



the site, to include removal of the existing hedge and construction of a new 0.6m high garden wall with box hedge. Erection of new party fence and permeable paving to accommodate parking at the front.

### **EXEMPT ITEMS**

(At the time of preparing this agenda there were no exempt items. During any such items which may arise the meeting is likely NOT to be open to the public.)

To assist in the speedy and efficient despatch of business, Members wishing to obtain factual information on items included on the Agenda are asked to enquire of the appropriate Contact Officer named on a report prior to the day of the meeting.

Should you require a copy of this agenda or any of the reports listed on it in another format please do not hesitate to contact the Democratic Services Team as set out below.

**If you wish to speak in support or against a planning application on this agenda, please call the Council's Contact Centre on 01732 227000**

For any other queries concerning this agenda or the meeting please contact:  
The Democratic Services Team (01732 227241)

Any Member who wishes to request the Chairman to agree a pre-meeting site inspection is asked to email [democratic.services@sevenoaks.gov.uk](mailto:democratic.services@sevenoaks.gov.uk) or speak to a member of the Democratic Services Team on 01732 227350 by 5pm on Monday, 27 January 2014.

The Council's Constitution provides that a site inspection may be determined to be necessary if:

- i. Particular site factors are significant in terms of weight attached to them relative to other factors and it would be difficult to assess those factors without a Site Inspection.
- ii. The characteristics of the site need to be viewed on the ground in order to assess the broader impact of the proposal.
- iii. Objectors to and/or supporters of a proposal raise matters in respect of site characteristics, the importance of which can only reasonably be established by means of a Site Inspection.
- iv. The scale of the proposal is such that a Site Inspection is essential to enable Members to be fully familiar with all site-related matters of fact.
- v. There are very significant policy or precedent issues and where site-specific factors need to be carefully assessed.

When requesting a site inspection, the person making such a request must state under which of the above five criteria the inspection is requested and must also provide supporting justification.

**DEVELOPMENT CONTROL COMMITTEE**

Minutes of the meeting held on 7 January 2014 commencing at 7.00 pm

Present: Cllr. Williamson (Chairman)

Cllr. Miss. Thornton (Vice-Chairman)

Cllrs. Brookbank, Clark, Cooke, Dickins, Edwards-Winser, Gaywood, McGarvey, Orridge, Mrs. Parkin, Piper, Miss. Stack, Miss. Thornton, Underwood and Walshe

Apologies for absence were received from Cllrs. Mrs. Ayres, Brown, Mrs. Davison and Mrs. Dawson

Cllrs. Bosley, Ms. Lowe and Neal were also present.

96. Minutes

Resolved: That the minutes of the meeting of the Development Control Committee held on 28 November 2013 be approved and signed by the Chairman as a correct record.

97. Declarations of Interest or Predetermination

There were none.

98. Declarations of Lobbying

Cllrs. Brookbank, Clark, Dickins, Mrs. Parkin, Miss. Thornton, Underwood and Williamson declared that they had been lobbied in respect of minute item 102 SE/13/03057/DETAIL - Land West Of, 5 Mill Lane, Shoreham TN14 7TS.

(Cllr. McGarvey entered the chamber)

99. Order of the Agenda

The Chairman indicated that, with the approval of Members, he would deal first with the tree preservation order at item 5.1 as the Officer concerned was not involved in any other matters on the agenda.

Tree Preservation Orders

100. Tree Preservation Order (TPO) No. 15 of 2013 - Birch tree situated at The Old Mill House, Mallys Place, South Darent

The Tree Preservation Order related to a silver birch tree situated at The Old Mill House, Mallys Place, South Darent in the South Darent Conservation Area. It was on the river bank and there were no other comparable trees in the immediate vicinity. This tree was protected following a conservation area notification to remove it (SE/13/02935/WTCA).

Agenda Item 1  
Development Control Committee - 7 January 2014

The tree was situated to the front of the property and was a prominent specimen that could be seen from the main road and neighbouring dwellings. Officers considered that its removal would have a negative impact on the amenity of the conservation area. Objections had been received on ground of the tree blocking light, the roots damaging the river bank and potentially damaging the drive to Mallys Place.

The Arboricultural and Landscape Officer responded to Members' questions. He had been informed that the tree was planted by the owners since the houses were built. He estimated the tree to be 20 years old.

Members suggested that Officers should have discussions with the owners about possibly cutting back the tree.

Resolved: That the Tree Preservation Order No. 15 of 2013 be confirmed without amendments.

Reserved Planning Applications

The Committee considered the following planning applications:

101. SE/13/02683/FUL - Darenth House, 60 High Street, Otford

The proposal was the change of use of approximately 140m<sup>2</sup> of the existing ground floor office space to form a showroom, with the remaining floor area to be made up of circulation space, kitchen and toilet facilities. There would be alterations to the existing five windows in the southern elevation of the building fronting on to Otford High Street. The existing window openings would be replaced with full glazed openings formed of timber frames. Three rooflights were also proposed for the northern roof slope and a wheel chair access ramp at ground level to the northern elevation.

The site was a vacant 1970s building with mansard roof and lawful B1(a) office use. The site was within the designated Otford Conservation Area, an Area of Outstanding Natural Beauty and an Area of Special Advertisement Control.

Officers considered that the proposed alterations would improve the character of Darenth House and consequently enhanced this part of Otford Conservation Area. It would not impact upon neighbouring amenities to an unacceptable degree, would not create conditions that would be prejudicial to highway safety and there was adequate parking provision in place.

Members' attention was drawn to the tabled Late Observations sheet.

The Committee was addressed by the following speakers:

Against the Application:	David Bomphrey
For the Application:	John Blair Sparrow
Parish Representative:	Cllr. Whitehead
Local Member:	Cllr. Ms. Lowe

Members noted concerns from the speakers about possible inconsistent application of the Conservation Area planning policies. Officers confirmed they could respond to specific concerns outside of the meeting. It was noted that the nearby Methodist Church had recently constructed an extension with full sized windows but it was added that of these only one narrow window faced onto the High Street.

(Cllr. Walshe entered the chamber)

A condition had been added in the Late Observations that lighting plans must be submitted for approval and Officers advised that the condition could provide an opportunity to limit light pollution. Officers clarified that the large windows were considered desirable as they created visual interest in urban design and an active frontage.

It was MOVED by the Chairman and was duly seconded that the recommendation in the report, as amended by the Late Observations Sheet, to grant permission subject to conditions be adopted.

Members felt it important to bring the building back into use and as it was important to support the trade in the High Street. A building in use would contribute positively to the Conservation Area. The Conservation Officer had not objected to the proposals. The features proposed added character to the Conservation Area.

Some concern was raised that the alterations, particularly to the fenestration, did not bring an architectural benefit and did not respect the Conservation Area. The large fenestration would be opposite and only 12m from residential properties. The area was sensitive to any light spillage from the site.

The motion was put to the vote and there voted –

8 votes in favour of the motion

4 votes against the motion

Resolved: That planning permission be GRANTED subject to the following conditions:-

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

In pursuance of section 91 of the Town and Country Planning Act 1990.

2) No development shall be carried out on the land until all door and window details, at a scale of not less than 1:20 have been submitted to and approved in writing by the Council. The development shall be carried out in accordance with the approved details.

To ensure that the appearance of the development is in harmony with the existing character of the building and surrounding area as supported by Policy EN1 of the Sevenoaks District Local Plan.

## Agenda Item 1

### Development Control Committee - 7 January 2014

3) The ground floor of the premises shall be used for a showroom only and only to be occupied by the applicant. The ground floor of the premises hereby permitted shall not be used for any other purposes in the Schedule to the Town and Country Planning (Use Classes) Order 1987, (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order).

In order that any other proposal for the use of the premises can be considered on its individual merits having regard to the impact of any additional traffic generation and the amenity of residents and the area as supported by Policy EN1 of the Sevenoaks District Local Plan.

4) The use hereby permitted shall only be carried on between the hours of 0730hrs and 1730hrs Monday to Saturday and not on Sundays and Bank/Public Holidays.

To safeguard the amenity of the area as supported by Policy EN1 of the Sevenoaks District Local Plan.

5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, no development shall be carried out within Classes F, G, J Part 3 of Schedule 2 of that Order (or any Order revoking and re-enacting that Order), without prior approval of the Local Planning Authority.

To safeguard the amenity of the area as supported by Policy EN1 of the Sevenoaks District Local Plan.

6) The development hereby permitted shall be carried out in accordance with the following approved plans: 1 unnumbered 1:1250 location plan and dwg no: DHA/9802/03/A

For the avoidance of doubt and in the interests of proper planning.

7) No development shall take place until details of any external lighting and any details of any internal lighting to be used outside the opening hours of the site have been submitted to, and approved in writing by, the Local Planning Authority. This information shall include a layout plan with beam orientation, a schedule of equipment in the design (luminaire type; mounting height; aiming angles and luminaire profiles, isolux diagrams) and a written assessment of the impact of such a scheme. The approved scheme shall be carried out in accordance with the approved details and maintained thereafter and no further lighting shall be introduced into the site without the prior approval of the local planning authority.

Reason: To control and minimise the impact of light pollution in the locality, in accordance with Policy EN1 of the Local Plan.

#### 102. SE/13/03057/DETAIL - Land West Of, 5 Mill Lane, Shoreham TN14 7TS

The proposal was a details application to discharge condition 18 (construction method statement) that was attached to the approval for Erection of 4 houses (1 semi-detached pair and 2 detached) at Land West of 5 Mill Lane Shoreham allowed under appeal

APP/G2245/A/13/2192145/NWF. The condition had been added for the purposes of highway safety.

Officers considered that the information submitted met the requirements of condition 18 and therefore should be discharged.

The Committee was addressed by the following speakers:

Against the Application:	Marina Barnett
For the Application:	Steve Giles
Parish Representative:	Cllr. Birkin
Local Member:	Cllr. Ms. Lowe

A Councillor enquired whether the applicant would be willing to limit hours of operations further on Shoreham fete days. The speaker for the applicant did not have instructions on that but indicated the applicant would likely be willing.

The Case Officer confirmed that the Council would rely on information from the residents to know if the developers were carrying out the operations not in line with the approved details.

Officers reminded the Committee that the Inspector had recognised there would be increased pressure on on-street parking from the Development

It was MOVED by the Chairman and was duly seconded that the recommendation in the report to approve the details be adopted.

Members agreed that the construction traffic could increase difficulties for highway access along Mill Lane. However some Members suggested that the disruption would be reasonable , especially as the applicants had agreed that loading and unloading would be carried out on site where possible. This disruption would only be temporary.

A Member noted that there was a public house with car park to the rear, not in the control of the applicant, which could be used to help get materials on site. The speaker on behalf of the applicant confirmed that the applicant would enquire into this as a possibility to alleviate construction traffic on Mill Lane.

The motion was put to the vote and there voted –

11 votes in favour of the motion

0 votes against the motion

Cllrs. Edwards-Winser and Miss. Stack abstained.

Resolved: That the details be APPROVED.

THE MEETING WAS CONCLUDED AT 8.40 PM

CHAIRMAN





4.1 - SE/13/03178/FUL Date expired 4 February 2014

PROPOSAL: Demolition of 4 buildings & a silo. Change of use of land for the erection of a new crematorium, memorial garden, fencing, landscaping and car parking, together with new entrance gateway off internal access road.

LOCATION: Land North of Oak Tree Farm, London Road, Badgers Mount, Halstead TN14 7AB

WARD(S): Halstead, Knockholt & Badgers Mount

**ITEM FOR DECISION**

This item has been referred to Development Control Committee by Councillor Grint to discuss issues associated with the green belt and very special circumstances

**RECOMMENDATION:** That planning permission be GRANTED subject to the following conditions:-

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

In pursuance of section 91 of the Town and Country Planning Act 1990.

2) The crematorium hereby permitted shall not be operated outside the hours of 0900 - 1700 hours Mondays to Fridays and 0900 - 1200 hours on Saturday, and not at all on Sundays and public holidays. The gardens of remembrance shall not be open outside the hours of 0900 - 1700 hours.

In the interests of the amenities of the surrounding area.

3) No development shall be carried out on the land until details of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the Council. The development shall be carried out using the approved materials.

To ensure that the appearance of the development is in harmony with the existing character of the as supported by Policy EN1 of the Sevenoaks District Local Plan.

4) No development shall take place until samples of the materials to be used in the surfacing of the access drives, car park, service yard and footways have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and implemented prior to the first use of the crematorium.

To ensure a satisfactory appearance upon completion in accordance with the provisions of policy EN1 of the Sevenoaks District Local plan.

5) No development shall commence until a scheme of external lighting and signage in connection with the use of the crematorium has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in

## Agenda Item 4.1

accordance with the approved drawings.

In the interests of the character and appearance of the area in accordance with the provisions of policy EN1 of the Sevenoaks District Local Plan.

6) No development shall commence until details of the existing and proposed finished ground levels are submitted together with details of the finished ground floor slab level have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in accordance with the approved drawings.

To ensure a satisfactory appearance upon completion in accordance with the provisions of policy EN1 of the Sevenoaks District Local Plan.

7) No development shall commence until a scheme of landscaping has been submitted to and approved in writing by the Local Planning Authority. The scheme shall identify any existing trees/shrubs to be retained together with their means of protection during construction and a programme of implementation. All planting shall be carried out in the first available planting season following completion of the scheme and any trees or plants that die, are damaged, removed or become diseased within 5 years from the completion of the development shall be replaced with a species of a similar size and species during the next available planting season.

To ensure an acceptable appearance upon completion in accordance with the provisions of policy EN1 of the Sevenoaks District Local plan.

8) No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:

- a) Review of ecological impacts on the site to inform the plan
- b) Risk assessment of potentially damaging construction activities.
- c) Identification of "biodiversity protection zones".
- d) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- e) The location and timing of sensitive works to avoid harm to biodiversity features.
- f) The times during construction when specialist ecologists need to be present on site to oversee works.
- g) Responsible persons and lines of communication
- h) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- i) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

To secure bio-diversity improvements in accordance with the provisions of the National Planning Policy Framework.

9) The crematorium and gardens of remembrance shall not be brought into use until the vehicular access, visibility splays and parking areas have been provided in accordance with the approved drawings.

In the interests of highways safety.

10) A landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior [... to the commencement or occupation ...] of the development [or specified phase of development]. The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organization responsible for implementation of the plan.
- h) On-going monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

To secure bio-diversity improvements in accordance with the provisions of the National Planning Policy Framework.

11) No development shall commence until a scheme for the provision of surface water drainage works have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented prior to the commencement of use of the crematorium and shall be carried out in accordance with the approved scheme.

To ensure adequate drainage facilities on site to alleviate existing problems with the discharge of surface water.

12) No development shall take place until a construction method statement and management scheme has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall include details of:- hours of work during the construction period- parking of vehicles of site personnel and visitors- loading and unloading of plant and materials- storage of materials- wheelwashing facilities. The scheme shall be carried out in accordance with the approved details.

To ensure the free flow of traffic on the adjacent highway.

13) Prior to the commencement of development details shall be provided in writing to the Local Planning Authority of the proposed means of wheelwashing on site during the construction period. The scheme shall be implemented in accordance with the approved details and retained throughout the construction period.

In the interests of highways safety.

14) Prior to the commencement of the use, details shall be submitted to and be approved in writing by the Local Planning Authority of all means of boundary treatment

## Agenda Item 4.1

and enclosure. The scheme shall be carried out in accordance with the approved scheme prior to the commencement of the use hereby approved.

In the interests of the visual amenities of the surrounding area in accordance with the provisions of policy EN1 of the Sevenoaks District Local Plan.

15) Notwithstanding the submitted plans, prior to the commencement of the development hereby approved, details shall be submitted to and be approved in writing by the Local Planning Authority of the bund and fencing required in connection with the mitigation of noise across the site including sections through the bund and agreement on the precise siting of the acoustic fence. The scheme shall be carried out in accordance with the approved details prior to the first use of the crematorium or gardens of remembrance.

To protect the visual amenities of the area in accordance with the provisions of policy EN1 of the Sevenoaks District Local Plan.

16) All off-site highway works inclusive of the pedestrian refuge and footway facilities, must be secured via an appropriate agreement with the Highway Authority and completed prior to the site coming into use.

In the interests of highways safety.

17) Prior to the commencement of works to implement this approval, all buildings and structures shown for demolition and removal shall be removed from the site and any materials resulting from the demolition shall be removed from the site.

To protect the openness of the Green Belt in accordance with the provisions of policy GB1 of the Sevenoaks District Local Plan and the provisions of the NPPF.

18) Prior to the commencement of development details shall be provided in writing to and be approved by the Local Planning Authority of the dimensions of any memorial stones or plaques proposed for use in the memorial gardens. No other memorial stones or plaques shall be used on the site other than those approved by the Local Planning Authority.

To preserve the character and openness of the green belt in accordance with the provisions of the National Planning Policy Framework.

19) No ashes shall be scattered within 50 yards of any public rights of way or public highway.

To protect the amenities of the users of the public footpath.

20) The development hereby permitted shall be carried out in accordance with the following approved plans: 21672A-01E, 05B,08B,09C,10D,17C,20B,21B,22B,30B,40A,49B,21351A/45C,2932.DR/001

For the avoidance of doubt and in the interests of proper planning.

21) Prior to commencement of development, a parking and access management plan, detailing provision of both standard and non standard services, shall be submitted to and be approved in writing by the LPA in consultation with KCC. The scheme shall be carried out in accordance with the approved plan.

In the interests of highways safety.

**Informatives**

1) Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

**Note to Applicant**

In accordance with paragraphs 186 and 187 of the NPPF Sevenoaks District Council (SDC) takes a positive and proactive approach to development proposals. SDC works with applicants/agents in a positive and proactive manner, by;

- Offering a duty officer service to provide initial planning advice,
- Providing a pre-application advice service,
- When appropriate, updating applicants/agents of any small scale issues that may arise in the processing of their application,
- Where possible and appropriate suggesting solutions to secure a successful outcome,
- Allowing applicants to keep up to date with their application and viewing all consultees comments on line ([www.sevenoaks.gov.uk/environment/planning/planning\\_services\\_online/654.aspx](http://www.sevenoaks.gov.uk/environment/planning/planning_services_online/654.aspx)),
- By providing a regular forum for planning agents,
- Working in line with the NPPF to encourage developments that improve the improve the economic, social and environmental conditions of the area,
- Providing easy on line access to planning policies and guidance, and
- Encouraging them to seek professional advice whenever appropriate.

In this instance the applicant/agent:

- 1 Was updated of any issues after the initial site visit.

**Description of Proposal**

- 1 This application proposes the demolition of 4 buildings (one of which is a steel storage container) and a silo; removal of a number of miscellaneous items and the change of use of the site for the erection of a crematorium, memorial garden and associated fencing, landscaping and access/car parking together with a new entrance gateway off an internal access road.
- 2 Fencing is shown along the eastern and southern boundary to a height of 2m – set back from the boundary within the proposed planting. The scheme also features walls around the flower garden and includes a raised water feature on the northern side of the flower garden. Within the wider grounds a bridge is proposed across the water feature and although no details have been submitted of this we are advised that this is simply an extension of the footpath rather than a formal raised bridge.

## Agenda Item 4.1

- 3 The vehicular access to the site would be via an altered existing vehicular access onto London Road, sited to the south of the site and currently forming the access to Oak Tree Farm and Hurstwood Farm. This would turn north and lead into the application site with an access gate set some 23m into the site. The car park would be sited in the north eastern corner of the site and accommodate spaces for 104 cars set within landscaped bays on a reinforced grass surface.
- 4 The crematorium building would lie towards the southern boundary of the site and comprise a single chapel, crematory and ancillary office and restroom facilities. Vehicular access to this part of the site would run close to the southern boundary and be largely screened (upon maturity of proposed planting) from the public access to the crematorium building. A relatively modest shed is proposed to be sited in the yard area to the south of the building for the storage of maintenance equipment.
- 5 The building would be a single storey building with a mix of brick and flint elevations and a mixture of mono pitched and flat roofs. The building itself is fairly compact with a rectangular footprint with the facilities set around spine walls set on a north/south and east/west axis with the visitor elements and 'business' elements of the crematorium separated by these walls. These walls extend beyond the building to separate the service areas from the access and flower garden areas. The main chapel would have a sedum roof which would be visible from the surrounding area whilst the porte cochere (flat roofed covered entrance to the building beneath which funeral cortege may drive) would have a flat sedum roof. The administration area and part of the crematory would have a mix of mono pitch and flat roof.
- 6 Externally to the north of the chapel would lie a flower garden leading either to the rear of the site and the landscaped memorial gardens or to the front of the site and the car park. The grounds would be set out with a large area of lawn with footpaths leading around a water feature forming part of the sustainable drainage system for the site. The site is shown to be well landscaped with plenty of tree planting around all the boundaries of the site except the western boundary, which is shown to remain largely open maintaining views through to the west .
- 7 An existing Public Right of Way (PROW) runs along part of the northern boundary accessed from London road but lies outside the application site and this boundary would be subject to significant levels of tree planting.
- 8 The facility itself would open Monday -Friday between 9am - 4.30pm and on Saturdays from 9am - 12 noon. Services would operate on a 45 minute cycle.

### Description of Site

- 9 The site comprises an area of approximately 2.4 ha of land that lies to the west of the A224 to the south of Badgers Mount and to the south of and on the opposite side of the road to the Polhill Garden Centre. It lies immediately to the south of the site considered by Committee in November for a crematorium and comprises a mixture of areas: a generally level field currently used for some storage (appears unauthorised), demarcated from the A224 by an existing hedge that largely prevents views into the site from that road, separated from adjacent fields by a mixture of post and wire fencing and hedgerow/tree planting; an area immediately in front of the access which has the shell of a brick two storey building on site and some storage of road plantings in front ; and finally an area

towards the rear of the site along part of the southern boundary where a steel storage container and two pre-fabricated buildings are sited immediately to the rear of the adjacent stable building.

- 10 Oak Tree Farm lies immediately to the south of the site. The stables referred to above are in residential use. Within the Oak Tree Farm complex lies a mix of residential uses, commercial uses involving concrete screening/crushing and skip hire facilities. On the opposite side of the A224 are fields with the entrance to Polhill Garden Centre approximately 400m to the north east. The village of Halstead lies approximately 1km to the west while Sevenoaks itself lies approximately 7km to the south of the site.
- 11 The nearest made pedestrian footpath alongside the road lies on the opposite side of the A224 whilst an unmade public right of way runs along the northern boundary of the site. A public right of way runs along part of the northern boundary on the opposite side of the boundary hedge/fence.
- 12 The general feel of this part of the area is one of flat open fields with views beyond the highways largely obscured by boundary hedgerows, interspersed with sporadic development.

### Constraints:

- 13 Green Belt, PROW along northern boundary, AONB on opposite side of London Road, that part of the site adjacent to the public highway is identified by the Environment Agency as having a low chance of surface water flooding.

### Policies

#### *Sevenoaks District Local Plan*

- 14 Policies – EN1 NR10 GB1 VP1 T9 EN17B EN31

#### *Sevenoaks Core Strategy:*

- 15 Policies - L01 L08 SP1 SP2 SP9 SP10 SP11,

#### *Other*

- 16 NPPF
- 17 SPD: Countryside Assessment

### Relevant Planning History

- 18 SE/13/03605/LDCEX Use of buildings as workshop and yard; use of land and silo for keeping of horses and storage of feed and hay; use of land for storage of road planings. Undetermined.

SE/13/03592/LDCPR Alterations and repairs to an existing building.  
Undetermined

SE/13/03593/PAC Prior approval for proposed change of use from agricultural use to a B1 office use. Undetermined.

## Agenda Item 4.1

### Consultations

#### *SDC: Environmental Health:*

- 19 I am happy with the dust and noise assessment, however I expected to see an air quality assessment, therefore as there is the potential to influence local air quality this should be assessed, but can be done by condition. I also feel a contaminated land assessment should be undertaken as I understand that infilling may have taken place near to this locality and this may have resulted in ground gases that may pose a risk to this proposed development. Again this can be required by condition and any issue identified would be relatively easy to overcome.

#### *SDC Tree Officer:*

- 20 The site is an open field, I do not therefore consider there to be any obvious reason to object on landscape grounds. The important existing landscape features for this site are clearly the boundary hedging and the mature standard trees within or adjacent to them. This is especially so for the mature hedging located along the frontage with the A 224. This hedging not only fronts this property but others along the road. This continuation of hedge provides an acceptable backdrop to users of the highway. The current proposal shows an existing opening for the proposed site to the far south east. There will be implications should this proposed entrance be altered at a later stage. I would like the opportunity to provide further comment should this proposal arise. A detailed landscaping scheme should be conditioned and attached to any consent provided.

#### *SDC Policy:*

- 21 Paragraph 89 of the NPPF requires the local planning authority to consider the construction of new buildings within the Green Belt as inappropriate development, subject to certain exceptions. As the provision of a crematorium is not identified as one of these exceptions, the proposal is considered to be inappropriate development within the Green Belt. Inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances.
- 22 It is for the applicant to demonstrate very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. The provision of evidence submitted in relation to need will have to be weighed in this light against the harm if inappropriate development in the Green Belt.
- 23 Policy L08 of the Core Strategy is concerned with the conservation of the countryside and the protection and enhancement of the distinctive features that contribute to the special character of its landscape and biodiversity. The Policy also recognises the need for the conservation and enhancement of the distinctive character of the Kent Downs AONB and its setting. The Development Management team would need to be satisfied that the proposed development does not negatively impact on the countryside or its distinctive features, or negatively affect the character of the settings of the Kent Downs AONB, located close to the site.



- 24 The location of the proposed development suggests that it is a potential location for important habitats. The Development Management team would need to be satisfied that the development does not impinge upon the conservation of, or opportunities to enhance, biodiversity as per Policy SP11 of the Core Strategy.

### *KCC Highways:*

- 25 Thank you for your consultation in relation to the above planning application. I have the following comments to make with respect to highway matters
- 26 These proposals have been subject to both initial scoping in respect of the content of the supporting application as agreed with KCC Highways and Transportation and, following a previous submission, to significant amendment in respect of the access arrangement as agreed with KCC Highways and Transportation to overcome a number of layout, survey and potential vehicular and pedestrian conflict issues.
- 27 The application has been assessed in respect of both on site parking and access provision for the use in question and in respect of highway safety with regard to the access proposals and associated traffic generation.
- 28 Firstly, in respect of on site provision, the applicant has adequately demonstrated through the supporting Transport Statement that on-site parking provision is available for the projected level of potential usage. The internal access arrangement has been amended to overcome both the pedestrian and vehicular conflicts previously identified in respect of pedestrian movements to and from the site and in respect of vehicular access to the existing uses at Oak Tree Farm. I would however continue to recommend that a condition be secured requiring the applicant to submit a management plan (to be approved by both the LPA and KCC) in respect of parking and access management for services including specific details of provisions to be made in respect of non-standard services (i.e. where the expected levels of attendance and/or duration is significantly above or beyond the projected average service identified within the supporting Transport Statement).
- 29 In respect of highway safety, following previous concerns being addressed in respect of both the survey and section drawings and the access arrangement in respect of potential conflict with the existing site usage, I am now satisfied that the proposed arrangement has adequate visibility when assessed against both the DMRB (Design Manual for Roads and Bridges) and MFS (Manual for Streets) guidance. Furthermore, the proposed arrangement also addresses design shortfalls with regard to the existing access to Oak Tree Farm and should, subject to the securing of the aforementioned management plan, also provide an improved access arrangement in respect of the site as a whole. It is however noted that the applicant is yet to submit a revised Stage 1 Safety Audit in respect of the revised access arrangement and off-site highway works as a whole which it is recommended be progressed at the earliest opportunity - although it should also be noted that any highway works secured through potential subsequent permission would still be subject to a full Stage 1 and 2 Safety Audit prior to any approval being given by the Highway Authority for works to commence. Therefore, the absence of a Safety Audit at this stage would not constitute reason for raising formal objection to the proposals provided that a condition is secured requiring the highway works to be approved by KCC and completed by the developer prior to the proposed uses coming into operation.

## Agenda Item 4.1

- 30 In respect of traffic generation related to the proposed use, as with the previous crematorium proposal at the adjacent site, an assessment of projected flows has not identified any adverse local or network capacity impacts. Furthermore, the additional projected daily movements from a use such as this constitute a potential increase of less than potential daily background fluctuation (i.e. less than 5% in either direction).
- 31 In respect of traffic generation from the site as a whole the applicant has now provided surveyed flows relating to the existing site operation which has enabled a more accurate projection of combined flow to be identified. This in turn reinforces the requirement for a right turn lane (rtl) facility which the applicant is seeking to provide. Furthermore, the design of this facility has been upgraded in comparison to the previous submission with the inclusion of an additional splitter island beyond the rtl and a significant increase in length of the rtl to give more stacking capacity and to enable the pedestrian crossing island to the north of the rtl to be better positioned visually in respect of the carriageway summit to the north.
- 32 In conclusion, following the previously raised issues of concern in respect of the previous submission now having been addressed, there are no KCC Highways and Transportation objections subject to the following:
- The securing of an appropriate parking and access management plan prior to the site coming into use.
  - The securing of the off-site *highway works through appropriate Agreement with KCC prior to the site coming into use.*
  - *The securing on-site of appropriate wheel washing facilities through the duration of construction works.*
- 33 In addition, the point relating to the current absence of a Stage 1 Safety Audit should be noted.

### *West Kent Public Rights of Way:*

- 34 Public Rights of Way Footpath SR41 runs to the northern side of the northern boundary. I enclose a copy of the Public Rights of Way network map showing the line of this path for your information.
- 35 I would point to Appendix 2: Department of Environment Guidance LG1/232/36 which states:

#### THE BUILDING

17. The Cremation Act 1902 (Section 5) provides that no crematorium shall be constructed nearer to any dwelling house than 200 yards (182.880m), except with the consent in writing of the owner, lessee and occupier of such house, nor within 50 yards (45.720m) of any public highway, nor in the consecrated part of a burial ground.

18. By Section 2 of the Act "crematorium" means "any building fitted with appliances for the purpose of burning human remains, and shall include everything incidental or ancillary thereto". The Department is advised that the crematorium buildings, chapels and parts of the grounds used for the disposal of

ashes come within this definition, but not ornamental gardens, carriageways or houses for staff.

- 36 It is not clear to me from the plans provided where it is intended for ashes to be scattered/ interred and if this area falls within the 50 yard rule. Please could this be clarified?
- 37 I would also like to object to the extension of the tall acoustic fence running alongside the A224 which is shown to extend at its northern end to the west along the first few metres of the southern side of the public footpath blocking light and views from the path.
- 38 The granting of planning permission confers no other permission or consent on the applicant. It is therefore important to advise the applicant that no works can be undertaken on a Public Right of Way without the express consent of the Highways Authority. This means that the Public Right of Way must not be stopped up, diverted, obstructed (this includes any building materials or waste generated during any of the construction phases) or the surface disturbed. There must be no encroachment on the current width, at any time now or in future and no furniture or fixtures may be erected on or across Public Rights of Way without consent. Contractors should be advised that walkers use the track and it should be signed to that effect

### *Natural England:*

- 39 Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development. Having reviewed the application Natural England does not wish to comment on this development proposal.

### *Kent Downs AONB*

- 40 The development however, relates to the Kent Downs AONB. We therefore advise you to seek the advice of the AONB Partnership / AONB Conservation Board. Their knowledge of the location and wider landscape setting of the development should help to confirm whether or not it would impact significantly on the purposes of the AONB designation. They will also be able to advise whether the development accords with the aims and policies set out in the AONB management plan.

### *Protected Species*

- 41 We have not assessed this application and associated documents for impacts on protected species.
- 42 Natural England has published Standing Advice on protected species. The Standing Advice includes a habitat decision tree which provides advice to planners on deciding if there is a 'reasonable likelihood' of protected species being present. It also provides detailed advice on the protected species most often affected by development, including flow charts for individual species to enable an assessment to be made of a protected species survey and mitigation strategy.
- 43 You should apply our Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any

## Agenda Item 4.1

individual response received from Natural England following consultation. Page 2 of 2

- 44 The Standing Advice should not be treated as giving any indication or providing any assurance in respect of European Protected Species (EPS) that the proposed development is unlikely to affect the EPS present on the site; nor should it be interpreted as meaning that Natural England has reached any views as to whether a licence may be granted.

### *KCC Ecology:*

- 45 Under the Natural Environment and Rural Communities Act (2006), "Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity". In order to comply with this 'Biodiversity Duty', planning decisions must ensure that they adequately consider the potential ecological impacts of a proposed development.
- 46 The National Planning Policy Framework states that "the planning system should contribute to and enhance the natural and local environment by...minimising impacts on biodiversity and delivering net gains in biodiversity where possible." Paragraph 99 of Government Circular (ODPM 06/2005) Biodiversity and Geological Conservation - Statutory Obligations & Their Impact Within the Planning System states that "It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted otherwise all relevant material considerations may not have been addressed in making the decision." Natural England has published Standing Advice on protected species and Ancient Woodland. When determining an application for development that is covered by the Standing Advice, Local Planning Authorities must take into account the Standing Advice. The Standing Advice is a material consideration in the determination of applications in the same way as a letter received from Natural England following consultation.
- 47 We have reviewed the ecological information that has been submitted with the planning application in conjunction with the desk top information available to us (including aerial photos and biological records). We are generally satisfied with the information but we do require clarification on the impact from the proposed development on reptiles and GCN to be provided prior to determination of the planning application.

