

<b>Committee Date</b>	01/09/2022		
<b>Address</b>	Kemnal Park Cemetery Sidcup By Pass Road Chislehurst BR7 6RR		
<b>Application Number</b>	21/05386/FULL1	<b>Officer</b> - Catherine Lockton	
<b>Ward</b>	Chislehurst		
<b>Proposal</b>	Hard and soft landscaping of Zone 3 of Kemnal Park cemetery including the introduction of additional burial plots and carparking.		
<b>Applicant</b>		<b>Agent</b>	
Mr Andy Tait		Ms Rebecca Ballinger	
Kemnal Park Cemetery Sidcup By Pass Road Chislehurst BR7 6RR		Building 51 Wrest Park Silsoe Bedford MK45 4HS	
<b>Reason for referral to committee</b>	Major Application		<b>Councillor call in</b>  No

<b>RECOMMENDATION</b>	PERMISSION
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<b>KEY DESIGNATIONS</b>  Conservation Area: Chislehurst Article 4 Direction Biggin Hill Safeguarding Area Green Belt London City Airport Safeguarding Sites of Interest for Nat. Conservation Smoke Control SCA 16
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<b>Vehicle parking</b>	Existing number of spaces	Total proposed including spaces retained	Difference in spaces (+ or -)
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Standard car spaces	0	10	10
Disabled car spaces	0	2	2
Cycle	0	8	8

<b>Electric car charging points</b>	2 active
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<b>Representation summary</b>	<i>Adjoining neighbours were consulted by letter 02.03.22.  A Site Notice was displayed at the site 04.03.22.  A Press Advert was published 16.03.22 in the News Shopper.</i>
Total number of responses	14
Number in support	1
Number of objections	11
Number of neutral	2

## SUMMARY OF KEY REASONS FOR RECOMMENDATION

- The proposal would be appropriate within the Green Belt.
- The proposed tree planting would be suitable for the location and would enhance the biodiversity and greening of the site.
- The proposal would enhance the wider Chislehurst Conservation Area within which the site lies.
- The proposal would provide appropriate car and cycle parking spaces.
- The proposal would not cause any undue harm to neighbouring amenity.
- The proposal is considered acceptable from a sustainability, air quality, drainage and contaminated land perspective.

## 1 LOCATION

- 1.1 The application site comprises approximately 3.1 hectares and is located to the west of the Sidcup By-Pass (A20) and east of Kemnal Road. It is known as 'Zone 3' within the wider Kemnal Park Cemetery.

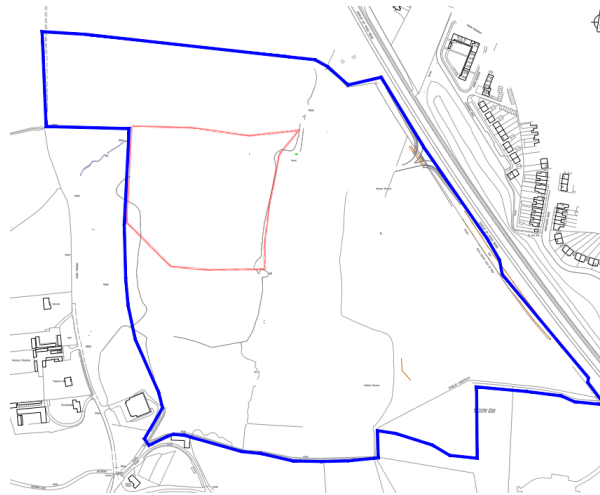


Fig.1 – Site Location Plan

- 1.2 Prior to a grant of planning permission in 2005 for change of use of the site as a cemetery, the application site was part of the former Kemnal Manor Estate grounds.
- 1.3 The application site lies within land designated as Green Belt and falls within the Chislehurst Conservation Area.
- 1.4 Part of the site lies within the Kemnal Woodlands Site for Importance for Nature Conservation (SINC). There is an Area TPO on an area of woodland to the eastern side of the application site.
- 1.5 The site is within Groundwater Source Protection Zone II (Outer Protection Zone) and Zone III (Total Catchment).
- 1.6 Two streams run along the eastern and western boundaries of the site. The site is also underlain by an aquifer, meaning there is also a risk of pollution to water resources.
- 1.7 The site has a PTAL rating of 0 (on a scale where 0 is worst and 6b is excellent).





Fig.2 – Site Photos

## 2 PROPOSAL

- 2.1 Planning permission is sought for hard and soft landscaping of Zone 3 of Kemnal Park cemetery including the introduction of additional burial plots and carparking. The initial submission also included the erection of an admin building; however, this has been removed from the application by the applicant with revised drawings submitted 27.05.22 to reflect this change.
- 2.2 The proposed development will provide additional burial plots and an ash internment site.
- 2.3 An access road with a turning hammer head and give-way pull in areas is also proposed with a dedicated car parking area providing 12 spaces (8 standard, 2 disabled, and 2 active electric car charging bays) located immediately adjacent to the main access road at the north of the application site. Long and short stay cycle parking (4 spaces with a covered shelter for long stay and 4 for short stay) is also proposed alongside the car parking spaces.
- 2.4 A landscaping scheme is also proposed which would include newly planted trees, and new hedges and woodland underplanting.



