

REPORT TO: Planning Committee

MEETING DATE: Tuesday 2 September 2014

BY: Depute Chief Executive
(Partnerships and Community Services)

SUBJECT: Application for Planning Permission for Consideration

***Note** - this application was called off the Scheme of Delegation List by Councillor Trotter for the following reason: I have called this application in for discussion before full committee and public due to the impact it would have on its neighbours and surrounding area.*

***Note** - This application was also called off the list by Councillor McMillan for the following reason: Local residents, neighbours and businesses in the area have raised legal, practical and economic concerns about the change of use to this historic building and how the site will be affected in terms of pollution and environment. Statutory consultees also make adverse comment. Given the nature of these comments I believe this application merits a full discussion at Committee.*

Application No. **14/00416/P**

Proposal Change of use of office building and grounds to crematorium use with 1 groundkeeper's flat and associated operations

Location **Alderston House
Haddington
East Lothian
EH41 3SF**

Applicant Mr Mark Lamb

Per Scott Francis Allan Architectural Design

RECOMMENDATION Consent Granted

PLANNING ASSESSMENT

This application relates to the building of Alderston House and its grounds. The building and its grounds are in the countryside to the north of Haddington.

Alderston House is listed as being of special architectural or historic interest (Category B). It is a three storey building with a sunken basement level and associated outbuilding. It occupies an elevated position towards the northern end of its extensive grounds, which comprise grassed areas to the south and woodland to the west. A secure car park which serves Alderston House is located at the northeast side of the site, to the east of the house. The building is presently vacant but was last used as offices by East Lothian Council.

The application site is bounded to the north by a grassed paddock and the residential property of The Coach House, which is listed as being of special architectural or historic interest (Category A). To the east is a private access road beyond which is a recently constructed building in use as offices. To the south and partly to the west is agricultural land. Otherwise to the west are the residential properties of Gardeners Cottage and Walled Garden House. Parts of the woodland within the grounds of Alderston House are subject to Tree Preservation Order No. 129.

Alderston House itself is located some 48 metres to the southwest of the building of The Coach House and is some 30 metres from the curtilage of The Coach House. The car park which serves Alderston House abuts the southern boundary of The Coach House. A high hedge encloses the southern boundary of The Coach House and separates the garden of The Coach House with the car park.

Planning permission is sought for the change of use of the building of Alderston House from offices to crematorium use, with an associated groundkeeper's flat and for the change of use of the grounds to an associated crematorium use in the form of memorial gardens. It is also proposed to upgrade the existing disabled access ramp to the front entrance to the house. This would only involve cleaning and making good the surface of the access ramp, the ramp itself would not be replaced.

Other than the minor works to upgrade the existing disabled access ramp there would be no external alterations to the building of Alderston House to facilitate the proposed change of use of use of it to crematorium use. No alterations are proposed to the grounds of the house.

Through separate application 14/00416/LBC listed building consent is sought for internal alterations to Alderston House. A report on application 14/00416/LBC is at this time on the Committee Expedited List.

In 1998, planning permission was granted in outline for a crematorium development on land to the southwest of Alderston House. That permission subsequently lapsed.

Section 25 of the Town and Country Planning (Scotland) Act 1997 requires that the application be determined in accordance with the development plan, unless material considerations indicate otherwise.

The development plan is the approved South East Scotland Strategic Development Plan (SESplan) and the adopted East Lothian Local Plan 2008.

Policy 1B (The Spatial Strategy: Development Principles) of the approved South East Scotland Strategic Development Plan (SESplan) and Policies DC1 (Development in the Countryside and Undeveloped Coast), ENV3 (Listed Buildings), DP22 (Private Parking), T2 (General Transport Impact) and NH3 (Important Local Biodiversity Sites) of the adopted East Lothian Local Plan 2008 are relevant to the determination of this application.

Material to the determination of the application is Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and Scottish Planning Policy: June 2014.

Scottish Planning Policy echoes the statutory requirements of Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 that in considering whether to grant planning permission for development which affects a listed building or

its setting a planning authority shall have special regard to the desirability of preserving and enhancing the building, its setting and any features of special architectural or historic interest which it possesses.

