

LOCATION: Land Adjacent Edgwarebury Cemetery, Edgwarebury Lane, Edgware, Middx, HA8 8QP

REFERENCE: H/04748/12 **Received:** 18 December 2012
Accepted: 03 January 2013

WARD(S): Edgware **Expiry:** 04 April 2013

Final Revisions:

APPLICANT: North London Cemetery Ltd

PROPOSAL: A hybrid planning permission is submitted for the development of a multi-faith cemetery. Full planning permission is sought for Phase 1 of development comprising associated landscaping, parking, storage and access, and ancillary single storey memorial hall of 294sqm (GIA). Outline planning permission is sought for Phases 2 and 3 of development for use as a cemetery and means of access and landscaping with all other matters reserved.

RECOMMENDATION: Approve Subject to Conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: 1080 L001 Rev A, 1080 L002 Rev A, 1080 L003, 1314 008B, 1314 009B, 1314 010, Outline Landscape Management Plan, Design and Access Statement, Tree Constraints Plan, Site Location Plan.
Reason:
For the avoidance of doubt and in the interests of proper planning and so as to ensure that the development is carried out fully in accordance with the plans as assessed in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS NPPF and CS1 of the Adopted Barnet Core Strategy DPD (2012).
- 2 Details of the following reserved matters for Phases 2 and 3 as set out in the approved Phasing Plan 1314/008 Rev B shall be submitted to and approved in writing by the Local Planning Authority before this phase of the development is implemented:
 - (a) Appearance
 - (b) Layout
 - (c) ScaleReason: To accord with the provisions of the Town and Country Planning Act (General Development Procedure Order) 1995 and to enable the Local Planning Authority to retain adequate control over the proposed development.
- 3 Application for approval of all the reserved matters referred to in condition 2 shall be made to the Local Planning Authority in writing before the expiration of three years from the date of this permission.
Reason: To comply with section 92(2)(a) of the Town and Country Planning Act 1990.
- 4 Phase 1 of the development must be begun not later than three years from the date of the grant of this permission.
Reason: To comply with the provisions of Section 91(1)(a) of the Town and Country Planning Act 1990 and Section 51 of the Planning and Compulsory Purchase Act 2004.
- 5 Before the development hereby permitted commences, details of the materials to be used for the building and hard surfaced areas shall be submitted to and

approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such details as approved.

Reason:

To safeguard the character and visual amenities of the site and wider area and to ensure that the building is constructed in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012), CS NPPF and CS1 of the Adopted Barnet Core Strategy DPD (2012) and 1.1, 7.4, 7.5 and 7.6 of the London Plan 2011.

- 6 Phase 2 and 3 of the development must be begun no later than whichever is the later of the following dates:

(i) the expiration of five years from the date of this decision notice; or,
(ii) the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: To accord with the provisions of the Town and Country Planning Act (General Development Procedure Order) 1995 and to enable the Local Planning Authority to retain adequate control over the proposed development.

- 7 Before the development hereby permitted is brought into use the site shall be enclosed except at the permitted points of access in accordance with details previously submitted to and approved in writing by the Local Planning Authority.

Reason:

To ensure that the proposed development does not prejudice the appearance of the locality and/or the amenities of occupiers of adjoining residential properties and to confine access to the permitted points in the interest of the flow of traffic and conditions of general safety on the adjoining highway in accordance with policies DM01, DM03, DM17 of the Adopted Barnet Development Management Policies DPD (2012), CS NPPF and CS1 of the Adopted Barnet Core Strategy DPD (2012).

- 8 Before the development hereby permitted commences, details of enclosures and screened facilities for the storage of recycling containers and wheeled refuse bins or other refuse storage containers where applicable, together with a satisfactory point of collection shall be submitted to and approved in writing by the Local Planning Authority and shall be provided at the site in accordance with the approved details before the development is occupied.

Reason:

To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS14 of the Adopted Barnet Core Strategy DPD (2012).

- 9 No construction work resulting from the planning permission shall be carried out on the premises at any time on Sundays, Bank or Public Holidays, before 8.00 am or after 1.00 pm on Saturdays, or before 8.00 am or after 6.00pm on other days.

Reason:

To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties in accordance with policy DM04 of the Adopted Barnet Development Management Policies DPD (2012).

- 10 All work comprised in the approved scheme of landscaping for Phase 1 shall be carried out before the end of the first planting and seeding season

following commencement of the use.

Reason:

To ensure a satisfactory appearance to the development in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012) and 7.21 of the London Plan 2011.

- 11 Any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of the completion of phase 1 shall be replaced with trees or shrubs of appropriate size and species in the next planting season.

Reason:

To ensure a satisfactory appearance to the development in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012) and 7.21 of the London Plan 2011.

- 12 No development shall take place until details of a construction management plan have been submitted to and approved in writing by the local planning authority.

Reason:

To safeguard residential amenity in accordance with policy DM17 of the Adopted Barnet Development Management Policies DPD (2012).

- 13 Means of vehicular access/ egress to the development shall be from Edgwarebury Lane only.

Reason: To confine access to the permitted points in order to ensure that the development does not prejudice the free flow of traffic or conditions of general safety on the public highway and in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

- 14 Development shall not begin until a detailed surface water drainage scheme for the site, based on the agreed Flood Risk Assessment (FRA) (ref: D1.FF0 R1; dated: October 2012; prepared by: Cemetery Development Services) and subsequent calculations, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the first phase of the development is completed. The scheme shall include a restriction in run-off and surface water storage on site as outlined in the FRA.