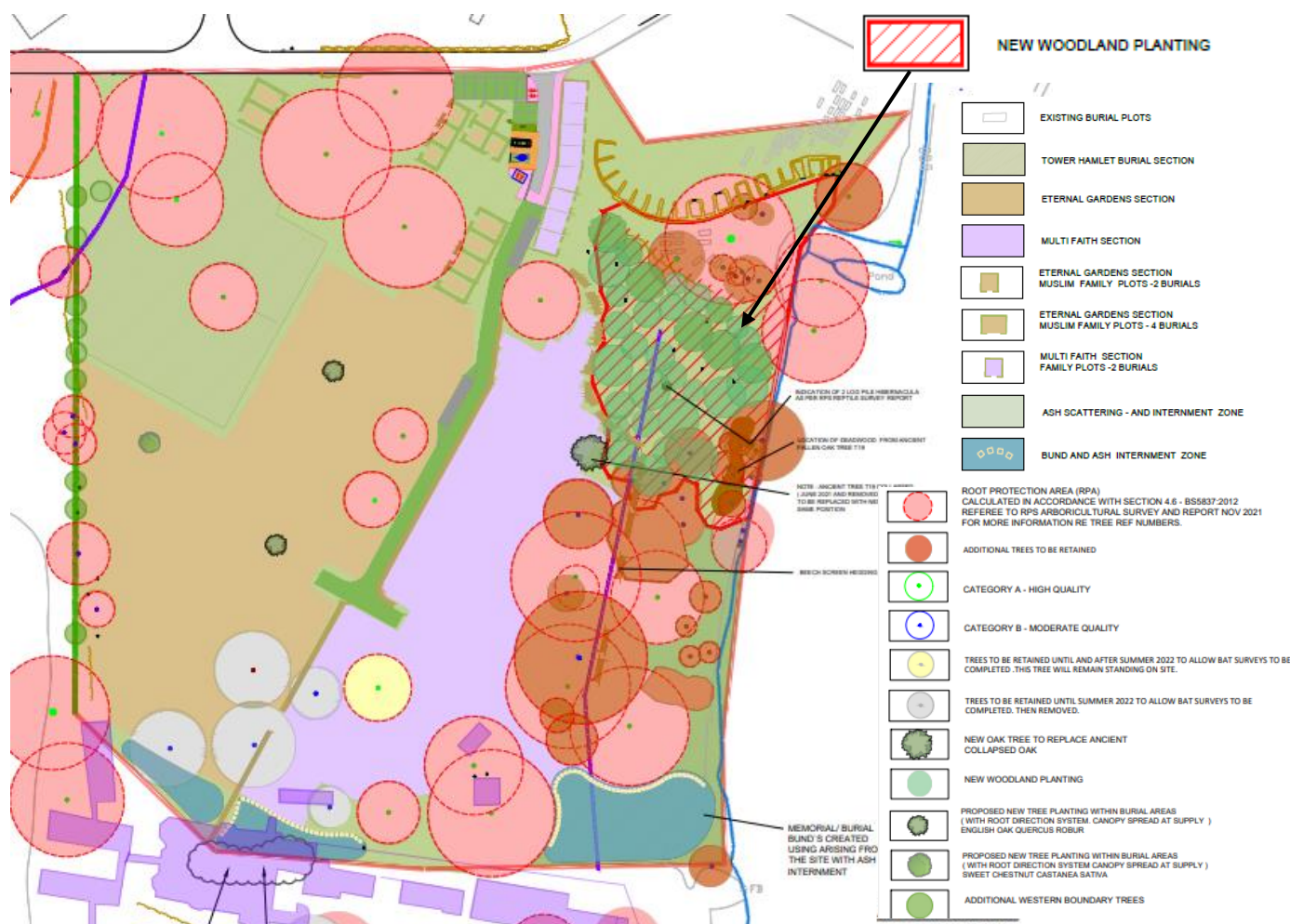


Fig.3 – Proposed Site Layout

### 3 RELEVANT PLANNING HISTORY

- 3.1 Ref: 05/03871/FULL3 - change of use of former parkland to use for human burials, erection of a detached chapel, a cupola shelter, tractor shed and staff facilities, a surface car park for approx. 75 vehicles, accessway, landscaping and new vehicular access to/from Sidcup By-Pass (A20) all at Kemnal Manor Estate. Permitted on 08.11.2006.
- 3.2 Ref: 05/03871/CONDIT, conditions application relating to Phase 2 of the above application, for Condition 2 - Boundary details, Condition 8 - Access for persons with disabilities, Condition 9 - Car parking, garages and turning spaces, Condition 12 - Archaeological scheme, Condition 13 - Landscaping, Condition 14 - Trees considerations, Condition 15 - Habitat considerations, Condition 16 - Ecology Scheme, Condition 23 - Geological data, and Condition 25 - Burial density. Approved on 04.05.2016.
- 3.3 Ref: 05/03871/CONDT1 conditions application relating to Phase 3 of the above application, for Condition 2 - Boundary Details, Condition 5 - Surface Water Drainage,

Condition 8 - Access for Persons with Disabilities, Condition 9 - Car Parking, Garages and Turning Spaces, Condition 12 - Archaeological Scheme, Condition 13 – Landscaping, Condition 14 - Trees Considerations, Condition 15 - Habitat Considerations, Condition 16 - Ecology Scheme, Condition 23 - Geological Data, Condition 25 - Burial Density. Approved 25.08.2016.

- 3.4 Ref: 08/02914/TREE - Intention to fell an area of trees between Kemnal Road and A20 in connection with planning permission for use of land for human burials TREES IN CONSERVATION AREA. Approved 24.09.2008.
- 3.5 Ref: 09/01995/CONDIT - Details of Phase 1 landscaping pursuant to Condition 13 of planning permission ref. 05/03871 granted for Change of use of former parkland to use for human burials, erection of a detached chapel, a cupola shelter, tractor shed and staff facilities, a surface car park for approx. 75 vehicles, accessway, landscaping and new vehicular access to/from Sidcup By-Pass (A20) all at Kemnal Manor Estate. Approved 24.09.2009.
- 3.6 Ref: 11/00537/FULL1 - Chapel with vestry and toilet (revised design to scheme permitted under ref. 05/03871 for use of land for human burials including chapel and other buildings, car parking and vehicular access). Approved 16.11.2011.
- 3.7 Ref: 12/00459/FULL1 - Single storey detached building comprising electricity substation, electrical switchgear and irrigation water tank/ pump. Approved 18.04.2012.
- 3.8 Ref: 11/00537/AMD - Non-material amendment - Relocation of doors and windows, elevational and internal alterations, minor increase in footprint. Approved 03.04.2012.
- 3.9 Ref: 12/01741/FULL1 - Siting of 2 temporary buildings to provide waiting/ meeting room and WC facilities for temporary period. Approved 15.08.2012.

## **4 CONSULTATION SUMMARY**

### **A) Statutory**

#### **4.1 TFL – No objection**

- The site is on Sidcup By Pass Road, which is part of the Transport for London Road Network (TLRN). TfL is the highway authority for the TLRN and is therefore concerned about any proposal which may affect the performance and/or safety of the TLRN. We also have a wider strategic transport remit to support delivery of the Mayor's London Plan and Transport Strategy policies.
- It is welcomed that a 2m pedestrian and cyclist route into Zone 3 has been provided.
- 12 car parking spaces have been proposed, including two disabled persons' parking spaces. This exceeds the maximum car parking standards in Policy T6. However, given the intended use of the site, it is understood that this level of car parking may be required.
- It is welcomed that two active electric vehicle charging points are being proposed, in line with the Mayor's Zero Carbon London approach. In line with

the Mayor's Vision Zero initiative, it is recommended that the other car parking spaces are equipped with passive electric vehicle charging points.

