MID SUSSEX DISTRICT COUNCIL

PLANNING COMMITTEE A

10 SEP 2015

RECOMMENDED FOR PERMISSION

Turners Hill

DM/15/1035

LAND PARCEL NORTH OF TURNERS HILL ROAD TURNERS HILL WEST SUSSEX CHANGE OF USE TO NATURAL BURIAL GROUND AND THE ERECTION OF A RECEPTION BUILDING WITH ASSOCIATED ACCESS, PARKING AND LANDSCAPING (ADDITIONAL SUPPORTING INFORMATION RECEIVED 11 JUNE 2015).
HARTMIRES INVESTMENTS LTD

POLICY: Ancient Woodland / Areas of Outstanding Natural Beauty / Areas of Special Control for Adverts / Ashdown Forest SPA/SAC / Countryside Area of Dev. Restraint / Classified Roads - 20m buffer / Public Right Of Way / Aerodrome Safeguarding (CAA) / Aerodrome Safeguarding (CAA) / Radar Safeguarding (NATS) / Strategic Gaps / /

ODPM CODE: Minor Other

8 WEEK DATE: 6th May 2015

CASE OFFICER: MR ANDREW WATT

EXECUTIVE SUMMARY

PURPOSE OF REPORT

To consider the recommendation of the Head of Economic Promotion and Planning on the application for planning permission as detailed above.

EXECUTIVE SUMMARY

Full planning permission is sought to change the use of the land from agricultural to a natural burial ground, together with the erection of a reception building, car parking, landscaping, new access and footpath link.

This application was reported to the 13 August committee meeting, where Members resolved to refuse it principally on the basis that the translocated hedgerow would die, resulting in harm to the rural character of the area.

Your officers have since requested that the council's Tree and Landscape officer give his formal view on the proposed methodology for translocating the hedgerow which has been submitted by the applicant. Based on the detailed method proposed by the applicant's consultant, he has 'every confidence' that the sections of hedgerow at Turners Hill may be successfully translocated, provided they are carried out at the times specified, under supervision.

The methodology can be summarised as follows:

- Works shall be undertaken during a period of root dormancy;
- Plant machinery and equipment should be selected to adequately implement the translocation works;
- the existing hedgerow proposed for translocation shall be trimmed back to the structural framework of woody stems outside of the bird nesting season (approximately 1st March to 31st August) and ideally between January and February;
- Once trimmed the hedgerow shall be lined with a horticultural fleece or fabric to minimise the likelihood of bird nesting and to provide additional protection prior to and during the proposed translocation;
- The hedgerow shall be translocated and placed within a prepared planting trench;
- The planting trench and the lifting of the existing hedgerow shall be undertaken incrementally in sections of limited length to prevent the desiccation of the root systems and maintain the structural integrity of the existing soils;
- The lifting shall be undertaken with specialist plant machinery capable of bucket excavation to ensure the maximum retention of rootplate and surrounding soil structure is retained through the translocation process;
- The translocation operation shall be aided with the supervision and direction of a minimum of two ground based operatives. Further operatives may be required for highway management and site operations.
- Care shall be taken to ensure that the planting depth replicates that of the existing situation;
- The planting trench shall be backfilled with existing excavated topsoil to the edges of the translocated hedge rootball taking care not to damage the hedge structure or rootball within the backfill procedure. The backfill material shall be gently firmed around the rootball to expel air pockets and prevent excessive resettling;
- Once planted and backfilled, timber stakes shall be driven through the hedge base and rootball to a minimum depth of 1.0m to secure and support each section of the translocated hedge;

- The translocated hedgeline shall be watered upon completion of planting section;
- Ground protection and protective fencing shall only be removed upon the completion of works and cessation on site of heavy plant movements.

Following completion of the hedgerow translocation the ongoing management of the hedgerow shall be implemented. This includes monitoring the condition of the hedge for the course of the following growing season; watering; leaving the horticultural fleece in place; not to allow any further hedge trimming for a minimum of 2 years following the translocation; utilising the topsoil to form the roadside verge profile in order to maintain the localised soil type; and finally seeding a wildflower grassland mix on the verge.

This methodology can be controlled by condition.

The principle of developing this site for a natural burial ground is considered acceptable and will contribute towards the rural economy of the area. It is considered that the council's and Inspector's concerns with regard to the impact of the proposed access on the rural character of the area has now been overcome. The impact of the proposal on the biodiversity of the area can be satisfactorily mitigated through condition. Highways and landscaping matters can also be left to condition. As such, it is considered that the proposal would comply with policies B1, B24, C1, C5, C6, C10, T4, CS13 and CS20 of the Mid Sussex Local Plan, policies DP1, DP2, DP10, DP12, DP19, DP23, DP24, DP36, DP37 and DP42 of the draft Mid Sussex District Plan, policies THP8 and THP16 of the draft Turners Hill Neighbourhood Plan and the provisions of the NPPF and should therefore be approved.

RECOMMENDATION

It is recommended that the application be approved subject to the conditions set out in Appendix A.

SUMMARY OF CONSULTATIONS

MSDC Contaminated Land Officer
Conditions requested.

MSDC Environmental Protection
No objection.

MSDC Street Naming and Numbering Officer
Informative requested.

