1 **Background**

1.1 Planning permission was granted on 3 May 2017 (ref: 6/2016/2623/MAJ) for the erection of a new chapel, machinery store and crematory, to include new car parking provision and enhanced landscaping following demolition of existing chapel, machinery store, lodge house and central colonnade. The lawfulness of this permission was challenged by judicial review and subsequently quashed by The High Court, ruling that the local authority did not properly consider capacity at a nearby facility. Sir Wyn Williams, sitting as a High Court judge, said the spare capacity at Crematoria Management’s site at near Broxbourne should have been considered and that failing to do so was a material error, and one where he was unable to say the decision would have been the same had it not occurred. In giving judgment, Sir Wyn Williams dismissed a challenge on whether an Environmental Impact Assessment had been needed but upheld one about Welwyn Hatfield’s ability to demonstrate that there was a need for the development given the cemetery’s Green Belt location.

2 **Site Description**

2.1 The site is located to the south of Hatfield and comprises an area of land measuring approximately 4.24 hectares in area (10.4 acres). The site lies within the Green Belt and on the edge of open countryside. To the south and east of the site there are fields. A park and ride facility is located to the west and there is residential development to the north. Lawn Cemetery was opened in 1984 and provides services for burials and memorialisation. Both burial and cremation plots are available at the cemetery. The site also has a mausoleum for above ground internment. Over half of the cemetery site has been utilised for burials to date, with capacity for more burials in the future.

2.2 The cemetery has an undulating topography, from the highest point near to the access, sloping down to the south western corner of the site. A backdrop of
trees to the western boundary hides views of the park and ride, which is separated from the cemetery site by a public footpath.

2.3 Existing buildings are located near to the site access from South Way. These consist of a former gate lodge, a chapel which holds around 50 people and facilities for ground staff, including equipment storage, staff area, public health services and a work's yard.

2.4 There are a number of existing built structures in addition to the chapel and administrative building, including mausoleum, machinery store and large brick pergola feature. The land identified to accommodate the future crematorium is located towards the southwestern corner of the site, an area currently laid to lawn.

2.5 A public footpath extends close to the eastern site boundary, connecting South Way and the residential area to the north, to Bush Wood / Welham Green to the south. Dellsome Lane restricted byway is located 300m to the south of the site, which connects Roestock in the west, to Dellsome Bottom in the east and a third footpath extends along the western boundary, connecting the restricted byway to South Way (A1001) to the north.

3 The Proposal

3.1 The current proposal is for a new planning application for the same development applied for under application 6/2016/2623/MAJ.

3.2 Full planning permission is sought for the demolition of the existing chapel, machinery store, lodge house and central colonnade and the erection of a building comprising a chapel, machinery store and crematorium and the establishment of car parking area and associated landscape on the southwestern end of the site. The building would be predominantly single-storey built with the chapel parapet rising to 8m and to 10m at the catafalque end. The chapel and crematorium building would have a footprint of 921.5m² and would be T-shaped in form measuring approximately 38m wide and 50m wide.
3.3 Access to the site would be as existing via a route along the northern boundary from South Way. Visitors by car will use the existing entrance and proceed around the site in a counter clockwise direction, using the existing road alignments.

3.4 The application is accompanied by a Design and Access Statement which describes the building as being of contemporary design with glazed areas, faced in brick with trabeated structures (column & beam) and having a porte cochère feature supported on light column and the brick skin of the chapel volume is accented by a panel of translucent onyx. The chimney is subservient to the chapel volume, as opposed to being designed as a significant vertical statement. The plans suggest an open parkland landscape with a garden of remembrance, additional trees, and two ponds (water gardens) planted with rushes and weeping willows presenting a bucolic view and also a practical way of attenuating flood water. The crematorium would be designed as a secular space but capable of accommodating temporary religious symbolism.

3.5 A new landscaped car park for 66 vehicles is proposed near to the crematorium. In addition, 29 in-line parking spaces would be provided across the cemetery site, together with two lay-bys, each accommodating up to 3 vehicles. In total there would be 101 parking spaces available.

3.6 In support of the application, a review has been undertaken in terms of the need for a crematorium for this location (Amended Needs Assessment report and Alternative Site Options report). These studies have been updated since the previous planning application and The Broxbourne, Woollensbrook crematorium has been factored into the analysis since opening in March 2017. The Amended Needs Assessment makes the case for a quantitative and qualitative need based on demographics, population projections, drive time analysis and existing cremation provision. This need is also qualified by the need placed upon the Borough in the event of a pandemic.

4 Reason for Committee Consideration

4.1 This application is presented to the Development Management Committee because it has been advertised as a departure from the development plan and because Welwyn Hatfield Borough Council is the applicant.

5 Relevant Planning History

5.1 Application Number: S6/2015/0268/FP
Decision: Granted
Decision Date: 05 May 2015
Proposal: Extension to existing colonnade and alterations to form a mausoleum

5.2 Application Number: S6/1983/0436/DC
Decision: Granted
Decision Date: 01 September 1983
Proposal: Gardens of remembrance, pergola and covered shelter

5.3 Application Number: S6/1983/0437/DC
Decision: Granted
Decision Date: 01 September 1983
Proposal: Cemetery including caretakers lodge
5.4 Application Number: S6/1980/0722/DC  
Decision: Granted  
Decision Date: 19 February 1981  
Proposal: Use of land as cemetery

6 Relevant Planning Policy

6.1 National Planning Policy Framework 2019 (NPPF)  
6.2 Welwyn Hatfield District Plan 2005 (District Plan)  
6.3 Draft Local Plan Proposed Submission 2016 (Emerging Local Plan 2016)  
6.4 Supplementary Design Guidance 2005 (SDG)  
6.5 Supplementary Planning Guidance, Parking Standards 2004 (SPG)  
6.6 Interim Policy for Car Parking Standards and Garage Sizes 2014 (Interim Car Parking Policy)

7 Site Designation

7.1 The site lies within the Metropolitan Green Belt; Landscape Character Area 29 and Watling Chase Community Forest as designated in the Welwyn Hatfield District Plan 2005.

8 Representations Received

8.1 The application was advertised by means of site notice, press notice and neighbour notification letters. One representation has been received from Westerleigh Group objecting to the proposal as originally submitted. A further objection was received from Westerleigh Group following the submission of the Amended Needs Assessment report.

8.2 The objection initial objection can be summarised as:

- The Need Assessment report to be misleading as it is based on out of date information, a number of un-substantiated and false assumptions and incomplete analysis.
- The Need Assessment report does not demonstrate a compelling need.
- Very special circumstances, based on need, do not exist to outweigh the harm arising from inappropriate development in the Green Belt.

8.3 The subsequent objection can be summarised as:

- The information submitted only demonstrates that a new crematorium would be viable and desirable but does no demonstrate need.
- The 30 minute drive time map is incorrect.
- The bulk of the proposed catchment is already within the drive time of existing crematoria.
- The areas not currently served appear to have a much lower population of circa 43,000 than the 70,247 claimed.
- All areas are served within a 40 minute adjusted drive time.
- Disagree that Woollensbrook does no serve the needs of the catchment.
• The updated report has used a hypothetical calculation for assessing capacity which is incorrect and misleading.
• No data on direct cremations which do not involve services within core hours.
• The information from Funeral Directors cannot be relied upon or given any weight by the planning authority and should be discounted.

9 Consultations Received

9.1 The statutory consultation responses received are summarised below, and where appropriate expanded upon in later sections of this report.

9.2 Hertfordshire County Council Right of Way (RoW): Commented – North Mymms public footpath 52 runs along the boundary of this site and although it appears unaffected by the works, we would like to see it re-fenced to represent the correct legal boundary. Currently the Cemetery boundary fencing protrudes out into the width of the public footpath, when as per the land registry plan and OS Mapping it should be a straight line following the historic boundary.

9.3 Hertfordshire County Council – Growth Team: Based on the information to date the Growth & Infrastructure Unit will not be seeking financial contributions at this point in time.

9.4 Hertfordshire County Council Ecology: No objection subject to conditions and informatives.

9.5 Hertfordshire County Council – Transport Programmes and Strategy (HCCTPS): No objection subject to suggested conditions.

9.6 Hertfordshire County Council – Lead Local Flood Authority: No objection subject to suggested conditions.

9.7 Welwyn Hatfield Borough Council – Public Health and Protection: No objection subject to conditions and informatives.

9.8 Welwyn Hatfield Borough Council – Landscape and Ecology: No objection subject to suggested conditions.

9.9 Hertfordshire County Council – Historic Environment Advisor: No objection

9.10 Environment Agency – No objection

9.11 Thames Water – No objection

9.12 Welwyn Hatfield Borough Council – Estates Team: No comment

9.13 Hertfordshire Gardens Trust: No comment

9.14 No response from: Borough of Broxbourne, WHBC Parking Services, HCC Spatial Planning & Economy, Cadent Gas, Place Services, Affinity Water Ltd and Herts Middlesex Bat Group.
10 Town/Parish Council Representations

10.1 Hatfield Town Council – submitted with the following comment:

“Members welcome this application. They wish to see checks on air quality.”

10.2 North Mymms Parish Council – submitted the following comment:

“North Mymms Parish Council support the improvement of the proposed facilities to meet local needs and comment that it must comply with Green Belt policies.”

