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| ITEM NO: 6.4 | <u>Location:</u> | Part Of Alleyfield Adjacent To, Chambers Lane, Ickleford, SG5 |
| | <u>Applicant:</u> | Ickleford Parish Council |
| | <u>Proposal:</u> | Change of use of agricultural land to burial ground (cemetery) and formation of new vehicular access from Chambers Lane |
| | <u>Ref.No:</u> | 08/00161/ 1 |
| | <u>Officer:</u> | Tom Rea |

Date of expiry of statutory period : 30 April 2008

Reason for Delay (if applicable)

N/A

Reason for Referral to Committee (if applicable)

The applicant is Ickleford Parish Council

1.0 Relevant History

1.1 None

2.0 Policies

2.1 Central Government Guidance

Planning Policy Statement 1: Sustainable Development
 Planning Policy Guidance Note 2 (PPG) 2: Green Belts
 Planning Policy Statement 7: Sustainable Development in Rural Areas
 Planning Policy Statement 9: Biodiversity and Geological Conservation
 Planning Policy Guidance 16: Archaeology and Planning

2.2 North Hertfordshire District Local Plan No. 2 with Alterations

Policy 2: Green Belt
 Policy 16: Areas of Archaeological Significance and other Archaeological Areas
 Policy 24: Agricultural and Forestry Land
 Policy 55: Car Parking Standards

3.0 Representations

3.1 **Environment Agency:** Generally in agreement with the conclusions and recommendations contained in the Tier 1 Feasibility study. Recommend that the status of domestic wells in the area in clarified.

3.2 **Hertfordshire Highways:** Recommends the attachment of conditions

3.3 **Hertfordshire County Council Archaeologist:** Recommends a standard archaeological condition

- 3.4 **Hertfordshire Biological Records Centre:** Recommends a condition is attached restricting works to the winter months and new hedge planting.
- 3.5 **Hertfordshire County Council Countryside Access Officer:** Recommends that the safety and rights of footpath users is considered in particular with regard to how traffic can safely cross public footpaths.
- 3.6 **Site Notice/Adjoining occupiers:** Letters expressing concerns over the proposed development have been received from the occupiers of 2 Boswell Drive, and 4 and 5 Chambers Lane including a petition signed by 44 residents. The main points of concern are as follows:
- site likely to be subject to vandalism
 - siting next to the recreation ground is inappropriate and would attract anti-social behaviour
 - access to the site is unsatisfactory and the increase in vehicular traffic in Chambers Lane is unacceptable
 - No evidence of need
 - detract from residents quality of life
 - detrimental impact on local wildlife
 - concern over drainage and conclusions of the environmental survey
 - concern over adequate consultation
 - concern over cost of the development and whether money should be spent on other priorities for the local community
- 3.6 A letter has also been received from Reverend M. Holford of Icknield House, Westmill Lane providing some information on the burial capacity of St. Katherines Church, Ickleford. Reverend Holford considers that the burial ground would be welcomed by the majority of the village.

4.0 Planning Considerations

4.1 Site & Surroundings

- 4.1.1 The application site comprises 4.3 acres of set-a-side land following former arable use located north of Chambers Lane, Ickleford. The site which is relatively flat is bordered by public footpaths Nos. 5, 11 and 12 and is located east of the Ickleford Sports Club and recreation ground. The field consists of a grass sward of 10cm - 15cm in height and the field is bordered by an area of scrub to the south and a hedge and trees to the west. Aspects are open to the north (arable field) and to the north-east (the main part of Alley Field, also in set-a-side).
- 4.1.2 The application lies to the north of residential properties on the south side of Chambers Lane and is on higher ground there being a gentle gradient down to Chambers Lane from the recreation ground and Alleyfield. The whole of the site is within the Green Belt.
- 4.1.3 The site is in the private ownership of Mrs Dorothy Parker of Westmill Lane, Ickleford.

