#### Item No. 3

# **Application Reference Number** P/19/2430/2

**Application Type:** Full **Date Valid:** 11/12/2019

**Applicant:** Charnwood Borough Council

Proposal: Change of use of land to cemetery with associated access,

infrastructure, parking and landscaping and relocation of existing Multi Use Games Area, (Muga), including reconfiguration of

existing car park for sports ground.

**Location:** Land adjacent to Nanpantan Sports Ground, Watermead lane,

Nanpantan, Loughborough, Leicestershire LE11 3PD

Parish: Loughborough Ward: Loughborough

Outwoods

Case Officer: Karen Brightman Tel No: 07864603389

This application is brought before plans committee because it is a major application and the applicant is Charnwood Borough Council.

## **Description of the Application site**

The site consists of an area of approximately 4 hectares located to the south of Watermead Lane. It is the westernmost of a group three arable fields which form a wider site proposed for cemetery use. The other two fields are reserved for future extensions to the cemetery, (should this application be successful). This would need to be subject to future planning applications.

The land is enclosed by field hedges to the west, south and east with open land beyond. To the north lies a complex of sports pitches, tennis courts, a multi-use games area, (MUGA), and a bowling green; all with associated parking and facilities. A public right of way, (FPK58/2) runs along the northern boundary of the site from east to west and there is a byway which runs north/south along part of the western boundary of the site. The byway links to a second east/west public right of way, (FPK581/1), and joins the two routes together. The Public Access Plan accompanying the application shows these routes.

The majority of the site itself is currently in agricultural use and predominantly grade 3a which is classed as good quality agricultural land. There is a small triangular area of vegetation at the northern eastern boundary of the site which is identified, within the tree survey, as a group of young sycamore and willow, (G15) with landscape value. A mature mixed species hedge, (H9), runs along the sites eastern boundary and there are 4 mature oak trees located at intervals along the western boundary. There are young Lime trees and a mature Oak located along the existing access and western edge of the car park. All of these are proposed for retention. A group of young trees and shrubs, (G16), to the west of the football pitch, are the only landscape features proposed for removal because they prevent the new access road being constructed.

# **Description of the Proposal**

The application is for a new cemetery with associated access, parking and landscaping. It also includes the relocation of an existing MUGA, to allow reconfiguration of the existing car park for the sports ground, so that a new access road to the cemetery can be installed. It includes the following elements:

- 5,278 Burial spaces (including for cremated remains)
- A 40 space car park with 6 additional disabled spaces and 6 electric vehicle charge points
- Cycle parking
- Access roads and footpaths
- A new memorial garden
- Habitat creation including woodland and natural ponds
- Natural burial areas
- A Sud's detention basin
- Bins and water points
- Relocation and replacement of the existing MUGA
- Changes to the car parking layout for the sports complex
- A new access road

Access to the site is proposed through the existing sports facility car park by way of an extended access road which runs directly to the cemetery. As this results in the loss of parking spaces within this car park it is proposed that additional spaces are created where the MUGA is currently and that the MUGA facility is relocated adjacent to the bowling green. The number of parking spaces within the sports centre car park would be increased from 123 to 146 spaces, including 6 accessible spaces. The replacement MUGA would be smaller but of better quality and within acceptable guidelines for usability.

Parking for the site itself is located in the north west corner and comprises 40 standard spaces, 6 disabled spaces and provision for cycles. Bollards prevent vehicular access through to the burial areas other than by hearses.

Pedestrian access is proposed via the existing footpath and then via a new footway.

Within the site emphasis has been placed on natural landscaping with ponds, planting and wooded areas to boost biodiversity and soften the use.

The application includes the following supporting documents & plans:

- Application form
- Tree survey
- Ownership Plan
- Topographical surveys (north, south, main access and car park, access road)
- Sequential Test of alternative site options

- T2 Groundwater Assessment
- Flood Risk Assessment (June 2020)
- Preliminary Ecological appraisal Brief's (including for access road)
- Biodiversity Audit Report
- Archaeological Assessment
- Agricultural Land Classification report
- Landscape and Visual Appraisal
- Design & Access Statement
- Planning & Need Assessment
- Transport assessment & addendum

### It includes the following illustrative plans:

Indicative masterplan

It seeks approval of the following plans:

- Site location Plan red line
- General layout Revision 02
- Proposed Access Roadway
- Proposed Access Roadway and Car Park
- Drainage Layout Plan
- Planting Plan
- Planting Schedules
- Public Access Plan
- Football Pitch Plan
- Utilities Plan
- Sports Facility Plan
- Relocated MUGA Details

# **Development Plan Policies**

The Development Plan for Charnwood currently consists of the Charnwood Local Plan Core Strategy 2006-2028, Saved Policies of the Borough of Charnwood Local Plan (2004), the Leicestershire Minerals Core Strategy and Development Control Policies Document (2009), and the Leicestershire Waste Core Strategy and Development Control Policies document (2009).

<u>Charnwood Local Plan Core Strategy (adopted 9 November 2015) – Policies relevant</u> to these reserved matters

Policy CS1 – Development Strategy – This policy seeks to focus growth in areas such as Loughborough which will create demand for infrastructure such as cemeteries.

Policy CS2 – High Quality Design – requires developments to make a positive contribution to Charnwood, reinforcing a sense of place. Development should respect and enhance the character of the area, having regard to scale, massing, height,

landscape, layout, materials and access, and protect the amenity of people who live or work nearby.

Policy CS7 – Regeneration of Loughborough – seeks to regenerate the town by providing new growth and infrastructure and create green infrastructure

Policy CS 11 Landscape and Countryside - seeks to protect the character of the landscape and countryside. It requires new development to protect landscape character, reinforce sense of place and local distinctiveness, tranquillity and to maintain separate identities of settlements.

Policy CS12 – Green Infrastructure – seeks to protect and enhance urban fringe areas and

Policy CS13 - Biodiversity and Geodiversity - seeks to conserve and enhance the natural environment and expects development proposals to consider and take account of the impacts on biodiversity and geodiversity, particularly with regard to recognised features.

Policy CS14 – Heritage – seeks to protect heritage assets which include archaeology.

Policy CS15 – Open Spaces, Sports and Recreation – sets out how strategic open space needs are to be met and seeks to protect existing resources.

