

## **Land Adjoining Cemetery, Downs Road, Epsom**

Proposed extension to the existing Cemetery. Planning permission to change the use from Agricultural Land to Cemetery.

<b>Ward:</b>	<b>College Ward;</b>
<b>Contact Officer:</b>	<b>Tom Bagshaw</b>

### **1 Plans and Representations**

- 1.1 The Council now holds this information electronically. Please click on the following link to access the plans and representations relating to this application via the Council's website, which is provided by way of background information to the report. Please note that the link is current at the time of publication, and will not be updated.

Link: <http://eplanning.epsom-ewell.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=PFNIE OGYL1L00>

### **2 Summary**

- 2.1 The proposal is an extension to the existing Cemetery. Planning permission is required to change the use from Agricultural Land to Cemetery. The application is referred to Planning Committee for determination as it has been made by the Borough and is a major application for which there is no delegation.

### **3 Site description**

- 3.1 Epsom Cemetery is located on Green Belt Land. The cemetery is approximately 9.7 hectares in size and is sited in between Ashley Road and Downs Road.
- 3.2 The proposed cemetery extension is approximately 1.49 hectares in size and is located to the south of the existing cemetery. The existing use of the land is agricultural. It has predominantly as grazing land

### **4 Proposal**

- 4.1 The proposal is to change the use of the land from Agricultural Grazing (Sui Generis) to Cemetery (Sui Generis). The proposal would include the creation of a further 1615 lawn burial plots. These Burial plots will be separated by denomination, this will be determined in an Equality Impact Assessment (EIA) after the grant of any planning permission.

- 4.2 The proposal would have carriageways around the site to enable staff to undertake the necessary maintenance and preparation of grave sites, and for the general public, visitors and guests along with an additional gated entrance to the site from downs road.

## **5 Comments from third parties**

- 5.1 The application was advertised by means of letters of notification to 11 neighbouring properties. To date (16.11.2018) 0 letters of objection have been received and 1 letter of support has been received

## **6 Consultations**

### **6.1 Statutory and Local Consultees**

- Surrey County Highways: No Objections. Recommended conditions should the application be approved.
- Natural England: No Comments
- Surrey Wildlife Trust: No Response Received
- Archaeological Officer: No Objections. Recommended conditions for further archaeological work
- Planning Policy: No Response Received
- Contaminated Land Officer: No objection

## 7 Relevant planning history

Application number	Decision date	Application detail	Decision
07/00890/COU	12.02.07	Proposed change of use from administrative offices and mess room (Sui Generis) to Osteopathic surgery and ancillary accommodation.	Approved
06/00754/LBA	11.12.06	Proposed enabling works to convert the lodge into a dwelling. Enabling works consist of new railings and a new access opening in the perimeter wall with new entrance gates removal of an internal wall, new window to kitchen and new parking to external parking space	Approved
05/00747/LBA	19.01.06	Proposed enabling works to facilitate the change of use of the Cemetery Lodge to residential use. Enabling works consist of new railings and a new access opening in the perimeter wall with new entrance gates	Approved
05/00749/COU	09.12.05	Proposed change of use from cemetery offices and mess room (Sui Generis) to residential use (C3)	Approved
95/00783/LBA 65/00759/DMD	08.02.96	Demolition of existing wc facility & erection of new wc block.	Unknown
94/00713/DMD	09.02.95	Land adjoining the cemetery, Downs Road - Change of use from grazing land to cemetery	Unknown

## 8 Planning Policy

### **National Policy Planning Framework (NPPF) 2018**

#### Promoting sustainable transport

Paragraph 108

Paragraph 109

#### Achieving well-designed places

Paragraph 127

Paragraph 130

Paragraph 131

#### Protecting Green Belt land

Paragraph 133

Paragraph 134

Paragraph 141

Paragraph 143

Paragraph 144

Paragraph 145

Paragraph 146

Paragraph 147

#### Meeting the challenge of climate change, flooding and coastal change

Paragraph 155

Paragraph 163

Conserving and enhancing the natural environment

Paragraph 170

Paragraph 171

Paragraph 174

Paragraph 175

Paragraph 177

Paragraph 178

Paragraph 180

Paragraph 182

Paragraph 183

Conserving and enhancing the historic environment

Paragraph 189

**Core Strategy 2007**

Policy CS1 – General Policy

Policy CS2 – Green Belt

Policy CS3 - Biodiversity

Policy CS4 - Open Spaces

Policy CS5 - The Built Environment

Policy CS6 - Sustainability in New Developments

Policy CS13 - Community Facilities

Policy CS16 - Managing Transport and Travel

**Development Management Policies Submission Document 2015**

Policy DM1 - Extent of the Green Belt

Policy DM4 - Biodiversity and New Development

Policy DM5 - Trees and Landscape

Policy DM6 - Open Space Provision

Policy DM8 - Heritage Assets

Policy DM10 - Design Requirements for New Developments

Policy DM34 - New Social Infrastructure

Policy DM35 - Transport and New Development

**9 Planning considerations**

**Principle**

9.1 The revised National Planning Policy Framework (NPPF) sets out the government's planning policies for England and how these are expected to be applied. As above, the Government attaches great importance to Green Belts and paragraph 133 of the NPPF sets out that openness and permanence are the essential characteristics of Green Belts.