4.2 Proposal

- 4.2.1 The Parish Council, acting on behalf of Mrs Parker, have submitted the application for the change of use of the land to a burial ground. No buildings or parking areas are proposed at this stage with only details of the access road leading into the site for the burial ground from Chambers Lane included. The following documents are also submitted in support of the application:

- Tier 1 Feasibility Study by Cemetery Development Services
- Geophysical Survey Report

4.3 Key Issues

4.3.1 Taking into account central government policy guidance, local plan policies and the comments received from third parties and statutory consultees referred to above I consider that the main issues to be taken into account in the determination of this application are as follows:

- Whether the proposed use in acceptable principle bearing in mind the Green Belt designation of the site and its location.
- The visual impact of the use and the impact on nearby residential property.
- Impact on the public footpath network
- Ecological and archaeological issues
- Landscaping and other environmental issues
- Traffic and Access issues

4.3.2 The principle of the use

PPG 2 is relevant for the consideration of this application in particular section 3 concerning control over development in Green Belts. The guidance advises in paragraph 3.4 that new buildings inside a Green Belt are inappropriate unless they are for the following purposes:

'essential facilities for outdoor sport and outdoor recreation, for cemeteries, and for other uses of land which preserve the openness of the Green Belt and which do not conflict with the purposes of including land in it...'

4.3.3 PPS 1 also advises that decisions on development proposals should be based on sustainable development principles stating that:

'good quality, carefully sited accessible development within existing towns and villages should be allowed where it benefits the local economy and/or community'

PPS 1 also states:

'accessibility should be a key consideration in all development decisions. Most developments which are likely to generate large numbers of trips should be located in or next to towns or other service centres that are accessible by public transport, walking and cycling'

4.3.4 PPS 7 encourages local planning authorities to raise the quality of life in rural areas through focusing most new development in or near to local service centres where housing services and other facilities can be provided together. The PPS also states that Local Planning Authorities should identify suitable buildings and development sites for community services and facilities to meet the needs of the whole community.

4.3.5 The use of the application site as a burial ground would be predominantly an open use and would not have a significant adverse impact on the openness of the Green Belt. Furthermore a cemetery is clearly a community use and in a sustainable location close to local shops, school, recreation ground, church and village hall. In view of these factors and the above planning policy advice I consider that in principle there can be no land use objection to the proposed use.

4.3.6 It is acknowledged that there are other cemeteries in the area notably at Wilbury Hills and Arlesey Town Council cemetery, Arlesey Road, however St. Katherines Churchyard in the village is full and the burial ground at St. Johns Road, Hitchin is said to be nearing capacity. There does appear to be a local long term requirement for a burial ground and therefore I do not consider that there is a convincing argument to refuse permission on the grounds of over provision in the area.

4.3.7 Visual impact and impact on residential amenity

Cemeteries are generally well landscaped with few buildings and in this case the western boundary of the site is already screened by a hedge with mature trees whilst the southern boundary is also heavily screened with scrub vegetation and trees further south along the Chambers Lane boundary. The Local Planning Authority can exercise control over future buildings, parking areas and access roads when considering future planning applications and therefore I consider that the main bulk of the site is unlikely to have any significant visual impact. The main visual impact will be the provision of the new access road into the site and the new bellmouth onto Chambers Lane which will change the informal and rural character of the lane. Given the low intensity nature of the use it is considered that the access details shown are inappropriate and that access into the site could be achieved in a less intrusive manner with less highway engineering, more landscaping and measures to incorporate the public footpaths. If permission is granted it is recommended that a condition is attached requiring the submission of further detailed drawings relating to the access into the site.

4.3.8 The properties along Chambers Lane are at a lower level than the application site and views of the site would be largely screened by existing vegetation along the north side Chambers Lane and in any event no buildings are proposed with this application. The use of the site as a cemetery will involve some increase in pedestrian and vehicular activity however this would be intermittent in my view and must be taken in context with the existing significant level of traffic associated with Ickleford Sports Club and the recreation ground, the equipped play area and by walkers using the local footpaths. I therefore consider that the use is unlikely to have a serious impact on the residential amenities of adjoining occupiers and that any aspects which may be of concern such as lighting or hours of opening could be controlled by condition.

4.3.9 Impact on the public footpath network

The Countryside Access Officer has raised some concerns over how traffic using the access road can safely cross footpath 12 and the lack of detail with regard to the impact on the route of footpath 11 along the southern boundary of the site. Given that traffic speeds are likely to be very low and activity intermittent I consider that conflict with users of the footpaths will be minimal however the detail of how the access relates to the public footpaths can be clarified by the submission of further details and a condition attached to any planning permission. Importantly however the Access Officer does not raise a fundamental objection to the proposed development. Any necessary diversions (temporary or permanent) to the route of the public footpaths can be dealt with under the Town and Country Planning Act.

