

<b>Item No.</b> 7.1	<b>Classification:</b> Open	<b>Date:</b> 15 June 2017	<b>Meeting Name:</b> Planning committee
<b>Report title:</b>	<b>Development Management planning application:</b> Council's own development Application 17/AP/0671 for: Full Planning Application  <b>Address:</b> CEMETERY LODGE, CAMBERWELL NEW CEMETERY, BRENCHLEY GARDENS, LONDON SE23 3RD  <b>Proposal:</b> Remediation of the site ("Area B") to bring into use for burials. Works include the removal of redundant hard standing; reconfiguration of existing parking facilities and maintenance depot; new footpaths and access routes for hearses; drainage improvements incorporating swales and french drains; soft landscape improvements including new grass, marginals, trees and hedges; some tree removals.		
<b>Ward(s) or groups affected:</b>	Peckham Rye		
<b>From:</b>	Director of Planning		
<b>Application Start Date</b> 07/03/2017		<b>Application Expiry Date</b> 06/06/2017	
<b>Earliest Decision Date</b> 30/03/2017			

## RECOMMENDATIONS

1. a. That the committee consider the application as it represents development on Metropolitan Open Land (MOL), and is a council's own proposal that has received more than 5 objections.
- b. That full planning permission be granted subject to conditions.

## BACKGROUND INFORMATION

2. The Southwark cemetery strategy was approved by cabinet in June 2012. The strategy recommends a series of short, medium and long-term options to address an identified shortage of burial space in the borough. The short and medium term options focus on the use of unoccupied space at Camberwell Old Cemetery and Camberwell New Cemetery for additional burial plots. Despite several extensions having already taken place (see planning history below), it is anticipated that burial space will be exhausted in 2017.
3. Planning consent was granted in November 2000 for the change of use from the Honor Oak Nursery to cemetery use. This application covered all of 'Area B' and 'Area A' to the north. The permission was implemented in 2001 by virtue of a extension of the existing cemetery between

the Park and the former nursery. Parts of the site have since been used for storage and maintenance that is ancillary to the wider workings of the cemetery. As a result, cemetery use is the lawful use of the site.

### Site location and description

4. Camberwell New Cemetery is 14.5 hectare site located to the east of the borough on the boundary with Lewisham. The site is bounded to the north by Brenchley Gardens, to the east by the railway line extending between Honor Oak Park and Brockley overground stations, to the south by Honor Oak Park (B238) and to the west by allotments.

