

REGULATORY SERVICES COMMITTEE

REPORT

14 March 2013

Subject Heading:

P0071.13 – Upminster Cemetery

Change of use of land to cemetery, erection of ancillary buildings and associated drainage works and yard area. (Application submitted 17 January, 2013)

Report Author and contact details:

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Policy context:

**Local Development Framework
London Plan
National Planning Guidance**

Financial summary:

None

The subject matter of this report deals with the following Council Objectives

Clean, safe and green borough	<input checked="" type="checkbox"/>
Excellence in education and learning	<input type="checkbox"/>
Opportunities for all through economic, social and cultural activity	<input checked="" type="checkbox"/>
Value and enhance the life of every individual	<input checked="" type="checkbox"/>
High customer satisfaction and a stable council tax	<input type="checkbox"/>

SUMMARY

This planning application proposes the material change of use of approximately 5.8 hectares of land on the eastern side of Upminster Cemetery from agricultural use to a cemetery. The proposal would include the installation of sub-level structures and plant, intended to reduce groundwater levels, and the erection of seven

buildings: six of which would house groundwater pumping equipment, and the other a toilet block. The proposal would provide for 5,716 burials spaces.

RECOMMENDATIONS

That subject to no contrary direction by the Secretary of State exercising powers to call-in the application following the notification of the application to Secretary of State in line with Circular 02/2009 Town and Country Planning (Consultation) (England) Direction 2009 that the proposal be granted planning permission subject to the following conditions on expiry of the a period of 21 days beginning with the date which the Secretary of State tells the authority in writing is the date she received the material specified in paragraph 10 of Circular 02/2009.

1. Time Limit - The development to which this permission relates must be commenced not later than three years from the date of this permission.

Reason:-

To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2. Approved Plans - The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans, particulars and specifications.

Reason:-

The Local Planning Authority consider it essential that the whole of the development is carried out and that no departure whatsoever is made from the details approved, since the development would not necessarily be acceptable if partly carried out or carried out differently in any degree from the details submitted. Also, in order that the development accords with Development Control Policies Development Plan Document Policy DC61.

3. Highways - The development shall not be brought into use until a review of bus stop accessibility, traffic signs, road markings, and visibility at the site exit onto Ockendon Road, have been submitted to and approved in writing by the Local Planning Authority, and the recommendations of these reviews implemented.

Reason: To ensure the interests of highway safety and amenity and to accord with Policy DC32.

4. Archaeology - A) No development shall take place until the applicant has secured the implementation of a programme of archaeological works in

accordance with a Written Scheme of Investigation which has been submitted by the applicant and approved by the local planning authority.

B) No development or demolition shall take place other than in accordance with the Written Scheme of Investigation approved under Part (A).

C) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under Part (A), and the provision made for analysis, publication and dissemination of the results and archive deposition has been secured.

Reason: Heritage assets of archaeological interest survive on the site. The planning authority wishes to secure the provision of archaeological investigation and the subsequent recording of the remains prior to development (including historic buildings recording), in accordance with recommendations given by the borough and in the NPPF.

5. Contamination - 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 a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved to a programme approved as part of the approved remediation strategy.

Reasons: To ensure that any contamination identified during works which has not previously identified is disposed of appropriately.

6. Landscaping – The submitted landscaping scheme, received by the Council on 18th January, 2013 and referenced “JC0057A1/UC/ARCH/PL/GA/100”, shall be implemented in the first available planting season following the commencement of the development, and any trees or plants which within a period of 5 years from completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next available planting season with others of a similar size and species, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the appearance of the proposed development will harmonise with the character of the surrounding area and comply with Policy DC61 of the Development Control Policies Development Plan Document.

7. Materials and Boundary Treatment – The development shall be undertaken in accordance with the submitted details relating to the use of building materials and site boundary treatment, received by the Council on 18th January 2013, and referenced “JC0057A1/UC/ARCH/PL/GA/202 Rev 0”, “JC0057A1/UC/ARCH/PL/GA/102 Rev 0”, and “JC0057A1/UC/ARCH/PL/GA/100”.

Reason: To protect the visual amenities of the Green Belt and visual amenity generally, in accordance with Policy DC61 of the Development Control Policies Development Plan Document.

