



PLANNING COMMITTEE: 3rd September 2013
DIRECTORATE: Regeneration, Enterprise and Planning
HEAD OF PLANNING: Susan Bridge

N/2013/0682 **Application for change of use of dormant allotment land for cemetery extension. Allotment Gardens, Berrywood Road**

WARD: **New Duston**

APPLICANT: **Northampton Borough Council (Asset Management)**

REFERRED BY: **Head of Planning**
REASON: **The Council is the applicant.**

DEPARTURE: **No**

APPLICATION FOR DETERMINATION BY:

1. RECOMMENDATION

1.1 APPROVAL subject to conditions and the following reason:

The proposed cemetery extension would provide a much needed local facility without detriment to the provision of recreational allotments within the locality and would enhance the visual appearance of the site. No built development is proposed with the proposal retaining the site as an area of 'green infrastructure'. Subject to a precautionary approach to site clearance ecological impacts could be minimised. The proposal is in accordance with Policies L24 & E17 of the Northampton Local Plan and National Planning Policy Framework paragraphs 70, 73, 74, 109 & 118.

2. THE PROPOSAL

2.1 The application proposes the change of use of 0.56 hectares of former allotment land to provide an extension to the existing cemetery at Duston. The proposed works include new tarmacadam pathways and the erection of a grey 2m palisade fence along the boundary of the extended cemetery with No. 27 Westfield Road together with the

widening of a small section of footpath and the removal of a short section of hedgerow within the existing cemetery.

- 2.2 The supporting statement advises that the existing cemetery has been in operation for many years and that there are no remaining burial plots. There are many residents of Duston who have a desire to be buried or have their remains interred within the locality. The current cemetery does not have adequate capacity to satisfy this need.
- 2.3 The statement advises that the allotment land is owned freehold by the Council and is allocated as a statutory allotment. However, the land has not been cultivated for allotments for at least 10 years, as it was recognised that the land would be required to provide an extension to the extension to the cemetery. Consequently, no existing allotment holders would be affected or displaced by the proposal.

3. SITE DESCRIPTION

- 3.1 The site currently forms an area of undeveloped land situated adjacent to Duston Cemetery with allotments to the southeast. Pedestrian access to the existing cemetery is via Berrywood Road or Westfield Road, a residential cul-de-sac. There is no formal vehicular access to the site although there is provision for access for grounds maintenance vehicles and for vehicles on site for funeral purposes. The site is divided from the existing cemetery by a line of hedge and trees. A 2m palisade fence forms the boundary with the adjacent allotment site, with a hedge to the boundary with Berrywood Road and a mix of 1.8m closeboard and post and wire fencing along the boundary with No. 27 Westfield Road.

4. PLANNING HISTORY

- 4.1 There is no relevant planning history.

5. PLANNING POLICY

5.1 Development Plan

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires a planning application to be determined in accordance with the Development Plan unless material planning considerations indicate otherwise. The current Development Plan for this area comprises of the saved policies of the Northampton Local Plan 1997.

5.2 National Policies:

National Planning Policy Framework (NPPF):

- Paragraphs 70, 73 & 74 – Protection of open space, recreational, social and community facilities.
- Paragraphs 109 & 118 – Biodiversity protection.

- 5.3 **Northampton Borough Local Plan**
L24 – Development of allotments
E17 – Nature conservation
- 5.4 **Supplementary Planning Guidance**
Northamptonshire County Parking Standards SPG 2003
Planning out Crime in Northamptonshire SPG 2004

6. **CONSULTATIONS/ REPRESENTATIONS**

- 6.1 **Highway Authority** – no objection.
- 6.2 **Crime Prevention Design Advisor** – no objection.
- 6.3 **The Wildlife Trust** – has commented that the site does not lie at, or very close to, the site of an already designated area, the Nene Valley Nature Improvement Area (NIA) zone or any type of Green Infrastructure (GI) Corridor. A desk top assessment would seem to suggest that important and significant habitat type areas are probably going to be less likely than otherwise to be a potential ecological constraint on these particular development proposals however, the current situation for there to potentially be Protected Species issues is unknown. The application should have been supported by an appropriate amount of ecological work. However, in the absence of this a suitably worded condition or informative with regard to some careful forward-planning and phasing in both the removal of the existing hedgerow and clearance of vegetation cover across the site could be considered. Various site clearance and preparation works should avoid the bird nesting/breeding season, and if during works any wildlife issues arise such as nesting birds, bats, small mammals, reptiles and amphibians or badger setts, work should stop immediately and professional advice be sought.
- 6.4 **Environmental Health** – has no comment.
- 6.5 **The Environment Agency** – has no objection but refers to minimum conditions required for groundwater and surface water protection in respect of burial grounds which should be observed.
- 6.6 **The County Archaeologist** – has advised that Berrywood Road is on the line of the Roman road between Duston and Bannaventa (Whilton Lodge). Scattered prehistoric finds are recorded from the allotments and area around the site and therefore there is the potential for remains to be present on site. A condition is requested for the submission of an archaeological programme of works.
- 6.7 **Duston Parish Council** – has no comment.

