



TO: Planning Committee North

BY: Head of Development and Building Control

DATE: 06 June 2023

DEVELOPMENT: Change of use of existing allotment site to form extension to Hills Cemetery for burial plots, and creation of hard surfaces for vehicular and pedestrian access.

SITE: Hills Cemetery, Guildford Road, Horsham, West Sussex, RH12 1TT

WARD: Denne

APPLICATION: DC/23/0320

APPLICANT: **Name:** Mr Sorin Caraiman **Address:** Parkside Chart Way Horsham RH12 1RL

REASON FOR INCLUSION ON THE AGENDA: The site is owned by the District Council

RECOMMENDATION: To approve planning permission subject to appropriate conditions

1. THE PURPOSE OF THIS REPORT

To consider the planning application.

DESCRIPTION OF THE APPLICATION

- 1.1 Planning permission is sought for the change of use of the land from allotments (sui generis agriculture) to a cemetery (sui generis) to provide approximately 476 burials plots and 659 ash areas. The proposal includes the creation of new hardstanding routes within the site for vehicular and pedestrian access to create a one-way system, and additional planting.

DESCRIPTION OF THE SITE

- 1.2 The application relates to the southern-most portion of the Hills Cemetery site located on the southern side of Guildford Road. The site was formerly occupied by allotments, in addition to the sporadic siting of polytunnels and sheds. At the time of the Officers visit to the site (19 April 2023), the buildings and allotments had been cleared, and the site laid to soil / self-seeded grass. The site is located within the built-up area of Horsham, in an area predominantly comprising residential development. The site is bound by neighbouring residential properties to all its boundaries. The southern boundary of the site is formed of a close boarded fence with sporadic tree and hedge planting.

2. INTRODUCTION

STATUTORY BACKGROUND

2.1 The Town and Country Planning Act 1990.

RELEVANT PLANNING POLICIES

The following Policies are considered to be relevant to the assessment of this application:

2.2 National Planning Policy Framework

2.3 Horsham District Planning Framework (HDPF 2015)

Policy 1 - Strategic Policy: Sustainable Development

Policy 2 - Strategic Policy: Strategic Development

Policy 3 - Strategic Policy: Development Hierarchy

Policy 24 - Strategic Policy: Environmental Protection

Policy 25 - Strategic Policy: The Natural Environment and Landscape Character

Policy 26 - Strategic Policy: Countryside Protection

Policy 27 - Settlement Coalescence

Policy 28 - Replacement Dwellings and House Extensions in the Countryside

Policy 29 - Equestrian Development

Policy 30 - Protected Landscapes

Policy 31 - Green Infrastructure and Biodiversity

Policy 32 - Strategic Policy: The Quality of New Development

Policy 33 - Development Principles

Policy 34 - Cultural and Heritage Assets

Policy 35 - Strategic Policy: Climate Change

Policy 36 - Strategic Policy: Appropriate Energy Use

Policy 37 - Sustainable Construction

Policy 38 - Strategic Policy: Flooding

Policy 39 - Strategic Policy: Infrastructure Provision

Policy 40 - Sustainable Transport

Policy 41 - Parking

Policy 42 - Strategic Policy: Inclusive Communities

Policy 43 - Community Facilities, Leisure and Recreation

2.4 Horsham Business Blueprint Neighbourhood Plan (made):

Policy HB1 – Location of Development

Policy HB3 – Character of Development

Policy HB4 – Design of Development

Policy HB15 – Allotments and Community Growing Spaces

2.5 Planning Advice Notes:

Facilitating Appropriate Development

Biodiversity and Green Infrastructure

2.6 PLANNING HISTORY AND RELEVANT APPLICATIONS

DC/07/1822

Change of use from allotments to cemetery

Application
PERMITTED
14.11.2007

on

3. OUTCOME OF CONSULTATIONS

- 3.1 Where consultation responses have been summarised, it should be noted that Officers have had consideration of the full comments received, which are available to view on the public file at www.horsham.gov.uk

INTERNAL CONSULTATIONS

- 3.2 **HDC Arboricultural Officer:** No Objection
- 3.3 **HDC Environmental Health:** No Objection, subject to conditions
- 3.4 **HDC Drainage Engineer:** No Objection

OUTSIDE AGENCIES

- 3.5 **Environment Agency:** Comments awaited (*any comments will be reported at Planning Committee*).
- 3.6 **WSCC Highways:** No Objection