Reason To prevent the increased risk of flooding, to improve and protect water quality, and improve habitat and amenity, in accordance with Core Strategy policies CS7 (Enhancing and protecting Barnet's open spaces) and CS13 (Ensuring the efficient use of natural resources), DM policies DM01 (Protecting Barnet's character and amenity), DM04 (Environmental considerations) and DM16 (Biodiversity), and the Sustainable Design and Construction SPD.

- 15 The disabled parking spaces shall be provided and clearly marked with a British Standard disabled symbol where appropriate and permanently

retained for the use of disabled persons and their vehicles and for no other purpose.

Reason: To ensure and promote easier access for disabled persons to the approved building in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

- 16 Before the development hereby permitted is brought into use, parking spaces, cycle parking and turning spaces shown on plan number(s) 1314/008 (Rev B) shall be provided and marked out within the site in accordance with the submitted scheme. Thereafter, the parking spaces shall be used only as agreed and not be used for any purpose other than the parking and turning of vehicles in connection with approved development.

Reason: To ensure that parking and associated works are provided in accordance with the council's standards in the interests of pedestrian and highway safety and the free flow of traffic.

- 17 No structure including fences or planting exceeding 1.05 metres in height shall be erected to the left or right of the access within the visibility splay when merging from private access on to public highway.

Reason: To preserve sight line and in the interests of highway and pedestrian safety in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

- 19 Details of refuse collection must be submitted to and approved in writing by the Local Planning Authority. Refuse collection points should be located within 10 metres of the Public Highway, at floor level, otherwise, the development access should be designed and constructed to adoptable standards in order to allow refuse vehicles to access and turn around within the site. The applicant should sign a Waiver of Liability and Indemnity Agreement to indemnify the Council against any claims for damage caused to private roads arising from and/ or in connection with the collection of waste by the Council from the premises.

Reason: To ensure that the access is satisfactory in terms of highway safety development and to protect the amenity of the area and in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

- 20 No gravemarkers exceeding an area of 15cm by 20cm shall be positioned on site.

Reason: To safeguard the openness and visual amenities of the green belt, in accordance with policy DM15 of the Development Management Policies 2012.

- 21 Prior to the commencement of the development, a Management Plan shall be submitted and approved by the Local Planning Authority and shall detail:
a) how the development will be implemented in accordance with the proposals and mitigation set out in the ecological surveys

- b) how the landscape and ecology of the site shall be maintained
- c) how any ecological impacts arising on the implementation of phases 2 and 3 will be addressed, and
- d) how public access to the site will be provided, managed and maintained

Reason: To safeguard local ecology and biodiversity and ensure the benefits of public access to the site, in accordance with policies DM15 and DM16 of the Adopted Barnet Development Management Policies 2012.

22 Prior to the commencement of the development, a survey must be carried out to establish the presence of slow worms. If found a mitigation strategy shall be submitted to and approved by the Local Planning Authority. The site clearance shall be implemented as approved in the strategy.

Reason: To safeguard any slow worms (a protected species) which may be present on the site in accordance with policy DM16 of the Adopted Barnet Development Management Policies 2012.

23 Before the development commences, a geophysical survey of the site by the applicant shall be undertaken, aimed to locate substantive prehistoric or Roman settlement or industry, followed if necessary by trial trenching. The consultants report will need to establish the significance of the site and the impact of the proposed development. This report shall be submitted to the local planning authority and Greater London Archaeological Advisory Service for their approval.

Reason: To safeguard the archaeological record in accordance with development management policy DM06 of the Adopted Barnet Development Management Policy 2012.

24 Before this development is commenced, details of the levels of the building(s), road(s) and footpath(s) in relation to adjoining land and highway(s) and any other changes proposed in the levels of the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such details as approved.

Reason:

To ensure that the development is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access, the safety and amenities of users of the site, the amenities of the area and the health of any trees or vegetation in accordance with policies DM01 and DM04 of the Adopted Barnet Development Management Policies DPD (2012), CS NPPF, CS1, CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012) and 7.4, 7.5, 7.6 and 7.21 of the London Plan 2011.

25 Before this development is commenced details of the location, extent and depth of all excavations for drainage and other services in relation to trees on the site shall be submitted and approved in writing by the Local Planning Authority and the development carried out in accordance with such approval.

Reason:

To safeguard the health of existing tree(s) which represent an important amenity feature in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012) and 7.21 of the London Plan 2011.

26 No siteworks or works on this development shall be commenced before a dimensioned tree protection plan in accordance with Section 5.5 and a method statement detailing precautions to minimise damage to trees in accordance with Section 6.1 of British Standard BS5837: 2012 Trees in relation to design, demolition and construction - Recommendations are submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with such approval.

Reason:

To safeguard the health of existing trees which represent an important amenity feature in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012), CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012) and 7.21 of the London Plan 2011.

27 A scheme of hard and soft landscaping for phases 2 and 3 including details of existing trees to be retained, shall be submitted to and agreed in writing by the Local Planning Authority within three years of this grant of permission.

All work comprised in the approved scheme of landscaping shall be carried out before the end of the first planting season following the competition of phases 2 and 3, or the competition of the development, whichever is sooner.

