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## Appeal Decision

Inquiry Held on 10 – 13 August 2021

Site visit made on 18 August 2021

**by Jonathan Price BA(Hons) DMS DipTP MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 30<sup>th</sup> September 2021**

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**Appeal Ref: APP/M3645/W/21/3272384**

**Land off Oxted Road (A25), Oxted, Surrey RH8 9NG**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Horizon Cremation Ltd against the decision of Tandridge District Council.
  - The application Ref TA/2020/690, dated 31 March 2020, was refused by notice dated 2 October 2020.
  - The development proposed is a crematorium with ceremony hall, memorial areas, garden of remembrance and associated parking and infrastructure.
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### Decision

1. The appeal is allowed, and planning permission is granted for a crematorium with ceremony hall, memorial areas, garden of remembrance and associated parking and infrastructure at land off Oxted Road (A25), Oxted, Surrey RH8 9NG in accordance with the terms of the application, Ref TA/2020/690, dated 31 March 2020, subject to the conditions set out in the Schedule attached to this decision.

### Preliminary Matters

2. On 20 July 2021, following the date of the appeal and prior to the Inquiry, Government published the updated National Planning Policy Framework (the Framework). The main parties had been made aware of this and their evidence reflected the updated version, as does this decision.
3. It is common ground between the main parties that, under Framework policy, the appeal proposal was inappropriate development in the Green Belt, by definition harmful to it, and thus should not be approved except in very special circumstances.

### Main Issues

4. The main issues in the appeal are
  - the proposal's effects in respect of the purposes of Green Belt policy;
  - its effects on the character and appearance of the area, including the setting of the Surrey Hills Area of Outstanding Natural Beauty (AONB);
  - whether the Green Belt and any other harm would be clearly outweighed by the need for, and benefits of, the proposal, so as to amount to the very special circumstances required to justify the scheme.

## Reasons

### *Site and surroundings*

5. Tandridge is a predominantly rural district with about 94% of its area within the Metropolitan Green Belt, including the appeal site. This comprises a grassed field of around 4.5 hectares, currently used to keep horses. The land is adjacent to the main A25 and situated between the Tandridge Hill Lane and Barrow Green Road junctions. Access to the proposed crematorium would be taken from Barrow Green Road, which joins the A25 at a roundabout.
6. There are no rights of way within the site, but public highway runs along three sides and a bridleway and footpath along the rear boundary. Beyond this is a former quarry, together with some large tracts of mature woodland.
7. The site itself is not within an area designated of landscape importance. However, to its north is the AONB, and the elevated chalk escarpment within this can be seen from the section of the A25 fronting the appeal site. The M25 runs along the foot of this escarpment but from this location is hidden from view.
8. The highest point of the appeal site is the southwest corner, with the land falling towards the lowest point in the northeast. The land also falls away from the A25 towards the north. The main crematorium building comprises three pitched-roof sections linked by flat-roofed walkways. Located quite centrally within the site, its siting and design conform with the various laws and regulations governing crematoria.
9. The crematorium, including its car parking and operational areas, would be to the east side of the site served by the new access onto Barrow Green Road. The western third of the site is to be kept free of development and managed as meadow. Thus, the crematorium and its operational areas would be set within the lower part of the site, with woodland planting screening the sides visible from the surrounding roads.

### *The effects of the proposal in respect of the purposes of Green Belt policy*

10. The relevant development plan policies are those within the 2008 Tandridge District Core Strategy (CS) and the 2014 Tandridge Local Plan: Part 2 – Detailed Policies 2014 (DP). The policies in the emerging Tandridge Local Plan 2033 currently hold only limited weight and are not relied upon by the parties.
11. In respect of Green Belt development, DP Policy DP10 is currently the most applicable. This seeks to refuse inappropriate development in the Green Belt, by definition harmful to it, unless very special circumstances exist to outweigh any harm. This policy is broadly consistent with that in the Framework. In paragraph 137, this states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts being their openness and their permanence. Of the five purposes of Green Belt policy set out in Framework paragraph 138, assisting in safeguarding the countryside from encroachment is most pertinent to this proposal, given its singular nature and location.

12. Openness is not defined in the Framework but is commonly understood to refer to an absence of development. The Court of Appeal<sup>1</sup> has confirmed that Green Belt openness can have a spatial as well as a visual aspect. The erection of a crematorium building, with associated features such as the site entrance, service roads, car parking, memorial areas and a garden of remembrance, would all serve to diminish the degree to which, in terms of its spatial extent, the site remains open and free from development. However, in terms of actual built features within the overall site, these would have a relatively small spatial footprint. This results from the large part of the site that is to be either kept as an open meadow or be otherwise free from buildings, such as the landscaping and the open spaces specifically set aside and managed for mourners. The crematorium building itself comprises around 1% of the total site area, increasing to roughly 16% when adding in the associated hardstanding parts.
13. The surrounding area is largely undeveloped and contains only a sporadic array of smaller scale buildings, such as individual dwellings, golf club houses, garden centre shops and small industrial depots. More expansive forms of development, such as residential settlements or business parks are absent in the immediate area. The relatively small built footprint of the proposal would be comparable to the other lower density development in the vicinity. In all, the crematorium scheme would result in a relatively modest loss to the spatial extent of Green Belt openness.
14. The visual loss to Green Belt openness, and the effects on the character and appearance of the surrounding area more generally, are addressed in the appellant's Landscape and Visual Impact Assessment<sup>2</sup> (LVIA), which includes a series of verified visualisations of key viewpoints<sup>3</sup>.
15. The proposal would be most prominent in views from the adjacent section of the A25 due to its relatively close proximity and the current open character of the site. LVIA viewpoints 12 and 15 are from these vantage points, looking west and east into the site respectively. There would be a marked loss to the visual openness of the Green Belt from these localised perspectives.
16. As shown in LVIA viewpoint 4, there are much more distant views of the site from elevated points on the AONB escarpment to the north, where the scheme would appear as a small element in a much wider panorama. From lower lying parts, such as at viewpoint 9 taken from a public footpath running across the fields to the south of the A25, only the roof of the crematorium would be visible on construction. By year 15, once the intervening landscaping had matured, the scheme would merge into a wider wooded setting and cause only limited loss to the visual openness of the Green Belt.
17. The visual loss of openness would in my view be very localised and confined mainly to the immediate surroundings of the site. Nevertheless, the proposal would encroach into the Green Belt, reducing its openness in both a spatial and visual sense. In terms of the effects on the purposes of Green Belt policy, there would clearly be some harm. However, due to the proposal's comparatively small built footprint and mainly localised visual impacts, this harm would be moderate.

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<sup>1</sup> CD 10.19 Turner v SSCLG & East Dorset Council [2016] EWCA Civ 466

<sup>2</sup> CD 7.1 Landscape and Visual Impact Assessment (LVIA), Pegasus (April 2021)

<sup>3</sup> CD 12.8 Proof of Evidence Appendix: 3 Winter and Summer Views Land off Oxted Road, Oxted Surrey – Pegasus Group June 2021.

