

**To:** Planning & Regulatory Committee

**Date:** 14 September 2022

**By:** Planning Development Manager

**District(s)** Elmbridge Borough Council

**Electoral Division(s):**  
Weybridge  
Mr Oliver

**Case Officer:**  
Dawn Horton-Baker

**Purpose:** For Decision

**Grid Ref:** 508482 160911

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**Title:** Minerals/Waste EL2022/1648

### **Summary Report**

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

**Retrospective application to retain office building and cold store unit building for a temporary period.**

The application 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 and is in a predominantly rural area between the settlements of Byfleet and Cobham, within the Metropolitan Green Belt.

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. This application seeks retrospective planning permission to retain two modular buildings (cold store and office/reception) until such time as the existing permanent facilities on the site are upgraded and replaced, for a temporary period of 3 years. The buildings have been sited within an existing hardstanding/car parking area in the northern part of the site.

The provision of these new buildings represents inappropriate development in the Green Belt as they do not fall within any of the exceptions within Green Belt policy, as such very special circumstances must be demonstrated which clearly outweigh any harm by reason of inappropriateness or any other considerations to the Green Belt.

The proposal provides key facilities for the existing cemetery and crematorium, which represent a contingency for a temporary period until permanent modern facilities are provided (subject to planning permission) on site. Whilst the proposal will result in some harm by way of the introduction of development into the Green Belt, the modular buildings are well contained by the existing built form and therefore, the landscape impact of the proposal is limited. The harm to the Green Belt is limited and reversible due to the temporary nature of the development and the provision of key services for this facility represent very special circumstances, which are considered to clearly outweigh the harm to the Green Belt.

**The recommendation is to PERMIT subject to conditions**

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### **Application details**

#### **Applicant**

CVS (UK) Ltd

## Date application valid

17 May 2022

## Period for Determination

16 August 2022

## Amending Documents

10 June 2022 Revised application form with amended description of development

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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.

	<b>Is this aspect of the proposal in accordance with the development plan?</b>	<b>Paragraphs in the report where this has been discussed</b>
Principle of the Development	Yes	29-40
Design and Visual Appearance	Yes	41-44
Impact on Residential Amenity	Yes	45-51
Highway and Traffic Implications	Yes	52-58
Assessment of Harm to the Openness of the Green Belt	Yes	59-65

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## Illustrative material

### Site Plan

Plan

### Aerial Photographs

Aerial

### Site Photographs

Photograph 1

Photograph 2

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## ***Background***

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

1. The application site is part of an existing animal crematorium and burial ground known as Silvermere Haven Pet Cemetery and Crematorium (herein referred to as 'Silvermere Haven') which has been in operation since the late 1970s. The wider site stretches to circa 4.1 hectares (ha) of which the application site is 0.57ha.
2. The existing facilities at the site include 197.30 square metre (sqm) floor area of buildings including a 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. The existing crematorium building is limited in size and is impractical for the current business use, providing an undesirable and cramped working environment, with the business operations spilling out of the existing buildings and external spaces used for storage, including waste containers.

