

## ITEM 7

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<b>APPLICATION NO.</b>	17/02610/FULLN
<b>APPLICATION TYPE</b>	FULL APPLICATION - NORTH
<b>REGISTERED</b>	10.10.2017
<b>APPLICANT</b>	Pure Cremation Ltd
<b>SITE</b>	Former Charlton Nursery, Andover, Hampshire, SP11 0TA, <b>CHARLTON</b>
<b>PROPOSAL</b>	Erection of new crematorium, access roads and car parking
<b>AMENDMENTS</b>	Additional and amended information received: <ul style="list-style-type: none"><li>• 13.04.2018</li></ul>
<b>CASE OFFICER</b>	Miss Emma Jones

Background paper (Local Government Act 1972 Section 100D)

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### 1.0 INTRODUCTION

- 1.1 This application is referred to the Planning Control Committee because the Northern Area Planning Committee (NAPC) at their meeting on 29 March 2018 was minded to refuse planning permission for reasons that the Officers advised could not be adequately justified and would result in a risk of costs being awarded against the Council at appeal.
- 1.2
- A copy of the Officer report to NAPC on 29 March 2018 is attached at Appendix A.
  - A copy of the Officer Update Paper to NAPC on 29 March 2018 is attached at Appendix B.

### 2.0 AMENDMENTS

- 2.1 Additional information has been submitted by the applicant setting out the following (summarised);
- Case law has established that the fall-back position can be a material consideration. For it to be a material consideration the likelihood of the operation being taken up has to be greater than the theoretical possibility;
  - The certificate of proposed lawful development confirmed that the development granted in outline and approved in detail under TVN.03232/3 and TVN03232/4 respectively was extant and therefore could be completed;
  - The certificate application has enabled the applicant to secure sufficient funding to build and operate a crematorium on site. They have since purchased the land from the landowner and the land is being registered with the Land Registry;
  - The applicant will need to quickly develop the site to make a return on the investment either as per the approved application or the current proposal. Therefore it has no alternative but to rely on the fall-back

position in the event of the current proposal being rejected. That is why it has appointed contractors who will be on site to begin the preliminary ground investigations and why it has instructed Barclay + Phillips to produce the working drawings for the approved crematorium. All of these factors lead to the conclusion in no uncertain terms that the fall-back position will be taken up;

- The crematorium as approved is a viable concern. The market is very specialist and some developers may prefer a greater yield for the capital outlay than would be achieved by developing the crematorium as approved, but in this case the applicant has secured funding for both the current proposal or the approved application. Ideally, it would prefer to develop the site as per the current proposal but it is prepared, and has the funding, to develop this as currently approved;
- From a planning perspective developing the current proposal is a better solution as it would bring the design up to date with the industry's standards and expectations. The NPPF confirms that good design is indivisible from good planning (para 56). Good design is not just about aesthetics but it is also about how a place functions (paras 61 and 58) and not just for the short term but over the lifetime of the development. Buildings should be resilient and adaptable. The current proposal ensures that the development will achieve these ends. In contrast, in making do with the approved scheme, the applicants would in time have to adapt the building to cater for the growth of the business (which incidentally would be supported by policy LE17), but this would cause more disruption both to the business and residents, and would be less sustainable. It therefore represents bad planning;
- Having established the fall-back position, the proposal should be considered against this baseline position. The use of the site, of course, remains unchanged. In this regard I would suggest that it is unreasonable to object to it under policy COM2 of the Local Plan, since the principle of the development on the site, in countryside, is established by the fall-back position. Furthermore, it has also been established that the proposed scheme is acceptable in terms of design, landscaping, trees, ecology, highways etc. Moreover, the approved scheme had fewer conditions, whereas the proposed recommended conditions, which are acceptable to the applicant, would be beneficial. In my view, this is a significant benefit to which significant weight should be attached;
- It was established at the appeal that there was a local need. That need has not gone away, as there is still no crematorium in Andover. The appeal established that the existing crematoria nearest to Andover did not meet local need because of the travel time. This position has not changed even with the opening of the crematorium on the south west side of Romsey because of the time taken to travel at funeral cortège speeds from Andover to Romsey. Indeed, the need has increased because of the population growth, and that it is partially reflected in the increasing housing supply for Test Valley Borough. Since 2001 the population has grown by 6.6% and is expected to grow by 4.8% by 2018 – see Local Plan para 2.10 - which further increases demand. There is therefore still a local need arising;

- In reviewing policy, it is also appropriate to mention that the overarching policy is SD1 of the local plan. It has also been determined that there is no material harm arising from the proposal other than the issue of compliance with policy COM2. The appeal plus the fall-back position has established the principle of development on site. Therefore little weight should be given to policy COM2, particularly when considered against policy SD1;
- It is considered that the scheme meets three pillars of sustainable development. It provides employment opportunities. It is useful to draw attention to the following: the NPPF states that Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system (para 19). Local Planning Authorities are also required to plan proactively to meet the development needs of business and support an economy fit for the 21<sup>st</sup> century (para 20). They should also support existing business sectors, taking account of whether they are expanding or contracting and, where possible, identify and plan for new or emerging sectors likely to locate in their area (para 21). As the site is in a countryside location, para 28 also applies which supports sustainable growth and expansion of all types of business and enterprise in rural areas, through well designed new buildings, as well as promoting the development of services and community facilities;
- There are, of course, social benefits in providing the facilities close by. Crematoria are about the living just as much as the dead. Having to travel long distances, to meet an appointment at a crematorium, compounds mourners' distress, which is material. In addition friends and relatives, from time to time, will also want to visit the garden of remembrance to pay their respects and reflect. Travelling further afield to this is less convenient and sustainable, and is more costly. Therefore, by providing a local crematorium would immeasurably improve the quality of life of residents of Andover and the surrounding parishes. Section 8 NPPF also gives weight to the delivery of service and facilities for the community;
- The environmental benefits arise through the landscaping of the site, providing an opportunity to enhance biodiversity and through making use of under-utilised land, already earmarked for a crematorium and by good design. Therefore the presumption in favour of sustainable development should be applied;
- The fall-back position will be taken up in the event of the current proposal being rejected. It is considered that the benefits of the current proposal both in terms of design and the recommended conditions should carry significant weight in favour of the proposal. The extant permission establishes the principle of development on the site and therefore little weight should be given to the application of policy COM2. As for local need, the appeal established that there was a local need and this remains unchanged. Finally, it is considered that the presumption in favour of sustainable development should also be applied, as there are economic, social and environmental benefits to be gained from the proposal.

2.2 Additional information has also been submitted by the applicant to address the updated comments made by the Lead Local Flood Authority (set out below at paragraph 3.1). The LLFA has been re-consulted following the submission of this updated information.

### 3.0 **CONSULTATIONS**

#### 3.1 **HCC Lead Local Flood Authority: Comments;**

- When reviewing the latest drainage strategy plan it was noted that the swale was located along the higher side of the access road. Please provide confirmation that the proposed swale is at a lower level than the proposed access road. Consideration may be to locate the swale to the south of the new road where the natural ground levels are lower.

### 4.0 **PLANNING CONSIDERATIONS**

4.1 It was recommended to the Northern Area Planning Committee that planning permission be granted for the proposed development. The proposed development is not of a type that is appropriate in the countryside as set out by specific RLP policies, and it has not been demonstrated that it is essential for the proposed development to be located in the countryside. The proposed development would be contrary to policy COM2 of the RLP. However, it is recognised that the development would have social and economic benefits, particularly the provision of an additional crematorium to add to choice and increased capacity within a closer distance of local residents, as well as providing employment opportunities, and the proposal would have no adverse environmental impacts. These material considerations weigh in favour of granting planning permission, as well as the existence of the unrestricted extant planning permission for a crematorium at the site. It is considered that for these reasons, the proposed development can be accepted as a departure to policy COM2 of the RLP.

4.2 It was also recommended to the Northern Area Planning Committee that the proposals, subject to conditions, would have no adverse impacts on character and appearance, the highway network, biodiversity, water management, and amenity and pollution, and would comply with the relevant policies of the RLP.

4.3 The Northern Area Planning Committee were minded to refuse planning permission on the basis that based on the information submitted with the application there is insufficient evidence to demonstrate that it is essential for the application proposal to be located in the countryside. The application is thereby contrary to RLP policy COM2. The introduction of an industrial element to make the existing permission viable makes this application outside of policy.

#### 4.4 **The principle of development**

The principle of development in respect of the extant outline planning permission for a crematorium at the site (application reference TVN.03232/3) was considered against the relevant policies of the Test Valley Borough Local Plan 1996 (TVBLP). Policy C1 of this plan set out that development would only be permitted in the countryside, as was the case with that proposal, if; there was an overriding need for it to be located there, for instance development which is essential for the efficient use of agriculture, horticulture and forestry

land; its location and design conserved and enhanced the landscape; and there were no existing buildings adequate for the purpose in the locality which recently changed from the required use.

- 4.5 In considering the appeal in respect of this application, the Appeal Inspector concluded that the benefit to the community was a compelling reason to suggest that the need for a crematorium was an overriding one, albeit they acknowledged that there was spare capacity elsewhere, and that the sustainability considerations compensated for any policy conflict on the matter of the principle of the development. It was also concluded in the Appeal Inspector's determination of the extant planning permission that whilst some facilities have been successfully accommodated within built up areas, quietness and seclusion are important attributes of a crematorium site. The Crematorium Act 1902 also sets out that "no crematorium shall be constructed nearer to any dwelling house than 200 yards (approximately 182m), except with the consent, in writing, of the owner, lessee, and occupier of such house, nor within fifty yards of any public highway, nor in the consecrated part of the burial ground of any burial authority". As a result of this, it was accepted in the Appeal Inspector's determination that other suitable sites within the surrounding settlement boundaries are unlikely to exist.
- 4.6 Policy C1 of the TVBLP has been replaced by policy COM2 of the Test Valley Borough Revised Local Plan 2016 (RLP). This policy sets out that development outside the boundaries of a settlement, as would still be the case with this proposal, will only be permitted if; it is appropriate in the countryside as set out in specific RLP policies; or it is essential for the proposal to be located in the countryside. The requirement to demonstrate an overriding need for the proposed development to be located in the countryside is therefore no longer relevant. The principle of the proposed development currently under consideration is discussed within the Officer report to NAPC (Appendix A, paragraphs 8.2-8.14).
- 4.7 The existence of the extant planning permission for a crematorium at this site is discussed within the Officer report to NAPC (Appendix A, paragraphs 8.9-8.14), and that this is a material planning consideration in the determination of this current proposal. Recent case law clarifies the issue of when a fallback position, such as the existence of an extant planning permission, might be a material planning consideration for an alternative proposal. In the case of *Mansell v Tonbridge and Malling Borough Council* (2017), it was clarified that for there to be a real prospect of the fallback development being implemented, it does not have to be probable or likely – a possibility will suffice.
- 4.8 This case law also sets out that "when considering whether a decision-maker has properly identified a "real prospect" of a fallback development being carried out should planning permission for the proposed development be refused, there is no rule of law that, in every case, the "real prospect" will depend, for example, on the site having been allocated for the alternative development in the development plan or planning permission having been granted for that development, or on there being a firm design for the alternative scheme, or on the landowner or developer having said precisely how he would

make use of any permitted development rights available to him under the GPDO. In some cases that degree of clarity and commitment may be necessary; in others, not. This will always be a matter for the decision-maker's planning judgment in the particular circumstances of the case in hand".