Any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of the competition of the development shall be replaced with trees or shrubs of appropriate size and species in the next planting season.

Reason:

To ensure a satisfactory appearance to the development in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and 7.21 of the London Plan 2011 and CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012).

INFORMATIVE(S):

1 The reasons for this grant of planning permission or other planning related decision are as follows: -

i) The proposed development accords with strategic planning guidance and policies as set out in The Mayor's London Plan: July 2011 and the Adopted Barnet Core Strategy (2012) and Development Management Policies DPD (2012).

In particular the following policies are relevant:

Relevant Core Strategy DPD (2012): Policies CS NPPF, CS1, CS5, CS7

Relevant Development Management DPD (2012): Policies DM01, DM15, DM16, DM17.

ii) The proposal is acceptable for the following reason(s): - The proposals would make provision for a new woodland burial cemetery. This would not harm highway or pedestrian safety in accordance with policy DM17 of the Adopted Barnet Development Management Policies 2012. The cemetery would have an acceptable impact on local biodiversity in accordance with policy DM16. The impact of the proposals on the green belt are considered to be justified by very

special circumstances in accordance with policy DM15. The proposals would have an acceptable impact on landscape character in accordance with policy DM01. The proposals would have an acceptable impact on the archaeological record in accordance with policy DM06.

iii) In accordance with paragraphs 186 and 187 of the NPPF, the Council takes a positive and proactive approach to development proposals, focused on solutions. The Local Planning Authority has produced planning policies and written guidance to guide applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered. The Local Planning Authority has negotiated with the applicant / agent where necessary during the application process to ensure that the proposed development is in accordance with the Council's relevant policies and guidance.

2 If the development is carried out it will be necessary for the existing crossover on the footway to be reinstated by the Highway Authority at the applicant's expense. You may obtain an estimate for this work from the Highways Group, Building 4, North London Business Park, London, N11 1NP (telephone 020 8359 3018).

3 Advice to applicant on surface water condition: In order to discharge the surface water condition, the following information must be provided based on the agreed drainage strategy:

a) A clearly labelled drainage layout plan showing pipe networks and any attenuation ponds, soakaways and drainage storage tanks. This plan should show any pipe 'node numbers' that have been referred to in network calculations and it should also show invert and cover levels of manholes.

b) Confirmation of the critical storm duration.

c) Where infiltration forms part of the proposed stormwater system such as infiltration trenches and soakaways, soakage test results and test locations are to be submitted in accordance with BRE digest 365.

d) Where on site attenuation is achieved through attenuation ponds or tanks, calculations showing the volume of these are also required.

e) Where an outfall discharge control device is to be used such as a hydrobrake or twin orifice, this should be shown on the plan with the rate of discharge stated.

f) Calculations should demonstrate how the system operates during a 1 in 100 chance in any year critical duration storm event, including an allowance for climate change in line with the National Planning Policy Framework Technical Guidance. If overland flooding occurs in this event, a plan should also be submitted detailing the location of overland flow paths and the extent and depth of ponding.

4 The additional information accompanying this application is: Burial Needs Report, Ecology Report, Flood Risk Assessment, Historic Environment Assessment, Planning statement, Report on Community Engagement, Transport Statement, Tree Report.

5 If tree works are required, they should occur between mid-September and November or during April to avoid the bat hibernation and breeding seasons. Cavity features should be inspected by endoscope, either by or under the supervision of a licensed bat ecologist. Works should only proceed if no evidence of bats is discovered

1. MATERIAL CONSIDERATIONS

National Planning Policy Framework

The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another.

The 'National Planning Policy Framework' (NPPF) was published on 27 March 2012. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

The NPPF states that "good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people". The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would "significantly and demonstrably" outweigh the benefits.

The Mayor's London Plan July 2011 7.4, 7.6, 7.23

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital to 2031. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan.

The London Plan provides a unified framework for strategies that are designed to ensure that all Londoners benefit from sustainable improvements to their quality of life.

Relevant Local Plan (2012) Policies

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents (DPD). Both DPDs were adopted on 11 September 2012.

Relevant Core Strategy DPD (2012): Policies CS NPPF, CS1, CS5, CS7

Relevant Development Management DPD (2012): Policies DM01, DM06, DM15, DM16, DM17.

Mayor of London *An audit of London Burial Provision*. GLA 2011

Supplementary Planning Documents and Guidance

The Council adopted a Supplementary Planning Document (SPD) "Sustainable Design and Construction" (2013), following public consultation. This SPD provides detailed guidance that supplements policies in the adopted Local Plan, and sets out

how sustainable development will be delivered in Barnet. .