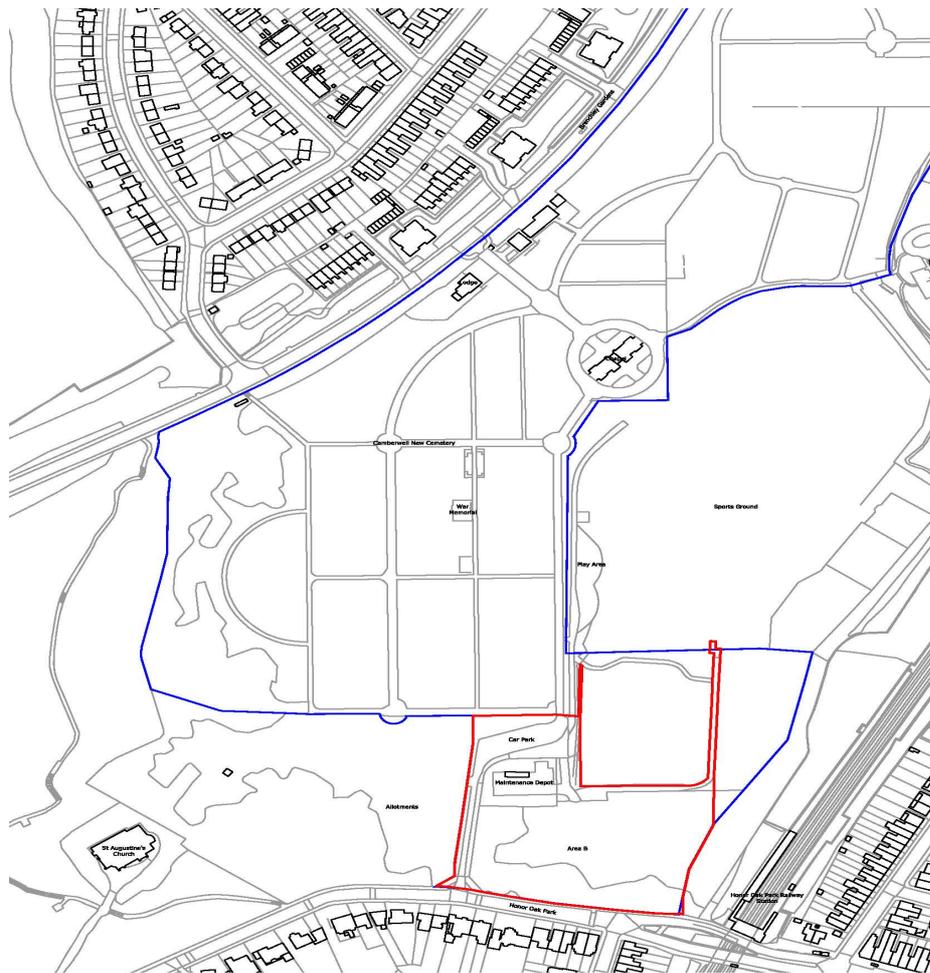


Figure 1 - Site location plan

5. 'Area B' to which this application principally relates is a 1.51 hectare area in the south-eastern corner of the broader cemetery site, sitting adjacent to Honor Oak Park. The site was formerly occupied by a horticultural nursery and training centre, though the greenhouses and other structures were demolished in 1990. At present, the site is largely a combination of hardstanding and concrete foundations associated with the former uses and grassland. It also contains a council site compound, a vehicular access route to Honor Oak Park and a car park serving the cemetery and the adjoining allotments and sports ground. Area B is currently fenced off with no public access.



Figure 2 - Site looking south towards Honor Oak Park

6. The entire cemetery site is designated Metropolitan Open Land (MOL) and a designated site of importance for nature conservation (SINC) of borough-wide importance (Grade II). The site is also recognised as forming part of a 'green chain' of linked open spaces in the east of the borough and also sits within the Peckham and Nunhead action area.
7. For the avoidance of doubt, the application site does not include the allotments or the One Tree Hill local nature reserve to the west, the sports ground and areas already in use for burial to the north or the Network Rail embankment to the east.

#### **Details of proposal**

8. Planning permission is sought for a programme of works that will allow 'Area B' to be used for burial. The proposal will create 1,022 new burial plots, resulting in space for 2,044 interments, to be arranged in a traditional 'lawn and raft' system whereby a series of linear concrete plinths are installed for headstones to create a functional geometric arrangement.
9. Specifically, the works that require planning permission include:
  - Removal of area of hard standing and subsequent remediation of contaminated land
  - Minor reconfiguration of existing parking facilities and maintenance depot
  - New footpaths and access for hearses, making use of the existing vehicle crossover from Honor Oak Park

- Drainage improvements incorporating attenuation tanks, swales and french drains
  - Creation of a new stepped access route and extension of footpath link on eastern boundary of the site from Honor Oak Park, through "Area A", towards the sports ground.
10. The proposal also includes a scheme of soft landscaping, tree planting and ecological enhancements, including the installation of a new pond and native hedges, along with some minor tree removal.



Figure 3 - Site Plan

11. **Relevant planning history**

00/CO/1265 Change of use from nursery to cemetery

Decision date: 17/11/2000

Decision: Granted (GRA)

12/AP/2376 Application type: Council's Own Development - Reg. 3 (REG3)

To create a new section of road to link the crematorium to the chapel in Camberwell New Cemetery. A small section of existing garden will be removed to install a new carriageway linking the existing access roads together including new kerbs, footway and removal of trees.

Decision date 26/10/2012

Decision: Granted (GRA)

<p>15/EQ/0149 Application type: Pre-Application Enquiry (ENQ)</p> <p>Preparation of an area on land within Camberwell New Cemetery for burial, comprising tree felling, ground modelling, drainage, laying out of access paths and associated soft landscaping.</p> <p>Decision date 05/08/2015 Decision: Pre-application enquiry closed (EQC)</p>
<p>15/AP/3190 Application type: Full Planning Application (FUL)</p> <p>Localised ground modelling, drainage works; the laying out of new paths and associated landscape works.</p> <p>Decision date 16/10/2015 Decision: Granted (GRA)</p>
<p>15/AP/5155 Application type: Approval of Details - Article 30 DMPO (AOD)</p> <p>Details of an Arboricultural Method Statement pursuant to Condition 2 of planning permission 15-AP-3190 for: Localised ground modelling, drainage works; the laying out of new paths and associated landscape works.</p> <p>Decision date 21/01/2016 Decision: Granted (GRA)</p>
<p>16/AP/0039 Application type: Full Planning Application (FUL)</p> <p>Renewal of cremators and other equipment; installation of new glazed roof lights into existing and new openings; replacement of windows.</p> <p>Decision date 06/04/2016 Decision: Granted (GRA)</p>
<p>16/AP/0040 Application type: Listed Building Consent (LBC)</p> <p>Internal renewal of finishes, minor structural amendments and renewal of cremators and other equipment; installation of new glazed roof lights into existing and new openings; replacement of windows.</p> <p>Decision date 06/04/2016 Decision: Granted (GRA)</p>