8. Stockpiled Material – Stockpiled materials shall not exceed 3m in height.

Reason: To protect the visual amenities of the Green Belt and visual amenity generally, in accordance with Policy DC61 of the Development Control Policies Development Plan Document.

INFORMATIVES

1. Reason for Approval:

The proposal is considered acceptable having had regard to the principle of development, the impact upon the character of the area, impact upon neighbouring occupiers, and other considerations, and the relevant criteria of Policies DC22, DC31, DC32, DC33, DC45, DC47, DC48, DC58, DC61, DC69, DC70 of the LDF Core Strategy and Development Control Policies DPD, Policy SSA8 of the Site Specific Allocations DPD, and all other material considerations.

2. The applicant is advised that planning approval does not constitute approval for changes to the public highway. Highway Authority approval will only be given after suitable details have been submitted, considered and agreed. The Highway Authority requests that these comments are passed to the applicant. Any proposals which involve building over the public highway as managed by the London Borough of Havering, will require a licence and the applicant must contact StreetCare, Traffic & Engineering on 01708 433750 to commence the Submission/ Licence Approval process.
3. Heritage assets of archaeological interest survive on the site. The planning authority wishes to secure the provision of archaeological investigation and the subsequent recording of the remains prior to development (including historic buildings recording), in accordance with recommendations given by the borough and in the NPPF.

REPORT DETAIL

1. **Site Description**

- 1.1 The application site is a 5.8ha area of land located to the south of Upminster, mainly comprising open agricultural land although part of the site protrudes into the existing Upminster Cemetery, from which the site would take its vehicular access. The site's western boundary adjoins the existing cemetery, whilst the southern, eastern, and northern boundaries lie adjacent

to open agricultural land, which to the east and north, is designated in the LDF as a Borough Site of Nature Conservation Importance. The Cranham Nature Reserve, which is a Metropolitan Site of Nature Conservation Importance, is located approximately 100m to the north of the site.

- 1.2 The site is located in the Green Belt and is designated in the LDF as a Minerals Safeguarding Area. The site also forms part of the Thames Chase Community Forest. The site forms part of a larger area allocated for future burial needs in the Site Specific Allocations DPD.

2. Description of Proposal

- 2.1 This planning application proposes the material change of use of approximately 5.8 hectares of land from mainly agricultural use to a cemetery, with space for 5,716 burials. At current burial rates, it is estimated that it would take 20 years for the proposed cemetery to fill.
- 2.2 Owing to the ground water regime in the area, which includes a high water table, and given the legal requirement for burials to take place in dry ground, the applicants are proposing the installation of sub surface structures and pumping equipment to reduce the site's water table. Water pumping will also be required to prevent ground water contamination after burials occur. This ground water abstraction system would operate on a permanent basis.
- 2.3 The proposed sub-surface structures would comprise pile-driven, sheet metal forming three containment areas from which the ground waters would be pumped. Each of these burial areas would represent a phase of the proposed development. The first phase, located at the northern end of the site, would be constructed first, with construction commencing on the following phases as and when the burial space of the previous phase begins to be exhausted. The second burial area would be located at the western side of the site, and the third at the eastern side of the site. It is anticipated that the first burial area would take approximately 5 years to fill.
- 2.4 The ground waters from each of the three phases would be extracted by means of sub surface pipework and surface level pumping equipment contained within buildings. Contaminated ground water would be pumped into the existing foul water sewage system. There would be two pump house buildings located in each of the three burial areas. The buildings would be approximately 2.8m in height with footprints of approximately 33sqm; they would be formed of painted, precast concrete with overarching, columnar metal structures providing shelter, with seating beneath for use by visitors.
- 2.5 A toilet block would be located at the south eastern corner of the second burial area, alongside the internal access road that that will connect the three burial areas to one another and to the existing cemetery located immediately to the west of the site. The toilet block would have a similar design to the pumphouse structures, but would have a slightly larger footprint.

- 2.6 Construction traffic would access the site by means of a temporary access running along the southern boundary of the site from Ockenden Lane. The general public would access and exit the completed burial areas through the existing cemetery, with the internal access being located at the north western end of the application site.
- 2.7 The proposal would also involve drainage works, including the installation of soakaways at the northern end of the site, landscaping works, and other operations.

3. Relevant History

There are no previous planning decisions of particular relevance to this application.

