

**To:** Planning & Regulatory Committee

**Date:** 25 May 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:** 508459 160863

---

**Title:** Minerals/Waste EL/2019/2722

### Summary Report

**Land at Silvermere Haven Pet Cemetery and Crematorium, Byfleet Road, Cobham, Surrey KT11 1DZ**

**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**

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 of 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. The application has been significantly amended since first submitted following officer negotiations with the overall size of the building reduced and all of the existing buildings shown to be removed (whereas on the original submission they were shown to be retained).

The application was publicised by the posting of two site notices and an advert was placed in the Surrey Advertiser newspaper on 11 October 2019. A total of sixteen owner/occupiers of neighbouring properties were directly notified by letter. Further letters were sent out to neighbouring properties on 27 August 2020, 14<sup>th</sup> July 2021, 19 August 2021 and 21 February 2022 following receipt of amended plans and information.

A total of 202 representations have been received which includes a petition with 478 individual signatures. 2 of these representations make comments on the proposal whereas the other 200 (including the petition) raise objections to the proposal on the grounds which are summarised in the report. A number of consultations were undertaken most of these requesting further information or the attachment of conditions or informatives all of which has been secured by officers. The Borough Council maintains 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 which will 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 facility providing a valuable

service 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 of the issues put forward by the applicant and identifies and assesses the relevant areas of potential harm which might arise from the proposal such as impact on residential amenity, impact on traffic etc. It is concluded that subject to appropriate planning conditions the proposal will not cause harm in any of these areas with the exception of a *less than moderate* harm to the openness of the Green Belt as the proposed new building is sited on a more open part of the site. However given that the proposal includes the removal of all of the existing buildings, together with a restoration of that part of the site to open landscaped areas, officers conclude that there is a *neutral* spatial impact on the Green Belt arising from the proposal.

Officers conclude that overall 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 less than moderate harm to openness, and which justify the grant of planning permission.

### **The recommendation is to Permit subject to conditions**

---

#### ***Application details***

##### ***Applicant***

CVS (UK) Ltd

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

19 September 2019

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

Extension of time agreed with the applicant to 3<sup>rd</sup> June 2022

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

C181 0111 P04 Proposed Site Plan dated 11 August 2020

C181 0210 P02 Crematorium Floor Plans dated 11 August 2020

C181 0410 P02 Crematorium Elevations dated 11 August 2020

C181 0411 P01 Crematorium Comparison Elevations dated 29 July 2020

C181 0510 P02 Crematorium Visual dated 11 August 2020

Design and Access Statement C181-1J1 200811 dated August 2020

Green Belt Justification Statement (amended) received 20 August 2020

03/02/2020 E-mail from Andrea Frost relating to building details near TPO trees

Assessment of human health and habitat impacts of emissions from the Silvermere Haven pet crematorium 01 September 2021

Addendum to Assessment of human health and habitat impacts of emissions from the Silvermere Haven pet crematorium Version 2 dated 10 September 2021

29/10/21 Noise data sheet

29/10/21 Optyma packaged condensing units brochure

01/11/21 Email from applicant regarding odour - redacted

Planning Statement C181-1J1 220117 received 20 January 2022 Preliminary Ecological Appraisal dated 07 January 2022

Full Common Reptile Survey dated 3 October 2019 by Cherryfield Ecology  
C181-1J1 220221\_Updated Planning Application Forms

Arboricultural Planning Report dated 14 December 2021

Odour Impact Assessment dated December 2021

Odour Management Plan dated 12 January 2022

01/12/21 Email from applicant regarding odour dated 30 November 2021 – redacted

29/10/21 Email regarding acoustics - redacted

External Lighting Planning Statement - Rev A (updated version received 03 May 2022)

Traffic Statement dated 17 January 2022

Construction Method Statement dated 17 January 2022

22/03/22 C181-1J1 190910 Existing Cremation Hall

23/03/22 E-mail chain re Dust Impact Assessment 12/05/22 E-mail chain re landscaping and trees

12/05/22 C181-1J1 220511 Landscape Architectural Statement

---

### **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>ISSUE</b>	<b>Is this aspect in accordance with the Development Plan</b>	<b>Paragraphs in report where discussed</b>
Principle of the development in the green belt – introduction and context for assessment/applicants very special circumstances	N/A	52-119
Design and visual appearance	Yes	120-128
Waste management	Yes	129-147
Contamination	Yes	148-155
Impact on residential amenity	Yes	156-194
Highway and traffic implications	Yes	195-209
Trees and ecology	Yes	210-224
Impact on landscape/light pollution		225-243
Flood risk and drainage	Yes	244-257
Green Belt	Yes	258-266

---

### **Illustrative material**

#### **Site Plan**

Two plans showing location and site area.

## Aerial Photographs

Aerials 1 and 2 showing the site

## 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

## 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 (herein referred to as 'Silvermere Haven') which has been in operation since the late 1970s. The wider site stretches to circa 4.1ha of which the application site is 0.57ha.
- 2 The existing facilities at the site include 197.30 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 currently impractical for the current business use, providing an undesirable and cramped working environment, with the business operations spilling out of the existing buildings with external spaces used for storage, including waste containers.
- 3 There are existing buildings (including some recently erected temporary buildings) 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 with, 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 is able to 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.

#### 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 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 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 & 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 without planning permission and the applicant was advised of the need to regularise this by submitting an appropriate application which has now been received and will be considered in addition to, and having regard to, this current application. 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. 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 part (where the proposed new building would be sited).
- 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 (now provided temporarily in portable buildings installed on the site as referred to in the previous paragraph).

- 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.

### ***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*

**SCC2022/0048** Temporary installation and use of 1 no. Office Cabin for overflow of staff from existing on-site offices (for a period of 3 years or until redevelopment for the proposed development that is subject to the application EL/2019/2722 is commenced, whichever it the earlier). Temporary installation and use of 1 no. Cold Store Unit (with associated plant equipment) located on existing hard standing for the chilled storage of animal (pet) cadavers, prior to cremation in existing Crematoria facilities, (for a period of 3 years or until redevelopment for the proposed development that is subject to the Live Application EL/2019/2722 is commenced, whichever it the earlier). *Not yet determined*

---

## The proposal

- 18 This application relates to Silvermere Haven Pet Cemetery and Crematorium and 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. The proposed new building would be a maximum of 9.7m high to the ridge of a steeply pitched roof with three external stacks serving the cremators rising to 15m on the southern elevation. The overall dimensions of the building would be approximately 40m long by 18m wide, but it 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 and clay tiles with a front entrance porch projection clad in timber. The larger rear half housing the cremators has a higher ridge height and is wider than the front element and has external elevations of walls clad in timber with a profiled sheeting roof.

- 19 The new building would be set adjacent to the southern boundary of the site to enable a suitably sized open service yard enclosed by a timber vertical fence to be provided to the north and west which would also be used for staff parking. 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 not been submitted at this stage for the amended scheme but can be controlled by planning conditions.
- 20 The applicants have made the following comments (within their submitted documents and in discussions with officers) in support of their application:
  - The business 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 with well over 100,000 pets cremated.
  - There have been no significant complaints received or other issues caused by the existing operations which have been on the site for a number of years
  - 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. 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
  - There is also an identified 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 pet crematorium). The alternative providers are circa 40 to 70 miles away from the Site.
  - 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 public. Facilities for staff and visitors is far below what would be expected of a modern business operation. Vehicle manoeuvring and the handling of cadavers is currently severely constrained.
  - 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 where hazardous materials are stored in containers on open areas.
  - Substantial redevelopment is required to enable the facility to continue to provide the service it does and to meet the growing needs of its customers as well as meeting regulatory requirements.
  - There are currently 4 cremators on site; 2no. single chamber, 1no. double chamber and 1no. eight chamber. The existing cremators, apart from the eight chamber, are nearing the end of their life and need replacing.
  - The existing crematorium does not have capacity for the additional cremator required to continue to operate to modern standards and meet the increasing demand and, as such, there is a need for a new building along with more suitable and appropriately sized ancillary spaces and there is an opportunity on this site to consolidate these within one location, rather than scattered across the site, as currently exists. There is also an



opportunity to provide internal areas for facilities that are currently stored externally (such as that associated with the established waste transfer use) which are unsightly.

- The proposals include two new, more efficient, and environmentally friendly, cremators that are to be housed within the proposed crematorium hall. This includes 1no. four chamber and 1no. single chamber with one side chamber equine cremator. The existing eight chamber cremator will be refurbished so that it operates more efficiently, relocated, and reused. The proposals will result in a modest increase of 2no. chambers, that are required to meet increased demand.

- 21 The following drawing submitted by the applicant shows the site as existing. The yellow part of the site is where the existing buildings and crematorium is located (these would be demolished); the blue part of the site is where the proposed new replacement building would be sited.

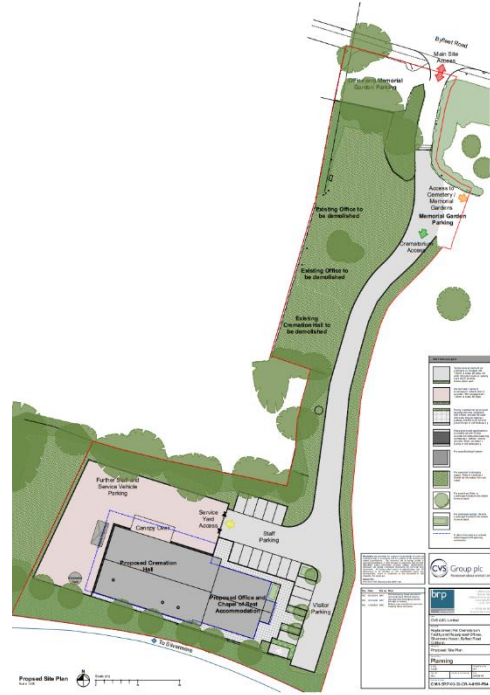


- 22 Following negotiations by officers with the applicant the application has been considerably amended since first submitted. The main changes to the proposal as shown on the amended plans now received are as follows:

- On the scheme first submitted which included the retention of the existing buildings on the site the resultant total ground floor area of the buildings on the site would have been 857 sq. m whereas on the scheme now submitted the total ground floor area is 647 sqm contained within one single building
- The proposal would now result in an overall *increase* in building footprint on the site of 349 sq. m which represents 227% increase in building footprint on the site over the existing. The original scheme submitted would have resulted in an increase in a total building footprint of 857sq m (including the retained building) representing a 334% increase
- Changes have been made to the design of the appearance to make it appear less industrial and more rural in appearance to reflect its setting (see next paragraph)
- Only one equine cremator with side chambers is now proposed (two were proposed previously), as well as one cremator of four chamber and an eight-chamber cremator
- Increased parking will now accommodate 27 cars including 1 disabled space (increase of 7 cars including a disabled space) – previously the car parking was proposed to increase to 37
- 1,632 sqm of grass and landscaping now proposed, equating to 45.7% of the Site area- previous proposal was 11%

- 23 The plans reproduced below shows the changes which have been made to the proposed building following negotiations with officers since the application was submitted.