3. There are existing buildings (including some recently erected temporary buildings the subject of this current planning application) on the northern part of the site, and a service yard to the south which is partly used for storage of containerised hazardous and non-hazardous waste and provides parking for 20 cars. The site is mostly hardstanding/loose gravel with trees and landscaping along its boundaries.
4. The waste transfer element of the existing operation caters for the storage and transfer of 84 tonnes of hazardous and 84 tonnes of non-hazardous waste per year, comprising surgical waste from veterinary practices and residential care homes in the local area. The waste disposal element of the existing operation involves the incineration of 398 tonnes of pet cadavers per annum which creates circa 20 tonnes of ash which is either returned to clients or spread on the open burial ground to the east.
5. The business employs 19 full time employees and currently serves 275 vets throughout Greater London, the Home Counties and East Anglia as well as offering direct service to individuals. At the wider site 3,500 pets have been buried and, more than, 100,000 pets cremated.
6. The applicant has seen 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 the demand for *individual* cremations will substantially increase in the near future which is a marked change from the previous approach of a significant number of pets being cremated *communally*.
7. Silvermere Haven has also identified a demand/need for equine cremation services within the geographical area. There is a concentration of horse owners within the area but a limited-service offer (4 facilities ranging from rudimentary knackers to a pet crematorium). The alternative providers are circa 40 to 70 miles away from the site.
8. The current facilities 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 unable to offer significant equine cremations and therefore assist in meeting the need for this service within the area and is unable to provide the necessary quality of facilities for the visiting public. 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. The site cannot achieve the required regulatory changes at the site as it exists currently.
9. To ensure that the business can continue to offer the quality of service to meet the needs for this facility within the area the improvement of the facilities at the site is considered necessary. To this end planning application EL/2019/2722 (see planning history below) for a new crematorium facility was submitted in 2019 and after a degree of negotiation and amendment with officers was the subject of a report to the Planning and Regulatory Committee in May 2022 with a recommendation for approval. However, the applicant withdrew the application before it was considered in order to make further amendments to the scheme. In late 2020 additional *temporary* reception and storage buildings were installed on the car parking area on this part of the site without planning permission as

the applicant considered that no planning permission was required for such temporary buildings. Officers became aware of the buildings in 2021. Officers advised the applicant of the need to regularise this development by submitting an appropriate application.

## Site Description

10. The site known as Silvermere Haven Pet Cemetery and Crematorium is in northern Surrey, in a predominantly rural area between the settlements of Byfleet and Cobham. Silvermere Haven is approximately 1kilometre (km) 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. Silvermere Haven 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 Silvermere Haven 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. The northern half of the application site currently consists of three main single storey buildings – used as offices and chapels of rest, a cremation hall, and a support building – as well as vehicle parking areas now partly occupied by the temporary buildings the subject of this application. The southern half of the application site comprises a large, informal service yard and car park, which is accessed via a narrow sloping track from the north. Due to the topography of the sloping application site, the northern half of the site is approximately five to ten metres higher than the southern half.
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 (southern) part of the site.
15. Silvermere Haven 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. There was until recently insufficient cold storage space for cadavers, which has now been provided temporarily in a portable building, the subject of this application.
16. The site lies within the Metropolitan Green Belt and is within 5km of the Thames Basin Heath Special Protection Area (SPA). 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 Landscape Character Area (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.

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## 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. This application was withdrawn on 25 May 2022.

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### ***The proposal***

18. This application seeks retrospective planning permission to retain two modular buildings on the frontage of the site for a temporary period of 3 years by which time it is intended that improvement/ redevelopment proposals across the site will be approved (the subject of a further planning application). The buildings comprise a cold store measuring approximately 5m by 5m extending to 2.7 m in height under a flat roof together with additional office/reception facilities in a separate modular measuring approximately 3m by 8m having a height of 2.5m under a flat roof. The buildings have been sited within an existing hardstanding/car parking area in the northern part of the site.

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### **Consultations and publicity**

#### **District Council**

19. Elmbridge Borough Council : No objection subject to a condition which requires the removal of the buildings within a specified time period so that the openness of the Green Belt and character of the area would be preserved.

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

20. Transport Development Planning : No objection as there is adequate space within the site to accommodate parking, the increase in staff numbers at the site that the temporary buildings facilitate is modest and additional trips they would generate are not considered to be significant or likely to lead to a severe impact on the adjoining highway;

and the buildings are retrospective and have not resulted in a severe impact on the adjoining highway.

### **Parish/Town Council and Amenity Groups**

21. None notified.

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

22. The application was publicised by the posting of a site notice and an advert was placed in the local newspaper. A total of 14 owner/occupiers of neighbouring properties were directly notified by letter. 2 responses were received as a result of this publicity both raising objection to the proposal on grounds that the relevant planning permission was not sought beforehand and the fact that the proposal represents inappropriate development in the Green Belt.

