

Report to Planning Committee

10 February 2021

Application Reference	DC/20/65053
Application Received	21 st December 2020
Application Description	Proposed change of use to cemetery with parking, lighting, and other associated works.
Application Address	Land Adjacent West Bromwich Crematorium Newton Road, West Bromwich, B71 3SX
Applicant	Mr Mark Satchwell, Sandwell MBC
Ward	Newton
Contact Officer	William Stevens William_stevens@sandwell.gov.uk

1 Recommendations

1.1 Subject to no adverse comments from the Birmingham & Black Country Wildlife Trust, and the Lead Local Flood Authority that planning permission is granted subject to:

- (i) Details of external materials and the implementation
- (ii) Details of drainage and implementation
- (iii) Electric vehicle charging point details and implementation
- (iv) Hard and soft landscaping scheme and implementation
- (v) Archaeological study
- (vi) Dust mitigation plan
- (vii) Local employment and skills plan, implementation
- (viii) All burials in the cemetery shall be a minimum of 50 metres from a potable groundwater supply source, a minimum of 30 metres from




a water course or spring, a minimum of 10 metres distance from field drains, and not in standing water and the base of the grave must 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).

- (ix) Ground investigation and remediation works

2 Reasons for Recommendations

- 2.1 The proposed cemetery would enhance the existing adjoining crematorium by providing residents of Sandwell further facilities for deceased relatives.
- 2.2 The proposal is a departure as it is contrary to one or more provisions of the Development Plan, however, there is an overriding need for more burial spaces in the Borough, the site proposed is the only viable option, following the assessment of other options/sites. The proposal is acceptable in Greenbelt terms, and nature conservation designations have been addressed with the most valuable ecological features retained, and additional habitats provided raising the overall ecological value of the site.

3 How does this deliver objectives of the Corporate Plan?

	Strong resilient communities - The redevelopment of this site would offer a new cemetery facility.
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4 Context

- 4.1 This application is being reported to your Planning Committee because it has been submitted on behalf of the Council and the proposed development would be a departure from the local plan. The site is within a Green Belt allocation, a Site of Importance for Nature Conservation (SINC) and Local Nature Reserve (LNR) designation
- 4.2 To assist members with site context, a link to Google Maps is provided below:



[Arial View](#)

[Newton Road, West Bromwich](#)

5 Key Considerations

5.1 The site is within a Greenbelt adjacent to an existing crematorium facility, accessed from the Newton Road. Highway improvements are required as part of the proposal but fall outside the remit of this application.

5.2 The material planning considerations which are relevant to this application are: -

Government policy (NPPF)
Proposals in the Development Plan
Ecology
Archaeology

6. The Application Site

6.1 The application site is accessed from the Newton Road and relates to land within the existing Green Belt. The site is adjacent to Sandwell Valley Crematorium.

7. Planning History

7.1 There is no relevant planning history associated with this site. However, there is an existing crematorium adjacent and this is subject an application which is also before this Committee (DC/20/65051 refers).

8. Application Details

8.1 The applicant proposes to change of use to a cemetery to include burial plots, footpaths, parking, lighting, and other associated works.



- 8.2 There will be no buildings or structures as part of this new cemetery. Mourners and visitors will be able to use the facilities currently at the adjacent Sandwell Valley Crematorium.
- 8.3 The site would benefit from 70 off-street parking spaces, including four disabled spaces and four spaces dedicated for electric vehicle charging. As well as those spaces; the road layout has been designed to allow vehicles to park on the access roads near to the burial areas so that families can maintain their individual plots without having to walk a great distance, and still allow vehicles to pass safely.

9. Publicity

- 9.1 The application has been publicised by a neighbour notification letter, and by press and by site notices, all advertising the application as a departure from the local plan. No objections to the proposal have been received.

10. Consultee responses

10.1 Planning and Transportation Policy,

This application is on land that is designated as Greenbelt and as a Site of Importance for Nature Conservation (SINC) in the adopted SAD DPD, It is also a Local Nature Reserve (LNR). The proposal is therefore a departure from the Development Plan.

With regard to the Greenbelt designation, extensions to Cemeteries are not classed as 'inappropriate development' in the Greenbelt under national policy and local policy SAD EOS 2 Greenbelt.

The key issue is the development of the cemetery within a SINC and LNR designation. This would normally be unacceptable, but an extensive site search and series of technical investigations has ruled out other sites in the surrounding area, on grounds of i) high water table levels breaching Environment Agency depth requirements, ii) availability,



remoteness and iii) unacceptable delivery timescales to achieve the need for additional provision.

