DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H14-0286-22**	**Applicant:**	**Pinchbeck Parish Council**
Proposal:	Proposed cemetery, storage building and parking, and the use of land as an informal Public Recreation Area - approved under H14-1097-20. Modification to Condition 2 to allow amendments to previously approved plans (Different site configuration and design and location of the amenity building changed).		
Location:	Land Off Blue Gowt Lane Pinchbeck Spalding		
Terminal Date:	14th June 2022		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
04	Approach to Flood Risk
05	Meeting Physical Infrastructure and Service Needs
28	The Natural Environment
29	The Historic Environment
30	Pollution
31	Climate Change and Renewable and Low Carbon Energy
32	Community, Health and Well-being
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2021

NPPF 2021.

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	0
WARD MEMBER	0	0	0	0
PLANNING LIAISON OFFICER - FLOOD RISK	0	0	0	1

ASSESSMENT				
HIGHWAYS & SUDS SUPPORT	0	0	0	1
IAN MARSHMAN - HISTORIC ENVIRONMENT OFFICER	0	0	1	0
WELLAND AND DEEPINGS INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	1	1

CASE OFFICER ASSESSMENT

Proposal

Section 73 Modification - Proposed cemetery, storage building and parking, and the use of land as an informal Public Recreation Area - approved under H14-1097-20. Modification to Condition 2 to allow amendments to previously approved plans (Different site configuration and design and location of the amenity building changed).

The proposal retains the same elements and the same site area as the original, but in a slightly different configuration and the design and location of the small amenity building has changed to provide a focal point within the proposed cemetery. A garden of remembrance is now shown on the plans.

Site Description

The application site measures 3.17ha and is located immediately adjacent to the settlement boundary of Pinchbeck, as set out in the South East Lincolnshire Local Plan (SELLP). Pinchbeck is considered to be a Main Service Centre, as defined in the SELLP.

The proposed development site is shown to be within Flood Zone 3a 'High Probability' as detailed on the Environment Agency's Flood Zone Maps without defences, and as defined in Table 1 of NPPG.

The site comprises two agricultural fields, is roughly triangular in shape and is largely flat with few features. The western boundary is characterised by the railway line and the entire eastern boundary is adjacent to Blue Gowt Lane to a point where it meets Market Way. The northern boundary is characterised by the rear garden boundaries of dwellings on Penway Drive. The two other boundaries are characterised by sporadic native planting.

North of the application site is Pinchbeck, with agricultural land to the east and south, and a railway line to the west.

History

H14-1097-20. FULL. Proposed Cemetery, Storage Building and Parking, and the Use of Land as an Informal Public Recreation Area. APPROVED 15-02-21.

Consultation Responses

Pinchbeck Parish Council

Is the applicant.

LCC Highways & SUDS Support

Does not wish to restrict the grant of permission.

Having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed development is acceptable and accordingly, does not wish to object to this planning application.

LCC Historic Environment Officer

No archaeological input required.

SHDC Environmental Protection

No comments or objections

Environment Agency

No comment to make.

Welland and Deepings Internal Drainage Board

Previous comments dated 11th December 2020, reference: CS/JP/P/P/3 made under full plans application H14-
1097-20 still stand. The site is bounded to the eastern side by a private dyke. To create any new accesses across this dyke require an application to be made to the Board in advance and are subject to the agreement of technical details.

Public

No responses received.

Planning Considerations

PLANNING CONSIDERATIONS

The main issues in this case are:
Principle of Development
Sustainability
Layout and Design
Highway safety and parking
Impact of neighbouring Residents/land users
Flooding considerations
Foul and Surface Water Drainage
Landscape Impact
Contaminated Land
Heritage considerations and Archaeology
Biodiversity
Lighting/Hours of Use

Principle of Development

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that, "If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

The Parish Council has identified that the existing cemetery is close to capacity and with the rising

population and growing settlement, there is the need for a new cemetery to facilitate the demand.

Policy 32: Community, Health and Well-being of the SELLP is a broad ranging policy covering various factors that require consideration when determining planning proposals including rights of way; encouraging healthy lifestyles; and provision of new or enhancement to existing community facilities. This policy mentions planning permission granted for the extension of cemetery and open space at Gosberton, however makes no mention of other site specific proposals.

At Section 8, the South East Lincolnshire Infrastructure Delivery Plan 2016, that informed the SELLP, sets out an assessment of inter alia, the South Holland District's on-going need for sport, leisure and green infrastructure, and identifies the needs for potential Parish Council funding for burial spaces, but does not identify sites.

The policies listed in the Planning Policies section above are also to be considered in the assessment of this proposal.

It is considered that locating the burial ground close to the boundary with the settlement, given access to residents of Pinchbeck is acceptable and the proposal accords with the intentions of the SELLP and NPPF.

