

PLANNING REGULATORY BOARD

Date:- Thursday 12 October 2023 **Venue:- Town Hall, The Crofts,
Moorgate Street, Rotherham.
S60 2TH**

Time:- 9.00 a.m.

Meetings of the Planning Board can all be viewed by live webcast by following this link:-
<https://rotherham.public-i.tv/core/portal/home>

AGENDA

1. To consider whether the press and public should be excluded from the meeting during consideration of any part of the agenda.
2. To determine any items which the Chairman is of the opinion should be considered as a matter of urgency.
3. Apologies for absence (substitution)
4. Declarations of Interest (Page 5)
(A form is attached and spares will be available at the meeting)
5. Minutes of the previous meeting held on 21st September, 2023 (Pages 7 - 9)
6. Deferments/Site Visits (information attached) (Pages 11 - 12)
7. Development Proposals (Pages 13 - 31)
8. Updates
9. Date of next meeting - Thursday, 2nd November, 2023 at 9.00 a.m.

Membership of the Planning Board 2023/24

Chair – Councillor Atkin
Vice-Chair – Councillor Bird
Councillors Andrews, Bacon, Ball, Burnett, Cowen, Elliott,
Fisher, Havard, Keenan, Khan, Sheppard, Tarmey and Taylor.

Planning Regulatory Board 'Public Right To Speak'

REGISTERING TO SPEAK

The Council has a "Right to Speak" policy, under which you may speak in the Planning Board meeting about an application. If you wish to do this, it is important that you complete a tear-off slip and return it with any written comments, within 21 days of the date of the notification letter back to the Planning Department.

Your comments will be made known to the Planning Board when it considers the application and you will be written to advising of the date and time of the Planning Board meeting to exercise your right to speak

If you wish to speak in the meeting, please try to arrive at the venue **ten minutes** before the meeting starts. The reception staff will direct you to the Council Chamber.

In the Council Chamber, please give your name to the Board clerk (who will have a checklist of names derived from the agenda). The clerk will direct you to the seating reserved for people who wish to speak.

The agenda is available online at least 5 days prior to the meeting, and a few copies will be made available at the meeting, so you can read the report relating to the application which concerns you and see where it comes in the agenda.

The **Council Chamber** is equipped with microphones and a hearing loop.

Take time to familiarise yourself with the layout of the Chamber and the procedure of the meeting, before 'your' application is reached.

Please note that applications can sometimes be withdrawn or deferred at short notice. **The Council will do its best to notify the public in advance**, but on occasions this may not be possible.

The meeting is being filmed for live or subsequent broadcast via the Council's website and can be found at:-

<https://rotherham.public-i.tv/core/portal/home>

If anyone present or members of the public in the public galleries do not wish to have their image captured they should make themselves known to Democratic Services before the start of the meeting.

YOUR RIGHT TO SPEAK

The 'right to speak' applies equally to the applicant and to the general public.

You will be invited to speak by the Chairman at the correct interval.

Each speaker will be allowed three minutes to state his/her case. The applicant does not have a "right to reply" to the objector(s) comments.

Only planning related comments can be taken into consideration during the decision process.

CONDUCT OF COMMITTEE MEETINGS

Speakers should not be allowed to engage in discussion with members of the Committee during public speaking or the Committee deliberations, to avoid any risk of accusation of bias or personal interest.

All attendees are reminded of the importance to remain calm, courteous and respectful during the meeting. Please refrain from shouting out and allow people to speak. Any person causing a disruption will be asked to leave the meeting.

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ROTHERHAM METROPOLITAN BOROUGH COUNCIL

PLANNING BOARD

MEMBERS' DECLARATION OF INTEREST

Your Name (Please PRINT):-

Meeting at which declaration made:-

Item/Application in which you have an interest:-

Date of Meeting:-

Time Meeting Started:-

Please tick (✓) which type of interest you have in the appropriate box below:-

1. Disclosable Pecuniary

2. Personal

Please give your reason(s) for you Declaring an Interest:-

(Please continue overleaf if necessary)

N.B. It is up to a Member to determine whether to make a Declaration. However, if you should require any assistance, please consult the Legal Adviser or Governance Adviser prior to the meeting.

Signed:-

(When you have completed this form, please hand it to the Governance Adviser.)

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PLANNING BOARD
Thursday 21 September 2023

Present:- Councillor Atkin (in the Chair); Councillors Bird, Andrews, Ball, Burnett, Cowen, Elliott, Fisher, Keenan, Sheppard and Tarmey.

Apologies for absence:- Apologies were received from Councillors Bacon, Havard and Taylor.

The webcast of the Planning Meeting can be viewed at:-
<https://rotherham.public-i.tv/core/portal/home>

18. EXCLUSION OF THE PRESS AND PUBLIC

There were no items on the agenda to warrant exclusion of the press and public.

19. MATTERS OF URGENCY

There were no matters of urgency for consideration.

20. DECLARATIONS OF INTEREST

There were no Declarations of Interest to report.

21. MINUTES OF THE PREVIOUS MEETING HELD ON 10TH AUGUST, 2023

Resolved:- That the minutes of the previous meeting of the Planning Regulatory Board held on Thursday, 10th August, 2023, be approved as a correct record of the meeting.