Policy CS16 - Sustainable Construction and Energy - supports sustainable design and construction techniques.

Policy CS17 – Sustainable Travel – seeks to ensure major developments are served by transport choice and that they provide safe routes and streets.

Policy CS18 – The Local and Strategic Road network – supports sustainable travel and network improvements

*Policy CS 24* Delivering Infrastructure – is concerned with ensuring development is served by essential infrastructure. As part of this it seeks to relate the type, amount and timing of infrastructure to the scale of development, viability and impact on the surrounding area.

Policy CS25 Presumption in favour of sustainable development - echoes the sentiments of the National Planning Policy Framework in terms of sustainable development.

# Borough of Charnwood Local Plan (adopted 12 January 2004) (saved policies)

Where they have not been superseded by Core Strategy policies previous Local Plan policies remain part of the development plan. In relation to this proposal the relevant ones are:

Policy ST/2 – Limits to development – defines built areas where development is generally supported.

Policy CT/1 – General principles for areas of Countryside... - sets out principles for development outside the limits defined by ST/2

Policy CT/2 – Development in the Countryside – sets out that development acceptable under the terms of CT/1 should not be harmful to the character and appearance of the countryside.

Policy EV/1 Design - This seeks to ensure a high standard of design and developments which respect the character of the area, nearby occupiers, and which are compatible in mass, scale, layout, whilst using landforms and other natural features. Developments should meet the needs of all groups and create safe places for people.

Policy TR/18 Parking in New Development - This seeks to set the maximum standards by which development should provide for off street car parking.

# Other material considerations & legislation

### The National Planning Policy Framework (NPPF 2019)

The NPPF sets out the government's view of what sustainable development means in practice for the planning system. It is a material consideration in planning decisions and contains a presumption in favour of sustainable development. For planning decisions this means approving proposals that comply with an up to date development plan without delay. If the Development Plan is silent or policies most relevant to determining the application are out of date permission should be granted unless protective policies within the NPPF give a clear reason for refusal or any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the NPPF as a whole.

The NPPF policy guidance of **particular relevance** to this proposal includes:

#### Section 8: Promoting healthy and safe communities

Planning decisions should promote a sense of community and deliver the social, recreational and cultural facilities and services that such a community needs. Paragraph 92 states that planning decisions should plan positively for the provision of shared spaces and community facilities.

#### Section 9: Promoting Sustainable Transport

All developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment and a Travel Plan (paragraph 111). Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable modes maximised (paragraph 103). Developments should be designed to give priority to pedestrian and cycle movements and create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians and within large scale developments, key facilities should be located within walking distance of most properties (paragraph 104). Development should only be prevented or refused on transport grounds if there would be an unacceptable impact on highway safety, or where the residual cumulative impacts would be severe (paragraph 109).

Section 12: Requiring well-designed places.

The NPPF recognises that good design is a key aspect of sustainable development and that high quality and inclusive design should be planned for positively (paragraph 124).

Paragraph 127 states that planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

The role of design review arrangements that assess, support and ensure high standards of design are recognised (paragraph 129) and the NPPF notes that great weight should be given to innovative designs which help raise the standard of design (paragraph 131) and that poor design should be refused (paragraph 130).

## Planning Practice Guidance

This national document provides additional guidance to ensure the effective implementation of the planning policy set out in the National Planning Policy Framework.

## Leading in Design Supplementary Planning Document (January 2020)

This document encourages and provides guidance on achieving high quality design in new development.

#### National Design Guide

This document sets out advice relating to the 10 characteristics that give a place its physical character, create community and influence climate. These characteristics are context, identity, built form, movement, nature, public spaces, uses, homes & buildings, resources and lifespan. For each characteristic advice is offered along with good practice examples and suggestions for the future.

# **Emerging Local Plan**

The site is allocated as new burial space within this emerging plan.

# Leicestershire Highways Design Guide

The Leicestershire Highways Design Guide deals with highways and transportation infrastructure for new developments. It replaces the former 6C's Guidance.

# Leicestershire County Council Local Transport Plan (LTP)

This sets out Leicestershire County council's strategy for delivering improvement to accessibility, connectivity and for promoting social inclusion and equality.

# Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended)

The Environmental Impact Assessment Regulations set out the parameters, procedures and Regulatory detail associated with the screening, scoping and preparation of an Environmental Statement and consideration of significant environmental impacts of development. The aim of Environmental Impact Assessment is to protect the environment by ensuring that a local planning authority when deciding whether to grant planning permission for a project, which is likely to have significant effects on the environment, does so in the full knowledge of the likely significant effects, and takes this into account in the decision making process.

The current proposal does not fall within schedule one of these regulations, but it does fall within schedule 2, (over one hectare of land used for urban development excluding dwellings). This means that it stands to be screened to establish whether an environmental Impact assessment should be submitted. In this instance an assessment of the proposal against the appropriate environmental topics does not suggest that there would be any unusual or significant environmental impacts which require an Environmental Impact Assessment to be submitted.

#### Equality Act 2010

Section 149 places a statutory duty on public authorities in the exercise of their functions to have due regard to the need to eliminate discrimination and advance equality.

#### Conservation of Habitat and Species Regulations 2010 (as amended)

These Regulations contain certain prohibitions against activities affecting European Protected Species, such as bats.

The Council as local planning authority is obliged in considering whether to grant planning permission to have regard to the requirements of the Habitats Directive and Habitats Regulations in so far as they may be affected by the grant of permission. Where the prohibitions in the Regulations will be offended (for example where European Protected Species will be disturbed by the development) then the Council is obliged to consider the likelihood of a licence being subsequently issued by Natural England.

#### Protection of Badgers Act 1992

Badgers are not European Protected Species but are subject to protection under the above Act. This Act includes various offences, including wilfully killing, injuring or taking a badger or deliberately damaging a badger sett. A license is required from Natural England where development proposals may interfere with badger setts.

# The Town and Country Planning (general Permitted development) (Coronavirus) (England) (Amendment) Order 2020

This legislation confers temporary permitted development rights to Local Authorities to carry out development to prevent, control, reduce, mitigate or take action relating to emergencies on land which they hold an interest in.

