

## Report To The Area Hub Planning Committee

<b>Date of Meeting</b>	5 <sup>th</sup> September 2013
<b>Application Number</b>	13/01223/OUT
<b>Site Address</b>	Land East of The Avenue, Salisbury, SP2 9PS
<b>Proposal</b>	Outline Application for proposed new cemetery with vehicular access from The Avenue (resubmission of S/2012/0815)
<b>Applicant</b>	Persimmon Homes
<b>Town/Parish Council</b>	Salisbury City Council
<b>Grid Ref</b>	Easting 411049    Northing 132845
<b>Type of application</b>	Outline Application
<b>Case Officer</b>	Adam Madge

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### Reason for the application being considered by Committee

A previous application for a cemetery was refused by committee on the site to the North West of this one. The Area Development Manager therefore considered it appropriate that members made a decision at committee on this and the alternative application of 13/01220/OUT at Land North West of The Avenue rather than dealing with the application under officers delegated powers.

### 1. Purpose of Report

To consider the above application and the recommendation of the Area Development Manager that planning permission be **Granted subject to conditions**.

Members should note that this application is accompanied by an environmental statement as required under schedule 2 of the Town and Country Planning (Environmental Impact Assessment) England and Wales Regulations 2011 (as amended).

### 2. Report Summary

The main issues to consider with this application are as follows –

1. Alternatives (and the previous application)
2. Landscape and Visual Impact
3. Flood risk and ground conditions
4. Archaeology and cultural heritage
5. Ecology and Nature Conservation
6. Agriculture
7. Transport and Access

### **3. Site Description**

The application site is located to the North of the main Fugglestone Red site allocation on the Eastern side of the Avenue that runs between Wilton and the Devizes road. The site lies at a point where there is an existing farm access into the land and where the site is bounded by more mature trees. The site slopes in a southerly direction downhill.

### **4. Planning History**

There is no specific planning history for this site, however a previous application for a cemetery was considered at an alternative location North West of this one but was refused on the 22<sup>nd</sup> February 2013 under our reference S/2012/0815. The application was considered at committee and refused for the following reasons –

*1) The proposed cemetery, by reason of its prominent siting in open countryside and the inevitable high visibility of associated development (such as gravestones, the car park and associated storage), would detract from the amenities of the countryside contrary to saved policy C2 of the South Wiltshire Core strategy.*

*2) The proposed cemetery by reason of its siting outside of the Fugglestone Red development template area and outside the development limits of Salisbury is considered to be too remote from the city and limited primarily to servicing by private motor vehicles. It would therefore be an unsustainable form of development contrary to saved policy G1 of the south Wiltshire Core strategy*

That application has now been appealed by the applicant and is due to be heard at hearing in the coming months.

### **5. The Proposal**

The proposal is in outline form only and asks members to consider the principle of a cemetery on this site along with an accompanying access, all other details are for later consideration. It is proposed to use the existing farm access to get to the site. The access way will therefore be from the Avenue.

This site is the site shown on the indicative masterplan presented to the Enquiry in Public and considered by the planning inspector prior to the adoption of the South Wiltshire Core Strategy.

### **6. Planning Policy**

The National Planning Policy Framework (NPPF)

The following saved policies of the Salisbury District Local Plan are considered relevant to this proposal:-

G1- General principles of sustainable development.

G2 General criteria for development.

G9 Planning obligations

D8 Public Art.

CN21 Archaeology

CN22 Preserving archaeological remains in situ

CN23 Requirements for archaeological assessment.

C13 Ecological enhancement.  
C12 Protected species.  
TR11 Off street Car parking.