22. DEFERMENTS/SITE VISITS

There were no site visits or deferments recommended.

23. DEVELOPMENT PROPOSALS

Resolved:- (1) That, on the development proposals now considered, the requisite notices be issued and be made available on the Council's website and that the time limits specified in Sections 91 and 92 of the Town and Country Planning Act 1990 apply.

In accordance with the right to speak procedure the following people attended the meeting and spoke about the application below:-

- Change of use to Childrens Care Home at 6 Hunger Hill Road Whiston for WLKA Properties (RB2023/0938)

Mr. W. Kashangura (Applicant)
Ms. L. C. Gregory (Objector)
Mr. T. Abell (Objector)
Ms. C. Richardson (Objector)
Ms. S. Badger (Objector)

(2) That application RB2023/0938 be granted for the reasons adopted by Members at the meeting and subject to the relevant conditions listed in the submitted report and subject to an additional condition relating to the upgrading of the driveway surface to ensure there was adequate off road parking at all times. The wording of the additional condition to the agreed with the Chair and Vice-Chair of the Planning Board.

24. UPDATES

The following update information was provided:-

(a) Planning Applications By Type

An overview was provided on the number of planning applications by type over the last few years to graphically show any variations or trends for the numbers of applications submitted. The Covid-19 pandemic had skewed the figures slightly as this fell in the middle of the five years depicted.

Whilst only six month data was available for 2023, a rough estimate for the year was also provided.

The information shared did indicate a downward trend in the numbers of applications submitted not only in Rotherham, but nationally and reflective of the number of applications being submitted to the Planning Board for consideration.

Discussion ensued on the data and whilst specific development numbers could not be provided, consideration would be given to including this in some form in the future.

The Planning Board voiced their appreciation to the Planning Department's staff for the concise and informative presentations and reports prepared for the Planning Board and the professional manner these were presented.

Rotherham's Planning Department were a small team and having won the best performing Planning Authority in the country a few years ago, they still continued to achieve 100% of all applications on time. It was also noted that fees and charges in relation to Planning were set nationally and there was no jurisdiction locally for this to change.

PLANNING BOARD - 21/09/23

In welcoming the data as submitted the Planning Board asked that with any future updates comparative data with neighbouring authorities be included.

(b) Policy Changes to the NPPF and Planning Practice Guidance

An update was provided on the paragraph changes made more recently.

One area of particular note was the flexibility to address detail for onshore wind farms and applications to extend the time life.

Resolved:- That the updates be received and the contents noted.

25. DATE OF NEXT MEETING

Resolved:- That the next meeting of the Planning Board take place on Thursday, 12th October, 2023 at 9.00 a.m. at Rotherham Town Hall.

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ROTHERHAM METROPOLITAN BOROUGH COUNCIL**PLANNING BOARD****DEFERMENTS**

- Planning applications which have been reported on the Planning Board Agenda should not be deferred on request without justification.
- Justification for deferring a decision can arise from a number of matters:-
 - (a) Members may require further information which has not previously been obtained.
 - (b) Members may require further discussions between the applicant and officers over a specific issue.
 - (c) Members may require a visit to the site.
 - (d) Members may delegate to the Assistant Director of the Service the detailed wording of a reason for refusal or a planning condition.
 - (e) Members may wish to ensure that an applicant or objector is not denied the opportunity to exercise the “Right to Speak”.
- Any requests for deferments from Members must be justified in Planning terms and approved by the Board. The reason for deferring must be clearly set out by the Proposing Member and be recorded in the minutes.
- The Assistant Director of Planning, Regeneration and Transport or the applicant may also request the deferment of an application, which must be justified in planning terms and approved by the Board.

SITE VISITS

- Requests for the Planning Board to visit a site come from a variety of sources:- the applicant, objectors, the Parish Council, local Ward Councillors, Board Members or sometimes from the Assistant Director of Planning, Regeneration and Transport.
- Site visits should only be considered necessary if the impact of the proposed development is difficult to assess from the application plans and supporting information provided with the officer's written report; if the application is particularly contentious or the application has an element that cannot be adequately expressed in writing by the applicant or objector. Site visits can cause delay and additional cost to a project or development and should only be used where fully justified.
- The reasons why a site visit is called should be specified by the Board and recorded.
- Normally the visit will be programmed by Democratic Services to precede the next Board meeting (i.e. within three weeks) to minimise any delay.
- The visit will normally comprise of the Members of the Planning Board and appropriate officers. Ward Members are notified of visits within their Ward.
- All applicants and representees are notified of the date and approximate time of the visit. As far as possible Members should keep to the schedule of visits set out by Committee Services on the Board meeting agenda.
- Normally the visit will be accessed by coach. Members and officers are required to observe the site directly when making the visit, although the item will be occasioned by a short presentation by officers as an introduction on the coach before alighting. Ward Members present will be invited on the coach for this introduction.
- On site the Chair and Vice-Chair will be made known to the applicant and representees and will lead the visit allowing questions, views and discussions. The applicant and representees are free to make points on the nature and impact of the development proposal as well as factual matters in relation to the site, however, the purpose of the visit is not to promote a full debate of all the issues involved with the application. Members must conduct the visit as a group in a manner which is open, impartial and equitable and should endeavour to ensure that they hear all points made by the applicant and representees.
- At the conclusion of the visit the Chair should explain the next steps. The applicant and representees should be informed that the decision on the application will normally be made later that day at the Board meeting subject to the normal procedure and that they will be welcome to attend and exercise their "Right to Speak" as appropriate.