11 Analysis

11.1 The main planning issues to be considered in the determination of this application are:

1. Principle of development in the Green Belt
2. Quality of design and impact on the character of the area
3. Amenity and living conditions of neighbouring occupiers
4. Highways and parking provision
5. Other considerations
   i) Air quality
   ii) Contaminated land
   iii) Drainage
   iv) Ecology and protected species
   v) Environmental Impact Assessment
6. The planning balance

1. Principal of development in the Green Belt

11.2 The site is located within the Metropolitan Green Belt as defined by District Plan Policy GBSP1. The National Planning Policy Framework 2019 (NPPF) identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Para.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. Para.144 states that local planning authorities should ensure that substantial weight is given to any harm to the Green Belt and very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

11.3 Within that context the main issues to consider in terms of Green Belt policy are:

- the appropriateness of the development in Green Belt;
- the effect on the openness and purposes of the Green Belt; and
- whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

Appropriateness

11.4 The construction of new buildings should be regarded as inappropriate in the Green Belt, subject to a number of exceptions as set out in para.145. The development of a crematorium does not fall within any of the exceptions to the
general policy presumption against the construction of new buildings in the Green Belt and is therefore inappropriate development by definition.

**Openness**

11.5 In terms of openness, para.133 of NPPF states that the essential characteristics of Green Belts are their openness and their permanence. There is no definition of openness in NPPF but, in the context of the Green Belt, it is generally held to refer to freedom from, or the absence of, development. Whilst the physical presence of any above ground development would, to some extent, diminish the openness of the Green Belt regardless of whether or not it can be seen, openness also goes beyond physical presence and has a visual aspect. In the visual sense, openness is a qualitative judgement.

11.6 Indeed, in line with *Turner v Secretary of State and East Dorset Council* [2016] judgement the concept of openness should not be limited to a volumetric approach comparing the size, mass and physical effect of openness before and after development. Such an approach would be far too simplistic and ignore the wider aspects of openness which goes beyond the physical effect of buildings or structures. Factors relevant include how built up the Green Belt is now and how built up would it be after development has taken place.

11.7 In *Samuel Smith Old Brewery (Tadcaster) Oxton Farm v North Yorkshire County Council & Anor* [2018] the visual impact of the scheme was considered as important as its “spatial” effects. Para.38 of the judgement affirms that to exclude visual impact, as a matter of principle, from a consideration of the likely effects of development on the openness of the Green Belt would be artificial and unrealistic. A realistic assessment will often have to include the likely perceived effects on openness, if any, as well as the spatial effects.

11.8 The approach set out above is supported within National Planning Practice Guidance (NPPG) through the amendments which were published in July 2019.

11.9 As outlined above, the application site comprises 4.24 hectares of land which accommodates an existing cemetery. It lies within the Green Belt on the edge of Hatfield. To the south and east of the site there are fields. A park and ride facility is located to the west and there is residential development to the north. There are a number of buildings and/or structures upon the site and within it there are plots for deceased persons who have been cremated as well as those who are to be buried. There are also extensive areas of hard surfacing which provide for car parking, access and circulation, as well as the concrete platforms required for the siting of headstones. Whilst the access and concrete platforms extend widely across the site, it is notable that the majority of the built structures are situated within the central and northern part of the site, whilst the southern part, in particular the south west corner, is less developed being mostly laid to lawn.

11.10 The site is generally well contained by extensive mature trees and hedges to all its boundaries. The boundary vegetation can be seen clearly from South Way which runs to the north or the site, as well as other surrounding public vantage points, including a public footpath which runs to the west of site and more distant views from the south and east. The site itself can only be seen in glimpsing views, particularly during the winter months. The apex of the existing gate lodge
can be seen from South Way and locations along the public footpath to the west, as well as more distant viewpoints to the south and east of the site.

11.11 Access to the site is from South Way via a gated entrance to the north east corner of the cemetery. The access road is steeply sloping as levels rise up from the edge of the highway. The entrance gates are supported by brick piers, behind which the access road is flanked by tall brick walls. Near to the entrance is a substantial building which comprises a gate lodge, a chapel and an administrative building. This building is situated at a high point in the landscape and, on entering the site, it obscures what would otherwise be expansive views over the cemetery and the surrounding landscape.

11.12 There are a number of existing built structures in addition to the gate lodge, chapel and administrative building, including a large brick colonnade at the centre of the site and, towards the western site boundary, a mausoleum and machinery store. The Design and Access Statement which accompanied the application provides existing and proposed floorspace and volume figures for comparison. These figures were relied upon in the consideration and determination of the 2016 planning application for the same development.

11.13 The footprint breakdown of the buildings to be demolished are as follows:

- Gate lodge / chapel / administrative building - 341m²
- Colonnade - 713m²
- Total - 1,054m²

11.14 In addition to the above, it is proposed to demolish the walls which are linked to the gate lodge building and which enclose a maintenance compound and garden area which served the gate lodge. The enclosed area equates to 744m².

11.15 Taking the above into consideration, the total developed area to be demolished has a footprint of 1,798m².

11.16 The footprint breakdown of the proposed buildings are as follows:

- Chapel / crematorium - 921m²
- Porte-cochere (arrival canopy) - 325m²
- Cloistered flower garden and flower court - 289m²
- Compound - 315m²
- Total - 1,850m²

11.17 According to these figures, the total enclosed area to be demolished has a footprint of 1,798m² whilst the footprint of the proposed enclosed area would measure 1,850m². This represents an increase of approximately 52m² or 3% compared to the existing situation.

11.18 In terms of volume, the Design and Access Statement provides figures for the existing buildings and colonnade for comparison against the proposed chapel and crematorium. These figures do not include the enclosed garden areas, compounds or canopies either as existing or proposed. The figures are as follows:
- Existing building - 1,363m³
- Existing colonnade - 2,307m³
- Total volume as existing - 3,670m³
- Proposed building - 4,390m³

11.19 The figures above demonstrate an overall increase in volume of 720m³, which equates to 20% increase compared to the existing situation.

11.20 In terms of openness of the Green Belt, the proposed increase in footprint and volume demonstrate that the proposal would materially increase the amount of development on the site, thereby reducing the openness of the Green Belt to a degree. Notwithstanding this, for the reasons outlined earlier in this report, it is acknowledged that openness goes beyond physical presence and that the visual sense openness is a qualitative judgement pertaining to the whole, including disposition of buildings, height, bulk, mass, roofscape, landscape and topography.

11.21 In this case, it is notable that the proposed building would have a greater proportion of its bulk at first floor level. Moreover, the highest element of the proposed building would reach approximately 10m compared to the existing building which measures approximately 7m in height. However, there are other factors which weigh in favour of the proposal, such as its limited visual prominence within the wider landscape. The new building, though taller and larger than the existing, would be situated in a low lying area at the far corner of the site (approximately 6m lower). This means that, taking into account the topography of the site, the ridge height would be 300mm lower than the existing (15.8m above datum compared to 16.1m as existing). Whilst the building would contain a chimney, it would not project above the height of the main part of the building, and would be sensitively designed to avoid a utilitarian, industrial appearance. Given the extent and height of surrounding trees, it is unlikely that the building would be particularly prominent within the wider landscape. Even when viewed from within the cemetery itself, it is considered that the siting and design of the proposed building would be assimilated more successfully within the surrounding landscape, compared to the existing buildings, thus reducing its perceived scale.

11.22 The most prominent existing building on the site is the gate lodge / chapel and administrative building. This complex of buildings is visible from South Way and, being located on the crest of the hill, it looms over visitors as they enter the site. The signposted route into the site takes visitors through the gate lodge, which emphasis the perceived scale of the building as experienced by visitors. In the centre of the site there is an existing brick colonnade, which although not solid in form, still acts as a substantial visual barrier, particularly when viewed from certain angles. The proposed removal of these structures will therefore enhance views across the site from the most important public vantage point – the point of access and the highest part of the site.

11.23 As well as the physical differences between the existing and proposed buildings, there would also be a need for additional hard surfacing associated with vehicle parking for the crematorium. In this regard, a new landscaped car park for 66 vehicles is proposed near to the crematorium. In addition, 29 in-line parking spaces would be provided across the cemetery site, together with two lay-bys, each accommodating up to three vehicles. In total there would be 101 parking spaces available. At present, there is a small car park of just seven spaces.
situated to the rear of the gate lodge, whilst informal parking takes place along the access roads throughout the site. As well as the extent of new hardstanding, the coming and goings of vehicles at the site would inevitably increase which would result in a noticeable visual difference between the developments, further reducing openness, albeit in a temporary basis.

11.24 Whilst the implementation of surface materials, including a type of ‘grasscrete’ could be secured by condition to minimise the visual impact of the car park, it would nevertheless bring about a significant change to the appearance of the site, particularly when in use by parked vehicles. In favour of the development, are extensive landscaping proposals which would go some way to mitigate against the visual impact of the new building and additional car parking. Significantly, enhancements to landscaping are not limited to the area around the new crematorium. New trees are proposed to be planted throughout the site, whilst existing mature trees would be retained and protected where feasible.

11.25 The lighting requirements on the site are limited, given the cemetery is generally closed to visitors during hours of darkness. Bollards lighting the ground, marking roads around the site, are therefore required to ensure safe access during the winter months only, likely between the hours of 4-6pm. Lighting around the building is proposed in key areas when light levels are low, to ensure safe access for people arriving for a funeral service. Service areas will also be sufficiently lit to create lux levels to meet the needs of the workers. Whilst the type of lighting and hours of use can be restricted by condition to the minimum necessary, the extent of illumination resulting from the proposed development would result in a noticeable visual difference in the appearance of this part of the site and consequently an impact on the openness of the Green Belt.

