

20 OCTOBER 2020 PLANNING COMMITTEE

6a PLAN/2020/0405

WARD: Horsell

LOCATION: Former Garden Centre, Mimbridge, Station Road, Chobham, GU24 8AS

PROPOSAL: Outline application with all matters reserved for the erection of a crematorium with associated facilities.

APPLICANT: Alan Greenwood & Sons

OFFICER: James Kidger

REASON FOR REFERRAL TO COMMITTEE

The application is brought before the Committee at the request of Councillors Chrystie and Hussain.

PROPOSED DEVELOPMENT

Outline planning permission, with all matters reserved, is sought for the erection of a crematorium and associated facilities.

PLANNING STATUS

- Contaminated Land
- Flood Zone 2
- Green Belt
- Thames Basin Heaths Special Protection Area (TBH SPA) Zone A (0-400m)

RECOMMENDATION

REFUSE planning permission.

SITE DESCRIPTION

The site is located at the southerly end of Mimbridge, just north of the Addlestone Bourne, and accessed from Chobham Road to the east. It is within the Green Belt and is also within 400m (Zone A) of the Thames Basin Heaths Special Protection Area (TBH SPA).

PLANNING HISTORY

WO93/0391 – Certificate of lawfulness (existing use) for the importation, storage, screening and sale of soils – approved 26th November 1993.

CONSULTATIONS

- Contaminated Land Officer – No objection subject to recommended conditions.
- Drainage & Flood Risk – Objection.
- Environment Agency – No objection subject to recommended conditions.

20 OCTOBER 2020 PLANNING COMMITTEE

- Environmental Health – No objection at outline stage.
- Highway Authority – Objection.
- Natural England – No objection.
- Surrey Heath Borough Council – Objection.
- Surrey Wildlife Trust – Ecological information required.

REPRESENTATIONS

32 representations have been received objecting to the proposed development for the following reasons:

- Insufficient detail provided
- Proposal may breach the Cremation Act
- Egress would be across Common Land and may have no right of way
- No evidence provided to demonstrate need for a new crematorium
- Pandemic deaths are an exception, not the norm
- No indication of the size of the chapel
- Garden of Remembrance sited close to the Crematory
- Parking provision is unclear and may be inadequate if mourners stay onsite for wakes
- Potential for noise to disturb services taking place
- Inappropriate development within the Green Belt
- Very special circumstances are not evidenced
- Detrimental to the openness of the Green Belt
- Proposal not compliant with guidelines set out within "The Siting and Planning of Crematoria"
- A crematorium in Brookwood with access from the rail station would be a better alternative
- Very limited public transport links
- Site is too small to adequately cater for a crematorium
- Proposed access point would cause delays for through traffic on A3046 Chobham/Station Road
- Incompatible industrial site
- Too close to nearby residential areas with regard to noise and pollution
- Expected volume of traffic would put pressure on local roads
- Emissions may impact nearby dwellings and SPA
- No detail of how ashes would be disposed of
- Site is within the restricted zone of nearby SPA
- Out of character for the locality
- Height of the chimney not specified and may have adverse visual impact
- Loss of floodplain
- Unsustainable car reliant development
- Additional traffic would deter users of Heather Farm SANG and lead to increased use of the SPA
- No ecological assessment made
- Overdevelopment of the site
- Urbanisation of the countryside

20 OCTOBER 2020 PLANNING COMMITTEE

RELEVANT PLANNING POLICY

National Planning Policy Framework (NPPF) (2019):

Section 2 – Achieving sustainable development

Section 9 – Promoting sustainable transport

Section 12 – Achieving well-designed places

Section 13 – Protecting Green Belt land

Section 14 – Meeting the challenge of climate change, flooding and coastal change

Section 15 – Conserving and enhancing the natural environment

Development Management Policies DPD (2016):

DM6 – Air and Water Quality

DM7 – Noise and Light Pollution

DM8 – Land Contamination and Hazards

DM13 – Buildings in and Adjacent to the Green Belt

Woking Core Strategy (2012):

CS1 – A spatial strategy for Woking Borough

CS6 – Green Belt

CS7 – Biodiversity and nature conservation

CS8 – Thames Basin Heaths Special Protection Areas

CS9 – Flooding and water management

CS18 – Transport and accessibility

CS21 – Design

CS22 – Sustainable construction

CS24 – Woking's landscape and townscape

CS25 – Presumption in favour of sustainable development

Supplementary Planning Documents (SPDs):

