

Application No: Y18/0771/FH

Location of Site: Hawkinge Cemetery & Crematorium, Aerodrome Road, Hawkinge, CT18 7AG

Development: Change of use of land to extend existing cemetery together with extension of service road and installation of concrete plinths, comprising development affecting a public right of way.

Applicant: Mr Alastair Clifford
Civic Centre
Castle Hill Avenue
Folkestone

Date Valid: 22.06.18

Expiry Date: 17.08.18

PEA Date: 30.11.2018

Date of Committee: 27.11.18

Officer Contact: Miss Beth Lennon

SUMMARY

This application seeks planning permission for the change of use of land to extend the existing cemetery, together with an extension of the existing service road and the installation of concrete plinths. The existing public footpath is proposed to be diverted. The layout of the development would reflect the character of the existing cemetery with no detrimental impact upon the AONB or SLA landscape designations, the amenities of neighbouring residents are safeguarded, there is no objection on highway safety and there are no outstanding objections on archaeology or groundwater issues.

RECOMMENDATION: That planning permission be granted subject to the conditions set out at the end of the report and that delegated authority be given to the Development Management Manager to issue the decision after the expiry of the press notice, subject to no new material planning issues being raised; and to agree and finalise the wording of the conditions and add any other conditions that she considers necessary provided no new issues are raised from the consultation.

1.0 THE PROPOSAL

1.1 This application is for the change of use of a 90 metres by 38.4 metres piece of land to the north of the existing crematorium building to extend the existing cemetery, together with an extension of the existing service road and the installation of concrete plinths. The boundary road enclosing the new plots would match the layout of the

existing site and would be a concrete edged tarmac road with rounded corners. The proposed plinths would be located between pairs of burial plots and would be used to support the headstones. They would have a height of 0.2 metres and a width of 1 metre and the applicant has indicated that, if permitted, 3 rows of plinths would be installed initially, with the additional rows installed later as demand necessitates.

- 1.2 The existing cemetery has a total of 13,500 burial plots and an additional 780 plots are proposed (providing an expected supply of 9.5 years) – these additional plots provide an increase of 5.8% in the number of burial plots.

2.0 SITE DESIGNATIONS

- 2.1 The following apply to the site:

- Outside defined settlement boundary
- Area of Outstanding Natural Beauty
- Area of archaeological potential
- Special Landscape Area
- Public footpath HE199 crosses the site
- Zone 3 groundwater source protection zone

3.0 LOCATION AND DESCRIPTION OF SITE

- 3.1 The crematorium grounds cover approximately 17 hectares, however the application site itself has an area of approximately 0.55 hectares (5,500 sqm). At present, within the grounds of the crematorium, approximately 50% of the land is used as burial plots, 5% is used as a grounds maintenance depot, 5% crematorium and 40% is meadow land.
- 3.2 The parcel of land which is proposed to change use to expand the cemetery is currently meadow land and forms a large area of mown grass.
- 3.3 To the south and east of the cemetery grounds is residential development with open fields to the north and west. The site is bordered to the north and west with a shrub line with mature trees further to the north.
- 3.4 To the south of the crematorium building is a car park for visitors which provides 29 parking spaces. From visiting the site, it is also noted that the main driveway into the site is also used for informal parking. A planning application is currently being considered to provide an additional 23 parking spaces (ref Y18/0982/FH).
- 3.5 Public Right Of Way HE199 crosses the application site along an approximately north east to south west line.

4.0 RELEVANT PLANNING HISTORY

- 4.1 There is a long history for the site and its use as a cemetery and crematorium. There is a current planning application pending consideration for an extension to the existing memorial garden and the creation of additional parking spaces (Y18/0982/FH).

- 4.2 Prior to this, planning permission was granted in 2001 for the erection of a detached building for use as a memorial book room (Y01/0320/SH) and an extension to the rear of the crematorium to provide new port-cochere after partial demolition of book room (Y01/0048/SH). This is the most recent and relevant planning history for the site.

5.0 CONSULTATION RESPONSES

- 5.1 Consultation responses are available in full on the planning file on the Council's website.

<https://searchplanapps.shepway.gov.uk/online-applications/>

Responses are summarised below.

- 5.2 Hawkinge Town Council
No objection

- 5.3 KCC Ecology
The proposed development has limited potential to result in ecological impacts.

- 5.4 Environment Agency
No objection

- 5.5 KCC Public Rights of Way
The public right of way HE199 will be directly affected by the proposal. The proposed diversion is acceptable.