4.3.10 Ecological and Archaeological issues

PPS 9 requires the Local Planning Authority to take into account the potential harm and impact of development on biodiversity and geological conservation interests. In this case the Council's ecological advisors Hertfordshire Biological Records Centre have advised that the burial ground field is of limited ecological value due to its small size, location, lack of vegetation structure and diversity and high level of disturbance by the public although they do recognise that the field could support ground nesting birds. HBRC have advised that the clearance of vegetation to provide the access and visibility splays has the potential to disturb and or harm breeding birds if carried out during the breeding season and therefore advise a condition if permission is granted.

4.3.11 The County Planning Archaeologist considers that there is a reasonable likelihood of significant archaeological remains being present on the site however he is satisfied that the model archaeological condition recommended by Planning Policy Guidance 16 could be attached if permission is granted in order to provide for the likely archaeological implications of this proposal. The County Council also offer to provide a design brief for the investigation and to advise the Parish Council on professionally accredited archaeological contractors. In summary, there would appear to be no ecological or archaeological reasons to resist the granting of planning permission for the proposed use.

4.3.12 Landscaping and other environmental issues

It is considered that the proposed use presents the opportunity to enhance the existing landscaping around the site through the provision of a comprehensive landscape scheme for implementation within the site. Indeed, additional landscaping will both complement the existing hedgerows and trees in addition to being of significantly more wildlife benefit than the present set-a-side field which has been acknowledged to have limited ecological value. It is recommended that if permission is granted that a condition is attached requiring the submission of landscaping details including a strategy for implementation. A major benefit of the proposals is that the Parish Council would assume responsibility of the maintenance of the site and thus the implementation of the landscaping proposals.

4.3.13 The Environment Agency have not raised any fundamental objections to the provision of the cemetery having assessed the environmental risk and the detail provided in the Tier 1 desktop study. The Environment Agency (EA) do however agree with the concern raised in the study over proximity of two registered wells sited in the locality. The Tier 1 report states that whilst there may be no current abstraction from these water sources, the EA guidelines state that cemeteries should not be constructed within 250 metres of any potable water supply and that as a consequence a Tier 2 assessment may be required by the EA. Inquiries raised with the Council's Environmental Services department and the Parish Council have so far revealed that there are no existing wells in the vicinity of the site however it is recommended that this is confirmed in writing by the applicants prior to the commencement of works in order to reduce the risk of groundwater contamination.

4.3.14 Traffic and access issues

The Highway Authority does not raise any objections to the proposed access arrangements including visibility splays and consider that the proposal would not have an unreasonable impact on the safety and operation of the adjoining highways. As discussed above however it is considered that the access details shown on the submitted plans are not entirely appropriate for this rural location and therefore further details specifying the width and design of the access, hardsurfacing material and provisions for incorporating the public footpaths should be submitted for further consideration by the local planning authority, in consultation with the highway authority, prior to the commencement of the development.

4.3.15 No parking spaces are shown on the submitted drawings however the applicants initially envisage that four spaces will be required on site. Planning permission will be required for any car parking areas or access roads on site and therefore the precise number of parking spaces can be controlled at a later date. The application site is, however, in a sustainable location being only several minutes walk to the centre of the village which is served by local bus services. As the proposed use is likely to low intensity and infrequent and there is a public car park adjacent the site entrance I can see no sustainable objections to the application in relation to car parking provision.

4.3.16 Other matters

The applicants have not submitted a unilateral undertaking for the provision of the four car parking spaces (requested on the application forms) however I consider that in this instance where a community facility is being proposed and where there is an existing car park adjacent the recreation ground an exceptional case is apparent and therefore I conclude that a legal agreement to secure sustainable transport contributions is not justified on this occasion.

4.3.17 The Council's Grounds Maintenance Service Manager considers that the proposed cemetery has the potential to offer a variety of burials including traditional or natural burials and that it could complement the services offered by NHDC at its other cemetery sites. The site could also provide a service to residents outside of the district, not just within Hitchin or North Herts area. The Grounds Maintenance Manager is therefore happy to work with Ickleford Parish Council on this development using experience gathered from other cemetery projects within the district including the Wilbury Hills project and advise for example on phasing, planting, parking and access requirements etc.