**Site plan (below left) as originally proposed (now withdrawn) site plan (below right) as now proposed (note all existing buildings to be removed)**



**Front and side elevation of building originally proposed (now withdrawn)**



Visual 01 - Proposed (August 2019)



Visual 02 - Proposed (August 2019)

**Front and side elevation of building now proposed**

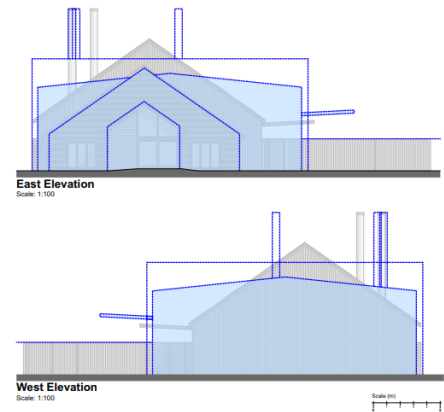
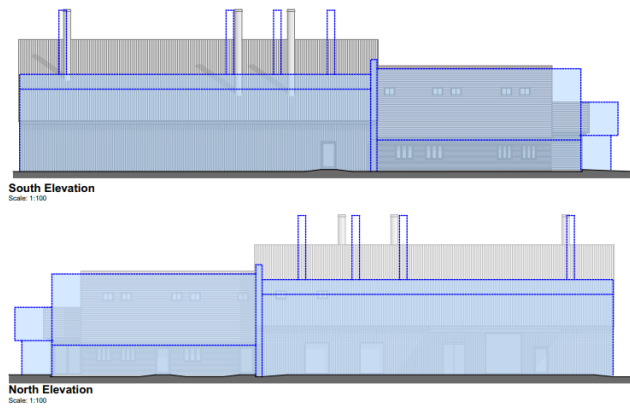


Visual 01 - Amended Proposed (July 2020)



Visual 02 - Amended Proposed (July 2020)

**Comparative drawing of elevations (blue outline building originally proposed)**



- 24 In addition to amended plans the applicant has submitted several additional documents to support the proposal which will be referenced throughout the report.

### ***Consultations and publicity***

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

- |    |                                |  |
|----|--------------------------------|--|
| 25 | Elmbridge Borough council      | Raise objection. The proposal would still have a greater impact on the openness of the Green Belt than the existing development. This would be contrary to the Framework where it states an essential characteristic of Green Belts are their openness. In the event planning permission is granted recommends a number of conditions. |
| 26 | Elmbridge Council Tree Officer | Raises concern over proximity of building to trees to the south  |
| 27 | Arboriculturist                | No views received.   |
| 28 | County Archaeological Officer  | No objection.  |
| 29 | Ecologist                      | Requested additional information, which was submitted No objection, subject to conditions.   |
| 30 | Environment Agency             | No objection, subject to conditions.   |
| 31 | Fairoaks Airport Safeguarding  | No views received.   |
| 32 | Health & Safety Executive      | No objection.  |

33	Landscape Officer	No significant concern over the siting of the building in this location. Expressed concerns regarding impact on trees and required additional information which was submitted
34	Lead Local Flood Authority	Not satisfied that drainage scheme meets requirements as insufficient information has been provided recommends conditions to require it pre-commencement
35	RPS Planning & Development Ltd (Dust & Air Quality) –	Requested further information which was submitted. No objection subject to conditions
36	RPS Planning & Development Ltd (Lighting)	Requested further information to ensure lighting was downward directed to prevent adverse impacts on bat roosting. (Officer comment: Details of lighting is reserved for further approval which can be covered by a planning conditions)
37	RPS Planning & Development Ltd (Noise)	Requested further information which was submitted. No objection subject to conditions
38	Thames Water	Makes comments but has no objection, subject to informative.
39	Transportation Development Planning	No objection.
<b>Parish/Town Council and Amenity Groups</b>		
40	Cobham Conservation & Heritage Trust	Supports the Borough objection on grounds of greater impact on the openness of the Green Belt. The proposal would increase traffic on Byfleet Road. Air quality implications should be fully considered. The use would be better sited in an industrial area and there are already facilities for horse cremation in Surrey.

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

7

- 42 The application was publicised by the posting of two site notices and an advert was placed in the Surrey Advertiser newspaper on 11 October 2019. A total of sixteen owner/occupiers of neighbouring properties were directly notified by letter. Further letters were sent out to neighbouring properties on 27 August 2020, 14<sup>th</sup> July 2021, 19 August 2021, and 21 February 2022 following receipt of amended plans and information.
- 43 A total of 202 representations have been received which includes a petition with 478 individual signatures. 2 of these representations make comments on the proposal whereas the other 200 (including the petition) raise objections to the proposal on the grounds which are summarised below.
- The proposal will turn a small, discreet pet cemetery into a major, industrial-scale development on Green Belt land – no compelling special circumstances to overcome Green Belt policy.
  - The revised proposals still do not conform with Development Plan policies DM1, DM2, CS1, CS2, DM4, DM5, CS13, DM7, CS14, CS17, DM6, DM12, DM11 and CS23.
  - Owners are trying to re-designate Green Belt land as brownfield.
  - Catalyst for intensification of industrial use in Green Belt.
  - Proposal is a very different proposition to the existing pet cemetery – will be an eyesore that is out of keeping with the surrounds and will only be obscured “to a degree” from distant views.
  - There are no matters which represent the *Very Special Circumstances* necessary to permit this inappropriate Development in the Green Belt.
  - Proposal will impact on openness of the Green Belt.
  - Visual impact, especially from golf course to the south.
  - Substantial increase in both toxic and non-toxic waste.
  - Detrimental impact on air quality from increased volumes of waste & additional traffic.
  - Chimneys will increase pollution and emit unpleasant smoke & odour – already notice an unpleasant smell from the existing incinerator.
  - Noise concerns.
  - Close proximity to residential properties – proposed working hours are not acceptable.
  - Proposal does not accord with the provisions of the development plan in force in the area.
  - The application makes no mention of how the ash from incineration will be handled, the volume from 40 tonnes weekly incineration will be significant, even allowing for the small percentage of ash from pets handed back to owners. Spread onto the land it will find its way into local rivers and lakes.
  - Increased traffic on already congested minor road.
  - Will impact on property values in the area.
  - Effects on Ockham Wisley Common Site of Special Scientific Interest.
  - Effects on flora & fauna of the two adjacent golf courses and adjoining gardens.
  - Everything should be done to minimise combustion pollutants, including use of the least polluting energy sources & technology available – and this should be a condition of any approval.
  - Diversification and expansion into equine cremation is not justified.
  - The proposed facility is being scaled up to handle horse carcasses regardless of the fact that equine incineration is already available within the area at locations in Farnham, Hook, and Horsham.
  - The hours of use will be extended up to midnight six days a week



- The planning authority has, in recent years refused numerous planning applications on land owned by Silvermere Haven Pet Cemetery, including several for residential properties. One assumes because the land is clearly designated as green belt. The planning authority also refused permission for the Redhill Road waste incinerator. No doubt they agreed with local residents that allowing such a development would impact both on air quality and increase vehicle movements along the Byfleet Road.
- All the other CVS Group crematorium sites are located on industrial estates, business parks or deep in the countryside well away from residential properties.

## **PLANNING CONSIDERATIONS**

### **Introduction**

- 44 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.
- 45 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.
- 46 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.
- 47 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 & 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 & services.
- 48 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. 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. Given that these documents are in the early stages of preparation and adoption they have not been considered in the consideration of this application.
- 49 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 transport.

### **Environmental Impact Assessment**



- 50 The proposed development (planning application Ref. EL/2019/2722) has been 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 is recommended that the proposed development **does not constitute ‘EIA Development’**.
- 51 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 the 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.

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

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

Policy DM17 – Green Belt (development of new buildings)

- 52 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
- 53 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.
- 54 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:
  - 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 local planning authority

- 55 Elmbridge Development Management Plan Policy DM17 states that in order to uphold the fundamental aims of the Green Belt to prevent urban sprawl & 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.
- 56 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.
- 57 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.
- 58 The proposed development in this case relates to an enhancement and upgrading of an existing 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 *replacement* of existing buildings with new more modern and fit-for purpose structures, part of which are used in connection with an existing and well-established pet cemetery.
- 59 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 although replacement buildings are being proposed these are materially larger than those they will replace and the predominant use of the new buildings as a crematorium (waste processing use) is not a use which is considered appropriate in the Green Belt.
- 60 In that case officers are of the opinion that there is a presumption against this development having regard to the policy documents listed above and if planning permission is to be granted very special circumstances will have to exist to justify what would be inappropriate development. Furthermore, 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.
- 61 The applicants have made this submission on the basis that very special circumstances exist to enable planning permission to be granted. Paragraphs 62 to 116 below is a summary of the **applicants' comments** in respect of the very special circumstances they consider exist in this case.

**Summary of statements made by the applicant on the very special circumstances relevant to this application**

62 The applicant contends that very special circumstances exist in this case which in summary relate to the following factors:

1. The fact that the use already exists at this site
2. The particular characteristics of this site which render it suitable for the new building
3. The need to upgrade existing facilities to meet other regulatory requirements
4. The wider environmental and economic benefits of sustainable waste management
5. The need for pet and equine crematoria and associated facilities
6. The requirement for this site to be the location for those facilities
7. The requirement for the extent of the facilities proposed
8. The needs of the business.

65 The applicant provides the following comments in support of these points:

### ***1. The existing use***

64 The application site, and adjacent land, is in the ownership of the Applicant and is currently used for this purpose. Animal cremation services have been undertaken on this site continually since 1977. This is a well-established business and comprises the following core activities some of which have been undertaken since 1977.

- a. Animal Cremation
- b. Ash Spreading (through rotation on adjacent land) (from 1983 onwards)
- c. Pet Cemetery
- d. Waste Transfer for medical waste

65 The site is located centrally within the well-established area of which it serves, with good traffic routes connecting the site to the wider community. Relocating the site would be a disadvantage to many of the users who currently enjoy the convenient, local access. This could result in additional traffic for users having to travel a greater distance to reach the Crematorium

66 There is no other land in the locality that falls within the ownership of the applicant and there is insufficient financial resource available for the purchase of a new site unless the existing land in the ownership of the Applicant is sold for development. Any new standalone development on this site without a pre-existing, established use is not likely to pass the policy test – hence there is insufficient value to be gained from any sale of site.

### ***2. The particular characteristics of this site which render it suitable for the new building***

67 The existing site is almost entirely obscured from view by the dense mature trees which entirely line the north, south and western boundaries. The only limited views onto the Crematorium site are from the private farm track almost 300m to the east.

68 The area presently occupied by the existing crematorium buildings will revert to soft landscaping upon completion of the proposed development to improve the visual appearance and openness of the site

69 The proposed development area is the lowest topography on the site, surrounded by dense trees and foliage, minimising visual impact on adjacent properties. The development area has little to no environmental or aesthetic value due to being roughly

hard landscaped with loose gravel. The addition of good quality landscaping will increase quality of the flora and fauna on the site

- 70 The proposed Chapel of Rest would face out to the eastern boundary, with all the Crematorium activities shielded from view behind. As identified in the Arboricultural Report, almost all the trees on the site, particularly those surrounding the proposed development, are well in excess of the proposed flue heights, therefore visual impact on the surrounding sites will be minimal

### **3. The need to upgrade existing waste transfer facilities to meet other regulatory requirements**

- 71 In respect of the site's use for waste transfer guidance EPR-05.07 by the Environment Agency requires all controlled waste to be internalised within a building. At present much of the waste is stored externally in around 30 x 770 litre bins for hazardous and incineration waste and 2 no. large skips for non-hazardous waste. Whilst the legislation provides some latitude for incremental waste internalisation, the existing poor-quality cremation hall cannot be sufficiently adapted to provide the necessary internalised waste storage. Any adaptations to the existing cremation hall would be visually significant from the main entrance, and ill placed on the site.