### **Planning history of adjoining sites**

12. None relevant in this case.

## KEY ISSUES FOR CONSIDERATION

### Summary of main issues

13. The main issues to be considered in respect of this application are:
- c. The principle of development and conformity with strategic land use policies
  - d. Impact(s) on the amenity of neighbours and that of the wider area
  - e. Impact(s) trees
  - f. Impact(s) on ecology and biodiversity
  - g. Transport impacts
  - h. Flood risk
  - i. Contamination.

### Planning policy

#### National Planning Policy Framework (the Framework)

14. The NPPF sets out the government's strategy for the delivery of sustainable development. It constitutes guidance rather than planning policy, but all local policies must be in general conformity with the NPPF and it is a material consideration in the determination of planning applications. The following sections are most relevant in this case:

Section 9: Green Belt Land

Section 11: Conserving and enhancing the natural environment

15. On 19 March 2013, the council's cabinet considered whether Southwark's planning policies were consistent with the NPPF guidance, as required by NPPF paragraph 215. All policies and proposals were reviewed and the council satisfied itself that those in use were in general conformity with the NPPF. The resolution was that with the exception of Southwark Plan policy 1.8 (location of retail outside town centres) all policies would be saved. Therefore due weight should be given to relevant policies in existing plans in accordance to their degree of consistency with the NPPF.

16. The London Plan 2016

Policy 7.17: Metropolitan Open Land

Policy 7.18: Protecting open space and addressing deficiency

Policy 7.19: Biodiversity and access to nature

Policy 7.21: Trees

Policy 7.23: Burial spaces

Social infrastructure Supplementary Planning Guidance 2015

17. Core Strategy 2011

Strategic Policy 11 - Open spaces and nature conservation

18. Southwark Plan 2007 (July) - saved policies

Policy 3.1: Environmental effects

Policy 3.2: Protection of amenity  
Policy 3.25: Metropolitan Open Land  
Policy 3.28: Biodiversity

19. Peckham and Nunhead Area Action Plan 2014

PNAAP19: Open spaces and site of importance for nature conservation (SINC)  
PNAAP20: Trees  
PNAAP22: Waste, water, flooding and drainage  
PNAAP34: Natural environment (Nunhead, Peckham Rye and Honor Oak)

Camberwell New Cemetery is identified as open space 'OS145' in the PNAAP and the borough's Open Space Strategy.

**Summary of consultation responses**

20. At the time of writing, 471 representations have been made by members of the public. Almost all of these comments are objections and the points raised are summarised below:
- Objection to expansion of burial space in principle given finite availability of land; the site would be better used as a recreational space and/or local nature reserve. A limited number of respondents also said that use of the site for housing would be preferable.
  - Cemetery use is inappropriate in Metropolitan Open Land.
  - As a designated SINC, the site has particular wildlife/ecological value that needs to be safeguarded. A large number of respondents opine that the site should be declared as a local nature reserve.
  - Objection to felling of trees.
21. A vast number of the objections follow, or are presented as revised versions of, a template objection drafted by the Friends of Camberwell Cemeteries and so the above points are referenced consistently in the objections received. The points are addressed below.

**Principle of development**

22. The site is designated as Metropolitan Open Land (MOL) and so is afforded the highest degree of protection from inappropriate development. As a point of principle, the use of the site as a cemetery is consistent with an MOL designation. This is clearly set out in Southwark Plan policy 3.25 and paragraph 89 of the NPPF, and is evidenced by the fact that other cemeteries in the borough share this designation.
23. The elements of the proposal that require planning permission are the earthworks and installation of pathways and accesses, which stray beyond the permitted development rights available to the council. The specific proposals in this case would not lead to any additional built structures on the site and would not detract from the openness of the designated MOL. In principle, the proposal is consistent with London Plan 7.17, saved Southwark Plan 3.25 and guidance in the National Planning Policy Framework.