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### **Planning considerations**

#### **Introduction**

23. The guidance on the determination of planning applications contained in the Preamble/Agenda frontsheet is expressly incorporated into this report and must be read in conjunction with the following paragraphs.
24. 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.
25. 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.
26. Meanwhile, 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 and, in the future, and considering how best to address these in order to deliver the right kind of development in the most suitable places, supported by good quality infrastructure and services.
27. Elmbridge Development Management Plan 2015 contains the day-to-day policies against which planning applications will be assessed, to ensure that development contributes to the wider strategic aims of the Core Strategy and delivers the long-term spatial vision for Elmbridge. It should also be noted that Elmbridge Borough Council has, for the last 6 years been working on a new Local Plan to shape how Elmbridge is developed in the future which will once approved replace both the Development Management Plan and the Core Strategy. Following the agreement of Elmbridge Cabinet on 16 March 2022, the latest Local Development Scheme (LDS) 2022 – 2025 has been published setting out the timetable for the preparation of the new Local Plan, which is in draft form, together with Supplementary Planning Documents including the Local Design Code. At a Full Council Meeting on 22<sup>nd</sup> March 2022, Members agreed the Draft Local Plan for a 'Regulation 19 Representation Period' which provides a statutory 6 week period to allow residents, businesses, and other interested parties to comment. This period commenced post elections in early May 2022. Following the Regulation 19 representation period, officers will review and collate responses which would be reported to the Local Plan Working Group, Cabinet and Council in the autumn, including any proposed minor

modifications, for Council agreement to then submit the draft Local Plan to the Planning Inspectorate. Given that these documents are in the early stages of preparation and adoption they have not been considered in the consideration of this application.

28. The issue for consideration in this case relate to the principle of the development in the Green Belt and harm caused, whether any very special circumstances exist to justify the grant of planning permission, design and visual appearance, impact on residential amenity and the highways aspects of the proposal.

## **PRINCIPLE OF THE DEVELOPMENT IN THE GREEN BELT/INTRODUCTION AND CONTEXT FOR ASSESSMENT/ APPLICANTS VERY SPECIAL CIRCUMSTANCES**

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

Policy 8 – Improvement or extension of existing facilities

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

Policy DM17 – Green Belt (development of new buildings)

29. Paragraph 137 of the National Planning Policy Framework 2021 (NPPF) states the great importance of the Green Belt in preventing urban sprawl by keeping land permanently open. Paragraph 138 of the NPPF refers to the five purposes served by the Green Belt:
- a) to check the unrestricted sprawl of large built-up areas
  - b) to prevent neighbouring towns merging into one another
  - c) to assist in safeguarding the countryside from encroachment
  - d) to preserve the setting and special character of historic towns; and
  - e) to assist in urban regeneration
30. Paragraph 147 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in *very special circumstances*. Paragraph 148 states that 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, is clearly outweighed by other considerations.
31. New buildings in the Green Belt should be regarded as inappropriate development unless they are one of the exceptions mentioned in paragraph 149, namely:
- 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:
  - h) – not have a greater impact on the openness of the Green Belt than the existing development; or

