

<b>Agenda Item:</b>	5.2
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<b>Site:</b>	Uttoxeter Cemetery, Stafford Road, Uttoxeter, Staffordshire
<b>Proposal:</b>	Change of use from agricultural land to use as an extension to Uttoxeter Cemetery

### Report of Head of Service (Section 151 Officer)

This report has been checked on behalf of Legal Services by John Teasdale

### Hyperlink to Application Details

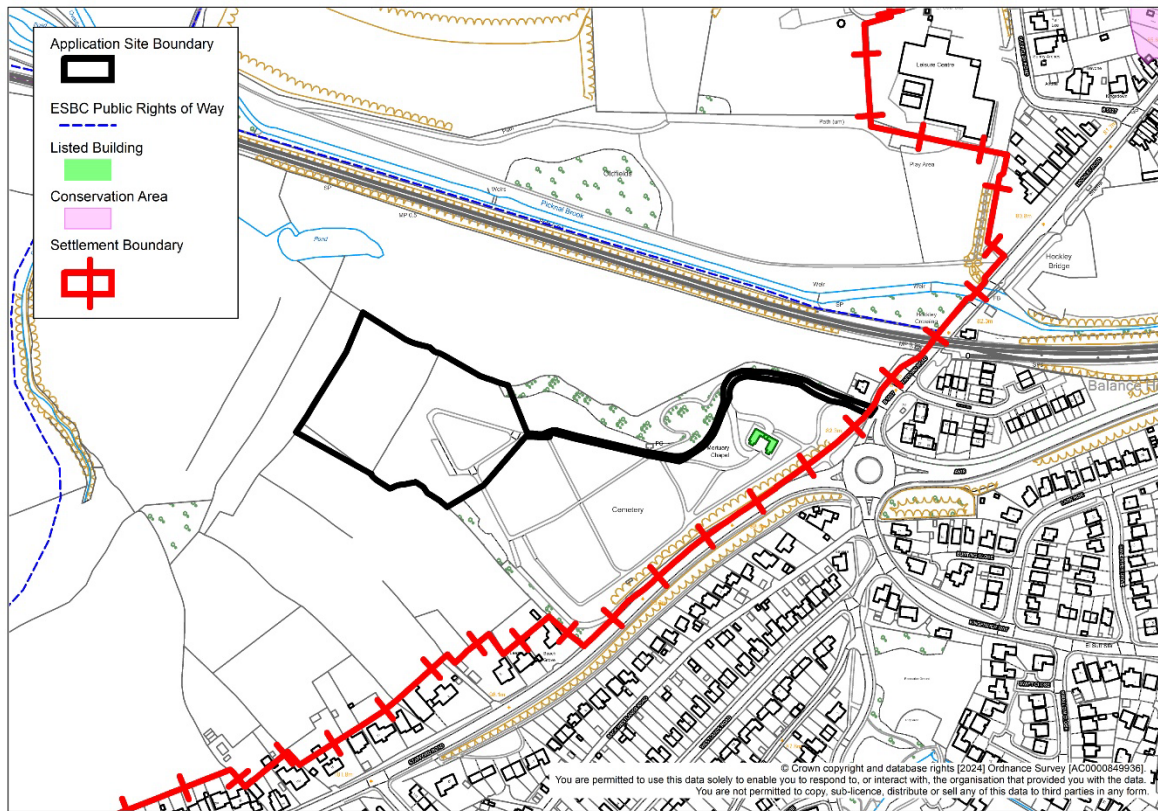
<b>Application Number:</b>	P/2022/00947	
<b>Planning Officer:</b>	Gary Shilton	
<b>Type of Application:</b>	Change of Use	
<b>Applicant:</b>	Uttoxeter Town Council	
<b>Ward:</b>	Town	
<b>Ward Member (s):</b>	Councillor G Allen	
	Councillor P Krupski	
<b>Date Registered:</b>	01/11/2022	
<b>Date Expires:</b>	28/02/2024 - time extension agreed to allow for the application to be reported to Planning Committee	
<b>Reason for being on Agenda</b>	Councillor P Krupski has requested the application be called into Planning Committee, essentially for the committee to consider the balance of the need for additional burial plots against relevant planning matters	
<b>Recommendation</b>	<b>Grant planning permission</b> , subject to conditions.	

## 1. Executive Summary

- 1.1 The application site presently comprises some 0.61 ha of agricultural land immediately to the north-west of Uttoxeter Cemetery on the north-western side of Stafford Road. The site is bounded by agricultural lands to the north, west and south. There are residential properties to the south-east fronting Stafford Road and the Derby to Stoke on Trent railway line lies further to the north. The land is outside settlement boundaries as defined in the Local Plan.