Parking Standards (2018)

Woking Design (2015)

Climate Change (2013)

Outlook, Amenity, Privacy and Daylight (2008)

PLANNING ISSUES

- 1 The main planning considerations material to this application are the impacts of the proposed development on the Green Belt, the SPA, transport, flood risk, and local ecology. These issues relate to the principles of development on the site and not to the detail, much of which would be addressed at reserved matters stage were the outline application to be approved.
- 2 Although no request for a screening opinion has been received, the application has been assessed as to whether it constitutes a Schedule 1 or Schedule 2 application for the purposes of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended). It is considered that the proposal does not fall within either Schedule 1 or Schedule 2, and as such no screening opinion, as per Regulation 8 of the above SI, is required.

Impact on the Green Belt

- 3 The development within the Green Belt of new buildings is covered at national level by Section 13 of the National Planning Policy Framework (NPPF), particularly by paragraphs 143-145. These provisions are reinforced at local level by policies CS6

20 OCTOBER 2020 PLANNING COMMITTEE

and DM13 of the Woking Core Strategy and Development Management Policies DPD respectively.

- 4 Paragraph 145 of the NPPF establishes that the construction of new buildings should be regarded as inappropriate within the Green Belt, and goes on to list a number of exceptions. None of these are considered to apply to the proposed development, which would mainly be sited on previously undeveloped land.
- 5 As a new building within the Green Belt, the proposed crematorium would therefore constitute inappropriate development as per paragraph 145 of the NPPF.
- 6 Paragraph 143 of the NPPF states that “Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.”
- 7 The applicant has put forward a number of arguments which together can be considered as a very special circumstances (VSC) case. These are:
 - The extra demand for crematorium slots as a result of the Covid-19 pandemic – which resulted in waiting times of around a month at the spring peak – demonstrate the need for extra capacity.
 - The shortcomings of existing crematoria – reference is made to the lack of parking at Woking Crematorium and the recent flooding at Randall’s Park in Leatherhead – justify a new facility.
 - An existing building would be removed from the site to compensate for the impact of the crematorium on the Green Belt.
 - The proposed crematorium would generate local jobs.
 - The site could lawfully be used for waste storage and recycling, which would have a greater impact on the Green Belt than the proposed crematorium.

Need

- 8 The need for a crematorium in general terms, and the need for a crematorium at this particular Green Belt site, are considered to be the two main hurdles to overcome in order to establish VSC. The applicant would have to demonstrate that the need for a crematorium exists across the Borough, and that no other suitable non-Green Belt site is available.
- 9 This the applicant has failed to do. That the Covid-19 pandemic resulted, in the spring of 2020, in a temporary spike in the death rate is not in doubt. However, a short term increase in the demand for crematoria such as this is not considered to justify a permanent increase in capacity, at least not on its own. A study of the long term trend in demand for crematoria slots, compared to the existing supply, would have to establish a consistent shortfall before an argument for extra capacity could credibly be made. No such study has been attempted.
- 10 Further, even if a need for extra capacity were to be established, it would then have to be demonstrated that the proposed Green Belt location would be the only or best available option and that no other suitable sites within the urban area could be found. Again, no such sequential test has been attempted.
- 11 It has not, therefore, been demonstrated there is need for extra capacity at crematoria, or whether the proposed Green Belt site could not be substituted for a site within the urban area.

20 OCTOBER 2020 PLANNING COMMITTEE

Other potential VSCs

- 12 The alleged deficiencies in the facilities at existing crematoria are not considered in themselves to justify the construction of a new one. The removal of an existing building would mitigate the impact of the proposal and could contribute toward a need based VSC case, but does not amount to VSC in itself. The same point applies to the limited job-creation aspect of the scheme.
- 13 A certificate of lawfulness was granted in 1993 for the importation, storage, screening and sale of soils at the site, and such uses were carried on at the site for a considerable period. Though they have now ceased, there would be no bar in planning terms to prevent a resumption. However, the potential resumption of a long established previous activity at the site is not considered to justify its redevelopment into an entirely different use. It could, though, contribute toward a need based VSC case in the same way as the other factors noted above.
- 14 Overall the arguments put forward by the applicant are not considered to amount to VSCs sufficient to overcome the harm to the Green Belt by reason of inappropriateness, to which paragraph 144 of the NPPF requires “substantial weight” be given.

