

Committee Report**Date: 07.09.2022**

Item Number	02
Application Number	21/01454/FUL
Proposal	Change of use of land to natural human burial ground and agriculture (sui generis), with siting of a storage container (retrospective) for ancillary storage, and formation of carpark.
Location	Helmsdeep Long Lane Barnacre With Bonds Preston Lancashire PR3 1RN
Applicant	Mrs Susan Gutierrez
Correspondence Address	c/o Mrs Susan Gutierrez-Inostroza Helms Deep Long Lane Barnacre, GARSTANG Preston PR3 1RN
Recommendation	Permit

REPORT OF THE HEAD OF PLANNING SERVICES**CASE OFFICER - Miss Lucy Lowcock**

Site Notice Date: 25.5.22

Press Notice Date: 13.4.22

1.0 INTRODUCTION

1.1 This application is brought before Planning Committee at the request of Councillor J Ibison. A site visit is recommended to enable Members to understand the proposal and its setting beyond the plans submitted.

2.0 SITE DESCRIPTION AND LOCATION

2.1 The application site is located on the southern side of Long Lane in Barnacre. The application site amounts to just under 1ha of land. The site is located in open countryside outside of a settlement boundary and is in an SSSI impact risk zone. The Forest of Bowland AONB is part of the wider countryside to the east.

2.2 The site is accessed off Long Lane, which is lined with hedges and mature trees. There is a field gate with hardstanding to the access. There is a gravel track within the field that leads to some outbuildings. The site comprises grassland with fences and tree planting. There is a wind turbine on the wider land. Beyond the southern boundary of the site is a Public Right of Way. There are a number of buildings and temporary structures to the west of the vehicular access to the site. To the eastern side of the site, close to the access, is a storage container that is well screened by vegetation. Beyond the application site to the east is a horse racing training track.

2.3 There is an enforcement notice relating to land at Helmsdeep, in relation to the siting of the storage container, and the siting of a mobile home/static caravan. This was dismissed at appeal (see planning history below).

3.0 THE PROPOSAL

3.1 This application is for a human burial ground on just under 1ha of land, which will have the dual purpose of being grazed by livestock. The existing access from Long Lane would be used. Adjacent to this a carpark is proposed, shown to have 15 parking spaces, one being for a larger vehicle, and cycle parking. A track would lead to the area for the burial ground. This is stated to be an 'unmade access track' and is shown to be 5m wide. There is an existing storage container close to the entrance, which is subject to an enforcement notice. However, this current application proposes the siting of a storage container for ancillary storage to the burial ground. This is shown to be approximately 12m by 3m, and a height of 2.9m.

3.2 The burial ground would use memorial trees and would accommodate approximately 1638 burial plots. Also, flat stone markers would be laid for the identification of some of the plots. The design and access statement states that it is expected that there will be one burial per month and limited to 2 per day.

4.0 RELEVANT PLANNING HISTORY

4.1 20/00067/FULMAJ -Change of use of land to be used for natural human burial ground (sui generis) and agriculture- Refused (Appeal dismissed Appeal Ref: APP/U2370/W/21/3271325)

4.2 Appeal Ref: APP/U2370/C/18/3205129 - The breach of planning control as alleged in the notice is the material change of use of the land from mixed use for agriculture and wind turbine energy generation through the erection of one wind turbine in accordance with planning permission 11/00286/FUL to a mixed use comprising agriculture, wind turbine generation through the erection of one wind turbine in accordance with planning permission 11/00286/FUL, the siting of a container for storage purposes, and the siting of a mobile home/static caravan for residential purposes, together with the installation of (i) a wooden shed and (ii) a septic tank, both (i) and (ii) associated with the aforesaid siting of a mobile home/static caravan for residential purposes.
Appeal dismissed and the enforcement notice upheld with variations

4.3 15/00590/COUQ- Prior notification for the conversion of existing barn into a 3 bedroom single storey dwelling (under class Q of the GDPO) - Prior approval refused