### **Environmental impact assessment**

24. The scale and nature of development is such that it does not meet the thresholds that are set out in the Town and Country Planning (Environment Impact Assessment) Regulations.

### **Impact of proposed development on amenity of adjoining occupiers and surrounding area**

25. There are a limited number of residential neighbours on the southern side of Honor Oak Park. These properties will continue to be separated by a dense band of mature trees, which remain unaffected. No artificial lighting is proposed to be installed and the hours of use of the site would reflect that of the wider cemetery. The proposal is not considered detrimental to local amenity and would be consistent with Southwark Plan policy 3.2.

### **Impact on trees**

26. The proposal will result in the loss of four individual trees and two groups of trees comprising self sown Sycamore together with Whitebeam, Chestnut, Cherry, Hornbeam and Leylandii. The individual trees have been assessed as being category 'U', meaning that their removal should be pursued as sound arboricultural management. The two groups of trees are located just south of the existing compound and are stated as category 'C', indicating that they are relatively low quality. Only a single tree is covered by the group tree preservation order (TPO) that covers a large area of the site, but the council's urban forester confirms this to be of poor condition and in need of replacement. The survey identifies that the most significant trees are located within the mature band along the southern boundary of the site and this area remains unaffected.
27. Four other specimens, including B category Plane and Oak, are proposed to be transplanted to appropriate locations within the outline landscape scheme, which includes an avenue of 24 new semi mature trees.
28. Though the methodology of how trees are to be transplanted and the species palette for new trees (which should contain a number of long lived trees) both need to be confirmed, these proposals will lead to a net gain of 436 cm girth, thereby satisfying the requirements of Peckham and Nunhead AAP policy 20 and the London Plan in regards to canopy cover.
29. The tree survey concludes that the works will have minimal impact on trees. The construction of footpaths has some potential to impact on root protection areas for several trees, but this can be easily mitigated by adapting the way in which these paths are constructed and a standard condition is proposed to address this.

### **Ecology and biodiversity**

30. The site is also designated as a site of importance for nature conservation (SINC) of borough importance (Grade II). Peckham and Nunhead area action plan policy 19 states that we will protect SINC's from inappropriate development and ensure no loss in biodiversity.

### Preliminary ecological survey (Phase 1)

31. A preliminary ecological survey has been completed that focused on identifying valued habitat

and the potential to host protected species. This combined a desk-based assessment and site surveys. The survey suggested that the woodland was of relatively low intrinsic value, but presented some potential for roosting bats and birds. The central and eastern parts of the site were identified as species-rich grassland, though a large amount of clearance was also deemed necessary.

32. A suite of recommendations are provided to ensure no loss in biodiversity value. The report recommended that a tree survey be undertaken prior to any felling and that further investigations exploring the potential for bats and lizards be undertaken given the habitats present and records of protected species within 1km of the site. These surveys are referenced below. Further, the report recommended that some grassland be retained as part of any future scheme, that a native hedge be planting, that non-native species be removed from the site and that the woodland be thinned to benefit habitat beneath the canopy. All of these measures are reflected in the proposed landscaping plan, which in addition to the aforementioned tree planting, includes the planting of over 600sqm of new shrub and herbaceous planting, 320sqm of native planting and the creation of new habitat through the introduction of a new pond and swales.