Thames Basin Heaths Special Protection Area (TBH SPA)

- 15 The site is within Zone A (0-400m) of the TBH SPA, the nearest portion of which lies to the east, just over the Mim Bridge itself. Sites within such close proximity are prohibited from being developed for residential purposes under policy CS8 of the Core Strategy, and should also demonstrate that they “will not give rise to... significant adverse effects upon the integrity of the SPA.”
- 16 No residential development is proposed and there would therefore be no additional population pressure on the nearby SPA, though the potential for additional recreational use as a result of the number of mourners visiting the site is noted. The main impact upon the integrity of the SPA is considered to be the potential for air pollution from the proposed crematorium.
- 17 A significant quantity of technical information has been submitted by the applicant and this is considered to adequately demonstrate that the use of modern equipment would reduce any harmful pollutants to a negligible level. Were the application to be recommended for approval, further details could be sought at reserved matters stage, and appropriate conditions attached. It is further noted that the proposal does not meet the threshold, set out in policy DM6 of the Development Management Policies DPD, which would require the submission of an Air Quality Assessment.
- 18 It is therefore considered that there would be no significant impact to the SPA as a result of the proposed development, subject to an appropriate detailed design at reserved matters stage and the imposition of conditions if required.

Transport

- 19 The proposed crematorium would be accessed from Chobham Road to the east, via the existing vehicular entrance. A one-way system would be employed and vehicles would leave the site at the north-westerly end, via an existing track which intersects with Station Road.

20 OCTOBER 2020 PLANNING COMMITTEE

- 20 The submitted documents are unclear as to the expected volume of traffic, with one suggesting up to eight events per day – four direct cremations and four funerals – while a second envisages up to six funerals per day. Up to 15 cars are expected for each funeral, while the direct cremations are not expected to generate additional traffic.
- 21 The site is large and could relatively easily accommodate sufficient car parking, the details of which would be expected at reserved matters stage. Public transport links to the site are however poor, with only a limited bus service in operation.
- 22 The Highway Authority have been consulted, and have objected to the application on the grounds that not enough information has been provided to enable a proper assessment. The existing access to Chobham Road is narrow and it is unclear whether this could adequately cater for two-way traffic, especially given that a removals business and associated larger vehicles continue to operate from the site. It is also unclear whether the proposed one-way system could be guaranteed, as the track to the north-west is unmade, not currently in use, and may require separate consents as the land lies outside Woking Borough.
- 23 It is therefore considered, as per the response from the Highway Authority, that the applicant has failed to demonstrate that the proposal would not “cause danger and inconvenience to highway users, and interfere with the free flow of traffic on the adjoining public highway”.

Flooding

- 24 The entirety of the site, with the exception of the track to the north-west, lies within Flood Zone 2, and a Flood Risk Assessment (FRA) has been submitted by the applicant. The Council’s Drainage & Flood Risk team have objected to the proposed development, and their comments are worth quoting extensively:

“Following a review of the submitted information, we would object on drainage and flood risk grounds as the proposed development does not comply with National Planning Policy Framework (NPPF) nor Woking Borough Council’s Core Strategy: Policy CS9 and poses an unacceptable loss in flood storage which will increase flood risk to the site and the surrounding area.

The development is located entirely within Flood Zone 2 and the Flood Risk Assessment (FRA) dated August 2020 is insufficient as it does not accurately determine the impact the development will have on the flood risk to the site and the surrounding area. This is contrary to Paragraph 163 of National Planning Policy Framework which states “When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere...”.

The Flood Risk Assessment should assess flood risk from all sources and the impact the development will have on them. An assessment of the loss in flood storage due to the development and any proposed compensation should be included within the FRA. The FRA states that the proposed chapel will be a floodable structure and therefore no flood compensation is required. However, no evidence has been provided to demonstrate that flood water will be able to flow through the building unimpeded and therefore the FRA does not sufficiently assess the impact of the proposed development on flood risk.

The FRA must compare flood levels from the Environment Agency, to a topographic survey of the site to assess the current flood risk. This will also determine the impact the proposed development will have on flood storage and flow routes. The proposed

20 OCTOBER 2020 PLANNING COMMITTEE

development should not lead to a loss in flood storage as this will lead to an increase in flood risk to the site and the surrounding area.