MSDC Tree and Landscape Officer
The translocation of hedges, trees and even sections of woodland is a fairly common practice which goes back to the days of Capability Brown in the 1700's. Atkins (Civil Engineers) have written a guide to good practice on the matter, complete with case studies. Close to home is a section of hedgerow which was translocated by Crest in phase 1, from Rocky Lane to the west side of what is now the recreation ground at Bolnore Village. It established itself well, and is still thriving, despite the technique being far short of that prescribed by Lizard.

Given the detailed method proposed by Lizard, and provided that these are carried out at the times specified, under supervision, I have every confidence that the sections of

hedgerow at Turners Hill may be successfully translocated.

WSCC Highways
No objection, subject to conditions and further information.

Environment Agency
No objection, subject to conditions.

SUMMARY OF REPRESENTATIONS

6 letters of objection (including 2 from the same objectors):
Adverse impact on amenity of local area; previous use for agricultural (or ancillary agricultural) activities did not necessitate any buildings or permanent parking facilities; development will reduce protection afforded by strategic gap; local residents appear to walk dogs across these fields; parked cars will detract from rural character and bring increased traffic to the area; destruction of existing hedge; questions over regulations of burials, whether they would result in pollution to local water courses; what the visual impact of the memorials will be, and recognising that use of the site for burials will entail a very long term change in use; no further commercial usage should be permitted on the site if planning permission is granted for this use; land should be left as green belt and arable use; outside current building development area for Turners Hill; already an open graveyard at St Leonards Church for those living in the parish; village does not need a burial ground on its doorstep; no additional car parking will be provided at the church; present incumbent is a retired Canon who is working on a house for duty basis, 20 hours per week and so would not be able to do additional services at this proposed venture; no approach has been made to the church by the applicant and the burial ground will not be linked to the church; site adjacent to Tulleys Farm with its entertainments, so would not be the right sort of neighbours for a burial ground; not in the Parish Plan; church car park is for the sole use of those visiting the church, graveyard and hall, so would not be available for use by any one else, so support WSCC's requirement for provision of overspill parking.

5 letters of support:
Proposal looks very good; shortage of such facilities; welcomed; principle of entrance at this location agreed with Highways and landscaping or environmental issues look only positive in that a forest will develop; provides an environmental and sustainable need; long term asset to the community and animals and other wildlife; has a good management plan; look forward to a local job and moving to this community; the Association of Natural Burial Grounds is the only organisation to scrutinise and monitor green burial cemeteries in the UK, and as I manage this, then I add our support to this application; great improvement in choice to local residents, one that until now has not been available to them in this part of the county; plans and planting proposals look very well considered; act for a religious society looking for a burial ground in the Sussex/Surrey area, so application welcomed as it is well located with good transport links and bus stops on site; well presented application and benefits well presented by expert reports; natural burials seem to be a friendly environmental option.

PARISH COUNCIL OBSERVATIONS

Turners Hill Parish Council strongly objects to DM/15/1035 for the following reasons: 1) This proposal is within a Countryside Area of Development Restraint as contained within C1 of the current Local Plan. 2) This proposal does not conform to the areas identified for development within the Draft Neighbourhood Plan and should remain as agriculture usage only. 3) We believe that the Ashdown Forest Conditions may need to be taken into consideration as this site is within the 7 Kilometre Buffer. 4) We do not believe it is conducive to have a burial ground next to Tulleys Farm where there is a large scale family entertainment complex. 5) We have serious concerns regarding the surface water which flows to the River Medway. We note that these concerns were

mentioned by the Environment Agency. 6) We are also concerned that a Drinking Water Protected Areas Safeguard Zone abuts the top of the field. 7) In a previous application for this plot of land it was noted by Donald Newling that the hedgerow is of significant importance due to the presence of a bat roost within one of the hedgerow trees and that a Hedgerow Retention Notice had to be served as there were no overriding factors to justify the removal. There is no mention of this in the latest application. 8) The Council is not convinced that trans locating a hedge is a good route. 9) If MSDC is of a mind to grant planning permission then we would ask that additional parking is provided as per comments made by WSCC Highways. 10) We assume MSDC will, if planning permission is granted, ensure that any sections of the replanted hedgerow that die back will be replaced.

INTRODUCTION

Full planning permission is sought to change the use of the land from agricultural to a natural burial ground, together with the erection of a reception building, car parking, landscaping, new access and footpath link.

RELEVANT PLANNING HISTORY

A hedgerow application for the removal of the frontage hedgerow was refused on 12 May 2014 (14/01227/HEDGE) and a prior notification application for the erection of a proposed agricultural building on a field parcel to the north of that which adjoins the highway (outside the blue lined area) was refused in May 2014.

Full planning permission was refused on 23 May 2014 for the construction of a new access to two field parcels on the site, including removal of a boundary hedgerow and replanting of a replacement boundary hedgerow (14/01226/FUL). The reason for refusal stated:

'In the opinion of the Local Planning Authority, the proposed access is considered to be too large for the intended use of the land such that it would have an unacceptably harmful impact on the rural character of the area, contrary to paragraphs 7, 14, 17, 56 and 58 of the National Planning Policy Framework and policies C1 and C10 of the Mid Sussex Local Plan.'

An appeal was lodged against this decision and dismissed in September 2014. The Inspector noted the following:

- the red-lined site constituted a frontage hedgerow about 2-3m in height above a 1m raised bank around 295m in length.
- Turners Hill Road is a 60mph road of rural character bounded by hedging on both sides.
- The proposed access would have a setback of 10m to inward opening gates.
- The existing hedgerow would be removed in its entirety, albeit with the retention of all the frontage trees, and would be replaced with a new hedgerow set back 0.5m behind the proposed visibility splays.
- The access was proposed in connection with the use of the site as a tree nursery, which is also an agricultural use.
- The access was designed to meet the highway authority's minimum requirements [to achieve sufficient visibility splays].

