

Andrew Dismore

Putting Barnet and Camden first



Objection to planning application ref 14/08161/FUL

**New access road and car parking facilities with
maintenance shed Barnet Cemetery and Memorial
Gardens Milespit Hill NW7 2RR**

Request to speak at Planning Committee

I wish to object to this planning application and to speak to my objections at the Planning Committee.

Background

The recent history of this land is relevant and controversial. It was originally owned by Westminster Council, and was sold with the cemetery itself and the ancillary buildings for 5p, in the notorious “sale of the cemeteries” scandal by Dame Shirley Porter, then leader of Westminster City Council, in the 1980s. The cemetery was badly neglected by its new owners to the extent that the vigorous campaign by the Westminster Association of Relatives (“WAR”) forced the council to buy back the cemetery (and two others elsewhere) for several million pounds, obviously with Westminster sustaining a huge loss. However, the asset strippers won out: they kept this land (which was not then used for anything) the lodge which was converted to a residential dwelling, and other buildings.

Co-incidentally, I was a Councillor in Westminster throughout this time and as Labour spokesperson on the issue remember the background very well.

Barnet Council has already agreed, wrongly in my view, that the land has an established use as a cemetery. This is even though there are no graves in it and it has not been used commercially for at least 60 years for any purpose: its last known use was as a pig farm before WW2- indeed there is an old pig shed still on the land, of historic and architectural interest. The land is now a haven for wildlife.

Most recently, last year there was a planning application for a multi faith mausoleum and columbaria, which is not a cemetery use. This application was withdrawn after considerable local opposition and an officer paper which raised many serious concerns over the proposal, and on the face of it, setting up for a refusal .

Whilst this application is more modest in scope, the fear remains that the current application is a 'Trojan Horse' for a further attempt to apply for permission for a mausoleum, etcetera, at a future date. Last year, the developers' agent made clear to local residents that the concept of the mausoleum remains on their agenda. The access proposed from Milespit Hill if granted, would be a green light for such a further application which could not be viable without it, for reasons explained later in this objection.

These fears are compounded by the details of this application, itself. Para 6.3 states that neither of Barnet's own two cemeteries provide a community mausoleum or columbarium; and para 4.8 states "There is no crematorium existing or proposed on the site". why therefore is it relevant that "it is a growing practice following cremation to scatter the ashes or inter them in a very small casket....."; and the inclusion of this use in Area B (not designated as cemetery) suggests that the original concept for the future of the whole site is still present in the applicant's long term planning.

Existing protections

The site is in the Green Belt, in the Mill Hill Conservation Area, and is a Site of Importance for Nature Conservation. Development should therefore only be permitted in exceptional circumstances and then only if in keeping with these protections. This application does not satisfy this test.

Biodiversity

The biodiversity evidence in support of the application is based on surveys done in December 2013, when much of the wildlife, especially but by no means exclusively reptiles and small mammals, would be dormant. Further research needs to be done at a time of year when most species are active. It is known that rare species such as slow worms are on the site for example, as well as important mammals like bats and muntjac deer and protected birds.

In the absence of cogent and relevant evidence of the biodiversity of the site, the threats to it and satisfactory mitigation proposals, the application should be rejected.

Trees

The construction will involve the removal of broadleaf trees subject to an area TPO: a total of 62 trees will be lost. Replacement elsewhere on the periphery of the site by new trees, all oak and not representing the diversity of the trees currently to be removed including sycamore, will not be a satisfactory replacement. Whilst some of the trees to be removed may be relatively young, others are well established and the replacement with new trees which will take many decades to reach maturity, is not a satisfactory alternative.

'No dig' construction methods near mature trees that are to be retained is welcome, but may not avoid damage and in any event may not be sufficient protection, if their roots are tarmaced over for the access road.

Drainage and flood risk

There has been a considerable flood risk to properties in Woodcote Avenue, from the land. The scheme does not address drainage issues sufficiently, and what the consequences may be of the additional hard surfacing for run off and consequent increase in flood risk.

The access road on the site

The terms of access through the existing cemetery permitted under the sale agreement by Westminster Council are:

“Access will be restricted to only being during the cemetery’s normal opening hours, along a defined route, and only for pedestrians, private motor cars and such commercial vehicles as are reasonably required for the maintenance and upkeep of a burial ground. Access will not be allowed for construction lorries or similar heavy goods vehicles that may damage the cemetery roads or pathways.”

It can be seen that as the proposed use is as a burial ground, access may be permitted by Westminster under this agreement for the burial ground; but construction traffic would not be permitted at all.

The access road consists of a thoroughfare winding through the land, with entrance from and through the existing cemetery to the proposed car park, maintenance building and to the proposed 'emergency exit' onto Milesplit Hill.

The extent of the hard surfacing of the roadway is not in keeping with Green Belt policy and should be refused on those grounds alone.

