

Application No: Y18/0982/FH

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

Development: Extension to existing memorial garden and creation of additional car parking spaces.

Applicant: Dignity Funerals Ltd

Agent: Mr Simon Hawley
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B16 8SP

Date Valid: 21.08.18

Expiry Date: 16.10.18

PEA Date:

Date of Committee: 19.03.19

Officer Contact: Miss Katy Claw

SUMMARY

This application seeks planning permission to extend the existing memorial garden together with the formation of a lake, landscaped areas and extension to the existing car parking facilities. The two existing public footpaths are to remain. The layout of the development would reflect the character of the existing crematorium 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 Chief Planning Officer to agree and finalise the wording of the conditions and add any other conditions that he considers necessary.

1.0 THE PROPOSAL

- 1.1 This application is to create an ornamental landscaped memorial garden, measuring approximately 165 metres by 45 metres on a piece of land to the immediate south of the existing crematorium building and garden. The proposal would include a lake; landscaping, including 3 landscaped mounds; new paths; seating areas and an extension to the existing car park.
- 1.2 The proposed lake forms the central focal point around a circular secondary footpath. Two bridges would allow access over the lake as part of the larger primary path that would run through the middle of the site. The proposed lake would cover an area of approximately 413sqm and would include a 'wetland garden' area. The lake would include uplift fountains and the wetland garden would be planted with rushes, iris and other marginal plants.
- 1.3 The soft landscaping works include 6 species of tree, with a planting height of approximately 4.0 – 5.0 metres in height, structural hedges of approximately 1.2 - 1.5 metres high (to be maintained at a maximum height of 1.8 metres) and wildflower and grassed areas. The landscaping also includes 3 mounds, formed with soil from the excavated material of the lake. Mound A forms a central feature between two of the secondary paths and mound B and C are adjacent to the car park extension. The mounds have been proposed to create a sense of enclosure within the flat gardens. The mounds would be no more than 2 metres in height and would be landscaped predominantly with wildflower turf and grass. Trees would also be planted around the lower areas of the mounds.
- 1.4 The proposed hardscaping works include footpaths that would be surfaced with bound gravel in shades of 'Golden Pearl' and 'Golden Amber'. The northern section of the primary path would link to a path in the existing formal gardens to form a connection between the two areas. The area between the two bridges along the secondary path would include a semi-circular seating area of 3 hardwood benched, the floor area in this location would be surfaced with grey flagstones. The secondary paths would allow access to another formal seating area consisting of 5 hardwood benches. Part of the secondary path would also include a feature archway consisting of 6x 2.2 metre high hardwood arches. Two feature sculptures or memorial towers are proposed in the centre of two circular path sections, set along the route of the primary path. No details of the finished appearance of the sculptures have been submitted at this stage but they are to be between 2.0 – 2.5 metres in height and would be uplift.
- 1.5 The proposal also includes an extension of the existing car park to provide an additional 23 parking spaces to be used by the crematorium and local authority owned cemetery. The car park would be surfaced in asphalt with drainage gulleys leading to liner soak-aways.
- 1.6 The proposal includes some lighting. Uplighting is proposed to the water features with the lake and the main routes are to be lined with marker lighting - achieved through a combination of up-lighting to avenue trees and sculptural features. Down lighters are also to be positioned on the proposed bridge balustrade and short timber bollards where necessary.

- 1.7 The proposal also includes a small enclosed service area, located within the area of the existing car park. The area will be separated from the public areas by a 1.8m high close boarded fence and access gates.

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 footpaths HE199 and HE200 cross the site
- Zone 3 groundwater source protection zone

3.0 LOCATION AND DESCRIPTION OF SITE

- 3.1 The crematorium grounds cover approximately 2.35 hectares, however the application site itself has an area of approximately 1.1 hectares.
- 3.2 The parcel of land to which the application relates is currently flat, open and maintained grass land.
- 3.3 To the south-east, south and south-west of the site lies an area of residential development. The application site is approximately 47 metres from the nearest residential properties (1&2 Cemetery Cottages). Between the application site and the nearest properties lies an area of open grassland. The main crematorium is to the immediate north and open fields are beyond that. The burial plots associated with the cemetery are located to the east and north-east. The site is bordered to the west by a shrub lined access track.
- 3.4 To the south of the crematorium building is an existing 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 at times.
- 3.5 Public Right of Way HE199 and HE200 both cross the application site. HE199 crosses the site from North to South and HE200 crosses the site from East to West.

4.0 RELEVANT PLANNING HISTORY

- 4.1 There is a long planning history for the site and its use as a cemetery and crematorium. Planning permission has recently been granted for the change of use of a parcel of land to extend the existing cemetery together with extension of the service road (Y18/0771/SH).

- 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 Highways and Transportation
No objection.

- 5.4 Environment Agency
No objection. Agreed wording for a condition with regards to the excavation of the pond.

- 5.5 KCC Public Rights of Way
No objection, but make the following comments:

The proposal does not directly affect the public rights of way. Have requested informatives and suggests applicant should apply for a Temporary Traffic Regulation Order (TTRO) - applied direct to KCC PROW.

- 5.6 Environmental Health
No objection. Requested contaminated land condition be applied to any permission.

- 5.7 KCC Archaeology
No archaeological measures required.

- 5.8 Arboricultural Manager
No objection.

6.0 PUBLICITY

- 6.1 Neighbours notified by letter. Expiry date 11.09.2018
- 6.2 Site Notice displayed. Expiry date 26.09.2018
- 6.3 Press Notice. Expiry date 27.09.2018

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 and 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 change the character of the application site from an area of mown lawn to one of a formal garden area with man-made features. The works include excavating the ground to form a lake and using the excavated material to form three landscaped mounds, each no more than 2 metres in height, to create a sense of enclosure within the site. The mound areas would

form some visual interest and whilst they may appear 'foreign' given the otherwise flat nature of the site, their inclusion would not appear incongruous once the proposed landscaping is complete. The re-use of the soil would be more environmentally sustainable than transporting it from site to landfill.

