DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H14-1097-20**	**Applicant:**	**Pinchbeck Parish Council**
Proposal:	Proposed Cemetery, Storage Building and Parking, and the Use of Land as an Informal Public Recreation Area		
Location:	Land Off Blue Gowt Lane Pinchbeck Spalding		
Terminal Date:	8th March 2021		

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 2019

NPPF 2019.

Representations:

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

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

CASE OFFICER ASSESSMENT

PROPOSAL

The application proposal is for a cemetery for 625 burial plots, and area for cremation interments and associated parking, a small storage building and a new informal public recreation area.

The submitted site layout shows how the site would be developed to provide sufficient burial plots for the parish for the foreseeable future, together with a new access from Blue Gowt Lane, which would service an associated 22 space car park and a grassed, informal overflow parking area to the west. In addition to the new cemetery, the remainder of the agricultural field would be turned into an informal recreation area for use by parishioners.

It is proposed to construct a new access into the cemetery car park off Blue Gowt Lane. The proposed car park would be finished in gravel or similar providing a permeable surface to aid drainage. The existing pedestrian access is to remain.

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.

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.

The amenity building would be single storey measuring 3.1m to the eaves and 4.9m to the ridge. The amenity building would be used for the storage of maintenance equipment and it, therefore, has a deliberately functional appearance. The building would be a simple rectangle with pitched roof over and the roller shutter and personnel door would allow easy access for equipment and one or two maintenance personnel.

The application is supported by a Design and Access Statement and a Flood Risk Assessment. Applying the Flood Risk Vulnerability Classification in Table 2 of NPPG the proposed cemetery development is classified as "Less Vulnerable".

The application has been revised since submission to include a footpath connection to the existing footpath from the junction of Market Way up to an including the site access.

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.

RELEVANT HISTORY

None.

CONSULTATION RESPONSES

Pinchbeck Parish Council

Is the applicant.

LCC Highways & SUDS Support

The proposals are for a cemetery, storage building, parking and use of land as informal public recreation area and a new access is proposed. The dimensions of the proposed access are adequate to enable 2 cars to pass in opposing directions in line with Manual for Streets. Parking has been proposed and demonstrated which is adequate for the size and scale of the development and the proposals would therefore not result in an unacceptable impact on highway. The applicants are required to consider pedestrian connectivity to the site from the junction of Market Way up to an including the site access.

This application is classified as a major application, due to the site area. In accordance with the NPPF SuDs principles are to be considered as a means of dealing with the surface water. A drainage strategy is included within the submission and the Applicant has considered and applied the principles of SuDs for the proposed development by the inclusion of the car park access road and footway to be constructed with permeable construction, for infiltration, and roof water from the amenity building will be intercepted by soakaways which is adequate for this type and scale of development. The future maintenance and responsibility for the drainage system will sit with the Parish Council.

LCC Historic Environment Officer

No archaeological input required.

SHDC Environmental Protection

No objection.

Environment Agency

No objections subject to comments, which are added as an informative to this recommendation.

SHDC OFFICER NOTE - As a result of the EA response, a formal request that the EA undertake a groundwater risk assessment was made to the EA. The resultant risk assessment raises no untoward findings.

Welland and Deepings Internal Drainage Board

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

One objection has been received, raising the following matters (Summarised) -

Object to the car park and building alongside a garden.
Car park would create more noise/especially during building work and thereafter.
If car park and building was placed on other side, would have no objections.

One submission of comment, seeking details of the car park surfacing and distances to adjoining land was received. These matters are addressed in the application submission.

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 measures 2.14ha and would 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 layout of the proposal is 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.

Although the appearance of the site will change from agricultural land to that of a more manicured landscape, this impact is acceptable in that the majority of the site will be laid to grass with the addition of native planting.

The proposed car park will be finished in gravel or similar providing a permeable surface to aid drainage.

The proposed amenity building is to be ancillary to the wider use of the land and would be of a scale commensurate with that.

The proposal accords with Policy 3 in terms of the impact on the character of the area.

Highway safety and parking

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

In response to the resident objection above, the agent has responded as follows:

"The car park will 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, I suspect that interments will occur mostly during the week and between 9:30 and 3:30. As to the frequency, this, as you will appreciate, is somewhat 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.

It might be that the suggested condition for the surfacing will pick up any concerns over the noise of vehicles moving over unbound material."

The amenity building will be single storey measuring 3.1m to the eaves and 4.9m to the ridge. There will be 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 location of the building is some 40m from the nearest dwelling. The building will be used occasionally and will have no detrimental impact on nearby dwellings. The proposed building is, therefore, compliant with Local Plan Policy 2.

Officers concur with this assessment. Conditions are also proposed 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 submitted drainage statement proposes to utilise infiltration techniques to reduce the storm water discharge from the proposed development and to minimise the impact of the development on the surrounding area and to comply with guidelines, which require at least one workable solution for managing surface water.

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.

The objector suggested that the car park be re-sited within the application site. It is considered that the development can be sufficiently mitigated and this would not be necessary.

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.

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.

RECOMMENDATION

Approval, subject to conditions.

The application was referred to Chairman's Panel on 5 February 2021, where a delegated approval was agreed.