The Inspector disagreed with the appellant that the proposal would accord with policies C1 and C10 of the MSLP and the NPPF for 5 reasons:

- The applicant advised that the proposed access was anticipated to generate less than 30 two-way vehicle movements in any hour and less than 100 two-way vehicle movements per day.
- It was necessary to consider whether the proposed new access was 'reasonably necessary for the purposes of agriculture within the unit.' The Inspector noted that there must plainly be an *existing* agricultural use [his emphasis] and this must be a business, as opposed to a hobby. He noted that the land was currently fallow and no information had been provided by the appellant whether the land was commercially viable at present or could be reasonably anticipated to be so in the future. He concluded that the proposal was not reasonably necessary for the purposes of agriculture or forestry.
- While the NPPF sets out a more positive approach to rural development than policy C10 of the MSLP it does not refer to engineering operations which are inherent in the proposal
- The character of the area is clearly rural; once past the church, the character changes totally into open countryside with narrow lanes bounded by trees and hedgerows.
- This undeveloped character would be wholly eroded by the proposed development: the narrow road would be widened for more than 320m; the well established hedge would be removed and replaced with a new hedge that would take some time to establish, so the impact of the proposal in the short term would be significant and unacceptably harmful and in the long term the impact would be a very over-engineered access.

Overall, he concluded that the nature and scale of the proposal would cause unacceptable harm to the rural character of the area and would not be outweighed by the appellant's need for the access. The Inspector did though accept both the appellant's and council's view that the proposed access would not result in a highway safety hazard nor any adverse impact to the biodiversity of the land.

SITE AND ITS SURROUNDINGS

The red-lined site area consists of two field parcels of grassland with no evidence of any current agricultural activity as well as a frontage hedgerow about 2-3m in height, atop a 1m high raised bank around 295m in length and a narrow strip of land to the southern boundary of another field parcel. Interspersed at various points in the hedgerow are several mature Oak trees. The site lies immediately adjacent to an access to Tulleys Farm to the west, and is located just beyond the village church to the south-west. Turners Hill Road is a 60mph road of rural character, bounded by hedging on both sides, which connects the village of Turners Hill with Crawley some 2 miles or so to the west. To the east is an ancient woodland (Butchers Wood). Land to the south on the opposite side of Turners Hill Road consists of fields within the High Weald Area of Outstanding Natural Beauty.

APPLICATION DETAILS

Full planning permission is sought to change the use of the land from agricultural to a natural burial ground, together with the erection of a reception building, car parking, landscaping, new access and footpath link.

The reception building will measure 13.1m in width by 7.5m in depth with a maximum ridge height of 4m. The accommodation will comprise an office, reception, WC and separately accessed store, with a covered full-length veranda to the northern side. Materials will be stained horizontal boarded elevations and mineralised felt shingles or slate roof.

The building will be located in the top north-western corner of the proposed car parking area (surfaced with tarmac and rolled-in gravel), which will provide space for 22 cars (including 2 disabled spaces), located to the immediate west of the proposed access in the centre south of the site. The access will be 5.5m in width with inward opening gates set back 6m from the carriageway, with visibility splays of 2.4m x 160m in both directions. The existing hedge will be

translocated (i.e. lifted and transplanted) rather than removed, as in the previous application, except at the point of access. Various soft landscaping will be implemented, in particular groups of trees on the southern and western boundaries of the site.

A 2m wide footpath bounded by a 1.2m high post and two rail fence will provide a link between the car park and the existing footpath in front of the church to the east. This will be approximately 340m in length, but contrary to a view expressed by representatives of the church, will not have a lych gate proposed (NB. this view has presumably arisen due to the positioning of the existing lych gate annotation on the mapping used to accompany the application, taken from the Ordnance Survey).

LIST OF POLICIES

Mid Sussex Local Plan (MSLP) (May 2004)
B1 (design)
B24 (light pollution)
C1 (protection of the countryside)
C5 (nature conservation)
C6 (trees, hedgerows and woodlands)
C10 (prior notification)
T4 (transport requirements in new developments)
CS13 (land drainage)
CS20 (derelict and contaminated land)

Mid Sussex District Plan (MSDP)
The Pre-Submission District Plan 2014-2031 was published on the 12th June 2015. The Plan will be submitted for examination in Autumn 2015. The Pre-Submission version of the Plan takes into account the comments received on the Consultation Draft Plan and includes a housing target. Policy DP5 of the Pre-Submission Plan sets a housing requirement of 11,050 homes at an average of 650 homes per annum. The Plan is a material planning consideration but little weight can be given to the Plan at this stage.