- 4.9 Since this current application was referred to the Northern Area Planning Committee, the applicant has confirmed that they have now purchased the application site, and they have advised that the Certificate of Lawfulness (application reference 16/02842/CLPN) has enabled them to secure funding to build and operate a crematorium on site, either as previously approved or as currently proposed. It has also been advised that the applicant has appointed contractors to begin preliminary ground investigations, and working drawings for the approved crematorium are being produced. It is noted that hoardings have now been erected at the existing access to the site. The applicant is Pure Cremation Ltd, who specialise in cremations, and given that the extant planning permission is for a crematorium, it is considered that there is a reasonable possibility that the extant planning permission could be implemented. On this basis, it is considered that the existence of the extant planning permission is a material planning consideration in respect of this current proposal.

## 5.0 CONCLUSION

- 5.1 The proposed development is not of a type that is appropriate in the countryside as set out by specific RLP policies, and it has not been demonstrated that it is essential for the proposed development to be located in the countryside. The proposed development would be contrary to policy COM2 of the RLP. However, it is recognised that the development would have social and economic benefits, particularly the provision of an additional crematorium to add to choice and increased capacity within a closer distance of local residents, as well as providing employment opportunities, and the proposal would have no adverse environmental impacts. These material considerations weigh in favour of granting planning permission, as well as the existence of the unrestricted extant planning permission for a crematorium at the site. It is considered that for these reasons, the proposed development can be accepted as a departure to policy COM2 of the RLP.

- 5.2 The proposals, subject to conditions, would have no adverse impacts on character and appearance, the highway network, biodiversity, water management, and amenity and pollution, and would comply with the relevant policies of the RLP.

## 6.0 RECOMMENDATION OF NORTHERN AREA PLANNING COMMITTEE REFUSE for the reason:

1. **Based on the information submitted with the application there is insufficient evidence to demonstrate that it is essential for the application proposal to be located in the countryside. The application is thereby contrary to RLP policy COM2. The introduction of an industrial element to make the existing permission viable makes this application outside of policy.**

**7.0 RECOMMENDATION OF HEAD OF PLANNING AND BUILDING**

**Delegate to the Head of Planning and Building that subject to no unresolvable objections being received from the Lead Local Flood Authority, then PERMISSION subject to:**

- 1. The development hereby permitted shall be begun within three years from the date of this permission.  
Reason: To comply with the provision of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.**
- 2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers; P17-063 02-02-002 E; P17-063 02-03-001 E; P17-063 02-04-001 D; P17-063 02-05-001 C; P17-063 02-05-002 C.  
Reason: For the avoidance of doubt and in the interests of proper planning.**
- 3. No development shall take place above DPC level of the development hereby permitted until samples and details of the materials to be used in the construction of all external surfaces hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.  
Reason: To ensure the development has a satisfactory external appearance in the interest of visual amenities in accordance with Test Valley Borough Revised Local Plan (2016) Policy E1.**
- 4. The development hereby permitted shall be carried out in accordance with the provisions set out within the submitted Arboricultural Impact Assessment (AGB Environmental, reference P2988.1.0, dated 18th January 2018).  
Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase in accordance with Test Valley Borough Revised Local Plan policy E2.**
- 5. Tree protective measures installed (in accordance with the tree protection condition) shall be maintained and retained for the full duration of works or until such time as agreed in writing with the Local Planning Authority. No activities, nor material storage, nor placement of site huts or other equipment what-so-ever shall take place within the barrier.  
Reason: To ensure the avoidance of damage to existing trees and natural features during the construction phase in accordance with Test Valley Borough Revised Local Plan policy E2.**
- 6. All service routes, drain runs, soakaways or excavations in connection with the development hereby permitted shall remain wholly outside the tree protective barrier.  
Reason: To ensure the avoidance of damage to existing trees and natural features during the construction phase in accordance with Test Valley Borough Revised Local Plan policy E2.**
- 7. The development hereby permitted shall not be occupied until provision for 6 cycle parking/storage spaces has been made, in accordance with details to be submitted to and approved in writing**

**by the Local Planning Authority. The approved scheme shall be maintained for this purpose at all times.**

**Reason: In the interest of providing sufficient safe parking for cyclists and in accordance with the Test Valley Borough Revised Local Plan (2016) Policy T2.**

- 8. The development hereby permitted shall not be occupied until space has been laid out and provided for the parking and manoeuvring of vehicles to enable them to enter and leave the site in a forward gear in accordance with the approved plan and this space shall thereafter be reserved for such purposes at all times.**

**Reason: In the interests of highway safety in accordance with Test Valley Borough Revised Local Plan (2016) Policies T1 and T2.**

- 9. No development shall take place until full details of the layout for the parking and manoeuvring on site of contractor's and delivery vehicles during the construction period have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the commencement of development and retained for the duration of the construction period.**

**Reason: Details are required prior to the commencement of the development in the interest of highway safety in accordance with Test Valley Borough Revised Local Plan (2016) Policy T1.**

- 10. No development shall take place until a construction traffic management plan, including details of lorry routing, has been submitted to and approved in writing by the Local Planning Authority. The construction of the development shall be carried out in accordance with the approved details.**

**Reason: Details are required prior to the commencement of the development in the interest of highway safety in accordance with Test Valley Borough Revised Local Plan (2016) Policy T1.**

- 11. Notwithstanding the details submitted no development shall take place above DPC level of the development hereby permitted until full details of hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. Details shall include, where appropriate: proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting, etc.); proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines etc., indicating lines, manholes, supports.); retained historic landscape features and proposals for restoration, where relevant.**

**Soft landscape works shall include: planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes, proposed numbers/densities and tree pit details. The landscape works shall be carried out in accordance with the approved details.**

**Reason: To improve the appearance of the site and enhance the character of the development in the interest of visual amenity and**

- contribute to the character of the local area in accordance with Test Valley Borough Revised Local Plan (2016) Policy E1 and E2.
12. No development shall take place above DPC level of the development hereby permitted until a schedule of landscape management and maintenance for a minimum period of 10 years has been submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall including long term design objectives, management responsibilities and maintenance schedules for all landscape areas and an implementation programme. The landscape implementation, management and maintenance shall be carried out in accordance with the approved details.  
Reason: To ensure the provision of amenity afforded by proper maintenance of existing and new landscape features as an improvement of the appearance of the site and to enhance the character of the development in the interest of visual amenity and contribute to the character of the local area in accordance with Test Valley Borough Revised Local Plan (2016) Policy E1 and E2.
13. Details of any external lighting shall be submitted to and approved in writing by the Local Planning Authority prior to its first installation. Development shall be carried out in accordance with the approved details.  
Reason: In the interest of the amenity of the area in accordance with Test Valley Borough Revised Local Plan (2016) Policy E8.
14. Grounds maintenance (such as grass cutting or leaf blowing) shall only take place between the hours of 08.00–18.00 Monday to Friday and 08.00–13.00 on Saturdays and at no time on Sundays or Bank Holidays.  
Reason: In the interest of the amenity of the area in accordance with Test Valley Borough Revised Local Plan (2016) Policy E8.
15. Cremation services shall only take place between the hours of 0900 and 2000 daily, and no more than 10 services shall take place between these hours on Mondays to Fridays, no more than 6 services shall take place between these hours on Saturdays, and no more than 4 services shall take place between these hours on Sundays and Bank Holidays.  
Reason: In the interest of the amenity of the area in accordance with Test Valley Borough Revised Local Plan (2016) Policy E8.
16. No more than 6 deliveries or collections to the site per week shall take place between the hours of 2300 and 0700.  
Reason: In the interest of the amenity of the area in accordance with Test Valley Borough Revised Local Plan (2016) Policy E8.
17. The development shall be designed and built so that it achieves a standard equivalent to Building Research Establishment's Environmental Assessment Method (BREEAM) 'excellent' credit required for water consumption (reference Wat 1). The development shall not be occupied until written evidence demonstrating that this level of water consumption is achieved for the development has been submitted to and approved in writing by the Local Planning Authority.

