

SECTION '2' – Applications meriting special consideration

**Application No :** 13/03699/FULL2

**Ward:**  
**Darwin**

**Address :** Old Hill Farm Old Hill Orpington BR6  
6BN

**OS Grid Ref:** E: 545288 N: 163624

**Applicant :** Mr Bill Heaseman

**Objections :** YES

**Description of Development:**

Change of use of existing building to mausoleum with associated landscaping, elevational alterations, hardstanding and parking for 25 cars.

Key designations:

Biggin Hill Safeguarding Birds  
Biggin Hill Safeguarding Area  
Green Belt  
London City Airport Safeguarding  
Local Distributor Roads  
Sites of Interest for Nat. Conservation

**Proposal**

The application relates to the conversion of two existing buildings, currently in a business use, into a mausoleum for the internment of the deceased; no ceremonial activity is proposed. The existing curtilage would be landscaped to provide car parking facilities and alterations to the soft landscaping. No further hardstanding would be created and no additional buildings are proposed.

Use

A Planning Statement has been submitted that outlines the proposed use. The two existing buildings would be re-clad utilising the existing structures. The internal layout comprises a central access with a crypt area featuring burial vaults. Building 1 would be capable of storing 360 caskets and building 2 a maximum of 435 (a total of 795; the original Planning Statement listed a storage capacity of 'up to 1000 crypts' and clarification of this figure was provided on 14th January). The mausoleum would be non-denominational.

The proposed mausoleum would operate between the hours 9.30am to 4.30pm Monday to Friday and 10.00am to 4.00pm on Saturdays, Sundays and Bank Holidays with a stated number of staff of between eight and ten. 25 car parking

spaces are provided which includes 5 disabled spaces (3) and hearse parking (2). 15 overflow spaces were added to the south of the site along the access road on 20th January. Cycle storage is also proposed.

## Design

The submitted Design and Access Statement sets out that the buildings would be re-clad in timber and sand stone with green walls and roofs. Soft landscaping is proposed to the existing grassed area of the site with the introduction of shrubs and trees to the west of the buildings with a steel mesh walkway through to the buildings from the car park. However, the rear of the site would have the hardstanding removed and trees and soft-landscaping introduced.

## **Location**

The site is located to the eastern edge of Old Hill with the residential areas of Beechwood Avenue (accessed from Shire Lane) to the north and Old Hill to the south. Shire Lane is to the north, the A21 is to the east. The application site itself measures 0.97 hectares although surrounding land is within the applicant's control.

The site comprises two single storey buildings currently in use by Westland Estates, a residential and commercial garden maintenance company. The site is enclosed by woodland to each side with an opening to Old Hill, south of the buildings is an open grassed area of some 0.4 hectares although this falls outside of the application site.

The site is within the Green Belt with the surrounding woodland being subject to a blanket Tree Preservation Order (TPO).

## **Comments from Local Residents**

Nearby owners/occupiers were notified of the application and representations were received which can be summarised as follows:

- there will be an increase in through traffic
- shrubs and trees should not be removed to allow for this
- the tranquillity of the area would be harmed and may encourage anti-social behaviour
- a more central location should be chosen
- would the rate payers be expected to pay for maintenance
- pressure to widen Old Hill in the future
- other buildings may be proposed on the site if this is permitted
- this is not a typical Green Belt use
- the High Elms nature reserve is nearby
- the distances quoted are misleading
- parked cars restrict the width of Old Hill to the south
- parking is insufficient
- cars will park on Old Hill
- limited expertise of operating mausoleums in the UK

- inappropriate close to a residential area
- harmful to the amenities of residents
- the traffic survey is misleading and inaccurate
- devaluation of house prices
- soil contamination
- the smells emitted would be harmful and unacceptable
- possible health risk from leakage and heavy rainfall
- dangers to pedestrians on Old Hill
- the footpaths are not suitable for use with the proposal
- out of character with the area
- there will be long term maintenance issues
- the mausoleum will not generate funds after it is full
- health and safety issues of such a use in this location
- will cryogenics be practised at the site?
- the exterior is bland
- there will be an increased risk of foxes
- this will harm the adjacent country park

Downe Residents Association have objected on the grounds of the Green Belt use of the proposal and that such land should be free of light industrial uses

In support of the application the applicant has commissioned a review of the proposal from a planning consultant. This concludes that the proposal is compliant with local and national policies. A copy can be found on the application file.