'Emergency Access' from Milesplit Hill

The proposed new emergency access road involves opening a way used by the former pig farm onto Milesplit Hill that has been closed since before the Second World War. This entrance currently does not provide vehicular access but only long disused pedestrian access, and is overgrown. The gates are not wide enough for a family car let alone a hearse.

The attached documentation includes a lease dated 9 December 1963 (of the land edged yellow on the filed plan) to The Eastern Electricity Board for 60 years from 25 March 1963, but there is no mention here of a vehicular access into Milesplit Hill near the substation.

Milesplit Hill is a residential and almost country road in parts. The road is heavily used by private vehicles including school traffic to both the Mount School and nearby Mill Hill School on the Ridgeway, as well as the preparatory school (Belmont) and the two primary schools (St Paul's and St Vincent's).

The proposed exit onto Milesplit Hill is masked by trees, bushes and foliage on the 'waste of the manor' land, and would be a blind exit onto what is a busy and quite fast road, constituting a road safety hazard. Moreover, the developers have not demonstrated that they have rights of way over the 'waste of the manor' land.

In the past, applications for 'cross overs' by Milesplit Hill residents on the same side of the road have been refused on the grounds that the green in front of their properties was 'waste of the manor'.

Moreover, it is hard to envisage why an 'emergency access' is needed at all. The land is open, and access for cemetery traffic is through the Westminster Cemetery which has a network of roads in it, to which roads the development land has access. All these are never closed simultaneously, when maintenance is required.

A fair inference can be drawn that this access will inevitably become something more than an emergency exit, but will at later date be used to form part of the justification for a larger application for a mausoleum, for which construction traffic access would be needed and which access cannot be through the Westminster Cemetery.

The access for any construction traffic therefore would presumably have to be through the proposed exit onto Milesplit Hill, which road is not suitable for heavy construction vehicles.

If contrary to this submission, permission is granted for the emergency exit, it should be with a clear condition that it may only be used in the unlikely eventuality that all other access is blocked and in any event cannot be used by heavy

vehicles at any time whatsoever.

Car park

The application includes provision for a 48 space car park on the border of the site parallel with Milespit Hill (slightly larger than the original withdrawn application).

The proposed car park is not in the area covered by the Certificate of Lawful Use (planning appl H/03608/13) as a cemetery. It is therefore not designated for cemetery use. It is in protected Green Belt, etc. land and there are no “very special circumstances” which apply to this area.

A similar application for a car park on the land to the rear of the next door property, the Mount School, was rejected by Barnet Council as contrary to Green Belt policy.

If a less obtrusive car park (at the rear and masked by the school buildings was rejected) then following this precedent a more obtrusive and visible car park should also be rejected on the same grounds.

Its location near to the proposed ‘emergency exit’ also casts doubt as to whether the ‘exit’ will in due course become used for routine cemetery access purposes too.

Moreover, the construction of the car park will involve the destruction of a number of broad leaf woodland trees that are protected by the TPO.

The applicants state (para 9.3) that “such is the nature of the traffic it will not be distinguishable from the existing cemetery traffic” and that they propose to share the existing chapel, where there are car park spaces. If this is the case, and bearing in mind that not more than one service can be conducted at a time, then the existing car parking at the chapel should be adequate for the applicant’s purposes, as it is generally adequate for mourners attending existing burials. If not, and the case is not made out why not, then a much smaller overflow car park could be provided, and near to the chapel and its car park, which will be the focal point for any service followed by interment. Such land near to the existing facilities would have less impact on existing trees and wildlife habitat – indeed the applicants suggest they would plant trees in this area, which would not be needed if there were trees there now.

The car park is not needed and the plan should be rejected on these grounds.

Maintenance Building

The size of the building 115 sq m, appears to be excessive for the likely equipment and materials needed to maintain a traditional cemetery and again

begs the question as to whether it is part of a 'Trojan Horse' for a more substantive application at a later date, requiring more construction and maintenance than a traditional cemetery.

Its location at the top of the site also appears to be in an obtrusive position and its location near to the proposed 'emergency exit' also casts doubt as to whether the 'exit' will be used for routine maintenance access purposes as well.

Planning conditions

In para 5.4 the applicant uses the word "memorials", which is of concern. It would be helpful if the decision, whether allowing or refusing, could give guidance or better still a condition, as to how big these are permitted to be before a separate planning application is required.

I do not believe that these objections set out above can be overcome by the use of planning conditions. Moreover, even if conditions were imposed, there is no guarantee that the developers would observe them. They are already responsible for a large fly tip on 'waste of the manor' land on Milesplit Hill, consisting of piles of wood, cuttings and other debris from land clearance work they have already done. This fly tip has been there for many months.

Such a development is clearly contrary to Barnet and GLA Green Belt policy and should not be permitted.

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