### **4. The wider environmental and economic benefits of sustainable waste management**

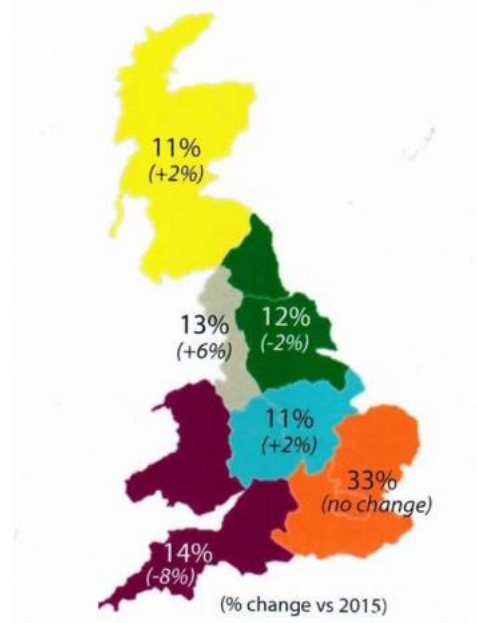
- 72 Cremation reduces the area of land disposal required compared to that of burial, limiting the impact on land generally, which is of particular importance within the Greenbelt. Cremation also mitigates the risk to human health by minimising the risk of contamination
- 73 The expansion of the existing business will provide continued security for the established workforce and provide additional employment opportunity within the local community, supporting the local economic infrastructure which is limited within a semi-rural setting

### **5. The Need for Pet and Equine Crematoria**

- 74 The pet and equine cremation service has changed much over the last few years 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 and it is expected that this will continue to increase representing a marked movement away from the traditional approach of pets being cremated communally.
- 75 Recent research has indicated that 60% of the population own a pet (Mintel 2019 Pet Ownership Survey), 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 (Petplan Insurance 2019 Research). This directly leads to an increased demand for individual cremation services and direct involvement in and personalisation of their pet's funeral is increasing.
- 76 Bereaved pet owners 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, and to personalise the chapel with flowers and photographs.
- 77 This level of service is not currently available at the site and is not available elsewhere within the region which the site serves.
- 78 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.
- 79 With regard to the proposed equine facility, the most recent research available by the British Equestrian Trade Association (BETA) in 2019 estimates that there is 700,000 privately owner 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.

- 80 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.
- 81 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.
- 82 The length or tenure of how long horses 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 animal's sector).
- 83 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.
- 84 In accordance with the 2019 research, the greatest concentration of horse riders (33%) is in the South East/East Anglia/London. It is double that of any other region and has remained stable in the last 20 years, while other areas of the country have experienced a decline.
- 85 A survey of Horse Owners in Great Britain by University of Glasgow published in BMC Veterinary Research 2013, reported on horse owner density referencing that the average horse owner density was lowest in Scotland (11 horse owners per 10km<sup>2</sup>) and the greatest in London (118 horse owners per 10 km<sup>2</sup>). This is shown on the image below.



**Rider Population in GB 1999-2019**

- 86 National Fallen Stock Company (NFSCO), an organisation established by DEFRA (Department of Environment, Food and Rural Affairs) to manage agricultural disposal services, conducted an Equine Disposal survey in 2013. According to the findings, 99% of respondents did not intend for their horse to enter the food chain and 64% of horse owners had their horse put to sleep by injection, which limits the disposal options available to cremation, incineration, or burial.



- 87 Of the respondents to the NFSCO survey who had arranged disposal, 31% opted for cremation, while 43% of those who have not yet made the final arrangements would choose cremation. This indicated a strong preference for cremation services over other disposal options.
- 88 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. For the same period the company experienced a 10% increase in income from equine cremations.
- 89 In 2018/19 CVS's three pet crematoria (The Pet Crematorium Durham, The Pet Crematorium Larkhall and Whitley Brook) which offer equine cremation service received 787 equines for cremation. This equates to just over one horse every working day per cremator with a typical cremation time of 4-5 hours.
- 90 The table below details cremation sales for The Pet Crematorium (2 sites) and Whitley Brook (1 site).

Crematorium	Annual Cremation Volumes (FY18-19)		
	Individual Cremations	Communal Cremations	Individual Cremation Conversion
The Pet Crematorium	276	115	71%
Whitley Brook Pet Crematorium	253	112	69%

- 91 CVS anticipates that demand for equine service at Silvermere Haven Pet Cemetery & Crematorium will initially be 200 equine cremations per year, and as the services becomes established it expects it will exceed the 365 cremations that Whitley Brook performs given the stronger equestrian market and higher number of riders in the South.
- 92 There are a large number of businesses in Silvermere Haven Pet Cemetery & Crematorium vicinity, which support the equestrian sector. The Royal College of Veterinary Surgeons reports that there are 30 vets that treat equines in proximity to Silvermere and an additional 85 in the wider area. There are circa 70 equine stables, livery, and riding places within a 10-mile radius of Silvermere.
- 93 However, there is a limited offer of equine crematoria within the region, as highlighted in the below image:

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

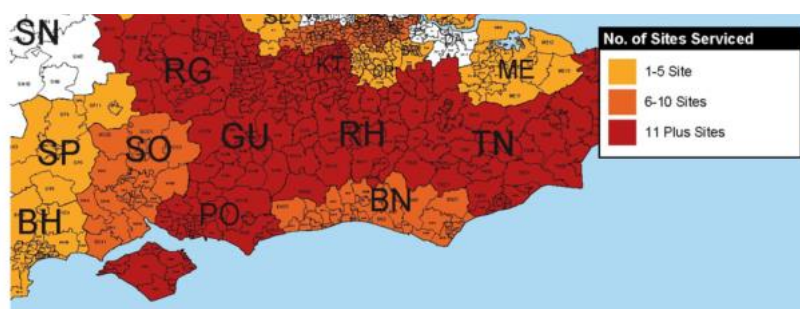


Legend:

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

- 94 Currently, the Silvermere site 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 (KT, GU, TW, RH, RG postcodes)
- 95 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.
- 96 The site currently services 275 vets and performs over 40,000 pet cremations a year. The following image highlights the density of veterinary practices which the Site currently services:

### Density of Veterinary Practices for Silvermere Services



- 97 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.
- 98 Whilst the Site currently fulfils some of these needs, it is not possible within the existing outmoded buildings 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. It is then necessary to consider whether this need is best met at this site, and this is examined below.

### 6. The requirement for this Site to be the location for those facilities

- 99 The Animal Crematorium and Pet Cemetery are both intrinsic parts of the 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, which covers an area of some 3050m<sup>2</sup>. In 1977 cremations were only offered for small and medium individual pets; communal cremations were not offered but animals were buried in mass graves. Post 1983, Elmbridge Council took the view that mass burial was not desirable and suggested the application for permission to install larger equipment to facilitate communal cremations was applied for, which was subsequently granted. It is inconceivable to separate these activities and relocate the Crematorium, hence a sufficiently large enough site would need to be found to satisfy the need for all activities. residual ash (i.e., that not interred or returned to the pet's owners) is spread systematically on part of the undeveloped site (on land within the applicant's ownership but outside of the red line boundary).
- 100 As can be seen from the images above, the location of the site is optimal for its market, especially the locations of existing veterinary practices which the business currently services and equine veterinary practices within the region. there is no other land in the locality that falls within the ownership of the applicant. Furthermore, there is insufficient financial resource available for the purchase of a new site, unless the existing land in the ownership of the applicant is sold for development. Any new standalone development on this site without a pre-existing, established use is not likely to pass the policy test – hence there is insufficient value to be gained from any sale of the site.
- 101 As previously identified the Crematorium and Cemetery uses are fundamentally linked and cannot be separated. If a new site were found housing both facilities, the existing burial ground on the application site would no longer be maintained, which would result in a loss of income from the lost upkeep costs of the plots. Morally the existing burial site cannot be abandoned or repurposed for alternative land uses

### **7. The requirement for the extent of the facilities proposed**

- 102 Following the comments from the Council with regard to the original 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.
- 103 The operational requirements for the redevelopment arise from the identified need and current operational restrictions. Information has been submitted setting out the current incinerator capacity requirement calculations and the projected incinerator capacity requirements. This identifies that the existing operation has insufficient capacity for the following demands:
- 21-40kg individual animal cremations (it would need to operate at 378% of current capacity)
  - communal cremations (104% at current capacity); and
  - equine cremations (no capacity).
- The proposed development would be able to accommodate these requirements whilst running at 98% capacity for 21-40kg individual cremations, 94% capacity for communal cremations and 89% capacity for equine cremations.
- 104 As can be seen from these figures, the proposed development is designed to accommodate the anticipated demand at high percentage of its capacity and is accordingly only seeking the minimum development necessary to meet those requirements.
- 105 The need for the redevelopment has also been driven by the current facilities being outdated and no longer matching the needs of customers and operational requirements including those arising from regulatory changes. 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 photographs below illustrate the public facilities at CVS's other crematoriums, which include rest areas, refreshments, book of remembrance and display of casket and pet memorials.

### Reception areas:



The Pet Crematorium Larkhall



Greenacres Pet Crematorium

### Family/waiting Areas/Rooms



Whitley Brook Pet Crematorium



Pet Crematorium Durham

### Chapels of Rest



Whitley Brook Pet Crematorium



Pet Crematorium Durham

### Public Areas – Refreshment and display areas





The Pet Crematorium Durham



Whitley Brook Pet Crematorium

- 106 The current Site falls far short of the high-quality environment now required to ensure appropriate service to customers (officer comment: photographs are presented with this report to indicate the existing facilities at the site)
- 107 The operational requirements of the applicants CVS have also moved on. The images below illustrate the difference between the storage space of veterinary consumables within the operational areas in its most recent development, an extension to our Greenacres Pet Crematorium near Scunthorpe, compared with that at the application site. Of particular need is the additional *internal* space required to enable storage of deceased pets & equine and healthcare wastes **within a building** and to provide manoeuvring room for the Teletruk used 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. A large walk-in chiller is also required to provide temperature controlled short-term storage for both companion animals and equine.

**Photographs comparing the storage facilities at a modern facility (Greenacres) and the application site (Silvermere)**

**Greenacres:**



The application site (Silvermere)





- 108 The existing cremator facilities at Silvermere are also in need of replacement. The environmental and operational benefits of replacing three end-of-life cremators (illustrated in the top right and bottom left pictures above) with new, better-designed, better-constructed, and microprocessor-controlled cremators, according to the manufacturer, Matthew Environmental Solutions are

*“Modern combustion systems 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.*

*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%”*

- 109 A further reason for requiring redevelopment is that 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. Sector guidance EPR-05.07 as published by the Environment Agency includes revised guidance for consultation (with publishing expected imminently) requiring all controlled waste to be internalised within a building. At present much of the waste is stored externally in around 30 x 770 litre bins for hazardous and incineration waste and 2 no. large skips for non-hazardous waste. Whilst the legislation provides some latitude for incremental waste internalisation, the existing poor-quality cremation hall cannot be sufficiently adapted to provide the necessary internalised waste storage. Any adaptations to the existing cremation hall would be visually significant from the main entrance, and ill placed on the site
- 110 A continuous failure to accommodate internal areas for the storage and handling of waste at this site would cause the loss of EA permits and licences and force CVS to no longer operate this service at the site. As already stated, there are no existing buildings capable of accommodating such storage.

## **8. The needs of the business**

- 111 CVS has undertaken a business assessment of continuing to operate at the site without its redevelopment compared to operating following completion of the proposed development. The conclusions of the assessment are stark. In the scenario which assumes that CVS are not able to proceed with the redevelopment of the crematorium, the financial forecast is bleak. Instead of revenues increasing from the current c£1.9m to £4.7m over the next 20 years based on the Proposed Development, revenues half to £1.0m. Instead of EBITDA (earnings before interest, taxes, depreciation, and amortization) increasing from £0.7m to £1.9m, it reduces to £0.3m. In addition to the lack of investment preventing the business from growing, the loss of the crematorium's Permit (resulting from the inability to secure internal waste storage) and consequential loss of waste collection & disposal income immediately results in the loss of 25% of veterinary income. Veterinary attrition of 15% of external veterinary client base has also been factored in, as this is a likely consequence of CVS not being able to provide a complete cremations and waste management package to veterinary clients together with veterinary clients migrating to crematoria with better infrastructure and facilities.

- 112 Ultimately, the business would struggle to continue to operate, and employment would be halved to 10 full time employees with half of this loss being in Year 1.
- 113 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 local identified need for high quality individual animal cremation services and equine cremations will not be met to the detriment of the wider community.
- 114 In conclusion, and using the points outlined above, it is considered these provide sufficient justification as to why the proposed development is not only acceptable within the Green Belt but also demonstrate that there are no other viable opportunities for alternative sites in the locality. Given that the application is already functioning as a Crematorium it is also considered there would be no adverse harm caused by the proposals. It is considered that the above factors are 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.