11.26 On the positive side, the extent of demolition proposed would improve openness, whilst existing and proposed landscaping would mitigate some of the visual impact of the new building. However, for the reasons set out above, regardless of the relatively minor change in footprint and volume resulting from the proposed development, the application site would appear noticeably more developed than the current situation. Whilst it is acknowledged that the design and siting of the new building have been carefully considered to minimise its impact, the increased physical scale of development, together with the visual differences identified, would be readily apparent to observers. Therefore, the proposed development would reduce the openness of the Green Belt.

**Purposes of including land in the Green Belt**

11.27 It is necessary to consider whether the proposal would conflict with any of the five purposes of including land in the Green Belt when compared to the existing development. Paragraph 134 of the NPPF states that the Green Belt serves five purposes:

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

11.28 In this case, the development would not lead to the unrestricted sprawl or encroachment onto the surrounding countryside having regard to its setting
within the confines of the existing cemetery, which has an urban fridge character well defined and contained by mature boundary planting. There would still be a substantial area of Green Belt between Hatfield and surrounding settlements such that the development would not result in neighbouring towns merging into one another. Neither would not affect the setting or special character of historic towns or the efforts to direct development towards derelict and other urban land. Although there is an absence of harm to purposes of including land within the Green Belt, this is taken to be neutral factor.

*Conclusion on the principal of development in the Green Belt*

11.29 For the reasons above, it is concluded that the proposal is inappropriate development within the Green Belt and would harm openness. The proposal is therefore contrary Section 13 of the NPPF. Similarly, the proposal would be contrary to Policies SP3, and SADM34 of the Emerging Local Plan which have similar aims.

*Very special circumstances*

11.30 Para.144 of the NPPF states that local planning authorities should ensure that substantial weight is given to any harm to the Green Belt and very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

11.31 What constitutes very special circumstances will depend on the weight of each of the factors put forward and the degree of weight to be afforded to each is a matter for the decision taker, in this case the Development Management Committee, acting within the “Wednesbury Principles”. A reasoning or decision is Wednesbury unreasonable (or irrational) if it is so unreasonable that no reasonable person acting reasonably could have made it.

11.32 A number of factors, none of them “very special” when considered in isolation, may when combined together amount to very special circumstances. However, the test is a stringent and demanding one. Very special circumstances requires a set of circumstances that are compelling and outside the norm. These must clearly outweigh the harmful effects of the Development, and harmful effects to the Green Belt must be given substantial weight. In forming its judgement, it is essential therefore that the Members have a full understanding and appreciation of those harmful effects as well as all relevant positive planning benefits of the development and that the weighing up of these factors is transparent and rationally made.

11.33 What is required of the decision taker above all, is a value judgement and inevitably decision takers are given wide latitude, as indeed is inherent in the entire development control regime.

11.34 In this case, the applicant accepts that the proposal is inappropriate development and have set out their case for very special circumstances within the submitted Planning Statement. The accompanying Alternative Site Options report, Amended Needs Assessment report (Dec 2019) and Landscape Visual Impact Assessment report are also referenced as supporting documents. The Amended Needs Assessment is supplemented by a letter from the applicant, dated 28 August 2019, written in response to the objection received from Westerleigh, operators of the Broxbourne, Woollensbrook crematorium.
11.35 The applicant’s very special circumstances case is summarised below:

*The quantitative and qualitative need for a new crematorium*

11.36 In their assessment of need the applicant acknowledge that there is no ‘standard’ methodology for assessing need, such as there is when dealing with retail proposals or in relation to housing need. However, the applicant has considered appeal decisions in which assessment of need for crematoria were part of the evidence base taken into account by the Secretary of State and have used common features of these decisions in producing a need assessment in this case. This is considered to be an entirely reasonable approach to take. The applicant has used information produced by the Cremation Society of Great Britain and statistics produced by the Office of National Statistics (ONS) to inform the assessment.

11.37 It is acknowledged that the provision of adequate cremation facilities is an essential social need. In this regard, bereaved relatives organising a funeral should be able to access suitable facilities within a reasonable distance, without significant delay. The adequate provision of cremation facilities is therefore a weighty planning consideration.

11.38 The Amended Needs Assessment report submitted in support of the application has assessed the potential quantitative and qualitative need for a new crematorium in Hatfield. The study considered the likely need for the proposed facility considering the capacity and location of existing crematoria and population projections. The Broxbourne, Woollensbrook crematorium has been factored into the analysis since opening in March 2017.

11.39 Qualitative need is concerned with matching the demographic evidence of death in the local population, its distribution, the number likely to require cremation and the capacity and distribution of existing facilities in the area concerned. An assessment is required regarding the ability of existing crematoria to cope with the need for their services, taking account of the standard of service that is expected.

11.40 A key factor in establishing the catchment population is by reference to the time it takes for funeral cortèges to travel to available crematoria. While there are factors that may influence a family to choose to hold their funeral at a more distant crematorium, the general and well established pattern is that people select the crematorium that is located closest to them. Minimising travel time has qualitative impacts upon those attending funerals, exemplified by a number of responses from the survey of local funeral directors contained within The Amended Needs Assessment report.

11.41 The Amended Needs Assessment report identifies a catchment area based on a travel time of 30 minutes from the application site at cortege speed (0.6 average driving speed). This area extends from Woolmer Green in the north to Potter Bar and Borehamwood in the south; from St Albans in the west to Cuffley and Panshanger Park in the east. The analysis identified that a total population of 289,827 (ONS, 2017) people reside within this area. Out of these residents, 70,247 currently reside within a 30 minute drive time from the proposed site and are more than a 30 minute drive from any other crematorium. There are therefore approximately 70,247 residents that are currently not served by existing
crematorium facilities that would be served by the proposed site. The Amended Needs Assessment identifies this as “exclusive unserved need”.

11.42 To put this figure into perspective, it is notable that The Federation of Burial and Cremation Authorities advise that a population of around 120,000 is sufficient to provide and manage a crematorium with a reasonable expectation of operating on a sound financial basis (A Guide to Crematoria 2016).

Notwithstanding the apparent shortfall in the exclusive catchment population, the Amended Needs Assessment report goes on to suggest that a significant proportion of the 219,580 residents (289,827 – 70,247) who reside within the 30 minute drive time of more than one crematorium would be highly likely to use the new facility given that many live closer to the Hatfield site than any other crematorium. To ascertain which areas are closer to the new facility than any other crematorium a 22 minute drive time was used. The population residing within this area is estimated to be 160,998. By deducting the exclusive catchment population from this figure, the report estimates that the population residing within the areas of overlap between existing crematoria and the catchment of the proposed facility, but still closer to the new facility than to any other crematorium, to be 90,751 (160,998 – 70,247). The report refers to this area as the “minimum drive time catchment” (MDC).

11.43 Based on these assumptions, the estimated population that is likely to use the proposed crematorium is approximately 160,998. The calculations can be summarised as follows:

289,827 – The total population within a 30 min drive time of the site.

70,247 – The population not within a 30 min drive time from any other crematorium – referred to as “the exclusive catchment”.

219,580 – The population within a 30 minute drive time of more than one crematorium (289,827 – 70,247).

160,998 – The population within a 22 minute drive time of the site.

90,751 – The population beyond the exclusive catchment but still closer to the new facility than to any other crematorium – referred to as “the minimum drive time catchment” (160,998 – 70,247).

160,998 – Total catchment population (70,247 + 90,751)

11.44 In terms of calculating cremation rates, the regional average death rate is approximately 0.8% and the average cremation rate is 79%. If the population of an area is 1,000 for example, the death rate of this population is 8 per year and approximately 6.3 of these would be cremations according to national average cremation rates: (1,000 x 0.08) x 0.79.

11.45 As described above, the Needs Assessment report details that there are 70,247 residents residing outside of a 30 minute drive time catchment of existing crematoria but within the minimum distance of the proposed crematorium. This exclusive catchment would currently equate to 444 cremations per annum.

11.46 The minimum drive time catchment (MDC) where the population are closer to the proposed site than to any other crematorium beyond the exclusive catchment
equates to 90,751 and provides for a further 574 cremations (90,751 x 0.008 x 0.79). Thus, the total likely catchment that would best served by the proposed crematorium equates to 1,018 cremations per Annum (444 + 574). The total predicted number of cremation is approximately 1,018 per annum.

11.47 It is notable that these figures do not allow for future population growth or changes in the death rate. If approved, the crematorium could be operational in 2022, although it would take a number of years to reach maturity. In this regard, the Council’s Emerging Local Plan 2016 identifies that 12,000 new homes are to be built within the Borough by 2032 which will significantly increase its population. Further evidence is provided by the ONS population 2016 projections which indicate that by 2039 the population of Welwyn Hatfield will have increased by approximately 20,900 people. Accordingly, on the basis of the evidence available, the catchment population is projected to be significantly higher in the years ahead.

11.48 In addition to the population increases highlighted above, analysis of the data from the ONS suggests that the death rates are projected to rise in the future in line with population increases and the aging demographic of the catchment area. According to ONS projections, the number of annual deaths within the Borough will rise from 1,002 in 2019 to 1,170 in 2039, an increase of 16.8%.

11.49 The ONS are very clear that population projections based in assumptions and are not predictions. Demographic behaviour is inherently uncertain and therefore projections will inevitably differ from actual future population trends. Notwithstanding this, the projections described above can reasonably be considered as indicators of future growth in demand for cremations from the residents of the Borough.