4. Consultations/Representations

- 4.1 Notification letters were sent to 35 neighbouring properties; site notices were placed within the vicinity of the site; and advertisements have been placed in the local press. One representation has been received from a neighbouring occupier objecting on the following grounds. The proposal would:

- a) Have an overbearing and detrimental impact on the Cranham Nature Reserve;
- b) Make further development to the north east likely in future;
- c) The site is attractive, arable land and should not be developed.

Various suggestions are made for improving the proposal; including tree planting at every grave; the use of more natural materials on the access roads; avoiding the use of permanent lighting.

4.2 Statutory Consultees

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|--------------------|---|---------------------------------------|
| Environment Agency | - | No objections; condition recommended. |
| English Heritage | - | No objections; condition recommended. |

4.3 Non statutory Consultees

- | | | |
|----------------------|---|---------------------------------------|
| Highway Authority | - | No objections; condition recommended. |
| Environmental Health | - | No objections; condition recommended. |

5. Relevant Policies

- 5.1 The following policies of the LDF Core Strategy and Development Control Policies DPD ("the LDF") are of relevance:

DC22 (Countryside Recreation)
DC31 (Cemeteries and Crematoria)

DC32 (Road Network)
DC33 (Car Parking)
DC45 (Appropriate Development in the Green Belt)
DC47 (Agriculture)
DC48 (Flood Risk)
DC58 (Biodiversity and Geodiversity)
DC61 (Urban Design)
DC70 (Archaeology)

Policy SSA8 of the Site Specific Allocations DPD

5.2 The following policies and guidance are also material considerations in this case:

The London Plan Policy 7.23 (Burial Spaces)

The National Planning Policy Framework (“the NPPF”)

6. Staff Comments

6.1 This proposal is put before Planning Committee as the application proposes development on Council owned land.

6.2 The main issues in relation to this application are considered to be the principle of development, the impact upon the character of the area, impact upon neighbouring occupiers, and other considerations.

7. Assessment

7.1 Principle of development

7.1.1 Policy SSA8 of the LDF allocates an area of land, including the site, to provide for future burial space needs and to meet future crematorium needs. It states that the provision of small, ancillary buildings should satisfy Policy DC45 of the LDF.

7.1.2 This planning application proposes the change of use of land, along with engineering and building operations in the Green Belt. Policy DC45 of the LDF states that planning permission will only be granted for development in the Green Belt that is for given purposes, including cemeteries, and that new buildings in the Green Belt will only be approved where they are essential to the identified uses.

7.1.3 National planning guidance is also a material consideration in the determination of planning applications. In terms of the guidance contained in the NPPF, the preliminary assessment when considering proposals for development in the Green Belt is as follows:-

a) It must be determined whether or not the development is inappropriate development in the Green Belt. The NPPF and the LDF

set out the categories of development not deemed to be inappropriate.

- b) If the development is considered not to be inappropriate, the application should be determined on its own merits.
- c) If the development is inappropriate, the presumption against inappropriate development in the Green Belt applies.

7.1.4 In terms of Green Belt policy, this application proposes the material change of use land, along with building and engineering operations. Each type of development will be considered in turn..

Material Change of Use

7.1.5 It is considered that the proposed change of use, which would involve the laying of thousands of graves, with their associated headstones and other objects, and the use of the site by the general public, would diminish the openness of the Green Belt and have an urbanising effect on its character. In any case, the guidance contained in the NPPF is silent in relation to material changes of use. As this type of development is not listed as potentially constituting appropriate development in the Green Belt, the implication is that the proposed change of use would constitute inappropriate development in the Green Belt. Very special circumstances therefore need to be demonstrated to overcome the harm to the Green Belt, by reason of inappropriateness.

Building Operations

7.1.6 Paragraph 89 of the NPPF states that the construction of new buildings in the Green Belt need not be inappropriate where they relate to the provision of appropriate facilities for cemeteries, providing they maintain the openness of the Green Belt and not conflict with the purposes of including land within it. The proposed buildings, including six small pumphouse buildings, and a modest toilet block, are considered to be necessary for the site's proposed use as a cemetery. The proposed pumphouses would screen unsightly pumping equipment and provide dry areas for electrical equipment and future maintenance. In terms of their siting, scale, and design, it is considered that the proposed buildings would not be materially detrimental to the openness of the Green Belt, and would not conflict with the purposes of including land in the Green Belt.

