



- 1.4 It is anticipated that the site would be in active use for approximately 25 years with the total number of anticipated burials being 20,000. The proposal requires a large area of undeveloped land within a rural area.
- 1.5 The agent notes that the site is located close to a large and heavily populated catchment area in mid Kent and that there is a demand for burial space and the scattering of cremated remains. Whilst take-up may initially be low, it is anticipated that this will grow and the site will become popular as it is set within an attractive landscape.
- 1.6 The ceremonial building would be 58 square metres in area and have a maximum height of 3.6m. It is designed to allow small memorial services with seating for approximately 40 people. The building has been designed so that the bulk and massing is diminished, with the use of natural materials such as timber shingles to the roof and timber cladding to the walls.
- 1.7 An ancillary building would also be constructed to provide a garage/tool storage area, staff WC and rest room. This would be surrounded by a high close boarded fence. The buildings would be located in the south west corner of the site and would be screened by an established group of trees running parallel to the road frontage.
- 1.8 The car park has been amended to show that a total of 80 spaces would be available to the south east of the driveway in a car park with re-inforced grass surface finish. These would fit in with the submitted landscape scheme.
- 1.9 The proposal will create a species rich grassland pasture with areas being seeded and planted to create a wildflower meadow. Careful consideration has been given to the layout of the proposed natural burial ground and a visual assessment has been carried out in respect of the position in the AONB. It is proposed to plant 14 hectares of woodland, 430m of traditional hedgerows and re-inforce 650m of existing hedgerows in order to enhance the landscape. Some potential exists for bats, reptiles, dormice and nesting bird enhancements at the margins of the site.

## **2. Reason for reporting to Committee:**

- 2.1 At the request of Councillor Sullivan and due to a high level of local concern amongst residents.

## **3. The Site:**

- 3.1 The application relates to an irregularly shaped 15 hectare parcel of land on the north side of Common Road, to the west of Blue Bell Hill village. The site lies on chalk downland and comprises semi-improved grassed fields bordered by hedgerows, trees and scrub vegetation. To the north is an area of ancient woodland, whilst to the south are occasional residential properties. To the west, set in a small valley is the Robin Hood pub. Common Road forms part of the long

distance footpath known as the North Downs Way. Public footpaths run through the middle of the site and along the eastern boundary. The site lies within the Kent Downs Area of Outstanding Natural Beauty (AONB) and the Strategic Gap.

#### **4. Planning History:**

TM/13/02131/FL Under consideration

The site is also subject to Article 4 Directions that were imposed on 20 February 2003 to remove certain permitted development rights. These Directions were confirmed by the Secretary of State and remain in force. The Directions remove the rights to construct gates, fences and other means of enclosure; vehicular access; 28 day use rights; temporary and moveable buildings, structures, plant or machinery; various agricultural restrictions relating to buildings and operations on land under five hectares; repairs to unadopted streets and private ways and electricity undertakings.

#### **5. Consultees:**

- 5.1 Aylesford PC: Strongly object. The site lies within the AONB and the proposal would not represent an enhancement. Another burial ground will be disproportionate to the use of land in the locality. Common Road is unsuitable for the traffic proposed and would be in conflict with pedestrians, cyclists and horse riders. The increase in traffic would exacerbate existing traffic issues in the village. Drainage and groundwater issues have also been mentioned.
- 5.2 Burham PC: Concerned about pollution to ground water from the burial site car park. Object to building in the AONB and the believe the proposal would not enhance the landscape. The passing bays are not suitable and traffic problems would occur in Common Road.
- 5.3 KCC (Highways): Notes that current traffic flows along Common Road are low with 437 two way traffic movements between 0700 and 1900. The traffic generated by the burial ground will constitute a significant increase in the level of traffic in Common Road in the times before and after funerals. Concerns were initially expressed about the level of parking provision, the width of Common Road and whether congestion and inconvenience would occur for other road users. It is recommended that existing wholly informal passing bays (formed by vehicles passing each other) could be improved to allow for traffic to pass safely. The applicant was also asked to assess the effect of additional traffic on the traffic signals at the junction of the A229 with Maidstone Road to ensure the proposal did not result in significant capacity problems at this junction.
- 5.4 In response to additional information, KCC Highways has confirmed that the increase in the number of parking places to 80 is acceptable in itself and that the consequential generated traffic levels can be considered acceptable provided that

more formal passing bays can be provided within the limits of highway land and/or land within the application site. The applicant has agreed to the imposition of a condition to undertake road improvements along Common Road as part of a Section 278 Agreement, prior to the use commencing. In view of this, no highway objections are raised subject to all necessary safeguarding conditions and the provision of a construction management plan.

