

# Planning Committee Report

**Committee Date:** 8<sup>th</sup> February 2022

**Application Number:** WNN/2021/0528

**Location:** Dallington Cemetery, Harlestone Road, Northampton

**Development:** Change of Use of Open Space to form Lawn Cemetery (Sui Generis) as an extension to existing, including landscaping, new access road, paths and other infrastructure and creation of new surfaced car parking areas, erection of new composting toilet and bin storage area

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**Applicant:** West Northamptonshire Council

**Agent:** Sursham Tompkins & Partners

**Case Officer:** Andrew Holden

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**Ward:** Dallington Spencer Unitary Ward

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**Referred By:** Assistant Director of Place and Economy

**Reason for Referral:** Major application

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## **EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION**

### **RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS**

#### **Proposal**

The proposed development is for an extension to the cemetery, to provide an additional 3936 plots in a lawn cemetery, this being a style of cemetery with headstones but with a grassed area, giving a more natural appearance. 3.32 hectares of the site would be used for the cemetery extension with the remainder being a wildlife corridor and buffer.

#### **Consultations**

The following consultees have raised **no objections** to the application:

- Lead Local Flood Authority, Environmental Health, Ecology, Arboricultural Officer, Environment Agency, Local Highway Authority, Badger Group.

The following consultees are **in support** of the application:

- Strategic Housing

One letter of support and one observation have been received.

## **Conclusion**

The application has been assessed against the relevant policies in the NPPF, the adopted Local Plan and other relevant guidance as listed in detail at Section 8 of the report.

The key issues arising from the application details are:

- Principle of Development
- Impact on the character of the area
- Impact on nearby residential occupiers
- Ecology
- Highway Impact and Associated Environmental Concerns
- Site Drainage and Flood Risk
- Contamination of Land and Controlled Waters

The report looks into the key planning issues in detail, and Officers conclude that the proposal is acceptable subject to conditions.

**Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies, the Officer's assessment and recommendations, and Members are advised that this summary should be read in conjunction with the detailed report.**

## **MAIN REPORT**

### **1. APPLICATION SITE AND LOCALITY**

1.1 The application site comprises vacant land to the west of the existing Dallington Cemetery covering an area of 5.19 hectares in total. The site fronts onto Harlestone Road, from which pedestrian and maintenance access would be taken, with vehicular access coming from Hawksmoor Way to the west. The site is neighboured to the west by allotments.

1.2 The site is owned by the Council.

### **2. CONSTRAINTS**

2.1. There are no relevant constraints on the site.

### **3. DESCRIPTION OF PROPOSED DEVELOPMENT**

3.1. The proposed development is for an extension to the cemetery, to provide an additional 3936 plots in a lawn cemetery, this being a style of cemetery with headstones but with a grassed area, giving a more natural appearance. 3.32 hectares of the site would be used for the cemetery extension with the remainder being a wildlife corridor and buffer. Burials are anticipated to be 60 per year.

### **4. RELEVANT PLANNING HISTORY**

4.1. There is no planning history directly relevant to the proposal, the site has never been previously developed.

### **5. RELEVANT PLANNING POLICY AND GUIDANCE**

## **Statutory Duty**

- 5.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

## **Development Plan**

- 5.2. The Development Plan comprises the West Northamptonshire Joint Core Strategy Local Plan (Part 1) which was formally adopted by the Joint Strategic Planning Committee on 15<sup>th</sup> December 2014 and which provides the strategic planning policy framework for the District to 2029, the adopted Northampton Local Plan and adopted Neighbourhood Plans. The relevant planning policies of the statutory Development Plan are set out below:

### West Northamptonshire Joint Core Strategy Local Plan (Part 1) (LPP1)

- 5.3. The relevant policies of the LPP1 are:

- SA – Presumption in Favour of Sustainable Development
- S1 – The Distribution of Development
- S3 – Scale and Distribution of Housing Development
- S5 - Sustainable Urban Extensions
- S10 – Sustainable Development Principles
- RC2 – Community Needs
- BN1 – Green Infrastructure Connections
- BN2 – Biodiversity
- BN7A – Water Supply, Quality and Wastewater Infrastructure
- BN7 – Flood Risk