The most relevant policies are:
Policy DP1: Sustainable Development in Mid Sussex
Policy DP2: Sustainable Economic Development
Policy DP10: Protection and Enhancement of Countryside
Policy DP12: Sustainable Rural Development and the Rural Economy
Policy DP19: Transport
Policy DP23: Community Facilities and Local Services
Policy DP24: Character and Design
Policy DP27: Noise, Air and Light Pollution
Policy DP36: Trees, Woodland and Hedgerows
Policy DP37: Biodiversity
Policy DP42: Water Infrastructure and the Water Environment

Turners Hill Neighbourhood Plan
Formally Submitted - Regulation 16 Consultation 13th May 2015-24th June 2015
Material planning consideration with some weight
The following policies are relevant:

THP8 Countryside Protection
Outside the Built up Area Boundary, priority will be given to protecting and enhancing the countryside from inappropriate development. A proposal for development will only be permitted where: a) It is allocated for development in Policy THP1 or would be in accordance with Policies

THP7 and THP14 of this Plan or other relevant planning policies applying to the area; and: b) It must not have a detrimental impact on, and would enhance, areas of substantial landscape value or sensitivity, and c) It must not have an adverse impact on the landscape setting of Turners Hill and d) It must maintain the distinctive views of the surrounding countryside from public vantage points within, and adjacent to, the built up area; and e) Within the High Weald Area of Outstanding Natural Beauty it must conserve and enhance the natural beauty and would have regard to the High Weald AONB Management Plan. f) It is essential to meet specific necessary utility infrastructure needs and no alternative feasible site is available. Our Strategic Gaps are identified in MSDC Local Plan policy C2 and the High Weald Area of Outstanding Natural Beauty by Local Plan policy C4. Policies in the emerging District Plan, DP35 & DP36, will provide protection and enhancement in relation to trees, woodland and hedgerows as well as biodiversity.

THP16 Footpath Improvements
Proposals which will extend and enhance village footpaths, in particular on Selsfield Road, to provide protection and improved visibility for residents walking to and from the village centre, in keeping with our Walk & Drive In Safety document, will be supported.

National Policy
National Planning Policy Framework (NPPF) (Mar 2012)

The NPPF sets out the government's policy in order to ensure that the planning system contributes to the achievement of sustainable development. Paragraph 7 sets out the three dimensions to sustainable development, such that the planning system needs to perform an economic role, a social role and an environmental role. This means ensuring sufficient land of the right type to support growth; providing a supply of housing and creating a high quality environment with accessible local services; and using natural resources prudently.

With specific reference to decision-taking, the document provides the following advice at paragraph 187:

'Local planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. Local planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area.'

Paragraph 197 states that: *'In assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development.'*

Planning Practice Guidance (Mar 2014)

ASSESSMENT (CONSIDERATION OF KEY ISSUES)

The main considerations are the design and visual impact of the proposal on the rural character of the area; the impact of the proposed access on highway safety; and the impact of the proposal on the biodiversity of the area.

Design and visual impact on the character of the area
Policy C1 of the Mid Sussex Local Plan restricts development to proposals reasonably necessary for the purposes of agriculture or forestry. Policy C10 permits proposals related to agricultural, forestry or horticultural development only where the proposal is reasonably necessary for the purposes of agriculture within the unit, and the siting, design and materials are in keeping with the character and appearance of the landscape. Policy DP10 of the draft Mid Sussex District Plan aims to value the countryside for its own sake, recognising its intrinsic character and beauty, and

allows development where necessary for the purposes of agriculture or is supported by a specific policy reference elsewhere in the DP or NP.

Paragraph 56 of the NPPF states:
"The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people."

Paragraph 58 states:
"Local and neighbourhood plans should develop robust and comprehensive policies that set out the quality of development that will be expected for the area. Such policies should be based on stated objectives for the future of the area and an understanding and evaluation of its defining characteristics. Planning policies and decisions should aim to ensure that developments:
- *will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
- *establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;*
- *optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public space as part of developments) and support local facilities and transport networks;*
- *respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;*
- *create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and*
- *are visually attractive as a result of good architecture and appropriate landscaping."*

The site area does not reveal any evidence of current agricultural activity, there being no agricultural unit as such, no farm dwelling or farm workers relating to this very small site. However, the proposed change of use to a natural burial ground is considered to be acceptable in principle. The land take for development (associated with the car park, access and reception building) is deemed fairly modest in scale, leaving the remainder of the land to be landscaped or planted. While this is a rural area, the site is nevertheless adjacent to Tulleys Farm and its associated leisure/recreational facilities (maze, fun park, accesses, car parking, etc.) to the west. Immediately opposite that is the cricket ground and pavilion. As such, it is considered that the proposal would be read in context with the scattering of other buildings and uses in this area and hence would not be out of place.

There would not be any adverse impact to the setting of the AONB on the southern side of Turners Hill Road and the translocation of the frontage hedgerow (and area of loss at the proposed point of access) is considered to be an appropriate and sensitive solution to overcome the council's and Inspector's previous concerns from a visual amenity point of view - subject to conditions ensuring that it be implemented in accordance with the methodology accompanying the application, which would also ensure the protection of the biodiversity of the site. The surfacing and enclosure of both the proposed car parking area and footpath would also be acceptable in this context.

As has been noted above, representatives of the Parish Church of St Leonards have not been approached by the applicant to operate the natural burial ground and have made it clear that there is to be no connection. While the footpath link may appear to provide a visual connection with the church, for which a crossing point is required, this is more of a practical matter as the existing footpath to the village stops at the church. It would therefore appear logical for the proposed natural burial ground facility to be accessible to the village centre and hence the footpath as proposed would be acceptable in principle.

For the above reasons, it is considered that the proposal would comply with the above policies and guidance.

Impact on highway safety
Policy T4 of the Mid Sussex Local Plan states that proposals for new development should not cause an unacceptable impact on the local environment in terms of road safety and increased traffic.