# **Responses of Consultees**

The table below sets out a summary of the responses that have been received from statutory consultees with regard to the application. Please note that these can be read in full on the Council's website www.charnwood.gov.uk

Consultee	Response	
Leicestershire Lead Local Flood Authority	Does not object to the application as the submitted drainage layout has been revised and is now acceptable. A condition requiring a surface water drainage scheme is recommended.	
Sport England	Following amendments to the scheme, including the relocation of the MUGA within the site Sport England no longer raises an objection to the proposal. It suggests a condition is attached seeking availability of the replacement MUGA before the existing one is closed.	
Environment Agency	Has reviewed the T2 Groundwater risk assessment and has no objection on either flood risk grounds or due to groundwater contamination.	
Environmental Health	Has no objection	
Leicestershire County Council - Highways	Does not consider that there would be unacceptable impacts on the highway which could be considered to be severe. It recommends conditions to secure the parking and access facilities at an appropriate time, to protect nearby rights of way and to ensure that the parking and access areas are appropriately managed.	

## **Other Comments Received**

12 letters of objection have been received from residents of Ralph Close in relation to the relocated MUGA. These objections can be read in full at <a href="https://www.charnwood.gov.uk">www.charnwood.gov.uk</a> but in summary they cover the following points:

- Proximity of MUGA to houses increasing noise, particularly from balls against the metal fencing
- Access by hearses being witnessed by children
- Encouragement of further anti social behaviour in the car park unless is barrier controlled at night
- Light Pollution
- Risk of damage to bowls club

- Access is too narrow near to nursery and this combined with parking and a blind bend make it dangerous
- Access onto Nanpantan Road is dangerous due to poor visibility
- Loss of full size MUGA

4 additional letters of objection have been received by local residents. These objections can be read in full at <a href="www.charnwood.gov.uk">www.charnwood.gov.uk</a> but in summary they cover the following points:

- Juxtaposition of sports facilities with a cemetery (uses are too contrasting)
- Lack of parking
- Highway safety
- Cost
- Loss of MUGA (prior to amendment)
- Impact on wildlife

Loughborough Dynamo FC Object to the proposal on the grounds that it raises health and safety concerns for the club. This is due to the proposed access passing too close to the pitches/turnstile and there being no footway. Concerns are also raised about the loss of the MUGA. (all these concerns were expressed prior to the application being amended).

# **Consideration of the Planning Issues**

The main considerations are:

- The principle of development
- Need for the provision
- Landscape and Visual Impact
- Design and Layout
- Impact on Sports provision
- Amenity
- Archaeology
- Groundwater and Drainage
- Biodiversity
- Loss of Agricultural Land
- Trees and Hedges
- Traffic and Parking
- Access and Footpaths
- Equality

#### The principle of development

The site lies outside limits to development as set out within saved local plan policy ST/2. As such it is subject to the provisions of saved local plan policies CT/1 and CT2 and Core Strategy policy CS11. These policies seek to protect the character and appearance of the countryside and preserve its landscape character.

Policy CT/1 allows for small scale new built development for strategically important schemes for public services where these cannot be located within or adjacent to a settlement. Whilst the proposal is not small in scale the built elements of it are limited and it is located adjacent to a settlement. It is also to provide a public service. In this respect it is considered to comply with CT/1. Policy CT/2 states that development which is acceptable under CT/1 must not harm the character and appearance of the countryside. This is assessed more fully below but is not considered that the proposal would be harmful to the character of the countryside due to its nature and because it incorporates extensive green elements and retains and enhances landscape features. Accordingly, the proposal is considered to comply with these saved policies. However, it should be noted that policies are contained within a Local Plan that is more than 5 years old and which predates the NPPF, although they are in broad accordance with the National Planning Policy Framework the weight that can be given to them must be reduced.

Policy CS11 is an up to date Development Plan policy that can be given full weight. It seeks to support the character of the landscape and countryside and to ensure any new development is appropriate in terms of scale, siting and design. It offers support for community services and facilities but only where they are identified as part of a community lead plan. In this respect the proposal does not gain specific support from policy CS11. However, there is not necessarily conflict with the policy providing it can be demonstrated there is no harm to landscape character or the countryside.

The need to plan positively for shared facilities as set out within paragraph 92 of the National Planning Policy Framework is also a material consideration in this case and lends support to the principle of development. Additionally, the allocation of the site as future burial land within the emerging Local Plan should be given weight, albeit limited, within the planning balance.

In conclusion it is considered that the proposal is acceptable in principle provided there is no harm to the landscape or countryside and need for the facility can be demonstrated.

## Need for the provision

The Council is the burial authority for Loughborough and has a duty to provide adequate facilities for "disposal of the dead". This can be provided by way of cremation facilities and/or burial options. To fulfil its function in terms of equality it is important that facilities are provided for both in order to fully cater for different religions and beliefs.

The application is accompanied by a statement of need which suggests that there are 3 years of burial remaining at Leicester Road in Loughborough, which is the main facility that serves the town. Facilities outside the town and in other parishes can incur fees and cannot always be reached readily using sustainable transport.

The 3 burial years remaining is based on OPNS statistics which show Charnwood to have an estimated annual death rate of 0.8%. Nationally figures show 78.19% of deaths to be cremations and 21.81% to be burials. If these figures are applied to

Loughborough this figure equates to 104 burials per year. This does not take account of the current pandemic which will most likely reduce years of burial remaining even further. In summary using existing burial rates, the Leicester Road cemetery will no longer have space for burials at some point within the next three years. There is clearly a need to meet this need elsewhere, within or close to the town.

Based on these figures there is a clear need for further facilities both to meet an immediate need to increase years of burial and to ensure longer term land provision.

Mindful of this the Council has sought, in its role as a burial authority, to identify sites which meet both these functions. 5 sites within and close to the town have been assessed:

- Allendale Road, Loughborough
- Loughborough Road, Hathern
- Shelthorpe Golf Course
- Loughborough Cemetery extension
- Nanpantan Road, (this site)

Sequential Testing initially identified these sites from a larger number of potential sites. This testing was further refined against a number of criteria; groundwater depth, boundary features, topography, access, travel time to Loughborough, public transport, burial capacity, agricultural land classification and proximity to housing. The current application site scored the best when measured against these criteria.

