

DARLINGTON BOROUGH COUNCIL
PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 4 March 2020

APPLICATION REF. NO:	19/01185/DC
STATUTORY DECISION DATE:	20 March 2020
WARD/PARISH:	HUMMERSKNOTT
LOCATION:	Agricultural Land and Crematorium, West Cemetery, Carmel Road North
DESCRIPTION:	Refurbishment of existing crematorium including conversion of existing chapel to office space and erection of new chapel, car parking, external lighting, floral tribute area, garden of remembrance and burial grounds on agricultural land adjacent to cemetery
APPLICANT:	Mr Dave Winstanley

**RECOMMENDATION: GRANT PERMISSION PURSUANT TO REGULATION 3
SUBJECT TO CONDITIONS** (see details below)

Application documents including plans, supporting documentation, consultation responses, representations received, and other background papers are available on the Darlington Borough Council website

APPLICATION AND SITE DESCRIPTION

1. This is a full application under Regulation 3 of the Town and Country Planning General Regulations 1992 for development in connection with proposals to upgrade and enhance existing chapel and crematorium facilities at West Cemetery. The existing cremators have reached the end of their expected life span and require replacement with modern, energy efficient, emission compliant equipment. In addition, the existing chapel within the crematorium building is of limited capacity and requires refurbishment/extension to enable larger services to be held.
2. The 1902 Cremation Act restricts the location of new crematoriums in terms of proximity to residential properties which means a new crematorium would not be permitted anywhere on the site. The new crematory equipment must therefore be

housed in the existing crematorium building. The presence of graves, roadways, paths and the garden of remembrance surrounding the existing chapel places a further constraint on its extension. Accordingly, planning permission is sought for the following works based on a two building model form of delivery:

- Part demolition and refurbishment of the existing crematorium
- The erection of a new chapel on agricultural land to the west of the crematorium
- External works associated with the new chapel including a new chapel yard, covered and open floral tribute areas, garden of remembrance, additional burial plots, hearse/limousine drop-off/pick-up area and visitor car park
- Provision of passing places within the existing cemetery

Part demolition and refurbishment of the existing crematorium

3. The existing building comprises a chapel with seating for 65 mourners and an overspill annexe to accommodate a further 40 standing. There is also a waiting room, vestry and crematory, which houses three cremators and ancillary equipment required for the process of cremation. The building has been adapted over the years and now consists of three buildings, with differing roof heights. The main crematory is housed in an area to the right hand side of the main chapel.
4. It is proposed to demolish two WCs and the existing book of remembrance room at the southern end of the building and to replace these facilities internally within the building. The existing chapel will be converted to office space for the Council's Cremation and Burial Service. The proposed demolition works at the southern end of the building will allow for the creation of a new coffin delivery and service yard area. The service yard will accommodate an electrically powered, ambulance-sized vehicle to transfer coffins from the new chapel via a designated route from the rear of the new chapel through the cemetery away from the main road to the rear of the crematory.
5. To facilitate the upgrade of the existing crematory equipment and regulatory environmental requirements, it is proposed to remove a small pitched roof over the crematory area to enable the replacement of the existing cremators. Following installation of the cremators, a new flat roof and parapet wall will be constructed over this area.

New chapel and external works

6. A new chapel, accommodating 120 people, is proposed to be constructed on agricultural land to the west of the cemetery, together with a 66 space car park to the west of the chapel, a hearse/limousine drop-off/pick up area and floral tribute areas, garden of remembrance and additional burial plots (621 no.) to the south of the chapel.

7. The chapel will be a double height building constructed of a palette of modern materials comprising concrete textured cladding panels, brown/grey vertical metal cladding and zinc roofing. It will be surrounded by single storey spaces, including a Porte Cochere at the western end, and ancillary spaces at the south and east sides providing a visitor entrance, toilet and changing facilities and a transfer area leading to a covered service yard area at the eastern side.
8. It is intended that the hearse, limousines and other cars will enter the cemetery through the main entrance from Carmel Road. The hearse and limousine will arrive under the Porte Cochere whilst remaining cars will divert off to the car park. Funeral directors will use the turning circle to enable the hearse to exit through the main entrance whilst the limousines and other vehicles will follow back to the Carmel Road entrance.
9. Additionally, a new road will extend from the existing maintenance building northwards to the proposed chapel to form a link for the chapel service yard for transfer vehicles to move between the chapel and crematorium for cremations. The service yard is to be enclosed by a 2.4 metre high timber fencing and automatic gates, together with planted banked areas adjacent to the access road, to limit views into this area from outside.
10. The main road through the centre of the cemetery will continue to be the main artery with side roads only likely to be used for those visiting graves. The existing car parking will continue to be the main car park for staff based at the crematorium and visitors to the crematorium and book of remembrance.
11. A landscaping scheme is proposed for the new chapel site which includes the planting of heavy standard trees around the north, south and western perimeters of the site and also centrally within the site between the car park and additional burial plot. The landscaping scheme has been designed to reflect the existing planting within the crematorium which is a significant feature of the registered park and garden. A new beech hedge will be planted to provide separation and screening for the Chapel Service Yard and around the hearse/limousine drop off/pick up area.