**REPORT TO THE PLANNING REGULATORY BOARD
TO BE HELD ON THE 12th October 2023**

The following applications are submitted for your consideration. It is recommended that decisions under the Town and Country Planning Act 1990 be recorded as indicated.

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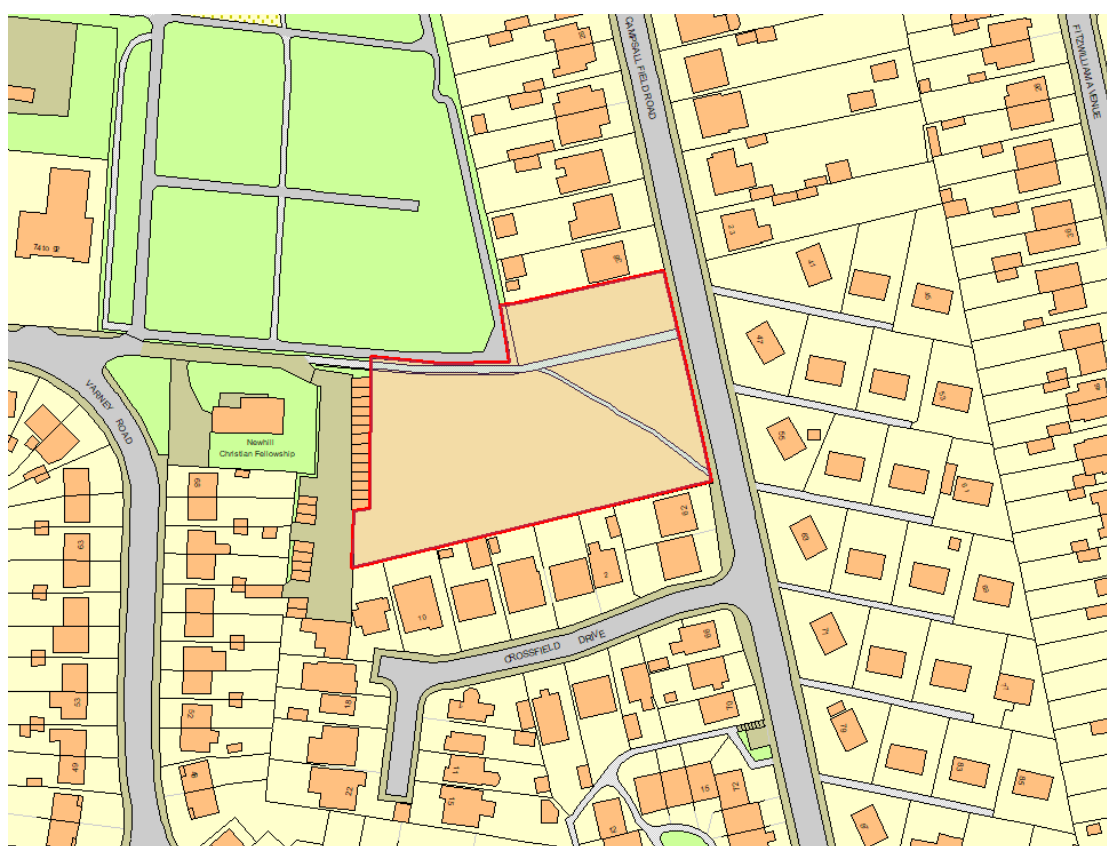
RB2022/1498 Formation of burial ground, access, footpaths and associated landscaping at Wath Cemetery Cemetery Road Wath-upon-Deerne for Dignity Funerals Limited	Page 15
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**REPORT TO THE PLANNING BOARD
TO BE HELD ON THE 12th October 2023**

The following applications are submitted for your consideration. It is recommended that decisions under the Town and Country Planning Act 1990 be recorded as indicated.

Application Number	RB2022/1498 https://rotherham.planportal.co.uk/?id=RB2022/1498
Proposal and Location	Formation of burial ground, access, footpaths and associated landscaping, Wath Cemetery, Cemetery Road, Wath
Recommendation	Grant subject to conditions



Site Description & Location

The application site is allocated Greenspace in the Local Plan.

The site is situated to the south east of the existing cemetery within the settlement boundary of the Wath Ward. The site is surrounded to the north by mature trees and the cemetery beyond. To the west there are a number of lock up garages. There are residential properties in close proximity to the site to the north and south and to the west on the opposite side of Campstall Field Road. A number of properties have their gardens bounding on to the site.

The application site comprises an 'L' shaped parcel of land approximately 0.4 ha in size. The site is presently a grassed area of open space adjoining onto the surrounding cemetery. The site rises approximately 4m as you move south west through the site. There are existing paths through the site and an access to the Cemetery.

Background

The site does not have any previous relevant planning history.

