

Application for Determination

Parish	Upton with Fishley		
Reference	BA/2014/0090/CU	Target date	20 May 2014
Location	Land to north of cemetery, Pyebush Lane		
Proposal	Change of use from agricultural land to cemetery and playing field extensions		
Applicant	Acle Parish Council		
Recommendation	Approve subject to conditions		
Reason for referral to Committee	Small scale major application		

1 Description of Site and Proposals

- 1.1 The application site is an area of agricultural land to the north of the village of Acle. It measures approximately 1.3 hectares in area and forms part of a larger arable field from which there is no physical separation. To the south this site is bordered by Acle Cemetery for a distance of approximately 100 metres and the remaining 65 metres of the southern boundary abuts the War Memorial Playing Fields which form part of the Acle Recreation Centre. The 70 metre long eastern boundary would also abut the War Memorial Playing Fields and these boundaries are marked by trees and hedges.
- 1.2 To the east, the site borders Pyebush Lane which is a single track road that extends north from the junction of South Walsham Road and Bridewell Lane. The road takes a north-south axis with residential development lining both sides up to the point where the road turns to the northwest. Here the playing fields lie to the east and a car park to the cemetery lies to the north. Pyebush Lane borders the existing cemetery on its southwest boundary, which is defined by a hedge, and this hedge reduces in height and density on the southwest boundary of the application site and at the northwest corner of the site the boundary is open. At this point Pyebush Lane becomes a public footpath which runs across open arable fields towards Upton to the northwest. Across the site, ground levels vary, dropping to the east.
- 1.3 The application proposes a change of use of this land from agricultural land to extensions to the existing cemetery and playing fields. The line of the existing eastern boundary of the cemetery would extend 70 metres northwards, west of which of 875 square metres is proposed as an extension to the cemetery

and the remainder is proposed to extend the existing playing fields. The application has been made by Acle Parish Council and it is noted they do not own this land.

- 1.4 Native hedges are proposed to the new boundaries and access would be created through the existing southern boundaries.
- 1.5 The existing cemetery measures approximately 300 square metres and has been in operation since 1950. Less than 40 burial plots remain, meaning the cemetery will reach capacity in the next three to four years if the historical average of six to ten burials a year continues. The existing cemetery is laid to grass with headstones and memorials arranged in rows on an approximate north-south axis either side of a central path. A water standpipe and litter bins are provided inside the pedestrian entrance on the southern boundary. Access to the extension would extend from the existing path, but there are no detailed proposals for surfaces or services within the proposed extension.
- 1.6 Acle Recreation Centre, which is accessed by vehicles from Bridewell Lane, currently provides many sports pitches, courts and play areas, as well as indoor facilities sited to the south of the playing fields. The proposed area would extend the existing site by approximately 10% and is not proposed to be used as a formal sports pitch with no permanent goal posts, structures, floodlights or play equipment are proposed in this area. The extension would provide an informal recreation space accessed from the existing playing fields.

2 Site History

- 2.1 No records of planning applications on the application site.
- 2.2 In 1996 planning permission was granted for floodlights to the football pitch immediately east of the application site (BA/1996/4440/HISTAP). The rest of the playing fields and Recreation Centre are in Broadland District Council's area but none of the available planning history is considered material to this application.

3 Consultation

Broads Society – No objections.

Upton with Fishley Parish Council – No objections.

District Member – This application should only be determined by Broads Authority Planning Committee.

Acle Parish Council – No response.

Highways Authority – No objection to the proposals outlined nor do I wish to restrict the grant of permission.

Environment Agency – Initial concerns satisfactorily addressed and no further information needed.

Historic Environment Service - No objection to the proposed development. There is plenty of scope for local community engagement with a development site like this through some community archaeology work – perhaps a field walking survey once the parish council own the site, but we do not consider a formal condition requiring archaeological work to be necessary. We would be happy to help advise on the scope and implementation of any community project undertaken in association with this proposal.

Broadland District Council Environmental Health – No comment.

Norfolk County Council Waste and Minerals – To be reported orally.

Representations

19 representations from local residents and users of the existing facilities in support of the proposal, some of which are specifically in support of either the cemetery extension or the playing field extension.

Two representations received objecting to the proposal, including from the land owner, but no material planning considerations are raised.

4 Policies

- 4.1 The following Policies have been assessed for consistency with the National Planning Policy Framework (NPPF) and have been found to be consistent and can therefore be afforded full weight in the consideration and determination of this application.