### *Reptiles*

- 48 The ecological surveys have identified that there are several small and localised areas of potential reptile habitat and recommended that a precautionary mitigation approach should be used to clear these area.
- 49 While in theory we do not object to this proposal we do require additional information to be provided to confirm that it is an acceptable method to be used on this occasion. Information is required to confirm that there is suitable reptile habitat within the surrounding area which can support any reptiles which are moved in to it.
- 50 In addition it would be helpful if a map is included showing the following:

- Where the suitable reptile habitat is located,
- What habitat will be impacted as a result of the proposed development

### *Great Crested Newts*

- 51 The ecological survey details that there are no ponds within 1200m of the site. However from looking at the OS maps it appears that there are at least two ponds within 500m of the site.
- 52 As GCN can move up to 500m from water bodies there is potential that GCN could be present within the site. As such we require additional information to be provided assessing the impact the proposed development will have on GCN. Please be aware depending on the information provided there may be a requirement for GCN surveys to be carried out prior to determination of the planning information.

### *Bats*

- 53 Tree T3 (as described within the ecological survey) has been identified as containing suitable features for roosting bats. However we are satisfied that as this tree will not be impacted by the proposed development no emergence surveys are required. Lighting can be detrimental to roosting, foraging and commuting bats. We recommend that the Bat Conservation Trust's Bats and Lighting in the UK guidance is adhered to in the lighting design (see end of this note for a summary of key requirements) proposed for the development. The proposed lighting must be designed to avoid impacting the tree which has been identified as being suitable for roosting bats.

### *Breeding Birds*

- 54 There is suitable habitat on site for breeding birds and all nesting birds and there young are legally protected. If planning permission is granted, we recommend that buildings and vegetation suitable for nesting birds are removed outside of the breeding bird season (March - August inclusive). If that is not possible an experienced ecologist must examine the site prior to works starting and if any nesting birds are recorded all work must cease in that area until all the young have fledged.

### *Enhancements*

- 55 One of the principles of the National Planning Policy Framework is that "opportunities to incorporate biodiversity in and around developments should be encouraged". It is welcomed that the proposed landscaping will increase the suitable habitat for biodiversity. We recommend if planning permission is granted a management plan for the site is produced and submitted for comments as a condition of planning permission.

### *Kent Wildlife Trust:*

- 56 Views awaited.

### *Kent Downs AONB Unit:*

- 57 Views awaited.

## Agenda Item 4.1

### *Environment Agency:*

58 Views awaited.

### *Thames Water:*

#### Waste Comments

59 Thames Water would advise that with regard to sewerage infrastructure we would not have any objection to the above planning application.

#### Water Comments

60 With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

#### *WATER COMMENT*

61 Thames Water recommends the following informative be attached to this planning permission. Thames Water will aim to provide customers with a minimum pressure of 10m head (approximately 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

### *Royal Borough of Greenwich*

*(Royal Borough of Greenwich advised in respect of the application for a Crematorium on the adjacent site but also relevant to this application):*

62 At Eltham Crematorium there are 20 available slots per working day. (09.00 – 15.30)

63 During the busiest months we average 16 bookings per day. The earlier slots are generally the last to be booked. Over the period 5 months October 2012 – February 2013, there were 2058 possible slots available and 1737 (83%) were taken.

- There are currently **no** plans to expand at Eltham Crematorium.
- As we do not work at full capacity and there are early times available, we do not currently envisage extending our service times.

### *London Borough of Bexley:*

64 No objection and this Council has no plans for a similar facility.

*London Borough of Bromley:*

65 Views awaited.

*London Borough of Croydon*

66 Views awaited.

*Medway Council:*

67 Raise no objection. In respect of the previous application at Land South of Orchard Barn they advised that:

68 Regarding the current capacity issues they are in the middle of a major improvement programme involving the closure of one of the chapels. Therefore they have supplied figures drawn from a 5 year average which demonstrates that they have not operated at capacity for the last 5 years. It would appear from the figures supplied that even during the winter they have 40% spare capacity – although it is not clear at what times these slots are available.

*Tonbridge & Malling BC:*

69 No objection

*Tunbridge Wells BC:*

*(No objection although in respect of the earlier application for Land South of Orchard Barn they provided the following information):*

70 As I am sure you'll be aware the key issues for the proposed siting of crematoria will be those of:

- Its likely proximity to existing private residences, location within the existing community, and community need,
- Crematorium Capacity, and
- Geography of surrounding transport infrastructure.

71 The issue of proximity to residences is obviously provided in legislation, and whilst the demographic and socio-economic status of the local population is no doubt significant to their own business rationale, it will inform your own considerations of the level of community need as well as the environmental impacts from its operation and patronage.

## Agenda Item 4.1

72 Additionally the following points are made:

- Express concern about the Funeral Director survey results of delays at the Kent & Sussex Crematorium. We average 61% utilisation of chapel capacity and 63% cremation capacity.
- Each winter we experience approximately a 30% upturn in demand. However this cannot be construed as operating near capacity
- Waiting times for service slots is a subjective assessment due to:
  - Preference for a 10am – 3pm slot
  - Availability of church and clergy if a church services is required
  - Availability of the funeral directors
- A second chapel is proposed within 4 – 5 years to provide double the existing capacity.

*Tandridge DC:*

73 No objection.

*Maidstone BC:*

74 No objection.

*Crawley BC:*

75 No objection.

*Shoreham PC*

76 Shoreham Parish Council objects to the proposed development for the following reasons:

- The openness of the Green Belt will be impeded by this development.
- The necessity for acoustic fencing at a height of 3m for a section of the southern boundary will block views and noise from the nearby concrete crushing facility will itself add to the loss of openness. There is an additional loss at the front of the property with the addition of the 2m high fence at the road frontage.
- The proposed heavy planting of trees, designed to screen the site, will also result in a loss of Green Belt openness.
- It is considered that it is an inappropriate location for a crematorium next to a heavy industrial area.
- The proposed development would result in an increase in traffic on an already busy road.
- Public transport to the site is poor.



*Halstead Parish Council:*

77 Strongly opposes this application on the following grounds:

1. The proposed development is within the Green Belt where strict policies of restraint exist.
2. The proposal would be inappropriate development and harmful to the maintenance of the character of the Green Belt. Policies EN1 and GB1 relate.
3. Policy L08 of the Core Strategy states: *'that the extent of the Green Belt should be maintained. The countryside should be conserved and the distinctive features that contribute to the special character of its landscape and its biodiversity will be protected and enhanced where possible'*.
4. This area of the Green Belt has already been identified as the last bastion between Sevenoaks and the sprawl of the London Boroughs.
5. Council has concerns about the increase in traffic on the busy A224 particularly with the road being frequently used as a relief road for the M25 when this is grid-locked by accidents. The suggested catchment area extends far outside that of the Sevenoaks District and could increase the traffic numbers considerably on derestricted village lanes.
6. Any extra traffic will increase the pollution levels in an area already causing concern due to the close proximity of the M25 and A21.
7. Council notes that the applicant states that the chimney will be less prominent and hidden by the roof line, but still believes there could be harmful emissions released into the atmosphere.
8. Council believes that the concrete crushing business is an inappropriate neighbour for this kind of development. There will be frequent movement of lorries bringing in materials for treatment and lorries exiting the works removing the treated materials. The funeral vehicles will be passing in close proximity to the business area and there will be pollution both from dust and the noise levels created by these activities.
9. It is noted that four buildings and one silo are due to be demolished to facilitate the erection of this crematorium but Council would like to know if these were covered by Lawful Development Certificates.
10. Public transport serves the area on a very infrequent basis. The only bus being the 402 which stops some walking distance away. The only other bus which passes this land is a school bus travelling once in each direction.
11. There is no footway on large sections of the A224 and no plans to install a pedestrian crossing. The speed limit from Polhill past the end of Otford Lane and along the A224 goes from 50mph – 60mph.
12. It would seem that it is unusual for a crematorium to be located in a village: most crematoria appear to be situated in close proximity to or within large towns.
13. The Parish Council does not believe that there is a Need for this crematorium. The Kent & Sussex Crematorium at Tunbridge Wells is able to accommodate more

## Agenda Item 4.1

funerals and is building a second chapel in the near future to extend its services further. Falconwood Crematorium in Eltham is still not working at full capacity and there is a new crematorium at Hither Green which is well below capacity.

78 Further comments:

1. Council would like to know if all the properties within 200 yards of the proposed crematorium have been consulted and given their consent in writing to the development, this being a requirement of the 1902 Abatement Law.
2. Council was surprised that many of the statistics included with the original application were incorrect and the errors had to be rectified in subsequent documents.

### Representations

79 3 letters of objection received to the amended plans and 16 letters of objection from members of the public were received to the initial consultation, including the Badgers Mount Residents Association and CPRE raising the following issues:

- Harm to the openness of the green belt – this represents inappropriate development
- Harm to character of the village by virtue of further development on the surrounding green belt
- Dangerous precedent for green belt development
- Harm to openness of green belt
- This scheme has more in common with urban fringe development than the open countryside. Although present uses of the site do not enhance the area they do allow it to overall retain a sense of openness. By contrast what is proposed would use the full space and give it a sense of enclosure without logical connection to the land beyond: fencing hardly allows for openness. This is contrary to policy LO8 and SP1.
- It would be detrimental to the setting of the AONB contrary to policy LO8. The building style may be good for its use but is alien to local styles and lacks any sense of the vernacular. The document Design Principles of the Kent Downs Landscape says to avoid the introduction of features such as close boarded fencing, suburban style walls and fast growing conifers, particularly on the boundaries with rural lanes or with the wider landscape.
- The proposed fencing would be harmful to the green belt openness
- Will add to traffic on the busy A224 which will increase further when Fort Halstead is developed
- Policy T9 seeks to prevent the intensification of use of accesses onto primary routes and this will create a potentially dangerous shared access.
- Hazardous crossing for pedestrians from the nearest public footpath on the opposite side of the road.
- Public transport access is poor – the nearest bus stop about 1000yds, station 1.75 miles away and no footpath on this side of the road.
- Traffic hazards resulting from the slow speed of funeral traffic

## Agenda Item 4.1

- The proposal to share the access with HGVs using Oak Tree Farm would not create the appropriate environment for mourners expecting a quiet site.
- Noise and dust from Oak Tree Farm recycling operation would be counter productive to a quiet environment for the crematorium
- Additional pollution regardless of the proposed filtration system.
- There will be more than 4 or 5 services per day leading to increased traffic pollution etc.
- Some of the structures and goods suggested for removal are moveable and their removal should not be used to offset the floorspace proposed.
- There is a need for a crematorium and the Council should support the site to the north of this one.
- It lies within an AONB and would cause harm to the character of the AONB
- The loss of hedgerow would be harmful to the area
- Loss of good agricultural land for what is essentially an industrial process
- Existing goods stored on this site should be removed and not used to 'promote' this application.
- Harm to local house prices
- Contamination on this site
- Neighbouring crematoria have sufficient capacity: there is no need for a crematorium in this district
- This would make provision for those from outside the district needing a crematorium
- The site has a history of flooding
- Potential precedent for associated development

80 1 letter of support in response to the initial consultation raising the following issues:

- There is a great need for such a facility in the district
- There are few houses nearby
- The site has good road links
- There are a choice of nearby venues for holding a wake
- This is a sustainable proposal in terms of time, pollution and fuel usage
- This would tidy up an area that is currently unsightly

81 Letters of support from 1 local clergy/church raising following issues:

- Many local churches have run out of burial space so cremation is a more common choice and a local crematorium would make a great difference to local families and clergy.
- The biggest problems experienced are by those having a church funeral followed by a committal because of the long distance to the nearest crematoria.

## Agenda Item 4.1

- This would reduce waiting times for a service because of the level of demand at surrounding crematoria.
- At a meeting of Sevenoaks Deanery Synod the proposal was met with universal approval.
- With less pressure on other crematoria this would allow longer services to take place.

82 14 letters from local funeral directors: 2 objections and 12 giving support (inc 8 from the Co-operative Funeralcare branches around Kent and Surrey) raising following issues:

- There are 3 crematorium within 10 miles of Halstead
- A permission exists for a burial ground in Badgers Mount
- Loss of green belt land
- This appears a less favourable scheme than the site South of Orchard Barn and the adjacent car repairs and recycling use is hardly conducive to quiet reflection and the peace that is expected for mourners.
- Unacceptable waiting times for services at existing surrounding crematoria
- Currently there are particular problems for those choosing a church service and family only committal, due to the distance of the nearest crematoria
- There has long been a need for a new crematorium in this district. Presently we allow between 45 – 60 minutes travelling time to the closest facilities due to distance and congestion on the road.
- The nearest crematoria used by our clients are Beckenham, Tunbridge Wells, and Eltham. Medway, Vintners Park, Lewisham and others are also used from time to time but these are further distant.
- A new crematorium will boost competition in our area hopefully leading to better levels of service and increased capacity so our clients have shorter waiting times
- The proposed site has all the necessary road links and the rural area makes for a peaceful setting: this site would be acceptable for such a use despite the negative publicity regarding the adjacent uses
- The shared access is not ideal but would present a better outcome than no crematorium at all.
- The removal of various derelict buildings will improve the surrounding green Belt
- The mitigation measures to screen the operations at Oak Tree Farm would be successful and would allow successful use of the site in the same way as other crematoria bordering schools, main roads, etc.
- This service is far more important to the whole community than some very local opposition, as was manifest when the application on the adjoining site was turned down last month
- This location would allow us to by pass Sevenoaks town centre which will add to the convenience

- 83 A letter from another crematorium provider (Memoria - applicant on the Land to the south of Orchard Barn) objecting on the following grounds:
- Lack of clarity about which of the buildings shown for removal are actually lawful which could mislead the decision making process
  - Fundamental problems in terms of the activities at Oak Tree Farm and how they interact with the site
  - The use of the existing access because it is shared with commercial traffic would be inappropriate
  - Members need to be consistent in their decisions and based upon the refusal of the previous application on a neighbouring site need to consider the very special circumstances offered in this case carefully. On the basis of the previous application that should demonstrate a refusal of permission unless the Council can advance good reasons why a different approach should be adopted.
  - Harm to the landscape of the area by virtue of this scheme.

### **Chief Planning Officer Appraisal**

#### Principal Issues

- 84 The main issues relate to:
- the principle of this development within the green belt,
  - consideration of any very special circumstances,
  - impact upon character of surrounding countryside and adjacent AONB,
  - noise
  - air quality
  - Highways
  - Ecology
  - Public right of way
  - Neighbour amenity
  - Sustainability
  - Flooding

#### *Principle of Development in Green Belt:*

- 85 The Government attaches great importance to the Green Belt, the fundamental aim being to prevent urban sprawl by keeping land permanently open. The essential characteristic therefore being its openness and permanence. When considering any planning application local planning authorities (LPAs) should ensure that substantial weight is given to any harm to the green belt. Very special circumstances will not exist unless the potential harm to the green belt by reason of inappropriateness and any other harm is clearly outweighed by other considerations.

## Agenda Item 4.1

86 At paragraph 89 the NPPF advises that:

*A local planning authority should regard the construction of new buildings as inappropriate in the green belt. Six exceptions to this are identified and none of those are applicable to this use/site.*

87 The NPPF is clear that a cemetery constitutes appropriate development within the green belt: Whilst a crematorium may include structures common to a cemetery, such as a chapel and structures associated with floral tributes, the main purpose of a cemetery is an open use of the land. This distinguishes it from a crematorium where the built form is essential. Therefore a crematorium must be considered inappropriate development within the green belt. Paragraph 88 of the NPPF is clear that *substantial weight should be given to any harm to the green belt and that very special circumstances will not exist unless the potential harm to the green belt by reason of inappropriateness and any other harm is clearly outweighed by other considerations.*

88 Harm to the Green Belt in this case would be caused both by virtue of the inappropriateness of the development proposed and by virtue of the harm caused to the openness of the green belt at this point and would conflict with the purposes of safeguarding green belt land. The crematorium building would clearly harm the openness of the green belt and cause the encroachment into the countryside that the policies are designed to prevent. The ancillary access and parking area would not harm the openness of the surroundings but would clearly result in encroachment into the countryside of built form. Additionally an increase in activity across the site would result compared to its current use, which will have some impact upon the character of the green belt at this point.

89 Within the green belt, use of a brownfield or previously developed site would be preferable to use of an undeveloped site in terms of the impact upon the openness of the green belt: either in terms of a change of use of existing buildings or through the demolition of existing buildings/structures that could 'offset' the harm to the openness of the green belt caused by a new crematorium building. As part of this application buildings and structures are proposed for removal and this matter is considered below as part of the very special circumstance issue

### *Very Special Circumstances:*

90 There have been a few decisions, both determined by Local Planning Authorities and by the Planning Inspectorate relating to the provision of crematoria in the green belt. It is clear that very special circumstances can exist that outweigh harm, such that permission has been granted for new crematoria in the green belt.

91 The applicant refers to the following list of matters that comprise their very special circumstances:

- Demolition of existing lawful buildings and structures that would 'offset' the new Floorspace proposed
- Quantitative need assessment
- Qualitative need assessment
- Existing crematoria provision

- Capacity issues within the existing crematoria network
- Availability of alternative sites
- Landscape and visual impact
- Balancing material considerations

92 An assessment of whether these circumstances clearly outweigh the harm in principle and any other harm will be carried out later in this report.

### *Character/Appearance and Landscape*

- 93 *Policy SP1 of the Core Strategy* is clear that new development should be designed to a high quality and respond to the distinctive local character of the area in which it is situated. Outside settlements priority will be given to the protection of the countryside (*Policy LO8*) and any distinctive features that contribute to the special character of the landscape and its biodiversity will be protected and enhanced where possible.
- 94 The supporting text to SP1 identifies that new development must be accommodated without damaging features that contribute to the quality of the urban and rural environment. Therefore it is important that the development is designed to respect or improve the character and distinctiveness of the area in which it is located.
- 95 *Policy LO8* advises that the countryside will be conserved and the distinctive features that contribute to the special character of its landscape and its biodiversity will be protected and enhanced where possible. *Particular regard will be given to the condition and sensitivity of the landscape character and securing recommended landscape actions in the SPD to ensure that all development conserves and enhances the local landscape character and that appropriate mitigation is provided where damage to local character cannot be avoided.*
- 96 The Countryside Assessment identifies this site as lying on the edge of the Knockholt & Halstead Downs Character Area. The key characteristics are of mainly an agricultural use with plenty of horsiculture and many small woodlands, with larger arable fields found on the flatter ground. Mature beech trees and roadside hedgerows are a feature of the area. Sites for urban recreation and the intrusion of new buildings in the views of the area are some of the many visual detractors in this landscape. Visually the landscape is described as poor with a low sensitivity to change: sensitivity is a measure of the ability of a landscape to accept change, (both beneficial change and change that may be brought about by a new land use) without causing irreparable damage to the fabric and distinctiveness of that landscape.
- 97 The overall character of the area is rural, interspersed with developed land. The A224 in the vicinity of the site provides access to the Toby Carvery & pub to the north, the Polhill Garden Centre, Orchard Barn, the Calcutta Club and diner to the south east and the commercial activities at Oak Tree Farm of concrete crushing/screening activities, skip lorries etc. The existing landscape around the site is largely flat and open and despite these sites retains a generally rural feel with its open fields and boundary hedging/tree planting. The A224 itself is lined with a mature hedge that largely screens the undeveloped fields beyond from direct view.

## Agenda Item 4.1

- 98 The design of the crematorium is contemporary with its mixture of flat and mono pitched roofs finished largely with a sedum roof. The design has been amended and whilst reduced in floorspace a little, retains its compact layout. The scheme retains the two spine walls giving a strong north/south and east/west division separating out the public and 'business' elements of the site. The elevations have been amended to incorporate two mono pitch roofs so that at least part of the sedum roof will be visible from the ground rather than being visible only when viewed from the air. Whilst the design does not seek to emulate other buildings nearby it nevertheless utilises traditional materials found in the area. Buildings in the vicinity display a range of styles and ages ranging from the large glasshouses and single storey commercial buildings forming part of Polhill Garden Centre, the more traditional barn styling of Orchard Barn to the relatively simple domestic style of Oak Tree Farm. However such a range of styles, albeit mostly traditional in design, would help to assimilate this scheme into the surrounding landscape. It does not lie so close to any surrounding buildings such that a more traditional approach is necessary. In general a significant amount of planting is proposed around the boundaries and within the site and certainly it would be expected that the site would appear more wooded when the scheme has reached maturity. Upon maturity this would be an attractive well planted site.
- 99 In terms of development surrounding the application site, apart from Oak Tree Farm to the south there would be little to obstruct views from the surrounding countryside of the proposed new crematorium apart from boundary hedgerows/trees. Certainly in terms of views from the public domain a PROW runs along the northern boundary of the site (albeit on the other side of the boundary hedgerow) and would thus lay a lot of the site open to views by walkers using that footpath. Significant proposed tree planting and landscaping would in time hinder those views but nevertheless views from adjacent fields would also be possible through proposed landscaping.
- 100 The site does not lie within an Area of Outstanding Natural Beauty but the land on the opposite side of the A224 does. Clearly new development within the AONB would have an impact upon the surrounding AONB. In this case however, given the location of the site outside the AONB, the scale and design and the general planting changes proposed, particularly in terms of additional planting to soften the scheme, it is not considered that the scheme would adversely affect the nearby AONB: although of course the site would nevertheless have a very different 'maintained' character that it currently does not.
- 101 The scheme would clearly result in a change to the landscape and the flat open character that this stretch of the A224 currently enjoys. However the surrounding landscape is punctuated by individual buildings and development sites and this site would be compatible with that character. Furthermore the significant planting proposed would mitigate significantly any impact of the development. The landscape character assessment indicates that small woodlands do form a part of the landscape character and this site could appear as a well planted lightly wooded site that it is considered would not significantly harm the character of the surrounding area.
- 102 No details have been provided about lighting and signage but such issues could be dealt with by condition.
- 103 It is considered that this scheme would not adversely harm the character of the surrounding countryside.



### Noise

- 104 The NPPF advises at paragraph 123 that planning policies should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development and mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions.
- 105 Policy NR10 advises that proposals for all forms of development should minimise pollution of the environment through careful design and layout of any buildings or land uses. This policy is clear that:
- Potentially polluting activities must be in a suitable location being sensitive to other land uses
  - Mitigate any possible land use including the effects on the natural environment, amenity or health
  - Control any noxious emissions or noise, dust, vibration, light or heat
  - Restore the land to an acceptable use after the use ceases
  - Protect natural resources including sites of nature conservation importance, wildlife habitats and to improve the physical environment
- 106 The issue of noise concerns the increase in noise generated by activities on and around the site and the noise from other surrounding uses and their impact upon the site.
- 107 In terms of the former issue the only residents who would at present be affected by this scheme are those residents at Oak Tree Farm, which lies adjacent to the site. However those dwellings lie in close proximity to the waste screening and other commercial activities within Oak Tree Farm and it is not considered that the additional traffic noise and general increase in activity generated by the crematorium use will significantly affect their amenities. Other dwellings are so far from the site as to remain unaffected, in officer's view, by the proposed activities.
- 108 In terms of the wider area it is not considered that the use of this site 5 ½ days per week would generate such large amounts of activity on site and traffic as to constitute a nuisance to surrounding businesses/residents or road users.
- 109 Noise sources audible within the site are the road traffic to the east of the site and activities at Oak Tree Farm to the south. Concern has been expressed that the noise at Oak Tree Farm makes the use proposed on the application site unacceptable. Similar comments were made in respect of the site to the north of this although of course this site lies in closer proximity to the sources of the noise.
- 110 Comments have been made by funeral directors in response to the publicity exercise associated with this application who consider the surrounding environment to be acceptable and also to be unacceptable. Should permission be granted for such a scheme on this site it clearly would not be implemented if commercially unviable and Officers consider that this is a commercial decision to be taken by any prospective developer rather than the Council.
- 111 In terms of noise audible at other crematoria it is interesting to note that aircraft noise is identified by the funeral directors as a feature of the Surrey & Sussex Crematorium and motorway noise is audible within the Medway Crematorium.

## Agenda Item 4.1

This matter does not appear to prevent the successful operation of either of these facilities.

- 112 Steps have been taken in the scheme to minimise noise from both the A224 and the commercial activities to the south of the site and the scheme incorporates a 2m fence along the boundary with the public highway which turns along the first part of the northern boundary. This fence would sit behind the existing hedgerow and would be largely hidden from public view, although glimpses will be visible during the winter months when the hedge is not in leaf. A similar acoustic fence is proposed along part of the southern boundary with Oak Tree Farm between the main part of the crematorium and the house at Oak Tree Farm whilst a 2m high planted bund is shown along the boundary to the rear between the memorial gardens and the stables. Concerns have been expressed about the visual impact of the fences in particular, but such fences could be erected as permitted development anyway but also they will be screened with planting. If members are concerned about the location of the fence immediately behind the boundary hedge, the fence could be moved further back into the site to allow for more planting behind the existing boundary hedge to completely obscure the fence from public view.
- 113 Although provision has been made to reduce noise levels across the site Officers are advised that there are actually no noise guidance regulations in respect of the levels of noise considered acceptable within a crematorium and burial site. Accordingly I am satisfied that this proposal complies with policies NR10 and the NPPF.

### *Air Quality*

- 114 Policy SP2 seeks to ensure that *the design and location of new development will take account of the need to improve air quality in accordance with the Districts Air Quality Action Plan. Development in areas of poor air quality or development that may have an adverse impact on air quality will be required to incorporate mitigation measures to reduce impact to an acceptable level.*
- 115 Policy NR10 is referred to above and details the Councils approach to air quality. However the operation of a crematorium requires a permit under the Environmental Permitting Regulations which specifically considers the issue of air quality and such a permit cannot be issued unless the facility is in compliance with the regulations. The NPPF is clear at paragraph 122 that *the LPA should focus on whether the development itself is an acceptable use of the land, and the impact of the use, rather than the control of processes or emissions themselves where these are subject to approval under pollution control regimes. Local Planning Authorities should assume that these regimes will operate effectively.* The impact of emissions on the environment can therefore be adequately controlled under separate legislation.
- 116 Although the applicant has not submitted an air quality report the Councils Environmental Health Officer is satisfied that this aspect of the proposal could be dealt with by condition. A separate permit has to be issued by the Councils Environmental Health Officers and that will only be issued if the facility is in compliance with the relevant Regulations.
- 117 This approach is consistent with the Inspectors decision in the Amber Valley appeal where he concluded that *I am satisfied that the environmental controls to*

*which any new facility would be subject would ensure no harm would arise to nearby properties from emissions to air or noise. Matters relating to emissions are governed by Part B of the Environmental Protection Act 1990 and the Environmental Permitting (England & Wales) Regulations 2010 as a prescribed process and required authorisation. These matters are outside the planning process, covered under separate legislation and a licence to operate is required before the use can begin. The crematorium would require an environmental permit to operate. Any emissions would be closely monitored and any infringements would be governed by the Local Authority as licensing authority. The impact of emissions on the environment and nearby residents would therefore be adequately controlled.*

- 118 Accordingly for these reasons I am satisfied that the proposals comply with policy SP2 of the Core Strategy, NR10 of the SDLP and the NPPF.

### *Highways:*

- 119 Policy T9 advises that the Local Planning Authority will not permit any development which involves construction of new accesses on to the defined primary or secondary route network or increased use of existing accesses onto primary or secondary routes. New development should normally have access via an access road onto a local route.
- 120 This scheme proposes that alterations will be made to an existing access rather than the creation of a new access. At present access to Oak Tree Farm is via an in/out access with a central planted island. The island would be removed and a 7.5m wide access into the site will be created. It will occupy the same position as the existing access, but priority will be given to the crematorium. Vehicular access to Oak Tree Farm would be gained to and from this access. The road would be set out to give priority to the crematorium and ensure that any vehicles using Oak Tree Farm have to stop and let crematorium traffic through before they leave the site.
- 121 A pedestrian access to the site will be created some 65m to the north and a new traffic island will be created to facilitate pedestrian crossing from the public footpath on the other side of the A224.
- 122 A right hand turn lane will be created to provide access for traffic heading south on the A224. Once inside the site parking is available for 104 vehicles. The main issues concern the impact of additional traffic upon the road network, the accessibility of the site to those without access by car, and issues of sustainability in terms of travelling times/distances.
- 123 In respect of policy T9 the working of this policy is noted. However in the absence of any specific KCC policy constraint and in the light of the proposal meeting current KCC requirements in respect of the sharing of this access, there would be no justification in KCC raising objections to a proposal on these grounds. It would therefore be for SDC to assess whether or not to raise a local policy objection in this regard.
- 124 It is clear from the site survey information, projected traffic flows and background vehicle flows that the proposals will not generate a level of vehicle movements which would be significant in respect of either available highway capacity or additional Network or local movements.

## Agenda Item 4.1

- 125 Concern has been expressed regarding the impact of slow moving funeral corteges upon the existing traffic. The proposed access can be delivered to the principle requirements of the Highways Authority for the use class in question and so there would be no justification for any concern of this nature to be raised. Furthermore prior to both the approval of design and commencement of works, the proposed highway improvements will be subject to the appropriate levels of principle and detailed technical and safety audit through our required Highway Agreements process.
- 126 It is noted that whilst the revised Stage 1 Safety Audit has not been submitted but that this is not considered to be a reason for refusal. Any changes to the access that may be required as a result of that audit may necessitate amendments to the scheme and if these are considered to be material to the scheme a fresh application would be required to consider the appropriateness of those changes.
- 127 The site would not be widely accessible by public transport, there being a bus route along the A224 but no other viable means of public transport. Those wishing/having to walk to the site could use the pavement on the other side of the road and cross at the proposed new traffic island.
- 128 Whilst it is accepted that public transport links to the site are limited, this has to be considered in context. The proposed use is one which can be seen through surveys of similar sites to generate a high percentage of private vehicle trips and high average passenger numbers with relatively small numbers of visits by other modes. Whilst the ideal scenario would be for consistent levels of public transport provision to be available to all development sites, the reality is that sites such as this in a rural locality often have no local services and the existence in this case of a bus service with nearby stops within a reasonably short walking distance is considered to be appropriate and proportionate for a use of this nature in the context of this locality.
- 129 The applicant is providing a pedestrian island and uncontrolled pedestrian crossing point linking the existing footway on the east side of the A224 with the pedestrian site access on the west side of the A224 which is considered an appropriate level of Pedestrian provision for a site of this nature.
- 130 Most crematoria in rural areas appear to be at least on the fringes of settlements or in more remote locations where public transport is not necessarily comprehensive. It is accepted therefore that whilst this site does not benefit from good public transport accessibility that this should not be considered such a dis-benefit as to warrant a refusal of the scheme.
- 131 Concern has been raised regarding the potential impact of future development at Fort Halstead on the local highways network. It would not be normal practice to require a current development proposal of this scale to either account for, or to be tested against the theoretical impact of potential future planning proposals or nearby land allocation proposals in advance of any such proposals being formally permitted or committed.
- 132 Accordingly I am satisfied that this proposal complies with the relevant parts of the NPPF and policies T9 and EN1 of the SDLP.

### *Ecology:*

- 133 The NPPF states that “the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and delivering net gains in bio diversity where possible.
- 134 Policy SP11 seeks to conserve the biodiversity of the district and seek opportunities for enhancement to ensure no net loss of bio diversity.
- 135 Policy EN17B refers to areas of nature conservation interest and the need to ensure that a loss of wildlife habitats and other features of nature conservation interest are not permitted.
- 136 One of the principles of the National Planning Policy Framework is that “opportunities to incorporate biodiversity in and around developments should be encouraged”. The submitted Ecology Report concludes there are several small and localised areas of potential reptile habitat and recommended that a precautionary mitigation approach should be used to clear these areas. Whilst objections are not raised by KCC in principle to the scheme, further details have been requested to confirm that the proposed methods of clearance to be used on this occasion are acceptable. At the time of writing this report further information had been submitted and was under consideration regarding details of what habitat will be impacted as a result of the proposed development and where the suitable replacement habitat is located.
- 137 At present it is anticipated that this matter can be dealt with by means of condition and this matter will be updated for members at the Committee meeting.

### *PROW:*

- 138 The NPPF seeks to protect and enhance public rights of way and access, and local authorities should seek opportunities to provide better facilities for users.
- 139 Policy SP10 seeks to develop a green infrastructure network of accessible multi functional green space, primarily based on linking and maintaining existing areas of open space. In this case the nearby public right of way contributes to this network, but would not be affected by this development..
- 140 The plans have been amended to reflect the fact that ashes should not be scattered within 50 yards of the public right of way.
- 141 No objections are raised in consideration of this matter.

### *Sustainability*

- 142 At the heart of the NPPF is a presumption In favour of sustainable development which should be seen as a golden thread running through both plan making and decision taking. Whilst the NPPF offers support for the use of sustainable travel modes it also offers encouragement to solutions which support reductions in greenhouse gas emissions and reduce congestion. This could be accomplished by both improved pubic transport but also by locating development where the need to travel will be minimised.
- 142 Policy SP2 likewise supports measures to reduce reliance on travel by car.

