

## **SECTION '2' – Applications meriting special consideration**

**Application No :** 15/00981/FULL3

**Ward:**  
**Darwin**

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

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

**Applicant :** Mr Bill Heaseman

**Objections : YES**

### **Description of Development:**

Change of use of existing buildings to mausoleum with associated landscaping, elevational alteration, hardstanding and parking for 37 cars

Key designations:

Biggin Hill Safeguarding Birds  
Biggin Hill Safeguarding Area  
Green Belt  
London City Airport Safeguarding  
Local Distributor Roads  
Smoke Control SCA 28

### **Proposal**

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

The application is accompanied by a Planning Statement, a Design and Access Statement, a Supplementary Planning Statement (Response to Appeal Decision), and a Transport Assessment.

### Use

A Planning Statement has been submitted that outlines the proposed use. The two existing buildings would be re-clad utilising the existing structures. The internal layout comprises a central access with a crypt area featuring burial vaults. A total of 690 burial crypts would be provided.

The proposed mausoleum would operate between the hours 9.30am to 4.00pm Monday to Friday and 10.00am to 3.00pm on Saturdays and Sundays with a stated number of staff of four. A total of 40 car parking spaces are provided which

includes 3 disabled spaces, two spaces for hearse parking. Cycle storage is also proposed.

The scheme also proposes to form new paths and upgrade existing ones in order to enhance pedestrian access to the site. The Transport Assessment sets out the nature of these proposed works, which the applicant has offered to undertake under a Section 106 agreement:

- improve the public footpath which runs from the application site to the A21 and provides a link to Green Street Green High Street;
- provide a pedestrian access and new path to the rear of the mausoleum site and the existing public footpath which runs to Green Street Green High Street;
- improve the footpath that provides a pedestrian link running parallel to Old Hill on the western side of Old Hill. A short additional section of footway approximately 5 metres long could also be provided to ensure a fully linked pedestrian route from the mausoleum site to the A21.

In addition to the above, the applicant has proposed to provide a mini bus service, whereby upon making an appointment to visit the mausoleum, visitors could request to be collected from anywhere within a mile of the site.

### Design

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

### **Location**

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

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

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

### **Comments from Local Residents**

Nearby owners/occupiers were notified of the application and representations have been received which are summarised below:

- additional traffic along Old Hill, which is a confined narrow road also used by horse riders
- scale of additional traffic generation is unacceptable
- traffic flow will be impeded
- proposal will undermine road safety conditions
- additional indiscriminate parking along Old Hill
- proximity to A21 is of concern
- grid-lock at funeral times with cortege
- no local benefit, in terms of jobs or financial contribution
- concern at long-term upkeep of the site, which could ultimately fall to the Council
- harm to local wildlife
- proposed minibus service is unworkable and unsustainable
- proposal already refused by the Council and dismissed at appeal
- access to the site impractical by foot and poorly served by public transport
- additional proposal parking is inadequate
- loss of privacy
- noise and disturbance
- already a lot of vehicle traffic at junction with Cudham Lane
- road too narrow for funeral processions
- existing lack of sufficient parking in the area at weekends and evenings due to other local facilities
- existing poor pedestrian access
- changes do not overcome previous concerns
- inappropriate use in the Green Belt
- sufficient burial capacity exists in the borough
- space for mausoleum at Kemnal Road cemetery
- Council should refuse to consider this application
- unacceptable to tarmac footpaths in nature conservation site
- Old Hill already a dangerous 'rat run' for local residents
- danger to horse riders
- traffic impact on Old Hill underestimated
- poor sightlines
- consent of Secretary of State required to resurface path passing through Common Land
- adverse drainage implications owing to additional hardstanding
- potential adverse health risks
- parking overspill into Beechwood Avenue
- enlarged parking area would be within Site of Metropolitan Importance
- no structural report to show that existing buildings can be used for intended purpose
- no environmental assessment
- poor appearance of building for proposed use
- no lighting on roads
- damage to woodland to achieve desired visibility
- houses prices devalued
- road junctions would have to be redesigned