**Reason: In the interests of improving water usage efficiency in accordance with policy E7 of the Test Valley Borough Revised Local Plan 2016.**

**Note: Evidence of a suitable BREEAM certificate or written evidence by a BREEAM accredited professional would both be potentially appropriate forms of submission.**

- 18. Before the development hereby permitted is commenced details, including plans and cross sections, shall be submitted to and approved by the Local Planning Authority of the existing and proposed ground levels of the development and the boundaries of the site and the height of the ground floor slab and damp proof course in relation thereto. Development shall be undertaken in accordance with the approved details.**

**Reason: Details are required prior to the commencement of the development to ensure satisfactory relationship between the new development and the adjacent buildings, amenity areas and trees in accordance with Test Valley Borough Revised Local Plan (2016) Policy E1.**

**Notes to applicant:**

- 1. In reaching this decision Test Valley Borough Council (TVBC) has had regard to paragraphs 186 and 187 of the National Planning Policy Framework and takes a positive and proactive approach to development proposals focused on solutions. TVBC work with applicants and their agents in a positive and proactive manner offering a pre-application advice service and updating applicants/agents of issues that may arise in dealing with the application and where possible suggesting solutions.**
  - 2. The various trees standing within this site are all protected by virtue of Tree Preservation Order TPO.TVBC.141. Damage to the trees is an offence under the Town and Country Planning Act 1990. Failure to comply with the tree protection conditions above is likely to result in damage to the trees. Tree damage may lead to the prosecution of those undertaking the work and those causing or permitting the work.**
  - 3. No vehicle shall leave the site unless its wheels have been sufficiently cleaned as to minimise mud and other material being deposited onto the highway. Appropriate measures, including drainage disposal, should be taken and shall be retained for the construction period. (Non compliance may breach the Highway Act 1980.)**
  - 4. Badgers are known to be present in the wider countryside. These animals, which are legally protected, have large territories and can excavate new setts at any time. It is therefore advised that the applicant ensures that there is no new badger activity within the areas affected by construction works before works commence, and that this check takes place at least three months before works start to give sufficient time for appropriate mitigation works to be designed and any necessary licences to be obtained. If badger presence is suspected, further advice should be sought from Natural England or an appropriately experienced ecologist.**
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## **APPENDIX A**

### **Officer Report to Northern Area Planning Committee on 29 March 2018**

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<b>APPLICATION NO.</b>	17/02610/FULLN
<b>APPLICATION TYPE</b>	FULL APPLICATION - NORTH
<b>REGISTERED</b>	10.10.2017
<b>APPLICANT</b>	Pure Cremation Ltd
<b>SITE</b>	Former Charlton Nursery, Andover, Hampshire, SP11 0TA, <b>CHARLTON</b>
<b>PROPOSAL</b>	Erection of new crematorium, access roads and car parking
<b>AMENDMENTS</b>	Amended/additional plans and information received: <ul style="list-style-type: none"><li>• 08.11.2017</li><li>• 09.11.2017</li><li>• 30.11.2017</li><li>• 05.12.2017</li><li>• 06.12.2017</li><li>• 11.12.2017</li><li>• 15.01.2018</li><li>• 18.01.2018</li><li>• 15.02.2018</li><li>• 19.02.2018</li><li>• 20.02.2018</li><li>• 07.03.2018</li></ul>
<b>CASE OFFICER</b>	Miss Emma Jones

Background paper (Local Government Act 1972 Section 100D)

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#### **1.0 INTRODUCTION**

1.1 The application is presented to Northern Area Planning Committee because it is contrary to the provisions of an approved Development Plan, adverse third party representations have been received, and the recommendation is for approval.

#### **2.0 SITE LOCATION AND DESCRIPTION**

2.1 The application site lies within the countryside to the north of the settlement of Charlton, Andover. The site is currently vacant and contains a number of mature trees. There is a residential dwelling to the south west of the site (The Old Nursery Cottage), and a football ground/playing fields lies adjacent to the north/north east/north west boundaries of the site. Open countryside/ agricultural land surrounds the remainder of the site to the south east/south west, and a cemetery is also located to the north of the football ground/playing fields. A restricted byway runs along the south west boundary of the site. The site is served by an existing vehicular access. The site is not entirely flat, and the ground levels decrease from the site access in the south west part of the site down to the north east part. The site contains a number of mature trees, and the site boundaries consist of trees and vegetation.

2.2 Outline planning permission was granted at appeal in 2002 for the erection of a crematorium at the site (see paragraph 4.3), with reserved matters approval (for siting, design, external appearance, access and landscaping) subsequently being granted in 2004 (see paragraph 4.2). The development permitted under these applications commenced through the construction of the approved vehicular access to the site, with the lawful commencement being confirmed by the issuing of a Certificate of Lawful development (see paragraph 4.1). Extant planning permission therefore exists for the erection of a crematorium at this site.

### 3.0 **PROPOSAL**

3.1 Erection of new crematorium, access roads and car parking.

3.2 The application site is an irregular shape, and runs broadly in a north east-south west orientation. The existing access to the site is at the south west part of the site, and this would lead onto a new access drive that would meander around existing trees to be retained, and run to the north east part of the site in which the proposed building would be located.

3.3 The proposed crematorium building would be largely a single storey structure, providing accommodation for a chapel and associated facilities in respect of providing funeral services, offices associated with the business operations, a cremator hall with four cremators, and storage/cold rooms. The proposed building would have a floor area of approximately 1,083 sqm, and would have a mixture of roof forms with a maximum height of approximately 10.6m to take into account larger mono-pitched roof forms to accommodate the chapel and cremator hall. The remainder of the building would have lower flat roofs of varying heights. The materials to be used in the construction of the proposed building would be a mix of dark brickwork, light coloured stone, metal cladding, and green roofs. A landscaping scheme has been submitted with the application for the site.

3.4 The approved crematorium building at the site (see paragraphs 2.2, 4.2 and 4.3) is a simple gabled roof structure, constructed from red brick walls and a slate roof, with a maximum ridge height of 6.3m, a chimney height of 10m and a floor area of approximately 472 sqm.

3.5 Amended/additional information has been submitted during the course of the application including the following;

- Amended plans changing the external appearance and floor plan of the proposed crematorium building, location of access driveway/parking and landscaping of the site and updated Design and Access Statement;
- Landscaping maintenance strategy;
- Additional ecological assessments;
- Additional flood risk/surface water drainage assessments;
- Additional arboricultural assessments;
- Details in respect of the proposed business operations;
- Details of associated plant/machinery/sewage treatment.

3.6 The following information in respect of the proposed business operations at the site has been provided by the applicant during the course of the application (summarised);

- The new facility at Charlton Park will be unique, utilised not only for traditional cremations and ceremonies required by local families, but also for Pure Cremation's own clients, who come from across England and Wales;
- Pure Cremation is the UK's leading provider of direct cremation. A direct cremation is the term used when the body is cremated without any sort of formal ceremony at the cremation venue. Our team collect the deceased from the place of death, simply placing them into a coffin which is then put into a cold-room until the cremation takes place. Once the legal paperwork is completed the cremation is carried out, with no family or friends present, and the ashes returned to the family;
- Every good funeral business operates 24/7 to meet the needs of those whose loved ones die at home, in nursing homes or hospices, from where they need to be collected without delay. While most of our clients are transferred into our care from hospital settings during the working day, about 25% are looked after from these other locations;
- Approximately 10% of these non-hospital collections take place outside normal working hours, and this can be from any location across England and Wales. As a result, we expect about 5 night-time transfers of clients to our care each week. These transfers are completed using specially-adapted transit style vans;
- The most efficient way to run cremators is to maintain a constant operating temperature. This has two key benefits – reducing the consumption of gas and electricity needed to bring the chamber temperature up to operating levels (thus reducing our carbon footprint), and minimising the stress on the brick lining caused by temperature-related expansion and contraction, reducing maintenance requirements;
- Our business model and the large number of families we serve, means that 24/7 operation of the cremators is sustainable and so we will have two members of staff working on-site overnight. Our staff will operate a 12-hour shift pattern: 8am – 8pm and 8pm to 8am;
- Since all the cremation plant is contained within a sound-deadened section of the building there will be no external noise and external lighting will be kept to a minimum, using PIR sensor lights where illumination is required;
- The cremators we have commissioned are fully abated and comply with all EU and UK emission regulations, making night time cremation as discreet as our daytime cremation activity;
- Most local families will still want a traditional funeral and so a Memorial Chapel has been planned as part of the development. This will be available to families choosing a cremation service with us and to those who need a high-quality ceremony venue prior to burial at the Charlton Cemetery. The Memorial Chapel will accommodate 80+ people;
- Combining our direct cremation business model with traditional services allows us to offer a unique 2-hour interval between services, creating the sense that each family has the Memorial Chapel to themselves;

- We propose to offer cremation services on Saturdays, Sunday and in the evenings, making our small contribution to reducing the pressures on bereaved families;
- The cremation market in Andover is approximately 1,000 cremations per year. This figure is too low to make a traditional crematorium a viable proposition in its own right, and explains why this site has been on the market for so long;
- The level of local demand for cremations translates into an average of 19 services per week, between 3 and 4 funerals per day. We have calculated that if an average of 30 mourners attend each funeral in 14 vehicles (Hearse, one 6 seater limousine and 12 private cars) this would represent a total of 266 funeral-related vehicles entering and leaving the Memorial Park each week;
- Our direct cremation business features much lower traffic levels. Each deceased is brought to our premises in a private ambulance (a discrete but specially adapted black transit type van) with a capacity of up to 4 bodies;
- We currently carry out around 1,000 direct cremations each year, although over a period of 5 years we expect this to gradually increase to around 10,000 cremations;
- Using this maximum figure, we calculate that there will be 2,500 inbound journeys per year (48 per week, or 7 per day). Each vehicle will come to the site once per day and arrival times will be scheduled so they do not clash with traditional funerals in the Memorial Chapel. Therefore, we expect there to be between a maximum of 300-400 funeral-related vehicles entering the Memorial Park each week, including night time collections;
- According to the Parish Council there are 29,000 vehicle movements/week along Hatherden Road. We anticipate that, even at our maximum future operational capacity, this will increase by around 1%. We have not been able to estimate the number of movements along this route that already relate to funeral travel to other crematoria that could be off-set against these figures;
- A traditional crematorium employs 4 members of staff, making a very small contribution to the local economy. Pure Cremation currently employs 8 office based staff and the equivalent of 4 full-time drivers who collect the deceased from across England and Wales, transferring them to our client care facility. The planning application we have submitted relocates our entire operation with office staff numbers expected to reach 16 over the next 2 years, with a focus on local recruitment. Before this we will be recruiting 4 cremator operators (2 day-shift and 2 nightshift) plus more full time and part time drivers to meet the demand for our service;
- The offices will be staffed by - 3 Directors; 2 x finance; 2 x marketing; 1 x operations manager; 1 x crematorium manager; 7 x funeral administrators; Cremator operators – 3 x teams of 2 working shifts. The staff will be providing support for the local funeral directors and the public in traditional bookings, along with supporting the bereaved.