## Agenda Item 4.1

- 143 The most significant issue regarding the matter of sustainability is the impact of traffic drawn to the site. At present those needing the services of a crematorium need to drive outside the district to sites in excess of a 30 minute drive time. Judging by comments made by Clergy and others involved in such services the drive time can often be considerably in excess of 30 minutes.
- 144 Clearly therefore the siting of a crematorium within the District will facilitate shorter driving times. Whilst there is a balance to be considered in this matter, shorter journey times must be considered a more sustainable development overall, although
- 145 Of course this will mean more traffic in and round this district.
- 146 Whilst this scheme will involve more car journeys within the district, overall it will reduce the amount of travel and therefore must be considered a sustainable proposal.

### *Neighbour Amenity:*

- 147 The NPPF is clear that planning should be a means of finding ways to enhance and improve the places in which people live their lives. We should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
- 148 Policy EN1 seeks to ensure that no new development would adversely affect the existing area either in terms of any built form or in terms of the operation of any uses.
- 149 The 1902 Cremation Act sets out parameters for the location of the crematorium in relation to existing dwellings and the public highway. At present this scheme complies with those parameters.
- 150 Issues specifically related to the impact of noise in respect of neighbour amenity are considered above. However it must be recognised that the increased level of activity associated with this use could still adversely affect nearby residents and occupiers.
- 151 In this instance however the nearest occupiers live in the Oak Tree Farm complex where the neighbouring uses are commercial and create some degree of noise and disturbance. Whilst those residents will share the site access and will undoubtedly notice the additional traffic drawn to the site, it is not considered that their amenities will be adversely affected by additional noise and disturbance.
- 152 The nearest occupiers would be sufficiently far from the car park so they would not be adversely affected by noise generated by that use. The general levels of activity anticipated on the adjacent highways are likewise not considered to be so severe as to justify a refusal on the basis of harm to either local residents or local businesses.
- 153 It is considered in summary that the scheme would be compliant with the relevant policies and would not harm the amenities of nearby residents or occupiers of commercial premises.

### *Flooding*

- 154 The NPPF seeks in general terms to avoid new development in areas at risk of flooding.
- 155 The Environment Agency identify a stretch of the A224 in the vicinity of the site entrance as being at low risk of surface water flooding (low risk is classified as being at risk of flooding between every 1:100 and 1:1000 years). This appears to affect the public highway very close to the site entrance and land to the south, and that part of the site immediately adjacent to that highway. Recent weather conditions have resulted in the flooding of the A224 at this point and made that part of the A224 impassable and access could not be gained to the site. The only part of the site that flooded was the entrance: land beyond the gated access to the site appeared to remain unflooded.
- 156 The Environment Agency comments had not been received at the time of writing this report. However this issue was raised with the EA in respect of the application considered for land south of Orchard Barn when residents had advised that land around that site adjacent to the A224 was subject to surface water flooding. The guidance from the EA at that time was that since this was an issue related to surface water flooding that an appropriately worded surface water condition should help to resolve this flooding.
- 157 The NPPF deals with issues of climate change and flooding and by means of the sequential test seeks to steer new development to areas with the lowest probability of flooding. The flood zones are the starting point for this approach. The EA identifies Flood Zones 2 & 3 and all land outside those zones is in flood Zone 1. This site is in Flood zone 1 ie a low probability of flooding. In such an area all land uses are considered appropriate and the technical guidance advises that the overall aim of the sequential approach should be to steer development to Flood Zone 1. This guidance also advises that the overall aim of developers and local authorities should be to seek opportunities to reduce the overall level of flood risk in an area through the layout and form of the development and the appropriate application of sustainable drainage systems. Such systems are designed to control surface water run off lose to where it falls and mimic natural drainage as closely as possible. It does not seem likely that the proposed new development would make the current situation any worse since the main part of the development lies outside the area that is identified as at risk. It is possible however that it could help secure an improvement to the current situation.
- 158 This is an issue that should be resolved before the permission is implemented and this could be dealt with by means of a pre commencement condition to clarify the causes of the poor drainage and any proposed mitigation.
- 159 It is concluded therefore that subject to the relevant condition to resolve surface water issues that this scheme would not cause any harm in respect of flooding.

### Other Issues

- 160 Screening Opinion: the proposal has been considered under the Town & Country Planning (Environmental Impact Assessment) Regulations 2011.
- 161 The proposal was considered to represent Schedule 2 development under the Town & Country Planning (Environmental Impact Assessment) Regulations. When

## Agenda Item 4.1

considered against the criteria in Schedule 3 of the Regulations, the potential impact of the development would not be considered 'significant.' This impact and any other impact would be limited and localised, and would not be significant in terms of nature, size and location, to the extent that an Environmental Impact Assessment would be required.

- 162 Agricultural Land Classification: Para 112 of the NPPF states: Local Planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, Local Planning Authorities should seek to use areas of poorer quality land in preference to that of a higher quality”.
- 163 The Kent Landscape Information System indicates that the application site is most likely to be poor or good agricultural land, the land classification includes very good and excellent categories. This would not therefore be considered to be land of the highest quality and taking into account all of the guidance in the NPPF, the change of use of the site from agriculture would be considered acceptable.

### Access Issues

- 164 Would be dealt with as part of any building regulations submission.

### Assessment of Very Special Circumstances

#### *Demolition of existing buildings/structures*

- 165 This development is clearly inappropriate development in the green belt and the NPPF is clear that even a replacement building remaining in the same use, but which is materially larger than the original, can harm the green belt. It is appropriate therefore to consider whether the removal of existing buildings and structures can mitigate the harm caused by the new buildings.
- 166 The existing buildings comprise:
- the shell of a two storey brick building lying toward the front of the site , set back some 40 m from the boundary with the A224. The building is 10 x 5.5m in size and lies adjacent to the access road to the farm. Its maximum height is just under 6m. Its last lawful use is unclear, but the building is nevertheless a lawful structure.
  - a corrugated steel silo that is currently used for the storage of hay and which is sited approximately 115m from the boundary with the A224. The silo appears to have been moved from elsewhere on the Oak Tree Farm site, but appears to be fixed to the ground and in its current storage use is lawful. It has a maximum height of 6.5m.
  - a steel storage container with a floor area of 30 sqm. The current Lawful Development Certificate is still under consideration but advises that this has been used as part of a workshop and storage facility as part of a joinery business and for storage of miscellaneous items and materials. At the time of writing this application is still under consideration.
  - two pre-fabricated single storey steel buildings located to the north of the stables within the boundary of Oak Tree Farm, towards the rear of the site. These



have a combined floor area of just over 38 sqm and appear to be part of a combined workshop/storage use along with the steel storage container.

- 167 The combined floorspace of all of these structures is approximately 185 sqm.
- 168 A number of other goods and items stored on the land immediately to the north of Oak Tree Farm are also promised for removal as part of this scheme and these include 3 helicopters and miscellaneous storage containers, steel beams, machinery parts etc. These however are considered to form part of an unlawful storage use of the site which is currently under investigation by the Councils Enforcement Team. It is believed that the Council can secure the removal of these goods, using enforcement powers if necessary, and their removal should not therefore be considered as a benefit of the proposed new crematorium or as part of any offset/mitigation argument in terms of green belt openness.
- 169 The proposed crematorium would have a floor area of 273 sqm plus those areas beneath the flower garden colonnade and porte cochere.
- 170 In terms of harm to the green belt the existing buildings/structures are clearly spread around the site in three separate locations which does reduce their overall impact upon the openness of the surrounding area. Two of the buildings/structures are the height of a two storey building and have a greater visual impact within the landscape whilst the three buildings/structures at the rear of the stables were until recently largely hidden behind an evergreen hedge. That has now been cleared and they are more visible within the landscape although still placed in close proximity to the stables and of a fairly low key impact overall: albeit looking scruffy and not adding anything positive to the landscape.
- 171 Although these building are being removed their combined floor area and volume does not match that of the crematorium and do in officers view have less impact upon the openness of the green belt than would the development of the site with the crematorium. However, the brick building and silo do have a greater presence and their removal would remove two structures which make no particular contribution to the character of the area yet are more widely visible. The removal of the two storey brick structure particularly would open up the front of the Oak Tree Farm site. In combination I must conclude that their removal does offer some mitigation in terms of the impact upon the openness of the green belt of the new crematorium and wood shed.
- 172 The floor area of the proposed building is almost identical to that of the crematorium proposed on the site to the north. The design of this proposal is quite different to that proposed on the site to the north albeit the floor areas are almost identical. The ridge height of the scheme recently refused was 7.3m compared to 8.4m of this scheme whilst the chimney of this scheme is approximately 1.1m higher than that of the scheme recently refused permission. It is considered that this scheme would therefore have a less harmful impact upon the openness of the green belt than the scheme that was considered on land to the north of this site due to the benefit gained from the demolition and removal of other buildings and structures.

### Quantitative Need:

- 173 Is concerned with matching the demographic evidence of death in the local population, its distribution, the number likely to require cremation and the

## Agenda Item 4.1

capacity and distribution of existing facilities in the area concerned. An assessment is required regarding the ability of existing crematoria to cope with the need for their services, taking account of the standard of service that is expected.

### *Catchment Area:*

- 174 In an appeal decision relating to a proposed crematorium in Camborne the Inspector concluded that a population of approximately 150,000 people would be within realistic travel time of the facility and that would be sufficient to ensure its long term future. This would also be consistent with the view of the Institute of Cemetery and Crematorium Management who also advise that a catchment area of 150,000 is required to sustain a crematorium. The district of Sevenoaks has a population of just under 115,000 (2011 census). Taking the 150,000 as a benchmark, the applicants submission indicates that a population of approximately 242,500 people would live within equal distance of the proposed crematorium and the nearest other crematorium. This compares with a figure of 216,000 people identified by the previous application for a crematorium as living closer to the Halstead Site and any other site. This figure represents a catchment area that extends beyond the boundaries of Sevenoaks and includes residents from Bromley, Tandridge and Tonbridge/Malling . This appears to be an accepted approach in the determination of planning applications and planning appeals ie that a demonstration of need does not only have to relate to the district within which the crematorium is sited, but also to those surrounding districts.
- 175 A crematorium has recently been approved in Gravesham but that is not considered to reduce the demand for a crematorium in this District.

### *Cremation Rates and Burials:*

- 176 No information has been submitted in respect of this application but available evidence suggests that since the mid 1990s the cremation rate has increased very slightly and sits around a figure of 73% of deaths being dealt with by cremation. We are told that Sevenoaks has a relatively older population with an above average percentage of the 64+ age group. If the current death rate is applied to the population figures for the catchment area and taking account of the national cremation rate of 73%, this illustrates a demand for approximately 1500 cremations per year. The application site will serve other authorities (based on the minimum drive time) and the information from the Office for National Statistics indicates that with the exception of Tandridge the other districts and Sevenoaks will have an ageing population. This in crude terms implies that death rates overall are likely to increase across the catchment area of the site.
- 177 It should be noted that these figures differ slightly to those offered as part of the previous application for land to the north of this site in terms of cremation rates and the number of cremations therefore anticipated : an increase of 130 cremations on 'day one' compared to the figures provided for the earlier application. This nevertheless retains a minimum figure of 1,370 as suggested in the earlier application and therefore still demonstrates a significant demand.
- 178 Within the local area an approval for a new burial ground exists at Watercroft Wood, but it is not considered that there should be any conflict between the availability of burial plots and the need for a crematorium even though the two facilities would be relatively close to each other.

*Qualitative Need:*

179 Covers a range of issues that relate to the experiences of mourners:

*Capacity/Waiting times:*

180 Part of the applicant's case relates to waiting times for a service at neighbouring crematoria. Whilst all crematoria that have provided such evidence to the Council indicate they have capacity, it appears to be the case that most people seek a service within a prime slot of 10am – 3.30pm. When assessing a crematorium's capacity it is important to look at those slots and not the fact that there may be slots available either very early or late in the day. Assessing capacity at Tunbridge Wells, Maidstone and Beckenham, which are all single chapel crematoria it is estimated that they do not have capacity to offer services within the most sought after part of the day within a reasonable timescale. This is the same evidence that was presented for the earlier application.

181 Officers have made contact with surrounding crematoria and those that have responded (Medway and Kent and Sussex) have denied any significant delays. Indeed they go on to set out the circumstances which may account for the perception that they are operating at full capacity at certain times:

- The preference for services times during the central part of the day even though other service times may be more readily available
- the funeral directors ability to deal with multiple bereaved families i.e. the funeral directors may not have the available staff to accommodate a service due to other commitments
- if a family wish to have a church service prior to a cremation this requires the availability of the church and the minister in addition to the funeral director and crematorium.
- Medway advises that it is in the midst of a major improvement programme which results in the closure of one chapel necessarily affecting its service delivery. Over a 5 year period they consider that on an average basis they have not operated at capacity over the last 5 years although there may be the occasional day when they have operated at capacity.
- Tunbridge Wells Borough Council advises that in respect of the Kent and Sussex Crematorium that they average 63% utilisation of the full capacity of the crematorium. They acknowledge an upturn of some 30% during the Jan-March period each year.

182 An Inspector concluded in an appeal decision in 2013 in Amber Valley, that in fact *the employees or operators have a vested interest in painting a rosy picture of their own operations. The funeral directors have no such vested interest.* In a case in Camborne the Inspector concluded that *the accounts of funeral directors and the clergy are persuasive* – albeit that comment was in respect of the traveling times to other crematoria. Elsewhere in that decision the Inspector refers to representations from the same group regarding waiting times in gaining services at the preferred time. The experiences of those professionally involved in arranging or conducting funerals is a material factor in support of the application scheme and this approach was confirmed by the Amber Valley appeal decision. (See appendix 2 to the Watercrofts Wood report).

## Agenda Item 4.1

### *Travel Distances/Times:*

183 In previous crematorium applications/appeals an industry standard, or “rule of thumb” has been adopted as 30 minutes travel time for a funeral cortege to the crematorium being generally acceptable. In applying this standard the speed of a cortege is corrected by a factor of 0.6 of average travelling speeds. In the Camborne appeal decision the Inspector took this as a starting point for his assessment.

184 The applicant has submitted an assessment of the travel times to surrounding crematoria and indicates as follows:

Tunbridge Wells	40 minutes
Maidstone	50 minutes
Eltham	50 Minutes
Beckenham	78 minutes

These times account for the slower speed of the funeral cortege.

185 These drive times are explained by the traffic congestion en route and the fact that the sites in Maidstone and Tunbridge Wells lie on the far side of the respective towns with consequent delays. The point that is emphasised is that the drive time for funeral directors always exceeds the theoretical drive times.

186 Again this assertion is backed up by those funeral directors and clergy who have contacted the Council.

187 In numerical terms it is calculated that the resident population that would have Sevenoaks as their nearest crematorium (which currently falls outside a 30 minute drive time of all other crematoria but within 30 minute drive time of Sevenoaks) would be 140,002 (based on 2011 population). This is projected to increase to 155,568 in 2021 and 168,353 in 2033. Including those who reside outside the District this number would rise to 183,837.

188 The provision of a crematorium should not be considered solely against its ability to meet a need within this district but account should also be taken of its ability to meet a need outside the district. In this case the provision of a crematorium on this site would bring parts of adjoining districts within the 30 minute travel time to Halstead. Some of those areas currently lie outside the 30 minute drive time to any other crematoria whilst some lie within the travel time to an existing crematorium. Those areas that currently lie outside the travel time to any other crematoria must be considered as part of the population that would serve this facility. Those that lie within the catchment area of existing crematoria and cannot be considered as part of the population required to serve this facility and do not therefore contribute to any assessment of need. Rather they could be considered to contribute to an assessment of demand for this facility ie this facility would provide a readily accessible alternative facility for families who already had ready access to an existing crematorium. In this case that overlap with other crematoria exists along the north western boundary of the District and includes an overlap with the crematoria at Beckenham, Lewisham, Eltham, Maidstone and Medway.

### *Other sites:*

- 189 In addition to the consideration of harm to the green belt caused by the scheme, the Council should also consider whether the green belt in general, and this site in particular, is the most appropriate site for this development. The NPPF sets out two formal uses of the sequential test (ie the sequence of tests to be applied when considering the location of new development) – in relation to retail development and in relation to development in areas at risk of flood. However it is also a helpful approach in terms of the application of green belt policy. In this case we need to consider if it would be possible to locate such a facility outside the green belt ie within the built confines of a town or village and if not whether there is a more appropriate green belt site for such a use, if need is demonstrated. This latter point relates to paragraph 89 of the NPPF and is considered more fully below.
- 190 The applicant refers to two brownfield sites considered for this use:
1. New Barn Road, Swanley: The Council was approached regarding a site in 2011. The site lay in the green belt and was considered unacceptable for reasons relating to the means of access being too narrow, traffic having to travel through a residential area of Swanley and that it was too far north within the District to adequately serve the District's population.
  2. Old Chelsfield, Parkgate Farm: Discounted because of inappropriate access via a single track road and the difficulty for the district's residents in reaching the site.
- 191 Other sites considered:
- Fort Halstead: discounted because of the timescales involved and the residential and commercial land values the site would attract.
  - Watercroft Wood: Problems include close proximity to housing, less than ideal steep access to the site, only a small area lies within the 200 yard area, restrictions of TPOs, potential impact and difficulties associated with ecology, too close to an electricity line. Essentially available site to develop is too small
  - Land west of Station Rd Badgers mount: would result in the loss of undeveloped green belt site harmful to openness of green belt. Involve the creation of a new access.
  - Land west of Old London Rd B Mount: negative impact on residential amenities, prominent building on crest of a hill,
  - Land south of Orchard Barn: loss of an undeveloped green belt site, creation of a new access
  - Land adjacent of Otford Cemetery: loss of undeveloped green belt site, too close to Otford village for route of funeral cortege, limited usability due to the 200 and 50 yd rules.
  - Land west of A225: undeveloped greenfield site, adjacent to flood zone.
- 192 The harm identified in this case is the principle of building the proposed crematorium in the Green Belt, which would be inappropriate development and the harm this building would cause to the openness of the Green Belt. The report

## Agenda Item 4.1

has identified that all other harm including to the character and appearance of the landscape, noise, air quality, amenity, highways, and PROW can be satisfactorily mitigated by conditions.

- 193 Essentially the very special circumstances identified relate to the demonstration of need, being both a quantitative and qualitative assessment, location of existing crematoria and the effectiveness of existing crematoria, availability of other sites and the impact upon the landscape.
- 194 As can be seen from above other sites have been considered and discounted, Officers are not aware of any alternative site that can be clearly demonstrated to be available that offers a more suitable option to the application site.
- 195 As can be seen from above it is considered that the proposed scheme could fit comfortably within the general landscape without causing significant harm. However the fact that a development could 'fit in' could be easily replicated within the area and would not therefore be regarded as a very special circumstance on its own to clearly outweigh the harm to the green belt.
- 196 The assessment of the ability of surrounding crematoria to cope with a busy winter schedule is less than clear with the crematoria themselves offering explanations to an extent at least, as to why there may be delays or perceptions of delays during the winter season. This evidence is not wholly clear however, since the evidence offered does not specify the ability of the crematoria to offer slots during the sought after peak hours their evidence is somewhat contradicted by the clergy who have contacted the Council and who it is assumed provide an unbiased account of their experiences of delays. This issue does at least contribute to a very special circumstance case although not being wholly convincing by itself.
- 197 The matters of distance to surrounding crematoria and lack of provision within a reasonable drive time of an existing crematorium, to large parts of the district and indeed parts of surrounding districts, is compelling. Previous appeals have adopted an approach that a 30 minute drive to a crematorium is a reasonable expectation. It is clear from the evidence submitted that the vast majority of the district does not lie within such a travelling distance of an existing facility and that there are areas of surrounding districts that also do not lie within such a distance of existing facilities. A facility within this district such as at the application site would fulfil that need.
- 198 It is clear from the examination of other appeal decisions that this is capable of representing the very special circumstances needed to overcome harm caused by virtue of inappropriateness. In this case the harm caused by the lack of available crematoria to the local population within 30 minute drive time in combination with the scale of population affected by this deficiency and the modest gains to the openness of the green belt by the demolition of existing structures is considered to be sufficient to clearly outweigh the harm caused to the green belt by virtue of inappropriateness and other harm.

**Conclusion**

- 199 This scheme proposes a new crematorium with associated parking and landscaping on a green belt site fronting London road Halstead. The scheme also proposes the demolition and removal of a number of other structures and buildings some of which appear to be lawful. The site has been assessed in terms of its impact upon the adjacent highway and it is considered the shared access with Oak Tree Farm could be accommodate without causing adverse impact to local road users. The landscaping proposals would change the character of this site but would provide a wooded appearance which would be sympathetic to the general character of this landscape and would offer bio diversity improvements at the same time. Overall the surrounding area could accommodate new development of the sort proposed without causing material harm to the character and appearance of the surrounding area.
- 200 In terms of the amenities of the area although evidence has at this stage still to be fully assessed regarding environmental facts of air quality and dust emissions it is considered that these could be adequately covered by alternative legislation/condition.
- 201 The proposed scheme is clearly, in part inappropriate development within the Green Belt where openness and permanence are both essential characteristics which would be damaged by the development proposed. Therefore very special circumstances must be demonstrated to clearly outweigh the harm caused to the green belt by virtue of the inappropriateness in principle and any other harm. It is considered that such circumstances have been demonstrated.

**Background Papers**

Site and Block Plans

Contact Officer: Lesley Westphal Extension 7235

Contact Officer(s): Lesley Westphal Extension: 7235

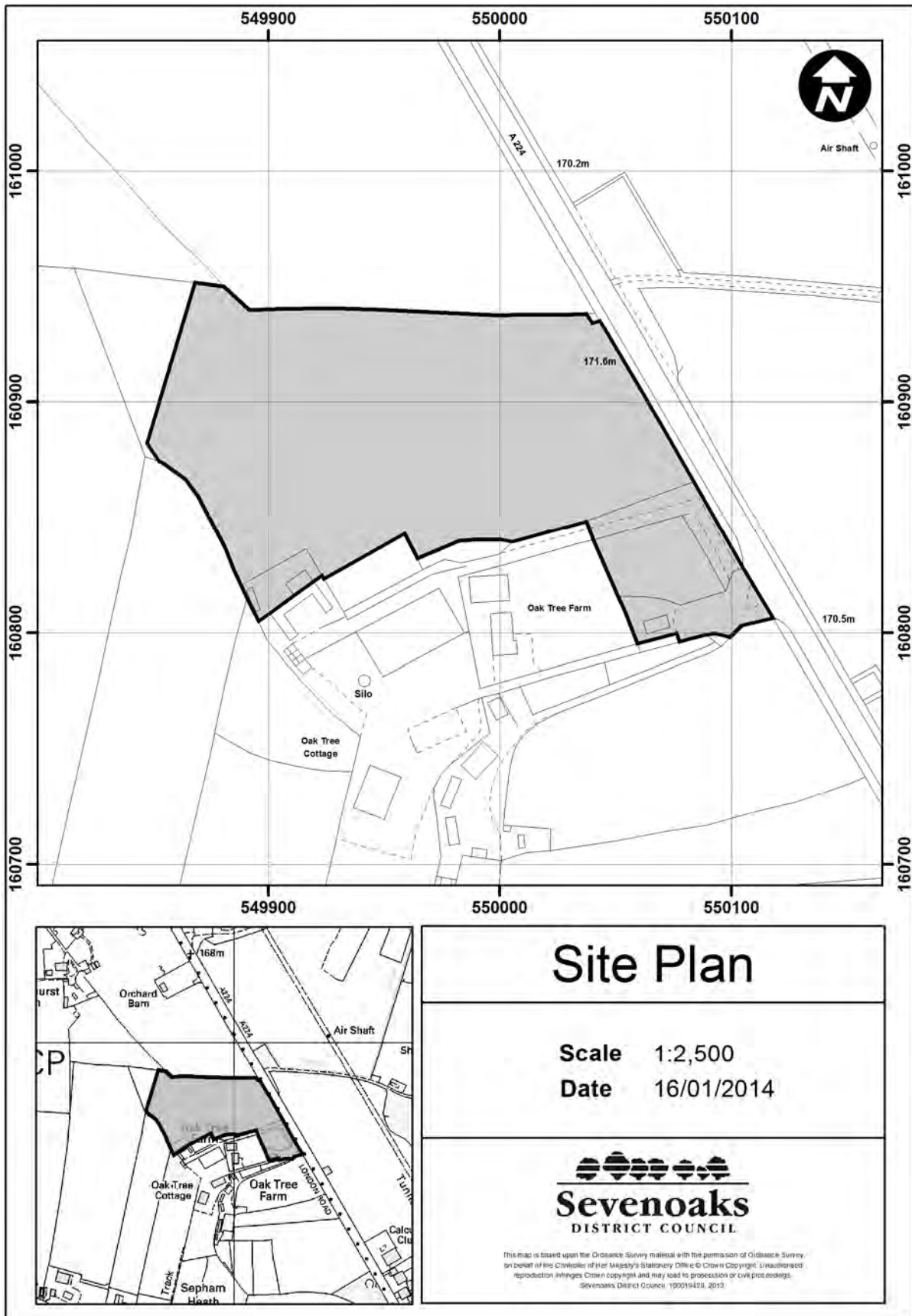
**Richard Morris**  
**Chief Planning Officer**

Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=MV7Q50BK8V000>

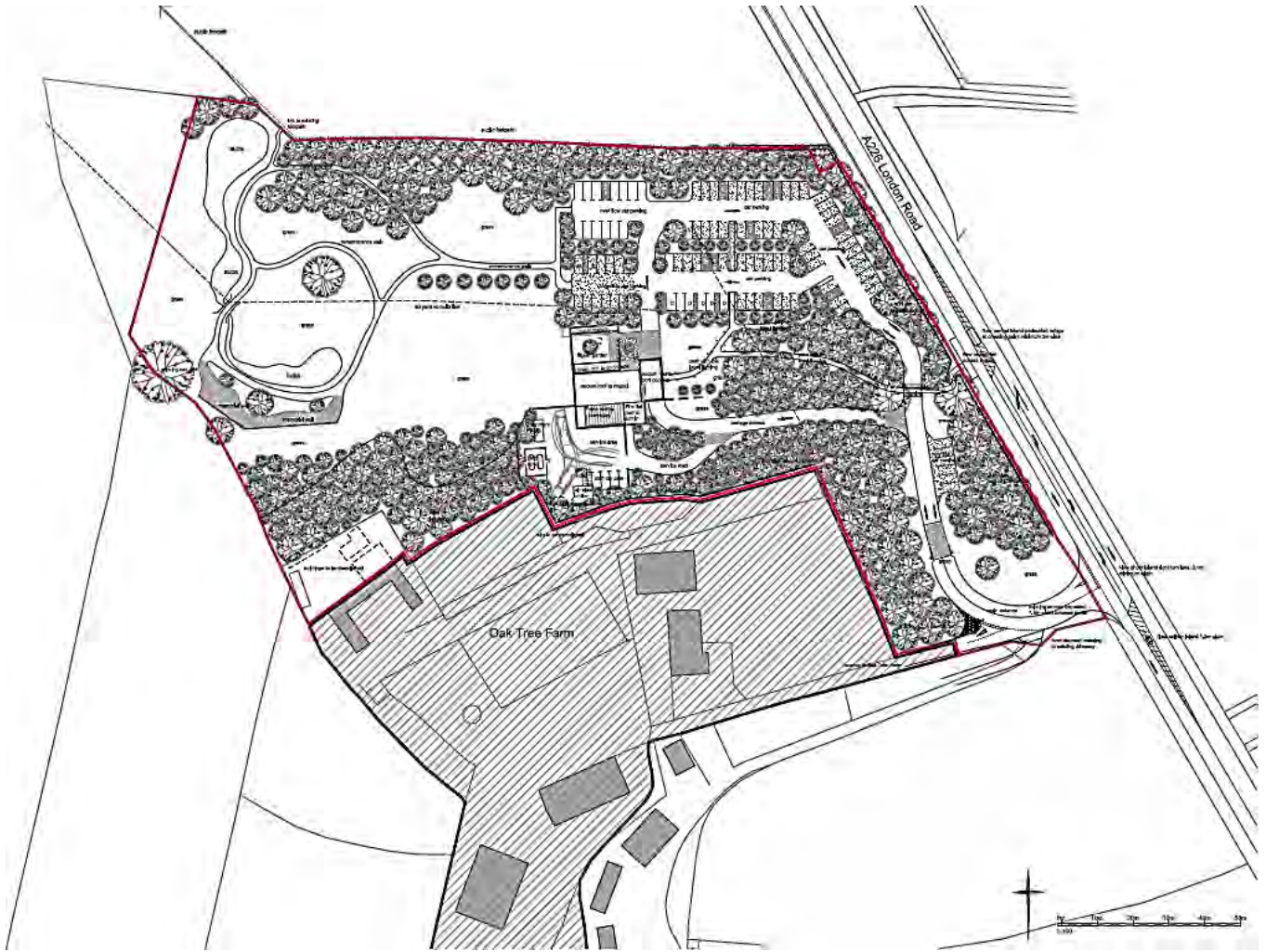
Link to associated documents:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=MV7Q50BK8V000>





**Block Plan**



This page is intentionally left blank

4.2 – SE/13/03353/FUL Date expired 17 February 2014

PROPOSAL: Proposed Chapel/crematorium, relocation of the ancillary car park and erection of a woodman's shed.

LOCATION: Watercrofts Wood, Old London Road, Badgers Mount, Kent

WARD(S): Halstead, Knockholt & Badgers Mount

**ITEM FOR DECISION**

This application has been referred to Development Control Committee at the discretion of the Chief Planning Officer in view of the significant and controversial nature of the proposal.

**RECOMMENDATION:** That planning permission be REFUSED for the following reasons:-

The proposed development would constitute inappropriate development harmful to the openness and character of the Green Belt and the very special circumstances advanced are considered to be insufficient to clearly outweigh the harm caused to the Green Belt in principle and other harm and this scheme is therefore contrary to the provisions of policy GB1 of the Sevenoaks District Local Plan and paragraphs 79, 80, 81 and 89 of the NPPF.

The proposed development would constitute a large and bulky scheme set within a prominent location that would be harmful to the character and appearance of the surrounding countryside contrary to the provisions of policy EN1 of the Sevenoaks District Local Plan and policy SP1 and LO8 of the Core Strategy.

Insufficient information has been supplied in respect of the potential impact upon protected species to show that the impact is acceptable and this scheme does not therefore comply with the provisions of policy SP11 of the Core Strategy or paragraphs 109 and 118 of the NPPF.

**Note to Applicant**

In accordance with paragraphs 186 and 187 of the NPPF Sevenoaks District Council (SDC) takes a positive and proactive approach to development proposals. SDC works with applicants/agents in a positive and proactive manner, by;

- Offering a duty officer service to provide initial planning advice,
- Providing a pre-application advice service,
- When appropriate, updating applicants/agents of any small scale issues that may arise in the processing of their application,
- Where possible and appropriate suggesting solutions to secure a successful outcome,
- Allowing applicants to keep up to date with their application and viewing all consultees comments on line ([www.sevenoaks.gov.uk/environment/planning/planning\\_services\\_online/654.asp](http://www.sevenoaks.gov.uk/environment/planning/planning_services_online/654.asp)),

## Agenda Item 4.2

- By providing a regular forum for planning agents,
- Working in line with the NPPF to encourage developments that improve the economic, social and environmental conditions of the area,
- Providing easy on line access to planning policies and guidance, and
- Encouraging them to seek professional advice whenever appropriate.

In this instance the applicant/agent:

- 1) Working in line with the NPPF, the application was refused as the proposal failed to improve the economic, social or environmental conditions of the area.

### Description of Proposal

- 1 This application seeks permission for the erection of a chapel/crematorium building, a woodman's shed and ancillary car park. The red line encompasses only that part of the site including the access, the car park, the area immediately around the proposed crematorium/chapel and land along part of the frontage of the site. The majority of the site lies within the blue line.
- 2 The application proposes access to the site from Old London Road comprising a two lane access with a central planting bed separating the two lanes. Two sets of gates are shown, set back a minimum of 12m from the junction with the highway with fixed railings between. This leads to the car park on the southern side of the access and then onto an oval shaped driveway that passes beneath the porte cochere structure (roofed entrance leading to crematorium) and back round to the access.
- 3 The chapel/crematorium comprises a single building providing a single chapel, crematory and ancillary entrance/waiting area, office and interview room. Externally a covered exit from the chapel is proposed.
- 4 The building takes a contemporary approach with the use of more traditional materials in part. It is designed with a central larger, more prominent chapel and two ancillary lower height 'wings'. The scheme proposes a mono pitch sedum roof on each bay which sits within a 'frame' of white rendered and natural stone walls. The crematory lies within the southernmost wing and the ridge line is broken by the chimney. The chapel features a chimney like structure but which is in fact a rooflight providing illumination to the chapel below. The main section includes a line of rooflights which provide additional illumination to the entrance foyer and chapel whilst each wing also includes a rooflight to provide illumination to the crematory and office.
- 5 To the rear of the northern-most wing behind the office lies a covered exit from the chapel which comprises a line of timber clad posts supporting a flat roof. The porte cochere takes a similar approach with a flat roof canopy which projects some 6.5m in front of the building supported on three timber clad posts which sit on top of stone plinths. This has been reduced in projection to just project across the entrance road rather than extending some distance beyond the road.

