

**PLANNING COMMITTEE – 29 APRIL 2021****PART 2**

Report of the Head of Planning

**PART 2**Applications for which **PERMISSION** is recommended

<b>2.1 REFERENCE NO - 20/503666/FULL</b>		
<b>APPLICATION PROPOSAL</b> Construction of a new crematorium, associated car park, access road and gardens of remembrance.		
<b>ADDRESS</b> Land Adjoining Faversham Showground Staple Street Hernhill Kent ME13 9HY		
<b>RECOMMENDATION</b> Grant subject to the conditions listed below.		
<b>SUMMARY OF REASONS FOR RECOMMENDATION</b> Due to the restrictions placed upon the siting of crematoria and the assessment of need that has been provided it is considered that the proposal, located in the designated countryside is acceptable in principle. The alternative site assessment and analysis of this I have carried out leads me to conclude that the loss of agricultural land in this case can be considered acceptable. The development also provides benefits in respect of job creation in the rural area, biodiversity net gain and sustainable design and construction. Matters of highway safety and amenity have been considered by the relevant highway authorities who have raised no objection and I have received no objection from other statutory consultees. Although the proposal would not be particularly well located in terms of public transport, and the majority of traffic movements would be along a short section of a designated rural lane, I do not believe that this would outweigh the benefits of the scheme.		
<b>REASON FOR REFERRAL TO COMMITTEE</b> Parish Council Objections (Boughton Under Blean, Hernhill and Graveney with Goodnestone Parish Councils).		
<b>WARD</b> Boughton And Courtenay	<b>PARISH/TOWN COUNCIL</b> Boughton Under Blean	<b>APPLICANT</b> Memoria Ltd <b>AGENT</b> Genesis Town Planning
<b>DECISION DUE DATE</b> 08/03/21 – Further extension of time to be agreed in due course.	<b>PUBLICITY EXPIRY DATE</b> 07/01/21	

**Planning History**

None

**1. DESCRIPTION OF SITE**

- 1.1 The application site measures 4.16 hectares and is located in the designated countryside. The main part of the site is broadly rectangular in shape and largely flat, measuring

approximately 250m x 170m. In addition, the application site does also include the linear access road, stretching from Staple Street to the main part of the site at a length of approximately 165m, and also includes part of Staple Street itself.

- 1.2 The site is comprised of grade I agricultural land, and agricultural land abuts the site to the north, south and east. To the west lies open land comprising the site of the Faversham Showground. The A299 lies approximately 210m to the west with the A2 approximately 640m to the south.
- 1.3 The grade II\* listed Nash Court lies approximately 380m to the south, whilst to the north, the grade II listed Fairbrook Cottage lies approximately 165m from the main part of the site (where the crematorium building is proposed) and 110m to the east of the closest part of Staple Street included within the site boundary.
- 1.4 Public Right of Way ZR496 is located approximately 100m from the site's south-western corner, with footpath ZR600 approximately 150m from the south-eastern corner of the site.
- 1.5 The site is bordered by native and naturalised hedgerow trees to the west and a mature tree line to the north. None of the trees on the site are subject to a TPO. As set out below, a Tree Survey has been provided, which among other things identifies the tree species and their condition.
- 1.6 The site is not located in a designated landscape, and lies in the Faversham and Ospringe Fruit Belt character area, as defined by the Swale Landscape Character and Biodiversity Appraisal SPD.
- 1.7 The site lies within Flood Zone 1 (lowest risk of flooding).

## **2. PROPOSAL**

- 2.1 This application seeks planning permission for a crematorium with associated car park, access road and gardens of remembrance.
- 2.2 The proposed crematorium building is broadly located towards the north western part of the main site (i.e not including the access road). The building is single storey with a pitched roof and two projecting elements. The floorspace of the building is 412sqm, measuring 36.4m in length and between 9.5m and 16.1m in width. In terms of height, the proposed crematorium measures 3.1m to the eaves, 7.3m to the ridgeline and 8.5m to the top of the chimney. The proposed external finishing materials are a mixture of red brick and dark stained weatherboarding for the walls, weatherboarded gable ends and a red plain clay tiled roof.
- 2.3 The crematorium building also includes a canopy which projects from the building at a length of 19.2m and a width of 3.5m. This will measure 2.8m to the eaves and a total of 5.5m to the ridge. This covered canopy will terminate at a hexagonal flower court measuring 7.1m at its widest point. In terms of height, the flower court measures 2.8m to the eaves and 4.4m to the top of the roof. The canopy and flower court will have a white metal framework with glazing in between.
- 2.4 To the south east of the crematorium lies a separate toilet block and store room. This structure has a pitched roof with a footprint of 3.3m x 1.5m. In respect of height it

measures 1.1m to the eaves and 2m to the ridge. The proposed external finishing materials are white stained cladded walls and a red plain clay tiled roof.

- 2.5 Immediately to the west of the crematorium lies a looped access so that funeral cars are able to enter the site close to the crematorium and exit the site. Further to this, and broadly in line with the western boundary of the site, is the location of the car park. The car park provides 100 spaces and includes planting at regular intervals between the spaces.
- 2.6 The access road (within the site situated on private land) is proposed to be upgraded to a two lane road, 5.5m in width, with an additional 1.8m footway. The junction of this access road where it meets Staple Street is proposed to be improved, including the provision of a new footpath to link the site with Staple Street Road.
- 2.7 The remainder of the site is comprised of landscaped gardens, which includes both a mown and surfaced footpath for mourners to be able to walk in the grounds. In addition, the proposals include retention and enhancement of existing planting belts and additional tree, hedge, grassland and shrub planting. The site also proposes three ponds, one in a more formal setting and surrounded by a circular footpath, towards the southern part of the site, with a further two towards the eastern boundary. The two ponds towards the eastern boundary will have a more natural appearance, with the margins of these landscaped.

### **3. PLANNING CONSTRAINTS**

- 3.1 BMV Agricultural Land – Grade 1
- 3.2 Designated countryside

### **4. POLICY AND CONSIDERATIONS**

- 4.1 Bearing Fruits 2031: The Swale Borough Local Plan 2017: Policies ST 1 (Delivering sustainable development in Swale); ST 3 (The Swale settlement strategy); ST 7 (The Faversham area and Kent Downs strategy); CP 1 (Building a strong, competitive economy); CP 2 (Promoting sustainable transport); CP 4 (Requiring good design); CP 7 (Conserving and enhancing the natural environment - providing for green infrastructure); CP 8 (Conserving and enhancing the historic environment); DM 3 (The rural economy); DM 6 (Managing transport demand and impact); DM 7 (Vehicle parking); DM 14 (General development criteria); DM 19 (Sustainable design and construction); DM 21 (Water, flooding and drainage); DM 24 (Conserving and enhancing valued landscapes); DM 26 (Rural lanes); DM 28 (Biodiversity and geological conservation); DM 29 (Woodlands, trees and hedges); DM 31 (Agricultural land); and DM 32 (Development involving listed buildings).
- 4.2 National Planning Policy Framework (NPPF): Paragraphs 8, 11 (sustainable development); 47 (determining applications); 54, 55 (planning conditions); 80 (economic growth and productivity); 83 (businesses in rural areas); 102 (transport issues); 106 (Parking standards); 109, 110 (highway impacts); 124, 127, 128, (design); 148, 150 (climate change); 170 (natural environment); 175 (biodiversity); 189, 190, 193, 194 (heritage assets).

4.3 National Planning Practice Guidance (NPPG): Climate Change; Determining a planning application; Historic Environment; Natural Environment; Renewable and low carbon energy; Travel Plans, Transport Assessments and Statements; Use of planning conditions.

4.4 Supplementary Planning Document (SPD): Parking Standards (2020).

## 5. LOCAL REPRESENTATIONS

5.1 Consultation letters were sent to neighbouring properties, a site notice was displayed and a newspaper advert was placed. As a result, letters of objection from 12 separate addresses have been received and 3 letters of support from separate addresses have been received. Taking the objections first - which includes a 29 page piece of correspondence with commentary on a number of the supporting documents submitted with the application and the consultation responses received - the following summarised concerns were raised:

- An information leaflet sent preceding the application was inaccurate and misleading as it mis-represented the site;
- Staple Street is already a short cut for H.G.Vs or diverted traffic when other local roads are closed;
- There is no pedestrian access;
- The surrounding road network in respect of capacity, safety and geometry will be unable to cope with the increase in traffic / construction vehicles caused by this proposal;
- The additional traffic will give rise to noise and pollution;
- The two approaches to the site, the A299 and Staple Street / Staple Street Road are not suitable for the additional traffic caused by this proposal;
- The nature of the slow speeds of the vehicles accessing this site will cause highway safety issues;
- The traffic studies were undertaken during 'lockdown' when traffic levels were much lower and potential issues would not have come to light;
- The crash data provided is not accurate;
- The possibility of accessing the site via Chalkey Road should be explored further;
- The developers are looking to restrict events at the showground to Sundays and Bank Holidays, heavily curtailing what the showground could be used for;
- If permission is granted then the first service should be delayed until 9.30am to avoid the rush hour and should not include Saturdays to allow showground events to go ahead;
- The proposed car park will increase flooding issues which currently exist nearby, including adjacent to the entrance to the site;
- Concerned regarding contamination issues related to burials [n.b. the burials element of the application has been removed];

- The loss of Faversham Showground will have a direct effect on the economy of Faversham;
- Due to the Faversham showground being adjacent to the site, the use is contrary to the “agent of change” principle as set out in the NPPF;
- This development is contrary to the Council’s declaration of a Climate and Ecological Emergency and the site should be retained as countryside;
- The section of Staple Street passing the entrance to the site is designated as a Rural Lane under policy DM 26 of the Local Plan which should prevent this development from coming forward because of the vast increase in vehicles;
- There are alternative locations which would be better suited to this development;
- A change of use application for the land is required prior to the submission of a planning application;
- Previous comments have been made regarding improving local road access and if this is needed then that is proof that access to this site is not suitable;
- Any requests for compulsory purchase of nearby land will be met with *“serious, stiff and continuous opposition.”*
- The creation of 4 full time jobs will likely give rise to additional traffic movements from beyond the local catchment area;
- Pre application discussions should be made public;
- The peace and tranquillity of the area will be lost;
- The proposed colour of the external finishing materials are not sympathetic;
- Any burial site has to be at least 30m from a watercourse [n.b. the burials aspect of the proposal has been removed during the application process];
- Development should not take place on agricultural land;
- Burials and cremations should be managed by the Council and not profit making private companies;
- Bus stops are too far away from the site and difficult to access;
- Local footpaths do not provide easy and convenient access for mourners;
- There are additional developments within the area which will add to traffic volume;
- Existing walking routes in the area should be maintained;
- The proposal will lead to the destruction of wildlife habitat;
- What is the lighting plan for this development? / lighting will give rise to visual harm;

- If a crematorium is required then it should go through a site selection process between the Council, local residents and the Church;
- How will it be ensured that site will never be used be burials;
- *“Is this development being favoured because the developer has the advantage of a useful related family member?”* [n.b. this comment was written prior to the recommendation of the application being known].
- The Landscape and Visual Impact Assessment is incorrect as the site will be seen from more vantage points than is set out;
- If this application is approved then this will encourage further applications on adjacent parcels of land;
- The need evidence presented by the applicant is not robust – focusing on why a crematorium in this location would be viable, rather than meeting an identified need;
- Although the report contains a number of errors and emissions, it does accurately identify that the Garden of England Crematorium (Bobbing) is operating below capacity. Therefore the approval of this scheme could threaten that crematorium’s future viability;
- Whilst a crematorium may be viable at this location, it is not the right location for a new crematorium based upon the need within East Kent, in particular the catchment populations of Canterbury, Margate and Dover, which would be better served by a proposed alternative site in Herne Bay, which is supported by the majority of local funeral directors;
- There is already a wide range of crematoriums in the surrounding area;
- It is usually the client’s choice to wait a period of time for an appropriate funeral slot, rather than due to a lack of capacity at crematoriums;
- Where would the vehicles park without encroaching onto the public highway?
- The evidence provided in the supporting information is questionable / has been written from a point of bias.