Objections have also been raised by the Downe Residents' Association which are summarised below:

- unable to estimate vehicle movements
- Old Hill is a narrow road which would be unsafe for a cortege to negotiate
- parking on opposite side of site entrance would impede access
- potential non-viability of the site is of concern
- facilities at Kemnal Road cemetery makes this proposal redundant
- inappropriate in the Green Belt
- previous Inspector was correct to raise highway concerns

Further objections have been raised by Orpington Field Club which are summarised below:

- provision of visibility splay for site access will involve loss of mature species and loss of wildlife habitats
- harm to local biodiversity
- provision of hard surface inappropriate in Site of Importance for Nature Conservation
- adverse impact of additional parking
- lack of supporting documents
- previous planning application considered that implication for nature conservation would remain to be addressed

Objections were also received from the High Elms Countryside and Parks Officer which are summarised below:

- High Elms Country Park is designated as a Local Nature Reserve, Site of Metropolitan Importance and part of a Site of Special Scientific Interest
- no Environmental Impact Assessment undertaken despite existence of protected species in close proximity
- potential loss of beech tree to achieve adequate visibility splay
- loss of hedgerow
- harm to protected species, including hazel dormouse and lepidoptera and potentially badgers
- proposed landscaping includes species inappropriate for semi-rural area
- wholly inappropriate resurfacing of footpaths in countryside setting
- path and bridleway along Old Hill are not Public Rights of Way and are open at the Council's discretion
- poor public transport provision
- additional parking will not address parking concerns
- parking along Old Hill is a strong possibility
- potential pedestrian safety hazard

Comments have also been received from the Beechwood Residents' Association which reiterate objections listed above.

### **Comments from Consultees**

No Environmental Health objections have been raised.

The Council's Highways Engineers have objected to the proposal, noting that there is no new information regarding trip generation from mausoleums from the previous application. A number of measures have been suggested to regulate the number of trips to the site by people visiting occupied crypts but it is considered that some of these are unlikely to have a significant impact on car trips. It is unclear whether these can be practically conditioned. Having a maximum of one internment per day is likely to restrict the daily trips but would not impact on the number of people potentially attending an internment. It is not considered that the sustainability of the site can be significantly increased by the measures suggested. Therefore it is not considered that the application has overcome the concerns previously raised and the scheme is still contrary to Policy T18 of the UDP.

### **Planning Considerations**

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

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

#### London Plan:

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

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

### **Planning History**

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

Application reference 01/01113/VAR sought to vary condition 2 of this permission to allow the use of barn 2 for storage of horticultural trade supplies. This was

refused on the grounds that this would be detrimental to the openness and amenities of the Green Belt by reason of increased activity, noise and disturbance and additional outside storage. However, this decision was subsequently overturned at appeal with the Inspector commenting that the Green Belt location of the site was of little direct relevance as the intentions of the Green Belt would not be prejudiced by the proposed use and that no loss of openness would result from a use that is not inappropriate.

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

2013 application: 13/03699

Application reference 13/03699 a proposal for a change of use of the existing building to a mausoleum with associated landscaping, elevational alterations, hardstanding and parking for 40 cars was refused by the Council on the following grounds:

***“The proposal, in the absence of any suitably justified information to demonstrate otherwise, would give rise to potentially unsafe conditions in the public highway and harm to the openness and character of the Green Belt by reason of uncontrolled and potentially indiscriminate parking within the site and on the local highway network, contrary to Policies G1 and T18 of the Bromley Unitary Development Plan and the National Planning Policy Framework 2012.”***

***“In the absence of any detailed information submitted with the application to demonstrate otherwise, the proposal would give rise to significant adverse impact on the amenity of the surrounding properties by reason of noise, odours and contamination contrary to Unitary Development Plan Policies BE1(v) and EMP6 and the National Planning Policy Framework 2012.”***