- 5.6 KCC Archaeology
No archaeological measures required

6.0 PUBLICITY

- 6.1 Neighbours notified by letter. Expiry date 27.11.2018

- 6.2 Site Notice. Expiry date 23.11.2018

- 6.3 Press Notice. Expiry date 29.11.2018

7.0 REPRESENTATIONS

- 7.1 None received.

8.0 RELEVANT POLICY GUIDANCE

- 8.1 The full headings for the policies are attached to the schedule of planning matters at Appendix 1.

- 8.2 The following saved policies of the Shepway District Local Plan Review apply:
SD1 BE1 LR8 U4 TR11 TR12 CO1 CO4

8.3 The following policies of the Shepway Local Plan Core Strategy apply:
DSD SS1 SS3 CSD4

8.4 The following policies of the Places and Policies Local Plan Submission Draft apply:
HB1 T2 NE3 HE2

The Submission draft of the PPLP (February 2018) was published under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations (2012) for public consultation between February and March 2018. The Plan was submitted to the Secretary of State for independent examination in September 2018. Accordingly, it is a material consideration in the assessment of planning applications in accordance with the NPPF, which confirms that weight may be given to policies in emerging plans following publication (paragraph 48). Based on the current stage of preparation, and given the relative age of the saved policies within the Shepway Local Plan Review (2006), the policies within the Submission Draft Places and Policies Local Plan (2018) may be afforded weight where there has not been significant objection.

8.5 The following paragraphs of the National Planning Policy Framework 2018 apply in particular:
98 109 170 172

9.0 APPRAISAL

Relevant Material Planning Considerations

9.1 The relevant issues for consideration with regard to this application are design and layout, amenity, highway safety, archaeology and contamination.

Design and Layout

9.2 The application proposal would, over time, change the character from an area of mown lawn to one of a cemetery. Both the service road and the plinths would introduce development into the currently grassed area, but both are very low-level and would not be readily visible from outside the site. They are both also considered to be in-keeping with the existing form and pattern of development within the current cemetery area.

9.3 The site is within a locally designated Special Landscape Area where saved local plan policy CO4 requires development to protect or enhance the natural beauty of the Special Landscape Area. It is also within the Kent Downs AONB, paragraph 172 of the NPPF states that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues." Core Strategy policy CSD4 states "Planning decisions will have close regard to the need for conservation and enhancement of natural beauty in the AONB and its setting, which will take priority over other planning considerations."

9.4 For the purposes of NPPF paragraph 172, the proposal is not considered to constitute major development in the AONB, due to the limited site area and the low scale and

low intensity nature of the development. Due to the visually unobtrusive nature of the proposal as set out above, it is considered that the proposed development would not be highly visible from the surrounding landscape and would preserve the natural beauty of the AONB and SLA, in accordance with adopted policy.

Amenity

- 9.5 The application site is over 200 metres from the nearest residential properties (1&2 Cemetery Cottages) and given the low-level nature of the development proposed would result in no loss of light or loss of privacy for these properties. The only likely potential impact on neighbouring amenity would be from the increase in vehicle movements from visitors visiting the additional burial plots. However, the proposed additional 780 burial plots would only provide an increase in burial plots by 5.8%, with a consequent proportionate rise in the number of visits to site considered likely.
- 9.6 As such, it is considered that the proposed change of use would not give rise to a significant increase in vehicle movements or noise and disturbance in comparison to the existing site and in accordance with saved Local Plan policy SD1 and emerging Places and Policies Local Plan Submission Draft policy HB1, would safeguard the amenity of residents.

Highway Safety & Public Rights of Way

- 9.7 Beginning with highway impacts, paragraph 109 of the NPPF states that “development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.” In this instance, while it is recognised that there is likely to be insufficient parking provision for the site and proposed expansion, this is an existing issue and the proposed 5.8% increase in burial plots is not considered likely to result in a significant increase in visitors to the site as a whole or a significant increase in parking impacts.
- 9.8 Additionally, planning application Y18/0982/FH will provide for 23 additional car-parking spaces. Whilst the timing and delivery of this scheme cannot be relied upon, it the planning application is receiving favourable consideration and is likely to be brought forward. As such, the potential impact on highway safety or the road network is not considered to be severe and would comply with adopted policy.
- 9.9 Saved policy LR9 state that “Rights of way will require to be properly integrated into the design and layout of development sites. The District Planning Authority will not permit development which would interrupt existing rights of way unless alternative provision can be made which will provide a facility of equal or greater benefit. Regard will be had to a route’s attractiveness, safety and convenience for public use.” Paragraph 98 of the NPPF states “Planning policies and decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails.”
- 9.10 The existing public footpath HE199 crosses the application site and it will be necessary, should planning permission be granted, to divert the public footpath along