5.2 The comments in support of the application make the following points:

- The three nearest sites regularly used for cremations are long distances away;
- The location is ideal for serving Canterbury, Whitstable, Herne Bay and Swale;
- The need for extra capacity is clear – the waiting time between time of death and time of funeral is far too long currently (an example is given of a month);
- Due to the level of house building it would be of benefit to bereaved families to have a crematorium within closer proximity;
- The proposals provided are attractive;
- The discreetly situated gardens would be a welcome addition to the area.

## 6. CONSULTATIONS

- 6.1 Hernhill Parish Council – *“Hernhill Parish Council object to this application. The primary concern is in respect of traffic. The potential increase in volume along a country lane as the Council are not convinced that all traffic from the Canterbury direction will go towards Brenley Corner and not pass through Staple Street. The junction at Staple Street with the Thanet Way is currently not suitable as it has a short run-on and runoff area. Traffic is already busy on Staple Street particularly at peak times with school and work. We also do not welcome the restrictions that would be required for the use of the Faversham Showground. In addition, the area immediately outside of the entrance is notoriously prone to flooding already and are concerned that the expanse of tarmac required for the car parking would increase surface water run-off exacerbating the current problems.*

*The Parish Council note the comments from KCC Heritage concerning archaeology, issues concerning the potential for water contaminations from burials and also the concerns raised by Highways, and concur with these comments.*

*Should Swale Borough Council Planning wish to permit the application, we would like to suggest that there are conditions that services do not start until 10am to avoid overlapping with school/work traffic. As well as restricting services to hourly only. In addition, we would suggest that there are no cremations at the weekend of Bank Holidays.”*

Upon the removal of the burials element of the application a further consultation letter was sent, Hernhill Parish Council provided the following comments:

*“Hernhill Parish Council, following their initial objection to the application in September 2020, has revisited the planning application in light of additional consultee responses and other additional information since the Council's original response.*

*Upon review, the Parish Council continues to object to the application on the basis of concerns regarding traffic. The Council would like for the traffic survey to be redone in order to have a fair representation of road use during a school weekday and when there is no lockdown in place. Other objections with regarding to the poor access via the unsuitable A299 slip roads and concerns regarding flooding also still stand.”*

- 6.2 Boughton under Blean Parish Council – *“The Parish Council recorded an objection to the application and request that the application be taken to Swale Borough Council Planning Committee. The reason for objecting to the application is based on concerns relating to vehicular access to the site and associated traffic which are;*

*The Road Safety Audit Report was undertaken on Friday 22nd May. Para 2.5 "The site visit associated with this Road Safety Audit was undertaken by the Audit Team Leader and Audit Team Member, during the early afternoon of Friday 22nd May 2020 between 2:30pm and 3:15pm. The site visit involved walking and driving around the local highway network for a 45-minute period whilst observing local infrastructure and current off-peak traffic conditions. The weather during the site visit was clear and sunny with scattered clouds, the road surface was dry and visibility was good. A pedestrian/jogger was observed during the site visit but no cyclists. Vehicular traffic to include cars, an agricultural vehicle and light as well as heavy goods vehicles were also observed." The Parish Council considers this report is based on a survey which was conducted at an inappropriate time and date, given that the*

*country was at the height of lockdown so generating very little regular traffic, The local school (which uses Staplestreet as a rat run) was not open as usual and there would have been very limited traffic for anything else. The Parish Council requests that an additional survey taken at a more appropriate day/time should be considered.*

*Slip roads for vehicles turning off the A299 (both sides of the carriageway) to access the site are considered to be too short. Groups of vehicles which would be accessing the area at a similar time would cause congestion on these slip roads and vehicles would potentially be slowing down significantly or stopping on the main highway. The vehicles are also likely to be travelling slowly as part of a funeral procession. The projected traffic volume at these locations would give rise to an increase in likelihood of road traffic accidents on a national highway. The Parish Council considers that the existing slip roads are not suitable for the volume of traffic which will be generated by the proposed site.*

*Sat-nav systems on vehicles driving to the proposed site are likely to demonstrate routes other than those routes detailed in the application documentation. This would potentially impact the village of Boughton under Blean, in particular with vehicles travelling on the A2 (London bound), turning off the A2 via Dunkirk and through The Street in Boughton. The Street already suffers from significant traffic flow issues and is frequently blocked. There is a bus service which runs through the village and no consultation has been made to the bus company (Stagecoach) on how such vehicular flow generated by the proposed crematorium could potentially affect the bus service.*

*The Parish Council considers it to be unacceptable for funeral traffic to congest this route which is already challenged with traffic flow issues.*

*The Parish Council is concerned that the increase in traffic from the proposed site would generate a significant proportional increase in traffic at Brenley Corner roundabout, which currently suffers from congestion with the newly installed traffic light system.*

*The proposed access to the site along Staple Street is busy at school drop-off and pick-up times. The Parish Council are concerned that the site would generate a significant increase in traffic along the local roads which are heavily used by vehicles taking children to the local schools (Boughton & Dunkirk School and Hernhill School) and the site would be detrimental to the local community accessing the schools at drop-off and pick-up time. The Parish Council request that if planning permission is granted, planning conditions should request that crematorium services do not start until 10am (after the school drop-off run) and that afternoon services are timed so that vehicular traffic to the crematorium does not interfere with school pick-up traffic (2:30pm-3:30pm).*

*The proposed parking facilities at the site are not considered to be enough for the volume of vehicles which would be attending the site if services are back-to-back. There is no suitable street parking in the surrounding area since the roads are single lanes.*

*The Parish Council also makes the following further comments on the application;*

*The Parish Council support the comments from the KCC Archaeologist and consider that it would be prudent for a full archaeological review of the area to be undertaken since it is of historic interest.*

*There is no Heritage Statement submitted alongside the other planning documents. The Parish Council would expect to see such a document as the proposed site affects Nash Court (a Grade 2\* listed building) both directly and indirectly.*

*The Parish Council notes and supports the consultee comments from Highways England regarding highway safety and infrastructure on the A299 and their request for further information before making an informed decision.*

*The Parish Council notes and supports the consultee comments from the Environment Agency regarding issues concerning the potential for water contaminations from burials.*

*The Parish Council notes and supports the consultee comments from the Climate Change Officer requesting further information before making an informed decision.*

*The Parish Council does not support the reduction of operating hours for Faversham Showground and requests that if planning permission for the proposed site is granted, that planning conditions only allow for cremations/burials to take place Monday-Friday (excluding bank holidays) to enable Faversham Showground to hold weekend events on one or two days as required.*

*The Parish Council notes that in general a large proportion of the consultee comments request that further information be provided before any decisions relating to the planning application should be made and supports these requests.”*

Upon being re-consulted Boughton Under Blean Parish Council made the following comments:

*“The Parish Council again recorded an objection to this application and requests that the application be taken to Swale Borough Council Planning Committee. The reason for objecting to the application is based primarily on concerns relating to access to the site. The Parish Council retains the objections submitted to the original application and now records the following additional reasons for objection to the amended application:*

*Original reasons for objecting on Highways grounds do not yet appear to have been addressed. The Parish Council retains its objection to the proposed development based on access from A299 (slip roads on both sides of carriageway are considered to be too short). The Parish Council also requests that additional traffic surveys take place on a regular weekday (during school hours not holidays) when the area is not in lockdown to give a fairer representation of the vehicular traffic in the area in close proximity to the site.*

*Objection to the proposed development until a full ecological survey has been undertaken to identify the possibility of Great Crested Newts in the area.*

*Objection to the proposed development which does not address the issue of flooding on Staple Street at the access point to the site through Faversham Showground. This area is prone to severe flooding which at times renders the highway inaccessible to domestic vehicles.”*

- 6.3 Graveney with Goodnestone Parish Council – *“Graveney with Goodnestone Parish Council have reviewed the application submitted in respect of the above site for the construction of a new crematorium , associated car park , access road and gardens of remembrance and*

*are now putting forward our views in readiness for the application being considered by Swale Borough Council.*

*Whilst the Parish Council felt that the proposed development does have certain merits, we do have a number of reservations and concerns about various aspects of the scheme which we have summarized below and would ask that these are given full consideration by the Planning Committee.*

- 1. We consider that the traffic/highway matters are of particular significance and are not convinced that the survey undertaken for the purposes of the Road Safety Audit Report submitted by the applicants is fully representative of traffic conditions given its timing during the course of the Covid 19 lockdown period when there were more limited vehicular/pedestrian movements along Staple Street and the surrounding area and the fact that the local school was also closed. The Parish Council would therefore request that a further survey be undertaken in consultation with Kent Highways.*
- 2. The Parish Council are concerned with the potential increase in traffic movements to/from Staple Street associated with the development and the limitations already imposed by the existing short slip roads on the A299. With the existing and planned developments alongside this junction already we can only see further compromises regarding highways safety given the significant increase in the volume of vehicles using the site if the crematorium is constructed. The Parish Council supports the consultee comments submitted by Highways England regarding highway safety and infrastructure on the A299 and endorse their request for additional information from the applicant to enable them to fully consider the impact of the proposed development.*
- 3. The Parish Council would expect a new traffic and road use survey to highlight in particular a significant increase in vehicle movements along Staple Street and other local roads during school drop-off and pick-up times at both Boughton & Dunkirk School and Hernhill School. We would therefore expect to see traffic flow difficulties and highway safety issues if the use of the crematorium coincided with these peak times. If planning permission were to be granted the Parish Council would want to see a condition imposed so that the timing of services avoid these key periods.*
- 4. The Parish Council are supportive of the events held on the Faversham Showground site and rather than curtail the operating hours of this facility at weekends and Bank Holidays we consider that services at the crematorium should be limited to Monday-Friday.*
- 5. The Parish Council would wish to receive reassurance from Kent Highways that they are satisfied that this development would not materially affect the periodic localized flooding of Staple Street which already occurs in the vicinity of the site on account of the creation of access/circulation routes and car parking areas as part of the development.*
- 6. In view of the proximity and historical setting of Nash Court the Parish Council would ask that Swale Borough Council requires the applicant to submit a Heritage Statement for consideration so that the visual impact of the development can be fully considered.*
- 7. The Parish Council supports the comments received from the KCC Archaeologist and in view of the historical significance of the area we consider that a comprehensive archaeological survey should be carried out.*

8. *The Parish Council supports the consultee comments submitted by the Environment Agency which concern matters relating to the potential for ground water contamination associated with burials.*
9. *The Parish Council supports the consultee comments from the Climate Change Officer and would endorse the request for further information from the applicants.”*

Upon being re-consulted, Graveney with Goodnestone Parish Council confirmed that they had no further comments to make at this stage.

