

**PLANNING AND REGULATORY COMMITTEE  
NOTICE OF MEETING**

**Date:** Wednesday, 28 February 2024  
**Time** 10.30 am  
**Place:** Council Chamber, Woodhatch Place, 11 Cockshot Hill, Reigate, Surrey, RH2 8EF

**Contact:** Joss Butler

**Email:** [joss.butler@surreycc.gov.uk](mailto:joss.butler@surreycc.gov.uk)  
 [For queries on the content of the agenda and requests for copies of related documents]

**APPOINTED MEMBERS [11]**

Ernest Mallett MBE	West Molesey;
Jeffrey Gray	Caterham Valley;
Victor Lewanski	Reigate;
Scott Lewis	Woodham and New Haw;
Catherine Powell	Farnham North;
Jeremy Webster	Caterham Hill;
Edward Hawkins (Chairman)	Heatherside and Parkside;
John Robini	Haslemere;
Richard Tear (Vice-Chairman)	Bagshot, Windlesham and Chobham;
Jonathan Hulley	Foxhills, Thorpe & Virginia Water;
Chris Farr	Godstone;

**EX OFFICIO MEMBERS (NON-VOTING) [4]**

Saj Hussain	Chair of the Council	Knaphill and Goldsworth West;
Tim Oliver	Leader of the Council	Weybridge;
Tim Hall	Vice Chair of the Council	Leatherhead and Fetcham East;
Denise Turner-Stewart	Deputy Leader and Cabinet Member for Customer and Communities	Staines South and Ashford West;

**APPOINTED SUBSTITUTES [09]**

Stephen Cooksey	Dorking South and the Holmwoods;
Nick Darby	The Dittons;
Amanda Boote	The Byfleets;
David Harmer	Waverley Western Villages;
Trefor Hogg	Camberley East;
Riasat Khan	Woking North;
Mark Sugden	Hinchley Wood, Claygate and Oxshott;
Buddhi Weerasinghe	Lower Sunbury and Halliford;
Fiona White	Guildford West;
Keith Witham	Worplesdon;
Luke Bennett	Banstead, Woodmansterne & Chipstead;
Harry Boparai	Sunbury Common & Ashford Common;

**Register of planning applications: <http://planning.surreycc.gov.uk/>**



## AGENDA

### 1 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

To receive any apologies for absence and notices of substitutions under Standing Order 41.

### 2 MINUTES OF THE LAST MEETING

(Pages 1 - 6)

To confirm the minutes of the meeting held on 20 December 2023.

### 3 PETITIONS

To receive any petitions from members of the public in accordance with Standing Order 84 (please see note 5 below).

### 4 PUBLIC QUESTION TIME

To answer any questions received from local government electors within Surrey in accordance with Standing Order 85 (please see note 6 below).

### 5 MEMBERS' QUESTION TIME

To answer any questions received from Members of the Council in accordance with Standing Order 68.

### 6 DECLARATIONS OF INTERESTS

All Members present are required to declare, at this point in the meeting or as soon as possible thereafter

- (i) Any disclosable pecuniary interests and / or
- (ii) Other interests arising under the Code of Conduct in respect of any item(s) of business being considered at this meeting

#### NOTES:

- Members are reminded that they must not participate in any item where they have a disclosable pecuniary interest
- As well as an interest of the Member, this includes any interest, of which the Member is aware, that relates to the Member's spouse or civil partner (or any person with whom the Member is living as a spouse or civil partner)
- Members with a significant personal interest may participate in the discussion and vote on that matter unless that interest could be reasonably regarded as prejudicial.

### 7 MINERALS/WASTE EL2023/0344 - SILVERMERE HAVEN PET CEMETERY, BYFLEET ROAD, COBHAM, SURREY, KT11 1DZ

(Pages 7 - 86)

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.

## 8 DATE OF NEXT MEETING

The next meeting of the Planning & Regulatory Committee will be on 27 March 2024.

Joanna Killian  
Chief Executive  
20 February 2024

### MOBILE TECHNOLOGY AND FILMING – ACCEPTABLE USE

Those attending for the purpose of reporting on the meeting may use social media or mobile devices in silent mode to send electronic messages about the progress of the public parts of the meeting.

Anyone is permitted to film, record or take photographs at council meetings. Please liaise with the council officer listed in the agenda prior to the start of the meeting so that those attending the meeting can be made aware of any filming taking place.

Use of mobile devices, including for the purpose of recording or filming a meeting, is subject to no interruptions, distractions or interference being caused to the PA or Induction Loop systems, or any general disturbance to proceedings. The Chairman may ask for mobile devices to be switched off in these circumstances.

It is requested that if you are not using your mobile device for any of the activities outlined above, it be switched off or placed in silent mode during the meeting to prevent interruptions and interference with PA and Induction Loop systems.

*Thank you for your co-operation*

**Note:** *This meeting may be filmed for live or subsequent broadcast via the Council's internet site - at the start of the meeting the Chairman will confirm if all or part of the meeting is being filmed. The images and sound recording may be used for training purposes within the Council.*

*Generally the public seating areas are not filmed. However by entering the meeting room and using the public seating area, you are consenting to being filmed and to the possible use of those images and sound recordings for webcasting and/or training purposes.*

*If you have any queries regarding this, please contact the representative of Legal and Democratic Services at the meeting*

## NOTES:

1. Members are requested to let the Democratic Services Officer have the wording of any motions and amendments not later than one hour before the start of the meeting.
2. Substitutions must be notified to the Democratic Services Officer by the absent Member or group representative at least half an hour in advance of the meeting.
3. Planning officers will introduce their report and be able to provide information or advice to Members during the meeting. They can also be contacted before the meeting if you require information or advice on any matter. Members are strongly encouraged to contact the relevant case officer in advance of the meeting if you are looking to amend or add conditions or are likely to be proposing a reason for refusal. It is helpful if officers are aware of these matters in advance so that they can better advise Members both before and during the meeting.
4. Members of the public can speak at the Committee meeting on any planning application that is being reported to the Committee for decision, provided they have made written representations on the application at least 14 days in advance of the meeting, and provided they have registered their wish to do so with the Democratic Services Officer no later than midday on the working day before the meeting. The number of public speakers is restricted to three objectors and three supporters in respect of each application.
5. Petitions from members of the public may be presented to the Committee provided that they contain 100 or more signatures and relate to a matter within the Committee's terms of reference. The presentation of petitions on the following matters is not allowed: (a) matters which are "confidential" or "exempt" under the Local Government Access to Information Act 1985; and (b) planning applications. Notice must be given in writing at least 14 days before the meeting. Please contact the Democratic Services Officer for further advice.
6. Notice of public questions must be given in writing at least 7 days before the meeting. Members of the public may ask one question relating to a matter within the Committee's terms of reference. Questions on "confidential" or "exempt" matters and planning applications are not allowed. Questions should relate to general policy and not detail. Please contact the Democratic Services Officer for further advice.
7. On 10 December 2013, the Council agreed amendments to the Scheme of Delegation so that:
  - All details pursuant (applications relating to a previously granted permission) and non-material amendments (minor issues that do not change the principles of an existing permission) will be delegated to officers (irrespective of the number of objections).
  - Any full application with fewer than 5 objections, which is in accordance with the development plan and national policies will be delegated to officers.
  - Any full application with fewer than 5 objections that is not in accordance with the development plan (i.e. waste development in Green Belt) and national policies will be delegated to officers in liaison with either the Chairman or Vice Chairman of the Planning & Regulatory Committee.
  - Any application can come before committee if requested by the local member or a member of the Planning & Regulatory Committee.

The revised Scheme of Delegation came into effect as of the date of the Council decision.

# TOWN AND COUNTRY PLANNING ACT 1990 – GUIDANCE ON THE DETERMINATION OF PLANNING APPLICATIONS

This guidance forms part of and should be read in conjunction with the Planning Considerations section in the following committee reports.

Surrey County Council as County Planning Authority (also known as Mineral or Waste Planning Authority in relation to matters relating to mineral or waste development) is required under Section 70(2) of the Town and Country Planning Act 1990 (as amended) (1990 Act) when determining planning applications to “*have regard to (a) the provisions of the development plan, so far as material to the application, (b) any local finance considerations, so far as material to the application, and (c) any other material considerations*”. This section of the 1990 Act must be read together with Section 38(6) of the Planning and Compulsory Purchase Act 2004 (2004 Act), which provides that: “*If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.*”

## Development plan

In Surrey the adopted development plan consists of the:

- Surrey Minerals Local Plan 2011 (comprised of the Core Strategy and Primary Aggregates Development Plan Documents (DPD))
- Surrey Waste Local Plan 2020 (for the period 2019-2033 and comprised of the Surrey Waste Local Plan Part 1 Policies and Surrey Waste Local Plan Part 2 Sites)
- Aggregates Recycling Joint Development Plan Documents (DPD) for the Minerals and Waste Plans 2013 (Aggregates Recycling DPD 2013)
- Any saved local plan policies and the adopted Local Development Documents (development plan documents and supplementary planning documents) prepared by the eleven Surrey district/borough councils for their area.
- South East Plan 2009 Policy NRM6 Thames Basin Heaths Special Protection Area (apart from Policy NRM6 and a policy relating to the former Upper Heyford Air Base in Oxfordshire the rest of the plan was revoked on 25 March 2013)
- Any neighbourhood plans (where they have been approved by the local community at referendum)

Set out in each report are the development plan documents and policies which provide the development plan framework relevant to the application under consideration.

## Material considerations

Material considerations will vary from planning application to planning application and can include: relevant European policy; the National Planning Policy Framework (NPPF) 2023 and subsequent updates; the March 2014 national Planning Practice Guidance (PPG) and updates; National Planning Policy for Waste (NPPW) October 2014; Waste Management Plan for England 2021; extant planning policy statements; Government Circulars and letters to Chief Planning Officers; emerging local development documents (being produced by Surrey County Council, the district/borough council or neighbourhood forum in whose area the application site lies).

## National Planning Policy Framework and Planning Practice Guidance

The [National Planning Policy Framework](#) (NPPF) was revised in September 2023. The revised NPPF replaces the previous NPPF published in March 2012 and revised in July 2018, February 2019, and July 2021. It continues to provide consolidated guidance for local planning authorities

and decision takers in relation to decision-taking (determining planning applications) and in preparing plans (plan making).

The NPPF sets out the Government's planning policies for England and how these are expected to be applied and the associated March 2014 [Planning Practice Guidance](#) (PPG) provides related guidance. The NPPF should be read alongside other national planning policies on [Waste](#), [Travellers](#), [Planning for Schools Development](#), [Sustainable Drainage Systems](#), [Parking](#), and [Starter Homes](#).

At the heart of the NPPF is a presumption in favour of sustainable development (paragraphs 10 and 11). The NPPF makes clear that the planning system has three overarching objectives in order to achieve sustainable development, which are interdependent and need to be pursued in mutually supportive ways in order to take opportunities to secure net gains across each of the different objectives. These objectives are economic, social and environmental.

The presumption in favour of sustainable development in the NPPF does not change the statutory principle that determination of planning applications must be made in accordance with the adopted development plan unless material considerations indicate otherwise. The NPPF is one of those material considerations. In determining planning applications the NPPF (paragraph 11) states that development proposals that accord with the development plan should be approved without delay. Where there are no relevant development plan policies, or the policies which are most important in determining an application are out of date, permission should be granted unless the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole.

The NPPF aims to strengthen local decision making and reinforce the importance of up to date plans. Annex 1 paragraph 219 states that in determining planning applications, local planning authorities should give due weight to relevant policies in existing plans according to their degree of consistency with the NPPF (the closer the policies are to the policies in the Framework, the greater the weight they may be given).

## Human Rights Act 1998 Guidance For Interpretation

The Human Rights Act 1998 does not incorporate the European Convention on Human Rights into English law. It does, however, impose an obligation on public authorities not to act incompatibly with those Convention rights specified in Schedule 1 of that Act. As such, those persons directly affected by the adverse effects of decisions of public authorities may be able to claim a breach of their human rights. Decision makers are required to weigh the adverse impact of the development against the benefits to the public at large.

The most commonly relied upon articles of the European Convention are Articles 6, 8 and Article 1 of Protocol 1. These are specified in Schedule 1 of the Act.

Article 6 provides the right to a fair and public hearing. Officers must be satisfied that the application has been subject to proper public consultation and that the public have had an opportunity to make representations in the normal way and that any representations received have been properly covered in the report.

Article 8 covers the right to respect for a private and family life. This has been interpreted as the right to live one's personal life without unjustified interference. Officers must judge whether the development proposed would constitute such an interference and thus engage Article 8.

Article 1 of Protocol 1 provides that a person is entitled to the peaceful enjoyment of his possessions and that no-one shall be deprived of his possessions except in the public interest. Possessions will include material possessions, such as property, and also planning permissions and possibly other rights. Officers will wish to consider whether the impact of the proposed development will affect the peaceful enjoyment of such possessions.

These are qualified rights, which means that interference with them may be justified if deemed necessary in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

Any interference with a Convention right must be proportionate to the intended objective. This means that such an interference should be carefully designed to meet the objective in question and not be arbitrary, unfair or overly severe.

European case law suggests that interference with the human rights described above will only be considered to engage those Articles and thereby cause a breach of human rights where that interference is significant. Officers will therefore consider the impacts of all applications for planning permission and will express a view as to whether an Article of the Convention may be engaged.



**MINUTES** of the meeting of the **PLANNING AND REGULATORY COMMITTEE** held at 10.30 am on 20 December 2023 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  
Victor Lewanski  
Scott Lewis  
Catherine Powell  
Jeremy Webster  
Edward Hawkins (Chairman)  
John Robini  
Richard Tear (Vice-Chairman)

**Apologies:**

Jeffrey Gray  
Jonathan Hulley  
Chris Farr

**80/23 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS [Item 1]**

Apologies were received from Jeffrey Gray, Jonathan Hulley and Chris Farr.

**81/23 MINUTES OF THE LAST MEETING [Item 2]**

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

**82/23 PETITIONS [Item 3]**

There were none.

**83/23 PUBLIC QUESTION TIME [Item 4]**

There were none.

**84/23 MEMBERS' QUESTION TIME [Item 5]**

There were none.

**85/23 DECLARATIONS OF INTERESTS [Item 6]**

There were none.

**86/23 SURREY COUNTY COUNCIL PROPOSAL WA/2023/01785 - THE ABBEY SCHOOL, MENIN WAY, FARNHAM, SURREY, GU9 8DY [Item 7]**

**Officers:**

Chris Turner, Senior Planning Officer

**Officer Introduction:**

1. The Senior Planning Officer introduced the report and update sheet and provided Members with a brief overview. Members noted that the reason for the application was that the original application ref: WA/2021/02235 did not include a detailed design for the associated plant and a condition was not imposed on the permission requesting such details to be submitted. The plant was indicated to be located on the roof of the single storey element of the sports hall. The applicant had subsequently been in discussions with a neighbouring property and relocated the plant to the rear of the sports hall and submitted detailed designs of the plant, an acoustic fence to enclose the plant, a security fence to prevent access to the roofs of the sports hall and also a small amendment to car parking layout to include disabled parking. Full details could be found within the published report. The officer further highlighted that a revised version of the National Planning Policy Framework was circulated to Members however noted that there were no significant changes to note in relation to the current application.

**Speakers:**

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

1. That the new condition requiring absorptive panelling for the heat pumps was helpful but was not enough and that further consideration could be put into an alternative design and layout to avoid the pump's adverse effects.
2. That Members could add a condition that if the absorptive panelling was found to be inadequate that further steps should be taken.
3. That the sports hall was given planning permission despite objector requests to resite and that planning permission for the heat pumps was not sought.
4. That the heat pump's noise was not considered as part of the scheme's design.
5. That the report referred to BS 4142:2014 "Methods for rating and assessing industrial and commercial sound" but failed to mention key government guidance on it.
6. That the National Planning Practice Guidance and National Planning Policy Framework were clear that noise should be avoided rather than mitigated if above the Significant Observed Adverse Effect Level.

Mike Cole spoke on behalf of the applicant and made the following comments:

1. That the primary reason for the application was that the original application did not include a detailed design for the associated plant

and a condition was not imposed on the permission requesting such details to be submitted.

2. The plant was indicated to be located on the roof of the single storey element of the sports hall. The applicant had subsequently been in discussions with a neighbouring property and the applicant relocated the plant to the rear of the sports hall and submitted detailed designs of the plant and included an acoustic fence to enclose the plant.
3. That there were two units installed however typically only one of the two units would run at any given time. Very infrequently both units may run at the same time.
4. That during the application, comments were raised by the Environmental Health Department requiring a further noise assessment which was undertaken at the point when enhanced data could be collected. Following the assessment, there were no technical objections received from Environmental Health on planning grounds related to noise.
5. That it had been agreed to further mitigate any noise through the provision of absorptive panelling for the inner side of the screening around the units.

**Key points raised during the discussion:**

1. A Member asked for clarification on the distances between the neighbouring properties and the units. Officers confirmed that the heat pumps would measure approximately 9.5m from the boundary to the west and would measure 33m from the boundary to the south. Members further noted that Environmental Health were consulted and confirmed that the assessment had assessed the potential internal noise on the closest residential property and confirmed that the expected noise was below the World Health Organisation accepted noise levels and the British Standard Levels.
2. Members noted details of Condition 24 which stated that 'within 8 weeks of the date of this permission, the detailed specification of the absorptive acoustic panelling for the inner side of the screening around the air source heat pumps hereby permitted, shall be submitted for approval in writing to the County Planning Authority. The panelling shall be installed within 4 weeks of the date of the approval of the details and in strict accordance with them and retained in perpetuity'.
3. A Member stated that she believed the noise condition could be strengthened to address the concerns raised. It was asked that the condition include a requirement that noise monitoring be undertaken at points of sensitivity and to adjust the design of the acoustic panelling to address any identified issues. Officers said that, following the installation noted within Condition 24, an additional condition could be included to require that further monitoring be carried out and that if the results were to reveal any harmful impact, in relation to noise, that further detail of additional acoustic attenuation be provided to officers, approved and then installed. It was added that, as part of the approval process, consultation with Environmental Health would be included. The officer added that any additional attenuation could only be within the current enclosure.
4. In regard to the additional condition, a Member asked that a timescale of six months be included.

5. It was agreed that the full wording of the additional condition would be shared with the Chairman and Vice-Chairman for approval.

**Actions / Further information to be provided:**

None.

**Resolved:**

The Committee agreed to GRANT planning permission ref: WA/2023/01785 subject to Conditions within the report and update sheet, and the additional condition related to noise as noted within the minutes of the meeting.

**87/23 SURREY COUNTY COUNCIL'S LOCAL LIST: REQUEST FORMAL ADOPTION OF LOCAL LIST FOR THE VALIDATION OF COUNTY DEVELOPMENT AND COUNTY MATTERS PLANNING APPLICATIONS [Item 8]**

**Officers:**

Jessica Darvill, Planning Officer

**Key points raised during the discussion:**

1. Officers introduced the report and provided a brief summary. Members noted that the report was to advise Members of the responses in regard to the recent consultation on the proposed Local List for the Validation of Planning Applications received by Surrey County Council (the "Local List") and the amendments that have been made as a result. The Local List was prepared by the County Planning Authority to clarify what information is usually required for applications of a particular type, scale or location. Full details could be found within the published report. Members noted that the National Planning Policy Framework was recently updated however did not impact the report being considered.
2. Officers clarified that the document was for validation purposes and that further details, including those related to root protection areas and travel plans, if relevant, would be considered later on in the planning process.

**Action / Further information to be provided:**

None.

**Resolved:**

To ADOPT the Revised and Updated Local List of Validation of County Development and County Matters Planning Applications allowing for periodic reviews of this document and Officers to update technical notes, in consultation with relevant consultees, if necessary.

**88/23 DATE OF NEXT MEETING [Item 9]**

The date of the next meeting was noted.

Meeting closed at 11:30

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**Chairman**

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**To:** Planning & Regulatory Committee  
**By:** Planning Development Manager  
**District(s)** Elmbridge Borough Council  
**Weybridge**  
**Mr Oliver**

**Date:** 28 February 2024  
**Electoral Division(s):**

**Purpose:** For Decision

**Case Officer:**  
**Dawn Horton-Baker**  
**Grid Ref:** 508461 160858

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**Title: Minerals/Waste EL2023/0344**

**Silvermere Haven Pet Cemetery, Byfleet Road, Cobham, Surrey, KT11 1DZ**

**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.**

### ***Summary Report***

The application site is part of an existing animal crematorium and burial ground known as Silvermere Haven Pet Cemetery and Crematorium which lies within the Metropolitan Green Belt. The proposal seeks permission for the demolition of all the existing buildings and structures on the application site and their replacement with a single modern state of the art Crematorium building on a different part of the site further to the south.

A total of 94 representations have been received which includes two petitions, one with 1425 individual signatures and another with 34 signatures. 1 of these representations make comments on the proposal whereas the others (including the petition) raise objections to the proposal on the grounds which are summarised in the report. Several consultations were undertaken most of these requesting further information or the attachment of conditions or informatives, all of which has been considered and actioned as appropriate by officers. The Borough Council raises an objection to the proposal on Green Belt grounds.

Although the proposal is for a replacement building which can be appropriate in the Green Belt, in this case the new building is materially larger than those buildings which would be replaced and as such the proposal represents *Inappropriate Development*. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Very special circumstances will not exist unless the *potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal*, is clearly outweighed by other considerations.

The applicant has put forward a detailed case in support of the proposal and why they consider there are very special circumstances existing in this case. This is set out in detail in the report and revolves around the fact that this is an existing long-standing existing facility providing a valuable service to a demonstrated need in the area and the proposal is the minimum required to bring the use up to current standards to continue operating into the future.