Sustainability

The informal public recreation area has been decreased in size but would still be a significant addition to green space for Pinchbeck. It is not proposed to provide sports pitches, but, simply a place to be used at people's leisure, for example for dog walking and jogging.

It is anticipated that the new informal recreation area will become a valuable asset to the green space on offer to the local community and enhance the health and wellbeing of the local population.

The proposal accords with Local Plan Policies 2 and 32 in that it represents sustainable development on the fringe of the village and is commensurate in scale and layout to the needs of the community.

Layout and Design

The revised layout of the proposal is more formal than the previously approved scheme, but is still considered to be low key, and would not result in a jarring feature in the area. The use of landscaping will also visually soften this development, as well as acting to encourage biodiversity.

The form of the burial are has been changes to retain a clear 10m separation to the watercourse.

The location of the amenity building has changed to provide a more useful focal point within the proposed cemetery. This brings the siting of the building closer to residential properties, however the building would be central to the burial area and would be read within the context of the burial ground.

A landscaping area has been removed from the western boundary of the burial area, but an orchard is proposed further to the south.

Post and rail fencing is proposed to separate the functional areas, with gated access for maintenance.

The parking area has been increased to provide further overflow parking.

Highway safety and parking

As per the original consent, it is a proposed to construct a new access into the cemetery car park off Blue Gowt Lane. There is presently a field access in the north eastern corner of the application site, however, having regard to the Pennytoft Lane/Market Way junction with Blue Gowt Lane, a new access would result in those visitors arriving at the site from Pennytoft Lane having to travel further round the bend into Market Way before turning into Blue Gowt Lane. It is envisaged that this arrangement will provide for safe access to and from the application site.

The application has been amended to show a link to the existing footpath and this is to be delivered

by condition.

LCC Highway Service raises no objection. The proposal accords with Policies 2 and 3 of the SELLP.

Impact of neighbouring Residents/land users

No objections have been received to this application.

In response to the previous objections, the host scheme was clarified, in that the car park would be used by those attending funerals and by those attending graves. It is not intended that it will be used by those using the informal amenity area to the south.

That being the case, there is no requirement for lighting in the car park as the cemetery won't be visited during the hours of darkness. In terms of the hours of use, interments would occur mostly during the week and between 9:30 and 3:30. As to the frequency, this would be demand related but it may well be that weeks pass with no 'business'.

As far as car parks go, the use in association with a cemetery will be both infrequent and quiet and of no demonstrable impact on the occupiers of the adjoining dwellings.

The amenity building has changed in form and siting, however, this would be read in the context of the burial ground and would have minimal impact arising from the siting and design of the building, the size of which is commensurate with the needs of the wider development. The building would be approximately 55 metres from the nearest residential boundary and would be used occasionally. It is not considered that the use of the building would have a detrimental impact on nearby dwellings. The proposed building is, therefore, compliant with Local Plan Policy 2.

A garden of remembrance is now shown on the plans. Such areas are used for quiet contemplation and it would not be expected that teh form and use would have a detrimental impact upon adjoining residents.

Conditions are also proposed as per the host consent to control the surfacing of the car park and to restrict lighting of the car park, which would serve the purpose of discouraging evening and wider uses.

By its very nature, the cemetery use would not impact on the reasonable amenity of residents off Penway Drive, with those attending interments observing the customary quiet contemplation. The proposed recreation area is for informal pursuits only and there would be no large gatherings more normally associated with football matches for example.

It is considered that the proposal accords with Policies 2 and 3 of the SELLP.

Flooding considerations

When applying the sequential approach for flood risk in accordance with the NPPF the site would fall into Zone 3a (High Probability) as the site is shown to be within the tidal flood plain as shown on the Environment Agency's Flood Map without defences in place.

However, the results of the updated SHSFRA shows that the site is located within a low/medium probability flood zone, but the area is reliant on protection by flood defences providing a standard of protection of 1 in 100 years return period.

The proposal is for a change of use of agricultural land to a cemetery and recreational area. The NPPG (para.164), states that a change of use should not be subject to the sequential and exception tests but will still need to meet the requirements of a site-specific flood risk assessment, which has been submitted.

The Environment Agency has published guidance on cemeteries and burials to ensure groundwater pollution does not occur, the main points are: -

A burial site must be:
I. at least 250 metres from any well, borehole or spring supplying water for human consumption or used in food production - for example at farm dairies

II. at least 30 metres from any spring or watercourse not used for human consumption or not used in food production
III. at least 10 metres from any field drain, including dry ditches
IV. have at least 1 metre clearance between the base of the grave and the top of the water table - they shouldn't have any standing water in them when dug.

The submitted Flood Risk Assessment sets out that geology of this area consists of tidal flat deposits - clay & silt, overlying the Oxford clay formation - Mudstone. At this location, the superficial deposits are classified as an unproductive aquifer: These rocks have negligible significance for water supply or baseflow to rivers, lakes and wetlands. They consist of bedrock or superficial deposits with low permeability that naturally offer protection to any aquifers that may be present beneath.