### **Applicant's Conclusion on Green Belt**

115 The above demonstrates:

- The proposed development is now of the minimum scale necessary to meet the identified needs for individual pet cremations, equine cremations and to service local veterinary practices as well as the operational requirements of CVS.
- The proposed development being a replacement facility *could* be concluded to preserve openness and not to conflict with the purposes of including land within the Green Belt and thus be appropriate development in the Green Belt pursuant to paragraph 145 of the NPPF<sup>1</sup>.
- However, if the proposed development was concluded to be inappropriate development in the Green Belt, very special circumstances exist which would outweigh any harm to the Green Belt by reason of the proposed development's inappropriateness and any other harm. Those very special circumstances include the need for the facilities, the need of the business to redevelop and the implications of a failure to redevelop
- Regarding the Council's initial concerns, these have been addressed as follows:
- ***Officer concern: The proposed buildings are substantially bigger than existing, would harm openness and therefore would not fall within any exception to inappropriate development in the Green Belt*** – Whilst the proposed buildings are still bigger than the existing, they would not necessarily have a greater impact on openness, especially having regard to the increase in grass and landscaping proposed. They could fall within the exceptions to inappropriate development identified above
- ***Officer concern: No very special circumstances have been evidenced to enable the Proposed Development to be approved*** – this has now been fully addressed
- ***Officer concern: No justification has been submitted for the increase of floor area by a factor of 10*** – this has been fully addressed and the proposed development proposes only what is necessary to meet needs and the requirements of the business

---

<sup>1</sup> Note the applicant has referred to the incorrect paragraph it should be 149

- **Officer concern: No justification for the retention of the existing buildings for an office use has been submitted** – this is no longer being proposed the existing buildings will be removed from the site
- **Officer concern: No justification for two large chapels of rest has been submitted** – evidence has been submitted to demonstrate that these are required to ensure a high-quality customer service and to respond to the need for more individual pet cremations
- **Officer concern: No evidence of the need for equine cremations has been submitted and no evidence that two chambers are needed when one could be sufficient** – only one equine chamber is now proposed and the need for that has been fully addressed
- **Officer concern: No evidence of the need for the business to increase the capacity and size of the facilities** -evidence has been submitted and the need for this has now been fully addressed

116 In conclusion the concerns of the Council have been addressed and it is therefore considered that the Proposed Development should not be refused on grounds relating to the protection of the Green Belt

#### **Officers Initial Conclusion on Green Belt and the *Very Special Circumstances* put forward by the applicant**

- 117 Officers have considered the comments put forward by the applicants as well as considering the comments made by interested parties in the letters of representation received.
- 118 Officers wholly 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 fully 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.
- 119 Having regard to the comments in the previous paragraph and the comments made by the applicants, officers accept that there exist very special circumstances in this case which clearly outweigh the harm caused by the fact that the proposal represents inappropriate development in the Green Belt. However, 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 areas 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 at the end of this report.

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

- 120 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
- 121 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.
- 122 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.
- 123 The proposed new building will 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. As set out in paragraph 23 above the design of the building has been significantly amended since first submitted through officer negotiation.
- 124 The proposed front of house has a more domestic design and scale and will be the most visible part of the building to visitors as they travel down within the site. It has a steeply pitched clay tiled roof and brick faced walls with simple windows giving the appearance of a converted farm building structure. It has 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 benefit from views out over the grassed and wooded areas beyond to the East reflecting the nature of the use of these areas.
- 125 The crematorium area behind has 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 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
- 126 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 also fully accommodating the business and its future needs. 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 are flanked with the mature trees to both the North and South, with the smaller 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 the 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 to this exposed view.

- 127 In addition, the applicant notes that given the site topography with the positioning of the new building on the lowest part. The ridge height of the new building at approximately 34.8m AOD is over 1m lower than the existing buildings (to be demolished) which have a ridge height of approximately 35.9m AOD.
- 128 As this building has a specific function there will be requirements for space which will 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 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 will sit comfortably on this well screened site and externally would have a 'quiet' appearance in the landscape. The three proposed flues which project beyond the roof ridge have been sited on the southern elevation which will 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 will mean that the flues will not be an unduly dominant feature of the site or the building. Officers are of the view that the proposed building by virtue of its design and appearance will 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) will represent a visual improvement overall taking into account the areas of new landscaping which will result. As such it accords with the relevant development plan policies in this regard and is acceptable.

## **WASTE MANAGEMENT**

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

Policy 4 – Sustainable Construction and Waste Management in New Development

Policy 8 – Improvement or Extension of Existing Facilities

- 129 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 will 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.
- 130 The National Planning Policy Framework does not contain policies relating to waste management, instead these are contained within the Waste Management Plan for England 2021 and set out in the National Planning Policy for Waste 2014.
- 131 The Waste Management Plan reiterates the Waste Hierarchy which is a legal requirement, enshrined in law through the Waste (England and Wales) Regulations 2011. Priority goes to preventing the creation of waste in the first place, followed by preparing waste for reuse; to recycling, and then recovery. Disposal – in landfill for



example – is regarded as the worst option. However, the Waste Management Plan and Waste Hierarchy recognise the principle of ‘practicality’ and that some waste cannot be reused, recycled, or recovered and so needs to be managed by disposal.

- 132 The National Planning Policy for Waste states that when determining planning applications, the waste planning authority (here Surrey County Council) should:
- (a) consider the likely impact on the local environment and on amenity against the criteria set out in Appendix B and the local implications of any advice on health from the relevant health bodies but should avoid carrying out their own detailed assessments in these respects
  - (b) 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
  - (c) concern themselves with implementing the planning strategy in the Local Plan and not with the control of processes which are a matter for the pollution control authorities. The CPA should work on the assumption that the relevant pollution control regime will be properly applied and enforced.
- 133 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.
- 134 The existing facility only cremates domestic pets, comprising mainly of dogs, cats and smaller mammals, occasionally cremating wildlife including foxes, badgers, and birds. The existing cremators, with the exception of 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 public.
- 135 The purpose of this application is therefore to replace an existing facility with one meeting modern standards. The domestic pet and occasional wildlife cremations will continue as existing, along with the addition of cremation of equine animals which are kept as pets.
- 136 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 with blood contamination, sharps, 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:
- 84 Tonnes Annual throughput of hazardous waste
  - 84 Tonnes Annual throughput of non-hazardous waste
- 137 There is no proposed change in throughput for the waste transfer elements of the site, however this waste is presently contained in approximately 30 no. 770 litre bins that line the access and service area. New Environment Agency guidance require this to be



stored within a building and protected so as not to allow any waste to escape or be washed away and become a contamination source. The proposed new building will include capacity to provide this.

- 138 As outlined previously there are 4 no. existing cremators which provide domestic pet and occasional wildlife cremations, with the following annual throughputs:
- 219 Tonnes of Individual Cremations (weight prior to incineration)
  - 179 Tonnes of Communal Cremations (weight prior to incineration)
- 139 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:
- 260 Tonnes of Equine Cremations (weight prior to incineration)
- 140 The weight of ash after the incineration is approximately 5% of the throughput tonnage, therefore the existing ash output is currently 20 tonnes annually, which will increase to 32 tonnes following the inclusion of the equine cremations. As at present, 50% of the ash would be returned to the owner, and 50% would be spread on the adjacent grounds.
- 141 The wastes stored on site comprise of a combination of controlled hazardous and non-hazardous clinical waste with storage facilities allowing for 3500kg on site. On average there are 8 no. deliveries of controlled veterinary waste per day, with 3 no. waste collection from a specialist disposal company. The proposed cold store within the building contains cadavers awaiting cremation, cadavers are not stored for more than three days.
- 142 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.
- 143 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.
- 144 The applicant has stated that while there are no proposed changes to the existing domestic pet and wildlife cremations, they anticipate that the addition of the cremator to provide an equine service would result in the throughput of the application site increasing by around 260 tonnes. 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.
- 145 As stated above there is no proposed change in throughput for the waste transfer elements of the site just the provision of space within the building to store these whilst awaiting pick up. Officers have already concluded that the application site is suitable for the number of vehicles movements to be associated with the existing waste management activities.
- 146 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 (equine cremation) accords with Policy 8 of the Surrey Waste Local Plan. The application site is well located, close to an

urban area and the strategic road network for access from further afield. Furthermore, due to the lack of alternative similar facilities within the remainder of Surrey, the proposed development would significantly contribute towards providing sufficient waste management capacity in order 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 is 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 are 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.

- 147 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 is 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

- 148 Paragraph 183 of the NPPF 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 184 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 185 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.
- 149 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.
- 150 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.

- 151 The applicant has submitted a report with this application entitled *Phase One Environmental Assessment* which provides a comprehensive review of the environmental liabilities that may derive from past or present uses on the site. This included looking at material handling and storage, waste and waste material at the site, drainage and water management, air emissions and potential asbestos, as well as the regulatory regimes in place.
- 152 This report concludes that there is a low to moderate 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 was also identified as a low to moderate risk due to shallow groundwater but the report concludes there is no record of pollution incidents.
- 153 The Environment Agency was consulted on this application and advises that having regard to the above report they conclude that the previous (existing) 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.
- 154 The Environment Agency accepts that the application's Phase 1 report demonstrates that it will 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 3 conditions are included in any planning permission granted relating to the following:
- Submission of a preliminary remediation strategy to deal with identified risk
  - Submission of details of liquid/oil storage and specification of containers for such
  - Control over the installation of surface water drainage.
- 155 Officers are of the view that given the nature of the operations the risk of contamination on the application site in this case is very low. However, given the evidence provided by the applicants of *some* areas of potential risk and the fact that the report they have submitted is some years old (dated 2013), together with 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 will not give rise to any adverse impact in respect of this issue. Officers consider that the requirements of the development plan have been met and the proposal is acceptable 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

- 156 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.

- 157 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.
- 158 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.
- 159 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.
- 160 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.
- 161 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**

- 162 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**

- 163 Given the distances set out in the above paragraph the proposal does 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**

7

- 164 There are two sources of emissions from the proposed development, that arising from an increase in vehicle movements and emissions from the cremator stacks.
- 165 The only additional source of operational traffic arising from the proposed development would be the introduction of an equine cremation service, which is expected to generate up to 10 vehicle movements (5 arrivals and 5 departures) per week arising from the collection service that would be offered. All other traffic is expected to remain equivalent to that associated with the existing facility. 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.
- 166 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 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).
- 167 In support of the application the applicant originally submitted a document entitled "*Impact Changes*" dated September 2019, which addressed the emissions arising from the development in general terms and its potential impact on the surrounding environment. Since that document was submitted the number of cremators proposed has been reduced (one equine chamber has been removed) however the general conclusions of the original *Impact Changes* document are still relevant and is useful as a starting point in considering this issue.
- 168 The Impact Changes 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.
- 169 The Impact Changes 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 concluded 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*".
- 170 The original details submitted were assessed by Surrey County Councils Air Quality Consultants and although it was generally agreed that the air quality impacts arising from this development would be low several areas were identified where additional



information was required from the applicant in respect of the emissions arising. Following several detailed discussions and exchange of correspondence on the relevant issues additional information was provided by the applicants.