- 9.3 The extension to the car park would also introduce development into the currently grassed area, but this is considered low-level development that would not be readily visible from outside the site. The works are considered to be in-keeping with the existing form and pattern of development within the crematorium area as it would be an extension of the existing parking area.
- 9.4 The site is within the Kent Downs Area of Outstanding Natural Beauty (AONB) and a locally designated Special Landscape Area (SLA). Saved local plan policy CO4 refers to the SLA and requires development to protect or enhance the natural beauty of the SLA. Policy NE3 of the emerging Places and Policies Local Plan refers to the AONB and SLA. This policy seeks to ensure that the setting of the AONB is conserved and enhanced and that proposals reinforce and respond to the character and qualities of the AONB. Proposals need to protect or enhance the SLA and proposals that are inconsistent with this objective will not be permitted unless the need to secure economic and social wellbeing outweighs the need to protect these areas. The policy says that the impact of individual proposals and their cumulative effect on the Kent Downs AONB and its setting will be carefully assessed. At a national level, 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."
- 9.5 For the purposes of NPPF paragraph 172, the proposal is not considered to constitute major development in the AONB, due to the form, the low scale and low intensity nature of the development.
- 9.6 The works would not be visually unobtrusive due to their low level nature and the inclusion of natural planting. 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

- 9.7 The application site is approximately 47 metres from the nearest residential properties (1&2 Cemetery Cottages). Given the low-level nature of the development, the scheme would not result in loss of light or loss of privacy for these properties. The only likely potential impact on neighbouring amenity would be from the increase in activity from vehicles and people movements. Given the distance from residential properties, the nature of the development this is likely to be low key and is unlikely to create any significant additional noise disturbance. The car parking area is intended to relieve the current issue with vehicles parking along and blocking the access to the cemetery, which can occur

when separate services are held in close succession. Consequently the rise in the number of vehicles and visitor numbers at any one time to the site is not likely to be significantly above that which already occurs.

- 9.8 As such, it is considered that the proposal would not give rise to a significant increase in vehicle movements or noise and disturbance in comparison to the existing use and, therefore, it is 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

- 9.9 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, it is not expected that the parking area will increase the number of vehicles that would visit the site but rather help alleviate the existing congestion and parking of vehicles along the access road and verges that is currently being experienced within the grounds of the site during busy periods. The proposal is not considered likely to result in a significant increase in visitors to the crematorium as a whole.
- 9.10 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.”
- 9.11 The existing public footpaths HE199 and HE200 both cross the application site and have where possible, been integrated into the proposed formal footpaths. The works affecting HE199 (which runs North to South) would provide an equal facility to the existing public footpath, it would be well integrated into the proposal and the works would have little impact upon the footpath. HE200 (which runs East to West) is more affected, with the proposed formal paths and planting interrupting the path at various locations, making the line of the existing path less direct as a result. KCC PROW have confirmed they are happy with the proposals and have no objection to the paths being upgraded by means of surfacing but have requested as an informative that there to be no furniture erected on or across the paths and that no hedges or planting be planted within 1.5m of the edge of the path. In this case no furniture is proposed to be erected on or across the paths, however the proposal does propose planting within 1.5 metres of the paths. In conclusion, the proposal in relation to the public footpaths 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 a Temporary Traffic Regulation Order (TTRO) in order to safeguard the public whilst the works are taking place.

Archaeology

9.12 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 located 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

9.13 In relation to use of the site, the applicant has confirmed that the garden area would be used for the scattering of ashes and that no burials will take place in the garden. In this regard and the Environment Agency have confirmed that they have no objections from a groundwater perspective.

9.14 The application proposes a wetland lake with the excavated material from this lake to be used to create three landscape mounds. In this regard the Environment Agency have no objections in terms of groundwater contamination as long as the pond does not encounter the chalk layer under the soil deposits. A condition can be attached to any planning permission that stipulates that in the event that the excavation works intrude into the chalk layer, it shall be reported to the Local Planning Authority and works shall cease until reports detailing how the pond is to be created has been submitted and approved by the Local Planning Authority. The Environment Agency have confirmed that they are satisfied with this approach.

9.15 With regards to ground contamination, the proposal mainly involves minor landscaping works that would only impact the top layer of soil, with exception of the lake. The presence and potential levels of contaminants within the ground are unknown at this time. In this regard the Council’s Environmental Health Officer has requested a condition that if contamination is found during the works that has not been previously identified it shall be reported in writing to the Local Planning Authority. An investigation and risk assessment shall be undertaken and where necessary, a remediation scheme shall be prepared.

Environmental Impact Assessment

9.16 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

9.17 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.

9.18 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.

Human Rights

9.19 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.

9.20 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 conditions set out below and that delegated authority be given to the Chief Planning Officer to agree and finalise the wording of the conditions and add any other conditions that he considers necessary:

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
4. Hard and soft landscaping details to be submitted and approved. To include implementation scheme and timetable for planting and details of sculptures.
5. Details and numbers of external lighting fixtures to be submitted and approved. Details to include level of luminance and extent of light spill
6. Details of lake and mounds to be submitted and approved. To include profiles.

7. Details of pond excavation to be submitted and approved if chalk layer is encountered during excavation works
8. If during development ground contamination is found it shall be reported in writing to the LPA, investigation, risk assessment and remediation measures shall be undertaken as necessary and results submitted to LPA for approval

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