The search for new cemetery expansion space has largely centred on Sandwell's Greenbelt and this site is among the few acceptable in the Greenbelt under the NPPF. Outside the Greenbelt, a cemetery would inevitably compete for, and exacerbate other land use shortages, such as education, housing and employment land in the Borough.

To mitigate the development, the main ecologically valuable areas from the SINC/LNR- the hedgerows have been retained. The foremost impact of the cemetery will be on former arable grassland, which is of low ecological value.

Planting and landscaping species selected for the proposal follows Birmingham & Black Country Wildlife Trust advice to maximise the nature conservation value of new planting.

Other ecological mitigation measures include construction of a reed bed which would also assist with surface water drainage complying with BCCS ENV5 (SUDS).

Other mitigation would include the control over floodlighting to minimise any adverse effects from lighting and electric vehicle car charging points to assist with air quality targets under BCCS ENV 8 & the Air Quality SPD

10.2 Highways

No objections. The highways team have been consulted as part of the design process and they concur with the conclusions of the submitted Travel Assessment.



10.3 **Public Health (Air Quality, Air Pollution and Noise, and Contaminated Land teams)**

No objections have been raised subject to the applicant providing Electric Vehicle Charging points and a mitigation plan for the controlling of dust and emissions during the construction period. Details of ground investigation and mitigation measures have also been requested which can be dealt with by way of condition.

10.4 **Severn Trent**

Severn Trent have requested details of the proposed drainage which can be dealt with by way of condition.

10.5 **Employment Skills**

The proposed development may create local employment and offer training skills. This can be conditioned accordingly.

10.6 **Tree Preservation Officer**

The Tree Preservation Officer raises no objections as no trees are to be removed, only remedial pruning. The officer has stated that this will improve the hedge along Newton Road by reducing the canopies of the trees above the hedge.

10.7 **Canal and Rivers Trust**

The Canal and Rivers Trust has not formally commented on the application as they have stated it falls outside the notified area for its application scale.

10.8 **The Environment Agency**

No objection subject to the development being in line with their Groundwater Protection policy, any new or extension to a burial ground



should ensure that there should be no burial in standing water / water-logged ground, with at least a meter of unsaturated zone beneath the base of any grave. In the case of this site, it is proposed that approximately half of the site, towards the southern half of the site, will be able to meet these groundwater protection requirements and will be utilised as a burial ground. The Environment Agency recommend the following condition:

All burials in the cemetery shall be:

- a minimum of 50 metres from a potable groundwater supply source
- a minimum of 30 metres from a water course or spring
- a minimum of 10 metres distance from field drains
- not in standing water and the base of the grave must 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).

10.9 Lead Local Flood Authority

Further details have been requested by the Lead Local Flood Authority, and Members will be updated.

10.10 Birmingham & Black Country Wildlife Trust

The ecological mitigation proposals have been discussed with the Wildlife Trust prior to the submission of this application, however formal comments have not been received following the submission of the planning application. Members will be verbally updated.

11. National Planning Policy

- 11.1 National Planning Policy Framework promotes sustainable development but states that that local circumstances should be taken into account to reflect the character, needs and opportunities for each area.



- 11.2 Paragraph 145 of the adopted National Planning Policy Framework states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt except for the provision of appropriate facilities such as cemeteries and burial grounds.
- 11.3 Paragraph 175 of the same document, states that planning permission should be refused where the harm would be substantial to biodiversity and nature conservation, unless appropriate mitigation is provided. In this instance, the location of the development is an area of low ecological value and mitigation measures are proposed to surrounding areas which will improve biodiversity.

12. Local Planning Policy

- 12.1 The following policies of the Council's Development Plan are relevant: -

ENV1: Nature Conservation

ENV3: Design Quality

ENV5: Flood Risk, Sustainable Drainage System and Urban Heat Island Effect

ENV8: Air Quality

EMP5: Improving Access to the Labour Market

SAD EMP2: Training and Recruitment

SAD EOS2: Green Belt

SAD EOS9: Urban Design Principles

SAD DM6: Community Facilities

- 12.2 ENV1 reinforces national policy referred to in 11.3 above, requiring planning submissions to include adequate information which demonstrates that the proposal will not affect a designated site, in this instance the SLINC and LNR. It is considered that the proposed siting of the burial ground and the introduction of additional ecological features (i.e. reed beds and wildflower meadow) demonstrates that the proposal would not harm the important ecological features of this site.