4.4 15/00034/FUL - Erection of temporary caravan for agricultural workers dwelling for 3 years -
Refused

4.5 15/00167/MB - Prior approval for the conversion of agricultural building to residential dwelling (under use class MB) - Prior Approval Refused

4.6 13/00309/FULMAJ - Creation of a natural human burial ground and associated car park, utilising existing access of long lane - Approved

4.7 09/00366/FUL - Retrospective application for the temporary retention of a caravan for occasional, equestrian use for three years and change of use from private to commercial use of site - Refused

4.8 08/00380/FUL - Erection of temporary agricultural workers dwelling - Refused allowed at appeal 26.3.2010. Subject to 3 years pp and not to be used until the agricultural building approved under 07/00585 has been completed.

4.9 07/00585/FUL - Agricultural livestock (Alpacas) Building- Approved

4.10 05/00800/FUL - Proposed change of use of land from agricultural use to the rearing and grazing of rare breed animals and equestrian uses for leisure purposes - Refused

5.0 PLANNING POLICY

5.1 ADOPTED WYRE BOROUGH LOCAL PLAN

5.1.1 The Wyre Local Plan 2011-2031 (WLP31) was adopted on 28 February 2019 and forms the development plan for Wyre. To the extent that development plan policies are material to the application, and in accordance with the provisions of section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 the decision must be taken in accordance with the development plan unless there are material considerations that indicate otherwise.

5.1.2 The following policies contained within the WLP 2031 are of most relevance:

- SP1 Development strategy
- SP2 Sustainable development
- SP4 Countryside areas
- SP5 Forest of Bowland AONB
- CDMP1 Environmental protection
- CDMP2 Flood risk and surface water management
- CDMP3 Design
- CDMP4 Environmental assets
- CDMP6 Accessibility and transport
- EP8 Rural economy

5.2 EMERGING LOCAL PLAN PARTIAL REVIEW

5.2.1 A Publication version of the Wyre Local Plan Partial Review underwent a public consultation between 30 November 2021 and 18 January 2022. The Submission draft Wyre Local Plan Partial Review 2011-2031 (WLPPR31) was approved for submission to the Secretary of State for examination on 15 April 2022 and approved for Development Management purposes. Presently the Submission draft WLPPR31 forms a material consideration of limited weight in the consideration of planning applications.

5.3 NATIONAL PLANNING POLICY FRAMEWORK 2021

5.3.1 The revised National Planning Policy Framework (NPPF) was published by the Government on 20th July 2021. It sets out the planning policies for England and

how these should be applied in the determination of planning applications and the preparation of development plans. At the heart of the NPPF is a presumption in favour of sustainable development (paragraph 11). The policies in the 2021 NPPF are material considerations which should also be taken into account for the purposes of decision taking.

5.3.2 The following sections / policies set out within the NPPF are of most relevance:

- Section 2. Achieving sustainable development
- Section 6. Building a strong, competitive economy
- Section 9. Promoting sustainable transport
- Section 12. Achieving well-designed places
- Section 14. Meeting the challenge of climate change, flooding and coastal change
- Section 15. Conserving and enhancing the natural environment

OTHER MATERIAL CONSIDERATIONS

5.4 The National Planning Policy Guidance (NPPG)- Water supply, wastewater and water quality

6.0 CONSULTATION RESPONSES

6.1 BARNACRE PARISH COUNCIL - objects on traffic, risk to ground water, carpark too small, if permitted - times for burials should be limited.

6.2 GMEU - no objection. Request a landscaping plan, through condition. There is a small risk that amphibians and/or reptiles could be harmed during the laying out of the site or during burial preparations. A method statement giving details of measures which would avoid any risk of harm to amphibians and reptiles has been provided at section 5.15 of the ecology report (Bowland Ecology 2019). The implementation of this method statement should be required by means of a Condition placed on any permission granted.

6.3 LANCASHIRE COUNTY COUNCIL LEAD LOCAL FLOOD AUTHORITY - objects because no Flood Risk Assessment.

6.4 LANCASHIRE COUNTY COUNCIL HIGHWAYS - no objections. Require conditions on turning, access paving, a S184 Agreement and marking out of the parking.