the proposed service road and around the additional burial plots. The proposed diversion would provide an equal facility to the existing public footpath and would be well integrated into the site, incorporating the proposed service road. KCC PROW have confirmed they are happy with the proposed diversion. As such, the proposed public footpath diversion is considered to comply with saved policy LR9 and paragraph 98 of the NPPF. If planning permission were to be granted then the applicant would need to apply separately to KCC PROW for the proposed diversion.

Archaeology

9.11 Emerging policy HE2 states “Important archaeological sites, together with their settings, will be protected and, where possible, enhanced. Development which would adversely affect them will not be permitted.” The site is partially within an Area of Archaeological Potential, however, KCC Archaeology have confirmed that due to the nature of the proposal, no archaeological measures are required. As such, the proposed development is not considered to have an impact on buried archaeology and is acceptable in this regard.

Groundwater / Contamination

9.12 In relation to groundwater, initial Environment Agency objections related to a lack of information. The submission of a ‘Phase 1 Preliminary Risk Assessment & Site Reconnaissance Report’ followed, concluding that there was no evidence of previous potential sources of contamination on the application site but there were potential sources of contamination associated with the existing adjacent cemetery and the proposed burial plots. A Tier 1 risk assessment was completed in line with the Environment Agency’s requirements, concluding that the proposed cemetery extension would not pose an unacceptable risk to controlled waters.

9.13 The Environment Agency were re-consulted and removed their objection. In accordance with saved Local Plan policy U4, the proposed development would not lead to an unacceptable risk to the quality or potential yield of surface or ground water resources or lead to an unacceptable risk of pollution and is acceptable in this regard.

Environmental Impact Assessment

9.14 In accordance with the EIA Regulations 2017, this development has been considered in light of Schedules 1& 2 of the Regulations and it is not considered to fall within either category and as such does not require screening for likely significant environmental effects.

Local Finance Considerations

9.15 Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local finance consideration as far as it is material. Section 70(4) of the Act defines a local finance consideration as a grant or other financial assistance that has been, that will, or that could be provided to a relevant authority by a Minister of the Crown (such as New Homes Bonus payments), or sums that a relevant authority has received, or will or could receive, in payment of the Community Infrastructure Levy.

9.16 In accordance with policy SS5 of the Shepway Core Strategy Local Plan the Council has introduced a Community Infrastructure Levy (CIL) scheme, which in part replaces planning obligations for infrastructure improvements in the area. This application is not CIL liable as it does not propose new dwellings or retail development.

9.17 The New Homes Bonus Scheme provides for money to be paid to the Council when new homes are built within the district for a four year period. The New Homes Bonus funding regime is currently under review and is anticipated to end. This application does not proposed residential development and therefore would not provide a New Homes Bonus. New Homes Bonus payments are not a material consideration in the determination of this application.

Human Rights

9.18 In reaching a decision on a planning application the European Convention on Human Rights must be considered. The Convention Rights that are relevant are Article 8 and Article 1 of the first protocol. The proposed course of action is in accordance with domestic law. As the rights in these two articles are qualified, the Council needs to balance the rights of the individual against the interests of society and must be satisfied that any interference with an individual's rights is no more than necessary. Having regard to the previous paragraphs of this report, it is not considered that there is any infringement of the relevant Convention rights.

9.19 This application is reported to Committee as the Council has an ownership interest in the land and the application does not constitute a small-scale proposal.

10.0 BACKGROUND DOCUMENTS

10.1 The consultation responses set out at Section 5.0 and any representations at Section 7.0 are background documents for the purposes of the Local Government Act 1972 (as amended).

RECOMMENDATION – That planning permission be granted subject to the following conditions and that delegated authority be given to the Development Management Manager to issue the decision after the expiry of the press notice, subject to no new material planning issues being raised; and to agree and finalise the wording of the conditions and add any other conditions that she considers necessary provided no new issues are raised from the consultation.

1. Development must begin within 3 years
2. Development must be in accordance with the submitted plans
3. Materials in accordance with the submitted plans