- 1.2 This is a full application for the change of use of the agricultural land to form a north-western extension to the existing cemetery burial ground with associated pathway/roadway and extension of the existing parking area. The scheme will utilise the existing vehicular and pedestrian access off Stafford Road and the existing cemetery chapel.
- 1.3 The principle of the development is considered acceptable for this outside of settlement location in terms of Local Plan and Neighbourhood Plan policies and would not result in the loss of the most versatile agricultural land. Further, the extension would appear as a logical addition to the cemetery and would not adversely impact on the character or appearance of the locality. The scheme would not impact negatively on any residential amenities.
- 1.4 The proposal would also not give rise to any detrimental impact on highway safety, nor subject to conditions, would the proposal be likely to result in pollution of ground water sources or adversely impact on flood risk.
- 1.5 The proposals would not have an adverse impact on archaeology subject to a mitigation condition and would not materially impact on above ground heritage assets given the nature of the development and the separation distances involved.
- 1.6 In terms of impacts on biodiversity and ecology, given that the proposal would result in the loss of an existing mature hedgerow, mature ash tree and grassland there will be a negative impact in the short term. However, the mitigation being proposed in the submission by way of a new hedgerow and tree planting and the formation of a wildflower and a memorial tree planting area within the existing cemetery means that subject to commensurate conditions the proposal would be likely to have a neutral impact on biodiversity in the long term.
- 1.7 Accordingly, It is therefore considered that on balance the submitted scheme would be compliant with the provisions and overall aims of the relevant development plan policies, supplementary planning documents and the National Planning Policy Framework
- 1.8 **Members are advised that the above is a brief summary of the complex proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies and the Officer's assessment, and Members are advised that this summary should be read in conjunction with the detailed report.**

## Map of site



## 2. The site description

- 2.1 Uttoxeter Cemetery is located off Stafford Road at the western periphery of the town and is accessed by vehicles and pedestrians from Stafford Road. The Cemetery is the responsibility of Uttoxeter Town Council (the applicant in this case).
- 2.2 The application site comprises a field area of 0.61 ha immediately to the north-west of Uttoxeter Cemetery. The site itself is uneven, sloping down towards the north and changing level to the east where it abuts the existing cemetery which is at a lower level.
- 2.3 The field is predominantly grassland which has been previously used as grazing for cattle and has been separated from the field to the south by a post and wire fence. The field is separated from the existing cemetery by a mature hedgerow with a mature Ash Tree located towards the northern end of the hedgerow. The north eastern and north western boundaries are formed of incomplete hedgerows with areas of relict (i.e. unmanaged) hedgerows.
- 2.4 To the north of the site is the Derby to Stoke on Trent railway line, with the Picknal Brook beyond, and to the south, south-west and west are agricultural lands. To the south-east lies Stafford Road with residential properties fronting on to it.

- 2.5 The nearest listed building is the Cemetery Chapel which is sited at the eastern corner of the cemetery and is Grade II Listed. Uttoxeter Town Conservation Area is sited approximately 535m to the north east of the site.
- 2.6 The site is situated within Flood Zone 1, which is at the lowest risk of flooding, however, the Picknal Brook is situated some 115m to the north of the site at a lower land level than the existing and proposed cemetery on the opposite side of the railway line.
- 2.7 The site is located outside of the settlement boundary of Uttoxeter as defined in the Local Plan.

### **3. Relevant Planning History**

- 3.1 There is no relevant planning history relating directly to the application site.

### **4. The Proposal**

- 4.1 Full planning permission is sought for the change of use of the agricultural land to form a north-western extension to the existing cemetery burial ground with associated pathway/roadway and additional parking area.
- 4.2 As part of the scheme for the provision of the additional burial plots a 2.5 metre wide access internal road/pathway would be formed around the site linking with the existing and an additional parking area (approx. 10 No. spaces) would be formed as an extension to the established area within the existing cemetery. The new pathways/car parking areas would have a tarmac finish.
- 4.3 The submissions show that the proposed development would result in the loss of grassland due to the construction of the internal road/pathway and parking area, along with approximately 100 metres of mature hedgerow and a mature ash tree. The hedgerow concerned forms the present common boundary between the existing cemetery and the application site (being field boundary hedge).
- 4.4 The proposed new planting consists of 6 No. trees and 1,751 No. hedgerow plants and an area of wildflower and memorial tree planting.
- 4.5 The Town Council in their supporting documentation point out that:
- Uttoxeter Cemetery is currently the only cemetery available for new burials in the town.
  - There are only 49 No. burial plots left within the Church of England section and 12 No. plots within the Roman Catholic Section which could provide a maximum of up to 5 years of capacity.
  - The proposed extension would provide an estimated 100 years of additional capacity

#### List of documentation

- 4.6 The following documents have been provided as part of the application:

- 1:1250 & 1:500 Location and Block Plan
- Phase 1 Geo-Environmental Desk Study Report
- Heritage Statement
- Preliminary Ecological Appraisal
- Method Statement and Reasonable Avoidance Measures (RAMS) for Great Crested Newts
- Levels Details (road/pathway cross section)
- Written Scheme of Investigation for Geophysical and Earthwork Survey

4.7 Members are advised that during the application process the Phase 1 Geo-Environmental Desk Study Report, an amended plan indicating proposed planting and a written scheme of Investigation and Earthwork Survey were supplementary submissions. A cross section of the road way and a method Statement for Reasonable Avoidance Measures (RAMS) were also provided.