Staff are also need to be available for taking direct cremations over the phone. The proposed Boardroom will also be used as a private reception room for families as necessary. The offices will provide job opportunities for those people living locally, reducing their need for lengthy, costly travel time;

3.7 The following clarification has been submitted in response to third party representations;

- Whilst we do not dispute the fact that there is a new crematorium in Romsey, which will be approx. 40mins from the proposed one in Charlton, it is envisaged that those people living near to Romsey or to the South of it would use the Romsey Crematorium and those in the north of the district would use the Charlton Crematorium, the Crematoriums at Basingstoke and Southampton are very busy dealing with their own local clients. We do not see why 2 crematoriums some 20 miles apart cannot both operate fully. As people are living much longer lives than in previous generations and with the population continuing to grow there will always be a need to provide such facilities more now than ever;
- The site layout does indicate 6 disabled spaces, these being located nearest the building as required under Part M of the Building Regulations, the remaining spaces are located a little further away, and this then also ensures the cars do not interfere with the arrival and departure of the cortege;
- The 1978 DoE guidance 'The Siting and Planning of Crematoria' (LG1/232/36). It is widely accepted that the requirements of the DoE guidance, whilst not formally precluding it, are difficult to achieve in practice for sites within or on the edge of settlements, and therefore in reality in order to be satisfactorily met, steers site selection towards rural locations;
- Whilst it is acknowledged that the site is located "Within the Countryside", the development is not one which would normally be now found in a Built up area, newer constructed crematoriums in Basingstoke, West End Southampton, Romsey and Exeter are all located in Countryside as this is deemed more acceptable and appropriate, it allows for the funerals to be held in peace and seclusion with the memorial gardens being somewhere for quiet reflection, therefore Crematoriums are best located away from residential areas and also areas of heavy traffic;
- The Crematorium will be set back from the public highway and set within landscape grounds and will not impact on the rural nature of the area; it will however provide employment for local people, reducing the need for greater travel distance and costly parking fees;
- The existing planning permission does not include any restriction on operating/opening hours nor does it restrict volume of or route of vehicles using the site.

#### 4.0 **HISTORY**

4.1 16/02842/CLPN; Certificate of Lawfulness of proposed works for the construction of a crematorium and installation of septic tank in accordance with TVN.03232/3 and TVN.03232/4 – Issue Certificate - 25.01.2017.

- 4.2 TVN.03232/4; Erection of crematorium and associated works (details of TVN.03232/3) – Approval - 22.11.2004.
- 4.3 TVN.03232/3; Outline - Erection of crematorium with installation of septic tank – Refused – 26.03.2001, for the reason;

*01. The proposed significant development has not been demonstrated to be essential or have an overriding need to be sited in this countryside location where in this context it would constitute inappropriate and unnecessary development unrelated to the rural needs and character of the area contrary to Policy C1 of the Test Valley Borough Local Plan.*

APPEAL ALLOWED - 13.02.2002.

- 4.4 TVN.03232/2; Outline - Erection of crematorium and installation of septic tank – Refused – 09.06.1999.
- 4.5 TVN.03232/1; Outline - Erection of crematorium and installation of sealed cesspool – Permission – 02.07.1993.

## 5.0 **CONSULTATIONS**

### 5.1 **Planning Policy; Comments;**

- An objection is raised on the basis that insufficient justification has been provided regarding the proposed scale of the use and operations at the site (having regard to the applicant's model for operation) in terms of the crematorium and office use in relation to policy COM2;
- *Test Valley Borough Revised Local Plan (2016) COM2 (and inset map 1)* – the site lies outside the defined settlement boundaries, therefore is within the countryside. On this basis the proposal would need to be considered against criteria a) and b). The proposal would not accord with any of the policies listed in criterion a). For reference, the submission makes reference to policy LE17 (which is referred to in criterion a)), however as the site is not currently in use as an employment site, this policy is not relevant. Consideration should be given to whether the proposal satisfies criterion b);
- Section 3.2 of the Design and Access Statement provides some limited information regarding the need for the proposal, including regarding an ageing population; that cremation makes up 70% of funeral services in the UK; and that those living in the Andover area would have to travel to Basingstoke to reach the nearest crematorium. The submission refers to a rule of thumb that crematoria are located approximately 30 minutes from the population they intend to serve and that this would be exceeded at present. The map associated with this part of the statement does not indicate the crematorium at Ridge, near Romsey, which was permitted in December 2015 (15/02328/FULLS) and is now operating;
- It is understood that there are legal requirements regarding the location of crematoria including in relation to proximity to dwellings and public highways (Section 5 Cremation Act 1902) that may make a location within the settlement boundaries more difficult to achieve;

An additional statement has been submitted titled ‘Use of Charlton Park Memorial Chapel and Crematorium’ which sets out more information about the intended operation of the site. It does not specifically consider compliance with criterion b) of COM2;

- The statement refers to the site being proposed for ‘traditional funerals’, based on information in the traffic movement section, it is assumed that approximately 1,000 cremations per year are envisaged from the Andover area, which is stated as being too low to make a traditional crematorium viable in its own right. In addition, the site is proposed for ‘direct cremation’ which is described as when the body is cremated without a formal ceremony at the venue – this operation is referred to as covering the whole of England and Wales. The traffic management section of the statement indicates that the applicant currently carries out 1,000 direct cremations a year, with the expectation that this would increase to around 10,000 cremations a year. The employment section of the statement indicates the proposal is to relocate the applicant’s entire operation to the application site. Based on the figures provided, it is assumed that approximately half of the cremations at the site are anticipated to initially be direct cremations, potentially rising to around 90% of the cremations. The office activities associated with the business would also be located at this site, no justification has been provided for the need for the co-location of office with the facility;
- Having regard to the scale of operation and the split of the operations (with the direct cremations arising from the whole of England and Wales), consideration would need to be given to the essential need for a countryside location as required through policy COM2 b). Based on the information submitted, insufficient justification has been provided so as to justify this proposal against this criterion of COM2. As such an objection is raised;
- On this basis, the proposal is contrary to the development plan. Regard would therefore need to be given as to whether there are material considerations that justify the proposal as a departure from the Development Plan;
- *National Planning Policy Framework (NPPF)* - The National Planning Policy Framework (NPPF) is a material consideration. The NPPF identifies the three dimensions of sustainable development which should be taken into account, i.e. social, economic and environmental roles (paragraph 7). Paragraph 6 sets out what sustainable development means in the context of the NPPF guidance;
- There are no specific references to crematoria, although there are references to supporting community facilities (section 8). Regard would also need to be given to potential public benefits arising from such a scheme including choice and access to such facilities. Potential economic and employment benefits (application form refers to 20 proposed employees, while the ‘Use of Charlton Park Memorial Chapel and Crematorium’ statement refers to staff numbers being expected to reach 16 over the next 2 years, accounting for relocation of existing staff) would also be a material consideration;

- *Relevant Planning History* - Outline planning permission was granted via appeal for a crematorium at this site in February 2002 through application reference TVN.03232/3. A reserved matters approval was issued further to this in May 2006. In January 2017, a Certificate of Lawfulness was issued in relation to these applications, which indicated that the use / operation of the site as permitted through TVN.03232/3 and /4 would be lawful. Regard would also need to be given to how comparable the current proposal is to that which is permitted via TVN.03232/3 and /4 in terms of the implications for the principle of the current proposal - the scale and nature of the proposal appear to be quite different to those established through the planning history;
- *Summary on Principle of Proposal* - The proposal does not accord with policy COM2 of the adopted Local Plan. Therefore consideration needs to be given as to whether there are material considerations that justify departure from the Development Plan. The Case Officer is best placed to weigh up all such considerations. This will include the planning history of the site, which includes an extant permission for a crematorium, as well as other social, economic and environmental considerations.

5.2 **Landscape;** No objection subject to conditions.

5.3 **Trees;** No objection subject to conditions.

5.4 **Environmental Protection;** No objection;

- I confirm that following the submission of additional information, especially with regard to the proposed plant and equipment, the applicant has now successfully addressed my concerns and I have no objection to the application;
- For the avoidance of doubt an Air Quality Assessment has not been requested in relation to the activity as it falls under The Environmental Permitting (England and Wales) Regulations 2016 and will be subject to ongoing monitoring and inspection;
- Should permission be granted we would wish to see the following conditions. These have been worded on the understanding that they will achieve our aim of avoiding undue detriment to the amenity of the surrounding area without causing undue restriction to the applicants business as detailed in their submission;
- No more than 6 deliveries or collections per week between 23.00hrs and 07.00 hrs;
- The number of services shall be restricted per day as follows; no more than 10 services per day Monday to Friday, nor more than 6 services on a Saturday and no more than 4 services on any Sunday or Bank Holiday;
- Grounds maintenance (such as grass cutting or leaf blowing) shall only take place between the hours of 08.00 – 18.00 Monday to Friday and 08.00 – 13.00 on Saturdays and at no time on Sundays or Bank Holidays.

