

Agenda Item:	5.1
Site:	Land adjacent to, Stapenhill Cemetery , 38 Stapenhill Road, Staffordshire, Burton upon Trent, DE15 9AE
Proposal:	Change of use of allotment land to form extension to existing cemetery burial ground with associated car parking and changes to land levels

Report of Head of Service (Section 151 Officer)

This report has been checked on behalf of Legal Services by Penelope James

[Hyperlink to Application Details](#)

Application Number:	P/2023/00634	
Planning Officer:	Lisa Bird	
Type of Application:	Detailed Planning Application	
Applicant:	ESBC – Communities and Open Spaces	
Ward:	Brizlincote	
Ward Member (s):	Councillor B G Peters	
	Councillor C D Wileman	
Date Registered:	02/08/2023	
Date Expires:	25/09/2023, extension of time agreed until 29/02/2024	
Reason for being on Agenda	Council application	

1. Executive Summary

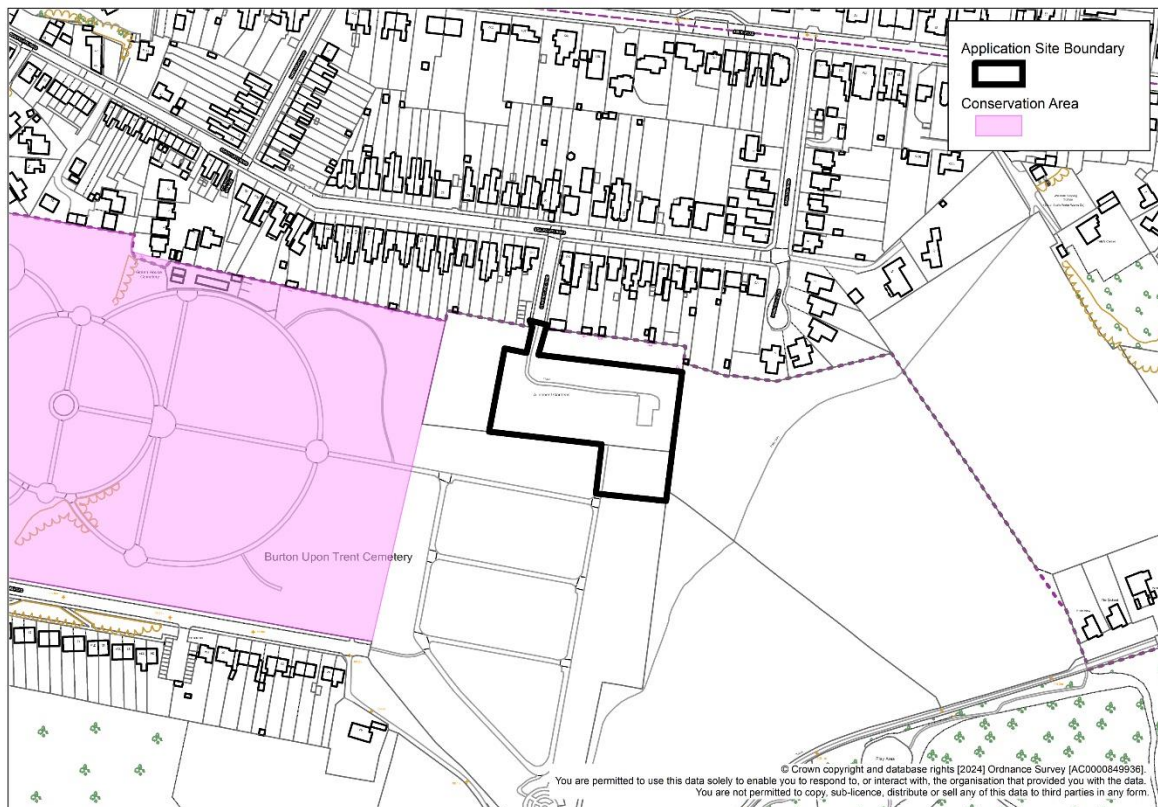
- 1.1 The application site comprises former allotments situated to the rear of the dwellings on Scalpcliffe Road, accessed from Claverhouse Road. The main cemetery is accessed from Stapenhill Road. The area to the north of the site is predominantly residential in character, the existing cemetery is situated to the west and south of the site, and there are agricultural fields to the east. The former allotments were vacated in January 2021 and the site is overgrown.

