
Appeal Decision

Inquiry held on 24 January 2017

Site visits made on 25 and 26 January 2017

by Kenneth Stone BSc Hons DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 16 March 2017

Appeal Ref: APP/N5090/W/16/3145010

Barnet Cemetery and Memorial Gardens, Milespit Hill, London NW7 2RR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Monument Property RS Ltd against the decision of the Council of the London Borough of Barnet.
 - The application Ref 14/08161/FUL, dated 10 December 2014, was refused by notice dated 14 August 2015.
 - The development proposed is formation of access road and car park and construction of maintenance shed.
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Decision

1. The appeal is allowed and planning permission is granted for the formation of an access road and car park and construction of a maintenance shed at Barnet Cemetery and Memorial Gardens, Milespit Hill, London NW7 2RR in accordance with the terms of the application, Ref 14/08161/FUL, dated 10 December 2014, subject to the conditions in the schedule at the end of this decision.

Preliminary matters

2. Planning permission was refused for the proposed development for two reasons, by way of the decision notice dated 23 December 2014. The first reason identified inadequate information in respect of the impact of the proposed development on protected species, including badgers and slow worms. While the second reason raised concerns about the loss of trees which demonstrate important landscape value and would be highly visible. Subsequent to the issue of the decision notice the local planning authority wrote to the applicant and confirmed that if an appeal were to be lodged the Council would also raise concerns that the proposal represented inappropriate development in the Green Belt, albeit this had not been identified in the decision notice.
 3. The appellant has provided amended plans and additional information in the course of the appeal. The amended plans identified a minor re-alignment of the access road at the junction with the turning circle in the existing cemetery; a slight adjustment of the redline in the vicinity of the turning circle; a reduction in the parking area, to reduce the number of parking spaces from 48 to 20; and a reduction in the width of the access to the car park. These amendments do not change the description of development and do not substantially change the nature of the proposals. They are minor changes that
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are not fundamental to the scheme. The changes do not prejudice other parties and would be unlikely to change their views of the development, which is generally of a similar scale and kind. I am satisfied that these are in-keeping with the Wheatcroft principles and I have therefore considered the appeal on the basis of the amended plans.

4. The further information submitted by the appellant updated previous survey work and the Council had been put on notice that such information was to be gathered. The further information adds to the previous evidence and comes to similar conclusions; it does not substantially change the appellant's case. Subsequently, the Council were aware the information had been gathered and it was available to them before the start of the inquiry. I have had regard to the additional information submitted by the appellant.
5. During the Inquiry the Council withdrew all its reasons for refusal, including concerns related to inappropriate development in the Green Belt, and all of its evidence and agreed that planning permission should be granted for the revised scheme¹.

Main Issues

6. On the basis of the above the main issues are:
 - (1) whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies, including the effect on the openness of the Green Belt and the purposes of including land in the Green Belt;
 - (2) the effect of the proposed development on protected trees;
 - (3) the effect of the proposed development on the landscape character of the area including the Mill Hill Conservation Area; and
 - (4) the effect of the proposed development on protected species.

Reasons

7. The appeal relates to an irregularly shaped area of land to the north of the existing Barnet Cemetery and Memorial Gardens. The majority of the site benefits from a certificate of lawfulness that confirms the majority of the site has a lawful cemetery use. An area of the site adjacent to Miles Pit Hill and within which the proposed car park is located falls outside the area identified in the certificate and therefore does not benefit from such a lawful use.
8. The site and the existing cemetery are located in the Green Belt and within the Mill Hill Conservation Area.

Whether the proposal would be inappropriate development in the Green Belt.

9. The appeal proposal seeks permission for three specific elements those being an access road, a car park and a maintenance building. It is appropriate to consider each of these elements and whether or not they would of themselves be inappropriate development in the green belt, as well as the development as a whole.

¹ See Inquiry document 12.