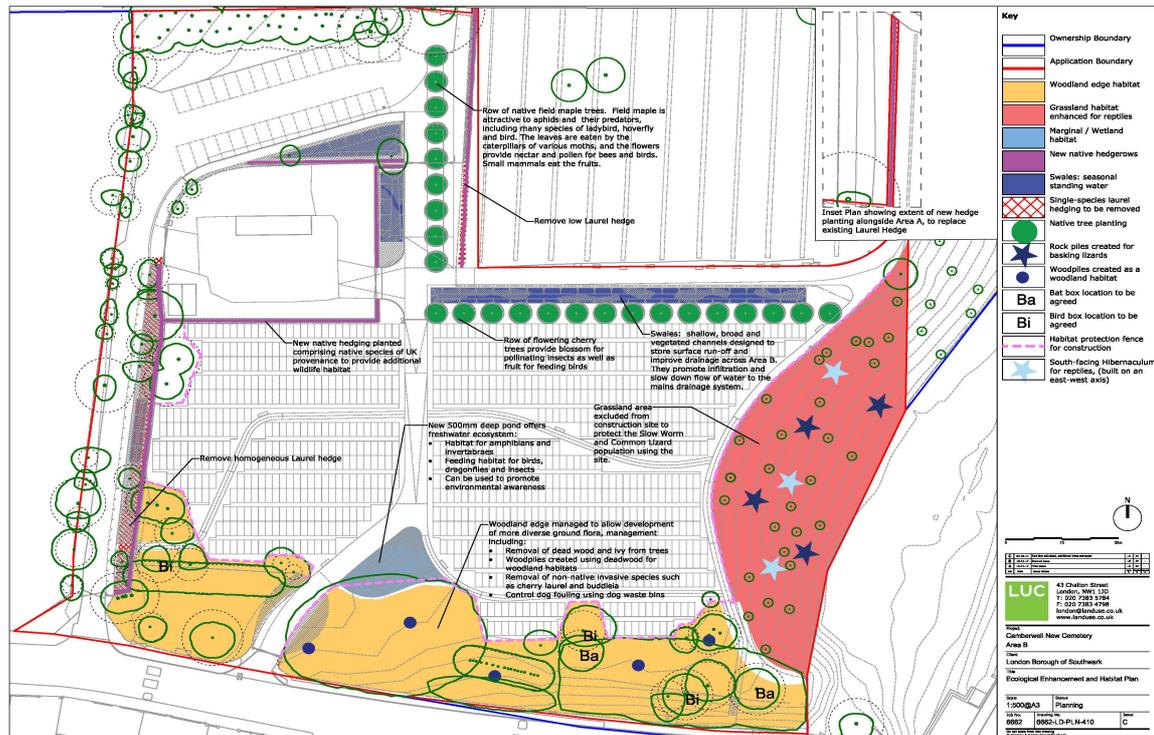


Figure 4 - Ecological enhancements

### Reptile survey

33. Common reptiles are recognised as a national priority species and are protected under the Wildlife and Countryside Act 1981 (as amended). A supplementary survey investigated the extent to which reptiles are present on the site. The survey comprised over 100 artificial habitats being deployed across the site in February 2016 and a series of surveys being undertaken between March and May 2016. Common lizard and slow worm were both detected on several occasions, but only on the embankment to the east of the site. This area remains

unaffected by the proposed works. In line with the recommendations of this report and feedback from the council's ecologist, a planning condition is proposed that would require a barrier to be erected along the eastern edge of the site prior to works commencing to provide adequate protection for reptiles.

#### Bat survey

34. A supplementary bat survey has revealed that while there is some bat activity locally, the potential for the site to host roosting bats is considered 'low to negligible' and the particular impact of the proposed development on bats is deemed to be negligible.
35. The council's ecologist has stated that the areas of habitat value across the site are retained and enhanced by the proposal and that the new features will provide an important habitat gain. The surveys undertaken are considered to be of good quality and no further surveys are required.

#### **Transport issues**

36. 32 car parking spaces are provided in the existing car park, which serves the allotments, sports ground as well as the cemetery. The car park is to be retained in its existing location, albeit reconfigured slightly to provide a more efficient layout and incorporate additional landscaping. 4 Sheffield stands are to be installed adjacent to the car park providing cycle parking for 8 bikes.
37. A new vehicular route for hearses will be laid out in the centre of the site running parallel to the existing access. This new route will connect to the existing disused vehicle crossover on Honor Oak Park. Visibility splays are provided to demonstrate that the use of this access will not present any problems with highway safety.
38. The additional footpath to the east of the site will provide a direct link between sports ground and Honor Oak Park, in turn improving access to the overground station. Improving accessibility/permeability within MOL is a stated aim of the Peckham and Nunhead AAP and the London Plan, as long as the openness of the MOL is preserved. This is supported.
39. It is intended that 'Area B' will form a continuous enclosed space alongside 'Area A', which is already in cemetery use, both of which will be secured by a perimeter fence with gates at each entrance point. It is recommended that details of the boundary treatment are secured by planning condition.

#### **Planning obligations (section 106 undertaking or agreement)**

40. None required in this instance.

#### **Sustainable development implications**

##### Flood risk

41. The site is located in flood zone 1 and is not in a critical drainage area, so the risk of flooding is low. However, surface water runoff from adjacent allotments has been known to create some localised problems in the past and drainage surveys have identified that existing infrastructure is in need of improvement. Further, it is noted that the clay soils at the site limit infiltration of surface water.

