

APP 06

Application Number: 12/01971/FUL

Other

Change of use from parkland to mixed use parkland and green burial ground

AT Land To The North of, Livingstone Drive, Newlands

FOR The Parks Trust

Target: 5th November 2012

Ward: Linford South

Parish: Campbell Park Parish Council

Report Author/Case Officer: Anna Holloway

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1.0 INTRODUCTION

(A brief explanation of what the application is about)

1.1 The Site

The application site is the area of parkland known as 'The Cathedral of Trees' and is located at Newlands. The entire area of Newlands is defined as Recreation and Open Space on the Local Plan Proposal Map. The parkland has an existing parking area for 57 cars with an additional 28 spaces in an adjacent overflow area. The parkland is visible from the V10 Brickhill Street grid road but largely screened by planting from the H5 Portway. A redway runs through the parkland parallel to the V10. Details of the location of the site and its relationship to surrounding properties can be seen in the plans attached to this report.

1.2 The Proposal

This application is for the change of use of an area of parkland to a green burial ground at the Cathedral of Trees at Newlands. The proposal is for the interment of cremated remains (across two areas covering a total of 1.41ha) and the scattering of ashes above ground (over an area covering 0.29ha). It is estimated that about 3500 interments could be accommodated. There would be no formal demarcation of interment sites. The proposal also includes the creation of new pathways to be surfaced to accommodate wheelchair access. It is proposed that the site will be operated and managed by the Council's Environmental Health Team (Bereavement Services). Details of the proposal as described above can be seen in the plans appended to this report.

2.0 RELEVANT POLICIES

(The most important policy considerations relating to this application)

2.1 National Policy

National Planning Policy Framework, March 2012 (NPPF):
Paragraph 14: Presumption in favour of sustainable development
Section 8: Promoting healthy communities

2.2 Local Policy

Core Strategy (emerging policy)
CS 11 A well connected Milton Keynes
CS 13 Ensuring High Quality, Well Designed Places
CS 18 Improving access to local services and facilities

Adopted Milton Keynes Local Plan 2001-2011
D1: Impact of Development Proposals on Locality
D2A: Urban Design Aspects of New Development
T10: Traffic
T15: Parking Provision
L2: Protection of Public Open Space and Existing Facilities
C7: Burial and Memorial Grounds

3.0 MAIN ISSUES

(The issues which have the greatest bearing on the decision)

- 3.1 The principle of the use and the impact on the character and appearance of the area, environmental considerations and parking provision.

4.0 RECOMMENDATION

(The decision that officers recommend to the Committee)

- 4.1 It is recommended that planning permission be granted subject to the conditions set out at the end of this report.

5.0 CONSIDERATIONS

(An explanation of the main issues that have lead to the officer Recommendation)

- 5.1 The proposal is for a green burial ground and therefore the most relevant saved local plan policy is C7 'Burial and Memorial Grounds'. Policy C7 states that planning permission for the use of land as a burial / memorial ground or 'green' burial / memorial ground will be granted provided that:
- i) The site is accessible by public transport;
 - ii) Surface water drainage is adequate and there is no threat to groundwater quality;
 - iii) The proposal would not have an adverse impact on the surrounding landscape; and
 - iv) The proposal includes a land management and maintenance programme.

- 5.2 The application site is located in Newlands and is adjacent to the H5 Portway grid road which has two bus stops within a 5 minute walk which are served by a frequent service. Also the redway system runs alongside the parkland adjacent to the H5. The location is considered to be suitably accessible by public transport.
- 5.3 The Environment Agency has raised some concerns regarding the risks to controlled waters. However, they have proposed five conditions to address their concerns. Subject to the imposition of these five conditions on any grant of planning permission (please see conditions 5-9 at section 6.0 of this report) it is considered that the impact of the proposals can be suitably controlled.
- 5.4 The proposal includes a 'Site Operations and Landscape Management Plan' which details how the landscaping will be managed. The proposals include no formal demarcation of interment sites and no memorials apart from a small number of early spring bulbs would be permitted to be planted with each interment. The proposals include some additional pathways through the parkland, which would not have a significant impact on the appearance of the area. Therefore, the proposal would not have a significant impact on the landscape and, subject to the imposition of a condition for the site to operate in accordance with the 'Site Operations and Landscape Management Plan', the proposal includes a suitable land management and maintenance programme.
- 5.5 The proposed green burial areas do not extend across the entire parkland at the Tree Cathedral and taking into account the nature of the proposals would not have a significant impact on the continued enjoyment of this parkland. Therefore, the proposals would not conflict with saved local policy L2 for the 'Protection of Public Open Space and Existing Facilities'.