Adopted Core Strategy (2007)

[CoreStrategy2007](#)

CS1 – Landscape Protection and Enhancement

CS6 – Historic and Cultural Environments

Adopted Development Management Policies (2011)

[DMPDPD2011](#)

DP1 – Natural Environment

DP2 – Landscape and Trees

DP3 – Water Quality and Resources

DP11 – Access on Land

DP27 – Visitor and Community Facilities and Services

- 4.2 The following Policies have been assessed for consistency with the NPPF and have found to lack full consistency with the NPPF and therefore those aspects of the NPPF may need to be given some weight in the consideration and determination of this application.

Adopted Core Strategy (2007)

CS7 – Environmental Protection
CS11 – Sustainable Tourism

Adopted Development Management Policies (2011)

DP5 – Historic Environment
DP14 – General Location of Sustainable Tourism and Recreation
Development
DP28 – Amenity

- 4.3 The Proposed Site Specific Policies are a material consideration in the determination of this application and the following proposed policies are relevant:

[Aclemap](#)

http://www.broads-authority.gov.uk/_data/assets/pdf_file/0005/428036/3-Submission_Site_Specific_Policies_DPD_Main_and_Additional_Mods_Marked.pdf

ACL 1 – Acle Cemetery Extension
ACL 2 – Acle Playing Field Extension

5 Assessment

- 5.1 The key considerations are the principle of the proposal, the impact on landscape, amenity, water quality, archaeology and highways.

Principle

- 5.2 The principle of both aspects of this proposal is addressed in the proposed Site Specific Policies which propose allocating this land for these purposes, allocations that were initially proposed by the Parish Council. Neither policy has attracted negative comments in the various stages of the consultation process, however it should be noted that Policy ACL1 regarding the cemetery extension is subject to a proposed modification, the consultation on which ends on Friday 25 April. As the preparation of these policies is at an advanced stage, significant weight can be accorded to them in the determination of this application subject to any comments received on the proposed modification to Policy ACL1.
- 5.3 It is noted the Parish Council do not own the land and have sought land elsewhere around the village but no landowners have been prepared to sell. Extending the existing cemetery is considered to be the most practical option and the Parish Council will continue their efforts to acquire the land. The landowner has objected to the application, advising the site forms part of a significant land holding and is vital to the continued farming of the estate. Whilst it is understood the landowner does not wish to sell the land,

this is not a material consideration in the determination of the application. This application has received a strong degree of local support with representations from users of both existing facilities which appear to be well used and appreciated.

- 5.4 It is acknowledged the cemetery is reaching capacity and there is a requirement to meet future demand. Extending the existing cemetery is considered likely to be a more sustainable option than creating a second site elsewhere in the village and it is anticipated the extension would provide sufficient space for at least another 60 years, acknowledging that Acle is a village with a predominantly older population but is also growing with new housing outside the Broads part of the village. The playing field extension fills in the area between the cemetery extension to the west and existing playing field boundary to the west, creating a uniform northern boundary ensuring cultivation of the remaining agricultural field would not be constrained. As an extension to an existing recreational facility, the playing field extension is in accordance with Development Management Policy DP27 and Core Strategy Policy CS11. These two extensions have been brought forward together and coordinated in terms of design and boundary treatments in accordance with Proposed Policies ACL1 and ACL2. The proposal is considered acceptable in principle.

Landscape

- 5.5 The cemetery and playing fields currently form the northern edge of the settlement of Acle in this location, although the development to the west of Pyebush Lane extends as far north as the application site does. North of the site the landscape is characterised by arable fields and is not a typical Broads landscape. This edge of settlement location is not viewed directly from the waterways and, in any case, it is not considered the nature of the proposal would result in any direct landscape impacts. The hedgeline and grass buffer the proposed land uses would create between the settlement and Broads may even offer landscape enhancements. Furthermore, new hedges would offer some ecological interest and should be secured by condition.

- 5.6 Extending the existing access from the cemetery through the hedgeline to the north could affect an adjacent tree and it is considered that any necessary protection measures can be agreed by condition in a landscaping scheme which should also include details of any new hard surfaces, boundary treatments and facilities such as bins, seats and waste disposal. Subject to appropriate conditions, the proposal is considered acceptable in accordance with Policies DP1 and DP2 and criterion (c) of Proposed Policy ACL1 and criterion (b) of Proposed Policy ACL2.

Amenity

- 5.7 Residential properties lie to the south and southwest of the application site and the proposed playing field extension is sited furthest from these. Given the nature of the use of the proposed cemetery extension and small scale of the playing field extension relative to the existing site and the distance of this from the nearest dwellings, it is not considered the proposal would

result in any unacceptable impacts on amenity in accordance with Policy DP28.