9.2 Paragraph 134 of the NPPF sets out the five purposes that Green Belt serves. These are provided below:

- to check the unrestricted sprawl of large built-up areas;
- to prevent neighbouring towns merging into one another;
- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns; and
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

- 9.3 Paragraph 141 of the NPPF sets out that once Green Belts have been defined, Local Planning Authorities should plan positively to enhance their beneficial use, such as looking for opportunities to (inter alia) provide for outdoor sport and recreation and retain and enhance landscapes.
- 9.4 The construction of new buildings in the Green Belt is regarded as inappropriate development, in line with paragraph 145 of the NPPF. Exceptions to this include (inter alia) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport and recreation, as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.
- 9.5 Chapter 15 of the NPPF relates to the conservation and enhancement of the natural environment. Paragraph 170 sets out that valued landscapes should be protected and enhanced.
- 9.6 Policy DM1 (Extent of the Green Belt) of the Development Management Policies Document (2015) sets out that the Green Belt will be maintained along the boundaries of the existing built-up area and extending to the outer Borough boundary as defined in the Epsom and Ewell Borough-wide Local Plan 2000 and as defined in the successor Site Allocations Development Plan Document. Supporting paragraph 2.3 of the Development Management Policies Document (2015) sets out that the main purpose of the Green Belt is to prevent urban sprawl and the coalescence of neighbouring settlements by keeping land permanently open.
- 9.7 The proposed development is for the change of use of existing Agricultural Grazing Land (Class: Sui Generis Agriculture) to the use as a Cemetery (Class: Sui Generis).
- 9.8 Policies CS13 and DM34 state that applications for new or extensions to social infrastructure and community facilities will be encouraged on the basis that it addresses a deficiency in current provision and will meet the identified needs of the borough.
- 9.9 The applicant has supplied justification of the identified need for additional cemetery space in the covering letter and design and access statement. They state *"The existing cemetery is due to run out of space for lawn burials by 2018"*. They go on to state that the proposal is anticipated to host 20-25 lawn burials in the first year leading up to 120 a year between years 7-10 of the life of the proposal identifying the demand.
- 9.10 The proposed land use is already established by the existing cemetery and is considered to be an acceptable use within the context of the green belt subject to it not inappropriately affecting its openness.

9.11 The Town and Country Planning (Consultation) (England) Direction 2009 sets out that “Green Belt development” means development which consists of or includes inappropriate development on land allocated as Green Belt, which consists of or includes:

- The provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more; or
- Any other development which, by reason of its scale or nature or location, would have a significant impact on the openness of the Green Belt.

9.12 Should the scheme be approved and the assessment of the proposal on the openness of the Green Belt considers the scheme to have a significant impact upon the openness of the green belt, the scheme would be required to be referred to the secretary of State.

## 10 Design

10.1 Chapter 12 of the NPPF refers to design. Paragraph 127 sets out that planning decisions should ensure that developments (inter alia) function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping and are sympathetic to local character and history, including the surrounding built environment and landscape setting. Development should also create places that are safe, inclusive and accessible.

10.2 Paragraph 130 of the NPPF sets out that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development.

10.3 Paragraph 131 of the NPPF stipulates that in determining applications, great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

10.4 Policy CS5 (Conserving and Enhancing the Quality of the Built Environment) of the Core Strategy (2007) sets out that the Council protect and seek to enhance the Borough’s heritage assets including historic buildings, conservation areas, archaeological remains, ancient monuments, parks and gardens of historic interest, and other areas of special character. High quality design and inclusive design will be required for all developments. Development should:

- create attractive, functional and safe public and private environments;
  - reinforce local distinctiveness and complement the attractive characteristics of the Borough; and
  - make efficient use of land and have regard to the need to develop land in a comprehensive way.
- 10.5 Policy DM10 (Design Requirements for New Development (Including House Extensions) of the Development Management Policies Document states that development proposals will be required to incorporate principles of good design. Development proposals should (inter alia) be adaptable and sustainability designed, subject to aesthetic considerations and incorporate the principles of safe design to reduce the risk of fear of crime.
- 10.6 The proposal is designed in 3 blocks of burial areas with additional plots located at the northern periphery of the site on the boundary with the existing cemetery. The blocks would be navigated with a grid like carriageway network which would connect through to the existing cemetery. The proposal incorporates a new gated entrance onto Downs Road.
- 10.7 The proposal includes a landscaping plan that would result in a net increase in trees and shrubbery around the site particularly on the south eastern boundary of the site.
- 10.8 Hedging around the site is to be maintained and the cemetery would not have a significant visual presence from outside the site.
- 10.9 Ornamental planting beds with accompanying seating areas for the use of guests would be included within the proposal.
- 10.10 The design of the proposed cemetery extension would match that of the previous extension which it adjoins and is therefore considered to be in keeping with the existing cemetery and would not have any adverse impacts upon the character or appearance of the surrounding area.