The application documents show that phase 1, (this application), will provide 5,278 burial plots. Assuming 60 burials per annum, take place at the facility, this equates to 88 years of burial.

In conclusion it is considered there is a demonstrable need to make increased burial provision for the Borough which is more acute in the present circumstances. Sequential assessment of available sites targets the application site as the most suitable location to meet this need.

#### Landscape and Visual Impact

Policies CT/2 and CS11 seek to ensure that development is not harmful to the landscape or countryside. Policy CS12 aims to enhance green infrastructure around Loughborough and to foster green links with Charnwood Forest.

The site is located within Charnwood National Character area and within Charnwood Forest in terms of the more locally defined Charnwood Landscape Character Assessment 2012. Both these landscape character areas comprise landscape with a strong character and identity. Most recently the 2019 Charnwood Forest Landscape Character Assessment identifies the site as lying within the Swithland/Woodhouse Farmland character area. This is an area of open farmland which is gently undulating, predominantly arable and which includes the southern edge of Loughborough. The northern part of the area is recognised as having a more urban feel due to its proximity to Loughborough. A key recommendation of this study is that further developments

on the edge of Loughborough are suitably designed with ample planting to allow integration and softer development edges.

The cemetery proposal does not include buildings but does include works to construct parking areas, vehicle routes and pathways. Planting and soft landscape form an important component of the proposal although it is recognised that the resultant landscape will be more formal in nature than the existing arable field. The relatively small area of the site combined with its close relationship with the edge of the settlement means that it would have only a small impact on the overall character of the landscape once the new landscaping is established. It is important, however, to ensure that mitigation in terms of the planting and habitat creation plans are fully implemented.

Visual impacts of the proposal are considered to have the potential to be the greatest from the following viewpoints:

Viewpoint	Impact					
Footpath K58/2	The proposal will be clearly visible from here. However, there will be intervening landscaping by way of the SuD's area and the linear nature of the cemetery design will allow clear views through it to open land beyond. Mitigation by way of planting will reduce impacts from here.					
Byway K59/2/ Footpath K58/1/1	vegetation and landform will screen the proposed development to a large degree.  The site is well screened from here.					
Footpath K15/2						
Outwoods	The proposal would be visible as part of a distance view from here. However, due to vegetation at the sit boundaries and the urban backdrop these views would be limited.					
Surrounding Roads	The site is not readily visible due to topography, vegetation and intervening buildings.					
Sports Complex	The site will be partly visible to users of the recreational complex. However, this is less sensitive as people using these facilities will not tend to be focused on landscape but on the sporting facilities they are using. Within the sports area itself the visual changes will be less critical as this is an enclosed area where change is more readily accepted.					
Residential Properties	<ul> <li>Nanpantan Road – Intervening buildings and vegetation means there would be limited visual impact from here.</li> <li>Cricket Lane – Views of the site are well screened by hedging and mature trees. Long garden depths add distance.</li> <li>The Widon – These properties are well screened and will have no view of the site.</li> </ul>					

<ul> <li>Moat Road/Bramcote – These properties are well screened by grassland and woodland and sufficiently</li> </ul>
distant that there would be no impact.
<ul> <li>Ralph Close – These properties are screened and</li> </ul>
sufficiently distant from the cemetery use that there
would be no visual impact as a result of this element.
The relocated MUGA would result in changes close
to the rear boundaries of these gardens but this
boundary is well screened by trees along the brook
and fencing.

This shows that visual impacts would be relatively limited due to the location and nature of the proposal. The planting and landscaping proposed would act as further mitigation meaning that residual visual impacts would be low.

For the reasons set out above, the proposal is considered to result in limited harm to the landscape or visual amenity which could be further mitigated by way of the design of the scheme. In this respect it would comply with relevant parts of policies CT/2, CS11 and CS12.

## **Design and Layout**

Policies CS2 and EV/1 seek high design quality for all new development. Part 12 of the NPPF attaches great importance to achieving good design and seeks to promote development which is appropriate in terms of overall scale, landscaping, layout and materials to fit with its context. The National Design guide sets out important design characteristics which are integral to ensuring any development achieves design quality. The table below assesses the proposed development against the 10 national characteristics:

Characteristic	Assessment		
Context	The proposal provides an appropriate transition between the urban edge of Loughborough and the open land to the south. It creates pleasant green spaces which are more formal in nature than the adjacent countryside but landscaped to have a green and open feel. Boundary features and retained trees and hedges add to this.		
Identity	The development has its own identity as a relativel limited land use. The memorial garden will be unique this phase of the development and will give the development a unique character. The central pondurea, wooded boundaries and northern SuD's area and identifying elements to the scheme.		
Built Form	There is limited built form within the proposal. Built elements relate to access and ancillary structure and they have been made as low key as possible. Pathways are a mix of tarmac, crushed stone and mown grass and		

	other paraphernalia would be limited to small scale items such as bins, benches and water points.	
Movement	There is a clear hierarchy of movement through the development with formal access to the car park and within the scheme for hearses. Small scale footways allow quiet access to the graves and memorial areas for reflection.	
Nature	The proposal is landscape led and the creation of habitat is an important part of this. Indigenous trees and shrubs are to be planted and local ecosystems based around water features are to be fostered.	
Public Spaces	The proposal provides a public space which performs a primary function of allowing the burial and memory of loved ones but it also has secondary functions. It provides the opportunity for ecological enhancement and also provides a soft edge to the town which blends well with open countryside beyond.	
Uses	The scheme serves one primary use but it has several purposes. It provides a practical resource, allows for quiet contemplation, unifies communities and enhances biodiversity.	
Homes and Buildings	The proposal does not create new homes or buildings but does create a new shared amenity space. This relates well to existing homes and has been designed with attention to detail providing for servicing and utilities.	
Resources	Natural resources are conserved where possible with sustainable recycled materials used, and climate resilience taken into account. There are SuD's features within the site and biodiversity has been enhanced.	
Lifespan	This phase forms part of a much wider scheme which is designed to provide facilities in the longer term. The proposal will be managed and maintained by the Council and proposals for this are set out in the Management and Maintenance Plan.	