A screening opinion is not required for this development as it does not meet the thresholds set in Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

Proposal

The application seeks full planning permission for the extension of the existing burial ground to change the use of the land which is currently open space. The proposal includes vehicular access, footpaths and associated landscaping and facilities.

The proposed development will hold approximately 550 burial plots. The application proposes a community facility for which there is an identified need in this area due to the existing cemetery nearing capacity. The application scheme has been led by landscape and ecological factors, underpinning the provision of essential bereavement services. Consideration has been given to the location and design of the areas of the access and the landscape proposals in the context of landscape character, visual amenity and ecology.

The application will use the existing internal access road to the west of the extension. The proposed access will have a turning head within the site and will be tarmac to match the existing access road. There is no change in the amount of parking provision provided. The proposed development is not expected to generate a need for increased parking.

The following supporting documents have been submitted:

Planning Statement

- Low level bollard lighting is proposed to illuminate the access road.
- There is an urgent need for more capacity in Wath.

A Flood Risk Assessment and Sustainable Drainage Strategy

- The scheme is capable of ensuring that runoff rates are the same as green field runoff.
- Swales will be integrated into the lowest part of the site and will assist with biodiversity.

Geotechnical Document comprising a Groundwater Investigation

- Made Ground is likely to be present in the eastern part of the site, associated with houses that were present between the 1940s and 1980s.
- The locations of the exploratory holes were selected and set out on site by Applied Geology. The sampling strategy for the exploratory hole locations was to provide best overall coverage across the area of the proposed new cemetery and to permit installation of standpipe piezometers to monitor groundwater levels and enable possible future groundwater sampling.

The Environment Agency initially objected to the proposal with concern raised on the groundwater issues and what measures were being taken to prevent pollution into the groundwater. Following these concerns additional calculations and borehole sampling was carried out and a separate Groundwater Geology Survey between February to May 2023.

Groundwater Survey

This indicated that the boreholes would be installed with monitoring standpipes and reinstated with a lockable, stop-cock cover, flush with ground level. Dependent on specific requirements, additional or alternative methods of reinstatement may be necessary. Additional costs, subject to specific requirements would need to be agreed where additional reinstatement is needed. The additional investigation work included the following:

- Four rotary open-hole boreholes to approximately 6m bgl at each corner of the site.
- Installation of 4 No 50mm groundwater monitoring standpipes (6m bgl) in the rotary boreholes.
- Six phases of groundwater level monitoring, to be undertaken fortnightly until end April 2023.
- Production of a factual and interpretative letter report.

Updated Conclusions

- The survey did not identify the presence of groundwater and the site appears to be suitable for the proposed extension to the existing Wath Cemetery.
- Four rotary open-hole boreholes (ROH1 to ROH2) were undertaken on 27th and 28th February 2023.
- These were carried out by Applied Geology and used a calibrated CAT and Genny.
- Monitoring took place on six occasions between 8th March and 5th May 2023 has recorded groundwater levels between 6.80m and 9.87m below ground level, but were recorded as dry (eg deeper than 7m bgl) on 5 occasions.

Following earlier EA consultation responses a further report in September 2023 was submitted and can be summarised below:

- With regards to land drains, the available GroundSure data indicates that the site is not within 500m of any surface water features or watercourses. In addition, no visible evidence for the presence of land drainage was identified during the site walkover and intrusive investigation undertaken in June 2021, nor during the supplementary intrusive investigation undertaken in February 2023.
- The proposed development is not within 50m of any well, spring or borehole.
- The proposed development is sustainable and that the risks posed by the development to groundwater can be satisfactorily managed.

Biodiversity

- No material impact on existing habitat or species
- Additional tree planting (subsequently reduced in scale following planning request)
- New hedges with additional planting
- Meadow planting

Development Plan Allocation and Policy

The Core Strategy was adopted by the Council on the 10th September 2014 and forms part of Rotherham's Local Plan together with the Sites and Policies Document which was adopted by the Council on the 27th June 2018.

The application site is allocated for Greenspace purposes in the Local Plan. For the purposes of determining this application the following policies are considered to be of relevance:

CS3 'Location of New Development'
CS19 'Green Infrastructure'
CS20 'Biodiversity and Geodiversity'
CS21 'Landscapes'
CS22 'Green Space'
CS24 'Conserving the Water Environment'
CS28 'Sustainable Design'
CS29 'Community and Social Facilities'
CS25 'Dealing with Flood Risk'

SP26 'Sustainable Transport for Development'
SP32 'Green Infrastructure and Landscape'
SP33 'Conserving the Natural Environment'
SP37 'New and Improvements to Existing Green Space'
SP47 'Understanding and Managing Flood Risk and Drainage'
SP52 Pollution Control
SP55 'Design Principles'

SP62 'Safeguarding Community Facilities'
SP64 'Access to Community Facilities'

Other Material Considerations

National Planning Practice Guidance (NPPG) - On 6 March 2014 the Department for Communities and Local Government (DCLG) launched this planning practice guidance web-based resource. This was accompanied by a Written Ministerial Statement which includes a list of the previous planning practice guidance documents cancelled when this site was launched.