Members should note that a number of objections have been received citing the involvement of Dignity Funerals Limited. A letter has been submitted by this company stating that Dignity Funerals Limited are in no way involved in the site or the application.

### **Comments from Consultees**

Environmental Health have raised no objection subject to a condition requiring details of the proposed vault sealing, ventilation system (to discharge above eaves level), and vault drainage.

Highways have raised no objection, commenting that it is understood that the applicant is willing to accept a condition that there will be no more than 1 internment per day with a start time between 10am and 2pm in order to overcome concerns at the number of vehicles to the site at any one time.

It is noted that the site has an existing access from Old Hill. It is proposed to improve the visibility by cutting back the vegetation to the south of the site. This area is maintained by the Council, although not under the highway maintenance contract. If it is maintained by Parks and Green Space, their comments should be sought and this has been done. Any comments received will be reported verbally.

Drainage have raised no objection, clarifying that soakaways would be needed for surface water drainage and referring the application to the Environment Agency

The Environment Agency have raised no objections subject to conditions regarding land contamination and surface water drainage. The site is above a principle aquifer and within a groundwater protection zone, however given the limited range of ground works and the existing use of the buildings no objection is raised in accordance with the requested conditions.

From a Trees perspective this site is covered by TPO 172 but no significant trees would be affected by this proposal.

Thames Water have raised no objections

### **Planning Considerations**

The application falls to be determined in accordance with the following policies of the Unitary Development Plan and the London Plan:

- BE1 Design of New Development
- C1 Community Facilities
- C2 Community Facilities and Development
- ER7 Contaminated Land
- G1 The Green Belt
- NE7 Development and Trees
- NE12 Landscape Quality and Character
- T1 Transport Demand
- T2 Assessment of Transport Effects
- T3 Parking
- T18 Road Safety

London Plan:

- 5.13 Sustainable Drainage
- 5.14 Water Quality and Wastewater Infrastructure
- 7.4 Local Character
- 7.14 Improving Air Quality
- 7.16 Green Belt
- 7.21 Trees and Woodland
- 7.23 Burial Spaces

The National Planning Policy Framework, with which the above policies are considered to be in accordance

### **Planning History**

Application ref. 99/03751 granted permission for the change of use of the barns and pasture land to a tree nursery, arboricultural and landscape contractors.

Application ref. 01/01113 sought to vary condition 2 of this permission to allow the use of barn 2 for storage of horticultural trade supplies. This was refused on the grounds that:

"The use of Barn 2 for storage and distribution unconnected with the permitted use will be detrimental to the openness and amenities of the Green Belt by reason of increased activity, noise and disturbance and additional outside storage. The proposal is thereby contrary to Policy G.2 of the Unitary Development Plan 1994, Policy G4 of the first deposit draft Unitary Development Plan (March 2001) and PPG2 (Green Belts)."

However, this was subsequently overturned at appeal with the Inspector commenting that the Green Belt location of the site was of little direct relevance as the intentions of the Green Belt would not be prejudiced by the proposed use and that no loss of openness would result from a use that is not inappropriate.

The Inspector attached several conditions in allowing the appeal, of particular relevance are condition 2 which restricted the hours of operation to 0730 to 1900 Monday to Saturday (excluding Sundays, Bank Holidays, Christmas Day and Good Friday); and condition 6 which required details of a scheme to provide noise insulation and silencing for and filtration and purification to control odour, fumes and soot emissions from the plant and machinery in use.

## **Conclusions**

The main issues relating to the application are the effect that it would have on the character of the area, the openness and character of the Green Belt, the implications for highway and pedestrian safety, the impact that it would have on the amenities of the occupants of surrounding residential properties and environmental health matters,

### Green Belt

Green Belt policy seeks to protect the openness within the Green Belt although this is not specifically defined, but can be taken to mean the absence of visible development. The effect of a development on the openness of the Green Belt is primarily a matter of its nature, scale, bulk and site coverage (including any associated external activity, e.g. storage or parking). That is to say its physical effect on the application site rather than any visual or other impact on its surroundings.

The proposal should be considered under paragraph 90 of the NPPF and Policy G1 of the UDP. The proposal is stated as being the re-use of the existing buildings and this is considered to be not inappropriate development within the Green Belt provided the buildings are of permanent and substantial construction and the development does not harm the openness of the Green Belt or conflict with the purposes of including land within it.

