/0448 to allow for cremations to take place, reduction in scale of building and hard standing and reduced operating times Land Adjacent, New Inns Lane, Rubery, Birmingham, Worcestershire	13.03.2018	17/01429/FUL

RECOMMENDATION: That planning permission be GRANTED

Consultations

Arboricultural Officer Consulted 04.01.2018

No objection subject to conditions relating to suitable methods of protection & construction during any works.

Worcestershire Archive And Archaeological Service Consulted 04.01.2018

No objection subject to a conditional programme of archaeological works. This should comprise the archaeological monitoring and recording (Watching Brief) of any groundworks associated with the development that have the potential to expose, damage or destroy any archaeological remains that are present.

Cadent Gas Ltd Consulted 04.01.2018

No objection

HSE Consulted on web application 16.02.18

HSE does not advise, on safety grounds, against the granting of planning permission in this case.

WRS - Air Quality Consulted 04.01.2018

No Comments Received To Date

Drainage Engineers Internal Planning Consultation Consulted 04.01.2018

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 Consulted 04.01.2018

Thank you for the consultation. In its capacity as an adjacent local planning authority, Birmingham City Council has no comment to make. I am aware of your separate communications with the City Council's Transportation Department.

Worcestershire Wildlife Trust Consulted 04.01.2018

No objection subject to conditions relating to:

- o A Construction Environmental Management Plan (CEMP) detailing protection of retained features including trees and hedgerows, pollution prevention and sensitive working methods (including details of site lighting, timing of works etc.).
- o A Landscape and Environmental Management Plan (LEMP) securing long-term management of retained and created features. This should be guided by the recommendations set out in the ecological reports by Clarke Webb.
- o A sustainable drainage strategy to protect and enhance the local water environment.
- o A lighting strategy to prevent adverse effects on local communities and the natural environment.

Environment Agency Consulted 04.01.2018

As confirmed in our letter of 2 August 2017 in response to application 16/0581, we have no objection to the proposed development and would reiterate that 'we have no further comments to make than those provided on the related planning application (12/0448) and subsequent Discharge of Conditions'.

Cllr Andy Cartwright (BCC) Consulted 04.01.2018

No Comments Received To Date

Cllr Ian Cruise (BCC) Consulted 04.01.2018

No Comments Received To Date

Cllr Carole Griffiths (BCC) Consulted 04.01.2018

No Comments Received To Date

Louise Cowen (BCC Highways) Consulted 04.01.2018

Thank you for the opportunity to comment on this latest proposal. I will reiterate the response I made on application 16/0581

I note that the access has not particularly altered and would request that the S278 agreement condition is applied to this proposal. The Constituency Engineer for Northfield (who had input with the previous application) has not heard anything from the applicant since that time. (Glenn Smith consulted 05-01-2018)

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. This will need to be sent to Glenn Smith in order to reassure not only him but the local residents.

Highways - Bromsgrove Consulted 04.01.2018

I have no highway objections to the proposed application subject to all conditions / notes attached to the previous planning applications are still valid and are recommended to be included for this planning application; for the change of use of maintenance/chapel building approved under planning permission 12/0448 to allow for cremations to take place, reduction in scale of building and hard standing and reduced operating times.

Bereavement Services Manager Bromsgrove District and Redditch Borough Councils

I would like to offer factual information that the committee can use in relation to Redditch crematorium to put the need assessment into some context.

Para 1.4 states Redditch crematorium is operating at 86% capacity of its core funeral times.

This figure takes no account of the funerals conducted in the early service times and when the 259 services that were conducted before 10:15 are removed the figure for capacity drops to 74%. This figure also doesn't include that capacity to add services at busy times such as weekends and bank holidays which if included would take figure to 69%. This would be by way of an additional 2 services on a Saturday (52x2) and 4 services on a bank holiday but not including new year's day, Christmas & boxing day (4x6).