4.8 Prior to the submission of the application the applicants had sought advice from the County Ecologist.

4.9 The relevant findings are dealt with in section 8 onwards below.

## 5. Consultation responses and representations

5.1 A summary of the consultation responses is set out below:

Statutory and non-statutory consultee		Response
5.2	SCC Highways	No objections to the proposal on highway grounds.
5.3	SCC Flood Risk Team	Comment that given the scale of the surfacing proposed, the change of use is unlikely to have a significant impact on flood risk.
5.4	SCC Archaeology	No objections to the Written Scheme of Investigation (WSI) subject to a condition relating to the implementation of the site work in accordance with the WSI and subsequent archive deposition of the findings.
5.5	Environment Agency	Following the submission of the Geo-environmental Phase 1 desktop study, no objections subject to a condition relating to the siting of burials within the cemetery.
5.6	SCC Ecologist	Object to the removal of the mature hedgerow and Ash Tree and that there is no biodiversity net gain on the site, contrary to the advice given to the applicants at the pre-application stage
5.7	Architectural Liaison Officer	No objections subject to an informative in relation to secured by design advice
5.8	Nature Space	No objections to the proposed mitigation measures subject to a condition relating to the compliance with the mitigation

		measures in the ecology report and reasonable avoidance measures and an informative relating to Great Crested Newts.
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Internal Consultees		Response
5.9	Environmental Health	Raised no objections following the submission of the Geo-environmental Phase 1 desktop study.

## 6. Neighbour responses

6.1 Three representations have been received in support of the proposal which have been summarised below:

Neighbour responses	
Ecology	<ul style="list-style-type: none"> <li>- Support the proposal provided that conditions which protect existing species and deliver biodiversity net gain and ensure valuable archaeological remains are properly safeguarded</li> <li>- Removal of the tree subject to ash die back and replacement with an appropriate species</li> <li>- The planting would provide a good boundary of native plants and better suited to wildlife than the existing hedge which is in poor condition</li> </ul>

## 7. Policy Framework

### National Policy

National Planning Policy Framework (NPPF)  
National Planning Policy Guidance (NPPG)

### Local Plan

SP1: East Staffordshire Approach to Sustainable Development  
SP2 Settlement Hierarchy  
NP1: Role of Neighbourhood Plans  
SP8 Development Outside Settlement Boundaries  
SP9 Infrastructure Delivery and Implementation  
SP22 Supporting Communities Locally  
SP23 Green Infrastructure  
SP24 High Quality Design  
SP25 Historic Environment  
SP27 Climate Change, Water Body Management and Flooding  
SP29 Biodiversity and Geodiversity  
SP30 Locally Significant Landscape

SP32 Outdoor Sports and Open Space  
 SP35 Accessibility and Sustainable Transport  
 DP1 Design of New Development  
 DP5 Protecting the Historic Environment: All Heritage Assets, Listed Buildings, Conservation Areas and archaeology  
 DP7 Pollution and Contamination  
 DP8 Tree Protection

### 'Made' Neighbourhood Plans

#### Uttoxeter Neighbourhood Plan

D2 – Non-residential Development  
 D4 – Heritage Assets  
 T3 – Parking Standards  
 L2 – Local Green Spaces  
 E1 – Network of green Infrastructure  
 E2 – Landscape and Setting  
 C1 – Community Hubs

### Supplementary Planning Documents (SPD's)

East Staffordshire Design Guide  
 Parking Standards Supplementary Planning Document  
 Open Space and Playing Pitch Supplementary Planning Document

## **8. Principle of Development**

- 8.1 Having regard to the criteria of Policy SP8 of the Local Plan it is considered that the use of land for a cemetery can in principle represent an appropriate use in a location outside settlements limits. The Uttoxeter Neighbourhood Plan Policy C1 also states that applications for the expansion of the existing cemetery as a community facility will be supported. The cemetery extension would also provide a Local Green Space in line with the aims of Local and Neighbourhood Plan policies.
- 8.2 The application site - last used for grazing - falls within Agricultural Classification Grade 3 which is good to moderate quality land and therefore is not the best or most versatile land; with that being land which would fall within grades 1, 2 and 3a. The National Planning Policy Framework requires planning decisions to take account of the wider benefits of the best and most versatile agricultural land and given there is clear public need – as set out by the Town Council - for the increased cemetery provision the use of approximately 0.61 hectares of grade 3 agricultural land for the formation of a cemetery extension is considered appropriate.
- 8.3 Therefore it is considered that the principle of the development is in accordance with Policies SP1, SP8, SP9, SP22, SP23 and SP32 of the Local Plan, the Open Space and Playing Pitch Supplementary Planning Document and

Uttoxeter Neighbourhood Plan Policies L2 and C1, subject to other material considerations.