- 1.2 The existing cemetery is a Grade II Registered Park and Garden and the nearest listed structure is the Grade II Gothic style stone gateway to the cemetery facing onto Stapenhill Road. The nearest Conservation Area is the Burton No. 2 and No. 3 Town Centre/Washlands Conservation Area situated approximately 20m to the west of the application site. The site is situated within the settlement boundary for Burton upon Trent and is located within Flood Zone 1.
- 1.3 Stapenhill Cemetery is one of only two cemeteries available for new burials and the demand for plots is increasing. The allotment use was vacated in 2021 and the demand for allotments is catered for by existing allotments in Winshill and Brizlincote. The position of the site lends itself to being a suitable location for the expansion of the cemetery and would make use of existing cemetery facilities.
- 1.4 The proposals would have no significant impact on the character and appearance of the area, with the works being mainly the changes to land levels and formation of a parking area along with associated planting. The views to the cemetery from Claverhouse Road would not significantly alter and the changes in land levels would blend in with surroundings once the planting has become established.
- 1.5 Given the separation distances involved to residential properties, and the use of the land for burial plots, with changes to land levels, it is considered that there would be no significant adverse impact to occupiers of neighbouring dwellings by way of loss of light or privacy, overbearing impact, or additional noise and disturbance.
- 1.6 The cemetery extension would be accessed utilising the existing Stapenhill Road access and the proposed additional car park would enable visitors to access the more easterly portion of the wider cemetery.
- 1.7 The setting of the wider site as a Grade II Registered Park and Garden, and the nearby Grade II listed entrance gates and Conservation Area, along with the archaeological interest nearby, would not be harmed as a result of the proposals, with the formal layout of the historic cemetery remaining intact.
- 1.8 The proposed changes to land levels would ensure the protection of groundwater sources and all material to be imported to the site is recommended to be screened for contaminants. Residents have raised concerns in respect of surface water flooding and a condition is recommended to secure a surface water drainage design. There are considered to be no impacts in terms of flood risk from the main river.
- 1.9 The proposals would result in an 11% increase in biodiversity on the site and would have no significant impact on protected species.
- 1.10 Ten representations were received from local residents, one objecting to the proposals and the remaining nine raising concerns in respect of the works, these are detailed and addressed in the main report.

1.11 In light of the above conclusions on the planning merits of the case, the application is recommended for approval subject to conditions.

Members are advised that the above is a brief summary of the 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 Member's are advised that this summary should be read in conjunction with the detailed report.

Map of site



2. The site description

- 2.1 The application site comprises a part of a parcel of land made up of allotments, situated to the rear of the dwellings on Scalpcliffe Road, off Claverhouse Road and a piece of land forming part of the existing cemetery
- 2.2 There is an existing vehicular access off Claverhouse Road which serves the allotments. The main access to the Cemetery is off Stapenhill Road to the west. The land to the west and the south of the application site is entirely within the existing cemetery, beyond the cemetery to the south are residential dwellings on the opposite side of Elms Road and to the west on the opposite side of Stapenhill Road is the River Trent and a large expanse of public open space known as The Washlands. To the east of the site are agricultural fields and to the north the area is predominantly residential in character.

- 2.3 A strip of land would remain between the rear of the dwellings on Scalpcliffe Road and the application site, this strip of land along with the remainder of the allotments and the Cemetery is within Council ownership. It is noted that the former allotments are in the ownership of the Council and have not been in use since January 2021 when they were fully vacated. The use of the application site as an extension to Stapenhill Cemetery was referred to in the correspondence with the previous users of the allotments. A review of cemetery provision took place in 2013 by the Council, and the land subject of this application was identified as expansion land for the cemetery during those reviews.
- 2.4 The allotments have been vacant for several years and the site is overgrown with vegetation spilling out onto Claverhouse Road. The boundaries of the site, particularly to the former allotments, are made up of mature trees with post and wire fencing. There is an existing opening in the vegetation between the allotments and the parcel of land that sits within the existing cemetery, and this land is open to the south and west with mature trees forming the boundaries to the north and east.
- 2.5 The existing cemetery to the west of the site is a Grade II Registered Park and Garden. The nearest listed structure to the application site is the Grade II Gothic style stone gateway to the cemetery facing onto Stapenhill Road, this is approximately 440m to the west of the application site. The nearest Conservation Area is the Burton No. 2 and No. 3 Town Centre/Washlands Conservation Area situated approximately 30m to the west of the application site.
- 2.6 The site is situated within Flood Zone 1, which is at the lowest risk of flooding, however, it is noted that the River Trent is situated some 500m to the west of the site at a lower land level. The land slopes gently down in a western direction towards the river and slopes down towards the north where the dwellings on Scalpcliffe Road are situated at a lower land level.
- 2.7 The site is located within the settlement boundary for Burton upon Trent as defined in the Local Plan.

3. Planning History

- 3.1 There is no planning history relating directly to the application site. Various applications for parking area, greenhouses, re-siting of a garage and use of building as cemetery office all prior to 2005.

4. The Proposal

- 4.1 Full planning permission is sought for the change of use of allotment land to form an extension to the existing cemetery burial ground with associated car parking and changes to land levels.
- 4.2 The area of land within the existing allotments is proposed to form an extension to the existing cemetery, to create additional burial plots and with an internal road accessed from within the existing cemetery. No access is proposed from Claverhouse Road, the existing access to Claverhouse Road would remain to

serve the remaining land within the blue line, however, there would be no access to the application site.

- 4.3 Access to the proposed new burial plots is proposed to be constructed from tarmac, this is proposed to link to an existing access road within the cemetery and would continue in a 'T' formation to provide vehicle access across the northern part of the site.
- 4.4 In terms of land levels within the site, these are proposed to be raised by approximately 1.2 - 2.6m and would sit approximately 4m higher than the land within the blue line adjacent to the properties on Scalpcliffe Road. It is noted that the site slopes downwards in a north-westerly direction, this slope would remain albeit at a higher level. The topsoil is proposed to be stripped and placed in a temporary stockpile, and subsoil is proposed to be excavated from the surrounding site and graded in the proposed burial plot area where the topsoil would be replaced.
- 4.5 The proposed extension to the cemetery burial ground would be enclosed by additional planting, including 17 new trees with understorey shrub planting. The trees are proposed to be a mix of medium and large native species. A grass verge would separate the access road from the burial ground which would be planted with a wildflower meadow mix. Bulb planting is also proposed along part of the new internal access road.
- 4.6 The proposals would see the parcel of land within the existing cemetery forming a car parking area with vehicle access to the proposed new burial plots. This would provide an additional 20 parking spaces, 2 of which would be disabled bays. The car park is proposed to be finished with a gravel surface and would be enclosed by yew hedges and 9 new trees.