Passing places

12. Three new passing places are proposed along the main vehicular access route to reduce the implications on traffic flow. These are to be created adjacent to the existing car park at the eastern end of the cemetery, adjacent to the new crematorium and office building and adjacent to the entrance to the new chapel.
13. West Cemetery is located to the west of Carmel Road North, from where vehicular access is taken. The cemetery is a registered park and garden, designated at Grade II. There are also several non-designated heritage assets within the site which include the entrance gate lodge at the eastern entrance to the cemetery, the chapels to the north east and the existing crematorium building in the centre of the cemetery.

14. The site of the proposed chapel building, car park and external works is agricultural land which adjoins the western end of the cemetery, bounded by the Grade II registered West Cemetery to the east, by allotment gardens to the west, further burial grounds to the north and residential properties to the south on Salutation Road. This part of the site comprises a large area of low-lying field with a single storey maintenance and welfare building serving the cemetery in its south-eastern corner.
15. The wider application site is bound by residential properties to the north and south, by Carmel Road North to the east and by The Gardens Care Home and allotment gardens to the west. There are a significant number of trees within the cemetery site although none of these are formally protected by tree preservation order.
16. The following technical information has been submitted in support of the application:
 - Planning Statement
 - Design and Access Statement
 - Heritage Statement
 - Transport Statement
 - Preliminary Ecological Appraisal and Bat Survey
 - Noise Impact Assessment
 - Flood Risk Assessment
 - Arboricultural Impact Assessment
 - Construction Management Plan

ENVIRONMENTAL IMPACT ASSESSMENT REQUIREMENTS

17. The Local Planning Authority has considered the proposal against the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. In the opinion of the Local Planning Authority, the proposal is development for which an Environmental Impact Assessment **is not required** as the development would not be likely to have significant effects on the environment by virtue of factors such as nature, size or location.

MAIN PLANNING ISSUES

18. The main issues for consideration are:
 - a) Principle of development
 - b) Impact on designated and non-designated heritage assets and visual amenity
 - c) Impact on residential amenity
 - d) Access and highway matters
 - e) Surface water drainage and groundwater
 - f) Trees and ecology
 - g) Anti-social behaviour
 - h) Statement of community involvement

i) Other matters

PLANNING POLICIES

19. Relevant planning policies include those seeking to ensure that new development:

- Is located within development limits as defined by the Borough of Darlington Local Plan and is concentrated in sustainable locations within the main urban area (Saved Local Plan Policy E2 and Core Strategy Policy CS1)
- Does not inflict material net harm on the visual relief afforded by open land in built-up areas; the character and appearance of the locality through loss of openness and greenery or areas recognised for their nature conservation or wildlife interest (Saved Policy E3)
- Makes efficient use of land, buildings and resources, reflects the character of the local area, creates a safe and secure environment, and provides vehicular access and parking suitable for its use and location (Policy CS2)
- Protects and, where appropriate, enhances the distinctive character of the Borough's built, historic, natural and environmental townscapes (Policy CS14)
- Would not result in any net loss of existing biodiversity value by protecting and enhancing the priority habitats, biodiversity features and the geological network through the design of new development, including public and private spaces and landscaping and protects and enhances mature trees and hedgerows (Policy CS15, Saved Policy E20)
- Protects and, where possible, improves environmental resources whilst ensuring that there is no detrimental impact on the environment, general amenity, and the health and safety of the community (Policy CS16)

RESULTS OF TECHNICAL CONSULTATION

20. No objections in principle have been raised by the Council's Highway Engineer, Sustainable Transport Officer, Conservation Officer and Environmental Health Officer, by Durham County Council's Archaeology and Ecology Sections and by Northumbrian Water. The Gardens Trust, who are consulted due to the cemetery being a registered park and garden, advise they do not wish to comment on the application. The Lead Local Flood Authority are supportive of the application subject to further information. Further information has also been submitted to address the Environment Agency's objection.

RESULTS OF PUBLICITY AND NOTIFICATION

21. A total of 20 objections have been received from local residents. The main concerns specific to the application are:

- Flood risk to neighbouring properties on Salutation Road and the potential for the proposed development to exacerbate the situation
- Noise and disturbance to residents and allotment holders
- Visual and acoustic screening of the proposed development required to avoid overlooking of the chapel and mourners from houses and vice versa
- Traffic route of visitor vehicles is unclear

- How many burial plots will be left remaining if the development goes ahead?
 - Prefer to see the existing chapel refurbished
 - The design of the new chapel is too modern and not in keeping with the character of the area
 - The new chapel is too close to the nursing home.
 - Existing site has limited capacity, money would be more wisely spent on a new site on the outskirts of town to meet a long term need
 - Inflict more traffic onto the surrounding, busy roads, increasing noise and pollution levels
 - Lack of dignity and compassion for the deceased being moved around the cemetery due to the split site arrangement
 - The land surrounding the maintenance building has been neglected
 - How will access to the new facilities be controlled at night. How will the Council ensure they cannot be used for anti-social activities?
 - Guarantees are needed that the road layout will not change to include access from Pondfield Close
 - The proposal will harm a vulnerable statutory Grade II listed Victorian Park and Garden by uncontrolled traffic for non-statutory development
 - Preliminary researches and risk assessments in support of the proposal appear inadequate
 - The impact of the proposed development is not neutral on the cemetery's significance and setting. The cemetery extension and increased traffic will have a negative impact
 - What life span is the proposed development likely to have?
22. One letter of representation has been received which whilst supporting the proposal overall expresses a number of concerns relating to noise, lighting, flooding and drainage.