The proposal would re-use the existing buildings and would have no further impact upon the openness of the Green Belt. The amount of hardstanding on the site is considered to be significantly reduced with the introduction of soft-landscaping. As such it is considered that the proposal would not be inappropriate development within the Green Belt and would not harm the openness or character of the Green Belt.

## Highways

The proposal would result in vehicles visiting the site for the purposes of internment as well as those for use by the eight to ten staff employed. The parking provision of 20 parking spaces with 15 overflow spaces and an additional 3 disabled spaces for visitors and staff is considered to be adequate, together with 2 spaces for hearses.

A number of concerns have been raised with regard to excessive vehicle numbers leading to dangerous conditions to Old Hill, however the limitation by condition of one internment per day with a start time between 10am and 2pm is considered to significantly reduce the number of vehicles to the site at any one time and Members will note that the proposed use is solely for internment and that no ceremonial activity forms part of the scheme. The ceremonial service would take place elsewhere, with the casket then being transferred to the site for internment.

The proposal provides for 35 parking spaces with 3 disabled spaces and provision for the hearses that would be in use (40 spaces in total) and this is considered to be more than sufficient for the majority of internments that would take place. Whilst it is accepted that traffic data for mausoleums is limited due to the limited number in the UK, the Transport Assessment provided monitors trips generated at non-ceremonial sites and these uses are not considered to be hugely dissimilar. The trips recorded are well below the parking provision proposed as a whole, whilst the one outlier of 40 vehicles would still be accommodated.

As such it is considered that the highways concerns raised have been overcome by way of the revised parking provision and the condition limiting the number of internments to one per day outside of busy traffic hours.

## Environmental Health

The Council's Environmental Health officer has reviewed the application and has raised no objections to the development subject to conditions relating to ventilation and drainage of the crypts and caskets.

In a letter dated 21st January, the applicant's agent explains that the basic principles of a mausoleum are to entomb a body above ground within a casket, which in turn stored in a sealed vault. The main concern is the leakage of decomposing matter in the form of fluid or odour. For Member's information two methods of internment have been listed within this letter and that the final details of how this would be implemented are to be dealt with by condition. In summary, Option 1 is for the casket to be welded and gas sealed which is then placed within a vault which is also sealed. Option 2 utilises a non-sealed casket within a lined vault where a one way pressure valve to the rear allows gasses to escape; this allows for a natural decomposition and according to the agent is common in America.

It is considered that the environmental health implications of the proposal are dealt with under relevant legislation and by the officers of the Council's Environmental

Health team. In planning terms a condition is suggested that is considered to overcome the objections raised.

### Other Matters

Objections have been raised regarding the impact of the proposal upon residential amenities and upon the character of the area.

The nearest properties to the northern building are located to the southern end of Beechwood Avenue to a distance of some 55m to 60m, with the remaining properties to that road being set further north. A substantial, mature and protected wood is set between the two areas - Ramus Wood - and this encloses the site. Given the distance involved and the level of screening between the southern properties of Beechwood Avenue and the northern tip of the site, it is not considered that there will be any impact upon the visual or residential amenities of those properties. Additionally, given the different highway arrangement for the site (onto Old Hill then north to Shire Lane) and Beechwood Avenue (one of a series of cul-de-sacs accessed from Shire lane) it is not considered there would be any harm resulting from highways matters.

Objections have also been received from residents of Old Hill to the south. The nearest property to the site, No.44, is some 210m from the southern building with the southern area of Ramus Wood between the two boundaries. In addition there is the large grassed area to the south of the site that is within the applicant's control. The remainder of the dwellings are set due south of this property with the furthest at some 400m away. Given the scale of the separation between the application site and the residents of Old Hill, with the highway itself and the wood present between them, it is not considered that there would be any impact from the development upon the visual or residential amenities of those residents.

Concerns have also been raised regarding the impact of traffic to Old Hill and in particular the junction to the south. However, the existing use has a large number of vehicles in the early morning and late afternoon/early evening from the existing operation and the condition to limit the proposal to one interment per day between 10.00am and 2.00pm is considered sufficient to mitigate any additional harm, which in itself is considered minimal in terms of additional traffic over and above the existing use.

With regard to future maintenance issues and the funding of the mausoleum once capacity is reached, this has been referred for a legal opinion and will be reported to Members verbally.