Using this nationally suggested structure it can be seen that the proposal has the characteristics which make it well designed space in terms of character, community and climate. Accordingly, it is considered to be a high quality design which meets Development Plan policies CS2 and EV/11 and the associated Supplementary Design Guidance.

# Impact on Sports provision

In order to secure parking and access for the cemetery it is necessary to reconfigure the parking area for the existing sports complex and to relocate an existing MUGA located just north of the football pitch. Policy CS15 states that existing sports facilities should be retained unless they are surplus to requirements or replaced by a facility of at least equal quantity and quality in a suitable location. This reflects the advice within paragraph 97 of the National Planning Policy Framework, although this also adds that

development of alternative sports provision can be acceptable where the benefits of this outweigh the loss.

Initially it was proposed to relocate the MUGA off site to another site in Loughborough and two sites were investigated in detail. However, difficulties with securing the timing of the provision and ensuring that the location was suitable for existing users led to the facility being relocated within the site instead. The proposal now includes a relocated MUGA of smaller size but which will be of upgraded quality. It is proposed that this will be located on a grassed area to the west of the bowling facilities.

This offers several benefits in terms of sports provision:

- The facilities are upgraded and would be better suited to the complimentary, (to the formal sports provision), informal use that the MUGA is currently used for
- It is possible to improve and upgrade the design ie use of modern enclosure to reduce noise
- The catchment area remains unchanged
- The facility is located more safely within the site away from parking areas
- Overall parking at the site can be increased

Overall this means that there would be no loss of overall Sports provision at the site as the reduction in quantity is met by the increased quality of the space and the location is considered to be an improvement on the existing facility. This means that the proposed relocation is not at odds with relevant provisions within policy CS15. The proposal also gains support from the National Planning policy Framework for the same reason and because it provides an alternative sporting facility which has benefits which outweigh the loss of the existing MUGA.

#### Amenity

Policies CS2 and EV/1 seek to ensure that new development is not harmful to the amenity of existing neighbours or to users of the proposal. In this respect there are three main groups/impacts to consider:

- Residential properties next to the site, access and the relocated MUGA and the impact in terms of noise, disturbance and visual amenity on these.
- Users of the Sports facility and the impact of the adjacent use on the operation of these facilities in terms of infrastructure provision, safety and curtailment of use.
- End users of the cemetery and the impacts on their amenity due to noise, disturbance and safety from the adjacent sports pitches.

These are considered in the table below:

Residential Properties			
Impact Assessment			
Access Use	Use of the existing access would increase due to additional		
	vehicle movements to the cemetery. This access passes close		

	to the side elevations and gardens to several residential properties and close to the frontage of a property used as a day nursery. It is anticipated in the Transport Assessment that this would result in an average of 42 vehicle movements on a burial day (rising to 72 on a worst case scenario burial day) and 14 movements on a standard day. Based on a burial rate of 60 per annum burials would take place on 1 or 2 days a week. Given the relatively low number of times when there would be a significant increase in traffic movements, intervening walls and screening and the fact that this is an existing road, it is not considered that the increased use of the access would give rise to harm to amenity.
MUGA Noise	The proposal would result in the existing MUGA being moved much closer to residential properties on Ralph Close. This has the potential to increase noise from the use primarily from the noise of balls and users. The prime source of noise to residents from the existing facilities is the noise of balls hitting the fencing. The new MUGA offers the opportunity to use newer fencing designed to mitigate and reduce this noise. It will also be possible to ensure that the MUGA is not lit and that its use is restricted by way of a time controlled entrance barrier to the car park. With these mitigation measures in place it is considered that there would be no significant increase in harm to neighbouring properties amenity in this respect.
Visual amenity	This is discussed under Landscape and Visual impact above but in summary it is not considered that there would be harm to visual amenity due to topography, distance and existing screening.
Privacy	The cemetery use itself would not lead to a loss of privacy; due to the fact it is well screened and located some distance away from the nearest residential property. However, moving the MUGA nearer to properties on Ralph Close would increase activity close to these houses. However, given the intervening trees and vegetation it is not considered that this would lead to a material loss of privacy.
Lighting	Residents are concerned that lighting of the MUGA would be harmful to amenity. There are however, no plans to include lighting at this current time and this would need to be subject to a separate planning application should it be required. This would not be granted planning permission if it was considered to be harmful to the amenity of nearby residents.
Disturbance Sports Facilitie	It is understood from residents that there are existing issues relating to antisocial behaviour within the sports complex, particularly later at night. Moving the MUGA closer to residential properties has the potential to increase these impacts and it suggested that a barrier that can prevent vehicular access once the main facilities close for the day is installed to mitigate this harm. It is suggested that a condition is attached seeking a physical barrier and the times it will be closed.
- Tabilitie	

Impact	Assessment		
Infrastructure	Concerns have been expressed that the new use would lead to		
	a reduction in parking for users of the sports complex with		
	parking facilities being utilised by users of the cemetery. It is		
	important to remember that parking is provided within the		
	cemetery area itself to serve that use and that the amount of		
	parking available to the sports complex will increase from 123		
	spaces to 146 spaces. It is also notable that the times when the		
	cemetery is most likely to generate its biggest flows of traffic are		
	during burials and memorial services which are generally held		
	during the week rather than during the weekend when use of the		
	sports facilities peaks. In this respect the two uses are unlikely		
	1		
Catati	to compete for available spaces.		
Safety	Concerns have been expressed with regard to vehicles using		
	the new access passing close to the entrance and exist to the		
	football ground. The football ground can generate high numbers		
	of spectators who all tend to arrive/leave at a similar time		
	resulting in crowding around the access and is also used by		
	children attending training sessions. The plans have been		
	revised to incorporate a 2m safety fence with a retaining wall, a		
	2m pathway alongside the access, a new parking area and		
	access gate between the pavilion and the pitch and additional		
	lighting. These changes are considered to remove the conflict		
	between users of the football pitch and the proposed access		
	road and would help to ensure the safety of the pitch users		
Future Users			
Future Users Impact	Assessment		
	Assessment The use of the land as a cemetery has the potential to be		
Impact	Assessment  The use of the land as a cemetery has the potential to be impacted by use of the adjacent sports facilities for noisy		
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access has also been mitigated by way of 2m mesh fencing
along the western boundary of the pitch.