The report summarises the assessment which has been made in respect of the key issues identified in this case such as residential amenity, highways, biodiversity etc. It is concluded that subject to appropriate planning conditions the proposal would not cause harm in any of the areas considered, except for the harm caused to the Green Belt.

Officers consider that the proposal would cause harm to the openness of the Green Belt as the proposed new building is larger than those that it replaces. However there are reasons why officers consider that the overall impact of the loss of openness is limited in this case. But as the proposal represents inappropriate development in the Green Belt, the harm caused by the proposal by virtue of its inappropriateness and the harm caused to openness must be given significant weight in the planning balance.

Officers however consider that there are considerations in this case which together represent *very special circumstances* that clearly outweigh the harm to the Green Belt caused by reason of inappropriateness and the harm to openness, and which justify the grant of planning permission, subject to planning conditions.

**The recommendation is to APPROVE the application subject to conditions.**

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### ***Application details***

#### ***Applicant***

CVS (UK) Ltd

#### ***Date application valid***

28 December 2022

#### ***Period for Determination***

08 March 2024 (extension of time agreed by the applicant)

#### ***Amending Documents***

Green Belt Justification Statement dated 6 February 2023

Biodiversity Metric received 6 February 2023

Response to Cobham Conservation and Heritage Trust Response dated June 2023

Applicant Response to Thames Water dated June 2023

Desk-Based Archaeological Assessment YA/2023/151 dated 12 July 2023

Noise Impact Assessment Project Reference No: NP-009753 - NOVA Acoustics Ltd  
28 July 2023

Letter on Air Quality dated 14 September 2023

Landscape and Ecology Management Plan RT-MME-160973-01-Rev A dated  
September 2023



Luminaire Schedule 0002297674 Rev 2 Option dated 21 August 2023 (not approved)  
 Bat Surveys RT-MME-160973-02 dated September 2023  
 E-mail From Agent dated 30 August 2023 providing Hours Of Incineration  
 Drawing ZG-DWG-0002297674-OP2-R02-210923 (Rev: R2) External Lighting - Opt2 dated 21 September 23 (not approved)  
 Odour Response from Alderley Consulting Group on behalf of applicant dated 26 October 2023  
 Noise Impact Assessment from Nova Project Reference No: NP-009753 Rev 003 dated 20 October 2023  
 Great Crested Newt Survey RT-MME-160600-01 dated August 2023

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**Summary of Planning Issues**

This section identifies and summarises the main planning issues in the report. The full text should be considered before the meeting.

Issue	Is this aspect of the proposal in accordance with the Development Plan?	Paragraphs in the report where this has been discussed
<b>GREEN BELT</b>	No but <i>very special circumstances</i> proposed which can be considered in the Planning Balance	57- 90 & 235 - 243
<b>WASTE MANAGEMENT</b>	Yes	91 - 110
<b>HIGHWAYS, TRAFFIC AND ACCESS</b>	Yes	111 - 127
<b>DESIGN AND VISUAL APPEARANCE</b>	Yes	128 - 136
<b>CONTAMINATION</b>	Yes	137 - 145
<b>IMPACT ON RESIDENTIAL AMENITY</b>	Yes	146 - 178
<b>TREE AND LANDSCAPE IMPACT (INCLUDING LIGHT POLLUTION)</b>	Yes	179 - 207
<b>ECOLOGY AND BIODIVERSITY</b>	Yes	208 - 217
<b>ARCHAEOLOGY</b>	Yes	218 - 222
<b>FLOOD RISK AND DRAINAGE</b>	Yes	223 - 233

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**Illustrative material**

**Site Plan**  
 Plan 1

## Aerial Photographs

Aerial 1

## Site Photographs

**Photo 1** Entrance to Silvermere Haven from Byfleet Road (looking south)

**Photo 2** Existing car park adjacent to site entrance

**Photo 3** Existing reception/office building (to be removed)

**Photo 4** Existing car park for crematorium use (unaffected by proposal)

**Photo 5** View to northeast over burial and memorial gardens (unaffected by proposal)

**Photos 6, 7, 8 and 9** Existing cremation hall – external and internal (to be removed)

**Photo 10** Internal driveway to site of proposed new building (looking south)

**Photos 10, 11, and 12** Site of the proposed new building

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## Background

### Description of existing use and background to the proposal

- 1 The Site is part of an existing animal crematorium and burial ground known as Silvermere Haven Pet Cemetery and Crematorium which has been in operation since the late 1970s. The wider site stretches to circa 4.1ha including the adjacent burial ground.
- 2 The existing facilities at the site have operated for over 40 years and include a number of buildings located on the northern part of the site including a single storey crematorium building housing a single-chamber cremator, a cremator with two existing single chambers (one communal, one individual), a double-chamber cremator and an eight-chamber cremator, as well as a temporary cold storage and office. The existing crematorium building is limited in size and immediate external spaces are used for storage of cadavers, including waste containers.
- 3 Since the date of submission of the previous application in August 2019, (reference EL/2019/2722) the business introduced a “Direct Pet Cremation” service in 2021, which directly resulted in an increase in employee headcount. The volume of direct pet cremations increased to 11.2% in 2021 from 3.2% in 2020. More staff were required to assist with this increased work. In 2019, the business employed 16 full time employees and by October 2021 this had increased to 23 full time employees. The number of full-time administrators, ancillary staff and directors also increased and has continued to increase from 2020 to 2022. There has been a resultant growth of pet cremation volumes of 7% year on year – the number of pets received for direct pet cremation increased from circa 24 per week in 2020 to over 90 per week in 2021. Pets received for such cremation cannot be cremated until contact has been made with their owner, the type of cremation and any ancillary services established, and the cremation paid for. This typically results in an on-hold duration of 2-3 days in which time it is necessary to store the circa 50 pets, that the business holds in this state at any given time, in an additional cold storage.

- 4 To accommodate this increase in staff, and the need for additional cold storage a temporary modular office and cold store were installed on the site and retrospective planning permission was granted for these for a temporary period of three years on 08 November 2022 (reference EL/2022/1648).
- 5 The current situation regarding the waste transfer element of the operation is that it processes 120 tonnes of hazardous and 200 tonnes of non-hazardous waste. The crematorium incinerates 360 tonnes of pet cadavers by individual cremations and 345 tonnes of cadavers by communal cremations, which creates circa 31.70 tonnes of ash.
- 6 The business currently serves over 280 vets throughout Greater London, the Home Counties and East Anglia as well as offering direct service to individual customers. At the wider site, 3,500 pets have been buried with well over 150,000 pets cremated, 47,000 in the year 2022, up from 42,510 in the year 2021 and up from 39,693 in 2020.
- 7 There has been a significant upward trend in the demand for the *individual* cremation of pets, up from 34% of pets cremated in June 2014 to 50% of pets cremated in February 2020. This increase in demand has continued and it is expected to continually increase, which is a marked change from the previous approach of a significant number of pets being cremated communally. The applicant considers that there is also an identified need for equine cremation services within the geographical area of the site. There is a concentration of horse owners within the area but a limited-service offer (4 facilities ranging from rudimentary knackers yards to pet crematorium). The alternative providers are circa 40 to 70 miles away from the Site.
- 8 The current facilities at the site are now at physical and operational capacity with aging, unsustainable cremators that do not cater for the needs of a modern pet and equine cremation service. It is not able to offer equine cremations and therefore assist in meeting a need for this service within the area and it is also unable to provide the necessary facilities for the visiting public. Service vehicle manoeuvring and the handling of cadavers is currently severely constrained. Further, recent regulatory changes prevent the storage and handling of waste on areas other than impermeable areas with engineered drainage and prevent the storage of hazardous waste externally. This cannot be accommodated at the Site currently.

### **Site Description**

- 10 The site lies in northern Surrey, between the settlements of Byfleet and Cobham and is approximately 1km west of the A3 Esher Bypass, some 1.5km north of junction 10 of the M25 and is immediately to the south of the A245 Byfleet Road, which forms its northern boundary and from which it is accessed by a single vehicular access.

- 11 It is surrounded on its eastern side by agricultural land and a small number of residential properties, on its southern side by Silvermere Golf and Leisure Centre, and on its western side by a further small number of residential properties.
- 12 A majority of the site consists of the existing pet burial ground along the northern boundary, and a large area of grass and woodland which covers the north-eastern corner as well as the eastern and central sections. The application site itself forms the western edge of the wider Silvermere Haven site, stretching from the boundary with Byfleet Road in the north, down to the boundary with Silvermere Golf and Leisure Centre to the south.
- 13 As shown on Fig 1 below the application site is currently split into two distinct zones the crematorium site to the north and the service yard to the south. The northern half of the application site (coloured yellow) currently consists of three main single storey buildings – used as offices & chapels of rest, a cremation hall, and a support building – as well as vehicle parking areas. In late 2020 additional *temporary* reception and storage buildings were installed on the car parking area on this part of the site. The southern half of the application site comprises a large, informal service yard & car park, which is accessed via a narrow sloping track from the north (coloured blue). Due to the topography of the sloping application site, the northern half of the site is approximately more than five metres higher than the southern half.



Figure 1 – description of site

- 14 The waste transfer use is currently accommodated within around 30 x 770 litre bins for hazardous and incineration waste and 2 no. large skips for non-hazardous waste. These are sited along the internal access road and within the rear part (coloured blue and where the proposed new building would be sited).
- 15 the current business was established on this site in 1977 and has continued to provide a service to the local community since that time. The existing

buildings on the site are now outmoded being undersized and unable to accommodate adequate facilities for staff or visitors up to modern standards.

- 16 The site lies within the Metropolitan Green Belt and is within 5km of the Thames Basin Heath Special Protection Area. It is also identified in the development plan as a Biodiversity Opportunity Area and is partly covered by Area Tree Preservation Order EL:88 which relates to two belts of trees one along the frontage of the site with Byfleet Road and the other along the rear southern boundary of the site near where the proposed new building would be sited. The site is also located within the Weybridge Settled and Wooded Sandy Farmland Landscape Character Area (SS9) (Surrey LCA, 2015) where key characteristics include relatively flat topography, falling south-west towards the River Wey, with views across the landscape highly constrained by woodland and vegetation along boundaries and roads. This results in an enclosed, intimate landscape, with the adjacent suburban influences of Weybridge generally obscured by the significant tree cover. Nos 1, 2 and 3 Silvermere, Silvermere House, Silvermere Lodge, Clock House and Greenglade, and Silvermere Pond to the west of the application site are all included within Elmbridge Borough Council's List of Local Heritage Assets (Local List).

### ***Planning History***

17. There have been a considerable number of planning applications on this site submitted to both Elmbridge Borough Council and Surrey County Council, the most notable are listed below:
- 1972/0932** Erection of 9 houses – Refused and dismissed on appeal
  - 1973/1660** Erection of an agricultural dwelling for nursery holding Refused
  - 1975/1198** Erection of agricultural workers dwelling, and two glasshouses and access Refused
  - 1976/0446** Formation of vehicular access Refused
  - 1976/0775** Formation of agricultural access Permitted
  - 1976/1112** Formation of pet cemetery Permitted
  - 1977/0622** Outline application for erection of a dwelling Refused and dismissed on appeal
  - 1977/1303** Erection of a garage for vehicle equipment and storage Permitted
  - 1979/1475** Extend burial area by four acres Refused
  - 1979/1476** Parking of caravan for use as an office for a temporary period of two years Permitted

**1979/1477** Outline application for a detached two storey house implement store external toilet workshop and office Refused

**1981/0316** Use of part of the site as a pet cemetery Permitted

**1985/0443** Retention and continued use of storage shed Permitted

**1986/1516** Single storey building to house incineration equipment Permitted

**1987/1260** Erection of a detached house with ancillary office Refused

**1990/1142** Erection of single storey rear extension to existing incinerator Permitted

**1990/1143** Erection of ancillary building with storage areas, chapel of rest area and associated facilities Refused

**1992/1391** Retention of incinerator Permitted

**1993/0827** Single storey extension to incinerator Permitted

**1994/1165** Use of the site as a transfer station for clinical wastes Permitted

**1995/0360** Retention of car park Permitted

**1996/0097** Two single storey extensions to existing incinerator detached single storey office/chapel of rest and extension to flue Permitted

**1996/0361** Detached two storey house for use as a caretaker dwelling Refused

**1998/01685** Fell tree covered by TPO EL:88 Consent Granted

**2004/0441** Single storey staff building following demolition of existing shed and garage Permitted

**2005/0590** Works to trees under TPO EL:88 Refused in part/lesser work permitted

**2007/3168** Single storey building for storage (240 sq. m) Outline planning permission Granted

**2008/1519** Consultation from Environment Agency Application for modification of Waste Management Licence WML 1173 Raise no objection

**2009/1720** Single storey building for storage Permitted 2012/4159 Works to trees under TPO EL:88 Refused in part/refuse in part/lesser work permitted

**2015/1816** Works to trees under TPO EL:88 Consent granted

**EL/2019/2722** Demolition of all existing buildings and structures on the site and the construction of a new crematorium building incorporating within it a

reception area, chapel of rest and cremation hall with ancillary office accommodation, together with storage areas including secure storage for the existing waste transfer use, landscaping, and associated works. Withdrawn by the applicants on 25 May 2022.

**EL/2022/1648** Retrospective application to retain office building and cold store unit buildings for a temporary period. Permitted for 3 years from 26 October 2022

### **Environmental Impact Assessment Screening Opinion in relation to EL/2019/2722**

- 18 The previously proposed development (planning application Ref. EL/2019/2722) was evaluated by Surrey County Council as the County Planning Authority (CPA) in line with the Town & Country Planning (Environmental Impact Assessment) Regulations 2017) (as amended by Statutory Instrument 2018 No.695) (the EIA Regulations), and the advice set out in the national Planning Practice Guidance (NPPG) on EIA. It was recommended that the proposed development **does not constitute 'EIA Development'**. (This opinion has been resubmitted with this current application as the proposal is very similar)
- 19 The main reasons for recommending that the proposed development does not require EIA are that:
  1. The proposed development would deliver improvements to the facilities and capacity of an established pet crematorium.
  2. The redevelopment would affect an area of land that measures some 0.57 hectares, which does not exceed the 10 hectare indicative threshold for EIA cited in the national Planning Practice Guidance on that topic.
  3. No new waste disposal capacity would be provided as a consequence of the proposed development.
  4. The improved facility would dispose of no more than 10 tonnes of waste per day by means of incineration, which if operated at maximum capacity for six days per week would result in the processing of 3,120 tonnes of waste per year.
  5. A waste transfer service is also provided from the site, handling 168 tonnes of waste per year. The operation of the improved facility would not exceed the 50,000 tonne per year indicative threshold for EIA cited in the national Planning Practice Guidance on that topic.
  6. The proposed development site is not situated within any of the categories of sensitive areas listed under Regulation 2 of the EIA Regulations as follows:
    - The closest Scheduled Monument is the 'Large multivallate hillfort on St George's Hill' (Historic England List ID 1008475) located some 0.61 kilometres to the north and separated from the application site by a combination of golf course and residential development interspersed with woodland. The

Scheduled Monument has been subject to residential development in the past, with a number of properties located on the site. The proposed development would not result in any direct impacts on the fabric of the Scheduled Monument, given the geographical separation of the application site from the designated heritage asset. The part of the application site on which the new chapel of rest and cremation hall would be built is bounded to the north, south and west by established woodland or tree belts, which would serve to screen the new building from immediate and more distant views, including from the Scheduled Monument. The risk of significant impacts to the context and setting of the Scheduled Monument is therefore considered to be negligible.

- The closest national nature conservation site is the Ockham & Wisley Commons Site of Special Scientific Interest (SSSI), which is located some 0.97 kilometres to the south of the application site. The SSSI is separated from the application site by a range of intervening land uses, including residential properties, an established golf course, equestrian uses, highways, and woodland. The proposed development would not result in any direct impacts on the fabric of the SSSI, given the geographical separation of the application site from the designated ecological asset. Emissions from the disposal of waste by means of incineration can contribute to nutrient nitrogen deposition on sensitive habitats, including the lowland heathland habitats of the SSSI. The proposed development would involve a small increase in the cremation capacity of the established pet cemetery and crematorium, which would have a negligible impact on local concentrations of oxides of nitrogen in the air or concentrations of nutrient nitrogen deposited on the ground, including within the SSSI.
- The closest European nature conservation site is the Thames Basin Heaths Special Protection Area (SPA) is located some 1.60 kilometres to the south of the application site, from which it is separated by a range of intervening land uses and the M25 motorway. The proposed development would not result in any direct impacts on the fabric of the SPA, given the geographical separation of the application site from the designated ecological asset. Emissions from the disposal of waste by means of incineration can contribute to nutrient nitrogen deposition on sensitive habitats, including those of the bird species for which the SPA is designated. The proposed development would involve a small increase in the cremation capacity of the established pet cemetery and crematorium, which would have a negligible impact on local concentrations of oxides of nitrogen in the air or concentrations of nutrient nitrogen deposited on the ground, including within the SPA.



- The closest national landscape designation is the Surrey Hills Area of Outstanding Natural Beauty (AONB) located some 8.2 kilometres to south of the application site. The proposed development is too distant from the AONB to be a cause of any discernible impacts.

**EL2022/1648** Retrospective application to retain office building and cold store unit building for a temporary period. Temporary permission granted for three years 8 November 2022

### The proposal

- 20 The proposal is for the demolition of all of the existing permanent and temporary buildings and structures on the application site and their replacement with a single modern state of the art Crematorium building on a different part of the site further to the south.
- 21 The proposed new building would be a maximum of 9.75m high to the ridge of a steeply pitched roof with three external flue stacks serving the cremators rising to 15m on the southern elevation. The proposed building would have two distinct halves. The front half housing the reception and administrative functions would have a lower ridge height and width and would have external elevations of brick under an interlocking tiled roof with a front entrance porch projection finished in timber effect cladding. The larger rear half housing the cremators would have a higher ridge height and would be wider than the front element and would have external elevations of walls finished in timber effect cladding with a profiled sheeting roof.
- 22 The new building would be located towards the northern boundary of the existing service yard to the south to enable a suitably sized open service yard enclosed by a timber vertical fence to be provided to the south which would also be used for staff parking. See Figure 2 below. Visitor and staff parking as well as being retained on the site frontage would also be provided in front of the new building. Detailed landscaping proposals for the site have been submitted which include significant tree, shrub and wildflower planting across the area of the site currently occupied by the existing buildings as well as planting around the proposed new building to the south.

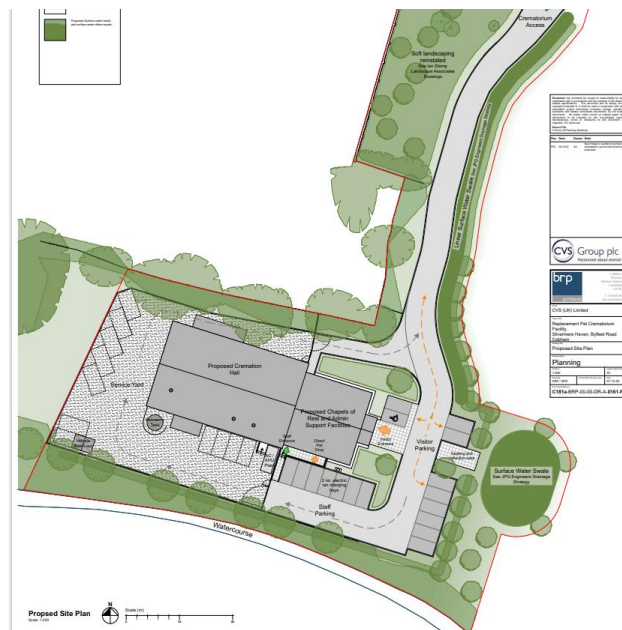


Fig 2 Proposed Site Plan (extract)

- 23 The applicant has provided a calculation of the existing and proposed building footprint, volume (including and excluding the temporary Cabin and Cold Store) and hardstanding areas by way of comparison as outlined below:

**Existing Cumulative Building Footprint Area:** 299 m<sup>2</sup> (Plus 49 m<sup>2</sup> of Temporary facilities granted under permission ref EL2022/1648\* = 348 m<sup>2</sup>)

**Existing Cumulative Building Volume:** 819 m<sup>3</sup> (Plus 137 m<sup>3</sup> of Temporary facilities granted under permission ref EL2022/1648\* = 956 m<sup>3</sup>)

**Existing Cumulative Hardstanding Area:** 3,402 m<sup>2</sup> Total Site Area 6,525 m<sup>2</sup> of Which Soft Landscaped 2,775 m<sup>2</sup> / 42.5% (Temporary permission ref EL2022/1648 granted 08th November 2022 and valid for 3 years from the date of approval)

**Proposed Building Footprint Area:** 649 m<sup>2</sup>

**Proposed Cumulative Building Volume:** 3,770 m<sup>3</sup>

**Proposed Cumulative Hardstanding Area:** 2,514 m<sup>2</sup> Total Site Area 6,525 m<sup>2</sup> of which Soft Landscaped 3,362 m<sup>2</sup> / 51.5%

- 24 The applicants have provided a number of documents in support of their proposal which will be referred to in the relevant sections of the report below. The applicant has submitted this application with supporting commentary that they consider that it *could be* considered as **appropriate development in the Green Belt**. Their arguments in this regard are outlined and assessed in the relevant Green Belt paragraphs of the report below. The applicant also puts forward arguments in their application documents that should the proposal be considered by officers to represent **inappropriate** development in the Green Belt then **very special circumstances** exist which outweigh any harm caused. Officers also set out the arguments/very special circumstances put forward and draw conclusions on them in the Green Belt sections of the report below.