A total of 26 written objections have been received to the application. The main grounds of objection are:

- * the proposed use would lead to traffic congestion on the access road which in turn would be a road and pedestrian safety hazard;
- * traffic congestion would impact on the operation of the office building to the east;
- * there is a lack of adequate parking facilities which would mean vehicles would overspill into surrounding streets;
- * the access road is unsuitable for the proposed use;
- * the access road is unsuitable for parking vehicles as it would block the road for other car users, particularly farm vehicles that regularly use the road;
- * the proposed use would be harmful to the amenity of residential properties in the area through airborne pollutants and residues, harmful emissions and fumes and increased noise;
- * pollutants from the proposed crematorium could be ingested by grazing farm animals which could lead to contamination of milk;
- * the proposed use would be detrimental to the privacy of the occupiers of The Coach House;
- * the proposed use would have an adverse effect on the setting of the Category A listed building of The Coach House;
- * the proposed use would harm the listed Alderston House;
- * the proposal is contrary to Policy ENV1 of the adopted East Lothian Local Plan 2008;
- * users of the proposed crematorium would have to put up with noise, dust and smells from neighbouring farms;
- * there is a conflict of interest as the Council owns Alderston House;
- * the proposed use would change the environment and attractiveness of the office building to the east;
- * the proposed use would jeopardise the ability of the office building to the east to attract new business which would be detrimental to the operation that business and highly undesirable to clients and staff which could lead to a reconsideration of whether they want to stay located in East Lothian; and
- * the proposal is contrary to the Crematorium Act 1902 which requires the consent of neighbouring property owners.

The application site is in the countryside and subject to Policy DC1 of the adopted East Lothian Local Plan 2008, therefore Policy ENV1 of the local plan is not relevant to the

determination of this application.

There is no evidence to support the view that the proposed use of Alderston House and its grounds as a crematorium would have a detrimental effect on the continuing operation of the office building to the east of the site.

Section 5 of the Cremation Act 1902 states: "No crematorium shall be constructed nearer to any dwelling-house than two hundred yards, except with the consent, in writing of the owner, lessee and occupier of such house, nor within fifty yards of any public highway, nor in the consecrated part of the burial ground of any burial authority." However this application stands to be determined under the Town and Country Planning (Scotland) Act 1997 (as amended). The Council's Legal Services confirm that the requirements of the applicant to comply with the terms of legislation other than planning legislation, in this instance the Cremation Act 1902, is not a material consideration in the determination of an application for planning permission.

This report of handling of the application and the determination contained therein complies with the requirements of the Town and Country Planning (Scotland) Act 1997 (as amended), related secondary legislation and the Council's Scheme of Delegation.

The Royal Burgh of Haddington and District Community Council, as a consultee on the application, raise concern that the possible effects of the use of a faulty cremulator and resultant emissions on the area and its inhabitants should be investigated. The Community Council also raise concern over severe traffic disruption that could happen if a large funeral was to take place and how this would impact on residents and businesses in the area.

The simple upgrading of the existing disabled access ramp to the front entrance to Alderston House would not harm the landscape character and appearance of the area and nor would it harm the special architectural or historic interest of the house as a Category B listed building. It is consistent with Policy 1B of the approved South East Scotland Strategic Development Plan (SESplan) and Policies DC1 (Part 5) and ENV3 of the adopted East Lothian Local Plan 2008.

Policy DC1 of the adopted East Lothian Local Plan 2008 states that development, including changes of use, will be acceptable in principle within the countryside and undeveloped coast where it is directly related to agriculture, horticulture, forestry and countryside recreation. Other business use will be acceptable where it is of an appropriate scale and character for its proposed location in the countryside, it can be suitably serviced and accessed and there are no significant traffic or other environmental impacts.

Part 2 of Policy DC1 presumes in favour of the change of use/restoration of an existing building within the East Lothian countryside provided amongst other things the building is worthy of retention by virtue of its architectural or historic character, stands substantially intact (normally to at least wallhead height), and is physically suitable for the proposed use.

The proposed crematorium use is not in itself a use directly related to agriculture, horticulture, forestry or countryside recreation, however, by their very nature crematoria require to be located within attractive landscape settings, which the house and grounds of Alderston House provide. The proposed use would be entirely contained within the confines of Alderston House and thus the operation of it would not be obviously apparent within the countryside location occupied by the building. Consequently it would not undermine the character and quality of the countryside. Thus it is a business use of an

appropriate scale and character for this proposed countryside location. On this consideration the proposed change of use does not conflict with Policy DC1 of the adopted East Lothian Local Plan 2008.

Although presently vacant the existing building of Alderston House stands intact and in a generally good state of repair. It is a building listed as being of special architectural or historic interest, Category B, and is thus of special architectural merit. It is a historic component of the rural character of this part of the East Lothian countryside. It is worthy of retention. The building is capable of being used as a crematorium without the requirement for any external alterations to it and the proposed use of it as a crematorium would provide for the continuing use of this Category B listed building, consistent with Part 2 of Policy DC1 of the adopted East Lothian Local Plan 2008.