*The effects on the character and appearance of the area, including the setting of the AONB*

18. The proposal would inevitably bring about a marked change to the site's appearance, given it falls within largely undeveloped countryside and currently comprises just grassed paddocks. The crematorium is not of a large scale, and by breaking down the overall mass into three functional and linked components, the design avoids an overly bulky building. This helps to keep the roof heights sufficiently low to contain its profile to mainly below the highest site levels, allowing it to be concealed within the topography. The timber clad, contemporary form of the grouped crematorium buildings, which reflect a traditional farmstead vernacular, would respect the countryside context. Tree planting would further soften exterior views, including those onto the car parking and other hard standing areas.
19. With reference to the Council's second refusal reason, my view is the development would not be of significant harm either due to being of excessive scale or, given the relatively isolated context, by having any materially adverse cumulative impact. The design of the crematorium building adequately reflects the rural location and the siting and landscaping proposed would allow it to assimilate satisfactorily into its surroundings and countryside setting. Therefore, the scheme would be of a sufficiently high design standard to satisfy CS Policy CSP 18, as well as Policy DP 7 (part A) which echoes its requirements. Both policies remain broadly consistent with the Framework's objectives for good design. The proposal would be visually attractive as a result of good architecture, layout and appropriate and effective landscaping, according with Framework paragraph 130.
20. In respect of the effects on the wider landscape, the Council's third reason for refusal is over the location, character and landscaping of the proposal causing harm to the views into the AONB, which at its closest point lies approximately 730 metres to the north. In this respect, I have had regard to the purpose of conserving and enhancing the natural beauty of AONBs, a duty imposed by Section 85 of the Countryside and Rights of Way Act 2000. The Planning Practice Guidance<sup>4</sup> (PPG) confirms that this duty extends to consideration of the setting of an AONB, when development is proposed outside of but close to it.
21. The proposal would result in limited visual effect and harm to the landscape character of the AONB from the longer distance views of the site from the higher elevation viewpoints on the escarpment, due to it comprising a relatively small part of a large panorama. In middle distance views from the south, such as from verified viewpoint 9 at an elevation similar to the appeal site, the scheme would be barely discernible once planting had matured. The crematorium would merge within the surrounding wooded landscape below the escarpment and be of little harm to the AONB's setting.
22. It is at close range, looking across the site from the A25, that the crematorium would have the most significant impacts on the views towards the AONB. The open nature of the appeal site, with its boundary hedge maintained at a low height, currently provides a clear view of the chalk escarpment, which is otherwise seen rather infrequently and fleetingly elsewhere along the A25 due to the usually taller and thicker roadside vegetation.

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<sup>4</sup> Paragraph: 039 Reference ID: 8-039-20190721 Revision date: 21 07 2019

23. The PPG explains<sup>5</sup> that land within the setting of AONBs can often make an important contribution to maintaining their natural beauty. The Surrey Hills AONB officer had pointed out, in correspondence to the Inquiry, that the dominance of woodland places a premium on the open views provided at the appeal site, whereby the further tree planting proposed to screen the crematorium would be unwelcome.
24. However, as illustrated in verified viewpoint 12, the scheme would mainly restrict the view of the AONB escarpment across just the eastern part of the appeal site and from a limited length of the A25. A more open view would be maintained across the part of the site that is to remain undeveloped, as shown in verified viewpoint 15.
25. The positions close to the appeal site currently offer views of the elevated AONB escarpment, likely to be most appreciated kinetically by walkers, cyclists and car and bus passengers passing by. These particular views would be interrupted from the A25 by the mature landscaping associated with the development. This would bring about some conflict with CS Policy CSP 20, and its principle to conserve and enhance important viewpoints, to protect the setting and safeguard views out of and into the AONB.
26. However, CS Policy CSP 20 is not consistent with the Framework. Paragraph 176 of the latter states that great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs. Unlike CS Policy CSP 20, however, this protection does not extend to either important viewpoints or to the protection of settings and the safeguarding of views out of and into the AONB.
27. This is supported by the High Court's interpretation, in *Stroud DC v SSCLG*<sup>6</sup>, of paragraph 115 of the original Framework, now paragraph 176. This was that the great weight given to conserving landscape and scenic beauty in AONBs included land viewed in conjunction with and from them but not that from which they can be seen.
28. The final part of Framework paragraph 176, introduced in the 2021 update, now addresses development within the setting of AONBs. The wording does not explicitly restrict development in order to preserve views of AONBs from land outside. It requires that development within the setting of an AONB should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas. In my view, the low-profile crematorium design, with its disassembled mass and relatively small built footprint, set within the site contours with further tree screening, responds to these design and location requirements in relation to development in the AONB's setting.
29. For the above reasons, I attach limited weight to the conflict with CS Policy CSP 20, in respect of the loss of important viewpoints that protect the setting and safeguard views out of and into the AONB. In respect of its effects on its setting, the proposal would in my opinion give rise to only moderate harm.

#### *Other matters*

30. Concerns have also been expressed over the crematorium being located away from main centres of population, necessitating relatively long journeys through

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<sup>5</sup> Paragraph: 042 Reference ID: 8-042-20190721 Revision date: 21 07 2019

<sup>6</sup> CD 10.18 *Stroud DC v SSCLG* [2015] EWHC 488 paragraph 26

the countryside. Tandridge is a predominantly rural district, and the proposal is quite far apart from its more built-up northern parts. The evidence is that currently nearly all Tandridge cremations use the further away Sussex and Surrey Crematorium in Crawley, so this proposal would offer a nearer alternative. The relatively more congested and complicated route to the nearer Croydon Crematorium is inconvenient for funeral cortèges, which seems to deter use by the Tandridge population. The proposal would provide crematorium facilities, currently lacking in this District, which for the majority of its population would fall within the funeral cortège 30-minute drive time generally considered appropriate<sup>7</sup>. Furthermore, the site is well connected to the strategic road network and therefore convenient for serving the denser pockets of population that lie in varying directions in the wider surrounding area. There are also bus stops adjacent that make this proposal reasonably accessible by public transport.