PLANNING ISSUES/ANALYSIS

a) Principle of development

22. The application proposals seek to upgrade and enhance existing chapel and crematorium facilities at West Cemetery which is located within the main urban area of Darlington. Land to the west of the cemetery, on which it is proposed to build the new chapel, car park and additional burial ground is allocated for an extension to West Cemetery by Saved Local Plan Policy R30 (West Cemetery Extension).
23. The principle of upgrading and enhancing facilities at West Cemetery is therefore considered to comply with the locational requirements of Saved Local Plan Policy E2 and Core Strategy Policy CS1. The provision of additional burial space on land to the west of the cemetery is also consistent with Saved Policy R30. While proposals for this part of the site also include the erection of a new chapel, car parking and associated external works, the erection of additional buildings on this part of the site has been accepted by previous permission (15/00126/DC) for the erection of storage and welfare buildings to support the cemetery.

24. The cemetery site is also designated as a site of nature conservation interest (SNCI) and open land (Saved Local Plan Policies E20 and E3) although neither designation applies to the agricultural land adjoining the cemetery site. The impact of the proposal on these matters will be considered alongside the following matters of development management:

b) Impact on designated and non-designated heritage assets

25. West Cemetery is a designated heritage asset, being a Grade II registered park and garden. The entrance gate lodge at the eastern entrance, the chapels to the north east and the 20th century crematorium located in the centre of the cemetery are all non-designated heritage assets.
26. The cemetery also contains some limited archaeological interest, primarily in the form of evidence for the site's development provided by small sections of surviving boundary walls from the previous extents of the original and later versions of the cemetery.
27. A Heritage Statement (HS) has been submitted with the application which assesses the impact of the proposed development on the significance of designated and non-designated heritage assets within the site in accordance with the requirements of paragraph 189 of the NPPF.
28. The HS considers that the main significance of the site is derived from its archaeological, historic and artistic interest, being a well-preserved example of an early-Victorian public cemetery laid out in a formal grid-pattern design with legible later 19th century extensions, with a degree of historical associative interest due to J P Pritchett's involvement in the site. The site also contains a very strong commemorative value featuring a Garden of Remembrance as well as a number of First and Second World War casualties buried within the site.
29. No works are proposed to either the Lodge or the chapels to the north east of the cemetery. Alterations, including some demolition, are proposed for the 20th century crematorium. While part of a formalised garden, this building is considered to have lesser significance and has been subject to a number of historic extensions and alterations. The main change to the building will be the loss of a pitched roof to the centre of the building over the existing crematory area and the demolition of two W. Cs and the book of remembrance room to the south. While the loss of the pitched roof will impact upon a feature of the building, its replacement with a flat roof and parapet wall will make more of a feature of the main pitched roof over the existing chapel area, improving views of its principal north-facing façade. Overall these alterations are considered to be minor and do not significantly impact upon the character of the building or the area of Park and Garden. Similarly these works to an existing building will have no discernible impact upon the cemetery being designated as Open Land.
30. The main impact of the proposal on the registered park and garden will be the new chapel building, car park and burial area located outside of, but adjacent to, the

boundary of heritage asset, and to the south of the later 20th century extension. This area is markedly different from the main cemetery being devoid of mature tree planting and sitting outwith the existing brick boundary wall which contains the existing cemetery. Although this area is in use as an ancillary space to the function of the cemetery, neither reflects nor reinforces the strong character of the designated asset, with the clear appearance of an 'add on' to the main cemetery.