10. The development plan for the area comprises the London Plan (2016) (LP), The London Borough of Barnet Core Strategy 2012 (CS) and the London Borough of Barnet Development Management Policies 2012 (DMP). The LP policy 7.16, CS policies CS1 and CS7 and the DMP policy DM15 all seek to protect the green belt and refer to national guidance in the National Planning Policy Framework (the Framework). These policies rely on the advice in the Framework with which they are therefore consistent.
11. Section 9 of the Framework deals with protecting land in the green belt. Paragraph 79 advises the government attaches great importance to green belts and confirms that the essential characteristics of green belts are their openness and permanence. Paragraph 80 sets out the five purposes which the green belt serves. Paragraphs 89 and 90 identify exceptions to development that may otherwise be considered inappropriate development.
12. Paragraph 90 advises that engineering operations, amongst other forms of development, are not inappropriate in the green belt provided they preserve the openness of the green belt and do not conflict with the purposes of including land in the green belt. The proposed access road and car park would be engineering operations and therefore would not be inappropriate provided they meet these tests.
13. The access road would be a ground level structure with minimal elevation that would, for the majority of its length, be 4.8m wide. According to the appellant it would cover an area of some 2,904 sqm which would equate to some 6.4% of the total site area. The road is for the most part located within the heart of the site and only minor elements of it would be visible from the public domain at the access to Milesplit Hill and adjacent to the turning area in the existing cemetery. The use of the road would be for cemetery users, with cars passing over it, which would be during limited periods during funerals or when visiting the site. The limited visual impact resultant from the road construction and its use, the low proportion of the site coverage and significant screening from the surrounding woodland would ensure that the site retains its open character and appearance. The road would support the existing lawful use as a cemetery and would not conflict with the purposes of including land in the green belt. Accordingly I conclude that the proposed access road would not amount to inappropriate development in the green belt.
14. The proposed car park is also an engineering operation and the same tests apply under the terms of paragraph 80 of the Framework. The car park has been reduced in size and coverage to make provision for 20 spaces. The car park would have little impact on the physical openness of the site as it does not enclose space but is a ground level feature. It is discreetly located within a wooded section of the site, well screened from Milesplit Hill and which, with further landscaping, would not be readily visible from the public domain. The parking of cars would have an effect on openness during the time the vehicles are parked but this would be most evident at particular times, such as during funerals, which would be limited in duration. The absence of a car park may encourage parking elsewhere around the site, as its lawful use is for a cemetery. The number of spaces proposed is consistent with other cemeteries in the area and is not excessive. It was evident on site that even within the existing cemetery, where there is a car park, this had limited use.

15. The physical openness of the site would not be compromised by the car park; the level of parking that would occur would be limited and would otherwise be spread across the lawful cemetery site and the location of the car park is discreetly positioned and well screened. I am satisfied that the proposed car park would not compromise the openness of the site and would not conflict with the purposes of including land in the green belt it would therefore not be inappropriate development in the green belt.
16. The proposed maintenance shed would be a building and paragraph 89 of the Framework advises that new buildings should be regarded as inappropriate development in the green belt subject to certain exceptions. Bullet point two identifies one such exception as the provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries as long as it preserves the openness of the green belt and does not conflict with the purposes of including land within it.
17. A maintenance facility is in my view an appropriate facility for a cemetery to provide accommodation to store maintenance machinery, equipment and accommodation for staff. The appellant has not been able to agree arrangements to consolidate facilities with the adjoining cemetery. The size and scale of the building are commensurate with the nature of the machinery required to look after the cemetery. The building is discreetly located and well screened. It would not be visible from public locations although would be visible from some adjoining sites. The Framework by definition allows for some form of facilities in a building, otherwise the exception in bullet point two in paragraph 89 would be meaningless. The proposed facility would not be excessive in size and scale and would be commensurate with the nature of the maintenance needs of the cemetery. The facility serves the lawful use of the site as a cemetery. Accordingly I conclude that the proposed maintenance building would not amount to inappropriate development in the green belt.
18. In combination the works do not conflict with the purposes of including land in the green belt and cumulatively do not harm the openness of the green belt. The majority of the site has a lawful use as a cemetery and the proposed development would facilitate the efficient use of the site for that purpose. I am satisfied that the proposed development would not amount to inappropriate development in the green belt and would comply with the development plan and Framework in that regard.