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## ***Consultations and publicity***

### **Consultees (Statutory and Non-Statutory)**

25	Elmbridge Borough Council	Raise objection on grounds 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. It would result in materially larger building than the one it replaces, would have a greater impact on the openness of the Green Belt than the existing development and would conflict with the purposes of including land within the Green Belt. As such, the proposed development amounts to inappropriate development in the Green Belt that is, by definition, harmful to the Green Belt. The benefits advanced do not amount to very special circumstances that would clearly outweigh the identified harm to the Green Belt, which must be given substantial weight. Elmbridge Borough Council therefore maintains its objection to the proposal.
26	Borough EHO	No comments received.
27	Arboriculturalist	No comments received.
28	Archaeological Officer	No objection subject to conditions
29	Transport Development	No objections subject to conditions
30	County Ecologist	Requested additional information/species surveys which were submitted by the applicant. No objection subject to conditions
31	Environment Agency	No objection subject to conditions
32	Landscape	No objection subject to conditions relating to LEMP and to ensure maintenance of the landscaping scheme.
33	SuDS & Consenting Team	No objection subject to conditions
34	RPS - Air Quality	Requested further information which was provided. No objection

35	RPS - Lighting	Requested further information and amendments to lighting which was provided. No objection
36	RPS - Noise	Further information was requested which was provided. No objection subject to conditions
37	Thames Water	Provides advice and suggests informative
38	Guildford Borough Council	No comments received
39	Cobham Conservation & Heritage Trust	Raise objections on a number of grounds including that it represents inappropriate development in the Green Belt, no very special circumstances exist, harm to openness and traffic
40	Fairoaks Airport	No objections
41	Elmbridge Tree Officer	No comments received.
42	Cobham and Downside Res Association	No comments received.
43	St Georges Hill Residents' Association	No formal comments received (the petition with 34 signatures referred to in the next section is from residents of this estate)

### **Summary of publicity undertaken and key issues raised by public**

- 44 The application was publicised by the posting of a site notice and an advert was placed in the local newspaper. A total of 238 owner/occupiers of neighbouring properties were directly notified by letter. This included all those who made representations on the previous application (Ref: EL/2019/0125).
- 45 A total of 96 responses have been received as a result of this publicity which includes two petitions, one started via change.org submitted with 1425 individual signatures and another with 34 signatures and a letter from the Byfleet Residents Neighbourhood Forum. All these raise objections to the proposal with the exception of one which makes comments. The main points raised in the objections can be summarised as follows:
1. Inappropriate in the Green Belt
  2. Will cause an increase in traffic on an already busy road
  3. Will have negative impact in respect of air quality and pollution

4. No exceptional circumstances
5. Noise and pollution from incinerators will be constant
6. The site should service the local area only the proposal is too industrial in scale
7. Ashes could pollute water
8. There have already been fatalities on the adjacent road
9. A number of previous applications for development have been refused on this site
10. Horse owners in this area are breeders and commercial users not those keeping horses as pets so there may be a significant increase in activity
11. The incinerators will be working 24 hours a day 7 days a week to keep up with demand.
12. The new building is significantly bigger than the existing
13. How are the existing levels of odour and pollution at Silvermere Haven Pet Cemetery being used to evaluate the impact of this application, especially given its proximity to the M25 and A3?
14. Should the application be successful, what confidence can residents have that monitoring and enforcement of the facility will be undertaken to ensure it is not worsening odour or pollution issues in the local area?
15. What modelling regarding has been done regarding increase in use, traffic especially on the A245,
16. What assessment of local need has been undertaken for such an increase in incinerations of deceased animals?
17. CVS plans to build a larger waste facility in what is a Residential area. Most of CVS's other facilities are located in industrial sites, not in the midst of a residential area.

## Planning considerations

### Introduction

- 46 The guidance on the determination of planning applications, found at the end of this report, is expressly incorporated into this report and must be read in conjunction with the following paragraphs.
- 47 In considering this application the acceptability of the proposed development will be assessed against relevant development plan policies and material considerations. In this case the statutory development plan for consideration of the application consists of the Surrey Waste Local Plan 2019-2033, the Elmbridge Core Strategy 2011 and the Elmbridge Development Management Plan 2015.
- 48 The Surrey Waste Local Plan 2019-2033 sets out the spatial vision for Surrey together with key spatial objectives and strategic policies, contains site specific proposals for development of waste management facilities, and

contains a set of development control policies that apply across the whole County and apply to all waste management. The Plan sets out a framework for the development of waste management facilities in Surrey.

- 49 The Surrey Waste Local Plan is currently in the process of being replaced by a new Minerals and Waste Local Plan, which will be used to guide decisions about future minerals and waste management planning applications.
- 50 A public consultation, known as the 'Issues and Options' consultation, was undertaken by the CPA with regards to this new Local Plan between November 2021 and March 2022 to formally notify stakeholders of its intentions and to find out what is important to them about minerals and waste management development in the County. This included a 'call for sites' exercise, inviting landowners to nominate land in the County that may be suitable for future minerals and/or waste management development.
- 51 The policy options identified, all materials planning matters raised by stakeholders, and all site nominations made pursuant to the 'call for sites' exercise will now be considered by the CPA and used to inform the preparation of the new Plan, including its vision and strategic objectives, spatial strategy, policy framework, and any site allocations/areas of search.
- 52 The Elmbridge Core Strategy 2011 co-ordinates the delivery of development and accompanying infrastructure within the borough of Elmbridge, by identifying the major issues which affect the Borough now & in the future and considering how best to address these to deliver the right kind of development in the most suitable places, supported by good quality infrastructure & services.
- 53 Elmbridge Development Management Plan 2015 contains the day-to-day policies against which planning applications will be assessed, in order to ensure that development contributes to the wider strategic aims of the Core Strategy and delivers the long-term spatial vision for Elmbridge.
- 54 Elmbridge Borough Council are currently in the process of preparing a new Local Plan, which will set out the spatial strategy for the Borough for a 15-year plan period. A Regulation 19 consultation on the Draft Elmbridge Local Plan 2022-2037 took place between 17 June 2022 to 29 July 2022, this was the final stage of public engagement before the submission of the Draft Plan for public examination. On 10 August 2023, Elmbridge submitted the Local Plan to the Secretary of State for examination and an inspector has been appointed to handle this. Stage 1 Hearings are due to commence in late February 2024.
- 55 In accordance with Paragraph 48 of the National Planning Policy Framework (NPPF) 2023, weight can be given to relevant policies in *emerging* plans according to the stage of preparation (the more advanced its preparation, the greater the weight that can be given). Accordingly, given that the new Surrey Minerals and Waste Local Plan and the Draft Elmbridge Local Plan 2022-2037 have not reached any stage where their policies have been accepted as

'sound' they have not been taken into account in the consideration of this application.

- 56 In considering this application the acceptability of the proposed development will be assessed against relevant development plan policies and material considerations. In this case the main planning considerations are in terms of the implications on the Metropolitan Green Belt, together with waste considerations, visual/landscape impact, impact on neighbouring occupiers (odour, air quality, noise etc), ecology, lighting, ground & surface water, and highways.

## **GREEN BELT**

### **Surrey Waste Local Plan 2019-2033**

Policy 9 – Green Belt

### **Elmbridge Core Strategy 2011**

Policy CS1 – Spatial Strategy Policy

### **Elmbridge Local Plan Development Management Plan 2015**

Policy DM17 – Green Belt (Development of New Buildings)

- 57 The application site is within the Metropolitan Green Belt where policies of restraint apply. Paragraphs 142 and 143 of the NPPF state the great importance of the Green Belt in preventing urban sprawl by keeping land permanently open in order to:

- Check the unrestricted sprawl of large built-up areas.
- Prevent neighbouring towns merging into one another.
- Assist in safeguarding the countryside from encroachment.
- Preserve the setting and special character of historic towns, and
- Assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

- 58 Paragraphs 152 and 153 state that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Substantial weight should be given to any harm to the Green Belt, and therefore such circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

- 59 Paragraph 154 states that a planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:

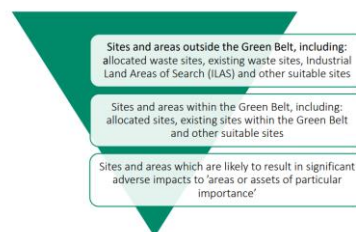
- (a) Buildings for agriculture and forestry
- (b) The provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.
- (c) The extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.

- (d) The replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces.
- (e) Limited infilling in villages.
- (f) Limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
- (g) Limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
  - Not have a greater impact on the openness of the Green Belt than the existing development; or
  - Not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the planning authority.

60 Paragraph 155 details that certain other forms of development are not inappropriate in the Green Belt, provided they preserve its openness and do not conflict with the purposes of including land within it. These are:

- a) Mineral extraction.
- b) Engineering operations.
- c) Local transport infrastructure which can demonstrate a requirement for a Green Belt location.
- d) The re-use of buildings provided that the buildings are of a permanent and substantial construction.
- e) Material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and
- f) Development, including buildings, brought forward under a Community Right to Build Order or Neighbourhood Development Order.

61 The Spatial Strategy within the Surrey Waste Plan (as illustrated in Figure 5 of that document reproduced below) states that 'redevelopment of suitable sites in existing waste management use is encouraged where improvement and diversification would lead to an increase in appropriate management capacity consistent with the waste hierarchy'.



62 Policy 8 of the Surrey Waste Plan states that improvement or extension of existing facilities may enable more waste to be recycled, recovered or processed for re-use within the established footprint of the site and with reduced impacts due to changes in technology or site layout. Waste development which seeks to improve the capacity and efficiency of existing



waste developments whilst reducing harmful impacts will be supported. Such proposals are considered against all the relevant policies of the Plan and in particular Policies 1 (concerning the need to manage waste in accordance with the waste hierarchy) and 14 (concerning impacts on communities and the environment). To ensure no loss in existing capacity, re-development of any existing waste management sites must ensure that the quantity of waste to be managed is equal to or greater than the quantity of waste for which the site currently has permission.

- 63 The accompanying commentary to Policy 8 of the Surrey Waste Plan states that the overarching need for waste management in Surrey combined with a lack of suitable alternative sites outside the Green Belt and the need to locate facilities close to sources of waste, such as households and businesses, are among the reasons why it is considered that very special circumstances may exist for allowing development within the Green Belt. Further reasons are the wider social and environmental benefits associated with sustainable waste management, including the need for a range of sites. 'Other considerations' which need to be weighed when determining whether very special circumstances exist may include (inter alia) the following: i) The lack of suitable non-Green Belt sites; ii) The need to find locations well related to the source of waste arisings; iii) The characteristics of the waste development including scale and type of facility; iv) The wider environmental and economic benefits of sustainable waste management, including the need for a range of sites;
- 64 Policy 9 states that planning permission will not be granted for inappropriate waste management development in the Green Belt unless it is shown that very special circumstances exist. 'Very special circumstances' will not exist unless the potential harm caused to the Green Belt by reason of inappropriateness and any other harm resulting from the proposal is clearly outweighed by other considerations associated with the proposal, either on their own or in combination.
- 65 Policy CS1 of the Elmbridge Core Strategy states that green infrastructure, including the Green Belt, will continue to be a key determinant in shaping settlements and development patterns in the future. New development will be directed towards previously developed land within the existing built-up areas. Policy DM17 of the Elmbridge Development Management Plan states that the Green Belt boundary is defined on the Policies Map, to uphold the fundamental aims of the Green Belt to prevent urban sprawl and to keep land within its designation permanently open, inappropriate development will not be approved unless the applicant can demonstrate very special circumstances that clearly outweigh the harm.
- 66 A Green Belt Boundary Review and supplementary reviews were commissioned in 2016 by Elmbridge Borough Council, as part of the evidence-based works associated with the preparation of the new Local Plan. This assessed all Green Belt land, as defined in the Local Plan, in order to establish their roles in fulfilling the purposes for their designation. In

accordance with national policy, that is Green Belts the five purposes for which they are designated (referred to in paragraph 57 above).

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- 67 The application site is situated within Strategic Area B, a central band of the Metropolitan Green Belt separating the settlements of Walton-on-Thames / Weybridge / Hersham, Esher and Claygate from the settlements of Cobham and Oxshott to the south. The review determined that the main functions of this Area in Green Belt terms, are to prevent sprawl from large built-up areas and establish important gaps between several towns. It therefore was determined to strongly meet Purposes 1 and 2 of Green Belt policy. It was also identified as preventing encroachment into some relatively unspoilt areas of countryside, the first areas moving outwards from London, thus meeting Purpose 3 moderately. However, it was noted that there is significant variation in character across the area.
- 68 The applicants in this case have suggested that the proposal *could* be considered appropriate development in the green belt in that it complies with either **exception (b)** in that comprises '*the provision of appropriate facilities (in connection with the existing use of land or a change of use) for.....cemeteries and burial grounds...as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.*' or it complies **exception (g)** in that it comprises '*the complete redevelopment of previously developed land which would not have a greater impact on the openness of the Green Belt than the existing development*' (both exceptions listed in the National Planning Policy Framework). However officers disagree with this view on two grounds:
- the proposal is for a large new animal crematorium building which is a waste use and though there is an animal cemetery and burial ground connected to it, this is ancillary to the main planning use of the site;
  - taken as a whole the application site could be described as previously developed land but the site of the new building is currently undeveloped land used for ancillary storage.
  - the proposal is considered to give rise to an impact on openness (albeit less than moderate) therefore it cannot be considered as appropriate in either of these categories.
- 69 The applicant qualifies that should the Local Planning Authority consider that the proposal is not appropriate development on the basis as set out above then **very special circumstances** do exist in this case (these are set out in the next section of the report). The supporting information submitted by the applicant includes reference to case law to demonstrate that very special circumstances are a matter for judgement and are not defined in law and can therefore cover a broad range of factors. Officers have considered the information put forward by the applicant in this regard and agrees with their conclusion that very special circumstances can cover a broad range of factors and that a judgement has to be made on the weight given to them in the planning balance.

### Applicants Very Special Circumstances

- 70 These circumstances relate to the following factors:
- 1 The need for pet and equine crematoria and associated facilities;
  - 2 The requirement for this Site to be the location for those facilities;
  3. The requirement for the extent of the facilities proposed;
  - 4 The needs of the business.
- 71 A summary of the case made by the applicant in respect of each of these factors is set out below. **For clarification paragraphs 72 to 89 below are points made by the applicant in support of this proposal.**

### The Need for Pet and Equine Crematoria

- 72 The pet and equine cremation service has changed much over the recent past and is predicted to continue to evolve. There is a significant upward trend in the demand for the individual cremation of pets, up from 34% of pets cremated in June 2014 to 50% of pets cremated in February 2020. It is expected that this has and will continue to increase, representing a marked movement away from the traditional approach of pets being cremated communally.
- 73 Recent research has indicated that 60% of the population own a pet with 49% of UK pet owners believing their pet is a family member and 37% stating that they put their pet's needs above their own. This directly leads to an increased demand for individual cremation services and direct involvement in and personalisation of their pet's funeral is increasing.
- 74 Owners of bereaved pets expect to be able to say goodbye with privacy in comfortable, modern and hygienic facilities. These needs reflect their experiences and facilities provided by human crematoriums and with the ongoing trend of humanisation they expect their pet to be treated the same as a human in death. It is not unusual for the whole family, extended family and friends to attend a pet funeral service, to personalise the chapel with flowers and photographs. This level of quality service is not currently available at the Site and is not available elsewhere within the region which the Site serves.
- 75 The increase in pet cremations is also being driven, to some extent, by the environmental benefits compared to burial in terms of a substantial reduction in methane production and risk to human health from contamination from burial sites. With regard to equine facilities, the recent research by the British Equestrian Trade Association (BETA) in 2019 estimates that there is 700,000 privately owned horses and 141,000 professionally owned. As such, there is circa 80% of horses kept for leisure activities and/or pets with circa 1.4% of households in Great Britain owning a horse. While the population of horses has experienced a decline since 2006, the average age of a horse has increased, with 36% of horse aged 15+ (25% in 2006). This aging horse population indicates a growing trend for horses to be treated as pets and a need for cremation/disposal services. Equestrian expenditure has increased by 3% since 2015, with spend on healthcare being the fastest growing area of

horse care, along with horse insurance policies. Many insurance policies cover a proportion of disposal costs. All these factors influence the growing demand and affordability of horse cremations. The length or tenure of how long horse are owned has also increased, now being 7 years, up from 5.2 years in 2011, which is considered a reflection of horses been seen more as family pets/members (as experienced in the companion animals sector). Emotional attachment is a strong driver for people choosing an individual cremation with the return of their horse’s ashes, rather than their horse going to the traditional hunt/knackerman for disposal.

76 In accordance with recent research, there is a strong preference for cremation services over other disposal options and CVS own data is consistent with this research. Pet owners are increasingly requesting an individual cremation service for their horse (as with companion animals). In fact, 70% of horse owners requested an individual cremation in 2018/19, a rise of 3% compared to the previous year. CVS anticipates that demand for equine service at Silvermere Haven Pet Cemetery & Crematorium will initially be 310 equine cremations per year, and as the services becomes established it expects it will exceed this given the stronger equestrian market and higher number of riders in the South, and a large number of businesses in the vicinity of Silvermere Haven which support the equestrian sector. However, there is a limited offer of equine crematoria within the region, as highlighted in Fig 3 below:

Equine vets & equine crematoria location map – South East of England



- Legend:
- Equine veterinary practices
  - Equine crematoria\*
  - Silvermere Haven

Figure 3

77 In addition to the above, the application site currently receives some 10,300 companion animals / pets for cremation per annum via the 80 veterinary practices it services within circa 30-mile radius of the crematorium increasing

to 273 veterinary practices it services within a 150mile radius. In addition, circa 900 local people use the crematorium facilities directly each year, with 23% of pet owners choosing to use the Chapel of Rest to say goodbye to their pet. Comparing this with CVS's other pet crematoria this is double the number of people opting to attend the cremation service of their pet. This highlights the growing demand people to be directly involved in their pet's cremation and the need for local facilities to accommodate this level of personal service. The site currently also services 275 vets and performs over 40,000 pet cremations from that source per year.

- 78 It therefore is clearly the case that there is a regional need for the following services:
  - Individual pet cremation services aimed at individual pet owners;
  - Equestrian cremation services;
  - Cremation services for animals from veterinary practices.

79 Whilst the Site currently fulfils some of these needs, it is not possible to offer the high quality individual service required for pet owners, the equestrian cremation services or to cater for the extent of need for cremations arising from veterinary services in the region.

The requirement for this Site to be the location for those facilities

80 The first point to note is that the Site is currently in the same use as is proposed pursuant to the Proposed Development. The adjacent Site is also within the same use and there is a functional requirement for the crematoria facilities to be located in close proximity to the burial land (on the adjacent site) to enable ash spreading and animal burial on that land. This avoids the need to create additional vehicles movements associated with bringing ash and cadavers ready for burial from external crematoria.

81 The location of the Site is optimal for its market, especially the locations of existing veterinary practices which the Site currently services and equine veterinary practices within the region.

82 A further important consideration of the location is the existing staff. The vast majority of the existing staff live within 10 miles of the Site with around 50% from the adjacent settlements.

83 With regard to potential alternative sites, other locations within the area are either Green Belt or within settlements. A further consideration is that it is not feasible for CVS to acquire an alternative site and develop facilities to meet the identified needs. It would be impossible to demonstrate a business case with an acceptable rate of return. As such, if the Site is not the location for the Proposed Development, the facilities required to meet the identified needs will not be delivered.

The requirement for the extent of the facilities proposed

- 84 Following the comments from the Council on the previous proposals, CVS has reviewed its operational requirements for the Proposed Development and has reduced the extent of development to that required to ensure its continued successful operation whilst meeting the need for certain facilities. The operational requirements for the redevelopment arise from the identified need and current operational restrictions.
- 85 The Proposed Development is designed to accommodate the anticipated demand at high percentage of its capacity; the Proposed Development is accordingly only seeking the minimum development necessary to meet those requirements. The requirements for the redevelopment have also been caused by the current facilities no longer matching the needs of customers and operational requirements including those arising from regulatory changes. As detailed above, the service required by customers, especially owners of individual pets, is very different to that in the past. Bereaved pet owners now expect to be able to say goodbye with privacy in comfortable, modern and hygienic facilities. Most of CVS's crematoria have expanded, been redeveloped or modernised to accommodate pet owner needs to provide warm and inviting environments and chapels allowing families privacy. The public facilities at CVS's other crematoriums include reception areas, rest areas, refreshments, book of remembrance and display of casket and pet memorials. The current Site falls far short of the high quality environment now required to ensure appropriate service to customers.
- 86 The operational requirements of CVS have also moved on. Of particular note is the increase in internal space required to enable storage of deceased pets & equine and healthcare wastes within the building and to provide manoeuvring room to move and load equine. Within the Proposed Development, 40m<sup>2</sup> is required for internal storage of healthcare wastes and further space incorporated to provide an adequate manoeuvring area and cremator loading/unloading. It is also important to note that a large walk-in chiller is required to provide temperature controlled short-term storage for both companion animals and equine.
- 87 The existing cremator facilities are also in need of replacement at the Site. There are environmental and operational benefits of replacing three end-of-life cremators) with new, better-designed, better-constructed and microprocessor-controlled cremators. According to the manufacturer, Matthew Environmental Solutions are "Modern combustion systems that are circa 22% environmentally more efficient by the way of the following design and build features:
- Very low external casing temperatures in accordance with UNI EN 10344 building energy performance.
  - Ultra-low noise. All noise producing equipment is acoustically treated.
  - Automatically controlled and regulated combustion air levels with all fan drives inverter controlled to reduce electrical demand
  - Automatic monitoring and regulation of the combustion air oxygen levels to ensure an exhaust gas oxygen condition of 6-9% ensuring minimal fuel usage

- Temperature control of the burners. High temperature (in excess of 850°C) high turbulence secondary chamber, designed using computer fluid modelling software, to retain [cremation] gases in excess of 2-seconds with an oxygen level greater than 6% ensuring thermal abatement of the exhaust gases exceeding 99.9%”

### The needs of the business

- 88 A further reason for requiring redevelopment is the recent regulatory changes prevent the storage and handling of waste on areas other than impermeable areas with engineered drainage and prevent the storage of hazardous waste externally. The latest Environment Agency requirements (within ‘Healthcare waste: appropriate measures for permitted facilities’) that relate to waste storage, segregation and handling at regulated facilities with an environmental permit includes the need to store pharmaceutical, chemical, anatomical and palletised wastes securely within designated areas of a secure building. A building is a covered structure enclosed on all vertical sides that provides sheltered cover and contains emissions of, for example, noise, particulate matter, odour and litter.
- 89 It is permissible to store these infectious wastes outside at facilities that were operating before the guidance was published – as at the existing site, but only if several conditions are met. A failure to accommodate internal areas for the storage and handling of waste would cause the loss of EA permits and licences and force the applicant to no longer operate this service at the Site. As such, the result of not redeveloping the Site will be to jeopardise the current business and the small scale, but important, local employment. It will also mean that the need for high quality individual animal cremation services and equine cremations will not be met to the detriment of the wider community.