With the site being over a non-productive aquifer and therefore outside Source Protection Zone 1 and any other designated SPZ, the proposed cemetery, therefore, poses no unacceptable risk to groundwater used for drinking water and food production purposes. No burial plots will be located within 30m of the Blue Gowt Drain No 2 or any other watercourse.

Most of the site is shown to be at no risk from surface water flooding with an isolated small area at risk up to 300mm deep. The site is, there considered to be at low risk. Low risk means that each year this area has a chance of flooding of between 0.1% and 1%. Flooding from surface water is difficult to predict as rainfall location and volume are difficult to forecast.

Foul and Surface Water Drainage

The car park and access road and footways will have an informal layout and will be constructed with permeable construction such as hardcore with a granite chipping surface rolled into the top surface. The roof water from the amenity building will discharge to soakaways designed in accordance with BRE digest 365.

As there is a positive drainage system capable of receiving flows from the development there is no likely impact on neighbouring property.

Pinchbeck Parish Council will be responsible for the maintenance of the entire surface water drainage system.

Any impact of damage to the properties can be foreseen and mitigated against by relatively simple design and construction techniques. There are two forms of flood protection works: -

· Flood-resistance or proofing works: - these try to reduce the amount of water entering a building.
· Flood-resilient works: - these reduce the amount of damage caused by water entering the building.

Landscape Impact

There is little in the way of landscaping within the site itself and so it is proposed to introduce planting between the cemetery and the recreation area, and also to the site boundaries.

The site plan shows an indicative planting scheme, which will be the subject of further details to be secured by condition.

The purpose of the planting will be to add biodiversity to what is currently an agricultural field, rather than to provide screening. Screening will promote anti-social behaviour if there are limited views in and out of the site and, having regard to the 'light touch' that the proposal has on the landscape, there is no need to provide significant screening. The proposal is, therefore, compliant with Policy 2.

Contaminated Land

The use of land for burials is required to meet strict environmental conditions established by the Environment Agency in order to safeguard against groundwater pollution. The site is located in an area classified as an unproductive aquifer and therefore is outside the Source Protection Zone 1 and any other designated SPZ.

Heritage considerations and Archaeology

The LCC Historic Environment Officer concludes that no archaeological input required. The proposal accords with Policy 29 of the SELLP.

Biodiversity

A landscaping scheme is proposed to encourage an increase in biodiversity, on this edge of settlement site. This is to be controlled via condition. The proposal accords with Policy 28 of the SELLP.

Lighting/Hours of Use

The use of the site would be during those times when burials take place, which are normally daylight hours. Visitors in quiet contemplation would be unrestricted and would tend to again be during daylight hours. The wider site for informal leisure would be unrestricted.

A condition is proposed to require any lighting proposals to be submitted and approved in the future. No lighting is proposed at present.

It is considered that the use of the site would be commensurate with the function proposed and would not cause a detrimental impact to neighbouring residents or to the quiet nature of the area. The proposal accords with Policies 2, 3 and 28 of the SELLP.

Conclusion and Planning Balance

Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, states that the determination must be made in accordance with the development plan unless material considerations indicate otherwise.

The proposed development would not materially harm the character or appearance of the locality, or amenity of nearby residents, and provides adequate parking. Taking into consideration these factors, the proposal is considered to comply with Policies 1, 2, 3, 4, 5, 28, 29 30, 31, and 36 and Appendix 6 of the South East Lincolnshire Local Plan (SELLP), 2019, plus advice within the National Planning Policy Framework (NPPF), 2019.

The objections and concerns of the objector have been taken in to account. Details are to be submitted via condition to control the car park surfacing so as to reduce noise as well as to serve drainage purposes, and lighting of the site is to be controlled.

Taking the above in to account, there are no significant factors in this case that indicate against the proposal and outweigh factors in favour of the proposal and the policies referred to above.

Conclusion

Approve, with conditions.

Additional Considerations

Public Sector Equality Duty

In making this decision the Authority must have regard to the public sector equality duty (PSED) under s.149 of the Equalities Act. This means that the Council must have due regard to the need (in discharging its functions) to:
A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act
B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s).
C. Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in s.149. It is only one factor that needs to be considered, and may be balanced against other relevant factors.

It is not considered that the recommendation in this case will have a disproportionately adverse impact on a protected characteristic.

Human Rights

In making a decision, the Authority should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as South Holland District Council to act in a manner that is incompatible with the European Convention on Human Rights. The Authority is referred specifically to Article 8 (right to respect for private and family life) and Article 1 of the First Protocol (protection of property).

It is not considered that the recommendation in this case interferes with local residents' right to respect for their private and family life, home and correspondence, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general public interest and the recommendation is considered to be a proportionate response to the submitted application based on the considerations set out in this report.