List of supporting documentation

- 4.7 The following documents have been provided as part of the application:
 - 1:1250 Location Plan
 - 1:500 Block Plan
 - 1:500 Cross Sections
 - 1:500 Earthworks Plan
 - 1:500 Drainage Design including 1:25 Sections
 - 1:200 Landscape and Ecological Enhancement Scheme
 - Construction Specification
 - Planning and Heritage Statement
 - Preliminary Ecological Appraisal including protected species surveys
 - Tier 1 Hydrological Risk Assessment
 - Tier 2 Hydrological Risk Assessment
- 4.8 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	Brizlincote Parish Council	Whilst the Parish Council have no formal objections, they are aware of concerns over access, layout and plans for the future of the whole space.
5.3	SCC Highways	No objection subject to conditions
5.4	SCC Archaeology	No objection
5.5	SCC Ecology	No objection subject to conditions
5.6	SCC Lead Local Flood Authority	No objection subject to a condition
5.7	Environment Agency	No objection subject to a condition
5.8	The Gardens Trust	No comment
5.9	Architectural Liaison Officer	No objection
5.10	Historic England	No comment
5.11	Nature Space	No objection

Internal Consultees		Response
5.12	Environmental Health	No objection subject to conditions and the condition recommended by the Environment Agency
5.13	Conservation Officer	No objection subject to a condition

6. Neighbour responses

6.1 Ten responses were received, one of these was objecting to the proposals based on the below and the remaining 9 also raised similar concerns in respect of the works proposed:

Neighbour responses	
Impacts on Visual Amenity	<ul style="list-style-type: none"> The new proposed land height will increase its visibility from the dwellings on Scalpcliffe Road and be visually intrusive The position of the proposed access road will have an adverse impact on visual amenity from Scalpcliffe Road.
Impacts on Residential Amenity	<ul style="list-style-type: none"> Will there be a limitation on working hours during construction? The new proposed land height will increase views into the dwellings on Scalpcliffe Road. Possibility of impact to existing antisocial behaviour issues Increased noise levels from visitors, their cars and maintenance of the land.

Highways Impacts	<ul style="list-style-type: none"> • Concerns in relation to vehicle movements and routes to the site should additional topsoil need to be brought onto the site. • If the site is access from Claverhouse Road there is a risk of collision with trucks manouevring, construction vehicles should access via Stapenhill Road. • It is likely that construction works would bring mud onto the roads and cause a nuisance. • What hours would work traffic be operational? • Scalpcliffe Road and Claverhouse Road are not very wide and have vehicles parked along them. • No justification has been provided for a 20 vehicle car park.
Flood and drainage impacts	<ul style="list-style-type: none"> • Concerns in relation to impact on drainage due to the existing land levels which slope down towards dwellings. • Water run-off from the land to the east of the site should be considered. • Creation of a car park will exacerbate flooding • Details of the proposed soakaway have not been provided.
Pollution and Contamination	<ul style="list-style-type: none"> • Potential biohazard from decomposing corpses
Ecology and Biodiversity	<ul style="list-style-type: none"> • The Preliminary Ecological Appraisal referred to in the Planning and Heritage Statement is not available for viewing.
Other Matters	<ul style="list-style-type: none"> • A pedestrian access was requested from Claverhouse Road similar to that present on Elms Road. • No details of what will happen for the strip of land to remain to the rear of the properties on Scalpcliffe Road. • The water supply to serve the land should be separate to the nearby dwellings, as one of the houses on Claverhouse/Scalpcliffe Road has a water supply which was used to supply the allotments. • There is no mention of a boundary fence to be erected to separate the proposal from the rear of the dwellings on Scalpcliffe Road. The lack of a perimeter fence would be a security risk.
Ward Member	No response received.

7. Policy Framework

National Policy

National Planning Policy Framework
National Planning Policy Guidance

Local Plan

SP1: East Staffordshire Approach to Sustainable Development
 SP2 Settlement Hierarchy
 SP9 Infrastructure Delivery and Implementation
 SP22 Supporting Communities Locally
 SP23 Green Infrastructure
 SP24 High Quality Design
 SP25 Historic Environment
 SP26 National Forest
 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

Supplementary Planning Documents

East Staffordshire Design Guide
 Parking Standards Supplementary Planning Document (SPD)
 Open Space and Playing Pitch Supplementary Planning Document (SPD)
 (para 1.13)
 Separation Distances and Amenity Supplementary Planning Document (SPD)

8. Principle of Development

- 8.1 The proposed cemetery extension lies within the settlement boundary of Burton upon Trent as defined by Policy SP2 of the Local Plan, and is therefore situated in an area where development is to be expected.
- 8.2 The Open Space SPD states that no standards have been identified for the provision of cemeteries, instead provision is determined by demand. The application submissions indicates that Stapenhill Cemetery is one of only two cemeteries (the other being situated in Rolleston on Dove) available for new burials within the Burton area, processing 220 burials a year. The submissions indicate that the demand for plots has increased in recent years and the proposed extension would meet an identified need.
- 8.3 The majority of the application site forms land which was previously used as allotments. The allotments have been vacant since January 2021. There are other allotments available in the Borough which are controlled by Parish Councils, and the remaining former occupiers of the application site moved to other allotments in Brizlincote and Winshill.