6.5 LANCASHIRE COUNTY COUNCIL PUBLIC RIGHT OF WAY OFFICER - no comments received.

6.6 NATURAL ENGLAND - no objection

6.7 THE ENVIRONMENT AGENCY - no objection

6.8 THE RAMBLERS - no comments received

6.9 WYRE COUNCIL HEAD OF PUBLIC REALM DEVELOPMENT AND ENVIRONMENTAL SUSTAINABILITY (COUNTRYSIDE SERVICES) - no comments received

6.10 WYRE COUNCIL HEAD OF ENGINEERING SERVICES (DRAINAGE) - objects as carpark and access road are over mains sewer, and a private sewer through the burial site.

6.11 WYRE COUNCIL HEAD OF PUBLIC REALM DEVELOPMENT AND ENVIRONMENTAL SUSTAINABILITY(TREE OFFICER) - advice providing additional width distance from parking spaces to mature oaks, to avoid compaction issues.

7.0 REPRESENTATIONS

7.1 None received

8.0 CONTACTS WITH APPLICANT/AGENT

8.1 Revised location and site plans 15/8/22.

8.2 Provided additional information on groundwater 29/6/22. Extension of Time has been agreed to the 9th September 2022.

9.0 ISSUES

9.1 The main issues in this application are as follows:

- Principle of development
- Visual impact
- Impact on the residential amenity
- Impact on Highways/Parking
- Flood Risk and Drainage
- Trees
- Ecology

Principle of Development

9.2 The site is in the countryside outside of a settlement boundary. Policy SP1 of the Local Plan directs development to within the settlement boundaries. Policy SP4 sets out exceptions for development in the countryside. The proposed burial ground and carpark does not meet any of the exceptions set out in this Policy.

9.2.1 Planning application no. 20/00067/FULMAJ for the same development proposal was refused, including the reason; 'The application site is in the countryside, which is protected for its open and rural character, and the proposal has not been evidenced to meet any of the exceptions for development in the countryside set out in Policies SP4 and EP8 of the Adopted Wyre Local Plan. The proposal has therefore not been justified as requiring a countryside location and would represent an unacceptable and unnecessary encroachment/projection into the countryside area and reduce the openness of the countryside. Regard has been given to the benefits of the scheme and the aims of the NPPF to support a prosperous rural economy (paragraphs 83 and 84), however these do not amount to material planning considerations which outweigh the harm caused by the development plan conflict. This would be contrary to Policies SP1, SP4 and EP8 of the Adopted Wyre Local Plan and the overarching aims and objectives of the NPPF in achieving sustainable development'. That decision was considered at appeal, and the Planning Inspector

assessed that on this matter the application was acceptable. It was stated by the Inspector 'the extent of open land required to create a large woodland burial ground such as this is likely to require a site outside of existing settlement boundaries. In this regard, I note that the other woodland burial sites that have been highlighted in the region are in similarly rural locations. Moreover, paragraph 149 b) of the Framework states that cemeteries and burial grounds are not inappropriate development in the Green Belt, so long as the proposed facilities preserve openness. In this regard, there is no guarantee that a Green Belt location would be more sustainably located given the extent of Green Belt land across the wider catchment area'. It was concluded that although the proposal would be 'at odds with Policies SP1, SP4 and EP8 of the Wyre Local Plan (2019) in relation to development in the countryside areas' that based on the circumstances of the case the development location would be appropriate. As previous planning decisions are a material planning consideration, and there have been no changes to the development proposal or a change in circumstances in relation to the burial ground, since the date of determination of the appeal (22 June 2021), this consideration in this particular case, indicates that the Local Plan should not be followed. This is in accordance with paragraph 12 of the NPPF, which states Local Planning Authorities may take decisions that depart from an up-to-date Local Plan, where material considerations indicate the plan should not be followed. A condition can be used to restrict the use to that which is described in this application.