### Northampton Local Plan

- 5.4. The relevant policies of the Northampton Local Plan are:
- Policy E11 – Hedgerows, Trees and Woodland
  - Policy L24 – Allotment Sites

## **Material Considerations**

- 5.5. Below is a list of the relevant Material Planning Considerations

- National Planning Policy Framework (NPPF)
  - Section 2 – Achieving Sustainable Development
  - Section 8 – Promoting Healthy and Safe Communities
  - Section 9 – Promoting Sustainable Transport
  - Section 12 – Achieving Well-Designed Places
  - Section 15 – Conserving the Natural Environment
- Northampton Local Plan Part 2 (2011-2029) (Emerging):

Following the decision at the Full Council on 18 January 2021, the former Northampton Borough Council submitted the Northampton Local Plan Part 2 (2011 – 2029) and supporting documents to the Secretary of State for Housing, Communities and Local Government (now Secretary of State for Levelling Up, Housing and Communities) on 4 February 2021 for examination. This is in

accordance with Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended).

In line with Paragraph 48 of the National Planning Policy Framework, the policies contained within the emerging Northampton Local Plan Part 2 are therefore a material consideration in the determination of planning applications. The weight afforded to the policies relevant to this application are set out below:

- 1 – Presumption in favour of sustainable development (Significant weight)
- 2 – Placemaking (Moderate weight)
- 5 – Carbon reduction, sustainable design etc (Moderate weight)
- 6 - Health and wellbeing (Significant weight)
- 7 – Flood risk and water management (Significant weight)
- 26 – Sites for burial space (Significant weight)
- 29 – Supporting and enhancing biodiversity (Moderate weight)
- 33 – Highway network and safety (Significant weight)
- 35 – Parking standards (Significant weight)

- Northamptonshire County Parking Standards 2016

## 6. RESPONSE TO CONSULTATION

Below is a summary of the consultation responses received at the time of writing this report. Responses are available to view in full on the Council's website.

Consultee Name	Comment
Lead Local Flood Authority	Advise that surface water drainage has been addressed within the submitted Flood Risk Assessment. We have no further comment to make on this application.
Environmental Health	No objection in respect of ground contamination. Confirm electric vehicle charging points are not necessary in the circumstances
Ecology	Concerned that the applicant has still not demonstrated that the proposal would generate a net biodiversity gain. This could be overcome through landscaping and/or habitat management. Conditions would be required for a construction and environmental management plan, landscaping and a landscape and ecological management plan.
Arboricultural Officer	The Arboricultural Impact Assessment and associated plans from Lockhart Garratt is very comprehensive and detailed and made convincing arguments within the impact assessment for the proposed tree removals; from the information provided therein I have no objections to the proposed development.
Environment Agency	Withdraw previous objection subject to a condition requiring compliance with the submitted Flood Risk Assessment.
Highways	No comments to make .
Badger Group	Confirm amended ecological report is satisfactory and withdraw objections.

## 7. RESPONSE TO PUBLICITY

Below is a summary of the third party and neighbour responses received at the time of writing this report.

- 7.1. There have been two representations, one in favour and one requesting information.

## **8. APPRAISAL**

### Principle of Development

- 8.1. The site for the cemetery use itself is designated in the emerging Local Plan Part 2, Policy 26, as a site to be allocated for future Burial Space.
- 8.2. As detailed in this plan, a study commissioned by the Council concluded that, by 2029, there will be a deficit of burial space capacity of 4,011 plots. This proposal will go a considerable way towards addressing this deficit.
- 8.3. Access to the site is taken from Hawksmoor Way, to the rear, and through land not allocated for the cemetery use and in fact designated as allotment land. However, this land is not used for the allotments and as discussed further below, would become a wildlife corridor and buffer, as well as providing the access.
- 8.4. As such, the proposal is considered to be acceptable in principle.

### Impact on the character of the area

- 8.5. The land is essentially an open field at present, which is screened by hedging from the road to the front of the site, Harlestone Road. This hedging would be reinforced to create full screening. It is not considered that the minimal physical works necessary for the proposal, initially consisting of the laying out of roads, paths and landscaping, together with a toilet block and bins, and over time the installation of gravestones, would have an adverse impact on the character of the area and in fact would represent a typical feature of an urban landscape.