- 6.4 KCC Highways & Transportation – *“The Transport Assessment has derived the expected level of traffic generation for the site by using traffic surveys from other existing crematoriums, and I consider that this is an appropriate method, recognising that activity associated with each service will vary depending upon the circumstances of the person being cremated. With influencing factors such as age, size of family and extent of friends, it is reasonable to take an average figure based on the total numbers attending throughout the day in relation to the number of services held. It is of course appreciated that some services will attract more mourners than the average, but it should equally be recognised that the converse is also true.*

*Given the nature of trips associated with a crematorium, occupancy levels in cars are generally higher than for other journey purposes, and the survey data indicates that each vehicle would contain between 2 and 3 people on average. I am content that the suggested activity of an average of 27 cars per cremation is a representative estimate, and note that the operator runs a 1 hour cycle for cremations instead of the usual 30 minute cycle, which should in turn prevent the chances of services overlapping and putting additional demand on the car parking availability.*

*However, should services ever overlap, the provision of 100 spaces would appear to be sufficient to cater for this, given the average number of vehicles to a cremation is likely to be around 27 vehicles. As 40 of the spaces are provided as an overflow facility, this suggests that the main car park would still have capacity to accommodate the vehicles from 2 overlapping services. I therefore concur with the Transport Statement that the parking provision should be sufficient, and note that it is comparable to other existing sites.*

*With regard to the impact on the highway network, the site is located close to the A299 Thanet Way, which provides good links to the wider highway network and expected catchment area for the crematorium. Whilst the access to the site itself is off Staple Street, and this does link through to Boughton to the south and east using Chalkey Road or Staple Street, analysis of route planning software shows that destinations beyond the small catchment of Boughton village would still access the site via the A299 rather than through Dunkirk, Boughton or Hernhill. Only a small number of vehicles are therefore likely to travel along those rural lanes to access the site.*

*Whilst the hours of operation sought are 09:00 to 17:00, Monday to Friday, and 09:00 to 12:00 on a Saturday, services do generally occur outside of the traffic peak periods, although I would not anticipate there being any capacity issues with junctions on Kent County Council’s highway network in the immediate area, namely the on and off slip roads for the A299, the site access, or junctions at each end of Staple Street Road. The distribution of traffic onto the A299 and Whitstable Road will limit the amount of traffic that*

*uses Brenley Corner, but that part of the highway network falls under the responsibility of Highways England who will have their own views on how their asset may be impacted.*

*Looking at the catchment area, the majority of traffic would be expected to arrive via the A299 coastbound off-slip or Whitstable Road, so corteges would generally be able to take on the final slow portion of the journey using Staple Street Road crossing over the A299 before taking the short length of Staple Street to the site access. The site access road is also a fairly long length to reach the crematorium itself, so this would also make up part of the slow procession, rather than over a protracted distance on the public highway. It is also recognised that in time the funerals will generally be served by local undertakers familiar with the particulars of the proposed crematorium, and they will plan their routines accordingly to suit the location.*

*The proposals include improvements to the site access onto Staple Street, and a speed survey has been carried out to determine the appropriate visibility sightlines. The measured speeds have shown that the relevant sightlines can be provided, although it should be appreciated that this is an existing access already that serves the showground site for public events and previously Farming World in addition to this too. Also submitted is a stage 1 Road Safety Audit to appraise the highway changes, but I note that the footway provision on the drawings the audit was assessing has not been included in the application details, nor mentioned in the transport statement. The safety audit has been appended to include the Designer's Response, and mainly accepts the auditor's recommendations to address the items raised, which suggests that the footway would be provided. It is therefore unclear why this expected footway linking the site to the existing provision on Staple Street Road has not been shown on application proposal."*

Further to the above comments being provided to the agent, amended details were received, and I re-consulted with KCC Highways & Transportation who provided the following comments:

*"Although the additional submitted documents did not answer the only query that I had raised in my previous consultation response, I have since received confirmation and an additional drawing from the applicant's highway consultant to address this outstanding matter. The information received does confirm that the development will provide the proposed new footway along Staple Street from the site access, to link with the existing provision at the junction of Staple Street / Staple Street Road [see drawing no. 5324 / 005 E]. This had previously been limited to reference within the Road Safety Audit report, but had not been indicated on the submitted scheme drawings.*

*Consequently, I have no objections to the proposals in respect of highway matters subject to the following conditions being attached to any permission granted."*

Conditions requested relate to provision on site for construction vehicles loading, unloading, turning; details of parking for site operatives; prevention of surface water discharging onto highway; adequate precautions against the deposit of mud onto the highway; adequate cycle space; vehicle parking to be provided prior to the use commencing; completion of access prior to the use commencing; footway along Staple Street (between the site and junction of Staple Street / Staple Street Road, as shown on drawing 5324/005E) to be provided prior to use of the site commencing.

- 6.5 Highways England – *“Highways England will be concerned with proposals that have the potential to impact on the safe and efficient operation of the SRN [Strategic Road Network], in this case the major routes that serve Swale and its surroundings, including the M2 corridor specifically junctions 5 to 7, and the A2 Boughton Bypass.*

*We note the following from the documents submitted in support of this application:*

- *The site will be accessed mainly from the A299/ Staple Street junction, but it is possible that access and egress could also be sought (eg if satnav suggests it as a route) via Chalkey Road and the A2/ Canterbury Road;*
- *The hours of operation will include weekdays 9.00 to 17.00 and Saturday 9.00-12.00 while the Garden of Remembrance will be open until dusk. Therefore service attendees and other visitors are likely to be travelling during the AM and/or PM peaks. We also recognise that for many reasons timings can go awry and hence services run late;*
- *The average number of services per day is likely to be 4 to 5 and focussed mid-morning to mid-afternoon, but could be hourly throughout the full day;*
- *From surveys of other crematoria the average numbers of cars per service is 27 but could be up to 90+;*
- *The catchment is mainly a 30 minute drive time and so covers much of Swale/ Canterbury;*

*Consequently, while traffic flows will generally be low, we have the following concerns*

- *The impact of slow moving vehicular funeral cortege (hearses and/or other attendees) along the SRN or through Brenley Corner during peak hours;*
- *The impact of non-vehicular funeral cortege (ie horse-drawn) along the A2 or through Brenley Corner;*

*Therefore, we require the applicant to suggest means by which the routing of access to the site can be effectively managed and controlled to avoid*

*a. impacts on the SRN during the AM and PM peaks and the “shoulders”. Hence the period to be managed are AM (7.30 to 9.30) and PM (16.30 to 18.30);*

*b. impacts on the SRN at any time due to the use of the site by non-vehicular traffic*

*Given that further evidence is required to support this application, it is currently not able to demonstrate an absence of an unacceptable impact the safety, reliability and / or operation of the SRN (the tests set out in DfT C2/13 and MHCLG NPPF2019).*

*Consequently, we request that the Council refrain from determining the application (other than a refusal if it so wishes) until such time as the required information has been received, assessed and agreed. If the council wishes to determine the application before this point, please contact us and we will provide our formal recommendations as they stand at that point.”*

The above comments were provided to the agent who, via the applicant's transport consultant, Bellamy Roberts, provided additional information. On this basis I re-consulted with Highways England who commented as follows:

*"In Mr Roberts letter he provides further information with regards to the queries Highways England had initially set out as follows:*

*Access via Chalkey Road - We were initially concerned that there may be an increase in use of Chalkey Road to link to the SRN, as a shortcut. Mr Roberts advises that he has discussed this with the Kent County Highways and agreed that "suitable signage would be directed advising mourners not to use such a route". We are content with this approach and recommend a condition to this effect.*

*Non-Motorised Use - We were concerned about the use of horse-drawn carriages (or similar) along the A2 or via Brenley Corner and the potential safety implications of slow moving corteges along the SRN. Mr Roberts advises that there have been very few horse-drawn services (3 since 2011) and that he would also be agreeable to a planning condition preventing the use of horse-drawn services at this location, given the proximity of the dual carriageway. We are content with this approach and recommend a condition to this effect.*

*Traffic Flows during Network Peak Hour Periods - We were concerned about trip generation since Brenley Corner is highly congested at times. Mr Roberts provided further information regarding the likely traffic generation during the peak hour periods. As indicated from the table provided, it appears as though that on average 5% of the 9am slot is utilised over the various sites (with the exception of DMC 2019 where 10% was utilised). In the PM peak, it appears on average that 2% of all slots are used between 17:00 - 18:00 across the sites. This gives us some comfort that the peak hour network traffic would not be impacted by slow moving funeral vehicles and the likely increase in trip generation at those times is low.*

*We also note that Kent County Highways have accepted the average of 27 vehicles per funeral and that local undertakers are likely to know the most acceptable routes within the area; adjusting accordingly for starting destination and time of day.*

*Consequently, we have no further comments to make upon the traffic flows during the network peak hour periods.*

*Based on the above, we are content that subject to the imposition of the recommended conditions that the proposals will not have an unacceptable impact on the SRN and hence comply with the tests set out in DfT C2/13 (paras 8 to 11) and MHCLG NPPF2019 (paras 108 to 111). Accordingly please find attached our HEPR formal response of No Objection subject to imposition of condition."*

The conditions recommended relate to appropriate signage; and no animal drawn carriages.

- 6.6 Rural Planning Consultant – *"The application relates to an area of some 4.16 ha (10.3 acres) of land that currently forms part of a larger arable field. It appears that no detailed Agricultural Land Classification Study of the site itself has been submitted with the application, but the land lies in an area of free draining loamy soils and a nearby*

*Agricultural Land Classification Study found land lying a little to the west to be of the highest agricultural quality (Grade 1). Unless other evidence is produced to the contrary, it is a fair working assumption that this site is also Grade 1 quality.*

*Policy DM 31 of the Council's Local Plan (2017) states:*

*“Development on agricultural land will only be permitted when there is an overriding need that cannot be met on land within the built-up area boundaries. Development on best and most versatile agricultural land (specifically Grades 1, 2 and 3a) will not be permitted unless:*

- 1. The site is allocated for development by the Local Plan; or*
- 2. There is no alternative site on land of a lower grade than 3a or that use of land of a lower grade would significantly and demonstrably work against the achievement of sustainable development;*

*and*

- 3. The development will not result in the remainder of the agricultural holding becoming not viable or lead to likely accumulated and significant losses of high quality agricultural land”.*

*Under DM31, therefore, the first aspect to consider is whether this particular development on agricultural land arises from an “overriding need that cannot be met on land within the built-up area boundaries”. This is not a matter within Rural Planning Limited's advisory remit.*

*If this proviso is met, the next stage, under DM31, would be to consider whether the particular choice of BMV land, in this case, would be allowable as one of two Exceptions.*

*As far as I am aware Exception 1 does not apply, as the site is not within a Local Plan allocation.*

*Thus, assuming this next stage applies, Exception 2 would have to be relied upon for the development to comply with policy DM31.*