Para 1.7 states the average waiting time for Redditch crematorium is 28 days but our statistical analysis shows the following :

Although the data in the needs assessment document uses date of death to funeral date this is not an industry standard measure as until the registration process is complete the funeral is not able to commence and the normal measure is therefore booking to service

First week of August 2017 the longest wait for a funeral was 22 days (inc weekends & none working days) and there were 3 cases of this wait time in the 20 services conducted. The shortest wait time was 8 days (inc weekends & none working days) and there were 2 cases of this wait time in the 20 services conducted.

The first week of August is an important measure as we were working in an alternate venue and on reduced service numbers therefore our natural capacity was already down on our norm but we still didn't see the 28 days wait time. In fact the statistical average wait time in that first week was only 17 days.

In order to balance the data I have also looked at the first week of November 2017 after our alternate working was completed. First week of November 2017 the longest wait for a funeral was 28 days (inc weekends & none working days) and there was 1 case of this wait time in the 39 services conducted. The shortest wait time was 8 days (inc weekends

& none working days) and there were 2 cases of this wait time in the 39 services conducted.

In fact the statistical average wait time in that first week was only 11 days.

Para 4.8 states issues of refurbishment works making waiting times longer but this is evidenced as not correct in the data from August week none as stated above.

Para 4.23 states a service time of 30 minutes but this is incorrect as our standard service time is 45 minutes for the core service times. Also our refurbished facility has the ability to hold circa 250 people internally before needing to use the external space. I'm not aware of any funerals in the last 12 months that have exceeded this number.

Publicity

A total of 110 letters were sent on 3rd January 2018 to neighbours and contributors on the previous application at the site which expired on 24th January 2108.

Two site notices were posted, one on each side of New Inns Lane near the proposed site entrance on 11th January 2018 which expired on 1st February 2018.

1 press notice was published on 12th January 2018 which expired on 26th January 2018.

Public Comments

A total of 165 comments have been received relating to the application. Of these;

- 161 comments are made in objection to the application
- 2 comments have supported the proposal
- 2 comments have been received which have been recorded as neutral.

The main issues raised in the representations relate to:

- Highway safety
- The impact of the proposal on house prices
- Air Quality/pollution
- The site being on Green Belt land
- Need
- Water quality
- Ecology

Members are encouraged to read the comments in full on Public Access prior to the committee meeting.

Relevant Policies

NPPF National Planning Policy Framework
NPPG National Planning Practice Guidance

BDP1 Sustainable Development Principles
BDP4 Green Belt
BDP16 Sustainable Transport
BDP19 High Quality Design
BDP21 Natural Environment

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
16/0581	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.	Refused Dismissed at Appeal Costs appeal allowed	07.09.2016 02.08.2017 02.08.2017

Assessment of Proposal

1.0 The site and 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 Council. To the south east there are properties accessed off Romsley Close and to the east playing fields which are designated open space. To the west lies open countryside, which in part forms the Waseley Hills Country Park and one dwelling, Waseley Hill Cottage. The site lies within the Green Belt.

2.0 Proposed development

2.0 This application seeks planning permission for the use of the site as a cemetery, chapel and maintenance building, to include facilities to allow cremations to take place. The building proposed is formed of two overlapping elliptical shaped buildings, one larger than the other. The larger part of the building comprises a chapel and reception/office/waiting area and toilet facilities. The smaller part will contain the equipment associated with the cremation process as well as an area for maintenance equipment. The submitted plans show that the site to be landscaped to include

pedestrian and vehicular access through the site as well as additional planting of wildflower and meadow grass areas, individual specimen trees and three ponds. A total of 3681 traditional burial plots are proposed and 2669 woodland burial plots are proposed.

3.0 Planning history

3.1 Members will be aware that the site has a planning history dating back a number of years.

3.2 Permission was originally granted for the change of use of the land at the site for use as a cemetery to include a chapel and maintenance building in 2014. All the conditions for this permission have been discharged and a start has been made on site, therefore this permission remains extant and could be completed at any point.

