



Report of the Chief Planning Officer

PLANS PANEL EAST

Date: 27th August, 2009

Subject: Application 09/01019/LA – Laying out of extension to cemetery with new vehicular and pedestrian access, new gates and boundary treatment. Land adjacent to Cemetery, Robinson Lane, Kippax, Leeds, LS25

APPLICANT

Leeds City Council

DATE VALID

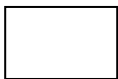
7th May, 2009

TARGET DATE

2nd July, 2009

Electoral Wards Affected:

Kippax and Methley



Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

RECOMMENDATION:

APPROVE the application in principle and **REFER** the application to the **Secretary of State** as the proposal is a departure from the development plan. In the event of the **Secretary of State** not wishing to intervene, Members are further recommended to **DELEGATE** final approval to the **Chief Planning Officer** subject to the conditions specified.

Conditions:

1. Time limit on full permission
2. Sample panel of stonework to be constructed and approved
3. Submission of details relating to surface water discharges
4. No piped discharges until surface water drainage works are completed
5. Preservation of existing trees
6. Protection of existing trees and other vegetation
7. Landscape implementation
8. Provision for replacement planting
9. No vegetation removal during bird breeding season
10. Vehicle access via Chapel Lane only

11. Re-surfacing scheme to be agreed in writing

Reasons for approval: The application is considered to comply with policies BD5, GP5, LD1, N1A, N51, T2, T24 of the UDP Review, as well as guidance contained within PPS 1 and 9 and PPG 17 and having regard to all other material considerations as such the application is recommended for approval.

1.0 INTRODUCTION:

1.1 The application is being reported to Panel because the proposed change of use of the land is a departure from the adopted development plan.

2.0 PROPOSAL:

2.1 The application seeks full planning permission for the laying out of an extension to an existing cemetery including vehicular and pedestrian access gates, landscaping and boundary treatment (stone boundary wall and railings). The site will utilise the existing parking arrangements for hearses and mourners adjacent to Kippax Methodist Church.

2.2 The applicant has submitted appropriate drawings together with a design and access statement and subsequent justification to address the change of use and departure from the development plan allocation of allotments. The design and access statement identified a shortfall of burial plots locally and district wide.

3.0 SITE AND SURROUNDINGS:

3.1 The site is situated at the eastern end of Robinson Lane at the junction with East View and lies immediately north of the pedestrian footpath link between Robinson Lane and Gibson Lane. The site comprises small trees to all boundaries with one larger tree (mature copper beech) to the southern boundary. The land within the boundary is overgrown formerly an allotment garden. There is a dilapidated iron railing boundary fence and gate facing Robinson Lane. The site is approximately 200m to the north of Kippax High Street. There is level access of Robinson Lane, however the site slopes downwards in a northerly direction. There is a single detached house beyond the eastern boundary of the site. The existing cemetery lies to the south with allotment gardens to the north and residential properties to the west on East View. The area is generally residential in character.

4.0 RELEVANT PLANNING HISTORY:

4.1 Application Ref: 33/507/03/FU – change of use of vacant allotment gardens to cemetery. The application was referred to the Secretary of State (SoS) due to the proposal being a departure from the development plan. The SoS did not wish to comment on the proposal consequently the decision can be made by the local planning authority. Permission was granted on 27th January 2004. Works however, did not commence on site and the permission expired in January 2009.

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 Prior to the submission of the application the applicant obtained the views of the City Council's Local Plans team. The team were undertaking a PPG17 assessment of all green space in Leeds which includes allotments to inform the forthcoming LDF documents and primarily the Core Strategy and Allocation DPD. Although the allotment appeared to be unused and the remainder of the allotments undersubscribed it was considered that the proper place to determine if the site is surplus to requirements and the allocation changed would be through the plan making process rather by way of a planning application.
- 5.2 A meeting took place with officers and the applicant in February where the applicant outlined the urgency of the need for additional burial plots in Leeds.
- 5.3 The application was submitted on 7th May, 2009, followed by justification supporting the proposal on 29th June, 2009 and revised drawings including parking area, inclusion of a wildflower meadow and tree retention detailing on the 27th July, 2009.

6.0 PUBLIC/LOCAL RESPONSE:

- 6.1 Two site notices were displayed adjacent to the site from 18 May, 2009 advising that the application was a departure from the development plan and that it affected a public right of way. The application was also advertised in the Leeds Weekly News on the 28th May, 2009.
- 6.2 Comments were received from Kippax Parish Council on 9th June, 2009 expressing general support for the principle of the development but mentioned that the operation of the use would benefit from improvements to the surface of the route from the car park to the site. *The applicant has agreed to look into the issue of the surfacing of the footpaths.*
- 6.3 No letters of representation were received from local residents in response to the public notification process.

7.0 CONSULTATIONS RESPONSES:

- 7.1 **Statutory:**
None.