11.50 There are a number of factors influencing demand for crematoria and the locations chosen including length of service desired, waiting time and time slots available, traffic issues at peak times and the fees charged. Crematoria cannot work at 100% of their annual Core Hour Capacity because it is impractical to fill every slot in the core hours, every day of the week and every week of the year. Using the approach accepted a number of appeal hearings, most recently noted by Mrs Justice Patterson when considering a claim for Judicial Review for a crematorium in Gedling (Timmins, R vs Gedling Borough Council & Anor, 2016), the Amended Needs Assessment report calculated the “practical capacity” by working out 80% of the core-hour capacity. Using the core hour capacity of seven cremations per day for a crematorium with a single chapel, the annual core-hour capacity is calculated to be 1,711 and the practical capacity is 1,417 cremations per year. As described earlier in this report, based on 2017 population data and death rates, the total number of cremations arising from the catchment population is estimated to be 1,018 per annum. This further demonstrates significant demand for the proposed facility, noting also that cremations are projected to be higher in the years ahead considering the national projected death rates and cremation rates.

11.51 The wider catchment is currently served by a number of other crematorium facilities located in Watford, Stevenage, Enfield, New Southgate, Hendon, Luton and Broxbourne. The Amended Needs Assessment report provides an analysis of the capacity at existing local crematoria which concludes that there is considerable pressure (especially at peak times) on some existing facilities. It is clear that West Herts Crematorium (Watford) and Harwood Park Crematorium (Stevenage) in particular are operating over practical capacity and are unlikely to
be able to cope satisfactorily with projected death rates, without sacrificing the qualitative experience. The proposed Welwyn Hatfield Crematorium will support other crematoria to meet the quantitative need that exists currently and which will increase in line with projected increases in the population and death rates.

11.52 Whilst across the other crematorium facilities identified there is further "core capacity" to conduct additional cremations over the course of the year, that does not take account seasonal fluctuations which affect demand. The data provided within the Amended Needs report shows that there are considerably more deaths in the winter months and therefore crematoria need to be able to keep abreast of requirements during the winter season, in particular January, the busiest month.

11.53 In each set of interviews referenced in Amended Needs report, the Funeral Directors reported families have to wait longer than two weeks in peak periods, which is seen by families as the maximum amount of time they should have to wait for a cremation. In the instance of an epidemic as seen in January 2015 they have experienced delays of 6 weeks (Table 10). On 2nd November 2016 one Funeral Director reported his current booking time at Harwood Park was for the first week in December for a lunch-time cremation, and the second week in December for a Friday, therefore by the end of November 2016 their clients had to wait for funerals until after Christmas. In the most recent communication with a Funeral Directors (Feb 2019), waiting times were one month.

11.54 High usage of crematoria mean a restricted choice of time slots is available for families to plan their cremation service, which can then lead to a delay in the service taking place. Generally people already have a preferred time and date in mind and are prepared to wait a reasonable period of time in order to accommodate this preference. Therefore, where there is insufficient capacity at existing crematoria to accommodate people’s needs, delays between death and cremation will arise. This principle has also been accepted in appeal decisions.

11.55 Funeral directors also have experienced services at Harwood Park running late by 20 minutes, causing further distress to bereaved families and friends in emotionally heightened circumstances and access issues between parties entering and exiting the facility.

11.56 The applicant asserts that new Crematorium would offer a minimum service time of 45 minutes, in accordance with guidance from The Institute of Cemetery and Crematoria Management (ICCM). People will be able to arrive, park, enter the building, experience the funeral and leave the site with a sense that they are un-rushed. Similarly the applicant considers that the ability of the bereaved to schedule funerals to a date and time of their choosing would be enhanced by this proposal. The proposal will also offer up-to-date facilities of exceptional quality for all sectors of society. These issues will have a positive impact on the qualitative experience of mourners.

11.57 Whilst it is acknowledged that the Woollensbrook Crematorium in Broxbourne, has spare capacity which would meet future demand to some degree, the Amended Needs Assessment attributes only limited weight to this because Woollensbrook does not readily serve the local need of Welwyn Hatfield residents (in particular those residing towards the west and south of the Borough). This is based on the qualitative evidence which suggests that Woollensbrook it is used very little by the main Funeral Directors in the Welwyn and Hatfield area, largely due to its distance. The Funeral Directors note that a
local crematorium is still required to service the need for Welwyn Hatfield residents.

11.58 Notwithstanding the assessment above, it is worthwhile re-focussing on the qualitative benefits of the proposal on the exclusive catchment area comprising 70,247 residents of the Borough who are not adequately served by existing crematoria, who would be served by the proposed facility. Whilst it is acknowledged that The Federation of Burial and Cremation Authorities advise that a population of around 120,000 is sufficient to provide and manage a crematorium with a reasonable expectation of operating on a sound financial basis, this figure applies to a commercial crematorium. It is important to note that this size of population has by no means been established through case law as a minimum figure and each case must be considered on its own merits, particularly when determining whether very special circumstances exist. In this case, the applicant considers that compelling need exists for the crematorium through the exclusive catchment area alone. Members could reasonably take the view that the provision of a crematorium which serves an unmet need to be a worthy Council service.

11.59 Officers consider that a new crematorium facility at this site would have significant qualitative benefits for bereaved families and the Funeral Directors in the Borough. Moreover, by relieving capacity issues at existing crematoria in the wider area, the choice of times and days available for cremations at these facilities will be improved, reducing the anxiety and discomfort that occurs when cremations are held ‘back to back’ in a queue.

11.60 Having regard to all the factors described above, officers are satisfied that a significant level of need for a new crematorium in Hatfield has been demonstrated and that there is no compelling evidenced to counter the applicant’s needs assessment.

**Alternative sites**

11.61 The siting of new crematoria is subject to the requirements of the Cremation Act 1902. Section 5 of Chapter 8 of the Act states that; “No crematorium shall be constructed nearer to any dwelling house than two hundred yards [182 metres] except with the consent in writing, of the owner, lessee and occupier of such house, nor within 50 yards of any public highway”. In practice, given the particular site selection and locational requirements, it is considered to be most unlikely that suitable land would be found within a defined settlement boundary. It can reasonably be concluded that a location outside a defined settlement is likely to be required for the development of a crematorium. Accordingly, any new crematorium in the Borough is likely to require a Green Belt location.

11.62 In addition to the Green Belt, opportunities for a crematorium in the Borough are constrained by the proximity of highly sensitive areas, including: towns and settlements; Site of Special Scientific Interest; Site of Nature Conservation Importance; Site of Potential Nature Conservation Importance; priority habitats and areas of high landscape value. There is also a requirement for the new facility to be sustainably located in relation to its catchment population, with adequate access to infrastructure and services.

11.63 The Alternative Site Options report which accompanied the application, demonstrates that a detailed site search has been undertaken. In this regard, it is considered that a process of elimination has taken place to the satisfaction of
the Officers which demonstrates that there are no more suitable alternative sites for this proposal. The demonstrated lack of alternative sites weighs in favour of the proposal.

11.64 It is noted that the application site is not identified as an allocation for a new crematorium in the emerging Local Plan. However, the emerging Local Plan also does not identify any other site for this purpose.

Conclusion on very special circumstances

11.65 In the case of Redhill Aerodrome Ltd v SSCLG [2014] the judgment of the Court of Appeal held that the meaning of “any other harm” refers to any other harm whatsoever, and is not restricted to Green Belt harm. Therefore, the assessment of very special circumstances will be performed at the end of this report, when all other material considerations have been assessed.

2. Quality of design and impact on the character of the area

11.66 The revised NPPF has a stronger emphasis on good quality design than its predecessor. Para.124 clearly advises that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve and that good design is a key aspect of sustainable development. Para.127 the NPPF further advises that decisions should ensure developments will function well, be visually attractive, sympathetic to local character and establish a strong sense of place. District Plan Policies Policy D1 and D2 have similar aims, requiring a high standard of design in all new development which also respects and relates to the character and context of the area in which it is proposed.

11.67 The site has an urban fringe character, being situated on the southern edge of Hatfield, but is separated from the nearest housing by a belt of woodland and grassland over 80m. Despite a degree of separation, there are strong urban influences in the form of the A1001 (South Way), which bounds the site to the north; and the park ride car park with its extensive hardstanding and floodlights to the west. Whilst the development proposed would change the appearance of the site, making it appear more developed, this would not harm the character of the area. In particular, as described earlier in this report, the design and siting of the new building have been carefully considered to minimise its visual impact, and there would be significant landscape benefits across the wider cemetery site.

11.68 Visitors would utilise the existing access to site, but rather than finding themselves immediately confronted with a group of buildings as they currently do, visitors will reach the top of the ridge through an open area, landscaped with new planting and trees. A newly revealed vista will provide long views across the cemetery and the valley beyond. The proposed crematorium building will sit below the tree line when first viewed and is approached from higher ground, thus minimising its prominence and perceived scale.

11.69 The proposed building itself would have a compact layout in a crisp style of contemporary design with glazed areas, faced in brick. The various parts of the new building have been designed with a hierarchy of scale according to the significance of the space they contain. For example, the chapel parapet is 8m tall, rising to 10m at the catafalque end which indicates its symbolic importance and highlights it as the ultimate destination for visitors. The ancillary public spaces of the crematorium form a surrounding plinth which is 3.6m high, with a
floor to ceiling height of 3m, a subordinate but still generous public space. The plinth rises up to 4.6m to form the canopy of the porte cochère, signifying the entrance.

11.70 The chapel would have a capacity of circa 150 people. When a cremation service takes place, arriving mourners would be directed to a new car park set amongst trees. They would then proceed on foot to a covered courtyard and waiting room to await the cortège. The funeral cortège would arrive by the same route and continue on a loop to the southern boundary of the site, approaching the crematorium though a newly landscaped area between two ponds, arriving under a sheltered porte cochère.