31. By comparison, the generally enclosed nature of the cemetery due to thick, mature planting means there are very defined and funnelled views within the cemetery and occasional glimpsed views beyond the park and garden. This high level of screening, particularly along the western extent of the grounds, will be retained although some glimpsed views of the proposed development on this part of the site will be visible above the cemetery walls.
32. The proposed chapel building is entirely contemporary in style, making a clear distinction between the historic cemetery and later 20th century extension. The chapel is modest in scale, form and design with the principal elevations being to the north and south, punctuated by large areas of glazing to provide natural daylight and views to the adjacent gardens. The materials palette has been kept to a minimum, comprising concrete textured cladding panels, brown/grey vertical metal cladding and zinc roofing.
33. The chapel is to be positioned on the lowest part of the site reducing its overall impact on the existing landscape, registered park and garden and from residential properties to the north and south. The proposed landscaping scheme has been designed to reflect the existing planting within the crematorium which is a significant feature of the registered park and garden. The introduction of further landscape planting will help soften views of the proposed new chapel building from within the cemetery and will also reinforce and extend the strong character of the designated asset. The historic development of the cemetery will remain legible in the form of the existing western boundary wall, which is to be retained without alteration.
34. Views of the chapel from within the cemetery will largely be of the service area to the east and the upper part of the chapel above. The impact on key views within the registered park and garden, particularly looking east and west along the main avenue will be limited. The associated elements of works including car parking, burial ground and other landscape will have little discernible impact from this aspect.
35. More significant views of the new building and associated external works will be gained from residential properties, including the care home, and the allotment gardens, to the south and west. These views will be principally be of the south and west elevations of the new chapel which will include the full height of the monopitched roof with the pitch being at its greatest to the east and diminishing towards the west as the roof extends over the Porte Cochere, and of the associated external works. From these aspects, the form of the building will however be softened by the single storey additions to the respective elevations and the proposed landscaping scheme.

36. In consideration of the impact, the development would cause less than substantial harm to the setting of the Grade II Registered Park and Garden. In such cases, the NPPF requires that if a heritage asset's significance is likely to be harmed by a development, including harm occurring to its setting, it is necessary to decide whether such works are necessary (paragraph 195) and justified (paragraph 194); whether such harm is substantial or insubstantial (paragraphs 195 and 196); and whether the amount of harm can be outweighed or offset by a matching amount of public benefit.
37. The proposed development is necessary to upgrade and enhance existing chapel and crematorium facilities at West Cemetery and justified in view of the limitations placed upon the development of the site by the 1902 Crematoriums Act and constraints to developing the existing crematorium building as set out in paragraphs 1 and 2 of this report. Accordingly, there are a number of public benefits arising from the development which can be summarised as follows:
- The replacement of the existing cremators having reached the end of their expected life span with modern, energy efficient, emission compliant equipment;
 - The provision of a modern chapel building with increased capacity enabling larger services to be held;
 - Improved flow and layout separating mourners leaving and arriving for services promoting a swifter turnover of services;
 - Additional burial plots;
 - Greater car park provision
38. The range of public benefits associated with the proposed development are considered to outweigh the less than substantial harm to the setting of the registered park and garden and the proposal is therefore considered to comply with paragraph 196 of the NPPF in this regard. The proposal is also considered to comply with Core Strategy Policies CS2 and CS14.
39. Paragraphs 197 and 199 of the NPPF require that the effect of an application on the significance of a non-designated heritage asset be taken into account in determining planning applications. The HS identifies that this site is of some archaeological value with the potential for archaeological remains to survive on the site, particularly given the size and undeveloped nature of the site. Conditions are therefore attached at the recommendation of Durham County Council Archaeology Section to secure a phase programme of archaeological work and recording on this site.

c) Impact on residential amenity

40. The wider application site, including the cemetery and adjoining agricultural land, is surrounded by residential properties on its north and south sides. The main issues for consideration are the potential for noise and disturbance to residents arising from the upgraded crematorium, the operation of the new chapel and car

park, lighting and construction activities and whether the proposed upgraded cremators will adversely impact upon air quality.

41. The existing crematorium is located approximately 100 metres from the nearest properties to the north at Hummerksnott Avenue and 165 metres from the nearest properties to the south on Salutation Road. The new chapel and car park will be located approximately 160 and 120 metres respectively from the rear gardens of properties on Saluation Road to the south. The burial ground will be approximately 100 metres away from these properties. The Gardens Care Home located on Pondfield Close to the south west will be approximately 70 metres from the proposed burial ground and 100 metres from the car park. At its nearest point the new chapel and associated development will be approximately 110 metres away from the nearest properties to the north on Caedmon Crescent.
42. The application has been submitted with a noise assessment which considers the impact of the proposed crematorium (once refurbished) on nearest noise sensitive receptors, including residential properties to the north and south and the care home to the south west. The assessment concludes that the proposed chapel and car parking development will be of low impact in accordance with BS4142 and this element of the proposal complies with Policy CS16 and paragraph 180 of the National Planning Policy Framework, 2019 in this regard. No further mitigation measures are therefore required.
44. It is proposed that coffins will be transferred from the new chapel by electric vehicle (private ambulance) from the service yard to the east of the chapel via a new road constructed along the eastern boundary of the site. This will join up with the existing service road to the maintenance building which enters the cemetery in the south east corner of the site. Vehicles will continue eastwards into the cemetery before heading northwards to the new service yard to be created at the southern end of the existing crematorium.
45. The service yard at the new chapel will be screened from immediate views by 2.4 metre high close boarded timber fencing and a planted embankment to the north and by 4.5 metre high gates at the entrance to the service yard to the south. The route southwards will be screened in part by the existing maintenance building to the south, although properties on Saluation Road presently have a clear view onto this area from their rear aspect. At the closest point the private ambulance would pass within approximately 3 metres of the rear garden boundaries of the nearest properties at regular intervals throughout the day.
46. While the use of an electric vehicle is unlikely to give rise to noise complaints, the frequency of journeys in close proximity to these properties and their rear gardens gives rise to concerns regarding loss of privacy. Accordingly, a 2.4 metre high close boarded fence is proposed along the western side of the route to the south of the maintenance building to limit views of this part of the site. As vehicles enter the cemetery, the existing cemetery walls and mature tree planting along its southern boundary will provide an appropriate degree of separation such that privacy standards will not be unacceptably compromised.