- 6 Works to construct the vehicular entrance to the site have already commenced with a crossover, entrance gate and kerbstones lining the initial part of the access having already been constructed. These works were carried out to commence implementation of the planning permission for the use of the whole site as a cemetery.
- 7 The submitted plan shows land around the red line as comprising a cemetery approved by the Planning Inspectorate in an appeal during the mid 1990s. A 2008 permission confirmed that this permission is extant.

### Description of Site

- 8 The site comprises an area of 0.55 hectares sited within woodland on the eastern edge of the village of Badgers Mount adjacent to the Old London Road (to the east/south east) and Watercroft Road (to the west/north west). The site is covered by designated ancient woodland (with some more recent tree growth to the front of the site) across all but those parts where the woodland has been cleared to provide the start of a vehicular access, a clearing where some excavation works have been carried out on the site of the proposed crematorium building and that part of the woodland through which the power lines run. The site rises up quite steeply from Old London Road levelling out broadly at that point where the crematorium building is proposed.
- 9 On the opposite side of Watercroft Road and part of Old London Road lie residential dwellings with agricultural land to the south and south west. Knockholt Station lies approximately 70m to the north west.
- 10 The site lies within the green belt, opposite an Area of Outstanding Natural Beauty (opposite side of Old London Road) and is the subject of a woodland Tree Preservation Order across the western side of the site.

### Constraints:

- 11 Green Belt and AONB on opposite side of London Road A track is indicated on the ordnance survey map and exists on site running from the Watercroft Road boundary, although not marked on site and apparently not a public right of way.

### Policies

#### *Sevenoaks District Local Plan*

- 12 Policies – EN1 NR10 GB1 VP1 T9 EN17B EN31

#### *Sevenoaks Core Strategy:*

- 13 Policies - L01 L08 SP1 SP2 SP9 SP10 SP11

#### *Other*

- 14 NPPF
- 15 SPD - Countryside Assessment

## Agenda Item 4.2

### Relevant Planning History

16	<p><i>SE/93/01575/OUT</i> Erection of a chapel, provision of car park with ancillary facilities and new vehicular access.</p> <p><i>SE/93/01576/OUT</i> Use of land as a cemetery with new vehicular access.</p> <p><i>SE/94/0377/OUT</i> Erection of a crematorium, chapel and provision of car park with ancillary facilities and new vehicular access.</p> <p><i>SE/97/01988/REM</i> Reserved matters (siting, design and external appearance) application relating to <i>SE/93/01575/OUT</i> above.</p> <p><i>SE/97/02070/FUL</i> Woodman's store and maintenance shed.</p> <p><i>SE/99/02715/DETAIL</i> Details of surfacing of driveways, parking.</p> <p>Areas and paths (condition 2) and landscaping (condition 3) of <i>SE/93/01576</i>.</p> <p><i>SE/03/02138/FUL</i> Retention of permission for erection of woodman's storage/ maintenance shed approved on 28/10/98.</p> <p><i>SE/03/02139/FUL</i> Erection of a chapel &amp; provision of car park &amp; cesspool.</p> <p><i>SE/08/00954/LDCEX</i> LDC for existing use: to establish that planning permission <i>SE/93/01576</i> (for use of land as a cemetery with new vehicular access) was implemented.</p> <p><i>SE/08/02894/LDCEX</i> Lawful Development Certificate for existing use;- to establish whether planning permission <i>SE/93/01576</i> (for use of land as a cemetery with new vehicular access) was implemented. (Attached at Appendix 1)</p> <p><i>SE/10/0079/FUL</i> Erection of a Chapel and maintenance shed, car park and ancillary facilities. Amended by plans received 11.03.2010 showing amended siting of proposed buildings to take account of protected trees.</p> <p><i>SE/13/0988/DETAIL</i> Discharge of condition 3 (materials) pursuant to <i>SE10/00079/FUL</i>).</p> <p><i>SE/13/0989/DETAIL</i> Discharge condition 4 bin store</p> <p><i>SE/13/0990/DETAIL</i> Discharge condition 5 landscaping</p> <p><i>SE/13/0991/DETAIL</i> Discharge condition 10 car park</p>	<p>Refused. Appeal upheld.</p> <p>Refused. Appeal upheld.</p> <p>Refused. Appeal dismissed.</p> <p>Refused. Appeal upheld.</p> <p>Refused. Appeal upheld.</p> <p>Granted.</p> <p>Granted.</p> <p>LDC Refused</p> <p>LDC Issued</p> <p>Granted 28.4.10</p> <p>Granted 30.8.13</p> <p>Granted 30.8.13</p> <p>Granted 30.8.13</p> <p>Granted 30.8.13</p>
----	---	---

Consultations

*SDC Environmental Health:*

17 Views awaited

*SDC Tree Officer:*

18 In principle I have no objections to the frontage of this site being developed as applied for. The frontage of the site is in the main recently a naturally seeded area. The young trees growing there are I suspect within 20 years old at most. The proposals for the dual drive and the large roundabout in front of the proposed crematorium are grand in size and could be scaled back to be more in keeping with the location and the setting.

19 I do however have great concern over this application that this proposal will in time expand into the Ancient Woodland. I will not support any proposal that threatens this woodland. I would however be happy to work with the applicant to maintain and enhance the woodland.

*SDC Policy:*

20 Paragraph 89 of the NPPF requires the local planning authority to consider the construction of new buildings within the Green Belt as inappropriate development, subject to certain exceptions. As the provision of a crematorium is not identified as one of these exceptions, the proposal is considered to be inappropriate development within the Green Belt. Inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances.

21 It is for the applicant to demonstrate very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. The provision of evidence submitted in relation to need will have to be weighed in this light against the harm if inappropriate development in the Green Belt.

22 Policy L08 of the Core Strategy is concerned with the conservation of the countryside and the protection and enhancement of the distinctive features that contribute to the special character of its landscape and biodiversity. The Policy also recognises the need for the conservation and enhancement of the distinctive character of the Kent Downs AONB and its setting. The Development Management team would need to be satisfied that the proposed development does not negatively impact on the countryside or its distinctive features, or negatively affect the character of the settings of the Kent Downs AONB, located close to the site.

23 The location of the proposed development suggests that it is a potential location for important habitats. The Development Management team would need to be satisfied that the development does not impinge upon the conservation of, or opportunities to enhance, biodiversity as per Policy SP11 of the Core Strategy.

24 I trust that the above is clear, however please do not hesitate to contact me should you wish to discuss the matter further.

## Agenda Item 4.2

### *KCC Highways:*

- 25 An initial highway assessment of this proposal was carried out following which the applicant's consultant submitted a further Technical Note in addition to the original Transport Statement which sought to address or clarify the issues raised.
- 26 Please note that the following assessment takes into account both the original Transport Statement and the subsequent Technical Note. Please also note that the following assessment is made on the basis of the potential uplift in vehicle movement and impact associated with the current proposal when assessed against the previously permitted cemetery proposals.

### Traffic Impact and parking:

- 27 The applicant has provided further explanation both verbally and through the subsequent Technical Note to clarify both the background flows and the projected additional flows relating to a crematorium use. Whilst it is normal practice to carry out background traffic flow surveys during 'typical' weekday conditions (i.e. during school term time) it is accepted that in this particular case the projected impact assessment is likely to be more robust when measured against background flows surveyed during a school half term break due to the likely resulting reduction in background traffic flows. Furthermore, impact is normally assessed against existing peak hour flows whereas the proposed use will predominantly result in off-peak vehicle movements as a result of the proposed times of services.
- 28 Projected daily services will increase from an average of 2 to an average of 5.5 as a result of the introduction of a crematorium use (this has been taken as a daily total of 6 services for the purposes of this assessment). Based on the applicant's projected numbers of vehicle movements per service (which is closely comparable to those projected for other similar recent crematoria applications) this would amount to a projected increase in daily 2-way vehicle movements of approximately 2.5% which is less than can be seen through daily background flow fluctuation and as such, not considered to be significant. Furthermore this projected increase in movements has no significant impact on either local or network capacity. The applicant has demonstrated that the potential increase in daily flows related to this proposal will not have significant impact on available highway capacity. Furthermore, the level of off-street parking provision being proposed in respect of the use is adequate for the projected maximum demand and consistent with both the KCC Vehicle Parking standards guidance and the methodology adopted in respect of other recent similar crematorium proposals locally.

### Access and Safety

- 29 It must initially be noted that the principle of accommodating movements associated with a burial and funeral service (as would also be seen with a cremation service) has already been supported and permitted at this site via the access arrangement which is being promoted with this current proposal. The access and safety impact of the current proposal is therefore measured in respect of the projected uplift in daily movements associated with the expected increase in services and not against the principle of carrying out such services via an access of this nature which is already accepted. It has also been noted that changes have occurred locally in respect of on street parking provision and amended parking restrictions since the cemetery use was permitted at this site



but such changes were subject to the County Council's own Technical and Safety Audit process prior to being permitted and should thus have been considered in light of any existing or permitted uses and/or accesses within the vicinity of such a scheme. Nevertheless it is still recommended that as a result of both the projected uplift in movements and those recent local parking alterations that the applicant arrange for a Stage 1 Safety Audit to be progressed at the earliest possible time in order for any potential issues of concern identified through the Audit to be addressed. It must however be noted that such future works associated with any potential planning permission will be required through condition to be delivered via Agreement with the Highway Authority and as such will automatically be subject to the required Safety Audit process at that later stage. Thus whilst it is recommended that such an Audit be carried out now, it would not be appropriate to recommend refusal in the absence of such an Audit at this stage (i.e. prior to a planning decision being made).

- 30 With regard to the technical arrangement of the proposed access, this has been assessed against current local and national junction design guidance and also in view of the potential uplift in movements associated with the crematorium use. Current junction design guidance in the Design Manual for Roads and Bridges (DMRB) indicates that a simple junction design (i.e. a priority junction as proposed without associated right turn lane facility and ghost islands) is appropriate in this context for accesses serving up to 300 daily movements (with no overriding requirement for a right turn lane until a level of 500 daily movements is exceeded). The projected maximum 2-way daily flow (taken at 6 full services) is equivalent in this case to 240 movements if the site were operating at capacity and so there can be no principle technical objection to a junction arrangement of this type.
- 31 In conclusion, there is no KCC Highways and Transportation objection to these proposals subject to:
- 1) The proposed access works and any associated making good of the adjacent highway verges in respect of such work or of the delivery of the required sight line visibility splays being delivered by the applicant via appropriate Agreement with the Highway Authority, Kent County Council.
  - 2) Appropriate wheel washing facilities being provided and maintained for use on site throughout the duration of construction works.
- 32 A further recommendation is made in respect of the applicant pursuing a Stage 1 Safety Audit of the access proposal at the earliest possible opportunity as discussed above.

### *Public Rights of Way:*

- 33 There are no recorded public rights of way in Watercrofts Wood. However, we have recently received an enquiry from a member of the public who claims to have walked paths in these woods for 40 years.
- 34 At present no formal application to claim any rights of way has been made but if one is received and rights are found to exist then this may have an impact on the granting of planning permission for a crematorium. Under the Crematorium Act 1902 no crematorium building, chapel or parts of the grounds used for the disposal of ashes can be within 50 yards of a public highway.

## Agenda Item 4.2

35 I will advise you if we receive a formal application.

### *KCC Archaeology:*

36 No comment

### *KCC Ecology:*

37 Under the Natural Environment and Rural Communities Act (2006), "Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity". In order to comply with this 'Biodiversity Duty', planning decisions must ensure that they adequately consider the potential ecological impacts of a proposed development.

38 The National Planning Policy Framework states that "the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and delivering net gains in biodiversity where possible."

39 Paragraph 99 of Government Circular (ODPM 06/2005) Biodiversity and Geological Conservation - Statutory Obligations & Their Impact Within the Planning System states that "It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted otherwise all relevant material considerations may not have been addressed in making the decision."

40 Natural England has published Standing Advice on protected species and Ancient Woodland. When determining an application for development that is covered by the Standing Advice, Local Planning Authorities must take into account the Standing Advice. The Standing Advice is a material consideration in the determination of applications in the same way as a letter received from Natural England following consultation.

41 The Preliminary Ecological Appraisal has been submitted in support of the proposed development. There is potential for ecological impacts as a result of the proposed development and recommendations are included in the report. Precautionary approaches to ecological mitigation are proposed but we advise that further information is sought to ensure that Sevenoaks DC can be satisfied that there has been adequate consideration of the potential for impacts to protected species and no net loss of biodiversity.

42 The ecological report concludes that small areas of habitat with reptile potential will be lost as a result of the proposed development. This assessment of suitable habitat appears to discount the clearing area as providing reptile habitat, although the photographs provided within the report indicate that there could be some use of this area by reptiles. To inform whether the precautionary mitigation is appropriate, we advise that confirmation of the area of suitable reptile habitat to be lost is sought. While the precautionary approach would remove reptile habitat while minimising the potential for harm to reptiles, the proposals would ultimately lead to a reduction in the amount of available reptile habitat; if reptiles are present this will be to the detriment of the local population. A reptile survey would, as a minimum, confirm the presence or likely absence of reptiles and could provide evidence to support the appropriateness of the precautionary approach to mitigation.

- 43 The report concludes that there is potential for dormouse presence within the woodland but that a precautionary approach to mitigation will avoid impacts without the need for a European protected species mitigation licence. As with the potential reptile habitat, it is unclear which areas of habitat have been included in this assessment; it is not only the woodland that has potential to support dormice, but also areas of associated habitat including scrub, which does appear to be present and affected by the proposed development. We advise that confirmation is sought as to the extent of habitat that will be impacted by the proposed development and the measures that will be implemented to ensure that there is no loss of dormouse habitat.
- 44 Several trees with potential for bat use were identified during the ecological survey and the report recommends that further assessment work is undertaken in relation to these. This work has not yet been carried out and we advise that, to ensure that Sevenoaks DC is able to meet its legal responsibilities, the surveys must be undertaken and the results and any mitigation recommendations provided to inform the determination of the application.
- 45 The potential badger sett that was identified appears to be directly affected by the proposed development. While the sett was inactive at the time of survey, there is potential for badgers to move back in and ongoing monitoring of the sett and badger activity will ensure that badger use of the site can be properly addressed.
- 46 There is potential for nesting birds to be impacted by the proposed development and the timing of the works, if permission is granted, will need to ensure that the potential impacts are minimised. The western section of the woodland within which the proposed development is situated is designated as ancient woodland. While the report does not present this as a particular constraint, the National Planning Policy Framework states:
- "Planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss". The proposed development will result in direct impacts to the area of ancient woodland, and there is also potential for indirect impacts that have not been assessed in the ecological report.
- 47 We advise that Sevenoaks DC needs to be satisfied that the needs test can be met by the proposed development; there does not appear to be information within the application specifically addressing this point.

### *Environment Agency:*

- 48 *Views awaited.*

### *Thames Water:*

#### *Waste Comments*

- 49 Thames Water would advise that with regard to sewerage infrastructure capacity, we would not have any objection to the above planning application.
- 50 Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground,

## Agenda Item 4.2

water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater.

### Water Comments

- 51 On the basis of information provided, Thames Water would advise that with regard to water infrastructure capacity, we would not have any objection to the above planning application.

### *Kent Wildlife Trust:*

- 52 Views awaited.

### *Natural England:*

- Statutory nature conservation sites – no objection

- 53 Based upon the information provided, Natural England advises the Council that the proposal is unlikely to affect any statutorily protected sites.

- Protected landscapes – no comments

- 54 Having reviewed the application Natural England does not wish to comment on this development proposal.

The development however, relates to the Kent Downs AONB. We therefore advise you to seek the advice of the AONB unit. Their knowledge of the location and wider landscape setting of the development should help to confirm whether or not it would impact significantly on the purposes of the designation. They will also be able to advise whether the development accords with the aims and policies set out in the AONB management plan.

- Ancient Woodland

- 55 Natural England advises that the proposals as presented have the potential to adversely affect woodland classified on the ancient Woodland Inventory. Natural England refers you to our Standing Advice on Ancient Woodland [http://www.naturalengland.org.uk/Images/standing-advice-ancient-woodland\\_tcm6-32633.pdf](http://www.naturalengland.org.uk/Images/standing-advice-ancient-woodland_tcm6-32633.pdf)

- Priority Habitat as identified on Section 41 list of the Natural Environmental and Rural Communities (NERC) Act 2006

- 56 The consultation documents indicate that this development includes an area of priority habitat, as listed on Section 41 of the Natural Environmental and Rural Communities (NERC) Act 2006. The National Planning Policy Framework states that ‘when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity. If significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.’

### - Protected species

- 57 We have not assessed this application and associated documents for impacts on protected species.
- 58 Natural England has published Standing Advice on protected species. The Standing Advice includes a habitat decision tree which provides advice to planners on deciding if there is a 'reasonable likelihood' of protected species being present. It also provides detailed advice on the protected species most often affected by development, including flow charts for individual species to enable an assessment to be made of a protected species survey and mitigation strategy.
- 59 The Standing Advice should not be treated as giving any indication or providing any assurance in respect of European Protected Species (EPS) that the proposed development is unlikely to affect the EPS present on the site; nor should it be interpreted as meaning that Natural England has reached any views as to whether a licence may be granted.
- 60 The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the National Planning Policy Framework. Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that 'Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'. Section 40(3) of the same Act also states that 'conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat'.

### Landscape enhancements

- 61 This application may provide opportunities to enhance the character and local distinctiveness of the surrounding natural and built environment; use natural resources more sustainably; and bring benefits for the local community, for example through green space provision and access to and contact with nature. Landscape characterisation and townscape assessments, and associated sensitivity and capacity assessments provide tools for planners and developers to consider new development and ensure that it makes a positive contribution in terms of design, form and location, to the character and functions of the landscape and avoids any unacceptable impacts

### *Forestry Commission:*

- 62 From this, you will see it is Government policy to discourage development that will result in the loss of Ancient Woodland, unless the development offers overriding public benefits. Ancient woodlands are widely regarded as irreplaceable. They have great value because they have a long history of woodland cover, with many features remaining undisturbed.
- 63 This planning consultation response is in line with our usual procedures, providing no opinion supporting or objecting to the proposals. This response provides factual information on related policy which the planning authority may take account of when making its decision.

## Agenda Item 4.2

64 The majority of the woodland known as 'Watercrofts Wood' within the location of this proposed development is designated as Ancient Semi-Natural Woodland (as shown on the Ancient Woodland Inventory). It appears from the plans that there will be some loss of ancient woodland through the development within it.

65 These comments are based upon information available to us through a desk study of the case, including the Ancient Woodland Inventory (maintained by Natural England) and our general local knowledge of the area.

### *Royal Borough of Greenwich:*

*(This advice was received in respect of the application for a crematorium on Land South of Orchard Barn in respect of their current operation levels and is therefore relevant to this proposal:)*

66 At Eltham Crematorium there are 20 available slots per working day. (09.00 – 15.30). During the busiest months we average 16 bookings per day. The earlier slots are generally the last to be booked. Over the period 5 months October 2012 – February 2013, there were 2058 possible slots available and 1737 (83%) were taken.

There are currently **no** plans to expand at Eltham Crematorium.

As we do not work at full capacity and there are early times available, we do not currently envisage extending our service times.

### *London Borough of Bexley:*

67 Views awaited.

### *London Borough of Bromley:*

68 No objection.

### *London Borough of Croydon:*

69 Views awaited.

### *Medway Council:*

70 No objection.

*(In response to a consultation on a previous application, but which is also relevant to this application, they advised as follows):*

71 Regarding the current capacity issues they are in the middle of a major improvement programme involving the closure of one of the chapels. Therefore they have supplied figures drawn from a 5 year average which demonstrates that they have not operated at capacity for the last 5 years. It would appear from the figures supplied that even during the winter they have 40% spare capacity – although it is not clear at what times these slots are available.

### *Tonbridge & Malling BC:*

72 No objection

*Tunbridge Wells BC:*

73 Views awaited.

(In respect of the earlier application for Land South of Orchard Barn they provided the following information, but this is also relevant to this application):

74 As I am sure you'll be aware the key issues for the proposed siting of crematoria will be those of:

- Its likely proximity to existing private residences, location within the existing community, and community need,
- Crematorium Capacity, and
- Geography of surrounding transport infrastructure.

75 The issue of proximity to residences is obviously provided in legislation, and whilst the demographic and socio-economic status of the local population is no doubt significant to their own business rationale, it will inform your own considerations of the level of community need as well as the environmental impacts from its operation and patronage.

76 Additionally the following points are made:

- Express concern about the Funeral Director survey results of delays at the Kent & Sussex Crematorium. We average 61% utilisation of chapel capacity and 63% cremation capacity.
- Each winter we experience approximately a 30% upturn in demand. However this cannot be construed as operating near capacity
- Waiting times for service slots is a subjective assessment due to:
- Preference for a 10am – 3pm slot
- Availability of church and clergy if a church services is required
- Availability of the funeral directors
- A second chapel is proposed within 4 – 5 years to provide double the existing capacity.

*Tandridge DC:*

77 No objection

*Maidstone BC:*

78 No objection

*Crawley BC:*

79 Views awaited.

## Agenda Item 4.2

### *Shoreham PC:*

- 80 Shoreham PC objects to this application for the following reasons:
1. The site lies within the Metropolitan Green Belt where strict rules of constraint apply.
  2. The site is within close proximity to residential houses
  3. The proposed building and large chimney is inappropriate development in this area of the green belt.
  4. The visual amenity enjoyed by existing houses will be lost by the tree removal associated with the proposed development.
  5. There is a lack of proven need for a crematorium in this area.

### *Halstead Parish Council:*

- 81 The Parish Council STRONGLY OBJECTS to this planning application.
1. The proposed development is within the Green Belt where strict policies of restraint exist.
  2. The proposal would be inappropriate development and harmful to the maintenance of the character of the Green Belt. Policies EN1 and GB1 relate.
  3. Policy L08 of the Core Strategy states: 'that the extent of the Green Belt should be maintained. The countryside should be conserved and the distinctive features that contribute to the special character of its landscape and its biodiversity will be protected and enhanced where possible'.
  4. At the Appeal Hearing held in 1995 the Inspector granted permission for the chapel, woodman's shed and car park. Consent was refused for the crematorium. The Inspector stated that there was no need demonstrated for a crematorium and no reason whatsoever for such a building to impinge on the Green Belt. The Parish Council believes that these circumstances have not changed.
  5. Council has many concerns about the increase in traffic on the A224. The road is extremely busy due to the close proximity of the M25, the exit from this motor-way literally just over the road from the proposed entrance to the crematorium. Its closeness to the M25 will encourage people to travel into the village. The road that the wood is located in are is used by commuters and there are double yellow lines and parking bays all along the road due to the close proximity of the railway station.  
  
This would mean a large car park would have to be provided for people using the crematorium which would cause further encroachment in the Green Belt.
  6. The increase in traffic on this busy road would in-turn increase the pollution levels. As would the emissions from the chimney of the crematorium.
  7. The footprint of the proposed development far exceeds that granted originally for the chapel, car park and woodman's shed. If there is an increase of



facilities on the site the development will definitely take up a far larger area. Members of the Parish Council have visited the site on numerous occasions usually in relation to planning applications. There are photographs provided of foundations. These are not newly created but were in place in 2010. The Parish Council believes that no work has been carried out on the land since that time and that not enough work was done at the time of the last application for LDCX to prove that the development was in progress.

8. The Parish Council believes there should not be any encroachment into the ancient woodland. In the past a record was made of the flora and fauna in the wood and Council believes that the applicant should have carried out an ecological report to accompany this planning application.

9. There are many trees with TPOs in the wood and on the land, many of these would be removed if this planning application was granted.

10. The properties in Watercroft Road are possibly within 200 yards which is the distance imposed by the Abatement Act 1902 where occupiers consent is required for a crematorium. As far as Council is aware there has not been any approach made to the residents of these properties by the applicant.

11. Council believes that the company that now owns the land was only formed in July/August 2013 and has not as yet registered the land with the land registry.

### Representations

82 36 letters of objection from members of the public, including the Badgers Mount Residents Association raising the following issues:

- Contrary to green belt policy – inappropriate development
- Harmful to the openness of the green belt and therefore the character of the surrounding area and the village
- Would set a dangerous precedent for development in the green belt
- Add to traffic on the busy A224 which will increase further when Fort Halstead is developed
- Traffic hazards resulting from the slow speed of funeral traffic
- Additional pollution regardless of the proposed filtration system.
- There will be more than 4 or 5 services per day leading to increased traffic, pollution etc.
- Harm to character resulting from loss of ancient woodland
- The development would be highly visible because of the slope of the site
- Emotional distress to local residents at witnessing constant funeral processions.
- The site south of Orchard Barn is preferable to the use of this site

## Agenda Item 4.2

- Potential conflict with areas of the highway used for parking for the station
- Loss of agricultural land
- No proven need for such a facility
- No bus route close to the site
- Harm to wildlife: deer, badgers, foxes and pheasants
- Harmful to the nearby AONB

83 Letters of support from 2 local clergy/churches raising the following issues:

- The environmental cost of undertakers, mourners and clergy driving to south east London or Tunbridge Wells is too high. A crematorium at Halsted would benefit local residents
- The biggest problems experienced are by those having a church funeral followed by a committal because of the long distance to the nearest crematoria.
- This would reduce waiting times for a service because of the level of demand at surrounding crematoria and would allow longer service times which would be of benefit to mourners: a little less like a conveyor belt.
- The traveling time for local families to the surrounding crematoria are too long and very distressing just for a short service
- Saddened that members of the council have in the past dismissed the genuine concerns of those who stand up for the needs of the bereaved.

84 1 letter of objection from Dignity, the operators of the Beckenham and Surrey/Sussex crematorium raising following issues:

- The applicant has fallen woefully short of establishing a need for the proposed development sufficient to overcome Green Belt policy concerns and overcome concerns regarding its woodland location.
- A previous application for a crematorium on this site was refused and there would appear to be no additional evidence to alter this decision.
- Insufficient quantitative need without significant cannibalisation of capacity of neighbouring facilities
- Insufficient evidence of qualitative need: both Beckenham and Surrey/Sussex crematoria have capacity
- No sequential site analysis has been presented
- The woodland is unsuitable for such a use being unable to provide a memorial garden which is a key element of the facility

- 85 A letter from another crematorium provider (Memoria - applicant on the Land to the south of Orchard Barn) objecting on the following grounds:
- Significant adverse impact upon Ancient Woodland
  - Potential harm to protected species: with inadequate assessment having been made. The Council should not consider granting permission until the full impact on protected species is known.
  - The site should not be developed if any adverse impacts can be avoided through developing alternative sites which have less harmful impacts.
  - Inappropriate development in the green belt
  - Adverse impact on Kent downs AONB
  - Members refused the application on Land south of Orchard Barn and have to act consistently in their decisions: the vsc required would not appear to exist based upon the previous decision to allow the grant of permission here.
  - This proposal is not accompanied by an EIA submission and would appear to be very environmentally sensitive such as to require such a submission.
  - The application suggests that the site benefits from an extant permission for a chapel which we believe is not the case: development: a chapel cannot now be erected on the site without the grant of a further planning permission.

### **Chief Planning Officer Appraisal**

#### Principal Issues

- 86 The main issues relate to:
- Assessment of planning history
  - The principle of this development within the green belt,
  - Consideration of any very special circumstances,
  - Impact upon character of surrounding countryside and adjacent AONB,
  - Impact upon ancient woodland
  - Noise
  - Air quality
  - Highways
  - Ecology
  - Public right of way
  - Neighbour amenity

## Agenda Item 4.2

- Sustainability

### *Assessment of Planning History:*

- 87 As can be seen from the Planning History there is currently an extant permission for the use of the whole site as a cemetery: the 2008 Lawful Development Certificate confirmed that sufficient work had been carried out to represent the commencement of development (the partial laying out of the entrance and kerbstones along the access drive). This LDC also confirmed that the applicant has permission to use the whole site, including the ancient woodland, for burials. This stems from the fact that the Planning Inspector in granting permission for the use of the site as a cemetery, did not attach any conditions confining the area to be used for burials to that part of the site shown on the submitted plans. Therefore in effect he conferred this right across the whole site.
- 88 The current application is quite clear therefore about the right to use the whole site for burials – it being shown on the submitted site plan and being referred to in the Planning Statement. At paragraph 3.9 we are reminded that *“burials can lawfully commence within the protected woodland area....the Local Planning Authority’s consent is not required for cutting down or carrying out works on protected trees if required to implement a full planning permission as the impact on trees would have been considered when determining to grant full planning permission.”* At paragraph 3.13 it is stated that *there are “no limits on the areas within which burials can occur, their number, frequency or hours of use.”* At paragraph 6.78 they advise *“that the site benefits from a lawful use across the entire site for burials. This may involve the removal of trees to facilitate this permitted use. The potential impact of burials associated with the lawful use of the site lies beyond the consideration of this application.”*
- 89 The Planning Statement also confirms the applicants belief that the site benefits from an extant permission for the erection of a chapel (dealt with in paras 3.10 – 3.13) and this is shown on drawing 3917 PLO6 which shows the scheme approved in 2010 superimposed upon the scheme for which permission is now sought. The applicant considers that works commenced to excavate and lay foundations for the Woodmans Shed were carried out within 3 years of the date of the 2010 permission for the chapel and that this is sufficient to demonstrate the commencement of work. The submitted plans however demonstrate that the foundations have not been constructed in the correct place. The foundations that have been constructed lie more closely in the position of the shed now proposed rather than in the position of the shed approved by the 2010 permission. Consequently officers consider that the 2010 permission is not extant.

### *Principle of Development in Green Belt:*

- 90 The Government attaches great importance to the Green Belt, the fundamental aim being to prevent urban sprawl by keeping land permanently open. The essential characteristic therefore being its openness and permanence. When considering any planning application local planning authorities (LPAs) should ensure that substantial weight is given to any harm to the green belt. Very special circumstances will not exist unless the potential harm to the green belt by reason of inappropriateness and any other harm is clearly outweighed by other considerations.
- 91 At paragraph 89 the NPPF advises that:

*“A local planning authority should regard the construction of new buildings as inappropriate in the green belt “. Six exceptions to this are identified and none of those are applicable to this use/site.*

- 92 The NPPF is clear that a cemetery does constitute appropriate development within the green belt. Whilst a crematorium may include structures common to a cemetery, such as a chapel and structures associated with floral tributes, the main purpose of a cemetery is an open use of the land.
- 93 This distinguishes it from a crematorium where the built form is essential. Therefore a crematorium must be considered inappropriate development within the green belt. Paragraph 88 of the NPPF is clear that *“substantial weight should be given to any harm to the green belt and that very special circumstances will not exist unless the potential harm to the green belt by reason of inappropriateness and any other harm is clearly outweighed by other considerations.”*
- 94 Harm to the Green Belt in this case would be caused both by virtue of the inappropriateness of the development proposed and by virtue of the harm caused to the green belt at this point and would conflict with the purposes of safeguarding green belt land. The crematorium building would clearly harm the openness of the green belt and cause the encroachment into the countryside that the policies are designed to prevent. The ancillary access and parking area would not harm the openness of the surroundings but would clearly result in encroachment into the countryside. Additionally the increase in activity across the site would increase compared to its current use, which will have some impact upon the character of the green belt at this point.
- 95 Therefore within the green belt, use of a brownfield or previously developed site would be preferable to an undeveloped site in terms of the impact upon the openness of the green belt: either in terms of a change of use of existing buildings or through the demolition of existing buildings/structures that would ‘offset’ the harm to the openness of the green belt caused by a new crematorium building.
- 96 The applicant seeks to suggest that the Council must take account of the fact that there is an extant permission for a chapel and the impact upon the green belt of that building must be considered in respect of the impact of the building now proposed. That matter is considered further below in the consideration of very special circumstances.

### *Very Special Circumstances:*

- 97 There have been a few decisions, determined by Local Planning Authorities and by the Planning Inspectorate relating to the provision of crematoria in the green belt. It is clear that very special circumstances can exist that outweigh harm, such that permission has been granted for new crematoria in the green belt.
- 98 The applicant considers that the test of acceptability rests with determining whether the harm to the green belt by reason of inappropriateness should be considered in respect of the crematorium element of the scheme only (i.e. the 80 sqm occupied by the crematory only) and that the material consideration to be afforded significant weight relates to the benefits of the scheme to the wider population by addressing a quantifiable need. Officers do not consider that the crematory element of the scheme can be separated from the rest of the scheme

## Agenda Item 4.2

to be considered in isolation but that the correct approach is to consider the scheme as a whole in terms of its appropriateness. The following matters are considered to comprise the potential very special circumstances for consideration in this case:

Any extant permissions

Qualitative need assessment

Quantitative need assessment

Existing crematoria provision

Capacity issues within existing crematoria network

Availability of alternative sites

Landscape and visual impact

Balancing material considerations

- 99 An assessment of whether these circumstances clearly outweigh the harm in principle and any other harm will be carried out later in this report.