Any loss in flood storage must be compensated for on a level for level basis. The information must demonstrate that there is no loss in the 1 in 100 (1%) annual exceedance probability event plus allowance for climate change. As stated in Paragraph 149 of NPPF "Plans should take a proactive approach to mitigating and adapting to climate change, taking into account the long-term implications for flood risk..." and further expanded in Paragraph 030 of the Flood Risk and Coastal Planning Guidance that states "The assessment should demonstrate to the decision-maker how flood risk will be managed now and over the development's lifetime, taking climate change into account.". Land proposed to compensate for loss of storage up to and including the 1 in 100 (1%) annual probability plus climate change must currently be located outside of the 1 in 100 (1%) annual probability plus climate change level and levelled to allow flood water to flow in and out.

There is an ordinary watercourse located to the north of the site where an access track is proposed. The FRA should also determine the impact the proposed development will have on this watercourse. Any works should not impede the flow or reduce the capacity of this watercourse as this will increase flood risk to the area.

Furthermore, the proposed development is classed as 'Major development' and therefore needs to include a detailed drainage strategy in order to be compliant with NPPF and WBC Core Strategy: Policy CS9. The Government has strengthened planning policy on the provision of sustainable drainage for 'major' planning applications which was introduced from 6 April 2015. As per NPPF, all 'major' planning applications being determined from 6 April 2015 must include full details about surface water drainage and sustainable drainage systems, which is now a material consideration.

While the FRA includes details of the surface water drainage strategy and information on the proposed sustainable drainage features, a detailed drainage design is required including suitable hydraulic modelling and a detailed surface water drainage plan. The detailed surface water drainage plan must include pipe sizes and depths to ensure the proposed system is suitable and will work effectively.

The suitable hydraulic modelling to demonstrate the proposed attenuation storage is suitable to ensure the greenfield rates are not exceeded and that there is no flooding in the 1 in 1, 1 in 30 year or 1 in 100 annual probability critical storm duration and any flooding the 1 in 100 plus allowance for climate change critical storm duration is contained safely on site until such a time it can be discharged through the drainage system as close as reasonably practicable to the greenfield rate.

In conclusion this site is classed as a major development and is located entirely within Flood Zone 2. The Flood Risk Assessment is required to assess the existing flood risk to the site and the impact the proposed development will have on flood risk to the site and the surrounding area. The FRA submitted with this application is not compliant as it does not sufficiently assess the loss of flood storage and the impact the development will have on flood risk. A detailed surface water drainage strategy incorporating SuDS is also required to be submitted."

- 25 It is therefore considered that the applicant has failed to demonstrate that the proposed development would not increase flood risk to the site and surrounding area.

Ecology

20 OCTOBER 2020 PLANNING COMMITTEE

- 26 Much of the application site, particularly the element to the west of the existing warehouse and hardstanding, appears to be previously undeveloped land. Policy CS7 of the Core Strategy states that “development proposals [should] contribute to the enhancement of existing biodiversity and geodiversity features and also explore opportunities to create and manage new ones where it is appropriate. This will include those habitats and species listed in the Surrey Biodiversity Action Plan (BAP). Any development that will be anticipated to have a potentially harmful effect or lead to a loss of features of interest for biodiversity will be refused.”
- 27 No ecological survey or similar information has been submitted. It is therefore unclear what impact the proposed development would have, particularly with regard to any protected species that may be present, and to the biodiversity value of the site. Surrey Wildlife Trust have commented on this as follows:
- “No information is present with regards to the current ecological baseline at the development site and whether protected habitats and species may be present within the footprint of the development and whether they may be affected. Given the proximity of the development site to such extensive and highly protected habitats [i.e. the TBH SPA], it is expected that a range of protected species are present within the development site and are likely to be affected by the site clearance expected to accompany the development.”*
- 28 It is further noted that no survey has been undertaken of the existing building which would be demolished as part of the proposal, to establish the presence or otherwise of bats.
- 29 Overall, it is considered that the applicant has failed to demonstrate that the proposed development would not have adverse effects upon protected species, their habitats, and the wider biodiversity value of the site.

Other matters

- 30 Historic uses of the site include nurseries and as such the land may be contaminated, potentially with hydrocarbons, asbestos, chemicals, or waste. The Council’s Contaminated Land Officer has been consulted and has no objection to the proposed development, subject to a series of conditions intended to identify and remediate any contamination. Subject to these conditions, it is considered any contamination could be adequately managed.
- 31 Matters of appearance and scale (of the proposed crematorium), and the landscaping and layout of the site, are reserved matters and would be considered at that stage were this outline application to be approved.
- 32 The proposed crematorium would be located well away from the nearest residential dwelling, such that there would be no overbearing nor overlooking impacts, while the potential for noise from vehicular traffic is not considered to be substantively greater than that generated by the existing uses of the site, namely the removals, funerals and catering businesses.
- 33 As discussed above, it is considered that the use of modern equipment would reduce any harmful pollutants from the cremators to a negligible level, and this would be considered further at reserved matters stage. There would be no significant harm by way of pollution to nearby dwellings.