47. A number of lighting columns are proposed to be installed along the existing central roadway through the cemetery and car parking areas as well as some wall mounted down lighting to the new chapel building. Following an assessment of the submitted lighting plans, the Environmental Health Officer has advised that the lighting proposed, and its distance from surrounding properties, is not considered that the proposed lighting will adversely affect the amenity of surrounding sensitive receptors.
48. A Construction Management Plan (CMP) has been submitted with the application and a condition is attached to secure compliance with this document. The hours of demolition and construction activities will also be controlled by condition. Works to replace the cremators will need to be undertaken on a Sunday to allow the existing chapel to be used until the new chapel is operational and this is reflected in the proposed condition to allow these works only. Given the location of the crematorium building relative to surrounding residential properties this activity is considered unlikely to impact upon the amenities of nearby residential properties.
49. The replacement cremators will be covered by an Environmental Permit relating to the control of emissions to air, which is regulated by the Council's Environmental Health Section, separate to the planning process. A variation application is required to update the current permit and will continue to be subject to routine inspections to check compliance with permit conditions.
50. In view of the separation distances between the dwellings to the north and south and from the care home, it is not considered that the proposed chapel and car park development will adversely impact upon the amenities of nearby residential properties in terms of noise, disturbance or loss of privacy. The transfer of coffins via electric vehicle from the new chapel to the crematorium will not adversely impact upon nearby properties in terms of noise disturbance or privacy, subject to the provision and maintenance of a 2.4 metre high close boarded timber fence along part of the route. Subject to conditions requiring compliance with the submitted construction management plan and limiting hours of construction and requiring the provision and maintenance of the screening fencing the proposal is considered to comply with Policy CS16 and the NPPF.

d) Access and highway matters

51. Vehicular access and egress to the site will be via the existing junction on Carmel Road North (B6280). A new car park providing 66 spaces, including 6 accessible spaces, is to be built adjacent to the new chapel, in addition to the existing car park which is to be retained which has capacity for 36 parking spaces. The layout of the proposed new car park meets current design guide recommendations.
52. A Transport Statement (TS) has been prepared and submitted with the application which assesses existing and proposed traffic generation. Whilst increased traffic generation is not necessarily expected as attendances vary from service to service, the TS considers potential increase in traffic as a worst case scenario. Traffic will be generated outside of the normal AM and PM peaks hours which will have far less impact on the operation of the local highway network. Traffic

attending services is typically 'tidal' in nature with an influx of vehicles prior to the service and a similar exit of vehicles within a narrow window afterwards.

53. Due to the high level of car sharing expected at the site it is considered that the proposed parking provision will be sufficient to accommodate projected demand. Three passing places are to be provided at suitable locations along the access route to allow for the passing of vehicles, given that there is limited scope for additional widening works within such a sensitive site.
54. Bus stops on Carmel Road North are not well served by bus services. Elm Ridge Garden Centre stops are served by more regular services however these stops are approximately 900 metres from the application site, significantly above the 400m walking distance threshold set out in the Planning Obligations SPD. While there is an option to use an access to the cemetery within Ravensgarth Drive (former Woodburn Nursery housing site) to the south this would only reduce the walking distance to approximately 750m.
55. Although options to reduce walking distances have been considered, it is not possible to make significant reductions. This is however an existing site and facility which operates within these conditions. Provision is to be made for cycle parking for 8 cycles within the extents of the new chapel and proposed car park and the site is accessible to cyclists, utilising the existing highway network and the designated cycle path north. On this basis, no objection is raised to the proposal by the Council's Sustainable Transport section.
56. A five year review of Police accident statistics has been undertaken as part of the TS which shows that 4 Personal Injury Collisions occurred within the study area around the application site. Analysis of these collisions has not revealed any identifiable collision issues associated with the expected movements of the proposed development. The Highway Engineer therefore concludes that there are no existing road safety issues pertinent to the development of the site. The proposed development should not have a detrimental road safety impact on the local transport network and should not adversely affect the safety of pedestrians and cyclists.
57. A Construction Management Plan (CMP) has been submitted which sets out those measures for limiting construction impacts associated with the development to ensure site traffic is not in conflict with the day to day operation of the site and to ensure roads are inspected and cleaned as required. A condition requiring compliance with the CMP is attached.
58. On this basis the proposals are not expected to have a severe impact on highway safety or on the road network and it therefore accords with the requirements of Policy CS2 and the National Planning Policy Framework (paragraph 109).