*The submitted Planning Statement does not appear to address this aspect of the policy, i.e. the Planning Statement does not include any analysis to demonstrate that there are no other suitably sustainable sites of a lower grade with the Local Plan's area. Rural Planning Limited does not possess the necessary data to advise whether there are other feasible sites of lower quality, nor whether the choice any such lower grade sites would significantly and demonstrably work against the achievement of sustainable development. The Council, however, may be able to point to other such sites.*

*Regarding the additional requirement “3”, the relatively small extent of land involved would suggest that there is limited risk that the development would result in the remainder of the relevant agricultural holding becoming not viable. As to whether the development would “lead to likely accumulated and significant losses of high quality agricultural land”, there appears to be no obvious immediate risk of this, although it is not always easy to predict*

*the potential knock-on effects of developments in years to come. However point 3 does not obviate the need to satisfy the other considerations under Exception 2.*

*To summarise, under Policy DM31 the loss of BMV agricultural land remains a factor which weighs against the scheme in principle, depending on the issue of the overriding necessity for this development that cannot be met on other preferable sites. The associated considerations of the availability or otherwise of preferable sites, and the balance of all the potential benefits /disadvantages of the proposal, are matters for a Planning assessment, and fall outside Rural Planning Limited's remit."*

Upon providing the details to the agent additional details were provided in respect of an 'Agricultural Land Classification' and an 'Alternative Site Assessment'. These were provided to the Rural Planning Consultant who commented as follows:

*"The only comment I would make is that it does not appear that the "Alternative Site Assessment" provides any definitive evidence as to the comparative ALC grades of the various alternative sites, other than site 4 being said to be "Grade 3" and therefore of lower quality than the application site.*

*For the other sites, "We believe the site is ALC Grade 1-3" is really of no assistance.*

*Otherwise, yes it remains the case that "The associated considerations of the availability or otherwise of preferable sites, and the balance of all the potential benefits /disadvantages of the proposal, are matters for a Planning assessment, and fall outside Rural Planning Limited's remit"*

- 6.7 KCC Archaeological Officer – *"I note that the application includes an archaeological desk based study by Thames Valley Archaeological Services which I have reviewed together with the Kent HER and our own mapping.*

*The desk based study has identified that the general archaeological record in this area is limited with very little investigation close to the site. There is a background potential for the Roman period that has been identified. The desk study has relied on the Faversham historic towns survey published in 2004 for its main background which was focused more on Faversham and doesn't take into account the more recent findings in the Faversham environs. Sites such as Perry Court demonstrate the rich multi-period landscapes in the general area. Investigations at Brenley Corner to the south of the present site (but outside the study area defined in the DBA) indicate a significant Iron Age and Roman presence in that area close to the main Roman road. Cropmarks of ring ditches are also noted on the land to the south.*

*The land has been mainly undeveloped according to map evidence and archaeology that may be present would have been affected only by farming activity. The proposals involve construction works for the crematorium, access and parking, landscaping and the ongoing excavation of burial plots during the use of the site.*

*Given the above I agree with the desk based study that the archaeology of this site is presently undetermined but can be addressed through a condition on any forthcoming permission for this proposal. I would recommend that provision is made for archaeological*

*evaluation to be followed by mitigation that may include preservation in situ should significant remains be identified in the evaluation or further more detailed investigation.”*

- 6.8 Environment Agency – Initially responded objecting to the application, on the basis that the development proposes an expected number of burials per annum of 20/30 that the application had failed to demonstrate that the risks posed by the development to groundwater can be satisfactorily managed.

On the basis of the above, the applicant removed the burials element of the application. As a result of this, I re-consulted with the Environment Agency who commented that – *“We have reviewed the additional information and maintain our objection to the proposal, as explained below.*

*On 04/11/2020 we received correspondence detailing the wish of the applicant to remove the burial aspect from their application for the site. From the documents submitted to date, we do not see any evidence detailing the change of proposed use therefore we cannot accept the proposal.”*

Further information was subsequently provided and the Environment Agency provided additional comment as follows:

*“Thank you for confirming that the proposed development has been modified to remove the burial aspect at the site (ref. email by Justin Smith from CDS). On this basis we can remove our objection provided the following conditions are imposed on any permission granted.”*

The conditions recommended relate to contamination; no infiltration of surface or treated foul sewerage to ground without consent and; no piling to be carried out.

- 6.9 Natural England – *“No objection - Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites.”*
- 6.10 Historic England – *“We do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.”*
- 6.11 SBC Environmental Protection Team – *“I’m satisfied that an AQ assessment is not required for this application, for the reasons given. Should planning approval be granted, the applicants will need to apply to this department for a Part B permit under the Environmental Permitting Regulations 2016. They should contact [EHAdmin@midkent.gov.uk](mailto:EHAdmin@midkent.gov.uk) for an application form in the first instance.*

*I note the submission of a Groundwater Risk Assessment, and comments should be sought from the EA in this respect.*

*I have no objection to this development, subject to the following conditions”*

Conditions related to construction hours; code of construction practice; details of external lighting; hours of use.

Further to the re-consultation SBC Environmental Protection Team confirmed that they had no further comments to make.

- 6.12 Lead Local Flood Authority (KCC) – *“Having reviewed the information submitted we are generally satisfied that the proposals, an attenuated discharge to the neighbouring watercourse at a rate of 1.7l/s, do not increase the risk of surface water flooding from the development.*

*As such should you be minded to grant permission we would recommend that the following conditions are applied with advisories.”*

The conditions relate to a detailed sustainable surface water drainage scheme; details of any infiltration to be provided; a verification report.

Despite the above comments, a further Drainage Strategy Report was submitted and I re-consulted with the Lead Local Flood Authority. The comments received were as follows:

*“Having reviewed the information submitted we are generally satisfied that the principles proposed, namely a combination of infiltration and attenuation prior to discharging to an existing watercourse at 2l/s do not increase the risk of flooding. As such, should you be minded to grant approval, we would recommend the following conditions with advisories are applied.”*

The conditions related to a detailed sustainable surface water drainage scheme and a verification report.

- 6.13 Southern Water – Comment that there is no public foul sewer in the vicinity of the site. Also comments that the Environment Agency, the Lead Local Flood Authority and the relevant authority for land drainage consent should comment on the adequacy of the proposals to discharge surface water to the local watercourse.

- 6.14 KCC Ecology – Initially commented as follows:

*Great Crested Newts - As stated within the ecology report, breeding Great Crested Newts (GCN) were confirmed in the vicinity of the proposed development site during the desktop survey. There are several waterbodies within 500m of the site which could potentially harbour breeding populations of this protected species. As the proposed development would entail potential harm to commuting/foraging GCN, as well as the loss of terrestrial habitat, the report recommends that further surveys for GCN are carried out.*

*We concur with this recommendation and advise that HSI and eDNA surveys are undertaken and submitted (along with mitigation proposals if necessary) prior to determination of the application. This is in alignment with paragraph 99 of the ODPM 06/2005 which states “...it is essential that the presence or otherwise of protected species and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision”.*

*We are satisfied that all other ecological considerations can be adequately addressed via conditions should planning permission be granted. We can provide example condition wording once the GCN survey results have been submitted.”*

Further to the above comments being provided to the agent, I re-consulted KCC Ecology who made the following comments:

*“We have reviewed the ecological information submitted by the applicant and advise that sufficient ecological information has been provided. Most of the site is intensively-farmed arable land which is of low ecological value. Only the western and northern boundary vegetation is of ecological value and, as this habitat is mostly retained according to the site layout plan, we are satisfied that there should be no significant ecological impacts.*

*Great Crested Newt - Although Great Crested Newt (GCN) surveys are not yet completed in 2021, the GCN mitigation strategy sets out a clear mitigation measures for an assumed breeding population in the area. This includes exclusion fencing, EPS licence acquisition and replacement habitat on-site. We advise that this approach is acceptable and should be secured via an attached condition with any granted planning permission.*

*Bats and Lighting - To mitigate against potential adverse effects on bats, and in accordance with paragraph 180 of the National Planning Policy Framework 2019, we suggest that the Bat Conservation Trust’s ‘Guidance Note 8 Bats and Artificial Lighting’ is consulted in the lighting design of the development. We advise that the incorporation of sensitive lighting design for bats is submitted to the local planning authority, as recommended in the ecology report, and secured via an attached condition with any planning permission.*

*Breeding Bird Informative - Habitats are present on and around the site that provide opportunities for breeding birds. Any work to vegetation that may provide suitable nesting habitats should be carried out outside of the bird breeding season (March to August) to avoid destroying or damaging bird nests in use or being built. If vegetation needs to be removed during the breeding season, mitigation measures need to be implemented during construction. This includes examination by an experienced ecologist prior to starting work and if any nesting birds are found, development must cease until after the juveniles have fledged.*

*Reptiles - The report states that there is a limited amount of reptile habitat on-site and recommends that a precautionary approach is taken, e.g. phased vegetation clearance. As all reptile species are protected, we concur and advise that these measures are secured via an attached condition (if planning permission is granted).*

*Ecological Enhancements - In alignment with paragraph 175 of the National Planning Policy Framework 2019, the implementation of enhancements for biodiversity should be encouraged. The ecology report recommends suitable enhancements, such as meadow grassland creation and native tree/hedgerow planting. To secure the implementation of enhancements, we advise that a condition is attached should planning permission be granted.”*

Further to the above, a Biodiversity Metric has been submitted, which demonstrates that a biodiversity net gain of 47.5% can be achieved on this site. KCC Ecology have reviewed these details and consider that the details provided are an accurate portrayal of the site and agree with the conclusions.

- 6.15 SBC Climate Change Officer – Initially responded requesting more information to be submitted relating to a BREEAM Rating, CO2 emissions and use of waste heat; are renewables being considered; can the rain water be harvested; no reference to electric vehicle charging points.

The comments were provided to the agent who provided further details in respect of the building being heated via recycled waste heat, that an electric cremator will be installed and the proposed building will be suitably insulated and renewable measures installed wherever possible. A commitment to a BREEAM rating of ‘very good’ was also given.

Upon re-consulting with the Council Climate Change Officer, it was confirmed that the initial issues had been addressed and as such suitable conditions should be imposed.

6.16 Health and Safety Executive – *“HSE does not advise, on safety grounds, against the granting of planning permission in this case.”*

6.17 Kent Police – Make a number of points, related to perimeter boundary treatment; lockable gates; lighting / CCTV details; door and windows meeting security rating; site security for the construction to be dealt with via a condition.

Further to amended details being provided Kent Police reiterated their original comments but also added that parking must minimise the potential for conflict and noise.

6.18 SBC Greenspaces Manager – *“Not sure there is much I can comment on in relation to need on the basis that the service is now purely cremation rather than burial as the form of disposal.”*

*There are currently adequate burial plots in Faversham, but it is Sittingbourne and Sheppey where there is limited supply, with the new cemetery at Iwade providing approximately 10 year supply of new plots.*

*As such additional land in the west of the Borough would be the priority.”*

6.19 Lower and Upper Medway Internal Drainage Board – *“This property is not within the Lower Medway IDD so would not cause immediate issue to any of its assets. As such is also not subject to its byelaws. We would like to see attenuation for the property below that of greenfield runoff but would support any proposal put forward by KCC SuDS team.”*

## **7. BACKGROUND PAPERS AND PLANS**

7.1 The application has been supported by a large number of documents including:

Elevations; Floorplans; Site Layout; Design and Access Statement; Planning Statement; Ecological Appraisal; Landscape and Visual Impact Assessment; Need Assessment; Transport Assessment; Tree Survey; Flood Risk Assessment.

