Planning Committee: 05 January 2011 **Item Number:**

Application No: W 10 / 1393

Registration Date: 09/11/10

Town/Parish Council: Kenilworth **Expiry Date:** 04/01/11

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Kenilworth Cemetery, Oaks Road, Kenilworth, CV8 1GE
Construction of an ornamental pond and associated bund. FOR Warwick District Council

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This application is being presented to Committee due to the number of objections received.

SUMMARY OF REPRESENTATIONS

Kenilworth Town Council: Members commented that they welcomed this proposal, but requested that a suitable maintenance programme be structured, for this project, in order to ensure that problems in general, but particularly, in respect of Archer Road, be identified immediately.

Public Response: 7 objections received relating to:

Proximity to the properties on Archer Road.
Need for the pond and the costs associated with it.
Future maintenance of the site.
Health and safety issues such as stagnate water and land based vermin.
Future flooding.
Loss of privacy.

WCC Ecology: Would welcome the opportunity to comment on the planting scheme for the proposed wetland area. Also recommend a pre-commencement condition relating to the erection of fencing to protect the remaining trees during the construction process. Recommend notes relating to bats, nesting birds, indigenous aquatic shrubs & trees and protection of reptiles or amphibians.

RELEVANT POLICIES

- DP11 - Drainage (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- Planning Policy Statement 25 : Development and Flood Risk

PLANNING HISTORY

W/87/0270 - Granted - Extension of the cemetery onto temporary allotment land on the north-west side of the site.

W/06/1347 - Granted - Construction of five affordable houses and cemetery maintenance buildings following demolition of existing maintenance buildings.

KEY ISSUES

The Site and its Location

The application relates to an area of open space at the northwestern end of the Kenilworth Cemetery accessed off Oaks Road. The site has had considerable problems with drainage over the years which has led to this area of the cemetery being unsuitable for use as burial space.

The application site is situated just south of the rear gardens of the properties fronting Archer Road, which have a 1.8 metre high boundary fence between the properties and application site. These gardens have been subject to flooding in recent years caused by the poor drainage systems in the cemetery and Archer Road. Due to this the Council has recently replaced a section of the surface water sewer which runs from the grounds of the cemetery under the properties on Archer Road to the existing chamber pit on the northern side of the street.

The topography of the land is sloped running downwards from southeast to northwest. The effect of this is that the proposed wetland area would be located at the lowest point of the of the cemetery. The houses on Archer Road are sited at a lower level than the proposed wetland area.

Details of the Development

The application is for the creation of a ornamental pond with associated bund in the northwest corner of the cemetery. The area would also act as a wetland attenuation area for drainage from the cemetery.

The bund would run east-west to the south of the curtilages of 13 to 31 Archer Road and would be constructed by raising the ground level by between 0.35 and 0.5 metres from its current ground level.

The ornamental pond would be constructed by excavating the ground area indicated on the plans to a maximum of 1.8 metres below the existing level. Part of the development would include an outflow pipe in the north eastern corner of the pond. This outflow pipe would be at a depth of 1.2 metres below the existing ground level ensuring that during periods of average rainfall, the water level in the pond would be 0.6 metres deep. During dry spells the water level is expected to drop to zero.

The works are part of improvements to the drainage system at Kenilworth Cemetery, as the extra water storage capacity in wetland area would act as an overflow during times of heavy rainfall, and prevent further flooding to the properties in Archer Road.

Assessment

The main issues relevant to the consideration of this application are as follows:

- Impact on potential for flooding and drainage
- The impact on the living conditions of the neighbouring dwellings.
- Impact on the character and appearance of the area.

Impact on the potential for flooding and drainage.

PPS 25 states that flood risk should be taken into account at all stages in the planning process to avoid inappropriate development.

As part of the consultation process a number of respondents objected as they felt the proposed development would increase the risk of flooding to their properties.

The drainage system at Kenilworth Cemetery has caused problems in the past and this development is part of the improvement measures proposed to improve this system. The wetland area would have an outflow pipe which would run into the new surface water sewage system which runs under Archer Road. The wetland area would be used to retain excess rainfall during heavy periods and would reduce the flooding problems experienced in Archer Road.