## **9. Design and Impact on the character and appearance of the area**

- 9.1 The proposed extension would be set at a higher land level than the existing cemetery due to natural changes in the ground level which rise to the west.
- 9.2 This proposal would include the formation of a pathway approximately 2.5m wide around the perimeter of the site which would also provide vehicular access for funerals. The road way would alter the ground levels to allow access between the existing and proposed cemetery, mainly to the southern road/pathway given the undulating land. No details have been provided in relation to the change in ground levels proposed however, such details can reasonably be secured by condition. Subject to the condition, therefore, it is not considered the scheme would be likely to cause visual harm or adversely affect the character of the landscape. Specifically, as the proposal includes hedgerow planting to the boundaries of the proposed extension and existing cemetery this would over time reduce the visual impact of this change from wider viewpoints.
- 9.3 The proposed parking would be within part of the existing cemetery adjacent to an existing parking area which is considered acceptable. The cemetery extension would have headstones and associated street-furniture such as seating erected as part of the future use of the site. None of these features, either in isolation or cumulatively, would adversely affect the landscape character or openness of the rural landscape.
- 9.4 The location of the extension would appear as a visually logical extension of the cemetery and would therefore be in accordance with Local Plan Policies SP24, SP30 and DP1 and Uttoxeter Neighbourhood Plan Policies D2 and C1.

## **10. Residential Amenity**

- 10.1 The closest dwellings to the application site are along the western side of the A518 which are approximately 140m from the proposed extension at the closest point. There is another dwelling, No.4 Stafford Road sited on the northern side of the entrance to the cemetery from the B5027.
- 10.2 The use of the cemetery extension, including traffic activity, is not considered to be likely to have any undue material impact on the amenity of the neighbouring dwellings by way of noise or activity. Although some disturbance would occur during the construction of the internal roadways and changes to ground levels to facilitate the use, given the separation distances from the site to the nearest dwellings it is considered that these impacts would not be significant.
- 10.3 There are no structures proposed as part of this scheme and as such no overlooking, overbearing or overshadowing issues will arise.
- 10.4 The proposal is therefore considered to be in accordance with Policies SP1 and DP1 of the Local Plan and Policy D2 of the Uttoxeter Neighbourhood Plan.



## **11. Highway Matters**

- 11.1 The Highway Authority have raised no objections to the proposed cemetery extension given that the proposal is not likely to result in a significant increase in traffic to and from the site.
- 11.2 The Parking Standards SPD does not define the number of parking spaces required within a cemetery, however the proposal would increase the parking provision by 10 No. parking spaces which would be an improvement to the existing facilities on site. These will be secured by condition.
- 11.3 It is therefore not considered that this proposal would give rise to any detrimental impact highway safety, and is therefore in compliance with Local Plan Policies SP1 and SP35 and Uttoxeter Neighbourhood Plan Policies D2 and T3.

## **12. Historic Assets and Archaeology**

- 12.1 The Historic Environment Record indicates that the site has historically been part of the agricultural hinterland of Uttoxeter and the remains of medieval ridge and furrows are present within the landscape, whilst the Staffordshire Historic Landscape Characterisation Study highlights that these medieval open fields were subject to piecemeal enclosure in the post medieval period (c.16<sup>th</sup> century onwards). The field boundary is shown on the 1880s Ordnance Survey mapping and 1839 Uttoxeter Township Tithe Map (the field in question is numbered 1172) and would have formed part of a field system that existed before 1845.
- 12.2 The County Archaeologist has confirmed that there is the potential for below ground archaeological remains within the area including the application site relating to prehistoric or Roman activity which is currently poorly understood for this landscape as well as existing ridge and furrow earthworks and historic hedgerow boundaries. The County Archaeologist has stated that a pre-historic arrowhead has been found previously and there is potential for late prehistoric activity to survive.
- 12.3 The County Archaeologist ideally recommends the retention of the features of the historic landscape such as the ridge and furrow earthworks and historic hedgerows within the site, such as the one currently separating the field from the existing cemetery. The County Archaeologist nevertheless acknowledges that it would be difficult to retain the ridge and furrow earthworks, given the nature of the application and as such recommended a condition relating to an earthwork survey and archaeological evaluation in relation to the proposed groundworks to mitigate the loss of the ridge and furrow landscape and allow investigation of the underground archaeology.
- 12.4 The applicant has also provided a survey as part of the proposal which has addressed part of the County Archaeologists requirements, and as such the condition attached to the permission will cover the outstanding matters; being the

deposition of the on-site recording work following the development being carried out.

- 12.5 In relation to the above ground heritage assets, given the nature of the development and the separation distances of 260 metres from the Grade II listed Cemetery Chapel, and of 535 metres from the boundary of the Uttoxeter Town Conservation area respectively, the proposals would not adversely affect their settings. This achieves the 'desirable' objectives described within sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 12.6 Therefore, the proposal would be in accordance with Policies SP25 and DP5 of the Local Plan and Policies D4, E1 and E2 of the Uttoxeter Neighbourhood Plan.

