

PLANNING APPLICATION REPORT

Case Officer: Bryony Hanlon

Parish: Ivybridge **Ward:** Ivybridge West

Application No: 2264/22/FUL

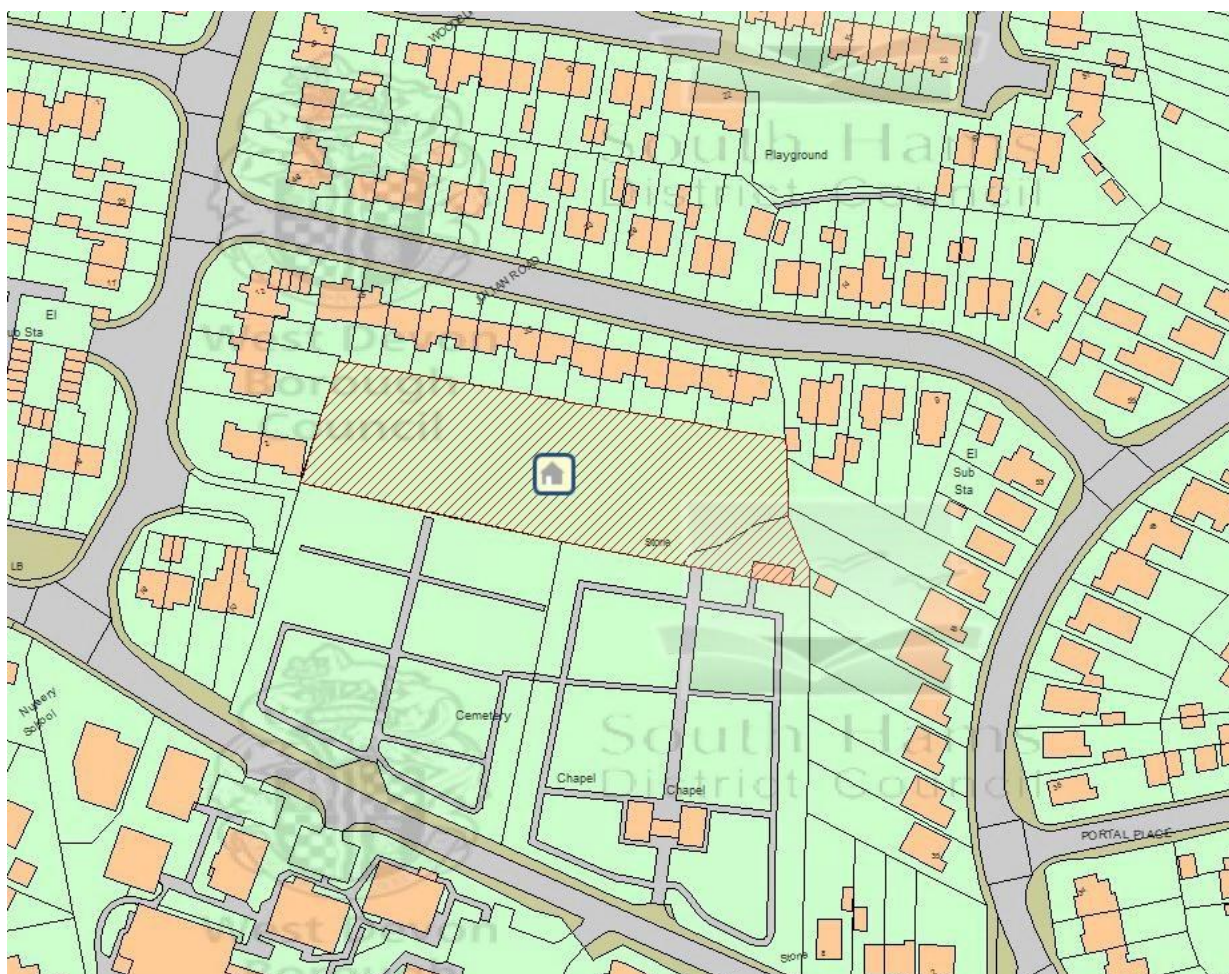
Agent:

Mr Keith Rennells
ParkLife South West CIC
24 Lower Drive
Dawlish
EX7 0AT

Applicant:

Mr Rob Sekula
South Hams District Council
Follaton House
Plymouth Road
Totnes
TQ9 5NE

Site Address: Cemetery, Woodland Road, Ivybridge, PL21 9HG



Development: Proposed extension of existing cemetery

Reason item is being put before Committee: South Hams District Council are the applicant.

Recommendation: Conditional approval

N.B. At the time of writing the report, the public consultation period had not yet expired, nor had the applicant accepted the wording of a pre-commencement condition relating to tree protection measures. The Case Officer will provide a verbal update to Committee Members at the start of the presentation.

Conditions:

1. Time limit
2. Accord with plans
3. Tree protection plan (pre-commencement)
4. Siting of burials
5. Accord with ecological mitigation

Key issues for consideration:

Principle of development, protection of public health and amenity, design, heritage, biodiversity (including trees).