- 5.5 **Highways;** No objection subject to conditions;
- Proposed parking has been assessed and meets requirements of Policy T1 and T2 of the BLP;
  - Access already exists;
  - Consider that the percentage of additional traffic projected is insignificant compared to the existing. Based on the Charlton Memorial Chapel in proximity to the Crematorium, it suggests that traffic between both sites do not necessarily have to pass through the Village.
- 5.6 **Refuse/Recycling;** No comment.
- 5.7 **HCC Ecology;** Comments;
- The application is supported by ecological assessment work (AGB Environmental, November 2017). I am satisfied that this represents the current ecological conditions at the site;
  - In summary, there are few sensitive ecological receptors present. The key features are the boundary scrub and mature trees, and these are all to be largely retained. There is a small badger sett present that is sufficiently far from the footprint of any works to be unaffected;
  - The additional landscaping information shows that the proposals will include the planting of a good range and coverage of native species within the site, which is welcomed;
  - I would however advise that the applicant's ecologist undertakes a re-check of the site for badger activity no more than three months prior to groundworks commencing, as badger can excavate new setts at any time.
- 5.8 **HCC Lead Local Flood Authority;** Further information/clarification requested in respect of surface water drainage.
- 5.9 **HCC Rights of Way;** No response.
- 5.10 **Environment Agency;** No response.
- 5.11 **Ramblers Association;** No objection provided the restricted byway Charlton 758 remains open during and on completion of the building work.
- 6.0 **REPRESENTATIONS** Expired 09.02.2018
- 6.1 **Charlton Parish Council;** No objection/comments raising;
- Number of concerns about the impact this could have upon traffic through the parish. We have data that shows there is 29,000 vehicles and movements per week along Hatherden Road, therefore we would expect TVBC and the applicants to give serious consideration to the traffic calming and physical measures to form a part of works as part of the development. Would also wish to request a footpath is installed allowing pedestrian access from the parish to the site to increase the sustainability of the site. Requests already made within our S106/CIL requests;

- The Parish Council believe that the current operating times, 24/7, are excessive and would like to see these operating times reduced unless vehicle movements to and from the site are directed via a route that does not pass through the village using Hatherden Road, Foxcotte Road, Foxcotte Lane or Charlton Road;
- There is concern of the impact on the village of the extra traffic created. We would like to see specific routes for the direct cremations part of the business laid down with data analysis provided by the applicant and clarification from TVBC as to how they would enforce this;
- We would like confirmation that construction traffic will be directed right out of the site away from the Parish. We would like a planning condition in place to ensure wheel washing facilities are put in place for all construction traffic;
- All landscaping features, as set out within the approved drawings, must be implemented, not just recommended and must be fully completed before any commercial activities are undertaken by the company. All existing trees and vegetation must be retained. All existing TPO's must be protected;
- All local wildlife and existing badger set, as per the ecology report, must be protected;
- The Memorial Chapel should be an early phase of development and should be completed before any cremations are undertaken;
- The Parish Council wish to see a cap put on the volume of cremations processed in one year, to be 10,000. This will put a cap on the amount of traffic movements per week and night time deliveries;
- We request TVBC to revisit the application as we do not believe that it is within scope of the TVBC local Plan as it contravenes COM2 in that the development is within designated countryside. It also contravenes LE17 because this would be employment within designated countryside and the proposal is not related to any retained buildings.

6.2 **1 x letter**; Support from The Old Nursery Cottage, with comments summarised as follows;

- Whilst commensurate with previous planning applications I support this application in general, I would like a few aspects to be considered within any imposed conditions, application amendments or revised/subsequent planning applications;
- We enjoy security and privacy from boundary with this undeveloped, overgrown, locked and secure site. Would request some hedgerow/bushes be added to maintain this. Feel that mourners would want privacy from my property too;
- Site should be secure when not in use to prevent unwelcome/illegal activities;
- Football/archery/rugby games and training to take into account with regard to operating hours and respect to mourners;

- Building construction is remote from my property and I have no comment on its design but overall landscaping is not aesthetically pleasing and sparse, would suggest layout more akin to original application;
- I wholly observe a need for a crematorium in this locality;
- The noise from the operation of this facility would be minimal;
- Increased traffic generation through village. Already a lot of traffic at all times as road is a run to Newbury, peaked at school runs, sports ground events and farm traffic. Road is 60mph, upsurge in traffic generation will make road more dangerous for all traffic but particularly for exit and egress to The Old Nursery Cottage. Advocate reduction to 40mph to mitigate accidents and graduate countryside flow from 60mph into the 30mph for Charlton Village;
- Request trees adjacent to my property are professionally inspected as to their structure and viability. Site unused for considerable time and concerned as to their condition. Large trees have fallen and are lying prone. One is ivy clad which could adopt sail in high winds.

6.3 **8 x letters**; Objections from; Upper Charlton House, 104 Charlton Road, Andover; 78A Charlton Village, Hatherden Road, Andover; 66 Mercia Avenue, Charlton; 6 Lakeside Close, Charlton; 8 Eardley Avenue; Westerleigh Group Ltd; Memoria Limited; Dignity UK Limited; with comments summarised as follows;

- Just because the crematorium already has planning consent doesn't mean the current proposal cannot be rejected. Have moved on since original outline planning permission was approved at appeal. As well as Salisbury Crematorium, Andover and surrounding areas now have crematoria facilities at Basingstoke and Romsey. Andover does not need a local crematorium to provide funeral services and our village of Charlton does not want a crematorium which provides a 'flagship exemplar for the UK funeral industry';
- No legal road restrictions on transport movement through Charlton Village meaning restrictions on private ambulances cannot be upheld;
- Funeral related vehicle movements entering and leaving site have been underestimated – could be potential for over 70,000 funeral related movements per year;
- Concern that ashes scattered at site could have an effect on watercourse given proposed number of cremations;
- Concerns about cremator emissions with four running 24 hours a day, 7 days a week, 360 days a year. Facilities would be sited next to rugby club, football club and in close proximity to Charlton and surrounding areas dwellings;
- Combined funeral traffic moving to and from the crematorium and existing cemetery during daytime and the continuation of movement by Pure Cremation vans during the evening and night time will be intolerable;

- Can find no mention of working hours in the permissions already granted for the crematorium. Unless hours during which Pure Cremation can operate are restricted to day time working the wishes and needs of Charlton Village residents will not be met;
- Object on grounds of location and means of traffic access. Details show that all traffic will pass through the village of Charlton. Understand that operation will be 24/7 with bodies being transported from all over the country, most of which will not make use of the chapel area;
- Object to crematorium being named after the village of Charlton which would not want to be associated with the transfer and disposal of dead bodies in the manner mentioned by the developers at the recent public consultation;
- Charlton is a rural village located in a rural agricultural landscape. Application is for industrial crematorium on a major scale. 4 no. ovens working 24 hours a day = 96 bodies a day x 340 day a year = 32,640 cremations a year a final objective – truly industrial;
- This is not in keeping with the Andover local plan;
- Original application in 1993 envisaged a crematorium to satisfy the needs of Andover and the immediate area, not an industrial unit collecting bodies from all over England and Wales for cremation;
- Application fails to take into account new crematorium facility in Romsey, less than 20 miles to the south of Andover, which was located and constructed in order to served the Andover area and to relieve the pressure on existing crematoria within the area. Need has therefore been extinguished since planning permission was granted at application site in 2002;
- Failed to demonstrate need for commercial format/operation of development proposal in quantitative or qualitative terms – difficult to appreciate why there is a defined need and why it should be sited in this location;
- Crematorium is considerably larger than that approved – no comparative analysis as to why the development needs to be this large;
- With no proposed limit on hours of operation 4 cremators could feasibly perform approximately up to 10,000 cremations a year;
- Direct cremation will involve importation of bodies on a mass scale from a wide geographical area, following which the deceased will remain in cold storage and cremated on an industrial scale;
- Development shows provision for desk spaces, dedicated offices, board rooms and rest rooms, showing intention to run business from the site;
- Whilst there can be dispensations through the planning process for the provision of a crematorium in a rural location, the same does not necessarily apply for provision of commercial and/or business premises;
- Development contrary to policies COM2 and LE17 of the Adopted Test Valley Local Plan 2011-2029;
- Further details of proposed plan etc required;
- Hours of operation will have a detrimental impact on traffic movements in and around the site. Westerleigh Group's crematoria do not operate during the early mornings or evenings when local people are likely to be at home;

- No Transport Statement or Traffic Impact Assessment to support proposal to show that it would not harm traffic movements within the area and the free flow of the public highway. At a loss as to how the Highway Authority could comment on this proposal without a fully reasoned Transport Statement;
- No disabled car parking spaces located immediately adjacent to the premises for visitors or staff. Layout is not compliant with advice set out in the Federation of Burial and Cremation Authorities 'Recommendations on the Establishment of Crematoria';
- Application cannot be fully considered unless the information required by the LLFA is submitted;
- Proposal is contrary to landscape policy – Landscape Officer raises objections;
- Scale, mass, layout and form of development is entirely at odds with crematoria development generally;
- Tree Officer has raised objections – need to be addressed in order that the application can be fully considered;
- Application not supported by Air Quality Assessment;
- Council should consider refusing development with reference to policies COM2, LE17, E1, E2, E6, E8, LHW4, T1, T2;
- Dispute lawful commencement of previous planning permission and fallback position can only be taken into account in the consideration of a planning application if there is a real prospect of the fallback position ever being implemented. No evidence that the permission granted is of any use to applicants;
- Proposal is materially different to the permitted scheme and must be considered entirely afresh;
- Planning policy has moved on since 2002, consideration has to be given to Council's current adopted Local Plan as well as the NPPF;
- Would expect to see fully reasoned assessment of planning need for a crematorium to be located in a rural location;
- No reports dealing with ecology on site;
- No attempt to carry out full evaluation of proposal in landscape and visual amenity terms bearing in mind the location in open countryside;
- No evidence exists to demonstrate need;
- Proposal is not a crematorium designed for and intended to meet the needs of the local population. It is a large processing facility and has no relationship to the local area;
- A 30 minute drive time is the normal industry standard that people are expected to drive in order to reach a crematorium – this is adequately addressed within the Andover area as a result of existing crematoria. No evidence that they are operating at capacity and unable to meet needs placed on them by the catchment population including Andover;
- Report provided by Memoria Limited outlining demographics of the area and showing insufficient population within 30 minute drive time to provide adequate number of cremations for this facility. No need for facility at present or in years to come;

- Appeal decision benchmarks provided by Memoria Limited showing catchment populations likely to be served by crematoria allowed on appeal and noting Andover will serve a population which is half that of the lower catchment population allowed on appeal at Swanwick, Derbyshire;
- Vastly lower level of demand/need but proposed 24/7 operation undermines the applications position on need and sustainability;
- Question sustainability of proposal that requires human remains to be brought to this facility rather than shorter distances near to where mourners live. Financial considerations are the only factor which determine whether people use this facility;
- Pointless for applicants to refer to local bus services given that people attending this crematorium are not from the local area;
- NPPF makes it clear that countryside will be protected for its own sake. This is not development that requires a rural location and does not address local need;
- Cannot operate viably within restricted hours, Council will inevitably be put under pressure to increase hours to make use of facility given that they have allowed a development of the scale proposed with four cremators;
- Why is development even being located in this part of southern England when it is meant to serve a national rather than local need;
- Agree with Council's Policy assessment within consultation response;
- Requires a Sequential Test exercise to be undertaken to demonstrate the site chosen is the most appropriate in terms of customer base;
- Dignity UK Limited operate 45 crematoria throughout England and Wales (with a further under construction) and this network already caters for the needs of the bereaved who do not wish for a service to be held, and able to meet local needs. Proposal not justified;
- Local provision is now adequately catered for by the recently opened facility at Romsey;
- Acknowledged the proposed development would create employment, but not apparent why the levels of employment anticipated by the applicant have to be provided on the site. Significant back office element could be included in any existing settlement and does not need to be facilitated on site;
- New facility would create extensive journeys across the road network of England and Wales, not in accordance with NPPF which seeks to reduce miles travelled or TP1 of the Development Plan;
- Unnecessarily large building dictated by inclusion of 4 cremators and back office element in breach of policy E1 of Development Plan;
- Proposed starting time of 9am means that arrivals to participate in the first cremation will be passing through the village at around 8.30 to 8.50 which is the peak traffic time in the village - children going to school. The opening time should be 9.30am to avoid coinciding with the traffic peak.