- 7.2 **Non-statutory:**
Highway Development Services – no objection subject to the use of the existing vehicle parking area, with no burials from Robinson Lane.

Land Drainage – no objection subject to conditions relating to works for dealing with surface water discharges.

Public Rights of Way – identified the presence of Public Footpaths Numbers 22 & 35 Garforth which run adjacent to the western and southern boundaries of the site.

8.0 PLANNING POLICIES:

8.1 Development Plan

The development plan comprises the Regional Spatial Strategy to 2026 (RSS) and the adopted Leeds Unitary Development Plan (Review 2006). The RSS was issued in May 2008 and includes a broad development strategy for the region setting out regional priorities in terms of location and scale of development. No RSS policies have a specific relevance to the application site.

8.2 The site forms part of an allocated allotment site under the Leeds UDPR. The following UDPR policies are relevant to the consideration of the application:

BD6 Alterations and extensions;
GP5 General planning considerations;
LD1 Landscaping proposals;
N1A Allotments;
N51 Enhancement of wildlife habitats;
T2 Highway safety; and
T24 Parking provision

8.3 Supplementary Planning Guidance/Documents

Street Design Guide Draft SPD
Kippax Village Design Statement SPG

8.4 National Planning Policy and Guidance

PPS1 Delivering Sustainable Development
PPS9 Biodiversity and Geological Conservation
PPG17 Planning for Open Space, Sport and Recreation

9.0 MAIN ISSUES

- 9.1
1. Principle of development
 2. Residential amenity
 3. Highway safety
 4. Landscaping/biodiversity

10.0 APPRAISAL

Principle of development

10.1 Under the Leeds Unitary Development Plan Review the site is allocated as an allotment, consequently the proposed use as a cemetery is a departure from the development plan which therefore requires the approval of the Plans Panel, to be subsequently referred to the Secretary of State for his comment.

10.2 During pre-application discussions the applicant was informed that an audit of all open space within the district was to take place in accordance with PPG 17. As a consequence it was considered that it would be more appropriate for the proposed change to the use of the site to be pursued via the development plan process rather than that of a planning application. The applicant however was mindful of the lengthy timescale involved in the development plan process compared to that of a planning application given the need and urgency to provide more burial space. In addition, a previous planning permission had just expired and that the Secretary of

State at that time had not wished to intervene with the City Council's decision. The applicant therefore submitted a planning application.

- 10.3 In light of the outcome of pre-application discussions and that the PPG17. study has not been completed (process of starting to set standards will only commence in September 2009) officer's were mindful that the submission should include evidence that supports the departure from the development plan allocation. The Design and Access Statement submitted with the application documented the urgent requirement more burial space within the Leeds District. During the application process the applicant supplemented this with information that demonstrated that there is an overprovision of allotment space within the vicinity such that the loss in this instance was acceptable. In addition, the site has not been used as allotments, and has a covenant on the title stating that it must only be used for a burial ground. When this is considered alongside other material considerations, the need for burial space, that the site was granted planning permission in 2004, and that cemeteries are also an open space under PPG17, on balance these are considered to outweigh the current N1A UDPR allocation.

Residential Amenity

- 10.4 The southern boundary of the existing cemetery abuts residential properties situated on Hopewell Terrace and Ashtree Grove. The most westerly point of the application site and its eastern boundary are also adjacent to residential properties. It is considered however, that by the nature of the use of the proposal when seen in context with the landscaping of the site, the development would not result in harm of any measurable significance to the amenity of the occupants of housing living closest to the site.

Highway Safety

- 10.5 The existing cemetery is served by the car park adjacent to the Methodist Church off Chapel Lane which is in the ownership of the City Council. Highway officers are mindful that there is no off-street parking available approaching the site from Robinson Lane consequently they recommend that all vehicle borne visitors to the cemetery should continue to frequent the car park off Chapel Lane. Kippax Parish Council have expressed concern regarding the condition of the footpaths approaching the site, however the applicant has agreed to re-surfacing where required. In light of the above and subject to the relevant conditions it is considered that the proposed development would not be unduly detrimental to the interests of highway safety.

Landscaping/biodiversity

- 10.6 The site is bounded to all sides by a variety of small trees and hedging, with the exception of one larger copper beech tree to the southern boundary, with the land within the site being densely overgrown with no features worthy of retention. The proposed development includes a stone boundary wall to be in keeping with the existing cemetery, together with boundary gates and railings which are sympathetic to their setting. In order to protect the roots and continued retention of the copper beech tree the applicant has revised the layout so that no grave is to be dug within 8 metres of the base of the tree. Rather than have mown edging to the proposed burial area, at the request of the Senior Nature Conservation Officer, the applicant has revised the proposal to include margins of wildflower grassland which will benefit butterflies, bees and other insects. To protect the breeding habitats of wild birds a condition is attached to the recommendation so that there is no vegetation removal during the breeding season from the beginning of March to the end of August. It is considered therefore, that the development will enhance the landscape

quality of the site whilst contributing to biodiversity conservation in general and wildlife habitats.