7. **APPRAISAL**

Principle of Change of Use

- 7.1 The applicant has advised that the application site is designated as statutory allotment land. There is a separate statutory process to de-designate statutory allotment land which operates outside the planning process that would have to be followed in the event that planning permission is granted.
- 7.2 Nonetheless, the site is identified as an allotment site in the Local Plan where Policy L24 seeks to resist development that would result in the loss of allotments for which there is an established or potential need or which provide a convenient local facility, unless adequate replacement facilities are provided. Development should not result in the loss of an established amenity which contributes to the character of the locality.
- 7.3 NPPF paragraph 70 encourages positive planning for the provision of community facilities to enhance the sustainability of communities and deliver the social recreational and cultural facilities and service a community needs. The loss of valued facilities and services should be guarded against. Paragraph 73 recognises the important contribution to the health and well-being of communities that access to high quality open spaces and opportunities for recreation can provide. Paragraph 74 discourages building on existing recreational land unless the open space or land is shown to be surplus to requirements and would be replaced by equivalent or better provision in terms of quantity and quality.
- 7.4 The supporting documentation submitted with the application advises that the allotment has not been cultivated for at least 10 years with the intention that the land should provide a cemetery extension. The existing adjacent allotment site would be retained. In the wider area allotment facilities have been expanded as the allotment site at Harlestone Road has been brought back into use and there is also a potential new allotment site at St Crispins.
- 7.5 As the site has not been in allotment use for a number of years and as there would appear to be sufficient provision within the locality it is not considered that the proposed change of use would have any significant detriment to recreational provision within Duston and as such the proposal would be in accordance with the above policies.

Ecology

- 7.6 Policy E17 of the Local Plan advises that planning permission will not be granted development unless features and areas of acknowledged nature conservation value within the site are safeguarded or can adequately be accommodated.
- 7.7 NPPF paragraphs 109 & 118 encourage the planning system to contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains where possible, avoiding or mitigating against significant harm.

- 7.8 The site is currently overgrown with brambles and vegetation providing potential habitat for flora & fauna. Whilst it is preferable to establish the presence of protected species prior to the grant of planning permission through the submission of appropriate ecology surveys it is acknowledged that the site could be cleared of existing vegetation under its current use without a requirement for any ecology survey.
- 7.9 No third party comments have been received identifying the presence of any protected species within the vicinity of the site and the desk top study carried out by the Wildlife Trust suggests that important and significant habitat type areas are unlikely to be a potential ecological constraint on this particular development proposal. Additionally, the Council as applicant would be required to adhere to separate legislation under the Habitats Regulations 2010 which affords protection to those species identified for protection under the Habitats Directive. The use as a cemetery would retain the site as an area of 'green infrastructure' and therefore remain of ecological benefit to the area.
- 7.10 To ensure that any potential ecological impacts are avoided and / or mitigated a phase 1 habitat survey condition is recommended.

Other Matters

- 7.11 A boundary treatment condition is proposed to discuss a more appropriate form of fencing than the proposed palisade fencing adjoining Westfield Road to ensure that the visual appearance is more sympathetic to the residential area whilst providing appropriate security for the cemetery.
- 7.12 The County Archaeologist has requested a condition requiring the submission of an archaeological programme of works. Given the planning application is principally for change of use only and that the operation development would be limited, the proposed development has very little potential scope to impact on archaeological remains. A greater impact could arise when excavating individual graves and therefore a bespoke condition is recommended to this end.
- 7.13 No additional parking is proposed however limited vehicular access to the site exists for grounds maintenance vehicles and for parking of vehicles adjacent to plots for funeral purposes. The Highway Authority has no objection.

8. CONCLUSION

- 8.1 Sufficient allotment provision would be retained within the locality and the proposal would provide a much needed community facility within Duston whilst improving the visual appearance of the site. The use would not lead to adverse impacts on adjacent residential amenity. Potential adverse impacts on biodiversity could be avoided or mitigated

through a cautionary approach to site clearance. The application is therefore recommended for approval.

9. CONDITIONS

- (1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

- (2) No development shall take place until the applicant, or their agents or successors in title, have submitted to and had approved in writing by the local planning authority a detailed scheme to assess, monitor and mitigate the archaeological impact of excavation associated with each burial. The approved scheme shall be fully implemented thereafter.

Reason: In the interests of archaeological research in accordance with advice contained in NPPF.

- (3) Notwithstanding the submitted details, prior to the first use of the development hereby permitted, details of the proposed boundary treatment shall be submitted for approval in writing to the Local Planning Authority and implemented in accordance with the approved details prior to the use of the extended cemetery.

Reason: In the interests of visual amenity in accordance with the NPPF.

- (4) Prior to the commencement of any work on site (including site clearance), a phase 1 habit survey of the site shall be undertaken, the results of which shall be submitted to and approved in writing by the Local Planning Authority. Should any protected species be identified on the site (as defined under the Wildlife and Countryside Act 1981 (as amended) and the Protection of Badgers Act 1992), a scheme for the protection of these species shall be submitted to and approved in writing by the Local Planning Authority with the ecological survey, and implemented in accordance with the approved scheme and retained thereafter.