- Four Sheffield stands have been provided. To comply with the London Cycle Design Standards, as required by Policy T5, it is recommended that the Sheffield stands are spaced at a minimum of 1m apart and that the long-stay provision is covered.
- It is recommended that a travel plan is secured through condition in line with Policy T4. This should detail targets and measures to support a strategic modal shift in line with Policy T1.
- It is acknowledged that there will be no changes in terms of traffic numbers to the TLRN. It is also understood that there will be no physical changes to the access junction with the TLRN.

#### **4.2 Historic England (GLAAS) – No objection**

- Having considered the proposals with reference to information held in the Greater London Historic Environment Record and/or made available in connection with this application, it is concluded that the proposal is unlikely to have a significant effect on heritage assets of archaeological interest. No further assessment or conditions are therefore necessary.

#### **4.3 Environment Agency – No objection**

- The Environment Agency understand that risk assessments have previously been undertaken at this site, and that no extension of the geographical area of the cemetery – or development beyond the 'red line boundary' of the consented site, under Local Planning Authority reference 05/03871/FULL3 and Environment Agency reference FM/2005/005568 – is proposed.

#### **4.4 Highways – No objection**

- There were 75 parking spaces provided with the initial application and there are 12 additional spaces proposed (including 2 disabled spaces).
- It is accepted that the number of burials is not likely to increase, only the number of burial plots.
- It is assumed that as more plots are occupied, visitor trips are likely to increase, but that is unlikely to be a significant issue.
- The only way into the site was via the A20 and it is unclear if there are any cycle facilities there. Therefore, unsure about cycle parking and given this and that the site has a 0 PTAL, there may not be much scope for a modal shift via a Travel Plan.

#### **4.5 Drainage (lead local flood authority) – No objection**

- The use of porous paving/grass reinforced grid in the car park and driveway areas is accepted.

### **B) Local Groups**

- Chislehurst Society (addressed in Section 6.3 of this report)
  - The decimation of ancient woodland that has taken place recently is much greater than any of the permissions would lead one to expect and some comments suggest that some of the clearances were done accidentally.

- The scale and nature of the replacement planting needs to be very carefully considered and such planning should be with mature native specimens. And concentrated at the boundary of the cemetery site.
- Planting and any further clearances will need to be carefully monitored to ensure that no further accidental clearances take place.
- Consideration should be given to the imposition of Tree Preservation Orders on the remaining woodland.
- The woodlands are an important asset in Chislehurst Conservation Area and an important habitat for a wide range of wildlife.
- The applicants should be required to submit a management plan to ensure their responsibility for this asset is properly discharged.

### **C) Local Residents**

#### **Objections**

- Loss of woodland/trees (addressed in paragraph 6.3.4-6.3.10)
  - More woodland planting should be provided in the area designated for 'New Woodland Planting' on the new plans to better compensate for the oak woodland habitat that has been lost at Kemnal Park following the felling of 7 acres of woodland in Zone 3.
  - New planting should start immediately, be closer together and in larger numbers to establish the area of woodland quicker.
  - The impact of the clearance of trees by use of heavy machinery has left the ground in poor condition.
- Loss of woodland graves (addressed in paragraph 6.3.7)
  - The felling of trees around the established 11 woodland graves means they can no longer be regarded as woodland graves.
  - The replanting should be with larger trees, not saplings, so that it becomes woodland as quickly as possible for the families of loved ones who were buried in the woodland graves before the trees were felled.
  - The felling of the trees has been stressful and upsetting for the family and friends of those buried in the woodland graves. Families of people buried in woodland graves were never told the woodland could be felled.
  - Some of the trees were felled to clear for the Eternal Gardens section of the site but others were needlessly felled as burial cannot take place within 30m of the stream.
  - A proper area of woodland should be regrown around the Woodland Burial Area in Zone 3.
- Protection of woodland (addressed in paragraph 6.3.11)
  - The woodland should be protected with a Woodland TPO so that it is maintained and safeguarded.
- Loss of habitat (addressed in paragraph 6.3.12-6.3.18)

#### **Support**

- No objection to cemetery expansion.



5.1 Section 70(2) of the Town and Country Planning Act 1990 (as amended) sets out that in considering and determining applications for planning permission the local planning authority must have regard to:-

- (a) the provisions of the development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations.

5.2 Section 38(6) of the Planning and Compulsory Purchase Act (2004) makes it clear that any determination under the planning acts must be made in accordance with the development plan unless material considerations indicate otherwise.

5.3 The London Plan 2021 is the most up-to-date Development Plan Document for the London Borough of Bromley, and therefore, in accordance with section 38(5) of the Planning and Compulsory Purchase Act 2004, *“if to any extent a policy contained in a development plan for an area conflicts with another policy in the development plan the conflict must be resolved in favour of the policy which is contained in the last document to become part of the development plan.*

#### 5.4 **National Policy Framework (2021)**

5.5 The application falls to be determined in accordance with the following policies:

#### 5.6 **The London Plan (2021)**

- GG2 Making the best use of land
- GG3 Creating a healthy city
- GG6 Increasing efficiency and resilience
- D4 Delivering good design
- D5 Inclusive design
- S7 Burial space
- HC1 Heritage conservation and growth
- G1 Green Infrastructure
- G2 London's Green Belt
- G5 Urban greening
- G6 Biodiversity and access to nature
- G7 Trees and woodlands
- SI 1 Improving Air quality
- SI 2 Minimising greenhouse gas emissions
- SI 3 Energy infrastructure
- SI 4 Managing heat risk
- SI 8 Waste capacity and net waste self-sufficiency
- SI 12 Flood risk management
- SI 13 Sustainable drainage
- T1 Strategic approach to transport
- T3 Transport capacity, connectivity and safeguarding
- T4 Accessing and mitigating transport impacts
- T5 Cycling

T6	Car parking
T6.5	Non-residential disabled persons parking
T7	Deliveries, servicing and construction
T9	Funding transport infrastructure through planning
DF1	Delivery of the plan and planning obligations
M1	Monitoring

The relevant London Plan SPGs are:

- Accessible London: Achieving an Inclusive Environment (2014)
- Sustainable Design and Construction (2014)
- Control of Dust and Emissions During Construction and Demolition (2014)
- Energy Assessment Guidance (2022)

