

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

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

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),
- 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.

- 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.

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.

- 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

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.

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.

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.

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

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

- 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.

- 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.

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 horseculture 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.

- 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.

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.

- 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.

- 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

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

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).

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

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

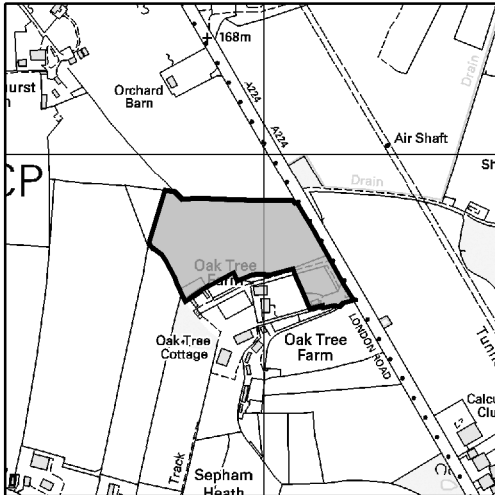
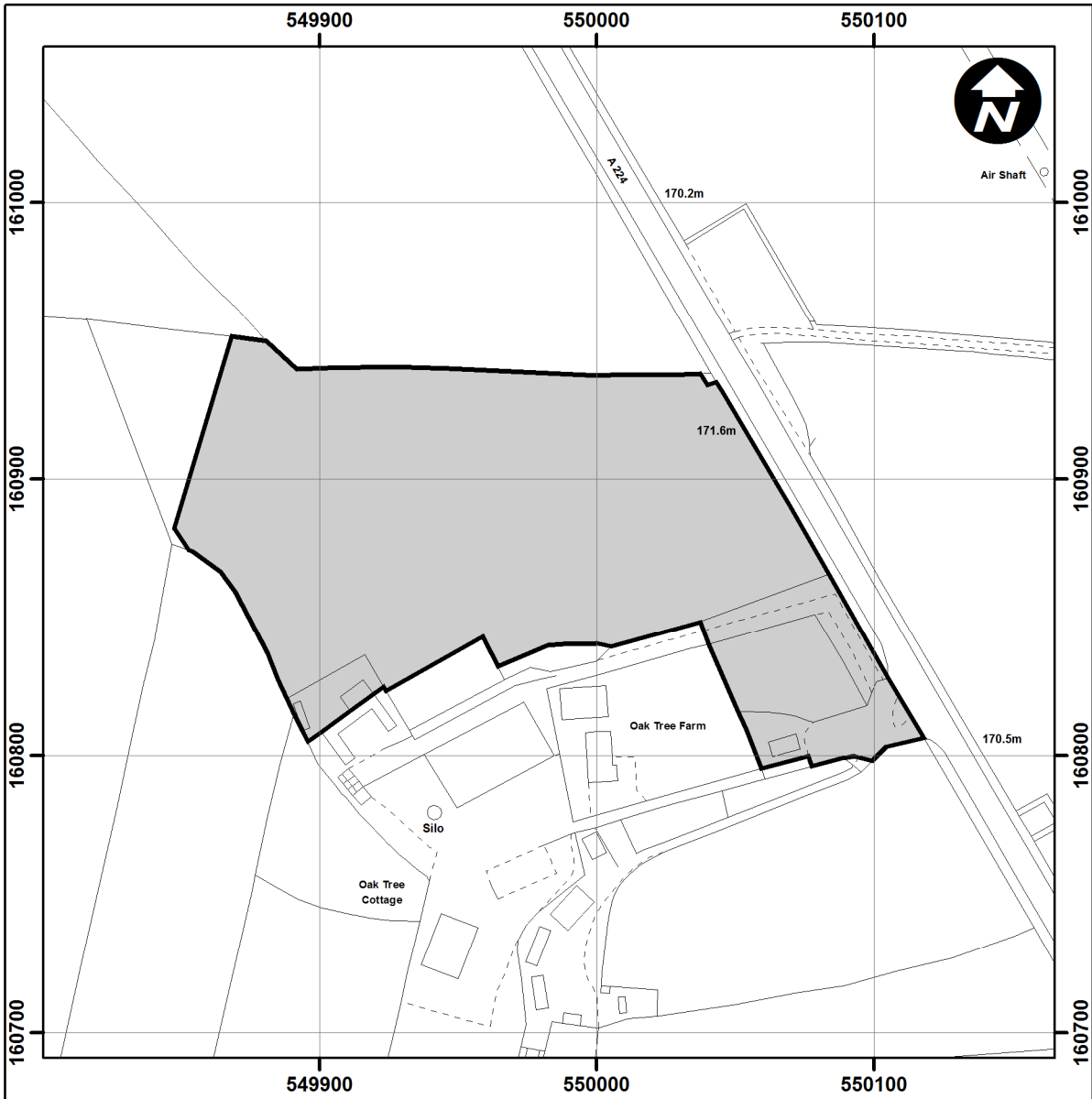
Richard Morris
Chief Planning Officer

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>



Site Plan

Scale 1:2,500

Date 16/01/2014



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Sevenoaks District Council, 100019428, 2013.

Block Plan