- 8.4 The position of the site in relation to the existing cemetery lends itself to being in a suitable position for expansion, and would be able to be accessed from the existing internal access road.
- 8.5 The extension of the cemetery would make use of the existing facilities of the site such as cemetery office, internal access roads and car parking, with further parking provided.
- 8.6 Therefore give the above, it is considered that the principle of the development is acceptable and in accordance with Policies SP1, SP2, SP9 and SP31 of the East Staffordshire Local Plan and the Open Space and Playing Pitch Supplementary Planning Document.

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

- 9.1 The proposed extension to the cemetery would be set at a higher land level to the nearby properties on Scalpcliffe Road. The site is situated at a lower land level to the existing cemetery, and it is proposed to increase the land levels within the site by approximately 1.2 – 2.6m in order to meet the Environment Agency's minimum criteria of one metre of unsaturated soil beneath maximum interment depth. An additional car park is proposed to provide 20 car parking spaces, this is proposed to be situated in the north-eastern corner of the existing cemetery.
- 9.2 The proposed changes in land levels would not be highly visible from public vantage points outside of the cemetery due the site being bounded by dwellings to the north, agricultural land to the east and the existing cemetery to the west and south. There would be a view towards the site from Claverhouse Road, however, given the existing condition of the site it is not considered that views would be significantly altered.
- 9.3 The proposed car park would be screened entirely from public vantage points outside of the existing cemetery by the proposed landscaping and the extended burial ground land. The car park would be situated on an area of land which is currently banked up by spoil, it is proposed for this material to be used to bring the land levels up in the cemetery extension which will bring the proposed car park land down to a similar height to the access road. It is noted that the embankment runs to the south outside of the red line of the application site, therefore a condition is recommended in the event that a retaining wall is required.
- 9.4 The proposed extension to the burial ground would be accessed via an existing internal access road and therefore views from within the cemetery would not be significantly impacted. Furthermore, the proposed car parking within the site would be well-screened by the proposed landscaping.
- 9.5 It is noted that concerns were raised by neighbouring properties on Scalpcliffe Road in relation to the visual impact of the proposals, however, this would be situated approximately 16m away from the rear boundaries of those properties and approximately 44mm away from the rear elevations of those properties, and the view would be similar to the existing views towards the cemetery.

- 9.6 The location of the extension would appear as a natural extension of the cemetery into the allotment land and would be in accordance with Local Plan Policies SP1, SP24, SP30 and DP1 and the East Staffordshire Design Guide.

10. Residential Amenity

- 10.1 The closest dwellings to the application site are those situated along the southern side of Scalpcliffe Road which are approximately 16m away from the proposed cemetery extension (approximately 44m from the rear elevations of those properties to the application site).
- 10.2 The land levels within the site are proposed to be increased by between 1.2 – 2.6m, no structures are proposed as part of this proposal. The comments of the neighbours to the north on Scalpcliffe Road are acknowledged in terms of potential overlooking, however, given the separation distances involved and the level of landscaping proposed, it is considered that there would be no significant impact by way of loss of light, overbearing impact or overshadowing. It is also considered that the landscaping would aid in screening the dwellings from the application site and therefore there would be no adverse impact by way of loss of privacy to neighbouring occupiers.
- 10.3 The operation of the extension of the cemetery is not considered to have an undue impact on the amenity of the neighbouring dwellings through noise or activity over and above the existing use of the cemetery or the former use of the land as allotments. Although some disturbance would occur during the construction of the internal roadways and changes to the ground levels to facilitate the extension, this would occur for a limited period of time. Access for construction is to be dealt with via a suitably worded condition, which may require smaller vehicles making trips via Claverhouse Road. The Environmental Health Team have been consulted on the proposals and have raised no concerns in respect of noise and disturbance.
- 10.4 The comments received in respect of anti-social behaviour are not planning considerations and are dealt with under separate legislation. Staffordshire Police have been consulted on the application and have raised no objections to the proposals. The cemetery is closed from 5.30pm until 9.00am and the site secured, no changes are proposed to this existing situation.
- 10.5 The proposal is therefore considered to be in accordance with East Staffordshire Local Plan Policies SP1, SP24 and DP1.

11. Highway Matters

- 11.1 The proposed extension to the cemetery would see the creation of a new internal access road and a car park for 20 vehicles, including 2 disabled parking bays. No access is proposed to Claverhouse Road.
- 11.2 It is noted that the road would appear to indicate a link to Claverhouse Road, however, this is separated from the application site by the intervening allotment land, and given the changes in land levels would not be able to be used by vehicular traffic. This would in effect create a turning head allowing vehicles accessing this part of the cemetery to turn and exit in a forward gear.