A subsequent appeal was dismissed in February 2015, specifically in relation to the effect on highway conditions. The Inspector submitted the following findings which are summarised below:

- the openness of the Green Belt would not be reduced or otherwise be materially harmed by the scheme;
- proposal would not conflict with the purposes of including the site within the Green Belt, and would therefore not constitute inappropriate development;
- scheme would represent an overall improvement to the existing character and appearance of the site and the distinctiveness of the site’s open countryside setting would not be harmed;
- scale, character and intensity of the proposed operation would provide little reason to suggest any significant harm to living conditions of neighbouring residents;

- the currently proposed provision of parking is not considered to be harmful to the character and appearance of the Green Belt, but there would come a point where the extent of parking would be harmful and the openness of the site undermined;
- the possible scale of vehicle generation is uncertain and would not be significantly offset by the attractions of public transport or walking. The scheme would be harmful to the free and safe movement of vehicles and pedestrians in the vicinity;
- questions around the detailed implications of the scheme for nature conservation, including issues around planting details and works to existing planting around the frontage, would remain to be addressed

## **Conclusions**

Taking account of the findings of the above appeal decision, the main point of consideration in this proposal relates to its effect on the highway conditions in the vicinity. It is considered that matters relating to the openness and character of the Green Belt, and any potential impact on the amenities of the occupants of surrounding residential properties have been settled following the appeal decision in which the Planning Inspector did not identify significant harm on either front.

In comparison to the 2013 application, the following changes have been made or added to the proposal:

- total number of burial crypts reduced from 1000 to 690
- total number of full-time employees reduced from around ten to four
- appointment-based system incorporated with gates kept locked
- enhance existing and provide new footpaths to enable improved pedestrian access to the site

## Highways issues

Despite the uncertainty identified in the Appeal Decision about the possible scale of vehicle generation, there remains a lack of any evidence base to clearly demonstrate the potential scale of the use, which the applicant has failed to provide. The figures provided in this application are for two cemeteries with no data being provided as to how a mausoleum operates in terms of visitors and trip generation. It is also noted that there is a further uncertainty as to how many standalone mausolea there are in the UK from which to assess comparable data (as opposed to those few that do exist that utilise existing cemetery sites). The trip generation evidence used is, therefore, no more than an assumption by the appellant and his appointed consultant as to how a standalone mausoleum would operate and the ramifications in terms of car use. The number of vehicles attending an interment constitute an unknown, as shown by the TA itself. Whilst a reduction in the number of burial crypts has been made (reducing this from 1000 to 690), there is unlikely to be any resultant impact from this reduction for many years, since this change would presumably only affect the longer-term operation of the mausoleum.

It is therefore reasonable to assume that there are no foundations to base the appellant's assumption that no significant levels of traffic would be generated and that, accordingly, the parking provision is sufficient. Even limited to one internment per day, that internment may attract a large number of cars for which there is no provision on the site and any on-street parking would be hazardous to road safety. Parking by reason of overspill onto Old Hill would be highly undesirable given the nature of the road, and as a result all parking provision would have to be accommodated within the site. An additional result of such indiscriminate parking is the potentially unsafe conditions to the public highway by way of the level of parking in such an inappropriate location. The proposal requires the alteration of the access and egress to the site to improve the visibility splays, an area that is controlled by the Council and concerns have been raised as to the acceptability of such an alteration.