*Sequential Approach:* In addition to the consideration of harm to the green belt caused by the scheme, the Council should also consider whether the green belt in general, and this site in particular, is the most appropriate site for this development. The NPPF sets out two formal uses of the sequential test (ie the sequence of tests to be applied when considering the location of new development)– in relation to retail development and in relation to development in areas at risk of flood. However it is also a helpful approach in terms of the application of green belt policy. In this case we need to consider if it would be possible to locate such a facility outside the green belt ie within the built confines of a town or village and if not, whether there is a more appropriate green belt site for such a use, if need is demonstrated. This latter point relates back to paragraph 89 of the NPPF and is considered more fully below.

### *Impact upon the Character/Appearance of the Landscape and AONB*

- 100 Policy SP1 of the Core Strategy is clear that new development should be designed to a high quality and respond to the distinctive local character of the area in which it is situated. Outside settlements priority will be given to the protection of the countryside (*Policy LO8*) and any distinctive features that contribute to the special character of the landscape and its biodiversity will be protected and enhanced where possible.
- 101 The supporting text to SP1 identifies that new development must be accommodated without damaging the features that contribute to the quality of the urban and rural environment. Therefore it is important that development is designed to respect or improve the character and distinctiveness of the area in which it is located.
- 102 Policy LO8 advises that the countryside will be conserved and the distinctive features that contribute to the special character of its landscape and its biodiversity will be protected and enhanced where possible. *“Particular regard will*

*be given to the condition and sensitivity of the landscape character and securing recommended landscape actions in the SPD to ensure that all development conserves and enhances the local landscape character and that appropriate mitigation is provided where damage to local character cannot be avoided."*

- 103 The Countryside Assessment identifies this site as lying on the edge of the Knockholt & Halstead Downs Character Area. The key characteristics are of mainly an agricultural use with plenty of horseculture and many small woodlands - the latter is notable as replanted and 'other' ancient woodland. Visually the landscape is described as poor with a low sensitivity to change: sensitivity is a measure of the ability of a landscape to accept change, (both beneficial change and change that may be brought about by a new land use) without causing irreparable damage to the fabric and distinctiveness of that landscape.
- 104 The landscape type is that of Wooded Downs which is identified as having many areas of pre 1801 coppice surrounded by fields. One of the bio diversity targets for such a site in this landscape is for existing native broad leaved woodland to be maintained and varied management methods to be introduced to diversify habitats.
- 105 The contribution this site makes to the character and appearance of the surrounding landscape is very much defined by the woodland. Officers difficulty in judging precisely the impact of this scheme lies in the fact that the majority of the site lies outside the 'red line' but mainly by the fact that the majority of the site, including all the ancient woodland, is denoted as being available for burials. The applicants intentions, as clarified in their Planning Statement and outlined earlier in this report, indicate that trees will be removed whilst elsewhere the Planning Statement ie paragraph 6.16, reference is made to the development being discretely located in an existing woodland setting. Whilst a ring of trees is shown to remain around the building perhaps earning the description of a woodland setting it is unclear how much beyond that is to remain. The applicant clearly emphasise that the woodland could be removed, but elsewhere the statement refers to the wooded nature of the site. Officers have sought to clarify the applicants precise intentions for the woodland, but such clarification had not been provided at the time of writing this report. Since the application places considerable weight on the ability to remove trees without further permission and the ability to use the whole site for burials, officers consider the current application must therefore be considered against the 'worst case scenario' ie the impact of this development if the full use of the site is made for burials and the woodland is removed.
- 106 The proposed crematorium building would provide a more contemporary design than the chapel previously approved. The size would be approx 50% larger than the approved chapel and if the areas beneath the porte cochere and the covered exit are included then the floor area is approximately double that of the chapel and store approved in 2010. In terms of overall height and width the proposed crematorium is approximately 7m wider (in total) than the approved chapel with a height of 8m to the ridge of the chapel within the crematorium compared to 6.7m ridge height on the chapel. Both designs include lower height single storey side additions and the ridge height of these on the crematorium would be 5m compared to 5.4 ridge height on the chapel. Clearly therefore the height and scale of the proposed crematorium would be significantly greater than that of the chapel.

## Agenda Item 4.2

- 107 The access to the approved chapel was a two lane access leading to the car park at the side and rear of the chapel. The proposed scheme now includes a car park for 50 cars sitting within the site on the hill adjacent to the access road and a large oval shaped driveway situated in front of the proposed building.
- 108 Judged against the 'worst case scenario' of the woodland being removed for burials, whilst acknowledging that landscaping would be required to soften the overall appearance of the site, the development would nevertheless be a significant feature on a sloping site that would be widely visible within the wider landscape. It is concluded that this would be very prominent and harmful to the character of the surrounding area and indeed the AONB that lies on the opposite side of Old London Road. Even assuming that a fresh permission is granted for the chapel, the proposed crematorium development would be significantly larger in scale and significantly more prominent within the landscape.
- 109 If it were assumed that the ancient woodland lying outside the application site were to remain, the visual impact of this development would be significantly reduced: the building itself not then being visible from surrounding land to the same degree although it would appear to still be visible from the public highway and given the greater scale and form would appear a more prominent feature that would not be so easily screened by intervening landscaping.
- 110 The scheme for the chapel was considered by two previous appeal Inspectors to be well screened by existing trees that would be unlikely to intrude significantly upon the landscape. The burial site on the slope facing towards Old London Road would remain open and be planted as each grave were created. In total the Inspector concluded that the visual amenities of the area would not be harmed by this. He considered that the access road would be a modest form of development unlikely to intrude significantly on the landscape.
- 111 As part of this scheme the open area shown for burials would be partially replaced with a car park and access drive which would be significantly more prominent within the landscape than the previous scheme. Whilst new planting could soften the appearance of the development it is considered overall that the scale of the scheme, and the lack of safeguards from the applicant to protect the existing woodland would be such as to be harmful to the character of the surrounding landscape.
- 112 The site does not lie within an Area of Outstanding Natural Beauty but the land on the opposite side of Old London Road does. Clearly new development within the AONB would have an impact upon the surrounding AONB. In this case however it is considered that the scale and form of the proposed works and the loss of the tree cover would be so significant as to harm the adjacent AONB.

### *Impact upon Woodland:*

- 113 This woodland is identified as Ancient Woodland which is woodland that has had a continuous woodland cover since at least 1600AD and has only been cleared for underwood or timber production. The importance of these woodlands is not just related to the trees themselves, but also that they have had a long time to acquire species and to form flora and fauna communities, and that their soils have remained largely undisturbed. As at 1994 it was estimated that approximately 10% of the county area was made up of both ancient and secondary woodland.



- 114 The woodland is also protected by a Tree Preservation Order.
- 115 Officers are unclear about the precise designation date of the woodland as Ancient Woodland but it was designated as such when the Inspector considered the use of the site as a cemetery, for the erection of a chapel and a crematorium. The Inspector's decision indicates that only a little discussion took place about the future of the woodland and it appears that it was expected that the main body of woodland would be retained for the scattering of ashes for instance. It does not appear that it was expected that the woodland would be removed: the submitted plans showing the only area for burials as that area of land lying adjacent to Old London Road.
- 116 Policy SP1 seeks to ensure that new development creates safe inclusive development that maintains and enhances bio diversity whilst policy SP11 seeks to ensure no net loss of bio diversity.
- 117 Previous approvals have actively assumed the loss of trees around the area of the chapel and the loss of some trees and scrubland on the area of the woodland burial site, at the front of the site where adjacent to Old London road. No active consideration appears to have been made regarding the loss of the rest of the woodland, albeit this appears to have been the result of an unfortunately worded appeal decision notice anyway. The applicant is correct therefore to draw attention to the fact that the woodland could be removed to implement the cemetery.
- 118 On this basis the proposed scheme would not appear to cause any further loss of trees than has already been allowed.

### Noise

- 119 The NPPF advises at paragraph 123 that planning policies should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development and mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development including through the use of conditions.
- 118 Policy NR10 advises that proposals for all forms of development should minimise pollution of the environment through careful design and layout of any buildings or land uses. This policy is clear that:
- Potentially polluting activities must be in a suitable location being sensitive to other land uses
  - Mitigate any possible land use including the effects on the natural environment, amenity or health
  - Control any noxious emissions or noise, dust, vibration, light or heat
  - Restore the land to an acceptable use after the use ceases
  - Protect natural resources including sites of nature conservation importance, wildlife habitats and to improve the physical environment

## Agenda Item 4.2

- 119 The issue of noise concerns the increase in noise generated by activities on and around the site and the noise from other surrounding uses and their impact upon the site.
- 120 In terms of the former issue the residences closest to this site are those lying on Old London Road and those in Watercroft Road. Those in Old London Road could be affected by any disturbance arising from additional traffic drawn to the site. However it is not considered that these levels would be such as to generate significant noise levels that would adversely affect those residents fronting onto what is an already busy highway. Residents in Watercroft Road are considered to be far enough away not to suffer the impacts of this traffic.
- 121 Such other noise as is created by the use of this site is likely to be minimal and the nearest houses are considered to be far enough away not to suffer any inconvenience or nuisance.
- 122 The issue of noise within the site from the adjacent highway has been an issue in other such cases but in respect of this site this has not been identified as an issue for the use of the site as a cemetery so it is not anticipated that this should be an issue in respect of a crematorium.
- 123 In terms of noise audible at other crematoria it is interesting to note that aircraft noise is identified by the funeral directors taking part in the applicant's survey as a feature of the Surrey & Sussex Crematorium and motorway noise is audible within the Medway site but such disturbance does not prevent either operating successfully.
- 124 Accordingly I am satisfied that this proposal complies with policies NR10 and the NPPF.

### *Air Quality*

- 125 Policy SP2 seeks to ensure that *the design and location of new development will take account of the need to improve air quality in accordance with the Districts Air Quality Action Plan. Development in areas of poor air quality or development that may have an adverse impact on air quality will be required to incorporate mitigation measures to reduce impact to an acceptable level.*
- 126 Policy NR10 is referred to in the section above and details the Councils approach to air quality issues. The operation of a crematorium requires a permit under the Environmental Permitting Regulations which specifically considers the issue of air quality and such a permit cannot be issued unless the facility is in compliance with the regulations. The NPPF is clear at paragraph 122 that *the LPA should focus on whether the development itself is an acceptable use of the land and the impact of the use, rather than the control of processes or emissions themselves where these are subject to approval under pollution control regimes. Local planning authorities should assume that these regimes will operate effectively.* The impact of emissions on the environment can therefore be adequately controlled under separate legislation.
- 127 The applicant has not submitted an air quality report and comments are still awaited from the Councils Environmental Health Officer. However a separate permit has to be issued by the Councils Environmental Health Officers and that will only be issued if the facility is in compliance with the relevant Regulations.

Were the submitted details to require material changes to the appearance of the building then a fresh application would be required. Therefore it is considered that this matter could be satisfactorily dealt with by condition.

- 128 This approach is consistent with the Inspectors decision in the Amber Valley appeal where he concluded that *I am satisfied that the environmental controls to which any new facility would be subject would ensure no harm would arise to nearby properties from emissions to air or noise. Matters relating to emissions are governed by Part B of the Environmental Protection Act 1990 and the Environmental Permitting (England & Wales) Regulations 2010 as a prescribed process and required authorisation. These matters are outside the planning process, covered under separate legislation and a licence to operate is required before the use can begin. The crematorium would require an environmental permit to operate. Any emissions would be closely monitored and any infringements would be governed by the Local Authority as licensing authority. The impact of emissions on the environment and nearby residents would therefore be adequately controlled. Appendix 2.*
- 129 Accordingly for these reasons I am satisfied that the proposals comply with policy SP2 of the Core Strategy, NR10 of the SDLP and the NPPF.

### Highways:

- 130 Policy T9 advises that the Local Planning Authority will not permit any development which involves construction of new accesses on to the defined primary or secondary route network.
- 131 In respect of policy T9 the working of this policy is noted. However in the absence of any specific KCC policy constraint and in the light of the proposal meeting current KCC requirements, there would be no justification in KCC raising objections to a proposal on these grounds. It would therefore be for SDC to assess whether or not to raise a local policy objection in this regard.
- 132 Most crematoria in rural areas appear to be at least on the fringes of settlements or in more remote locations where public transport is not necessarily comprehensive. It is accepted therefore that the availability of public transport within reach of this site that this should not be considered such a dis-benefit as to warrant a refusal of the scheme.
- 133 It is clear from the site survey information, projected traffic flows and background vehicle flows that the proposals will not generate a level of vehicle movements which would be significant in respect of either available highway capacity or additional Network or local movements.
- 134 Concern has been expressed regarding the impact of slow moving funeral corteges upon the existing traffic. The proposed access can be delivered to the principal requirements of the Highways Authority for the use class in question and so there would be no justification for any concern of this nature to be raised. It should also be noted of course that an extant permission exists for the use of the site for a cemetery that will have equally slow moving processions of traffic. Furthermore prior to both the approval of design and commencement of works, the proposed highway improvements will be subject to the appropriate levels of principle and detailed technical and safety audit through our required Highway Agreements process.

## Agenda Item 4.2

- 135 It is noted that whilst the recommended Stage 1 Safety Audit has not been carried out that this is not considered to be a reason for refusal. Any changes to the access that may be required as a result of that audit may necessitate amendments to the scheme and if these are considered to be material to the scheme a fresh application would be required to consider the appropriateness of those changes.
- 136 Accordingly I am satisfied that this proposal complies with the relevant parts of the NPPF and policies T9 and EN1 of the Sevenoaks District Local Plan.

### *Ecology:*

- 137 The NPPF states that *“the planning system should contribute to and enhance the natural and local environment by....minimising impacts on biodiversity and delivering net gains in bio diversity where possible”*.
- 138 Policy SP11 seeks to conserve the biodiversity of the district and seek opportunities for enhancement to ensure no net loss of bio diversity.
- 139 Policy EN17B refers to areas of nature conservation interest and the need to ensure that a loss of wildlife habitats and other features of nature conservation interest are not permitted.
- 140 One of the principles of the National Planning Policy Framework is that *“opportunities to incorporate biodiversity in and around developments should be encouraged”*. This application refers only to the site within the red line and gives no indication of the impact of the scheme upon the wider site, albeit the wider site benefits from an extant permission. Of particular concern is that insufficient information has been supplied in respect of the impact upon protected species. For instance in respect of reptiles and dormice, confirmation of the extent of habitat to be impacted is required; whilst for bats, only two trees are highlighted in the ecological report’s target notes as having bat potential, although the report states that ‘several trees’ have potential. The two that have been highlighted are within close proximity to the proposed buildings and an understanding of the use of these by bats (if at all) is necessary to understand whether there are likely to be impacts to bats. The ancient woodland is also likely to provide additional opportunities for roosting bats, and the potential for impacts here has not been sufficiently quantified.
- 141 The impacts of the scheme upon the site and wider woodland remain unclear and contrary therefore to both local and national policies. The scheme is considered unacceptable in this respect.

### *Neighbour Amenity:*

- 142 The NPPF is clear that planning should be a means of finding ways to enhance and improve the places in which people live their lives. We should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
- 143 Policy EN1 seeks to ensure that no new development would adversely affect the existing area either in terms of any built form or in terms of the operation of any uses.

- 144 The 1902 Cremation Act sets out parameters for the location of the crematorium in relation to existing dwellings and the public highway. At present this scheme complies with those parameters.
- 145 The nearest residents would be those in Watercroft Road and Old London Road.
- 146 Issues specifically related to the impact of noise in respect of neighbour amenity are considered above. However it must be recognised that the increased level of activity associated with this use could still adversely affect nearby residents and occupiers. In this instance the nearest occupiers, it is considered, would be sufficiently far from the access and car park so they would not be adversely affected by the increase in noise and disturbance that would arise. The general levels of activity anticipated on the adjacent highways are likewise not considered to be so severe as to justify a refusal on the basis of harm to local residents.

### *Sustainability*

- 147 At the heart of the NPPF is a presumption in favour of sustainable development which should be seen as a golden thread running through both plan making and decision taking. Whilst the NPPF offers support for the use of sustainable travel modes it also offers encouragement to solutions which support reductions in greenhouse gas emissions and reduce congestion. This could be accomplished by both improved public transport but also by locating development where the need to travel will be minimised.
- 148 Policy SP2 likewise supports measures to reduce reliance on travel by car.
- 149 The most significant issue regarding the matter of sustainability is the impact of traffic drawn to the site. At present those needing the services of a crematorium need to drive outside the district to sites in excess of a 30 minute drive time. Judging by comments made by Clergy and others involved in such services the drive time can often be considerably in excess of 30 minutes.
- 150 Clearly therefore the siting of a crematorium within the District will facilitate shorter driving times. Whilst there is a balance to be considered in this matter, shorter journey times must be considered a more sustainable development overall, although of course this will mean more traffic in and around this district.
- 151 Whilst this scheme will involve more car journeys within the district, overall it will reduce the amount of travel and therefore must be considered a sustainable proposal.

### Other Issues

#### *Access Issues*

- 152 Would be dealt with as part of any building regulations submission.

## Agenda Item 4.2

### *Assessment of Very Special Circumstances*

#### *- Extant permissions*

- 153 Planning permission was granted for the erection of a chapel and a maintenance shed on 30 April 2010 and subject to the imposition of 10 conditions including condition 1 which required work to commence within 3 years. As discussed above it is not considered that the works that have been implemented do accord with the permission and therefore a meaningful start to commence this permission has not taken place.
- 154 Although an extant permission is not in place the applicant does of course have the right to re-submit an application seeking to gain permission for the chapel. Previous applications have been considered against the policy background of amongst others Planning Policy Guidance 2 - Green Belts. Although that guidance has been superseded it advised that “*essential facilities for outdoor sport and outdoor recreation, for cemeteries and other uses of land which preserve the openness of the Green Belt*”...were appropriate development. As outlined above two previous appeal inspectors have considered the chapel to be acceptable in terms of green belt policy with the Inspector noting in the 1998 decision (SE/97/1988 and SE/97/2070) that a “*chapel of the proposed size can reasonably be regarded as an essential facility for the cemetery.*” Neither the size nor the siting were such as to make the proposed building inappropriate development in the green belt. Similarly he concluded that the woodman’s shed would be essential for the proper management of the site and therefore appropriate development.
- 155 Even were a fresh permission for the chapel to be granted, the proposed crematorium is not ancillary to the use of the cemetery, remains clearly inappropriate development and, as described above, would be considered to have an unacceptable impact upon the character and appearance of the surrounding area as well as a significantly greater impact upon the openness of the green belt.
- 156 I conclude therefore that even if there was an extant permission for a chapel that the current scheme would still be unacceptable for the reasons above and that the existence of a permission for a chapel would not be a factor to that would clearly outweigh the harm to the Green Belt.

#### *- Quantitative Need:*

- 157 Is concerned with matching the demographic evidence of death in the local population, its distribution, the number likely to require cremation and the capacity and distribution of existing facilities in the area concerned. An assessment is required regarding the ability of existing crematoria to cope with the need for their services, taking account of the standards of service that are expected.
- 158 The evidence submitted by the applicant in this matter draws attention to:
- the 30 minute drive time issue ie as a rule of thumb this is the time considered acceptable to reach a crematorium

- places this in the context of the number of people required to support a crematorium (150,000) (as evidenced by the Institute of Cemetery and Crematorium Management).
- an increase in the number of cremations between 1960 – 2012 – taking the percentage of deaths dealt with by cremations from 34.7 – 74.28%
- The fact that Kent has the 6th highest cremation rate nationally
- That the population within the 30 minute drive time and residing closer to the proposed crematorium than any other , would be 216,069
- That as of 2011, 97,734 people within Sevenoaks District would live closer to the proposed site than any other crematorium
- Future trends suggest that the number of cremations for residents within the District would be 1,370. Taking account of future population trends this is anticipated to rise to a need for 1,602 cremations in 20 years.

- *Catchment Area:*

159 In an appeal decision relating to a proposed crematorium in Camborne the Inspector concluded that a population of approximately 150,000 people would be within realistic travel time of the facility and that would be sufficient to ensure its long term future. The district of Sevenoaks has a population of just under 115,000 (2011 census). Taking the 150,000 as a benchmark, the applicant's submission indicates that a population of 216,069 people would live closer to the application site than any other crematorium. This figure represents a catchment area that extends beyond the boundaries of Sevenoaks and includes residents from Bromley, Tandridge, Tonbridge/ Malling and Dartford. This appears to be an accepted approach in the determination of planning applications and planning appeals ie that a demonstration of need does not only have to relate to the district within which the crematorium is sited, but also to those surrounding districts. Appendix 3.

- *Capacity/Waiting times:*

160 Part of the applicants case refers to evidence presented in respect of the previous case for a crematorium on Land South of Orchard Barn, in particular their survey of Funeral Directors (FDs) which identified a number of issues:

- That between 30% - 100% of the FDs had used the crematoria at Kent & Sussex, Beckenham, Eltham, Medway, Maidstone, Lewisham and Surrey/Sussex over the past year.
- The frequency of use seems to depend upon proximity of the FDs to the crematoria
- 5 of the crematoria have been identified as working near to capacity in the winter months in terms of waiting time for a convenient slot.

161 As was drawn to members' attention during consideration of the last application

- The crematoria had been contacted and both Medway and Kent and Sussex refute the suggestions that they have capacity problems:

## Agenda Item 4.2

- Medway advises that it is in the midst of a major improvement programme which results in the closure of one chapel necessarily affecting its service delivery. Over a 5 year period they consider that on an average basis they have not operated at capacity over the last 5 years although there may be the occasional day when they have operated at capacity.
  - Tunbridge Wells Borough Council advise that in respect of the Kent and Sussex Crematorium that they average 63% utilisation of the full capacity of the crematorium. They acknowledge an upturn of some 30% during the Jan-March period each year.
- 162 They went on to set out the circumstances which may account for the perception that they are operating at full capacity at certain times:
- The preference for services times during the central part of the day even though other service times may be more readily available
  - the funeral directors ability to deal with multiple bereaved families ie the funeral directors may not have the available staff to accommodate a service due to other commitments
  - availability of the church and the minister, in addition to the funeral director and crematorium.
- 163 Against this needs to be considered the fact that:
- These assessments do not provide a detailed analysis of the capacity of slots during the central part of the day
  - That the anecdotal evidence from those clergy who have contacted the Council is that there is pressure during the winter months
- 164 In a case in Camborne the Inspector concluded that the *accounts of funeral directors and the clergy are persuasive* – albeit that comment was in respect of the traveling times to other crematoria. Elsewhere in that decision the Inspector refers to representations from the same group regarding waiting times in gaining services at the preferred time. The experiences of those professionally involved in arranging or conducting funerals is a material factor in support of the application scheme and this approach was confirmed by the Amber Valley appeal decision.
- *Cremation Rates and Burials:*
- 165 The applicant's data indicates that since the mid 1990s the cremation rate has increased very slightly and sits around a figure of 75% of deaths being dealt with by cremation. Evidence considered in respect of the previous application indicated that Sevenoaks has a relatively older population with slightly higher levels of deprivation and more residents in the higher socio economic group compared to the local authority average. The application site will serve other authorities (based on the minimum drive time) and the information from the Office for National Statistics indicates that with the exception of Tandridge the other districts and Sevenoaks will have an ageing population. This in crude terms implies that death rates overall are likely to increase across the catchment area of the site.



*- Qualitative Need:*

166 Covers a range of issues that relate to the experiences of mourners. Little fresh evidence has been presented on this issue rather reference has been made to the submission of Funeral Directors whom the applicants seeking permission for a crematorium on the site of Land South of Orchard Barn contacted and the following issues were identified:

- 100% of FDs thought they had to travel in excess of 30 minutes to reach crematoria
- 4 sites were considered to have issues regarding traffic congestion
- 1 site has issues regarding the size of the cremator
- 2 crematoria suffers from noise associated with noise of motorways and aircraft

167 These assessments were considered to be subjective and two of the crematoria have responded to a consultation by the Council addressing some of these issues as detailed above.

*- Travel Distances/Times:*

168 In previous crematorium applications/appeals an industry standard, or “rule of thumb” has been adopted as 30 minutes travel time for a funeral cortege to the crematorium being generally acceptable. In applying this standard the speed of a cortege is corrected by a factor of 0.6 of average travelling speeds. In the Camborne appeal decision the Inspector took this as a starting point for his assessment.

169 The applicant has referred to evidence submitted on a previous application on this matter as summarised above. Basically the majority of Sevenoaks District lies outside a 30 minute drive time to an existing crematorium.

170 The provision of a crematorium should not be considered solely against its ability to meet a need within this district but account should also be taken of its ability to meet a need outside the district. In this case the provision of a crematorium on this site would bring parts of adjoining districts within the 30 minute travel time to Badgers Mount. Some of those areas currently lie outside the 30 minute drive time to any other crematoria whilst some lie within the travel time to an existing crematorium. Those areas that currently lie outside the travel time to any other crematoria must be considered as part of the population that would serve this facility. Those that lie within the catchment area of existing crematoria and cannot be considered as part of the population required to serve this facility, do not therefore contribute to any assessment of need. Rather they could be considered to contribute to an assessment of demand for this facility ie this facility would provide a readily accessible alternative facility for families who already have ready access to an existing crematorium. In this case that overlap with other crematoria exists along the north western boundary of the District and includes an overlap with the crematoria at Beckenham, Lewisham, Eltham, Maidstone and Medway.

## Agenda Item 4.2

### - Other sites:

- 171 The applicant has not submitted evidence of a site search referring only to the two applications submitted on land south of Orchard Barn and the site to the North of Oak Tree Farm. They conclude that since 93% of the District lies within the green belt that it would be reasonable to conclude that any accepted need for a crematorium is likely to be met outside the developed confines.
- 172 In respect of the Land South of Orchard Barn attention is drawn to the open green belt location and the harm to openness by the development. The site on Land to the North of Oak Tree Farm is concluded to cause harm to the openness of the surrounding green belt and a question is raised regarding the compatibility of the proposed use with the noise and disturbance associated with the nearby crushing and recycling plant.
- 173 It is concluded at para 6.55 of the Planning Statement that *given an established need for crematorium and having regard to the two alternatives before the Council for consideration it is held that the need can be best accommodated by a site that already benefits from a lawful use as a cemetery and with an extant permission for a chapel building, maintenance store and associated parking.*
- 174 Officers assessment of this point is discussed above.
- 175 An assessment of the merits of the Oak Tree Farm site is not contained in this report, but is set out in full elsewhere in this agenda. It contains a full report on that site and members are invited to read that report for the assessment of that proposal.

### - Landscape and Visual Impact:

- 176 The key issue that could in principal ensure that any development on this site has less impact upon the openness of the surrounding green belt and less impact upon the visual amenities of the surrounding landscape is the fact that at present the site of the proposed crematorium sits within a woodland clearing and that an alleged permission exists for a chapel on the site.
- 177 If the surrounding woodland were retained that would certainly reduce visibility within the wider landscape of any proposed new building and it would appear that at least one appeal Inspector reached this conclusion when considering the scheme. Unfortunately for reasons detailed above there is no certainty that the woodland will remain and therefore no certainty regarding the extent of visibility of the building. When taken with the larger size and bulk of the proposed crematorium this scheme cannot be considered to be less harmful and therefore to be preferable to the other sites the applicant refers to. Likewise there would appear not to be an extant permission for a chapel and this factor also cannot be considered to suggest this scheme would be preferable in landscape or indeed other terms to those other schemes referred to.
- 178 The harm identified in this case is the principle of building the proposed crematorium in the Green Belt, which would be inappropriate development and the harm this would cause to the openness of the Green Belt. The report has identified that other harm including to the character and appearance of the landscape and the AONB is caused by the application.

- 179 Essentially the very special circumstances identified relate to the demonstration of need, being both a quantitative and qualitative assessment, location of and effectiveness of existing crematoria, availability of other sites and the impact upon the landscape.
- 180 The assessment submitted regarding the quantitative and qualitative need for such a facility is somewhat sparse – relying in large part on evidence submitted as part of another application on a different site. It is impossible therefore to provide an independent and detailed evaluation of the evidence. However despite this officers consider that a need for a crematorium has been demonstrated – if not by this application certainly by the application on land South of Orchard Barn which provided more comprehensive evidence rather than just a selection of summary points. Given the recent date of that submission the need demonstrated by that application will not have changed.
- 181 It is clear from examination of other appeal decisions that this issue is capable of representing the very special circumstances needed to overcome harm caused by virtue of inappropriateness.
- 182 There is no suggestion that any site search was undertaken and clearly there are other sites that are under active consideration for the siting of a crematorium, as evidenced by the previous item on this agenda and the appeal currently under consideration by the Planning Inspectorate for the crematorium on Land South of Orchard Barn. The recommendation attached to the application for the other crematorium on this agenda indicates that officers consider that a more beneficial scheme exists on Land North of Oak Tree Farm. In this case the need aspect of the very special circumstances consideration is affected by the fact that a favourable recommendation is made on the Oak Tree Farm scheme. If a permission is granted for the scheme at Oak Tree Farm this is considered to adversely affect the demonstration of need on this site.
- 183 In this case the manner in which the need for such a facility is affected by the potential approval of the Oak Tree Farm scheme means that very special circumstances advanced are not considered to be sufficient to outweigh the harm to the green belt by virtue of inappropriateness. However, if permission is not granted for the scheme on Land to the North of Oak Tree Farm, it is still considered that the very special circumstances advanced are insufficient to outweigh the harm caused the proposed development.

### *Summary of Claim for Very Special Circumstance*

- 184 This scheme proposes a new crematorium with associated parking and landscaping on a green belt site on land within Watercroft Wood. The site has been assessed in terms of its impact upon the adjacent highway and it could be accommodated without causing adverse impact to local road users. Likewise it is not considered that the residents neighbouring the site would be adversely affected by the proposal.
- 185 In terms of the amenities of the area although evidence has at this stage still to be fully assessed regarding environmental factors of noise and air quality it is considered that these could be adequately covered by alternative legislation/condition.

## Agenda Item 4.2

- 186 It is considered that the scale and design of the proposed scheme would be very prominent and would be harmful to the visual amenities and landscape character of surrounding land and the nearby AONB.
- 187 The proposed scheme seeks permission for a single crematorium building which includes a chapel which has to be considered as a single entity in terms of the harm it causes to the green belt and surrounding countryside. The development for a crematorium is clearly inappropriate development within the green belt where openness and permanence are both essential characteristics which would be damaged by the development proposed. Very special circumstances must be demonstrated to clearly outweigh the harm caused to the green belt by virtue of the inappropriateness in principle and any other harm. For reasons discussed in the report it is not considered that the very special circumstances have been demonstrated.

### **Background Papers**

Site and Block Plans

Contact Officer(s): Lesley Westphal Extension: 7235

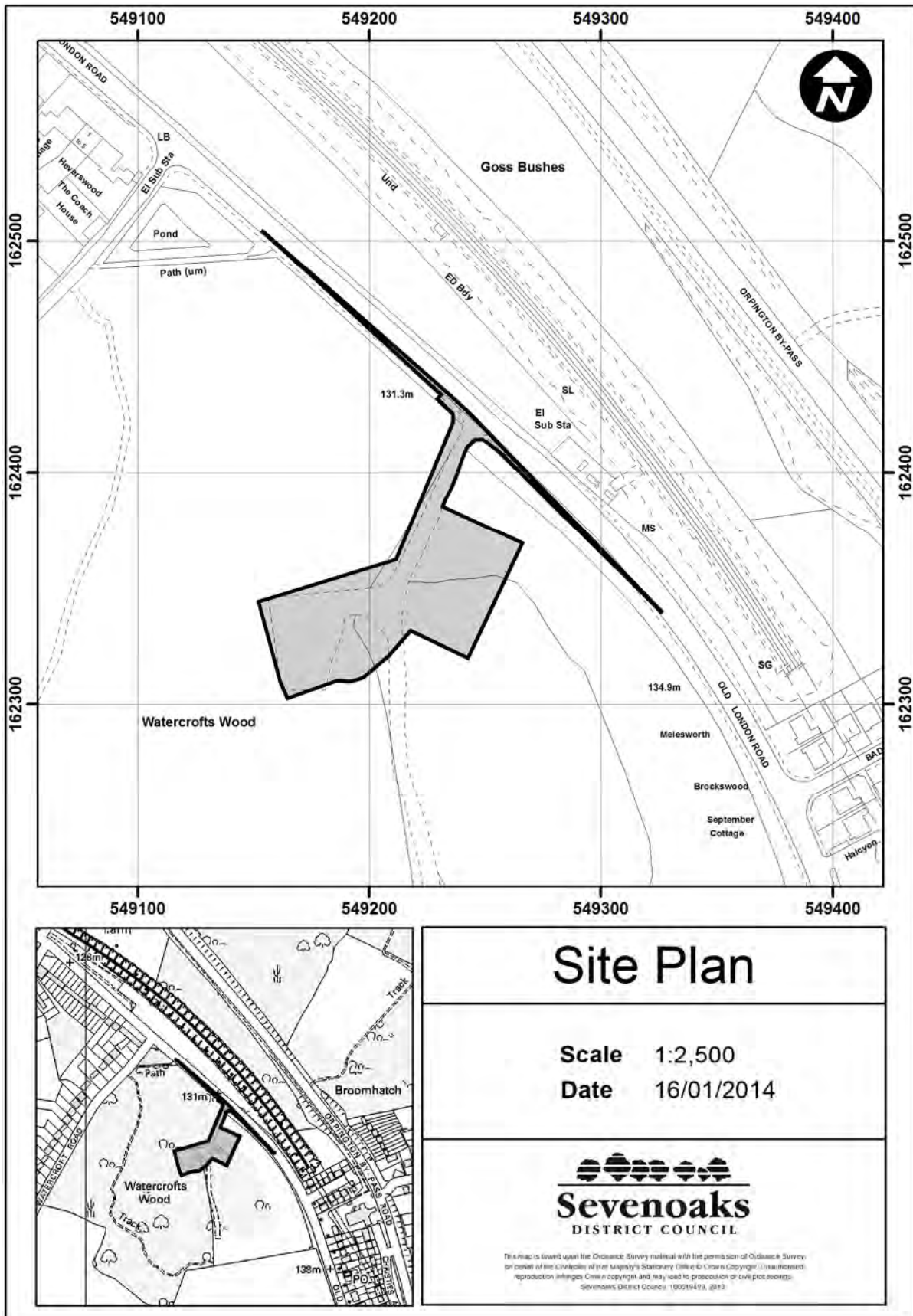
**Richard Morris**  
**Chief Planning Officer**

Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=MW5SPWBK0L000>

Link to associated documents:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=MW5SPWBK0L000>



Block Plan



Lawful Development Certificate for existing use- **Appendix 1**

Deputy Chief Executive and  
Director of Community and Planning Services:  
Kristen Paterson



Keith Jackaman  
C/O The Downes Planning Partnership  
21 Westmount Road  
Eltham  
London SE9 1JB

SE/08/02894/LDCEX  
Valid on 23rd October 2008

**TOWN AND COUNTRY PLANNING ACT 1990**

**TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT PROCEDURE)  
ORDER 1995**

**GRANT OF CERTIFICATE OF LAWFUL EXISTING USE/DEVELOPMENT**

**Site :** Watercrofts Wood Old London Road Badgers Mount Sevenoaks  
Kent

**Development :** Lawful Development Certificate for existing use;- to establish  
whether planning permission SE/93/01576 (for use of land as a  
cemetery with new vehicular access) was implemented.