### **OFFICERS CONCLUSION ON VERY SPECIAL CIRCUMSTANCES**

- 90 It is considered **by the applicant** that the factors set out in the preceding section represent *very special circumstances* which outweigh any harm to the Green Belt by reason of the proposed development being inappropriate development in the Green Belt and any other harms resulting from the proposal to enable planning permission to be granted. Officers agree that the factors which have been identified are considered as very special circumstances in this case and should be considered in the *Planning Balance*. Officers are mindful of the fact that the current use on this site is authorised and exists with the benefit of planning permission and has provided a waste management service for a considerable number of years. In the following sections of the report officers examine the relevant planning considerations of the proposed development in detail against development plan policy to identify any *other* areas of harm including harm to openness (in addition to harm to the Green Belt by virtue of the proposals inappropriateness) against which the very special circumstances can then be considered in the *Planning Balance*.

## WASTE MANAGEMENT

### Surrey Waste Local Plan 2019 – 2033 Part 1 – Policies 2020

Policy 8 – Improvement or Extension of existing facilities

Policy 13 – Sustainable Design

Policy 14 – Development Management

### Elmbridge Core Strategy 2011

Policy CS1 – Spatial Strategy

Policy CS17 – Local Character, Density and Design

### Elmbridge Local Plan Development Management Plan 2015

Policy DM2 – Design and Amenity

Policy DM5 – Pollution

Policy DM6 – Landscape and Trees

Policy DM12 – Heritage

- 91 The National Planning Policy Framework (2023) does not contain specific policies relating to waste management, these are contained within the Waste Management Plan for England 2021 and The National Planning Policy for Waste 2014. Together, these documents reiterate the Waste Hierarchy - a legal requirement, enshrined in law through the Waste (England and Wales) Regulations 2011 which focusses on waste recycling whilst recognising the need for disposal as a last resort.
- 92 The National Planning Policy for waste states that when determining planning applications, Waste Planning Authorities should, inter alia,
- only expect applicants to demonstrate the quantitative or market need for new or enhanced waste management facilities where proposals are not consistent with an up-to-date Local Plan and in such cases, waste planning authorities should consider the extent to which the capacity of existing operational facilities would satisfy any identified need;
  - consider the likely impact on the local environment and on amenity against specified criteria;
  - ensure that waste management facilities in themselves are well-designed, so that they contribute positively to the character and quality of the area in which they are located; and
  - concern themselves with implementing the planning strategy in the Local Plan and not the control of processes which are a matter for the pollution control authorities.
- 93 Policy 8 of the Surrey Waste Plan encourages improvement or extension of an existing waste development where it may enable more waste to be recycled, recovered or processed for re-use within the established footprint of the site and with reduced impacts due to changes in technology or site layout. The preamble to that policy states that waste development which seeks to improve the capacity and efficiency of existing waste developments whilst reducing harmful impacts will be supported. It is clarified that such proposals are considered against all the relevant policies, and particularly Policy 14 (see paragraph below) relating to impact on communities. It is further stated that to ensure no loss in existing capacity, re-development of any existing waste management sites must ensure that the quantity of waste to be managed is



equal to or greater than the quantity of waste for which the site currently has permission.

- 94 Whilst Policy 9 of the Surrey Waste Plan restates that inappropriate development in the Green Belt will not be permitted unless very special circumstances exist, the commentary to the policy acknowledges that It is unlikely that the anticipated waste management needs of the county will be met without developing waste management facilities on Green Belt land. The overarching need for waste management in Surrey combined with a lack of suitable alternative sites outside the Green Belt and the need to locate facilities close to sources of waste, such as households and businesses, are among the reasons why it is considered that very special circumstances may exist for allowing development within the Green Belt.
95. Policy 14 supports development where it can be demonstrated that, it would be consistent with the relevant national policy with respect to environmental assets including that it would not result in unacceptable impacts on communities and the environment. This includes, inter alia, public amenity and safety, with respect to noise, dust, fumes, odour and vibration, air quality, the water environment, landscape including impacts on the appearance, quality and character of the landscape, the natural environment, the historic landscape, land and soil resources and the cumulative impacts arising from the interactions between waste development and other forms of development.
- 96 The purpose of the proposed development is to bring a long-standing waste management facility up to modern standards so that it can continue to operate into the future. In this regard the proposal amounts to operational development at an existing waste management facility where the existing land-use would continue to involve the temporary storage and transfer of clinical (surgical) waste and the disposal of animal carcasses by way of thermal treatment. Consequently, the proposal falls to be determined as waste management development against the relevant provisions of the National Planning Policy for Waste 2014 and the Surrey Waste Local Plan 2020.
- 97 As this proposal is not for a new waste facility but for the improvement of an existing facility the fundamental operations relating to the transfer and disposal of waste remain very similar irrespective of whether planning permission is granted therefore it is not relevant to consider the principle of the development in this regard. Policy 4 of the Surrey Waste Local Plan explains that planning permission for any development will be granted where it is has been demonstrated that waste generated as a result of the development is minimised, opportunities for reuse and recycling of that waste is maximised, appropriate integrated onsite facilities for storage and recycling of waste is provided. Policy 8 states that planning permission for the improvement or extension of existing waste management facilities will be granted where the quantity of waste to be managed is equal to or greater than the quantity of waste currently managed on site, and benefits to the environment & local amenity will result.

- 98 The existing facility cremates domestic pets, comprising mainly of dogs, cats and smaller mammals, occasionally cremating wildlife including foxes, badgers, and birds. The existing cremators, except for the eight-chamber cremator, are reaching the end of their life with reduced efficiencies and the existing buildings are not now able to provide appropriate working conditions and standard of service to the visiting public.
- 99 The purpose of this application is therefore to replace an existing facility with one meeting modern standards. The domestic pet and occasional wildlife cremations would continue as existing, along with the addition of cremation of equine animals which are kept as pets.
- 100 The site also currently acts as a transfer station for hazardous waste for infectious healthcare wastes such as soiled dressings with blood contamination, sharps etc from potentially infectious sources, and non-hazardous waste for non-infectious healthcare waste such as soiled dressings and medicines from non-infectious/non-hazardous sources. No treatment/processes are undertaken on the site in relation to these items; the waste is simply stored on site for regular collection from specialist hazardous waste disposal collection service. The throughput of hazardous and non-hazardous waste is as follows:
- 120 Tonnes Annual throughput of Hazardous Waste
  - 200 Tonnes Annual throughput of Non-hazardous Waste

On average there are 6 no. deliveries of controlled veterinary waste per day, with 3 no. waste collection from a specialist disposal company.

- 101 There is no proposed change in throughput for the Waste Transfer elements of the site. The Hazardous and Non-Hazardous veterinary clinical waste associated with the Transfer Station element of the facility is presently contained in 2 no. roll-on roll-off containers and approximately 30 No 770 litre bins that line the access and service area providing in all a total of 15 Tonnes of on-site storage, of this, 3.5 Tonnes is deemed Hazardous Clinical Waste. New Environment Agency guidance require this waste to be internal and protected so as not to allow any waste to escape or be washed away and become a contamination source. As such the proposed facility includes a Waste Storage Area within the Cremation Hall which would internalise this waste storage for improved regulatory guidance compliance. Specifically, it is not the intention of the applicant to incinerate veterinary healthcare waste (hazardous or otherwise) at the proposed facility, nor do they carry out this at any of their other sites. Under the permits held by them as Pet Crematorium operators, the cremators can only be legally used for whole animal body cremation.
- 102 The site currently has 4 existing cremators which provide domestic pet and occasional wildlife cremations. It is the intention to continue with the domestic pet and occasional wildlife cremations as existing, along with the addition of equine animals which are kept as pets. The proposed cremators which would be housed within the proposed new Cremation Hall are as listed below:

- New Equine with two smaller side chambers (3 chamber total) (Individual)
- New Four Chamber (Individual / Communal)
- New Eight Chamber (Individual)

Existing annual throughput is:

- 360 Tonnes of Individual Cremations (weight prior to incineration)
- 345 Tonnes of Communal Cremations (weight prior to incineration)

- 103 The cumulative existing throughput of the four existing cremators is 705 Tonnes. There are no proposed changes to the existing domestic pet and wildlife cremations, only the addition of equine animals which are kept as pets, with the following anticipated annual throughput:
- 310 Tonnes of Equine Cremations (weight prior to incineration)
- 104 The cumulative proposed throughput is 1015 Tonnes would be processed by the three new cremators. In accordance with existing permitting, the facility would be licensed for domestic pet and occasional exotic / wildlife cremations along with the addition of equine pets. Limits on types of animals that can be processed by the facility would be set out as part of the APHA animal by-products approval. A new approval for the amended facility would be required and sets out what animals the site would be permitted to cremate. There are no proposed changes to the existing domestic pet and wildlife cremations, only the addition of equine animals which are kept as pets. Horses would be collected by arrangement only (no direct Client delivery). There would be a single vehicle capable of making an equine collection so the rate at which horses are received would be limited and will be scheduled on a day-to-day basis. Typically, the equine cremator will be prepared so the horse could be immediately placed into the cremator. If the cremator is in use or if the horse is received out of hours the cold store would be sufficiently large to hold a horse on a loading cradle
- 105 The weight of ash after the incineration is approximately 4.5% of the throughput tonnage, therefore the existing ash output is currently 31.7 tonnes annually, which would increase to 45.7 tonnes following the inclusion of the equine cremations. As at present, 50% of the ash would be returned to the owners and remaining 50% would be spread on the adjacent grounds by strip rotation.
- 106 There is only one facility which provides a similar service to Silvermere Haven currently operating within the County, which is located in South Godstone some 40km to the south-east of the application site. This however does not have an equine facility. The nearest equine facility elsewhere is also 40km away but this does not have an associated burial ground.
- 107 The applicant has submitted detailed information with this application in order to demonstrate the unsuitability of the existing facility and officers have confirmed this situation on site. The applicant contends that there are no

turning areas for vehicles and an external washdown facility is not provide. Further, there is inadequate space to enable safe working practices for operatives and the existing hall is of structurally poor building fabric.

- 108 The applicant has stated that while there are no proposed changes to the existing domestic pet and wildlife cremations, the addition of the cremator to provide an equine service would result in the throughput of the application site increasing. Clearly, due to the nature of these wastes and to comply with animal by-product regulations, it would not be possible to deal with them in any other alternative manner, such as recycling or re-use.
- 109 This site has been in use as a crematorium and waste transfer site for a considerable number of years and the improvement of the existing facilities, together with a resultant increase in the amount of waste that can be processed accords with Policy 8 of the Surrey Waste Local Plan. The proposed redevelopment would be within the footprint of the existing site and enhancements to the visual appearance of the site would arise as a result. The existing cremators would be replaced with new machines which are modern efficient models aimed at reducing emissions by multiple-burn, stacked chambers that also benefit from continuous monitoring and automated oxygen control. The application site is well located, close to urban areas and the strategic road network for access from further afield. Due to the lack of alternative similar facilities within Surrey and around, the proposed development would contribute towards providing suitable ongoing capacity for this nature of waste disposal helping to manage the specific animal-related waste arisings in the County and wider area. In respect of construction, demolition and excavation waste arising from the proposed development officers recommend the imposition of a condition on any consent issued requiring the applicant to submit a Waste Management Plan to Surrey County Council for approval which demonstrates that this waste would be limited to the minimum quantity necessary; and opportunities for re-use and recycling of construction, demolition and excavation residues and waste on the application site would be maximised. This Waste Management Plan should also demonstrate appropriate provision of integrated storage facilities to encourage the reuse and recycling of waste over the operational life of the development.
- 110 The implications on environment and amenity will be considered in the following sections of the report and provided these conclude that no harm is caused officers conclude that the proposed development can be supported on grounds of the way it accords with development plan policy in relation to waste management, and there would be no resultant harm arising in this regard.

## **HIGHWAYS, TRAFFIC AND ACCESS**

### **Surrey Waste Local Plan Part 1 – Policies 2020 (SWLP 2020)**

Policy 14 – Protecting Communities and the Environment

Policy 15 – Transport and Connectivity

### **Elmbridge Core Strategy 2011**

Policy CS25 – Travel and Accessibility

### **Elmbridge Local Plan Development Management Plan 2015**

## Policy DM7 – Access and Parking

- 111 Paragraph 114 of the National Planning Policy Framework states that development should only be refused or prevented on transportation grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. This guidance also advocates at paragraph 115, that all development that would generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.
- 112 Appendix B of the National Policy for Waste states that in testing the suitability of sites for waste management the Waste Planning Authority should bear in mind the envisaged waste management facility in terms of its nature and scale and consider the suitability of the road network and the extent to which access would require reliance on local roads.
- 113 Policy 14 of the Surrey Waste Local Plan sets out that planning permission for waste related development will be granted where it can be demonstrated that it would not result in significant adverse impacts on communities and the environment, which includes cumulative impacts arising from the interactions between waste development, and between waste development and other forms of development.
- 114 Policy CS25 of the Elmbridge Core Strategy promotes the use of more sustainable transport and DM7 of the Elmbridge Development Management Plan requires the layout and siting of accesses to and from the highway to be: (a) acceptable in terms of amenity, capacity, safety, pollution, noise, and visual impact; and (b) safe and convenient for pedestrians, cyclists, and motorists. It also requires provisions for: (c) loading, unloading and the turning of service vehicles which ensure highway and pedestrian safety; and (d) minimising the impact of vehicle traffic nuisance, particularly in residential areas and other sensitive areas.
- 115 The application site is served by an existing private single vehicular access from the A245 Byfleet Road, which is used by all staff and visitors to the site, including services and delivery purposes. The existing vehicle movements to the site PER DAY are shown on the Table below (note: the numbers represent one arrival plus one departure *combined*). Those figures would remain the same following the redevelopment of the site except for an additional maximum 7 movements PER WEEK in connection with the proposed equine cremation service.

Existing Vehicle Movements			
Activity Type	Vehicle Type	Movements (Arrival & Departure = 1) Monday to Friday	Movements (Arrival & Departure = 1) Saturday
Staff	Car	23	3
Veterinary Collection Rounds	3.5t Panel Van	6	0
Adhoc Collection	3.5t Panel Van	2	1
Deliveries of Consumables	7t Lorry	2	0
Waste Collections	7t Lorry	1	0
Pet Owners	Car	3	4
Fuel delivery	7t Tanker	1 per week	0

- 116 The car parking is currently in an informal arrangement without delineated spaces, spread out across the site in groups of parking. The existing car parks to the top of the site (circa 15 no. car parking spaces) are used for the adjacent memorial garden and visitors of the existing Crematorium, with the staff and service vehicles parked in undefined areas within the oversized service yard at the south of the site.
- 117 On the submitted plans the retained burial ground parking, to the North end of the site, would accommodate up to 10 vehicles. There is no proposed change to this car parking area. The existing car parking associated with the offices, crematorium building and temporary cabins (all to be removed) would also be demolished and replaced with soft landscaped. This would result in the loss of 5 no. car parking spaces. With two chapels of rest being provided and limited direct customer pet delivery expected parking for visitors of the site would be low. Hence 1 no. disabled bay near the main entrance would be provided for good accessibility. A further 16 no. car parking spaces would be allowed for a combination of staff and visitor parking (visitors to the chapel and direct pet cadaver deliveries).
- 118 At present, direct pet delivery by owners averages approximately 18 no. per week, therefore minimal car parking is required for the anticipated maximum daily visitor occupancy. As such the proposal would result in a total of 27 no. car parking spaces across the overall site, which would be a net gain of 12 no.
- 119 Facility based staff movement times are between 08:00-09:00 and 16:00-18:00. As declared within the planning forms, there is an anticipated 23 equivalent full-time members of staff. Many of these would utilise the car parking spaces, however many of the delivery drivers would commute to work within the delivery vans (6 no. full time equivalent delivery van drivers), which mitigates the shortfall in standard car parking provision closest to the proposed building. Overflow car parking and service vehicle parking would be catered for informally within the service yard and capacity for a further 11 spaces has been indicated in the service yard. The applicant has proposed that electric vehicle car charging would be provided at a rate of 5% of available spaces. This would result in 2 no. electric vehicle charging points to be included within the scheme.

- 120 At present, deliveries to the Crematorium site are made by max. 3.5 tonne long wheelbase vans, which have on average 6 no. collections daily, and on Saturday's. These movements do not conflict with the general staff movement times previously noted and are also outside peak highway traffic times. Whilst the incorporation of the equine cremator would result in additional midweek and Saturday deliveries, it is anticipated that this would have minimal impact on the access to and around the site. Horses will be collected by arrangement only (no direct Client delivery). There would be a single vehicle capable of making an equine collection so the rate at which horses are received is limited and will be scheduled on a day-to-day basis.
- 121 As is currently allowed for on the site, larger vehicle access is possible for the Waste Collection Vehicles (three times weekly) together with fuel delivery once a week. Informal parking and turning for the Crematorium service vehicles would be accommodated within the service yard. Pedestrian and cycle access is not separately provided for in the current arrangement as the existing access road does not separate pedestrian and vehicular access. Due to the mature planting and protected trees on either side of the access onto Byfleet Road, this road is to remain as a shared space and unaltered.
- 122 The applicant has also submitted a Construction Method Statement which states that HGV movement periods would be kept to a minimum so as not to disrupt access to neighbouring properties, with all deliveries targeted to be either first thing in the morning or during the afternoon – therefore outside of peak periods of traffic.
- 123 Transportation Development Planning have been consulted on the proposal and raise no objection subject to conditions, which includes the submission of a more detailed Construction Traffic Management Plan. They conclude that the proposal is unlikely to have a material impact on highway safety or capacity given the existing use of the site, the lack of any changes to the existing access and the fact that the proposals would not result in any material intensification over the existing trip attraction of the site.
- 124 Notwithstanding this conclusion TDP note that it is nonetheless important that cycle parking and electric cycle charging are provided in order to ensure that the use of sustainable modes of transport is enabled and encouraged. The existing access junction has a good road safety record and, given the low overall intensification in vehicle movements that would be expected to result from the development and that the proposals broadly represent a continuation of the existing type of use, it is not considered that any material detriment to road safety would result. It is considered unlikely that visitors would cycle to the site, due to the specific use, however it is recommended that cycle parking should be provided in order to enable staff to cycle to work and to comply with the Surrey Local Transport Plan 4. This can be secured by a planning condition and officers recommend that a suitable condition is applied.
- 125 TDP also notes that the site is not in a particularly sustainable location in transportation terms however it is understood that the specific nature of the site means that the overall propensity towards sustainable travel modes is low

and it is recognised that a more remote location is preferable for this type of facility. The additional vehicle movements that would result from the proposed development would not be focused around peak periods for traffic on the public highway and would not represent a severe impact, with reference to the National Planning Policy Framework 2023 paragraph 115.

- 126 It is also suggested that the Applicant be advised to undertake a vehicle tracking assessments to ensure that the proposed layout would suitably accommodate all vehicle movements within the site and investigate the laying out of an internal pedestrian crossing within the site – these are not formal requirements so officers recommend they are added as an informative on any planning permission.
- 127 The proposal is therefore considered to be acceptable on highways grounds and to accord with Development Plan Policy and there would be no resulting harm arising in this regard.

## **DESIGN AND VISUAL APPEARANCE**

### **Surrey Waste Local Plan 2019-2033**

Policy 13 – Sustainable Design

Policy 14 – Development Management

### **Elmbridge Core Strategy 2011**

Policy CS17 – Local Character, Density and Design

### **Elmbridge Development Management Plan 2015**

Policy DM2 – Design and amenity

- 128 Surrey Waste Local Plan 2019-2033 Policy 13 states that planning permission for waste development will be granted where it can be demonstrated that the development follows relevant best practice. All proposals for waste development should demonstrate that, inter alia, the development is of a scale, form, and character appropriate to its location.
- 129 Elmbridge Core Strategy Policy CS17 states that new development will be required to deliver high quality & inclusive sustainable design, which maximises the efficient use of urban land whilst responding to the positive features of individual locations, integrating sensitively with the locally distinctive townscape, landscape & heritage assets, and protecting the amenities of those within the area.
- 130 Elmbridge Development Management Plan Policy DM2 states that all new development should achieve high quality design, and that development proposals will be permitted where they demonstrate: an understanding of local character including any specific local designations and take account of the natural, built and historic environment; preservation or enhancement of the character of the area, with particular regard to appearance, scale, mass, height, and levels and topography; and protection of the amenity of adjoining and potential occupiers and users.
- 131 The applicant states that the proposals seek to create a more efficient working area and space that has been designed to suit the business's operational



needs. As such, the extent of development and scale of the proposals have been kept to a minimum, whilst remaining appropriate to the use. The scale of the building has been carefully considered with proposed eaves levels kept to a minimum, whilst maximising the useable floor area by including usable space within the roof. The lower eaves and pitched roofs of the building intend to break up the building's massing. In addition, the orientation of the roof formation has been designed so that the ridge line and roof pitch would be flanked with the mature trees to both the North and South, with the more slender appearing gable facing towards the only non-screened [East] aspect of the building, to minimise its visual impact. This arrangement differs from the ridge lines of those existing buildings, which run North to South, with the pitch of each roof facing the exposed Eastern aspect, arguably resulting in a more prominent built form at a higher level from this more exposed aspect.