e) Surface water drainage and groundwater

59. The application site is in Flood Zone 1. A Flood Risk Assessment and Ground Investigation, to establish ground conditions, have been submitted with the application.
60. The FRA establishes that there are isolated patches of low, medium and high risk areas across the proposed chapel site associated with surface water flooding. The high risk area is attributed to an existing pond/wet area in the far west of the chapel site. Medium and low risk areas are attributed to localised depressions within the topography across the site. Surface water flooding in these areas is also attributed to blockages within the existing private drainage system.
61. The new chapel and refurbishment of the existing crematorium is considered to be at low risk from flooding from groundwater, when considering the relative positions of the chapel and associated hardscaping up slope. The development and placement of the proposed burial plots is considered to be at medium risk of flooding from groundwater in an area also identified as having surface water risk.
62. The FRA sets out a sustainable surface water drainage solution for the site which includes appropriate mitigation measures to reduce/remove the existing surface water flood risk to minimise the risk to a level below that of the existing situation. Proposed levels on site will be designed to route surface water flows away from buildings and directing flows towards the private below ground drainage network, which will be cleansed and repaired, before discharging to the combined foul sewer at a restricted rate of 3.5 l/sec. The Local Lead Flood Authority is satisfied with the proposed drainage solution in principle subject to conditions requiring submission of a final surface water drainage scheme for approval and the cleaning and repair of the existing drainage system.
63. The Environment Agency (EA) has assessed the proposal in terms of potential groundwater pollution from the proposed burial ground. Additional information has been submitted to address the EA's objection to the scheme on the basis of insufficient information which advises that the proposed burial ground is subject to an on-going period (13 months) of ground water monitoring prior to any burials taking place to ensure the area is suitable and will not cause contamination. The proposed SUDS drainage system and remedial works to the existing drainage system should also ensure no contamination of any burial areas. Should the potential for contamination remain, a number of options are available which include raising ground levels above ground water levels in burial areas or adjusting the extent of burial locations to safe areas.
64. Members will be updated verbally of the Environment Agency's further comments and any necessary conditions at the meeting.

f) Trees and ecology

65. A Preliminary Ecological Appraisal of the application site and bat survey of the existing crematorium building have been submitted with the application. An Arboricultural Impact Assessment (AIA) and Tree Protection Plan (TPP) have also been submitted which consider the impact of the proposed development on

existing trees within the cemetery site and to the south of the proposed chapel and car park site.

66. There are no protected species impacts expected from the development with a series of risk assessments and survey work undertaken to support this conclusion. Appropriate bat survey work of the existing crematorium building has been undertaken with no evidence of roosting bats reported. The pond on the site of the proposed chapel and car park is of low suitability for great crested newts and the isolated nature of the pond means that the risk of great crested newts being present is deemed as low with no further mitigation work required.
67. The habitats on site are predominantly poor, semi-improved grassland and although not a UK Priority or Durham Biodiversity Action Plan (DBAP) Priority habitat they do have a biodiversity value. The proposed landscaping plan, alongside additional tree planting associated with the proposed chapel and car park, go some way to compensating for the loss of the semi-improved grasslands. These are however generally non-native species chosen to reflect tree and shrub planting within the existing cemetery. The provision of species-rich grassland on land to the south of the proposed burial plot will ensure that there will be no net loss of biodiversity as a result of the development.
68. The submitted tree reports confirm that the proposed development will not adversely impact upon the health and stability of existing trees on the site, subject to conditions requiring the protection of trees during the construction period. A total of four trees are to be removed along the eastern site boundary, within the existing cemetery site, which involves the removal of 1 no. category 'B' tree and 3 no. category 'U' trees.
69. Subject to conditions relating to the protection of trees during the construction period, securing the implementation of the submitted landscaping proposals and the planting of an area of species rich grassland the proposal is considered to comply with Policy CS15 and the NPPF in this regard.

g) Anti-social behaviour

70. Durham Police Architectural Liaison Officer has confirmed, in consultation with the local neighbourhood Sergeant for the area, that while there are sporadic issues of anti-social behaviour in West Cemetery there is nothing of note. The likelihood of anti-social behaviour increasing as a result of the proposed development is therefore considered to be low. The Police would however respond appropriately to any reported incidences; however, it is proposed to install additional lighting and CCTV within the cemetery which should act as a further deterrent.

h) Statement of community involvement

71. A pre-application consultation event was held for residents and businesses on 7th November 2019, prior to which 271 letters were hand delivered to residents on Salutation Road, Baydale Road and The Gardens Care Home advising them of the event. Residents had a further two weeks to make comments on the proposal

via the Council's website. The results of this pre-application consultation have been submitted with the application in the form of a Statement of Community Involvement (SCI) in accordance with the Council's SCI guidelines.