### Impact on nearby residential occupiers

- 8.6. The site is remote from residential occupiers, being screened from those to the front of the site, across Harlestone Road, by hedging, and being separated from other housing around the site by the existing cemetery, allotments, and open space. The use as a cemetery would not lead to any significant visual impact or any impact in respect of noise, odours etc whilst the access from Hawksmoor Way is sufficiently distant from the nearest house, at over 40m. As such it is not considered that any significant impact on residents around the site would result.

### Ecology / Biodiversity / Trees

- 8.7. The site as existing does have ecological value and provides habitat for wildlife. The proposals would clearly have an impact on this, however a detailed ecological survey has been produced. The recommendations of this report have been revised in line with comments made by the Council's Ecologist.
- 8.8. The number of trees to be removed has been kept to a minimum, with only two trees, and two groups of trees to be fully removed, and a further two groups and two hedgerows to be fully removed, the majority of which are of low arboricultural value. This can be seen within the overall context of 98 individual trees, as well as groups, hedgerows and one woodland, across the site. The Council's Arboricultural Officer has confirmed the tree works are acceptable, subject to conditions. Additional trees are

indicated as to be planted, the full details of these and other landscaping works would be required by condition.

- 8.9. It is considered overall that a net biodiversity gain, as required by the NPPF, can be achieved from this proposal through appropriate landscaping and subsequent habitat management, which would be required by appropriate conditions and which represents a further positive benefit of the proposals.

#### Highway Impact and Associated Environmental Concerns

- 8.10. Although linked to the existing cemetery by a footpath, the extension site would be served by a new vehicular access from Hawksmoor Way. This has been chosen due to concerns raised by Highway previously, to an access directly onto Harlestone Road. No objection has been raised by Highways, to the access now proposed. A condition is recommended, requiring full details of the access.
- 8.11. Parking would be provided onsite for 22 vehicles, in a block of 11 spaces at the northern end of the site, and also along the main access road. 11 cycle hoops would also be provided. There is no adopted parking standard for a cemetery use, however it is considered that this would be adequate provision. It is also considered unlikely that casual parking would occur outside the site, to the detriment of highway safety.
- 8.12. In their initial response, officers from Environmental Health requested a condition requiring the provision of electric vehicle charging points. However, due to the lack of any on site power and the relatively short period which visitors would be on site, it has been agreed that this will not be required in this case.

#### Site Drainage and Flood Risk

- 8.13. A detailed Flood Risk Assessment (FRA) was included with the application and later revised in line with comments from the Environment Agency. Both the Environment Agency and the Lead Local Flood Authority confirm that the proposal is acceptable in respect of drainage and flood risk, subject to the compliance with the FRA, as required by condition.

#### Contamination of Land and Controlled Waters

- 8.14. A detailed risk assessment in respect of potential contamination was submitted with the application. This concludes that the site is not considered to represent a significant risk to human health. The findings of this report have been confirmed as being accepted by Environmental Health in respect of land contamination. In respect of controlled waters, the report confirms compliance with the requirements of the Environment Agency, who have raised no objection.

### **9. FINANCIAL CONSIDERATIONS**

- 9.1. CIL is not chargeable.

### **10. PLANNING BALANCE AND CONCLUSION**

- 10.1. The proposal would make a significant contribution to overcoming the forthcoming deficit of burial spaces within Northampton, whilst having no significant impact upon the character and appearance of the area, neighbour amenity and parking and highway safety, whilst, subject to compliance with conditions, also resulting in a net biodiversity gain. The proposal is therefore in conformity with the National Planning Policy

Framework; Policies SA, S1, S10 RC2, BN1, BN2, BN7A and BN7 of the West Northamptonshire Joint Core Strategy; and Policies E11 and L24 of the Northampton Local Plan.

## **11. RECOMMENDATION / CONDITIONS AND REASONS**

- 11.1** The proposed development is recommended for approval subject to the conditions set out below with delegated authority to the Assistant Director of Place and Economy to approve any amendments to those conditions as deemed necessary:

### Time Limit

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.

### Approved Plans

2. The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan Rec. 28-01-22, 7056\_01C Proposed Block Plan, 7056\_02B Proposed Site Layout, Composting Toilet Elevations, FA 011 mw 1 Composting Toilet Plan, Vehicle Tracking.

Reason: For the avoidance of doubt and to accord with the terms of the planning application.