- i) – 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 local planning authority
32. Surrey Waste Local Plan 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. Elmbridge Development Management Plan Policy DM17 states that 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 will clearly outweigh the harm.
33. The application site is located in the Metropolitan Green Belt where there is a general presumption against inappropriate development. The proposal is a waste management operation which is not deemed compatible with the objectives of the Green Belt and maintaining openness and is therefore considered to be inappropriate development.
34. Inappropriate development is by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 148 of the NPPF states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt.
35. The proposed development in this case relates to a temporary solution to a longer term enhancement and upgrading of a use which has existed on this Green Belt site for a considerable number of years with the benefit of planning permission. The proposal relates to the retention of two small modular buildings which have been brought onto the site until such time as the existing permanent facilities on the site are upgraded and replaced. Whilst that permanent improvement will require planning permission and the decision on such cannot be guaranteed, given the detailed negotiations which have taken place on the proposal over the past few years leading to an officer report to the Planning and Regulatory Committee recommending approval of a scheme (which was subsequently withdrawn by the applicant before any decision was made for further amendments to be included) officers consider the request for these temporary buildings in this context is reasonable and necessary.
36. In considering this application a judgement had to be first made on the appropriateness of the development in the Green Belt, having regard to the exceptions outlined above. Officers conclude on this that the proposal represents inappropriate development in the Green Belt as it does not fall within any of the exceptions.
37. Therefore, if planning permission is to be granted *very special circumstances* will have to be demonstrated to justify inappropriate development. Very special circumstances will not exist unless the harm by reason of the proposal's inappropriateness, and any other harm, is clearly outweighed by those other considerations.
38. The applicants have made this submission on the basis that the proposal is appropriate in the Green Belt but in any event *very special circumstances* exist to enable planning permission to be granted. The points made by the applicant in this regard are as follows:
- a) In respect of the Green Belt the questions will be whether the Development preserves openness and whether it conflicts with the purposes of the Green Belt. The second point can be dealt with relatively simply; the Development would not affect the sprawl of built-up areas, cause the merging of existing towns, encroach into the countryside,

affect historic towns, or prevent urban regeneration as it represents the redevelopment of existing brownfield well away from existing settlements. As such, it would clearly not conflict with the purposes of the Green Belt.

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- b) The first element as to openness is more difficult to assess. The Development would result in the temporary provision of relatively small buildings tied to the existing lawful use of the Site. Having regard to the factors set out in the Planning Practice Guidance, the following can be concluded:
    - i. The small scale nature of the Development would result in limited spatial and visual impacts when considered within the context of the existing buildings at the Site;
    - ii. The duration of the Development is the shorter of 3 years or until
      1. commencement of development of the Live Application's proposed
      2. development means that the impact would be very limited;
    - iii. The removal of the Development is straight forward and would restore the Site to exactly how it was prior to the Development taking place. In this regard it is entirely remediable;
    - iv. The Development results in limited activity over and above that which is already being undertaken at the Site
  - c) In this regard, it is considered that the Council should conclude that the Development is appropriate development in the Green Belt because it comprises the provision of appropriate facilities, in connection with the existing lawful use which preserves the openness of the Green Belt and does not conflict with the purposes of including land within it in accordance with NPPF paragraph 149 (b); or 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 in accordance with NPPF paragraph 149 (g).
  - d) However, if the Council concluded that the Development is not appropriate development in the Green Belt, it is necessary to consider whether very special circumstances exist to enable planning permission to be granted. It is a matter of planning judgment for the decision maker as to whether a particular factor, or combination of factors, amounts to very special circumstances, to include a balancing of all the benefits of the proposals and that the benefits or justification for the development, do not need to be rarely occurring, but can be commonplace in the context of a particular business or development proposal.
  - e) In the circumstances of this case, it is considered that there are very special circumstances. These circumstances are the need to ensure the continued operation of the facilities whilst a more comprehensive redevelopment is being considered and the need for the development, on a temporary basis, and the benefits it brings in terms of protecting the business and local employment are clearly significant factors in favour of the development. Those factors should be considered against the harm to the Green Belt which, due to the small scale nature of the development at an existing site operating under the same lawful use and the fact that the Development would only be temporary, is considered to be limited.
  - f) In respect of operational requirements in 2020, only 3.2% of Silvermere Haven's pet cremation volume and 12.0% of its income was generated from services provided directly to pet owners. This changed dramatically in 2021 as the result of the introduction of the Crematorium Division's new "Direct Pet Cremation" service and in 2021 the volume and value of services provided directly to pet owners had increased

three-fold to 11.2% of Silvermere Haven's pet cremation volume and 36.4% of its income.