- 171 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*'
- 172 The additional information submitted clearly demonstrates that the effects of the proposal on air quality are *not significant*. 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 will not have an unacceptable impact on existing residential dwellings by virtue of emissions arising from the cremators.
- 173 In its response on this application Elmbridge Borough Council suggested a number of planning conditions be attached to any consent granted including the following on air quality:
- Condition:** *Prior to the commencement of any development hereby permitted, a detailed air quality assessment that includes the impact of vehicle movements to and from the site, shall be submitted to the Local Planning Authority and approved in writing. The approved scheme shall then be implemented in full in accordance with the approved details. Should the assessment identify mitigation measures are required then they must be submitted to and approved in writing by the Local Planning Authority prior to installation. The scheme approved shall be implemented and retained and maintained*
- Reason:** *To sustain compliance with and contribute towards EU limit values or national objectives for pollutants in accordance with paragraph 181 of the National Planning Policy Framework.*
- 174 The Councils Air Quality Consultant has advised that such a condition would not be required for the following reasons:
1. The Environmental Protection UK (EPUK) and the Institute of Air Quality Management (IAQM) Land-Use Planning & Development Control: Planning for Air Quality document provides the following threshold criteria for determining when an air quality assessment should be undertaken for sites outside an Air Quality Management Area (AQMA):
    - an increase in annual average daily Light Duty Vehicle (LDV) flows by more than 500; or
    - an increase in annual average daily HDV flows by more than 100.
  2. The site is 2.4 km northwest of the Cobham AQMA; for sites inside or adjacent to an AQMA, the increases decrease to 100 and 25 respectively.
  3. The applicant estimated that the proposal would generate an additional 10 two-way vehicle movements **per week**. The estimated increase is well



below the indicative threshold traffic flows for when an air quality assessment is required.

4. The EPUK & IAQM guidance continues by stating that “If none of the criteria are met then there should be no requirement to carry out an air quality assessment for the impact of the proposed development on the local area, and the impacts can be considered to have insignificant effects.”

- 175 Officers therefore consider that there was no requirement for the applicant to undertake an assessment and the effects are not considered significant, so such a condition is not required in this case.
- 176 Officers are satisfied that the proposal will not give rise to any adverse impact on residential amenity in this regard.

#### **Residential amenity – odour**

- 177 Given the distance of receptors (residential dwellings) from this site it is not considered that odour arising from the use will be a significant issue. The applicant has confirmed that there have been no recorded complaints regarding fugitive odours (from stored waste prior to combustion) from this site, or from any other CVS operated Crematorium site. The Odour Logs record all instances of odour complaints and on review these were found to be solely historic in relation to Stack Odours from the incomplete-combustion process (now mitigated with improved controls / technology of the cremators, well in excess of regulatory requirements). Furthermore, controls over odour in respect of the Waste Transfer element of the site are contained within the Environmental Permit required in that respect.
- 178 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 will 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 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 advised that slight amendments were required which the applicant agreed to, and an amended Odour Management Plan was submitted. This has now been received and is acceptable to the Council’s Air Quality Consultant.
- 179 Officers are satisfied that subject to suitable conditions requiring adherence to the Odour Management Plan the proposal will not give rise to any adverse impact on residential amenity in this regard.

#### **Residential Amenity - Dust**

- 180 The only dust generating activities arising from this proposal will be during demolition and construction. In respect of demolition, as the applicant has stated, the volume is “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.
- 181 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. The largest element of the new building will be constructed from metal sheet cladding which will have a low

potential for dust release. In respect of vehicles, less than 10 HDV (>3.5t) are expected to access the site in any construction day and therefore the dust emission magnitude for Trackout would be considered Small to Medium.

- 182 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.
- 183 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.
- 184 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.
- 185 Officers therefore consider that the proposed development is acceptable in this regard and will 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

- 186 There are three potential areas for noise disturbance arising as a result of this proposal
- increased traffic
  - construction/demolition
  - operational noise from the proposed use of the site/building.

In this context it should be noted that officers from Surrey County Council have been monitoring this 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.

- 187 In respect of **increased traffic** 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.

- 188 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 will be a significant issue subject to controls in place under other Environmental Health legislation. The applicant has proposed hours of construction (as set out in paragraph 183) which accord with that normally considered acceptable and these can be further reinforced by a planning condition.
- 189 The operation of the **proposed use** will take place in a purpose-built building and again given the distance of dwellings from the site and the fact that noise complaints have not arisen in respect of the existing use of the site it is not anticipated that noise disturbance will be a significant issue. Elmbridge Borough Council were consulted for their views with regards to this application and commented initially that noise from the plant and machinery had not been addressed in the planning application and suggested conditions be applied to any planning permission that may be granted. Following this comment officers sought additional information from the applicant in this regard. This has been received and the advice of the County's Councils Noise Consultant has also been sought.
- 190 In respect of plant the cremators (some of which already operate on the site) will be installed within a purpose-built building and these are themselves not noisy during use. Matthews Environmental Solutions (Cremator manufacturer and supplier) has confirmed that the units operate on natural draught. i.e., the exhaust relies on the buoyancy of the gases. There is no forced method of exhausting the gases, hence there is no noise from the chimney outlet. In respect of proposed external plant this will comprise 1 no. VRF condenser, (Toshiba MMY-MAP1406FT8P-VK) to serve the office accommodation, and 2 no. Cold Store condensers, (Danfoss OP-MSXM068ML W05). Manufacturer's operation sheets have been provided for the models proposed.
- 191 The Council's Noise Consultant has assessed the details and has advised that noise should not be a key determining factor for the granting of planning permission. They have however suggested a number of 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 the external plant is also recommended.
- 192 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**

- 193 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**

- 194 Having regard to the above paragraphs officers are satisfied that subject to appropriate conditions as outlined in each section the proposal will not give rise to any harm to the residential amenities of nearby dwellings and as such meets the requirements of development plan policies and is therefore acceptable.

## **HIGHWAY AND TRAFFIC IMPLICATIONS**

- 195 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.
- 196 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
- 197 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.
- 198 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.
- 199 The applicant has submitted the document titled “Traffic Statement” dated 17 January 2022. Within this document, it is detailed that the existing vehicle movements currently taking place to and from the application site will remain unchanged by the proposed development, including staff movements, deliveries, veterinary and waste collections, and pet owners arriving by car. However, the document details that there are two exceptions to this: fuel deliveries and movements associated with the proposed new equine service.
- 200 Firstly, the applicant has stated that fuel will continue to be delivered to the application site by seven tonne tankers, the frequency of such deliveries will decrease from once per week to once per month. The document details that this will be possible as it is the intention to increase the size of the kerosene fuel storage tank positioned within the application site. In respect of the equine service the document states that the addition of the new equine service will result in an additional three weekly movements between Mondays and Fridays, and an additional two movements on Saturdays.
- 201 The applicant has also submitted a Construction Method Statement which states that HGV movement periods will 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.

- 202 Access to the proposed new building would be via the existing access onto the A245 road. The applicant states that the visibility splays at that entrance meets required standards in that there is a Y distance of 146 metres from an X distance of 2.4 metres in from the site from the edge of the carriageway, based on the 50 mph Byfleet Road access. Uninterrupted sight lines across the existing footpath and grass verge to the Byfleet Road provide the required visibility splay.
- 203 In respect of parking finally, the applicant states that the car parking provision is currently in an informal arrangement without delineated spaces, spread out across the site in groups, and therefore a pragmatic approach has been taken to determine appropriate provision of car parking.
- 204 The expected car parking requirement associated with the proposed development is as follows:
- 1 disabled bay near the main entrance.
  - 4 visitor car parking spaces.
  - 1 dedicated space for pet cadaver deliveries.
  - 12 car parking spaces for staff, additional visitors & delivery drivers.
  - Service vehicle parking will be catered for informally within the service yard.
- 205 These spaces will be provided within the existing car parking areas at the northern end of the application site, and to the east and north-east of the proposed new building with loading, unloading, and turning space for service vehicles being available within the service yard to ensure that all vehicles will be able to leave and return to the highway in a forward gear.
- 206 The County Council's Transportation Development Planning team have no objection to the proposal. They recognise the intention to increase capacity at the application site to accommodate the equine service, but also noted that this is expected to result in a relatively low number of additional trips, and the majority of trips associated with this kind of facility are likely to occur outside of the normal peak hours.
- 207 TDP therefore concluded that it is likely that the proposal will not represent a significant or severe impact on the local Highway network, and therefore has no highway requirements.
- 208 Elmbridge Borough Council has suggested a condition which ensures the adherence to the Construction Method Statement which officers agree with. They also suggest a condition requiring two electric vehicle charging points on the site which the applicant has confirmed is acceptable and can be secured by condition.
- 209 Having regard to the above Officers consider that the proposal fulfils development plan policy requirements in relation to transport and there will be no harm arising from the proposal in this regard.

## **TREES AND ECOLOGY**

### **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

- 210 The National Planning Policy Framework requires that planning decisions enhance the natural environment by minimising impacts on and providing net gains for biodiversity (para 174).



- 211 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.
- 212 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.
- 213 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

- 214 The applicant has submitted the following documents in support of this application:
1. Full Common Reptile Survey with the following main findings and recommendations:
    - The surveys have shown that one of the four common reptile species are using the site, as grass snake were found during the full survey effort. **Recommendation:** *Grass snake will be impacted by the proposed development with habitat loss. Reptile trapping will be required prior to the development taking place. This will include fencing the construction zone, with a suitable reptile fence and trapping out the reptiles*
  2. Preliminary Ecological Appraisal with the following main findings and recommendations:
    - No protected species or evidence of protected species were found on site at the time of the survey. **Recommendation:** *No further surveys are necessary.*
    - The buildings B1 and B2 (to be demolished) provide low potential for roosting bats due to a small number of gaps including loose roof tiles and gaps in soffits which could provide potential access points / roosting features. **Recommendation:** *Presence/likely absence surveys will be required (one survey), with four surveyors to cover the buildings B1 and B2; this survey must be undertaken between May to August. If bats are found to be present, two further surveys will be required (a minimum of two weeks apart), one of which must be undertaken within the May to August window. Given that the proposed new building is to be built on hard standing, approx. 60m away from buildings B1 and B2 there will be no effect on any potential roosts and therefore there is no reason why the*

*new building cannot be built before the emergence surveys have been conducted. However, no works will occur on buildings B1 or B2 before the emergence surveys have been conducted.*

- The building B3 provides negligible potential for roosting bats due to a lack of suitable roosting features. **Recommendation:** *No further surveys are necessary; if bats are found throughout works, all works must stop, and advice sought.*
- The site provides moderate potential for badgers due to some suitable foraging and commuting habitat and good links to the wider environment. **Recommendation:** *If any badger setts are found throughout works, all works must stop, and advice sought.*
- The trees introduced shrub and hedge habitats provide high potential for breeding birds. **Recommendation:** *No further surveys are recommended; however, the removal of any vegetation should take place outside the nesting season (March to August). If this is not possible, it is recommended that a qualified ecologist is on site to ensure the vegetation is not occupied by breeding birds, prior to removal. Should an occupied nest be found, a buffer zone would need to be created until the nest is no longer in use.*
- The site provides low potential for Great Crested Newt (GCN) due to small amounts of suitable habitat on site including tall ruderal. There is a pond on site however this is considered to be poor suitability for GCN. **Recommendation:** *No further survey is necessary; however, a qualified ecologist will need to supervise the clearance of any shrub / tall ruderal habitat on site via a destructive search.*
- The site has confirmed presence / high potential for reptiles on site, notably Grass snake, as shown in previous surveys. There is suitable reptile habitat in the form of the tall ruderal. **Recommendation:** *As there is a known population of Grass Snake on site (as set out in the Full Common Reptile Survey referred to in 1 above) and there has been little material change to the suitable reptile habitats on site, it is not deemed necessary to complete an updated reptile survey. However, the mitigation and enhancement set out in the reptile survey report must be adhered to.*

- 215 The planning application as originally submitted did not provide sufficient information on the ecological implications of the proposal and following comments made by the County Ecologist the above document outlined in 2 above was submitted. The County Ecologist is now satisfied with the reports submitted and raises no objections but draws attention to the need for a further bat emergence survey. As the building to be demolished is on a different part of the site to the new one being built in this instance, he is happy for this to be secured by way of a planning condition.
- 216 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**