Relevant Planning History:

Site Address: Camden Sports & Social Club Edgwarebury Lane EDGWARE Middx
Application Number: W01541E
Application Type: Full Application
Decision: Approve with conditions
Decision Date: 19/12/1989
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Use of clubhouse for a nursery school/playgroup for 25 children between the hours of 9.00a.m. and 3.30 p.m. Monday - Friday.**

Case Officer:

Site Address: Land Adjoining Edgware Cemetery Ground Part Edgwarebury Sports Ground, Edgwarebury Lane Edgware Middlesex HA8 8QP
Application Number: W01541F/03
Application Type: Full Application
Decision: Withdrawn
Decision Date: 18/02/2004
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Demolition of existing pavillion and associated buildings and erection of single storey building to be used as a temporary doctors surgery.**

Case Officer:

Site Address: Field 2368 Edgwarebury Lane Edgware
Application Number: W01541
Application Type: Full Application
Decision: Approve with conditions
Decision Date: 07/06/1968
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **use as sports ground and erection of pavilion and groundsman's house**

Case Officer:

Site Address: Camden Sports Ground Edgwarebury Lane Edgware Middlesex
Application Number: W01541D
Application Type: Full Application
Decision: Approve with conditions
Decision Date: 13/06/1979
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Retention and continued use of pavilion without compliance with Condition 5 of Permission W1541A/HQ284 dated 22nd October, 1969.**

Case Officer:

Site Address: Field 2368 and part of Field 2800 Edgwarebury Lane Edgware
Application Number: W01541A
Application Type: Full Application
Decision: Approve with conditions
Decision Date: 22/10/1969
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Sports Ground to include cricket pitch, football and hockey pitch,**

tennis courts, pavilion and groundsman's dwelling.

Case Officer:

Site Address: east of, south west of Edgware Lane; Clay Lane Edgware
Application Number: W/01429
Application Type: Full Application
Decision: Refuse
Decision Date: 02/10/1968
Appeal Decision: Allow
Appeal Decision Date: 02/10/1968
Proposal: **use as a burial ground with ancillary chapel & mortuary buildings.**
Case Officer:

Site Address: Edgwarebury Cemetery, Edgwarebury Lane, Edgware, Middx, HA8 8QP
Application Number: H/02136/11
Application Type: Material Minor Amendment/Vary Condition
Decision: Not yet decided
Decision Date: Not yet decided
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Variation of conditions 2 (Approved Plans), 16 (Details of drainage & surfacing of parking spaces) pursuant to Appeal Decision APP/N5090/A/10/2122850 (of planning application H//04617/08) granted 12/08/10. Amendments to include removal of new car parking spaces.**

Case Officer: Deirdre Jackman

Site Address: Edgwarebury Cemetery, Edgwarebury Lane, Edgware, Middx, HA8 8QP
Application Number: H/00896/12
Application Type: Full Application
Decision: Refuse
Decision Date: 08/10/2012
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Installation of portable cabins on site for staff use.**
Case Officer: Cathy Munonyedi

Site Address: Land Adjacent Edgwarebury Cemetery, Edgwarebury Lane, Edgware, Middx, HA8 8QP
Application Number: H/04748/12
Application Type: Full Application
Decision: ES Not Required
Decision Date: 07/12/2012
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **A hybrid planning permission is submitted for the development of a multi-faith cemetery. Full planning permission is sought for Phase 1 of development comprising associated landscaping, parking, storage and access, and ancillary single storey memorial hall of 294sqm (GIA). Outline planning permission is sought for Phases 2 and 3 of development for use as a cemetery and means of access and landscaping with all other matters reserved.**

Case Officer: Graham Robinson

Site Address: Edgwarebury Cemetery, Edgwarebury Lane, Edgware, Middx, HA8 8QP
Application Number: H/04617/08
Application Type: Full Application
Decision: Refuse
Decision Date: 8/12/2010

Appeal Decision: Allow subject to conditions
Appeal Decision Date: 8/12/2010
Proposal: **The change of use from agricultural land to a cemetery to allow an extension of the existing Edgwarebury Cemetery. Creation of one access point across Clay Lane. Associated landscaping, boundary treatments, internal access arrangements and the re-configuration of the existing car park to provide a further 18 spaces, plus 8 new staff car parking spaces.**
Case Officer: Deirdre Jackman

Consultations and Views Expressed:

Neighbours Consulted: 238 Replies: 38
Neighbours Wishing To Speak 3

The 34 objections raised may be summarised as follows:

- Religious beliefs prohibit living next to a cemetery and will be forced to move.
- Traffic congestion.
- Lack of consultation
- Scale of the proposals - the applicants need to make a profit and 1 burial a day is unlikely to be viable
- The proposals would compromise the natural and rural setting of the area, and its ecological heritage.
- Worried about impact on children
- There is already an existing cemetery nearby and this was refused permission to expand
- Loss of view
- Siting of Access
- Access is narrow, how would emergency vehicles access?
- Is a cemetery needed in Barnet?
- Impact on woodland trees
- Impact on water table
- Disturbance to residents
- Loss of property value

- Loss of security
- Could be used for sports facilities

Two comments were received advising that the additional traffic that the scheme would generate should be considered, and questioning whether there is a need for the cemetery.

Two letters of support was received, one stating that there is a shortage of burial space, the other that the proposals would be of good ecological and landscape quality.