## **11 Transport**

### Transport

- 11.1 Paragraph 108 of the NPPF sets out that in assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:
- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;



b) safe and suitable access to the site can be achieved for all users;  
and

c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

- 11.2 Paragraph 109 states that Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 11.3 The opening hours for the cemetery are from 9:00am until 7:00pm in the summer and reducing opening hours until the earliest closing times of 4:00pm in the middle of winter. As such, it is generally light outside during operating hours of the cemetery.
- 11.4 Swept path analysis has been utilised to ensure that a Hearse would be able to navigate the development proposal unencumbered.
- 11.5 The carriageways would be approximately 5 metres (16ft) in width. This would be adequate separation distance to allow for vehicles to pass each other whilst moving around the site.

#### Access

- 11.6 A new vehicular access on Downs Road is proposed to access the cemetery extension.
- 11.7 The section of the road used to access the site is relatively straight and horizontal. This creates generous sight lines. The speed limit along this Road is 40MPH.
- 11.8 Visibility splays of 2.4 metres (8ft) by 120 metres (394ft) will be provided in either direction to allow adequate distance for drivers to see and react to oncoming traffic.
- 11.9 The entrance gates would be set back from the road by 10 metres (33ft) so that cars can fully leave Downs Road whilst they wait for the gates to be operated. This access will be a minimum of 4.75 metres (16ft) in width to allow two vehicles to pass each other.
- 11.10 Pedestrian footpaths of 1.8 metres (6ft) in width would be provided at either side of the proposed entrance.

#### Trip Generation and Parking

- 11.11 The proposal will be expected at its peak to host a maximum of 4 cemetery burials a week on average. Each burial is expected to have an average of 25 vehicles including a hearse, which is the same as the trip generation incurred by existing funerals

- 11.12 The existing internal road network and parking areas are sufficient to cope with the current demand and traffic flow at peak times. Significant areas are available on-site for car parking and at funeral times, Cemetery Staff are available on-site to direct mourners on where to park. It is not considered likely that any vehicles would spill out onto Downs Road as part of this application.
- 11.13 Over the course of an average day this number of vehicle movements is not considered to result in a significant impact upon the highway network.
- 11.14 There are bus links from Ashley Road to the Cemetery bus stop which provides links to the 460 (Crawley to Epsom) and 480 (Preston to Epsom) buses.
- 11.15 Existing footways in the locality provides a very good footway network to local areas as well as all local services, facilities and public transport nodes.
- 11.16 The existing cemetery accommodates 3 cemetery staff a day and 2/3 support staff twice a week. Three dedicated spaces for staff have been provided on the proposed cemetery extension.
- 11.17 Peak traffic periods include: Fathers Day; Mothers Day; Easter and Christmas periods.
- 11.18 The Internal Cemetery Loop Road has been designed with adequate width to allow for ad-hoc parking during peak times.
- 11.19 During times where larger than usual numbers of guests are expected (such as Traveller funerals) the cemetery staff are obligated to liaise with Surrey Police Service to manage the associated traffic issues.
- 11.20 Spoil generated would be collected at the same time as the existing cemetery to avoid creating unnecessary additional trips. At present spoils are collected 15 times a year (slightly over once a month).

#### Transport Conclusion

- 11.21 The proposal has been designed with transport in mind. It takes account of vehicle widths and visibility splays so that cars can enter and leave the site safely. The site has been set up so that it has flexibility in terms of peak parking capacity during busy times of year and there are dedicated staff to manage exceptionally busy events. The proposal is therefore considered to be acceptable in terms of its highways impacts.