Engineering Operations

7.1.7 Paragraph 90 of the NPPF states that the undertaking of engineering operations in the Green Belt need not be inappropriate providing they maintain the openness of the Green Belt and not conflict with the purposes of included land within it. The proposed engineering operations would not be visible above the surface. It is therefore considered that they would not be

harmful to the visual amenities of the Green Belt, or conflict with the purposes of including land in the Green Belt.

7.1.8 As the proposed change of use would constitute inappropriate development in the Green Belt, very special circumstances will need to be demonstrated that clearly outweigh the harm, by reason of inappropriateness and any other harm, that might be identified in the remainder of this report. The case for very special circumstances will be considered below.

7.2 Visual Impact

7.2.1 Policy DC61 states that planning permission will only be granted for development which maintains, enhances or improves the character and appearance of the local area. However, the requirements of this policy need to be balanced against the provisions of Policy SSA8 of the LDF, which allocated the site for the proposed use.

7.2.2 The proposed development would result in permanent changes to the appearance of the site, which currently comprises open, agricultural land. The proposal would result in the erection of seven small buildings, and the creation of thousands of graves, with their associated headstones and memorials. The proposal would also involve the laying of hard surfaces for access purposes, which would be used by vehicles.

7.2.3 It is considered that the proposal would have an urbanising effect on the Green Belt and significantly diminish the rural character of the area. It is considered that the proposal would be detrimental to the visual amenities of the Green Belt, however, as discussed above, it is considered that there are very special circumstances to justify this. Mitigating considerations are as follows: The proposal would not involve any more physical development than is absolutely necessary for the proposed use. Moreover, the proposed landscaping scheme, which would complement the existing vegetation to be retained, would go some way to softening the appearance of the site, and screening it from the surrounding area. A condition is recommended, should planning consent be given, requiring the completion and maintenance of the proposed landscaping scheme.

7.2.4 The proposed boundary treatment and use of materials in the external finishes of the buildings are detailed in the submitted information. A condition is recommended requiring compliance with these submitted details.

7.3 Amenity

7.3.1 Policy DC61 of the LDF states that planning permission will not be granted for proposals that would significantly diminish local and residential amenity.

7.3.2 The nearest residential property is in excess of 300m from the site. The most significant impacts on amenity are likely to occur during the construction phase, when the pile-driven sheet metal is being inserted into

the ground, resulting in noise and possible vibration. The main impacts would be upon the existing cemetery and its users. However, the submitted information states that piling would take place around scheduled funeral services, of which there are usually around 25 per month. Environmental Health officers have raised no objections to the proposal on noise grounds.

7.3.3 It is considered that the actual use of the site as a cemetery, once the construction works are complete, would not give rise to any significant adverse impacts on local or residential amenity.

7.3.4 Given the nature of the proposal, it is considered that there would not be any significant adverse impacts on the amenity of neighbouring occupiers, and the proposal would not be contrary to Policy DC61 of the LDF.

7.4 Access Considerations

7.4.1 Policy DC32 of the LDF states that development will only be permitted where it can be demonstrated that there would be no significant adverse impacts on the road network. Policy SSA8 of the LDF, states that proposals for the development of the site as a cemetery should include a traffic assessment to ensure that impact on the local road network is mitigated against.

7.4.2 The submitted information states that the proposal would not result in additional employment and the number of additional people visiting the site would be minimal. Funeral services at the existing cemetery and crematorium would continue to be the main factors attracting visitors to the site, and there is sufficient space within the site for the parking of vehicles. Those visiting graves at the site would be permitted to park along the internal roadways, as is the case at the existing cemetery. The proposed internal road way would be a two-way system, with the roads being approximately 5.5m in width.

7.4.3 During the construction phase of the development, construction vehicles would access the site along a temporary roadway, running along the site's southern boundary. Construction vehicles and plant would be stored in the site compound, to be located at the centre of the site.

7.4.4 The Highway Authority has been consulted about the proposal and raised no objections subject to the use of conditions requiring the submission of reviews relating to traffic signs and bus stop accessibility along Ockenden Road. In the absence of any objections from the Highway Authority, it is considered that the proposal would be in accordance with Policies DC32 and SSA8.