Internal /Other Consultations:

- Environment Agency - Requested amendments to the scheme
- Natural England - The proposal is unlikely to affect any statutorily protected sites or landscapes. The protected species survey has identified that the following European Protected Species may be affected by this application: bats, hazel dormice and great crested newts. Permission could be granted (subject to other constraints). Consider requesting enhancements. Please note Natural England supports the recommendations within the ecology survey, "if tree works are required, they should occur between mid-September and November or during April to avoid the bat hibernation and breeding seasons. Cavity features should be inspected by endoscope, either by or under the supervision of a licensed bat ecologist. Works should only proceed if no evidence of bats is discovered". Advises that as no evidence of dormice have been found on, or in the vicinity of the site, that the application is unlikely to affect the species, through disturbance to individuals, or from damage or destruction of a breeding site or resting place. Accept findings and consider promoting biodiversity enhancements for great crested newts (e.g. creation of new water bodies and suitable terrestrial habitat) in accordance with NPPF and Section 40 of the NERC Act
- Traffic and Development (H) - No objection
- Sport England - Object to the loss of the sports pitch
- English Heritage - Field evaluation is required to establish whether substantive heritage asset(s) of these periods are actually present within the site and, if so, their nature, extent and state of preservation. This would allow the planning authority to reach an informed judgment regarding the impact of proposed development on their significance and, should planning consent be granted, to formulate appropriate conditions to mitigate that impact and better reveal that significance in line with the Local Plan Policy. Evaluation fieldwork should be carried out by a developer appointed archaeological practice before any decision on the planning application is taken. In this case, I recommend a geophysical survey of the site aimed to locate substantive prehistoric or Roman settlement or industry, followed if necessary by trial trenching. The consultant's report will need to establish the significance of the site and the impact of the proposed development.
- Green Spaces (inc Allotments) - No comments received.
- London Wildlife Trust (Barnet Group) - Support the application.

Date of Site Notice: 18 April 2013

2. PLANNING APPRAISAL

Site Description and Surroundings:

The site forms two fields sited on land adjacent to Edgwarebury Cemetery. The site is located on the east side of Edgwarebury Lane.

The site has been previously used as sports pitches but appears not have been used for some time. There was a previous pavilion building and caretakers house that have been demolished for some time.

The site is designated as green belt and a site of archaeological importance. It is also located close to a site of local nature importance.

The site forms an area of approximately 4.2 hectares.

Proposal:

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Planning Considerations:

The London Plan states that some boroughs have either run out of, or are about to run out of burial space. For inner and central London boroughs this means requiring provision in outer London or beyond, and this can cause serious problems of access and cost. This tends to have a disproportionate effect on London's poorest communities. To ensure it is retained as a choice for Londoners, boroughs should continue to make provision for burial. Woodland burial sites with public access can provide additional links to London's green infrastructure. Work carried out on a national level in 2005 indicated that local authority cemeteries in London only had an average of 12 years supply remaining, although the figures in different areas varied widely. The Mayor, in conjunction with cemetery providers and other key stakeholders has established the current situation and identified barriers to supply and any necessary changes to planning policy. Consideration will be given to the provision of supplementary guidance to address these issues.

The GLA audit of burial space provision states that as a result of substantial capacity at Hendon and New Southgate, findings indicate that the borough is not likely to be reliant on burial provision outside its boundary. The applicant has advised that they consider that they can demonstrate that there is a need for the proposed burial space.

The main issues are considered to be:

- Whether the proposals would be an appropriate use within the green belt, and if not, whether there are any very special circumstances, or any other material considerations that would justify the use in green belt terms.
- Whether the proposals involve the loss of sports pitches and if so whether the proposals make acceptable mitigation for this.
- Whether the proposals would have an acceptable impact on the character and appearance of the general locality.
- Whether the proposals would have an acceptable impact on highway and pedestrian safety
- Whether the proposals would have an acceptable impact in biodiversity terms
- Whether the proposals would have an acceptable impact on local archaeology
- Whether the proposals would have an acceptable impact on the amenities of neighbouring occupiers

Whether the proposals involve the loss of sports pitches and if so whether the proposals make acceptable mitigation for this.

It is noted that the proposals would result in the loss of land designated as a sports field.

The land was originally leased by the council and it acquired the freehold of the wider site for the new Broadfields School. Improved provision has been provided at the school. It is noted that sports facilities are available at Edgwarebury Park, opposite the site.

Sport England have objected to the proposals. Sport England is not a statutory consultee to the planning process in this case. The implication of this is that if the local authority is minded to grant permission notwithstanding a Sport England objection, then there is no requirement to refer the matter to the Secretary of State for its consideration. They consider that the land could readily be brought back into active use and should therefore be considered as playing field.

Legal advice has been received that as the land has been abandoned for some time, the site effectively has a 'nil use'. Therefore it would be unreasonable to take into account the loss of former sports pitches as a material consideration. It should be noted that the land could be adapted for further use as sports pitches; though information suggests that the previous owners (Camden & Barnet) described the land as surplus to requirements. Furthermore, information suggests that by 2015 there will be a surplus of the type of senior football pitches previously present on site. It is therefore considered difficult to justify retaining the site as sports pitches, as it is unclear that there is demand for the use.

In this way, it is considered the use as a sports pitch has been abandoned and that the proposals do not constitute the loss of sports pitches contrary to adopted policy. Whilst the site could be brought back into use as sports pitches, there is no indication that there is a specific need for sports pitches in this part of the borough.

Whether the proposals would be an appropriate use within the green belt, and if not, whether there are any very special circumstances, or any other material considerations that would justify the use in green belt terms.

The applicant has submitted a 'hybrid application with full planning permission sought for the western plot and outline permission (with appearance, layout and scale reserved) for the remainder of the site. The impact on the visual amenities of the green belt and the openness of the area is considered to be a key consideration.

The use of land for cemetery purposes need not, necessarily, comprise inappropriate development. Cemetery uses are potentially an appropriate use within the green belt.

However, any memorial stones, slabs, plinths or structures may potentially harm the openness of the green belt. The applicant has submitted a landscaping scheme in support of the development.