## **12 Contaminated Land**

### Contaminated land

- 12.1 According to historical mapping, the existing and proposed cemetery extension has been occupied by fields and surrounded by mainly agricultural land since mapping began.
- 12.2 The proposed cemetery extension is underlain by a Chalk Formation which is a Principal Aquifer and the proposed extension is in a groundwater source protection zone 2. This zone has been developed for a public abstraction.
- 12.3 The source-pathway-receptor linkage assessment indicated that there is a predominant risk that could potentially arise from burial leachate impacting groundwater within the aquifer and potentially migrating towards the public supply wells.
- 12.4 A combined Tier 2 and Tier 3 quantitative groundwater risk assessment has been conducted in order to derive risk to the Chalk Principal Aquifer from burial leachate from the existing cemetery and the proposed cemetery extension.
- 12.5 Tier 2 modelling for the cemetery extension indicated that burial leachate concentrations of Ammonium and Lead exceeded the relevant target values. Ammonium, Lead and Iron contaminants of concern were taken forward for further Tier 3 quantitative modelling.
- 12.6 The Tier 3 Model it was confirmed that there is an insignificant risk to the Chalk Principal Aquifer assuming the maximum burial rate is 120 burials per year.
- 12.7 Epsom & Ewell Borough Council's Contaminated Land Officer raised no objections and did not request any conditions.

### Contaminated land Conclusion

- 12.8 The proposed and existing cemetery plans comply with the Environmental Permitting Regulations. As such, there is predicted to be no unacceptable risk to groundwater contamination and the proposal is therefore acceptable in this regard.

### **13 Sustainable Development**

#### Sustainable development

- 13.1 The purpose of the planning system is to contribute to the achievement of sustainable development. The NPPF sets out that there are three overarching objectives to achieving sustainable development, which includes an environmental objective. Development should contribute to protecting and enhancing the natural, built and historic environment, making effective use of land and helping to improve biodiversity.
- 13.2 Policy CS1 of the Core Strategy (2007) expects development and use of land to contribute positively to the social, economic and environmental improvements necessary to achieve sustainable development. Changes should protect and enhance the natural and built environment and should achieve high quality sustainable environments for future generations.
- 13.3 The proposed cemetery extension will be located on a vacant and unused piece of land. The most recent use was for grazing of horses however this use has since become redundant.
- 13.4 The proposal would increase the sustainability of Epsom cemetery as it is reaching its capacity. The cemetery extension will increase the size of the cemetery ensuring that there is a sustainable capacity for burials for approximately 10 years.
- 13.5 The proposal would result in a natural mesotrophic habitat being replaced by a man made cemetery. The proposals include the planting of a variety of trees, shrubbery and herbaceous plants and as such, would not be considered to result in an unacceptable loss of greenery and plant species will be selected to ensure that the biodiversity value of the site is not unacceptably diminished.

#### Sustainable development conclusion

- 13.6 In summary, the proposed cemetery extension is considered to achieve sustainable development by retaining biodiversity within the site and bringing back into use land that has since gone unused. The site will increase the size of the size of the cemetery to ensure there is a sustainable capacity for approximately 25 years.

### **14 Ecology**

#### Ecology

- 14.1 Chapter 15 of the NPPF relates to the conservation and enhancement of the natural environment. Paragraph 170 sets out that planning decisions should contribute to and enhance the natural and local environment by (inter alia) protecting and enhancing valued landscapes and sites of biodiversity. Development should, wherever possible, help to improve local environmental conditions, such as air and water quality.

- 14.2 Paragraph 175 of the NPPF sets out that development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.
- 14.3 Policy CS3 (Biodiversity and Nature Conservation Areas) of the Core Strategy (2007) sets out that the biodiversity of Epsom and Ewell will be conserved and enhanced through the support for measures which meet the objectives of National and Local biodiversity action plans in terms of species and habitat. Development that would harm Grade 3 Sites of Nature Conservation Interests (SNCIs) will not be permitted unless suitable measures are put in place and it has been demonstrated that the benefits of a development would outweigh the harm caused.
- 14.4 A preliminary ecology assessment was submitted accompanying the application

'Fauna'

- 14.5 The nature of the development and habitats on the site that would be affected are not considered to be suitable to contain bat roosts.
- 14.6 The nearest pond thought to be capable of being a suitable habitat for Great crested newts is situated over 1 kilometre from the site and as such the site would not be thought to contain any newts.
- 14.7 The previous use of this site was for the grazing of horses. As such, the possibility of reptiles such as Grass Snakes or Adders is considered to be negligible.
- 14.8 Epsom & Ewell Borough Council's Planning Officer and Ecology Officer both gained access to the site and there were no signs of a Badger Set or Badger activity on the site.
- 14.9 Epsom & Ewell Borough Council's Ecology Officer found no evidence of ground nesting birds on site. The hedges surrounding the site are potential nesting sites for birds. If any clearance of hedgerows is going to occur this would need to occur outside of the main breeding period (March to August) or under the supervision of a suitably qualified ecologist. This would be required as a condition should the application be approved.
- 14.10 The site is not considered to be a suitable habitat for Dormice. The hedge along the southern boundary of the site is suitable for Dormice, this however is situated on the adjacent site not the development site.