The Highway Authority have not objected to the application, as the visibility splays are achievable in response to the speed surveys previously undertaken. The width of the access is deemed acceptable, although the setback of 6m for the inward opening gates may need pushing back further and a response is awaited on this point. It is difficult to establish what level of car parking provision is required for a use such as this, but the car parking provision would be likely to be deemed acceptable in relation to the scale of this usage; if any more is required, there is spacing that can be provided within the parking complex already proposed. The proposed footpath would be considered a benefit to this scheme, linking up with the existing footpath beneath the lych gate of the church opposite and hence the village centre further east. A condition would be required to ensure that a crossing point was provided across Turners Hill Road.

On this basis, it is considered that the proposal would be acceptable and would therefore comply with the policies above.

Biodiversity
Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) lists species of animal (other than birds) which are provided special protection under the Act. In addition to the protection afforded by the Wildlife and Countryside Act 1981 (as amended), certain species are also covered by European legislation. These species are listed in Schedule 2 of the Conservation of Habitats and Species Regulations 2010.

Policy C5 of the Mid Sussex Local Plan requires proposals for development to minimise their impact on features of nature conservation importance.

Chapter 11 of the NPPF advises that when determining planning applications, local planning authorities should aim to conserve or enhance biodiversity, and that 'opportunities to incorporate biodiversity in and around developments should be encouraged.'

In particular, paragraph 118 of the NPPF states:
"When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles [such as]:
- *if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;*
- *opportunities to incorporate biodiversity in and around developments should be encouraged.*
- *planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh its loss."*

An Extended Phase 1 Habitat Survey was carried out in January 2014 to accompany the proposal. It identifies the features of ecological interest or significance and notes that the frontage hedgerow to be partially removed is not considered to be classed as important under the ecological criteria of the Hedgerow Regulations 1997. The hedgerows and trees surrounding the surveyed fields provide foraging and nesting habitat for a wide range of birds; ponds within the

surrounding area are suitable for breeding great crested newts, which could potentially be using habitats within the survey area, including foraging within grasslands and using the hedgerows as dispersal routes; and reptiles may forage throughout the semi-improved grassland fields and use the hedgerows as a dispersal route or sites for shelter and hibernation.

This scoping survey recommended that vegetation clearance is not carried out during the bird nesting season (1 March to 31 August) but if it is, then further survey work should be carried out for active nests immediately prior to the commencement of works. Due to the removal of potential terrestrial habitat for great crested newts and reptiles, this scoping survey recommended that further surveys were carried out during the active season for both groups. In order to maintain its existing botanical diversity and wildlife value, it was also recommended that the existing hedge be translocated or replanted. The Survey concluded that the proposed scheme would be *'unlikely to lead to significant ecological impacts or permanent loss of biodiversity value if the current landscaping proposals and recommended mitigation are implemented. However, it is necessary to establish the presence or likely absence of a range of protected species prior to commencing the works. Surveys for these species may lead to recommendations for additional mitigation measures not contained in this report.'*

Consequently a Great Crested Newt Survey and Reptile Survey were carried out in April and May 2014. With respect to the former, it was concluded that the surveyed ponds (within 500m of Turners Hill Road) were not being used by breeding GCNs and overall it was considered unlikely that GCNs would be present on the application site. This means that no specific avoidance or mitigation measures need be implemented and a Natural England European Protected Species Licence will not be required prior to the commencement of works on the site. With respect to the latter, clearance of the grassland and removal of the southern boundary hedgerow pose a risk of death or injury to reptiles within the application site boundary and the report recommended that all reptiles within the construction zone be captured and translocated to a suitable receptor site prior to the commencement of works. This should be undertaken in accordance with a Method Statement, to be agreed with the relevant wildlife organisations and/or the Local Planning Authority, to demonstrate that all reasonable precautionary measures have been taken to protect the population of reptiles during the works. The Method Statement will detail exclusion fencing specifications, capture methodology and the location and management of a suitable receptor site (set out in more detail on p.13-14 of the survey). The survey also stated that the presence of species protected under the Conservation of Habitats and Species Regulations 2010 (i.e. sand lizard and smooth snake) was extremely unlikely and therefore a European Protected Species survey licence was not required.

In the previous application, the council's Tree officer noted that the hedgerow trees would be retained and therefore the bat roost present in one of them will not suffer disturbance as a result. This remains the case and is also mentioned in the ecological scoping survey above.

For these reasons, it is considered that suitable conditions can be imposed on any consent, which would ensure compliance with the above policies, guidance and legislation.

Other matters
The Environment Agency withdrew their original objection to the proposal, and consider that the contamination risks can be adequately dealt with by conditions.

CONCLUSIONS

The principle of developing this site for a natural burial ground is considered acceptable in principle and will contribute towards the rural economy of the area. It is considered that the council's and Inspector's concerns with regard to the impact of the proposed access on the rural character of the area has now been overcome. The impact of the proposal on the biodiversity of

the area can be satisfactorily mitigated through condition. Highways and landscaping matters can also be left to condition. As such, it is considered that the proposal would comply with policies B1, B24, C1, C5, C6, C10, T4, CS13 and CS20 of the Mid Sussex Local Plan, policies DP1, DP2, DP10, DP12, DP19, DP23, DP24, DP36, DP37 and DP42 of the draft Mid Sussex District Plan, policies THP8 and THP16 of the draft Turners Hill Neighbourhood Plan and the provisions of the NPPF and should therefore be approved.

APPENDIX A – RECOMMENDED CONDITIONS

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

   Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

2. No development shall commence until a schedule and/or samples of materials and finishes to be used for the external walls, windows, doors and roof of the proposed building have been submitted to and approved in writing by the Local Planning Authority. The works shall be implemented in accordance with the approved details.

   Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality and to accord with policy B1 of the Mid Sussex Local Plan and policy DP24 of the draft Mid Sussex District Plan.

3. The development shall be carried out in strict accordance with the Proposed Hedgerow Translocation Mitigation Strategy (shown in drawing nos. LLD787/11 Rev 01, LLD12 Rev 01, 13 Rev 01, 14 Rev 01) and no development shall commence unless and until there has been submitted to and approved in writing by the Local Planning Authority full details of both hard and soft landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of those to be retained, together with measures for their protection in the course of development, and plan and elevation details of the boundary enclosures and these works shall be carried out as approved.

   Reason: In the interests of visual amenity and of the environment of the development and the biodiversity of the area and to accord with policies C1, C5, C6 and C10 of the Mid Sussex Local Plan and policies DP10, DP36 and DP37 of the draft Mid Sussex District Plan.

4. Hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority. Any trees or plants which, within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

   Reason: In the interests of visual amenity and of the environment of the development and to accord with policies C1 and C10 of the Mid Sussex Local Plan and policies DP10 and DP36 of the draft Mid Sussex District Plan.

5. The development hereby permitted shall be implemented in accordance with the recommendations and mitigation measures identified in the submitted Extended Phase 1 Habitat Survey, Great Crested Newt Survey and Reptile Survey by Urban Edge Environmental Consulting dated January 2015.

Reason: To safeguard the ecology of the area and to comply with policy C5 of the Mid Sussex Local Plan, paragraph 109 and 118 of the NPPF and policy DP37 of the draft Mid Sussex District Plan.

6. No development shall be carried out until a detailed survey and plan of the water table has been submitted to and approved in writing by the Local Planning Authority demonstrating that all burials in the cemetery will be:

- a minimum of 50 m from a potable groundwater supply source;
- a minimum of 30 m from a water course or spring; and
- a minimum of 10 m distance from field drains.

No burials shall be undertaken into standing water and the base of the grave must be above the local water table; and nor shall there be any burial of embalmed bodies on this site. This plan may be based upon the sketch plan submitted on 12 August 2015.

Reason: To protect controlled waters and to comply with policy CS20 of the Mid Sussex Local Plan, policies DP1 and DP42 of the draft Mid Sussex District Plan and paragraph 109 of the National Planning Policy Framework, which states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution.

7. If, during development and when groundworks are undertaken, including the digging of graves, 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 (LPA)) shall be carried out until the developer or operator of the site has submitted a method statement/remediation strategy to the LPA detailing how this unsuspected contamination shall be dealt with and obtained written approval from the LPA. The Method Statement must detail how this unsuspected contamination should be dealt with and the remediation strategy shall be implemented as approved.

Reason: To protect controlled waters and to comply with policy CS20 of the Mid Sussex Local Plan, policies DP1 and DP42 of the draft Mid Sussex District Plan and paragraph 109 of the National Planning Policy Framework, which states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution.

8. No infiltration of surface water drainage into the ground shall be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

Reasons: To protect groundwater and to comply with policy CS20 of the Mid Sussex Local Plan, policies DP1 and DP42 of the draft Mid Sussex District Plan and paragraph 109 of the National Planning Policy Framework, which states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution.

9. No development shall commence until the vehicular access serving the proposed use has been constructed in accordance with the approved planning drawing.

Reason: In the interests of road safety and to comply with policy T4 of the Mid Sussex Local Plan and policy DP19 of the draft Mid Sussex District Plan.

10. No part of the development shall be commenced until visibility splays of 2.4 metres by 160 metres have been provided at the proposed site vehicular access onto Turners Hill Road in accordance with the approved planning drawings. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.

Reason: In the interests of road safety and to comply with policy T4 of the Mid Sussex Local Plan and policy DP19 of the draft Mid Sussex District Plan.

11. No part of the development shall be first occupied until the vehicle parking and turning spaces have been constructed in accordance with the approved plan, unless otherwise agreed in writing by the Local Planning Authority. These spaces shall thereafter be retained for their designated use.

Reason: To provide adequate on-site car parking and turning space for the proposed use and to comply with policy T4 of the Mid Sussex Local Plan and policy DP19 of the draft Mid Sussex District Plan.

12. No development shall be carried out until details of the crossing point from the proposed footpath to the footpath on the opposite side of Turners Hill Road has been submitted to and approved in writing by the Local Planning Authority, and the works shall be implemented in accordance with the approved plans and thereafter be retained.

Reason: In the interests of highway safety, and to comply with policy T4 of the Mid Sussex Local Plan and policy DP19 of the draft Mid Sussex District Plan.

13. No external lighting or floodlighting shall be installed without the prior written approval of the Local Planning Authority, to whom a planning application must be made.

Reason: To safeguard the visual appearance of the area, and to accord with policies B1 and B24 of the Mid Sussex Local Plan and policy DP27 of the draft Mid Sussex District Plan.

14. The applicant shall keep records of all burials having taken place on site and the file shall be made available for inspection by the Local Planning Authority as reasonably necessary.

Reason: To ensure that only natural burials take place on the site and to comply with policy CS20 of the Mid Sussex Local Plan, policies DP1 and DP42 of the draft Mid Sussex District Plan and paragraph 109 of the National Planning Policy Framework.