31. Highway safety concerns have been raised by interested parties over additional vehicular traffic onto Barrow Green Road, which lacks footway provision, has existing heavy quarry lorry use and is both part of the Surrey Cycle Network and much used by horse-riders. However, the proposal includes a safe cycle/footway link direct to the A25 bus stop, to avoid use of Barrow Green Road. The local highway authority agrees the site access would function safely and the road network has the capacity to accommodate the additional traffic generated without detriment to its current operation. Adequate provision is made for on-site car and cycle parking. Having assessed the proposal in terms of highway policy, safety and capacity, the local highway authority raises no objections subject to conditions. I find no reason to take a contrary view. In all, the proposal would satisfy the Framework's aims to promote sustainable transport and avoid unacceptable impacts in respect of highway safety and capacity.
32. Objections to the proposal from interested parties refer to the absence of a sequential approach to flood risk. As set out in Framework paragraph 162, this is to steer new development to areas with the lowest risk of flooding from any source and for this not to be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. The site is mapped by the Environment Agency as within Zone 1, an area of low probability of flood risk, where the PPG advises it is not normally necessary to apply the Sequential Test, unless the Strategic Flood Risk Assessment (SFRA) for the area, or other more recent information, indicates there may be flooding issues now or in the future<sup>8</sup>.
33. The proposal's Flood Risk Assessment<sup>9</sup> (FRA) refers to the Council's SFRA showing the site having potential for groundwater flooding at the surface. The FRA says that site investigation will be carried out to establish the groundwater levels on the site, and development designed to take cognisance of these. I note the Lead Local Flood Authority (Surrey County Council) has raised no objections to the scheme subject to conditions. Were I to conclude the sequential test was necessary due to a medium degree of flood risk from ground water sources, the PPG<sup>10</sup> advises a pragmatic approach on the

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<sup>7</sup> CD 11.13 Horizon Cremation Ltd op. cit. paragraph 4.23

<sup>8</sup> Paragraph: 033 Reference ID: 7-033-20140306 Revision date: 06 03 2014

<sup>9</sup> CD 1.11 Drainage Strategy & Flood Risk Assessment at Proposed Oxted Crematorium Land off Oxted Road (A25) near Tandridge for Horizon Cremation Ltd – Grossart Associates February 2020

<sup>10</sup> Paragraph: 033 Reference ID: 7-033-20140306, revision date 06 03 2014

availability of alternatives. The proposed new crematorium to the north of Farleigh in Tandridge District<sup>11</sup> is proposed as such. However, this has been refused planning permission and an appeal decision is pending. Currently, I consider there to be no reasonably available sites at a lower risk of flooding to this scheme. In any case, I am satisfied with the conclusions of the proposal's FRA that there is not the requirement for such a sequential test to be undertaken. Subject to conditions, I find no substantiated objection to this proposal on grounds of flood risk.

*Whether very special circumstances exist to support the proposal*

34. Under the Cremation Act 1902<sup>12</sup>, crematoria normally need to be located at least 200 yards away from the nearest dwelling and 50 yards away from a public highway. These constraints make a Green Belt location difficult to avoid in this part of Surrey, given the extent of its coverage outside of built-up areas.
35. The appellant had selected the site based on a Site Search Appraisal (SSA)<sup>13</sup> that looked at an area wider than both Tandridge and the Green Belt. This had found no suitable sites outside the Green Belt. The SSA sieved further sites applying criteria that included availability, chance of gaining planning permission, Cremation Act compliance, accessibility, utilities and flood risk.
36. The principle of a Green Belt location was not disputed at the Inquiry. The Council had accepted the SSA conclusions in determining the application, and the availability of more suitable sites formed no part of the reasons for refusal. Notwithstanding this, the Council's evidence to the Inquiry presented four further site options, two each within two parcels of land south of the appeal site. This exercise was to demonstrate the appellant had not carried out a sufficiently thorough search to support a case for very special circumstances.
37. Evidence over the Council's four alternative sites was heard from main parties at the Inquiry, and I looked at these as part of my accompanied site visit. It was common ground that there is no policy requirement for the appellant to have conducted a search for more preferential sites. Having been submitted in evidence, the appellant's SSA is a material consideration in the determination of this appeal. However, I do not find it reasonable to expect the SSA to have exhausted all alternative Green Belt sites that might conceivably have given rise to lesser harm. I found the Council's alternative sites evidence less than conclusive in demonstrating the inadequacy of the SSA, which I am satisfied was based on a thorough and structured process. Therefore, I give little weight to the Council's alternative site exercise in the overall evidence of need for the proposal.
38. In respect of crematoria provision, both quantitative and qualitative needs can be relevant considerations and are interrelated factors. The established crematoria that surround Tandridge are all operating beyond their practical capacity, apart from that at Croydon. The spare capacity at Croydon has evidently not had the effect of easing the over-stretched crematorium facilities at either Beckenham, Kent and Sussex (Tunbridge Wells), Leatherhead (Randall's Park) or Sussex and Surrey (Crawley) which all surround Tandridge.

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<sup>11</sup> Council's reference no. 2020/2007

<sup>12</sup> CD 8.1

<sup>13</sup> CD 1.6 Horizon Cremation Ltd Oxted Crematorium, Barrow Green Road, Oxted Site Search Appraisal March 2020

39. Around 80% of deaths result in cremations and the evidence shows an increasing trend towards these, as opposed to burials. Based on the most recent ONS population projections, the appellant has shown there to be a very significant increase forecast in future death rates in England, reflected in the authorities around the appeal site. This will only serve to exacerbate the current pressure on these established crematoria. The appellant points to the relatively low proportion of cremations in Surrey, compared to neighbouring counties, as indicative of a lack of facilities. I am satisfied the evidence points generally to a significantly increasing need for more crematorium capacity in this area.
40. The quantitative deficit has qualitative implications in terms of higher journey times, waiting times and costs. All five existing facilities are ageing and have varying problems, some including inadequate car parking, poor public transport and prominent religious iconography. The appellant informs me that Beckenham has unresolved mercury emission abatement issues and Randall's Park flooding problems causing periodic shut downs.
41. Having sought an independent review of current proposals<sup>14</sup> following this appeal, the Council accepts that a need for a crematorium can be demonstrated<sup>15</sup> to serve Tandridge District. However, this need is disputed by the Oxted and Limpsfield Residents (OLR) group, represented at the Inquiry<sup>16</sup>.
42. In other appeals, many Inspectors have accepted that a funeral cortège travels at about two-thirds the speed of normal traffic. On this basis, a 30-minute drive time based on these speeds is appropriate in defining a catchment population within a reasonable distance to a crematorium. The appellant's needs evidence<sup>17</sup> is that a substantial population in Tandridge and adjoining districts live in 'white land' more than a 30-minute drive from an existing or permitted crematorium. Within Tandridge Council alone, this relates to 64,500 people out of a total population of 87,500<sup>18</sup>. In rebuttal evidence<sup>19</sup>, referenced in closing submissions, the appellant cites the appeal site location serving an area currently not served within the 30-minute catchment area with a total population of 189,962, which would be reduced by 122,061, if the appeal site were allowed.
43. The evidence shows that the proposal would serve a significant population outside the 30-minute catchments of existing and permitted crematoria. OLR argue that the proposal is not justified by forecast death rates in Tandridge, which has a population well below the crematorium industry viability threshold of 150,000. In the light of the appellant's rebuttal to this<sup>20</sup>, it seems apparent to me that the proposal would serve a wider catchment than that of Tandridge. Furthermore, crematoria operate on a commercial basis. The population outside a 30-minute drive catchment area is a recognised measure of crematorium need. However, as a commercial operation, a new facility would not be restricted to this hypothetical area and catchments would likely be