### **13. Ground Contamination and Flood Risk**

- 13.1 Cemeteries can have an adverse effect on the local environment and pose a threat to human health if not properly managed. Following an objection from the Environment Agency, a *Phase 1 Geo-environmental Desk Study Report* was submitted to address this objection. The Environment Agency withdrew their objection to the proposal subject to a condition relating to the depth and siting of the burials within the cemetery extension which is necessary and reasonable to protect groundwater sources. The Environment Agency also requested an informative in relation to how the cemetery should operate and the requirement of a permit to operate the cemetery extension. Following the submission of the Geo-environmental phase 1 desktop study, which aims to address potential risks to ground waters from the proposed development, Environmental Health have also raised no objections or requested any conditions.
- 13.2 The application site is within Flood Zone 1 which has a low risk of flooding and is not at risk of surface water flooding. The Lead Local Flood Authority has raised no objections to the proposal stating that given the scale of the proposed surfacing the change of use it is unlikely to have a significant impact on the flood risk. A permeable surface or adequate SUDS for the pathway/roadway can be secured by condition.
- 13.3 Subject to the aforementioned condition, it is not considered that the proposal would result in pollution of ground water sources or a risk to human health or adversely impact the risk of flooding and is therefore in accordance with policies SP27 and DP7 of the Local Plan and Policy E2 of the Neighbourhood Plan.

### **14. Ecology/Biodiversity and Trees**

- 14.1 Paragraph 186 within Section 15 of the National Planning Policy Framework states that if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, planning permission should be refused. Policy 29 of the Local Plan lists criteria including development retain features of biological interest produces a net gain in biodiversity in line with

Staffordshire biodiversity action plan species and supporting developments with multi-functional benefits.

14.2 The proposed planting areas for the site are indicated on the drawing below along with the location of the hedgerow to be removed. The proposed hedgerow planting would be around the outside of the proposed cemetery extension and within the existing cemetery and the wildflower and memorial tree planting would be within the existing cemetery. There is also an additional 4 No. trees being planted along the line of the hedgerow to be removed and a tree in the north-western and south eastern corners respectively of the cemetery extension (giving 6 No. in total).



- 14.3 The site falls within an amber impact risk zone for the protected species, Great Crested Newts (GCN) where their presence is considered likely. The Preliminary Ecological Report (PEA) does not rule out the presence of this species within the site or nearby. The report does state that the local hedgerows and tall ruderal stand at the northern corner of the site would provide suitable commuting and sheltering habitat for amphibians including GCN which also provide connectivity to the wider landscape.
- 14.4 Nature Space have raised no objections to the proposed change of use or to the mitigation measures submitted within the PEA, subject to these being conditioned. Following the submission of the Reasonable Avoidance Measures (RAMS) or the removal of the hedgerow which separates the existing cemetery from the proposed cemetery extension, Nature Space have raised no objections to these measures which can be secured by condition. An informative in relation to Great Crested Newt being a protected species and that the applicant can join the District Licence Scheme for this protected species are also recommended to be attached to any grant of consent.
- 14.5 The PEA report highlights that there is a complex network of mature hedgerows which bound many of the fields, providing connectivity between the application site and the wider landscape. The hedgerow which is proposed to be removed along the eastern boundary with the existing cemetery is within a dry ditch which is to be filled in utilising the earth from the construction of the road/pathway as set out in the RAMS.
- 14.6 The PEA also states that lighting should be avoided and if required only low level lighting should be installed. Given that the cemetery is unlit, a condition restricting the installation of lighting is considered reasonable to protect nocturnal species within this rural location.
- 14.7 The Ecology report indicates that although the Hedgerow within the site is species poor and a Habitat of Principle Importance it should be given protection where possible.
- 14.8 The County Ecologist gave pre-application advice to the applicants which refers to compensation and mitigation against the loss of biodiversity to provide a net gain of 10% as per the Defra metric and the NPPF and has raised an objection to the current proposals as they fail to demonstrate that any biodiversity net gain would be provided.
- 14.9 The County Ecologist has raised an objection to the loss of the existing hedgerow stating that the hedgerow which is proposed to be removed would be contrary to the mitigation hierarchy as set out within paragraph 186 of the NPPF (as revised in the December 2023 version) which states that;
- “When determining planning applications, local planning authorities should apply the following principles:*