The above table and assessment shows that, with appropriate mitigation there would be no material harm to amenity and no conflict with this element of policies CS2 or EV/1.

# **Archaeology**

Policy CS14 requires the protection of historical assets including archaeological features. The application is accompanied by a desk-based assessment. This finds a moderate potential for prehistoric remains, low to moderate potential for roman remains and low potential for medieval and post medieval remains. Accordingly, it will be necessary to attach a condition that ensures that if remains are discovered that they are reported to the Local Planning Authority and retained in situ until they can be appropriately recorded and/or preserved.

## Groundwater and Drainage

Policy CS16 seeks to ensure that development is not at risk of flooding and that it does not create flood risk elsewhere. The majority of the site falls within flood zone 1 although a small section of the access road falls within flood zone 2. There is no history of flooding within this flood zone 2 area and it is an existing car park and access with surface water drainage systems in operation. As a result, the potential hazard from flooding is low.

The proposed drainage strategy for the site is submitted with the application and includes permeable surfaces for the new access and new parking areas within the sports ground. Footpaths within the cemetery will also be permeable. The burial area itself will be drained via a system of shallow surface water drains which flow into a detention basin, (for the cemetery), and storm crates (for the access and car park), each with a hydro-brake systems which discharge into the adjacent stream and wet ditch respectively. Both Hydro brake systems incorporate filtration to ensure there is no pollution of adjacent water courses. These arrangements have been accepted by the Lead Local Flood Authority and the Environment agency has no objection on flood risk grounds.

Groundwater is also an important consideration for land that is used for burial and the application is accompanied by a Tier 2, (T2), groundwater assessment. Care has to be taken to ensure that groundwater sources within the area are not at risk of pollution. The T2 showed the need for the excavation of trial pits which revealed risks to surface water to be low and groundwater lower. The T2 assessment has been reviewed by the Environment Agency who are a statutory consultee with regard to this impact. The Environment agency is satisfied that the risks are low and that this combined with the lack of infiltration based drainage means that there is no objection with regard to groundwater.

The proposal is considered to comply with policy CS16 in that it is not at risk of flooding and does not increase flood risk elsewhere. Additionally, there would be no risk to groundwater or surface water from burials at the site.

# **Biodiversity**

Policy CS13 offers support to development that conserves and enhances biodiversity. Where there is any loss of biodiversity the policy seeks mitigation or compensation to at least equal value.

The application site comprises an arable field and areas of the existing sports complex. The sports area has limited ecological value but the arable field has moderate to high ecological value. However, it would be compensated by the creation of burial areas, (amenity grass and wildflowers), memorial garden, and woodland. Semi improved grassland within the site would also be compensated by the creation of the detention basin with wildflower meadow. Overall there would be no net loss of biodiversity and in fact there is likely to be a small bio-diversity gain.

There is some potential of protected species on the site particularly nesting birds, roosting and foraging bats, hedgehogs, reptiles, foraging invertebrates and badger. No hedgerow or scrub will be lost, and these are the areas with the highest potential to support protected species. Coupled with the creation of new habitat and associated management plans, it is considered that there would be no harm to these species and that there would be a positive impact overall.

Accordingly, the proposal is considered to comply with development Plan policy CS13 and the advice relating to Biodiversity in the NPPF.

# Loss of Agricultural Land

The application would result in the loss of agricultural land that is predominantly grade 3a. This is best and most versatile agricultural land and there is a requirement both nationally and via policy CS16 to protect this resource where possible. This needs to be weighed within the planning balance as a negative to the scheme but it should also be noted that when cemetery sites were sequentially assessed for the town this was one of the criteria used to score the sites. Accordingly, whilst this site scored poorly on agricultural land in this exercise it fared better than other sites with regard to other criteria overall.

#### Trees and Hedges

There are a number of existing trees and hedges across the site most of which are proposed for retention save for a small group of trees that need to be removed to facilitate the new access road. These are shown on the submitted tree survey plan and detailed in the tree survey document. There is also the potential for development to impact on the root protection zone of some of these retained trees and hedges and it will be important to establish the detailed extent of these protection areas and secure appropriate mitigation measures during construction. It is suggested that a pre commencement condition is attached to ensure this detail is received.

There is also a need to ensure that the belt of trees along the stream to the north of the relocated MUGA is protected as these have landscape value and also provide a screen between the sports facilities and adjacent residential properties. As this part of the site was not included within the original survey a specific condition to secure this detail needs to be attached.

The proposal also incorporates significant new planting which is shown on the submitted planting plan. The memorial garden will include formal garden planting, grasses and herbaceous plants and there is native woodland planting within the natural burial areas. Whilst the planting plan outlines general concepts it does not provide the finer detail and it is suggested that a pre use landscape condition is attached to secure planting schedules.

Overall it is considered that the proposal provides a landscape led scheme that ensures compliance with policies CS2 and CS11 of the Development Plan.

# Traffic and Parking

Policy CS2 and the National Planning Policy Framework seek safe and suitable access to development proposals and policies CS17 and CS18 seek to ensure major developments do not have an adverse impact on the highway network and that they foster sustainable travel patterns.

The application includes the following highway elements:

- An extension of the existing sports complex access off Watermead Lane through the current car park to the cemetery
- New parking spaces within the sports complex car park where the existing MUGA is
- New footways along the new access road
- Use of an S bend arrangement to slow traffic on entrance to the car park
- A new parking area close to the football ground
- A new parking area for the cemetery itself

The Local Highway Authority has reviewed these elements and the overall traffic generation figures supplied in the Transport Assessment. It is content that the trip generation figures are robust and that there would be no capacity issues on adjacent roads or at critical junctions as a result of the proposal.

It has also reviewed the layout of the car parking areas and considers these to be functional and safe and to provide adequate parking for the uses involved. The layout of the access road itself has been subject to review and with amendments to secure a retaining wall, fencing and footway, along the access this is now considered to be safe and suitable.

There remain some concerns relating to forward visibility around the S bend but this is considered to be preferable to the previously suggested mini roundabout. Swept path analysis shows that the only case where there would be conflict between two way traffic on the S bend would be if a hearse and a coach needed to pass. Not only would these incidents be relatively rare, but it is not unusual for coach drivers to have to negotiate relatively restricted layouts. It is suggested that signage warning of the possibility of an oncoming vehicle being in the middle of the road is installed.