15. No permanent markers, tombstones, monuments, grave edging, formal seating, footpaths or roads shall be erected or installed on the site without the prior written approval of the Local Planning Authority.

Reason: To protect the character of the area and to ensure that only natural burials take place on the site and to comply with policy C1 of the Mid Sussex Local Plan and policy DP10 of the draft Mid Sussex District Plan.

16. No development shall take place until details of the materials to be used on the surface of the car parking area and footpath link have been submitted to and approved by the Local Planning Authority. The works shall be carried out in accordance with the approved details.

Reason: In the interests of the visual amenities of the area and to accord with policy B1 of the Mid Sussex Local Plan and policy DP24 of the draft Mid Sussex District Plan.

INFORMATIVES

1. You are advised that this planning permission requires compliance with a planning condition(s) **before development commences**. You are therefore advised to contact the case officer as soon as possible, or you can obtain further information from: http://www.midsussex.gov.uk/9276.htm (Fee of £97 will be payable). If you carry out works prior to a pre-development condition being discharged then a lawful start will not have been made and you will be liable to enforcement action.

2. The proposed development will require formal address allocation. You are advised to contact the Council's Street Naming and Numbering Officer before work starts on site. Details of fees and developers advice can be found at www.midsussex.gov.uk/streetnaming or by phone on 01444 477175.

3. In accordance with Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

4. The applicant is advised to enter into a legal agreement with West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence this process.

Plans Referred to in Consideration of this Application
The following plans and documents were considered when making the above decision:

Plan Type	Reference	Version	Submitted Date
Location Plan	5614/LP		09.03.2015
Block Plan	5614/FBP		09.03.2015
Landscaping	LLD787/03		09.03.2015
Landscaping	LLD787/02		09.03.2015
Proposed Floor and Elevations Plan	5614/1		09.03.2015
Block Plan	5614/2C		09.03.2015
Other	LLD787/04	tree planting	09.03.2015

APPENDIX B – CONSULTATIONS

Turners Hill Parish Council
Turners Hill Parish Council strongly objects to DM/15/1035 for the following reasons:

1) This proposal is within a Countryside Area of Development Restraint as contained within C1 of the current Local Plan.

2) This proposal does not conform to the areas identified for development within the Draft Neighbourhood Plan and should remain as agriculture usage only.

3) We believe that the Ashdown Forest Conditions may need to be taken into consideration as this site is within the 7 Kilometre Buffer.

4) We do not believe it is conducive to have a burial ground next to Tulleys Farm where there is a large scale family entertainment complex.

5) We have serious concerns regarding the surface water which flows to the River Medway. We note that these concerns were mentioned by the Environment Agency.

6) We are also concerned that a Drinking Water Protected Areas Safeguard Zone abuts the top of the field.

7) In a previous application for this plot of land it was noted by Donald Newling that the hedgerow is of significant importance due to the presence of a bat roost within one of the hedgerow trees and that a Hedgerow Retention Notice had to be served as there were no overriding factors to justify the removal. There is no mention of this in the latest application.

8) The Council is not convinced that trans locating a hedge is a good route.

9) If MSDC is of a mind to grant planning permission then we would ask that additional parking is provided as per comments made by WSCC Highways.

10) We assume MSDC will, if planning permission is granted, ensure that any sections of the replanted hedgerow that die back will be replaced.

MSDC Contaminated Land Officer
The report by Terragen Environmental Consultants Phase 1 Preliminary Risk Assessment and Exploratory Investigation at Turners Hill, Turners Hill Road, Crawley, ref. TJ2770AR1v1.1 dated 18 May 2015 is noted.
The Environment Agency objections to this application are also noted and not withstanding their final agreement concerning watercourses I would recommend that the following conditions be applied.

1.The burial of embalmed bodies is prohibited.

2. If, during development and when groundworks are undertaken, including the digging of graves, contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer or the operator of the site, has submitted a method statement, and obtained written approval from the Local Planning Authority. The Method Statement must detail how this unsuspected contamination shall be dealt with.

MSDC Environmental Protection
Environmental Protection has no objection to this application.

MSDC Street Naming and Numbering Officer
I note from the list of planning applications received during the week 11th June 2015 to 17th June 2015 that the applications listed below will require address allocation if approved.

Planning application number
DM/15/2373
DM/15/2281
DM/15/2391
DM/15/2303
DM/15/2416
DM/15/1035
DM/15/2182
DM/15/2277
DM/15/2410

Please could I ask you to ensure that the following informative is added to any decision notice granting approval:

Informative: Info29

The proposed development will require formal address allocation. You are advised to contact the Council's Street Naming & Numbering Officer before work starts on site. Details of fees and advice for developers can be found at www.midsussex.gov.uk/streetnaming or by phone on 01444 477175.

MSDC Tree and Landscape Officer
The translocation of hedges, trees and even sections of woodland is a fairly common practice which goes back to the days of Capability Brown in the 1700's. Atkins (Civil Engineers) have written a guide to good practice on the matter, complete with case studies. Close to home is a section of hedgerow which was translocated by Crest in phase 1, from Rocky Lane to the west side of what is now the recreation ground at Bolnore Village. It established itself well, and is still thriving, despite the technique being far short of that prescribed by Lizard.

Given the detailed method proposed by Lizard, and provided that these are carried out at the times specified, under supervision, I have every confidence that the sections of hedgerow at Turners Hill may be successfully translocated.

WSCC Highways
WSCC have provided advise on this site in relation to a pre-application enquiry for a Tree Nursery and a District Planning Application for a new access (TH/14/1226). The Highway Authority raised no objections to the principle of a new access in this location.