'Flora'

- 14.11 There are a number of habitats that are protected, due to being a habitat of principal importance as designated under the Natural Environment and Rural Communities Act 2007.

- 14.12 One of these due to the site's location is lowland calcareous grassland. there are a number of grassland types that can be included as calcareous grassland. These are the National Vegetation classification grasslands, CG1 to CG7.
- 14.13 Epsom & Ewell Borough Council's ecology officer concluded after a site inspection that the existing habitat on site would be assessed as mesotrophic grassland MG1. This grassland type is not included as a priority habitat.

#### Ecology Conclusion

- 14.14 The development can proceed without any further survey or mitigation with regard to biodiversity law. However Epsom & Ewell Borough Council Development Management Policy DM4 states 'Whether or not there are any species or habitats that enjoy statutory protection, every opportunity should be taken to secure net benefit to the Borough's biodiversity. As such, plant species to be included in the planting scheme will be selected to have a high ecological value. Details of the plant species will be required as a condition to be discharged.

### **15 Archaeology**

#### Archaeology

- 15.1 Chapter 16 of the NPPF refers to the conservation and enhancement of the historic environment. Paragraph 189 states that where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.
- 15.2 Policy CS5 (Conserving and Enhancing the Quality of the Built Environment) of the Core Strategy (2007) sets out that the Council will protect and seek to enhance the Borough's heritage assets including (inter alia) archaeological remains. The settings of these assets will be protected and enhanced.
- 15.3 Policy DM8 (Heritage Assets) of the Development and Management Policies seeks to resist the loss of Heritage Assets and instead promote the opportunity to conserve and enhance these. Specifically, on any major development site of 0.4ha or greater, applicants are required to undertake prior assessment of the possible archaeological significance of a site and the implications of the proposals.
- 15.4 An archaeological assessment was undertaken to assess whether or not the site may contain any historical remains that may be worth preserving. The archaeological assessment undertaken was desk based and did not include a site visit or any excavation of the site.

- 15.5 The archaeological assessment determined that site has been largely undisturbed since the early 1800's.
- 15.6 Evidence of Romano-British activity has been evidenced within the search radius of the site. Remains have included pottery and coins dating back to the 3<sup>rd</sup> and 4<sup>th</sup> centuries AD. Pottery has been found between 950 and 860 metres from the site. Roman coins have been found 920 metres from the site (Claudius II, 268-270AD) and as close as 250 metres from the site (Constantine I, 306-337AD).
- 15.7 The proximity of historical remains discovered near the site suggest that there is a moderate to good potential of historic remains being present on the site.
- 15.8 It is considered that if there are any historic remains existing they are expected to survive at or below the interface between topsoil and undisturbed sub surface soil.
- 15.9 The construction of the roads and the digging of graves would be considered to destroy most archaeological deposits that might remain.

#### Archaeology Conclusion

- 15.10 The archaeological assessment by Surrey County Archaeological Unit and the consultation response from Surrey County Council Heritage Conservation Team both confirm that the site has a good potential to host historical remains. They conclude that a field investigation should be undertaken in order to assess and clarify the archaeological potential of the site identified in the desk based archaeological assessment.
- 15.11 Evaluation prior to the determination of such an application is strongly recommended by the National Planning Policy Framework (para 189) and Local Plan policy DM8.
- 15.12 However, due to the nature of the development and the fact that it will become occupied slowly over a number of years there is scope to accommodate the investigation and preservation of historical assets '*in situ*' and as such, archaeological assessments do not need to be made in advance of the grant of the planning permission.
- 15.13 It is determined that the most practical and efficient method of further work would be an archaeological trial trench evaluation. A written scheme of investigation would be required to be submitted and approved by the planning authority prior to any below ground works.

## **16 Trees and Landscaping**

- 16.1 Chapter 15 of the NPPF concerns the conservation and enhancement of the natural environment. Paragraph 170 sets out that planning decisions should contribute to and enhance the local environment by (inter alia) recognising the intrinsic character and beauty of the countryside and the wider benefits from ecosystem services, including trees and woodland.
- 16.2 Paragraph 175 of the NPPF sets out that development resulting in the loss or deterioration or irreplaceable habitats such as ancient woodland and ancient or veteran trees should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists.
- 16.3 Policy DM5 (Trees and Landscape) of the Development Management Policies Document (2015) sets out that the Borough's trees, hedgerows and other landscape features will be protected and enhanced by (inter alia):
- Planting and encouraging others to plant trees and shrubs to create woodland, thickets and hedgerows; and
  - Requiring landscape proposals in submissions for new development, which retain existing trees and other important landscape features where practicable and include the planting of new semi-mature tree and other planting.
- 16.4 Where trees, hedgerows or other landscape features are removed, appropriate replacement planting will normally be required. Consideration should be given to the use of native species as well as the adaptability to the likely effects of climate change.
- 16.5 There are no trees under the Protection of Tree Preservation Orders (TPO's) on the site of the proposed development site.
- 16.6 There are various trees protected by TPO's along the boundary of site in Epsom Cemetery. These include: Rowan; x2 Cherry; x2 Mountain Ash; Lawson Cypress; Double Pink Cherry and x3 Hawthorn.
- 16.7 A condition would be added to the proposal to ensure that no burial plots are excavated within the root protection areas of any TPO's on land adjacent to the development site.