- 11.3 The Highway Authority have raised no objections to the proposals stating that the proposed use as an extension to the burial ground is unlikely to generate significant traffic over and above that already using the site access. A condition is recommended to close the existing access onto Claverhouse Road, however, it is noted that this access would serve the remaining allotment land, with that land otherwise being inaccessible. It is therefore not considered reasonable to impose such a condition.
- 11.4 It is noted that a number of concerns have been raised by local residents in terms of construction vehicle movements in relation to the regrading of the land. The Highway Authority also commented on the regrading of the site and recommends a conditions to prevent any additional material being brought onto the site without the prior approval of the Local Planning Authority. Given that this application relates to the regrading of the land, this condition is not considered to be appropriate, however, a condition in respect of a construction management plan is recommended, to control material to be imported to the site site is considered to be appropriate.
- 11.5 In terms of parking provision the Parking Standards SPD does not define the number of parking spaces required within a cemetery, however, the proposal would increase the parking provision available at the site by 20 spaces within the proposed new car park area. This would be an improvement to the existing facilities on the site, where there is parking for approximately 10 vehicles close to the Stapenhill Road entrance. Given that the majority of new burials will be taking place close to the application site, and the existing parking is approximately 490m to the west adjacent to the main entrance, the location of the parking area is considered to be appropriate and would aid with traffic management when funerals are taking place and provide access for less able visitors.
- 11.6 It is therefore considered that the proposal would not give rise to any detrimental impact on highway safety, and is therefore in compliance with East Staffordshire Local Plan policies SP1 and SP35.

12. Heritage Assets and Archaeology

- 12.1 The proposed cemetery extension lies to the east of the main Stapenhill Cemetery which is a Grade II Registered Park and Garden, separated from the site by approximately 40m. The nearest listed structure to the application site is the Grade II Gothic style stone gateway to the cemetery facing onto Stapenhill Road, this is approximately 440m to the west of the application site. The nearest Conservation Area is the Burton No. 2 and No. 3 Town Centre/Washlands Conservation Area situated approximately 40m to the west of the application site. The land separating the site from the Registered Park and Garden and the Conservation Area is within Council ownership and forms part of the former allotments, no works are proposed to this land. The site is also within an area of known archaeological interest.
- 12.2 The Registered Park and Garden was designated as Grade II listed for the following reasons:
- A good example of a High Victorian (1864-66) public cemetery for a provincial town

- Designed in formal style based on a pattern of interlocking circular paths and drives set on a sloping site overlooking the River Trent
- The site was laid out to a design by the noted cemetery designers Lucy and Littler of Liverpool, including twin chapels, a grand entrance and boundary wall and lodge.
- The Gothic chapels form two striking focal points in the design, flanking and dominating the main entrance and axis, and set dramatically at the top of a slope up from the entrance ensemble.
- Social interest is expressed in a variety of C19 monuments, most of which are relatively modest with a particularly dense collection of monuments on the higher level ground adjacent to the chapels.
- The cemetery layout and structures survive in good condition, together with excellent planting from the C19.

12.3 The County Archaeologist has raised no concerns in respect of the proposals.

12.4 The Gardens Trust and Historic England have responded to the consultations confirming that they have no comment to make and referring the proposals to the Council's Conservation Officer.

12.5 The Conservation Officer had no objections to the proposals, but requested that the material for the surfacing of the car park be permeable, where grass can grow through the gaps, as per National Trust guidelines. The Landscaping Scheme which was provided during the course of the application indicates that the proposed car park would be self-binding Cotswold gravel. This binds together when rolled or tamped down which would prevent it from spreading and separating and therefore being tracked across the wider cemetery; it would also remain permeable.

12.6 The site would not interfere with the formal layout of the historic cemetery being accessed from a later extension to the original cemetery to the south of the application site. Given the distances between the heritage assets and the proposed site and the provision of landscaping within the site, which can be secured via condition, it is not considered that the proposal would adversely affect the settings of these heritage assets and would therefore have a neutral impact on the setting of the Listed Building, and would 'preserve' both the special significance of the setting of the Registered Park and Garden and the Conservation Area. This achieves the 'desirable' objectives described within Section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

12.7 Therefore, subject to the above condition, the proposal would be in accordance with policies SP25 and DP5 of the Local Plan.

13. Ground Contamination, Flood Risk and Drainage

13.1 Cemeteries can have an adverse effect on the local environment and pose a threat to human health if not properly managed. Following comments from the Environment Agency a Tier 1 and Tier 2 Hydrological Risk Assessment were submitted to support the application. The Environment Agency confirmed that the mitigation measures proposed, in the regrading of the land levels, to increase the depth of unsaturated zone at the site are appropriate and no

objection is raised 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.

- 13.2 The Environmental Health Team have also reviewed the application in respect of ground contamination and pollution and have confirmed that they have no objection to the proposals. A condition is recommended, however, in relation to any material to be brought onto the site in respect of the land levels, to ensure that such material is suitably tested.
- 13.3 The application site is within Flood Zone 1 which has a low risk of flooding. Given the type of development which would be used as a graveyard and car park (with permeable surface) it is considered that the proposal would not give rise to any increased flood risk within the locality.
- 13.4 In terms of surface water flooding, it is noted that neighbour comments received indicate that there have been issues with surface water flooding in recent years. The SCC Lead Local Flood Authority have been consulted on the proposals and have confirmed that they have no objection subject to a condition in respect of the submission of a detailed surface water drainage design, this is considered to be appropriate given the land levels of the site which slope in a northern and western direction.
- 13.5 Subject to the aforementioned conditions, 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 East Staffordshire Local Plan.