*a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused”*

- 14.10 The County Ecologist states that there is not sufficient justification for the loss of the hedgerow within the site. The applicant has confirmed that the retention of the hedgerow would result in the loss of approximately 100 No. burial plots within the extension site. Given this, the potential loss of burial plots is considered sufficient justification for the loss of the mature hedgerow subject to mitigation.
- 14.11 The Town Council (as the applicant) has provided a mitigation planting scheme which indicates replacement hedgerows and tree planting around the perimeter of the application site, as well as an area of wildflower and memorial tree planting within the existing cemetery. The County Ecologist has stated that this would not be sufficient to provide a biodiversity net gain for the site. However a condition has been recommended to provide a 3:1 mitigation for loss of grassland and hedge habitat which is considered reasonable and necessary. In addition to this a landscape management and maintenance plan of 10 years is recommended to retain the planting scheme and give the hedgerow and trees chance to mature.
- 14.12 The County Ecologist advises that the maintenance of the hedgerows needs to be carried out in the correct Midland style which is appropriate for this locality and an informative in relation to this can be attached to any grant of consent.
- 14.13 The County Ecologist has also objected to the removal of the large ash tree stating that it is either a veteran or near veteran tree which forms part of the hedgerow boundary between the existing cemetery and the proposed extension towards the northern end of the boundary. The Town Council have highlighted that their Arboricultural Report states that the tree is a Mature Common Ash which is in good/fair condition but that the tree is showing early signs of Ash Die Back which will cause the tree to decline over the coming years and makes the tree unsuitable for long term retention within the site. In terms of this scenario the County Ecologist has recommended a condition for the deadwood/large timber to be retained within the site which would provide a habitat and this can be secured by condition.
- 14.14 The ecology report mentions that this tree has the potential to support the foraging of bats and also to be utilised by roosting bats. The County Ecologist has recommended that surveys are carried out prior to any works to the tree which can be secured by condition to ensure that the species are protected if found.
- 14.15 Given the siting of the tree and that the tree is in decline with ash die back (and will not recover), it is considered that the tree, on safety grounds could not reasonably be retained within a cemetery area as part of the landscaping

scheme. However the loss can be mitigated through the proposed planting and landscaping scheme.

14.16 Accordingly, given the proposal would result in the loss of an existing mature hedgerow, mature ash tree and area of grassland there will be a negative impact in the short term. However, given the mitigation being proposed in the submission by way of a new hedgerow and tree planting and the formation of a wildflower and memorial tree planting area it is considered that subject to conditions that the proposal would be likely to have a neutral impact on biodiversity in the long term. On this balance it is considered the proposals would accord with the aims of Local Plan Policies SP23, SP24, SP29, SP30, SP32 and DP8 and Neighbourhood Plan Policies C1, L2 and E2.

## **15. Other Considerations**

15.1 The Architectural Liaison Officer has raised no objections to the proposal but has recommended information in relation to designing out crime. This will be drawn to the applicant's attention by way of an informative attached to the decision notice.

## **16. Conclusions**

16.1 Accordingly, having taken into account the schemes overall environmental, social and economic impacts it is considered having regard to the material planning merits, including that of its need, that the cemetery extension scheme should be supported. It is recognised that the scheme would not retain all the existing habitats on the site itself, however, it is considered that the benefits of the scheme along with replacement planting within the cemetery extension and the existing cemetery area would outweigh this impact in the circumstances that prevail. The application is therefore recommended for a grant of conditional planning permission.

### **16.2 RECOMMENDATION: Grant Permission Subject to Conditions**

#### **1: Time Limit – 3 Year Standard Commencement**

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To conform with Section 91(1) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

#### **2: Approved Plans**

The development hereby permitted shall be carried out in accordance with the following approved plans/documents subject to compliance with the other conditions of this permission:

Drawing No 2022-5024-001 Revision P7 Site & Location Plan scaled at 1:1250 and 1:500 dated as received on 12 February 2024

HSP2022-C4224-G-GPI-1198 Phase 1 Geo-Environmental Desk Study Report by HSP Consulting dated as received on 23 January 2023

Preliminary Ecology Appraisal by Fauna Forest Ecology dated as received on 1 November 2022

Written Scheme of Investigation for Geophysical and Earthwork Survey by University of Leicester Archaeological Services dated as received on 4 August 2023

Method Statement for removal of Hedgerow including Reasonable Avoidance Measures (RAMS) for Newts by SJL Landscapes Limited dated as received on 4 August 2023

Cross section of Road dated as received on 4 August 2023

Reason: For the avoidance of doubt to ensure the development will not adversely affect the appearance of the locality, the amenities of neighbouring properties, or the safe and efficient use of the adjoining highway(s) in accordance with East Staffordshire Local Plan Policies SP1, SP2, NP1, SP8, SP9, SP22, SP23, SP24, SP25, SP27, SP29, SP30, SP32, SP35, DP1, DP5, DP7 and DP8, Uttoxeter Neighbourhood Plan Policies D2, D4, T3, L2, E1, E2 and C1, the East Staffordshire Design Guide, Parking Standards Supplementary Planning Document, Open Space and Playing Pitch Supplementary Planning Document and the National Planning Policy Framework.

### **3: Levels conditions**

Prior to any groundworks commencing on the site a detailed scheme of land re-grading works in relation to the provision of the perimeter pathway and/or ground level changes (including existing and proposed cross-sections to a metric scale) shall be submitted to and approved in writing by the Local Planning Authority.

The pathway/re-grading/levelling works shall be carried out in accordance with the approved details unless otherwise first agreed in writing by the Local Planning Authority.

Reason: In the interest of visual amenities and biodiversity and to safeguard protected species and their habitats in accordance with East Staffordshire Local Plan Policies SP1 and SP29, Uttoxeter Neighbourhood Plan Policy E1 and the National Planning Policy Framework.