Site Description:

The site is located within a well-established residential area of Ivybridge, directly adjacent to Ivybridge Cemetery. The site comprises a c. 0.35 hectare rectangular plot at the north end of the Cemetery; pedestrian access is provided via a metal gate leading from the western side of the Cemetery. The area is covered by rough grass, with mature planting on the southern boundary and large trees in the south east corner. At the time of the site visit, additional tree planting had taken place on the northern and eastern boundaries of the site.

The Proposal:

The applicant wishes to extend the Cemetery and convert the existing open space to a burial ground, for both burials and the interment of ashes. Some landscaping works have been undertaken on the site; further levelling and seeding will take place before the area is brought into use for burials. Access will be provided by a 2m wide rolled stone path, arranged in a circuit around the site. Signage, benches and bins will be provided at suitable points across the site.

Consultations:

- | | |
|--------------------------------|-----------------------------------|
| • County Highways Authority | No highways implication |
| • Environmental Health Section | No objection |
| • Town Council | Support |
| • Environment Agency | No objection subject to condition |
| • SHDC Tree Officer | No objection subject to condition |

Representations:**Representations from Residents**

One letter has been received and includes the following points:

- Reference the trees at the rear of our property in Cleeve Drive, would it be possible for the remaining trees on the boundary bank of our garden/ proposed cemetery to be removed, as they are of considerable height towering over the end of our garden, and we have concerns of them falling in high winds onto the shed, greenhouse, and fencing. Also the top of the garden is losing natural light during the summer months.

Relevant Planning History

None recorded.

ANALYSIS

Principle of Development/Sustainability

The site is located within the built form of Ivybridge and is directly adjacent to the existing Cemetery on land that has historically been earmarked for the purpose. The Cemetery and the Mortuary Chapel building first appear on the Ordnance Survey maps of 1904; the Chapel is well maintained and is still used today. As such, the Chapel and Cemetery are together considered a Non-Designated Heritage Asset. The proposal to extend the burial area does not require significant physical works or the removal of well established, visually prominent trees. The layout of the additional burial ground area continues the themes of the existing cemetery, supported by the provision of street furniture, such as benches, signage and bins. The Town Council have confirmed their support for the scheme. In this context, the proposal is considered to be appropriately sited and laid out such that it will appear sympathetic to the existing context, in accordance with the provisions of SPT1, SPT2, TTV1, TTV2, DEV20, DEV21, DEV23 and INP8.

Residential Health and Amenity

The Environment Agency have reviewed the application, as supported by a Geotechnical Report and advised that; "we have reviewed the Tier 1 Risk Assessment for Burial Grounds Report Ref. GD/SR/21119/T1RABG by Ruddlesden Geotechnical. We concur with recommendations in section 5.2 and the conclusions in section 5.3. In particular, we note that as a precaution burial plots will be kept 10m away from the eastern site boundary and it is likely that any contaminates in the groundwater would move towards the south east away from the historical abstraction point Ermewood Forge Well. We accept that, although there is a historical abstraction point within 250m of the site, given its distance from and relative location to the site, it is considered unlikely to be affected by the proposed cemetery extension". The EA have recommended a precautionary condition that sets out the restrictions on the siting of burials in order to protect the quality of controlled waters in the area; this approach has been supported by the LPA's Environmental Health Officer. On this basis, the proposal is considered to accord with the provisions of DEV1 and DEV2.

Trees

A resident in Cleeve Drive has requested that the trees in the south east corner of the site be removed, as they are shading the gardens of dwellings in Cleeve Drive and could fall onto sheds, greenhouses and fencing. While these comments are noted, the current proposal includes the retention of these trees in order to safeguard biodiversity and the visual amenity of the area. Concerns regarding loss of light to part of the garden during the summer months and the potential for the tree to fall on garden outbuildings are not considered sufficient grounds for the removal of trees in this instance.

The SHDC Tree Officer has reviewed the proposal and has confirmed that there are "no significant arboricultural features present on or off site that may bear potential to act as material constraints to the application on strictly arboricultural merit. I note a target note on the layout plan in relation to Root Protection Areas but cannot see this expanded upon elsewhere. There is however clear scope for the use given the open grassed sward and absence of trees other than in the South Eastern corner on strictly arboricultural merit. A Tree Protection Plan is required to be submitted for review prior to any commencement on site". This condition is necessary to protect the trees during and post groundworks such that no long term detriment to their health is likely to arise and in the interests of preserving the visual amenities of the area. This condition must be discharged prior to commencement of development; appropriate safeguards must be in place prior to any construction works being undertaken on the site, including demolition or earthworks, as these may impact on root systems and damage the existing vegetation. The condition was still with the applicant for their consideration at the time the report was written. On the basis that the applicant accepts the wording of the condition, the proposal is considered to accord with the provisions of DEV28.