### Landscaping

- 16.8 The application includes a planting plan for trees and shrubbery to be incorporated in the proposed development.
- 16.9 The planting plan includes a variety of species of Tree. A comprehensive list of species and numbers of each species can be found below



Name	Quantity
Acer Campestre	7
Betula Nigra	3
Betula Pendula	12
Carpinus Betulus	2
Crataegus Monogyna	12
Liquidambar Stryciflua 'Stella'	8
Platanus Orientalis 'Minaret'	6
Pyrus Calleryana 'Redspire'	4
Sorbus Aucuparia	10
Total	64

16.10 The proposal represents a significant net increase in trees and shrubs on the site. The majority of the trees would be located at the south eastern boundary of the site with the remaining new trees would placed strategically to mark corners and junctions around the site.

16.11 The additional trees as well as the addition of approximately 550 shrubs and 160 herbaceous plants is considered to significantly soften the visual impact of the proposed road and car park on the 'greenness' of the site.

16.12 Epsom and Ewell borough Council's Trees and Landscaping Officer has confirmed there are no objections to the scheme subject to the inclusion of a condition ensuring the planting scheme is implemented within appropriate time scales.

#### Trees and Landscaping Conclusion

16.13 The proposed development includes the net increase of trees and shrubbery and the landscaping plan is considered to be acceptable. This would offset the proposed loss of green space resulting from the introduction of carriage ways around the site.

16.14 The root protection areas of trees under the protection of TPO's in adjacent land will be protected by the inclusion of conditions.

16.15 The proposed development is therefore considered to be acceptable in terms of trees and landscaping

## 17 Green Belt

### Impacts to the Green Belt

- 17.1 Policy CS2 (Green Belt) of the Core Strategy (2007) seeks to ensure that the Green Belt continues to serve its key functions and maintain its existing general extent. Strict control will be exercised over inappropriate development, as defined by Government policy.
- 17.2 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.'
- 17.3 A Visual Impact Assessment accompanies the proposal to determine the 'appropriateness' of the development within the green belt setting.
- 17.4 The proposal would include the erection of a new gate at the entrance to the development and no other buildings/structures would be erected within the development site.
- 17.5 The site represents an extension to the existing cemetery which is considered to be a Green Belt compliant use and would be in accordance with Policy 146 of the NPPF.

### Visual Impacts

- 17.6 A visual Impact assessment has been made in conjunction with the proposal to assess the likely impacts of the scheme on the openness of the Green Belt.
- 17.7 Table 5 of the visual impact assessment includes as summary of all anticipated visual effects, it determines that the maximum possible impact upon the openness of the Green Belt will be during the construction stage.
- 17.8 The table summarises the impacts on views and states that there would be a 'Low Adverse' visual impact upon Clear Heights (neighbour), Epsom Cemetery, Downs Road and Public Right of Way 31 (PRoW 31). This would reduce to negligible before or by 15 years after completion of the development. The assessment determined that there would be no visual impacts beyond these 4 areas.
- 17.9 The site would retain strong mature vegetated boundaries that are consistent with the existing streetscene and surrounding landscapes limiting the visual impacts of the proposal open the setting and openness of the Green Belt to an acceptable level.

Green Belt Conclusion

17.10 The proposal would not be of an inappropriate use for the Green Belt and the long term impacts of the proposal are considered to have a negligible visual impact from the surrounding area. The proposal would not result in any unacceptable impacts upon the setting or appearance of the Green Belt and would be acceptable in this regard. On the basis of the assessment of all of the information before the LPA, it is concluded that the harm would not result in any significant impacts to the openness of the Greenbelt.

17.11 The scheme therefore would not require referral to the Secretary of State.

## **18 Flooding**

Flood Risk

18.1 Chapter 14 of the NPPF relates to meeting the challenge of climate change, flooding and coastal change. Paragraph 155 stipulates that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Paragraph 163 sets out that when determining any planning applications, Local Planning Authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment.