42. A drainage strategy has been designed to ensure that greenfield runoff rates are achieved. This includes a series of swales and a new pond that will drain to two attenuation tanks, one beneath the existing site compound and one beneath the new pond, thus slowing the rate at which surface water enters the drainage system. The tanks are sized to accommodate a 100 year rainfall event plus 20% allowance for climate change. The council's drainage team confirm that this is an appropriate solution for the management of surface water at the site.

### Contamination

43. The former nursery buildings and, prior to that, the former fireworks factory both have the potential to contribute to contamination. The wider cemetery site has been subject to numerous site investigations since the mid 1990s, several of which confirm the presence of contaminants in isolated locations.
44. The further detailed investigations that have been undertaken for Area B conclude that although contamination is not widespread, there are localised areas where remediation will be required in order to reduce the risk to site users, particularly grave diggers. This bears out earlier investigations across Area A to the north east and a similar remediation strategy is recommended. This will be secured by planning condition.
45. The site is located within a ground water source protection zone, as defined by the Environment Agency (EA). In their consultation response, the EA have not raised any concern that the proposed cemetery use might adversely affect groundwater.

### **Conclusion on planning issues**

46. The proposal works will preserve the openness of the designated Metropolitan Open Land and the landscaping proposed will lead to improvements in the ecological value of the site. The limited trees that are to be removed are of poor quality and the planting proposal will lead to a net increase in canopy cover and a more appropriate range of native species. It is recommended that planning permission is granted subject to the imposition of appropriate conditions.

### **Community impact statement**

47. In line with the council's community impact statement the impact of this application has been assessed as part of the application process with regard to local people in respect of their age, disability, faith/religion, gender, race and ethnicity and sexual orientation. Consultation with the community has been undertaken as part of the application process. It is important to note that the use of the site for burial is already established by virtue of an existing planning consent and that the works for which permission is now sought are largely limited to landscaping and site works.

a) The impact on local people is set out above.

### **Consultations**

48. Details of consultation and any re-consultation undertaken in respect of this application are set out in Appendix 1.

49. Details of consultation undertaken between June and July 2016 have been presented. This comprised a survey, to which 445 responses were received, two public exhibitions, a mail-drop to 1,200 local residents, notices within the cemetery and updates via the council's social media. The summary document presented suggests that feedback echoed that received during consultation on this planning application, with a broad objection to the principle of the use of the site for burial. The retention of trees and habitat were clear themes and there was some limited support for increased permeability through the site.

### Consultation replies

50. Details of consultation responses received are set out in Appendix 2.
51. The Environment Agency has raised no concerns with the proposal. Natural England have confirmed that the proposal will not affect any statutorily protected sites or landscapes and have directed the local planning authority to their standing advice, which is available online and covers survey methods and appropriate mitigation.

### Human rights implications

52. This planning application engages certain human rights under the Human Rights Act 2008 (the HRA). The HRA prohibits unlawful interference by public bodies with conventions rights. The term 'engage' simply means that human rights may be affected or relevant.
53. This application has the legitimate aim of providing details of landscaping and site works required in order to facilitate the lawful use of the site as a cemetery. The rights potentially engaged by this application, including the right to a fair trial and the right to respect for private and family life are not considered to be unlawfully interfered with by this proposal.

### BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Site history file: TP/2339-A Application file: 17/AP/0671 Southwark Local Development Framework and Development Plan Documents	Chief Executive's Department 160 Tooley Street London SE1 2QH	Planning enquiries telephone: 020 7525 5403 Planning enquiries email: <a href="mailto:planning.enquiries@southwark.gov.uk">planning.enquiries@southwark.gov.uk</a> Case officer telephone: 020 7525 1249 Council website: <a href="http://www.southwark.gov.uk">www.southwark.gov.uk</a>

### APPENDICES

No.	Title
Appendix 1	Consultation undertaken
Appendix 2	Consultation responses received
Appendix 3	Recommendation

## AUDIT TRAIL

<b>Lead Officer</b>	Simon Bevan, Director of Planning	
<b>Report Author</b>	Michael Glasgow, Team Leader	
<b>Version</b>	Final	
<b>Dated</b>	31 May 2017	
<b>Key Decision</b>	No	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b>		
<b>Officer Title</b>	<b>Comments sought</b>	<b>Comments included</b>
Strategic Director of Finance and Governance	No	No
Strategic Director, Environment and Social Regeneration	No	No
Strategic Director of Housing and Modernisation	No	No
Director of Regeneration	No	No
<b>Date final report sent to Constitutional Team</b>		2 June 2017