Sevenoaks District Council, as the District Planning Authority, pursuant to powers in the above mentioned Act and Order, HEREBY CERTIFY, that on the date of the application given above, that the use/development described in the First Schedule, in respect of the land specified in the Second Schedule and stippled grey on the attached plan was lawful within the meaning of Section of the Town & Country Planning Act 1990 (as amended), for the following reason(s):

- 1) The evidence does on a balance of probabilities concludes that planning permission SE/93/01576 (for use of land as a cemetery with new vehicular access) was implemented. That burials are permitted over the whole site by the 1995 permission.

**FIRST SCHEDULE**

- 1) Lawful Development Certificate for existing use;- (for use of land as a cemetery with new vehicular access) in accordance with planning permission SE/93/1576.

**SECOND SCHEDULE**

- 2) Watercrofts Wood, Old London Road, Badgers Mount, Sevenoaks



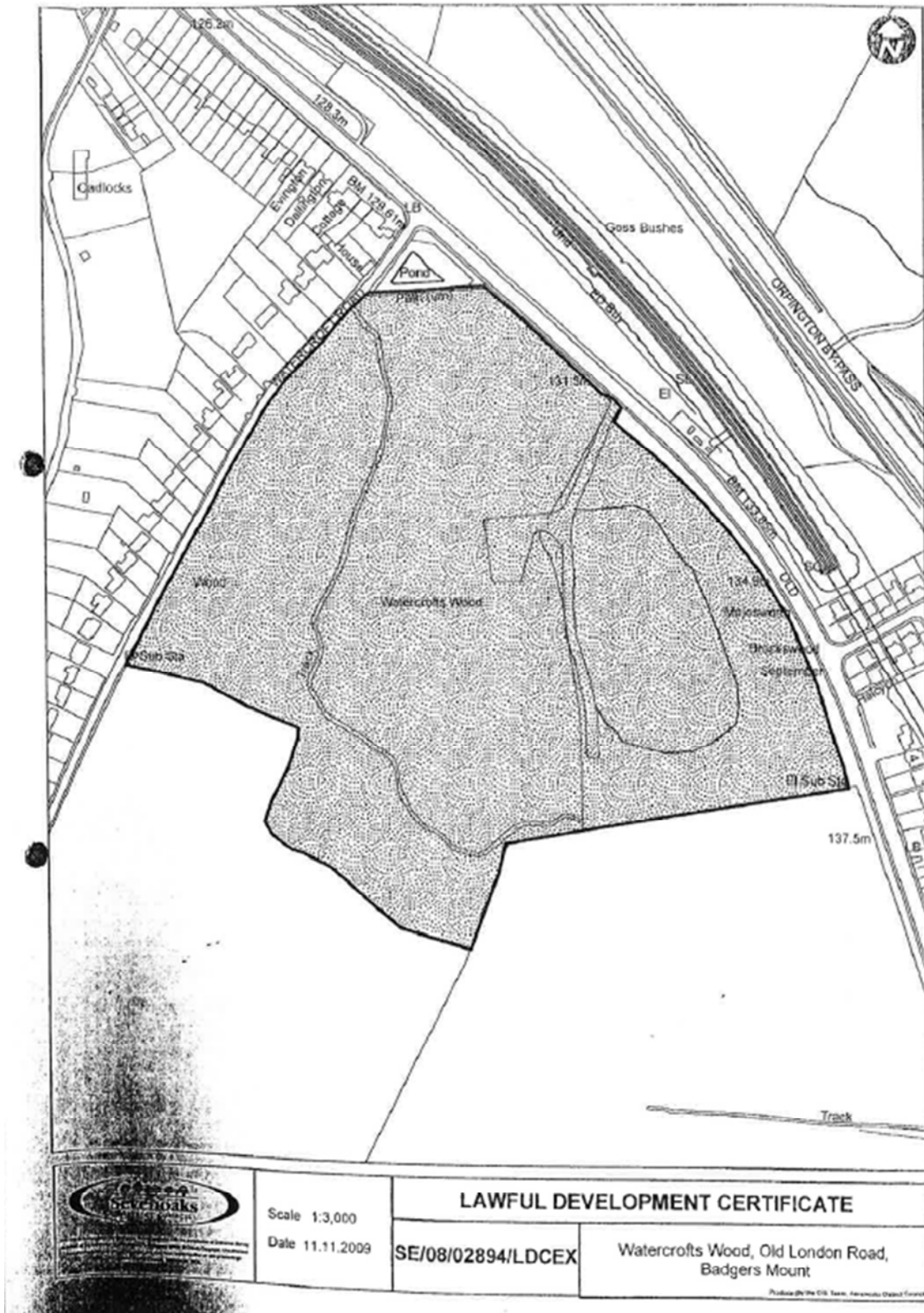
Kristen Paterson

Community and Planning Services Director DATED THIS: 10th day of November 2009

INFORMATIVES

1. This certificate is issued solely for the purpose of section 191/192 of the Town & Country Planning Act 1990 (as amended).
2. It certifies that the use/development specified in the First Schedule taking place on the land described in the Second Schedule was lawful, on the specified date and, thus, was not liable to enforcement action under section 172 of the 1990 Act on that date.
3. This certificate applies only to the extent of the use/development described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any use which is materially different from that described or which relates to other land may render the owner or occupier liable to enforcement action.





Scale 1:3,000  
Date 11.11.2009

<b>LAWFUL DEVELOPMENT CERTIFICATE</b>	
SE/08/02894/LDCEX	Watercrofts Wood, Old London Road, Badgers Mount



---

## Appeal Decision

Inquiry held on 4-6 June 2013

Site visits made on 6 and 7 June 2013

by **Harold Stephens BA MPhil Dip TP MRTPI FRSA**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 9 July 2013

---

**Appeal Ref: APP/M1005/A/12/2188880**

**Land east of Derby Road, Swanwick, Derbyshire**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Memoria Ltd against the decision of Amber Valley Borough Council.
  - The application Ref AWA-AVA/2011/1199 dated 8 December 2011 was refused by notice dated 19 November 2012
  - The development proposed is the construction of a new crematorium together with associated highway works, car park, garden of remembrance and provision of land for natural burials.
- 

### Decision

1. The appeal is allowed and planning permission is granted for the construction of a new crematorium together with associated highway works, car park, garden of remembrance and provision of land for natural burials on land east of Derby Road, Swanwick, Derbyshire in accordance with the terms of the application, Ref AWA-AVA/2011/1199, dated 8 December 2011 and the plans submitted with it, subject to the conditions listed at Annex A.

### Preliminary matters

2. I held a Public Inquiry on 4-6 June 2013 and I inspected the appeal site on 6 June 2013. On 7 June 2013 I visited existing crematoria at Markeaton, Bramcote, Mansfield and Chesterfield. On 7 June 2013 I also visited the Charnock Richard Crematorium, Preston Road, Chorley.
3. At the outset of the Inquiry the main parties agreed that the appeal should be determined on the basis of the following drawings: (i) Site Location plan: 1:1250 scale - November 2011; (ii) Site Layout Plan No. 1095-02B - 1:500 scale - June 2011; (iii) Floor Plan No 1095-03 - 1:100 scale - September 2011; (iv) Elevations Plan No 1095-04A - 1:100 scale - August 2011; (v) Illustrative Sketch Elevations Plan A3; (vi) Illustrative Masterplan Plan No 508.10/03 (HDA4) May 2013; and (vii) Proposed Access Arrangement Plan No 4053/001A - August 2011.
4. The application was supported by various reports including a Landscape and Visual Assessment, a Baseline Ecological Survey, a Planning Design and Access Statement, a Flood Risk Assessment, a Transport Assessment, an Archaeological Desk Based Assessment, a Statement of Community Involvement, a Coal Mining Risk Assessment, a Site Conditions Report and Technical Specifications.

---

[www.planningportal.gov.uk/planninginspectorate](http://www.planningportal.gov.uk/planninginspectorate)

5. Two Statements of Common Ground (SoCG) were submitted. The first was agreed between the Appellant and the LPA. The second was agreed between the Appellant and the Swanwick Parish Council and Swanwick Residents Association (SPC/SRA).

#### **Main Issue**

6. I consider the main issue is whether, in the light of the development plan, national guidance and other material considerations, the appeal proposal would be an acceptable form of development within the open countryside.

#### **Reasons**

7. The appeal site comprises a rectangular parcel of land situated to the east of the B6179 Derby Road and consists of grazing land surrounded by a combination of tree and hedge planting to its boundaries. Immediately to the east of the site is a copse of woodland with a house known as Sleetmoor House to the south east corner of the site. To the west, north and south there are open agricultural fields. Further to the west, on the other side of the B6179 are open fields. The site extends to about 3.1 hectares and lies about 1.4kms south of the centre of Alfreton and 1km from Swanwick village centre.
8. Further to the north of the site lies commercial development, including a petrol filling station, fire station, and hotel, while further to the east there is the Thornton's Chocolate Factory. To the south beyond the field and Sleetmoor Lane there are residential properties. The land rises from west to east by about 24m.

#### *The proposal*

9. The application seeks full planning permission for the development of the entire site to provide a private crematorium with associated car park, gardens of remembrance and access road together with the provision of land for natural burials. The crematorium would take the form of a single storey building that would be constructed using smooth render for the elevations together with natural stone features, dark plain concrete tiles for the roof, and oak doors, posts and window frames. The maximum ridge height would be 6.8m tall with the eaves height at 2.9m high. The chimney stack would rise to a height of 8.5m.
10. The location and orientation of the proposed building on the site are governed by the Cremation Act 1902, which determines the distances that must be achieved between the Crematorium building, residential development and local highways.
11. Access for the disabled to both the gardens of remembrance and main building would be provided. All entrances into the building would have level thresholds and toilet facilities would be provided for ambulant as well as wheelchair users. Hearing loops would be installed so that all aspects of the building would comply with Part M of the Building Regulations. The building internally would provide a tranquil environment for mourners.
12. Internally, the main building would comprise three distinct components. The chapel building would form the focal structure on the site. Between the chapel and the entrance would be located an administrative building, which would comprise a waiting area, book of remembrance room, lobby and

toilet facilities. To the south of the chapel would be the main crematory equipment, transfer chamber and accommodation for the mercury filtration system. A screened external yard would lie further to the south of the main building.

13. To the east of the crematorium building would be an area designated for natural and woodland burials. Flat stone burial areas would also lie immediately to the east and north-west of the building while formal memorial gardens would be located immediately to the north of the building. The submitted plans show the provision of 37 dedicated car parking spaces within the main parking area adjacent to the crematorium building. A further 36 car parking spaces would be provided in an overflow car park.
14. The single point of access to the site would be provided from Derby Road, which is the main road running between Swanwick and Alfreton and linking with the A38 immediately to the north. This access would be constructed in accordance with the details provided within the Transport Assessment document.<sup>1</sup>

*Relevant planning policies*

15. The National Planning Policy Framework (NPPF) was published in March 2012. The NPPF largely carries forward existing planning policies and protections in a significantly more streamlined and accessible form. It also introduces the presumption in favour of sustainable development<sup>2</sup> and makes adjustments to some specific policies. The NPPF is a material consideration in determining planning applications and appeals.
16. An Order to revoke the East Midlands Regional Strategy in its entirety came into force on 12 April 2013. The development plan consists solely of the suite of saved policies in the Amber Valley Borough Local Plan 2006 (LP). A full list of the policies that are relevant to this proposal is set out in both SoCG. It is not necessary for me to repeat that list here. From the evidence that is before me the two main policies in this case are Policy EN1 and EN5. I consider that these LP policies are broadly consistent with the NPPF and should therefore be afforded due weight. I deal with Policy EN1 first and Policy EN5 thereafter.
17. Much Inquiry time was spent debating the component parts of Policy EN1 and its reasoned justification. Policy EN1 is a general policy of restraint for new development in the countryside. Satisfaction of any of its 3 criteria will mean compliance with the policy. The most relevant of the 3 criteria in this appeal is criterion (b). Self-evidently, its requirements are different to criterion (a) which allows development deemed essential to forestry and agriculture. As such, criterion (b) cannot be and is not directed at development which is needed in the context of forestry and agriculture. The Appellant does not rely on criteria (a) or (c) of Policy EN1.
18. In relation to criterion (b) a judgement has to be made as to whether the Appellant has demonstrated that the proposal is necessary within the countryside and cannot reasonably be located within an existing settlement. If this can be demonstrated and there is no suitable and available site within a settlement to meet that need, then the proposal can be considered to be acceptable in principle. The additional layer of policy that Mr Jenkin suggests

---

<sup>1</sup> Appendix F to Mr Roberts Proof of Evidence

<sup>2</sup> Paragraph 14

should be imposed, that the development should support the rural economy, appears nowhere within the policy and should not be implied.

*Quantitative and Qualitative Need*

19. The Council advances no evidence to the effect that need has not been demonstrated in this case. The SoCG1<sup>3</sup> records the fact that need is not contested in the context of the reason for refusal albeit the Council argued that there is no need for a crematorium at the appeal site. In my view that distinction is not about questioning need, but rather about whether or not there is some alternative site on which that need should be met. Moreover, it is clear to me that the Council appointed experienced consultants - Roger Tym and Partners (RTP) - to examine specifically the question of need. The suggestion by some interested persons that RTP's assessment was tainted by the fact that the Appellant was required to pay for the work is misplaced. There is no reason to doubt the integrity of RTP's work. The analysis was comprehensive. The existence of need was verified by reference to RTP's own assessment of population, geography and travel times. Mr Lomas on behalf of SPC/SRA did not contest this.
20. In light of that thorough assessment RTP concluded that there was both;
  - (i) a quantitative need in that the overall number of people that the new scheme would serve would be very substantial, and,
  - (ii) a qualitative need in that existing facilities faced unacceptable delays for funeral services in the winter months and the fact that many people who currently fall outside of a 30 minute drive of existing facilities would fall within 30 minutes drive of the appeal scheme (together with the fact that only 1 of the 4 existing crematoria offered the facility of accommodating coffins of more than 33 inches wide).
21. The Council accepted that assessment at the time of determination of the planning application. Mr Jenkin confirmed that the Council continues to accept that assessment and he provided no alternative level of need in his evidence.
22. From the evidence that is before me it is clear that a need for a new crematorium was identified as long ago as 2006 within the ICCM<sup>4</sup> report commissioned by the Council.<sup>5</sup> The interpretation of that report, and the subsequent Council Committee report,<sup>6</sup> to the effect that it did not demonstrate need is erroneous. It found a clear need. However, at that time, the reason why no crematorium proposal proceeded was simply because ICCM could not justify provision *solely* for residents of Amber Valley and the Council was not willing to support a controversial scheme that met a need which stretched beyond its boundaries. Of course, the appeal proposal is not promoted in order to cater solely for the needs of Amber Valley.
23. In simple quantitative terms, there are well over 170,000 people who will live closer to the appeal scheme than any other crematorium. This figure was not disputed by the Council or the SPC/SRA. Over 93,000 people who live beyond 30 minutes of an existing crematorium (at funeral cortege speed), will live

<sup>3</sup> INQ3

<sup>4</sup> Institute of Cemetery and Crematorium Management

<sup>5</sup> Appendix 5 of Mr Hodgson's Proof of Evidence

<sup>6</sup> Appendix 6 of Mr Hodgson's Proof of Evidence

within 30 minutes of the appeal proposal. I am aware that the recently approved scheme in Gedling Borough would have no effect on this finding. The 30 minute threshold has been used in other crematorium cases as a "rule of thumb." It has not been applied rigidly, for example in the sparsely populated areas of Cornwall, but for good reason.

24. Mr Jenkin advances no evidence that a 30 minute drivetime is inappropriate in this instance when assessing need. Any difference between Mr Roberts' 30 minute isochrones and those in the latest LM report<sup>7</sup> is immaterial. Plainly the evidence shows there is a large gap in provision where currently there is no facility within 30 minutes drivetime. The appeal proposal would fill that gap. In coming to this view I agree that the Appellant has correctly applied a factor of 0.6 to normal road traffic speeds to take account of cortege speeds.
25. Furthermore, it is noteworthy that the consensus amongst 25 local funeral directors confirms that during busy winter months, there are unacceptable delays in securing funerals at convenient times of the day.
26. The achievement of more sustainable travel patterns receives express support in the terms of the NPPF. Even if 276,000kms per annum is the maximum degree of saving, the likely carbon saving over the life of the crematorium would be very substantial. I agree that no off-setting for emissions from the crematorium is required since those cremations would occur in any event, albeit at more distant facilities.
27. The SPC/SRA argues that four existing crematoria in the area are within a 30 minute catchment area of the site and that the existing provision is adequate. However, the evidence submitted is based on isochrones which show driving distances based on speed limits. They take no account of traffic, junctions (whether roundabouts, signal controls, or give way signs), the need to accelerate or decelerate, pedestrian crossings, or any other feature of the highway network that prevents a driver from driving at the maximum lawful speeds at all points on a journey.
28. The SPC/SRA isochrones include those which apply the factor of 0.6.<sup>8</sup> That factor is accepted as legitimate by Mr Lomas, and although queried by the Council, Mr Jenkin produces no evidence to support any doubt about its use. However, the factor of 0.6, to reflect the slower speeds of funeral vehicles which attend at every funeral, is applied by SPC/SRA to its isochrones that are based on speed limits. The 0.6 factor is not and cannot be applied by SPC/SWA in an attempt to remedy the deficiencies of its isochrones.
29. At the Inquiry, Mr Lomas tried to suggest that the Appellant's isochrones were at fault by reference to anecdotal experience of driving around on the local road network. It is noteworthy that the Appellant's isochrones were produced some 18 months ago as part of the Transport Assessment whereas Mr Lomas did not raise this point until the last day of the Inquiry. Mr Lomas has only produced the isochrones at his Appendices 7 and 8. He produces no alternative isochrones that purport to show distances based on his anecdotal evidence, nor is there any criticism of the independent GIS analysis by RTP.

---

<sup>7</sup> Appendix 1 to Mr Hodgson's Proof of Evidence - Amber Valley Crematorium Quantitative Needs Analysis - A report by Leisure Markets November 2011

<sup>8</sup> Appendix 8 of Mr Lomas' Proof of Evidence

30. With regard to the adequacy of the existing crematoria provision, Mr Lomas spoke to an employee or operator of each of the 4 existing crematoria. By contrast, the Appellant surveyed 25 funeral directors - a methodology expressly accepted by RTP. The consensus amongst funeral directors was that unacceptable delays of 2 or 3 weeks are encountered during the winter months. The employees or operators of the existing crematoria disagree. However, those employees or operators have a vested interest in painting a rosy picture of their own operations. The funeral directors have no such vested interest. Interestingly, the ICCM's consultation exercise in 2006 was not restricted to crematorium operators. It included funeral directors and clergy. That exercise confirmed a need in 2006. It also recognised the existing crematoria may face capacity issues in the winter months. Since then service times have been extended, making convenient slots more scarce.<sup>9</sup>
31. SPC/SRA's case is based on declining death rates which they claim are falling nationally and locally. Death rates are falling, but overall cremation rates are high and the absolute numbers of cremations locally are set to rise using a conservative cremation ratio of 70%.<sup>10</sup> The 4 existing crematoria have technical capacity when looking at their operation over any particular year but the fact that Chesterfield crematorium, for example, has plenty of availability in the summer months, or at 1630 hours on a winter's afternoon is of little comfort or use to those needing to book a funeral at the busiest time of the year at a time of day that would actually allow friends and family to attend. The technical capacity of the 4 crematoria does not bring people who currently live beyond a reasonable distance to a crematorium any closer to that crematorium. Plainly, there is a quantitative and qualitative need in this case.

*Alternative Sites*

32. The question posed in Policy EN1(b) is whether there are alternative sites within settlements that could accommodate this much-needed development. Policy EN1 seeks to control development outside of the built framework of settlements. I note that there are no settlement policy boundaries on the Proposals Map. However, Policy H3 of the LP also includes the term "built framework" of specified settlements. That term is defined in the reasoned justification<sup>11</sup> and makes it clear that it includes only areas within the limits of continuous or contiguous development forming the existing built up area of a settlement. There is no other definition for "built framework" in the LP, and no reason to adopt some different definition in the context of Policy EN1.
33. There was considerable debate at the Inquiry as to which settlements should be examined. In my view any such settlement must be located so as to sustainably meet the identified need. Settlements towards the periphery of the identified gap in provision or within the more sparsely populated area to the west would fail to achieve that requirement. The Appellant examined sites in Alfreton and Ripley (including Swanwick, Leabrooks, Riddings and Codnor).
34. The Appellant's approach receives support from the ICCM report 2006 when considering a proposal for a new crematorium at Alfreton Park.<sup>12</sup> Alfreton is described as an ideal choice for new crematorium development being broadly equidistant from existing crematoria. The Council did not identify any other

<sup>9</sup> Appendix 5 of Mr Hodgson's Proof of Evidence

<sup>10</sup> Appendix 3 of Mr Hodgson's Proof of Evidence paragraph 3.13

<sup>11</sup> Appendix 5 of Mr Mitra's Proof of Evidence paragraph 3.44

<sup>12</sup> Appendix 5 of Mr Hodgson's Proof of Evidence

settlements that should have been included in the search. A brief reference was made to Belper, Heanor and Matlock but no consideration was given to the sustainability consequences of locating a new crematorium in any of those 3 settlements. Clearly a new crematorium in any of these 3 settlements would not meet the identified need in a sustainable way being either too close to existing facilities or too far from the main centres of population that fall within the gap in provision.

35. I found the evidence of Mr Straw to be more than adequate. There is no cogent competing evidence to suggest that his site search was inadequate. The criteria which he applied, including distance from dwellings and highways, a reasonable degree of tranquillity and a site size of around 2 hectares minimum, are all perfectly reasonable. The search, which used his own market knowledge, a circular to agents that was sent out twice, and the Council's own SHLAA<sup>13</sup> and ELR,<sup>14</sup> was exhaustive. It identified no suitable and available site. Possible land values or viability played no part in Mr Straw's search for sites.
36. In the face of that comprehensive search there is no site advanced by any of the opposing parties at the Inquiry as a serious candidate to accommodate a new crematorium within one of the relevant settlements. A site suggested by Mr Soudah at Nottingham Road, Somercotes was discarded by Mr Straw as being within 200 yards (182.8m) of residential property. I consider Mr Straw's evidence to be cogent and compelling. It is noteworthy that of the 25 planning permissions granted since 1996 for new crematoria development all fall outside of settlements.
37. Given the absence of any alternative site within settlements, it was suggested that Policy EN1(b) might require a wider search for alternative sites outside of settlements or, there is some sequential requirement to use previously developed land or existing buildings outside of settlements ahead of the appeal site by reference to Policy LS1 of the LP or the NPPF. Those suggestions are thoroughly misplaced. First, it is absolutely clear from the terms of Policy EN1(b) that it requires a search only for sites within settlements. Secondly, there is no sequential requirement whether in NPPF or Policy LS1 to use previously developed land or existing buildings ahead of greenfield sites. Paragraph 17 of the NPPF expresses encouragement and Policy LS1 expresses a preference to use such land. If that encouragement or preference is not fulfilled there is no policy breach. In any event, neither the Council nor other objectors advance previously developed land or existing buildings said to be suitable and available for new crematorium development. Taking all of these matters into account the proposal accords with Policy EN1.

*The Separate Identities of Settlements: Policy EN5*

38. Although not included in the reason for refusal much Inquiry time was spent discussing Policy EN5. There is a direct link between policies EN5 and EN1. The wording of the policy is clear. If a development meets the terms of Policy EN1 then it will be permitted pursuant to Policy EN5. The Council and other objectors to the appeal proposal may wish to add in some further layer or requirement to the policy, but there is none. Whatever the intention of the Local Plan Inspector as recorded in his report, the terms of the policy are

---

<sup>13</sup> Strategic Housing Land Availability Assessment

<sup>14</sup> Derby Housing Market Area Employment Land Review



- unequivocal. This point was accepted by Mr Lomas in cross examination. In any event if there is any tension between the reasoned justification and the wording of the policy the latter prevails.
39. The Council attempted to augment Policy EN5 by equating it with Green Belt policy. Mr Jenkin in his proof at paragraph 3.19 refers to inappropriate development and the need to demonstrate very special circumstances. Those terms do not appear within Policy EN5 and there is no policy requirement to demonstrate very special circumstances. Likewise Policy EN5 was not prepared in the context of the NPPF and its advice on Local Green Space.<sup>15</sup> Accordingly, it is entirely inappropriate to have recourse to that 2012 advice in attempting either to interpret or add further requirements to the policy.
40. I have already accepted that there is no conflict with Policy EN1. It follows then applying the plain words of Policy EN5, there is no conflict with Policy EN5. Furthermore, the appeal scheme does not infringe the underlying objective of Policy EN5, namely to maintain the separate identity of the 3 specified settlements - Alfreton, Somercotes and Swanwick. Any assessment of the effect of the appeal scheme on those separate identities, must consider the extent of built development within the scheme, its layout, and landscaping. Both Mr Jenkin and Mr Lomas accepted that their evidence considers none of those things and mentions neither cars nor people.
41. Mr Duckett has given careful consideration to the proposed extent and siting of built development, the overall layout of the site and the proposed landscaping scheme. The built and hard surfaced footprint would account for about 8% of the appeal site and the remaining 92% would be retained as grassland or gardens of remembrance. Mr Duckett has analysed the extent of visibility of the scheme. The area of the site which is visible and makes a visual contribution to the open land occupies the eastern half of the site. This area would be meadow grassland and would largely be retained as open land free from built development. The western half of the site would not be open to view and does not contribute significantly to the open character of the land between Swanwick and Alfreton.
42. Mr Duckett has shown by transparent analysis, that the separate identities of the 3 settlements would not suffer unacceptable harm. I agree. Given the scale, design and location within the site of the proposed crematorium building and its associated highway works and car parking, together with the proposed retention and enhancement of landscaping within the site, I consider that the proposal would maintain the settlements' separate identities. The provision of a crematorium or the activity on the site would not be harmful to this area of protected open land given that the building is to be located to the front of the site and the remainder is to be landscaped into memorial grounds.

*Precedent and prematurity*

43. Mr Lomas attempted to advance arguments in relation to both prematurity and precedent objections. As far as precedent is concerned, whether on the field to the north or that to the south, any development proposal would have to meet the terms of policies EN1 and EN5. With regard to prematurity, self-evidently the appeal proposal is not of a scale or significance to prejudice the Council's emerging LP which remains at a very early stage.

<sup>15</sup> Paragraphs 76-78 of the NPPF

### *Objections from Interested Persons/Parties*

44. I appreciate that over 500 letters of objection and a petition were submitted at the application stage with further letters at the appeal stage. The various grounds of objection can be summarised, as follows: the principle of the development, the need for a crematorium, alternative sites, highways, pollution, landscape, visual impact, site suitability and ecology. For the most part, these objections do not extend beyond those already advanced by the SPC/SRA which I have addressed above. The supporting information submitted with the application together with the evidence of the Appellant's witnesses have demonstrated that the proposal would not cause unacceptable harm to the local environment in terms of highway safety, pollution, design and layout, landscape, impact on neighbouring properties, visual impact, ecology, archaeology, flood risk and site stability. Indeed there would be a net gain in hedgerow and tree planting. There is no technical evidence to support an objection on any of those grounds.
45. Few dwellings would be affected by the proposal. The nearest residential properties would be Sleetmoor House, which is located to the south east and Lilly Cottage, which is located to the north west. The other properties are on the opposite side of Sleetmoor Lane. Insofar as there is any impact on residential amenity, Mr Duckett has shown that such impact falls well within the bounds of acceptability. Given the separation distances between these properties and the crematorium building, together with the existing topography of the landscape and the proposed landscaping, the proposal would not cause harm to residential amenity in terms of privacy, overlooking, visual impact, traffic or emissions. All of these matters were confirmed at the site visit. In coming to this view I have considered the Lavender Test that arose in the context of the impact of wind turbines on residential amenity.
46. Thornton PLC raised concerns about the risk of reputational damage to the brand if the crematorium was built. In particular, concern was expressed about how social media might damage the brand through erroneous reporting linking the product with the crematorium. It was argued that this could risk employment and investment. However, the appeal proposal would not cause any direct physical impact on Thornton's operation. There may be fear about reputational damage but this could only arise from reckless and inaccurate statements. In my view such concerns do not comprise a proper material consideration. In any event, there is no proper assessment of the likelihood of reckless and inaccurate statements being made. The 4 examples advanced by Thornton's have nothing whatsoever to do with crematorium development. I attach little weight to these concerns in the determination of this appeal.
47. I am satisfied that the environmental controls to which any new facility would be subject would ensure no harm would arise to nearby properties from emissions to air or noise. Matters relating to emissions are governed by Part B of the Environmental Protection Act 1990 and the Environmental Permitting (England and Wales) Regulations 2010 as a prescribed process and require authorisation. These matters are outside the planning process, covered under separate legislation and a licence to operate is required before the use can begin. The crematorium would require an environmental permit to operate. Any emissions would be closely monitored and any infringements would be governed by the Local Authority as licensing authority. The impact of

emissions on the environment and nearby residents would therefore be adequately controlled.

#### Other Matters

48. I have taken into account all other matters raised including a number of appeal decisions which were referred to by the parties during the Inquiry.

#### Conclusion

49. I conclude that the proposal would be an acceptable form of development within the open countryside. It accords with the development plan, including Policies EN1 and EN5, and the other policies set out in the SoCG1. I consider on balance that the proposal would constitute sustainable development and is acceptable having regard to the policies set out in the NPPF. The proposal would meet an identified need which in turn would lead to more sustainable travel patterns. I conclude that the appeal should be allowed.

#### Conditions

50. Conditions were put forward by the Council within the SoCG1. These were discussed and revised at the Inquiry. I have considered the latest version in the context of the requirements of Circular 11/95. In addition to conditions relating to timescale, securing the plans and submission of sample materials, I have imposed conditions requiring a surface water drainage scheme, details indicating proposed floor levels and a scheme to dispose of foul water drainage as no details have been given on how effluent will be treated. A condition requiring a Construction Method Statement is necessary in order to mitigate the impact of the development upon the highway network and the surrounding neighbourhood. As the site has been subject to past coal mining activity and coal mining legacy poses a risk to the proposed development, I have imposed a condition requiring intrusive site investigation works prior to development in order to establish the exact situation regarding ground conditions and to inform foundation design.
51. I have imposed conditions relating to the provision of pedestrian and vehicular access to the site and for the parking and manoeuvring of vehicles in the interests of highway safety. A condition is required to secure details in relation to external lighting in the interests of residential amenity. I have imposed a condition that no burials should take place within close proximity of a spring, watercourse or field drain in order to protect controlled waters. I have imposed a condition regarding opening hours of the crematorium and a condition restricting the times of construction works, movement of traffic and deliveries in the interest of residential amenity. The site has some archaeological potential so I have imposed a condition to address this matter. I have imposed conditions requiring a scheme for hard and soft landscaping, details of the new boundary wall to Derby Road and matters relating to ecological and landscape management to ensure that the development does not have an adverse impact on the appearance and character of the area.