- 12.2 CSP4 promotes good design, requiring a bespoke approach to place-making and a high quality of design of the built and natural environment. I consider that the proposal meets the requirements of this policy.
- 12.3 ENV3 and SAD EOS9 refers to well-designed schemes that provide quality environments. The scheme considered to be acceptable in these respects.
- 12.4 ENV5 seeks the incorporation of sustainable drainage systems to assist with reducing the impact of flooding and surface run-off. The introduction of reed beds is proposed as indicated above and can be conditioned according.
- 12.5 ENV8 requires the mitigation of air quality issues associated with new developments. The proposed development would provide electric vehicle charging points.
- 12.6 The proposal provides an opportunity for local employment and apprenticeship opportunities as part of the construction and subsequent completion (EMP5 and SAD EMP2). A condition is recommended to provide these opportunities.
- 12.7 Policy SAD EOS2 Greenbelt which states new buildings are inappropriate development unless for specific use, Cemeteries are listed as an exception.
- 12.8 With regards to DM6, the proposal seeks to provide a new community facility.
- 12.9 HE5 states that conditions should be attached to planning permissions for an appropriate level of archaeological evaluation and recording (preservation by record). This can be conditioned accordingly.



13. Material Considerations

13.1 The material considerations relating to Government Policy (NPPF) and proposals within the Development Plan have been referred to above in Sections 11 and 12. With regards to the other considerations these are highlighted below:

13.2 Ecology

As already indicated the site is afforded statutory protection due to its designations as a SLINC and LNR, however the design and mitigation proposed ensure that the important ecological features are retained and enhanced.

13.3 Archaeology

The site has the potential for archaeological remains. It is important that any ground works are sympathetic to the potential findings and as such, conditions controlling the ground excavation and mitigation measures are proposed, not only for the construction of the site but also when new burial plots are required.

14 Alternative Options

14.1 Refusal of application is an option if there are material planning reasons for doing so. In my opinion the proposal is compliant material consideration due to the mitigation measures proposed. The key issue with this site therefore rests with the departure from the development plan, namely being greenbelt land and whether the justification to set aside this policy is acceptable.

15 Implications

Resources:	When a planning application is refused the applicant has a right of appeal to the Planning Inspectorate, and they can make a claim for costs against the Council.
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Legal and Governance:	This application is submitted under the Town and Country Planning Act 1990.
Risk:	None.
Equality:	There are no equality issues arising from this proposal and therefore an equality impact assessment has not been carried out.
Health and Wellbeing:	None
Social Value	None