5.6 Conclusion

Subject to the imposition of the conditions listed below, the use of part of the parkland at The Cathedral of Trees for green burials (interment or scattering of cremated remains) is considered acceptable.

6.0 CONDITIONS

(The conditions that need to be imposed on any planning permission for this development to ensure that the development is satisfactory. To meet legal requirements all conditions must be Necessary, Relevant, Enforceable, Precise and Reasonable)

(1) The approved development shall be carried out in accordance with the following drawings/details:

LOCATION PLAN as electronically registered on 28th September 2012
NGB-02 LAYOUT PLAN as electronically registered on 28th September 2012
NGB-03 CAR PARK PLAN as electronically registered on 28th September 2012
NEWLANDS GREEN BURIAL SITE OPERATIONS AND LANDSCAPE MANAGEMENT PLAN as electronically registered on 28th September 2012

Reason: For the avoidance of doubt and in accordance with the requirements

of The Town and Country Planning (General Development Procedure) (Amendment No. 3) (England) Order 2009.

(2) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To prevent the accumulation of planning permissions; to enable the Local Planning Authority to review the suitability of the development in the light of altered circumstances; and to comply with section 51 of the Planning and Compulsory Purchase Act 2004. (D11)

(3) The use of the site for green burials shall be limited to and shall comply with the details and locations as shown on the approved Newlands Green Burial Site Layout Plan (drawing number NGB-02) and the 'Newlands Green Burial Site Operations and Landscape Management Plan'.

Reason: To clarify the extent and nature of the planning permission hereby granted.

(4) The scheme for parking and manoeuvring as shown on the approved Car Park Plan (drawing number NGB-03) shall be retained as an ancillary parking facility for the parkland and green burial site.

Reason: To enable vehicles to draw off, park and turn clear of the highway to minimise danger, obstruction and inconvenience to users of the adjoining highway.

(5) No development approved by this planning permission shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

(a) A preliminary risk assessment which has identified:

- All previous uses
- Potential contaminants associated with those uses
- A conceptual model of the site indicating sources, pathways and receptors
- Potentially unacceptable risks arising from contamination at the site

(b) A site investigation scheme, based on (a) to provide information for a detailed assessment of the risk to the risk of all receptors that may be affected, including those off site.

(c) The results of the site investigation and detailed quantitative risk assessment referred to in (b) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

(d) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (c) are complete and identifying any requirements for longer-term monitoring of

pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To protect and prevent the pollution of controlled waters (particularly the drain located south of the site) from potential pollutants associated with current and previous land uses (including former landfill site use as identified from our records) in line with National Planning Policy Framework (NPPF; paragraphs 109 and 121), EU Water Framework Directive and Environment Agency Groundwater Protection (GP3:2008) position statements P1-4 and P9-5 to P9-7 inclusive.

(6) No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Reason: To protect and prevent the pollution of controlled waters (particularly the drain located south of the site) from potential pollutants in line with Environment Agency Groundwater Protection (GP3:2008) position statements P9-6 and P9-7.

(7) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reason: To protect and prevent the pollution of controlled waters (particularly the drain located south of the site) from potential pollutants in line with Environment Agency Groundwater Protection (GP3:2008) position statements P9-6 and P9-7.

(8) Infiltration systems should only be used where it can be demonstrated that they will not pose a risk to groundwater quality. A scheme for surface water disposal shall be submitted to and approved in writing by the local planning authority prior to the commencement of development. The scheme shall be implemented as approved.