9.2.2 An additional proposal on this current application is the siting of a storage container for ancillary storage. This has been stated in the supporting information to be for machinery, including 'small tractor, toppler, chain harrow, ATV, trailer, chain saw, safety equipment, fencing including fencing posts and sheep netting'. As it is considered that the principle of the change of use of the land should be granted planning permission, it is reasonable that some equipment will be required in the operations on the land and that storage facilities are required for this. The scale of the storage proposed is ancillary to the scale of the main use. This is therefore acceptable in principle. A condition will be required that the storage only be used in association with the burial ground use, as other uses may not be appropriate in this countryside location.

9.2.3 Policy SP2 of the Local Plan requires sustainable development. The relevant matters in this case include, facilitating economic growth in the rural areas, ensuring accessible places and minimising the need to travel by car, and protecting and enhancing biodiversity and landscape assets. This proposal would generate an economic income, as shown in projected financial information. Matters on biodiversity and the landscape are discussed below. In terms of accessibility, the site is in the countryside outside of a settlement boundary and is located on a country road without footpaths or street-lighting. Garstang is around 2 miles away and the smaller settlement of Calder Vale is around 0.8 miles away. The development would involve persons accessing the site for burial ceremonies and visiting the graves. The Adopted Local Plan directs development to the settlements in Policy SP1, and Policy CDMP6 encourages access on foot, by bicycle and public transport and to reduce car reliance. The site has poor accessibility, other than by car. On the matter of accessibility, the Planning Inspector on the abovementioned appeal decision, assessed the proposal to be acceptable. It was stated that 'the development would be accessed mainly by people attending burial ceremonies and those visiting graves. However, these ceremonies would be relatively infrequent, and I note that it is envisaged that burials would take place around once a month. Moreover, given that this type of use is likely to require a rural location, a less accessible site is to be expected to some extent. I further note that the Council did not raise this concern in its approval of a similar permission at this site in 2013 (Ref 13/00309/FULMAJ)'. On

this basis, the site was concluded to be a suitable location for the development. Taking into account the material consideration of this previous decision, it directs that the location should be considered suitable for the development in this case. A condition can be used to require an electric vehicle charging point scheme and cycle storage facilities, in accordance with Policy CDMP6 of the Local Plan.

Visual impact

9.3 The site is in the open countryside outside of a settlement boundary. The AONB is around 190m away to the east. The change of use of the land for burials would not be anticipated to have unacceptable visual impacts, however, some physical development is proposed in conjunction with the use. Each burial plot could have a planted tree and/or a stone marker laid flat on the ground. It is not considered that these would be visually intrusive, as the tree planting would fit in with the rest of the landscape, and the markers would be flat on the ground and screened by surrounding grass and vegetation. The Council's Members have also identified tree planting as one way to tackle Wyre's climate change agenda and this would in turn satisfy sub section 6 of policy SP2 (how a development responds to climate change). A condition would be required for the details of these markers to be agreed, including their materials and dimensions. Conditions would also be required that no external lighting, or other monuments or structures be erected at the site to mark the graves, which could be visually obtrusive.

9.3.1 The plans show a carpark measuring 26.5m by 26.8m is proposed off the site entrance. There is a hedgerow and some trees along the road boundary, with a field gate to the entrance. A carpark of this size, set in an isolated location next to a country road is not characteristic of the rural appearance of the area. Visual harm from the carpark was a refusal reason on the previous planning application. The refusal reason stated 'the application site is on open agricultural land, separate from existing development or built form. The provision of the car parking and track in this location, would lead to an unacceptable visual encroachment into the designated countryside area. This encroachment would be injurious to the visual amenities and open/rural character and appearance of the countryside area. It would be visually isolated and obtrusive, and of a scale and nature that would be visually detrimental to the rural character of the area. Therefore it would not comply with the provisions of Policies SP4, EP8 and CDMP3 of the Adopted Wyre Local Plan, and the provisions set out within the NPPF'. On this matter, the Planning Inspector in the appeal decision set out that there would not be harm to the rural character from the 'relatively small parking area'. Taking into account this previous decision as a material consideration, is it considered that the visual impacts of the proposal would not outweigh this consideration. It may be possible to mitigate some of the impacts through the uses of 'grass-crete' and some bolstered landscaping, the details of which can be agreed through a landscaping condition.