### **4: Mitigation/ Enhancement Measures**

The development hereby approved shall not be commenced until a detailed scheme of landscaping (including a timetable of implementation) has been submitted to and approved in writing by the Local Planning Authority which demonstrates a 3:1 mitigation for loss of grassland and hedge habitat including details of bird nesting boxes and location of as stated in the Preliminary Ecological Appraisal (paragraph 4.8 of the Fauna Forest Ecology, October 2022).

The approved ecological enhancement measures shall be carried out in accordance with the approved timetable of implementation and thereafter retained/made available at all times for their designated purposes otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard protected species and their habitats in accordance with East Staffordshire Local Plan Policy SP29, Uttoxeter Neighbourhood Plan Policy E1 and the National Planning Policy Framework.

#### **5: Management and Maintenance Plan (Landscaping and Ecology)**

The landscaping and ecological management plans shall be carried out in the first planting and seeding season following the development being brought into use or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 10 years from the completion of the development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure that an approved landscaping scheme is implemented in a speedy and diligent way and that initial plant losses are overcome in the interests of the biodiversity and their habitats and in accordance with East Staffordshire Local Plan Policy SP29 and the National Planning Policy Framework.

#### **6: Retention of timber for Habitat**

Prior to the removal of the Ash Tree details of the strategy for the retention on site of any deadwood/felled large timber from the tree concerned which shall be retained in large intact trunks (to form a wildlife habitat/ habitat pole) shall be submitted to and approved in writing by the Local Planning Authority.

The felled timber shall be retained on the site in accordance with the approved strategy unless otherwise first agreed in writing by the Local Planning Authority.

Reason: To safeguard protected species and their habitats in accordance with East Staffordshire Local Plan Policy SP29, Uttoxeter Neighbourhood Plan Policy E1 and the National Planning Policy Framework.

#### **7: Assessment/ Surveys**

Prior to any tree/hedgerow works a ground level tree assessment (GLTA) should be carried out by a suitably qualified ecologist in accordance with the recommendations in the Preliminary Ecological Appraisal (paragraph 4.5 of the Fauna Forest Ecology, October 2022) and any further surveys as recommended by the GLTA shall be submitted to and approved in writing by the Local Planning Authority.

Any works to the tree/hedgerow shall be undertaken strictly in accordance with the recommendations within the approved surveys unless otherwise first agreed in writing by the Local Planning Authority.



Reason: To safeguard protected species and their habitats in accordance with East Staffordshire Local Plan Policy SP29, Uttoxeter Neighbourhood Plan Policy E1 and the National Planning Policy Framework.

### **8: Ecology Reasonable Avoidance Measures (RAMS)**

All site clearance and construction operations shall comply with recommendations set out in section 5 'Reasonable Avoidance Measures' of the Preliminary Ecological Appraisal (Fauna Forest Ecology, October 2022) and in the Method Statement for The Removal Of Hedgerow Including Reasonable Avoidance Measures (RAMS) for Newts (SJL Landscapes). Should any protected species be found during construction, work must stop and the advice of a qualified Ecologist must be sought in terms of any mitigation.

Any mitigation measures shall in turn be implemented in strict accordance with a scheme first submitted to and approved in writing by the Local Planning Authority.

Reason: To minimise the impacts of development on biodiversity, in accordance with Policy SP29 of the East Staffordshire Borough Council Local Plan and the National Planning Policy Framework.

### **9: Programme of Archaeological Work**

The archaeological site work shall be implemented on the site in full in accordance with the written scheme of archaeological investigation as approved under condition 2 above and the development shall not be first brought into use until the site investigation and post-fieldwork assessment has been completed in accordance with the written scheme of archaeological investigation approved under condition 2 and provision made for analysis, publication and dissemination of the results and archive deposition has been secured.

Reason: To ensure that no development takes place which may adversely affect any items of archaeological interest without adequate investigation and recording in accordance with East Staffordshire Local Plan Policies SP25 and DP5, Policy D4 of the Uttoxeter Neighbourhood Plan and the National Planning Policy Framework.

### **10: Burial Condition**

All burials in the cemetery extension hereby approved shall comply with the following criteria:

- Be a minimum of 50 metres from a potable groundwater supply source
- Be a minimum of 30 metres from a water course or spring
- Be a minimum of 10 metres distance from field drains
- Be a minimum of 1 metre above the highest anticipated annual groundwater level

Reason: To protect the quality of controlled waters in the local area as requested by the Environment Agency and in accordance with Policy SP27 of the East Staffordshire Local Plan and the National Planning Policy Framework.

### **11: Parking and Pathway**

Prior to the development being brought into use the pathway/roadway and parking area shall be hard surfaced to match the existing surfacing of the cemetery and drained accordingly.

Reason: To ensure adequate parking and access throughout the site and in the interests of visual amenities in accordance with East Staffordshire Local plan Policies SP1, SP24 and SP35 and the National Planning Policy Framework

### **12: Lighting Restriction**

No external artificial lighting shall be installed within the site unless planning permission has first been obtained from the Local Planning Authority.

Reason: To safeguard protected species and their habitats in accordance with East Staffordshire Local Plan Policy SP29 and the National Planning Policy Framework.