National Planning Policy Framework: The NPPF sets out the Government's planning policies for England and how these should be applied. It sits within the plan-led system, stating at paragraph 2 that "Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise" and that it is "a material consideration in planning decisions".

The Local Plan Policies referred to above are consistent with the NPPF and have been given due weight in the determination of this application.

Publicity

The application has been advertised by way of press notice, site notice and individual letters to neighbouring properties. A total of 7 representations have been received and these can be summarised as follows:

- Concerns raised about the new trees which will create more maintenance burdens to adjacent residents.
- Gutters are already clogged by seed and leaf debris.
- The additional benches in the south western corner of the site will create more potential anti-social behaviour issues.
- The increase in the cemetery will result in a need for increased parking.
- Traffic calming measures should be considered.

One representation is fully in support of the plans.

Neighbouring properties were re-notified following the amendments to the proposals including clarifications to the access, relocation of the benches away from the residential boundaries and reduction in the number of new boundary trees.

- No new comments have been made as a result of this.

A total of 2 Right to Speaks have been submitted from local residents.

Consultations

RMBC Transportation Infrastructure Service – no objections

Greenspaces – no objections

Landscape Officer – no objections

Environment Agency – no objections following additional groundwater details and clarification.

Appraisal

Where an application is made to a local planning authority for planning permission.....In dealing with such an application the authority shall have regard to -

- (a) the provisions of the development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations. - S. 70 (2) TCPA '90.

If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise - S.38 (6) TCPA 2004.

The main considerations in the determination of the application are:

- The principle of the development
- Design, layout and scale
- Transportation issues
- Drainage, groundwater pollution and flood risk issues
- Landscape matters
- Biodiversity issues
- General amenity issues
- Heritage and other issues

The principle of the development

The application site is allocated for Greenspace in the Local Plan.

Policy CS 19 'Green Infrastructure' states proposals will be supported which make an overall contribution to the Green Infrastructure.

Policy CS 20 'Biodiversity and Geodiversity' states The Council will conserve and enhance Rotherham's natural environment.

Policy CS 29 'Community and Social Facilities' refers to the provision of facilities to meet the needs of local communities. Policy CS29 supports a range of community proposals in locations accessible by public transport, cycling or on foot which enhance the quality of life, improve health and well-being and serve the changing needs of all of Rotherham's Communities.

Policy SP 38 Protecting Green Space states that: “Existing Green Space, including open space, sports and recreational land, including playing fields, as identified on the Policies Map or as subsequently provided as part of any planning permission, should not be built on unless:

- a. an assessment has been undertaken which has clearly shown the open space, sports and recreational land to be surplus to requirements and its loss would not detrimentally affect. The assessment will consider the availability of sports pitches, children’s play areas and allotment provision, to determine existing deficits and areas for improvement; or
- b. the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- c. the development is for alternative sports and recreational provision and facilities of appropriate scale and type needed to support or improve the proper function of the remaining Green Space in the locality, the needs for which clearly outweigh the loss.

These criteria will not apply to Green Space that performs an irreplaceable amenity or buffer function. All proposals that are the subject of a planning application for development on land designated as green space should be assessed in terms of the site’s ability to perform amenity or location specific buffer functions. Sites that effectively perform such functions will be protected from future development as it is considered that their loss cannot be compensated for given the location, purpose and function of the allocation.

Development proposals will be required to demonstrate how any likely negative impact on the amenity, ecological value and functionality of adjacent Green Space and other Green Infrastructure within the immediate vicinity has been mitigated.

Development that will result in the loss of small incidental areas of green space, not specifically identified on the Policies Map, but which make a significant contribution to the character of residential areas and / or green infrastructure, and function as a facility for the benefit of the local community, will not normally be permitted.

SP10 ‘Proposals for Outdoor Sport, Outdoor Recreation and Cemeteries in the Green Belt’. Whilst the proposed development is not within the Green Belt, the policy provides a list of bullet points which the Council considers necessary to meet and are useful when assessing Cemeteries not within the Green Belt.

They are summarised as follows:

- a. proposals will not give rise to undue disturbance caused by an increase in noise, the attraction of significant numbers of additional people into the area, or an increase beyond current levels of traffic at any one time;*

- b. they are sited and designed so as to avoid any adverse impact on identified landscape character, heritage, nature conservation or agricultural interests;*
- c. the proposals would not pollute surface and groundwater;*

The site will be operated and maintained by Dignity, though remain within the ownership of RMBC. Whilst the site is allocated as Green Space in the Local Plan criteria (c) of SP38 does state that such sites should not be built on unless the development is for alternative sports and recreational provision and facilities of appropriate scale and type needed to support or improve the proper function of the remaining Green Space in the locality, the needs for which clearly outweigh the loss.

In this instance the site will not be built upon but will be utilised as an extension to an existing Cemetery. The information submitted in support of the proposal states that there is an urgent need for additional burial plots within Wath upon Dearne and there is a risk of not having adequate burial plots in the short term if additional space is not found. The site adjoins the existing Cemetery and would remain open with paths through and additional landscaping. The existing site is mainly laid to grass with some paths crossing and access to the existing Cemetery, it does not contain any play spaces and the topography and location precludes the use of the area as a playing field. The area has a contribution as an open area of land with paths crossing it and this will be retained albeit with more formal paths and use of the area for burial plots. On this basis it is not considered that the area would be lost as Green Space as access would still be available for walking and general recreational use. However, there is an identified need for additional burial plots and all other sites within Wath upon Dearne have been investigated and discounted and this is the only available site which is suitable for the proposed use. On this basis it is considered that there is a need for the alternative use which still retains an overall Green Space use which outweighs the loss of the open grassed area on this site.