## **8. APPRAISAL**

### Principle of Development

8.1 Both national and local policy is silent in respect of development for crematorium and as such, the starting point is to assess the planning merits of the application itself and this particular site. Firstly, it is important to note, that as set out in the supporting information submitted with the application, new crematoria need to meet criteria as set out in the Cremation Act 1902, which states that:

*“... no crematorium shall be constructed nearer to any dwelling-house than two hundred yards [182 meters], except with the consent, in writing of the owner, lessee and occupier of such house, nor within fifty yards of any public highway [45.72 meters], nor in the consecrated part of the burial ground of any burial authority”.*

8.2 On the basis of the above, broadly speaking I am of the view that it would be difficult to find a suitable site within any of the built up boundaries in the Borough. In addition, the applicant has submitted a number of appeal decisions for proposals seeking planning permission for crematoriums in various parts of England and Wales. Various Inspectors have come to the view that due to constraints with this form of development that providing them in the countryside is the only realistic solution (notwithstanding other considerations).

8.3 In respect of development in the countryside, policy ST 3 of the adopted Local Plan sets out that:

*“At locations in the open countryside, outside the built-up area boundaries shown on the Proposals Map, development will not be permitted, unless supported by national planning policy and able to demonstrate that it would contribute to protecting and, where appropriate, enhancing the intrinsic value, landscape setting, tranquillity and beauty of the countryside, its buildings and the vitality of rural communities.”*

8.4 In addition, the NPPF at paragraph 170 states that *“decisions should contribute to and enhance the natural and local environment by... recognising the intrinsic character and beauty of the countryside.”*

8.5 On the basis of the locational restrictions of this type of development, I am firstly of the view that one of the key considerations is the justification for the proposal. In terms of reaching a view in respect of this, the application has been supported by a number of appeal decisions which provide guidance as to what has been accepted, in terms of identifying a reasonable ‘drivetime’ catchment and a level of population required to support a crematorium. In addition, the applicant has submitted a quantitative and qualitative need assessment which also includes a review of the existing facilities in the area.

8.6 The assessment carries out a detailed analysis of population, death rates, cremation rates and the location of other crematoriums in the surrounding areas and provides the following summary:

*“The ‘minimum drive time’ catchment analysis identified that 144,699 people (based on 2019 figures) would identify the proposed development as their closest facility, based on drive times. This is projected to rise to 146,705 by 2021 and 161,824 by 2033. This alone demonstrates a quantitative need for the facility.*

*The analysis suggested that the catchment area would equate to 980 cremations at maturity (usually after 5 years) based on 2019 figures. This would rise to 1,184 based on 2033 projections.*

*In terms of Qualitative Need, 74,967 residents who currently live more than 30 minutes away from their nearest crematorium, would identify the proposed North Kent Crematorium as their nearest facility. In addition, further analysis shows that 73,809 residents who*

*currently live outside a 30-minute drive from any existing crematorium would be within a 30-minute drive-time of the proposed site.”*

- 8.7 Having assessed the details against the level of need as identified in the various appeal decisions, I note that the level of both quantitative need (number of people closer to the proposed facility than any other crematorium in the country) and qualitative need (number of people who currently live more than 30 minutes from their nearest crematorium but would live within 30 minutes of the proposed site) would be within the range that has been accepted by Inspectors elsewhere.
- 8.8 Amongst the representations to the scheme, I have received a letter of objection from an operator of other crematoriums in the area who consider that the needs assessment is not robust. However, they do not provide comments as to why this is the case. In addition, I have received a letter of objection from a local funeral director who, amongst other matters, considers the application unnecessary due to existing crematoriums in the area and that in their experience people do not have to wait unreasonable periods of time for funeral, unless it is the wish of the family to do so for other reasons. On the other hand, I have received a letter of support from another funeral director setting out that there is need on the north Kent coast, the current wait times are too long and people deserve more choice in crematorium. Further to this, I have received separate letters of support from a Reverend and a Celebrant who make the point that the wait time between death and funeral is too long, the closest facilities are long distances away and with population growth it would be beneficial for local people to have a crematorium within closer proximity.
- 8.9 I also note that the crematorium operator who has objected to the scheme has submitted a planning application for a new crematorium close to Herne Bay, which is currently being considered by Canterbury City Council. As such, the catchment area for both crematoriums would overlap to some degree and it may be the case that both facilities would not be required, albeit this remains unknown. Having said this, I am of the view that the role of the planning system is to determine whether the proposals are acceptable or not on the basis of adopted planning policies and any other material considerations. As such, subject to both applications being considered acceptable, I am of the view that the market will determine whether one, or both sites are implemented. As a result, I do not believe that the existence of the relatively close by planning application should have a bearing on how this application is considered.
- 8.10 In coming to a view on the need assessment, I have no evidence before me to dispute the information that has been provided, which has then been assessed against criteria that Planning Inspectors have considered an appropriate threshold. Although I do take into account that the localised situation within Swale will be different to those locations which were the subject of the planning appeals, there is no other adopted policy for this particular use which provides guidance on this matter. I also take into account that both population growth and the increasing age of the population will only exacerbate any issue of need as time progresses. On this basis, I am of the view that based upon the information available it is reasonable to conclude that there is an existing need for the crematorium and the principle of development in this location is accepted.

### Agricultural Land

- 8.11 The site is comprised of an arable field and as such I have consulted with the Council's Rural Planning Consultant. Due to known assessments of the surrounding land it is considered extremely likely that the land is comprised of Grade 1 agricultural land, making it best and most versatile (BMV).
- 8.12 Policy DM 31 of the adopted Local Plan sets out that development on this land will not be permitted unless (1) it is allocated for development; or (2) there is no alternative site on land of a lower grade than 3a or that use of land of a lower grade would significantly and demonstrably work against the achievement of sustainable development; and (3) The development will not result in the remainder of the agricultural holding becoming not viable or lead to likely accumulated and significant losses of high quality agricultural land.
- 8.13 The site is not allocated for any form of development, and therefore falls to be assessed under criteria 2 and 3. When the application was originally submitted it did not include any analysis to demonstrate that there are no other suitably sustainable sites of a lower grade. As a result, I raised this with the agent who provided an 'Agricultural Land Classification' and an 'Alternative Site Assessment'.
- 8.14 Firstly, the 'Agricultural Land Classification' demonstrates that large swathes of the Borough are comprised of BMV agricultural land. Along with the requirements of the Cremation Act 1902 (as set out above), the details provided in the Department of Environment Publication entitled "*The Siting and Planning of Crematoria*" (HMSO LG/232/36) 1978 refers to a site size of 2-4 hectares. Simply on these matters alone, this leads to a reasonable conclusion in my view that there would be limited areas within the Borough in a suitable location for a crematorium where it would not involve the loss of BMV agricultural land.
- 8.15 In terms of the alternative site assessment, this provides details of 12 sites in the surrounding area which have been considered, although ultimately discounted before submitting an application on the site currently being assessed. The sites have been dismissed for a number of reasons, including prominence in the landscape, unwillingness of the land owner to sell; inappropriate nature of surrounding land uses; located too close to existing dwellings; was designated land for other purposes. In addition, a view was provided that a number of the sites comprised BMV land.
- 8.16 Having undertaken an analysis of the 'Alternate Site Assessment', I note that a number of the sites have been considered by the application to be on land with an agricultural grade between 1 and 3. I have assessed this using both the Council's mapping data, and that provided by Natural England, and am of the view that 11 of the 12 sites assessed fall within agricultural grades 1-3. It should be noted that the mapping data does not split out grade 3 and therefore of the 5 sites where the land falls squarely within this grade, I have been unable to ascertain whether it is grade 3a or 3b.
- 8.17 The remaining assessed site which does not fall on agricultural land is located outside of the Borough. Although the applicant's assessment states that "*We believe the ALC grade of the land is 1-3*", having assessed Natural England's data, I am of the view that it lies in an area described as "*Other land primarily in non-agricultural use*". However, it is also noted that the applicant has not taken this site forward as they stated to the east is a

designated SAC (Special Area of Conservation) and that it forms part of the Blean Complex of woodland. Having assessed the details, although the SAC is not in my view in the immediate setting, importantly, the site is surrounded by the 'West Blean and Thorndon Woods' SSSI which would likely give rise to development constraints. As such, I am of the view that this site would not be an obvious alternative for development.

- 8.18 In respect of criteria 3, I note the comments of the Council's Rural Planning Consultant who considers that the relatively small extent of land involved would suggest that there is limited risk that the development would result in the remainder of the relevant agricultural holding becoming unviable. Furthermore, in terms of whether the development would "*lead to likely accumulated and significant losses of high quality agricultural land*", it is considered that although difficult to predict issues in the future, there appears to be no obvious immediate risk of this.
- 8.19 On the basis of the above, I take into consideration that the need assessment has been considered as reasonable and that there appears to be no other obvious alternative site which would be both on agricultural land lower than grade 1-3a and perform better in wider sustainability terms. Therefore, once the site restrictions for this form of development are taken into consideration I am of the view that the proposal can be said to satisfy parts 2 and 3 of policy DM 31. On this basis, I do not consider that the loss of this parcel of agricultural land should weigh against the proposal to any significant degree.

#### Highway Impacts / Access / Parking

- 8.20 Policy DM 6 of the adopted Local Plan sets out that highway impacts should be demonstrated to be acceptable, including mitigation if required, and that the location, layout and design of a development should prioritise non-car use. Policy DM 7 requires developments to provide suitable parking in accordance with relevant standards. It is also relevant that a large amount of the surrounding road network to the east of the site, including the section of Staple Street passing the site entrance are designated as Rural Lanes, under policy DM 26 of the Local Plan. This policy sets out that planning permission will not be granted for development which as a result of traffic levels, significantly harm the character of the rural lanes.
- 8.21 The NPPF at paragraph 109 states that "*Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.*" In addition, paragraph 110 sets out that "*applications for development should give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport*". Finally, paragraph 111 requires development which generates significant amounts of traffic to be supported by a transport statement or assessment so that these impacts can be assessed.
- 8.22 The proposal has been supported by a Transport Assessment and I have consulted with both KCC Highways & Transportation (who are responsible for the local road network, including the A299) and Highways England (who are responsible for the M2 and the A2 Boughton Bypass). I have set out the comments of both highway authorities in full above, who, further to the receipt of further information now raise no objection subject to a number of conditions.