- g) This increase in Over-the-Counter cremation volumes had a direct impact on the number of employees required to handle the additional workload, with the headcount increasing from circa 17FTE throughout most of 2020 to 23 FTE by October 2021.
  - h) Without space to accommodate the additional headcount required within the existing office space, additional office accommodation was urgently needed and a temporary modular office with sufficient space to accommodate 6 administrative staff was procured and installed for this purpose.
  - i) Organic growth of pet cremation volumes of 7% year-on-year together with the increase in number of pets received for Over-the-Counter cremations following the roll-out of the Direct Pet Cremation service saw the number of pets received for Over-the-Counter/Direct Pet Cremation service increase by nearly four-fold from circa 24 per week in 2020 to over 90 per week in 2021.
  - j) Unlike cremations carried out for veterinary clients, which are normally processed within 24 hours of receipt, pets received for Over-the-Counter/Direct Pet Cremation cannot be cremated until contact has been made with the owner, the type of cremation and any ancillary services established, and the cremation paid for. With a typical on-hold duration of 2-3 days, additional cold storage became necessary to hold the circa 50 pets on hold at any given time and a modular cold store was procured and installed for this purpose.
39. Officers have considered the comments put forward by the applicants, however, disagree with their views that the development is appropriate in the Green Belt, as it does not fall within any exceptions. Officers accept that the current business, albeit located within the Green Belt, has existed for a considerable number of years, and has provided a valuable service meeting a demonstrated need for animal cremation and burial in this area where other similar facilities do not exist. Officers also accept that the existing buildings and installations are in a very poor condition and the associated buildings are outmoded and do not meet modern standards and regulations. To enable the business to continue to provide even its *existing* service on this site significant investment will be required. Officers recognise that in this particular case, the applicants operate a combined cremation and burial/memorial cemetery service which is site specific, and which are linked. Officers therefore consider that although they are not so inextricably linked so as to not be able to function independently, there are indeed benefits to the co-location of these two services on this site. Officers also recognise the value of the site as a cremation and waste transfer facility serving local veterinary practices and the fact that the legislation governing such has changed and this needs to be addressed by the applicant otherwise their waste permit will be revoked.
40. Having regard to the comments in the previous paragraph and the comments made by the applicants, Officers accept that very special circumstances are demonstrated which clearly outweigh the harm. In order to conclude whether the proposal is an acceptable development in the Green Belt an assessment must also be made on any other harm caused by the proposal, including harm to openness and whether the very special circumstances put forward also outweigh that other harm which might exist. The potential area for other harm is examined in the following paragraphs before an overall conclusion/recommendation in respect of the Green Belt is made on the proposal.

## 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

41. 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
42. Elmbridge Core Strategy Policy CS17 states that new development will be required to deliver high quality and 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, and heritage assets, and protecting the amenities of those within the area.
43. 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.
44. The modular buildings are in situ and given their modest size and location within a well screened area on the site. They are of a modest scale and are not visible nor obtrusive from outside of the site. Officers are of the view that the buildings are of a scale and form which is not inappropriate to the location given its use and given the short term requirements of the operator and the requirements of the Development Plan are satisfied in this case.

**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

45. Paragraph 185 of the National Planning Policy Framework states that planning policies and 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 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

- 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.
46. Paragraph 186 goes on to state that planning 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.
  47. Paragraph 188 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.
  48. 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.
  49. 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.
  50. 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.
  51. The nearest residential dwelling to this development lies some 100m to the west and given the single storey nature of the buildings and their use for ancillary office and storage purposes for a temporary period the proposal will have no impact on residential amenity and the proposal accords with development plan policy in this regard.

## **HIGHWAY AND TRAFFIC IMPLICATIONS**

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

Policy 14 – Development Management

### **Elmbridge Core Strategy 2011**

Policy CS25 – Travel and Accessibility

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

Policy DM7 – Access and Parking

52. Paragraph 111 of the National Planning Policy Framework is clear 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 113, 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.