9.3.2 There is an existing storage container in place, which does not have planning permission and is subject to an enforcement notice. The container has been in place for a relatively long time and is significantly enclosed by vegetation. Based on the relatively low height of the container at 2.9m, it will not stand out as obtrusive in the wider area, therefore it is not considered that there would be unacceptable visual harm from this aspect of the proposal. A condition can be used that no external lighting is installed, and that there is no external storage, so as to protect the visual amenity of the area.

Impact on the Residential Amenity

9.4 The proposal would be around 170m away from the nearest residential neighbour outside of the applicant's ownership. Given the separation distances involved and the nature of the proposal, disturbance is unlikely. The operating hours are stated to be 'unknown' on the application form. Persons may wish to visit graves at different times and it is not considered that this would cause unacceptable noise or disturbance.

Impact on Highways/Parking

9.5 The proposal would use an existing access onto Long Lane and provide a new carpark. Lancashire County Council Highways have been consulted on the application and have not raised objections. Conditions have been requested about the marking out of the parking, provision of the turning and paving the access from the road. These are all considered reasonable and necessary. A S184 would be required. This is a separate highways agreement and therefore should not be dealt with through a planning condition, however, an informative could be added about this. Based on the professional highways advice, the proposal is considered to be acceptable in relation to highway safety, parking and traffic generation on the local highway network.

Flood Risk and Drainage

9.6 The application site is in Flood Zone 1. As the site area is less than 1Ha a Flood Risk Assessment (FRA) is not required. The LLFA object to the lack of FRA, however, this is because the application type was originally recorded as a major planning application. The council's drainage engineer and the Environment Agency have no objections on flood risk grounds. Also, sequential/exception tests are not required in Flood Zone 1. Therefore, the proposal is acceptable in relation to flood risk.

9.6.1 The carpark surfacing and surface water run-off from it would need to be agreed, therefore a condition would be required to agree surface water drainage details in line with the drainage hierarchy outlined in Policy CDMP2 of the Wyre Local Plan.

9.6.2 The council's drainage engineer has been consulted on the application and objects due to mains sewers and private drains running through the site. Any required easements in relation to the mains sewers will be a matter to be addressed with United Utilities. On the previous planning application, United Utilities raised points about an easement and their assets. This is a private matter between the parties involved, however, an informative can be added about this. It is not a reason to refuse the application. The same applies with private drainage.

Trees

9.7 There are trees adjacent to the proposed car parking area. The council's tree officer has been consulted on the application and advises 'providing additional width distance from parking spaces to mature oaks, to avoid compaction issues'. The location and site plans have been revised to show the car parking at an acceptable distance from the trees. A condition would be required for the details of tree protection measures during construction to be agreed.

Ecology

9.8 The site is in an SSSI risk zone. An ecological assessment from August 2019 has been provided. Natural England have no objections. GMEU have been consulted and they recommend a condition about the mitigation for great crested newts as proposed in the submitted ecological assessment. This would be appropriate. Landscaping/natural planting could be provided to provide some ecology benefits and could be agreed through a condition. Also, it is considered appropriate in order to protect bats, that a condition be added to any permission granted that no external lighting is erected without planning permission. No vegetation removal is proposed. An informative could be added about protected species as a precaution.

9.8.1 The Environment Agency have raised that the site falls on a Secondary A Aquifer. They objected to the original submission stating 'applicants must provide adequate information to demonstrate that the risks posed by development to groundwater can be satisfactorily managed'. Further information has been provided by the applicant and The Environment Agency consider this to be satisfactory, removing their objection. Therefore, there are no concerns about impacts on water resources. Policy CDMP4 of the Adopted Local Plan states 'development which would have an unacceptable effect on the quality or yield of groundwater or surface water resources will not be permitted'. This is in accordance with the NPPF, which requires decisions to prevent new development contributing to unacceptable levels of water pollution. The proposal will meet these Policy requirements.