14. Biodiversity and Trees

- 14.1 The site is not within an impact zone for the protected species Great Crested Newts (GCN), however, Nature Space were consulted on the proposals. Nature Space have confirmed that there would be no likely impact on great crested newts or their habitats, with a complete lack of ponds in the wider landscape and the site being surrounded by urban areas.
- 14.2 A Preliminary Ecological Appraisal (PEA) was submitted in support of the application, this was amended during the course of the application to include a metric in respect of biodiversity net gain following the comments of the SCC Ecologist; a landscaping scheme was also provided.
- 14.3 The PEA identified the site as being suitable habitat for nesting birds, foraging and commuting bats, common amphibians and several mammals. No roosting opportunities were identified within the site for bats. The PEA recommended the creation of a wildlife corridor, compliance with the submitted mammal report, site clearance outside of nesting season, a buffer strip of grassland to be retained to all boundaries, reasonable avoidance measures to be used during construction, all artificial objects within the site to be removed by hand, works to be carried out in daylight hours and provision of a landscaping scheme, amongst other things.

- 14.4 The submitted Landscape and Ecological Enhancement Scheme (LEES) indicates the addition of 17 new trees to the boundary of the proposed cemetery extension, 9 new trees to the boundary of the proposed car park, a yew hedge to the perimeter of the car park, understory shrub planting, a grass verge to separate the access road from the burial ground, wildflower meadow mix to the burial ground and bulb planting along part of the new internal access road. The proposed trees are proposed to be a mix of medium and large native species. The site provides scope for the creation of a bat corridor and for routes for terrestrial wildlife.
- 14.5 The County Ecologist has reviewed the submitted PEA and mammal report, Landscape and Ecological Enhancement Scheme and Biodiversity Metric and has confirmed that the proposal would demonstrate a net gain of 11%. The County Ecologist therefore has raised no objections to the proposal and has recommended conditions in respect of the appointment of a supervised ecologist and all site clearance and construction works to take place in accordance with the precautionary measures set out in the PEA and associated mammal survey.
- 14.6 In light of the above it is considered that the proposal would not cause any significant harm to biodiversity and subject to the recommended conditions is in accordance with policies SP1, SP23, SP29, SP30, SP32 and DP8 of the East Staffordshire Local Plan.

15. Conclusions

- 15.1 The application site is located within the settlement boundary where development is expected. Stapenhill Cemetery is one of only two locally available for new burials and the demand for plots has increased in recent years. The site comprises allotments which were vacated in January 2021, demand for allotments is distributed across a number of other allotments sites in the area. The position of the site lends itself to being a suitable location for the expansion of the cemetery and would make use of existing cemetery facilities. The proposal is therefore considered to be acceptable in principle.
- 15.2 The proposals would have no significant impact on the character and appearance of the area with the changes in land levels and car parking area being screened by the proposed planting to the boundaries of the site. The views towards the cemetery from the rear of properties on Scalpcliffe Road would not significantly alter and the changes in land levels would blend in with surroundings once the planting has become established.
- 15.3 In terms of residential amenity, given the separation distances involved it is considered that the alterations to the land levels and use of the land for burial plots would not result in any significant adverse impact to occupiers of neighbouring dwellings by way of loss of light or privacy, overbearing impact or additional noise and disturbance.
- 15.4 The cemetery extension would be accessed utilising the existing access from Stapenhill Road and the car park would enable visitors to access the easterly portion of the application site more easily. Conditions to secure a construction

management plan would ensure no significant adverse impact to the surrounding roads during regrading works to the land.

- 15.5 The cemetery is a Grade II Registered Park and Garden with Grade II listed Gothic style stone gateway onto Stapenhill Road and the site is within an area of known archaeological interest. The County Archaeologist, Gardens Trust and Historic England have raised no objections to the proposals, and the Council's Conservation Officer has advised that there are no objections to the proposals as the formal layout of the historic cemetery would remain intact.
- 15.6 The Environment Agency are satisfied that proposed mitigation measures would increase the depth and siting of the burial plots and protect groundwater sources. The testing of imported material to the site is recommended. The proposals would result in no significant impact in terms of river flooding, and the County Lead Local Flood Authority have confirmed that they have no objections subject to a condition in relation to a detailed surface water drainage design. Therefore the proposals would have no significant impact in terms of flood risk, drainage and contamination.
- 15.7 The proposals would result in an 11% increase in Biodiversity on the site, and would have no significant impact on protected species. The additional tree planting is included in this net gain and would also serve to screen the development from Claverhouse Road.
- 15.8 It is therefore considered that on balance the scheme would achieve the overall aims of East Staffordshire Local Plan policies SP1, SP2, SP9, SP22, SP23, SP24, Sp25, SP26, SP27, SP29, SP30, SP32, SP35, DP1, DP5, DP7 and DP8, the East Staffordshire Design Guide and the National Planning Policy Framework.