53. Appendix B of the National Policy for Waste states that in testing the suitability of sites for waste management the CPA 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
54. 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.
55. 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.
56. The applicant submitted a transport statement with this application which addresses the fact that the proposed buildings occupy what was a former parking area for the existing use. This states that the crematorium facility falls under a Sui Generis category, therefore car parking requirements are not defined. A pragmatic approach has been taken to inform appropriate provision of car parking. 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 20 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 (within the blue line boundary). There are no proposed changes to the existing oversized service yard to the South of the site (within the blue line boundary), which holds the staff and service vehicle parking provision.
57. Previously the 'Crematorium and Memorial Gardens Parking' and 'Existing Office and Crematorium Parking' provided 20 no. informal parking spaces. As a result of the Temporary Cabin and Cold Store, there will be a loss of around 5 no. spaces, however the remainder can still be accommodated in front of the Cabin and Cold Store Units, retaining 15 no. car parking spaces. At present, direct pet delivery by owners averages approximately 18 no. per week. With only 2 no. existing chapels of rest within the existing facility, the parking for visitors of the site will be low, therefore the allowance of 15 no. spaces is felt to be more than sufficient for the maximum visitor occupancy.
58. Transportation development Planning has assessed the proposal and has no highway requirements subject to the permission being granted for a temporary period. Officers therefore conclude that the proposal raises no highways issues and accords with the development plan in this regard.

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

## Elmbridge Development Management Plan 2015

### Policy DM17 – Green Belt (development of new buildings)

59. Paragraph 137 of the National Planning Policy Framework 2021 (NPPF) states the great importance of the Green Belt in preventing urban sprawl by keeping land permanently open. Paragraph 138 of the NPPF refers to the five purposes served by the Green Belt:
- a) to check the unrestricted sprawl of large built-up areas;
  - b) to prevent neighbouring towns merging into one another;
  - c) to assist in safeguarding the countryside from encroachment;
  - d) to preserve the setting and special character of historic towns; and
  - e) to assist in urban regeneration
60. Elmbridge Development Management Plan Policy DM17 states that in order 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 will clearly outweigh the harm.
61. The area within which the site is located already contains a significant amount of built form albeit of a spacious nature set in well screened grounds. There are a significant number of residential dwellings occupying large plots both along and set back from Byfleet Road as well as Silvermere Golf Course and two residential care homes one of which has recently been significantly extended, together with a large hotel and school. As already stated, the significant amount of tree coverage softens and partly screens the existing developments but give an 'enclosed' feel as opposed to an 'open' vista.
62. In terms of impact of the Green Belt, National Planning Policy guidance and development plan policies seek to not to approve inappropriate development except in very special circumstances, as the fundamental aim is to prevent urban sprawl and maintain *openness*. It has already been established that this proposal represents inappropriate development. Officers consider that the impact of this proposal will be *negligible* in terms of visual impact and *less than moderate* in terms of spatial impact given the modest nature of the buildings and the fact that the impact would be limited to a temporary period. In respect of harm to openness Officers consider that whilst the provision of two modular buildings would result in harm to the Green Belt, this would be limited and reversible due to the temporary nature of the development.

#### *Overall conclusion on Green Belt*

63. Officers consider that the development is inappropriate and would cause harm to the Green Belt, which would be limited, and very special circumstances need to be demonstrated to clearly outweigh the harm. In undertaking an assessment of whether very special circumstances in this case exist to clearly outweigh this harm to openness, this identified harm to the Green Belt, which must be given substantial weight in accordance with guidance within the National Planning Policy Framework.
64. Officers have carefully considered the arguments put forward by the applicant, as well as the wider planning issues and conclude the following:
- a) The application relates to an existing and long-standing facility; the proposal is for temporary facilities to improve/upgrade the existing operation due to growth in demand for its services. There is therefore clearly a demonstrable need for the