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<sup>14</sup> CD 4.6 Review of Crematorium Applications – Tandridge District Council Review of Applications – 2021/58, 2020/690, 2020/2007, 2020/882 and Appeal Case (2020/690) by CDS Group June 2021

<sup>15</sup> CD 14.1 Final Statement of Common Ground

<sup>16</sup> CD 13.1 Oxted and Limpsfield Residents – statement of 17 June 2021

<sup>17</sup> CD 11.13 Horizon Cremation Ltd Oxted Crematorium, Barrow Green Road, Oxted The Need for a Crematorium in Tandridge February 2021

<sup>18</sup> CD 11.13 Horizon Cremation Ltd op. cit. Paragraph 2.10

<sup>19</sup> CD 12.14 Rebuttal proof of evidence to Mercia objections – A C Batman, Pegasus Group 27 July 2021

<sup>20</sup> CD 12.6 Appendix 1 to Planning Proof of Evidence

larger and overlapping, reflecting competition and consumer choice. Therefore, I have no grounds to reject the need argument on the basis of a lack of viability.

44. The OLR statement contends that current need is satisfied by existing and forthcoming facilities. The appellant's evidence appears robust in showing Wealden Crematorium, which opened in 2019, alleviating some of the over-capacity at Kent and Sussex Crematorium, whilst that at the Surrey and Sussex will eventually most likely be relieved by a new facility at Turner's Hill, near to Crawley, that was allowed on appeal earlier this year<sup>21</sup>. Both would address capacity issues within catchments further to the south but be sufficiently far from the Barrow Green Road site as not to materially alter the needs case presented for this proposal.
45. The two newly permitted facilities in Sevenoaks District at Oak Tree Farm and Bluebell cemetery, sufficiently close together to be considered as a single cremation service point, would have some impact on Kent and Sussex, Surrey and Sussex and Beckenham Crematoria. Only in respect of the latter would this possibly allow operation within its practical capacity in the peak months<sup>22</sup>. A small number of Tandridge residents to the east of the District will be within a 30-minute drive of Oak Tree/Bluebell when built. However, the appellant's need assessment accounts for this in respect of the capacity of the established crematoria and the people living in the Reigate and Banstead, Sevenoaks and Tandridge 'white land'.
46. The OLR representation refers to an application by Reigate and Banstead Borough Council, made in January 2021 to themselves, for a new crematorium in the Green Belt at Woodhatch Road on the edge of Reigate. This would potentially have a catchment that would overlap with that of the appeal scheme. To date, this remains an undetermined application. However, should this new Reigate crematorium be allowed, once operational the appellant's evidence indicates there would still remain a significant need for the facilities at Barrow Green Road.
47. Considering Tandridge as part of six authorities<sup>23</sup> on this edge of the London conurbation, the demographic and capacity evidence is that there is a current need for more than one crematorium, rising to at least four by 2041. Particularly given the long lead in time for provision, it is reasonable for planning decisions to account for this current and future need, which this proposal would help meet. The scheme would also increase consumer choice in the range of cremation facilities on offer, with the added competition potentially lowering costs, which would provide significant benefits to the community in this area.
48. The proposal would bring further incidental benefits. The site currently mainly comprises horse-grazed, species-poor, semi-improved grassland, with some scrub and tall ruderal vegetation, which I agree are of limited intrinsic nature conservation value. Replacing this, the landscape planting associated with the crematorium, such as the areas of native woodland, tree-lined walkways, meadow grassland, wetland, green roofing and formal amenity planting would

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<sup>21</sup> CD 13.3 Appendix 4 Appeal Ref: APP/D3830/W/21/3266563 Land north of Turners Hill Road, Turners Hill, West Sussex, Single chapel crematorium with a single abated cremator and natural burial site allowed 23 June 2021.

<sup>22</sup> CD 11.13 Horizon Cremation Ltd op. cit. Paragraph 5.58.

<sup>23</sup> Along with Reigate and Banstead, Sevenoaks, Croydon, Sutton and Bromley.

all combine to deliver biodiversity. The scheme could be conditional upon meeting the recommendations of the updated ecological assessment<sup>24</sup> and an agreed landscape and ecological management plan. I do not dispute the claim made to achieve a minimum 10% Biodiversity Net Gain, to which I attach further modest weight as a benefit of the proposal.

49. The project would provide benefits to the local economy through the provision of construction related jobs and increased spending on local services, which also attract further moderate weight in the overall balance.
50. The overall degree of harm in respect of Green Belt purposes to prevent encroachment and preserve openness would in this case be moderate. Nevertheless, paragraph 148 of the Framework requires I attach substantial weight to this harm, along with the harm implicit from the scheme's acknowledged inappropriateness within the Green Belt. Added to this is a moderate degree of further harm to the character and appearance of the area, through the scheme partially closing an open view to the chalk escarpment, adversely impacting upon the setting of the AONB.
51. However, cremation facilities meet an essential community need which in this area is currently not being fully met, either quantitatively or qualitatively, with demand forecast to increase steeply. The proposal would make a significant contribution towards meeting this existing and growing need. This is a need to which I attach very substantial weight. Along with the incidental social, economic and environmental benefits the scheme would provide, I find that the other considerations in this case clearly outweigh the harm that I have identified. Accordingly, I consider that the very special circumstances exist which justify the development. The proposal would therefore accord with Green Belt Policy DP10, and the development plan as a whole, satisfying also national policy as set out in the Framework.

### **Conditions and conclusion**

52. The Council and the appellant agreed a list of draft conditions. I have considered these against the PPG over the use of conditions and made amendments accordingly. In addition to setting the standard time limit for commencement (1), it is necessary for a condition to define the plans approved, in the interests of certainty (2). To safeguard air quality and ecology a condition is necessary requiring that the development be carried out in accordance with the relevant report recommendations (3, 4).
53. The acceptability of the scheme depends on certain matters being secured prior to allowing it to commence. In the interest of highway safety, a condition is necessary requiring adherence to an approved Construction Transport Management Plan (5). To ensure sustainable drainage arrangements, a condition governs the details of these (6). To safeguard against groundwater pollution a condition is needed that requires a remediation strategy for potential contamination (7). In the interests of the satisfactory appearance of the crematorium building, external materials shall be as approved prior to commencement (8). A condition is necessary requiring adherence to an approved Tree Protection Plan and Arboricultural Method Statement (9).

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<sup>24</sup> CD 11.5a Updated Ecological Assessment and Updated Protected Species Survey Report by Ecology Solutions Ltd dated December 2020

54. To ensure on-site renewable energy provision and enable the development to actively contribute to the reduction of carbon dioxide emissions, a condition governs the methods to achieve this (10). In the interest of nature conservation, a condition secures the scheme being implemented in accordance with an appropriately detailed landscape and ecological management plan (11). To maintain and enhance the visual amenities of the development, a condition is required governing both hard and soft landscape works (12).
55. Certain highways and transport related matters shall be secured prior to the approved operation commencing. These relate to details of the site access (13), car parking and turning areas (14), cycle storage (15), electrical vehicle charging points (16) and the footway to the A25 (17). To safeguard the living conditions of nearby residents a condition is necessary setting operational and opening times (18).
56. Subject to these conditions, I conclude the appeal be allowed.