7.0 **POLICY**

7.1 Government Policy/Guidance

National Planning Policy Framework (NPPF)  
National Planning Practice Guidance (NPPG)

7.2 Test Valley Borough Revised Local Plan (2016)(RLP)

SD1 – Presumption in favour of sustainable development  
COM2 – Settlement hierarchy  
COM15 – Infrastructure  
LE17 – Employment sites in the countryside  
E1 – High quality development in the Borough  
E2 – Protect, conserve and enhance the landscape character of the Borough  
E5 – Biodiversity  
E7 – Water management  
E8 – Pollution  
LHW4 – Amenity  
T1 – Managing movement  
T2 – Parking standards

8.0 **PLANNING CONSIDERATIONS**

8.1 The main planning considerations are:

- The principle of development
- Character and appearance
- Highway network
- Amenity and pollution
- Biodiversity
- Water management

8.2 **The principle of development**

*National Planning Policy Framework*

The NPPF is also a material planning consideration, which sets out that the purpose of the planning system is to contribute to the achievement of sustainable development. The NPPF identifies the three dimensions of sustainable development: economic, social and environmental (paragraph 7).

8.3 There is no specific national planning policy that covers crematoria, although there are references to supporting community facilities and indirect economic benefits. Paragraph 28 of the NPPF states that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should:

- Support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings;
- Promote the development and diversification of agricultural and other land-based rural businesses;

- Support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside. This should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres; and
- Promote the retention and development of local services and community facilities in villages, such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship.

8.4 Furthermore, paragraph 70 of the NPPF states that to deliver the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:

- plan positively for the provision and use of shared space, community facilities (such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;
- guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs;
- ensure that established shops, facilities and services are able to develop and modernise in a way that is sustainable, and retained for the benefit of the community; and
- ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.

8.5 *Test Valley Borough Revised Local Plan 2016*

The site is located within the countryside as designated by the Test Valley Borough Revised Local Plan 2016 (RLP) inset maps. Policy COM2 of the RLP sets out that development outside the boundaries of a settlement, as would be the case with this proposal, will only be permitted if;

- a) it is appropriate in the countryside as set out in specific RLP policies; or
- b) it is essential for the proposal to be located in the countryside.

8.6 There are no specific policies in the RLP that allow for the provision of crematoriums in the countryside. It therefore needs to be considered whether it is essential for the proposal to be located in the countryside. The supporting text to policy COM2 (paragraph 5.49) sets out that "development away from the defined settlements is unlikely to meet all the elements of sustainable development particularly the access to a range of facilities. Any proposals would need to demonstrate that the overall social and economic benefits outweigh the disadvantages of a location which is relatively remote from facilities. In some cases it is essential for a development to be located in the countryside".

8.7 Information has been submitted with the application in respect of the need for the proposal, setting out that "with an aging population in the county and cremation making up 70% of funeral services in the UK there is a need for a new crematorium to serve the northern area of Hampshire. Currently those

living in the Andover area have to travel significant distances, a minimum of 15 miles to Basingstoke, in order to say goodbye to loved ones at a cremation service. Based on funeral cortège speeds, it would take in excess of 30 minutes from the centre of Andover to get to the nearest crematorium in Basingstoke. The rule of thumb is that crematoria are located approximately 30 minutes away from the population they are intended to serve. This is partly due to the speed of the funeral cortège and also to help reduce distress to mourners”. Furthermore, it is suggested within the submission that the cremation market in Andover is approximately 1,000 cremations per year, which is too low to make a traditional crematorium a viable proposition in its own right, and it is acknowledged by the applicant that there is a new crematorium in Romsey, which will be approximately 40mins from that now proposed in Charlton. However it is envisaged that those people living near to Romsey or to the south of it would use the Romsey Crematorium and those in the north of the district would use the Charlton Crematorium, and that the crematoriums at Basingstoke and Southampton are very busy dealing with their own local clients. It is added that, as people are living much longer lives than in previous generations, and with the population continuing to grow there will always be a need to provide such facilities more now than ever. No actual evidence of this need has been provided to support these assertions, however, and limited information has been submitted with the application to demonstrate that it is essential for the proposed development to be located in the countryside, and that it could not be accommodated within defined settlement boundaries.

- 8.8 The proposed development is not of a type that is appropriate in the countryside as set out by specific RLP policies, and it is not considered that it has been sufficiently demonstrated that it is essential for the proposed development to be located in the countryside. The proposed development would be contrary to policy COM2 of the RLP.
- 8.9 *Other material considerations*  
A material consideration is the extant planning permission that exists in relation to this site for the provision of a crematorium (see paragraph 2.2). There were no conditions attached to this planning permission that would restrict the use of the site, in terms of numbers of cremations, opening hours, traffic movements, staff numbers etc, although as set out at paragraph 3.4, it is acknowledged that the approved crematorium building is of a smaller scale than that now proposed. At the time of the determination of the Appeal in relation to the extant planning permission, it was anticipated that there would be a local demand of 700 cremations a year, with cremation services normally being held between 1000-1500 hours during the week, with each service attracting about 10 vehicles.
- 8.10 It was concluded in the Appeal Inspector’s determination of the extant planning permission that whilst some facilities have been successfully accommodated within built up areas, quietness and seclusion are important attributes of a crematorium site. The Crematorium Act 1902 also sets out that “no crematorium shall be constructed nearer to any dwelling house than 200 yards (approximately 182m), except with the consent, in writing, of the owner, lessee,

and occupier of such house, nor within fifty yards of any public highway, nor in the consecrated part of the burial ground of any burial authority”. As a result of this, it was accepted in the Appeal Inspector’s determination that other suitable sites within the surrounding settlement boundaries are unlikely to exist. The Appeal Inspector concluded that the benefit to the community was a compelling reason to suggest that the need for a crematorium was an overriding one, albeit they acknowledged that there was spare capacity elsewhere, and that the sustainability considerations compensated for any policy conflict on the matter of the principle of the development. This decision was made prior to the Romsey Crematorium being permitted and constructed.

- 8.11 It is considered that the requirements of the Crematorium Act 1902 would still be relevant and restrictive in terms of utilising a site within the defined boundaries of a settlement, although it is noted that no details of any alternative site search have been submitted (but this is not necessarily a requirement of local or national planning policy). The application site is not considered to be so far detached from the settlement boundary for Andover (incorporating Charlton) that it would be considered unacceptably isolated in terms of sustainability (approximately 600m to the north), and it is noted that other community facilities/local services exist further into the countryside than the application site, including the adjacent sports ground and cemetery.
- 8.12 Notwithstanding the above, the proposed development would represent a materially different development to that of the extant permission in terms of the increase in the scale of the building proposed and the business operations that would be carried out at the site. As set out already, whilst it is intended that the proposed development would serve a local need for traditional cremations, with the incorporation of a chapel which could hold cremation services between 0900-2000 hours every day, this need has not been categorically demonstrated. The proposed business operations and scale of the development would also seek to serve a wider catchment area, carrying out direct cremations of deceased from across England and Wales 24 hours per day 7 days a week (approximately 1,000 per year expected to rise to 10,000 within 5 years). Furthermore, the proposal would also include office facilities in association with the use of the building as a crematorium, to support the proposed business operations. These office facilities are currently provided in Newbury, and they would be relocated to the application site.
- 8.13 Details have been submitted in respect of the existing business operations carried out by the applicant, including details showing that the location of the deceased has no correspondence to the crematorium currently used for cremation, and that this is because they have to go where they are able to obtain cremation capacity at a reasonable cost. Submitted details include examples of this, including one instance of a deceased client being collected from Andover and subsequently cremated in North Yorkshire. At present it is also advised that all deceased are brought back to the applicant’s premises in Newbury, and then taken to be cremated on a separate journey due to time of delivery constraints and to allow the medical referee 24 hours to check the documentation prior to the cremation, however they do always try to collect 3 or 4 deceased on a journey and deliver 3 or 4 to be cremated at the same

time. Overall, the applicant considers that having their own facility will reduce the number of journeys significantly as they will not be carrying out a second journey to the crematorium from their offices, and it is advised that their vehicles average 100 miles per deceased which they predict will reduce by almost 50% if they can cut out the second journey by basing everything on one site. It is also advised that if they were to proceed with building the crematorium on site as previously permitted, they would not have their back of house facilities and staff at this site, and would have to retain their premises in Newbury to fulfil this requirement, meaning that journey numbers would not decrease as a result.

8.14 It is recognised that the development would have social and economic benefits, particularly the provision of an additional crematorium to add to choice and increased capacity within a closer distance of local residents, as well as providing employment opportunities. As discussed further below, the proposal would also have no adverse environmental impacts. These material considerations weigh in favour of granting permission, as well as the existence of the unrestricted extant planning permission at the site. It is considered that for these reasons, the proposed development can be accepted as a departure to policy COM2 of the RLP.

8.15 **Character and appearance**

Policies E1 and E2 of the RLP seek to protect the landscape of the Borough through the provision of high quality development that integrates with and respects/complements the character of the area, and through the retention/provision of appropriate landscaping and landscape features.

8.16 The application site is relatively well contained visually, with existing mature vegetation within the site and on the site boundaries screening significant views in from the surrounding highway and public rights of way network, and from the adjacent sports ground. Much of the existing vegetation is subject of a tree preservation order (TPO), and these important landscape features also contribute positively and significantly to the verdant and rural character and appearance of the site and the surrounding area. The topography of the site is also such that the proposed building would be set on lower ground within the site.