Speed surveys have been undertaken and submitted with this application. The 85%ile wet weather speeds have been quoted for robustness at 48mph in both directions. These speeds

require DMRB standards of 2.4m x 160m measures along the edge of carriageway which have been shown on the submitted plans. A proportion of hedging will need to be relocated behind the splay line which is accepted.

The access of 5.5m wide is acceptable, however the gates have been set back only 6m which is acceptable for a regular car but not for specialist vehicles. Given the use proposed, longer vehicles and processions of vehicles are likely and therefore the gates should be set back into the site much further. In addition, it is important the gates open inwards. 6m kerb radii have been proposed, the applicant will need to confirm that this is sufficient for specialist vehicles to turn in and out of the site.

A total of 22 car parking spaces are proposed. Given the proposed use, people are likely to travel to the site in family/friendship groups and some will walk given the close proximity of the church. However, some services may not occur at the local church and some funerals may generate a higher attendance levels, therefore an area for over-spill parking should be provided as there is no opportunity for safe parking on Turners Hill Road. It is difficult to determine exactly how much parking would be required for this use. However, the applicant may be able to source average attendance numbers from funeral providers to establish a reasonable figure.

It is not clear if the proposed footway forms part of the planning application or if it is an existing scheme. Can the applicant please clarify. In the event the footway forms part of the scheme then a crossing point from the church would be required and possibly a Stage 1 Road Safety Audit.

Conditions
Access
No development shall commence until the vehicular access serving the proposed use has been constructed in accordance with the approved planning drawing.
Reason: In the interests of road safety.

Visibility
No part of the development shall be commenced until visibility splays of 2.4 metres by 160 metres have been provided at the proposed site vehicular access onto Turners Hill Road in accordance with the approved planning drawings. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.
Reason: In the interests of road safety.

Vehicle parking and turning
No part of the development shall be first occupied until the vehicle parking and turning spaces have been constructed in accordance with the approved plan. These spaces shall thereafter be retained for their designated use.
Reason: To provide adequate on-site car parking and turning space for the dwelling.

Informative
Section 278 Works within the Highway
The applicant is advised to enter into a legal agreement with West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence this process.

Environment Agency
We confirm receiving the additional information in the Phase 1 Preliminary Risk Assessment and Exploratory Investigation, written by Terragen Environmental Consultants and dated, May 2015 ref TJ2770AR1.V1.1. Although sufficient information has been provided to remove our objection, there is potential for the groundwater regime at the site to be influenced by the local faulting and

topography. Therefore the information obtained from the offsite borehole may not be representative for the site.

Environment Agency Position

We consider that planning permission could be granted for the proposed development as submitted if the following three planning conditions are included as set out below. Without these planning conditions, the proposed development on this site poses an unacceptable risk to the environment and we would object to the application.

Planning Condition 1 of 3

All burials in the cemetery shall be:

o a minimum of 50 m from a potable groundwater supply source;

o a minimum of 30 m from a water course or spring;

o a minimum of 10 m distance from field drains;

o no burial into standing water and the base of the grave must be above the local water table;

Reason: To protect controlled waters. Paragraph 109 of the National Planning Policy Framework (NPPF) states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution.

Planning Condition 2 of 3

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 (LPA)) shall be carried out until the developer has submitted a remediation strategy to the LPA detailing how this unsuspected contamination shall be dealt with and obtained written approval from the LPA. The remediation strategy shall be implemented as approved.

Reasons: To protect controlled waters and comply with the NPPF.

Planning Condition 3 of 3

No infiltration of surface water drainage into the ground permitted other than with the express written consent of the LPA, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

Reasons: To protect groundwater and comply with the NPPF.

Planning Informative

If you wish to discharge treated sewage effluent into a surface water or to ground you may require an Environmental Permit from us. You should apply online at http://www.environment-agency.gov.uk/business/topics/permitting or contact us for an Environmental Permit application form and further details on 03708 506506.

The granting of planning permission does not guarantee the granting of a permit under the Environmental Permitting Regulations 2010. A permit will be granted where the risk to the environment is acceptable.

A permit is not required if the rate of sewage effluent discharge is less than 2 cubic metres a day or less to ground or 5 cubic metres a day or less to watercourse. You must, however, be able to satisfy a number of specific criteria and you may need to register the discharge as exempt, please see our website for further information.

A Standard Rules Permit is available for discharges of secondary treated sewage (to surface water only) of between 5 cubic metres a day and 20 cubic metres a day.

Discharges of treated sewage greater than 2 cubic metres a day to ground and greater than 20 cubic metres a day to a surface water require a Bespoke Permit.

Further Advice

The following points should be noted wherever soakaways are proposed at a site:

o Appropriate pollution prevention methods (such as trapped gullies or interceptors) should be used to prevent hydrocarbons draining to ground from roads, hardstandings and car parks. Clean uncontaminated roof water should drain directly to soakaways entering after any pollution prevention methods.

o No soakaway should be sited in or allowed to discharge into land impacted by contamination or land previously identified as being contaminated.

o There must be no direct discharge to groundwater, a controlled water. An unsaturated zone must be maintained throughout the year between the base of soakaways and the water table.

o A series of shallow soakaways are preferable to deep bored soakaways, as deep bored soakaways can act as conduits for rapid transport of contaminants to groundwater

I trust the above comments are satisfactory but if you require any further information please contact me.