## 5.7 Bromley Local Plan (2019)

20	Community Facilities
21	Opportunities for Community Facilities
25	Burial Space
30	Parking
32	Road Safety
33	Access to services for all
34	Highway Infrastructure Provision
37	General Design of Development
41	Conservation Areas
43	Trees in Conservation Areas
49	The Green Belt
69	Development and Nature Conservation Sites
70	Wildlife Features
72	Protected Species
73	Development and Trees
74	Conservation and Management of Trees and Woodlands
77	Landscape Quality and Character
79	Biodiversity and Access to Nature
115	Reducing Flood Risk
116	Sustainable Urban Drainage Systems
118	Contaminated Land
120	Air Quality
123	Sustainable Design and Construction
124	Carbon Reduction, Decentralised Energy Networks & Renewable Energy
125	Delivery and Implementation of the Local Plan

## 6 ASSESSMENT

### 6.1 Principle of development - Acceptable

*Background and Proposed development*

6.1.1 The application proposes development in relation to the existing use of the application site as a cemetery following a grant of planning permission in 2005 under ref: 05/03871/FULL3. This 2005 permission granted approval for human burials. Under ref: 05/03871/CONDT1 a number of documents were submitted in relation to the discharge of conditions for this 2005 approval. This included a Zone Diagram;

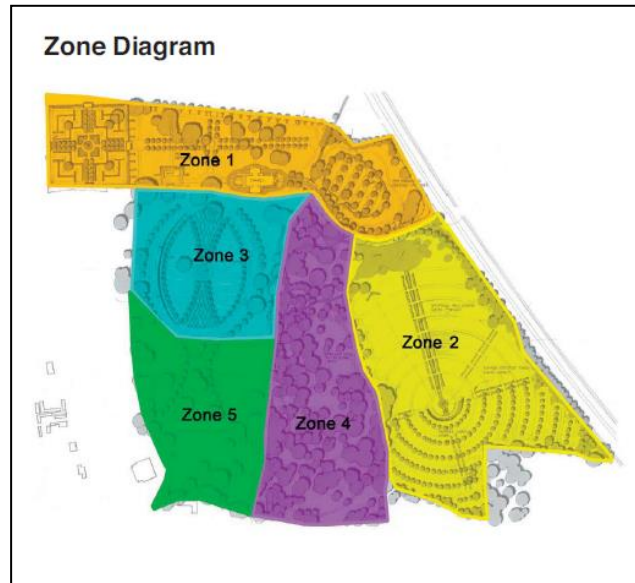


Fig.4 – Zone Diagram for entire cemetery site from application ref: 05/03871/CONDT1

6.1.2 This current proposal is for a redesign of part of the scheme granted under ref: 05/03871/FULL3 and conditions applications ref: 05/03871/CONDIT and ref: 05/03871/CONDT1 relating to Zone 3.

6.1.3 The proposed development includes a new layout for the burial plots to include;

- 400 Tower Hamlets burial plots;
- 1318 Muslim burial plots;
- 815 Multi denominational burial plots;
- 12 Muslim family plots totalling 40 burial plots;
- 8 Multi-faith family plots totalling 16 burial plots;
- 2037m<sup>2</sup> ash scattering / ash interment area;
- 940m<sup>2</sup> of new bunds containing ash interment niches and vault burial plots.

6.1.4 A new access route into Zone 3 from Zone 1 is also proposed along with 12 additional car parking spaces and 4 hearse/give way bays. Cycle parking to provide 8 spaces is also proposed.

#### *Land Use*

6.1.5 The application site lies within land designated as Green Belt. The NPPF states that the Government attaches great importance to Green Belts with the fundamental aim of Green Belt policy to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. The NPPF states that substantial weight is given to any harm to the Green Belt.

- 6.1.6 Paragraph 147 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
- 6.1.7 Paragraph 149 of the NPPF lays out exceptions to inappropriate development, which includes under part (b) “the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it”.
- 6.1.8 London Plan Policy G2 (Paragraph 8.2.1) states that the Mayor strongly supports the continued protection of London’s Green Belt. Paragraph 8.2.2 highlights that openness and permanence are essential characteristics of the Green Belt. This is supported by Policy 49 of the Bromley Local Plan.
- 6.1.9 Policy S7 (Burial Space) of the London Plan (2021) supports the provision of burial space, for which this site already has permission. Clauses A and B encourage cross-borough and/or sub-regional working where appropriate to identify and address the requirements of groups for whom burial is the only option and to tackle burial space shortages with boroughs assisting faith groups from another borough facing burial space shortages. The supporting text references the need for inner London boroughs to seek provision in outer London or beyond but acknowledges that this can cause problems of access advising that as a general rule burial space should be provided near residents, reducing costs/travel time to visit burial sites.
- 6.1.10 The London Plan references a 2011 study highlighting that *‘boroughs with a larger proportion of Jewish people and Muslims are likely to face increased pressure for burial space’* and specifically references Tower Hamlets. The applicant is proposing 400 plots for the provision of burials for residents from Tower Hamlets.
- 6.1.11 Paragraph 5.7.5 of the London Plan (2021) advises that provision should also *‘take into account the Mayor’s broader aims for green infrastructure and the natural environment...’*
- 6.1.12 Policy 25 of the Bromley Local Plan (2019) (Burial Space) safeguards existing burial space such as this site, and the supporting text (paragraph 3.1.40) highlights the substantial capacity at Kemnal Park Cemetery and Memorial Gardens. It also restates the London Plan position with regards to *‘London’s burial needs, including the needs of those groups for whom burial is the only option’*.
- 6.1.13 Supporting paragraph 3.1.42 of Policy 25 reiterates London Plan policy with regards to cemeteries being an appropriate use in the Green Belt.
- 6.1.14 As stated above, the application site already has permission for use as a cemetery. The proposal under this application is to amend the layout of Zone 3 of the wider cemetery site to include burial plots, hard landscaping to create a hammer head access road with car parking and cycle parking, and additional planting. No new buildings are proposed. Therefore, the principle of the application in terms of land use is considered acceptable, subject to a further assessment of the impact of the

proposed facilities on openness. This is discussed in the following section of the report.