- relevant improvements/upgrades and Policy 8 of the Surrey Waste Local Plan supports this and is a strong argument in favour of granting planning permission
- b) The proposed development, subject to appropriate conditions, will not give rise to any harm other than the harm by reason of its inappropriateness and harm to openness
  - c) The impact upon the openness of the Green Belt is considered to be limited in visual terms due to the context of the existing built development on site and *less than moderate* in spatial terms as it introduces new buildings, however this is reversible as the buildings will be for a temporary period.
  - d) The existing facility is well located to meet the needs of the customers it serves and the proposal will meet a further identified growing need for cremation in the area reducing journeys for such a service now and into the future
  - e) The use has operated on the site without identified harm for a considerable number of years
  - f) The applicant has firm intentions to redevelop the site in a more sustainable and comprehensive way in the near future and the buildings proposed here will then no longer be required.
65. Officers consider that having regard to the above, in this case very special circumstances do exist which clearly outweigh the harm to the Green Belt, as such, the proposal fulfils development plan policy requirements in relation to Green Belt and enables planning permission to be granted.

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### Human Rights Implications

66. The Human Rights Act Guidance for Interpretation, contained in the Preamble to the Agenda is expressly incorporated into this report and must be read in conjunction with the following paragraph.
67. In this case, it is the Officers view that the scale of any impact is not considered sufficient to engage Article 6 or Article 1 of Protocol 1. As such, this proposal is not considered to interfere with any Convention right.

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### Conclusion

68. Officers have carefully considered the arguments put forward by the applicant, as well as the wider planning issues and conclude that there is a need for these temporary facilities and that very special circumstances have been demonstrated to clearly outweigh the harm to Green Belt. Officers conclude that planning permission should be granted for a temporary period of three years.

### Recommendation

The recommendation is to permit application EL/2022/1648 subject to the following conditions and informatives:

### Conditions:

1. The use to which this permission relates to shall be for a temporary period expiring three years from the date of this decision. Within four months of the expiry date the two temporary buildings shall be permanently removed from the site and the land upon which they are sited shall be restored to its former use as a permitted car parking area

2. The development hereby approved shall be carried out in all respects in accordance with the following plans/drawings:

C181rp-BRP-00-00-DR-A-0120-P01 Location Plan dated 29 April 2022

C181rp-BRP-00-00-DR-A-0122-P01 Proposed Site Plan dated 29 April 2022

C181rp-BRP-00-00-DR-A-0121-P01 Existing Site Plan dated 29 April 2022

51827\_D Location of Underground Services and Drains dated July 2017

**Reasons:**

1. To reflect the terms of the application and to ensure that the land is returned to a condition that does not prejudice the resumption of the previous use, in the interest of character and appearance of the area and to ensure the harm from the proposal does outweigh the benefits of the proposal in the Green Belt in accordance with Policy DM17 of the Elmbridge Development Management Plan 2015 and in the interests of the visual amenity and open character of the Green Belt.
2. For the avoidance of doubt and in the interests of proper planning.

**Informatives:**

1. In determining this application, the County Planning Authority has worked positively and proactively with the applicant by: entering pre-application discussions; scoping of the application; assessing the proposals against relevant Development Plan policies and the National Planning Policy Framework. Further, the County Planning Authority has: identified all material considerations; considered representations from interested parties and determined the application within the timeframe agreed with the applicant. This approach has been in accordance with the requirements of paragraph 38 of the National Planning Policy Framework 2021.

[National Planning Policy Framework; Planning Practice Guidance; waste; traveller sites; planning for schools development; sustainable drainage systems; parking and Starter Homes.](#)

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**Contact Dawn Horton-Baker**

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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 for this application can be found under application reference EL2022/1648.

**Other documents**

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

**Government Guidance**

[National Planning Policy Framework](#)

[Planning Practice Guidance](#)

**The Development Plan**

[Surrey Waste Local Plan 2019-2033](#)

[Elmbridge Core Strategy 2011](#)

[Elmbridge Development Management Plan 2015](#)

**Other Documents**

Surrey County Council, [Landscape Character Assessment](#) (2015)

Elmbridge Borough Council [Local Development Scheme](#) (LDS) 2022 - 2025

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