The applicant has indicated that headstones would not form part of the first phase and that memorials would take the form of slabs parallel to the ground. It is considered that provided grave markers are very small and that the detailed landscaping scheme is implemented, the development would not adversely affect the open character of the green belt. It is considered that headstones or large grave markers could be inappropriate, and for this reason a condition is attached to ensure that these do not form part of the proposed memorials. The applicant has stated that phase 1 would be used for woodland burial which is considered appropriate within the green belt.

The applicant advises that the former buildings on site (understood to be two storey pavilion and caretaker's house.) should be considered in terms of assessing the impact of the proposals on the green belt. These have clearly not been present for some time and in the view of the Local Planning Authority, these buildings cannot be taken into account when determining the appropriateness of any new buildings. New buildings do constitute inappropriate development, and therefore very special circumstances are needed to justify them.

The applicant has submitted a burial needs assessment as part of the application.

The GLA audit of burial space provision states that as a result of substantial capacity at Hendon and New Southgate, findings indicate that the borough is not likely to be reliant on burial provision outside its boundary.

The applicant has submitted a Need Report which summarises that

- *'Space for new graves in the 22 local authority non-denominational cemeteries currently providing it within this catchment area is rapidly diminishing at current rates of demand. Demand can be expected to rise as demographic changes lead to an increase in the numbers of deaths.*
- *It is estimated that 7 (32%) of these local authority cemeteries will run out of virgin land for new graves within the next 10 years.*
- *In order for people within the catchment area to continue to have the option of virgin ground for the burial of their dead, whether for personal, cultural or religious reasons, there is a clear need for this proposed new cemetery in this strategic location, which is available for this use, to make a major contribution to meeting*

the increasing demand for burial space within a large and well-populated area.'

The applicant goes on to state that the need for the scale of building proposed is direct and researched response to congregation seating capacities. This is provided in guidance from the Federation of Burial and Cremation Authorities. They estimate that, whilst most funerals will be attended by 30-40 mourners, there are occasions where the number of mourners will be between 80-100. As such, it is necessary to plan a memorial building to accommodate this number of mourners seated. The size of the building is considered to be of an intimate scale, whilst providing the necessary space as recommended by the Federation of Burial and Cremation Authorities. The Federation of Burial and Cremation Authorities also state that the foyer should allow enough space for mourners to congregate inside but should be in full view of the main drive. They also stipulate that a private waiting area be large enough to provide seating for at least 10% of attendees (so upto 10) people. A vestry, office for staff and toilet facilities are also necessary operational features. The Federation of Burial and Cremation Authorities also highlight the important of a porte-cochere in enabling coffins to be removed from the hearse and for mourners to pass from the hearse and funeral car into the building undercover on days where the weather is poor.

It should also be noted that efforts have been made to site the cemetery building considerately. It would be a light structure, sunken into the ground to reduce its impact on the landscape. It would include some timber and the materials potentially would reduce the impact of the structure.

Car parking and access roads are also proposed and are again landscaped to try and minimise their visual impact.

The applicant has stated that an important element of the proposal is opening up the site for public access and this would be a benefit of the scheme.

It is considered that there are a number of reasons why very special circumstances could be said to exist to warrant approval of this scheme on this particular site:

- the need for future burial space
- the moderate size of the building and its design and siting to minimise visual impact
- the nature of the cemetery ie woodland burial which minimises visual impact from graves
- the enhanced landscaping and biodiversity proposals
- opening up of the site for public access

Details for phases 2 and 3 would be reserved, so in this way they cannot be assessed at this time. It has been made clear to the applicant that the assessment of these reserved matters for future phases will include an assessment of how the proposals impact the openness of the green belt.

Whether the proposals would have an acceptable impact on the character and appearance of the general locality.

The background to policy DM15 states that potentially acceptable Green Belt development such as golf courses and cemeteries can have a considerable impact

on the local character, appearance, accessibility and nature conservation value of the countryside. In line with Policy DM01: Protecting Barnet's Character and Amenity and Policy DM15: Green Belt and Open Spaces they should demonstrate their harmony with the surrounding countryside and impact on biodiversity.

The applicant needs to demonstrate within any submission that the proposals will not harm the character and appearance of the area.

It should be noted that as many as possible of the existing natural features will be retained. The scheme will use the existing natural boundary features though gates will be required to secure the access points.

The applicant has submitted a landscaping masterplan and an outline landscape management plan.

These include proposals to ensure that mature trees, boundary hedges and the woodland edge, specimen trees, meadow grasslands, water features, walled memorial gardens, formal grasslands and gravel paths and hard surfacing is provided and maintained. This will be reviewed and updated at the stage of Phase 2 and 3, though the landscaping details for these phases form part of this application.

Details of how public access would be managed would be secured by condition.

A tree removal plan has been submitted to the Council. It is considered that this is acceptable.

Overall it is considered that the proposals would ensure that the landscape quality of the site is maintained and enhanced.

Whether the proposals would have an acceptable impact on the amenities of neighbouring occupiers

The use itself is likely to have approximately 360 services per year. This would equate to one or two services a day on average. Though the site is located in a relatively quiet location a short distance from residential properties, it is recognised that the level of intensity of the use is unlikely to harm neighbouring amenity through associated noise and disturbance.

It is not considered that the proposals are likely to have a materially harmful impact on the residential amenities of neighbouring occupiers.