The following policies of the adopted South Wiltshire Core strategy are considered relevant to this proposal –

Core policy one Settlement and distribution of growth in South Wiltshire.  
Core policy two Allocated sites (Fugglestone Red)  
Core policy Nineteen Water efficiency and the river Avon SAC  
Core policy twenty Pollution and phosphate levels

## **7. Consultations**

### **English Heritage**

No comments, recommend that the application is determined in accordance with National and local guidance

### **Environment Agency**

No objections subject to conditions

### **Highways Agency**

No response

### **Wiltshire Council Environmental Health**

No objections subject to conditions

### **Wiltshire Council Archaeology**

Considers that there is potential for the site to contain archaeology and therefore recommends that a condition be imposed requiring a trenched evaluation.

### **Wessex Water**

Wessex water have no objection to the proposed location of the new cemetery..

### **Wiltshire Highways**

No objections to the proposal and do not consider there is any need to impose highway conditions.

### **Wiltshire Landscape Officer**

I have looked over both of the applications for a cemetery in association with the Fugglestone Red development. It is worth noting that during the design development of the Fugglestone Red I have liaised with the applicant's landscape architect and the principle of the cemetery to the North West was acceptable in landscape terms. While the proposal to the east is more visually prominent it is clear in both cases that the nature and scale of the development could be mitigated with landscape infrastructure planting. In both cases I would advise that a condition is included for the submission of a detailed landscape masterplan including hard landscape and planting details (which I would expect to have a varied age structure for a more immediate impact and naturalistic effect). I also recommend that a management plan for the site is developed, as cemeteries are valuable Green Infrastructure assets and also offer opportunities for biodiversity and wildlife conservation.

## **Wiltshire Council Ecology**

No comments on the application

## **8. Publicity**

### **Wilton Town Council**

Supports the application

### **Salisbury City Council**

SCC supports this application but wishes to note the difficulty of safe management of disabled access due to the topography of the site and traffic management.

One letter of objection

### **Salisbury Civic Society**

There is a strong preference for this site which does not have significant changes of level and is potentially a very attractive site for a cemetery with views to the wider landscape. However, the use of the existing farm access is not supported because of the loss of mature Oak and Beech trees in The Avenue (numbers still to be clarified by the case officer). There would also be a detrimental visual impact and urbanizing effect that would result from the need to meet current highway standards for visibility splays given the 60 mph in this area. A formal access with signs, a gate etc would add to this urbanizing effect. It is considered that a well designed access route could be provided from the main Fugglestone Red development – possibly a tree lined avenue to provide an attractive and appropriate approach to the cemetery site. It is unclear as to why this option was not explored at an earlier stage or the possibility of locating the cemetery in a larger area of woodland setting close to the main access road off of the proposed new roundabout at the north east end of The Avenue.

It is essential that the planning authority clearly establish which trees are to be felled as part of the proposed development. Currently it is difficult to assess the true impact of this proposal not only in terms of the general visual impact but on the more mature trees which apparently have historic value as part of The Avenue as referred to by the case officer in his report to the Southern Area Committee on 14 Feb 2013. More details of the proposed layout and design for this site showing the location of the car parking; lighting details and particularly the planting details with numbers and locations for new/replacement tree planting would have been helpful.

The concerns raised by Salisbury City Council about 'the difficulty of safe management of disabled access due to the topography of the site and traffic management' are difficult to substantiate. Although the site starts to fall away to the east overall it is reasonably level and user safety will depend on the detailed design and layout of the circulation routes and burial plots. The City Council's concerns over traffic management could be alleviated if the cemetery access was designed to be an extension of the Fugglestone Red development. This would have the substantial benefit of not impacting on any of The Avenue trees and there would be no need for signs and a formal entrance which would give this area a more urban feel.

## 9. Planning Considerations

### 9.1 Alternatives

The alternative to this site which was previously submitted as a planning application is on land to the North West of the Avenue the details of this site are contained within the accompanying report to this one 13/01223/OUT.

### 9.2 Landscape and visual impact

The site is bounded along it's roadside frontage with Beech and Oak trees whilst there is no vegetation on the fields eastern and western side and a hedge on the remaining side. The field itself contains no trees or shrubs.