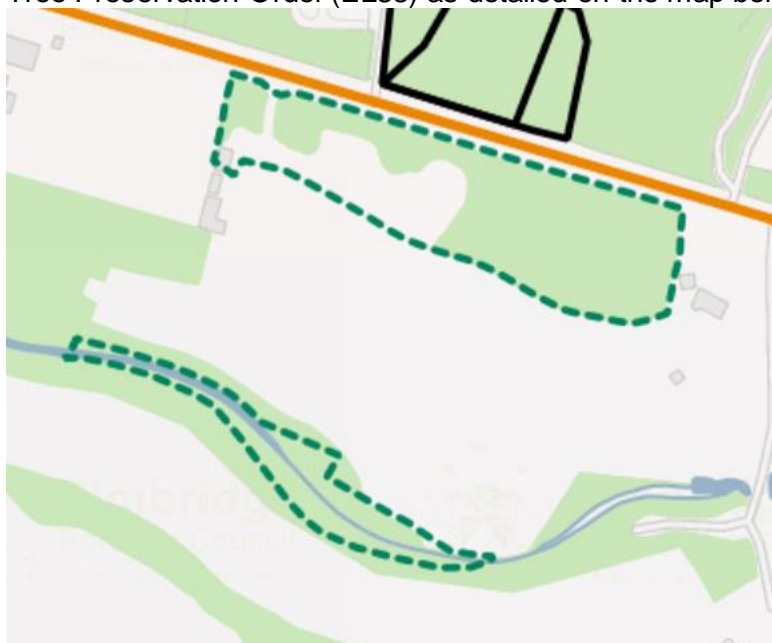
- 217 In this instance the nature of the proposal provides opportunities to achieve a biodiversity net gain on this site. This is because the proposal seeks to provide a new development on *an existing hard surfaced area* of the site whilst demolishing existing buildings on another large area at some distance from the new building and returning that area to natural landscape. Intrinsically this will give rise to a potential for a biodiversity net gain.
- 218 The submitted plans indicate the extent of the landscaped areas to be provided in principle but details of the proposed landscaping will be required by a condition on the planning permission. This will include tree replacement for those trees to be removed (see next heading below) and a condition can be worded to ensure that the landscaping

includes features to encourage biodiversity such as native hedges and trees and particular species planting. Officers are therefore satisfied that subject to suitable conditions the requirements of the development plan have been met in this regard.

## Trees

219 The applicant has submitted the following documents in support of this application:

- Arboricultural Planning Report which identifies/recommends the following:
  - 36 individual trees and two groups were surveyed as part of the assessment of this site
  - Some of the trees on the site (along the frontage with Byfleet Road and along the southern boundary with the golf course) are covered by Area Tree Preservation Order (EL88) as detailed on the map below.



- 1 individual tree (an oak near the site frontage) and one tree group (along the western boundary of the rear part of the site the fall within Category B (comprising generally well-formed specimen trees, present individually or in groups with significant merit within the wider treescape/landscape, alongside other benefits such as ecology that may be associated with them)
- 32 of these individual trees and one tree group fall within Category C (comprising unremarkable specimens which are, either individually or collectively, of little merit within the wider treescape/landscape)
- 3 trees fall within the U Category (comprising trees that are dead or are showing signs of significant, immediate, and irreversible overall decline)
- The proposal will include the felling of the following trees:

Tree No.	Proposed/Recommended Works	Reason for Works
<b>T6, T7 &amp; T28</b>	Fell to ground level.	To improve site safety.
<b>T11, T12 &amp; G13</b>	Fell to ground level.	To facilitate proposed development and landscaping.

- T6, T7 and T28 for removal are the U Category trees referred to above.

- T11 and T12 for removal are small C Category Lawson Cypress Trees lying close to the existing buildings on the site
- G13 is a line of Lawson Cypress trees along the edge of the existing buildings on the site as shown on the photograph below



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

220 Officers consider that the removal of the trees identified as part of this development is justified. Particular consideration has been given to the removal of the line of Lawson Cypress trees within the site as they are, at present a significant landscape feature, though their main purpose (to screen existing buildings) will be lost once the development is implemented as those buildings will be removed. The applicant has stated that the removal of these trees is to facilitate the widening of the access to the bottom of the site, and to assist with the demolition of the existing cremation hall and that the trees were of limited value and had outgrown their setting. 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) is acceptable when considered as part of the overall scheme. The removal of this line of trees will make views across the site from north to south more 'open' but officers consider the proposed new building at the southern lower end will not be rendered any more prominent 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 will be sited which are being retained.

221 The Council's Landscape Architect has been consulted on the proposal and has commented that the proposed building would be sited against the southern site boundary, which is characterised by a belt of mature alder trees alongside the course of the Silvermere brook/stream. He notes that the building would be well within the Root Protection Area of some of these trees, which are covered by a group Tree Preservation Order (EL:88). He notes that it is proposed to mitigate the potential impact of construction works within the RPAs of these trees by measures including supervised foundation construction, as outlined within the submitted Arboricultural Method Statement but he raises concern about any works within the root protection zones and regarding future pruning requirements. He also notes that the applicants Arboricultural advisors categorise the alder trees T30-T38 as category C but consider they should be B2 given their protected status, prominence within the landscape and positive contribution to local landscape

character and visual amenity and a precautionary approach should be applied to any potential damage to these trees as a result of the proposed development.

- 222 Officers passed on the concern of the Landscape Architect to the applicant, and they provided additional information from their structural engineer which stated the following:

*"Further to Arb Consultancy Ltd report and given the proximity of the trees to the proposed development a foundation strategy will be provided using isolated concrete pad or piled foundations which will seek to minimise the degree of excavation required. All Foundations and ground floor slabs will be wrapped with a 1200 gauge visqueen barrier to prevent concrete infiltration into the root zone. All excavations will be minimised where possible and carried out in a controlled manner. Foundation excavations will be inspected during the works by the project Arboriculturist. Drainage trench locations will be minimised in order to avoid further excavations in this area. Where applicable to external areas, Tree Root protection systems such as Cellweb will be provided"*

The siting of the building is constrained by the need to provide adequate access to the service area which will be provided to its northern side. In respect of the categorisation of the alder trees immediately outside of the site to the south (covered by a Tree Preservation Order) these trees are only the boundary trees of a bigger group of trees to the south and no works are proposed to any of these trees as part of this proposal. The applicants arboricultural advisors do note that they are trees *with future potential* but which they did not survey in detail due to limited access. The Method Statement submitted with the application does clearly identify root protection areas for these trees and requires detailed measures for works within these areas as follows:

All excavation works necessary to form the foundations within the RPAs of T33-T38 must be carried out in strict accordance with the following requirements:

1. Prior to undertaking any works, the location of any RPAs and excavations must be determined and shall be marked out using non-toxic marker paint.
2. All staff involved will be made aware of this working methodology.
3. All works to be undertaken using hand tools only. At no point will any heavy machinery be permitted to operate within the RPAs unless it is positioned on appropriate ground protection or outside of the RPAs.
4. Those excavations closest to the tree(s) shall be carried out first. These shall be undertaken using hand tools only and under the direct supervision of the project arboriculturist. Hand excavations shall be carried out to the required depth.
5. Exposed roots shall be treated in accordance with BS3998:2010 and shall be pruned back to the edge of the excavation using secateurs or a sharp saw.
6. Exposed roots and soil closest to the tree shall be covered at the earliest opportunity to protect them from extremes of temperature and desiccation. Where uncured concrete is to be used then an impermeable membrane shall be installed to prevent leachate from entering the RPAs

- 223 Given all of the factors above officers consider that on balance the proposal is acceptable in this regard subject to a condition requiring adherence to the arboricultural measures put forward by the applicant (both in the Method Statement and amplifying e-mail) and an informative reminding the applicant that this permission has not given consent for any works to these trees and any future works will require permission of Elmbridge Borough Council in view of the Tree Preservation Order in place. The Landscape Architect also raised concerns regarding the lack of replacement trees (and other discrepancies) shown on landscape drawings originally submitted with the application. These plans have now been withdrawn by the applicant and details of landscaping and replacement trees will be required by a condition on the planning



permission giving the opportunity for appropriate replacement tree planting to be secured.

- 224 Officers consider that subject to conditions requiring adherence to the Aboricultural Planning Report and replacement trees to be planted the proposal is acceptable in this regard and accords with Development Plan policies.

7

## **IMPACT ON LANDSCAPE/LIGHT POLLUTION**

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

Policy 14 – Protecting Communities and the Environment

### **Elmbridge Core Strategy 2011**

Policy CS14 – Protecting Communities and the Environment

Policy CS15 - Biodiversity

Policy CS17 – Local character, density, and design

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

Policy DM 5 – Pollution

Policy DM6 – Landscape and Trees

- 225 The NPPF 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 174). It requires that planning policies and decisions limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes, and nature conservation (para 185).
- 226 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.
- 227 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.
- 228 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.
- 229 Guidance note 01/20 by the Institute of Lighting Engineers for the Reduction of Obtrusive Light states obtrusive light is a form of pollution, which may also be a nuisance in law, and which can be substantially mitigated without detriment to the lighting requirements of the task. Obtrusive light includes Sky glow, the brightening of the night sky, glare, the uncomfortable brightness of a light source, light spill, the spilling of light beyond the boundary of the area being lit and light intrusion. The guidance advises that the choice of luminaires with the right optical distribution at the right mounting height is critical to minimising light spill and obtrusive light effect whilst providing the right lighting for the

task. It is therefore important to consider the luminaire, its light distribution, how it is installed and how it is set up. The guidance goes on to state that care should be taken when selecting luminaires to ensure appropriate products are chosen to reduce the upward spread of light so that it is near to and above the horizontal to reduce spillage and glare to a minimum. The guidance advises that the angle of light should not be greater than 70-degree angle in order to avoid any potential glare.

## Landscape

- 230 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.
- 231 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'.
- 232 Surrey County Councils Landscape Architect has been consulted on the proposal and comments that the extensive belts and groups of trees within and bounding the site, together with the flat topography, limit views into the site. He notes that neighbouring visual receptors include residential properties to the west and east of the site, and recreational users of Silvermere Golf and Leisure Centre, to the south and south-west. In respect of *Impact on local landscape character*. His main conclusions are summarised below:
- The proposal would result in the removal of the existing cremation facilities and utilisation of the existing large, rectangular parking/service yard at the southern end of the site for the construction of a purpose-built cremation facility, with associated service yard, staff, and visitor parking. The proposed new building is squat in massing/height, well below the tops of the surrounding trees. The associated chimney stacks are indicated to rise to 12m in height, which is again well below the height of the alder belt (indicated as 22m high on the applicants arboricultural report), and the belt of oaks to the north (majority 15m+).
  - No significant concerns about the principle of siting the proposed building in this location (with the exception of its proximity to the TPO trees which has been considered in the preceding section of this report). There are examples of other similarly sized buildings sitting discreetly within the surrounding area, e.g., Silvermere Golf & Leisure Centre.
  - Neighbouring visual receptors include residential properties to the west and east of the site, and recreational users of Silvermere Golf and Leisure Centre, to the south and south-west. There are no public rights of way within the vicinity. Filtered views of the proposed building may be possible from these surrounding areas, particularly in winter when leaf cover is largely absent. However, given the separation distance to these receptors, the siting at the lowest point within the site, and the presence of the enclosing mature trees and tree belts, even in the winter

maximum visibility scenario it is unlikely that the quality of the visual experience for these groups of people would be unacceptably reduced. It should be noted that this consideration is based on the existing arrangement of tree and woodland screening being retained.

- As this is a rural area, all external lighting should be conditioned to accord with Zone E2 luminance levels as set out within the ILP Guidance on Obtrusive Light (considered under **Light Pollution** heading below).