Although the land the subject of the change of use to crematorium grounds is land within the countryside as defined by Policy DC1 of the adopted East Lothian Local Plan 2008, it already forms the garden grounds of Alderston House and is laid out as such. As there is to be no change to the grounds there would be no significant change to the character and appearance of it and thus no significant change to the landscape character and appearance of this countryside location. Thus the change of use of the land does not conflict with the requirements of Part 5 of Policy DC1 of the adopted East Lothian Local Plan 2008.

The change of use of the land is not a change to residential use and thus there is no requirement in this instance to subject it to an Agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 to prevent any future housing development on it.

The groundkeeper's flat would be contained within part of the second floor of the building. The proposed groundkeeper's flat would form only a small part of the proposed crematorium. On this basis, and given that the flat could only be accessed through the proposed crematorium, it is unlikely that it would be independently occupied or sold off independently of the crematorium. Nevertheless, it would be prudent to impose a condition to ensure that the groundkeeper's flat is occupied only by a member of the crematorium staff.

The nearest neighbouring residential property to the application site is The Coach House, which is located to the north of the site and which in part abuts the northern boundary of the site. The proposal is for a change of use of Alderston House and its grounds to a crematorium use without any external physical alterations being made to the building, or any changes made to the grounds. The south and west boundaries of The Coach House are enclosed by a thick high hedge. Given this and that the last and established use of the property was as offices, with associated visitors and traffic movements throughout the day, the proposed use would not be harmful to the privacy and amenity of the residential property of The Coach House. In this the proposal does not conflict with Part 5 of Policy DC1 of the adopted East Lothian Local Plan 2008.

As stated above, The Coach House which is the nearest neighbouring residential property to the application site is listed as being of special architectural or historic interest (Category A). The proposal, without any external physical alterations being made to the building, or any changes made to the grounds would mean no change to the impact of the house and grounds on the setting of The Coach House in comparison to that previous and established use as offices. Thus the proposed use would not harm the setting of that listed building. Accordingly, the proposed change of use of the building of Alderston House and its grounds to crematorium use does not conflict with Policy ENV3 of the adopted East Lothian Local Plan 2008 or Scottish Planning Policy: June 2014.

As parts of the grounds of Alderston House are Priority Habitat Areas the Council's Biodiversity Officer has been consulted on the application. The Biodiversity Officer is satisfied the proposed use would not harmfully impact on the Priority Habitat Areas and therefore raises no objection to the application. Accordingly, the proposed change of use of the building of Alderston House and its grounds to crematorium use does not conflict with Policy NH3 of the adopted East Lothian Local Plan 2008.

The proposed change of use of Alderston House and its grounds to use as a crematorium would not have any impact on the trees that are the subject of Tree Preservation Order No. 129 as no physical operations would be carried out close to them.

The Council's Environmental Protection Manager advises that that the Scottish Environment Protection Agency (SEPA) is responsible for controlling any emissions to air from the proposed crematorium under the Pollution Prevention and Control (Scotland) Regulations 2012 and therefore such matter is one for SEPA to regulate under that separate legislation. It would not be competent for the Council to duplicate that regulatory control.

SEPA advise that the proposed crematorium facility will result in emissions to air, and confirm that such emissions will be controlled by them under the Pollution Prevention and Control (Scotland) Regulations 2012 (PPC), Schedule 1, Section 5.1 Part B (c). Based on the information provided, SEPA are satisfied that the proposed development is potentially capable of being authorised under the Pollution Prevention and Control (Scotland) Regulations 2012 and therefore raise no objection to the application.

A response has been received from NHS Lothian who raise concern over emissions from the proposed crematorium. As set out above, this is for SEPA to control under legislation other than planning legislation.

The Council's Environmental Protection Manager does raise a concern that noise emanating from the operation of the proposed crematorium may, if not controlled, result in a loss of amenity to occupiers of neighbouring residential properties. Accordingly she makes the following recommendations:

- (i) the Rating Level, L_ATr, of noise emanating from the proposed crematorium facility when measured 3.5m from the façade of any neighbouring residential property, shall be no more than 5dB (A) above the background noise level, L_A90T, all measurements to be made in accordance with BS 4142: 1997 "Method for rating industrial noise affecting mixed residential and industrial areas"; and
- (ii) (ii) the proposed crematorium should not operate out with the hours of 0800 – 1700 Monday to Friday and 0800 – 1300 on a Saturday.

The Environmental Protection Manager additionally recommends that there be no scattering of cremation ashes on any part of the application site, that any ashes to be interred be located in the Memorial Garden and contained within a suitable, fully sealed container, and that there be no depositing of metallic cremation waste on any part of the site.