Whether the proposals would have an acceptable impact in biodiversity terms

The site is located close to a site of local nature importance.

A number of surveys have been undertaken, including bat, slow worms, great crested newts, birds, stag beetles.

These show that slow worms have been identified on site and these are a protected species under the Wildlife and Countryside Act.

The London Wildlife Trust have been consulted and they support the proposals as they consider that they would provide ecological benefits.

It is considered that the proposals would have an acceptable impact on local biodiversity and would ensure suitable mitigation provided through planning conditions.

Whether the proposals would have an acceptable impact on highway and pedestrian safety

Discussions have been undertaken regarding access and vehicle circulation for Phase 1 of the scheme. The applicant's drawing show a single vehicle circulation with ingress in the vicinity of 247 Edgwarebury, and egress at the northern end of site. This is acceptable.

The applicants have submitted a Transport Statement that sets out the expected weekday daily vehicular trips. This phase is expected to generate 17 additional trips (including two funeral cars). The applicants have indicated that there will be infrequent occasions (up to three per year) when funerals may be larger and trips may exceed the norm. It is envisaged that trips generated by this activity have high car occupancy and are likely to be accommodated within the proposed on site parking provision. A cemetery can also attracts general visitors and the Statement notes that such trips normally equate up to 6 visitors per day. (This does not include any demand for public access)

	Arrivals	Departures
Mourners vehicles (including funeral hearse and limousine)	17	17
Staff vehicle trips	4	4
Visitor vehicle trips	6	6
TOTAL	27	27

49 spaces are proposed and 4 cycle spaces. It is expected that this allocation will be able to accommodate the trips generated by this use.

Approximately four staff will be on site. They will park within the allocation provided on site. The staff bays should be marked out. In addition, 6 cycle spaces for staff use will also be provided.

Disabled parking will be in accordance with the London Plan for this use which is a minimum of two spaces or 6% of total provision. The spaces would be accessible and conveniently located near entrances/ exits.

Refuse and servicing will be arranged by the site management and take place within the site.

It is not considered that the proposals would harm highway and pedestrian safety.

Impact on the historical environment

The site is located within an area of Archaeological significance. The site lies within the Edgwarebury and Scratchwood area of special archaeological significance defined in Barnet's Local Plan Development Management Policy DM06 which has interest in relation to prehistoric, Roman, Saxon and medieval periods. The applicant's archaeological assessment indicates that this site has not been extensively disturbed in modern times and has potential for prehistoric or Roman remains which they consider would be of low to medium significance. Also, the historic hedgerows within and around the site date back to at least the 16th century and would be considered 'important' under the Hedgerow Regulations 1997.

The applicant has submitted a Historical Environment Assessment in support of the application.

English heritage consider that field evaluation is required to establish whether substantive heritage asset(s) of these periods are actually present within the site and, if so, their nature, extent and state of preservation. Evaluation fieldwork should be carried out by a developer appointed archaeological practice and a geophysical survey of the site aimed to locate substantive prehistoric or Roman settlement or industry, followed if necessary by trial trenching. The consultant's report will need to establish the significance of the site and the impact of the proposed development.

It is considered appropriate to secure these requirements by condition and to ensure that details are agreed with English Heritage and the Local Planning Authority.

The impact on local flood risk

The site is located outside of an area of flood risk but is over 1 hectare in size.

The applicant has demonstrated that the storage volume required to attenuate surface water run-off from the critical 1 in 100 chance in any year storm event, with an appropriate allowance for climate change, can be provided on site.

The applicant has demonstrated that the peak discharge rate for all events up to and including the 1 in 100 chance in any year critical storm event, including an appropriate allowance for climate change, will not exceed that of the existing site. The applicant has demonstrated runoff rates and storage volumes for the 100yr storm event and calculations should be updated to include an allowance for climate change. The Environment Agency welcomes the proposals which include ponds and swales to maintain greenfield runoff rates. The applicant has demonstrated through their surface water strategy that the proposed development will not create an increased risk of flooding from surface water and that the surface water achieves a greenfield run-off rate as set out in Barnet's Sustainable Design and Construction Supplementary Planning Document (table 2.15.2).

3. COMMENTS ON GROUNDS OF OBJECTIONS

Religious beliefs mean that some people cannot live next to a cemetery and will be forced to move. - *It is noted that some residents may consider that their religious beliefs prevent them from living near a cemetery. It should be noted that ceremonies*

themselves would take place on the side of the site furthest away from residential properties, and that the site is located close to an existing cemetery.

Lack of consultation - Additional consultation was undertaken following concerns expressed by residents. This complies with statutory and Council requirements.

The applicants need to make a profit and 1 burial a day is unlikely to be viable - The proposals must be assessed on their merits. The applicant has suggested that this would be how the cemetery would operate.

There is already an existing cemetery nearby and this was refused permission to expand - The current proposals must be assessed on their own merits.

Loss of view - This is not a material planning consideration

Access is narrow, how would emergency vehicles access? - This has been assessed by highway officers.

Is a cemetery needed in Barnet? - It is considered that the burial need report justifies the need for this use.

Impact on water table - This issue has been addressed following the submission of additional information. The Environment Agency consider the details acceptable.

Disturbance to residents - Disturbance during construction is not grounds to refuse planning permission.

Loss of property value - This is not a material planning consideration

Loss of security - It is not considered that the proposals would materially reduce the security of the local area.