8.17 As set out at paragraph 3.4, the previously approved crematorium building is of a smaller scale to that now proposed, and assumes a more traditional form and materials (linear building with gabled slate roof above red brick walls). At the time of its determination it was considered that the approved building would fit discreetly into the landscape setting of the site, and would not give rise to a prominent or visually unacceptable structure from public vantage points.

8.18 The crematorium building now proposed would be larger in its footprint and overall scale than that approved, and would utilise a modern design with a variety of roof forms. The proposed building would in general be relatively low level in its height with the use of flat roofs, with taller elements housing the key areas of the building, those being the chapel and the cremator hall. These elements of the building would have mono-pitched roofs. The materials to be

used would be natural and appropriate to this rural site, consisting of green roofs (grass), stone, and cladding. The proposal would ensure the retention of the important landscape features at the site, including existing mature trees on the site boundaries, which would continue to provide substantial and important screening to the site, as well as maintaining the verdant and rural character of the site and the surrounding area. A landscape masterplan has also been submitted showing opportunities throughout the site for additional vegetation. Overall it is considered that the larger and more modern form, function and design of the building now proposed would continue to be appropriate to this landscape setting, and would not give rise to a prominent or visually unacceptable structure from public vantage points.

8.19 It is considered that the proposed development would integrate, respect and complement the character of the area, would ensure that the health and future retention of existing important landscape features would not be prejudiced, and would provide sufficient opportunities for new landscaping and landscape features to enable the proposed development to integrate into the landscape character of the area. The proposed development would comply with policies E1 and E2 of the RLP.

8.20 **Highway network**

Policy T1 of the RLP seeks to ensure that proposed developments are connected with existing and proposed pedestrian, cycle and public transport links to key destinations and networks, and that its impact on users of the networks is minimised. The development, in terms of layout and access, should also be safe, attractive, functional and accessible to all, and should not impact adversely on the function, safety or character of and accessibility to the highway network. Provision should also be made to support and promote the use of sustainable transport. Policy T2 sets out that development will be required to provide parking in accordance with the plan standards. Annex G sets out the minimum residential car and cycle parking standards. RLP policy COM15 sets out that development will be permitted provided that the appropriate investment has been secured either in the form of works and/or financial contributions to mitigate the impact on existing infrastructure.

8.21 The proposed development would utilise the existing site access which was constructed as part of the implementation of the extant planning permission at the site. It is considered that this would provide safe and functional access for vehicles entering and exiting the site onto the surrounding highway network.

8.22 The proposed development would make provision for on site car parking in association with the proposed use. A total of 65 car parking spaces are proposed, 5 of which would be for disabled access. It is considered that this provision would comply with the standards contained within Annex G of the RLP when assessed against comparable uses to a crematorium, and is acceptable. Pedestrian pathways are proposed to provide safe and accessible links from the parking areas to the building itself.

- 8.23 The proposed development is a traffic generating development. Details have been provided in respect of the expected levels of traffic that might have been anticipated with the extant planning permission, on the basis of the expected local need for traditional cremations. Details have also been provided in respect of the traffic that would be anticipated to be generated by the proposed development and the incorporation of direct cremations. It is considered that the total weekly number of anticipated movements, equating to a maximum of 300-400 per week, would not represent a significant increase in the amount of traffic already using this highway per week, on the basis of data obtained by the Parish Council, equating to 29,000. It is considered that the surrounding local and wider highway network is capable of accommodating the traffic that would be generated by the proposed development, with no adverse impacts on its safety, function or character. Conditions are recommended in respect of ensuring that traffic during the construction phase of the proposed development does not impact adversely on the highway network, including in relation to lorry routing and the parking/manoeuvring of contractor and delivery vehicles.
- 8.24 In line with comments made by the Parish Council, the Andover Town Access Plan 2015 (ATAP) identifies a pedestrian improvement project consisting of the provision of a footway from Charlton Village to Charlton Cemetery and Sports Club, which would run past the application site. The ATAP also identifies traffic calming projects, including speed reduction, within Charlton and specifically references Hatherden Road. On the 1 August 2016 the Council implemented its Community Infrastructure Levy (CIL) charging schedule. CIL allows authorities to raise funding for new infrastructure by levying a charge on CIL liable new developments within their area. CIL receipts can be used to fund infrastructure identified on the CIL Regulation 123 list, which includes those contained within the ATAP. Therefore the projects identified above would be funded by CIL receipts, and further contributions towards these projects cannot be taken as part of this particular development.
- 8.25 In view of the above, and in taking into account that the Council's Highways Officer has raised no objections to the proposals, it is considered that the proposed development would comply with policies T1 and T2 of the RLP.
- 8.26 **Amenity and pollution**  
Policy LHW4 of the RLP sets out that development will be permitted provided that; it provides for the privacy and amenity of its occupants and those of neighbouring properties; and it does not reduce the levels of daylight and sunlight reaching existing properties or private open space to below acceptable levels.
- 8.27 Policy E8 of the RLP sets out that development will be permitted provided that it does not result in pollution which would cause unacceptable risks to human health, the natural environment or general amenity, and that development that would or could potentially generate pollution will only be permitted if it can be demonstrated that there would not be any adverse impact on human health, the natural environment or general amenity. For the purposes of this policy, pollution includes noise and vibration, light and air.

- 8.28 There is one residential property within close proximity of the site, that being The Old Nursery Cottage, to the south west. The proposed crematorium building would be situated in excess of 150m away from the north east boundary of this neighbouring property (in excess of 200m away from the dwelling itself). The nearest of the proposed car parking areas would be approximately 30m away from the north east boundary of this neighbouring property. There are also intervening mature trees and vegetation between the sites, which would be retained. In view of these factors, it is not considered that the proposals would lead to any adverse impacts to this neighbouring property in terms of a loss of privacy, daylight or sunlight, and they would comply with RLP policy LHW4.
- 8.29 In terms of pollution, the main considerations are in respect of noise and air emissions. Air emissions from crematoriums are controlled through other legislation outside of planning control, including The Environmental Permitting (England and Wales) Regulations, and the proposal would be subject to ongoing monitoring and inspection in respect of this. It is confirmed within the submission that the cremators would be fully abated and would comply with all EU and UK emission regulations. On the basis of the information submitted with the application, in respect of the proposed cremators and associated plant and machinery (both internal and external), it is not considered that adverse impacts would arise in respect of noise or air pollution on the basis of the proposed business operations relating to the building/use itself. The Environmental Protection Officer has raised no objections to the proposals.
- 8.30 In respect of the impact of vehicular movements associated with the proposed development, conditions are recommended in order limit the number of cremation services, as well as night time collections/deliveries to the site, so as not to result in disturbance to surrounding residential properties in this respect.
- 8.31 It is considered that the proposed development would comply with policies LHW4 and E8 of the RLP.
- 8.32 **Biodiversity**  
Policy E5 (Biodiversity) of the RLP requires development to conserve, and where possible restore and/or enhance biodiversity.
- 8.33 The site is accompanied by a Preliminary Ecological Appraisal, which identifies that there are few sensitive ecological receptors present at the site. The key ecological features at the site are the boundary scrub and mature trees, and these are proposed to be largely retained as part of the development. There is a small badger sett present, however this is located sufficiently away from the footprint of the building works so as to be unaffected by the proposals. The proposed additional soft landscaping within the site would provide planting of a good range and coverage of native species, and this is welcomed in terms of ecological enhancements. It is not considered that the proposed development would have any adverse impacts on biodiversity, and would comply with policy E5 of the RLP.

8.34 **Water management**

RLP policy E7 sets out that development will be permitted provided that supporting criteria relating to the water environment are satisfied where relevant, including in respect of flood risk and water consumption.

8.35 *Surface water drainage*

The site lies entirely within flood zone 1, which is the flood zone with the lowest probability of flooding. In view of the size of the site, the application is supported by a Flood Risk Assessment and details in respect of surface water drainage. The Lead Local Flood Authority (Hampshire County Council) has requested further information in respect of this, and the applicant is addressing this request, following discussions with them. The outcome of this will be reported in an update paper to Committee.

8.36 *Water consumption*

Policy E7 requires all new non-residential development of 500sqm or more to achieve the BREEAM 'excellent' credit required for water consumption. A condition is recommended in respect of this.

8.37 *Foul sewage*

A sewage treatment plant is proposed to serve the development as a means of sewage disposal. This is considered to be appropriate and in accordance with national planning guidance where connection to mains drainage is not possible.

9.0 **CONCLUSION**

9.1 The proposed development is not of a type that is appropriate in the countryside as set out by specific RLP policies, and it has not been demonstrated that it is essential for the proposed development to be located in the countryside. The proposed development would be contrary to policy COM2 of the RLP. However, it is recognised that the development would have social and economic benefits, particularly the provision of an additional crematorium to add to choice and increased capacity within a closer distance of local residents, as well as providing employment opportunities, and the proposal would have no adverse environmental impacts. These material considerations weigh in favour of granting planning permission, as well as the existence of the unrestricted extant planning permission for a crematorium at the site. It is considered that for these reasons, the proposed development can be accepted as a departure to policy COM2 of the RLP.

9.2 The proposals, subject to conditions, would have no adverse impacts on character and appearance, the highway network, biodiversity, water management, and amenity and pollution, and would comply with the relevant policies of the RLP.