72. The SCI advises that a total of 21 handwritten comments were received after the event with a further 60 comments submitted by e-mail. Comments raised related to the split site arrangement, design/layout, lack of engagement with the community, flooding/drainage issues, strong opposition to the proposed secondary access road onto Pondfield Close and the loss of allotment space, potential noise/pollution, security and whether an out of town site would be a better option.
73. The SCI explains that as a result of the responses received and further meetings held with representatives of The Gardens Care Home and Hummerksnott allotments, the proposed secondary access road was removed from the proposals.

i) Other matters

74. A significant number of objections express concern regarding the proposed split site arrangement. The constraints to developing the existing site and the rationale behind the two building model form of delivery are set out at the beginning of this report. This is not however a material planning consideration that can be considered as part of this application. The decision as to how the Council proposes to meet its obligations to provide compliant cremators and to provide an improved chapel to enable larger services to be held has been taken by Cabinet. The remit of the planning application is to make a decision on the proposal having appropriately assessed all land use planning matters.

CONCLUSION AND RECOMMENDATION

75. The principle of altering the existing crematorium to accommodate new cremators and erecting a new chapel, car park and additional burial plots on agricultural land to the west of the cemetery complies with Saved Local Plan Policies E2 and R30 and Core Strategy Policy CS1. While the proposed chapel building will result in some harm to the setting of the adjacent registered park and garden, the range of public benefits arising from the development are considered sufficient to offset this harm, in accordance with the requirements of paragraph 196 of the NPPF.
76. There is limited harm arising from the proposed development in terms of visual and residential amenity, ecology, archaeology, highways and surface water drainage and groundwater and various technical matters can be dealt with by appropriate planning conditions.

PURSUANT TO REGULATION 3 OF THE TOWN AND COUNTRY PLANNING GENERAL REGULATIONS 1992, PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS

1. The development hereby permitted shall be commenced not later than the expiration of three years from the date of this permission.

REASON – To accord with the provisions of Section 91(1) of the Town and Country Planning Act 1990

2. The development hereby permitted shall be carried out in accordance with the approved plan(s) as detailed below:
 - (a) Proposed site plan, drawing number DC19002/A/020 P1 dated 18.12.2019
 - (b) Proposed site plan – crematorium, existing car parking and passing placed, drawing number DC19002/A/021 P1 dated 18.12.2019
 - (c) Proposed site plan – chapel, drawing number DC19002/A/022 P1 dated 18.10.2019
 - (d) Proposed external works – fencing, drawing number DC19002/A/035 P1 dated 16.12.2019
 - (e) Proposed external works – fencing details, drawing number DC19002/A/036 P1 dated 19.12.2019
 - (f) Contractors compound and access plan - sheet 1 of 2, drawing number DC19002/A/040 P1 dated 29.11.2019
 - (g) Contractors compound and access plan – sheet 2 of 2, drawing number DC19002/A/041 P1 dated 29.11.2019
 - (h) Proposed ground floor plan – chapel, drawing number DC19002/A/101 P1 dated 28.10.2019
 - (i) Proposed ground floor plan – crematorium, drawing number DC19002/A/120 P1 dated 03.12.2019
 - (j) Proposed roof plan – crematorium, drawing number DC19002/A/130 P1 dated 16.12.2019
 - (k) Proposed roof plan – chapel, drawing number DC19002/A/131 P1 dated 12.11.2019
 - (l) Proposed elevations – crematorium, drawing number DC19002/A/220 P1 dated 10.12.19
 - (m) Proposed chapel elevations, drawing number DC19002/A/221 P1 dated 28.10.2019
 - (n) Proposed site sections – chapel, sheet 1 of 3, drawing number DC19002/A/320 P1 dated 19.12.2019
 - (o) Proposed site sections – chapel, sheet 2 of 3, drawing number DC19002/A/321 P1 dated 19.12.2019
 - (p) Proposed site sections – chapel, sheet 3 of 3, drawing number DC19002/A/322 P1 dated 19.12.2019
 - (q) Landscape concept, drawing number BA9684LAN-C dated 18.12.2019 issue C
 - (r) Outline drainage strategy – chapel, drawing number DC19002-APP-00-XX-DR-C-30001-S3 P06 dated 12.7.2019
 - (s) Outline surfacing and level strategy, drawing number DC19002-APP-00-XX-DR-C-30002-S3 P05 dated 12.7.2019
 - (t) External lighting and trenching layout sheet 1 of 2, drawing number DC19002/A/607 T1 dated February 2020
 - (u) External lighting and trenching layout sheet 2 of 2, drawing number DC19002/E/608 T1 dated February 2020

REASON – To define the consent

3. The development hereby permitted shall be constructed in accordance with the external materials/finishes as set out in the application and detailed on drawing numbers DC19002/A/220 P1 Proposed elevations – crematorium and DC19002/A/221 P1 Proposed chapel elevations.

REASON – To ensure that the external appearance of the development is an appropriate design and quality in accordance with Policy CS2.

4. The ecological enhancement and mitigation measures set out in the Barrett Environmental Ltd 'Preliminary Ecological Appraisal: Plot 09/035, West Cemetery, Darlington' dated December 2019 and 'Bat Survey Report: Crematorium, West Cemetery, Darlington' dated October 2019 shall be implemented in full. In addition, no development of the new chapel building above damp proof course level shall take place until a scheme for the planting of an area of species rich grassland on land to the south of the proposed burial ground has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved scheme shall be implemented in full prior to the chapel first being brought into use.