11.71 The design of the building features a sequence of rooms and covered courtyards, separated by walls, with the aim of providing dignified and secluded spaces though which to enter and leave a service.

11.72 The service spaces sit at the back of the building where they are less conspicuous. The crematory equipment requires a clear ceiling height of 5m, however the proposal takes advantage of the slope of the site to drop the service yard by 1.5m, so the parapet line of the cremator room is less than 1m above the plinth level. The roof of the maintenance block is 1.5m below this. The chimney is subservient to the chapel volume, as opposed to being designed as a significant vertical statement.

11.73 The scheme proposes a palette of high quality materials including variegated brick accented by a panel of translucent onyx. The sloping chapel roof would be finished in zinc, whilst a green roof is proposed to the flat roof areas. Canopies formed from concrete columns and beams would provide a sheltered area to congregate whilst also signally places of entrance and exit. Notwithstanding the information submitted with this application, a planning condition requiring the approval of materials would be appropriate to ensure that the detailed design of the proposed building can be properly assessed and agreed.

11.74 The NPPF sets out at para.127 that developments should be visually attractive as a result of good architecture, layout and appropriate and effective landscaping. In this case in particular, the relationship between the building and the landscape is very important in ensuring a positive and respectful setting for funeral services. At the approach to the chapel two ponds are proposed, planted with rushes and weeping willows. Once inside the chapel, large windows would give views across the pond and to the landscaping beyond. The wider landscaping would include new trees to be planted throughout the site as well as supplementary planting to bolster the existing boundary screening. The area that is proposed for re-landscaping is predominantly an area of open grass, with limited landscape features. The proposals will introduce new planting to create variety as part of the new garden of remembrance.

11.75 The application is supported by a Landscape and Visual Impact Assessment (LVIA), a Tree Survey Report and a proposed Landscape Plan. The LVIA assess the proposed effects of the development upon the wider landscape, taking into account the landscaping and mitigation proposals. The LVIA concludes that the proposal would conserve the landscape and sit comfortably within its setting. The proposal has been assessed against District Plan Policies R17, D8 and RA10 which require the protection of trees and hedgerows; for landscaping to form an integral part of the overall design; and for proposal to
contribute to the conservation, maintenance and enhancement of the local landscape character area in which they are located. Although the development requires the removal of 10 trees, the proposed new landscaping is sufficient to mitigate for this loss. The Council’s Landscaping Team present no objection to the proposal on landscape grounds subject to appropriately worded planning condition requiring tree protection measures in respect of retained trees, together with the implementation of the landscaping scheme. Subject to conditions, the landscape impacts of the development and proposed hard and soft landscaping are acceptable.

11.76 Overall, subject to the suggested conditions, the proposal is considered to be of a suitably high standard of design which, together with existing and proposed landscaping around the site, would create a satisfactory setting for the building as well as maintaining the wider landscape character area. In this respect, no objections are raised with regard to the general design objectives of the Local Plan or the NPPF.

3. Amenity and living conditions of neighbouring occupiers

11.77 The NPPF is clear that planning should be a means of finding ways to enhance and improve the places in which people live their lives. This means that authorities should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. District Plan Policy D1 requires the standard of design in all new development to be of a high quality. Relevant planning considerations include: outlook, privacy and levels of daylight and sunlight. Policy R19 deals specifically with noise and vibration pollution and states that proposals will be refused if the development is likely to generate unacceptable noise or vibration for other land users.

11.78 In addition to planning policy, the 1902 Cremation Act sets out parameters for the location of the crematorium in relation to existing dwellings and the public highway. Of particular relevance is Section 5 of the Cremation Act 1902 Act which requires that “no crematorium shall be constructed nearer to any dwelling-house than two hundred yards” (183m). In this regard, it is confirmed that no residential property is within 185m of the proposed location of the chimney.

11.79 The application site is approximately 80m from the boundary of the nearest residential properties which are situated to the north. Approximately 260m would separate these properties from the Crematorium building itself.

11.80 Whilst it is acknowledged that the proposal would lead to an increase in the level of activity at site, it is considered that neighbouring occupiers would be sufficiently distanced from the access, the car park and the crematorium itself so as not be adversely affected.

11.81 In addition to the separation distance, there is a substantial landscape buffer on either side of South Way. These factors combined are sufficient to ensure that the amenity and living conditions of all neighbouring occupiers would be protected.

11.82 In terms of the noise generated from vehicle movements to and from the site, this application should be viewed in the context of the adjacent Park and Ride facility which accommodates 800 parking spaces (ref: S6/2003/0150/FP). It is also noteworthy that access is provided from South Way (A1001). This road separates the application site from the nearest residential properties and is a
60mph main distributor road linking the A1000, the A1(M) and the A414. In this regard the change in the number of vehicles using South Way and the surrounding roads would not be so significant as to result in harm to local residents.

11.83 It is noted that the 2017 permission for the same development included a condition stating that “no ashes shall be scattered within 50 metres of the public right of way or public highway”. The reason for this condition was “to protect the residential amenity of adjoining occupiers and the environment”. On reflection this condition is considered to be neither necessary nor enforceable. Even in the unlikely event that ashes were scattered in the bushes on the northern perimeter of the site, neighbouring residential gardens would still be separated by approximately 80m, together with a busy road and a wide landscape buffer. For this reason, it is concluded that should the scattering of ashes occur within the application site, this would not be harmful to the amenity of neighbouring occupiers. It is therefore recommended that this condition is not re-applied should planning permission be granted.

4. Highways and parking provision

11.84 The site takes its access from South Way, a 60mph main distributor road. The site has an existing simple junction, ghosted from the eastbound approach that will not be amended.

11.85 Hertfordshire County Council (HCC) as Highway Authority have reviewed the application submission and have no objection to the proposed development, subject to a suggested planning condition in respect of laying out and surfacing the access and parking areas, which can reasonably be applied to a grant of planning permission.

11.86 The application was accompanied by a Transport Statement (TS) which has been used to assess the impact of the proposals on the local highway network’s operation and safety. The trip generation rates were reviewed and are considered appropriate for the proposals and it was found that the resulting traffic movements would not likely have a severe impact on the local highway network. Furthermore, the impact on weekday morning peak traffic, would be limited as section 20 of the application form outlines that no cremation services shall take place outside the hours of 09:00 to 18:00 Monday to Sunday including Public Holidays. This can be secured by condition. In terms of visibility at the site access, this is acceptable for the proposed use and highway conditions. In addition, the collision data was reviewed and it was found that there were no collisions at the site access within the past five years.

11.87 The internal layout of the site is considered to be suitable to the use. One way systems are to be implemented and given the nature of the site, vehicle speeds are likely to be low. Parking spaces are suitably laid out and useable. All ingress and egress to/from the site can be made in a forward gear.

11.88 In respect of parking, there is no guidance within the Council Parking Standards or the Interim Standards on the level of provision for crematoriums, however the TS has set out predictions for attendance at ceremonies. It is recognised that, commonly, mourners to a service shall be drawn from afar and many will travel in a funeral procession. Whilst opportunities do exist in this instance for access by non-car mode, it is more reasonable to expect that car share arrangements within family groups attending a service would be more likely and this is reflected
in the assumptions set forth within the TS. With a total level of provision across the site for 101 vehicles, the car parking layout has been designed to ensure there is never a need for visitors to park on the site’s circulatory access roads, or indeed outside of the site on the highway verge.

11.89 In terms of sustainable transport options, the site enjoys immediate proximity to east / west bound bus routes including routes 303, 366, 404 and 405. The site is provided with footways into the site, however it is recognised that gradient of the access may disadvantage persons with a mobility impairment. Pedestrian provision for transition across South Way is limited to dropped kerb provision only, and therefore may prejudice the ability for vulnerable road users to cross with ease. However on the basis of the development, full provision of a signalised crossing would be difficult to justify as meeting the statutory tests i.e. necessary to make the development acceptable in planning terms and reasonably related to the scale of the development.

11.90 It is noted that proposals make no provision for secure cycle parking. Such measures may not be particularly beneficial for the majority of mourners attending a service, but would be beneficial for visitors to the cemetery and memorial gardens, as well as staff employed at the site. Accordingly, a condition is suggested requiring the provision of suitable cycle storage.

11.91 Subject to the suggested conditions, the impact of the development is acceptable in terms of access, highway capacity and highway safety. A sensible level of parking provision has also been demonstrated in accordance with the Council’s Interim Car Parking Standards, District Plan Policy M14 and the NPPF.

5. Other considerations

i) Air quality

11.92 The nature of the development proposed would involve emission of the products of combustion. The application was accompanied by an air quality impact assessment which explains that emissions would be very low. There would be a negligible impact on air quality and no impact on the health of the occupiers of nearby properties. The Council’s Public Health and Protection Team has reviewed the air quality assessment and have raised no objection.

11.93 Further to the above, para.183 of the NPPF states that local planning authorities should focus on whether proposed development is an acceptable use of land, rather than the control of processes or emissions where these are subject to approval under pollution control regimes. The NPPF goes on to state that “Planning decision should assume that these regimes will operate effectively”. In this regard, the operation of a crematorium would be subject to the Environmental Permitting (England and Wales) Regulations 2016 (as Amended) which require regular monitoring to take place ensuring that air quality standards are maintained. With this safeguard in place, air quality concerns relating to emissions from the crematorium can be dealt with outside of the planning system.

ii) Contaminated land

11.94 The proposed use of the land is not for domestic activities which reduces the likelihood of certain potential contamination pathways. The Councils mapping system does not show any previously known contamination on the site for where
the new buildings are proposed. Nearby, the existing burial grounds are shown as a potential source. In terms of the wider site, there is the potential for some contamination in the workshop area, however, discussions with the manager of the site suggests that contamination is unlikely.