Biodiversity

The applicant has provided a Preliminary Ecological Appraisal to confirm that there are no ecological constraints to development on the site. The Appraisal contains a number of precautionary recommendations in order to safeguard the interests of protected species and it is considered appropriate to secure these through condition. On this basis, the proposal is considered to accord with the provisions of DEV26

Highways/Access

The scheme does not include any alterations to the existing access or parking arrangements and the DCC Highways Engineer has confirmed that there are no additional highways implications associated with the proposal. As such, it is not considered that the proposal will result in an increased risk to highways safety and the proposal accord with the provisions of DEV29.

Conclusion

The site is located adjacent to the existing Cemetery and provides a logical extension, with appropriate landscaping and safeguards to protect public health and amenity. On balance, the proposal is considered acceptable and it is therefore recommended that the application be granted conditional approval.

This application has been considered in accordance with Section 38 of the Planning & Compulsory Purchase Act 2004.

Planning Policy

Relevant policy framework

Section 70 of the 1990 Town and Country Planning Act requires that regard be had to the development plan, any local finance and any other material considerations. Section 38(6) of the 2004 Planning and Compensation Act requires that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise. For the purposes of decision making, as of 26 March 2019, the Plymouth & South West Devon Joint Local Plan 2014 - 2034 is now part of the development plan for Plymouth City Council, South Hams District Council and West Devon Borough Council (other than parts of South Hams and West Devon within Dartmoor National Park).

The relevant development plan policies are set out below:

The Plymouth & South West Devon Joint Local Plan was adopted by South Hams District Council on 21 March 2019 and West Devon Borough Council on 26 March 2019.

SPT1 Delivering sustainable development
SPT2 Sustainable linked neighbourhoods and sustainable rural communities
SPT9 Strategic principles for transport planning and strategy
SPT10 Balanced transport strategy for growth and healthy and sustainable communities
SPT11 Strategic approach to the Historic environment
SPT12 Strategic approach to the natural environment
TTV1 Prioritising growth through a hierarchy of sustainable settlements
TTV2 Delivering sustainable development in the Thriving Towns and Villages Policy Area
DEV1 Protecting health and amenity
DEV2 Air, water, soil, noise, land and light
DEV20 Place shaping and the quality of the built environment
DEV21 Development affecting the historic environment
DEV23 Landscape character
DEV26 Protecting and enhancing biodiversity and geological conservation
DEV28 Trees, woodlands and hedgerows
DEV29 Specific provisions relating to transport
DEV31 Waste management
DEV32 Delivering low carbon development

Neighbourhood Plan

Following a successful referendum, the Ivybridge Neighbourhood Plan was made at Executive Committee on 7 December 2017. It now forms part of the Development Plan for South Hams District and is used when determining planning applications within the Ivybridge Neighbourhood Area.

It is not considered that the proposal conflicts with the policies below;

POLICY INP7: Traffic and Movement

POLICY INP8: Historic and Natural Environment

Other material considerations include the policies of the National Planning Policy Framework (NPPF) and guidance within the Planning Practice Guidance (PPG). Additionally, the following planning documents are also material considerations in the determination of the application: Plymouth and South West Devon Joint Local Plan Supplementary Planning Document 2020.

Considerations under Human Rights Act 1998 and Equalities Act 2010

The provisions of the Human Rights Act 1998 and Equalities Act 2010 have been taken into account in reaching the recommendation contained in this report.

Conditions

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.

Reason: To comply with Section 91 of the Town and Country Planning Act, 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved shall in all respects accord strictly with drawing numbers;

Site Location Plan 27/507-01

Received by the Local Planning Authority on 19 July 2022

Proposed Layout 17277 202 Rev P3

Received by the Local Planning Authority on 21 July 2022

Reason: To ensure that the proposed development is carried out in accordance with the drawings forming part of the application to which this approval relates.

3. Prior to commencement of works, a Tree Protection Plan, prepared in accordance with BS5837, shall be submitted to the LPA and approved in writing. The development shall be undertaken in accordance with those details as approved; the event that it is not possible to do so all work shall immediately cease and not recommence until such time as an alternative strategy has been agreed in writing with the LPA.

Reason: This condition is necessary to protect the trees during and post groundworks such that no long term detriment to their health is likely to arise and in the interests of preserving the visual amenities of the area. This condition must be discharged prior to commencement of development; appropriate safeguards must be in place prior to any construction works being undertaken on the site, including demolition or earthworks, as these may impact on root systems and damage the existing vegetation.

4. All burials in the cemetery shall be:

- A minimum of 250m from any potable groundwater supply source located on the south and east side of the site;

- A minimum of 30m from a watercourse or spring;

- A minimum of 10m distance from field drains; and

- Not in standing water and the base of the grave must be above the local water table.

Reason: To protect the quality of controlled waters in the local area.

5. The recommendations, mitigation and enhancement measures of the Ecological Report, by Burton Reid Associates dated July 2021, shall be fully implemented prior to the commencement of the use hereby approved and adhered to at all times. In the event that it is not possible to do so all work shall immediately cease and not recommence until such time as an alternative strategy has been agreed in writing with the local planning authority.

Reason: To safeguard the interests of protected species.