### Conclusions

It is considered that the proposed re-use of the existing buildings would not be an inappropriate use in the Green Belt and would not harm the openness of the Green Belt. The landscaping proposed is considered to be of a high standard and will result in a net decrease to the amount of hardstanding within the site, whilst representing an improvement in the visual qualities of the proposed use. It is not considered that a detrimental impact would occur to the character of the area by

the re-use of existing structures and that no harm would result to residents in the area. No in-principle objections have been raised by Environmental Health, Highways or the Environment Agency subject to conditions as stated above.

On balance and subject to any legal advice on future maintenance arrangements it is recommended that planning permission be granted.

Background papers referred to during production of this report comprise all correspondence on the file ref. 13/03699, set out in the Planning History section above, excluding exempt information.

as amended by documents received on 20.01.2014 21.01.2014

### **RECOMMENDATION: PERMISSION**

Subject to the following conditions:

- 1     ACA01        Commencement of development within 3 yrs  
      ACA01R      A01 Reason 3 years
- 2     ACA05        Landscaping scheme - implementation  
      ACA05R      Reason A05
- 3     ACA07        Boundary enclosure - no detail submitted  
      ACA07R      Reason A07
- 4     ACB01        Trees to be retained during building op.  
      ACB01R      Reason B01
- 5     ACB03        Trees - no bonfires  
      ACB03R      Reason B03
- 6     ACB04        Trees - no trenches, pipelines or drains  
      ACB04R      Reason B04
- 7     ACC01        Satisfactory materials (ext'nl surfaces)  
      ACC01R      Reason C01
- 8     ACK01        Compliance with submitted plan

**Reason:** In order to comply with Policies BE1 and G1 of the Unitary Development Plan and in the interest of the appearance of the development, the openness and character of the Green Belt and the visual amenities of the area.

- 9     ACD04        Foul water drainage - no details submitt  
      ADD04R      Reason D04
- 10    ACD06        Sustainable drainage system (SuDS)  
      ADD06R      Reason D06
- 11    ACH03        Satisfactory parking - full application  
      ACH03R      Reason H03
- 12    ACH22        Bicycle Parking  
      ACH22R      Reason H22
- 13    ACI18        No additional hardstanding  
      ACI18R      I18 reason
- 14    The use shall not operate before 9.30am or after 4.30pm Monday to Friday,  
      or before 10.00am or after 4.00pm on Saturdays, Sundays and Bank  
      Holidays.  
      ACJ05R      J05 reason      BE1



15 Details of vault sealing, ventilation system (to discharge above eaves level), and vault drainage shall be submitted to and approved in writing by or on behalf of the Local Planning Authority. The approved details shall be implemented before the use hereby permitted commences and shall be permanently maintained as approved thereafter.

**Reason:** In order to prevent harm to human health and pollution of the environment, in accordance with Policy BE1 of the Unitary Development Plan, Policies 5.14 and 7.14 of the London Plan and the National Planning Policy Framework.

16 No more than one internment per day shall take place and not before 10.00am or after 2.00pm on any given day.

**Reason:** In order to comply with Policies T3, T18 and BE1 of the Unitary Development Plan and in the interests of the amenities of the area and highway safety.

17 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved, verified and reported to the satisfaction of the Local Planning Authority.

ACK09R K09 reason

18 Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

**Reason:** To prevent the increased risk of flooding, and to improve and protect water quality and in order to comply with Policies 5.13 and 5.14 of the London Plan.

### INFORMATIVE(S)

1 For information registered public footpath 250 runs along the boundary of the application site. It is outside of the site and should not be affected by any granting of planning permission. However, due to its close proximity to the development, the applicant should be made aware, by means of an informative attached to any permission, of the need to safeguard pedestrians using the route, and that it must not be damaged or obstructed either during, or as a result of, the development.

2 The Environment Agency would like to offer the following advice with respect to surface water drainage and pollution prevention: We support sustainable surface water drainage systems. The collection and dispersal of clean surface water to ground to recharge aquifer units and prevent localised drainage or surface systems flooding in heavy rainfall is encouraged. However, dispersal into the ground through soakaways will always require a site specific investigation and risk assessment.

Generally, we would accept roof drainage going to soakaway, but other surface drainage may need to go through treatment systems or to foul main, for instance vehicle parking. Surface drainage from car parking for less than 20 private cars is normally acceptable, provided there are suitable pollution prevention measures in the system prior to the discharge point and the groundwater is greater than 10 metres below final discharge level. We would not accept any vehicle parking drainage going to ground in an SPZ1.

The detailed design at any site can be negotiated on a site specific basis dependant on environmental setting and drainage design proposals. Pollution prevention We have produced advice and guidance to prevent pollution.