The application proposes the outflow pipe for the pond to the located 1.2 metres below the existing ground level, with the base of the pond to be 1.8 metres below existing. The effect of this is that the pond would have an area of excess capacity which would be used in times of heavy rainfall. This would allow for this extra rainfall to be stored and dispersed at a controlled rate via the 150mm diameter outflow pipe, and prevent future flooding of the properties on Archer Road.

I consider therefore the impact on the potential for flooding in this area would be to secure a significant improvement to the existing situation.

The impact on the living conditions of the neighbouring dwellings.

Policy DP2 of the Warwick District Local Plan states that development will not be permitted which has an unacceptable adverse impact on the amenity of nearby uses and residents. It must therefore be considered if this application is contrary to this policy.

One of the major objections received as part of the consultation process is that the wetland area could become unmaintained, could become stagnant and would attract unwanted ecological species such as mosquitos in close proximity to their premises. The site, however, will continue to be managed by the District Council and I recommend the imposition of a condition requiring the submission of a detailed landscaping and landscape maintenance plan.

An objector has commented that people standing on the raised level of proposed bund could lead to a loss of privacy by looking into the adjacent dwellings. The 0.5 metre bund would provide a limited increase in ground level and in my opinion would not cause a significant loss of privacy to these dwellings. The landscaping information states that high density planting would be used at the ends of the bunds to discourage access and prevent this loss of privacy and I again consider this can be addressed through a requirement for the submission of a detailed landscaping scheme. In addition, the sloped topography of the cemetery, already allows for views of these houses from further north of the curtilage of the cemetery.

Impact on the character and appearance of the area.

Policy DP1 of the Warwick District Local Plan states that development will only be permitted which positively contributes to the character and quality of its

environment through good layout and design. Therefore it must be considered if this application is contrary to this policy.

The proposed site of the wetland area is too saturated to be used as burial ground. Due to this the land is currently unused and is vacant open space. The proposed works would lead to a potential improvement in the appearance of this area as well as providing a solution to the drainage problems on site. However, I note the objections of the neighbouring properties in relation to future maintenance of this site, which would need to be addressed in the maintenance scheme recommended in the pre-commencement condition.

RECOMMENDATION

GRANT, subject to the conditions listed below.

CONDITIONS

1 The development hereby permitted must be begun not later than the expiration of three years from the date of this permission. **REASON** : To comply with Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the approved drawing(s) showing the location and typical section, and specification contained therein, submitted on 20th October 2010 unless first agreed otherwise in writing by the District Planning Authority. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.

3 No work of any kind shall be begun on the site until the protective fence(s) around the trees identified as being retained on the approved plans, have been erected and the fencing has been confirmed in writing to be acceptable by the District Planning Authority. Within the approved fenced area(s) there shall be no scaffolding, no stockpiling of any materials or soil, no machinery or other equipment parked or operated, no traffic over the root system, no changes to the soil level, no site huts, no fires lit and no excavation of trenches for drains, service runs or for any other reason. **REASON** : To protect and enhance the amenities of the area, and to satisfy the requirements of Policies DP1 and DP3 of the Warwick District Local Plan 1996-2011.

4 No development shall be carried out on the site which is the subject of this permission, until details of the proposed planting scheme and a landscape maintenance plan have been have been submitted to and approved in writing by the District Planning Authority (In consultation with the Warwickshire Museum Ecology Department). The development shall not be carried out otherwise than in full accordance with such approved details. **REASON** :To protect and enhance the amenities of the area, and to satisfy the requirements of Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011

INFORMATIVES

For the purposes of Article 22 of the Town and Country Planning (General Development Procedure) (England) (Amendment) Order 2003, the following reason(s) for the Council's decision are summarised below:

In the opinion of the District Planning Authority, the development achieves acceptable standards of layout and design and does not give rise to any harmful effects in terms of impact to the amenity of the neighbouring dwellings which would justify a refusal of permission. The proposal is therefore considered to comply with the policies listed.