The Inspector, in paras 19 – 21 of his decision notice, had concerns about the level of parking and was not convinced a condition about monitoring as previously mentioned was appropriate. Although the start time for an internment could be conditioned, a condition to limit the duration of each internment is not considered reasonable under the tests set out under the NPPF. The Inspector was also concerned increasing parking provision could impact on the Green Belt: that *“there would come a point where the extent of parking would be harmful and the openness of the site undermined.”*

The applicant has suggested a number of measures to reduce car trips. There is the suggestion to resurface footpaths in the vicinity of the site to encourage walking. The Planning Inspector himself cast doubt about opportunities for travel by non-car modes, stating:

***“my assessment is that opportunities for sustainable transport appear limited. Although the scheme does include facilities for cycle parking, the site is not directly served by buses and is not reasonably close to a railway station. The nearest bus links would require a significant walk either up and/or down Old Hill which is poorly served by public footpaths, or up and/or down a right of way through the adjacent woodland, and then across the busy A21 and on to Green Street Green High Street. Given the absence of formal footpaths along much of Old Hill, allied to its topography and significant volumes of traffic, I do not find that Old Hill represents a particularly safe or attractive environment for pedestrians. I consider that such circumstances are instead likely to generally encourage car-based travel.”***

In addition, following discussions with the Council section which deals with the maintenance of rights of way, their initial view is that the footpaths around the site are rural in nature and surfacing is not something they would support. A minibus service is also proposed which would collect visitors from nearby bus stops or railway stations. This would rely on where visitors are coming from in order to be able to use the public transport network and there is no assessment of the likely car trips this would save.



It is proposed to make all visits to the mausoleum by appointment only. This would regulate the numbers but it is unclear as to how any condition would be practically monitored. It has also been suggested that a traffic marshal would be on site, but it is unclear what would be done if more vehicles arrived than parking spaces were available. A Travel Plan has been proposed but as there are only intended to be 4 members of staff the impact of one is likely to be insignificant.

### Site access

The site has an existing access from Old Hill and the Inspector made reference to the concealed nature of the access. Following speed surveys supplied with the previous application it was agreed that the required sightline was 51m using MfS criteria. The access plan shows only minor amendments to the vegetation being required which, if no major changes are made, may give the impression that it will remain relatively concealed. The access is on the brow of the hill and the applicant has stated that the visibility splay was achievable in the horizontal and vertical plane. The land required to provide the sightline by cutting back the vegetation is outside of the site. The area is maintained by the Council although it appears not under the highway maintenance contract so it is unlikely to be a highway verge.

### Other matters

Concerns have been raised regarding the future maintenance of the proposed use and the issue of a sound financial management plan. In particular, these concerns relate to the issue of the business failing and the maintenance of the mausoleum at significant cost to the Local Authority; a responsibility that would be unavoidable in such circumstances given the potential environmental risk that would result from such an outcome. Although this is not considered a material planning consideration, such an issue could be addressed by way of a legal agreement to secure the future financial stability of the site.

In regard to matters of nature conservation, no objections were previously raised in this regard by the Council, and in considering the 2013 application, the Inspector acknowledged that "questions around the detailed implications of the scheme for nature conservation, including issues around planting details and works to existing planting around the frontage, would remain to be addressed." Were the proposal to be considered acceptable in principle, such issues could be addressed through planning conditions.

### Summary

In summary it is considered that the appellant has failed to demonstrate any evidence of the anticipated trip generation for the proposed development and as such the parking arrangements allowed for are not demonstrably capable of accommodating the possible high levels of vehicles present at any given time. The site is not readily accessible by public transport or by other means of sustainable transport and the limitations of the site by way of the parking capacity and Old Hill itself compound the issues of inadequate parking provision to the site. Accordingly, the proposal is not considered acceptable in terms of achieving adequate levels of road safety, and therefore fails on the basis of Policy T18 of the UDP.

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

**RECOMMENDATION: APPLICATION BE REFUSED**

**The reason for refusal is:**

**The proposal, in the absence of any suitably justified information to demonstrate otherwise, and in view of the lack of viable alternatives to car-borne travel within what is a relatively unsustainable location, would give rise to potentially unsafe conditions on the public highway by reason of uncontrolled and potentially indiscriminate parking on the local highway network, contrary to Policy T18 of the Unitary Development Plan.**