*Jonathan Price*

Inspector

## **APPEARANCES**

### FOR THE APPELLANT:

Peter Goatley Queen's Counsel  
He called

Andrew Cook BA (Hons) MLD CMLI MIEMA CENV

Anthony Charles Bateman BA (Hons) TP MRICS MRTPI MCMi MIoD FRSA

### FOR TANDRIDGE DISTRICT COUNCIL:

Kate Olley of Counsel  
She called

Clifford Thurlow BA (Hons) Dip TP MRTPI DMS

### INTERESTED PERSONS:

Councillor Catherine Sayer - (obo herself and fellow Ward Councillors David Stamp and Councillor Jackie Wren, as well as the Oxted North and Tandridge Ward Oxted & Limpsfield Residents Group)

Alex Rabbetts - Chairman of the Godstone Village Association

Reverend Peter O'Connell - Rector to The United Benefice of St Nicholas Godstone, St Stephen South Godstone and St John Blindley Heath

## CORE DOCUMENTS

### *CD1 Planning Application Documents and Drawings (TD/2020/690) – 31st March 2020*

- 1.1 Covering Letter dated 31st March 2020
- 1.2 Application Form dated 31st March 2020
- 1.3 Design and Access Statement prepared by LA Architects - Parts 1 to 7.
- 1.4 Landscape Visual Appraisal prepared by ERZ Studio – Parts 1,2 & 3.
- 1.5 Need Assessment prepared by Horizon Cremation Ltd
- 1.6 Site Search Appraisal prepared by Horizon Cremation Ltd
- 1.7 Consultation Statement prepared by Horizon Cremation Ltd
- 1.8 Transport Assessment prepared by Systra
- 1.9 Planning Statement prepared by MD Associates
- 1.10 Ecological Assessment prepared by Ecology Solutions
- 1.11 Drainage Strategy and Flood Risk Assessment prepared by Grossarts
- 1.12 Stage 1 Geo- Environmental Investigation Report prepared by Johnson Poole & Bloomer
- 1.13 Air Quality Assessment prepared by Phlorum
- 1.14 Topographical Survey prepared by Survey Solutions – Parts 1,2 & 3.
- 1.15 Biodiversity Checklist prepared by Ecology Solutions.
- 1.16 Tandridge Local Validation Checklist
- 1.17 Request for EIA screening opinion from MDA – 31st March 2020
- 1.18 Proposed Site Location Plan - E0001 P02 @A3
- 1.19 Proposed Site Plan - 01020 P02 @A1
- 1.20 Proposed Site Sections - 01050 P01 @A1
- 1.21 Proposed Ground Floor Plan – 01101 P02 @A1
- 1.22 Proposed Roof Plan – 01200 P01 @A1
- 1.23 Proposed Elevations – 01200 P01 @A1
- 1.24 Proposed Elevations – 01201 P01 @A1
- 1.25 Proposed Rendered Elevations – 01210 P01 @A1
- 1.26 Proposed Rendered Elevations – 01211 P01 @A1
- 1.27 Proposed Building Sections – 01300 P01 @A1
- 1.28 Proposed Detailed Sections and Elevations – 01401 P01 @A1
- 1.29 Proposed Detailed Sections and Elevations – 01402 P01 @A1
- 1.30 Ceremony Hall View - 01451 P01 @A3
- 1.31 Cortege Approach View – 01451 P01 @A3
- 1.32 Landscape Master Plan (illustrative) - ERZ 20-01 P01 Rev D @A3

### *CD2 Additional/Amended Reports and Drawings submitted post validation*

- 2.1 Covering letter dated 28th July 2020 @A1
- 2.2 Proposed Site Plan - 01020 P05 @A1
- 2.3 Proposed Site Sections - 01050 P02 @A1 2
- 2.4 Proposed Ground Floor Plan – 01101 P05 @A1
- 2.5 Proposed Roof Plan – 01200 P04 @A1
- 2.6 Proposed Elevations – 01200 P03 @A1
- 2.7 Proposed Elevations – 01201 P02 @A1
- 2.8 Proposed Rendered Elevations – 01210 P03 @A1
- 2.9 Proposed Rendered Elevations – 01211 P02 @A1
- 2.10 Proposed Building Sections – 01300 P02 @A1
- 2.11 Ceremony Hall View - 01450 P02 @A3
- 2.12 Cortege Approach View – 01451 P02 @A3
- 2.13 Landscape Master Plan (illustrative) – ERZ-20-01-P01-Rev F
- 2.14 Landscape Master Plan (inc. Memorial Garden). - ERZ-20-01-P08-Rev A
- 2.15 Applicants’ response to queries raised by SCC Highways – 2nd June 2020
- 2.16 Drawing No 10755018-1-GA Rev C-Site Access Design June 2020
- 2.17 Drawing No 11017/ATR/01A - Vehicle Tracking Plan
- 2.18 Protected Species Survey Report 29th July 2020 re Dormice and bats
- 2.19 Proposed Drainage Layout - ref: 11017/01 rev A
- 2.20 Micro Drainage calculations - June 2020
- 2.21 Response to Reigate and Banstead letter from Horizon dated 24th July 2020
- 2.22 Response to Merton College letter from Horizon dated 5th June 2020
- 2.23 Need Case Addendum dated 16th September 2020
- 2.24 Analysis of comments by Horizon made in response to the consultation feedback

### *CD3 Correspondence with TDC*

- 3.1 MDA to TDC dated 29th June 2020 agreeing to an Extension of Time until 24th July
- 3.2 Email from Horizon dated 30th June 2020 re interment of ashes
- 3.3 MDA replying to TDC dated 23rd July 2020 re various items

- 3.4 Attachment to 3.3 email from Horizon
- 3.5 MDA to TDC dated 24th July 2020 with indicative detail plan for the memorial garden (3.6)
- 3.6 ERZ 20-01 P20 Indicative plan of Memorial Garden (with 3.5)
- 3.7 TDC to MDA on 3rd September 2020 informing that the application was due to be refused
- 3.8 Emails between TDC and MDA on 3rd September and agreement to a postponement until after Planning Committee on 1st October to allow further discussions on the need case.
- 3.9 Email from MDA dated 11th September seeking a discussion/meeting.
- 3.10 Email from MDA dated 16th September with Need Case Addendum (2.21)
- 3.11 Email from MDA dated 24th September seeking update.
- 3.12 Email reply from TDC dated 25th September
- 3.13 Email correspondence between TDC and Pegasus re LVIA dated 8th March 2020
- 3.14 Letter from MDA to TDC dated 21st June 2021