- 234 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 will open up this part of the site and subject to appropriate landscaping and replacement tree planting (controlled by condition) will considerably enhance the visual appearance of the site from this vantage point. The new building will 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 will be retained to its north (T19-T27).
- 235 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 will 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 will not be visible in the landscape when viewed from the neighbouring dwellings and their immediate garden areas and only glimpses of the building will be visible from close to the joint boundary through trees and screened further by new boundary fencing (details of which will be required by condition) which will be erected as part of this proposal.
- 236 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 will be visible particularly during the winter months. However, it is not considered it will be an unduly visible or prominent feature in the landscape from this direction.
- 237 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**

- 238 The applicants original *Lighting Planning Statement* submitted with the application stated that the development would require building amenity lighting, building mounted security lighting and lighting columns (6m high) to the car park and access road. Officers considered that 6m high lighting columns were inappropriate especially along the access road in this location and requested that the applicant reconsider this matter.
- 239 An amended *Lighting Planning Statement Rev B* has now been received which indicates bollard lighting along the access road and only column lighting to 4m high within the car parks, together with building lights as indicated below.

Car park areas		LED Post top lighting fitting mounted on a 4M circular column. The luminaire will have a controlled distribution to prevent glare to surrounding properties and to prevent light pollution
Access roadway		LED Circular bollard luminaire 200mm wide by 1000mm high. The luminaire will have a controlled distribution to prevent glare to surrounding area and to prevent light pollution.
Perimeter building mounted lighting		Surface mounted LED bulkhead with controlled distribution to prevent glare to surrounding properties and to prevent light pollution.

- 240 The applicant has recognised within the Preliminary Ecological Appraisal that additional lighting of the new building could affect foraging and commuting resources for bats. Therefore, the appraisal concluded that any lighting near or shining onto any trees...should be designed to minimize the impact it has on potential bat roosting and commuting, by being "of low level, be on downward deflectors and ideally be on PIR sensors. Use of LED directional lighting and not using up-lighting were also recommended.
- 241 The County Council's lighting consultant has been consulted on this proposal and agrees that downward directional fittings and low-level lighting should be included within the final lighting designs for ecological purposes and recommends that the applicant is requested to submit a formal lighting drawing with calculations to confirm minimal light spillage and so that the location of columns can be assessed by the ecologist with respect to the proposed bat roosting boxes. The Council's Landscape Architect also commented that all external lighting should be conditioned to accord with Zone E2 luminance levels as set out within the ILP Guidance on Obtrusive Light
- 242 Officers consider that the lighting now indicated by the applicant is a more appropriate approach to this site give the suburban nature and ecology concerns but as the full details of the lighting now proposed is not provided (numbers, positions etc) a condition will be attached requiring these to be submitted and approved prior to installation and a further condition stipulation no other external lighting be installed on the site. The condition will be worded to ensure the lighting meets the requirements of the lighting consultant and accords with Zone 2 luminance levels. In addition, officers propose a condition regarding the timing of the illumination of the lights. Subject to these conditions officers are satisfied that the proposal will not give rise to adverse impact in respect of the landscape and accords with the relevant policy advice.

### **Overall conclusion on landscape/light pollution**

- 243 Officers consider that subject to several conditions relating to tree protection and lighting details the proposal will not have any adverse impact on the quality and appearance of the landscape of the area nor give rise to any unacceptable light pollution and the proposal therefore accords with development plan policy in this regard.

## **FLOOD RISK AND DRAINAGE**

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

#### **Policy 13 – Sustainable Design**

**Elmbridge Core Strategy 2011**

Policy CS26 - Flooding

**Elmbridge Development Management Plan 2015**

Policy DM5 – Pollution

- 244 Paragraph 159 of the NPPF 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 167 of the NPPF states that when determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere by, inter alia, incorporating sustainable drainage systems.
- 245 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.
- 246 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.
- 247 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.
- 248 The site is located within Flood Zone 1 on the Government Flood Map for planning. The applicant has stated that whilst there is a Strategic Flood Risk Assessment available for Elmbridge, no warnings or increased flood risk data was found for the site within that report. It is noted that the proposed development use class will be no more *vulnerable* in respect of flooding than the existing on the site. An environmental report commissioned by the application identified no risk of flooding from Rivers or Sea and low Groundwater Flooding Susceptibility. The report did identify that approximately 3% of the Site is at risk of surface water flooding, however only 1% of the Site area is at moderate risk. This is due to a small open watercourse that runs along the southern boundary of the site and areas of low depressions located in the woodland outside the site boundary, to the North.
- 249 Within the submitted Design and Access Statement, the applicant has stated that the proposed development includes 4 No. WCs, 2 No. Sinks, 1 No. Shower and a washdown drainage channel. The applicant has recognised that the topography of the site will not make a connection to the main foul water sewer possible, and instead states that the foul water from the new building will be collected in a septic tank located at the Southeast corner of the site. Further, all hazardous by products will be disposed of in a controlled manner so as to be no threat to water, air, and soil pollution.
- 250 It is proposed that wastewater from the bunded vehicle washdown facility will be collected via a controlled wastewater gulley and be contained within a dedicated sealed tank.



- 251 The applicant has also stated that whilst the site is close to a watercourse (Silvermere) Elmbridge's Strategic Flood Risk Assessment (June 2015) indicates that there is no flood risk associated with the site. Further, the site does not lie within Flood Zone 2 or 3 and is therefore low risk and approximately 3% of the Site is at risk of surface water flooding, however only 1% of the Site area is at moderate risk.
- 252 Finally, the applicant has stated within a Phase One Environmental Assessment document that the site does not lie within a currently designated groundwater Source Protection Zone and that there was no evidence of previous significant leaks or spills at the Site. This Assessment includes a Flood Risk Screening, which states that the locality has a low susceptibility to groundwater flooding, that no further action is needed in relation to groundwater control, and that the Site is not at a significant risk of flooding.
- 253 The Lead Local Flood Authority was consulted on the application and comment that insufficient information had been submitted in order to make any assessment of the suitability of drainage measures so require a condition requiring these prior to the installation of any drainage on the site.
- 254 The Environment Agency was also consulted for their views on this application and in respect of drainage commented that they had no objection to the proposal subject to the imposition of a condition stating that no drainage systems for the infiltration of surface water to the ground be installed other than with the written consent of the local planning authority.
- 255 Similarly, Thames Water were consulted and raised no objection. They 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.
- 256 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 condition. 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.
- 257 Having regard to the above Officers consider that the applicant has appropriately assessed the likelihood of flooding of the application site and determined that no significantly adverse impacts would be generated. Officers consider that subject to the imposition of suitably worded conditions and informatives requiring the submission of full drainage details for approval prior to their installation the proposed development will not result in any significantly adverse groundwater or surface water impacts, and accords with development plan policy 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)

- 258 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

Elmbridge Development Management Plan Policy DM17 states that in order to uphold the fundamental aims of the Green Belt to prevent urban sprawl & 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.

- 259 Although designated as Green Belt 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.
- 260 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 as set out above in paragraph 52 is to prevent urban sprawl and maintain *openness*. It has already been established that this proposal represents inappropriate development. However, given that the crematorium use already exists on this site and there are existing buildings which will be demolished and replaced the proposal does not *directly* contradict with any of the proposed aims as a degree of harm to the Green Belt has already occurred over time with the establishment and growth of the use in this location.
- 261 The proposed new building, though a *replacement* for the existing buildings, will be larger and sited on an open part of the site to the rear (which is hard surfaced and already used for parking and ancillary waste transfer storage). Therefore, it could be argued that (c) in a paragraph 52 is most pertinent one in this case as the proposed new building will extend further in to a more 'open' part of the site.
- 262 Openness is not defined but is commonly understood to refer to an absence of development and case law has established that Green Belt openness can have a spatial as well as a visual aspect. Therefore, the erection of the single crematorium building on the more open land to the south of the site would diminish the degree to which, in terms of its spatial extent, that part of the site remains open and free from development.
- 263 Looking at the application site overall, as the proposal also now includes the demolition of all the existing buildings on the site, with that part of the site then landscaped and open, in terms of actual built features within the overall site the spatial impact is to a degree mitigated. The proposed development remains a relatively small footprint within a sizeable plot of landscaped and screened land, characteristic of the other lower density development in the vicinity. For these reasons officers consider that the proposal will give rise to only a modest loss to the openness of the Green Belt thereby only causing *less than moderate* harm in this regard with the spatial harm to the Green Belt being *neutral*.

#### **OVERALL CONCLUSION ON GREEN BELT – WHETHER THE VERY SPECIAL CIRCUMSTANCES OUTWEIGH IDENTIFIED HARM**

- 264 In the above sections of the report the only harm which has been identified as arising from this proposal is a *less than moderate* harm to the openness of the Green Belt as

identified in paragraph 263 above. 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 must be given substantial weight in accordance with guidance within the National Planning Policy Framework.

265 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 existing and long-standing facility; the proposal is for operational development to improve/upgrade the facility. Whether consent is granted or not, the existing use of land for waste transfer and disposal by thermal treatment will remain. However, if consent is not granted the facility is unlikely to be able to meet modern waste management and pollution prevention and control standards. Consequently it will be likely to lose its permit with regard to its operation as a waste transfer site which is an important part of the business and the service the site offers. 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
- 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 intrinsic 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>. Officers agree with the applicant that it is inconceivable to separate these activities and a more suitable site could not exist elsewhere.
- The proposed development, subject to appropriate conditions, will not give rise to any harm other than the harm by reason of its inappropriateness and openness
- The impact upon the openness of the green belt is considered to be *less than moderate* as though it will be located on land which is currently more open in terms of overall impact on openness given the removal of existing buildings the spatial impact is considered to be neutral
- 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 equine cremation in the area reducing journeys for such a service now and into the future
- The use has operated on the site without identified harm for a considerable number of years

266 Officer consider that having regard to the above and all of the issues in this case very special circumstances do exist which enable planning permission to be granted.

---

## HUMAN RIGHTS IMPLICATIONS

267 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.

268 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.

---

## CONCLUSION

269 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. However, officers accept that the applicant has put forward very special circumstances in this case which must be considered in making a decision.

- 270 In order to assess whether those very special circumstances justify planning permission being granted officers have examined in the sections of the report above the areas of potential harm arising from the proposal including the harm to the openness of the Green Belt.
- 271 On each area of harm, with the exception of the assessment of harm to the open character of the Green Belt, officers consider that the proposal will not cause identified harm subject in some cases to details covered by planning conditions. Officers do conclude that the proposed building, being sited on a more open area of the site and being larger than the existing buildings which it will replace would cause less *than moderate harm* to the openness of the Green Belt in spatial terms as opposed to visual terms.
- 272 Officers however consider that there is a convincing case in this instance to permit the proposal as the very special circumstances do clearly outweigh this less than moderate harm to the Green Belt, together with the harm caused by virtue of inappropriateness (as this latter harm already occurs as the site is already in the proposed use). Officers therefore recommend that the application is permitted subject to conditions.

## RECOMMENDATION

- 273 The recommendation is to permit application EL/2019/2722 subject to the following conditions and informatives:

### Conditions:

IMPORTANT - CONDITION NOS 12 AND 17 MUST BE DISCHARGED PRIOR TO THE COMMENCEMENT OF THE DEVELOPMENT.

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

C181-BRP-00-00-DR-A-0100 P01 The location plan dated 5 August 2019

C181-BRP-00-00-DR-A-0101 P01 Existing Site Plan dated 5 August 2019

C181-13 191004 Silvermere Ash Burial site (undated)

C181-BRP-00-GF-DR-A-0200 P01 Office and Chapel of Rest Floor Plans dated 6 August 2019

C181 0111 P04 Proposed Site Plan dated 11 August 2020

C181 0210 P02 Crematorium Floor Plans dated 6 August 2020

C181 0410 P02 Crematorium Elevations dated 6 August 2020

C181 0510 P02 Crematorium Visual dated 11 August 2020

2. 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.
3. The measures outlined in the Odour Management Plan dated 12 January 2022 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
4. The measures set out in the Construction Method Statement dated 17 January 2022 shall be adhered to in full during the construction of the development hereby permitted including during the demolition of the existing buildings/structures
5. Noise levels from demolition and construction works during standard construction hours specified in Condition 11 shall not exceed 70 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 11
6. The Rating Level, L<sub>Ar,Tr</sub>, of the noise emitted from all plant on the site associated with this planning application shall not exceed the existing representative LA90 background sound level at any time by more than +5 dB(A) at the nearest noise sensitive receptor. The assessment shall be carried out in accordance with 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 BS 4142:2014+A1:2019 and agreed with the County Planning Authority.
7. 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 Condition 5 and/or 6. 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).