- 132 The site topography, with ground levels falling away from the Byfleet Road, combined with an appropriate vertical positioning of the proposed facility to minimise cut and fill results in a proposed ridge height of approximately 35,10m. When compared to the ridge level of the uppermost existing building of 36.14 OAD, the proposal would sit more than a metre lower than the existing building in comparison to the A245 Byfleet Road. The proposed new building would accommodate both the front of house, including those areas accessed by customers and office space, together with the back of house, which includes the crematorium hall and associated spaces including cold, dry and waste stores, and ash packing and engraving. Its design in two parts therefore reflects the differing requirements of those areas.
- 133 The proposed front of house would have a more domestic design and scale and would be the most visible part of the building to visitors as they travel down within the site. It would have a steeply pitched tiled roof and brick faced walls with simple windows giving the appearance of a converted farm building structure. It would have a lower ridge height than the crematorium element behind therefore providing a distinction between the two areas and reducing the overall bulk of the building in the landscape. The internal layout has been designed so that the chapels of rest and the waiting area would benefit from views out over the grassed and wooded areas beyond to the East reflecting the nature of the use of these areas.
- 134 The crematorium area behind would have a higher ridge height though the angle of the roof pitch has been designed to align with the front element. The external walls of this building would be clad in timber cladding fixed both vertically and horizontally with the roof clad in profiled metal sheeting. There would be three 15m high cremator chimneys along its southern slope. The proposed crematorium hall layout is defined by functionality, with a large open plan to accommodate the various crematorium machines, along with cold, dry and waste stores and ash packing and engraving required to support the facility.
- 135 As this building has a specific function there will be requirements for space which would need to be accommodated. However, as it would be located on its own well screened site in a semi-rural location amongst existing mature

trees the main requirement is that its external appearance takes cues from that semi-rural location as opposed to having to reflect any other vernacular. The building has been designed to both cater for the operational requirements whilst reflect its rural location with the use of materials which are commonly found on rural buildings such as wood cladding, brick, clay tiles. The proposed profiled steel-clad roofing on the rear portion of the building is commonly found on agricultural buildings. Officers consider the building would sit comfortably on this well screened site and externally would have a 'quiet' appearance in the landscape. The three proposed flues which would project beyond the roof ridge would be sited on the southern elevation which would render them less obtrusive as they are sited against the backdrop of existing mature trees. Officers consider that these characteristics together with their relatively slender appearance would mean that the flues would not be an unduly dominant feature of the site or the building. A condition is suggested requiring the colour of the flues to be submitted for further approval with a view to minimising their impact further. Officers are of the view that the proposed building by virtue of its design and appearance would not cause any harm to the appearance of the area and having regard to the appearance of the existing buildings (and their more prominent location on the site) would represent a visual improvement overall considering the areas of new landscaping which would result.

- 136 Officers consider that the proposal accords with the relevant development plan policies in this regard and is acceptable and there would be no resultant harm arising in this regard.

## **CONTAMINATION**

### **Surrey Waste Local Plan 2019-2033**

Policy 14 – Protecting Communities and the Environment

### **Elmbridge Development Management Plan 2015**

Policy DM2 – Design and Amenity

Policy DM5 – Pollution

- 137 Paragraph 189 of the National Planning Policy Framework 2023 states that planning decision should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation after adequate site investigation information, prepared by a competent person, is available to inform these assessments. Paragraph 190 goes on to set out that where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowners and paragraph 191 states that planning decisions should ensure that new development is appropriate for its location, taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area.

- 138 The National Planning Policy for Waste Appendix B Criteria A requires consideration of the proximity of vulnerable surface and groundwater or aquifers and the suitability of locations subject to flooding, with consequent issues relating to the management of potential risk posed to water quality from waste contamination.
- 139 Policy 14 of the Surrey Waste Local Plan states planning permission for waste development will be granted where it can be demonstrated that it would not result in significant adverse impact on communities and the environment which includes, inter alia, the quality of surface water and ground water resources. Policy DM5 of the Elmbridge Development Management Plan states that development affecting contaminated land will be permitted provided that the site is remediated to ensure it is suitable for the proposed use, considering the sensitivity of future occupants/users to pollutants, and that remedial decontamination measures are sufficient to prevent harm to living conditions, biodiversity, or the building themselves. All work, including investigation of the nature of any contamination, should be undertaken without escape of contaminants that could cause risk to health or the environment.
- 140 This site has a long history of handling and storage of waste and waste material at the site, which gives rise to a risk of on-site contamination based on the fact that it has been used as a crematorium for 36 years and sources of contamination include kerosene and x-ray fluid (clinical waste) stored externally without secondary containment. Surface water run off also poses a low to moderate risk due to shallow groundwater.
- 141 The Environment Agency was consulted on this application and confirms that the previous use of the proposed development site as a pet crematorium presents a medium risk of contamination that could be mobilised during construction to pollute controlled waters. Controlled waters are particularly sensitive in this location because the proposed development site is a secondary aquifer A. The Environment Agency are satisfied that it would be possible to manage the risks posed to controlled waters by this development, however further detailed information will be required to be submitted before built development is undertaken. They consider that it would place an unreasonable burden on the developer to ask for more detailed information prior to the granting of planning permission. Officers consider that it is reasonable and necessary to attach pre-commencement conditions in this regard (the suggested wording for these has been provided by the Environment Agency).
- 142 The Environment Agency has also identified that groundwater at this site is shallow and the nature of the development in this location (secondary aquifer A) means infiltration of surface water within the sustainable drainage system should not be permitted. Storage facilities of any polluting substances should also be designed to ensure the risk of pollution to the water environment is minimised.
- 143 The Environment Agency accepts that the application's Phase 1 report demonstrates that it would be possible to manage the risks posed to

controlled waters by this development but requires further detailed information before built development is undertaken and requested that conditions are included in this regard on any planning permission granted.

144 Officers are of the view that given the nature of the operations the risk of contamination on the application site in this case is low. However, given the comments received from the Environment Agency, it is considered reasonable and necessary to attach conditions to ensure that any and all risks are identified and remediated as part of the development. Officers consider that the conditions suggested by the Environment Agency, with slight amendments, are appropriate to ensure the matter is dealt with satisfactorily and subject to these being complied with the proposal would not give rise to any adverse impact in respect of this issue. These conditions will cover the following areas:

- Submission of a risk assessment, remediation strategy and verification plan to deal with identified risk.
- Verification report demonstrating implementation of remediation strategy
- Control over the installation of surface water drainage.
- Submission of details of liquid/oil storage and specification of containers for such

145 Officers consider that subject to these conditions the proposal accords with development plan requirements and there would be no resulting harm arising in this regard.

## **IMPACT ON RESIDENTIAL AMENITY**

### **Surrey Waste Local Plan 2019-2033**

Policy 13 – Sustainable Design

Policy 14 – Protecting Communities and the Environment

### **Elmbridge Development Management Plan 2015**

Policy DM2 – Design and Amenity

Policy DM5 – Pollution

Policy DM8 – Refuse, Recycling and External Plant

146 Paragraph 191 of the National Planning Policy Framework 2023 requires Planning policies and decisions to ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:

- a. mitigate and reduce to a minimum potential adverse impact resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life<sup>69</sup>;

- b. identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and
  - c. limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation
- 147 Paragraph 192 goes on to state that planning policies and decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas.
- 148 Paragraph 194 requires that the focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively. Equally, where a planning decision has been made on a particular development, the planning issues should not be revisited through the permitting regimes operated by pollution control authorities.
- 149 The National Planning Policy for Waste sets out at paragraph 7 that when determining planning applications, planning authorities should consider the likely impact on the local environment and upon amenity, against criteria which comprises, inter alia: air emissions including dust, odour, noise, light and potential land use conflicts.
- 150 Policy 13 of the Surrey Waste Plan Policy states inter alia that planning permission for waste development will be granted where it can be demonstrated that the development follows best practice, and the development is of a scale form and character appropriate to its location. Policy 14 states planning permission for waste development will be granted where it can be demonstrated that it would not result in significant adverse impact on communities and the environment which includes public amenity and safety in respect of impacts caused by noise, inter alia, dust, fumes, odour, and illumination.
- 151 Policy DM2 of the Elmbridge Development Plan requires that all new development should protect the amenity of adjoining land uses and potential occupiers and users. Policy DM5 states that all development that may result in noise, odour or light pollutions will be expected to incorporate appropriate attenuation measures to mitigate the effect on existing and future residents. Policy DM8, inter alia, requires that any external plant required for new developments is considered at the outset.

### **Residential Amenity – location of nearest dwellings**

- 152 Whilst there are residential dwellings in the locality of the site these are some distance away from the site. The nearest dwellings are those which lie within a small enclave to the west around Silvermere House (more than 100m away

from the site of the new building though land in the ownership of the occupiers does extend up to the site boundary). To the north on the other side of Byfleet Road lies Birches which is some 160m from the site of the proposed building. To the east Silvermere Farm is over 200m away.

### **Residential Amenity - loss of outlook/overlooking.**

- 153 Given the distances set out in the above paragraph the proposal would not give rise to any impact in respect of loss of outlook or overlooking.

### **Residential Amenity – Air Quality - emissions from increase in vehicle numbers and cremators**

- 154 There are two sources of emissions from the proposed development, that arising from an increase in vehicle movements and emissions from the cremator stacks.
- 155 The proposal would give rise to a small increase in vehicle movements to and from the site largely as a result of the introduction of equine cremations as set out in the Highways section above. As an additional ten two-way vehicle movements falls well below the indicative threshold traffic flows for when an air quality assessment is required the applicant has not undertaken an assessment of vehicle-related emissions. Surrey County Council's Air Quality Consultant has agreed that there was no necessity to assess vehicle-related emissions as part of this application.
- 156 The proposal includes the provision of three stacks serving the cremators within the proposed building and an assessment of the human health and habitat impacts of emissions (2022) from these has been undertaken by the applicant. This was carried out using industry standard models and sets out maximum or *worst-case scenario* predicted concentrations of pollutants emissions at selected human-health receptors (neighbouring residential properties).
- 157 This document states that the emissions resulting from the proposed development "*are principally oxides of nitrogen, hydrogen chloride and sulphur dioxide, the latter originating principally from fuel oil that is consumed to support the cremation process*", and that the volume of these pollutants released "*is directly proportional to the volume of material cremated*". It is emphasised that whilst in the proposal the number of cremators is being increased from that currently existing on the site the new machines are modern efficient models aimed at reducing emissions by multiple burn, stacked chambers that also benefit from continuous monitoring.
- 158 The document summarises the emissions changes which would be expected from the *existing* throughput as a result of the proposed development incorporating more modern cremators and more appropriate external stacks, including increases in acid gas potential release rates, gas load, stack gas efflux velocity and energy output. It concludes that "*dispersal of pollutants*

*from the new facility...will be substantially better than from the existing situation” as “dispersion will be over a greater ground area; the point of maximum ground level concentration of pollutants will move further from the crematorium site”. Further, “the potential mass release rates are actually very low and well below the national guidance threshold that would warrant further assessment”.*

- 159 In summary the applicant has now set out the maximum predicted concentrations at the selected human health receptors arising from this proposed development in accordance with guidance in the following documents:
- Environmental Protection UK (EPUK) & IAQM (January 2017) ‘*Land-Use Planning & Development Control: Planning for Air Quality*’
  - Environment Agency’s screening criteria set out in its online guidance ‘*Air emissions risk assessment for your environmental permit*’

160 The information submitted clearly demonstrates that the effects of the proposal on air quality would *not be significant* and the County Council’s Air Quality Consultant has assessed all the information submitted and has advised that the applicants air quality assessment of stack emissions covers the relevant issues and has been undertaken in accordance with good practice and as a result the air quality impacts from stack emissions can be screened out as not having a significant effect. Officers therefore conclude that the proposal would not have an unacceptable impact on existing residential dwellings by virtue of emissions arising from the cremators.

161 Officers are satisfied that the proposal would not give rise to any adverse impact on residential amenity in this regard.

#### **Residential amenity – odour**

162 Given the distance of receptors (residential dwellings) from this site it is not considered that odour arising from the use would be a significant issue. Controls over odour in respect of the Waste Transfer element of the site are contained within the Environmental Permit required in that respect so controlled by other legislation.

163 The only other element of the use which could give rise to any odour is the storage of cadavers prior to incineration but this proposal offers enhancement over the current situation in this regard as the cold store would be located within a purpose-built building with roller shutter doors. The applicant follows strict on-site practices in respect of management of cadavers and has submitted an Odour Management Plan (supplemented by additional letter of clarification dated 14 September and 26 October 2023) which sets out those detailed practices which include the management of odour. The details submitted were assessed by the County Council’s Air Quality Consultant who has confirmed they have no objection to the application with regards to odour.

164 Officers are satisfied that subject to suitable conditions requiring adherence to the Odour Management Plan the proposal would not give rise to any adverse impact on residential amenity in this regard.

## Residential Amenity - Dust

- 165 The only dust generating activities arising from this proposal would be during demolition and construction. In respect of demolition, as the applicant has stated, the volume would be “well below” the Institute of Air Quality Management’s dust emission criteria for small-scale demolition works. However, a Construction Method Statement which includes a Dust Impact Risk Assessment has been submitted with the application using the Institute of Air Quality Management (IAQM) Guidance on the assessment of dust from demolition and construction.
- 166 The Construction Method Statement identifies the potential receptors for dust as being the residential properties to the west, north and east of the application site, together with users of the golf course. The development site itself is approximately 2500m<sup>2</sup> in size and relatively flat, therefore significant excavations will be limited. For the proposed building elements, the largest element is the Cremation Hall which would be constructed using an offsite fabricated steel frame clad with timber / timber effect planking and metal sheet roofing which have a low potential for dust release. The Chapel of rest portion would be constructed from brick and timber / timber effect planking and with a tile roof. The two elements combined provides a total building volume of 3770m<sup>3</sup>, which is well within the limit from Small Total building volume. Mass concrete would be mixed offsite and delivered and poured ‘wet’. There is the potential for some elements to be constructed from dusty materials such as localised onsite concrete/morta batching and cutting of masonry materials however these would be relatively low quantities and damped down wherever environmental conditions determined this was necessary. In respect of vehicles less than 10 HDV (>3.5t) would be expected to access the site in any construction day. Whilst the unpaved road length would be 70m (slightly over the 50m set within the guidance) the dust emission magnitude for Trackout would be considered to be Small to Medium as the current road construction is of a relatively well bound construction for the first 40m or so from Byfleet Road, with the remainder accessing the main construction area being of well compacted cinder.
- 167 In order to manage dust being emitted from the site during the proposed demolition, construction & subsequent ongoing use of the application site, the applicant has proposed a number of mitigation measures, which include the following:
- Erecting solid screens or barriers around dust causing activities or the site boundary that are at least as high as any stockpiles on site.
  - Using suitable dust suppression techniques such as water sprays or exhaust ventilation systems when using cutting, grinding and/or sawing equipment.
  - Using enclosed chutes, conveyors & covered skips.
  - Minimising drop heights from conveyors, loading shovels, hoppers & other loading/handling equipment and using fine water sprays wherever possible.



- Avoiding burning of waste materials.
- Manually cleaning the wheels of all vehicles entering and exiting the construction site.
- Carrying out regular site inspections to monitor compliance.
- In certain instances where dust generation is unavoidable, work will be limited in time and the contractor will provide sufficient notice to surrounding neighbours.

- 168 The applicant has also proposed to only carry out construction activities, including deliveries, between the hours of 8am to 5pm Mondays to Fridays and 8am to 1pm on Saturdays, with no construction work taking place at all on Sundays or Bank Holidays.
- 169 The assessment undertaken by the applicant determines that the risk from dust (given the nature of the activities and distances involved), even before the implementation of mitigation, is *low* at properties and human-health receptors. The Councils Air Quality Consultant has advised that the applicant has used the correct assessment method and agrees that the mitigation measures to control dust impacts are in accordance with the IAQM dust guidance. The Air Quality Consultant concludes that with the recommended mitigation measures in place the residual effects are not likely to be significant and no further action is required.
- 170 Officers therefore consider that the proposed development is acceptable in this regard and would not have any adverse impact on residential dwellings subject to a condition requiring adherence to the measures outlined in the Construction Method Statement.

### **Residential Amenity - Noise**

- 171 The applicant has submitted a detailed Noise Impact Assessment with the application which sets out the existing sound climate and the predicted noise emissions associated with the Proposed Development. Measures to mitigate noise impact are proposed in accordance with the relevant performance standards, legislation, policy and guidance.

In summary there are three potential areas for noise disturbance arising as a result of this proposal:

- Noise from increased traffic and on-site activity
- construction/demolition noise
- operational noise from fixed plant/machinery.

It should be noted that officers from Surrey County Council have been monitoring the existing site for a number of years (in view of its existing authorised use as a hazardous waste transfer site). During that time officers have not received any noise complaints from this site in respect of its existing use.

- 172 In respect of **increased traffic and on-site activity** as already stated in the previous sections there would be a minimal increase in traffic movements generated by this proposal and officers therefore consider this would not result in any significant adverse noise effects above and beyond the existing situation in this regard. The increase in on-site activity in respect of staff activity and visitor numbers again is again marginal and the proposed new location of the building is further away from the nearest residential dwellings.
- 173 Turning to **demolition/construction** this is a temporary impact. In this case given the distance of the nearest residential dwellings from the site (over 100m and in close proximity to a busy road with high traffic noise) it is not anticipated that demolition/construction noise would be a significant issue subject to controls in place under other Environmental Health legislation. The applicant has proposed hours of construction (see paragraph 168 above) within the Construction Method Statement which accord with that normally considered acceptable and these can be further reinforced by a planning condition.
- 174 In respect of **operational noise** the cremators (some of which already operate on the site) will be enclosed within a purpose-built building and again given the distance of dwellings from the site (increased as a result of this proposal) it is not anticipated that noise disturbance would be a significant issue. Air conditioning units are sited externally on the southern elevation of the buildings furthest away from residential receptors.
- 175 The Council's Noise Consultant has assessed the details submitted and has advised that noise should not be a key determining factor for the granting of planning permission. They have however suggested several conditions to ensure this which relate to hours of use and maximum noise levels and officers agree that these conditions are reasonable. An additional condition requiring details of the locations of any further external plant is also recommended.
- 176 Having regard to the above, Officers consider that subject to the imposition of appropriate conditions the noise implications from the proposed new development would not give rise to any adverse impacts on nearby residential dwellings.

### **Residential Amenity – Lighting**

- 177 Given the distance of this site from residential dwellings and the intervening tree screening there is not any potential for direct adverse impact arising from any lighting installations on this site. The impact is more generally on the appearance of the area given the semi-rural location and this is examined in the section of the report below entitled Impact on landscape/light pollution.

### **Conclusions on residential amenity**

- 178 Having regard to the above paragraphs officers are satisfied that subject to appropriate conditions as outlined in each section the proposal meets the

requirements of development plan policies and would not give rise to any harm to the residential amenities of nearby dwellings.

## **TREE AND LANDSCAPE IMPACT (INCLUDING LIGHT POLLUTION)**

### **Surrey Waste Local Plan 2019-2033**

Policy 14 – Protecting Communities and the Environment

### **Elmbridge Core Strategy 2011**

Policy CS14 – Green Infrastructure

Policy CS15 – Biodiversity

Policy CS17 – Local character, density, and design

### **Elmbridge Local Plan Development Management Plan 2015**

Policy DM 5 – Pollution

Policy DM6 – Landscape and Trees

Policy DM21 – Nature Conservation and Biodiversity

- 179 The National Planning Policy Framework 2023 states that planning policies and decisions should contribute to and enhance the natural and local environment by, *inter alia*, protecting and enhancing valued landscapes (in a manner commensurate with their statutory status or identified quality in the development plan); recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services; and minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures (paragraph 180).
- 180 The National Planning Policy for Waste Appendix B requires waste planning authorities to consider the potential for design-led solutions to produce acceptable development which respects landscape character.
- 181 Surrey Waste Plan Policy 14 states that planning permission for waste development will be granted where it can be demonstrated that it would not have any adverse impact *inter alia* on the landscape including impacts on the appearance, quality and character of the landscape and any features that contribute to its distinctiveness, including character areas defined at the national and local levels.
- 182 Elmbridge Core Strategy Policies CS14, 15 and 17 require that new development protects and enhances local landscape character and habitats, including trees and woodland. Similar principles apply within Policy DM6 of the Elmbridge Development Management Plan. Policy DM5 requires lighting proposals to consider impact on neighbouring dwellings (which has been considered in the above section of the report) but also requires regard be paid to unacceptable harm to biodiversity, intrinsically dark landscapes, such as the Green Belt, or the local character and amenity of the area.
- 183 Guidance note 01/21 by the Institute of Lighting Professionals for the Reduction of Obtrusive Light states that good lighting practice is the provision of the right light, at the right time, in the right place, controlled by the right system. The invention of artificial light and its application in the external environment, if not properly controlled, can present serious physiological and

ecological problems. Obtrusive light, whether it keeps you awake through a bedroom window, impedes your view of the night sky or adversely affects the performance of an adjacent lighting installation, is a form of pollution. It may also be a nuisance in law and can be substantially mitigated without detriment to the requirements of the task. Sky glow, the brightening of the night sky, Glare the uncomfortable brightness of a light source when viewed against a darker background, Light spill the spilling of light beyond the boundary of the area being lit and Light intrusion ('Nuisance')<sup>2</sup> are all forms of obtrusive light which may cause nuisance to others, or adversely affect fauna & flora as well as waste money and energy.