18.2 Policy CS6 (Sustainability in New Developments) of the Core Strategy (2007) sets out that proposals for development should result in a sustainable environment and reduce, or have a neutral impact upon, pollution and climate change. The Council will expect proposals to demonstrate how sustainable construction and design can be incorporated to improve the energy efficiency of development – both new build and conversion. In order to conserve natural resources, minimise waste and encourage recycling, the Council will ensure that new development (inter alia):

- has no adverse effects on water quality, and helps reduce potential water consumption for example by the use of water conservation and recycling measures and by minimising off-site water discharge by using methods such as sustainable urban drainage; and
- avoids increasing the risk of, or from, flooding.

18.3 The site is located in a flood risk zone 1 (Low probability – NPPF Flood Zone Classifications).

18.4 Therefore the neither the sequential test nor the exceptions test need to be applied.

- 18.5 The development site is considered to be classed as 'Less Vulnerable' (Lowest level of flood risk) within the development compatibility table sections.
- 18.6 The proposed development is not considered to result in the creation of hard surfaces that would result in a significant amount of ground water surface runoff.
- 18.7 The proposed cemetery extension is therefore considered to be acceptable in terms of flood risk.
- 18.8 The applicant has provided a details of the Sustainable Urban Drainage System (SUDS) and a detailed implementation strategy. These are considered to be acceptable and their implementation would be required by condition

#### Flood Risk Conclusion

- 18.9 The nature of the proposal and its location within a Flood Zone 1 would result in little to no flood risk and is therefore considered to be acceptable in this regard.

### **19 Community infrastructure Levy**

- 19.1 The proposed application would not be CIL liable as it would not result in the creation of over 100 square metres of internal floorspace nor would it result in the creation of any additional residential dwellings

### **20 Conclusions**

- 20.1 The proposed development is considered to be acceptable in regards to all the assessment criteria and would meet an identified need for burial space within the borough as the existing cemetery runs out of burial plots by the end of 2018. The applicant has made the case that there is a demonstrable need for the cemetery extension. Further, technical investigations have confirmed that the site is suitable for the use in terms of environmental factors of contamination, ecology and biodiversity, archaeology, trees and landscaping
- 20.2 The proposal has been designed to have regard for access, and so as to not increase impacts on the local highway network. A number of conditions are recommended so that the proposal is acceptable and achieves the requirements of the planning policy framework.
- 20.3 Detailed assessment of the proposal in relation to its scale, nature or location in relation to the openness of the greenbelt has been undertaken and having reviewed the landscape assessment, proposed landscaping scheme and the development as a whole it is concluded that the proposal would not result in significant harm.

## **21 Recommendation**

21.1 Approval subject to the following conditions:

### **Conditions:**

- (1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

**Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 (1) of the Planning and Compulsory Purchase Act 2004.

- (2) The development hereby permitted shall be carried out in strict accordance with the approved drawings:

**D7049.001E Materplan**

**D7049.002D Site Layout – Sheet 1**

**D7049.003D Site Layout – Sheet 2**

**D7049.004A Boundary Treatments**

**D7049.005B Detailed Planting Plan Sheet 1 of 2**

**D7049.006A Detailed Planting Plan Sheet 2 of 2**

**D7049.007 Tree Pit Detail**

**Transport Statement**

**Flood Risk Assessment**

**Archaeological Assessment**

**Desk Study Phase 1**

**Desk Study phase 2**

**Location Plan**

**Design and Access statement**

**Reason:** For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans to comply with Policy CS5 of the Core Strategy (2007).

- (3) Prior to the commencement of development, details and samples of the external materials to be used for the development shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

**Reason:** To secure a satisfactory appearance in the interests of the visual amenities and character of the locality in accordance with Policy CS5 of the Core Strategy (2007) and Policies DM9 and DM10 of the Development Management Policies 2015.

- (4) No engineering or below ground works shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation which has been submitted by the applicant and approved by the Planning Authority. Any follow up action shall be taken in accordance with the agreed scheme.

**Reason:** The site has archaeological potential and it is important that the archaeological information should be preserved as a record before it is destroyed by the development in accordance with Policy CS5 of the Core Strategy (2007).

- (5) Details of both hard and soft landscape proposals, including a schedule of landscape maintenance for a minimum period of 5 years, shall be submitted to and approved in writing by the local planning authority in consultation with the council's ecology officer. The approved landscape scheme (with the exception of planting, seeding and turfing) shall be implemented prior to the occupation of the development hereby approved and thereafter retained.

**Reason:** To ensure the provision, establishment and maintenance of an appropriate landscape scheme in the interests of the visual amenities of the locality in accordance with Policy CS5 of the Core Strategy (2007) and Policies DM5 and DM9 of the Development Management Policies 2015.

- (6) No development shall commence until a Construction Transport Management Plan, to include details of:
- (a) parking for vehicles of site personnel, operatives and visitors
  - (b) loading and unloading of plant and materials
  - (c) storage of plant and materials
  - (d) HGV deliveries and hours of operation
  - (e) vehicle routing
  - (f) measures to prevent the deposit of materials on the highway
  - (g) on-site turning for construction vehicles has been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall be implemented during the construction of the development.