4. EQUALITIES AND DIVERSITY ISSUES

Under section 149 of the equalities act 2010, the Council has a duty to ensure that it behaves as follows:

(1) A public authority must, in the exercise of its functions, have due regard to the need to:

(a) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act.

(b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.

(c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

(2) A person who is not a public authority but who exercises public functions must, in the exercise of those functions, have due regard to the matters mentioned in subsection (1).

(3) Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:

Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.

Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

a) Remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic:

(b) Take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it.

(c) Encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

(4) The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.

(5) Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:

(a) Tackle prejudice

(b) Promote understanding

(6) Compliance with the duties in this section may involve treating some persons more favourably than others; but that is not to be taken as permitting conduct that would otherwise be prohibited by or under this Act.

(7) The relevant protected characteristics are:

- age;
- disability;
- gender reassignment;
- pregnancy and maternity;
- race;
- religion or belief;
- sex;
- sexual orientation.

(8) A reference to conduct that is prohibited by or under this Act includes a reference to:

(a) a breach of an equality clause or rule;

(b) a breach of a non-discrimination rule.

(9) schedule 18 (exceptions) has effect.”

The likely equalities impacts of the development are as follows:

In considering the application, the Council needs to pay due regard to protected characteristics under the Equalities Act.

The proposals would provide a new woodland burial cemetery. The site was formerly a sports pitch but this has since been abandoned.

Through the Council's initial consultation a six residents expressed concerns that living next to a cemetery is contrary to their religious beliefs.

Religion or beliefs are a protected characteristic and therefore it is necessary to have due regard to the impact of the development on this.

As part of the consultation exercise the Council asked residents for details of how they felt the development would prejudice their beliefs so that the Council could better understand the issues raised.

Responses received include:

'Jains along with Sikhs and Hindus believe that the soul is distinct from the body it occupies. It continues its cycle of reincarnation by being born again in to a new body when the current one dies.'

The type of body the soul acquires depends on its past karmas and the sole purpose of the body is to help it enjoy/suffer its past karmas. When the soul has freed itself of all karmas it is released from the bondage and its cycle of birth and death comes to a stop.

The body is considered only a tool for the soul, when the soul leaves the body – the body is said to be dead. Whilst the soul is present in the body – say a human body – that body has a name and is treated with respect.

Once the soul leaves the body – it is no longer addressed by a name but simply as a body and treated as a impious object. It has to be removed from its place of abode at the earliest and cremated. Traditionally, if a person dies before 7 pm in the evening, the body is cremated immediately or as soon as possible and not kept in the house. If he dies during the night – the body is cremated at the first light.

However, due to various legalities, immediate cremation is not always possible in the UK but the body is kept away from home as it is considered to be inauspicious.

Similarly, having a cemetery near a residence is considered to be very inauspicious. Crematoria are always located away from the residential localities and no Jain, Hindu or a Sikh would want to stay next door to a cemetery.'

'The cemeteries, burial grounds are among the prohibited regions where the followers of the Vedic (of Shrauta sampradaya E.g. Arya Samajis) as well as of the

Sanatana Dharma (Smaartas who follow Smritis i.e. any denomination of the Sanatanis or in the modern term, the Hindus) do not like to dwell.

In those places we do not conduct auspicious rituals (Weddings, Poojas and Havans) in their vicinity. Only the Uttara kriyas or the funerals (cremation/burials) are done in a Smashaan or a Rudra-bhoomi. After finishing such obsequies, we require to take bath and change the clothes before entering a home or a Mandir. This involves the general care along the cleanliness, health, hygiene which are important in our religion.

We got persons who are Vedic scholars and academicians. Any priest in the Hindu Mandirs will endorse the same view as mine. They might not have equipped with a good library which would have enabled them to quote from our scriptures. The priests and Purohitas don't have the orientation to do researches. They do not have time nor necessity to search guidance outside of their education and grooming. They help the followers of the Hindu spiritual matters as carried out in our Mandirs.

In contrast to our Mandir requirements, many of the churches and the mosques are often found built surrounded by their cemeteries or the burial grounds. But a Mandir is never built besides such place.

Our Yajurveda, Kalpas, Vaastu Shaastra as well as the Agamas which deal with the Temple Science are the authority for us in the above said matters.'

In assessing the application, the Council is required to consider whether any mitigation exists to address the issues raised. In this case it should be noted that no cremations would take place, as the site is for woodland burial. Also, there will be a buffer zone from the boundary of the site so that burials do not take place immediately adjoining neighbouring properties. Given the nature of the use ie woodland burial, gravemarkers are unlikely to be visible from outside the site.

The benefits of the cemetery for the wider population need also to be considered, and it is considered that whilst there may be some impact on the beliefs of some residents, this would be outweighed by the benefits the scheme would provide as a multi faith woodland cemetery to serve the residents of Barnet and the wider community.

5. CONCLUSION

The proposals would provide a number of benefits, including providing public access to the site and preserving and improving the landscape quality and ecological value of the site. Taking this into account and the consideration that the proposals would not materially harm neighbouring amenity or highway safety, the application is therefore recommended for **APPROVAL**.

SITE LOCATION PLAN: Land Adjacent Edgwarebury Cemetery,
Edgwarebury Lane, Edgware, Middx, HA8 8QP

REFERENCE: H/04748/12



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