#### *CD4 Tandridge DC Officer Reports and Decision Notices*

- 4.1 EIA Screening Opinion (TA/2020/951/EIA) Decision dated 20th July 2020
- 4.2 EA Screening Opinion Officer's Report dated 20th July 2020
- 4.3 Planning Officer's Report dated 2nd October 2020
- 4.4 Planning Decision Notice dated 2nd October 2020
- 4.5 CDS Review of Crematorium Applications Tandridge District Council – April 2021
- 4.6 CDS Review of Crematorium Applications Tandridge District Council – June 2021

#### *CD5 Consultation Responses to Planning Application TD/2020/690*

- 5.1 Reigate and Banstead Borough Council – 7th July 2020
- 5.2 Crawley Borough Council – 18th May 2020
- 5.3 Sevenoaks District Council – 11th May 2020
- 5.4 London Borough of Croydon – 27th April 2020
- 5.5 Tandridge Parish Council – 9th May 2020
- 5.6 Oxted Parish Council – 15th May 2020
- 5.7 Surrey County Council (SCC) – Highways – 7th July
- 5.8 SCC - Lead Local Flood Authority – 12th June 2020
- 5.9 SCC - Minerals Planning – 15th July 2020
- 5.10 SCC - Countryside Access Officer (Rights of Way) – 9th July 2020
- 5.11 Surrey Hills AONB Planning Adviser – 11th May 2020
- 5.12 Natural England Officer Report Comment
- 5.13 Surrey Wildlife Trust – 29th June 2020
- 5.14 TDC – Environmental Health Officer – 29th April 2020
- 5.15 Environment Agency – 11th June 2020
- 5.16 Godstone Village Association – 11th May 2020
- 5.17 Merton College (Farleigh Hill) – 29th May 2020
- 5.18 Southern Co-op (Byers Lane) – 16th June 2020
- 5.19 Oxted and Limpsfield Residents Group – 11th May 2020
- 5.20 Countryside Access Forum – 7th May 2020
- 5.21 Mercia Crematoria (Farleigh Hill) – 24th June 2020
- 5.22 Mercia Crematoria (Farleigh Hill) – 3rd September 2020

#### *CD6 Planning Policy and Guidance*

##### *National*

- 6.1 Guidelines for Landscape and Visual Impact Assessment, Third Edition (GLVIA3) Landscape Institute/Iema 2013
  - 6.2 Natural England, National Character Area Profile 120: Wealden Greensand Planning Policy and Guidance
- ##### *Local*
- 6.3 Tandridge District Core Strategy 2008
  - 6.4 Tandridge Local Plan: Part 2 – Detailed Policies 2014
  - 6.5 Emerging Tandridge Local Plan 2033
  - 6.6 Tandridge Trees and Soft Landscaping SPD 2017
  - 6.7 Surrey Hills AONB Management Plan 2020 - 2025
  - 6.8 Surrey Hills AONB Environmental Design Guidance
  - 6.9 The Surrey Landscape Character Assessment 2015
  - 6.10 Tandridge DC: Green Belt Assessment 2015
  - 6.11 Surrey CC Surrey Hills AONB Areas of Search (Hankinson Duckett Associates, October 2013)
  - 6.12 Surrey Biodiversity Action Plan 4
  - 6.13 Tandridge Parking Standards 2012
  - 6.14 Surrey Design Guide 2002
  - 6.15 Green Belt Assessment- Appendix D – Parcel Assessments

### *CD7 Additional material submitted after the determination of the Application*

- 7.1 LVIA prepared by Pegasus Group - March 2021
- 7.2 LVIA APPENDIX A LVIA Methodology
- 7.3 LVIA APPENDIX B Views of Surrey Hills AONB
- 7.4 LVIA APPENDIX C Views of the Surrey Hills AONB from the Site
- 7.5 LVIA APPENDIX D ERZ Landscape Masterplan Rev.D-23.03.2020
- 7.6 LVIA APPENDIX E Land off Oxted Road Surrey
- 7.7 Fig 1 Site Location and Planning Designations
- 7.8 Fig 2 Topography
- 7.9 Fig 3 Landscape Character
- 7.10 Fig 4 Viewpoint Locations and Public Rights of Way
- 7.11 Fig 5 Viewpoint Locations and ZTV
- 7.12 Fig 6 Viewpoint Photographs
- 7.13 Fig 7 Landscape and Visual Analysis
- 7.14 Need Assessment by Horizon Cremation Ltd – February 2021
- 7.15 Need Assessment Errata – March 2021

### *CD8 Crematorium related legislation and reports*

- 8.1 1902 Cremation Act
- 8.2 The Siting and Planning of Crematoria 1978 (Department of the Environment LG1/232/36)
- 8.3 Recommendations on the Establishment of Crematoria – 2016 (Federation of Cremation and Burial Authorities)
- 8.4 Process Guidance Note PG5/2 (12) – Statutory Guidance for Crematoria (Defra – September 2012)
- 8.5 Extract from the ICCM Charter for the Bereaved (November 2014)
- 8.6 DCLG - Review of Crematoria Provision and Facilities Discussion Paper (16th March 2016)
- 8.7 Crematoria Provision and Facilities, Government Response to the Review, MHCLG (8th April 2019)
- 8.8 Competition & Markets Authority Funerals Market Investigation Final Report 18 December 2020
- 8.9 Reigate and Bansted Development Management Plan Reg 18 – Cemetery and Crematorium Needs
- 8.10 ONS - National Life Tables UK 2017-2019
- 8.11 Cremation Statistics 2019 – The Cremation Society 5

### *CD9 Other relevant Documents*

- 9.1 Reigate and Banstead Officer's report re objection to Application 2020/690 (Oxted Rd) July
- 9.2 Reigate and Banstead Officer's report re objection to Application 2020/882 (Byer's Lane) – 4 August 2020
- 9.3 Reigate and Banstead objection to Application 2020/882 (Byer's Lane) – 4th August 2020
- 9.4 LDG Sevenoaks SDC/20/01256/LDCPR – Granted 14th July 2020
- 9.5 Kent Downs AONB Setting Position Statement