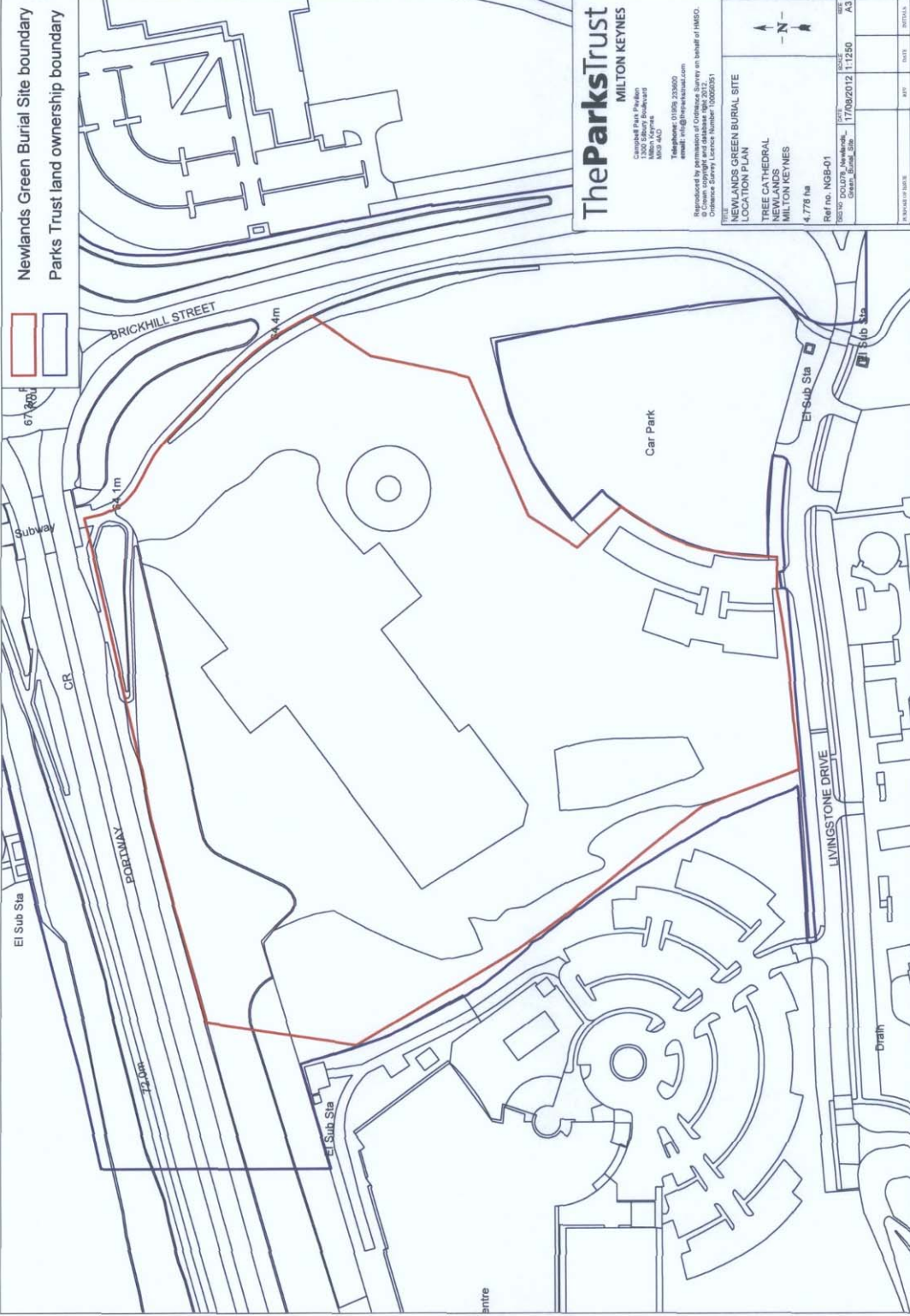
Reason: To protect and prevent the pollution of controlled waters (particularly

the drain located south of the site) in line with the National Planning Policy Framework (paragraph 109) and the Environment Agency's Groundwater Protection (GP3:2008) position statements P4-1 to P4-12 inclusive. The water environmental is potentially vulnerable and there is an increased risk of pollution from inappropriately located and/or designed infiltration sustainable drainage systems (Suds), such as soakaways, unsealed porous paving systems or infiltration basins.

(9) All burials in the cemetery shall be:

- a minimum of 50m from a potable groundwater supply source;
- a minimum of 30m from a water course or spring;
- a minimum of 10m distance from field drains;
- no burial into standing water and the base of the grave must be above the local water table

Reason: To protect and prevent the pollution of controlled waters (particularly the drain located south of the site) from potential pollutants in line with Environment Agency Groundwater Protection (GP3:2008) position statements P1-1 to P12-4.



Newlands Green Burial Site boundary
 Parks Trust land ownership boundary



TheParksTrust
 MILTON KEYNES

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 01908 290000
 www.theparkstrust.com

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NEWLANDS GREEN BURIAL SITE
 LOCATION PLAN
 TREE CATHEDRAL
 NEWLANDS
 MILTON KEYNES
 4.778 ha

Ref No: NGB-01
 Date: 17/09/2012 11:28:00
 User: DOULT, Newlands
 Geom. Staff_Site

Scale: 1:1000
 Date: 17/09/2012 11:28:00
 User: DOULT, Newlands
 Geom. Staff_Site

Drawn to scale





- Ashes interment zone
- Ashes scattering above ground
- Car parking: 57 permanent + 28 overflow
- New tar-spray & chip paths
- New bark chipping path