### Drainage

3. The development hereby permitted shall be carried out in accordance with the approved Flood Risk Assessment (FRA) carried out by BCAL Consulting (Report Reference: 533-FRA-01-A, Revision A, dated August 2021) and the following mitigation measures: No works within 9.0m of Dallington Brook as shown on drawing no. 7056\_01C Proposed Block Plan (contained within the flood risk assessment). The mitigation measures shall be fully implemented prior to occupation and subsequently remain in place.

Reason To reduce the impact and risk of flooding to the proposed development, future occupants and surrounding area. In accordance with Policy BN7 of the West Northamptonshire Joint Core Strategy.

### CEMP:Biodiversity

4. No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.
  - a) Risk assessment of potentially damaging construction activities.
  - b) Identification of "biodiversity protection zones".
  - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
  - d) The location and timing of sensitive works to avoid harm to biodiversity features.
  - e) The times during construction when specialist ecologists need to be present on site to oversee works.

- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect and enhance the biodiversity of the site, in accordance with Policy BN2 of the West Northamptonshire Joint Core Strategy. This is a pre-commencement condition to ensure timely submission of details.

#### Hard & Soft Landscaping

5. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a detailed scheme of hard and soft landscaping for the site. The scheme shall include, where present, the location and species of any existing trees and hedgerows on the land and details of any to be retained.

Reason: In the interests of amenity and to secure a satisfactory standard of development in accordance with Policies S10 and BN2 of the West Northamptonshire Joint Core Strategy. This is a pre-commencement condition to ensure timely submission of details.

#### Implementation of Landscaping

6. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner, and which shall be maintained for a period of five years; such maintenance to include the replacement in the current or nearest planting season whichever is the sooner or shrubs that may die are removed or become seriously damaged or diseased with others of similar size and species.

Hard landscaping shall be carried out in accordance with the approved details prior to the first use of the cemetery extension hereby permitted.

Reason: In the interests of amenity and to secure a satisfactory standard of development in accordance with Policy BN2 of the West Northamptonshire Joint Core Strategy.

#### LEMP

7. A landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by, the Local Planning Authority prior to the commencement of the development. The content of the LEMP shall include the following.
  - a) Description and evaluation of features to be managed.
  - b) Ecological trends and constraints on site that might influence management.
  - c) Aims and objectives of management.
  - d) Appropriate management options for achieving aims and objectives.
  - e) Prescriptions for management actions.
  - f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
  - g) Details of the body or organization responsible for implementation of the plan.



h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The development will be implemented in accordance with the approved details.

Reason: In the interests of biodiversity and amenity and to secure a satisfactory standard of development in accordance with Policy BN2 of the West Northamptonshire Joint Core Strategy. This is a pre-commencement condition to ensure timely submission of details.

Tree Protection

8. Prior to the commencement of the development hereby approved (including all preparatory work), a scheme of protection for the trees to be retained as proposed by Lockhart Garratt in their Arboricultural Impact Assessment and appendices reference 21-1302 dated December 2021 shall be submitted to and approved in writing by the Local Planning Authority. The scheme of protection should include an arboricultural method statement (AMS) and a tree protection plan (TPP) with offsets from fixed points so that the alignment of the proposed control measures may be confirmed; both should be prepared in accordance with the guidance in BS 5837:2012 Trees in relation to design, demolition and construction – Recommendations. The development thereafter shall be implemented in strict accordance with the approved scheme of protection, which shall be kept in place until all parts of the development have been completed and all equipment, machinery and surplus materials have been removed.

Reason: In the interests of the protection of retained trees on site and amenity and to secure a satisfactory standard of development in accordance with Policies BN2 and BN3 of the West Northamptonshire Joint Core Strategy. This is a pre-commencement condition to ensure timely submission of details.

Access

9. Notwithstanding the submitted details, prior to the commencement of the development hereby permitted, the junction of the new access and the existing highway shall be laid out together with the provision of visibility splays in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure that the proposed development does not prejudice the free flow of traffic or conditions of highway safety in accordance with the National Planning Policy Framework. This is a pre-commencement condition to ensure timely submission of details.

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**West  
Northamptonshire  
Council**

Title: **Dallington Cemetery**

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Date: 28-01-2022

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