- 8.23 A large number of the objections received, including those from the three Parish Council's raise concern regarding the ability of the surrounding highway network to be able to support the increase in vehicles which this proposal would cause. There has been particular concern raised regarding the increase of traffic on the rural lanes, to the east of the site. I have travelled along a number of these roads and concur with the comments that they would struggle to deal with a large increase in traffic, this is partly the reason why they have been designated as rural lanes as per policy DM 26 of the Local Plan. However, as per the comments from KCC Highways & Transportation, road planning data indicates that unless vehicles were arriving or departing from within the small catchment of Boughton village, then vehicles would be access the site via the A299, rather than through Dunkirk, Boughton or Hernhill. Therefore only a small number of vehicles would be likely to travel along these rural lanes to access the site. Therefore, although it is recognised that the section of Staple Street, passing the site access road is designated as a rural lane, the length of this part of the highway that vehicles would need to travel upon (when travelling immediately west from the site) would be limited to 60m. As such, although traffic along this small section would be increased, I do not believe that this would give rise to significant harm to the character of the rural lane. On this basis, I am of the view that the proposal would not be contrary to policy DM 26 of the Local Plan.
- 8.24 In respect of the strategic road network, Highways England initially raised concerns in respect of the impacts of slow moving and non vehicular cortege, an increase in the use of Chalkey Road to access the strategic road network and traffic generation upon Brenley Corner which is congested at certain times. As a result of this, suggestions made by the applicant's consultant in the form of signage, directing people not to use Chalkey Road and a condition preventing the use of horse drawn carriages. Highways England considered this approach acceptable.
- 8.25 In terms of the impacts upon Brenley Corner at peak times, the crematorium slots which coincide with peak traffic in both the AM and PM, are utilised on very few occasions. As such, Highways England accepted that peak hour traffic would be unlikely to be affected by slow moving funeral vehicles and that the increase in trip generation at these times is low. Therefore, although concern has been raised locally that services should avoid coinciding with peak traffic hours, for these reasons it is not considered reasonable to do so.
- 8.26 There has also been concern raised regarding the slow moving funeral processions and the reduction that this would cause in highway safety. In respect of this I note that both highway authorities have commented specifically on this and raise no objection. It should be noted that the site includes an access road of some 165m from Staple Street and as such would provide an opportunity for this section of the journey to take place off the publicly accessible highway.
- 8.27 In terms of parking, the application proposes a car park with a total of 100 spaces. The average number of vehicles to a cremation is calculated as 27 and therefore, even taking into account an overlap of services, there would be capacity to accommodate the vehicles. As such, as per the views of KCC Highways & Transportation, it is accepted that the parking provision is sufficient. KCC Highways & Transportation have also requested a condition in request of cycle parking. Although no details of cycle parking have been provided at this point, there is in my view ample room on the site for suitable details to be

agreed in due course. As such I have included this condition to promote sustainable transport methods.

- 8.28 The application also includes improvements to the site access onto Staple Street which have been assessed as being acceptable from a highway safety perspective. The access within the site will also be upgraded to provide a two lane 5.5m wide road and a 1.8m footpath. To ensure that the materials for this road can be adequately considered I have imposed a relevant condition. The proposals also include a proposed new footway along Staple Street from the site access, to link with the existing provision at the junction of Staple Street and Staple Street Road. This would provide a continuous footpath route to the nearest bus stop, located close to the junction of Whitstable Road and Head Hill. From here, buses to Stalisfield, Faversham, Graveney, Whitstable and Tankerton are available. Having said this, the closest bus stops are a distance of approximately 600m from the site, close to the junction between Whitstable Road and Head Hill. Although this distance would be achievable, I do not consider that the site could be said to benefit from good links with existing public transport. However, I also take the view that the harm that this would cause would be limited by the understanding that the majority of visitors to a crematorium would travel by private car.
- 8.29 On the basis of the above, I must give very significant weight to the comments of both KCC Highways & Transportation and Highways England who having assessed the application in detail raise no objection. I believe that there is a limited amount of harm caused by the access to public transport, but I do not believe that this would be significant enough to refuse the application on highway grounds.

#### Landscape Impact / Visual Impact / Design

- 8.30 The application is supported by a Landscape and Visual Impact Assessment (LVIA) which assesses the impact of the proposal upon the landscape. As set out in the LVIA, the site is not subject to any landscape designations, despite this, policy DM 24 of the Local Plan sets out that *“Non-designated landscapes will be protected and enhanced and planning permission will be granted subject to:*
- 1. the minimisation and mitigation of adverse landscape impacts; and*
  - 2. when significant adverse impacts remain, that the social and or economic benefits of the proposal significantly and demonstrably outweigh the harm to the landscape character and value of the area.”*
- 8.31 In addition to the above, the site falls within the ‘Faversham and Ospringe Fruit Belt’, as defined by the Swale Landscape Character and Biodiversity Appraisal (adopted September 2011). The guidelines for these areas are to ‘conserve and reinforce’ with guidance given, amongst other matters to conserve the rectilinear landscape pattern and advice in respect of materials for buildings.
- 8.32 The LVIA has carried out an assessment of the impact that the development would have by viewing the site from a number of vantage points in the surrounding area. I too have assessed the development from a number of these viewpoints, including, importantly in my view, the local footpaths. The LVIA sets out that the most significant impact will be felt by users of Chalkey Road, to the south of the site. From this vantage point, the site is in clear

view. However, aside from this, I do not believe that the proposal would be especially prominent at all. The closest public footpaths to the site - ZR496 around 100m from the site's south-western corner and footpath ZR600 around 150m from the site's south-eastern corner – provide clearer views of the site, the closer that users are to the development. However, from my experience, the views very quickly become obscured as users move away from the site.

- 8.33 It is also important to note that the site has a well established line of planting along its northern boundary which is proposed to be retained and supplemented with additional planting. In addition to this, the proposed crematorium is limited to a single storey in height and although the chimney will rise above the ridgeline, it will, in these views from the south be read in the context of the planting belt. Additionally, the proposal provides for additional planting on the perimeter of the site, in addition to a large expanse of the site being undeveloped.
- 8.34 The proposed crematorium building itself is, as previously described, single storey and as set out in the Design and Access Statement, the design has been arrived at as a response to the countryside and landscape setting, as well as taking inspiration from the character and form of local building styles. The building has walls comprised externally of brickwork and dark stained weatherboarding, with a plain clay tiled roof. I am of the view that the form of the building, in combination with the external finishing materials mean that it would be fairly typical of buildings found within rural areas. The details of the materials have been provided and I am of the view that they are acceptable. On this basis I have included a condition to require the building to be finished using the materials as agreed.
- 8.35 Along with the building, the proposal also includes a car park with spaces for 100 vehicles. When the application was first submitted, concern was raised in respect of the visual impact of the car park and that a softer approach should be taken with areas of hardstanding broken up to avoid an over engineered appearance. Further to liaising with the agent, amendments were provided to reduce the amount of tarmac, the inclusion of free draining gravel surfaced spaces in the main car park and reinforced grass in the overflow car park. The spaces themselves have been divided up with native landscaping. Having assessed the revised details I am of the view that the amendments will give rise to attractive parking area. To ensure that the details are secured I have included a relevant condition relating to hard landscaping.
- 8.36 In addition to the retention and additional planting on the sites northern boundary, the proposal also includes planting on the remaining boundaries of the site. Within the site itself, further tree planting is proposed, along with flowering meadow species grassland. Along the access road a new shelterbelt of Poplars is proposed. The species shown are native and take into account both the landscape character and tree species growing within and around the site boundaries. Therefore as well as providing visual benefits, will allow for biodiversity benefits, discussed further below. Having said the above, the details are indicative and therefore precise details in respect of the planting (such as the number of trees in precise locations) have not been provided. I also note that a detention basin (to deal with surface water drainage) is located within area that is indicatively to be provided with tree planting. However, I am of the view that due to the amount of undeveloped space upon the site that there is ample room to provide this specific area of planting elsewhere, if required. As such I have imposed a condition to ensure that the sort landscaping is in

general accordance with the details provided and an additional condition for the precise details to be required.

- 8.37 Overall, having assessed the development carefully, I am of the opinion that although sitting in the countryside, the site itself is relatively well contained, with a very limited number of exposed views from the surrounding area. Built form and hardstanding will be limited to the western part of the site with existing planting retained and supplemented. I believe that the building has been well designed taking into account the context of the site and its intended use and that the areas of hardstanding are sufficiently broken up with planting. Overall I am of the view that the proposal acceptably mitigates the landscape impacts in this non designated landscape and is in compliance with the requirements of policy DM 24 as set out above. In addition, I believe that the design of the building has been well considered and accords with policy CP 4 of the Local Plan.

#### Ecology and Biodiversity

- 8.38 Due to the nature of the site being comprised of arable farmland, it has a low ecological value. There is existing vegetation on the northern and western boundary which provides ecological value, however, this is proposed to be retained. An Ecological Appraisal' has been submitted in support of the application and I have consulted with KCC Ecology.
- 8.39 When the application was first submitted, it was considered that as breeding Great Crested Newt (GCN) had been confirmed within the vicinity of the site, the proposal will need to consider how it would impact upon commuting / foraging GCN and as a result it was recommended that further surveys were carried out. Further to this, although the surveys were not carried out, a mitigation strategy setting out clear mitigation measures for an assumed breeding population in the area. This includes exclusion fencing, European Protected Species licence acquisition and replacement habitat on-site. KCC Ecology are of the view that this approach is acceptable on the basis that they do not consider GCN being a major constraint and have recommended a condition requiring the mitigation measures to be carried out which I have included.
- 8.40 In respect of bats, a condition I have imposed as recommended by KCC Ecology will ensure that any lighting can be appropriately designed to ensure that this matter is adequately dealt with. Furthermore, although there is a limited amount of reptile habitat on the site a precautionary approach to, for example, vegetation clearance is recommended via a condition which I have imposed. Furthermore, in accordance with paragraph 175 of the NPPF, the implementation of enhancements to biodiversity should be encouraged and as such a relevant condition has been recommended, and which I have imposed.
- 8.41 I have also discussed the issue of biodiversity net gain with the agent. In policy terms, at the current point in time, policy DM 28 (Biodiversity and geological conservation) of the Local Plan states that *“Development proposals will conserve, enhance and extend biodiversity, provide for net gains in biodiversity where possible...”*, whilst the NPPF at paragraph 170 sets out that decisions should provide for net gains for biodiversity.
- 8.42 As a result, the agent has provided a Biodiversity Impact Assessment to provide details on the biodiversity net gain which this site could provide. The assessment sets out that a net gain of 47.5% can be achieved. I have liaised with KCC Ecology regarding this figure who are of the view that due to the existing arable use of the site, that the application proposes

considerably more open space than built form and that the application will be establishing wildflower meadow (arguably the most valuable habitat within the UK) that a net gain of 47.5% should be achievable.

- 8.43 This commitment in terms of biodiversity net gain goes considerably beyond what any adopted local or national policy requires and I am of the view that this provides a substantial benefit. To ensure that this commitment is secured, I have included a relevant condition below.

#### Impact upon Heritage Assets

- 8.44 The application site, in broad terms, lies between the grade II\* listed Nash Court (and its associated curtilage listed building) which is situated to the south and the grade II listed Fairbrook Cottage, Fairbrook House and Oast Cottage to the north. However, both sets of designated heritage assets are a significant distance from the application site. In the case of Nash Court, the nearest part of the listed curtilage (containing the Orangery) lies approximately 380 metres away, and is not only separated by an intervening line of roadside trees on Chalkey Road but also by a group of intervening buildings at the Farm World complex. It is also taken into account that due to land levels and the intervening land form, that the inter-visibility and relationship between the two sites is remote.
- 8.45 In the case of Fairbrook Cottage, which is the nearer of the two designated heritage assets to the north, the distance between the northernmost point of the application site and the southernmost part of the curtilage to Fairbrook Cottage is over 130 metres away. Fairbrook House lies behind Fairbrook Cottage (a further 109 metres north). Intervisibility between the proposed development and Fairbrook Cottage is at best likely to be limited to glimpsed views in the winter months due to the line of roadside trees along Staple Street and the fact that the part of Staple Street off which Fairbrook Cottage is accessed, is set more than 2 metres below the level of the parcel of agricultural land immediately to the south.
- 8.46 It is also noted that the proposed building is single storey in height, and note that the proposal includes both the retention of existing and planting of additional landscaping, providing in time, addition separation in visual terms between the site and the heritage assets. I note that Boughton Under Blean Parish Council have set out that they would expect to see a Heritage Statement submitted as the site affects Nash Court both directly and indirectly. However, on the basis of the above assessment, and the lack of the any identified impact upon the designated heritage assets, I do not believe that a Heritage Statement is required and believe the setting of the listed buildings would not be impacted by the proposal.