16. Appendices

Site Plan

2998/EX1 – External lighting Plan

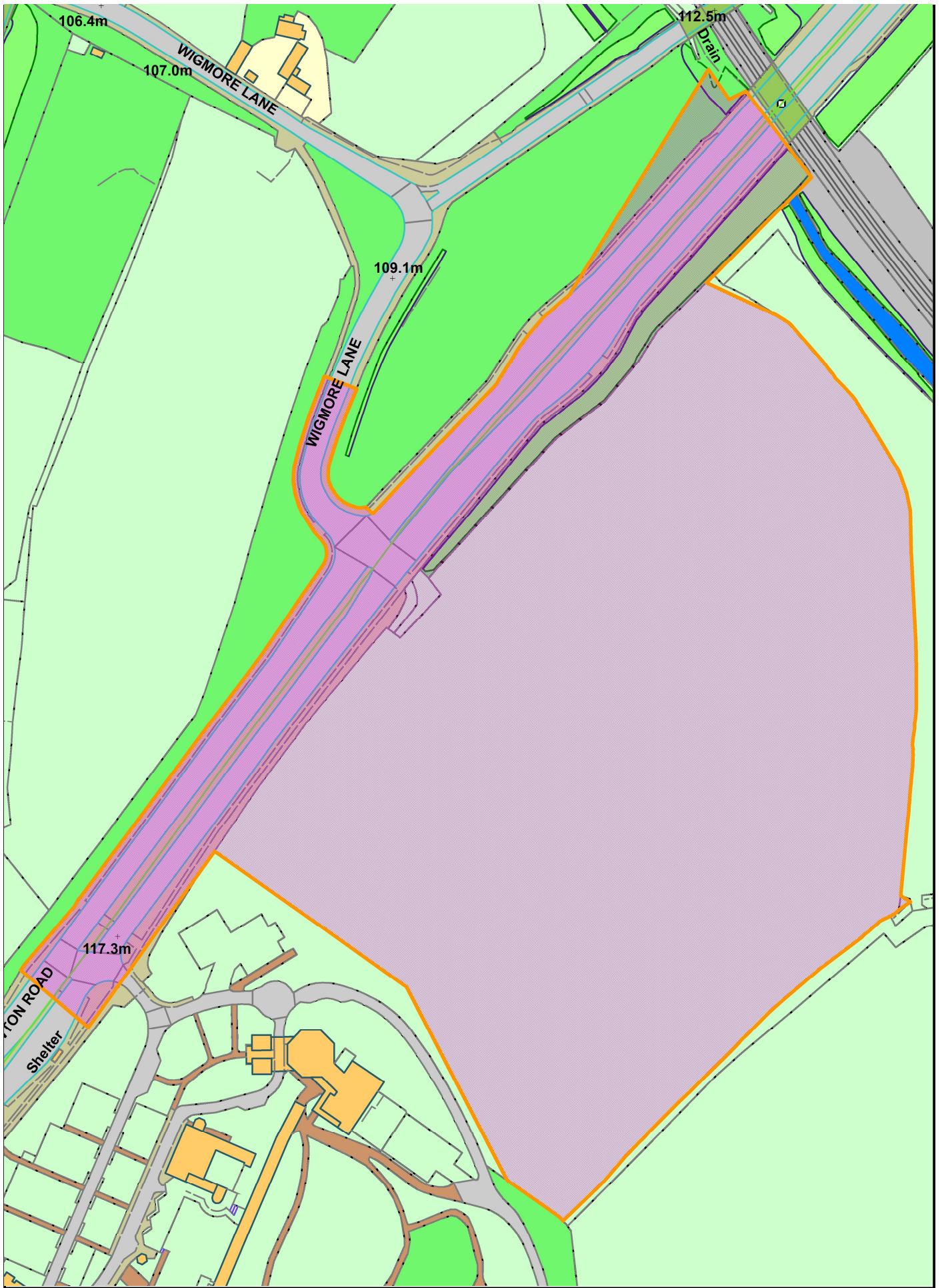
2998/EX2 – External Lighting Plan Levels