## Trees

- 184 Some of the existing trees on the site (along the frontage with Byfleet Road and along (but outside of) the southern boundary with the golf course) are covered by Area Tree Preservation Order (EL88) as detailed in Fig 4 below;



Fig 4 Tree Preservation Order

- 185 A number of existing trees are proposed to be removed as part of the development of this site largely to enable the implementation of a comprehensive new landscaping scheme to improve the appearance of the site overall and provide an appropriate entrance and setting for the new building.
- 186 The Arboricultural Planning Report which has been submitted with this application confirms that:
- A total of thirty-six individual trees and three tree groups were surveyed as part of the assessment of trees on the site.
  - One individual tree and a tree group were considered *moderate* quality category B specimens. Category B trees/tree groups will generally be well formed specimen trees, present individually or in groups and will have significant merit within the immediate locality and/or the wider treescape/landscape, alongside other benefits such as ecology that may be associated with them.
  - Thirty-two individual trees and two tree groups were considered *low* quality Category C specimens. Category C trees/tree groups are

generally unremarkable specimens which are, either individually or collectively, of little merit within the wider treescape/landscape.

- The remaining three individual trees were awarded U category status and have been recommended for removal.

187 The schedule of the proposed tree works in connection with the development is as follows: Trees T6 and T7 are indicated for removal, and these are U Category trees. T28 is referred to but is outside of the application site on land not owned by the applicant so cannot be removed without the adjacent landowners permission. T11 and T12 for removal are small Category C Lawson Cypress Trees lying close to the existing buildings on the site. Group of trees G13 is the line of Category C Lawson Cypress trees running along the side of the access road and eastern edge of the existing buildings on the site as shown on the photograph below:



189 None of the trees to be removed are within the Area Tree Preservation Order. Tree protection measures are proposed during demolition and construction and identified on detailed plans. These include defining root protection areas around existing trees close to the development area to control access and supervise excavation, in addition to general protective fencing around all trees on the site.

190 Officers consider that the proposal would not have any adverse impact on any valuable or significant trees on or adjacent to this site, with all of the trees shown to be removed being of either Category C or U status. Removal of these trees would enable comprehensive replacement trees and landscaping to be provided which would enhance the appearance of the site overall and provide an appropriate and enhance setting for the new building.

191 Particular consideration has been given to the removal of the line of Category C Lawson Cypress trees within the site as they are, at present a significant landscape feature, though their main purpose (to screen existing buildings) would be lost once the development is implemented as those buildings would be removed. The applicant has stated that the removal of these trees would be to facilitate the widening of the access to the bottom of the site, and to assist with the demolition of the existing cremation hall. The trees have outgrown their setting and would be inappropriately located in connection with the new proposal hindering the provision of improved landscaping.

- 192 Officers agree that given that the proposal seeks to restore an open landscaped area on this part of the site (and the trees would constitute a significant constraint to achieving that and would be inappropriately situated within it) it is considered on balance that their loss (and subsequent replacement with more appropriately placed trees) would be acceptable when considered as part of the overall scheme. The removal of this line of trees would make views across the site from north to south more 'open' but officers consider the proposed new building at the southern lower end would not be rendered any more prominent from the main public vantage point of the A245 highway in view of the distances involved, the tree screening along the frontage of the site, the level changes and the fact that there are other mature trees closer to the part of the site where the new building would be sited which would be retained and protected.

### **Visual impact on existing Landscape**

- 193 The site is located within the Weybridge Settled and Wooded Sandy Farmland Landscape Character Area (SS9). Key characteristics include relatively flat topography, falling south-west towards the River Wey, with views across the landscape highly constrained by woodland and vegetation along boundaries and roads. This results in an enclosed, intimate landscape, with the adjacent suburban influences of Weybridge generally obscured by the significant tree cover. Public access is limited, with no rights of way or Open Access Land. The northern edge of the application site is bounded by the busy A245 and the southern edge by a dense belt of mature alders (covered by a Tree Preservation Order), which follow the course of a stream running east-west. Beyond this is the Silvermere Golf & Leisure Centre.
- 194 Relevant landscape guidelines for new built development set out within the Landscape Character Area include ensuring that new development is designed to retain tree cover that is essential to the character of this area; and consider opportunities for new woodland planting to enhance existing and new development, and integrate it within the landscape. Lighting schemes must be assessed for visual impact and conservation of existing areas of 'dark night skies' should be encouraged. The Landscape Strategy for the area includes 'conserving peaceful enclosed areas with their mosaics of heathland, woodland and pastoral farmland'.
- 195 The applicant has submitted a detailed Landscape and Visual Appraisal with the application which makes the following conclusions:
- The site is visually well contained and the development of the site for a new pet crematorium would not adversely affect the visual amenity of the local area.
  - The proposed development site is visually contained on three sides by mature vegetation direct views of the site are not possible from further than a few metres past the site boundary as shown by the above appraisal.

- Direct and unfiltered views of the development will only be had from the adjacent field to the west of the proposed crematorium which is within the current site ownership and has no public access to allow views of the development.
- Oblique views will be had from the existing pet cemetery, but that this is not a change from the existing facility.
- New infrastructure planting to include native hedgerows and trees will provide significant visual mitigation to these views.
- There is no visual impact upon the majority of the Silvermere Golf Club, however, filtered views of the development will be possible from the green of the adjacent closest to the proposed crematorium. During summer, this would be a heavily filtered view due to the mature vegetation along the boundary, however in winter, it is likely that the impact would be moderate. Additional planting of a dense native hedgerow to the site boundary would reduce the likely visual impact to negligible.
- There is no visual impact to local residential properties along the southern edge of A245 Byfleet Road to the east or west, neither will views be possible from Home Farm to the south, although there may be some visual intrusion from the access road to it which runs to the west past the site boundary, these views would be distant and in time screened by proposed new infrastructure planting and the impact is considered to be low. However, native hedge and tree planting to the western field boundary is recommended to provide additional visual mitigation.
- No views of the development will be possible from St. Georges Hill residential areas to the north of the A245.
- There are no views possible from St. Georges Nursing Home to the east or from Silvermere Care Home to the northwest.
- There are no views of the development possible from adjacent roads, including the A245 Byfleet Road or from Redhill Road to the west. Medium and long-distance views of the proposed development are not possible due to intervening landform and vegetation and there are no visual impact issues to any publicly accessible places within the study area

196 The County’s Landscape Advisor has been consulted on the proposals and has advised that he agrees with the assessment and conclusions of the submitted Landscape Visual Appraisal and its conclusion that the proposals would not significantly change the landscape character of the existing site or immediate surroundings, and that the degree of harm resulting from views of the facility would be limited.

197 Officers have carefully considered the impact of the overall proposals in the landscape including viewing the site from the main public vantage points comprising the access to the site in the north, the rear gardens of neighbouring dwellings to the west and the golf course to the south. From the north the removal of the existing buildings and an existing row of Lawson Cypress trees would open up this part of the site and subject to appropriate

landscaping and replacement tree planting (controlled by condition) would considerably enhance the visual appearance of the site from this vantage point. The new building would be sited much further away from the access and on the lowest part of the site against a backdrop of trees but also screened with other trees which would be retained to its north (T19-T27).

- 198 The neighbouring dwellings to the west own land as part of their curtilages which extends up to the boundary of the site but the dwellings themselves with their immediate 'garden' areas are over 90m from the southern site boundary where the new building would be erected. The majority of the neighbours land extending up to the site boundary is not formal garden but is more natural in character with the appearance of natural woodland. The new building would not be visible in the landscape when viewed from the neighbouring dwellings and their immediate garden areas and only glimpses of the building would be visible from close to the joint boundary through trees and screened further by new boundary fencing (details of which would be required by condition) which will be erected as part of this proposal.
- 199 From the golf course to the south the group of trees outside of the application site to the south will provide significant screening of the proposed building though again glimpses of it would be visible particularly during the winter months. However, it is not considered it would be an unduly visible or prominent feature in the landscape from this direction.
- 200 Officers therefore share the Landscape Architects view that it is unlikely that the quality of the visual experience for the occupiers and users of the neighbouring land would be unacceptably reduced.

### Light Pollution

- 201 The applicants original *Lighting Planning Statement* submitted with the application stated that the development would require:
- Building amenity lighting
  - Building mounted security lighting
  - Lighting Columns to car park
  - Lighting Bollards to access road
- 202 It indicated that all external lighting (except for safety and security lighting) would be automatically switched off between 23:00 hr and 07:00 hr. This would be achieved by providing a timer for all external lighting set to the appropriate hours.
- 203 The County Council's lighting consultant made the following observations on the details submitted:
- The Bat Surveys and Mitigation Strategy requires that any illumination proposals are to ensure no bat roosts are impacted.



- The Bat Surveys and Mitigation Strategy requires low level (bollard type) lighting to be installed. The External Lighting Planning Statement details 4m post top fittings.
- The Design and Access Statement quotes that “the lighting proposals for the development should incorporate luminaires with full horizontal cut-off shields to reduce light spill and the brightening of the night sky”. However, the External Lighting Planning Statement details a column mounted indirect lighting fitting which does not conform to this criterion.
- No form of up-lighting should be used on this site. •
- The Planning Statement requires the submission of DIALux calculations demonstrating the proposal will not cause light pollution.
- The Covering Letter states that a Zumtobel external lighting design layout (including lighting Dialux calculations) has been submitted. No such information is available
- We would recommend that the applicant is requested to submit a formal lighting drawing with calculations to confirm minimal light spillage. This will also enable the location of light fittings to be assessed by the ecologist. Middlemarch Environmental Ltd, with respect to the proposed bat roosting boxes.

- 204 Additional information was submitted by the applicant to address these comments comprising a Luminaire Schedule Rev 2 dated 21 August 2023 and an external lighting plan (ZG-DWG-0002297674-OP2-R02-210923 (Rev: R2) External Lighting - Opt2 dated 21 September 23). The County Lighting Consultant confirmed that these additional details addressed their concerns in that, particularly the lighting to the southern woodland perimeter of the site has been reduced in height to 2m to align with the new hedgerow proposed for the southern boundary. This would mitigate spillage to the woodland where new bat boxes are proposed.
- 205 Officers have considered the lighting scheme now submitted by the applicant and although details have now been agreed with the applicant officers remain concerned on planning grounds in respect of visual impact of the provision of the 4m lighting columns along the access road within the site and adjacent to the proposed new building. The applicant has been advised on several occasions that this form of lighting would not be acceptable as it is considered an excessive form of lighting when bollard lighting would suffice in what is a semi-rural location. This was secured on the previous scheme and was considered acceptable in this regard by officers, but this proposal was subsequently withdrawn before any decision was made. Officers therefore consider that the submitted lighting drawing should not be approved as part of this proposal but that the details of the final lighting of this site should be required to be submitted by a condition, and an informative attached indicating that bollard lighting is considered more appropriate along the access road and 2m lighting within the service yard will be expected. In addition, officers propose a condition regarding the timing of the illumination of external lighting. Subject to these conditions officers are satisfied that the proposal would not give rise to adverse impact in respect of the landscape and accords with the relevant policy advice.

## Proposed Landscaping Scheme

- 206 The applicant has submitted a detailed landscaping scheme for the site which focusses on the areas to the north where the existing buildings would be removed and provides a scheme of mixed grassland and shrub planting with new hedgerows and trees, as well as additional landscaping throughout the site. The Council's Landscape Architect has no objection to the detailed landscape proposals but requests that a landscape management and maintenance scheme to cover all new planting for a period of at least 10 years should be required by condition and officers agree with this. This is to include a schedule of management activities on a monthly basis, including irrigation of all new trees and shrubs with defined quantities of water for the first two growing seasons following planting (in accordance with Annex G of BS 8545:2014), and in subsequent years as necessary during dry spells. Any trees and shrubs/hedges which die within the initial 10-year period are to be replaced with those of the same species and size within the next available planting season, unless otherwise agreed in writing with the County Planning Authority.

### Overall conclusion on landscape/light pollution

- 207 Officers consider that subject to several conditions relating to implementation and maintenance of landscaping, tree protection and further submission of lighting details the proposal would not have any adverse impact on the quality and appearance of the landscape of the area nor give rise to any unacceptable light pollution. The proposal therefore accords with development plan policy and there would be no resultant harm arising in this regard.

## ECOLOGY AND BIODIVERSITY

### Elmbridge Core Strategy 2011

Policy CS15 – Biodiversity

### Elmbridge Local Plan Development Management Plan 2015

Policy DM6 – Landscape and Trees

Policy DM21 – Nature Conservation and Biodiversity

- 208 The National Planning Policy Framework 2023 requires that planning decisions enhance the natural environment by minimising impacts on and providing net gains for biodiversity (para 180).
- 209 Policy CS15 of the Elmbridge Core Strategy seeks to avoid loss and contribute to a net gain in biodiversity across the region and the objectives of the Surrey Biodiversity Action Plan (BAP) by protecting and seeking to improve all sites designed for their biodiversity importance, protecting and enhancing BAP priority habitats and species and seeking to expand their coverage and ensuring that new development does not result in a net loss of biodiversity and where feasible contributes to a net gain through the incorporation of biodiversity features.

- 210 Policy DM6 of the Elmbridge Development Management Plan outlines that development proposals should be designed to include an integral scheme of landscape, tree retention, protection, and or/planting that, inter alia, reflects, conserves or enhances the existing landscape and integrates the development into its surroundings, adding scale, visual interest and amenity, contributes to biodiversity by conserving existing wildlife habitats, creating new habitats and providing links to the green infrastructure network, does not result in loss of, or damage to, trees and hedgerows that are, or are capable of, making a significant contribution to the character or amenity of the area, unless in exceptional circumstances the benefits would outweigh the loss, adequately protects existing trees including their root systems prior to, during and after the construction process.
- 211 Policy DM21 of the Elmbridge Development Management Plan sets out, in accordance with Policy CS15 of the Core Strategy, all new development will be expected to preserve, manage and where possible enhance existing habitats, protected species and biodiversity features. Developments affecting locally designated sites of biodiversity importance or sites falling outside these that support national priority habitats or priority species will not be permitted if it will result in significant harm to the nature conservation value of the site or feature.

## Ecology

- 212 The applicant has submitted the following documents in support of this application (some submitted following the receipt of consultation comments):
- Preliminary Ecological Appraisal
  - Biodiversity Metric Assessment
  - Landscape and Ecology Management Plan
  - Reptile Survey & Mitigation Strategy
  - Bat Surveys
  - Great Crested Newt Survey
  - Arboricultural Planning Report
- 213 These have been assessed by the County Ecologist who has no objections to the proposal and concludes the following:
- In respect of protected species the Great Crested Newt surveys returned no results of GCN and they were subsequently considered absent from the survey area and unlikely to be affected by the proposals. Ground level tree assessments have been completed for roosting bats. Three trees (T1, T2 and T6) were found to have high suitability to support a bat roost and subsequent presence / likely absence surveys were completed. No roosts were identified, and the report stated the results would be valid for 12 months. Update survey to the trees would need to be completed if works to the trees are to commence after September 2024.
  - A Construction and Environmental Management Plan (CEMP) should be submitted that includes the avoidance and mitigation measures

for protected species during construction, as outlined in section Chapter 6 of the Bat Surveys report, and Chapter 5 of the Reptile Survey and Mitigation Strategy report. This document should also include reference to the method statement of the granted European protected species licence required to permit the lawful demolition of the building supporting bat roosts.

- 214 Subject to the conditions suggested by the County Ecologist officers are satisfied that the requirements in respect of existing species identification and protection have been met and subject to conditions the proposal accords with development plan in that regard.

### **Biodiversity**

- 215 The applicants have submitted the following additional documents in support of the application:
- Biodiversity Metric Assessment
  - Landscape and Ecology Management Plan
- 216 In this instance the nature of the proposal provides a significant opportunity to achieve a biodiversity net gain on this site. This is because the proposal seeks to provide a new development on *an existing hard surfaced area* of the site whilst demolishing existing buildings on another large and returning that area to natural landscape. Intrinsically this would give rise to a potential for a biodiversity net gain.

The County Ecologist has confirmed that they have no objection to the proposal and comments as follows:

- The LEMP details the management measures required to deliver the biodiversity net gain identified in the biodiversity net gain assessment. Overall satisfied that the proposed habitat enhancement / creation measures are achievable.
  - The following items should be secured by condition: (a) A biodiversity enhancement location plan illustrating the locations of the six proposed bat boxes and (b) A confirmed number and location of hibernacula/refugia that will be installed on site
- 217 Officers are therefore satisfied that subject to suitable conditions the requirements of the development plan have been met and there would be no resultant harm arising in this regard.

### **ARCHAEOLOGY**

#### **Elmbridge Development Management Plan 2015**

##### Policy DM12 - Heritage

- 218 Policy DM12(e) of the Elmbridge Development Management Plan 2015 states that permission will be granted for development which protects, conserves and enhances the Borough's historic environment. Point e) refers to areas of

high archaeological potential and states that development should take account of the likelihood of heritage assets with archaeological significance being present on the site.

- 219 A desk based archaeological assessment has been submitted in support of the application on the basis of the site area. The document has examined all the relevant and current available resources to determine whether the site has any archaeological potential and whether the proposal would have an impact on any heritage assets in the vicinity.
- 220 The assessment has identified that the site lies within an area of archaeological potential “the site has potential for Bronze Age remains related to the known barrow” and the assessment recommends “that archaeological monitoring takes place during any intrusive works” required to facilitate the development. The conclusion is that an archaeological watching brief should be secured by condition.
- 221 The County Archaeologist has reviewed the applicants Archaeological Assessment and agrees with the recommendation. He has raised no objections to the proposal, subject to a planning condition requiring the implementation of a programme of archaeological work, to be conducted in accordance with a written scheme of investigation which has been submitted to and approved, in writing, by the Local Planning Authority.
- 222 Officers therefore conclude that, subject to appropriate planning conditions, the proposal accords with development plan policy and there would be no resultant harm arising in this regard.

## **FLOOD RISK AND DRAINAGE**

### **Surrey Waste Local Plan 2019-2033**

Policy 13 – Sustainable Design

Policy 14 – Protecting Communities and the Environment

### **Elmbridge Core Strategy 2011**

Policy CS26 - Flooding

### **Elmbridge Development Management Plan 2015**

Policy DM5 – Pollution

- 223 Paragraph 165 of the National Planning Policy Framework 2023 states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increased flood risk elsewhere. Paragraph 173 states that when determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere by, inter alia, incorporating sustainable drainage systems.
- 224 Policy 14 of the Surrey Waste Local Plan states that planning permission for waste development will be granted where it can be demonstrated that it would not result in significant adverse impacts on communities and the environment which includes flood risk (from all sources) including impacts, on and opportunities to provide and enhance, flood storage and surface water

drainage capacity and water resources, including impacts on the quantity and quality of surface water and ground water resources.

- 225 Policy CS26 of the Elmbridge Core Strategy states that in order to reduce the overall and local risk of flooding in the Borough, development must be located, designed, and laid out to ensure that it is safe, the risk from flooding is minimised whilst not increasing the risk of flooding elsewhere and that residual risks are safely managed.
- 226 Policy DM5 of the Elmbridge Development Management Plan 2015 states that development proposals should be designed and/or located to prevent or limit the inputs of pollutants into water bodies and the groundwater. Sustainable Urban Drainage (SuDs) should be incorporated wherever practical to reduce the discharge of surface water to the sewer network.
- 227 The site is located within Flood Zone 1 on the Government Flood Map for planning. The applicant has submitted a Drainage Strategy which states that the discharge of surface water drainage via infiltration methods has been assessed and the percolation rates varied from 1.58E-05 m/s to 6.876E-06 m/s and groundwater was encountered at 1.8m – this anticipated to be its lowest level. The nearest watercourse available for surface water discharge is an unnamed watercourse on the southern boundary of the site. The route to this is currently covered by dense woodland. There is no surface water sewer within close proximity to the site for surface water disposal.
- 228 Having regard to the above findings a hybrid infiltration system is proposed for this development. SuDS features including a permeable paving, a swale and detention basin form part of the proposed drainage system. The permeable paving will be sufficiently above ground water levels as such will be a full infiltration system. These swale and basin will be left unlined providing capacity for infiltration when groundwater levels allow. A positive discharge to the existing watercourse will also be provided to ensure surface water is disposed when groundwater levels are likely to hinder infiltration. A discharge rate of 3 l/s is proposed as this is the lowest viable rate without causing maintenance issues in the flow control.
- 229 The Environment Agency has affirmed the above findings and in respect of drainage state that groundwater at this site is shallow and the nature of the development in this location (secondary aquifer A) means infiltration of surface water within the sustainable drainage system should not be permitted. They recommend a condition that no drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the local planning authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters and the development shall be carried out in accordance with the approved details.
- 230 Similarly, Thames Water were consulted and raised no objection but commented with respect to groundwater that they would expect the developer to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer and recommend an informative be added on

to any planning permission which may be granted, advising that a Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Thames Water also commented with respect to surface water that they had no objection provided the developer follows the sequential approach to the disposal of surface water.