*Harold Stephens*

INSPECTOR



## Appeal Decision

Inquiry opened on 14 July 2009

Site visit made on 17 July 2009

by **Mike Robins MSc BSc (Hons) MRTPI**

an Inspector appointed by the Secretary of State  
for Communities and Local Government

The Planning Inspectorate  
4/11 Eagle Wing  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol BS1 6PN

☎ 0117 372 6372  
email: enquiries@pims.gsi.gov.uk

**Decision date:**  
**19 August 2009**

**Appeal Ref: APP/D0840/A/09/2098108**

**Land at Race Farm, Puggis Hill, Treswithan, Camborne, Cornwall TR14 0PU**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Crematoria Management Ltd against the decision of Kerrier District Council now replaced by Cornwall Council.
- The application Ref PA07/01094/FM, dated 28 June 2007, was refused by notice dated 6 November 2008.
- The development proposed is a crematorium, provision of an access road, parking and servicing areas.

**Summary of Decision: I allow the appeal subject to conditions**

### Procedural Matters

1. Notwithstanding the original description of development, it was agreed between parties that the junction improvements, namely the mini roundabout, were not part of the scheme; I have altered the description accordingly.
2. At they inquiry a revised set of plans were submitted. In these, the appellants had responded to information which required the relocation of the crematorium building to maintain statutory minimum distances from dwellings as identified by the Cremation Act 1902. Although parties had limited opportunity to consider these revisions, they did not involve any significant change in the scale, layout or design of the building. While it would have been preferable for the matter to have been addressed earlier, I am satisfied that the revisions were not made to specifically address any substantial planning concerns regarding the scheme, and that no interests would be prejudiced by my acceptance of the revised plans. I have considered the appeal on the basis of these plans.
3. A Statement of Common Ground, (SOCG) was submitted at the inquiry, dated 14 July 2009. This addressed agreed details of the site and surroundings, confirmation of matters not in contention and an agreed set of conditions.

### Main issues

4. I consider that there are two main issues in this case: firstly, the effect on the character and appearance of the surrounding countryside with regard to national and local policies; and secondly, the effect on the local ecology, particularly protected species, including dormice and badgers.

### Reasons

5. The appeal site comprises all of one and a large part of a second field, both of semi-improved grassland currently used for livestock or equine grazing. The fields are

enclosed by substantial hedgerows and lie on a slope falling to the east down to a wooded valley of a tributary of the Red River.

6. The site lies in open countryside to the west of Camborne, the main urban centre of which lies beyond the A30 trunk road, which at this point forms a boundary to the urban area. This boundary is not however, continuous and in some areas, notably further east at Tolvaddon, there is significant development to the west of the road.
7. The site is proposed to be accessed from the A30 (T) via a road along the western boundary of the site which leads to Kehelland village. Beyond the proposed access onto the site itself, a network of roads also lead out to the north coast, while along the northwest boundary, a lane, Puggis Hill, leads down to the small hamlet of Reskadinnick, approximately 150m from the site boundary. There are public footpaths in the area, including one that extends out from the town of Camborne towards Reskadinnick and on towards the coast which passes approximately 300m to the east of the site.

#### **Character and Appearance**

8. The site does not lie within any locally or nationally designated areas for landscape, and it is accepted by the main parties that it will not have an adverse impact on the Area of Outstanding Natural Beauty, (AONB), approximately 1 km to the north. The site does, however, lie within an area classified by the Cornwall Landscape Assessment, 1994, as characteristic of the Camborne-Redruth Mining Area. This Landscape Character Area (LCA) is summarised as being a rolling, sheltered landscape with post industrial mining relics, a strong field pattern and many built structures giving the landscape a cluttered feel.
9. Locally there are no buildings currently on the appeal site itself but the surrounding countryside is not entirely undeveloped, having a range of isolated dwellings, hamlets and villages, as well as the nearby Race Court commercial units and the Rosewarne Agricultural College.
10. It is not contended by the Council that the proposal compromises the countryside character as set out in this assessment, but that it detracts significantly from the existing site and immediately surrounding greenfield agricultural land, due to the proposed introduction of incongruous building forms and landscaping.
11. The crematorium would be a substantial building with associated roads, parking areas and a large and regularly laid out water feature, with further areas of formal landscaping. I concur with the Council's view that there would be harm to the countryside character and appearance and these concerns are supported by national policy. Planning Policy Statement 7 - *Sustainable Development in Rural Areas* (PPS7) seeks to strictly control development with the aim of protecting the intrinsic character and beauty of the countryside. These aims are supported by Policy 2 of the Cornwall Structure Plan, adopted 2004, (the Structure Plan) which, in accordance with aims in Planning Policy Statement 1 - *Delivering Sustainable Development* (PPS1), seeks to protect and enhance the quality of the natural and built environment, retaining important elements of the landscape including natural and semi-natural habitat.
12. There are, however, elements of the scheme that weigh in favour of this proposal as regards the effect on the character and appearance of the countryside. It has been generally accepted that due to the constraints imposed by other legislation,

particularly The Cremation Act 1902, most new crematoria require a rural or countryside location. The appellants have carried out a comprehensive Landscape Visual Assessment from which the final design and layout have been determined. Consequently, the orientation of the main building, while by necessity responding to the contours of the sloping site, also presents its narrowest profile to the long views from the urban areas of Camborne.

13. The materials proposed would be appropriate to the area, and the building, while larger than others nearby, would be kept relatively low with an unobtrusive chimney and would be set against a backdrop of the sloping ground and landscaping. Proposed tree and hedgerow planting would assist in integrating the building in accordance with approaches encouraged in the LCA assessment.
14. Much of the landscaping is proposed to incorporate natural species and the majority of the existing hedgerows would remain, with further planting included in the scheme. The use of meadows rather than more managed landscaping for large areas would also help to integrate the development into the countryside. Notwithstanding this, the proposal still represents a significant change which would introduce a more urban character in the form of roads, parking and buildings to this countryside setting.
15. The new entrance would introduce a substantial gateway and signage onto a rural road, although the site layout would prevent views through this entrance of the parking areas and building. This road currently has entrances off it serving two house and the commercial units at Race Court. Further along the network of roads, entrances to farms and other small industrial units, such as at Kieve Mill, can also be found. I do not therefore consider that the entrance would materially detract from the appearance of the area.
16. Turning to the main building and the hard and soft landscaping, the immediate local views are significantly restricted by the substantial hedgerows surrounding the site. For users of the road passing the entrance and down Puggis Hill, the structures would be well screened. Some views would be available from Race Court and Race Farm, but again existing hedgerows, supplemented by additional landscaping could adequately address this.
17. Views are available from further vantage points such as the nearby footpath and the A30 (T). I had the opportunity to take views from both these locations during my site visit. Those from the A30(T) are inevitably limited by the speed of travel and oblique angle, Direct views are not available from the west and those from the east screened by the extensive shelter belt planting associated with Rosewarne. Views from the footpath would be at some distance and only of significance during the winter due to the belt of trees between the footpath and the site. These views do, however, encompass much of the site and add weight to my concerns over the harm to the character of the area.
18. Other views to the site, for example from vantage points between buildings on the Weeth Road within Camborne or further into the town, are at increasing distance and may perceive change, but not significant harm to the appearance of the area when viewed against the wider pattern of development including the Race Court complex and the extensive areas of the Rosewarne College fields and buildings.
19. I conclude therefore that this proposal would lead to harm to the character and appearance of the countryside, contrary to Policy 2 of the Structure Plan in this

regard. The Kerrier District Local Plan, Revised Deposit Draft, Policy ENV1 seeks to prevent development which would lead to significant harm to the countryside unless outweighed by the need for the development and benefits to the economic and social wellbeing of the community and this is reinforced in relation to the design of buildings in Policy B.EN14. This plan was abandoned in 2004 and was not progressed to public local inquiry and as such I cannot afford it significant weight, nonetheless these policies are reflective of Policy VIS2 of RPG10 which seeks to meet the economic and social needs of the rural community, itself reflective of national guidance in PPS7. Accordingly it is appropriate to consider the need for this new crematorium at this location in Cornwall and whether this outweighs the harm I have identified above.

*Need*

20. Cornwall has a current population in excess of 500,000 people and is somewhat different to the rest of the country in that, as a peninsular county, it has no immediate neighbours other than to its eastern boundary. Practically this means that services that extend beyond just local provision will often be at some distance from the population, who have no choice or recourse to services available in neighbouring counties.
21. Nationally Cornwall is shown to have one of the lowest levels of crematoria by area, although this is unsurprising considering the low population density in what is predominantly a rural area. It is much closer to the average in terms of crematoria per head of population. Considered at a more local level the existing crematoria at Penmount and at Bodmin serve a dispersed population. Because of its location Penmount provides the only realistic choice for approximately 300,000 people, although it is agreed that a large proportion of these, notably those to the southwest on the Lizard and those to the west, in Penzance and beyond, are at some considerable distance from the facility.
22. The appellants suggest that not only is a further crematorium required to meet the needs of this population who are at distance from Penmount, but also that Penmount itself is at its maximum capacity and unable to deal, at certain times, with existing demand. This situation, they suggest, will be exacerbated by increasing population numbers and possibly death rates in this part of Cornwall. I will therefore consider in more detail the quantitative and qualitative aspects of need for a new crematorium at this location.

*Quantitative Need*

23. Penmount is identified as having a capacity for 4,000 cremations per year. Although annual numbers vary it has carried out approximately 2,500 cremations per annum, with more prior to the opening of the Bodmin Crematorium in 1989. This would suggest there is significant additional capacity to deal with future demographic changes. However, I do not consider that it is entirely realistic to suggest that every available time slot, especially those in the early mornings or late afternoon, could or would be utilised and consequently the practical capacity of the crematorium would be less than the Council's theoretical figure.
  24. However, even when considering the preferred core time periods it is apparent that approximately 75% of time slots on average across both chapels are used. This therefore suggests that there would be the potential for Penmount to take increased numbers of cremations.
-

25. Both parties suggest that there will be an increasing population within this area, and cremations have increased at Penmount from 2454 in 06/07 to 2631 in 08/09. Further factors which may also increase the number of cremations include changing death rates and an increased preference for cremation over burial. While the latter factors are difficult to predict, I note the appellants have been relatively conservative in their projections, utilising 2001 census data and static death and cremation rates.
26. The emerging Regional Spatial Strategy, (RSS), identifies much of the area for urban growth, with between 20 and 35% increases in population across central and west Cornwall. While the RSS has not been formally published nonetheless the population estimates are based on factors unlikely to be significantly changed by issues currently delaying its publication.
27. Both parties have projected an increase in the number of cremations as a result of demographic change resulting in excess of 3,000 cremations per year at Penmount. Such figures would remain within theoretical capacity, however, they would significantly increase the use of the preferred core times, resulting in pressure on service delivery and potentially delays in achieving appropriate and timely cremations, I therefore turn to qualitative matters.

### *Qualitative Need*

28. It is unreasonable to suggest that a crematorium can realistically serve an unlimited spread of population, and as I have already identified a significant proportion of the population currently served by Penmount are at some distance from the facility. It could therefore be argued that a catchment approach could equally well contribute to the assessment of quantitative need. However, in this case, Penmount currently serves all of West Cornwall as there is no viable alternative. The question to my mind is therefore whether provision at such distance is appropriate considering the qualitative needs of the bereaved.
29. In previous crematorium cases an industry standard, or "rule of thumb", has been applied at 30 minutes travel time for the funeral cortege. It has not been rigidly applied in all cases and in this area, with its dispersed, low density population, I consider it need not be definitive of the populations served by the facility. Nonetheless it provides a starting point for the assessment of the quality of service provided to the bereaved.
30. Two estimates of travel time were put to the Inquiry, the first an Isochronal study from a previous appeal in this area, ref APP/Y0815/A/98/295605, at Killivose, Camborne, the second an Isochronal study submitted by consultants for this appeal. The studies do not conform, even allowing for the different locations across Camborne. That submitted to the Killivose appeal would appear to show 30 minute drive times with no allowance for the slower speeds associated with the funeral cortege. While this is not explicit in the decision it is supported by the report accompanying the study.
31. The study submitted with this appeal is corrected for cortege speeds, a factor of 0.6 has been applied. It is, however, flawed, identifying similar journey times for points along the same road, apparent for the A30 at Scorrier but even more so for the A390 from St Austell where 3 consecutive points are reported to be on the 30 minutes limit.



32. My conclusions on the matter are therefore only informed in part by the studies but also by submissions from funeral directors and the clergy. I consider that the industry accepted travel times for Penmount, particularly including some flexibility for this rural area, would encompass Newquay and St Austell to the east and Falmouth, Penryn and Redruth to the south and west. For the proposed crematorium it would encompass Hayle and possibly Penzance to the west and would extend to overlap with the Penmount catchment at Redruth to the east.
33. In my view the accounts of funeral directors and the clergy are persuasive, identifying travel times to Penmount well in excess of 30 minutes extending in Summer periods to twice that or even longer. This is a significant qualitative factor that weighs in favour of the proposal, and while I accept that there would remain a population to the far west that would still be in excess of 30 minutes from the new facility, nonetheless the situation would be significantly improved for a large part of the population of west Cornwall.
34. Although I have considered the theoretical capacity of Penmount under quantitative need, I turn now to the quality of the funeral experience it can provide. I had the opportunity to visit Penmount at a time when three consecutive funerals were taking place in each chapel. There is no question that the setting is exceptional and no evidence is before me to suggest that the management and staff are anything less than highly professional in the service they provide. However, accepting that this was only a snapshot, the site at the time of my visit was busy with a large number of cars parked around the chapels and a lot of people moving around the immediate area.
35. Of greater concern is the evidence submitted indicating the delay between death and funeral. It is apparent from this that over 80% of funerals take place at least 7 days after death. These figures support the perceptions encompassed in submissions from funeral directors and clergy which point to significant difficulty in mourners achieving their preferred time and day for funerals and consequential delays or compromise. Such pressures are clearly greater in winter with increased delays during January and February in particular, with a significant proportion extending to over two weeks from date of death. While these delays can only partly be explained by Coroner delays or similar, this presents substantial evidence of pressures on the capacity of Penmount to meet the qualitative needs of such a large population.
36. The provision of a crematorium further west than Penmount would not only reduce the travel times but also the distance travelled by mourners attending funerals at the proposed facility. The appellants have calculated significant reductions in car miles and CO<sub>2</sub> savings and these figures have not been substantially challenged by the Council. National guidance has increasingly highlighted the importance of such benefits, most noticeably in PPS1 and the recently published Planning and Climate Change Supplement, and such reductions are in compliance with the Structure Plan, Policy 28 which states that consideration should be given to the overall pattern of development and minimising the need to travel.
37. Concerns were raised over the ability of the proposed single cremator facility to provide an uninterrupted service and a fitting onsite experience for mourners. The appellants currently run a number of similar facilities throughout the country and I am satisfied that maintenance and repair programmes can achieve a suitable level
-

of service, and that the facility could provide an appropriate experience for mourners based on the daily period of operation and length of service.

38. I place significant weight on the needs of the bereaved and conclude that the proposed crematorium would result in benefits not only in terms of the times involved in travelling to and from funerals, but also in provision of appropriate timescales for funerals to take place and potentially the experience on-site which may currently be under pressure at the busiest times of the year. These benefits would accrue not only to those who would be served by the proposed crematorium, but to the wider population now served by Penmount

### **Ecology**

39. The most recent ecological appraisal submitted to the Inquiry highlighted the nearby, but off-site, presence of badger setts and activity and the potential for dormice associated with the mature hedgerows on and surrounding the site. Full surveys have not been carried out. Although no records of dormice are reported from this site, increasing numbers are being reported in Cornwall. Surveys should therefore have been undertaken for both badgers and dormice prior to determination, and the use of conditions to address a survey, particularly for dormice, would not normally be appropriate.
40. In this case, however, the relevant hedgerow habitat supporting dormice would be largely retained and undisturbed. Only two short lengths are proposed to be removed where access is required into and within the site. In addition, significant additional hedgerow planting is proposed. Nevertheless appropriate precautions need to be taken which can, in this case, be achieved through suitable conditions to protect the existing hedgerows and identify the presence of these species, which, if found, can then ensure suitable protection of resident animals and timing of works. In light of this I conclude that there will be no material harm to protected species from this development.

### **Other Matters**

41. Concerns were raised regarding the level of parking to be provided on site. However, this exceeds the expected standards set out for crematoria by the Federation of British Cremation Authorities, although the level proposed here would be acceptable in this rural area. I am satisfied that suitable management responses would be in place for the occasional larger cremation.
42. The new facility would increase use of the local road off the A30 (T) that passes two properties which have entrances onto this road. The road is wide enough for two cars to pass, even at its narrowest point outside Elmhurst, and while mourners' vehicles and the cortege may introduce limited delays this would be for only short periods of the day. The crematorium would be restricted in its opening hours such that there would be no significant traffic associated with the proposal at peak times of commuter traffic, benefiting users of the Strategic Road Network, the A30 (T), as well as the local road network to Kehelland and Reskadinnick. Visibility from the new entrance could be adequately controlled by condition and the layout is such that I would not anticipate any delay to vehicles entering the site and consequential queuing back along the road.
43. I am satisfied that the environmental controls to which any new facility would be subject would ensure no harm would arise to nearby properties from odour or

noise. While I accept that the site itself may experience some noise from the nearby A30 (T) this was not appreciable at the time of my visit and is likely to be reduced by the landscape planting; such concern is not sufficient to alter my decision on this matter.

44. Reference was also made to occasional odours affecting the area from the nearby sewage treatment works at Kieve Mill. I accept that should this be a common occurrence it would impact on the experience for mourners. However, the works are at some distance and controls should be in place to limit such occurrences, I do not consider that this matter weighs significantly against my decision on this matter.

*Other Appeal Decisions*

45. A large number of appeal decisions were referred to by both parties during the Inquiry. I have already referred to the peninsular nature of Cornwall setting it apart from other areas in the country, and therefore consider the most relevant previous decisions to be those relating to Killivose and to the other nearby site at Kieve Mill, ref APP/Y0815/A/94/243697. While these related to proposed new crematoria in the Camborne area there are notable differences with this proposal.
46. At Kieve Mill the building was of a larger scale with a significantly higher chimney, and was located close to, and open to views from, the AONB. It was also located further from the main arterial A30 (T) and commensurate time savings for the cortege were less persuasive than for this scheme. The qualitative benefits were therefore not felt to be compelling in outweighing the substantial harm to the landscape.
47. At Killivose a larger facility was again open to views and despite the brownfield nature of the site, the prominent and visually intrusive nature of the development with significant loss of hedgerows was felt to be unacceptable. Major benefits were identified in the provision of a crematorium for west Cornwall but these were felt to be reduced by the poor access to the site, the absence of support and the failure to serve parts of west Cornwall. In the scheme before me there has been a comprehensive and substantially unchallenged assessment of alternatives, significantly enhanced access from the A30 (T), a high level of support from funeral directors and clergy and a greater focus on providing a scheme that integrates into the landscape.
48. For both schemes, while reduced vehicle miles were acknowledged, the emphasis on the benefits of such savings and their importance in reducing the future levels of climate change were not as prominent as they are now.

**Conclusion**

49. Penmount has been providing a service to a large and dispersed population throughout central and west Cornwall for a considerable period. While the number of cremations carried out has remained relatively static, I am satisfied that numbers will increase into the future as a result of demographic change. While the facility is well managed and in an attractive setting it is at considerable distance from a significant proportion of the population it serves. This results in travel times for some mourners that are unacceptable, and while theoretically there is sufficient capacity for the future, the large population served already results in a very busy facility and unacceptable delays in the timing of funerals after death.

50. This proposal would result in an improved quality of experience for the bereaved at both Penmount and the new facility, with reduced pressures leading to more available and timely funerals and significant savings in time and distance for mourners in west Cornwall. While I have identified some harm to the countryside from the introduction of the building, roads and parking areas, nonetheless this would be mitigated by the comprehensive approach to design and landscaping and outweighed by the benefits I have identified.
51. I am conscious that my decision will result in a reduced number of cremations taking place at Penmount. However, I am satisfied that a population of approximately 150,000 people would be within realistic travel times of each facility; a population that is likely to increase. Penmount would therefore draw on a catchment that would be sufficient to ensure it remains into the future.
52. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed.

### **Conditions**

53. Conditions were put forward by the Council and were reviewed within the SOCG. I have considered them against the requirements of Circular 11/95. In addition to those regarding implementation and the submission of materials, I have imposed conditions to retain and protect the landscape and boundary features, particularly the hedgerows, for both landscape and ecology reasons. The conditions regarding the design, construction and retention of the access, roads and parking areas prior to use are necessary to ensure safe access and suitable provision for mourners. The site has some archaeological potential but is also within a former mining area; I have therefore imposed conditions to address these matters.
54. I have imposed a condition regarding opening hours during the week to address traffic concerns on the local and trunk road network. In light of the appellants' statements regarding there being no need or preference for funerals on Saturdays, I have also restricted the use of the site for cremations on the weekend.
55. Although some details have been submitted regarding the management of surface water on the site, it is necessary to impose a condition to ensure suitable delivery of these measures, as well as a condition to address the foul drainage needs of the site. Matters relating to the need for full ecological surveys have been addressed above.

### **Formal Decision**

56. I allow the appeal, and grant planning permission for a crematorium, provision of an access road, parking and servicing areas on land at Race Farm, Puggis Hill, Treswithan, Camborne, Cornwall TR14 0PU in accordance with the terms of the application, Ref PA07/01094/FM, dated 28 June 2007, and the following plans, Ref J06063 01A, J06063 15B, J06063 16B, J06063 17C, J06063 18C, J06063 19C, G269 LS01C, G269 LS02A and BH07029/D05, subject to the following conditions:
- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
  - 2) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning

- authority. Development shall be carried out in accordance with the approved details.
- 3) On Mondays to Fridays inclusive, the development hereby permitted shall not be open to members of the public except between 09.30 and 16.30. There shall be no cremations on Saturdays or Sundays.
  - 4) No development shall take place until details of a tree, hedgerow and landscape protection scheme have been submitted to and approved in writing by the local planning authority. The scheme shall address the construction period and shall include positions and specifications of temporary fencing to be erected and an implementation programme. No excavations for services, storage of materials, parking of vehicles, excavation of soils or materials shall take place within the area designated as being protected. The approved tree, hedgerow and landscape protection scheme shall be carried out in accordance with the approved details and implementation programme.
  - 5) No development shall take place until there has been submitted to and approved in writing by the local planning authority a scheme of landscaping based on plans, Ref G269 LS01C and G269 LS02A, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written approval to any variation.
  - 6) No development shall take place until there has been submitted to and approved in writing by the local planning authority, a plan indicating the design, materials and type of boundary treatment for the boundary to the southeast of the site dividing the main field area. The boundary treatment approved shall be completed before the use hereby permitted begins and shall not thereafter be altered or removed.
  - 7) Before the development hereby permitted is first brought into use, the main access road, circulatory roads and car parking spaces shall be constructed in accordance with the specifications indicated on the approved plans, or such other specification submitted to and approved in writing by the local planning authority. Individual car parking spaces shall be delineated in accordance with the approved details and shall not thereafter be obstructed or used for any other purpose.
  - 8) No development shall take place until the access priority junction is laid out in accordance with the details indicated on drawing No BH07029/D05. Details of the construction of the visibility splay and low level planting areas shall be submitted to and approved in writing by the local planning authority. The approved junction and visibility improvements shall be completed in accordance with the approved details before any other development is commenced.
-

## Agenda Item 4.2

Appeal Decision APP/D0840/A/09/2098108

---

- 9) The recommendations of the Sustainable Travel Statement shall be implemented in accordance with the timetable therein, and thereafter maintained.
- 10) No development shall take place within the site until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.
- 11) No development shall commence until a scheme for the provision of surface water drainage has been submitted to and approved in writing by the local planning authority. The drainage works shall be completed in accordance with the details and timetable agreed.
- 12) No development shall commence until a scheme for the provision of foul drainage has been submitted to and approved in writing by the local planning authority. The scheme shall be completed in accordance with the details and timetable agreed.
- 13) Development shall not begin until a scheme to deal with any instability of the ground has been submitted to and approved in writing by the local planning authority. The scheme shall include on site investigations and an assessment to identify the extent of unstable ground and the measures to be taken to avoid risk to buildings when the site is developed. The approved scheme shall be implemented before the development hereby permitted is brought into use.
- 14) Development shall not begin until a scheme to deal with any soil contamination has been submitted to and approved in writing by the local planning authority. The scheme shall include on site investigations and an assessment to identify the extent of contamination and the measures to be taken to avoid risk when the site is developed. The approved scheme shall be implemented before the development hereby permitted is brought into use.
- 15) Other than the matters in respect of badgers and dormice, which are subject to conditions 16 and 17, the development shall be carried out in accordance with the details of the Ecological Appraisal dated 3 May 2007, submitted by Encompass Ecology Ltd.
- 16) Details shall be submitted to and approved in writing by the local planning authority setting out the area, timing and methodology of a survey of the use of the site by badgers and dormice. The survey shall be carried out in accordance with the approved details prior to development commencing and the results made available to the local planning authority.
- 17) Details of any mitigation measures including an implementation timetable, required to safeguard the presence of badgers or dormice identified by the survey referred to in condition 16 shall be submitted to and approved in writing by the local planning authority. The measures shall be implemented in accordance with the approved timetable.

*Mike Robins*

INSPECTOR

---

4.3 - SE/13/03085/FUL Date expired 12 December 2013

**PROPOSAL:** Demolition of the existing dwelling, and erection of two detached dwellings. Relocation of existing access drive further to the west, and creation of second access drive. Landscaping to the front and rear of the site, to include removal of the existing hedge and construction of a new 0.6m high garden wall with box hedge. Erection of new party fence and permeable paving to accommodate parking at the front.

**LOCATION:** Oak Tree Cottage , Powder Mill Lane, Leigh, Tonbridge  
TN11 8QD

**WARD(S):** Leigh & Chiddingstone Causeway

**ITEM FOR DECISION**

This application has been reported to Development Control Committee at the request of Councillor Cook who objects to the scheme on the grounds of the bulk, overdevelopment and the diminishing street scene as a result of the development.

**RECOMMENDATION:** That planning permission be GRANTED subject to the following conditions:-

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

In pursuance of section 91 of the Town and Country Planning Act 1990.

2) The development hereby permitted shall be carried out in accordance with the following approved plans:  
- Drawing Number 4662-PD-12 Revision B, dated October 2013, stamped 11 December 2013;  
- Drawing Number 4662-PD-13, dated October 2013, stamped 17 October 2013;  
- Drawing Number 4662-PD-14, dated October 2013, stamped 17 October 2013;

For the avoidance of doubt and in the interests of proper planning.

3) No development shall be carried out on the land until samples of the materials to be used in the construction of the external surfaces of the two dwellings hereby permitted have been submitted to and approved in writing by the Council. The development shall be carried out using the approved materials.

To ensure that the appearance of the development is in harmony with the existing character of the area as supported by Policy EN1 of the Sevenoaks District Local Plan.

4) The first floor windows in the rear and flank elevation of the dwellings hereby approved, at all times, shall be obscure glazed and non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor.

To safeguard the privacy of residents as supported by Policy EN1 of the Sevenoaks

## Agenda Item 4.3

District Local Plan.

5) The maintenance of 2 metre x 45 metre vehicular visibility splays east and west from the driveway at all times (substantially as indicated on the application drawing 4662-PD-12 Revision B) so that there are no obstructions higher than 1 metre within the splays. The visibility splays to be measured 45m along the kerbline and 2m back from the kerbline at the driveway. The outer limit of the splay may be up to 0.5m into the road from the kerbline if necessary.

In the interests of highway safety.

6) The maintenance of 2 metre x 2 metre pedestrian visibility splays on either side of the exit with no obstructions higher than 0.6 metres within the splays. The visibility splays to be measured 2m along the back of the footway and 2m back from the back of the footway.

In the interests of highway safety

7) The development shall achieve a Code for Sustainable homes minimum rating of level 3. Evidence shall be provided to the Local Authority –

i) Prior to the commencement of development, of how it is intended the development will achieve a Code for Sustainable Homes Design Certificate minimum level 3 or alternative as agreed in writing by the Local Planning Authority; and

ii) Prior to the occupation of the development, that the development has achieved a Code for Sustainable Homes post construction certificate minimum level 3 or alternative as agreed in writing by the Local Planning Authority.

In the interests of environmental sustainability and reducing the risk of climate change, as supported by Policy SP2 of the Sevenoaks Core Strategy.

8) No development shall be carried out on the land until full details of soft and hard landscape works and associated screening / boundary treatment have been submitted to and approved in writing by the Council. Those details shall include:-planting plans (identifying existing planting, plants to be retained and new planting);-a schedule of new plants (noting species, size of stock at time of planting and proposed number/densities); and-a programme of implementation;-details of proposed screening / boundary treatment;

To ensure that the appearance of the development is in harmony with the existing character of the area as supported by Policies EN1 and EN23 of the Sevenoaks District Local Plan.

9) If within a period of five years from the completion of the development, any of the trees or plants that form part of the approved details of soft landscaping die, are removed or become seriously damaged or diseased then they shall be replaced in the next planting season with others of similar size and species.

To ensure that the appearance of the development is in harmony with the existing character of the area as supported by Policies EN1 and EN23 of the Sevenoaks District Local Plan.

10) No development shall commence until the drainage details of the SUDS scheme have been submitted and approved in writing by the Local Planning Authority. The



details shall:

- Specify the responsibilities of each party for the implementation of the SUDS scheme;
  - Specify a timetable for implementation;
  - Provide a management and maintenance plan for the lifetime of the development;
- This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

The approved scheme shall be implemented in full.

In the interests of flood prevention and to ensure adequate drainage on the site.

11) No development shall be carried out on the land until full details of external surface of hardstanding area (bound surface) have been submitted to and approved in writing by the Council. The approved details shall be implemented in full.

In the interest of highway safety and to preserve the visual appearance of the area.

12) No extension or external alterations shall be carried out to the dwellings hereby approved, despite the provisions of any Development Order.

To prevent overdevelopment of the plots.

### **Informatives**

1) The above comments do not convey any approval for construction of the new / changed vehicle crossovers (i.e. dropped kerb) or any other works in the highway or affecting it. A licence would be required for these works. The Applicant should contact Kent County Council Highways and Transportation (web: [http://www.kent.gov.uk/roads\\_and\\_transport/highway\\_improvements/parking/dropped\\_kerbs.aspx](http://www.kent.gov.uk/roads_and_transport/highway_improvements/parking/dropped_kerbs.aspx) telephone: 08458 247800) in order to obtain the necessary Application Pack. Please allow at least eight weeks notice

2) In regards to water supply and sewerage the applicant is reminded of the following:

- The exact position of the public sewers must be determined on site by the applicant before the layout of the proposed development is finalised;

- No development or new tree planting should be located within 3 metres either side of the centreline of the public sewer and all existing infrastructure should be protected during the course of construction works;

- No new soakaways should be located within 5 metres of a public sewer;

Furthermore due to changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site.

The applicant is advised to discuss the matter further with Atkins Ltd, Anglo St James House, 39A Southgate Street, Winchester, SO23 9EH (Tel 01962 858688).

## Agenda Item 4.3

Southern Water requires a formal application for any new connection to the public foul sewer to be made by the applicant or developer. We request that should this application receive planning approval, the following informative is attached to the consent:

A formal application for connection to the public sewerage system is required in order to service this development, please contact Atkins Ltd, Anglo St James House, 39A Southgate Street, Winchester, SO239EH (Tel 01962 858688), or [www.southernwater.co.uk](http://www.southernwater.co.uk)".

### **Note to Applicant**

In accordance with paragraphs 186 and 187 of the NPPF Sevenoaks District Council (SDC) takes a positive and proactive approach to development proposals. SDC works with applicants/agents in a positive and proactive manner, by;

- Offering a duty officer service to provide initial planning advice,
- Providing a pre-application advice service,
- When appropriate, updating applicants/agents of any small scale issues that may arise in the processing of their application,
- Where possible and appropriate suggesting solutions to secure a successful outcome,
- Allowing applicants to keep up to date with their application and viewing all consultees comments on line ([www.sevenoaks.gov.uk/environment/planning/planning\\_services\\_online/654.aspx](http://www.sevenoaks.gov.uk/environment/planning/planning_services_online/654.aspx)),
- By providing a regular forum for planning agents,
- Working in line with the NPPF to encourage developments that improve the improve the economic, social and environmental conditions of the area,
- Providing easy on line access to planning policies and guidance, and
- Encouraging them to seek professional advice whenever appropriate.

In this instance the applicant/agent:

- 1) Was provided with pre-application advice.