REASON – To comply with Policy CS15.

5. The submitted landscaping scheme shall be fully implemented concurrently with the carrying out of the development, or within such extended period which may be agreed in writing, the Local Planning Authority. Thereafter any trees or shrubs removed, dying, severely damaged or becoming seriously diseased shall be replaced, and the landscaping scheme maintained for a period of five years to the satisfaction of the Local Planning Authority.

REASON – In the interests of the visual amenity of the area and to ensure compliance with Policy CS15.

6. Prior to any demolition or construction activities taking place on site, existing trees shall be protected in accordance with the details contained in the Barnes Associates Arboricultural Impact Assessment 'Expansion and Refurbishment of Crematorium and Chapel' dated 19.12.2019 and shown on drawing number BA9684TPP 'Tree Impacts' dated 18.10.2019. The tree protection measures shall remain in place in accordance with these details for the duration of the construction phase of the development hereby permitted.

REASON – To ensure a maximum level of protection in order to safeguard the wellbeing of the trees on site and in the interests of the visual amenities of the area.

7. The demolition and construction phase of the development hereby permitted shall be carried out in strict accordance with the measures set out in the 'West Cemetery Crematorium Construction Management Plan Revision 1' dated December 2019.

REASON – In the interests of highway safety and residential amenity

8. Demolition and construction activities on the site shall not take place outside of the hours of 08.00 – 18.00 Monday to Friday and 08.00 – 14.00 on a Saturday. There shall be no working on a Sunday other than those activities set out in the Facultatieve Technologies 'Proposed Sunday Working Schedule' between the hours of 09.00 and 17.00.

REASON – In the interest of residential amenity

9. Prior to installation of the temporary stack associated with the replacement of the existing cremators, details of the stack, shall be submitted to and approved in writing by the Local Planning Authority. The temporary stack shall be removed following full installation and commissioning of the new cremators which shall thereafter be served by the existing stack.

REASON – In the interest of residential and visual amenity

10. Prior to the new chapel hereby permitted first being brought into use, a scheme to provide secure cycle parking on the site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the chapel shall not be brought into use until the approved details have been implemented in full and shall be retained for the lifetime of the development.

REASON – To encourage access to the site by sustainable modes of transport

11. Prior to the new chapel hereby permitted first being brought into use, details of a scheme to erect a 2.4 metre close boarded timber fence adjacent to the service road leading from the south of the existing maintenance building to the existing cemetery shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the chapel shall not be brought into use until the fence has been erected in accordance with the details as approved and shall be maintained for the lifetime of the development.

REASON – In the interests of visual and residential amenity

12. No development shall commence until a written scheme of investigation setting out a phased programme of archaeological work in accordance with 'Standards for All Archaeological Work in County Durham and Darlington' has been submitted to and approved in writing by the Local Planning Authority. The programme of archaeological work will then be carried out in accordance with the approved scheme of works.

REASON – To safeguard any archaeological interest in the site, and to comply with part 16 of the National Planning Policy Framework. A pre-commencement condition is required as the archaeological investigation/mitigation must be devised prior to the development being implemented

13. No part of an individual phase of the development as set out in the agreed programme of archaeological works shall be occupied until the post investigation assessment has been completed in accordance with the approved Written Scheme of Investigation. The provision made for analysis, publication and dissemination of results, and archive deposition, should be confirmed in writing to, and approved by, the Local Planning Authority.

REASON – To comply with paragraph 199 of the National Planning Policy Framework, which requires the developer to record and advance understanding of the significance of heritage assets, and to ensure information gathered becomes publicly accessible.

14. Development shall be implemented in line with the drainage scheme contained within the submitted document entitled 'Outline Drainage Strategy – Chapel' dated 2019-12-05. The drainage scheme shall ensure that foul and surface water flows discharge to the public sewerage network via the existing private on site drainage. The additional surface water generated from the new development element of the proposal shall not exceed 3.5l/sec

REASON – To prevent the increased risk of flooding from any sources in accordance with the NPPF.

15. The development hereby approved shall not be commenced on site until a scheme for the implementation, maintenance and management of a sustainable surface water drainage scheme has first been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. The scheme shall include but not be restricted to providing the following details:

- I. Detailed design of the surface water management system;
- II. A built program and timetable for the provision of the critical surface water drainage infrastructure
- III. A management plan detailing how surface water runoff from the site will be managed during the construction phase

REASON – To ensure the site is developed in a manner that will not increase the risk of surface water flooding to the site or surrounding area, in accordance Core Strategy Policy CS16 and the National Planning Policy Framework.

16. The development hereby permitted shall not commence until the remedial works highlighted in the Jet Aire Service GR8370 Darlington Crematorium report and accompanying drawing and mitigation measures highlighted in the Jet Air Services correspondence dated 13/02/2020 have been completed. The applicant must submit a programme for these works and the drainage system must be fully operational before works commence on the proposed development.

REASON – To ensure that flood risk to the site and neighbouring sites is not increased as a result of this proposed development