Other Issues

9.9 No comments have been received from the council's environmental health department on this application about contamination. However, on the previously refused application for the same development they requested a watching brief condition to be applied throughout the operation of the development. This would not be possible given that burial plots will need to be created over the lifetime of the proposal. Therefore, environmental protection agreed that this watching brief should apply for the construction of the carpark and an informative be added about unexpected contamination. It is reasonable that this approach be followed on this application, as there has been no change in circumstances.

9.9.1 There is a Public Right of Way further to the south of the application site. The Public Right of Way Officer at LCC and the Ramblers Association have been consulted on the application. No comments have been received. An impact on the PROW is unlikely given its distance from the site, however, an informative can be added about it.

10.0 CONCLUSION

10.1 The application site is in the countryside. The proposal for the change of use to a burial ground, with a carpark and track involves development that fails to comply with policies SP4 and EP8 of the Wyre Local Plan. Also, the site is in a poorly accessible location, so would be reliant on access via car. Visually, the proposed carpark and access track would be of a scale and nature that would impact on the rural character of the area. However, the material consideration of the appeal decision on application no. 20/00067/FULMAJ, which was for a burial ground with car parking, at the same site, is considered to outweigh the conflict with the development plan. Sufficient information has now been provided with the application on the potential impacts on groundwater, and based on the Environment Agency's agreement with this information, there are no unacceptable concerns in relation to ground water quality. Matters on neighbouring amenity, highway safety, drainage and

flooding, contamination and impact on the adjacent AONB have been assessed to be acceptable subject to conditions.

11.0 HUMAN RIGHTS ACT IMPLICATIONS

11.1 ARTICLE 8 - Right to respect the private and family life has been considered in coming to this recommendation.

11.2 ARTICLE 1 - of the First Protocol Protection of Property has been considered in coming to this recommendation.

12.0 RECOMMENDATION

12.1 Approve

Recommendation: Permit

Conditions: -

1. The development must be begun before the expiration of three years beginning with the date of this permission.

Reason: This condition is required to be imposed pursuant to 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 shall be carried out, except where modified by the conditions to this permission, in accordance with the Planning Application received by the Local Planning Authority on 23.3.22 including the following plans/documents:

- Proposed storage container elevations (received 5.1.22)
- Site plan 1:200 (received 15.8.22)
- Location plan (received 15.8.22)

The development shall be retained hereafter in accordance with this detail.

Reason: For the avoidance of doubt and so that the Local Planning Authority shall be satisfied as to the details.

3. No development shall take place until full details of both hard and soft landscaping works have been submitted to and approved in writing by the Local Planning Authority. These details shall include, areas of soft landscaping (including any retained trees, hedgerows and other planting and any replanted or transplanted hedgerows), hard surfaced areas and materials, planting plans specifications and schedules (including plant size, species and number/ densities), existing landscaping to be retained, and shall show how account has been taken of any underground services.

The landscaping works shall be carried out in accordance with the approved details prior to first use of any part of the development or otherwise in accordance with a programme agreed in writing by the Local Planning Authority and shall thereafter be retained and maintained.

Any trees or shrubs planted in accordance with this condition which are removed, uprooted, destroyed, die, or become severely damaged or seriously diseased within 7 years of planting, or any trees or shrubs planted as replacements shall be replaced within the next planting season by trees or shrubs of similar size and species to those originally required to be planted, unless the Local Planning Authority gives its written consent to any variation.

Reason: To ensure the site is satisfactorily landscaped in the interests of visual amenity and ecology in accordance with Policies CDMP3 and CDMP4 of the Wyre Local Plan (2011-31) and to ensure compliance with the Wildlife and Countryside Act 1981 and section 15 of the National Planning Policy Framework. The details are required to be approved prior to commencement of development to ensure landscaping is implemented at an appropriate time during the development.