8. Should the site fail to comply with the noise limits set in Conditions 5 and 6, a scheme to attenuate noise levels to the required level and a timescale for implementation shall be submitted within four (4) 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.
9. All plant on the application site associated with this planning application shall be maintained in accordance with the manufacturer's recommendations at all times
10. Notwithstanding any provision to the contrary under Schedule 2 Part 4 (Class A), and Part 7 (Classes F, H, I and L) of 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 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 in respect of the siting, design, specification and appearance of the installation, such details to include the predicted levels of noise emission and their tonal characteristics.
11. No demolition/construction works will take place on the site outside of the following hours:  
  
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.
12. The development hereby permitted shall not commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the County Planning Authority. This strategy will include the following components: This should be carried out by a competent person in line with paragraph 178 of the National Planning Policy Framework.
  1. A preliminary risk assessment which has identified:
    - all previous uses
    - potential contaminants associated with those uses
    - a conceptual model of the site indicating sources, pathways and receptors
    - potentially unacceptable risks arising from contamination at the site
  2. A site investigation scheme, based on (1) 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) 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) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the County Planning Authority. The scheme shall be implemented as approved.

13. 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. The details shall include:
  1. Secondary containment that is impermeable to both the oil, fuel or chemical and water, with no opening used to drain the system
  2. 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
  3. All fill points, vents, gauges and sight gauge located within the secondary containment
  4. Associated above ground pipework protected from accidental damage
  5. Below ground pipework having no mechanical joints, except at inspection hatches and have either leak detection equipment installed or regular leak checks
  6. All fill points and tank vent pipe outlets designed to discharge downwards into the bund

The facilities shall be installed only in accordance with the approved details.
14. No drainage systems for the infiltration of surface water to the ground are permitted 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 only be carried out in accordance with the approved details.
15. No external lighting shall be installed within the site without the details first being submitted to and approved by the County Planning Authority and no other external lighting shall be installed except that approved. The proposed lighting fittings should be downward directional fittings and should be modified to lower level fixtures like bollards where there might be potential for bat roosting. All external lighting should accord with Zone E2 luminance levels within the Institute of Lighting Engineers Guidance 01/20 on Obtrusive Light.
16. All external lighting within the site shall be switched off when the site is not operationally in use
17. The development hereby permitted shall not commence until details 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 & 1 in 100 (+40% allowance for climate change) storm, during all stages of the development. 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.

18. Prior to the first occupation of the development, 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.

19. Prior to the commencement of the development hereby permitted tree protection fencing shall be installed on the site in accordance with the details submitted in the Arboricultural Planning Report dated 14 December 2021. The development shall proceed in accordance with that report, together with the additional amplifying information contained in the e-mail received 20 May 2020 in that:

- 1. A foundation strategy will be provided using isolated concrete pad or piled foundations which will seek to minimise the degree of excavation required near the trees along the southern boundary of the site.
- 2. All Foundations and ground floor slabs will be wrapped with a 1200gauge visqueen barrier to prevent concrete infiltration into the root zone.

3. All excavations will be minimised where possible and carried out in a controlled manner.
  4. Foundation excavations will be inspected during the works by the project Arboriculturist.
  5. Drainage trench locations will be minimised in order to avoid further excavations in this area.
  6. Where applicable to external areas, Tree Root protection systems such as Cellweb will be provided
20. Within 3 months of the commencement of development, a Hard and Soft Landscaping Scheme shall be submitted to the County Planning Authority for approval in writing. The scheme shall incorporate replacement trees for those removed from the site to facilitate the development and shall be designed to maximise the biodiversity of the site through the use of native species and features such as hedging and shrubs or grasses chosen for their ecological value. The landscaping scheme shall include details of:
- a) The nature of the hard surfacing to be used for the car park and footpaths on the site;
  - b) A plan showing where soft landscaping shall be provided and a planting schedule of what planting shall be carried out in the form of species, density of planting, proposed numbers, sizes of plant and management arrangements
  - c) Maintenance programme to include regular watering, annual weeding and re-application of mulch,
  - d) Formative pruning as necessary;

The maintenance shall also include the replacement of any tree or shrub which is removed, uprooted, destroyed, dies or becomes in the opinion of the County Planning Authority seriously damaged, defective or not to BS 8545:2014. The replacement shall be of the same species and size and in the same location as that originally planted.

In the event of the failure of any soft landscape planting in the first five years of planting, such planting shall be replaced with an equivalent number of live specimens of the same species by not later than the end of the first available planting season following the failure, damage or removal of the planting. The development shall be implemented and managed strictly in accordance with the approved scheme.

The landscaping scheme shall be completed within the first available planting season following the commencement of the use of the new building.

21. Two of the car parking spaces shall be provided with a fast charge socket (current minimum requirement: 7kw Mode 3 with Type 2 connector - 230 v AC 32 amp single phase dedicated supply)

22. Prior to the commencement of development reptile fencing shall be installed around the construction zone trapping out the reptiles in accordance with the recommendations contained within the Reptile Survey submitted with the application.
23. In accordance with the details within the Preliminary Ecological Assessment submitted with the application prior to buildings B1 and B2 being demolished a survey will be carried out to investigate the presence/likely absence of bats with four surveyors. The survey must be undertaken between May to August and the results sent to the County Planning Authority. If bats are found to be present, two further surveys will be required (a minimum of two weeks apart), one of which must be undertaken within the May to August window.

If bats are found throughout works, all works must stop, and advice sought.

24. Prior to the 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.

25. Within three months of the commencement of the use of the building hereby permitted all of the existing buildings on the site shall be removed.
26. 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 Monday to Saturday but closed on Sundays and public holidays;
  - iii) Memorial Gardens: to be open to visitors during daylight hours on any day throughout the year.

**Reasons:**

1. For the avoidance of doubt and in the interests of proper planning.



2. 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.
3. 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
4. In the interests of the amenity of nearby receptors and highway safety in accordance with Policy 14 of The Surrey Waste Local Plan 2019-2033 and policies DM2, DM5 and DM7 of the Elmbridge Development Management Plan 2015
5. 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
6. 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
7. 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
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 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
11. 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
12. 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 183 of the National Planning Policy Framework and Policies 14 of the Surrey Waste Local Plan 2019-2033 and DM2 and DM5 of the Elmbridge Development Management Plan 2015. This condition is required prior to commencement in order to

assess all risks from the former use including that arising from demolition and site preparation.

13. To ensure that the proposed storage of oils, fuels or chemicals does not harm groundwater resources in line with paragraph 183 of the National Planning Policy Framework and Policies 14 of the Surrey Waste Local Plan 2019-2033 and DM2 and DM5 of the Elmbridge Development Management Plan 2015
14. 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 183 of the National Planning Policy Framework and Policies 14 of the Surrey Waste Local Plan 2019-2033 and DM2 and DM5 of the Elmbridge Development Management Plan 2015 .
15. 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.
16. 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
17. This is required prior to commencement as no information was submitted to indicate the suitability of the site for surface water drainage and this needs to be established before development commences 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 and in accordance with Policy 14 of the Surrey Waste Local Plan 2019-2033, Policy CS26 of the Elmbridge Core Strategy 2011 and Policy DM5 of the Elmbridge Development Management Plan 2015  
.
18. 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 and in accordance with Policy 14 of the Surrey Waste Local Plan 2019-2033, Policy CS26 of the Elmbridge Core Strategy 2011  
and Policy DM5 of the Elmbridge Development Management Plan 2015
19. 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

20. In the interests of the visual amenity of the site, to ensure replacement trees where existing trees have been removed to facilitate development and to secure maximum biodiversity net gain in accordance with Policy CS15 of the Elmbridge Core Strategy 2011 and Policy DM6 of the Elmbridge Development Management Plan 2015
21. To encourage more sustainable modes of transport in accordance with Policy CS25 of the Elmbridge Core Strategy 2011
22. To safeguard and 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
23. 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
24. To ensure the sustainable management of waste arising from the construction/demolition/excavation phase of the development and C&I waste arising from the operational phase of the development in accordance with Policy 4 of the Surrey Waste Local Plan 2019-2033
25. To accord with the proposal as submitted and in the interests of minimising the impact of the development on the open character of the Green Belt in accordance with Policy DM17 of the Elmbridge Development Management Plan 2015
26. 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

#### **Informatives:**

1. The storage of clinical waste 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>

2. 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 we will issue. A groundwater activity includes any discharge that will result in the input of pollutants to groundwater. The developer should check whether the

existing septic tank is compliant with the permitting regulations both in terms of volume and type of effluent it is used for.

In addition, if modifications are made they comply with the following:

1. Infiltration systems are to be constructed to BS6297:2007 and A1:2008 (amendment May 2008 and corrigendum August 2008).
  2. No connections are to be made to a watercourse or land drainage system
  3. No part of the infiltration system is to be situated within 10 metres of any ditch or watercourse.
  4. No siting of any septic tank/package sewage treatment plant within 50 metres or upslope of any well, spring or borehole used for private water supply.
3. Disposal of animal ashes on site following incineration will require a permit unless it is subject to an exemption regulatory position statement 149. Further details are available at

[www.gov.uk/government/publications/environmental-permitting-guidancegroundwater-activities](http://www.gov.uk/government/publications/environmental-permitting-guidancegroundwater-activities)

4. 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. The developer will be expected to demonstrate what measures will be undertaken 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 [wwriskmanagement@thameswater.co.uk](mailto:wwriskmanagement@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.
5. With regard to SURFACE WATER drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water Thames Water would have no objection. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. For further information please refer to our website.  
<https://developers.thameswater.co.uk/Developing-a-largesite/Apply-and-pay-for-services/Wastewater-service>
6. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.
7. 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.

8. 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.
9. All native British species of reptiles are legally protected through their inclusion in Schedule V of the Wildlife and Countryside Act 1981. As such, all species are protected from deliberate killing or injury. Therefore, where development is permitted, and there will be a significant change in land use, a reasonable effort must be undertaken to avoid committing an offence.
10. Given that the proposed new building is to be built on hardstanding, approx. 60m away from existing buildings B1 and B2 commencement of development on that part of the site will not affect any potential roosts in these buildings and therefore there is no reason why the new building cannot be built before the emergence surveys have been conducted. However, no demolition works should occur on buildings B1 or B2 before the emergence surveys have been conducted in accordance with condition 20 above.
11. 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 Surrey County Council's website.
12. 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, 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 2021.
13. This approval relates only to the provisions of the Town and Country Planning Act 1990 and must not be taken to imply or be construed as an approval under the Building Regulations 2000 or for the purposes of any other statutory provision whatsoever.



### **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, and responses to consultations, 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 entries for this planning application relating to land at Silvermere Haven Pet Cemetery and Crematorium can be found under five application references. The majority of the representations are on application reference (EL) 2019/2722, but some can be found under 2020/0224; 2020/2215; 2021/2499 and 2022/0583. Look on Plans & Documents and for document types “Supporting Documents”, “Other Documents” and “Public Comment”.

- [2019/2722](#)
- [2020/0224](#)
- [2020/2215](#)
- [2021/2499](#)
- [2022/0583](#)

### **Other documents**

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

#### **Government Guidance**

[National Planning Policy Framework - GOV.UK \(www.gov.uk\)](#)

[Planning Practice Guidance](#)

Waste Management Plan for England 2013

National Planning Policy for Waste 2014

#### **The Development Plan**

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

[Elmbridge Borough Core Strategy 2011](#)

[Elmbridge Development Plan 2015](#)

This page is intentionally left blank