### **Description of Proposal**

- 1 Planning consent is sought for the following development:

*“Demolition of the existing dwelling, and erection of two detached dwellings. Relocation of existing access drive further to the west, and creation of second access drive. Landscaping to the front and rear of the site, to include removal of the existing hedge and construction of a new 0.6m high garden wall with box hedge. Erection of new party fence and permeable paving to accommodate parking at the front.”*

- 2 This planning application is a revised proposal following the withdrawal of planning application SE/13/02107/FUL. The main amendments to the proposal from this one are:
- Removal of dormer window on front elevations of the two proposed dwellings;
  - Amendment of design of two dwellings, including reduction of width from 10.4 metres to 8.8 metres and revised roof design;
  - Increase in gap between two properties from 1.6 metres to 3 metres;
  - Distance to adjoining properties increased (from 1.5 metres to 2.2 metres to The Hawthorns and from 1 metre to 1.8 metres with The Beeches);
  - Removal of habitable room windows on the first floor to avoid overlooking to properties in Garden Cottages;
- 3 Following the first round of consultation (22 October 2013 – 12 November 2013) some concern was raised by Kent County Council Highways in regards to parking. Amended plans were submitted (11 December 2013) to address these concerns and a second round of consultations was undertaken (12 December 2013 – 2 January 2014). The amendments were:
- Repositioning of dwelling on Plot 2. The building has been moved back from the highway by 0.6 metres;
  - Shared access drive to dwellings, allowing two independently accessible car parking spaces for each property;
  - Removal of 0.6 metre front boundary wall and replacement with 0.6 metre garden fence and hedge;

All other elements of the scheme remained the same.

### Description of Site

- 4 The site is situated within the rural settlement confines of Leigh, within the Leigh and Chiddingstone Causeway Ward. The site is positioned on the southern side of Powder Mill Lane, opposite the entrance of the cul-de-sac The Forstall. The site lies approximately 140 metres to the east of the village green.
- 5 The existing site consists of one two storey detached dwelling which is situated to the east of the plot. This leaves space to the west of the existing dwelling, which currently provides the amenity space of the property. The site is bordered by dwellings on the eastern, southern and western boundaries.

### Constraints

- 6 No significant planning constraints. Leigh Conservation Area abuts the north-west corner of the site.

### Policies

#### *Sevenoaks District Local Plan (SDLP)*

- 7 Policies - EN1 and EN23

## Agenda Item 4.3

### *Sevenoaks District Core Strategy*

8 Policies - L07, SP1, SP2, SP3, SP7

### *Other*

9 National Planning Policy Framework (NPPF)

10 Leigh Village Design Statement (VDS)

### Planning History

11 SE/13/02107/FUL - Demolition of the existing dwelling, with the erection of two new detached dwellings and a new vehicle access point. Landscaping to the front of the site to include removal of the existing hedge and erection of a new 0.6m high garden wall (withdrawn 9 September 2013).

### Consultations

12 Two consultations were undertaken during the consideration of this scheme as outlined in the *Description of Proposal* section. Responses from Consultees for both consultations are outlined below for completeness (most recent first):

### *Leigh Parish Council*

13 Response received 30 December 2013

1. While the Parish Council welcomes the replacement of the planned wall and box hedge on the front of the plots by a fence and hedge and the improvements to the access and parking arrangements, the issue of the mass and bulk of the proposed new houses has not been addressed. Further, the effect on the neighbouring property, The Beeches, has been made worse.

2 The design gives the impression of squeezing in the proposed two properties giving a density per hectare much greater than the 25 dwellings per hectare agreed for the land to the south of Garden Cottages, just beyond Oak Tree Cottage, and applied to the site of the Glaxo Smith Klein research establishment at the Powdermills, Leigh. Although the proposed houses are shown as having four bedrooms, on the first floor of each plan is shown a snug which we would undoubtedly expect to be used as a fifth bedroom. The ground floor accommodation comprises a large kitchen cum dining room, a living room, a utility space, cloakroom, study and hall. So it can be seen that these are intended to be substantial houses hence the Parish Council's view that the mass and bulk of the proposed dwellings are too great for the site and will dominate the local scene.

3 It is considered that the site plan on drawing 4662-PD-12 can mislead. Adjacent to plot 2 is shown part of the outline of The Beeches. The rectangle on the right adjacent to plot 2 is a single storey extension. The southern end of this extension is 3.8 metres beyond the southern end of the main house. This is not shown on the plan. By our assessment from the plans we estimate that the original application showed the house on plot 2 extending 0.4 m beyond the single storey extension and the amended position is a further 0.6 m resulting in the southern side of the proposed house on plot 2 being 4.8 metres beyond the back of the main bulk of The Beeches. Hence the effect on the neighbours is significant.

4 The effect of the mass and bulk and the effect on The Beeches are not helped by the gap of 3 metres between plots 1 and 2. We consider either a single dwelling or a pair of semidetached houses would be more appropriate if Oak Tree Cottage is to be replaced. A pair of semi-detached houses would be in keeping with the semi-detached house to the west of this site and in The Forstall opposite. Just beyond the site to the east are detached houses so a suitable detached house would not be out of keeping with the area. A well designed extension to Oak Tree Cottage maintaining the arts and craft design would also be preferable to its demolition.

5 For the guidance of the developer who submitted Bracketts' valuation for each of the proposed houses of £400,000, a local estate agent and valuer thinks that a single detached five bedroomed house would fetch about £850,000 while a semi-detached house in the village which has been extended to four bedrooms was recently valued at £515,000. Hence from a developer's perspective there is no need to jam in two detached houses.

With the exception of the change from a wall and box hedge, the Parish Council maintains its previous objections in particular:-

- i) The 3rd floor is out of keeping with other houses in the area.
- ii) The existing house is of arts and crafts design and therefore we think the new development should be in keeping with this.
- iii) Large area of hard standing and lack of front garden is out of keeping with the area and is 'urbanisation'.
- iv) The proposed development is not in line with the Village Design Statement.

For the above reasons, Leigh Parish Council continues to strongly object to this proposed development.

### 14 Response received 11 November 2013

Wishes to strongly object to this application as members do not feel that the current proposal satisfies our concerns and objections made to the first application. This second application again shows two dwellings, this time marginally smaller, and our comments on this proposal are as follows:

Powder Mill Lane, within the village confines, consists of modest detached and semi-detached houses well-spaced out, with front gardens and front hedges or low wooden picket fences. Further on there are some large houses well set back from the road. Oak Tree Cottage, The Beeches and The Cottage are a trio of houses forming the entrance and border to Garden Cottages, a close of semi-detached houses round a small green. These three houses and the close are a good example of the Arts and Craft movement.

This application for the two new dwellings does not fit in with the above and so Leigh Parish Council strongly objects to this application on the following grounds:

- a. The construction of two dwellings on this site would give a density of about 40 dwellings per hectare, in excess of 30 dwellings per hectare set out in the Sevenoaks District Council's Core Strategy and well in excess of the 25 dwellings per hectare given in the Sevenoaks District Council's Local

## Agenda Item 4.3

Development Framework which was applied to the development to the rear of Garden Cottages and covers the site of the former GSK site at the Powder Mills;

- b. The replacement of one dwelling with two dwellings does not meet the requirements of limited infilling;
- c. The proposed size and scale of the proposed dwellings are unacceptable. The external foot print of the existing dwelling is 71 sq.m. including its detached garage while the proposed two new dwellings are planned to be 81.35 and 80.5 sq.m., do not have garages so are significantly more than double the existing size;
- d. The proposed small gap between the two dwellings, together with the block one building being only set back slightly from the block two building, will give the impression of one large block. Further, the block one building is much nearer the road than the Hawthorns and this will only emphasise the impression that the two buildings are one mass;
- e. The third floors are out of keeping with the surrounding properties;
- f. The design and scale of the proposed dwellings do not meet the points in paragraph 21 of the Village Design Statement;
- g. As mentioned above, there are no garages included in the proposal. Houses of this size would mean that that there could be three vehicles regularly parking at each dwelling, plus of course additional vehicles for visitors. Only two can park on each site so the third and any others would have to park on Powder Mill Lane. This is just not acceptable as there is parking congestion on the lane already, and more vehicles would be detrimental to the street scene;
- h. The proposed removal of the hedge to the front of the property, and its replacement with a small wall and a box hedge are out of keeping with the surrounding area and constitute urbanisation;
- i. The large area of hard standing and the lack of a front garden are unacceptable and out of character in this village location, and would cause urbanisation. Members believe this large amount of hard-standing, although permeable, would cause problems with water run-off;
- j. The proposed dwellings would have a negative impact on The Hawthorns, The Beeches and no. 22 Garden Cottages;
- k. The existing dwelling was built with the Arts & Crafts style as is the case with other buildings in the immediate area, including of course Garden Cottages and The Beeches. Members feel that the design of the new proposal should reflect this style;
- l. Overall, the proposal does not enhance the area, in fact it would have a detrimental effect, and we reiterate our strong objection to the application.

### *Local Member*

- 15 Councillor Cook: - Objects to the scheme on the grounds of the bulk, overdevelopment and the diminishing street scene as a result of the development. Requested that the application be reported to committee if the Officer is minded to approve.

*SDC Tree Officer*

16 Two responses received both stating:

No objection to this proposal but I do suggest that a landscaping condition be attached to any consent provided.

*Kent County Council Highways*

17 Response received 30 December 2013

Thank you for securing revised plans. Presumably the deeds of the properties need to specify the limits of the shared driveway to allow sufficient room for cars to turn around. I have no objection to the proposals but would recommend the following conditions should apply to any permission granted:

1. The maintenance of 2 metre x 45 metre vehicular visibility splays east and west from the driveway at all times (substantially as indicated on the application drawing) so that there are no obstructions higher than 1 metre within the splays. The visibility splays to be measured 45m along the kerb line and 2m back from the kerb line at the driveway. The outer limit of the splay may be up to 0.5m into the road from the kerb line if necessary.

Reason: highway safety.

2. The maintenance of 2 metre x 2 metre pedestrian visibility splays on either side of the exit with no obstructions higher than 0.6 metres within the splays. The visibility splays to be measured 2m along the back of the footway and 2m back from the back of the footway.

Reason: highway safety.

3. Bound surface for the shared driveway.

Informative: The above comments do not convey any approval for construction of the new / changed vehicle crossovers (i.e. dropped kerbs) or any other works in the highway or affecting it. A licence would be required for these works. The Applicant should contact Kent County Council Highways and Transportation (web: [http://www.kent.gov.uk/roads\\_and\\_transport/highway\\_improvements/parking/dropped\\_kerbs.aspx](http://www.kent.gov.uk/roads_and_transport/highway_improvements/parking/dropped_kerbs.aspx) telephone: 03000 418181) in order to obtain the necessary Application Pack. Please allow at least eight weeks notice

18 Response received 12 November 2013 (superseded)

This appears to be a somewhat cramped development, with not enough room for two parking spaces that would be easily and independently accessible. The size of the forecourt in plot 2 is smaller than that planned in the previous application 13/02107, and although it would be possible for two cars to park here it would appear that in practice the second car to arrive could prevent the first one from leaving. The proposals do not therefore fully meet the requirements of Kent's Interim Guidance Note 3 on residential parking.

Nevertheless I do not intend to raise an objection on any highway grounds as the above shortcomings would not justify a refusal under the National Planning Policy Framework.

## Agenda Item 4.3

### *Southern Water*

19 Two responses received both stating:

Please find attached a plan of the sewer records showing the approximate position of a public foul sewer within the site. The exact position of the public sewers must be determined on site by the applicant before the layout of the proposed development is finalised.

Please note:

- No development or new tree planting should be located within 3 metres either side of the centreline of the public sewer and all existing infrastructure should be protected during the course of construction works.
- No new soakaways should be located within 5 metres of a public sewer.

Furthermore due to changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site.

The applicant is advised to discuss the matter further with Atkins Ltd, Anglo St James House, 39A Southgate Street, Winchester, SO23 9EH (Tel 01962 858688).

Southern Water requires a formal application for any new connection to the public foul sewer to be made by the applicant or developer. We request that should this application receive planning approval, the following informative is attached to the consent:

*A formal application for connection to the public sewerage system is required in order to service this development, please contact Atkins Ltd, Anglo St James House, 39A Southgate Street, Winchester, SO239EH (Tel 01962 858688), or [www.southernwater.co.uk](http://www.southernwater.co.uk)".*

There are no public surface water sewers in the area to serve this development. Alternative means of draining surface water from this development are required. This should not involve disposal to a public foul sewer.

The planning application form makes reference to drainage using Sustainable Urban Drainage Systems (SUDS).

Under current legislation and guidance SUDS rely upon facilities which are not adoptable by sewerage undertakers. Therefore, the applicant will need to ensure that arrangements exist for the long term maintenance of the SUDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system.

Thus, where a SUDS scheme is to be implemented, the drainage details submitted to the Local Planning Authority should:



- Specify the responsibilities of each party for the implementation of the SUDS scheme
- Specify a timetable for implementation
- Provide a management and maintenance plan for the lifetime of the development.

This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

### Representations

20 5 (No.) Letters of objections

A summary of the main points are outlined below:

- There is little change to the previous application in scale, density and proximity to neighbours;
- The proximity of Plot 2 to The Beeches reduces light to the side and to the rear garden giving a feeling of being overshadowed and very enclosed;
- The side extension to The Beeches is still missing on the street scene and therefore gives a false impression of space between The Beeches and plot 2;
- The ridge height of the proposed two dwellings is still above that of The Beeches and the existing Oak Tree Cottage and is out of keeping with the surrounding houses which are not three storey;
- An extended or one new detached property (instead of two detached dwellings) would enhance the plot, street scene and surrounding areas;
- The amendment, has not just failed to address concerns regarding loss of light, it has further increased the loss of light to adjoining properties;
- Leigh is typified in having three unspoilt tree lined approach roads: Powder Mill Lane, Hildenborough Road and Penshurst Road. The overall scale, design and size of buildings are unsuitable;
- Parking concerns;

### **Chief Planning Officer Appraisal**

#### Principal Issues

##### *Principle of Development*

21 Policy LO7 of the Sevenoaks District Core Strategy states within the settlement confines of Leigh, infilling and redevelopment on a small scale only will be permitted taking account of the limited scope for development to take place in an acceptable manner and the limited range of services and facilities available. The Policy further states that within all the settlements covered by this policy new development should be of a scale and nature appropriate to the village concerned (Leigh) and should respond to the distinctive local characteristics of the area in which it is situated.

## Agenda Item 4.3

- 22 The NPPF places an emphasis on the development of previously developed land. However, this does not preclude other land, such as gardens, from being developed, provided such development is in suitable locations and relates well to its surroundings. Paragraph 53 of the NPPF states that local planning authorities should consider setting out policies to resist the inappropriate development of rear gardens where this would cause harm to the local area. This is broadly consistent with Policies SP1 and SP7 of the Core Strategy which include criteria that development should not compromise or harm the distinctive character of an area.
- 23 Therefore, given the above policies, it is considered that the proposal, as a principle would not conflict with the aims of the advice under the NPPF. The proposed development acceptability in terms of its scale, density and nature will be addressed in the subsequent sections.

### *Design, Scale and Bulk – Impact on the Street Scene*

- 24 Policy SP1 of the Sevenoaks District Core Strategy states that all new development should be designed to a high quality and should respond to the distinctive local character of the area in which it is situated.
- 25 Policy EN1 of the SDLP states that proposed development, including extensions, should be compatible in terms of scale, height, density and site coverage with other buildings in the locality.
- 26 Leigh VDS provides specific design advice under paragraph 21 (New Buildings):
- a. These should be designed in a style which harmonises with their immediate neighbours in form, size and materials;
  - b. Standard estate designs should be avoided, and a mixture of designs adopted to provide a range of house sizes with adequate off street parking;
  - c. Careful consideration must be given to the siting of each new building to ensure that it has adequate space, does not appear cramped when viewed in conjunction with its neighbours, and does not breach any existing building line;
  - d. Design should embody similar brick colouring and sufficient features from neighbouring properties to give the effect of continuity;
  - e. These use of local red brick with blue brick patterning is traditional in the village both for house and boundary walls. White painted, wooden clapboarding, clay tile hanging and unpainted wood shingle cladding are also traditional. These materials / treatments should therefore be used where possible;
- 27 Permission is sought to demolish the existing dwelling on site. The dwelling exhibits a large front gable and is situated to the western side of the plot. The materials of the dwelling do not particularly reflect those in the immediate vicinity, although it is recognised that the character of the properties along the southern side of Powder Mill Lane is mixed. The site itself is situated in the position where semi-detached dwellings in the western end of Powder Mill Lane meet detached properties at the eastern end. Leigh Parish Council has described the dwelling as exhibiting an ‘Arts and Crafts’ design. However, although the dwelling displays a

simple form and design, given the materials used on the property one could not describe the house as of any particular architectural merit.

- 28 The two proposed dwellings reflect broadly similar designs, with the dwelling on Plot 2 being marginally larger. The gable design reflects the adjoining property at The Beeches (although it is recognised that this is west facing as opposed to north facing).
- 29 The proposed materials (as outlined on the submitted drawings) reflect those set within the Leigh VDS, with brick and tile hanging. The chimneys situated on the front of the property add interest and assist in reducing the bulk of the two dwellings.
- 30 It is recognised that the dwelling on Plot 2 does not exceed the front building line of the existing property on the site, which ensures that it is not situated in front of The Beeches. The dwelling on Plot 1 is situated 0.4 metres behind the dwelling on Plot 2 which staggers the buildings from the street scene and reducing the scale of the two properties when viewed from the public highway.
- 31 Concern has been raised in regards to the fact that the dwellings are three storey dwellings. However it must be recognised that from the front the dwellings are two storeys in appearance with any roof windows concealed on the rear and flank of the properties. It is considered that the heights, scale and massing reflect that of the neighbouring properties and the design essentially just utilises the roof space. The actual bulk, scale and appearance of the dwellings is considered to be more visually important than just whether it is two or three storeys.
- 32 Although there is an increase in built form on the site, it is recognised that a gap of 3 metres will be provided between the two new dwellings with distances of 2.2 metres and 1.8 metres retained to the side boundaries with The Hawthorns and The Beeches respectively. This is comparable for example to the adjacent property The Beeches where the width of the built form extends across the site (0.9 metres to the western boundary and 1.8 metres to the eastern boundary). It is therefore not considered that the dwellings will appear cramped or overdeveloped on site.
- 33 It is considered the height of the buildings match the ridge line of The Hawthorns and due to the roof design, creates a stepped appearance along the street scene to the Beeches. This also reduces the bulk of the dwellings.
- 34 The original proposal sought a boundary wall and box hedge at the front of the site. This was amended and replaced with a 0.6 metre fence and hedge. It is recognised that there is a mix of boundary treatments in this area of Powder Mill Lane, ranging from picket fencing to hedges. It is considered that the revised front boundary treatment will reflect the design criteria of Leigh VDS. The provision of the flank boundary hedging will reduce the 'urbanisation' of the hard landscaping at the front of the site further.
- 35 There are a number of examples of hard standing along this section of Powder Mill Lane, notably The Hawthorns and The Beeches. A condition will be attached to ensure appropriate hard surfacing is used to reflect the character of the area.
- 36 In terms of Policy relating to the Conservation Area, Policy EN23 of the SDLP states that proposals for development or redevelopment within or affecting

## Agenda Item 4.3

Conservation Areas should be of positive architectural benefit by paying special attention to the desirability of preserving or enhancing the character or appearance of the area and its setting.

- 37 The site abuts the Leigh Conservation Area. As documented above it is considered that the proposal reflects the design and materials of adjoining properties, including those in the Conservation Area (e.g. Old School House). It is therefore not considered that the proposal will have a detrimental impact on the setting of the Conservation Area.

### *Density*

- 38 Policy SP7 of the Sevenoaks District Core Strategy states that all new housing will be developed at a density that is consistent with achieving good design and does not compromise the distinctive character of the area in which it is situated. Subject to this overriding consideration:

*In other settlements not listed above (in this case Leigh) new residential development will be expected to achieve a density of 30 dwellings per hectare (dph).*

- 39 The figure outlined above in Policy SP7 is not a maximum figure (expected to achieve) and development above 30dph can be acceptable where it does not harm the distinctive character of the area. The site area of the site is 0.053 hectares and would have a density of 37 dph. This is above the expected level but as discussed in the *Design, Scale and Bulk – Impact on the Street Scene* section, the development can be carried out without harm to the local character of the area. It should be noted that the density of Garden Cottages (south of the site) is 33.3 dph.
- 40 The density of the site is therefore considered to be accordance with Policy SP7 of the Sevenoaks District Core Strategy.

### *Residential Amenity*

- 41 Policy EN1 of the SDLP states that proposed development should not have an adverse impact on the privacy and amenities of a locality by reason of form, scale, height and outlook. In addition, Policy H6B of the SDLP states that proposals should not result in a material loss of privacy, outlook, daylight or sunlight to habitable rooms or private amenity space of neighbouring properties, or have a detrimental visual impact or overbearing effect on neighbouring properties or the street scene.

### *Daylight / Sunlight*

- 42 With regards to daylight, as the proposed development is to the north of the properties in Garden Cottages, it is not considered that the proposal will harm the amount of daylight received to these dwellings.
- 43 The dwelling on Plot 1 will be positioned 2.2 metres from the boundary with The Hawthorns. The Hawthorns has no flank elevation windows facing the site and is itself 2.3 metres from the shared boundary. Due to the position of the windows and distance between the two properties, it is not considered that the proposal will reduce the amount of daylight received to The Hawthorns.

- 44 The dwelling on Plot 2 will be situated 1.8 metres from the boundary with The Beeches. The Beeches itself is situated approximately 1 metre from the shared boundary. There are two flank elevation windows which will face the proposed dwelling on Plot 2 on the first floor. One is a bathroom and one is a bedroom. It is considered that due to the position of the bedroom the proposal will not harm the amount of daylight received to this room. The non-habitable status of the bathroom means that any loss of light received in this room would not constitute sufficient reason for refusal. Although the revised plans (as received on 11 December 2013) have moved the dwelling on Plot 2 back from the highway by 0.6 metres, the proposal will not cut out daylight to the ground floor bedroom / study on the rear elevation. The only other room close to the development is an ensuite on the ground floor front elevation which is a non-habitable room. These daylight assessment take into account the single storey extension along the boundary at The Beeches, following concerns raised by the Parish Council and occupiers of The Beeches that information was missing on the site plan (Drawing Number - 4662-PD-12)..
- 45 In terms of sunlight, it is noted that the orientation of the plot means that the dwellings along Powder Mill Lane benefit from south facing gardens. As a result, the dwellings in Garden Cottages will not be affected in terms of sunlight as these are to the south of the proposed development. It is also considered that The Hawthorns will be unaffected due to its position (to the west of the development).
- 46 Concern has been raised by the occupiers of The Beeches in regards to loss of sunlight, Whilst it is recognised that the replacement dwelling on Plot 2 will be situated 0.9 metres closer to the boundary and will exceed the existing rear building line by 2.2 metres, any loss of sunlight will only be for a very small part of the end of the day and it is considered that any loss of sunlight would not be significant given the southern orientation of the garden.

### *Privacy*

- 47 The previous application on the site SE/13/02107/FUL was withdrawn on the grounds that the first floor windows would overlook the properties in Garden Cottages.
- 48 In terms of the dwelling on Plot 1 there are now no first floor flank or rear elevation windows which are habitable rooms which would face onto the dwelling on Plot 2, The Hawthorns or the properties in Garden Cottages. The first floor windows on the rear elevation will be conditioned on any approved consent to be obscure glazed and non-opening unless the opening is 1.7 metres above floor level. Although a roof window will serve a bedroom on the second floor, due to the windows being high level and being 1.7 metres above floor level it is not considered that this opening will significantly overlook the dwellings in Garden Cottages.
- 49 It is therefore not considered that the proposed dwelling on Plot 1 will overlook and cause a loss of privacy to the adjoining dwellings.
- 50 In terms of the dwelling on Plot 2 there are no habitable room windows on the first floor rear elevation. This ensures that there will not be any significant overlooking on the properties in Garden Cottages (although a large hedge does partly conceal the dwelling from the view of Garden Cottages).

## Agenda Item 4.3

- 51 There will be a snug on the first floor which will be served by a obscured glazed window (as identified on the submitted plans). The room is technically a habitable room, but due to its position on the flank it will look directly onto the flank elevation of the dwelling on Plot 1 (where there are no windows). Although the situation is unusual it is considered in this circumstance to be acceptable due to the status of the room.
- 52 Although a roof window will serve a bedroom on the second floor, due to the windows height above floor level it is not considered that this opening will significantly overlook the dwellings in Garden Cottages.

### *Outlook*

- 53 No windows at 22 Garden Cottages look directly onto the proposed development. In addition, the proposed dwellings will be situated 9 metres from the private amenity space. It is therefore considered that the development will not harm outlook from this property or be overbearing or oppressive to the occupiers of this dwelling.
- 54 In addition, the dwelling on Plot 1 will be situated some distance from the property at The Hawthorns. No windows directly look onto the proposal and the private amenity space is situated behind the proposed dwelling. No loss of outlook will therefore occur for the occupiers of The Hawthorns.
- 55 Finally, in terms of The Beeches it is recognised that one bedroom window on the first floor flank elevation will look onto the proposed dwelling on Plot 2. However, this window already looks out onto the built form of Oak Tree Cottage and although the new dwelling will be closer (by 0.9 metres). It is not considered that the development will materially change the outlook from this window. In addition the dwelling on Plot 2 will only exceed the rear building line of The Beeches (single storey flank projection) by 0.9 metres as well as removing the built form of the single storey garage. It is therefore not considered that the dwelling on Plot 2 will be overbearing or oppressive when viewed from the rear garden in The Beeches.

### Other Issues

#### *Parking / Highways*

- 56 The proposed dwellings will provide room for parking at the front of the development. Following the receipt of amended plans on 11 December 2013, the dwellings are now served by a shared driveway, and will be able to accommodate two independently accessible car parking spaces.
- 57 Kent Design Guide Review (Interim Guidance Note 3, 20 November 2008 – Residential Parking) states that four bedroom (+) properties should provide two independently accessible car parking spaces. It is therefore considered that the proposal is in accordance with this guidance and will not create a detrimental impact on highways safety or convenience on the surrounding road network. The shared access drive would also allow visitors to park on the site (although whilst blocking the two parked cars).
- 58 In terms of visibility for vehicles and pedestrians, Kent County Council has recommended two conditions to ensure highways safety. These will be attached to any approved consent.

### *Affordable Housing*

- 59 Policy SP3 of the Sevenoaks District Core Strategy states that in order to meet the needs of people who are not able to compete in the general housing market, the Council will expect the provision of affordable housing in all types of residential development including specialised housing.
- 60 Further, the policy states that in residential developments of less than 5 units that involve a net gain in the number of units a financial contribution based on the equivalent of 10% affordable housing will be required towards improving affordable housing provision off-site.
- 61 Two independent valuation figures for the property have been undertaken and a 10% off-site affordable housing contribution has been agreed amounting to £19,186.00 via a Section 106 agreement. Leigh Parish Council has indicated that valuations for the additional dwelling could be higher although no exact source is outlined.
- 62 It is therefore considered that the proposal is in accordance with Policy SP3 of the Sevenoaks District Core Strategy.

### *Code for Sustainable Homes*

- 63 Policy SP2 of the Sevenoaks District Core Strategy states that the District will contribute to reducing the causes and effects of climate change by promoting best practice in sustainable design and construction to improve the energy and water efficiency of all new development and contribute to the goal of achieving zero carbon development as soon as possible. In particular the policy states that:
1. New homes will be required to achieve at least Level 3 of the Code for Sustainable Homes, progressing to Level 4 from 2013 and will be encouraged to achieve Level 6 by 2016.
- 64 It therefore is considered reasonable to attach a condition to any approved planning consent to ensure that the proposed dwelling achieves at least Level 3 of the Code for Sustainable Homes.

### *Trees*

- 65 Policy EN1 of the SDLP states that development should incorporate landscaping of a high standard.
- 66 The SDC Tree Officer has been consulted on the scheme and has raised no objection. However given the amendments to the site (in terms of the additional dwelling) it is considered reasonable to attach a condition requesting further information on hard and soft landscaping for the site.

### *Drainage / Water Supply / Sewerage*

- 67 Southern Water have been consulted on the scheme in regards to water supply and the proximity of public sewers which are located on or near the site.
- 68 A number of informatives have been recommended by Southern Water in terms of connection which would advise the applicant of relevant legislation if planning consent is approved. With this in mind, it is viewed that the planning process need

## Agenda Item 4.3

not duplicate legal requirements elsewhere which deal with water supply / sewerage and it is the responsibility of the Applicant to ensure compliance with such legislation which may apply in this instance.

- 69 However, the planning application form makes reference to drainage using Sustainable Urban Drainage Systems (SUDS). Based on this assertion it is considered reasonable to attach a condition on any approved consent requiring further information as set out within Southern Water's consultation response.

### **Conclusion**

- 70 It is considered that the proposal is in accordance with the Development Plan and there are no other material considerations to justify refusing permission. It is therefore recommended that planning permission be granted.

### **Background Papers**

Site and Block Plans

Contact Officer(s): Neal Thompson Extension: 7463

**Richard Morris**  
**Chief Planning Officer**

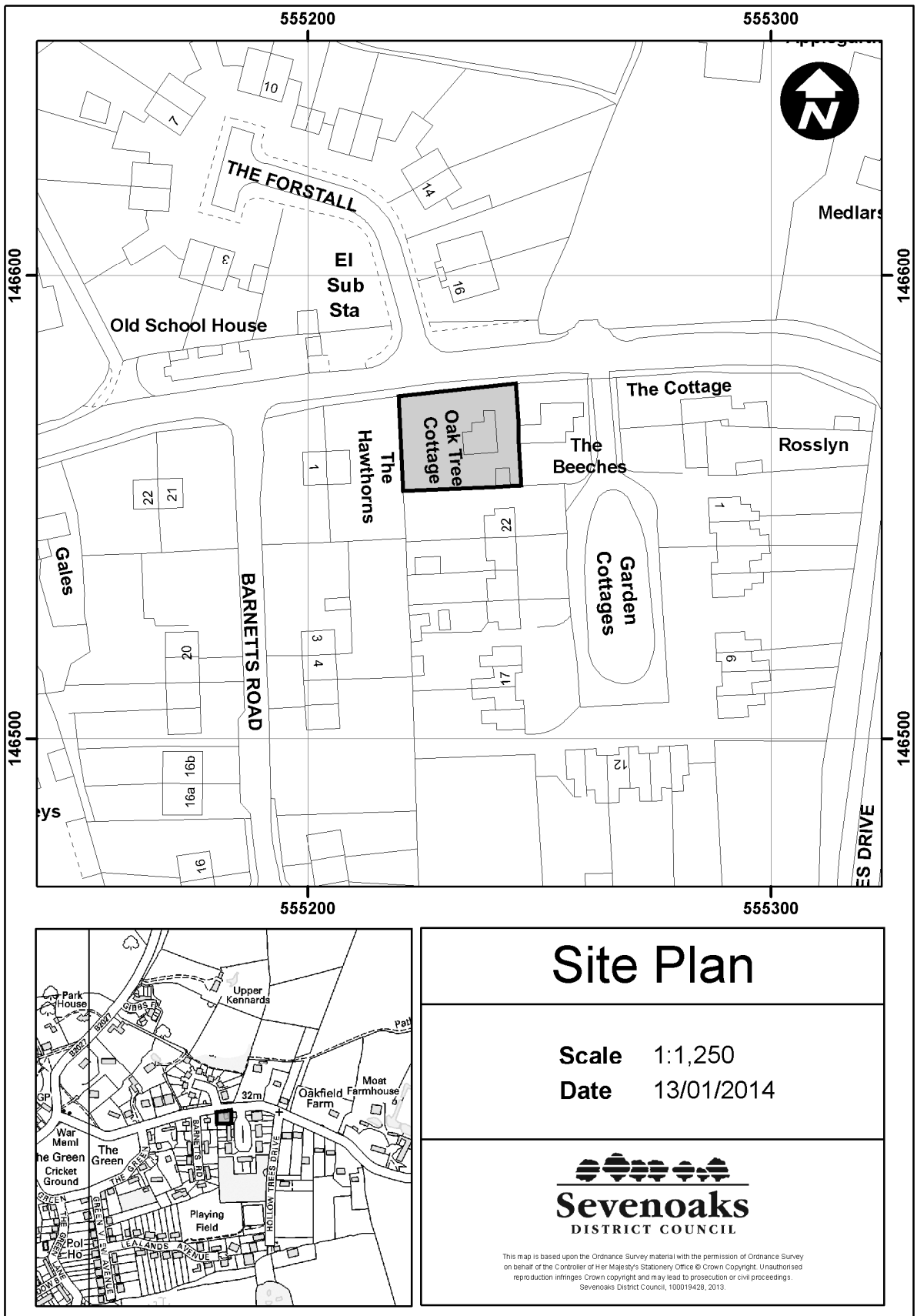
Link to application details:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=MUSWSPBK8V000>

Link to associated documents:

<http://pa.sevenoaks.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=MUSWSPBK8V000>





# Site Plan

Scale 1:1,250  
Date 13/01/2014



This map is based upon the Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.  
Sevenoaks District Council, 100019426, 2013.

Block Plan



**Landscape Key:**

	Existing trees to be retained
	Trees to be removed
	Existing planting
	New native planting
	Grass lawn area
	Paved hardstanding
	Formalised driveway
	The Project's Footing
	Demolished landscaping / buildings
	Rubbish and recycling bins
	Colours line
	Compost bin
	Garden shed with secure cycle storage