4. Prior to the commencement of development, a Tree Protection Plan for the retained tree(s) shall be submitted to and approved in writing by the Local Planning Authority. This shall indicate the methods and positioning of tree protection measures such as ground protection (where necessary), Heras protective fencing and details of any specialist demolition or construction methods if appropriate.

The measures contained within the approved Tree Protection Plan with respect to those trees shown as being retained shall be implemented in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the Local Planning Authority.

In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars.

Reason: In order to protect trees from damage or loss in the interests of the amenity of the area in accordance with Policies CDMP3 and CDMP4 of the Wyre Local Plan (2011-31) and to ensure compliance with the Wildlife and Countryside Act 1981. The details are required to be approved prior to commencement of development to ensure timely tree protection measures are in place.

5. Prior to the commencement of development hereby approved, details of the location and appearance of cycle storage area(s) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details, prior to first use of any part of the approved development and thereafter maintained and retained.

Reason: In the interests of the appearance of the site and locality and to support sustainable transport, in accordance with Policies SP2, SP4, CDMP3 and CDMP6 of the Wyre Local Plan (2011-31). The condition is required to be approved prior to commencement of development to ensure that full details are provided, that have not been forthcoming with the application.

6. Prior to the commencement of development, a drainage scheme for the proposed car park, which shall detail measures for the attenuation and the disposal of surface waters, together with details of existing and proposed ground levels to achieve the drainage scheme, shall be submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme shall be in accordance

with the hierarchy of drainage options outlined in Policy CDMP2 of the Adopted Local Plan 2011-31 or any equivalent policy in an adopted Local Plan that replicates the existing Local Plan, with evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltrations rates to be submitted. For the avoidance of doubt, surface water must drain separate from the foul and unless otherwise agreed in writing by the Local Planning Authority, no surface water shall discharge to the public sewerage system either directly or indirectly.

No part of the development shall be brought into first use until the drainage works and levels have been completed in accordance with the approved scheme. Thereafter the agreed scheme shall be retained, managed and maintained in accordance with the approved details.

Reason: To promote sustainable development using appropriate drainage systems, in the interests of visual amenity in accordance with policies CDMP2 and CDMP3 of the Wyre Local Plan (2011-31) and the National Planning Policy Framework. The condition is required to be approved prior to commencement of development to ensure that full details are provided, that have not been forthcoming with the application, to ensure a suitable form of drainage is provided.

7. Prior to the first use of the development hereby approved, an electric vehicle recharging (EVCP) scheme shall be submitted and approved in writing by the Local Planning Authority, unless it is demonstrated that such provision of EVCP is not practical in communal parking areas or due to other identified site constraints. The use shall not be first implemented until the agreed electric vehicle recharging point scheme has been provided, and such electric vehicle recharging point/s shall be maintained and retained for that purpose thereafter.

Reason: To ensure the provision of appropriate on-site mitigation to compensate for the impact on air quality caused by the development in the surrounding area in accordance with Policy CDMP6 of the Wyre Local Plan (2011-31).

8. No development above ground level shall be commenced until details of the materials, appearance and dimensions to be used in the construction of the grave markers have first been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out using the approved details.

Reason: To safeguard the visual amenities of the locality and in accordance with Policy CDMP3 of the Wyre Local Plan (2011-31).

9. The development hereby approved shall be implemented in full accordance with the Ecological Appraisal submitted with the planning application [Bowland Ecology 2019 BOW17/1033] including all the mitigation measures set out in that report.

Reason: To ensure compliance with the Wildlife and Countryside Act 1981, Policy CDMP4 of the Wyre Local Plan (2011-31) and section 15 of the National Planning Policy Framework.

10. The development hereby approved shall not be brought into use until the parking/turning area(s) shown on the approved plan site plan 1:200 (received 15.8.22) has been laid out, surfaced and drained. The parking/turning area(s) shall thereafter be retained and maintained and not used for any purpose other than for the parking and manoeuvring of vehicles without express planning consent from the local planning authority first being obtained.