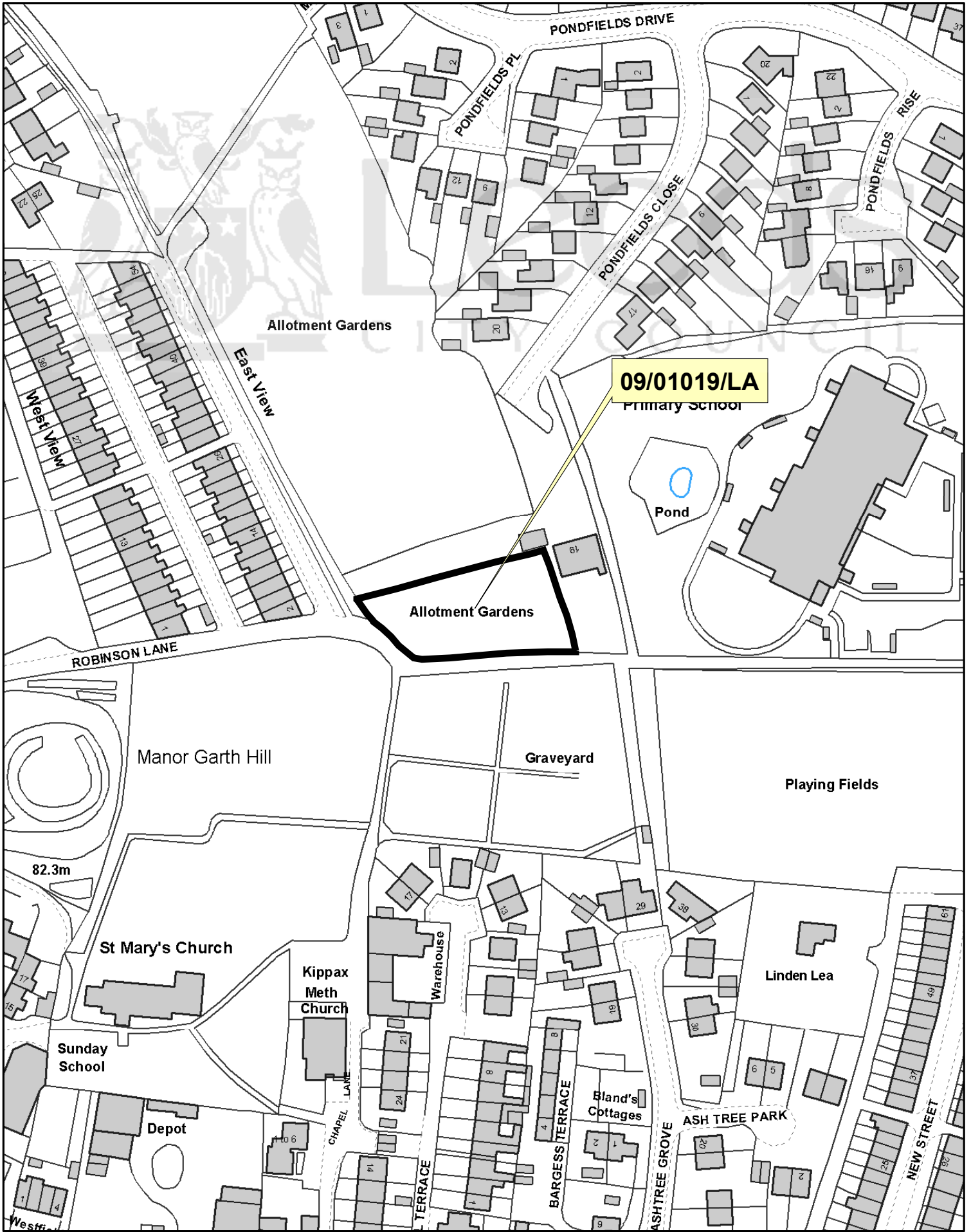
11.0 CONCLUSION

- 11.1 It is considered that the proposed development is acceptable in planning terms and that the layout, landscaping and boundary treatment are designed so that they would not detract from the character and appearance of the area. In addition, the proposed development would not have any significant impact on the amenities of nearby residents and that the proposed extension of the cemetery would not prejudice the interests of highway safety. The proposed development is considered to comply with the relevant UDPR policies and national planning guidance, and officers have balanced the proposal against other material considerations. On balance, and in light of the above, the application is considered to be acceptable, and approval is recommended subject to the specified conditions.

Background Papers:

Application 09/01019/LA, and historical file 33/507/03/FU.

Certificate of Ownership: applicant completed Certificate A.



EAST PLANS PANEL



Scale 1/ 1500

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