Subject to the above recommended controls, which can reasonably be imposed as conditions on the grant of planning permission, the proposed crematorium use would not be harmful to the amenity of neighbouring or nearby residential properties, nor or any neighbouring land use. On this consideration the proposal does not conflict with Part 5 of Policy DC1 of the adopted East Lothian Local Plan 2008.

The applicant's agent has submitted a Transport Statement in which it is stated that death rate for East Lothian noted for 2012 was 1037 deaths with 40% burials and 60% cremations. Based on these figures the proposed crematorium could carry out approximately 622 cremations per year. With a proposed working period of 50 weeks/year, an average of 12 cremations per week would be carried out.

However, not all cremations for East Lothian would be carried out at Alderston House. Operating on a 6 day week this would allow for 2 cremations a day with the proposed first service at 10.00am followed by a break, then the second service at 2.00pm. With the secure parking facilities available and other space within the site including the front drive of property there are approximately 60-65 parking spaces within the confines of the application site. Hearse, limousine, ambulance and staff parking would be catered for at the rear of the building. The proposed chapel within Alderston House would provide fixed seating for 120 persons with the average for service attendance noted as 70 persons.

The Council's Road Services acknowledge the content of the Transport Statement and advise that whilst 2 cremations a day would likely be a typical situation, there could be days where more than 2 cremations are held. As a result Road Services advise it would need to be ensured that there is at least a one hour break between the finish of one cremation service and the start of the next to allow an adequate turnover of vehicles within the site.

Road Services confirm that East Lothian Council does not have a specific parking requirement for a crematorium use. However, they state that other local authorities do have a standard of 1 parking space per 2 seats provided within the chapel, which Road Services accept as sound basis on which to establish a parking requirement for this proposal. Such parking requirement equates to 60 spaces for the 120 seats proposed to be provided. Road Services are therefore satisfied that there is adequate space within the application site to accommodate this level of parking.

Road Services state that there may be some occasions where overspill parking is required for larger attendances and as a result a traffic management plan should be provided to ensure that these situations are managed and supervised to offer the least disruption to all road users taking particular account of road safety.

Road Services confirm that the existing access road on the approach to the application site from the south is wide enough to enable a car to park on one side of the road whilst still allowing safe and adequate passage for passing vehicles including fire fighting appliances and most farm traffic such as tractors and lorries/tankers. Road Services advise that the movement of very large vehicles such as combine harvesters would be impeded but advise these vehicles would not permit the two way movement of vehicles on the road in any event.

On the basis of all the above considerations Road Services raise no objection to the application subject to there being at least a one hour gap between the end of one cremation service and the beginning of the next and the submission and prior approval of a traffic management plan to control and marshal traffic and overspill parking resulting from larger attendances. Subject to the imposition of conditions requiring these measures, the proposals are consistent with Policies T2 and DP22 of the adopted East Lothian Local Plan 2008.

CONDITIONS:

- 1 The Rating Level, LArTr, of noise emanating from the crematorium hereby approved when measured 3.5 metres from the façade of any neighbouring residential property, shall be no more than 5dB (A) above the background noise level, LA90T; all measurements to be made in accordance with BS 4142: 1997 "Method for rating industrial noise affecting mixed residential and industrial areas".

Reason:

To ensure the crematorium use of does not harm the amenity of nearby residential properties.

- 2 The crematorium hereby approved shall only operate between 8:00am and 5:00pm Monday to Friday and 8:00am and 1:00pm on a Saturday.

Reason:

To safeguard the amenity of the area, including the amenity of neighbouring residential properties.

- 3 There shall be no scattering of cremation ashes on any part of the application site and any ashes to be interred shall be located in the Memorial Garden as shown on the drawings docketed to this planning permission and shall be contained within a fully sealed container.

Additionally there shall be no depositing of metallic cremation waste on any part of the application site.

Reason:

To safeguard the amenity of the area.

- 4 At the crematorium hereby approved there shall be least a one hour gap between the end of one cremation service and the beginning of the next.

Reason:

To allow an adequate turnover of vehicles in the interests of road safety.

- 5 Prior to the commencement of the crematorium use hereby approved a traffic management plan to control and marshal traffic and overspill parking resulting from larger attendances of cremations shall be submitted to and approved in advance by the Planning Authority. The approved traffic management plan shall thereafter be implemented in accordance with the details so approved.

Reason:

In the interests of road safety.

- 6 The second floor groundkeeper's staff living accommodation hereby approved shall be occupied and used only by a member(s) of staff of the crematorium hereby approved, and shall not be used as a separate dwelling unit.

Reason:

To restrict the use of that part of the building to that applied for as the accommodation is unsuitable for unrestricted residential occupancy.

Please note that the remainder of pages relating to this item have been removed as they contain personal information (for example - names and addresses of people that have made representation)