Reason: To ensure that adequate off road parking is provided and retained to serve the development in the interests of highway safety and in accordance with the provisions of Policy CDMP6 of the Wyre Local Plan (2011-31).

11. Before the access is used for vehicular purposes, that part of the access extending from the highway boundary for a minimum distance of 5m into the site shall be appropriately paved in tarmacadam, concrete, block pavements, or other approved materials.

Reasons: To prevent loose surface material from being carried on to the public highway thus causing a potential source of danger to other road users, to protect highway safety in accordance with Policy CDMP6 of the Adopted Local Plan.

12. Prior to the first use of the development hereby approved, the car parking and manoeuvring areas shall be marked out in accordance with the approved plan (site plan 1:200 (received 15.8.22)), and permanently maintained thereafter.

Reasons: To allow for the effective use of the parking areas, and to protect highway safety in accordance with Policy CDMP6 of the Adopted Local Plan.

13. A watching brief shall be undertaken during the course of the car park construction. The watching brief shall be undertaken by a suitably qualified person, with any significant contamination discovered reported immediately to the Local Planning Authority. The findings of the watching brief shall be reported in writing and submitted to and approved in writing by the Local Planning Authority prior to first use of the development.

Reason: In order to safeguard human health and the environment against potential contamination and in accordance with Policy CDMP1 of the Wyre Local Plan (2011-31).

14. The application site shall be used for a burial ground (sui generis) and agriculture only and for no other purpose.

Reason: The use of the site for any other purpose would require further consideration by the Local Planning Authority in accordance with Policies SP1, SP2, SP4 and EP8 of the Wyre Local Plan (2011-31).

15. The use of the storage container shall be restricted to purposes which are ancillary to the main use of the site being a burial ground (sui generis) and shall not be used as a separate unit or for any other use.

Reason: To prevent the over-development of the site in accordance with Policy CDMP3 of the Wyre Local Plan (2011-31).

16. No external lighting, monuments, furniture or structures shall be erected or sited on the land, nor shall there be any external storage of any machinery or equipment, within or around the application site without planning permission.

Reason: In the interests of the visual amenity of the area in accordance with Policies CDMP3 and SP4 of the Wyre Local Plan (2011-31).

Notes: -

1. The vehicular access, within the adopted highway fronting the property will need to be constructed under a section 184 agreement of the 1980 Highways Act (Vehicle crossings over footways and verges), The Highway Authority hereby reserves the right to provide the highway works within the highway associated with this proposal. Provision of the highway works includes design, procurement of the work by contract and supervision of the works. The applicant is advised to contact LCC Highways before works begin on site. Further information and advice can be found at www.lancashire.gov.uk and search for vehicle crossings and then fill in the information at "Get a vehicle crossing quotation".
2. The applicant should be aware of the following guidelines on groundwater: <https://www.gov.uk/government/publications/protecting-groundwater-from-human-burials/protecting-groundwater-from-human-burials>
3. It is an offence to disturb, harm or kill any species specifically protected under the Wildlife and Countryside Act 1981. In the event of any such species being unexpectedly encountered before and during site clearance or development work, then work shall stop immediately until specialist advice has been sought from a suitably qualified Ecologist regarding the need for additional survey(s), a license from Natural England and/or the implementation of necessary mitigation measures.
4. The presence of any significant contamination, which becomes evident during the development of the site, shall be brought to the attention of the Local Planning Authority.
5. It is the applicant's responsibility to demonstrate the exact relationship between any United Utilities' assets and the proposed development. United Utilities' offer a fully supported mapping service and recommend the applicant contact the Property Searches Team by telephoning 0870 751 0101 to obtain maps of the site. Due to the public sewer transfer, not all sewers are currently shown on the statutory sewer records, if a sewer is discovered during construction; please contact a Building Control Body to discuss the matter further.
6. The grant of planning permission does not authorise any closure, obstruction or diversion of a public right of way. Any proposed stopping-up or diversion of a public right of way should be the subject of an Order under the appropriate Act and Lancashire County Council should be contacted for advice in the first instance.