- 231 The Lead Local Flooding Authority has advised that they are satisfied that the proposed drainage scheme meets the requirements of the National Planning Policy Framework, and its accompanying the Non-Statutory Technical Standards for sustainable drainage subject to conditions requiring detailed design. In respect of the comments of the Environment Agency and Thames Water, the LLFA have confirmed that in submitting details pursuant to conditions the applicant would still need to prove that infiltration is suitable and feasible, the wording of the conditions takes account of this. In part (c) they ask for confirmation of a 1m unsaturated zone and part (a) requires further testing and confirmation of groundwater levels during the seasonal high. They also comment that if a remediation strategy for the contaminated ground is required (which it is), then that should mean that infiltration into the remediated ground (if feasible) should be achievable.
- 232 In conclusion though a degree of drainage information was submitted with this application full details will need to be submitted and approved prior to the commencement of the drainage works on site and this will be controlled by conditions. The submitted details will need to first consider a sustainable drainage approach for surface water and provide evidence should ground conditions prove not to be suitable for such.
- 233 Having regard to the above Officers consider that subject to the imposition of suitably worded conditions and informatives, the proposal accords with development plan policy and there would be no resultant harm arising in this regard.

## **CONCLUSION ON OTHER HARM**

- 234 Having regard to the individual sections of the report above officers conclude that the proposal would not give rise to any harm in any of the areas identified, subject to the planning conditions which are recommended.

## **GREEN BELT - ASSESSMENT OF HARM TO OPENNESS**

- 235 Paragraph 153 of the National Planning Policy Framework 2023 states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
- 236 Within Green Belts the quality of the landscape is not relevant to the inclusion of land within them or to their continued protection. The *purposes* of including

land in Green Belts, summarised in paragraph 57 above are to keep land permanently open and these are of paramount importance to their continued protection and take precedence over land use objectives.

- 237 Government advice on Green Belts, updated in December 2023 states *..assessing the impact of a proposal on the openness of Green Belts, where it is relevant to do so, requires a judgment based on the circumstances of the case. By way of example, the courts have identified a number of matters which may need to be taken into account in making this assessment. These include, but are not limited to:*
- *openness is capable of having both spatial and visual aspects – in other words, the visual impact of the proposal may be relevant, as could its volume;*
  - *the duration of the development, and its remediability – taking into account any provisions to return land to its original state or to an equivalent (or improved) state of openness; and*
  - *the degree of activity likely to be generated, such as traffic generation.'*
- 238 As set out in paragraph 66 and 67 above this site lies within a central band of the Metropolitan Green Belt separating the settlements of Walton-on-Thames/Weybridge/Hersham, Esher and Claygate from the settlements of Cobham and Oxshott to the south. The main functions of this area in Green Belt terms, are to prevent sprawl from large built-up areas and establish important gaps between several towns. In a Green Belt review carried out by Elmbridge Borough Council this area of the Green Belt was determined to strongly meet Purposes 1 and 2 of Green Belt policy. It was also identified as preventing encroachment into some relatively unspoilt areas of countryside, the first areas moving outwards from London, thus also meeting Purpose 3 moderately.
- 239 The proposed new building, though a *replacement* for the existing buildings on this site, would be larger in both footprint, height and volume and sited on a part of the site which is currently open, though already used for parking and ancillary waste transfer storage. The proposal would therefore give rise to a loss of openness to the Green Belt on both spatial and visual grounds and would therefore cause harm to the Green Belt.
- 240 Officers consider the impact of the proposal on the openness of the Green Belt and its purpose in this area, would be limited on visual grounds due to the following considerations:
- the proposed building would be sited on the lowest part of the site in relation to the adjacent A245 road such that there would be a decrease (by approximately 1m) in overall height of the new building compared to the existing in relation to the existing road;
  - this part of the site is surrounded by mature trees to the north, south and west, offering already existing, substantial natural screening of the development;



- the consolidation of business operations to the south together with the demolition of the existing buildings and introduction of landscaping would enhance and open up the more publicly visible northern parts of the site;
- the proposed new building has a simple agricultural form and appearance;
- the proposal would not give rise to any significant increase in activity or vehicle movements to the site;

241 The proposal represents inappropriate development in the Green Belt which would give rise to harm to openness on both spatial and visual grounds and substantial weight must be given to this harm in the *planning balance*.

### **CONCLUSION ON GREEN BELT AND PLANNING BALANCE– WHETHER THE VERY SPECIAL CIRCUMSTANCES EXIST AND CLEARLY OUTWEIGH IDENTIFIED HARM**

241 In the above sections of the report the only harm which has been identified as arising from this proposal would be harm to the openness of the Green Belt. In undertaking an assessment of whether *very special circumstances* in this case exist to clearly outweigh harm to the Green Belt both the harm by reason of the inappropriateness of the proposal and the harm to openness, must be given substantial weight in accordance with guidance within the National Planning Policy Framework.

242 Officers have carefully considered the arguments put forward by the applicant, as well as the wider planning issues and conclude the following:

- The application relates to an authorised and well-established existing facility; the proposal is for operational development to improve and upgrade the existing services it provides to meet modern standards and customer expectations.
- There is a identified existing need for the facilities that this site provides and this need is not provided by any other site in the local area
- The existing facility is well located to meet the needs of the customers its serves and the proposal would meet a further identified growing need for cremation in the area reducing journeys for such a service now and into the future.
- The existing use of land for waste transfer and disposal by thermal treatment is intended to continue at the site but if permission is not granted it would be increasingly difficult for the operator to meet modern waste management and pollution prevention and control standards and licensing requirements. There is therefore a demonstrable need for the relevant improvements/upgrades to the existing site and use and Policy 8 of the Surrey Waste Local Plan supports this and is a strong argument in favour of granting planning permission.
- The application relates to an Animal Crematorium but this together with the adjacent Pet Cemetery (outside of the application site but in the

applicant's ownership) are parts of the existing Silvermere Haven service, with ashes and cadavers of pets (and in some cases the ashes of their owners) having been interred across the Cemetery site since 1977, covering an area of some 3050m<sup>2</sup>. These activities are intrinsically linked, and a more suitable site would be unlikely to exist elsewhere.

- The existing use has operated without causing demonstrable harm for many years.
- The proposed development, subject to appropriate conditions, would not give rise to any harm other than the harm by reason of its inappropriateness and openness albeit these must be given substantial weight.
- Taking the application site overall, the proposal includes the demolition of all the existing buildings on the site which are on a more visible part of the site which would then be landscaped and remain open.
- The use has operated on the site without significant harm for a considerable number of years.

243 Officer consider that *very special circumstances* do exist in this case which, when considered in the planning balance, clearly outweigh the harm to the Green Belt by virtue of the proposals inappropriateness and the harm caused to openness, and which enable planning permission to be granted.

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## HUMAN RIGHTS IMPLICATIONS

244 The Human Rights Act Guidance for Interpretation, found at the end of this report, is expressly incorporated into this report, and must be read in conjunction with the following paragraph.

245 The Officer's view is that whilst there are impacts arising from the development these can be mitigated acceptably by planning conditions and do not engage any of the articles of the Convention and it has no Human Rights implications.

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## CONCLUSION

246 Officers have determined that the proposal for a replacement larger building on this site to provide updated and enhanced facilities represents inappropriate development in the Green Belt in that it does not comply with any of the exceptions listed as being appropriate development. The proposal therefore would cause harm to the Green Belt by virtue of its inappropriateness but would also cause harm to openness and these harms must be given substantial weight in the determination of this application.

247 Officers accept that the arguments put forward by the applicant as to why planning permission should be granted do represent *very special circumstances* in this case which should be considered in making a decision. Those very special circumstances must clearly outweigh the harm caused to

the Green Belt and any other harm to justify planning permission being granted.

- 248 Officers have examined the relevant aspects of the proposal in the sections of the report and conclude that the only harm arising from the proposal would be harm to the Green Belt by virtue of inappropriateness, and also harm to openness. This harm must be given significant weight in the planning balance.
- 249 Officer consider that the *very special circumstances* which exist in this case, clearly outweigh the harm to the Green Belt by virtue of the proposals inappropriateness and the harm caused to openness, and which enable planning permission to be granted. Officers therefore recommend that the application is permitted subject to conditions.

**RECOMMENDATION**

- 250 The recommendation is to permit application **EL2023/0344** subject to the following conditions and informatives:

**Conditions:**

IMPORTANT - CONDITION NOS 3, 6, 10, 13, 19, 26, 28, MUST BE DISCHARGED PRIOR TO THE COMMENCEMENT OF THE DEVELOPMENT.

- 1. The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.
- 2. The development hereby approved shall be carried out in all respects in accordance with the following plans/drawings:

- C181a-BRP-00-00-DR-A-0150-P01 Location Plan dated 5 December 2022
- C181a-BRP-00-00-DR-A-0151-P01 Existing Site Plan dated 5 December 2022
- C181a-BRP-00-00-DR-A-0160-P01 Proposed Block Plan dated 5 December 2022
- C181a-BRP-00-00-DR-A-0161-P02 Proposed Site Plan dated 1 December 2022
- C181a-BRP-00-00-DR-A-0163-P02 Site Areas Analysis dated 5 December 2022
- C181a-BRP-00-XX-DR-A-0250-P01 Proposed Floor Plans dated 5 December 2022
- C181a-BRP-00-XX-DR-A-0450-P01 Proposed Elevations (sheet 1 Of 2) dated 5 December 2022
- C181a-BRP-00-XX-DR-A-0450-P01 Proposed Elevations (sheet 2 of 2) dated 5 December 2022
- 5258-JPG-ZZ-ZZ-DR-D-1400-S2 Rev P02 Drainage Layout dated 2 December 2022
- C181-5-2 221212\_22 Rev A Detailed Landscape Proposals 1 of 2 dated 12 December 2022

### **CONTAMINATION/REMEDIATION**

3. Prior to the commencement of the development hereby permitted a remediation strategy to deal with the risks associated with contamination of the site shall be submitted to, and approved in writing by, the County Planning Authority. This strategy will include the following components:  
A preliminary risk assessment which has identified:
  1. All previous uses
    - potential contaminants associated with those uses
    - a conceptual model of the site indicating sources, pathways and receptors
  2. A site investigation scheme, based on (1) above to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site
  3. The results of the site investigation and the detailed risk assessment referred to in (2) above and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
  4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) above are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Site investigations should be prepared by a competent person in accordance with paragraph 189 of the National Planning Policy Framework 2023. Any changes to these components require the written consent of the County Planning Authority. The scheme shall be implemented as approved.
4. Prior to the first use or occupation of the development hereby permitted, a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the County Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

### **DRAINAGE**

5. No drainage systems for the infiltration of surface water to the ground are permitted on this site other than with the written consent of the County Planning Authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters. The development shall be carried out in accordance with the approved details.
6. Prior to the commencement of the development hereby permitted of the design of a surface water drainage scheme have been submitted to and approved in writing by the County Planning Authority. The design must satisfy the SuDS Hierarchy and be compliant with the national Non-Statutory Technical Standards for SuDS, NPPF and Ministerial Statement on SuDS. The required drainage details shall include:

- a) The results of infiltration testing completed in accordance with BRE Digest: 365 and confirmation of groundwater levels.
- b) Evidence that the proposed final solution will effectively manage the 1 in 30 (+35% allowance for climate change) & 1 in 100 (+45% allowance for climate change) storm events, during all stages of the development. The final solution should follow the principles set out in the approved drainage strategy. If infiltration is deemed unfeasible, associated discharge rates and storage volumes shall be provided using a maximum discharge rate equivalent to the pre-development Greenfield run-off.
- c) Detailed drainage design drawings and calculations to include: a finalised drainage layout detailing the location of drainage elements, pipe diameters, levels, and long and cross sections of each element including details of any flow restrictions and maintenance/risk reducing features (silt traps, inspection chambers etc.). Confirmation is required of a 1m unsaturated zone from the base of any proposed soakaway to the seasonal high groundwater level and confirmation of half-drain times.
- d) A plan showing exceedance flows (i.e. during rainfall greater than design events or during blockage) and how property on and off site will be protected from increased flood risk.
- e) Details of drainage management responsibilities and maintenance regimes for the drainage system.
- f) Details of how the drainage system will be protected during construction and how runoff (including any pollutants) from the development site will be managed before the drainage system is operational.

The development shall be implemented in accordance with the approved details.

7. Prior to the first use or occupation of the development hereby permitted, a verification report carried out by a qualified drainage engineer must be submitted to and approved by the County Planning Authority. This must demonstrate that the surface water drainage system has been constructed as per the agreed scheme (or detail any minor variations), provide the details of any management company and state the national grid reference of any key drainage elements (surface water attenuation devices/areas, flow restriction devices and outfalls), and confirm any defects have been rectified.

#### **AIR QUALITY**

8. The measures outlined in the Odour Management Plan dated 19 January 2022 (updated by the letter dated 26 October 2023 from Alderley Consulting Group) submitted with this application shall be implemented upon the completion of the development and shall remain in force whilst the use of the crematorium hereby permitted continues.
9. The measures set out in Section 2 of the Construction Method Statement dated 06 December 2022 in relation to dust management shall be adhered to in full during the construction of the development hereby permitted including during the demolition of the existing buildings/structures.

#### **HIGHWAYS**

10. No development shall commence, including demolition, until a Construction Transport Management Plan has been submitted to and approved by The County Planning Authority, to include details of:
- (a) parking for vehicles of site personnel, operatives and visitors
  - (b) loading and unloading of plant and materials
  - (c) storage of plant and materials
  - (d) programme of works (including measures for traffic management)
  - (e) provision of boundary hoarding behind any visibility zones
  - (f) HGV deliveries and hours of operation
  - (g) vehicle routing
  - (h) measures to prevent the deposit of materials on the highway
  - (i) before and after construction condition surveys of the highway and a commitment to fund the repair of any damage caused
  - (j) on-site turning for construction vehicles
- Only the approved details shall be implemented during the construction of the development.

11. Prior to the first occupation of the development hereby permitted facilities for secure covered parking of at least 4 bicycles and the provision of a charging point with timer for e-bikes shall be provided in accordance with a scheme to be submitted to and approved in writing by the County Planning Authority. The approved cycle facilities shall be thereafter retained and maintained in connection with the use.
12. Prior to the first occupation of the development hereby permitted, two parking spaces shall be provided with a fast charge socket (current minimum requirements - 7kw Mode 3 with Type 2 connector - 230v AC 32 Amp single phase dedicated supply), and thereafter retained and maintained.

#### **ARCHAEOLOGY**

13. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work, to be conducted in accordance with a written scheme of investigation which has been submitted to and approved, in writing, by the County Planning Authority. The development shall commence in accordance with the approved details.

#### **NOISE**

14. Demolition and construction works shall only take place on the site in accordance with the following hours:  
 Monday to Friday 07:00 to 18:00 hours  
 Saturday 07:00 to 13:00 hours  
 Sundays or Public and Bank Holidays No works to take place.
15. Noise levels from demolition and construction works during standard construction hours specified in Condition 14 shall not exceed 65 dB(A) LAeq,1h at 1 m from the façade of any residential building within the vicinity of the site. Noise generating works shall not take place outside of the hours permitted in Condition 14

16. The Rating Level, L<sub>Ar,Tr</sub>, of the noise emitted from all operational plant, equipment and machinery, including on site vehicle movements, associated with the application site shall be no greater than equal to the existing representative LA90 background sound level at any time at the nearest noise sensitive receptors (residential or noise sensitive building). The assessment shall be carried out in accordance with the current version of British Standard (BS) 4142:2014+A1:2019 'Methods for rating and assessing industrial and commercial sound'. The existing representative LA90 background sound level shall be determined by measurement that shall be sufficient to characterise the environment. The representative level should be justified following guidance contained within the current version of BS 4142:2014:A1+2019 and agreed with the County Planning Authority.
17. Noise monitoring shall be carried out at the request of the County Planning Authority and/or in response to a noise complaint to demonstrate compliance with the noise limits set in Conditions 15 and/or 16. The results of the monitoring shall be reported to the County Planning Authority within 14 days of the monitoring. Measurements should only be undertaken by those competent to do so (i.e. Member or Associate grade of the Institute of Acoustics). Should the site fail to comply with the noise limits set in Conditions 15 and 16, a scheme to attenuate noise levels to the required level and a timescale for implementation shall be submitted within four weeks of a request from the County Planning Authority, for approval in writing by the County Planning Authority or the activities creating the source of noise shall cease until the scheme is in place.
18. External doors to the cremation room shall remain closed at all times when the cremators are in use

#### **ECOLOGY, LANDSCAPING AND PROTECTED SPECIES**

19. Prior to the commencement of the development hereby permitted a Construction and Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the County Planning Authority to include the avoidance and mitigation measures for protected species during construction, as outlined in section Chapter 6 of the Bat Surveys report, and Chapter 5 of the Reptile Survey and Mitigation Strategy report. This document should also include reference to the method statement of the granted European protected species licence required to permit the lawful demolition of the building supporting bat roosts. The development shall proceed in accordance with the details approved.
20. The development hereby permitted shall be implemented in accordance with the recommendations contained within document RT-MME-158012-01 Bat Surveys and Mitigation Strategy dated December 2022
21. The development hereby permitted shall be implemented in accordance with the recommendations contained within document RT-MME-158680 Reptile Survey and Mitigation Strategy dated December 2022

22. The landscaping scheme hereby permitted, as indicated on drawings C181-5-2 221212\_22 Rev A Detailed Landscape Proposals 1 of 2 dated 12 December 2022 and C181-5-2 221212\_22 Rev A Detailed Landscape Proposals 2 dated 12 December 2022, shall be implemented within the first planting season following first occupation or use of the development.
23. The development hereby permitted shall be implemented in accordance with the details contained in the Landscape and Ecology Management Plan RT-MME-160973-01-Rev A dated September 2023 with ongoing maintenance of the landscaping on the site being carried out in accordance with Parts 4 and 5 of the document.
24. Prior to the first use or occupation of the development hereby permitted habitat enhancement measures comprising Schwegler 2F/2F-DFP bat boxes and reptile hibernacula/refugia shall be installed on the site in accordance with details of numbers and locations to be submitted to and approved by the County Planning Authority. The approved habitat enhancement measures shall thereafter be retained.

### **LIGHTING**

25. No external lighting shall be installed within the site, including temporary lighting during demolition/construction, without the details of the lighting first being submitted to and approved by the County Planning Authority and no other external lighting shall be installed except that which is approved. The use of bollard type low level lighting should be maximised given the semi-rural location of the site. Any proposed column lighting fittings should be downward directional fittings and should be modified to lower-level fixtures (less than 2m) where there might be potential for bat roosting (along the site boundaries). The lighting scheme shall include hours of illumination with a distinction made between operating hours when open to the public and lighting required for operational use outside of those times. All external lighting should accord with Zone E2 luminance levels within the Institute of Lighting Engineers Guidance 01/20 on Obtrusive Light.
26. External lighting as approved in accordance with condition 25 shall be switched off when not required for operational purposes and without exception between 2300hrs and 0700hrs.

### **TREE PROTECTION**

27. Prior to the commencement, including demolition, of the development hereby permitted, measures to protect existing trees during construction shall be installed on the site in accordance with the details submitted in the Arboricultural Planning Report reference 22 2206 Rev 3 dated 07 September 2022, and retained until completion of construction works.

### **GENERAL CONDITIONS**

27. Details of any facilities for the storage of oils, fuels or chemicals associated with this development shall be submitted to and approved by the County Planning Authority prior to their installation on the site. The details shall include:
- Secondary containment that is impermeable to any oil, fuel, chemicals and water, with no opening used to drain the system, with storage sited on an impervious base



- All filling points, vents, gauges and sight glasses located within the secondary containment. The drainage system of the secondary containment shall be sealed with no discharge to any watercourse, land or underground strata.
  - a minimum volume of secondary containment at least equivalent to the capacity of the tank plus 10% or, if there is more than one tank in the secondary containment, at least equivalent to the capacity of the largest tank plus 10% or 25% of the total tank capacity, whichever is greatest
  - associated above ground pipework protected from accidental damage
  - below ground pipework having no mechanical joints, except at inspection hatches and have either leak detection equipment installed or regular leak checks
  - Polluting materials and chemicals are to be stored in an area with sealed drainage with appropriate pollution prevention measures including the placement of oil/water separators in the drainage where suitable.
- The development shall be implemented in accordance with the approved details.

28. Notwithstanding any provision to the contrary under the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no extension, plant, building or machinery, whether fixed or moveable shall be erected on the application site without the prior written approval of the County Planning Authority.

29. Prior to the commencement of the development hereby permitted including demolition of any buildings or hardstandings within the site a Waste Management Plan shall be submitted and approved in writing by the County Planning Authority to demonstrate the following:

1. that the waste to be removed from the site is limited to the minimum quantity necessary and disposed of at an appropriate facility for recycling or re-use
2. that opportunities for re-use and recycling of construction, demolition and excavation residues and waste on the application site are maximised.
3. that appropriate provision of integrated storage facilities to encourage the reuse and recycling of waste over the operational life of the development are provided.

The development shall be implemented in accordance with the approved details.

30. Within three months of the first occupation or use of the use of the building hereby permitted all of the existing buildings on the site shall be removed in their entirety.

31. The premises shall only be used between the following times and for the following purposes:

- i) Visitor Chapel Access: to take place only between 0800 hours and 1800 hours Mondays to Fridays and 0800 hours to 1400 hours on Saturdays;
- ii) Crematorium Activities and Waste Transfer: only to be operational between the hours of 0600 and 2300 Monday to Saturday but not on Sundays and public holidays;
- iii) Memorial Gardens: to be open to visitors during daylight hours on any day throughout the year.