## **Informatives**

### **1: During Development Conditions**

The conditions identified below require details to be approved during the development.

Condition No's: 3, 4, 5 and 7

This means that a development may not be lawful unless the particular requirements of these conditions have been met.

Requests for confirmation of compliance with planning conditions requires a payment of a fee to the Local Planning Authority. The fee must be paid when the request is made. Any number of conditions can be included for each request.

### **2: Engagement (Proactive)**

During the course of consideration of this proposal the Local Planning Authority has negotiated with the applicant to ensure the development complies with relevant development plan policies and material planning considerations including the National Planning Policy Framework. It is therefore considered that the Local Planning Authority has worked proactively with the applicant to secure a development that improves the economic, social and environmental conditions of the area in accordance with the requirements of paragraph 38 of the National Planning Policy Framework.

**3: Environment Agency**

The applicant is advised to note and act upon as necessary the comments of the Environment Agency as follows:

*“We recommend that reference should be made to cemetery section in the ‘The Environment Agency’s approach to groundwater protection’ and information on the Natural Death Centre website.*

*Reference should be made to the Environment Agency document ‘Assessing the Groundwater Pollution Potential of Cemetery Developments’. Relevant best practice guidance must be followed and the design should be appropriate for the local circumstances, and should be based on-site investigation.”*

**4: Environment Agency Permit**

The Environment Agency advises that they require permits for new/extensions to cemeteries that present a high risk to the environment or require active mitigation measures or burial controls to protect groundwater.

**5: Police Architectural Liaison Officer**

The applicant is advised to note and act upon as necessary the comments of the Police Architectural Liaison Officer in regards to the Secured by Design Website ([www.securedbydesign.com](http://www.securedbydesign.com)) and in accordance with the recognised principles of Crime Prevention Through Environmental Design.

Further relevant help and information may be gained from the following web sites:

- [www.securedbydesign.com](http://www.securedbydesign.com)  
(The official Police Security Initiative and Police Preferred Specified security product scheme).
- [www.gov.uk/data-protection](http://www.gov.uk/data-protection)  
(Online notification of CCTV schemes, Data Protection Principles and relevant Codes Of Practice).
- [www.bsi-global.com](http://www.bsi-global.com)  
(Standards, Training, Testing, Assessment and Certification).
- [www.bregroup.com](http://www.bregroup.com)  
(Offer quality of performance and protection certification for fire, security and environmental products and services).
- [www.nsi.org.uk](http://www.nsi.org.uk)  
(Independent UKAS-accredited certification body in the security and fire sector).
- [www.ico.gov.uk](http://www.ico.gov.uk)  
(Independent authority upholding information rights in the public interest and data privacy for individuals).

Where there is any conflict between the comments of the Police Architectural Liaison Officer and the terms of the planning permission, the latter takes precedence.

**6: Hedgerow laying**

The County Ecologists advises that any work to the retained hedges should be remedially dealt with by an expert hedgelayer, who would thin (remove) a proportion of stems and bring the remainder down at an angle as living stems (pleachers) into a hedge line. Along this line existing standard trees should also be kept, with the hedgelayer possibly also singling some of the best hedge pieces as future standard trees. Suitable contractors can be found at <https://www.hedgelaying.org.uk/pg/contractors/main.aspx>

The correct regional hedge style is Midland for this locality.

**7: Great Crested Newts**

The applicant is reminded that, under the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended), it is an offence to (amongst other things): deliberately capture, disturb, injure, or kill great crested newts; damage or destroy a breeding or resting place; intentionally or recklessly obstruct access to a resting or sheltering place. Planning permission for a development does not provide a defence against prosecution under this legislation. Should great crested newts be found at any stage of the development works, then all works should cease, and a professional and/or suitably qualified and experienced ecologist (or Natural England) should be contacted for advice on any special precautions before continuing, including the need for a licence.

**8: Naturespace**

The applicant is reminded that they can contact Naturespace at any time in order to enquire about joining the District Licensing Scheme to remove any risk of needing to stop the development should Great Crested Newts be found.

Naturespace contact details can be found at: <https://naturespaceuk.com/>

**17. Background papers**

17.1 The following papers were used in the preparation of this report:

- Local and National Policies as outlined in section 7 above

**18. Human Rights Act 1998**

18.1 There may be implications under Article 8 and Article 1 of the First Protocol regarding the right of respect for a person's private and family life and home, and to the peaceful enjoyment of possessions. However, these potential issues are in this case amply covered by consideration of the environmental impact of the application under the policies of the development plan and other relevant policy guidance.

**19. Crime and Disorder Implications**

19.1 It is considered that the proposal does not raise any crime and disorder implications.

**20. Equalities Act 2010**

20.1 Due regard, where relevant, has been had to the East Staffordshire Borough Council's equality duty as contained within the Equalities Act 2010.

For further information contact: Gary Shilton  
Telephone Number: 01283 508607  
Email: [gary.shilton@eaststaffsbc.gov.uk](mailto:gary.shilton@eaststaffsbc.gov.uk)