The acceptance of the proposal by the Highway Authority is material to the decision and there is nothing to suggest that its assessment is incomplete or flawed.

The proposal is considered to comply with policies CS2, CS17, CS18 and TR/18 of the Development Plan and with the advice in the NPPF relating to transport.

### Access and Footpaths

The site is located well outside the town centre of Loughborough and would not be readily walkable from here. There are bus stops within 50m of the junction with the access road although public transport users would then need to walk down to the cemetery itself from here. This is not ideal in terms of sustainable transport although given the need for tranquillity and a relatively large land take it is difficult to see how a cemetery could be located more centrally. Whilst this does not offer particular support to the development the location is not so poor in sustainability terms that a refusal of planning permission is warranted.

There are several footpaths which pass close to the site including K58/2 which passes close to the northern boundary of the site and through later phases. Whilst there are no proposals to divert or alter these rights of way Leicestershire County Council is keen to ensure that they are protected and not impacted by the surrounding development. A condition is suggested securing a scheme for the treatment of K58/2. Whilst there are further conditions suggested which seek compliance with the County Council's guidance it is not necessary to attach these conditions providing a suitable scheme can be agreed in consultation with the County Council as per suggested condition 18 below.

# Equality

It is important to ensure that the proposal does not lead to disadvantage and that it furthers equality. The cemetery is of an accessible design with disabled parking. It would allow for burial and memorial practices across a wide ethnic grouping. There is nothing inherent within the design which would disadvantage any group and there would be active improvement with regard to disabled access to the sports facility, (due to the new disabled spaces).

#### Planning Balance and Conclusion

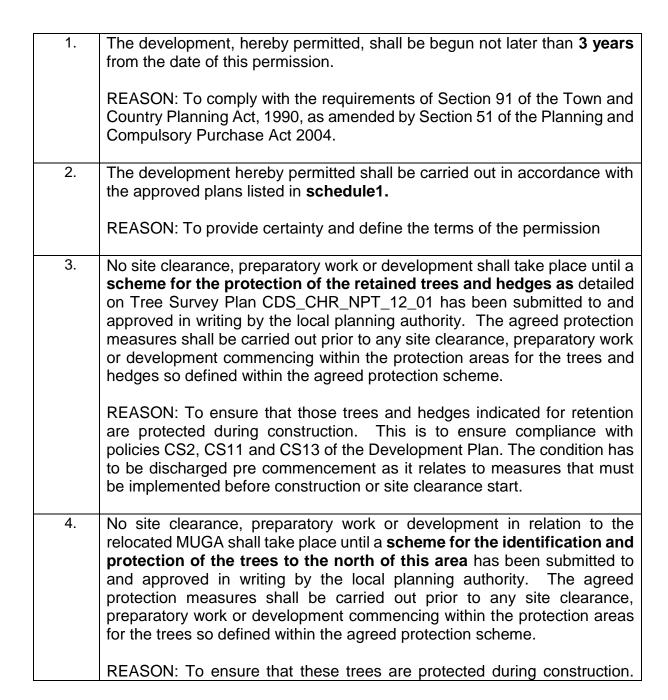
The proposal would result in the provision of cemetery space for which there is established need within a sustainable location. Although it would result in the loss of Best and Most Versatile agricultural land it would not be harmful to the landscape character of the area or result in adverse visual impact that could not be mitigated. Sequential appraisal of sites across the catchment has been carried out and this site scores best across the range of assessment criteria. The proposal is well designed and impacts on amenity, which largely result from the relocated MUGA can be mitigated to an acceptable level. It has been possible to ensure that equivalent sports facilities are provided and to secure safe and suitable access to the site that does not harm the highway network. Whilst the location is served by public transport it is recognised that walking distances to the cemetery itself from the bus stop are in excess of 800m but given the specific site requirements of the use this is not

considered to be determinative. There would be no loss of biodiversity as a result of the proposal and there would be additional landscaping and planting above that which would be lost. Health and safety concerns relating to the adjacent sports complex have been resolved and the development does not create disadvantage.

On balance the proposal is a sustainable one that complies with the Development Plan and meets the economic, social and environmental roles of the National Planning Policy Framework. It is recommended that planning permission be granted subject to the conditions listed below.

#### Recommendation:

This permission is granted subject to the following Conditions and Reasons:-



This is to ensure compliance with policies CS2, CS11 and CS13 of the Development Plan. The condition has to be discharged pre commencement as it relates to measures that must be implemented before construction or site clearance start.

- 5. No development shall commence until a **construction method statement** has been submitted to and approved in writing by the Local Planning Authority. The statement shall include:
  - · parking of construction vehicles
  - measures to control the emission of dust and dirt during construction
  - working hours
  - Measures for site drainage during construction

The approved construction method statement shall be adhered to throughout the construction period for the development.

REASON: to ensure that harm to the amenity of nearby residents is minimised during the construction period and that there is no resultant flooding or highway safety issue. This is to ensure compliance with policies CS2 and CS16 of the Development Plan.

- 6. Within 6 months of the development, hereby approved, commencing a landscaping scheme, to include those details specified below shall be submitted to and approved in writing by the local planning authority:
  - i) the treatment proposed for all ground surfaces, including hard areas:
  - ii) full details of tree planting;
  - iii) planting schedules, noting the species, sizes, numbers and densities of plants;
  - iv) finished levels or contours;

This approved landscaping scheme shall be fully completed, in accordance with the approved details, in the first planting and seeding seasons following the issue of this landscape scheme approval unless otherwise agreed in writing. Any trees or plants removed, dying, being severely damaged or becoming seriously diseased, within 5 years of planting shall be replaced in the following planting season by trees or plants of a size and species similar to those originally required to be planted.

REASON: To make sure that a satisfactory landscaping scheme for the development is agreed in accordance with policy CS2 and CS13

7. Notwithstanding condition 2, before first use of the relocated MUGA a **scheme for the fencing and surfacing** of the new MUGA shall have been submitted to and approved in writing by the Local Planning Authority. The approved fencing and surfacing shall be retained in the form agreed whilst the MUGA is in use.