Effect on Protected Trees

19. Section 197 of the Town and Country Planning Act 1990 places a statutory duty to ensure, in granting planning permission, that adequate provision is made for the preservation or planting of trees. The development plan also includes various policies which seek to protect the character of the area and trees, these include LP 7.21, and DMP policies DM01 and DM16. These are generally consistent with the Framework which includes various references to taking account of the character of different areas, providing for a good standard of amenity, and contributing to conserving and enhancing the natural environment in the core principles. The policies along with paragraph 118, bullet point 5, with references to ancient woodland and aged or veteran trees and the general environmental role of sustainable development provide strong support for such matters.

20. The proposal does not affect any trees which are within an ancient woodland or trees that are described as aged or veteran outside of an ancient woodland.
21. I have accepted the amended plans in relation to this scheme and the evidence identifies that this would result in the removal of some 68 trees, with incursion of works into the root protection area of 33 trees and would require the pruning of a further 10 trees. The evidence suggests that a number of the trees to be removed are transplantable and that therefore the overall loss of trees resultant from the scheme would be 55. When considered in the context of the estimated number of trees, which Mr Bhatia estimates at approximately 849 trees on or adjacent to the appeal site, this is a very small proportion, according to Mr Spooner in the region of 6.4%.
22. The vast majority of the trees to be removed are categorised as category 'C' trees because of their contribution to amenity. There is only one category 'B' tree to be removed and the amended scheme would re-align the access to prevent the removal of the category 'A' oak tree at the turning circle entrance to the access. There are a number of mature trees at this location that would be removed and this would be evident to the users of the cemetery both existing and new. However, given the category and limited numbers this is not significant.
23. The access road would follow an alignment that uses the existing site levels and gradients and would facilitate access to a good proportion of the site. There are a number of trees on this alignment many of which are young or semi-mature and do not presently significantly contribute to the character of the area as they are not visible from outside the site. Their removal would not significantly change the appreciation of the character or appearance of the area.
24. The proposed car park is primarily set within a small clearing in the woodland strip that is close to Milesplit Hill. There would be a limited loss of trees in this area and those that would be removed would be of limited girth and height and not substantially add to the woodland character of this part of the site. The area would still be well screened from Milesplit Hill and the screening effect of the woodland area would not be substantially compromised by the removal of the trees required for the car park.
25. Similarly the maintenance shed is discreetly located and its footprint covers only a limited number of category 'C' trees which would therefore require to be removed.
26. The proposals also include a tree planting mitigation scheme which would replace the trees removed and which can be secured by condition. These trees would predominantly be located towards the edges of the site where they would add screening and have a greater public amenity value than the trees to be lost.
27. The Tree Preservation Order that covers the site is an 'area order' and there are legitimate concerns as to the trees protected by that order. That being said the order is there to protect trees that have a value and it is the impact on that value that is the important issue.
28. I am satisfied that the proposed development would not result in the removal of a substantial proportion of the trees on the site, less than 7%. Further I am

satisfied that those trees that would be removed are for the most part young, semi-mature, small trees that do not individually significantly add to the character and quality of the woodland qualities of the site. Those trees that do possess individual value are not affected by the scheme. The proposed removal of trees would be offset by the planting of replacement trees that can be secured by condition and on this basis I am satisfied that the proposal would not result in an adverse effect on the protected trees.