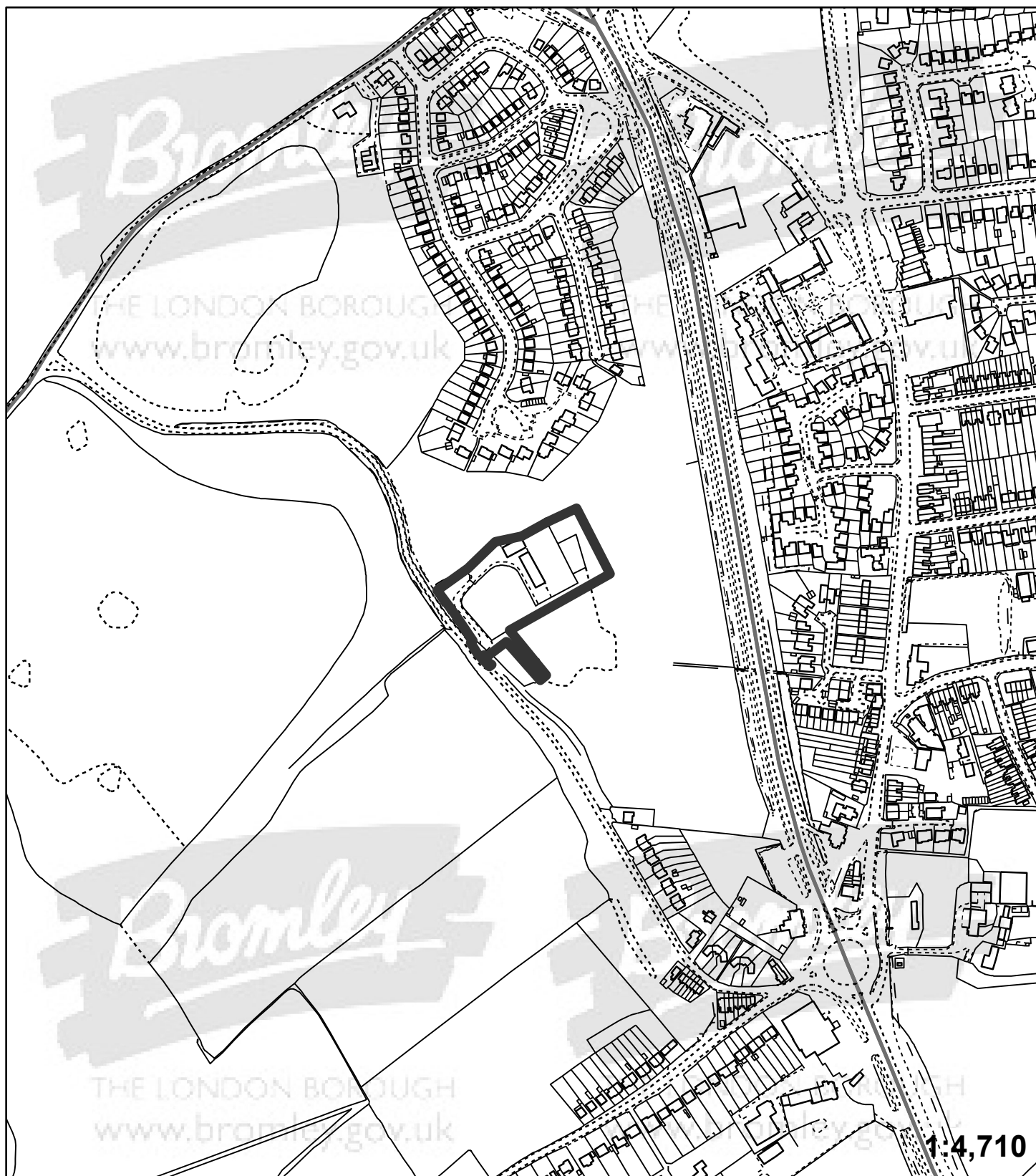
Please click on the following link for more information:

<http://www.environment-agency.gov.uk/business/topics/pollution/39083.aspx>

**Application:**13/03699/FULL2

**Address:** Old Hill Farm Old Hill Orpington BR6 6BN

**Proposal:** Change of use of existing building to mausoleum with associated landscaping, elevational alterations, hardstanding and parking for 25 cars.



"This plan is provided to identify the location of the site and should not be used to identify the extent of the application site"

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