Having considered all of the above, it is considered that the principle of extending the existing cemetery into this area of open greenspace is acceptable in land use terms.

Design, layout and scale

Policy CS28 'Sustainable Design' states, in part, that: "*Proposals for development should respect and enhance the distinctive features of Rotherham. They should develop a strong sense of place with a high quality of public realm and well-designed buildings within a clear framework of routes and spaces. Development proposals should be responsive to their context and be visually attractive as a result of good architecture and appropriate landscaping.....Design should take all opportunities to improve the character and quality of an area and the way it functions.*" This seeks to ensure that all developments make a positive contribution to the environment by achieving an appropriate standard of design.

Policy SP55 'Design Principles', states, in part, that: *"All forms of development are required to be of high quality, incorporate inclusive design principles and positively contribute to the local character and distinctiveness of an area and the way it functions. This policy applies to all development proposals including alterations and extensions to existing buildings"*.

The NPPF at paragraph 124 states, in part, that: *"Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities."* Paragraph 130 adds, in part, that: *"Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents."*

The site is an open area and the siting of burial plots and associated headstones etc will have a minimal visual impact upon the area, particularly bearing in mind that the site is seen in the context of the existing Cemetery adjacent to the site. Further screening is proposed by extending and/or enhancement of existing hedgerows that border the site. There is additional landscaping proposed within the site which will add to the sylvan character of the site and surrounding area.

As discussed below the amount of new tree planting has been reduced compared to that originally proposed based on concerns raised from a potential significant increase in future maintenance requirements that would become the responsibility of immediately surrounding residents. The majority of these are occupied by elderly people and additional planting of boundary trees could also lead to the potential loss of light.

In addition the originally proposed new benches in the western area of the site have been relocated to an areas further inside the site, away from the southern boundary, following concerns that this could lead to an increase in anti-social behaviour close to residential properties.

Overall it is concluded that the design and layout of the proposed burial ground is considered to be acceptable and whilst the character of the site would change, it is considered to be appropriate for this location and acceptable in terms of design and appearance. The proposal therefore complies with Policies SP55, CS28 and the NPPF.

Transportation issues

Paragraph 111 of the NPPF states: "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."

CS14 'Accessible Places and Managing Demand for Travel' states the Council will work on making places more accessible and that accessibility will

be promoted through the proximity of people to employment, leisure, retail, health and public services by, amongst other things, locating new development in highly accessible locations such as town and district centres or on key bus corridors which are well served by a variety of modes of travel.

SP26 'Sustainable Transport for Development' states development proposals will be supported where it can be demonstrated that the proposals make adequate arrangements for sustainable transport infrastructure; local traffic circulation, existing parking and servicing arrangements are not adversely affected; the highway network is, or can be made, suitable to cope with traffic generated, during construction and after occupation; and the scheme takes into account good practice guidance.

Policies CS14 and SP26 are supported by paragraphs 110 and 112 of the NPPF.

SP56 'Car Parking Layout' states that layouts should be designed to reduce the visual impact of parking on the street-scene and discourage the obstruction of footways.

Whilst no additional car parking space has been made available, the applicant indicates that the demand for car parking is likely to remain similar to the existing cemetery. The Transportation Unit concur with this view and have raised no highway safety concerns, subject to standard conditions. There is an area of dedicated parking off Varney Road to the west of the site which will be retained. There is not anticipated to be any material increase in the level of on street parking along Campsall Field Road.

The proposal involves an extension to the vehicular access from the existing cemetery to the north with a turning head within the site. It is envisaged that the vehicular access will generally only be used during funeral services and for maintenance, and a gate across the access will prevent vehicular use when not required. The proposal includes the retention of existing footpaths access the site which will be improved.

Overall therefore no highway concerns have been identified by the Transportation Unit. It is not considered that there would be significant additional demand for on street car parking and the proposed use would not have a detrimental impact on highway safety or increased conflict between vehicles and pedestrians.

Drainage, groundwater pollution and flood risk issues

Policy CS24 states that:

"Proposals will be supported which:

- a. do not result in the deterioration of water courses and which conserve and enhance:
 - i. the natural geomorphology of watercourses,
 - ii. water quality; and

- iii. the ecological value of the water environment, including watercourse corridors;
- b. contribute towards achieving 'good status' under the Water Framework Directive in the borough's surface and groundwater bodies
- c. manage water demand and improve water efficiency through appropriate water conservation techniques including rainwater harvesting and grey-water recycling;
- d. improve water quality through the incorporation of appropriately constructed and maintained Sustainable Urban Drainage Systems or sustainable drainage techniques as set out in Policy CS25 Dealing with Flood Risk,
- e. dispose of surface water appropriately according to the following networks in order of preference:
 - i. to an infiltration based system wherever possible (such as soakaways)
 - ii. discharge into a watercourse with the prior approval of the landowner and navigation authority (to comply with part a. this must be following treatment where necessary or where no treatment is required to prevent pollution of the receiving watercourse.)
 - iii. discharge to a public sewer