Landscape Character and Mill Hill Conservation Area

29. The Mill Hill Conservation Area character appraisal statement identifies trees and planting as making an important contribution to the character and appearance of the conservation area. In particular it identifies the attractive linear views along the length of the Ridgeway, down Highwood Hill, Milesplit Hill and Hammers Lane as being enhanced greatly by the intermittent trees and hedges which form a distinct boundary to the road. It also notes they add to the rural and open character of the conservation area.
30. The wooded appeal site contributes to the positive characteristics of the character and appearance of the area and the conservation area. Most notably along Milesplit Hill where the relatively dense wooded boundary abuts Milesplit Hill. The proposed development at this section would include the car park, however this would be set well into the site and there would be a significant area of woodland tree coverage between the car park and the road. When associated with the landscaping proposed around the car park vehicles and the parking area would not be readily visible from Milesplit Hill and would not intrude into or become a significant feature in the street scene. The Maintenance shed would be well set back from the road and behind properties that front the road and would not hold a prominent position or be readily visible.
31. The proposal does make provision for an emergency access where there is an existing infrequently used access at present. There would be some necessary tree pruning and the access road would be a visible feature at this point. However, this would be of limited scale and impact and not out of keeping with the general accesses that prevail in the area presently.
32. When viewed from further afield at the top of the hill along Ridgeway and from views along the public footpath path leading off Ridgeway, to the east of the appeal site, the elements of the proposed development would not be readily visible due to the topography of the land, the existing tree coverage, boundary treatment and intervening development. The loss of trees would not be noticeable against the backdrop of the existing tree coverage and the general wooded nature of the site.
33. I conclude that the proposed development would not harm the character and appearance of the area or the Mill Hill Conservation Area the character and appearance of which would thereby be preserved. The proposal would therefore not conflict with CS policy CS5 or DMP policies DM01 or DM06 which seek to protect local character and conservation areas.

Effect on protected species

34. The development plan contains policies in the LP (7.19) the CS (CS7) and the DMP (DM16) which collectively seek developments create, retain or enhance

- biodiversity as appropriate. These are consistent with the Framework which advises in the core principles that planning should contribute to conserving and enhancing the natural environment, and at paragraph 118 that when determining applications local planning authorities should aim to conserve and enhance biodiversity.
35. The site is identified as a grade 2 Site of Borough Importance for Nature Conservation. The appellant has undertaken, and has access to, a number of site surveys in relation to the habitat and specific species surveys including for badgers, reptiles and bats. The latest survey work undertaken has addressed concerns related to the timings of previous survey work and confirms much of the original conclusions. Local residents have also identified various species and activities on the site. There is no dispute that the site accommodates badgers, and slow worms and that there is bat activity around the site.
36. There are various legislative controls that protect many of these species and licencing procedures that may well need to be addressed should the development go ahead. That will be a matter for the developer to ensure they comply with the appropriate legislation in that regard.
37. The evidence before me demonstrates that bats overfly parts of the site. There are bat emergence surveys and back-tracking transect surveys. The surveys demonstrate that whilst there is activity in the area there are no bat roosts within the appeal site or that would be affected by the proposed works. Whilst there is a general concern that there are bats in the area, no evidence of bat roost was provided. On this basis I am satisfied that the proposals would not result in an adverse effect on bats. The appellants suggested that mitigation and enhancement features in terms of bat boxes can be provided and I am satisfied these could be secured through condition; this would be a benefit of the scheme.
38. Turning to slow worms, again the survey work demonstrates that there are slow worms on the site and that the site accommodates suitable grassland habitat to support them. The number of slow worms identified was small both in terms of absolute numbers and in relation to the habitat. This is a function of the declining suitability of the habitat through over grown brambles and such. The appeal proposals represent a small area of the total site area and a small proportion of the suitable habitat for slow worms. Additional habitat creation could be undertaken through suitable management and mitigation works and this would compensate for any ground lost under the access road. The conclusions of all of the reports on this matter are similar in terms of the level of impact and I am satisfied that the compensation would address any effect that may result from the residual loss of habitat.
39. Much was made of the use of the site by badgers by residents and they had concerns about the proximity of the works to the existing badger setts. The appellant has identified a main badger sett to the north within the site and a satellite sett to the north east of that. It was also noted that there were other holes that may well have been sett entrances but the appellant contends that these were no longer active. It is evident that the site presently has an active population of badgers that have setts across the site and which use the site for foraging.
40. The car park and maintenance building appear to be well separated from the locations of the badger setts and would be unlikely to directly affect the setts.

The roadway however does come close to the main badger sett and there is a possibility, given the range that tunnels can extend that this may well be over tunnels of the main sett. In the most part as the road is placed on the ground there would be no digging required however there are areas where cutting and filling may take place and the appellant has highlighted there is a potential this could affect badger tunnels. In this regard one method to deal with this would be to temporarily exclude the badgers from the main sett, in which case it is suggested they would use the satellite sett. This would require a licence and would be carefully controlled.