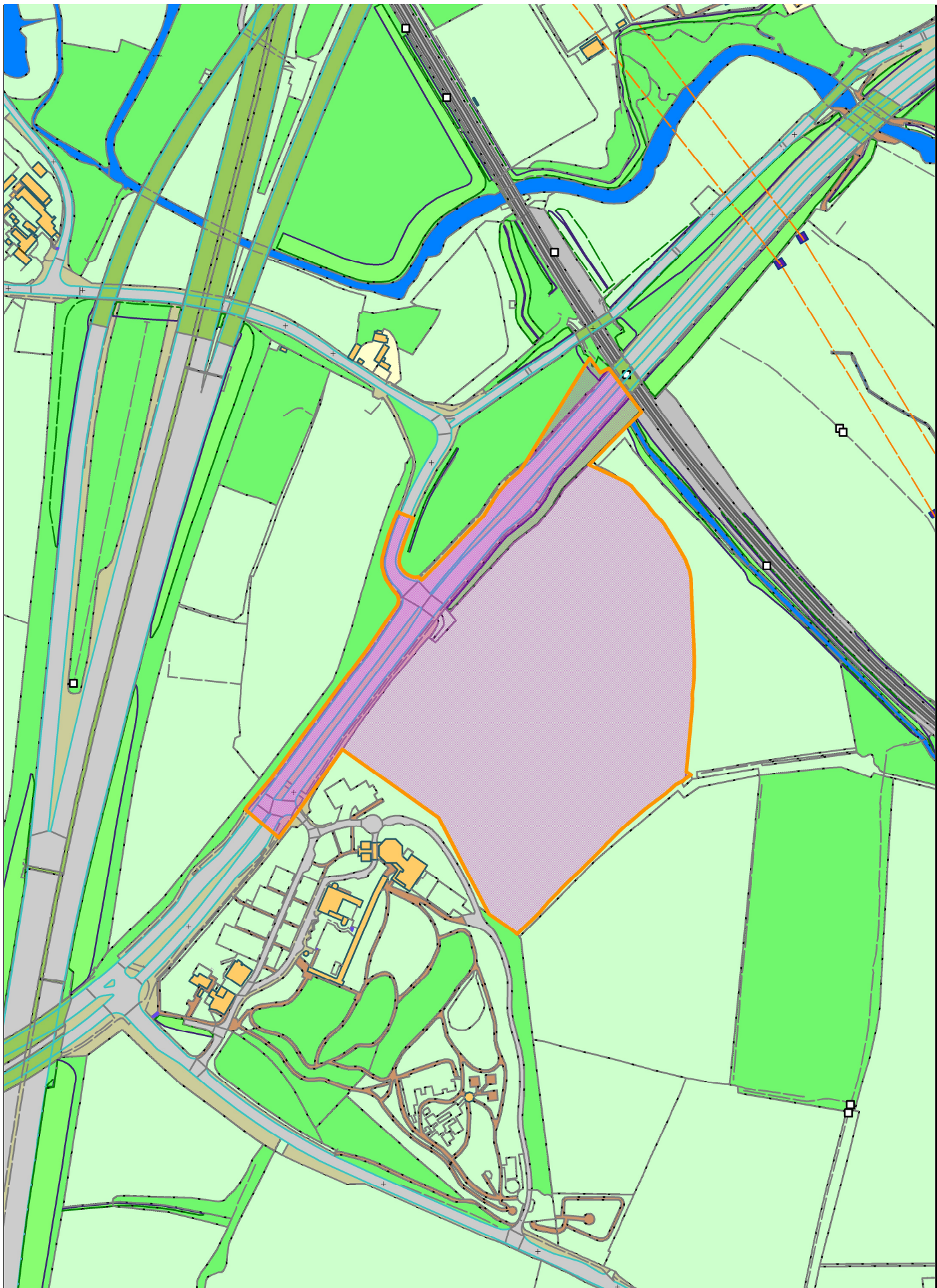
L-G(9-) 01 S2 – General Layout

17. Background papers

None.







Rev.	Description	Eng	Date



Symbol	Label	QTY	Manufacturer	Catalog Number	Description	Wattage
	A	7	HOLOPHANE EUROPE LIMITED	DSX1.2.LA054.AY	D-Series 1 AY Luminaire on 5m column	34
	B	6	HOLOPHANE EUROPE LIMITED	DSX1.2.LA054.FW	D-Series 1 Luminaire	34

Statistics				
Description	Symbol	Avg	Min	Min/Avg
Car Parking	+	9.5 lux	2.4 lux	0.25
Roadway	+	7.1 lux	0.0 lux	0.00
Spill Light	+	0.3 lux	0.0 lux	0.00



- LEGEND**
- A HOLOPHANE D-SERIES LUMINAIRE WITH ASYMETRIC OPTICS.
 - B HOLOPHANE D-SERIES LUMINAIRE WITH FORWARD THROWN OPTICS.

Client			
Project	WEST BROMWICH CEMETERY		
Architect			
Drawing Title	PROPOSED CEMETERY GA EXTERNAL LIGHTING LAYOUT		
Scale	1:500 @ A1	Drawn By.	G.C.
Date	NOV 20	Checked.	C.W.
Purpose of Issue	PLANNING		
Drawing No.	2998/EX1	Rev.	

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 Telephone Lichfield (01543) 411420
 Email lichfield@faarup.co.uk



Notes
The Contractor will be responsible for setting out the work. All dimensions must be obtained or checked on the site. Figured dimensions to be used in preference to scale.

KEY

- Bitmac road/car park
- Pedestrian footpath/paving
- Entrance railings & gates, with piers & walls
- CCTV columns - proposed
- Lighting columns - proposed
- Seating areas
- Wheeled bins & watering points
- Levels & contours - proposed
- Trees & shrubs - existing
- Trees - proposed
- Hedges - existing
- Hedges - proposed
- Ornamental shrubs - proposed
- Native tree & shrub mix - proposed
- Native ground flora mix - proposed
- Native wildflower meadow - proposed. Hay to be sourced from a nearby donor site.

Rev	Date	Revision Note	By	Check

Sandwell Metropolitan Borough Council

Project: **West Bromwich Cemetery**
Location: **Newton Road, West Bromwich**
Sheet Title: **Proposed Cemetery GA, West Bromwich**
Status: **Suitable for information**

Drawn by	Date	Checked
VM	13-11-20	
Scale at A2	Scale at A4	
1:1000		

Zone	Level	Classification	Sheet No.	Suitability	Ver/Rev
00	XX	L-G(9-)	01	S2	

Job No. **Q20005** Contractors Drawing No. (if required)

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URBAN
design
and
BUILDING
services

SCALE 0 10 20 30 40 50 60 70 80 90 100
1:1,000