- 5.5 KCC PROW: Notes that public footpaths run through the middle of the site and along the eastern boundary, but these should not be affected by the application.
- 5.6 Kent Wildlife Trust: No objection in principle and welcomes most aspects of the proposal. There are reservations about the proposed buffer zones which are considered to be too narrow. It is important that the nearby Ancient Woodland of Bridge Wood is not harmed and so the buffer should be widened to protect this area. An Ecological Management Plan is required covering buffer zones, enhancement areas and habitat management.
- 5.7 Natural England: Does not consider that this application poses any likely or significant risk to those features of the natural environment and so does not wish to make specific comment. The application may provide opportunities to enhance the character and local distinctiveness of the surrounding natural and built environment. Where protected species may be present survey information should be requested.
- 5.8 Private Reps:90/0X/70R/0S +site + press notice: The main points raised include:
- Site falls within the AONB and both the building and car park would result in harm to the landscape.
  - Common Road is a quiet rural lane that forms part of the North Downs Way used by walkers. The road would be unsuitable for daily use by funeral traffic.
  - Drainage through the chalk could affect the quality of the water extracted for public consumption.
  - The road improvements would spoil the rural environment.
  - One crematorium is enough for a small village.
  - There would be an increase in traffic as visitors returned to the site on anniversaries such as Mothers Day etc.
  - The proposed passing spaces would be used for car parking.
  - The additional vehicle activity would add to queuing traffic and exhaust fumes from those cars leaving the village at the traffic light controlled junction with the A229.

- The site should remain in agricultural use.
- Who would maintain the discretionary footpath shown through the site?

**6. Determining Issues:**

- 6.1 The main considerations are whether the principal of creating a natural burial ground is acceptable in this rural location within the AONB and Strategic Gap, having regard to visual amenities, the nature of the area, the landscape character, highway activity and residential amenity. Policy SQ1 identifies that proposals for development will be required to protect/conservate and where possible enhance the local character and distinctiveness of the area and the prevailing level of tranquillity. It also highlights the need to enhance the particular setting of and relationship between the pattern of settlement, roads and the landscape, urban form and important views.
- 6.2 As mentioned above this site lies in a rural area that is protected by the AONB landscape and Strategic Gap designations. These state that development would not be permitted which would be detrimental to the natural beauty and quiet enjoyment of the AONB landscape or where it compromises the function of the Strategic Gap. The exceptions are where this represents major development in the national interest or any development *that is essential to meet local social or economic needs*. Where development can be justified for these reasons, regard must still be had to the local distinctiveness and landscape character of the area. The separation between the built up areas of Maidstone and the Medway towns should be maintained.
- 6.3 In support of this proposal within a rural area, the applicants' agent has indicated that the buildings would be finished in sympathetic materials and that various landscape enhancements would take place through additional planting. From a social point of view, it is stated that the site is within easy access of a large population within the west Kent and Medway towns. It is said that traditional cemeteries are experiencing increasing pressure with diminishing availability of burial space and this site could provide an attractive alternative.
- 6.4 Whilst it is appreciated that a natural burial ground may well be acceptable in a rural location (but I am not convinced that this is essential) this is not considered to be sufficient justification, in itself, for accepting the principal of development in any rural location. It is necessary to consider the wider landscape implications and to balance these against any economic or social reasons for the proposal. There is concern that the overall impact of the activity, including the additional traffic movements as well as the construction of two buildings in the AONB that would not be introduced into the landscape otherwise, would result in harm to the open and largely undeveloped land on the north side of this stretch of Common Road. Notwithstanding the fact that the buildings may be single storey and constructed of appropriate rural materials their built form would, of necessity,

intrude into the rural area and in my view would be detrimental to the current open nature of the landscape of this part of the Kent Downs AONB. New buildings should be allowed only if justified and necessary. For this reason, the introduction of the use and the two buildings is considered to be contrary to policy CP7 because there is no *requirement* for such facilities *in this locality* as is required by the section (b) of the policy – the development is not “*essential to meet local social or economic needs.*”