41. Badgers can tolerate a degree of disturbance and it is suggested that once work was completed they would re-colonise the main sett if they had been excluded. It is also suggested that the cemetery activity, once development had occurred, would not be such as to be a disturbance on the badgers that they would be harmed. The use as a cemetery is a lawful use and could therefore take place irrespective of these works, badgers are nocturnal and above ground activity is normally restricted to the hours of darkness when the cemetery would not be in use.
42. On balance I am satisfied that there are actions that would mitigate the impact of the development on the badgers, that any effect would not be permanent and that the on-going activity associated with the development would not be such as to cause harm to the badgers.
43. Overall I am satisfied that the development proposed in this appeal would not result in harm to protected species or damage to their habitat to an unacceptable degree. The proposed mitigation and enhancement measures outlined in the various reports, which can be secured by conditions, will safeguard and improve the general ecology, habitat and species on the site. The site is presently in a degraded state and active management has the potential to enhance biodiversity and improve the contribution the site makes to local natural environment. In this regard the proposals are in accordance with the advice in the Framework and comply with policies in the development plan, particularly policies 7.19 in the LP, policy CS7 in the CS and DM16 in the DMP.

Other matters

44. My attention was drawn to the sale and general history of the site and its relationship with Westminster's cemetery next door however this is not material to this planning decision.
45. The lawful use of the land as cemetery and ancillary works that could be undertaken as de minimis are matters which the appellant suggests provide a fallback position. It was contended by the appellant that given the lawful cemetery use the digging of grave plots, erection of headstones, the laying of paths etc could be undertaken in the context of the lawful use of the site as a cemetery. The works the subject of this appeal do not fall within those matters and therefore this would be a matter for the Council to consider when any such actions are undertaken. I have found that the proposed works are acceptable and therefore do not need to consider the effect of a fallback position.
46. There is a need for additional burial space in the Borough and the evidence before me demonstrates that Barnet has a very limited availability of burial space, with only around 4 years in the case of Hendon cemetery. This coupled

with the projected population growth especially amongst the over 65's will place significant pressure on existing burial space in the borough. There is growing pressure on burial space and this pressure is acute in many London borough's and becoming more so. The capacity in the borough is tightly constrained. I give the additional burial capacity that would be afforded by this scheme significant weight in terms of the positive benefits of the proposals.

47. Concern has been expressed regarding the use of emergency access that is identified on the proposed plans. I propose to add a condition to require that this access is only used as an emergency access and this should safeguard the concerns of residents that it would be used for other purposes. The limited opening width of the access and road are such that it would not be appropriate as a main or principal access to the site.
48. Local residents also raised concerns regarding future development of the site. In particular it was suggested that the appeal scheme was a 'Trojan Horse' for the developer's aspirations for a mausoleum on the site which had previously been refused permission. Future development would require the benefit of planning permission and that would be a matter for the local planning authority at that time, should any such proposals materialise.
49. I heard concerns at the Inquiry from objectors regarding the potential for flooding down-hill of the site. There was no technical evidence or detail around this but the proposal would introduce additional hard surface and roofs which could add to surface water run-off. I am satisfied that a condition requiring details of works to deal with any surface water run-off from the new hard surfaced areas and building would be sufficient to deal with any such issues.

Overall conclusions and conditions

50. In conclusion I find that the proposed development would not amount to inappropriate development in the green belt, that there would be no material harm to protected trees or the ecology of the site including protected species. I further find that the proposals would not result in material harm to the character and appearance of the area and that character and appearance of the Mill Hill Conservation Area would be preserved. On this basis the proposal does not conflict with the development plan and is consistent with the advice in the Framework and the proposal therefore amounts to sustainable development. The proposed mitigation and enhancement works can be secured by condition and the additional burial space meets an identified need adding to the justification to grant permission.
51. The parties provided a list of some 16 agreed suggested conditions. I have considered these conditions in the light of the advice in the Planning Practice Guidance and having regard to the list of suggested conditions in annex A of Circular 11/95 – the use of conditions in planning permissions, which remains extant.
52. An approved plans condition is good practice and is required to provide certainty. Details of the materials and means of construction for the buildings and hard surfaces are required in the interest of the appearance of the development and the protection of trees. A condition restricting construction activities times on site is required to protect the living conditions of nearby residents.