7.5 Environmental Considerations

7.5.1 Policy SSA8 of the LDF states that proposals for the development of the site as a cemetery should ensure measures are taken to avoid significant adverse impacts on water quality, water courses, groundwater, and

drainage systems. It is also stated that adverse impacts on biodiversity and the Cranham Nature Reserve should be avoided.

7.5.2 An area to the east and north of the site is designated in the LDF as a Borough Site of Nature Conservation Importance. The Cranham Marsh Local Nature Reserve is located approximately 100m to the north, and this is designated in the LDF as a Metropolitan Site of Nature Conservation Importance. Policy DC58 of the LDF states that the biodiversity and geodiversity of these sites will be protected and enhanced.

7.5.3 Natural England have been consulted about the proposal but have yet to respond; Members will be given an update at Committee. The proposal would have the potential to result in groundwater contamination, which could affect nearby wetland areas associated with the Cranham Nature Reserve. The proposed groundwater abstraction system is intended to address this issue. The Environment Agency were consulted about the proposal and have raised no objections subject to the use of a condition relating to ground contamination. Providing no adverse comments are received from Natural England, it is considered that the proposal would not be contrary to Policy DC58 of the LDF, subject to the use of those conditions recommended.

7.6 Heritage Assets

7.6.1 Policy DC70 of the LDF states that planning permission will only be granted where satisfactory provision is made in appropriate cases for the preservation and recording of archaeological remains in situ or through excavation. English Heritage were consulted about the proposal and have stated that heritage assets of archaeological interest survive at the site. A condition has been recommended, which can be imposed should planning permission be granted. Subject to the use of this condition, the proposal is considered to be in accordance with Policy DC70 of the LDF.

7.7 Other Considerations

7.7.1 Policy SSA8 of the LDF states that proposals for the development of the site as a cemetery should be consistent with the objectives of the Thames Chase Plan. It is considered that this would be the case given the proposed retention of existing landscaping, and the planting of new vegetation.

7.7.2 The proposed provision of new building floor space would either relate to buildings not used by the public, or would not exceed 100sqm, and the proposal would not therefore give rise to a payment under the Mayoral CIL regulations.

7.7.3 Policy DC47 of the LDF states that planning permission will not be granted for proposals that would result in the loss of high quality agricultural land (Grades 1, 2 & 3a) unless it can be shown that there is an overriding sustainability benefit or that the development is unavoidable and no lesser quality land is available. The site is currently in agricultural use but is known to suffer from surface drainage issues owing to its clay soils. The site is

allocated in the LDF for the development of a cemetery and given the nature of the land, it is considered that there are overriding sustainability benefits to justify the proposal.

7.8 Very Special Circumstances

7.8.1 As discussed earlier in this report, it is considered that the proposed change of use would be harmful to the Green Belt, by reason of inappropriateness and the other harm. The other harm would be the significant adverse visual impact identified.

7.8.2 In this case it is considered that there are sufficient very special circumstances to justify the proposal. It is anticipated that the existing burial space at Upminster Cemetery will be exhausted by September 2013, meaning there is a clear need for additional burial spaces to be provided in the area. Policy DC31 of the LDF states that the Council will ensure sufficient land is retained to meet demand for burial space and cremated remains and to this end, the site has been specifically allocated for the provision of additional burial spaces.

7.8.3 The site is allocated in the Development Plan for use as a cemetery owing to an anticipated shortage in burial space, both in Havering, with its relatively elderly population, and the wider area. The proposal would bring additional burial space both to the local and wider community, including to those who, for cultural reasons, burial is the preferred or only option. It is considered that the provision of much needed burial space, to address an impending shortage of spaces, overcomes the harm to the Green Belt by reason of inappropriateness and other harm.

8. Conclusion

It is considered that there are very special circumstances to justify inappropriate development in the Green Belt, and in all other respects, officers consider the proposed development to be acceptable, having had regard to Policies DC22, DC31, DC32, DC33, DC45, DC47, DC48, DC58, DC61, DC70 and SSA8 of the LDF, and all other material considerations.

In line with the guidance in Circular 02/2009 (The Town and Country Planning (Consultation) (England) Direction 2009) the application because of its scale and location is notified to the Secretary of State.

IMPLICATIONS AND RISKS

Financial implications and risks:

None.

Legal implications and risks:

None.

Human Resources implications and risks:

None.

Equalities implications and risks:

None.

BACKGROUND PAPERS

Application form
Supporting documentation and plans