#### Sustainable Design and Construction

- 8.47 The crematorium building itself has a footprint of approximately 400 sqm. As a result of this, policy DM 19 (Sustainable design and construction) states that a BREEAM rating of a minimum of 'good' will be achieved.
- 8.48 During the application I have consulted with the Council's Climate Change Officer and due to the use of the proposal, I have liaised with the agent in respect of obtaining more information regarding the sustainability credentials of the building. As a result I have received the following information:

*“Memoria is a progressive operator of crematoria and prides itself on ensuring that its environmental credentials meet the highest standards. The site at Faversham will be equipped with designated electric vehicle charging points installed for both staff and visitors to the site. The chapel, waiting area and administration offices will be heated from recycled waste heat from the cremator, thereby reducing the need for separate heating systems within the building. Memoria are the first operator within the UK to install new-age electric cremators. The site at Faversham will feature the DFW Electric Cremator which will use renewable energy sources and as such produce 95% less carbon emissions when compared to traditional gas cremators. While this is a considerable financial investment, as it is approximately 50% more expensive than a gas cremator, it presents the only truly sustainable solution for the future of the cremation industry as the UK embarks on its journey to become carbon neutral.*

*In addition, the proposed building will be suitably insulated and renewable measures will be installed wherever possible to enhance the sustainability credentials of the building. A condition requiring details to be provided prior to the occupation of the building would ensure the Council has control over this aspect.”*

- 8.49 On the basis of the above, the agent has committed to a BREEAM rating of a minimum of ‘very good’, which as set out above goes beyond the policy requirements for a building of this scale. I have re-consulted with the Council’s Climate Change Officer who considers the details acceptable. To ensure that this is delivered, I have imposed a relevant condition.
- 8.50 In respect of electric vehicle charging points, the Council’s Parking SPD states that for non-residential uses with off street parking, that 10% of the parking spaces will have an active charging point, with the remainder to be provided as passive spaces. I have included a condition to ensure that this is provided and am of the view that this deals acceptably with this matter.

#### Job Creation / Rural Economy

- 8.51 The application sets out that the proposal will create 4 jobs. The NPPF at paragraph 80 states *“Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future.”* In addition, paragraph 83 sets out that *“...decisions should enable the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings.”*
- 8.52 It is also important to note paragraph 84 which states: *“Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of*

*previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.”*

- 8.53 Further to the above, policy DM 3 (The rural economy) of the Local Plan sets out that *“Planning permission will be granted for the sustainable growth and expansion of business and enterprise.”* In the case of larger scales of development, the policy directs this towards the rural local service centres and urban areas in the first instance and to firstly consider the appropriate re-use of existing building or development of previously developed land unless such sites are not available or it is demonstrate that a particular location is necessary to support the needs of the rural communities or the management of the countryside. There is also a requirement for new buildings to be sympathetic to the rural location and for the development to result in no significant harm to the historical, architectural, biodiversity, landscape or rural character of the area harm and avoid traffic generation incompatible with the rural area.
- 8.54 In respect of this particular proposal, the constraints placed upon potential sites are dealt with above and would in my view lead to difficulties in providing the development within, or close to the rural service centres as set out in policy DM 3. It has been accepted via a number of appeal decisions that a location in the countryside is accepted in principle for this type of development and I would take the view that a relatively peaceful setting would be expected. This approach is reflected in paragraph 84 of the NPPF as set out above. Furthermore, as per paragraph 83 of the NPPF, significant weight is placed upon economic growth. Therefore, although this proposal does not lead to significant job creation, the supporting information sets out that 4 full time jobs will be created. As such, I am of the view that these are positive benefits in compliance with the aims of local and national policy.

#### Residential / Local Amenities

- 8.55 As discussed above, the location of crematorium is governed by the Cremation Act 1902 which requires an off set distance from residential uses. As a result of this, the closest residential unit to the main part of the site and where the crematorium building itself will be located is a distance of approximately 210m. As a result I do not believe that the proposal will give rise to any significant concerns in respect of residential amenity.
- 8.56 I do also note the comments that have been received in respect of the restrictions that this development will place upon events at the adjacent Faversham Showground and that the ‘agent of change’ principle is required to be considered. This essentially requires that new development can be integrated effectively with existing businesses and community facilities and that existing facilities should not have unreasonable restrictions placed upon them as a result of development permitted after they were established.
- 8.57 When this application was first submitted, the application sought hours of use to be 0900 – 1800 Monday to Friday and 0900 – 1500 on Saturdays. Having considered this, and discussed with the agent, on the basis of the comments it has been agreed that no cremations shall take place outside the hours of 0900 – 1700 Monday to Friday and 0900 – 1200 on Saturdays.
- 8.58 In respect of the showground itself, I raised the points that had been generated with the agent. The agent has informed me that it is their understanding that *“the showground*

*operator holds around 10 events per annum and they have agreed to hold events only on Sundays and bank holidays. This will not restrict their ability to undertake an adequate number of shows throughout the year, as there are 52 Sundays and 8 bank holidays available to them. If events are to take place on other days then this will be done by mutual agreement between the operator of the showground and our client.”*

- 8.59 In coming to a view on this, it is important to note that I have not received an objection explicitly from, or on behalf of, the operator of the Faversham Showground. I have researched the Showground events but for reasons which would likely relate to the global Covid 19 pandemic an up to date schedule of events is not available to inform this issue. I have also researched the planning history of the Showground site and there is no planning permission for any particular use. As such, it would appear that any events are taking place under permitted development rights, which restricts the number of events per year to 28 in any case.
- 8.60 On the basis of the above details, I am of the view that it would be unlikely that the operation of the Showground would be likely to have a ‘significant adverse effect’ on the proposal, which is the threshold that the NPPF sets for requiring the new development to provide suitable mitigation. I do note the representations received which set out that the hours should be restricted for this proposal. Taking into account the above assessment I am of the view that the proposed hours (as per paragraph 8.57 above) would be compatible with the adjacent site, especially considering the adjacent site has no planning permission and seemingly operates under restricted permitted development rights. Furthermore, this proposal via this planning permission, would not place any additional restrictions on the adjacent site, a point which was raised in the representations received. On this basis (and as per the highway considerations above) I am of the view that the proposal will be able to operate within the hours proposed without giving rise to unacceptable harm to surrounding business and facilities. To ensure that this is controlled, I have imposed a relevant condition.

#### Drainage

- 8.61 The proposed surface water drainage strategy involves a combination of infiltration and attenuation (in the form of a basin) prior to discharging to an existing watercourse on the north western boundary of the site. In terms of foul water, this is proposed to be disposed of via a packaged treatment plant to either the existing wet ditch running along the north eastern boundary of the site or a drainage field. This is due to there being no foul sewer within the vicinity of the site.
- 8.62 The Lead Local Flood Authority (KCC), Environment Agency (EA) and Southern Water have been consulted on the application with their comments provided above. As can be seen, the rate of discharge for surface water has been agreed. I do note that infiltration is proposed and that the EA have suggested a condition whereby this would need to be agreed prior to taking place and supported by an assessment of the risk to controlled waters. I have raised this with the agent who has provided me with comments from the applicant’s drainage consultant. In summary, they have reviewed the responses provided by the Lead Local Flood Authority and EA and confirmed that they are aware of the conditions, that the details for foul drainage are in line with EA guidance and that surface

water systems have pollution controls in place. In any case the details will need to satisfy the conditions imposed.

- 8.63 Although I note the concern that has been raised regarding flooding issues, significantly, the Lead Local Flood Authority, EA and Southern Water do not raise any objection subject to a number of conditions. All of these conditions have been imposed and as such I am of the view that both foul and surface water drainage has been adequately dealt with.

#### Archaeology

- 8.64 The application is supported by an archaeological desk based study and I have consulted the KCC Archaeological Officer. Due to the undeveloped nature of the site, there is a need to ensure that archaeological evaluation and mitigation is carried out. The KCC Archaeological Officer has recommended a condition which I have imposed and as such I am of the view that this matter has been adequately dealt with.

#### Other Matters

- 8.65 Although the vast majority of the points raised via the representations have been considered via the discussion above, of those that remain I comment as follows. Firstly, the proposal needs planning permission, which the applicant has applied for, there is no separate requirement for a 'change of use' application. Secondly, there is no requirement for land to be compulsory purchased as part of this development. Thirdly, pre application discussions are entered into at the applicant's discretion and are not required to be made public. Fourthly, cremations are able to be carried out by commercial enterprises; it is not simply a function that public bodies carry out. Fifth, the development does not have permission for burials and therefore if unauthorised development took place this would potentially be subject to enforcement action, the same as any other unauthorised development. Lastly, relations of the applicant are not material planning considerations.

### **9. CONCLUSION**

- 9.1 As set out above, there are no local or national policies which relate to the provision of new crematoria. On this basis, an assessment of the merits of the specific aspects of the proposal is required to be undertaken.
- 9.2 In respect of balancing the factors involved in the application, I am of the view that due to the constraints in respect of where this development can be located and the need assessment that has been provided, this countryside location can be accepted in principle. The proposal would give rise to the loss of agricultural land, however, taking into account the alternative site assessment submitted and my analysis of this, in addition to the limited amount of land that would be lost to agriculture, I take the view that the proposal can be considered under the exception criteria of policy DM 31 in this regard. I also give weight to the economic benefits of 4 jobs which would be provided. In terms of biodiversity, the proposal provides a very significant benefit in the form of a 47.5% net gain and additionally, the proposal will achieve a BREEAM rating ('Very good', rather than 'good') over and above the Local Plan requirement for a building of this size.
- 9.3 I am of the view that the design of the building has been carefully considered and would not look out of place in this rural setting. I do recognise the objections that have been received,

including those that are concerned regarding additional traffic on the surrounding highway network and the impact this would have on highway safety. However, both Kent Highways & Transportation and Highways England having assessed the application raise no objection, and as such I am of the view that traffic related impacts have been adequately addressed.

9.4 I do believe that the proposal is not particularly well located in terms of access via public transport. Although the proposal will provide a footpath to connect with an existing footpath to allow access to the nearest bus stops, these are 600m away. The proposal would also give rise to additional traffic on a short section of a designated rural lane. However, in my view, this would not give rise to significant harm which would outweigh the benefits that have been set out above.

9.5 On balance, I am of the view that the proposal is compliant, and in many respects, goes beyond the requirements of both local and national policies. The limited harm caused would be outweighed by the benefits and as a result I recommend that planning permission is granted.