Policy SP47 'Understanding and Managing Flood Risk and Drainage' states that:

"The Council will expect proposals to:

- a. demonstrate an understanding of the flood route of surface water flows through the proposed development in an extreme event where the design flows for the drainage systems may be exceeded, and incorporate appropriate mitigation measures;
- b. control surface water run-off as near to its source as possible through a sustainable drainage approach to surface water management (SuDS). The Council will expect applicants to consider the use of natural flood storage / prevention solutions (such as tree planting) in appropriate locations, and the use of other flood mitigation measures such as raised finished floor levels and compensatory storage; and
- c. consider the possibility of providing flood resilience works and products for properties to minimise the risk of internal flooding to properties."

The initial comments from the Environment Agency raised concerns about pollution to groundwater and groundwater flood risk.

Following the further monitoring and surveying work in the updated groundwater survey in the late winter and spring of 2023, the results did not identify that there was groundwater present between ground levels and 7m below ground levels (i.e. in the area that graves would occupy) on the six occasions that monitoring took place between February and May 2023.

Following a further review the Environment Agency have confirmed that the additional supplementary site investigation report, along with the further confirmation details within letter dated 13th September 2023, ref AG3277A-23let002 by Applied Geology, provides the Environment Agency with

confidence that it will be possible to suitably manage the risks posed to groundwater resources by this development.

The Environment Agency have now withdrawn their earlier objection and consider the proposed development will be acceptable.

Landscape matters

Policy CS21 states that:

“New development will be required to safeguard and enhance the quality, character, distinctiveness and amenity value of the borough’s landscapes. This will be achieved through the principles set out below:

- a. All new development proposals will be required to respect and enhance the character and distinctiveness of the relevant National Character Areas and the Local Landscape Character Areas identified for Rotherham.
- b. Within Areas of High Landscape Value, development will only be permitted where it will not detract from the landscape or visual character of the area and where appropriate standards of design and landscape architecture are achieved.
- c. Significant landscape features, important views including landmarks and skylines will be safeguarded and enhanced. Proposals that reduce the negative visual impact of landscape detractors will be encouraged
- d. Development will respect the setting of neighbouring settlements.
- e. Where opportunities exist, the Council, and its partners, will support landscape enhancement, restoration, reclamation and other environmental improvements to enhance the quality, appearance and attractiveness of the borough and encourage future investment, development and tourism.
- f. Landscape works shall be appropriate to the scale of the development.
- g. Developers will be required to put in place effective landscape management mechanisms including long term landscape maintenance for the lifetime of the development.
- h. Support will be given to initiatives, strategies and projects working towards or contributing to landscape scale conservation, implementing an integrated approach to managing the environment and all its functions.

The site plan indicates the majority of the site will be retained as grassed area with some additional areas of paths to provide access to the burial plots. In terms of landscaping, there are additional hedges proposed within the site, additional tree planting and meadow planting which will enhance the landscape setting of the site. The landscaping will add to the high quality environment which will improve the overall appearance of the site within the locality.

A number of objections were raised by neighbouring properties to the additional planting of trees, in particular along the southern and northern boundaries which lie on or directly adjacent to residential boundaries. The concern is that when these trees mature, this will lead to additional maintenance burden for residents, the majority of which are elderly.

As a result of the comments received, the site plan and proposed landscaping has been amended to show that all of the new planting along the adjacent residential boundaries being removed and replaced within the site in order to address the concerns raised.

One of the objectors has further raised a request to remove an existing tree within the site due to the high level of leaf litter being shed. However, this is considered a separate issue to the current application and is subject to ongoing discussions with the Council's Tree Service. The tree is therefore not shown to be removed as a part of this application.

Overall, it is considered that the revised landscape scheme provides an acceptable balance between providing additional tree planting and high quality landscaping, whilst minimising the future impact on neighbouring properties.

Biodiversity

Paragraph 174 of the NPPF states planning decisions should contribute to and enhance the natural and local environment by (amongst other things) minimising impacts on and providing net gains for biodiversity.

Policy CS20 'Biodiversity and Geodiversity' states: *"The Council will conserve and enhance Rotherham's natural environment. Biodiversity and geodiversity resources will be protected, and measures will be taken to enhance these resources ..."*

Policy SP33 'Conserving the Natural Environment' states: *"Development will be expected to enhance biodiversity and geodiversity on-site with the aim of contributing to wider biodiversity and geodiversity delivery..."*

Policy SP35 'Protected and Priority Species' states: *"Planning permission for development likely to have a direct or indirect adverse impact on the following will only be granted if they can demonstrate that there are no alternative sites with less or no harmful impacts that could be developed and that mitigation and / or compensation measures can be put in place that enable the status of the species to be conserved or enhanced."*

The submitted Preliminary Ecological Appraisal document has been considered and assessed by the Council's Ecologist. Overall the conclusions within the PEA indicate that it is not anticipated that the development would result in any significant ecological impact.

