

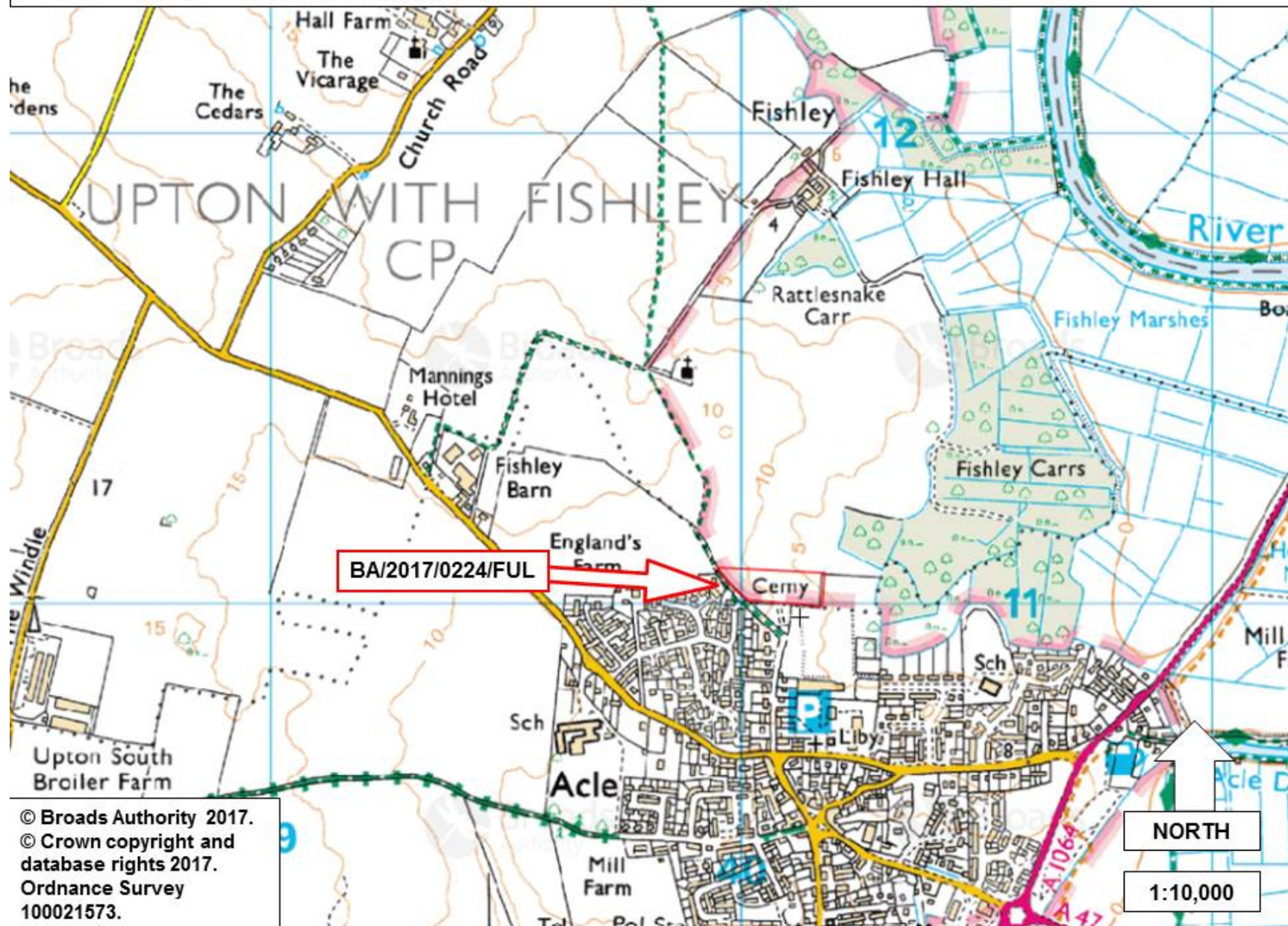
Reference:

BA/2017//0224/FUL

Location

Land to North of Cemetery, Pyebush Lane, Acle

BA/2017/0224/FUL – Land North Acle Cemetery



Application for Determination

Parish:	Upton with Fishley Parish Council
Reference:	BA/2017/0224/FUL
Location:	Land to North of Cemetery, Pyebush Lane, Acle
Proposal:	Change of use from agricultural land to cemetery and playing fields.
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 west, 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 adjacent to post and wire fences are proposed to the new boundaries and access would be created through the existing boundary of the cemetery and from the existing playing fields to the east.
- 1.5 The existing cemetery measures approximately 300 square metres and has been in operation since 1950. It is anticipated the cemetery will reach capacity in the next two to three 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 and facilities would be provided within the extension. Access to the extension would extend from the existing path in a matching material.
- 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 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.
- 2.3 In 2014 planning permission was granted for the same development as proposed in this application (BA/2014/0090/CU). This permission has not been implemented and expired in March 2017. In this time the applicants have been trying to acquire the land and it is understood a Compulsory Purchase Order is currently being considered by the Department for Communities and Local Government.

3 Consultations

Upton with Fishley Parish Council - No objections.

District Member - No response.

Acle Parish Council - Obviously the parish council supports this application; the current cemetery is fast running out of space for burials. Acle residents are very concerned about the lack of burial space. The proposed site is a good choice for cemetery land as it would be adjacent to the current cemetery and would share the current car park. Broadland District Council has said that Acle is short of recreation space. The extension would provide much needed open space for residents.

Highways Authority - No objections

Environment Agency - Response awaited.

Historic Environment Service - No objection.

Broadland District Council Environmental Health - No response.