### *CD10 High Court Cases & Appeal Decisions*

- 10.1 High Court Judgment (9th February 2016) Timmins v Gedling BC and Westerleigh Group Ltd (2016) Neutral Citation Number EWHC 220
- 10.2 Samuel Smith Old Brewery (Tadcaster) v. North Yorkshire County Council (2018) EWCA Civ 489
- 10.3 Holyhead Road, Wergs, South Staffs. No 1 appeal, decision dated 6th November 2017 (3039163)
- 10.4 Broad Lane, Essington, South Staffs. No1 appeal decision dated 6th November 2017 (3039129)
- 10.5 Holyhead Road, Wergs, South Staffs. No 2 appeal decision dated 31st March 2021 (3039163)
- 10.6 Broad Lane, Essington, South Staffs. No 2 appeal decision dated 31st March 2021 (3039129)
- 10.7 Land southwest of Birches Lane, Lach Dennis, Cheshire. Ref: APP/A0665/A/12/2186911
- 10.8 Land East of Derby Road, Swanwick, Derbyshire. Ref: APP/M1005/A/12/2188880
- 10.9 Land at London Road, Great Glen, Leics. Ref: APP/F2415/A/14/2211858
- 10.10 Land north of Oak Tree Farm, London Road, Halstead, Kent. Ref: APP/G2245/A/14/2217055
- 10.11 Beetham Hall, Beetham, Milnthorpe, Cumbria. Ref: APP/ M0933/W/15/3003034
- 10.12 Springhill Farm, Walsall Road, Lichfield. Ref: APP/K3415/A/10/2131804
- 10.13 Land North of Junction 36 M6, adjacent to the A65, near Crooklands Cumbria. Ref: APP/M0933/W/15/ 3135605
- 10.14 Land at Garforth Golf Range, Garforth, Leeds. Ref: APP/N4720/W19/3233784
- 10.15 Land at Race Farm, Puggis Hill, Treswithan, Camborne, Cornwall. Ref: APP/D0840/A/09/2098108
- 10.16 Turner's Hill, West Sussex. Ref: 3266563
- 10.17 Samuel Smith Old Brewery (Tadcaster) v North Yorkshire County Council (February 2020) S.C.
- 10.18 Stroud DC v. SoS and Gladman; 6th February 2015; EWHC 488
- 10.19 John Turner v. SoS and East Dorset Council; 18th May 2016; EWCA 466

### *CD11 Planning Application Re-Submission Drawings and Documents (TD2021/258)*

- 11.1 Covering Letter dated 16th February 2021 6
- 11.2 Planning Application Form dated 16th February 2021
- 11.3 Design and Access Statement
- 11.4 Transport Assessment
- 11.5 Ecological Assessment and Species Report (a+b)
- 11.6 Flood Risk Assessment/Drainage Strategy
- 11.7 Air Quality Assessment
- 11.8 Topographical Survey (a+b)
- 11.9 Agricultural Land Classification Report

- 11.10 Consultation Statement
- 11.11 Planning Statement
- 11.12 Site Search Appraisal
- 11.13 Need Assessment (see CD 7.14)
- 11.14 Biodiversity Checklist
- 11.15 Tandridge Local Validation Checklist
- 11.16 Stage 1 Geo-Environmental Investigation Report (a+b+c)
- 11.17 Landscape and Visual Impact Assessment – March 2021 (see CD7 1-13)
- 11.18 Proposed Site Location Plan - E0001 P02 @A3
- 11.19 Proposed Site Plan - 01020 P06 @A1
- 11.20 Proposed Site Sections - 01050 P03 @A1
- 11.21 Proposed Ground Floor Plan – 01101 P06 @A1
- 11.22 Proposed Roof Plan – 01200 P05 @A1
- 11.23 Proposed Elevations – 01200 P04 @A1
- 11.24 Proposed Elevations – 01201 P03 @A1
- 11.25 Proposed Rendered Elevations – 01210 P04 @A1
- 11.26 Proposed Rendered Elevations – 01211 P03 @A1
- 11.27 Proposed Building Sections – 01300 P03 @A1
- 11.28 Proposed Detailed Sections and Elevations – 01401 P02 @A1
- 11.29 Proposed Detailed Sections and Elevations – 01402 P02 @A1
- 11.30 Ceremony Hall View - 01450 P03 @A3
- 11.31 Cortege Approach View – 01451 P03 @A3
- 11.32 Landscape Master Plan – ERZ 20-01 P01 Rev F @A3 (See CD 2.13)
- 11.33 Need Assessment Errata – March 2021 (see CD 7.15)
- 11.34 Objection form Mercia Crematoria – 27 April 2021

### *CD12 Appeal Documents*

- 12.1 Planning Proof of Evidence – A.C. Bateman, 12th July 2021
- 12.2 Summary Planning Proof of Evidence – A.C. Bateman, 12th July 2021
- 12.3 Appendix 1 to Planning Proof of Evidence
- 12.4 Landscape Proof of Evidence – Andrew Cook, 12th July 2021
- 12.5 Landscape Summary Proof of Evidence – Andrew Cook, 12th July 2021
- 12.6 Appendix 1 to Landscape Proof of Evidence
- 12.7 Appendix 2 to Landscape Proof of Evidence
- 12.8 Appendix 3 to Landscape Proof of Evidence
- 12.9 Proof of Evidence – Clifford Thurlow, July 2021
- 12.10 Planning Rebuttal Evidence No 1 A C Bateman 3 August 2021
- 12.11 Appendix 1 to Planning Rebuttal Evidence No 1
- 12.12 Landscape and Visual Matters Rebuttal Evidence and Appendices 1-3 Andrew Cook
- 12.13 Rebuttal Evidence Clifford Thurlow 3 August 2021
- 12.14 Mercia Objection – Rebuttal Evidence No 2 AC Bateman 27 July 2021
- 12.15 Mercia Objection – Appendix t Rebuttal Evidence No 2.
- 12.16 Rebuttal Evidence re. Mercia Clifford Thurlow 27 July 2021

### *CD13 Third Party representations*

- 13.1 Oxted and Limpsfield Residents
- 13.2 Mercia Crematoria 18 June 2021
- 13.3 Mercia Crematoria 12 July 2021
- 13.4 Mercia Crematoria 2 August 2021
- 13.5 D M Beaumont 8 June 2021
- 13.6 S Marcar 18 June 2021

### *CD14 All documents submitted after 4 August 2021*

- 14.1 Final Statement of Common Ground
- 14.2 Agreed conditions
- 14.3 Emails between TDC and AONB Officer
- 14.4 Opening Statement Peter Goatley QC
- 14.5 Opening Statement Kate Olley of Counsel obo TDC
- 14.6 Odour Encroachment Guidance
- 14.7 Closing Statement Peter Goatley QC
- 14.8 Closing Statement Kate Olley
- 14.9 Forest of Dean DC v SSCLG and Gladman Developments Limited [2016] EWHC (Admin)

## **SCHEDULE OF CONDITIONS**

### *the standard time limit condition for commencement of development*

- 1) The development hereby permitted shall begin no later than three years from the date of this decision.

### *the details and drawings subject to which the planning permission is granted*

- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: proposed site plan - 01020 P05; proposed site sections - 01050 P02; proposed ground floor plan - 01101 P05; proposed roof plan - 01200 P04; proposed elevations - 01200 P03; proposed elevations - 01201 P02; proposed rendered elevations - 01210 P03; proposed detailed sections and elevations - 01401 P01; proposed detailed sections and elevations - 01402 P01; proposed rendered elevations - 01211 P02; proposed building sections - 01300 P02; drawing no 10755018/1/GA/001 Rev C - site access design; drawing no 10755018/1/VS/001 Rev C - visibility splays; drawing no 10755018/1/SPA/001 - swept path analysis at entrance; drawing no 10755018/1/SPA/002 - swept path analysis at entrance; drawing no 11017/ATR/01/A - vehicle tracking on site
- 3) The development hereby permitted shall be carried out in accordance with the submitted Air Quality Assessment report - Phlorum Limited March 2020.
- 4) The development hereby permitted shall be carried out in accordance with the Updated Ecological Assessment and Updated Protected Species Survey Report by Ecology Solutions Ltd dated December 2020.