## 6.2 Layout - Acceptable

- 6.2.1 Policy 37 of the Bromley Local Plan requires all development proposals to be of a high standard of design and layout. In particular, part (b) of Policy 37 states that development should positively contribute to the existing landscape and part (g) states that access should meet the principles of inclusive design.
- 6.2.2 The proposal would include not only burial plots but also a new vehicular and pedestrian access into the site with additional car and cycle parking, increasing the amount of hardstanding at the site than at present. However, it is noted that the previous planning permission for the development of the site also included hard landscaping and the submitted Design and Access Statement indicates that the proposal would be gentler installation with less hard infrastructure than the previously approved plan for this site.
- 6.2.3 The applicants have submitted a comparison plan (indicated in Fig.5 below) to show the differences in layout between the previously approved and the currently proposed schemes.

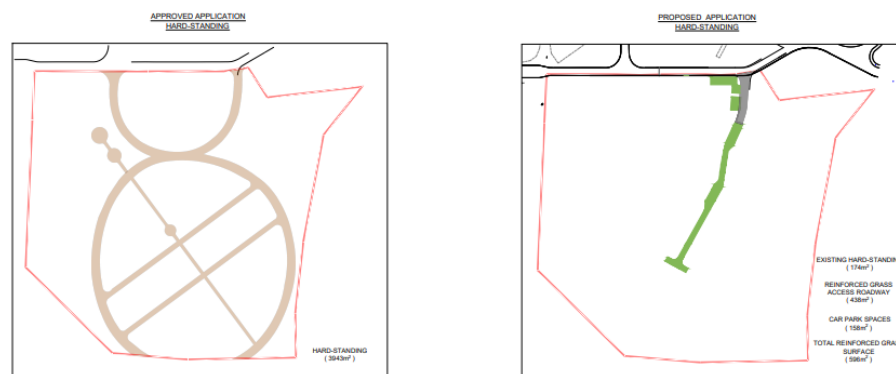


Fig.5 – Approved Hardstanding and Proposed hardstanding layout

- 6.2.2 The reduction in hardstanding from the previous scheme is welcomed and would allow for more soft landscaping which would be more in keeping with the site's location within the Green Belt, particularly in relation to the openness of the site, as well as providing opportunities to enhance biodiversity and greening within the site.
- 6.2.3 The car and cycle parking would also be limited to the northern entrance to this part of the cemetery and would lie adjacent to the existing and proposed access road. A small section of the vehicular access would be surfaced with tarmac which would lead to the proposed car parking spaces. The remainder of the vehicular access would be for hearses and less able-bodied mourners only and this section of the road would be reinforced grass. The car parking spaces would also be surfaced with reinforced grass, helping to soften the overall appearance of the access road and parking. The pedestrian routes through the burial plots are also shown to be comprised of mown grass paths rather than paved surfaces.

- 6.2.4 A designated pedestrian/cycle pathway is also indicated to the sides of the access road where it enters the site from the existing roadway within the cemetery to provide a safer entrance for visitors who have walked or cycled to the site, or who have parked in the main car park.
- 6.2.5 The overall layout of the site is considered to be appropriate both for the site's use as a cemetery and its location within Green Belt land, ensuring that its openness is protected. The soft landscaping elements of the proposal and the impact on the natural environment, the impact of the proposal on the wider conservation area within which it lies, and specific highways/transport impacts are considered within the next sections of the report.

### **6.3 The Natural Environment and Green Infrastructure - Acceptable**

- 6.3.1 NPPF Policy 174 outlines that planning policies and decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland; and by minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

#### *Trees (acceptable)*

- 6.3.2 Policy G7 of the London Plan and Policy 73 of the Bromley Local Plan seek to ensure that, wherever possible, existing trees of value are retained and if planning permission is granted that necessitates the removal of trees there should be adequate replacement.
- 6.3.3 Policy 77 of the Bromley Local Plan also seeks to safeguard the quality and character of the local landscape; and seek the appropriate restoration and enhancement of the local landscape through the use of planning obligations and conditions.
- 6.3.4 The planning history for this site is extensive and planning permission was allowed as part of a previous application for a number of trees on the site to be felled (justified by the woodland consultant in 2016). Some of these trees have been retained, but a number have been felled and the overall state of the application site is unsightly. The site has also been used for soil piling for a number of years and as such is generally in need of enhancement.
- 6.3.5 The previously approved site layout for Zone 3 (the application site) included more hard landscaping than is now proposed and as such the soft landscaping opportunities are now greater in this current proposal scheme, which is supported.
- 6.3.6 The focus on the eastern side of Zone 3 is woodland management. The woodland to the east (outside of the application site) is protected by woodland Tree Preservation Order (TPO) 2634. This covers the woodland that has been long established. However, as this borders the area previously approved for re-landscaping it has resulted in dramatic transition from the proposed parkland setting to the retained



woodland. It is also noted that the cemetery has been offering woodland burials in the area adjacent to this woodland.

- 6.3.7 It is acknowledged that the existing loss of the trees has resulted in an impact to the setting of the existing woodland burials to the north-east of the site and that this has caused distress for the families and friends of those buried within these plots. Whilst not a planning matter in itself, the additional woodland planting proposed within this planning application adjacent to this area aims, in part, to address this matter.
- 6.3.8 Woodland edge principles have been supported for the re-stocking along the eastern boundary to replace much of the ash felled over the past few years. However, the initial documents submitted for this application included some ornamental trees and did not propose the appropriate planting density to maximise planting opportunity.
- 6.3.9 Following discussions between the Council's Tree Officer and the applicant's arboricultural consultant an amended woodland planting drawing was submitted on 27.05.22 (Fig.6 below).

