

MINUTES of the meeting of the **PLANNING AND REGULATORY COMMITTEE** held at 10.30 am on 28 February 2024 at Council Chamber, Woodhatch Place, 11 Cockshot Hill, Reigate, Surrey, RH2 8EF.

These minutes are subject to confirmation by the Committee at its next meeting.

Members Present:

Ernest Mallett MBE
Jeffrey Gray
Victor Lewanski
Scott Lewis
Catherine Powell
Jeremy Webster
Edward Hawkins (Chairman)
John Robini
Richard Tear (Vice-Chairman)
Jonathan Hulley
Chris Farr

1/24 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS [Item 1]

None received.

2/24 MINUTES OF THE LAST MEETING [Item 2]

The Minutes were approved as an accurate record of the previous meeting.

3/24 PETITIONS [Item 3]

There were none.

4/24 PUBLIC QUESTION TIME [Item 4]

There were none.

5/24 MEMBERS' QUESTION TIME [Item 5]

There were none.

6/24 DECLARATIONS OF INTERESTS [Item 6]

There were none.

7/24 MINERALS/WASTE EL2023/0344 - SILVERMERE HAVEN PET CEMETERY, BYFLEET ROAD, COBHAM, SURREY, KT11 1DZ [Item 7]

Officers:

Dawn Horton-Baker, Planning Development Team Leader
James Lehahe, Principal Transport Development Planning Officer

Officer Introduction:

1. The Planning Development Team Leader introduced the report and update sheet and provided Members with a brief overview. Members noted that the application was for the demolition of existing crematorium buildings and removal of storage containers, temporary cabin and temporary cold store; and the construction of a new crematorium building incorporating chapels of rest, cremation hall and space for storage containers within storage yard, relocation of existing waste transfer facilities for hazardous and non-hazardous waste; and associated landscaping. Full details were included in the published report.

Speakers:

The Local Member, Tim Oliver, made the following comments:

1. Noted that, as Leader of the Council, he was an ex officio of the Committee (non-voting).
2. That he was strongly opposed to the application.
3. That the site was within the Metropolitan Green Belt and that applications should not be approved except in very special circumstances.
4. That the reasons provided in the report within paragraph 90 were inadequate
5. That paragraph 57 onwards of the report set out clearly all the reasons why the application breaches Policy 9 of the Surrey Waste Local Plan, the Elmbridge Core Strategy 2011 and the Elmbridge Local Development Management Plan Policy DM17.
6. Noted that the Elmbridge Local Plan was under inspection and included strong protection for the green belt.
7. The proposed buildings were larger in scale, mass and volume than the existing development.
8. That Planning Officers accepted that the proposal would give rise to a loss of openness to the Green Belt, on both space and visual grounds, and would therefore cause harm to the green belt.
9. That the proposed development was a significant industrial operation and would cause considerable harm by its impact on the openness of the Green Belt and would therefore be inappropriate development and does not meet the test of very special circumstances.

A Member of the Committee asked the Local Member for his view on other major developments in the green belt on previously developed land. The Local Member stated that he strongly opposed any development on the green belt.

A Member of the Committee asked the Local Member to elaborate on his definition of the 'need for business' and why he felt that it had not been met. The Local Member stated that there was an existing operation which had received permission however this was different from an expansion for commercial reasons and that he did not see it as a justification for intensifying the site to generate a greater profit.