3.3 Of most relevance to the determination of this application is application 16/0581. This application was refused by Members of Planning Committee in September 2016 and subsequently the appeal was dismissed. This appeal decision will be referred to in other parts of this report; however, I wish to draw Members attention to the conclusion of this appeal where the Inspector found that the proposal represented inappropriate development on the basis that insufficient, up to date ecological information had been supplied with the application and that the impact on the Green Belt was unlikely to be any greater than the development already approved at the site:

*“The proposal is inappropriate development in the Green Belt which is by definition harmful, and to which I attach substantial weight. In addition, the proposal would reduce the openness of the Green Belt, result in conflict with the purposes of including land within it, and adversely affect the character and appearance of the area. Furthermore, on the basis of the evidence before me, I cannot be satisfied that harm to biodiversity would not arise as a result of the scheme. **Whilst the impact on openness, purpose and character and appearance would be unlikely to be greater than the extant permission upon the site, I have insufficient information before me to establish whether or not the proposal would protect and enhance biodiversity upon the site.** The considerations put forward in favour of the proposal fail to clearly outweigh this concern. Consequently, very special circumstances do not exist.” (My emphasis)*

3.4 The current proposal differs through minor landscaping changes and the proposal to reduce the operating times of the chapel building. In addition up to date ecological information has been submitted with the application together with a Need Assessment.

4.0 Planning considerations

4.1 Principle

The site lies within the Green Belt where development is restricted to only that outlined at paragraphs 89-90 of the National Planning Policy Framework (NPPF) and Policy BDP4 of the Bromsgrove District Plan. The proposal does not fall within any of these exceptions and therefore represents inappropriate development in the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt. Paragraph 88 of the NPPF

advises 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.

4.2 Do Very Special Circumstances exist?

4.21 *Extant Permission*

As referred to above, planning permission remains extant for a very similar development on the site. This comprises a similarly designed building, utilising the same access, to comprise a chapel and maintenance building and areas of hardstanding and landscaping. This permission therefore comprises a significant material consideration in the determination of this application. The Inspector in determining the appeal in relation to application 16/0581 at paragraph 34 similarly gave significant weight to this 'fallback' position and went on to compare the differences between the extant and proposed schemes.

4.22 *Changes to the proposed scheme when compared with that approved*

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

- Reduction in hardstanding of approximately 24% and consequential increase in landscaping
- Reduction in the scale of the building by approximately 10% in volume through a reduction in height
- Proposed timber clad conical flue

4.222 In addition the applicants are proposing a reduction in the hours of operation at the site. The approved hours for the use of the site under permission 12/0448 are controlled under two conditions as follows:

18. The cemetery and chapel/reception building shall not be open to the public outside the hours of 09:00 to 18:00 unless otherwise agreed in writing by the local planning authority.

19. No burials shall take place outside the hours of 09:30 to 18:00 Monday to Saturday and 11:00 to 16:00 Sundays and bank holidays.

4.223 The applicants are now proposing a reduction in the days on which services can take place, effectively amending condition 18, so that instead of 7 days being permitted the use of the building is only proposed on Monday to Fridays. The applicants are also proposing a reduction in the hours of use of the chapel building to between 09:00 and 17:00.

4.224 The physical changes to the permission do not significantly differ to that considered at the planning appeal in relation to application 16/0581. With reference to the flue, which is the only significant addition to the building, due to its design and lower height relative to existing landscaping it was considered that this would not be a prominent feature in the wider landscape.

4.225 In particular with reference to all the physical changes the Inspector, at paragraph 36, considered that the proposal would be likely to have a lesser impact on the Green Belt than the extant scheme:

“In view of these matters, the proposal would be likely to have a lesser impact on the openness of the Green Belt than the permitted use of the site as a cemetery. It would also have a reduced impact on the character and appearance of the area as a result.” (My emphasis)

4.226 I consider that this weighs significantly in favour of the proposed scheme.

4.227 With respect to the reduced hours of operation of the chapel building this is an additional aspect to the scheme which was not considered by the Inspector, however in my view the reduction in hours of operation would naturally reduce the number of comings and goings to the site which Members raised as a specific concern with the previous application. Particular regard should be had to the fact that the number of services is not restricted by application 12/0448 and that only one service, of any type, can take place at any one time.