The councils landscape officer has viewed and commented on both this and the accompanying application (see comments above) She raises no objections to either site but makes the point that this site is that more prominent than that to the North West of the Avenue. Notwithstanding this she feels that with adequate landscaping and the imposition of a condition requiring a masterplan for the landscaping this site could be suitable in landscape terms for a cemetery as envisaged on the draft masterplan.

Concerns have been raised by the Salisbury Civic society not about the site itself in landscape terms but there is some concern about the access to be used and the number of trees that this will entail removing in particular concern was expressed that individual trees were not recorded and that they were recorded as groups. In response to this the applicant has provided an updated arboricultural impact assessment and has commented on the issue of numbers of trees to be removed.

*"It is of the opinion of our arboriculture consultant that recording trees as 'individuals' within these groups and recording the exact number of trees to be removed has no real benefit as the trees are relatively young, therefore the Root Protection Areas are pretty much the same throughout, with no real variation in attributes within the groups (see BS detail above). The value is of the group itself as "a cohesive arboricultural feature", we therefore propose that mitigation for its partial loss will be provided through the provision of a cohesive arboricultural feature elsewhere within the site rather than on a tree for tree basis, negating the need to identify each individual tree within the groups to be lost."*

The arboricultural statement has stated that the following trees (or groups of trees) will be removed from the site in order to create a visibility splay.

Tree Number	Category	Reason
T15, T16, T17, T18, T19, T20	A	To facilitate visibility splay.
Part of G27 & G29	B	To facilitate visibility splay.
H23, Part of G22, Part of G21	C	To facilitate visibility splay.

These trees (or groups of trees are shown on a plan that accompanies the planning application).

There was also concern about the urbanising effect that a gate and signage will have on The Avenue. The Civic Society considers that a better access with a less harmful effect upon the trees in The Avenue could be achieved by accessing the site from the main Fugglestone Red development itself. Perhaps by putting tree lined Avenue through the Fugglestone Red development to provide an attractive entrance to the cemetery.

The issue of whether to have the entrance off the Avenue or to have it within the main Fugglestone Red development was considered prior to the submission of the original application and there were a number of issues that suggested a cemetery with access from the Avenue was preferable. The first was that the city/parish councils would prefer their own controllable entrance to the site. The second was that using what would be residential streets and then through the employment area to get to the site for funeral courteses etc was felt to be less appropriate than having one access off the Avenue.

It is therefore considered that in both practical and landscape terms that the best position for the access is from The Avenue and it is further considered that the proposal in landscaping terms will comply with policy G2 of the saved policies.

### *9.3 Flood Risk and Ground Conditions*

The applicants have submitted a flood risk assessment with the application which concludes that the development is not in a flood risk area and therefore is not at risk of flooding. The Environment Agency has raised no objections to this application subject to conditions which are replicated in the recommendation below.

The applicant has concluded that there is unlikely to be any significant effect on ground conditions or contamination as a result of this development, and officers agree with this assessment. As such the development complies with policy G2 (viii) which is a saved policy of the South Wiltshire Core Strategy.

### *9.4 Archeology and Cultural Heritage*

The Councils archaeologist has commented on this application and stated that the site has an archaeological interest however it is considered appropriate that a small amount of further trenching is undertaken and that this is secured by condition which could be carried out post decision. A list of conditions at the end of this report includes the suggested archaeological condition. It is not considered that this development will have a significant effect on either the ancient monument at Old Sarum or on the registered park and garden at Wilton house.

### *9.5 Ecology and Nature Conservation*

An ecology survey has been carried out of the site which did not find significant ecology above that which would be expected to be found in a field of this nature. Natural England were consulted on this application and raised no objections to it. As the development of the cemetery is likely to take place over an extended period of time with the gradual increase in graves. Any impact from this development is likely to be spread over a considerable number of years and a cemetery such as this does by its nature often provide areas for wildlife. The council's ecologist states she has no comments to make on this application.