Mark Ashman spoke in objection to the application and made the following comments:

1. Stated that, without the waste element, the application would have been determined by Elmbridge Borough Council. It was noted that Elmbridge Borough Council had rejected both the current and previous applications on the grounds of inappropriate development. In the Green Belt and found no very special circumstances.
2. That he had expected the Planning Officer to reach the same conclusion as Elmbridge Borough Council.
3. That the proposal did not meet some aspects of national planning guidance, Surrey County Council guidance and the policies of the Elmbridge Development Plan.
4. That the proposed development was inappropriate in the Green Belt due to its scale.
5. That the applicant was not a local business but part of a multinational company with an annual turnover of £603 Million.
6. That reasons of commercial growth were not in themselves considered to be very special circumstances.
7. That the application was not an upgrade to cater for local needs but instead to grow the site as a regional hub.
8. That, if agreed, councillors would be agreeing to an industrial scale facility operating on Green Belt land for 17 hours a day six days a week to satisfy a regional need.
9. That the application would lead to a vast increase in emissions and further traffic congestion.
10. That several hundred residents had written to object and 1424 residents had signed a petition to say no to the application.

A Member of the Committee asked the objector to clarify their view on local need compared to national need. The objector stated that there were three other equine incinerators within 40 kilometres and that he did not buy into the need for Silvermere Haven to provide additional equine facilities.

Peter Harman spoke in objection to the application and made the following comments:

1. That Elmbridge Borough Council had objected to the application as in their opinion it breaches policies protecting the green belt.
2. That the application failed to demonstrate the very special circumstances required to consider building within the green belt.
3. That a report produced by ARUP classified the Green Belt into three categories for the purpose of the Elmbridge Local Plan and that this area was identified as strong and should not be released under any circumstances.
4. That they had failed to recognise Policy DM18.
5. That the proposed development would be much larger in scale, mass and volume than the existing development and would result in intensification of the use of the site, would result in a material larger building than the one it replaces and would have a greater impact on the openness of the Green Belt than the existing development.

The objector provided further detail on Policy DM18.

Jeff Hilliard spoke in objection to the application and made the following comments:

1. That the pet cemetery clearly needed to be updated but had submitted an objection due to scale and degree.
2. That the excessive increase in scale and consequential harm hinged on equine incineration and whether there was a local need.
3. That there were several existing equine incineration facilities available close to Surrey's borders.
4. That CVS was a massive company who had engaged highly skilled advisors to promote their case.
5. That all aspects of the facility needed to be larger to handle a typical 500kg horse.
6. That equine was the only very special circumstance to justify the scale of the redevelopment. The other points could be achieved on a smaller scale and without an impact on existing operating hours.
7. That the proposed operating hours were unreasonable and needed to be restricted to Monday – Friday until 6pm.

Members received further detail on the operating hours of Silvermere Golf Course.

Steve Twomey spoke on behalf of the applicant and made the following comments:

1. Provided an overview of the applicant, CVS, and noted that it was one of the leading veterinary's in the United Kingdom with over 500 veterinary practices and focused on recommending and providing the best clinical care.
2. That it was important to CVS to offer a suitable crematoria service that was able to provide and act with the same level of care and compassion.
3. That CVS was investing heavily across the company.
4. That Silvermere Haven had been operating at the existing site for over 47 years and their ambition was to retain a state-of-the-art facility.
5. That the proposed redevelopment would allow CVS to provide a vitally important and dignified service for all owners when their pet reaches the end of life.
6. That demand for the individualised cremation had grown immensely which was putting strain on the existing site.
7. That a growing number of horse owners considered their horses to be their pets and the proposal would mean that owners would not need to travel outside the county for a suitable service.
8. That CVS did not envisage horse cremation to become a large part of the business.
9. That CVS took their responsibility seriously and considered the impact on people, public health, animals and the environment.
10. That CVS had set important targets to reduce their environmental footprint and that this was the reason why they planned to make a number of environmental and sustainability improvements on site.
11. That the new cremator would have improved emission control and system management which would allow CVS to reduce the environmental impact of the site. It was further noted that the waste collected would be stored internally.
12. That CVS operated within permitted guidelines.
13. Provided a brief overview of the proposals.

A Member of the Committee noted that the proposed operating hours were 6:00 – 23:00 six days a week. Members further noted details related to the proposed lighting on site.