4.228 In addition, with respect to the previous scheme at the site which did not include the reduction in operating hours, the Inspector considered with respect to activity on the site at paragraph 38 of the decision that the impact of the extant proposal against the previous proposal would not be significant:

“Although the appellant estimates that there would be likely to be more cremations than burials, I am not convinced on the basis of the evidence before me that this would result in a level of ‘comings and goings’ over and above those that could legitimately take place upon the site. It is likely that the vehicle movements and associated activity connected with a cremation service would be similar to a burial service. In light of the foregoing I find that the ‘coming and goings’ to the site would not be materially different to the use that the Council has previously found to be acceptable on the site. The proposal would be likely to have a similar effect to the approved scheme in terms of its impact on the character and appearance of the area in this regard.” (My emphasis)

4.229 Given that the proposal now seeks a reduction in the hours which the chapel building is open to the public, this is likely to further reduce the level of activity at the site. This is considered to weigh significantly in favour of the proposed development.

4.3 Other matters

4.31 *Ecology*

4.311 Having regard to the previous appeal decision on the site a further material consideration is the ecological impacts of the proposed development. The applicant has submitted in support of the application an Ecological Appraisal and a Biodiversity Mitigation and Enhancement Strategy. The current application has been considered by the Worcestershire Wildlife Trust including the previous appeal decision and the extant permission on the site. Taking all these matters in to account it is considered that the council has sufficient information is available to make a decision on this application. it is

further considered that the impact of the current proposal will be less than that of the extant permission and subject to the imposition of a number of conditions, no objection is raised to the proposed scheme.

4.32 Need

4.321 A number of the representations received in relation to the application raise the issues relating to the need for the development.

4.322 In Paragraph 57 of appeal reference 2208636 relating to the provision of a crematorium on Green Belt land in Nottinghamshire the Inspector stated:

“.....in a sustainable and humane society, adequate provision of cremation facilities is an essential need. To my mind this is a planning consideration of the highest order. Bereaved relatives, organising a funeral, should be able to expect to find a suitable crematorium within a reasonable distance. There should also be sufficient capacity for funerals to be arranged, at times convenient to the mourners, without undue delay.”

4.323 The applicants have submitted with their application a Need Assessment seeking to justify why the development is required in this location. In addition, further information has been submitted by the applicant in relation to a recent appeal recovered by the Secretary of State which considered, in some detail, the matter of need for two proposals relating to the development of crematoria within the Green Belt.

4.324 The Bereavement Services Manager at Bromsgrove and Redditch Council's has commented on the applicant's assertions regarding need particularly in relation to capacity at Redditch Crematorium. Members will note that the capacity figures of the Redditch Crematorium are stated as being below those quoted by the applicant.

4.325 It is important to note that this site benefits from an extant planning permission to carry out a very similar development, in physical terms, to that which is currently being applied for. In addition, the Inspector in determining the previous scheme which would facilitate the use of the site as a crematorium found that there would be little difference in terms of impact between the use of the site only for burial services as opposed to a combination of burial and cremation services. In addition, I am mindful that the provision of a crematorium would offer greater choice for the public when making funeral arrangements.

4.326 Taking these matters into account I considered that limited weight can be given to the issue of need when determining this planning application.

4.33 Representations

4.331 In addition to those matters addressed above a number of other issues have been raised in respect to the proposed:

The impact of the development on house prices: this is not a material planning consideration

Highway safety: neither Birmingham City Council nor Worcestershire County Council Highway Authorities have raised objections to the application and therefore it would be unreasonable to refuse planning permission on this ground.

The site being on Green Belt land: This matter is addressed in the report above

Drainage: No objections to the proposal have been raised by the Environment Agency or North Worcestershire Water Management and therefore it is considered unreasonable to recommend refusal of planning permission on this ground

Air Quality: Comments from Worcestershire Regulatory Services relating to Air Quality are awaited, but on the basis of the comments received regarding the previous scheme raising no objections it is considered that this scheme is unlikely to raise any significant concerns.