**10. RECOMMENDATION - GRANT** Subject to the following conditions:

- 1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which the permission is granted.  
Reason: In pursuance of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.
- 2) The development hereby approved shall be carried out in accordance with the following approved drawings: 508.52\_05 F (Site Layout Plan); 19-35 03 Rev P7 (Elevations – Crematorium); 19-35 02 Rev P3 (Floorplan – Crematorium); 19-35 21 Rev P2 (Canopy and Flower Court Floorplans and Elevations); 19-35 19 Rev P2 (Toilet Block and Store Elevations and Floorplan).  
Reason: For the avoidance of doubt and in the interests of proper planning.
- 3) The materials hereby approved shall be in accordance with the details as shown in drawings 19-35 03 Rev P7 (Elevations – Crematorium); and 19-35 21 Rev P2 (Canopy and Flower Court Floorplans and Elevations).
- 4) No development beyond the construction of foundations shall take place until precise details of the external finishing materials (which shall be based upon the details provided on drawing 19-35 19 Rev P2) have been submitted to and agreed in writing with the Local Planning Authority;  
  
Reason: In the interests of visual amenities.
- 5) The crematorium hereby permitted shall not hold services outside the following times: 0900 to 1700 hours Monday to Friday and 0900 to 1200 hours on Saturdays or at any time on Sundays or public holidays.  
  
Reason: In the interests of the amenities of the area.
- 6) Prior to the commencement of development hereby approved a Construction Management Plan, to include the following shall be submitted to and approved in writing by the Local Planning Authority:
  - (a) Routing of construction and delivery vehicles;

- (b) Parking and turning areas for site personnel / operatives / visitors;
- (c) Provision for construction vehicles loading, off loading and turning;
- (d) Provision of wheel washing facilities;
- (e) Provision within the site for the disposal of surface water to prevent its discharge onto the highway
- (f) Temporary traffic management / signage
- (g) Any requirements for temporary construction access;
- (h) Measures to minimise the production of dust on the site
- (i) The location and design of site office(s) and storage compounds
- (j) Measures to minimise the noise (including vibration) generated by the construction process to include the careful selection of plant and machinery and use of noise mitigation barrier(s);
- (k) Measures to minimise the potential for pollution of groundwater and surface water.

Reason: In the interests of residential and highway amenity and safety.

- 7) The approved use shall not commence until space has been laid out within the site for cycles to be securely sheltered and stored in accordance with proposals to be submitted to, and agreed in writing by the Local Planning Authority.

Reason: To ensure the provision and retention of adequate off-street parking facilities for cycles in the interests of sustainable development and promoting cycle visits.

- 8) The area shown on drawing no. 508.52\_05 F (Site Layout Plan) as car parking and turning space shall be provided before the use hereby permitted commences and shall be retained for the use of the occupiers of, and visitors to the premises, and no permanent development, whether permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that Order) or not, shall be carried out on the land so shown or in such a position as to preclude vehicular access thereto.

Reason: Development without adequate provision for the parking of cars is likely to lead to car parking inconvenient to other road users and detrimental to amenity.

- 9) The access details shown on drawing 5324 / 005 revision E shall be completed prior to the occupation of any buildings hereby approved, and the access shall thereafter be maintained.

Reason: In the interests of highway safety.

- 10) The development hereby approved shall not be brought into use until the off-site highway works to provide a footway along Staple Street as indicated on drawing 5324-005 revision E has been carried out in accordance with a design and specification to be first submitted to and approved in writing with the Local Planning Authority.

Reason: In the interests of highway safety and pedestrian amenity.

- 11) Prior to the use of the development hereby approved commencing, the access road within the site (as shown on drawing 5324 / 005 revision E) shall be completed and finished in materials which shall first have been submitted to and agreed in writing by the Local Planning Authority.

Reason: In the interest of visual amenities.

- 12) Prior to the development hereby permitted being brought into use, details of the proposed routing arrangements and directional signage for the crematorium (to inform visitors that they shall not use Chalkey Road) shall be submitted and approved by the Local Planning Authority. The approved signage shall be implemented before the development is first used and subsequently retained in perpetuity.

Reason: To safeguard the safety, reliability and operational efficiency of the strategic and local road network.

- 13) The development hereby permitted shall not be used by animal-drawn carriages or similar conveyances, unless otherwise agreed in writing by the Local Planning Authority (who shall consult Highways England and Kent County Highways).

Reason: To safeguard the safety, reliability and operational efficiency of the strategic and local road network.

- 14) Development shall not begin in any phase until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the Local Planning Authority. The detailed drainage scheme shall be based upon the Drainage Strategy Report, dated 11th November 2020, undertaken by the CDS Group and shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of without increase to flood risk on or off-site.

The drainage scheme shall also demonstrate (with reference to published guidance):

- that silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters.
- appropriate operational, maintenance and access requirements for each drainage feature or SuDS component are adequately considered, including any proposed arrangements for future adoption by any public body or statutory undertaker.

The drainage scheme shall be implemented in accordance with the approved details.

Reason: To ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on/off site flooding. These details and accompanying calculations are required prior to the commencement of the development as they form an intrinsic part of the proposal, the approval of which cannot be disaggregated from the carrying out of the rest of the development.

- 15) The building hereby permitted shall not be occupied until a Verification Report, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved by the Local Planning Authority. The Report shall demonstrate the suitable modelled operation of the drainage system where the system constructed is different to that approved. The Report shall contain information and evidence (including photographs) of details and locations of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and, the submission of an operation and maintenance manual for the sustainable drainage scheme as constructed.

Reason: To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with and subsequently maintained pursuant to the requirements of paragraph 165 of the National Planning Policy Framework.

- 16) 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 a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with paragraph 170 of the National Planning Policy Framework.

- 17) No drainage systems for the infiltration of surface water or treated foul sewage to the ground are permitted other than with the written consent of the Local Planning Authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants. This is in line with paragraph 170 of the National Planning Policy Framework.

- 18) Piling using penetrative methods shall not be carried out other than with the written consent of the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the proposed development, does not harm groundwater resources in line with paragraph 170 of the National Planning Policy Framework.

- 19) Prior to the use of the development hereby permitted commencing, a lighting design plan for biodiversity will be submitted to, and approved in writing by, the Local Planning Authority. The plan will show the type and locations of external lighting, (including the type, means and extent of illumination and anticipated spread of light) demonstrating that areas to be lit will not disturb bat activity. All external lighting will be installed in accordance with the specifications and locations set out in the plan and will be maintained thereafter.

Reason: In the interests of biodiversity and visual amenities.

- 20) From the commencement of works (including site clearance), all precautionary mitigation measures for reptiles will be carried out in accordance with the details contained in section 8.4.9 of the Ecological Appraisal (HDA November 2019).

Reason: In the interests of biodiversity.

- 21) Within six months of works commencing, details of how the development will enhance biodiversity will be submitted to, and approved in writing by, the Local Planning

Authority. This will include the recommendations in section 8.5 of the Ecological Appraisal (HDA November 2019). The approved details will be implemented and thereafter retained.

Reason: In the interests of biodiversity.

- 22) From commencement of works (including site clearance), all mitigation measures for Great Crested Newt will be carried out in accordance with the details contained in section 4 of the Great Crested Newt Mitigation Strategy (HDA January 2021), unless varied by a European Protected Species licence subsequently issued by Natural England or further survey demonstrates the absence of Great Crested Newts (in which case no mitigation will be required).

Reason: In the interests of biodiversity.

- 23) Prior to the use of the development hereby permitted commencing a detailed scheme for all proposed habitat features and enhancements (and including an implementation programme, which shall be designed to deliver the new habitat / enhancements at the earliest opportunity) shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be designed to deliver a biodiversity net gain of a minimum of 47.5%. The scheme shall be carried out in accordance with the approved details and implementation.

Reason: In the interests of biodiversity.

- 24) Throughout the construction period for the development hereby approved the recommendations and Tree Protection measures contained within the report entitled 'Tree Survey Report and Arboricultural Impact Assessment (by Hankinson Duckett Associates (HDA) ref: 508.54, Issue 01, dated August 2020), shall be adhered to.

Reasons: In the interests of the visual amenities of the area and encouraging wildlife and biodiversity.

- 25) The development hereby approved shall be carried out in general accordance with the soft landscaping details as shown on drawing 508.52\_05 F (Site Layout Plan) in terms of species and location of trees / planting as shown.

Reason: In the interests of visual amenities and encouraging wildlife and biodiversity opportunities.

- 26) Notwithstanding the details as shown on drawing 508.52\_05 F (Site Layout Plan), no development beyond the construction of foundations shall take place until details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include planting schedules of plants, noting species (which shall be native species and of a type that will encourage wildlife and biodiversity) plant sizes and numbers where appropriate, details of tree pits where appropriate, means of enclosure, hard surfacing materials, and an implementation programme.

Reason: In the interests of the visual amenities of the area and encouraging wildlife and biodiversity.

- 27) All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of

the development or in accordance with the programme agreed in writing with the Local Planning Authority.

Reason: In the interests of the visual amenities of the area and encouraging wildlife and biodiversity.

- 28) Upon completion of the approved landscaping scheme, any trees or shrubs that are removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with trees or shrubs of such size and species as may be agreed in writing with the Local Planning Authority, and within whatever planting season is agreed.

Reason: In the interests of the visual amenities of the area and encouraging wildlife and biodiversity.

- 29) The crematorium hereby approved shall be constructed to BREEAM 'Very Good' Standard or an equivalent standard and prior to the use of the building commencing the relevant certification shall be submitted to the Local Planning Authority confirming that the required standard has been achieved. The details provided shall include those set out in the email from the agent dated 7<sup>th</sup> January 2021 and shall include the provision of an Electric Cremator.

Reason: In the interest of promoting energy efficiency and sustainable development.

- 30) Prior to the use of the development hereby permitted commencing, 10% of the parking spaces shall be fitted with active charging points; with the remainder provided as passive charging spaces.

Reason: In the interests of sustainable development and encouraging sustainable modes of travel.

- 31) No construction work in connection with the development shall take place on any Sunday or Bank Holiday, nor on any other day except between the following times:- Monday to Friday 0730 - 1800 hours, Saturdays 0800 - 1300 hours unless in association with an emergency or with the prior written approval of the Local Planning Authority.

Reason: In the interests of residential amenity.

- 32) The development hereby approved shall not commence until details have been submitted to and approved in writing by the Local Planning Authority demonstrating how the development will meet the principles of 'Secure by Design'. The development shall then be completed strictly in accordance with the approved details.

Reason: In order to secure a satisfactory form of development having regard to the nature of the site.

- 33) No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of
- i. archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority; and

- ii. following on from the evaluation, any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation and recording in accordance with a specification and timetable which has been submitted to and approved by the Local Planning Authority.

Reason: To ensure appropriate assessment of the archaeological implications of any development proposals and the subsequent mitigation of adverse impacts through preservation in situ or by record.

### **The Council's approach to the application**

In accordance with paragraph 38 of the National Planning Policy Framework (NPPF), February 2019 the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and creative way by offering a pre-application advice service, where possible, suggesting solutions to secure a successful outcome and as appropriate, updating applicants / agents of any issues that may arise in the processing of their application.

The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the Committee and promote the application.

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.

The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.