4.4 Conclusion

4.4.1 There is no objection in principle to a cemetery on the application site given the advice in PPG 2, PPS 1 and PPS7. Furthermore, it is considered that the use of the site will have limited impact on local residents, local ecology and the highway network and is unlikely, given the technical report submitted and the comments of the Environment Agency to lead to any pollution of controlled waters. The landscaping and community benefit of the proposal are also recognised and overall it is considered that the development would be consistent with the Government's Sustainable Communities Agenda.

5.0 Legal Implications

5.1 In making decisions on applications submitted under the Town and Country Planning legislation, the Council is required to have regard to the provisions of the development plan and to any other material considerations. The decision must be in accordance with the plan unless the material considerations indicate otherwise. Where the decision is to refuse or restrictive conditions are attached, the applicant has a right of appeal against the decision.

6.0 Recommendation

6.1 That planning permission be **GRANTED** subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. **Details of any walls gates, fences and signage shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the use.**

Reason: In the interests of visual amenity.

3. **Prior to the commencement of the development hereby approved details of both hard and soft landscaping works shall be submitted to and approved in writing by the local planning authority. All landscape works**

shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed with the local planning authority.

Reason: To ensure satisfactory landscaping of the site in the interests of the visual amenities of the locality.

4. No ground preparation works, hedge/scrub removal, tree pruning, visibility splay and vehicular access works shall be carried out between 1st March and 30th September, inclusive in any year.

Reason: To minimise disturbance to breeding birds.

5. **Notwithstanding the details shown on the submitted drawings and prior to the commencement of works, further details of the vehicular access to the site from Chambers Lane shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The details shall include measures to incorporate the route of the adjacent public footpaths within the access road. The development shall be carried out in accordance with the approved scheme.**

Reason: To ensure an appropriately designed access given the rural location and to take account of potential conflict with users of the public footpaths in the vicinity of the site.

6. **No development shall take place within the site until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.**

Reason: The site lies within an area of known archaeological interest and any archaeological remains therein should be retrieved or recorded before they are damaged or destroyed due to the development hereby permitted.

7. **Before any works of construction commence on the development hereby permitted, details of the location and type of all exterior lighting shall be submitted to and agreed, by the Local Planning Authority.**

Reason: In order to ensure that the glare and spillage of light does not adversely affect the amenities of residential properties to the south of the application site.

8. The use hereby permitted shall be carried out in accordance with the recommendations set out in the submitted Tier 1 Feasibility Study carried out by Cemetery Development Services (25th October 2004).

Reason: To ensure that the risk to controlled waters is minimised

9. Before the access is brought into use, visibility splays of 4.5 metres x 70 metres to the west direction and 4.5 metres x 40 metres to the east direction shall be provided permanently maintained so that there shall be no obstruction to visibility between 600mm and 2.0 metres above the carriageway level.

Reason: To provide adequate visibility for drivers entering or leaving the site.

10. The access shall be constructed in a hard surfacing material for the first 12 metres from the edge of the carriageway.

Reason: To prevent loose material from passing onto the public highway which may be detrimental to highway safety.

11. The development shall not be brought into use until a properly consolidated and surfaced turning space for vehicles has been provided within the curtilage of the site. The turning space should be free from obstruction and available for use at all times.

Reason: To allow vehicles to enter and leave the site in a forward gear in the interests of highway safety.

12. The gradient of the access shall not be steeper than 1 in 20 for at least the first 6 metres from the edge of the carriageway.

Reason: To ensure a vehicle is approximately level before being driven on to the highway.

13. **Prior to the commencement of the use hereby permitted the applicants shall provide written confirmation to the Local Planning Authority that there are no potable water supplies within 250 metres of the site.**

Reason: To ensure that the development complies with Environment Agency guidelines

Reason for Decision

The use of the land hereby permitted is acceptable in terms of planning policy and would have limited impact on local residents, local ecology and the highway network and is unlikely, given the technical report submitted and the comments of the Environment Agency to lead to any pollution of controlled waters. As such, the proposal is considered to be in accordance with the following development plan policies:

Policy 2: Green Belt

Policy 16: Areas of Archaeological Significance and other Archaeological Areas

Policy 24: Agricultural and Forestry Land

Policy 55: Car Parking Standards