REASON: The MUGA is to be relocated closer to existing housing and there is the potential for increased noise due to balls hitting the fencing. Fencing

	which minimises noise and vibration from ball impact will ensure that there is no material increase in noise and compliance with Development Plan policy CS2. Additionally, the relocated MUGA is smaller in size than the existing facility and it is important that is of higher quality to ensure compliance with Development Plan policy CS15 and the advice within the NPPF.
8.	Prior to closure of the existing MUGA the new MUGA shall be constructed, made available for use and open to members of the public.
	REASON: ensure that equivalent sports provision is made in accordance with Development Plan policy CS15 and paragraph 97 of the National Planning Policy Framework.
9.	The cemetery and access road shall be regularly <b>maintained</b> in accordance with the details set out within the Landscape and Ecological management and Maintenance Plan September 2019 submitted with the application.
	REASON: To ensure that the cemetery is managed to ensure its visual character and ecological benefits are retained to ensure compliance with Development Plan policies CS2, CS11 and CS13.
10.	Before first use of the cemetery a <b>scheme for the installation of bat and bird boxes, log piles and other habitat creation measures</b> as outlined within the Biodiversity Audit Brief ref 19-5227 has been submitted to and approved in writing by the Local Planning Authority. The measures shall be installed and thereafter so retained.
	REASON: To ensure that ecological compensation measures are secured in compliance with Development Plan policy CS13.
11.	The development shall be carried out in accordance with the mitigation measures outlined within the <b>PEA mitigation Brief</b> 19-5227 and dated September 2019.
	REASON: to ensure that impacts on biodiversity are mitigated and compliance with Development Plan policy CS13
12.	No use of the cemetery, access road, relocated MUGA or new parking area shall take place until <b>surface water drainage</b> to serve that element of the scheme has been constructed in accordance with the submitted drainage strategy and FRA has been completed and made available.
	REASON: To ensure there is no risk of flooding within the development or surrounding areas as a result of approved drainage detail not being implemented in a timely manner and to ensure compliance with development plan policies CS16 and CS19.
13.	Before first use of the cemetery details of any bins, benches, signage or other street furniture shall be submitted to and approved in writing by the

Local Planning authority. These details shall include materials, colour, finish and final locations. The street furniture provided shall thereafter be so retained in general conformity with this condition unless otherwise agreed in writing.

REASON: To ensure the cemetery protects the character of the surrounding area and complies with development Plan policy CS2.

14. Notwithstanding the Town and Country Planning (General Permitted Development) (England) Order 2015 as otherwise amended, There shall be no additional outdoor **Lighting** installed within the cemetery or replacement MUGA.

REASON: The cemetery adjoins open countryside where outdoor lighting could be harmful to visual amenity and biodiversity and this condition is to ensure compliance with Development Plan policy CS2. The replacement MUGA is close to residential properties where outdoor lighting could be harmful to amenity and cause conflict with Development Plan policy CS2.

Notwithstanding condition 2, prior to construction of the relocated MUGA a scheme for a **time restricted barrier** for the entrance to the car park shall be submitted to and approved in writing by the Local Planning Authority. The barrier shall be constructed and made available before the MUGA is opened for use and shall thereafter be so retained.

REASON: The MUGA is to be relocated closer to residential properties than the existing facility and can serve as an attraction to congregations of young people leading to noise particularly from vehicles. The erection of a barrier would prevent this from taking place outside normal hours of use for the sports facilities, allow greater policing of any antisocial behaviour and reducing impact on residents at quiet times.

No use of the cemetery shall take place until the **access arrangements** shown on Cemetery Development Services drawings CDS\_CHR\_NPT\_10 rev 02 and CDS\_CHR\_NPT\_11\_rev 04 have been provided and implemented in full. For the avoidance of doubt This shall include the installation of a 2m footway, retaining walling and a barrier fence to contain footballs.

REASON: To ensure that there is safe access and egress of the site for future users in the interests of highway safety and to ensure compliance with policies CS2 and CS18 and the NPPF.

17. The cemetery use shall not commence until such time as the **parking and turning facilities** shown on Cemetery Development Services drawings CDS\_CHR\_NPT\_10 rev 02 and CDS\_CHR\_NPT\_03\_rev 02 have been provided and implemented in full. These parking spaces shall thereafter be so retained.

REASON: ensure that adequate on street parking is provided in the interest

		of highway safety and to ensure compliance with policies CS2 and CS18 of the development plan and paragraph 109 of the National Planning Policy Framework.
until a scheme for the treatment of this right of way has been sand approved in writing by the Local Planning Authority. This sidetails of its management during construction, surfacing, structuand adjacent landscaping. The development shall the implemented in accordance with this scheme and so retained.  REASON: To ensure that there is no impact on the adjacent for		REASON: To ensure that there is no impact on the adjacent footpath which would makes its use unsafe in accordance with policy CS2 of the
	19.	Any historic or archaeological features not previously identified which are revealed when carrying out the development shall be retained in-situ and reported to the Local Planning authority in writing within 5 working days of their being revealed. Works shall be immediately halted in the area affected until provision has been made for the retention or recording of these in accordance with details which have first been submitted to and approved in writing by the Local Planning authority.  REASON: To ensure that any archaeological remains are appropriately preserved to ensure compliance with Development Plan policy CS13.

#### Schedule 1

Drawing	Reference	Revision	Author
Site Location Plan	NPT_01	05	CDS
Planning Layout	NPT_03	02	CDS
Drainage Layout	NPT_04	02	CDS
Combined Utilities	NPT_09	02	CDS
Tree Survey	NPT_12	01	CDS
Planting Plan	NPT_13	01	CDS
Public Access Plan	NPT_17	01	CDS
Dynamo FC Plan	NPT_52	03	CDS
Proposed Access Roadway & Car Park	NPT_10	02	CDS
Proposed Access Roadway	NPT_11	04	CDS
Relocated MUGA details	NPT_78	01	CDS
Sports facility Plan	NPT_51	01	CDS
Planting schedules	NPT_15	00	CDS
Sportsground car park planting	NPT_14	00	CDS

The following advice note should be attached to the decision:

1. Planning permission has been granted for this development because the Council has determined that, although representations have been received against the proposal, it is generally in accord with the terms of the above-mentioned policies and, therefore, no harm would arise such as to warrant refusal of planning permission.