Campanelli Park Provision
 10000 Lakeshore Drive
 Milton Keynes
 MK9 4AD
 Telephone: 01908 233600
 Fax: 01908 233601
 www.theparkstrust.com

TheParksTrust
 MILTON KEYNES

TITLE
**Newlands Green Burial Site
 Layout Plan**

SCALE
1:1000 @ A3

DRAWN BY / DATE
JAC August 2012

PROJECT NO.
NG3B-02

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APPENDIX A



TheParksTrust
MILTON KEYNES

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MK9 4AD

Telephone: 01908 233600
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TITLE
Newlands Green Burial Site
Indicative Car Park Spacing Plan



DRG NO.
NGB -03

DRAWN BY / DATE
JAC August 2012

SCALE
1:500 @ A4

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A1.0 RELEVANT PLANNING HISTORY

(A brief outline of previous planning decisions affecting the site – this may not include every planning application relating to this site, only those that have a bearing on this particular case)

A1.1 None.

A2.0 ADDITIONAL MATTERS

(Matters which were also considered in producing the Recommendation)

A2.1 Noise and Disturbance from surrounding land uses

The surrounding area contains a number of leisure and recreation uses. Whilst some noise and disturbance may originate from these surrounding uses it is considered that the level of noise and disturbance would not warrant a refusal of the current application.

A2.2 Parking provision

The parkland has an existing car park and overflow car park which can accommodate 80 spaces and 5 disability spaces. This car park is considered acceptable to accommodate the needs of the parkland as well as the proposed use as a green burial site. In addition, the proposed use would not have a significant impact on traffic generation.

A3.0 CONSULTATIONS AND REPRESENTATIONS

(Who has been consulted on the application and the responses received. The following are a brief description of the comments made. The full comments can be read via the Council's web site)

Comments

Officer Response

A3.1 Senior Landscape Architect

No objection.

Noted

A3.2 Environment Agency

Planning permission could be granted to the proposed development as submitted as long as five planning conditions are imposed. Without these conditions, the proposed development on this site poses an unacceptable risk to the environment and we would wish to object to the application. The Environment Agency has asked to be consulted on the details submitted for approval to discharge the five conditions and on any subsequent amendments/alterations.

The five conditions proposed by the Environment Agency have been included within the listed of conditions at section 6.0 of this report (conditions 5-9).

A3.3 Advice to the applicant is included within the Environment Agency's response.

The full response from the Environment Agency should be appended to any grant of planning permission.

A3.4 Campbell Park Parish Council

Objected to the application. The parkland has been a highly valued recreational resource for a number of years and a change of use to a cemetery would add no value to the resource.

Please see paragraph 5.5 above.

A3.5 **Public Representations**

The occupiers of the following properties were notified of the application: Noted

Gullivers Land and David Lloyd, Livingstone Drive, Newlands

10–12, 14, 15, 43, 44, 59–62, 143, 144, 159–162, 243, 244, 343 and 344 Japonica Lane, Willen Park

69 and 77– 87 (odd) Sakura Walk, Willen Park

Mercury House Brickhill Street, Willen Lake

A3.6 Three representations have been received objecting to the proposal. The comments received are summarised in the following paragraphs. Noted

A3.7 Inappropriate location as the Tree Cathedral is a place of worship, to be at peace with nature and is enjoyed by families. Also, inappropriate location due to the symbolism of this artistic place (tree cathedral). Recreational ground is an inappropriate location for burials. The enjoyment of the area is not compatible with the sadness of a burial ground and other land in Milton Keynes would be more appropriate. Please see paragraphs 5.1-5.5 above.

A3.8 Inappropriate location due to noise from the Theme Park, Leisure Centre, Willen Lake and Campbell Park and also litter, traffic and parking problems from the Theme Park and Leisure Centre. Please see paragraph A2.1 above.

A3.9 The area is subject to water-logging in the winter time. Please see paragraph 5.3 above.

A3.10 The proposals do not adequately address security of the site, how unauthorised interments would be prevented, and restrictions on the number of interments at any one time. Also, concerned that security will be required that will undermine the open parkland character and restrict access.

The proposals include a 'Site Operations and Landscape Management Plan'. The proposals do not include any change to the security of the site. There would be no change from the present circumstances in terms of the prevention of unauthorised interments (The Parks Trust is seeing increasing evidence of informal scattering of ashes in the parks across Milton Keynes). The burial site would be operated and managed by MKC Environmental Health Team (Bereavement Services) and given the nature and scale of the proposals it is not considered necessary to restrict the number of interments at any one time.