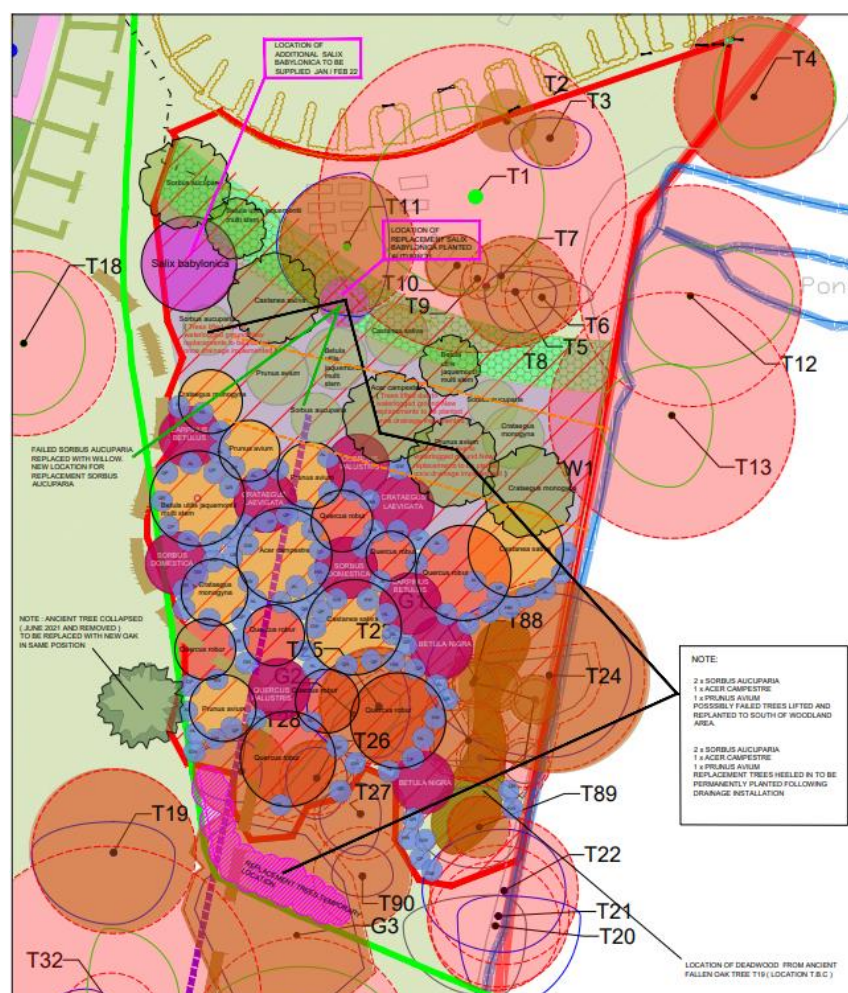


Fig.6 – New Woodland Planting – Additional Tree Planting

- 6.3.10 The Council's Tree Officer has advised that the revised woodland planting drawing proposes sufficient and appropriate planting for this area and does not recommend any additional planting in this area. They therefore raise no objection to the

proposal. A condition regarding compliance with the New Woodland Planting proposed within drawing ref: D200009\_CDS\_EN\_ZZ-DR-L-134-001 is recommended on any approval. A separation condition requiring full details of hard and soft landscaping for remainder of site is also recommended on any approval.

- 6.3.11 It is noted that comments received from local residents also relate to the protection of this new woodland planting area. Given its location within the Chislehurst Conservation Area the trees will benefit from protection through this designation. Any further protection would need to be considered separately by the Council's Tree Officer if appropriate.

*Biodiversity and Protected Species (acceptable)*

- 6.3.12 The site is within the Kemnal Woodlands Site for Importance for Nature Conservation (SINC), identified as being of Borough grade II importance.
- 6.3.13 In accordance with Policy G6 of the London Plan the applicant should avoid impacts to the SINC and set out in the application how they will avoid direct or indirect impacts on the SINC. If avoidance of impacts is not possible the applicant should set out how they have followed the mitigation hierarchy to minimise development impacts.
- 6.3.14 In addition, Policy G6 requires development proposals to aim to secure net biodiversity gain.
- 6.3.15 The application is accompanied by a Preliminary Ecological Appraisal (PEA) prepared by RPS (revised document dated May 2022) and a Reptile Survey Report also prepared by RPS (dated October 2021). The PEA outlines that the part of the SINC within the application site has been cleared as a result of the previous planning permission and as such any habitats for which the SINC is designated are now not present within the application boundary. However, the enhancements associated with the proposal will contribute to the overall objectives of this SINC. The PEA also includes recommendations with regards to the construction phase of the proposal as well as 20m buffer between the developed land and the ancient woodland edge to ensure that the adjacent ancient woodland is adequately protected throughout the works.
- 6.3.16 The PEA also identified that the site had suitable habitat to support reptiles and as such a reptile survey was undertaken with the results provided within the Reptile Survey Report (October 2021) which accompanies the application. The Report advises that no reptiles were recorded on the site and therefore are not considered to be a constraint upon the development. However, as the wider site provides suitable habitat for reptiles and in order to enhance sheltering and foraging opportunities for reptiles within Zone 3, two hibernacula will be built in areas of suitable habitat.
- 6.3.17 The application is also supported by a Biodiversity Net Gain (BNG) Assessment prepared by RPS (dated 24<sup>th</sup> February 2022) along with a BNG Metric. The submitted woodland planting plan also shows the extent of tree planting to be provided along with hedgerow at the site. The introduction of woodland is appropriate here and this is explained in the Metric data and supporting document. The BNG Metric also

reports a +35.26% BNG for the proposed development which is considered acceptable.

- 6.3.18 Appropriate conditions relating to the proposed biodiversity enhancements, which include the hibernacula are recommended on any approval.

*Urban Greening (acceptable)*

- 6.3.19 Policy G5 (Urban Greening) of the London Plan outlines that major development proposals should contribute to the greening of London by including urban greening as a fundamental element of site and building design. Part B of Policy G5 recommends a target score of 0.3 for predominately commercial development.

- 6.3.20 The supporting Urban Greening Factor Report prepared by RPS (dated February 2022) states that the proposal would achieve a score of 0.59 which would accord with Policy G5.

- 6.3.21 A condition recommended on any approval to ensure the score of 0.59 is achieved and to require full details and long term management of the greening.

- 6.3.22 A condition requiring the submission of a Landscape and Ecological Management Plan (LEMP) is also considered necessary and reasonable in this instance to ensure appropriate management and operations of the site in regards to protection and enhancement of ecology and biodiversity.

## **6.4 Heritage - Acceptable**

- 6.4.1 Paragraph 199 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

- 6.4.2 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a requirement on a local planning authority in relation to development in a Conservation Area, to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.

- 6.4.3 Interpretation of the 1990 Act in law has concluded that preserving the character of the Conservation Area can not only be accomplished through positive contribution but also through development that leaves the character or appearance of the area unharmed.

- 6.4.4 Policy HC1 of the London Plan states that development proposals affecting heritage assets, and their settings, should conserve their significance, by being sympathetic to the assets' significance and appreciation within their surroundings. The cumulative impacts of incremental change from development on heritage assets and their settings should also be actively managed. Development proposals should avoid harm and identify enhancement opportunities by integrating heritage considerations early on in the design process.