53. A condition is required to provide further information on landscaping and secure that which has already been identified in the approved plans. This is necessary to ensure a comprehensive landscaping plan is provided covering the subject of the application and the mitigation recommendations in the ecology and tree reports. A landscape and ecology management plan is necessary to secure the proper on going management of the site and the mitigation recommendations of the reports on ecology and trees. A condition is required to replace any trees that are damaged die or are diseased to ensure that the landscaping fulfils its proper objectives.
54. Details of the construction management, including the construction access to the site, are required in the interests of the living conditions of the surrounding residents and highway safety. For similar reasons the access to the site is to be restricted to access through the existing cemetery with the access identified onto Milesplit Hill to be only used as an emergency access.
55. Details of surface water run-off measures are required to reduce the risk of flooding. A condition is required to secure and ensure the provision and retention of the parking spaces for the parking to ensure adequate parking is provided.
56. A condition is required in relation to the levels for the various elements of the development in the interest of highway safety, the health of trees and the appearance of the development. In the interests of the health of the trees details of any drainage runs for the whole development, or other services for the maintenance building, are required. For similar reasons a tree protection plan and method statement is necessary to identify precautions to minimise the damage to trees.
57. Details of the lighting of the site is required to protect the trees, and in the interest of the ecology of the site and the appearance of the site. I have amalgamated the hours of operation of the lighting into this condition so that a separate condition is not required to control the hours of the lighting.
58. A condition is required to restrict the use of the maintenance building for purposes of storage and maintenance associated with the cemetery use, given the building's location within the green belt.
59. Conditions 3, 5, 6, 8, 10, 12, 13 and 14 are 'pre-commencement' conditions and require certain actions before the commencement of development. In all cases this is necessary to ensure that the condition will have its proper effect.
60. For the reasons given above, and subject to the aforementioned conditions, I conclude that the appeal should be allowed.

Kenneth Stone

INSPECTOR

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Mr Cain Ormondroyd	Of Counsel, instructed by London Borough of Barnet.
He called	
Mr Nicholas Linford BA(Hons) BTP MRTPI	Principal Planning Officer London Borough of Barnet
Ms Ann Currell BSc(Hons), Dip LP, Dip Arb (RFS), MA, MCIHort., MRTPI, F.Arbor.A., CEnv.	Principal Planning Officer, Regional Enterprise Ltd
Mr David Kavanagh- Spall BSc(Hons) Ecol., FDS Arb., MArborA.	Consultant, Arborweald Environmental Planning Consultancy

FOR THE APPELLANT:

Mr James Strachan	Queens Counsel, instructed by Clyde & Co LLP
He called	
Mr Martin Bhatia BA(Hons) CMLI	Director Colvin Moggridge Landscape Architects
Mr Will Edmunds BA(Hons) Dip TP MRTPI	Partner, Montague Evans LLP
Mr Frank Spooner BSc(Hons) AA TecCert TechArborA	Arboricultural Consultant
Mr Dominic Farmer BSc(Hons) MSc MCIEEM CENV	Director, Ecology Solutions.
Mr Peter Smallwood FRICS	Director SRR Developments Limited

INTERESTED PERSONS:

Andrew Dismore	London Assembly Member for Barnet and Camden
Robert Husband	Local Group Leader of The Royal Society for the Protection of Birds, and representing London Wildlife Trust.

Eileen Shepperd

Chairperson of Westminster Association of
Relatives

Cllr John Hart

Councillor for Mill Hill Ward

DOCUMENTS submitted at Inquiry

- 1 List of appearances on behalf of the Appellant
- 2 Application for an adjournment on behalf of the Local Planning Authority – Given Orally.
- 3 Appellant's submissions on Procedural matters – Given Orally.
- 4 Report addressing limited burial capacity at Hendon Cemetery and Crematorium to Barnet Environment Committee 11 January 2017 submitted by the Appellant.
- 5 Leaflet produced by RE (Regional Enterprise) entitled 'Providing Better Cemetery and Crematorium services for residents in Barnet' submitted by the Appellant.
- 6 Updated bundle to appendices of Mr N Linford providing document 3C – Further third Party representations.
- 7 Opening submissions on behalf of the Local Planning Authority
- 8 Appellant's opening statement
- 9 Proposed route for accompanied site visit agreed by all parties including interested parties.
- 10 List of agreed suggested conditions submitted jointly by both main parties.
- 11 Joint position statement between the Appellant and Local Planning Authority
- 12 Signed copy of the Joint position Statement.