- 6.5 Blue Bell Hill village is a fairly compact rural settlement that is confined by the busy road network in the area. Common Road lies largely outside the village envelope and provides access to a quieter part of the borough and relief from the busy road routes between the M20 and M2. Common Road forms part of the Pilgrims Way which passes through the north west of the borough and is an ancient route way linking Canterbury to Winchester. As such it forms part of Kent’s rich heritage and is worthy of protection and therefore be contrary to Policy SQ1 of the MDE DPD.
- 6.6 Common Road has remained, historically, a quiet lane leading out into the open countryside and is popular with local walkers, cyclists and horse riders who use the road to access various footpaths and bridleways. It is considered important that development pressures are resisted in rural lanes , in order to protect and enhance their character.
- 6.7 In considering the proposal for the natural burial ground, it has been necessary to have regard to the activity associated with memorial services/burials and general funeral traffic as well as visits by family members to graves or resting places. Despite the fact that the applicants have indicated from a technical point of view that the proposal would not have a material impact upon traffic flow and movements in the area, there remains concern that additional traffic associated with the facility would not protect the environment of Common Road. The proposal could result in up to three funerals on some days with a cortege and varying amounts of vehicles using Common Lane. Such activity would have the potential to clash with those walking, cycling or riding horses in the lane, especially where it is narrower in width. The proposed vehicle activity is thought to be detrimental to the value of the lane in terms of its landscape, amenity and historic importance.
- 6.8 In addition, the proposed formation of passing places and formalisation of parking spaces will also detract from the rural character of the lane. The use of urbanising features to avoid verge erosion are thought to be inappropriate as these works will impact on the current informal and tranquil nature of Common Road. Such works would not enhance the value of the lane in terms of its landscape, amenity and historic importance. It is concluded, therefore, that the activity associated with the natural burial ground would be harmful to the current rural and tranquil nature of Common Road, contrary to MDE DPD policies SQ1 and DC6.
- 6.9 A tree survey submitted with the application identifies 16 individual trees and four groups of trees. No trees are to be removed and all are to be protected through

the duration of the development in accordance with adopted procedures. The aim is to maintain a high quality bio diverse lowland wood pasture. It is also proposed to regenerate the existing hedgerows and develop healthy hedgerow boundaries to the site.

- 6.10 In addition to the tree survey an ecological assessment was also carried out in association with the proposal. This states that there is no reason to suggest that any ecological designations, habitats of nature conservation interest or any protected species will be adversely affected by the proposed development. In fact the development presents an opportunity to provide ecological enhancements for a range of wildlife within the site, providing benefits for wildlife in the long term.
- 6.11 Notwithstanding the conclusions of the landscape assessments these do not override the above mentioned concerns about harm to the landscape of the AONB and quiet character of the area.
- 6.12 The site falls within Source Protection Zone 3 for the Nashenden public water supply boreholes. The site is underlain by chalk and is classed as a principal aquifer and as a result the site lies within an area of high ground water sensitivity. It is noted that the rate of burials is the most influential factor in the potential for high effluent concentrations to leach from the base of grave plots into the ground. In support of the proposal a Sustainable Drainage Survey was submitted in June in response to comments made by the Environment Agency. The Agency has agreed that a Sustainable Drainage Strategy would be sufficient to address the concerns about aquifer protection subject to a controls and limitations on the number and frequency of burials.
- 6.13 Following initial consideration of the submitted documents, the Environment Agency raised concerns about insufficient evidence regarding controlled water pollution. It was noted that the site is situated within an area associated with a low probability of flooding. As the site is over 1 hectare in size and there is the potential to increase flood risk elsewhere through the addition of impermeable surfaces and the effect of surface water runoff, further information was requested to explain how these matters would be dealt with. In agreement with the Environment Agency, a Sustainable Drainage Report was submitted to address aquifer protection and ground water risk assessment. This identified that roof water from the buildings will be discharged to soakaways and that there would be no critical drainage problems. The Environment Agency is satisfied that the additional information demonstrates that appropriate controls could be achieved on these matters.
- 6.14 The KCC Highways initially noted that the traffic generated by the burial ground would constitute a significant increase in the level of traffic on Common Road in the times before and after funerals, depending on the number of mourners present. Concerns were expressed about the level of parking provision and

whether this would be sufficient and if not whether cars would overspill and park in Common Road.

6.15 KCC Highways has concluded that in terms of traffic along Common Lane, use of Maidstone Road/A229 junction and the adequacy of parking, the relevant matters may be adequately controlled by condition (and provably some underlying legal arrangements directly between the applicant and KCC).

6.16 This application has been the subject of lengthy and detailed consideration with the submission of a considerable amount of initial and additional information by the applicants to demonstrate how the proposal could be achieved. Whilst the information regarding parking provision and engineering improvements to Common Road and the Sustainable Drainage Strategy concerning drainage and the protection of the underlying aquifer have addressed the technical concerns, there remain overriding objections about the impact on the Area of Outstanding Natural Beauty and landscape generally as well as the quiet rural character of the area. It is concluded that the proposal is unacceptable in terms of MDE DPD policy SQ1 and Core Strategy CP7 as outlined above. It is, therefore, recommended that planning permission is withheld in this instance.

## **7. Recommendation:**

7.1 **Refuse Planning Permission**, subject to:

### **Reasons**

1. The proposed development, by reason of the formation of formal car parking and passing spaces in Common Road would have a detrimental impact on the tranquil rural character of the locality, resulting in the urbanisation of the road, contrary to policy SQ1 of the Managing Development and the Environment Development Plan Document.
2. The proposal would involve the introduction of two buildings in association with the proposed use, which would be detrimental to the natural beauty, quiet enjoyment and overall character of the Kent Downs Area of Outstanding Natural Beauty, contrary to policy CP7 of the Tonbridge and Malling Borough Core Strategy.

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