32. Prior to the installation of the three flues serving the cremators details of their finished appearance and colour shall be submitted to and approved in writing by the County Planning Authority

**Reasons:**

1. To comply with Section 91 (1)(a) of the Town and Country Planning Act 1990 as amended by Section 51 (1) of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt and in the interests of proper planning.
3. To ensure that the development does not contribute to and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution in line with paragraph 189 of the National Planning Policy Framework, Policy 14 Surrey Waste Local Plan 2019-2033 and Policy DM 5 of the Elmbridge Development Management Plan 2015.
4. To ensure that the development does not contribute to and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution in line with paragraph 189 of the National Planning Policy Framework, Policy 14 Surrey Waste Local Plan 2019-2033 and Policy DM 5 of the Elmbridge Development Management Plan 2015.
5. To ensure that the development does not contribute to and is not put at unacceptable risk from or adversely affected by unacceptable levels of water pollution caused by mobilised contaminants. This is in line with paragraph 189 of the National Planning Policy Framework. T
6. To ensure the design meets the national Non-Statutory Technical Standards for SuDS and the final drainage design does not increase flood risk on or off site in accordance with Policy 14 of The Surrey Waste Local Plan 2019-2033. Policy CS26 of the Elmbridge Core Strategy 2011 and Policy DM 5 of the Elmbridge Development Management Plan 2015.
7. To ensure the design meets the national Non-Statutory Technical Standards for SuDS and the final drainage design does not increase flood risk on or off site in accordance with Policy 14 of The Surrey Waste Local Plan 2019-2033. Policy CS26 of the Elmbridge Core Strategy 2011 and Policy DM 5 of the Elmbridge Development Management Plan 2015.

8. In the interests of the amenity of nearby receptors in accordance with Policy 14 of the Surrey Waste Local Plan 2019-2033 and policies DM2 and DM5 of the Elmbridge Development Management Plan 2015
9. In the interests of the amenity of nearby receptors in accordance with Policy 14 of the Surrey Waste Local Plan 2019-2033 and policies DM2 and DM5 of the Elmbridge Development Management Plan 2015
10. In order that the development does not prejudice highway safety nor cause inconvenience to other highway users in accordance with Policy 14 of The Surrey Waste Local Plan 2019-2033. Policy CS25 of the Elmbridge Core Strategy 2011 and Policy DM7 of the Elmbridge Development Management Plan 2015.
11. To encourage more sustainable modes of transport in accordance with Section 9 "Promoting Sustainable Transport" in the National Planning Policy Framework 2023, Surrey Local Transport Plan 4 and Policy CS25 of the Elmbridge Core Strategy 2011
12. To encourage more sustainable modes of transport in accordance with Section 9 "Promoting Sustainable Transport" in the National Planning Policy Framework 2023, Surrey Local Transport Plan 4 and Policy CS25 of the Elmbridge Core Strategy 2011
13. The site lies in an area of archaeological potential, particularly for, but not limited to, Prehistoric remains. The potential impacts of the development can be mitigated through a programme of archaeological work. This is in accordance with Policy DM12(e) of the Elmbridge Development Management Plan 2015
14. In the interests of the amenity of nearby receptors in accordance with Policy 14 of the Surrey Waste Local Plan 2019-2033 and policies DM2 and DM5 of the Elmbridge Development Management Plan 2015
15. In the interests of the amenity of nearby receptors in accordance with Policy 14 of the Surrey Waste Local Plan 2019-2033 and policies DM2 and DM5 of the Elmbridge Development Management Plan 2015
16. In the interests of the amenity of nearby receptors in accordance with Policy 14 of the Surrey Waste Local Plan 2019-2033 and policies DM2 and DM5 of the Elmbridge Development Management Plan 2015
17. In the interests of the amenity of nearby receptors in accordance with Policy 14 of the Surrey Waste Local Plan 2019-2033 and policies DM2 and DM5 of the Elmbridge Development Management Plan 2015
18. In the interests of the amenity of nearby receptors in accordance with Policy 14 of the Surrey Waste Local Plan 2019-2033 and policies DM2 and DM5 of the Elmbridge Development Management Plan 2015

19. To minimise any adverse impact on protected species in accordance with Policy CS15 of the Elmbridge Core Strategy 2011 and policies DM6 and DM21 of the Elmbridge Local Plan Development Management Plan 2015
20. To minimise any adverse impact on protected species in accordance with Policy CS15 of the Elmbridge Core Strategy 2011 and policies DM6 and DM21 of the Elmbridge Local Plan Development Management Plan 2015
21. To minimise any adverse impact on protected species in accordance with Policy CS15 of the Elmbridge Core Strategy 2011 and policies DM6 and DM21 of the Elmbridge Local Plan Development Management Plan 2015
22. In the interests of the visual amenity of the area and ecological interests on the site in accordance with Policy DM6 and DM21 of the Elmbridge Development Management Plan 2015.
23. In the interests of the visual amenity of the area and ecological interests on the site in accordance with Policy DM6 and DM21 of the Elmbridge Development Management Plan 2015.
24. In the interests of the visual amenity of the area and ecological interests on the site in accordance with Policy DM6 and DM21 of the Elmbridge Development Management Plan 2015.
25. In the interests of the visual amenity of the area and ecological interests on the site in accordance with Policy DM6 and DM21 of the Elmbridge Development Management Plan 2015.
26. To safeguard trees to be retained in the interest of the visual amenity of the area in accordance with Elmbridge Core Strategy 2011 Policy CS15 and Elmbridge Local Plan Development Management Plan 2015 Policies DM6 and DM21
27. To ensure that the development does not contribute to and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution in line with paragraph 189 of the National Planning Policy Framework, Policy 14 Surrey Waste Local Plan 2019-2033 and Policy DM 5 of the Elmbridge Development Management Plan 2015.
28. In recognition of the very special circumstances which exist in this case and to control future development in order to maintain the openness of the Green Belt and minimise impact on the visual amenity of the area in accordance with Policy 9 of The Surrey Waste Local Plan 2019-2033. Policy CS1 of the Elmbridge Core Strategy 2011 and Policy DM17 of the Elmbridge Development Management Plan 2015.
29. To ensure the sustainable management of waste arising from the construction/demolition/excavation phase of the development and waste arising from the operational phase of the development in accordance with Policy 4 of the Surrey Waste Local Plan 2019-2033

30. In recognition of the very special circumstances which exist in this case and to control future development in order to maintain the openness of the Green Belt and minimise impact on the visual amenity of the area in accordance with Policy 9 of The Surrey Waste Local Plan 2019-2033. Policy CS1 of the Elmbridge Core Strategy 2011 and Policy DM17 of the Elmbridge Development Management Plan 2015.
31. In the interests of the amenity of nearby receptors in accordance with Policy 14 of the Surrey Waste Local Plan 2019-2033 and policies DM2 and DM5 of the Elmbridge Development Management Plan 2015 and In recognition of the very special circumstances which exist in this case and to control future development in order to maintain the openness of the Green Belt and minimise impact on the visual amenity of the area in accordance with Policy 9 of The Surrey Waste Local Plan 2019-2033. Policy CS1 of the Elmbridge Core Strategy 2011 and Policy DM17 of the Elmbridge Development Management Plan 2015.
32. In the interests of the visual amenity of the area in accordance with Policy DM6 of the Elmbridge Development Management Plan 2015.

**Informatives:**

1. It is the responsibility of the developer to provide e-bike charging points with socket timers to prevent them constantly drawing a current over night or for longer than required. Signage should be considered regarding damaged, or shock impacted batteries, indicating that these should not be used/charged. The design of communal bike areas should consider fire spread and there should be detection in areas where charging takes place. Guidance on detection can be found in BS 5839-6 for fire detection and fire alarm systems in both new and existing domestic premises and BS 5839-1 the code of practice for designing, installing, commissioning, and maintaining fire detection and alarm systems in non-domestic buildings.
2. The applicant is advised to consider the provision of a defined pedestrian crossing place within the site, between the visitor entrance and the seating and reflection area, in the interest of pedestrian safety
3. The applicant is advised that the external lighting scheme submitted with the application has not been approved and details will be required to be submitted pursuant to condition 25. This is because the use of high level illumination along the access road is not considered to be acceptable in this semi-rural location where low level lighting would be appropriate. The applicants agreement to 2m columns within the service yard on ecology grounds is welcomed and should be incorporated on any lighting scheme submitted.
4. The applicant is advised that permission has not be granted for the felling of T28 as this lies outside of the application site, and not on land within the applicants ownership.

5. The applicant is advised that in accordance with the Arboricultural Method Statement submitted with this application no works comprising pruning or lopping have been approved as part of this permission to the trees adjacent to the southern boundary of the site covered by Tree Preservation Order EL:88. Should any works be required to these trees further consent under Tree Preservation Order Legislation will need to be sought for these works from Elmbridge Borough Council.
6. The applicant is advised of the necessity to obtain a mitigation licence from Natural England prior to the commencement of any works which may affect bats.
7. The Environmental Permitting (England & Wales) Regulations 2016 make it an offence to cause or knowingly permit a groundwater activity unless authorised by an Environmental Permit which the Environment Agency will issue. A groundwater activity includes any discharge that will result in the input of pollutants to groundwater. The drainage associated with this development will require an Environmental Permit under the Environmental Permitting (England & Wales) Regulations 2016, from the Environment Agency, unless an exemption applies. The applicant is advised to contact the Environment Agency on 03708 506 506 for further advice and to discuss the issues likely to be raised. You should be aware that there is no guarantee that a permit will be granted.  
Additional 'Environmental Permitting Guidance' can be found at:  
<https://www.gov.uk/environmental-permit-check-if-you-need-one>.
8. The Environment Agency refers the applicant to their groundwater position statements in 'The Environment Agency's approach to groundwater protection', available from [www.gov.uk](http://www.gov.uk).

This publication sets out their position for a wide range of activities and developments, including: Waste management, Discharge of liquid effluents, Land contamination, Cemetery developments. Drainage Guidance can also be viewed at: 'Pet cemeteries: where you can build them and how to register' - [www.gov.uk](http://www.gov.uk). It should also be noted by the applicant that any burials at this site may not be in accordance with the guidance because the depth to groundwater may not be sufficient.

9. Additional information on storage of oil and pollution prevention guidance is available at:  
Oil storage regulations for businesses  
Ciria: Containment systems for the prevention of pollution
10. Biosecurity is very important to minimise the risks of pests and diseases being imported into the UK and introduced into the environment. It is recommended that all trees grown abroad, but purchased for transplanting, shall spend at least one full growing season on a UK nursery and be subjected to a pest and disease control programme. Evidence of this control programme, together with an audit trail of when imported trees entered the UK, their origin and the length of time they have been in the nursery should be requested before the

commencement of any tree planting. If this information is not available, alternative trees sources should be used. You are advised to consult the relevant UK Government agencies such as the Animal and Plant Health Agency (APHA) and the Forestry Commission for current guidance, Plant Passport requirements and plant movement restrictions. Quality Assurance Schemes followed by nurseries should also be investigated when researching suppliers. For larger planting schemes, you may wish to consider engaging a suitably qualified professional to oversee tree / plant specification and planting.

11. A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Thames Water would expect the developer to demonstrate what measures they will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing [trade.effluent@thameswater.co.uk](mailto:trade.effluent@thameswater.co.uk). Application forms should be completed on line via [www.thameswater.co.uk](http://www.thameswater.co.uk). Please refer to the Wholesale; Business customers; Groundwater discharges section
12. Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water they would have no objection. Management of surface water from new developments should follow guidance in the National Planning Policy Framework. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. For further information refer to Thames Water's website.  
<https://www.thameswater.co.uk/developers/larger-scaleddevelopments/planning-your-development/working-near-our-pipe>
13. With regard to water supply, this comes within the area covered by the Affinity Water Company. For your information the address to write to is - Affinity Water Company The Hub, Tamblin Way, Hatfield, Herts, AL10 9EZ - Tel - 0845 782 3333.
14. If proposed site works affect an Ordinary Watercourse, Surrey County Council as the Lead Local Flood Authority should be contacted to obtain prior written Consent. More details are available on the website.

If proposed works result in infiltration of surface water to ground within a Source Protection Zone the Environment Agency will require proof of surface water treatment to achieve water quality standards.

If there are any further queries please contact the Flood Risk, Planning, and Consenting Team via [SUDS@surreycc.gov.uk](mailto:SUDS@surreycc.gov.uk). Please use our reference number in any future correspondence.

15. The applicant is advised to consider the following practice guidance in respect of the proposed landscaping on this site:

1. Growing medium used for the soft landscaping should not contain peat.
  2. Procurement of planting stock is recommended from a supplier who is a member of the Plant Healthy Certification Scheme (or equivalent).
  3. Hessian (or other biodegradable) tree ties should be used
  4. Industry standard watering bags should be used for new trees
16. The applicants are advised that badgers may be present on site. Badgers and their setts are protected under the Protection of Badgers Act 1992. It is a criminal offence to kill, injure or take badgers or to interfere with a badger sett. Should a sett be found on site during construction, work should stop immediately and Natural England should be contacted. During site preparation works, all open trenches, pits and excavations shall be covered outside working hours so that any transiting fauna that falls into the earthworks can escape.
17. The applicant is advised that, under the Wildlife and Countryside Act 1981, as amended (Section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or is being built. Planning consent for a development does not provide a defence against prosecution under this Act. Trees and scrub are likely to contain nesting birds between 1 March and 31 August inclusive. Trees and scrub are present on the application site and are assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity during this period and shown it is absolutely certain that nesting birds are not present.
18. In determining this application the County Planning Authority has worked positively and proactively with the applicant by: entering into pre-application discussions; scoping of the application; assessing the proposals against relevant Development Plan policies and the National Planning Policy Framework including its associated planning practice guidance and European Regulations, providing feedback to the applicant where appropriate. Further, the County Planning Authority has: identified all material considerations; forwarded consultation responses to the applicant; considered representations from interested parties; liaised with consultees and the applicant to resolve identified issues and determined the application within the timeframe agreed with the applicant. Issues of concern have been raised with the applicant including impacts of and on noise/traffic/odour/air quality/dust/flooding/landscape/ecology/visual impact/Green Belt and addressed through negotiation and acceptable amendments to the proposals. The applicant has also been given advance sight of the draft planning conditions. This approach has been in accordance with the requirements of paragraph 38 of the National Planning Policy Framework 2023.
19. Attention is drawn to the requirements of Sections 7 and 8A of the Chronically Sick and Disabled Persons Act 1970 and to the Code of Practice for Access of the Disabled to Buildings (British Standards Institution Code of Practice BS 8300:2009) or any prescribed document replacing that code.



20. Attention is drawn to the requirements of Sections 7 and 8A of the Chronically Sick and Disabled Persons Act 1970 and to the Code of Practice for Access of the Disabled to Buildings (British Standards Institution Code of Practice BS 8300:2009) or any prescribed document replacing that code.

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**Contact Dawn Horton-Baker**

**Tel. no. 020 8541 9435**

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### **Background papers**

The deposited application documents and plans, including those amending or clarifying the proposal, and responses to consultations and representations received, as referred to in the report and included in the application file.

For this application, the deposited application documents and plans, are available to view on our [online register](#). The representations received are publicly available to view on the district/borough planning register.

The Elmbridge Borough Council planning register entry for this application can be found under application reference EL2023/0344.

### **Other documents**

The following were also referred to in the preparation of this report:

#### **Government Guidance**

[National Planning Policy Framework](#)

[Planning Practice Guidance](#)

[National Planning Policy for Waste](#)

[Waste Management Plan for England 2021](#)

#### **The Development Plan**

[Surrey Waste Local Plan 2020](#)

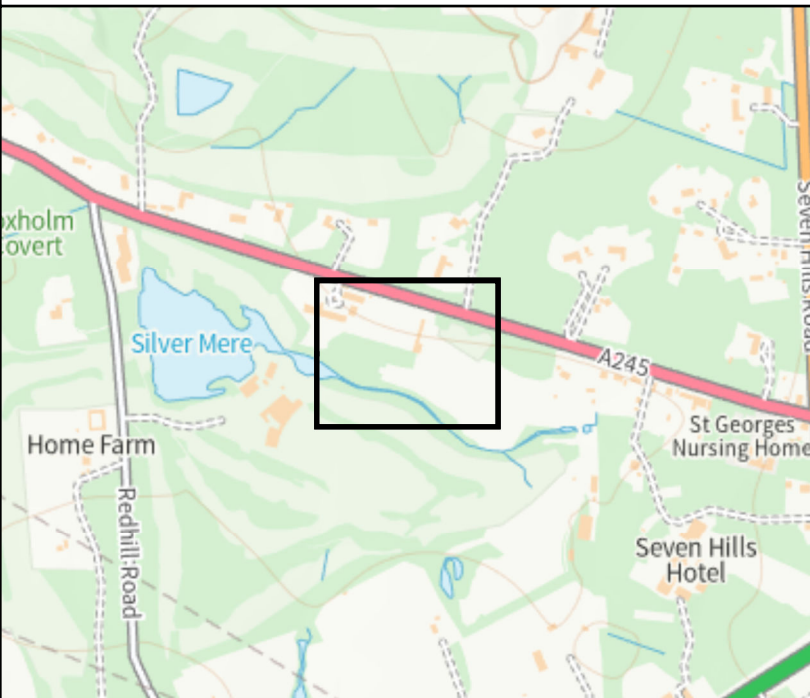
[Elmbridge Core Strategy 2011](#)

[Elmbridge Development Management Plan 2015](#)

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Site Location: **Silvermere Haven Pet Cemetery, Byfleet Road, Cobham, Surrey, KT11 1DZ**



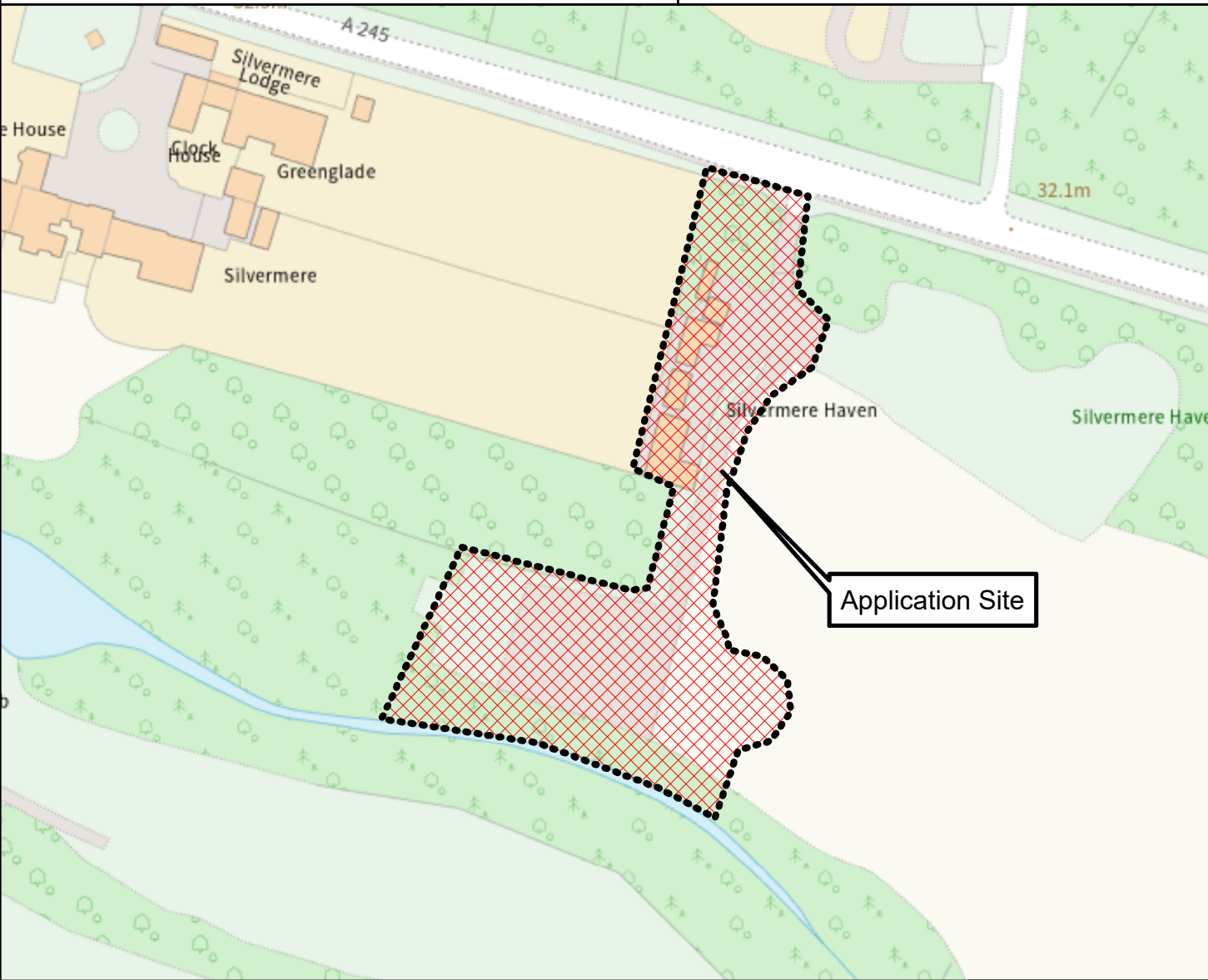
Demolition of existing crematorium buildings and removal of storage containers, temporary cabin and temporary cold store; and the construction of a new crematorium building incorporating chapels of rest, cremation hall and space for storage containers within storage yard, relocation of existing waste transfer facilities for hazardous and non-hazardous waste; and associated landscaping.

Application numbers:  
EL2023/0344

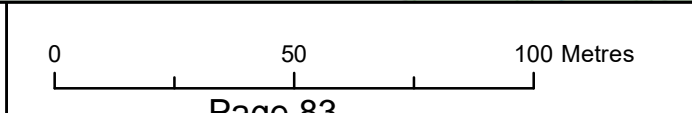
Electoral divisions:  
Weybridge

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Note: This plan is for indicative purposes only



Ref No:  
SCC Ref 2022/0190



Scale: **1:1580**  
Printed on: 28/03/2023

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# Aerial 1: Surrounding area



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All boundaries are approximate



# 2023 Aerial Photos

## Aerial 2: Application site



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**Application Site Area**



All boundaries are approximate