Reason: In the interests of wildlife and nature conservation in accordance with the advice contained in the NPPF.

Informatives:

You are advised to note the comments of the Environment Agency regarding conditions for ground water and surface water protection in respect of burial grounds as set out below:

- (i) Remains must not be buried within 250m of any well, spring or borehole from which drinking water supply is drawn.
- (ii) The place of internment should be at least 30m from any other spring or watercourse and at least 10m away from any field drain.
- (iii) No burials shall take place in saturated ground.

10. BACKGROUND PAPERS

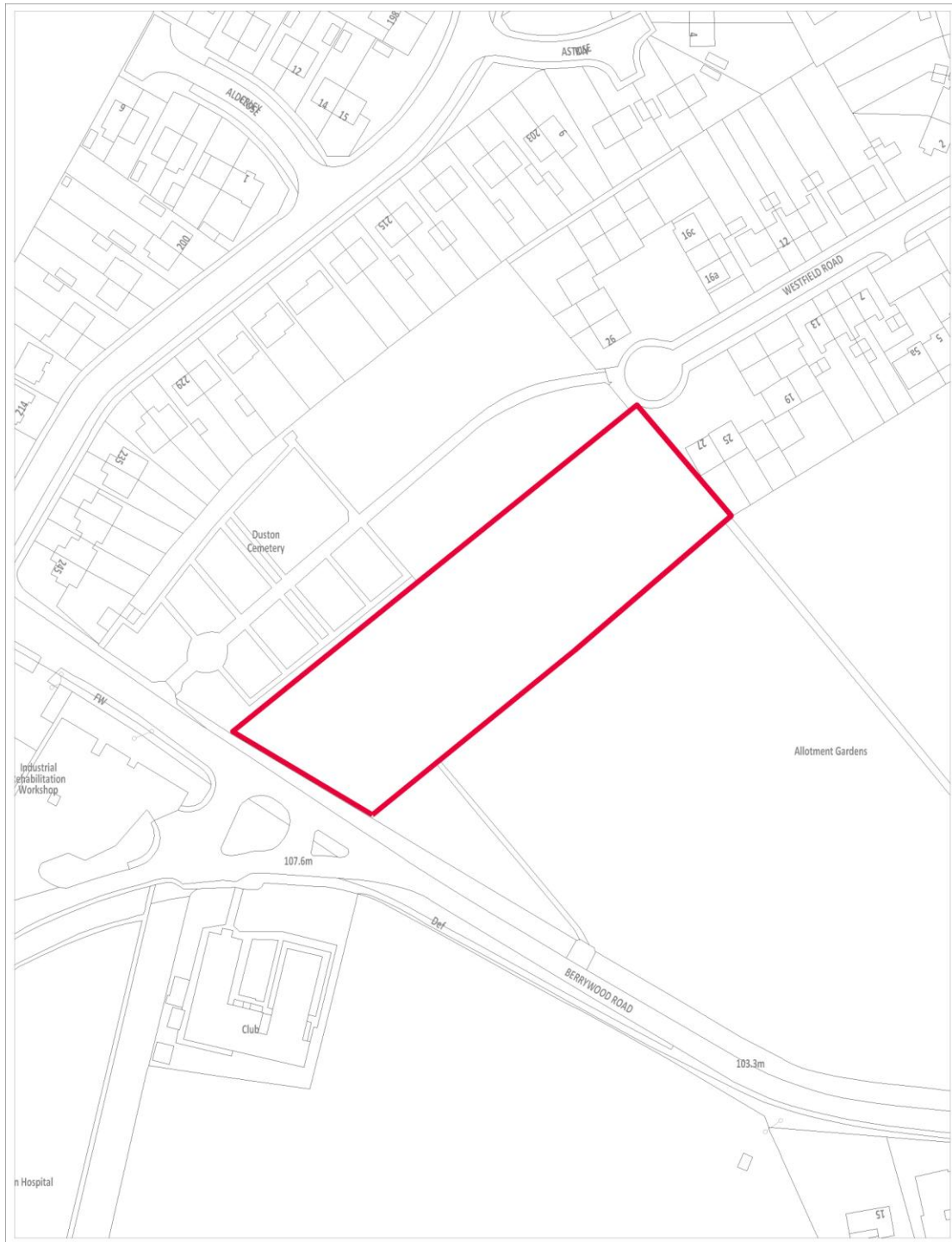
10.1 N/2013/0682.

11. LEGAL IMPLICATIONS

11.1 None.

12. SUMMARY AND LINKS TO CORPORATE PLAN

12.1 In reaching the attached recommendations regard has been given to securing the objectives, visions and priorities outlined in the Corporate Plan together with those of associated Frameworks and Strategies.



Name: **Planning**
 Date: **19th August 2013**
 Scale: **1:1250**
 Dept: **Planning**
 Project: **Committee**

Title

Allotment Gardens, Berrywood Road

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