- 6.4.5 Policy 41 of the Bromley Local Plan relates specifically to Conservation Areas and states that new developments should preserve and enhance the characteristics and appearance of the conservation area within which it lies.
- 6.4.6 The application site lies within the Chislehurst Conservation Area. The Council's Conservation Officer has advised that there is concern with regards to the number of mature trees that have been felled and these are to be replaced by immature saplings which will take years to become established. The subsequent impact of the loss of these mature trees on the rural character of this part of the conservation area is of concern. However, the principle of the cemetery extension, which included the removal of trees on the site, was established through previous applications. This application proposes less hardstanding and more opportunities for soft landscaping than previously proposed, as well as an additional tree planting area, which it is considered will help to enhance the character and appearance of this part of the conservation area.
- 6.4.7 In addition, GLAAS have advised that the proposal is unlikely to have a significant effect on heritage assets of archaeological interest and as such no further assessment or conditions are necessary.

## **6.5 Transport and Highways – Acceptable**

### *Access*

- 6.5.1 The wider cemetery site is accessed via the Sidcup By Pass Road, which is part of the Transport for London Road Network (TLRN). A new access road into the application site is proposed from the existing internal access road within Zone 1 and 2. This will provide dedicated vehicular and pedestrian/cycle access into the site; the pedestrian/cycle access is indicated in pink on the submitted drawings and would have a width of 2m to meet TfL's Streetscape guidance and pedestrian comfort guidance. Four hearse/give way bays are also proposed along the access road.

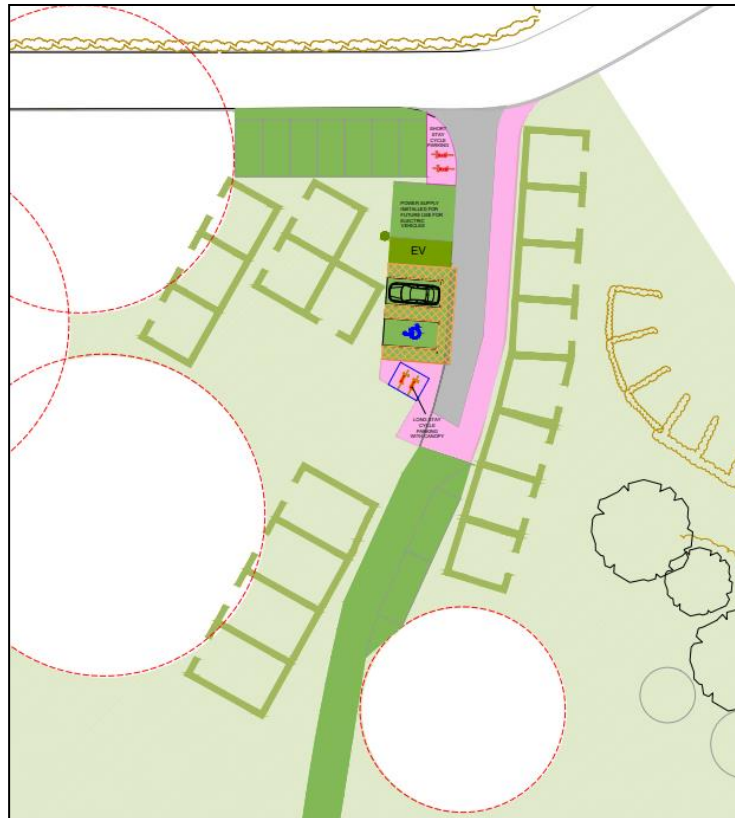


Fig.7 – Car, cycle and pedestrian access

### *Car parking*

- 6.5.2 Policy T6 of the London Plan relates to Car parking. Supporting text paragraph 10.6.5 indicates that where no standard is provided parking should be determined on a case by case basis taking account of Policy T.6 (which seeks to minimise parking).
- 6.5.3 The cemetery already has a substantial car park but the location of some parking close to the plots would appear reasonable. Therefore, given the use of the site, TfL and the Council's Highways Officer have raised no objection to the number of parking spaces proposed.
- 6.5.4 Two of the proposed 12 spaces would be enlarged bays for disabled use. Disabled parking for non-residential developments should be provided in line with Policy T6.5 of the London Plan. The policy states that for crematoria a minimum of two designated spaces or 6% of the total parking provision, whichever is the greater, should be provided. 4% of the total parking provision should be enlarged bays. Accordingly, the number of disabled parking bays would accord with London Plan policy.
- 6.5.5 Another two of the proposed 12 spaces would have active electric vehicle charging points which would also be in line with the Mayor's Zero Carbon London approach. TfL have advised that, in line within the Mayor's Vision Zero initiative, the other car parking spaces are equipped with passive electric vehicle charging points. This can be required by way of an appropriate condition of any approval.

### *Cycle parking*

- 6.5.6 London Plan Policy encourages sustainable modes of transport with Policy T5 Cycling and Table 10.2 setting the minimum cycle parking requirements for development.
- 6.5.6 TfL advise that a minimum of 1 long stay and 1 short stay cycle parking spaces should be provided, but that an increase in cycle parking for the existing use to accommodate those who are visiting the burial ground is also encouraged in line with the Mayor's Strategic Mode Shift target
- 6.5.7 A total of 8 cycle parking spaces are proposed within the site by way of 4 Sheffield stands to provide 4 short stay (visitor) spaces and 4 long stay spaces. The long stay spaces are shown to be covered. This is considered to accord with the requirements of Policy T5.

## **6.6 Neighbourhood Amenity - Acceptable**

- 6.6.1 Policy 37 (e) of the Bromley Local Plan seeks to protect existing residential occupiers from inappropriate development. Issues to consider are the impact of a development proposal upon neighbouring properties by way of overshadowing, loss of light, overbearing impact, overlooking, loss of privacy and general noise and disturbance.
- 6.6.2 The nearest residential properties are located a significant distance from the application site. The proposed development would not result in any change of use of the site and given the scale and layout of the proposal it would not result in any adverse loss of amenity to neighbouring residents.

## **6.7 Energy and Sustainability - Acceptable**

- 6.7.1 Policy SI 2 'Minimising greenhouse gas emissions' of the London Plan states that Major development should be net zero-carbon. This means reducing greenhouse gas emissions in operation and minimising both annual and peak energy demand in accordance with the following energy hierarchy:
  - 1) be lean: use less energy and manage demand during operation
  - 2) be clean: exploit local energy resources (such as secondary heat) and supply energy efficiently and cleanly
  - 3) be green: maximise opportunities for renewable energy by producing, storing and using renewable energy on-site
  - 4) be seen: monitor, verify and report on energy performance.
- 6.7.2 Policies 123 and 124 of the Bromley Local Plan are consistent with the strategic aims of the London Plan energy policies.
- 6.7.3 The proposal does not include the construction of any buildings or plant machinery which would increase greenhouse gases. As such, whilst the site is a major development due to its site area, a full energy statement was not considered necessary in this instance. However, the proposal does include additional car parking



spaces which could result in air quality impacts. This is discussed in paragraphs 6.8.7 – 6.8.11.