PUBLIC CONSULTATIONS

- 3.6 Three (3) letters of representation received from three separate addresses *objecting* to the proposal on the following grounds:
- Impact on adjacent protected tree
 - Poor fencing to the southern boundary
 - Adverse impact on neighbouring amenity
- 3.7 One (1) letter of representation received *neither objecting to nor supporting* the proposal, stating:
- Concerns regarding an increased risk of flooding
 - Existing damage to the southern fence
- 3.8 **Horsham Denne Neighbourhood Council** *objects* to the proposal on the following grounds:
- Insufficient details relating to flooding, planting, boundary treatment and access to the site from the south

4. HOW THE PROPOSED COURSE OF ACTION WILL PROMOTE HUMAN RIGHTS AND EQUALITY

- 4.1 The application has been considered having regard to Article 1 of the First Protocol of the Human Rights Act 1998, which sets out a person's rights to the peaceful enjoyment of property and Article 8 of the same Act, which sets out their rights in respect to private and family life and for the home. Officers consider that the proposal would not be contrary to the provisions of the above Articles.
- 4.2 The application has also been considered in accordance with Horsham District Council's public sector equality duty, which seeks to prevent unlawful discrimination, to promote equality of opportunity and to foster good relations between people in a diverse community, in accordance with Section 149 of the Equality Act 2010. In this case, the proposal is not anticipated to have any potential impact from an equality perspective.

5. HOW THE PROPOSAL WILL HELP TO REDUCE CRIME AND DISORDER

- 5.1 It is not considered that the development would be likely to have any significant impact on crime and disorder.

6. PLANNING ASSESSMENTS

Background

- 6.1 The site forms part of Hills Cemetery and had formerly been used for the allotment use. Historically, it is understood that more of the site to the north was also once used for allotments. However, as the demand for burial plots over time has increased the cemetery has expanded, resulting in the loss of former allotment land to the south of the site. Planning permission was most recently granted in November 2007 under ref: DC/07/1822 for a change of use from allotments to cemetery land, with this proposal supported by Policy HU15 of the former Horsham District Local Plan (1997), which allocated the site for a cemetery use.

Principle of the Development

- 6.2 Policy 43 of the Horsham District Planning Framework 2015 (HDPF) states that the provision of new or improved community facilities or services will be supported. Proposals that would result in the loss of sites and premises currently or last used for the provision of community facilities or services, leisure or cultural activities for the community will be resisted unless equally usable facilities can be conveniently provided nearby. It will be necessary to demonstrate that continued use of a community facility or service is no longer feasible, taking into account factors such as; appropriate marketing, the demand for the use of the site or premises, its quality and usability, and the identification of a potential future occupier.
- 6.3 Policy HB15(a) of the Horsham Blueprint Neighbourhood Planning Document (NPD) states that proposals that would result in the loss of all or part of existing allotment spaces will not be supported.
- 6.4 As above, the site has historically been allocated for a cemetery use, and the 2007 permission (DC/07/1822) entailed a change of use of the southern section of the site (including the land subject of this current application) from allotments. This permission was though only part implemented, with only the south-western corner of the site and the related parking spaces put to cemetery use. It was stated as part of the 2007 planning application that the intention was for the south-eastern corner of the site, which is subject of this current application, to follow at a later date as and when the need for the additional space arose. As the 2007 planning permission has been commenced (and part-implemented) it remains extant, and this is a material consideration of weight in the assessment of this current application.
- 6.5 It is recognised that the loss of the allotment use would create conflict with Policy HB15(a) of the NPD. Though the application does not seek to replace the allotment use the proposal would allow the expansion of an existing community facility and reflects an identified need for additional burial spaces. Though the loss of the allotment use is regrettable, the proposal follows on from an earlier 2007 planning permission for a change of use on the site which resulted in the loss of allotments, and this permission was implemented and remains extant. It is considered that the combination of these considerations is such that the conflict with the above policy would not in this instance warrant a refusal of planning permission. The principle of the proposal is therefore considered acceptable in accordance with Policy 43.