11.95 Given the nature of the use at the site and the comments from the Council’s Public Health and Protection Team, a condition is recommended ensuring that any unexpected contamination found during any phase of the development is identified to the Local Planning Authority and a scheme of mitigation based on the contamination found submitted and approved.

11.96 Any asbestos on site will need to be removed and disposed of in line with guidance from the Health and Safety Executive, and also in such a way that does not render the ground in a contaminated state.

11.97 District Plan Policy R2 states that the Council will encourage development on land that may be contaminated. However, on such sites applications must be accompanied by a full survey of the level of contamination and proposals for remediation of the site.

11.98 Subject to the imposition of the above mentioned condition, the proposal would not be contrary to District Plan Policy R2.

iii) Drainage

11.99 The application was accompanied by a Flood Risk Assessment and Drainage Strategy carried out by Cemetery Development Services, dated August 2016. This site is in Flood zone 1 which has the lowest probability of flooding. The drainage strategy is based on attenuation and discharge restricted to greenfield run-off rates. Both the Environment Agency and the Lead Local Flood Authority have raised no objection to the proposal. Subject to the imposition of suggested conditions, the proposal would not have a materially harmful effect on the drainage of both the application site and the surrounding area in accordance with the NPPF and District Plan Policies Polices R2 and R7.

11.100 Thames Water have advised that they have no objection to the proposal with regard to waste water network and waste water process infrastructure capacity. It is recommend that petrol / oil interceptors be fitted in all car parking / washing / repair facilities and an informative is included to advise the applicant of this.

11.101 Whilst the Environment Agency have no objection to the proposed development, they do recommend that the applicant considers risks to groundwater by following the advice outlined within their consultation response. In this regard it is noted that infiltration is not being proposed due to ground conditions not being suitable and that the drainage strategy is based in attenuation and discharge which reduces the risk of contaminants being remobilised. It is also notable that the Environment Agency are not providing specific advice on the risks to controlled waters for this site as they need to concentrate local resources on the highest risk proposals. Moreover, the Environment Agency did not object to the 2016 planning application for the same development. In these circumstances it is considered reasonable to include an informative to advise the applicant to consider the risks to groundwater as suggested by the Environment Agency.
iv) Ecology and protected species

11.102 The application was accompanied by the following ecological reports by Sedgehill Ecology Services:

- Extended phase 1 Bat survey (2016)
- Ecological appraisal report,( Survey Date: September 2016 Updated Report Date: March 2019)
- Ecology Mitigation, Enhancement and Management Plan (March 2019)

11.103 Other than the passage of time, the 2019 updated versions of the ecological appraisal confirm that there has been no significant changes to the site since the 2016 surveys. However, on account of the time that has passed, the ecological appraisal recommended an updated dusk survey of the buildings to confirm whether bats are now present or remain absent from the building.

11.104 Herts Ecology, in their initial consultation response, highlighted the requirement for the dusk survey to be undertaken in the summer months when bats are active. Due this timing constraint, it has not be possible to undertake the required survey. However, to avoid a lengthy delay in determining the application, an Outline Bat Mitigation and Compensation Plan (Syntegra Consulting, October 2019) was prepared for the site. This report assumes the presence of bat roosts proportionate to the location and provides appropriate mitigation and compensation measures to safeguard bats and ensure their continued ecological functionality. With this report and these outline measures in place, Herts Ecology have advised that there is now sufficient information to consider the impact of the proposal on bats. Accordingly, subject to a condition requiring a bat survey prior to the demolition of the buildings, the Local Planning Authority have sufficient information satisfy and discharge their obligations under the Conservation of Habitats and Species Regulations 2018 prior to determination.

11.105 Aside from bats, the potential impacts on other protected and non-protected species has been considered. In this respect, Herts Ecology have no objections to the proposed development subject to suggested informatives advising which have been noted and included within the Officer’s recommendation.

11.106 In terms of biodiversity enhancements, the proposal includes new species rich wildflower areas, creation of two new ponds, native planting within the site and within boundary hedgerows, installation of habitats features (bat and bird boxes, log piles), and construction of a green roof. Detailed proposal in respect of “The Habitat Enhancements to the Site” and “Ongoing Habitat Management” are included within Section 7 and Section 8 of the Ecology Mitigation, Enhancement and Management Plan (March 2019). Subject to the suggested conditions, the proposals are considered to enhance biodiversity and increase the ecological value of the site, as well as providing net gains to biodiversity in accordance with chapter 11 of the NPPF and District Plan Policy R11.

v) Environmental Impact Assessment (EIA)

11.107 The Local Planning Authority has undertaken an EIA Screening in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (the Regulations).
11.108 The development is not contained within Schedule 1 of the Town and Country Planning the Regulations.

11.109 The Local Planning Authority must, therefore, determine whether the application before it is a Schedule 2 development. If the Local Planning Authority concludes that it is such, it then has to go on and decide whether that Schedule 2 development is also an EIA development, by determining whether it is likely to have significant effects on the environment by virtue of factors such as its nature, size or location.

11.110 In respect of the previous planning application ref: 6/2016/2623/MAJ and the subsequent judicial challenge, it is notable that in giving judgment, Sir Wyn Williams dismissed a challenge on whether an EIA had been needed.

11.111 At paragraph 8. Buxton LJ observed “In the present case, the only serious contender for a category of Sch 2 development under which the application might fall was para 10(b) of the Schedule: infrastructure projects that are urban development projects.”

11.112 The phrase “urban development projects” is not defined within the Regulations. Within column 1, Box 10, of the Table the phrase includes “the construction of shopping centres and car parks, sports stadiums, leisure centres and multiplex cinemas”. It is not suggested that the phrase “urban development projects” is limited to these types of development and it is accepted that the types of development set out in Box 10 are illustrative only.

11.113 The phrase “urban development project” cannot be given a precise meaning. However, at its core the development must be urban in character.

11.114 The judgement found that the Case Officer did not act unlawfully when he determined that the development of the site for which planning permission was sought did not constitute an “urban development project”. Also, the Case Officer was entitled to conclude and rely upon his assessment that the development was not in an urban area that it was not of an urban nature when looked at as a whole and that it would not have a significantly urbanising effect on the local environment. Those factors properly led the Case Officer to conclude the permission was not being sought for an urban development project.

11.115 In this case, the proposed development is the same as previously considered under planning application ref: 6/2016/2623/MAJ. For the reasons set out above, the Local Planning Authority maintain the view that the site is not urban and therefore the proposal cannot be considered an “urban development project” for the purpose of the Regulations.

11.116 In is notable that the judicial challenge focused on whether or not an EIA was required under Schedule 2 para 10(b): infrastructure projects that are urban development projects. The judgement did not make reference to Schedule 2 para 11(b): installations for the disposal of waste. Notwithstanding the 2016 application, for completeness, the proposed development has been screened against Schedule 2 para 11(b) and the assessment is summarised below.

11.117 Whilst crematorium developments are not named as development types with the EIA regulations, activities associated with these development types are listed within para 11(b):
i) The disposal is by incineration;

ii) The area of the development exceed 0.5 hectare; or

iii) The installation is to be sited within 100 metres of any controlled waters.

The proposed development does involve incineration and therefore is subject to i). The site comprises an area of land of 4.24 hectares but the area specifically proposed for incineration is well below the specified threshold at 1850m², therefore is not subject to ii). The crematorium building is with 100m of controlled waters (source protection zone for groundwater) and therefore is subject to iii)

Given that the proposed development does involve incineration and is within a source protection zone, it is Schedule 2 development within the meaning of the EIA Regulations. However, as the section on EIA in the National Planning Practice Guidance (PPG) makes clear not all Schedule 2 Development has an impact or impacts that require an EIA to be undertaken and each case should be considered on its own merits in a balanced way.

Paragraph 017 of the PPG advises that Schedule 2 developments need to be screened by the local planning authority to determine whether significant effects are likely and hence whether an EIA is required. In order to determine whether a Schedule 2 Development will have a significant impact(s) it is necessary to refer to the Selection criteria for Schedule 2 Development set out in Schedule 3 of the Regulations. Paragraph 018 of the PPG goes on to advise that only a “very small proportion” of Schedule 2 development will require an EIA" and it “should not be presumed that developments above the indicative thresholds should always be subject to assessment...” Therefore not all Schedule 2 Development is EIA Development. Paragraph 057 of the PPG sets out indicative thresholds and criteria to assist the EIA screening process and in relation to the disposal of waste the indicative criteria and threshold are as follows:

“Installations (including landfill sites) for the deposit, recovery and/or disposal of household, industrial and/or commercial wastes where new capacity is created to hold more than 50,000 tonnes per year, or to hold waste on a site of 10 hectares or more. Sites taking smaller quantities of these wastes, sites seeking only to accept inert wastes (demolition rubble etc.) or Civic Amenity sites, are unlikely to require Environmental Impact Assessment.”

Taking into account the selection criteria set out in Schedule 3 of the EIA Regulations, insofar as they are relevant to the proposed crematorium, subject to the normal planning controls, would not be likely to have significant environmental effects because of the nature, scale and location of the development. Accordingly the proposed development is not considered to be EIA Development and does not require full environmental assessment.

6. The planning balance

It is necessary to undertake a balancing exercise to establish whether there are very special circumstances that outweigh the harm to the Green Belt and any other harm resulting from the proposal. This includes an assessment of the overall benefits of the scheme and the weight that should be attributed to
them. It is for the decision maker to determine the amount of weight that should be attributed to each respective element.