As indicated within the landscaping paragraphs above, the additional landscape planting in and around the site indicates that Biodiversity Net Gain can be achieved with the scheme.

The Council's standard informative regarding vegetation clearance will be added to any approval, as the matter is covered under separate legislation.

General amenity issues

A number of objections have been raised from surrounding residents with the main concerns being future tree maintenance, which has been considered above. A secondary area of concern was regarding potential anti-social behaviour issues from the additional benches in the south western corner of the site.

The application site is currently an open grassed area with paths crossing and appears to be used for walking and accessing the existing Cemetery and surrounding shops and facilities. The use of the site as a burial ground is not considered to significantly increase the use of the site and is likely to be used in a similar way by people walking across the site and by those visiting graves. The exception to this will be during a burial service where there would be additional people within the site and additional vehicles within the surrounding streets. The site adjoins the existing cemetery and the majority of access would be to the west from the access to the existing burial ground. Whilst this would result in increased activity it is for a limited period of time and will be during daytime hours when such activity is generally more acceptable. This would not be a constant use and more ad hoc when funerals are taking place. It is therefore not considered that the disturbance would be significant in terms of the impact on existing residents.

Originally, the scheme included a number of benches around the perimeter of the site and close to the boundaries with residential properties. However, those benches have been relocated further within the site to reduce the potential for disturbance to neighbouring properties but to retain areas of seating within the cemetery. The benches are now within areas which are clearly visible within the site and not hidden or screened close to the boundaries of the site. It is therefore considered that the attractiveness of the benches in terms of anti social behaviour has been reduced.

Overall, in terms of noise and disturbance it is not considered that the use of the site as an expanded cemetery area would generate any significant new or additional amenity issues over and above the existing use.

Heritage and other issues

There are no listed buildings or conservation areas within the site area or adjacent to the site and the proposal is not considered to raise any new heritage issues.

Conclusion

Overall the principle of the extension to the Wath burial ground is considered to be acceptable in this location, subject to the clarifications set out in the additional groundwater supporting details. The visual appearance from the amended landscape scheme is considered appropriate. The landscaping and furniture within the site has been re-positioned in order to reduce the impact

on neighbouring residents and new tree planting has been reduced to prevent an increase in the maintenance burden.

The application is recommended for approval subject to conditions.

Conditions

01

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

Reason

In order to comply with the requirements of the Town and Country Planning Act 1990.

02

The permission hereby granted shall relate to the area shown outlined in red on the approved site plan and the development shall only take place in accordance with the submitted details and specifications as shown on the approved plans (as set out below)

(Drawing numbers location plan P1845-01, site/block plan 00110 Rev P04, landscaping plan 00100 Rev P05)(received 04.10.22, 07.03.23).

Reason

To define the permission and for the avoidance of doubt.

03

The materials to be used in the construction of the external surfaces of the development hereby permitted shall be in accordance with the details provided in the submitted application form/shown on drawing nos. landscaping plan 00100 Rev P05. The development shall thereafter be carried out in accordance with these details.

Reason

In order to ensure a satisfactory appearance in the interests of visual amenity and in accordance with Core Strategy Policy CS28 Sustainable Design.

Highways

04

All gates shall be hung so as not to encroach into the highway when open or being opened.

Reason

In order to prevent obstruction to pedestrians.

05

Before the development is brought into use, that part of the site to be used by vehicles shall be constructed with either;

a/ a permeable surface and associated water retention/collection drainage, or;

b/ an impermeable surface with water collected and taken to a separately constructed water retention/discharge system within the site. The area shall thereafter be maintained in a working condition.

Reason

To ensure that surface water can adequately be drained and to encourage drivers to make use of the parking spaces and to ensure that the use of the land for this purpose will not give rise to the deposit of mud and other extraneous material on the public highway in the interests of the adequate drainage of the site and road safety.

06

Prior to the commencement of above ground works on site, engineering details for the upgrade of the existing adopted footpath so as to accommodate vehicles crossing shall be submitted to and agreed in writing by the local planning authority. The agreed details shall be implemented before the extension of the graveyard is brought into use.

Reason

In the interests of road safety.

07

Before the development is brought into use, the approved Landscape scheme as indicated on Landscape schedule (Dwg No Planting schedule 00200 Rev P03, landscaping plan 00100 Rev P05, received 04.10.22, 07.03.23) shall be implemented in accordance with RMBC Landscape Design Guide (April 2014) in the next available planting season and maintained to ensure healthy establishment. Any plants dying, removed or destroyed within five years of planting shall be replaced the following planting season.

Reason

To ensure that there is a well laid out scheme of healthy trees and shrubs in the interests of amenity and in accordance with Local Plan Policy.

Informatives

Licences

01

The applicant is reminded to apply for any additional licences or permits required from the Environment Agency.

Wildlife and Ecology

02

No removal of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation shall be submitted to the local planning authority.

POSITIVE AND PROACTIVE STATEMENT

The applicant and the Local Planning Authority engaged in pre application discussions to consider the development before the submission of the planning application. The application was submitted on the basis of these discussions, or was amended to accord with them. It was considered to be in accordance with the principles of the National Planning Policy Framework.

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