A Member stated that they were concerned with the staff working conditions and the condition of the chapel of rest. The applicant confirmed that improvements were ongoing and that an updated kitchen for staff had been agreed.

Key points raised during the discussion:

1. The Principal Transport Development Planning Officer provided Members with detail on the points necessary to justify and sustain a highways objection. This included a demonstrable, significant or severe impact on safety or capacity. In terms of capacity, the A245 in the sites location had an average of over 27,000 movements per day and that the minor additional movements due to the proposals would not make a noticeable impact to the wider capacity. Members further noted the proposal to have an internal loop on site to allow large vehicles to turn on site.
2. Officers highlighted the proposed operation hours as noted within Condition 31.
3. Members noted an overview of the waste needs of the site.
4. Members noted that the existing site had four cremators which included two single cremators, a double chamber and an eight chamber cremator. The proposal was for three cremators which included a four chamber, an eight chamber and a larger chamber to enable the cremation of horses but was not specifically for the use of horses. The officer added that the intention of the applicant was for the facility to be used for horses kept as pets rather than farm or working horses. The officer further added that they did not believe the proposals to be an intensification of use because the vehicle increases arising would be a maximum of two per day.
5. Members noted that the applicant's licence would allow for the cremation of horses and not other farm animals. A Member stated that they were unsure why a change in licence to allow horse cremation was not considered as a 'change in use' by officers. Officers stated that there were a number of factors, as set out in the report, that officers view to be very special circumstances.
6. A Member stated that they did not believe commercial expansion to be a very special circumstance.
7. Officers highlighted that the proposed cremators would be more automatic and so would not likely require an engineer onsite. This would likely lead to a reduction of people needed on site.
8. The Chairman summarised the debate and stated that he was unsure whether very special circumstances had been proven. Further to this, the need to improve the facilities was acknowledged by the Chairman.
9. A Member said that they were unable to support the proposal due to the impact on the openness of the Green Belt, local policy and the intensification of the use in the Green Belt.
10. A Member noted that the existing arrangements on site did not satisfactorily accommodate its use, and the environmental improvements proposed. It was also noted that the proposals would make the cremations more efficient and environmentally friendly going into the future. The Member stated that they accepted that very special

circumstances had been demonstrated and that they were minded to vote for the application.

11. A Member said that there was a high bar in relation to very special circumstances and that he was concerned with the size, mass and volume of the proposal and was therefore minded to vote against the application.
12. A Member stated that the nature of the applicant was not relevant and that they were minded to vote for the application due to the land being previously developed and in use for over 40 years. The Member added that there were a number examples of other redevelopments in the area.
13. The Chairman moved the recommendation which received two votes for, nine against, and zero abstentions.
14. The Chairman and officers summarised that the reasons for refusal discussed during the committee's debate were related to the increase in scale, volume and mass of the building, that it was an inappropriate development in the Green Belt and would have an impact upon the openness of the greenbelt, and that Members were not persuaded that very special circumstances exist to outweigh the substantial harm to the Green Belt and would therefore be contrary to the National Planning Policy Framework and Local Plan policy. The Chairman moved a vote on the reasons for refusal which received 9 votes for, two against and zero abstentions. The Chairman noted that officers, in conjunction with the Chairman and Vice-Chairman, would finalise the final wording of the reasons for refusal.

Actions / Further information to be provided:

None.

Resolved:

The Committee refused the application due to the increase in scale, volume and mass of the building, that it was an inappropriate development in the Green Belt and would have an impact upon the openness of the greenbelt, and that Members were not persuaded that very special circumstances exist to outweigh the substantial harm to the Green Belt and would therefore be contrary to the National Planning Policy Framework and Local Plan policy.

The Chairman noted that officers, in conjunction with the Chairman and Vice-Chairman, would finalise the final wording of the reasons for refusal outside the meeting.

8/24 DATE OF NEXT MEETING [Item 8]

The date of the next meeting was noted.

Meeting closed at 12.10 pm

Chairman