- 6.7.4 The proposal includes two active Electric Vehicle Charging points as part of the proposed car parking layout to encourage more vehicle users to switch away from conventional fuel cars. In addition, bicycle storage is also proposed to encourage visitation to the site through more sustainable modes of transport.
- 6.7.5 The supporting Design and Access Statement also states that the additional tree planting will sequester carbon and reduce overall carbon in the area.
- 6.7.6 The application, whilst technically a Major development on the basis of the size of the site, would result in very little development. It is therefore considered that the application documents adequately address the requirements of both London Plan and Bromley Local Plan Policy in respect of energy and sustainability in this specific instance.

## **6.8 Technical Matters - Acceptable**

### *Drainage (acceptable)*

- 6.8.1 Policy 116 of the Bromley Local Plan (2019) states that all developments should seek to incorporate Sustainable Urban Drainage Systems (SUDS) or demonstrate alternative sustainable approaches to the management of surface water as far as possible. This is supported by Policy SI 13 (Sustainable Drainage) of the London Plan (2021).
- 6.8.2 The proposed hard landscaped areas – the car parking and driveway areas – are to be porous paving/grass reinforced grid and the Council's Drainage Officer has raised no objection.

### *Groundwater and Contaminated Land (acceptable)*

- 6.8.3 Paragraph 174 of the NPPF (2021) seeks to ensure that planning policies and decisions “contribute to and enhance the natural and local environment by... preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil [and] water...pollution;...[and] remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate”.
- 6.8.4 Policy 118 of the Bromley Local Plan states that where the development of contaminated land, or land suspected of being contaminated, is proposed, details of site investigations and remedial action should be submitted.
- 6.8.5 The site history indicates medium polluting potential from previous use posing significant concerns regarding land contamination. The site is also underlain by an aquifer, meaning there is also a risk of pollution to water resources.
- 6.8.6 The Environment Agency (EA) have advised that they have reviewed the information submitted by the applicants and raise no objection to the application.

### *Air Quality (acceptable)*

- 6.8.7 Policies SI 1 of the London Plan and 120 of the Bromley Local Plan detail the need to tackle poor air quality.
- 6.8.8 The application site falls within Bromley's Air Quality Management Area (AQMA). The application is supported by an Air Quality Assessment (AQA) prepared by ADM Ltd (dated 25<sup>th</sup> January 2022). The assessment demonstrates that levels of exposure should be below the air quality health objectives. The proposed cemetery is located between 150 m and 400 m from the A20/Sidcup by-pass, and therefore the prevailing pollutant concentrations will be at urban background levels.
- 6.8.9 The 'Land-Use Planning & Development Control: Planning for Air Quality' produced by Environmental Protection UK (EPUK) and the Institute of Air Quality Management (IAQM) 2017, set's out in Table 6.2 triggers or indicative criteria for consideration as to whether a detailed air quality assessment is required. The AQA indicates that with less than 20 AADT, based on the IAQM/ EPUK screening criteria, which requires a detailed assessment where 100 AADT or more is generated within or adjacent to an AQMA, that no further assessment is therefore required for this proposal, with emissions to atmosphere from these vehicles being negligible.
- 6.8.10 The AQA also considers the impact from construction. With the closest residential receptor at approximately 100m to the southeast and sheltered behind a screen of trees, the risk of dust giving rise to a nuisance is considered to be negligible. Also, the AADT HDV movements for the construction of the proposed cemetery are no more than 10, the impact of emissions to atmosphere from these vehicles are screened out as being negligible using the IAQM guidance (referenced above) and therefore not required to be assessed further.
- 6.8.11 The Council's Environmental Health Officer has therefore advised that they raise no objections to the proposed development with regards to Air Quality.

## **6.9 CIL**

- 6.9.1 The London Borough of Bromley Community Infrastructure Levy (CIL) proposals were approved for adoption by the Council on 19 April 2021, with a date of effect on all relevant planning permissions determined on and after 15 June 2021. The Bromley Community Infrastructure Levy (CIL) allows the Local Authority to raise funds from new development towards local infrastructure.
- 6.9.2 The Mayor of London's CIL is also a material consideration.
- 6.9.3 CIL is not payable on this application.

## **7 CONCLUSION**

- 7.1 The proposal would be appropriate within the Green Belt and would provide additional burial plots to meet a required need. The proposed tree planting would be suitable for the location and would enhance the biodiversity and greening of the site.

- 7.2 The proposal would enhance the wider Chislehurst Conservation Area within which the site lies and would not cause any undue harm to neighbouring amenity.
- 7.3 The proposal would provide appropriate car and cycle parking spaces and is considered acceptable from a sustainability, air quality, drainage and contaminated land perspective.
- 7.4 Subject to compliance with the recommendations in the technical reports and implementation of the recommended works undertaken where necessary, it is considered that the application should be approved subject to planning conditions.
- 7.5 Background papers referred to during production of this report comprise all correspondence on the files set out in the Planning History section above, excluding exempt information.

## **RECOMMENDATION: GRANT PLANNING PERMISSION SUBJECT TO CONDITIONS**

### **SUMMARY OF CONDITIONS AND INFORMATIVES**

#### Standard Conditions:

1. Time limit of 3 years
2. Drawing numbers

#### Pre-Commencement Conditions:

3. Full details of biodiversity enhancements and Landscape and Ecological Management Plan
4. Hard and soft landscaping and Urban Greening Factor - Full details of species and long-term management of greening
5. Tree Protection Plan and Arboricultural Method Statement

#### Compliance Conditions

6. Compliance with woodland planting plan
7. Compliance with cycle parking
8. Compliance with electric vehicle charging points
9. Compliance with Air Quality Assessment

### **Any other planning condition(s) considered necessary by the Assistant Director of Planning**

### **Informatives**

It is understood that a masterplan for the whole Kemnal Park Cemetery site is being developed and that planning permission for any/all unauthorised structures within the wider site should be addressed speedily to avoid the matter being directed to the Council's enforcement team.