20 OCTOBER 2020 PLANNING COMMITTEE

Local Finance Considerations

- 34 The proposed development would not result in any new residential or retail floorspace and as such would be zero rated for the purposes of the Community Infrastructure Levy (CIL).

CONCLUSION

- 35 The proposed crematorium would constitute inappropriate development within the Green Belt for the reasons set out above. Very special circumstances have not been demonstrated, and in the absence of these significant harm to the Green Belt would result. The proposed development is therefore contrary to policy CS6 of the Woking Core Strategy, policy DM13 of the Development Management Policies DPD, and Section 13 of the NPPF.
- 36 Although the impact to the nearby SPA, subject to further detail and conditions at reserved matters stage, is not considered significant, the proposal fails to demonstrate that there would not be significant adverse impacts to protected species, habitat, and biodiversity within the application site itself. This is contrary to policy CS7 of the Core Strategy, and to legislation including the Conservation of Habitats and Species Regulations 2017 and the Wildlife and Countryside Act 1981.
- 37 The volume of traffic expected at the site as a result of the proposed development remains unclear, though the site is large enough to accommodate any likely parking requirement. The proposed vehicular accesses, however, are considered inadequate, as it is unclear whether the existing access from Chobham Road could safely accommodate two way vehicular movement, while the proposed exit onto Station Road cannot be guaranteed. These points are especially pertinent given the limited accessibility of the site via public transport, meaning that the large majority of visitors would likely arrive by car. The proposal is therefore contrary to the provisions of policy CS18 of the Core Strategy, and Section 9 of the NPPF.
- 38 The site lies within Flood Zone 2, and the submitted FRA does not adequately assess the loss of flood storage that would result if the development went ahead, and the potential for consequential impact elsewhere. The proposal thus fails to demonstrate that the existing flood risk would not be worsened, contrary to policy CS9 of the Core Strategy and Section 14 of the NPPF.

BACKGROUND PAPERS

Site Photographs dated 4th August 2020.

RECOMMENDATION

It is recommended that planning permission be REFUSED for the following reasons:

1. The proposed crematorium would constitute inappropriate development within the Green Belt as per paragraph 145 of the National Planning Policy Framework (NPPF). Very special circumstances have not been demonstrated, and in the absence of these significant harm to the Green Belt would result. The proposed development is therefore contrary to policy CS6 of the Woking Core Strategy (2012), policy DM13 of the Development Management Policies DPD (2016), and Section 13 of the NPPF (2019).

20 OCTOBER 2020 PLANNING COMMITTEE

2. In the absence of any submitted ecological information, the proposed development fails to demonstrate that there would not be significant adverse impacts to protected species, habitat, and biodiversity within the application site. This is contrary to policy CS7 of the Woking Core Strategy (2012), and to legislation including the Conservation of Habitats and Species Regulations 2017 and the Wildlife and Countryside Act 1981.
3. The proposed vehicular access to the application site is considered inadequate, as it is unclear whether the existing access from Chobham Road could safely accommodate two way vehicular movement, while the proposed exit onto Station Road is unmade, not currently in use, and may require separate consents as the land lies outside Woking Borough. There would also be very limited access to the site via public transport. The proposed development is therefore contrary to policy CS18 of the Woking Core Strategy (2012), and Section 9 of the NPPF (2019).
4. The site lies within Flood Zone 2, and the submitted Flood Risk Assessment (FRA) does not adequately assess the loss of flood storage that would result if the development went ahead, and the potential for consequential impact elsewhere. The proposed development thus fails to demonstrate that the existing flood risk would not be worsened, contrary to policy CS9 of the Woking Core Strategy (2012), and Section 14 of the NPPF (2019).

Informatives:

1. The Council confirms that in assessing this planning application it has worked with the applicant in a positive and proactive way, in line with the requirements of the National Planning Policy Framework 2019. The need for further information was indicated to the applicant during the course of the application.
2. The plans relating to the development hereby refused are:

WB/20/4/1 – Site Location Plan – received 23rd April 2020
WB/20/4/2 – Indicative Layout Plan – received 23rd April 2020