15.9 **RECOMMENDATION**

- 15.10 It is therefore recommended that full planning permission be approved subject to the following conditions and informatives:

Conditions

1: Time Limit - 3Yr Standard

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 and documents subject to compliance with other conditions of this permission:

Drawing No.s:

1:1250 Location Plan dated as received on 4th October 2023

TGMS1163.2-5 Rev 3, 1:500 Block Plan and Existing and Proposed Land Levels dated as received on 30th May 2023

TGMS1163.2-6 Rev 1, 1:500 Earthworks Isopachytes Plan dated as received on 30th May 2023

TGMS1163.2-7 Rev 3, 1:500 Drainage Design Plan dated as received on 30th May 2023

TGMS1163.2-8 Rev 1, 1:500 Proposed Cross Sections dated as received on 8th March 2024

24-030-01, 1:250 Existing Land Levels dated as received on 15th April 2024

24-030-02, 1:250 Proposed Land Levels dated as received on 15th April 2024

24-030-03, 1:250 Existing Land Levels Overlaid with Proposed Land Levels dated as received on 15th April 2024

24-030-04, 1:500 Cross Sections dated as received on 15th April 2024

1 Rev 0, 1:200 Proposed Landscape and Ecological Enhancement Scheme dated as received on 21st November 2023

Badger Survey by Dr Stefan Bodnar (MCIEEM), dated as received on 31st July 2023

Preliminary Ecological Appraisal by Richard Billingsley BSc (Hons) Ecology Revision One 27th October 2023 and Revision Two 2nd December 2023, dated as received on 21st November 2023

Tier 1 Hydrological Risk Assessment by TGMS dated as received on 19th September 2023

Tier 2 Hydrological Risk Assessment by TGMS dated as received on 19th September 2023

Reason: For the avoidance of doubt to ensure the development will not adversely affect the appearance of the locality, including the setting of heritage assets, the amenities of neighbouring properties, or the safe and efficient use of the adjoining highways in accordance with East Staffordshire Local Plan Policies SP1, SP2, SP9, SP22, SP23, SP24, SP25, SP27, SP29, SP35, DP1, DP5, DP7 and DP8, the East Staffordshire Design Guide, the Separation Distances and Amenity Supplementary Planning Document, the Parking Standards Supplementary Planning Document, the Open Space and Playing Pitch Supplementary Planning Document, the Separation Distances and Amenity Supplementary Planning Document and the National Planning Policy Framework.

3: Surfacing of Parking Area

Prior to the first use of the car parking area hereby granted permission the surfacing of the car park shall be provided in self-binding Cotswold gravel unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure suitable materials are used as recommended by the ESBC Conservation Officer (National Trust guidance) to allow for permeable surfaces in sensitive locations, in accordance with East Staffordshire Local Plan Policies SP25, SP27 and DP5 and the National Planning Policy Framework.

4: Construction Management Plan

Prior to the commencement of the development hereby approved an Access Routing/Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall specify and provide for:

- i) an appropriate routing agreement using the most appropriate access route
- ii) the routing of vehicles to and from the site
- iii) the type, size and number of vehicles for delivery/removal of materials
- iv) duration of works
- v) size and type of plant to be used
- vi) parking of vehicles of site personnel, operatives and visitors
- vii) loading and unloading of plant and materials, storage area of plant and materials and temporary buildings/compounds used during the construction of the development
- viii) appropriate wheel wash facilities and measures to prevent the deposition of deleterious material on the public highway
- ix) noise, vibration and dust mitigation measures
- x) details of days/hours of construction, including the timings of HGV deliveries

Reason: As recommended by the Highway Authority in the interests of the safe and efficient use of the highway network and in accordance with Policies SP1 and SP35 of the East Staffordshire Local Plan and the National Planning Policy Framework.

5: Imported Soil

No soils are to be imported to the site until information on their source, the results of any soil analysis and an assessment of their suitability for use has been submitted to and agreed in writing by the Local Planning Authority.

Prior to their import onto site, a suitable methodology for testing soils following their import and placement on the site should be submitted to and agreed in writing by the Local Planning Authority. The methodology should include:

- the sampling frequency
- testing schedules
- criteria against which the analytical results will be assessed (as determined by the risk assessment)

The agreed methodology shall then be carried out and validatory evidence submitted to and approved in writing to the Local Planning Authority.

Reason: In order to safeguard human health and the water environment in accordance with East Staffordshire Local Plan Policy DP7 and the National Planning Policy Framework.

6: LLFA

Prior to commencement of the development hereby approved, a final detailed surface water drainage design shall be submitted to and approved in writing by the Local Planning Authority. The approved surface water drainage design shall be implemented prior to the first use of the development.

Reason: To reduce the risk of surface water flooding to the development and surrounding properties in accordance with Policies SP1 and SP27 of the East Staffordshire Local Plan and the National Planning Policy Framework.

7: SCC Ecology 1

Prior to commencement of the development hereby approved details of the supervising ecologist shall be submitted to 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.

8: Regrading Works/Retaining Wall to the Car Park

Prior to any works to the car park area hereby granted permission, details of any regrading works and land levels or retaining structures or walls as required shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the first use of the development.

Reason: To safeguard the character and appearance of the site and its surroundings in accordance with East Staffordshire Local Plan Policies SP1, SP24, SP25, DP1 and DP5, the East Staffordshire Design Guide and the National Planning Policy Framework.