Water Quality

- 5.8 During the development of the Site Specific Policies, it was identified that use of the allocated land for a cemetery would need to be the subject of a prior groundwater risk assessment and this forms criterion (b) of Proposed Policy ACL1. The proposed modification to this policy clarifies which guidance should be used in the preparation of this assessment. The Environment Agency are satisfied that the submitted assessment is satisfactory and raises no concerns in respect of the proposed use affecting water quality. The proposal is therefore acceptable in accordance with criterion (b) of Proposed Policy ACL1 and Development Management Policy DP3.

Archaeology

- 5.9 The Site Specific Policies development process also identified that the application site should be subject to prior archaeological assessment but during pre-application discussions it was agreed this would not be necessary for the playing field extension as the planting of the boundary hedge would be the only disturbance to the ground. The submitted assessment of the proposed cemetery extension site identified an undated cropmark which has been recorded within the site and various other heritage assets and archaeological features and finds have been recorded in the surrounding area. The Historic Environment Service have no objection to the proposals and do not recommend that any further archaeological work is required by condition. They have, however, commented that there is an opportunity here for some community archaeology work, such as a field walking survey.
- 5.10 The Historic Environment Service's response is appreciated, however it should be noted that the submitted archaeological assessment concludes there would be a moderate adverse direct effect on archaeological remains, but this could be mitigated by a programme of archaeological work. The National Planning Policy Framework advises (at paragraph 135) that where an application would affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the asset. Furthermore, it advises that local planning authorities should require developers to record and advance the understanding of the significance of heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact (paragraph 141). This approach is also consistent with Core Strategy Policy CS6 and Development Management Policy DP5 which encourage the recording the interpretation of finds. It is therefore considered necessary to require a field walking survey by planning condition and to encourage the applicants to make this a community event. Subject to this survey, the proposal is considered acceptable in respect of the impact on archaeological heritage assets in accordance with the Framework and Policies CS6 and DP5.

Highways

5.11 Each extension would utilise the existing access arrangements and the Highways Authority have no objection to the proposal which can be considered acceptable in accordance with Development Management Policy DP11.

Minerals

5.12 The playing field extension is partly on a safeguarded mineral site. In response to consultation on the Proposed Site Specific Policy, Norfolk County Council, as the minerals and waste local planning authority, advised there was no objection providing no buildings were proposed. Their response to this application is awaited.

6 Conclusion

6.1 The proposal would provide the additional space necessary to retain the village cemetery in its current location and take the opportunity to provide additional informal recreation space for this growing village. The proposal may offer benefits to the Broads landscape providing more of a buffer between the settlement and open agricultural landscape to the north. Precise details of boundary hedges, tree protection, surfaces and facilities have not been provided at this stage and it is appreciated that the applicants have not invested in working up these details while acquisition of the land is being resolved. It is considered necessary and reasonable to agree these matters by condition prior to the commencement of the development. No unacceptable impacts on amenity, water quality, archaeology or highways would result and the proposal is considered acceptable, subject to the anticipated response regarding the safeguarded mineral site.

7 Recommendation

7.1 Approve subject to conditions:

- (i) Standard time limit
- (ii) In accordance with submitted plans
- (iii) Landscaping scheme to include new boundary treatments, tree protection, surfaces, provision of facilities, etc.
- (iv) Replacement of any trees or shrubs that die within five years
- (v) Archaeological field walking survey
- (vi) No structures, gravestones or memorials shall be erected within cemetery extension in excess of 1 metre high above ground level without planning permission
- (vii) No external lighting without prior permission
- (viii) Permission for areas of land identified on submitted site plan as cemetery and playing fields only

8 Reason for Recommendation

8.1 The proposal is considered acceptable in accordance with Policies DP1, DP2, DP3, DP5, DP11, DP14, DP27 and DP28 of the adopted Development Management Policies DPD (2011) and Policies CS1, CS6, CS7 and CS11 of the adopted Core Strategy (2007). It is also considered to be in accordance with Proposed Policies ACL1 and ACL2 of the emerging Site Specific Policies (2014) and the National Planning Policy Framework which are material considerations in the determination of this application.

Background papers: Application File BA/2014/0090/CU

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List of Appendices: Location Plan

APPENDIX 1

BA/2014/0090/CU - Land To North Of Cemetery, Pyebush Lane, Acle
Change of use from agricultural land to cemetery and playing field extensions