Design and Appearance

- 6.6 Policy 32 of the HDPF states that good design is a key element in sustainable development, and seeks to ensure that development promotes a high standard of urban design, architecture and landscape. Policy 33 of the HDPF states that development proposals should make efficient use of land, integrate effectively with the character of the surrounding area, use high quality and appropriate materials, retain landscaping where feasible (and mitigate loss if necessary) and ensure no conflict with the character of the surrounding town or landscape.
- 6.7 Policy HB3, Character of Development, of the Horsham Blueprint Business Neighbourhood Plan states that – *“Development is expected to preserve and enhance the Character Area in which it is located. The design of new development should take account of the local context and reflect the character and vernacular of the area, using architectural variety in form and materials, in order to avoid building design that is inappropriate to the Plan area. Innovation in design will be supported, however, where this demonstrably enhances the quality of the built form in a character area”.*
- 6.8 The proposal does not require the demolition or erection of any physical structures on the site. However, new infrastructure and planting are proposed primarily in the form of a new roadway which would be constructed to the eastern side of the site, creating a one-way ring road around the entire site, in addition to the widening of the existing pathway to the west. The existing central walkway would be extended to the south into the new burial area, and a new pedestrian pathway established around the ashes area.
- 6.9 The resultant works would result in the creation of an efficient one-way system for vehicular traffic to access the southern part of the site. The proposed layout is logical, and continues the relative symmetry of the northern part of the site.
- 6.10 The Neighbourhood Council’s concerns on the proposal’s planting are noted. The proposal includes the planting of 8x oak trees (4x each side of the central path). Planting to the southern boundary of the site has already been established, comprising of native English hedging. The remainder of the site will be laid to grass until the burial plots are interred. While additional planting will inevitably take place within the interior of the site it is not considered that details of this are necessary in order for the development to be considered acceptable. The layout of the site, the central planting and existing boundary treatment is considered sufficient to ensure the visual impact of the change of use accords with the above policies.
- 6.11 Neighbouring concerns relating to impact on the protected trees outside of the site close to the eastern boundary are noted. The 2x lime trees and sycamore tree protected under TPO/1550 (T1-3). An updated construction layout plan was received on 09 May which detailed that the new roadway to the east would be outside of the root protection areas (RPA) of the two northern-most trees. Though there would be some impact on fibrous rooting, this would only impact on a small area. The RPA of the tree further south would be interested by the new roadway. The plan illustrates that this portion of the road would comprise a no-dig construction, utilising a webbing system that would not impact on the rooting system of the tree. The plan also indicates that no excavation would occur within the RPA of the protected lime tree to the south-eastern corner of the site (T4 of TPO/1550). The construction method would be secured by a recommended condition.
- 6.12 With the above in mind, the proposal is considered to accord with Policies 32 and 33 of the HDPF in terms of its design, layout and appearance, in addition to planting and preservation of nearby TPO tree specimens.

Impact on Amenity

- 6.12 Policy 33(2) of the HDPF states that permission will be granted for development that does not cause unacceptable harm to the amenity of the occupiers/users of nearby properties and land.

- 6.13 Officers appreciate that the pre-existing allotment use had been long-established, and that a change to the use of the site may result in a perceived amenity impact. However, given the proposed use, which is not likely to result in frequent day to day visits from the public, the use of the site as a cemetery is not considered any more harmful to neighbouring amenity compared to the previous allotment use.
- 6.14 The amenity impacts of the proposal are therefore considered acceptable and in accordance with the above policy.

Highways Impacts

- 6.15 Policy 40 of the Horsham District Planning Framework states that transport access and ease of movement is a key factor in the performance of the local economy. The need for sustainable transport and safe access is vital to improve development across the district. Policy 41 of the Horsham District Planning Framework states that development that involved the loss of existing parking spaces will only be allowed if suitable alternative provision has been secured elsewhere. Adequate parking facilities must be provided within the developments to meet the needs of the anticipated users.
- 6.16 The proposal is not anticipated to result in an increased use of the site over and above the pre-existing arrangement. The proposed use would not generate the need for additional parking, with existing parking to the west of the site approved in 2007 for the entirety of the southern portion of the site, and not just the section already in use. Therefore, the need for parking is considered to have already been met.
- 6.17 With the above in mind, the proposal would not result in any adverse impact to the safe use and operation of the highway network, and is therefore considered to accord with Policies 40 and 41 of the HDPPF.