5.0 Conclusion and Planning Balance

5.1 The proposal represents inappropriate development in the Green Belt, which is harmful by definition and which carries substantial weight. There would be additional harm to the openness of the Green Belt and the character and appearance of the area by the development being carried out.

5.2 However, a significant material consideration is the presence of an extant planning permission on the site, which in terms of the impact on the openness of the Green Belt, its purpose and the character and appearance of the area would have a greater impact than the extant permission. This is particularly with reference to the size of the permitted building being smaller and the amount of hardstanding being less. In addition, the hours proposed for the operation of the chapel are proposed to be reduced which would limited the levels of 'comings and goings' associated with site which was of concern to Members in relation to the previous application.

5.3 Finally, no other technical issues have been raised which would result in a recommendation for refusal.

5.4 Taking all these matters in to account it is considered that the balance weighs in favour of granting planning permission.

RECOMMENDATION: That planning permission be Granted.

Conditions:

It is intended to attach conditions in relation to the following themes:

General

- Time limit for the implementation of the development
- Drawing numbers to be complied with

Ecology:

- A Construction Environmental Management Plan (CEMP) detailing protection of retained features including trees and hedgerows, pollution prevention and sensitive working methods (including details of site lighting, timing of works etc.).
- A Landscape and Environmental Management Plan (LEMP) securing long-term management of retained and created features. This should be guided by the recommendations set out in the ecological reports by Clarke Webb.
- A sustainable drainage strategy to protect and enhance the local water environment.
- A lighting strategy to prevent adverse effects on local communities and the natural environment.

Highways:

- Package of highway measures to be approved: formation of the vehicular and pedestrian access to the site, turning areas and parking facilities. To be installed before first use of the site
- Construction Management Plan to include: details of routing, construction workers car parking arrangements, mud on the highway/wheel washing, construction hours, noise control devices, control of emissions of dust and dirt during construction, scheme for the disposing/recycling of waste resulting from construction works
- Measures to prevent mud being deposited on the highway

Archaeology

- Programme of archaeological work including a Written Scheme of Investigation for has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance_and research
- The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation

Trees:

- Other than as specifically shown on the approved plans, no trees or hedges on the application site, or the branches or roots of trees growing onto the site from adjacent land, shall be topped, lopped, felled or uprooted without the specific written permission of the Local Planning Authority.
- Submission of an Arboricultural Method Statement or similar detailed schedule of tree protection works in accordance with British Standard BS5837:2012 shall be submitted to and approved by the Local Planning Authority.
- Tree protection as per details in Arboricultural Method Statement
- Provision of a landscaping scheme of tree and hedge planting & wildlife habitat creation or enhancement

- Prior to the development being occupied or operational, the approved landscaping scheme shall be completed to the satisfaction of the Local Planning Authority. Should any trees or hedges which are shown to be retained or planted on the approved plans either die, become diseased or are removed, they shall be replaced or restored to the satisfaction of the Local Planning Authority.

Other

- External materials to be used on the proposed building

- Headstone height to be limited to one metre

- Drainage strategy and monitoring

- The cemetery and chapel/reception building shall not be open to the public outside the hours of 09:00 to 17:00 Monday to Friday. The cemetery and chapel/reception building shall not be open on Saturdays or Sundays.

- No burials shall take place outside the hours of 09:30 to 18:00 Monday to Saturday and 11:00 to 16:00 Sundays and bank holidays.

- Hours that construction works can take place restricted to between 08:30 and 18:00 Monday to Friday and 08:30 and 15:30 on Saturdays. No working shall take place on Sundays or Public or Bank Holidays.

- No plant or machinery shall be stored in the open within the site

- Restriction on the use of the building to D1 only

- Removal of Class A and B rights of Part 2 of the General Permitted Development Order

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