Norfolk County Council Waste and Minerals - Site is partially underlain by a Mineral Safeguarding Area and proposal is exempt from requirements of Policy CS16 of Norfolk Minerals and Waste Core Strategy. The Mineral Planning Authority also notes the results from the trial puts indicating sand across the proposed cemetery extension and resources containing high proportions of sand compared to gravel are unlikely to be considered viable therefore sterilisation of the site would not take place even if the proposed development was not considered to be exempt.

Representations

Eight letters and emails of support have been received. These largely relate to the cemetery extension, need for this and aspiration of local people to continue using this site and maintain family connections.

Three objections have been received. One considers the application should be refused due to the potential of the cemetery extension to result in pollution of groundwater and surface water. Another cites the extension being too large and not justified, there being no statutory need for a Parish Council to provide a cemetery, potential groundwater pollution preventing double graves, inadequate access, no mention in the Acle Neighbourhood Plan, intrusion into the open countryside and contrary to support for sustainable agriculture.

The land owner (not the applicant) objects to the proposal on the basis that the site forms part of an environmental farming scheme with Natural England and the viability of this scheme would be in question if the area were reduced as a result of the proposal. They have also commented that the land is prime farming land with productive soil and the proposal would reduce the yield and income to the farm considerably over time.

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) [Core Strategy Adopted September 2007 pdf](#)

CS1 – Landscape Protection and Enhancement
CS6 – Historic and Cultural Environments

Adopted Development Management Policies (2011)
[DEVELOPMENTPLANDOCUMENT](#)

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.
[NPPF](#)

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 Site Specific Policies (2014)
ACL 1 – Acle Cemetery Extension
ACL 2 – Acle Playing Field Extension
http://www.broads-authority.gov.uk/_data/assets/pdf_file/0009/469620/Adopted-Site-Specific-Policies-Local-Plan-11-July-2014-with-front-cover.pdf

Neighbourhood Plans

- 4.4 There is no Neighbourhood Plan adopted for this area. There is however a Neighbourhood Plan for the adjoining Parish of Acle.

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 This development was considered acceptable when previously considered in April 2014. At that time Site Specific Policies ACL1 and ACL2 were at an advanced stage but not yet adopted. These policies have subsequently been adopted and allocate the land subject of the application for extensions to the cemetery and playing fields. The adoption of these policies is the only change in policy since the approval of the previous application and there has been no other change in the circumstances of the site or its immediate surroundings.
- 5.3 The previous permission was not implemented as the applicants have not been able to acquire the land and are currently pursuing a Compulsory Purchase Order for a small part of the cemetery extension. As well as resisting selling the land, the landowner objects to the proposal, as they did on the previous application. It is appreciated the existing agricultural land is good quality and part of an environmental scheme, however it is part of a large farm and the proposed new uses would be for the benefit of the community. Prior to consideration of the policy allocations and the previous application, the applicants exhausted all other options but found no other suitable sites around the village nor landowners willing to sell land. As extensions of the existing cemetery and playing fields, the application site is a practical and sustainable solution which has local support.
- 5.4 Acle is a village with a predominantly older population but is also growing with new housing outside the Broads part of the village. There is an increasingly urgent need to extend the cemetery and the existing recreation centre and playing fields are already well used. Whilst it is understood the landowner does not wish to lose this part of their productive agricultural land, the site has been allocated for these uses which would be of benefit to the wider community.
- 5.5 It should be noted that Acle has an adopted Neighbourhood Plan that covers the whole parish but this site is just beyond the parish boundary, in the parish of Upton with Fishley, and is not therefore included in that Plan.
- 5.6 As an extension to an existing recreational facility, the playing field extension is in accordance with Development Management Policies DP14, DP27 and Core Strategy Policy CS11. The two extensions have been brought forward together and coordinated in terms of design and boundary treatments in accordance with Policies ACL1 and ACL2. The proposal is therefore acceptable in principle.

Landscape

- 5.7 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.
- 5.8 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 Policy ACL1 and criterion (b) of Policy ACL2.

Amenity

- 5.9 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

- 5.10 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 Policy ACL1. One representation received raises concern in this respect and notes Aspiration 2 of the Broads Plan (2017) with regards protecting, conserving and enhancing water quality. The Environment Agency's response to the current application is awaited but they were satisfied that the same assessment and findings from trial digs submitted with the previous application were satisfactory and raised no concerns in respect of the proposed use affecting water quality. Subject to their response on this application, the proposal is therefore acceptable in accordance with criterion (b) of Policy ACL1 and Development Management Policy DP3.

Archaeology

- 5.11 The development of the Site Specific Policies identified that the application site should be subject to prior archaeological assessment and a desk based assessment has been submitted. This assessment identifies 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.
- 5.12 As with the previous application, the Historic Environment Service have no objection to the proposals and do not recommend that any further archaeological work is required by condition. On the previous application it was considered necessary to require a field walking survey as the submitted 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 and interpretation of finds. It is therefore still 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

- 5.13 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

- 5.14 The proposal is partly on a safeguarded mineral site and Norfolk County Council, as the mineral planning authority, have no objection to the proposal.

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. Whilst the loss of a portion of agricultural land is regrettable, the proposal should 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 shall be required by condition and it is not considered any unacceptable impacts on amenity, water quality, archaeology or highways would result. The proposal is therefore considered acceptable.

7 Recommendation

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

In the opinion of the Local Planning Authority 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), Policies CS1, CS6, CS7 and CS11 of the adopted Core Strategy (2007), Policies ACL1 and ACL2 of the adopted Site Specific Policies (2014) and the National Planning Policy Framework which is a material consideration in the determination of this application.

Background papers:	BA/2017/0224/FUL
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Appendices:	Appendix A – Map