11.123 For the reasons outlined in this report, the proposal would cause harm to the Green Belt by reason of inappropriateness. It would also cause harm to the physical and visual aspects of openness of the Green Belt. Substantial weight must be attributed to this harm.

11.124 With respect to ‘any other harm’, no material harm has been identified. The design of the building is of a high standard and the proposal is not considered likely to have any harmful impact on the residential amenity or living conditions of neighbouring occupiers. The use is likely to have a negligible impact on air quality, which in any event would be subject to other controls outside of planning. The proposal parking and the resulting traffic generation are not objectionable in terms of either highway safety or capacity. The strategy for site drainage has been found acceptable by the statutory authorities and the ecological value of the site would not be harmed by the proposals, provided that the appropriate surveys are undertaken prior to demolition. All these factors are to be taken as neutral balance.

11.125 In favour of the development is the need for a new crematorium, which the applicant evidenced in both qualitative and quantitative terms. This matter attracts considerable weight in favour of the proposal.

11.126 As set out above, the Alternative Site Options report demonstrates a process of site assessment for the consideration of a new crematorium. All the sites assessed were in the Green Belt. There are no identified sites in the Emerging Local Plan. The proposed site fulfils the requirements of the Cremation Act 1902, in close proximity to Hatfield, and scored the highest in the sequential test. The application site is not subject to any significant constraints other than its Green Belt designation and is well located to serve the needs of the proposed catchment. It has also been identified as being the most suitable location for such a development.

11.127 The visual and landscape impacts of the proposals are considered to be localised and not significantly adverse as these would be mitigated by the layout and design of the scheme together with the proposed landscaping enhancements. New planting would provide an opportunity to strengthen the existing boundary screening, contributing to the aims of the Watling Chase Community Forest Plan and the Landscape Character Area Assessment. The appearance of the existing cemetery, and how it is experienced by visitors, would also be significantly improved. Existing valuable landscape features would be retained and there would be biodiversity enhancements through the new species rich wildflower area, creation of two ponds, native planting and the installation of habitat features. Together, these considerations carry significant weight in favour of the proposal.

11.128 The proposal would have an economic benefit during the construction and landscaping phase by creating employment opportunities on site and indirectly supporting business through the supply chain. There would also be longer term employment opportunities associated with the management and maintenance of the site. Future spending on goods and services linked to funerals, memorials and wakes would support business activity in the area, such as restaurants, caterers, hotels, and function facilities. Local funeral businesses would also derive
some economic benefit due to the shorter travel distances involved for funeral corteges. These considerations weigh moderately in favour of the proposal.

11.129 In terms of transport sustainability, the site is situated close to a Hatfield, a centre of population, as well as being conveniently located for many residents in Borough who currently have to travel further afield to access cremation facilities. Travel distances for many local residents would be less than they are currently. The site benefits from close proximity to a bus service as well as being within a reasonable walking and cycling distance for residents within south Hatfield. Further moderate weight is attributed to these benefits.

11.130 Taking all matters into consideration, Officers are of the view that the factors in support of the proposal clearly outweigh the harm.

11.131 In light of the above, it is concluded that ‘very special circumstances’ outweighing the harm do exist. The principle of the proposed development within Green Belt is therefore considered to be acceptable in this instance.

12 Conclusion

12.1 In determining planning matters the weight to be given to the evidence considered by the Council in coming to its decision is a matter for it alone. The courts have long-recognised that town and country planning involves acute, complex and interrelated social, economic and environmental implications, and that Parliament has consequently entrusted its regulation to administrative decision-makers with planning experience and expertise, namely planning authorities (whose planning officers and committees also have local knowledge). Planning decisions quintessentially require planning judgments of fact and degree, the merits of which are a matter entirely for the appointed administrative decision-makers.

12.2 In this case, the proposed development has been assessed against the policies of the District Plan, Emerging Local Plan and the NPPF. It has been found to be inappropriate development in the Green Belt and it would cause harm to the physical and visual aspects of openness of the Green Belt.

12.3 The proposal has been found acceptable in terms of quality of design; landscaping; amenity and living conditions of neighbouring occupiers; highways and parking provision; air quality; drainage; and ecology.

12.4 Set against the Green Belt harm, it is demonstrable that when reading the Amended Needs Assessment report as a whole, it includes a comprehensive assessment of need in accordance with principles established in relevant case law. There is a strong quantitative and qualitative need to support a new crematorium on the application site. Whilst the Funeral Director data serves as additional qualitative analysis, it is not a determinative issue. Even when excluding this data it is considered that compelling need exists.

12.5 There is a clear quantitative and qualitative need for a new crematorium, which attracts considerable weight in favour of the proposal. As set out above, any new crematorium in this area is likely to require a Green Belt location, with similar implications for openness. The application site is not subject to any significant constraints other than its Green Belt designation and is well located to serve the unmet need of the exclusive catchment. It is also recognised that a proportion of the population outside of the exclusive catchment would also benefit from being
located closer to the proposed crematorium than other existing crematoria. The application site has been identified as being the most suitable location for such a development and would also offer the opportunity for landscape and biodiversity gains. Together, these considerations carry substantial weight in favour of the proposal.

12.6 Notwithstanding the identified harm to the Green Belt, when all of the factors set out above, are taken together, Officers’ are of the view that the benefits in favour of the proposal clearly outweigh the harm identified. Accordingly, the test in para.144 of the NPPF is met and the very special circumstances do exist to justify the grant of planning permission.

12.7 If Members are minded to approve the application, the application will have to be referred to the Secretary of State under the provisions of the Town and Country Planning (Consultation) (England) Direction 2009 as the proposals represent inappropriate development on land allocated as Green Belt and the building proposed exceeds 1,000sqm. The Secretary of State will then determine whether he wants to call in the application for determination or whether this can be determined at the local level.

12.8 If Members are minded to refuse the application there would be no requirement to refer the application to the Secretary of State. In this case clear reasons for refusal must be given.

13 Recommendation

13.1 It is recommended that the Committee resolves to grant planning permission subject to:

a) referral to the Secretary of State; and

b) any necessary extensions to the statutory determination period; and

c) subject to the following conditions:

PRIOR TO COMMENCEMENT

1. Prior to the demolition of the buildings, two dusk emergence surveys should be undertaken during May – August inclusive (possibly September if the weather remains warm) to determine with confidence whether bats are roosting and, should this be the case, the Outline Bat Mitigation and Compensation Plan (by Syntegra Consulting, October 2019) should be modified as appropriate based on the results and then be submitted in writing to the Local Planning Authority. Thereafter the development shall be carried out in accordance with these approved details.

REASON: To ensure the continued ecological functionality of bats and their roosts is maintained in accordance with European and national legislation.

2. No development shall take place until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development must be carried out in accordance with the approved Plan. The Construction Management Plan must include details of:
a) construction vehicle numbers, type;
b) traffic management requirements;
c) construction and storage compounds;
d) siting and detail of wheel washing facilities;
e) provision of sufficient on-site parking; and
f) post construction restoration/reinstatement of the working areas and any temporary access to the public highway.

REASON: To ensure that the development is undertaken in a manner which reduces any potential adverse impact upon the residential amenities currently enjoyed by residents and businesses and to ensure that the operation of the road network is protected in accordance with Policy D1 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework.

3. No development shall take place until a detailed surface water drainage scheme for the site based on sustainable drainage (SuDS) principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be based on the approved Flood Risk Assessment carried out by Cemetery Development Services reference D1.0 dated August 2016 and supporting information D. The scheme shall also include:

1. Details of how the scheme shall be maintained and managed after completion.
2. Details of the proposed drainage plan showing the location of any proposed SuDS and detailed engineered drawings of the proposed SuDS features including their size, volume, depth and any inlet and outlet features including any connecting pipe runs.
3. Provision of above ground SuDS features.
4. Detailed surface water calculations and modelling for all rainfall events up to and including the 1 in 100 year + climate change event to ensure the proposed system and connection in Park & Ride System has capacity.
5. Routes of exceedance to be identified for rainfall events that exceed the 1 in 100 year + climate change event.

The scheme shall be fully implemented prior to the first use of the crematorium hereby approved and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

REASON: To reduce the risk and impact of flooding by ensuring the satisfactory storage and disposal of surface water from the site and to ensure surface water can be managed in a sustainable manner in accordance with Policy R7 and R10 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework.

PRIOR TO ABOVE GROUND DEVELOPMENT

4. No development above ground development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby granted have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented using
the approved materials and subsequently, the approved materials shall not be changed.

REASON: To ensure a satisfactory standard of development in the interests of visual amenity in accordance with Policies D1 and D2 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework.

5. No development above ground development shall take place until a landscape management plan has been submitted to and approved in writing by the Local Planning Authority. This shall include a description of the features to be managed; aims and objectives; preparation of an annual work schedule; details of the body or organisation responsible for implementation and on-going monitoring and remedial measures. The landscape management plan shall be carried out as approved.

REASON: To protect the visual amenity value of the landscaping, and the biodiversity value of the habitat within the site in accordance with Policies D8, R11 and RA10 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework.

6. No development above ground shall take place until a scheme for the provision of secure cycle parking on site has been submitted to and approved by the Local Planning Authority. The development must not be carried out other than in accordance with the approved scheme.

REASON: To ensure that there is adequate provision for secure cycle storage within the application site, encouraging alternative modes of transport in accordance Policy M4, M6 and M8 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework.