9: SCC Ecology 2

All site clearance and construction works must comply with precautionary measures set out in Sections 5.2 of the Preliminary Ecological Appraisal (DJOGS Ltd, Revision Two 2nd December 2023), and in Section 5 of the Badger Survey (Dr S Bodnar, March 2023).

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

10: Environment Agency

All burials in the cemetery shall:

- be at least 250 metres from a well, borehole or spring used to supply water that is used for human consumption, or for use in dairy farms
- have a minimum of 30 metres from a water course or spring and a minimum of 10 metres distance from field drains
- have at least one metre of subsoil below the bottom of the burial pit, allowing a hole deep enough for at least one metre of soil to cover the remains
- have at least one metre of unsaturated zone (the depth to the water table) below the base of any grave. Allowance should also be made to any potential rise in the water table (at least one metre should be maintained)

Reason: To protect ground and surface waters ('controlled waters' as defined under the Water Resources Act 1991) in accordance with Policies SP1, SP27 and DP7 of the East Staffordshire Local Plan and the National Planning Policy Framework.

Informatives:**1: Pre-commencement Conditions/During Development Conditions**

The conditions identified below require details to be approved before commencement of the development.

Condition Nos. 4, 6, 7

The conditions identified below require details to be approved during the development.
Condition Nos. 3, 5, 8

This means that a lawful commencement of the approved development cannot be made until the particular requirements of these conditions have been met.

As from 6th April 2008 requests for confirmation of compliance with planning conditions requires a payment of a fee to the Local Planning Authority. The fee chargeable by the authority is £145 per request. The fee must be paid when the request is made. Any number of conditions can be included for each request.

Payment can be made by cheque or card only. Please telephone 01283 508606. Although we will endeavour to discharge all conditions within 21 days of receipt of your written request, legislation allows the Local Planning Authority a period of 8 weeks, and therefore this timescale should be borne in mind when programming development.

2: Human Remains

The applicant is advised that should any human remains be found as part of the excavation works permission would be required from the Ministry of Justice should they need to be moved to another part of the site.

3: Environment Agency

The applicant is advised of the comments of the Environment Agency as set out below:

Please note that whilst the proposed burial rate of 30 per annum does not automatically put these proposals in to a high risk category, as per Position Statement L3 of the Environment Agency's 'Approach to Groundwater Protection' document (February 2018), operators of cemeteries should however take appropriate measures to manage their sites to ensure they do not cause an unacceptable risk to groundwater quality.

It is recommended that reference should be made to cemetery section in 'The Environment Agency's approach to groundwater protection' and information on the Natural Death Centre website.

CL:AIRE: With regards to the import or inert topsoil under the CL:AIRE ('Contaminated Land: Applications in Real Environments') Code of Practice materials should be re-used on site in a sustainable way. See information at <http://www.claire.co.uk>.

If contaminated/waste material needs to be removed from the site it should be deposited at a Permitted waste management facility. Records of any transfer/deposit of waste should be included in the Validation Report.

Pollution – Operators of cemeteries should take appropriate measures to manage their sites to ensure they do not cause an unacceptable risk to groundwater quality. The Environment Agency has powers under the Environmental Permitting Regulations 2010 to take action where groundwater pollution occurs, or is likely to occur.

If pollution was to occur, Section 161, Water Resources Act 1991 empowers us to recover all costs reasonably incurred in:

- carrying out works, operations or investigations to prevent pollution of surface waters or groundwater;
- undertaking remedial action following a pollution of surface waters or groundwater.

Should the Environment Agency be required to undertake such work they would be able to recover these from the company of person responsible.

4: Environmental Health 1

For material certified under BS3882:2015, a copy of the analysis certificate (comprising of the specified requirements, plus an appropriate list of contaminants, including hydrocarbons, should be submitted to the Local Authority for approval before material is imported. After approval and placement of material, the chemical quality should be analysed, with the frequency of analysis being one sample per 100 cubic metres. The depth of placement shall also be recorded in order to ensure remedial targets are met. The post-placement details shall be submitted as part of the validation report.

For materials that has not been certified under BS3882:2015, fill details of the location of materials source(s), accompanied by representative chemical analysis (including a comprehensive set of parameters, for example: pH, particle composition, and contaminants – including hydrocarbons), at a frequency not less than one sample per 5000 cubic metres (with a minimum of at least one sample per source site) should be submitted to the Local Authority for approval before material is imported. After approval and placement of material, the chemical quality should be analysed, with the frequency of analysis being one sample per 50 cubic metres. The depth of placement shall also be recorded in order to ensure remedial targets are met. The post-placement details shall be submitted as part of the validation report.

5: Ecological Responsibilities

The applicant is advised that this permission does not absolve them from their responsibilities in relation to protected species. If evidence of bats is found during demolition all work should cease and the services of a licensed ecologist procured to ensure an offence is not committed.

6: Police Architectural Liaison Officer

The applicant is advised to note and act upon as necessary the comments of the Police Architectural Liaison Officer. Where there is any conflict between these comments and the terms of the planning permission, the latter takes precedence.

7: 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.

16. Background papers

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

16.2 * Local and National Policies as outlined in section 7 above.

17. Human Rights Act 1998

17.1 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.

18. Crime and Disorder Implications

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

19. Equalities Act 2010

19.1 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: Lisa Bird
Telephone Number: 01283 508746
Email: lisa.bird@eaststaffsbc.gov.uk