Other Matters

Flooding / Pond

- 6.18 Officers note that a balancing pond has been constructed within the north-western corner of the development site. The pond has been installed to capture surface water run off from the entire site, which is known to experience high level of surface water runoff. Members are advised to note that Schedule 2 Part 12 Class A of the General Permitted Development Order which allows for 'development by local authorities', stating:

***'A. The erection or construction and the maintenance, improvement or other alteration by a local authority or by an urban development corporation of—
(a) any small ancillary building, works or equipment on land belonging to or maintained by them required for the purposes of any function exercised by them on that land otherwise than as statutory undertakers;'***

- 6.19 The pond is considered to fall under an 'other alteration' on land owned by the Council, and therefore does not require planning permission in itself. The pond serves a function, and is not ornamental, therefore providing public benefit for a statutory use. Therefore, it would be unreasonable to request further details or to attach conditions to the decision notice relating to the pond.
- 6.20 The Environment Agency, who are responsible for licensing cemeteries, have been consulted on the planning application and any comments received will be reported at Planning Committee.

Fence

- 6.20 Officers note neighbouring concerns relating to the fence to the Southern Boundary. As above, planting long the boundary has recently been established, and will provide a level of screening over time in addition to forming a natural boundary between the site and its neighbours. In addition, any fences backing into the site are not owned by the Council, and are thus not responsible for repairs. However, the planting should provide the necessary security in time.
- 6.21 The Neighbourhood Council's comments regarding access from the south of the site are acknowledged. However, there is no access from the south side of the cemetery and there are no plans to create a new entrance from that side of the cemetery (Wakehurst Mews/ Hazlehurst Crescent). The only possible access from these streets will be from a garage/car park area which is private, and would not be readily available for the public to use.

Water Neutrality

- 6.22 The application site falls within the Sussex North Water Supply Zone as defined by Natural England and which includes supplies from groundwater abstraction which cannot, with certainty, demonstrate no adverse impacts upon the defined Arun Valley SAC, SPA and Ramsar sites.
- 6.23 Given the nature of the proposed use, the proposal is not considered to result in the increased abstraction of water over and above the pre-existing arrangement. The proposal is therefore considered to be water neutral.

Conclusion

- 6.24 Whilst the proposed would result in the loss of public allotments, the proposed expansion of the cemetery use (on land previously allocated for such a use) would improve a needed community use, especially given the limited availability of uninterred plots within Horsham. The proposal has been designed as a continuation of the existing cemetery and would thus appear contiguous with the existing arrangement. Details of specific planting will be selected by the Council at a later date (in consultation with the public/neighbours), and the submitted construction plan illustrates that the protected trees nearby would be unaffected by the development. Given the use of the proposal, the development is not anticipated to result in an adverse harm to neighbouring amenity, nor result in any increase in trip generation or parking issues that would affect the safe use and operation of the highway network. Officers therefore recommend to members that the application is approved subject to the below conditions.

7. RECOMMENDATIONS

- 7.1 To approve the application subject to the following conditions:

1 **A List of the Approved Plans**

- 2 **Regulatory (Time) Condition:** 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.

- 3 **Regulatory Condition:** All works relating to any new roadways and footpaths shall be undertaken in strict accordance with the submitted Proposed Layout – Road Construction Plan, reference: PL/HC/106 (received by the Council on 09.05.20213).

Reason: To ensure the successful and satisfactory protection of important trees, shrubs and hedges on the site in accordance with Policies 30 and 33 of the Horsham District Planning Framework (2015).

- 4 **Regulatory Condition:** No trees or hedges on the site shall be wilfully damaged or uprooted, felled/removed, topped or lopped without the previous written consent of the Local Planning Authority until 5 years after completion of the development hereby permitted. Any trees or hedges on the site which die or become damaged during the construction process shall be replaced with trees, hedging plants or shrubs of a type, size and in positions agreed by the Local Planning Authority.

Reason: To ensure the retention and maintenance of trees and vegetation on the site unsuitable for permanent protection by Tree Preservation Order for a limited period, in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 5 **Regulatory Condition:** If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until a remediation strategy has been submitted to and approved by the local planning authority detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved.

Reason: To ensure that no unacceptable risks are caused to humans, controlled waters or the wider environment during and following the development works and to ensure that any pollution is dealt with in accordance with Policies 24 and 33 of the Horsham District Planning Framework (2015).

- 6 **Regulatory Condition:** No external lighting or floodlighting shall be installed other than with the permission of the Local Planning Authority by way of formal application.

Reason: In the interests of the amenities of the locality and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 7 **Regulatory Condition:** No works for the implementation of the development hereby approved shall take place outside of 08:00 hours to 18:00 hours Mondays to Fridays nor at any time on Saturdays, Sundays, Bank or public Holidays

Reason: To safeguard the amenities of adjacent occupiers in accordance with Policy 33 of the Horsham District Planning Framework (2015).

Background Papers: DC/23/0320
DC/07/1822