SCHEDULE OF CONDITIONS FOR APPEAL APP/N5090/W/16/3145010

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: PL01A (Location Plan); 1336.1.02 – C (Proposed Layout Plan); 1336.1.03-D (proposed Car Park Layout); SJA TPP 16305-02-B (Tree Protection Plan); and 3845 PL08 A (Maintenance Shed).
- 3) Before the development hereby permitted commences details of the materials to be used and the means of construction of 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.
- 4) No construction work resulting from the planning permission hereby approved shall be carried out on the site at any time on Sunday, Bank or Public Holidays, before 8:00 am or after 1:00pm on Saturdays or before 8:00 am or after 6:00pm on other days.
- 5) Details of the landscape works on the site shall be submitted to and approved in writing by the local planning authority prior to the commencement of development. The details shall include, but not be restricted to, all landscape works comprised on approved drawings 1336.1.02-C, SJA TPP 16305-02-B and 1336.1.03-D. The works shall be carried out before the end of the first planting season following commencement of the development hereby approved.
- 6) The development hereby approved shall not begin until a landscape and ecological management plan for the site has been submitted to and approved in writing by the local planning authority. The Plan shall include the following details:
 - a. Proposals to implement the mitigation measures set out in the approved ecological surveys as set out in the Proof of Evidence of Dominic Farmer;
 - b. Proposals to maintain the landscape and ecology features of the site;
 - c. Proposals to provide, manage and maintain public access to the site;
 - d. A detailed tree felling/pruning specification plan; and
 - e. A programme for implementation.

The development hereby permitted shall only be carried out in accordance with the approved Plan.
- 7) Any existing trees 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 the development hereby approved shall be replaced with trees or shrubs of appropriate size and species in the next planting season.
- 8) The development hereby permitted shall not be begun until a construction management plan, including details of construction traffic

access, has been submitted to and approved in writing by the local planning authority. The development shall not be carried out otherwise than in accordance with the approved plan.

- 9) Notwithstanding the approved plans, the means of vehicular access/egress to the development shall be from Mill Hill Cemetery only. Access to the site from Milesplit Hill shall be for emergency use only.
- 10) The development hereby permitted shall not be begun until a detailed surface water drainage scheme for the development has been submitted to and approved in writing by the local planning authority. The scheme shall include a restriction in run-off and surface water storage on the site. The development shall not be used otherwise than in accordance with the approved scheme.
- 11) Before the development hereby permitted is brought into use, the parking spaces shown on plan number 1336.1.02-C shall be provided and marked out within the site. Thereafter, the parking spaces shall be used only for the parking and turning of vehicles and shall not be used for any other purpose.
- 12) The development hereby permitted shall not be begun until details of the levels of the building, road and car park in relation to adjoining land and highway and any other changes proposed in the levels of the site have been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details.
- 13) The development hereby permitted shall not be begun until details of the location, extent and depth of any excavations for drainage for the development, and other services for the maintenance building, in relation to trees on the site has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 14) The development hereby permitted shall not be begun until a dimensioned tree protection plan and a tree method statement detailing precautions to minimise damage to trees on the site has been submitted to and approved in writing by the local planning authority. The plan shall accord with section 6.1 of British Standards BS5837: 2012 Trees in relation to design, demolition and construction – Recommendations. The development shall be carried out in accordance with the approved details.
- 15) No lighting shall be provided or installed within the site until a lighting strategy for the site has been submitted to and approved in writing by the local planning authority. The strategy shall set out the position of all lighting, lighting columns, service runs, and the orientation intensity and specification of the luminaires and the hours of operation of the lighting. The development shall be carried out in accordance with the measures set out in the approved strategy.
- 16) The maintenance building hereby approved shall principally be used for the purposes of storage and maintenance that are related to the cemetery use.

End