### *pre-commencement conditions*

- 5) No development shall commence until a Construction Transport Management Plan, to include details of (a) construction traffic access (b) parking for vehicles of site construction personnel, operatives and visitors (c) loading and unloading of plant and materials (d) storage of plant and materials (e) provision of boundary hoarding behind any visibility zones (f) measures to prevent the deposit of materials on the highway (g) on-site turning for construction vehicles have been submitted to and approved in writing by the local planning authority. Construction shall be carried out in accordance with the approved details.
- 6) 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 local planning authority. The 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 events, during all stages of the development.
  - 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.).
  - 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.
  - e) Details of drainage management responsibilities and maintenance regimes for the drainage system.

f) Details of how the drainage system will be protected during construction and how runoff (including any pollutants) from the development site will be managed before the drainage system is operational.

The development shall thereafter be carried out, and ground infiltration of surface water drainage thereafter only permitted, in accordance with the approved surface water drainage scheme.

- 7) No development approved by this planning permission shall take place until a remediation strategy that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:
- a) 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.
  - b) A site investigation scheme, based on (1) to provide information for a detailed assessment if required of the risk to all receptors that may be affected, including those off site.
  - c) 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.
  - d) 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 express written consent of the local planning authority. The scheme shall be implemented as approved.

No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

- 8) No development shall start until details of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have

been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with these approved details.

- 9) No development shall start until a Tree Protection Plan and Arboricultural Method Statement, relating to all stages of development, for the protection of all trees and hedges to be retained on site or trees located offsite within 12 metres of the site boundary, has been submitted to and approved in writing by the local planning authority. These details shall observe the principles of BS 5837:2012 (Trees in relation to design, demolition and construction – Recommendations), shall be implemented prior to any works commencing on site, and shall then be retained during the course of construction of the development. The following restrictions shall be observed:
- (a) No bonfires shall take place within the root protection area (RPA) of any tree or within a position where heat could affect foliage or branches of retained trees and hedgerows.
  - (b) No further trenches, drains or service runs shall be sited within the RPA of any retained trees.
  - (c) No further changes in ground levels or excavations shall take place within the RPA of any retained trees.
- 10) No development shall start until details demonstrating how the development would satisfy the 10% reduction of carbon emissions through renewable resources have been submitted to and approved in writing by the local planning authority. The renewable energy provision shall thereafter be implemented and retained in accordance with the approved details.
- 11) The development shall be implemented in accordance with an appropriately detailed landscape and ecological management plan (LEMP) which shall be submitted to and approved in writing by the local planning authority prior the commencement of development. The LEMP should include adequate details of the following:
- Description and evaluation of features to be managed and created including measures to compensate for loss of hedge removal.
  - Numbers and locations of bat and bird boxes, including provision integral to the design of the new buildings.
  - Demonstrating that proposed development will result in no net increase in external artificial lighting at the site boundaries or other features used by bats for commuting or foraging and in accordance with the recommendations of the Bat Conservation Trusts' document entitled "Bats and Lighting in the UK – Bats and The Built Environment Series.
  - Aims and objectives of management.
  - Appropriate management options to achieve aims and objectives.
  - Prescriptions for management actions.
  - Preparation of a work schedule for securing biodiversity enhancements in perpetuity.
  - Details of the body or organisation responsible for implementation of the LEMP ongoing monitoring and remedial measures.
  - Details of legal/ funding mechanisms.
- The approved LEMP details shall be provided on site prior to the first occupation and retained for so long as the development exists.
- 12) No works above ground level shall commence until full details of both hard and soft landscape works have been submitted to and approved in writing by the

Local Planning Authority and these works shall be carried out as approved. These details shall include:

- proposed finished levels or contours
- means of enclosure
- car parking layouts and bollards
- hard surfacing materials
- lighting

Details of soft landscape works shall include all proposed and retained trees, hedges and shrubs; ground preparation, planting specifications and ongoing maintenance, together with details of areas to be grass seeded or turfed. Planting schedules shall include details of species, plant sizes and proposed numbers/densities.

All new planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the completion or occupation of any part of the development (whichever is the sooner) or otherwise in accordance with a programme to be agreed. Any trees or plants (including those retained as part of the development) which within a period of 5 years from the completion of the development die, are removed, or, in the opinion of the local planning authority, become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. The hard landscape works shall be carried out prior to the occupation of the development.

*pre-occupancy or other stage conditions*

- 13) The development shall not be brought into use unless and until the proposed vehicular access to Barrow Green Road has been constructed with a 7m width and 7.5 m kerb radii and provided with visibility zones of a 4.5 m 'x' distance and 102 m 'y' distance in both directions in accordance with drawing nos. 10755018/1/GA/001 Rev C and 10755018/1/VS/001 Rev C and thereafter the visibility zones shall be kept permanently clear of any obstruction over 1 m high.
- 14) The development hereby approved shall not be first brought into use unless and until space has been laid out within the site in accordance with the approved plans for vehicles to be parked including provision for disabled spaces and for vehicles to turn so that they may enter and leave the site in forward gear. Thereafter the parking/turning areas shall be retained and maintained for their designated purpose and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order), shall be carried out on those areas of land or in such a position as to preclude vehicular access to them.
- 15) The development hereby approved shall not be first brought into use unless and until the secure and covered parking for a minimum of 6 bicycles within the development site (close to the entrance to the crematorium) has been provided in accordance with a scheme to be submitted to and approved in writing by the local planning authority and thereafter the said approved facilities shall be provided, retained and maintained to the satisfaction of the local planning authority.
- 16) The development hereby approved shall not be first brought into use unless and until at least 2 of the disabled parking spaces and 6 of the non-disabled parking spaces are 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) in accordance with a scheme to be submitted to and approved in writing by the local planning authority.

- 17) The development hereby approved shall not be first brought into use unless and until the proposed pedestrian route from Oxted Road through the site has been designed to accommodate both pedestrians and cyclists in accordance with a scheme to be submitted and approved in writing by the local planning authority and thereafter the approved pedestrian and cycle route shall be constructed in accordance with the approved details.

*conditions relating to post occupancy monitoring and management*

- 18) The premises shall only be used between the following times and for the following purposes:
- i) Funeral services: to take place only between 0900 hours and 1700 hours Mondays to Fridays and 0900 hours to 1200 hours on Saturdays;
  - ii) Crematorium: 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.

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