7. No development above ground shall take place until details of the green roof have been submitted to and approved in writing by the Local Planning Authority. Details must include the construction method; specification of planting species to be used and a scheme for the management and maintenance of the roof. Subsequently the development shall not be carried out other than in accordance with the approved details.

REASON: To ensure a satisfactory standard of development in the interests of visual amenity in accordance with Policies D1 and D2 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework.

POST DEVELOPMENT COMMENCING

8. All agreed landscaping comprised in the approved landscaping scheme shall be carried out in the first planting and seeding seasons following the occupation of the first building, the completion of the development, or in agreed phases whichever is the sooner: and any plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. All landscape works shall be carried out in accordance with the guidance contained in British Standards 8545: 2014.
REASON: To ensure proper implementation of the agreed landscape details in the interest of the amenity value of the development in accordance with Policies RA10, D1, D2 and D8 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework.

9. Prior to installation of any external lighting, the applicant must submit to, for approval in writing by the Local Planning Authority, details relating to the external lighting scheme. This scheme must meet the requirements within the Institution of Lighting Professionals guidance notes for the reduction of obtrusive lighting. Any external lighting must be implemented in accordance with the approved details.

REASON: In the interests of minimising the impact of the development on the character and appearance of the area and the Green Belt, in accordance with Policies R20 and D2 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework.

10. The development hereby approved must not be carried out other than in accordance with the approved Flood Risk Assessment carried out by Cemetery Development Services dated August 2016 and supporting information, and the following mitigation measures:

1. Implementing appropriate SuDS measures as indicated on drainage drawing CDS_WHF_CEM_10 Rev 4.0.
2. Providing attenuation to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + climate change event.
3. Limiting the surface water run-off generated by the 1 in 100 year + climate change critical storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.

The mitigation measures must be fully implemented prior to the first use of the crematorium hereby approved and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

REASON: To reduce the risk and impact of flooding by ensuring the satisfactory storage and disposal of surface water from the site and to ensure surface water can be managed in a sustainable manner in accordance with Policy R7 and R10 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework.

11. Upon completion of the drainage works and prior to the first use of the crematorium, a complete set of as built drawings for the site drainage management must be submitted to and approved in writing by the Local Planning Authority. The scheme shall also include:

1. Final confirmation of management and maintenance requirements.
2. Provision of complete set of as built drawings for both site drainage and overland flow route management.
3. Details of any inspection and sign-off requirements for completed elements of the drainage system.
REASON: To reduce the risk and impact of flooding by ensuring the satisfactory storage and disposal of surface water from the site and to ensure surface water can be managed in a sustainable manner in accordance with Policy R7 and R10 of the Welwyn Hatfield District Plan 2005; Policy SADM12 of the Draft Local Plan Proposed Submission August 2016; and the National Planning Policy Framework 019.

12. In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing within 7 days to the Local Planning Authority. Once the Local Planning Authority has identified the part of the site affected by the unexpected contamination, development must be halted on that part of the site. Before development recommences on the part of the site where contamination is present a scheme outlining appropriate measures to prevent the pollution of the water environment, to safeguard the health of intended site users, and to ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation and approved conclusions shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall not be implemented otherwise than in accordance with the approved remediation scheme.

REASON: To ensure that the potential contamination of this site is properly investigated and its implication for the development approved fully taken into account in accordance with Policy R2 of the Welwyn Hatfield District Plan 2005 and the National Planning Policy Framework.

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification) no fences, gates or walls shall be constructed within the site or on the site boundaries.

REASON: To enable the Local Planning Authority to fully consider the effects of development normally permitted by that Order in the interests of safeguarding the visual amenity and openness of the Green Belt in accordance with the National Planning Policy Framework.

PRIOR TO OCCUPATION

14. The use of the crematorium must not commence until the vehicular access, parking spaces, circulation and turning areas have been laid out and surfaced in accordance with the approved drawings.

Reason: To ensure satisfactory access into the site and parking provision for the development in the interests of highway safety in accordance with Policy 5 of Hertfordshire’s Local Transport Plan (adopted 2018); Policy M14 of the Welwyn Hatfield District Plan 2005; and the National Planning Policy Framework.

15. The use of the crematorium must not commence until all the structures and buildings identified on approved drawing CDS_WEL_HAT_60 Rev 01, together with any other buildings or structures erected on the land since the grant of this planning permission are to be completely demolished and the resultant debris permanently removed from the application site.
REASON: The complete removal of these buildings/structures is necessary to safeguard the visual amenity and openness of the Green Belt in accordance with the National Planning Policy Framework.

16. No cremation services shall take place outside the hours of 09:00 to 18:00 Monday to Sunday including Public Holidays.

REASON: To align with the hours of use described within section 20 of the application form in the interest of limiting the impact on weekday morning peak traffic on the principle road network (A1001).

17. Notwithstanding the approved plans, prior to the formal laying out of any of the car parking spaces, an amended car parking plan showing a minimum of 6 car parking spaces to be disabled spaces shall be submitted to and approved in writing by the Local Planning Authority. Subsequently only that approved plan shall be implemented and retained thereafter for the duration of the use of this land as a car park.

REASON: To provide accessible parking bays and a high standard of design of the development in line with Policies D1 of the Welwyn Hatfield District Plan, national guidance and the National Planning Policy Framework.

DRAWING NUMBERS

18. The development/works shall not be started and completed other than in accordance with the approved plans and details:

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<th>Revision Number</th>
<th>Details</th>
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REASON: To ensure that the development is carried out in accordance with the approved plans and details.

POSITIVE AND PROACTIVE STATEMENT

The decision has been made taking into account, where practicable and appropriate the requirements of paragraphs 186-187 of the National Planning Policy Framework and material planning considerations do not justify a decision
contrary to the development plan (see Officer’s report which can be viewed on the Council's website or inspected at these offices).

INFORMATIVES

1. This permission does not convey any consent which may be required under any legislation other than the Town and Country Planning Acts. Any permission required under the Building Regulations or under any other Act, must be obtained from the relevant authority or body e.g. Fire Officer, Health and Safety Executive, Environment Agency (Water interest etc. Neither does this permission negate or override any private covenants which may affect the land.

*Thames Water*

2. Thames Water would recommend that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of petrol / oil interceptors could result in oil-polluted discharges entering local watercourses.

*Environment Agency*

3. The applicant should refer to the information and advice contained with the Environment Agencies consultation response letter in dealing with land affected by contamination, especially with respect to protection of the groundwater beneath the site.

4. All investigations of land potentially affected by contamination should be carried out by or under the direction of a suitably qualified competent person. The competent person would normally be expected to be a chartered member of an appropriate body (such as the Institution of Civil Engineers, Geological Society of London, Royal Institution of Chartered Surveyors, Institution of Environmental Management) and also have relevant experience of investigating contaminated sites.

*Ecology*

5. Protected Species – It is an offence to take or disturb the breeding or resting location of protected species, which include: all Bats, Badger, Otter, Hazel dormouse, Water vole, Reptiles (Common lizard, Slow-worm, Grass snake), Great crested newt, wild birds and Roman snail. Precautionary measures should be taken to avoid harm where appropriate. If protected species, or evidence of them, is discovered during the course of any development, works should stop immediately and advice sought as to how to proceed. This may be obtained from Natural England: 0300 060 3900 or an appropriately qualified and experienced Ecologist.

6. Amphibians and Reptile – Keep any areas of grass as short as possible up to, and including, the time when the works take place so that it remains unsuitable for amphibians (including Great Crested Newts) to cross. Cleared areas should be maintained to prevent re-colonisation prior to works commencing; and potential hibernacula or refugia such as loose stones or dead wood should be removed by hand. Stored building materials (that might act as temporary resting places) are raised off the ground e.g. on pallets or batons
away from hedgerows on site. Caution should be taken when moving debris piles or building materials as any sheltering animals could be impacted on and if an amphibian (with exception of a Great crested newt) is found, then it should be moved carefully out of harm’s way. Any excavations are backfilled before nightfall or a ramp left to allow trapped animals to escape easily / provided with a means of escape for any animals that may have become trapped - this is particularly important if holes fill with water. In the unlikely event that a Great crested newt is encountered during works, works must stop immediately and ecological advice taken on how to proceed lawfully from an appropriately qualified and experienced Ecologist.

7. The removal of trees & shrubs should be avoided during the bird breeding season (March to September inclusive) to protect breeding birds, their nests, eggs and young. If this is not possible then a search of the area should be made by a suitably experienced Ecologist and if active nests are found, then clearance must be delayed until the last chick has fledged.

8. Keep any areas of grass as short as possible up to, and including, the time when construction works take place so that it remains / becomes unsuitable for Great crested newts to cross.

9. Clearance of existing boundary habitats (ruderal and scrub) and pond boundaries vegetation should be undertaken progressively towards boundaries to allow any animals present to escape to contiguous areas of retained habitat.

10. Stored materials (that might act as temporary resting places) should be raised off the ground e.g. on pallets or batons. Caution should be taken when moving composting heaps, debris piles or building materials as any sheltering animals could be impacted on. No materials are to be stored adjacent to hedgerows on site.

11. Trenches should be provided with a means of escape for any animals (from Great crested newts to badgers) that may have become trapped. This is particularly important if the trench fills with water.

12. Any external lighting scheme, including security lighting, should be designed to minimise light spill, in particular directing light away from the boundary vegetation to ensure dark corridors remain for use by wildlife as well as directing lighting away from potential roost / nesting sites.

Highways

13. It is an offence under section 148 of the Highways Act 1980 to deposit mud or other debris on the public highway, and section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available by telephoning 0300 1234047.

Mark Peacock (Development Management)
Date: 22 January 2020