**Reason:** To ensure that the development does not prejudice the free flow of traffic and conditions of safety on the highway or cause inconvenience to other highway users in accordance with Policy CS16 of the Core Strategy (2007) and Policy DM35 of the Development Management Policies 2015.

- (7) No construction work shall be carried out in such a manner as to be audible at the site boundary before 08.00 hours or after 18:00 hours Monday to Friday; no construction work shall be audible at the site

**boundary before 08:00 or after 13:00 hours on Saturdays and no construction work of any nature shall be carried out on Sundays or Bank/Public Holidays.**

**Reason: In order to safeguard the amenities of the occupiers of neighbouring properties in accordance with Policy DM10 of the Development Management Policies 2015.**

- (8) No development shall take place until an Arboricultural Method Statement and a Tree Protection Plan in accordance with British Standard 5837:2012 (or later revision) has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the agreed details.**

**Reason: To ensure that the tree(s) receive the appropriate treatment and that the tree work is of a satisfactory standard to protect amenity in accordance with Policies CS1 and CS5 of the Core Strategy (2007) and Policies DM5 and DM9 of the Development Management Policies 2015.**

- (9) No excavation for graves shall take place within the root protection area of trees (as defined in British Standard 5837) retained on the site or adjacent land.**

**Reason: To ensure that the tree(s) receive the appropriate treatment and that the tree work is of a satisfactory standard to protect amenity in accordance with Policies CS1 and CS5 of the Core Strategy (2007) and Policies DM5 and DM9 of the Development Management Policies 2015.**

- (10) No development shall take place until a strategy of surface water drainage for the site using a Sustainable Drainage System (SuDS) has been submitted to and approved in writing by the local planning authority. The approved development shall be implemented in accordance with the approved strategy prior to the first use/or occupation of the cemetery and thereafter retained in that condition.**

**Reason: To ensure that the principles of sustainable drainage are incorporated into the development and to reduce the impact of flooding in accordance with Policy CS6 of the Epsom and Ewell Core Strategy (2007) and Policy DM19 of the Development Management Policies 2015.**

- (11) Notwithstanding the submitted plan '0100 Rev 2', the Land Adjoining Cemetery shall not be utilised until the proposed bell mouth access has been constructed with tactile paving and dropped kerbs at the pedestrian access points and vehicle visibility of 120m in both directions from a point 2.4m back along the access from the nearside kerb line, in accordance with a revised scheme to be submitted and approved in writing by the Local Planning Authority. There shall be**

no obstruction to the vehicle visibility zone above 0.6m high above the ground.

Reason: The above condition is required in order that the development should not prejudice highway safety, nor cause inconvenience to other highway users, and to accord with the National Planning Policy Framework 2018 and DM 35 Transport and New Development of the Epsom and Ewell Borough Council Development Management Policies Document September 2015.

- (12) The development hereby permitted shall be carried out in accordance with the Drainage Strategy (EPG-8896-RP-DS -01) provided by The Environmental Protection Group [06.08.18]. The approved development shall be implemented in accordance with the approved strategy prior to the first use/or occupation of the cemetery and thereafter retained in that condition.

Reason: To ensure that the principles of sustainable drainage are incorporated into the development and to reduce the impact of flooding in accordance with Policy CS6 of the Epsom and Ewell Core Strategy (2007) and Policy DM19 of the Development Management Policies 2015.

- (13) For any clearing of hedgerows this would need to occur outside of the main avian breeding period (March to August) or under the supervision of a suitably qualified ecologist.

Reason: to ensure that no undue harm is caused to the breeding cycle of nesting birds that use the site as a nesting site.

**Informatives:**

- (1) In dealing with the application the Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in the Core Strategy, Supplementary Planning Documents, Planning Briefs and other informal written guidance, as well as offering a full pre-application advice service, in order to ensure that the applicant has been given every opportunity to submit an application which is likely to be considered favourably.
- (2) The permission hereby granted shall not be construed as authority to carry out any works on the highway or any works that may affect a drainage channel/culvert or water course. The applicant is advised that a permit and, potentially, a Section 278 agreement must be obtained from the Highway Authority before any works are carried out on any footway, footpath, carriageway, verge or other land forming part of the highway. All works on the highway will require a permit and an application will need to be submitted to the County Council's Street Works Team up to 3 months in advance of the intended start date, depending on the scale of the works proposed



Planning Committee  
13 December 2018

18/00927/FUL

**and the classification of the road. Please  
see:<http://www.surreycc.gov.uk/roads-and-transport/road-permits-and-licences/the-traffic-management-permit-scheme>.**