## *9.6 Agricultural*

The development of this cemetery will involve the loss of an agricultural field and whilst the loss of this agricultural land is regrettable. The loss of this one agricultural field is not considered to outweigh the benefits of a much needed new cemetery for the city and the benefits that this will bring for residents of Salisbury and Wilton as a whole.

## *9.7 Transport and Access*

The site will be accessed from the Avenue by vehicle via a T junction. The councils highways officer has viewed this has no comments on it and does not require any conditions as a result of this proposed access.

The applicant's consultants have produced a highways statement which outlines the alternative ways of accessing this site to the car. This includes four bus routes which at present stop some way from the proposed cemetery on Wilton and Devizes road (including Bemerton Heath). There is the likelihood that with the development of Fugglestone Red 2 a further route closer to the proposed cemetery may be added. Cycling is on road past the development and the nearest train station is some distance away.

## **10. Conclusion**

The site was originally allocated within the draft masterplan for Fugglestone Red which was considered at the Enquiry in Public. It was considered at that stage as a potential site for a cemetery and no objections were raised to it. None the less the site is more prominent in landscape terms than the site to the North West of the Avenue but with landscaping is not considered inappropriate in landscape terms. The site is located closer to the main built development of Fugglestone Red 2 and therefore in visual terms will be seen in this context. The proposal therefore complies with policy Core policy two which allocates the site for development with the south Wiltshire core strategy.

## **RECOMMENDATION**

### **Grant Planning Permission subject to conditions**

1) Details of the appearance, landscaping, layout and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

REASON: This is an outline application submitted in accordance with Article 3 of the Town and Country Planning (General Development Procedure) Order 1995

2) Application for the approval of the reserved matters shall be made to the local planning authority not later than five years from the date of this permission.

REASON: This is an outline application, submitted in accordance with Article 3 of the Town and Country Planning (General Development Procedure) Order 1995.

3) The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

REASON: This is an outline application, submitted in accordance with Article 3 of the Town and Country Planning (General Development Procedure) Order 1995.

4) No development approved by this permission shall be commenced until a scheme to assess the risk to groundwater, incorporating suitable measures to mitigate those risks, must be submitted to and approved by the Local Planning Authority. It should include the following detailed information:

1. Tier 1: Risk screening in accordance with Environment Agency guidance Assessing the Groundwater Pollution Potential of Cemetery Developments
2. Where required by the tier 1 assessment, a tier 2: Preliminary quantitative risk assessment with detailed desk study and preliminary site investigation
3. Where required by a tier 2 assessment, a tier 3: Detailed quantitative risk Assessment
4. Where required by any stage of the risk assessment, a method statement, based on that agreed risk assessment, for construction and operation of the proposed development.
5. A completion statement to demonstrate that work specified in the method statement has been suitably carried out.

REASON : In order to protect controlled waters

5) All burials in the cemetery shall be:

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

REASON In order to Protect controlled Waters.

6) A landscape masterplan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, shall be submitted to and approved by the local planning authority prior to the first use of the development, for its permitted use. The landscape masterplan shall be carried out as approved.

REASON: To ensure the proper management and planning of the landscaped areas in the interests of visual amenity.



7) The development shall be carried out strictly in accordance with the following plans and documents –

Site location plan PO920\_01-2

Design and Access statement PO920\_6-1

Planning Statement dated 7 th June 2013 CIR.P.0920

Environmental Statement dated June CIR.P.0920

Transport statement by Brookbanks

Landscape and Visual Impact Assessment dated by the Cooper partnership  
July 2013

Statement of pre application community consultation dated 17<sup>th</sup> June 2013

CIR.P.0920

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

8) No development shall commence within the area indicated (proposed development site)

Until:

A written programme of phased archaeological investigation, which should include on site work and off site work such as the analysis, publishing and archiving of the results, has been submitted to and approved by the local planning authority and

The approved programme of archaeological work has been carried out in accordance with the approved details.

REASON: To enable the recording of any matters of archaeological interest.