10.0 **RECOMMENDATION**

**PERMISSION subject to:**

- 1. The development hereby permitted shall be begun within three years from the date of this permission.**

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

2. **The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers:**

**Reason: For the avoidance of doubt and in the interests of proper planning.**

3. **No development shall take place above DPC level of the development hereby permitted until samples and details of the materials to be used in the construction of all external surfaces hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.**

**Reason: To ensure the development has a satisfactory external appearance in the interest of visual amenities in accordance with Test Valley Borough Revised Local Plan (2016) Policy E1.**

4. **The development hereby permitted shall be carried out in accordance with the provisions set out within the submitted Arboricultural Impact Assessment (AGB Environmental, reference P2988.1.0, dated 18th January 2018).**

**Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase in accordance with Test Valley Borough Revised Local Plan policy E2.**

5. **Tree protective measures installed (in accordance with the tree protection condition) shall be maintained and retained for the full duration of works or until such time as agreed in writing with the Local Planning Authority. No activities, nor material storage, nor placement of site huts or other equipment what-so-ever shall take place within the barrier.**

**Reason: To ensure the avoidance of damage to existing trees and natural features during the construction phase in accordance with Test Valley Borough Revised Local Plan policy E2.**

6. **All service routes, drain runs, soakaways or excavations in connection with the development hereby permitted shall remain wholly outside the tree protective barrier.**

**Reason: To ensure the avoidance of damage to existing trees and natural features during the construction phase in accordance with Test Valley Borough Revised Local Plan policy E2.**

7. **The development hereby permitted shall not be occupied until provision for 6 cycle parking/storage spaces has been made, in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be maintained for this purpose at all times.**

**Reason: In the interest of providing sufficient safe parking for cyclists and in accordance with the Test Valley Borough Revised Local Plan (2016) Policy T2.**

- 8. The development hereby permitted shall not be occupied until space has been laid out and provided for the parking and manoeuvring of vehicles to enable them to enter and leave the site in a forward gear in accordance with the approved plan and this space shall thereafter be reserved for such purposes at all times. Reason: In the interests of highway safety in accordance with Test Valley Borough Revised Local Plan (2016) Policies T1 and T2.**
- 9. No development shall take place until full details of the layout for the parking and manoeuvring on site of contractor's and delivery vehicles during the construction period have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the commencement of development and retained for the duration of the construction period. Reason: Details are required prior to the commencement of the development in the interest of highway safety in accordance with Test Valley Borough Revised Local Plan (2016) Policy T1.**
- 10. No development shall take place until a construction traffic management plan, including details of lorry routing, has been submitted to and approved in writing by the Local Planning Authority. The construction of the development shall be carried out in accordance with the approved details. Reason: Details are required prior to the commencement of the development in the interest of highway safety in accordance with Test Valley Borough Revised Local Plan (2016) Policy T1.**
- 11. Notwithstanding the details submitted no development shall take place above DPC level of the development hereby permitted until full details of hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. Details shall include, where appropriate: proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting, etc.); proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines etc. indicating lines, manholes, supports.); retained historic landscape features and proposals for restoration, where relevant. Soft landscape works shall include: planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes, proposed numbers/densities and tree pit details. The landscape works shall be carried out in accordance with the approved details. Reason: To improve the appearance of the site and enhance the character of the development in the interest of visual amenity and contribute to the character of the local area in accordance with Test Valley Borough Revised Local Plan (2016) Policy E1 and E2.**

- 12. No development shall take place above DPC level of the development hereby permitted until a schedule of landscape management and maintenance for a minimum period of 10 years has been submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall including long term design objectives, management responsibilities and maintenance schedules for all landscape areas and an implementation programme. The landscape implementation, management and maintenance shall be carried out in accordance with the approved details.**

**Reason: To ensure the provision of amenity afforded by proper maintenance of existing and new landscape features as an improvement of the appearance of the site and to enhance the character of the development in the interest of visual amenity and contribute to the character of the local area in accordance with Test Valley Borough Revised Local Plan (2016) Policy E1 and E2.**
- 13. Details of any external lighting shall be submitted to and approved in writing by the Local Planning Authority prior to its first installation. Development shall be carried out in accordance with the approved details.**

**Reason: In the interest of the amenity of the area in accordance with Test Valley Borough Revised Local Plan (2016) Policy E8.**
- 14. Grounds maintenance (such as grass cutting or leaf blowing) shall only take place between the hours of 08.00–18.00 Monday to Friday and 08.00–13.00 on Saturdays and at no time on Sundays or Bank Holidays.**

**Reason: In the interest of the amenity of the area in accordance with Test Valley Borough Revised Local Plan (2016) Policy E8.**
- 15. Cremation services shall only take place between the hours of 0900 and 2000 daily, and no more than 10 services shall take place between these hours on Mondays to Fridays, no more than 6 services shall take place between these hours on Saturdays, and no more than 4 services shall take place between these hours on Sundays and Bank Holidays.**

**Reason: In the interest of the amenity of the area in accordance with Test Valley Borough Revised Local Plan (2016) Policy E8.**
- 16. No more than 6 deliveries or collections to the site per week shall take place between the hours of 2300 and 0700.**

**Reason: In the interest of the amenity of the area in accordance with Test Valley Borough Revised Local Plan (2016) Policy E8.**
- 17. The development shall be designed and built so that it achieves a standard equivalent to Building Research Establishment's Environmental Assessment Method (BREEAM) 'excellent' credit required for water consumption (reference Wat 1). The development shall not be occupied until written evidence demonstrating that this level of water consumption is achieved for the development has been submitted to and approved in writing by the Local Planning Authority.**

**Reason: In the interests of improving water usage efficiency in accordance with policy E7 of the Test Valley Borough Revised Local Plan 2016.**

**Note: Evidence of a suitable BREEAM certificate or written evidence by a BREEAM accredited professional would both be potentially appropriate forms of submission.**

- 18. Before the development hereby permitted is commenced details, including plans and cross sections, shall be submitted to and approved by the Local Planning Authority of the existing and proposed ground levels of the development and the boundaries of the site and the height of the ground floor slab and damp proof course in relation thereto. Development shall be undertaken in accordance with the approved details.**

**Reason: Details are required prior to the commencement of the development to ensure satisfactory relationship between the new development and the adjacent buildings, amenity areas and trees in accordance with Test Valley Borough Revised Local Plan (2016) Policy E1.**

**Notes to applicant:**

- 1. In reaching this decision Test Valley Borough Council (TVBC) has had regard to paragraphs 186 and 187 of the National Planning Policy Framework and takes a positive and proactive approach to development proposals focused on solutions. TVBC work with applicants and their agents in a positive and proactive manner offering a pre-application advice service and updating applicants/agents of issues that may arise in dealing with the application and where possible suggesting solutions.**
  - 2. The various trees standing within this site are all protected by virtue of Tree Preservation Order TPO.TVBC.141. Damage to the trees is an offence under the Town and Country Planning Act 1990. Failure to comply with the tree protection conditions above is likely to result in damage to the trees. Tree damage may lead to the prosecution of those undertaking the work and those causing or permitting the work.**
  - 3. No vehicle shall leave the site unless its wheels have been sufficiently cleaned as to minimise mud and other material being deposited onto the highway. Appropriate measures, including drainage disposal, should be taken and shall be retained for the construction period. (Non compliance may breach the Highway Act 1980.)**
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## **APPENDIX B**

### **Officer Update Report to Northern Area Planning Committee on 29 March 2018**

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<b>APPLICATION NO.</b>	17/02610/FULLN
<b>SITE</b>	Former Charlton Nursery, Andover, Hampshire, SP11 OTA, <b>CHARLTON</b>
<b>COMMITTEE DATE</b>	29 March 2018
<b>ITEM NO.</b>	7
<b>PAGE NO.</b>	11 - 44

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#### **1.0 AMENDMENTS**

- 1.1 Further to paragraph 3.3 of the main agenda report, the overall height of the proposed chimney would be approximately 9.9m.
- 1.2 Additional information was submitted in respect of surface water drainage on the 7 March 2018, in response to comments made by the Lead Local Flood Authority. The LLFA were re-consulted following this submission, but no further comments have been received from them to date. The recommendation has been amended to reflect this.
- 1.3 Condition 2 of the main agenda report has been amended to include the approved plan numbers.
- 1.4 Plans showing the previously approved and extant crematorium at the site, including elevations, floor plans, site layout, sections and landscaping details (subject of applications TVN.03232/4 and TVN.03232/3) are included in this update paper.

#### **2.0 CONSULTATIONS**

##### **2.1 Planning Policy; Comments;**

- COM2 (and inset map 1) – the site lies outside the defined settlement boundaries, therefore is within the countryside. On this basis the proposal would need to be considered against criteria a) and b). The proposal would not accord with any of the policies listed in criterion a). For reference, the submission makes reference to policy LE17 (which is referred to in criterion a)), however as the site is not currently in use as an employment site, this policy is not relevant. Consideration should be given to whether the proposal satisfies criterion b);
- Section 3.2 of the Design and Access Statement provides some limited information regarding the need for the proposal, including regarding an ageing population; that cremation makes up 70% of funeral services in the UK; and that those living in the Andover area would have to travel to Basingstoke to reach the nearest crematorium. The submission refers to a rule of thumb that crematoria are located approximately 30 minutes from the population they intend to serve and that this would be exceeded at present. The map associated with this part of the statement does not indicate the crematorium at Ridge, near Romsey, which was permitted in December 2015 (15/02328/FULLS) and is now operating;

- It is understood that there are legal requirements regarding the location of crematoria including in relation to proximity to dwellings and public highways (Section 5 Cremation Act 1902) that may make a location within the settlement boundaries more difficult to achieve;
- An additional statement has been submitted titled 'Use of Charlton Park Memorial Chapel and Crematorium' which sets out more information about the intended operation of the site. It does not specifically consider compliance with criterion b) of COM2;
- The statement refers to the site being proposed for 'traditional funerals', based on information in the traffic movement section, it is assumed that approximately 1,000 cremations per year are envisaged from the Andover area, which is stated as being too low to make a traditional crematorium viable in its own right. In addition, the site is proposed for 'direct cremation' which is described as when the cremation occurs without a formal ceremony at the venue – this operation is referred to as covering the whole of England and Wales. The traffic management section of the statement indicates that the applicant currently carries out 1,000 direct cremations a year, with the expectation that this would increase to around 10,000 cremations a year. The employment section of the statement indicates the proposal is to relocate the applicant's entire operation to the application site. Based on the figures provided, it is assumed that approximately half of the cremations at the site are anticipated to initially be direct cremations, potentially rising to around 90% of the cremations. The office activities associated with the whole business would also be located at this site, as noted above, this would include the relocation of existing office based activities;
- Having regard to the scale of operation and the split of the operations (with the direct cremations arising from the whole of England and Wales), consideration would need to be given to the essential need for a countryside location as required through policy COM2 b). Based on the information submitted, insufficient justification has been provided so as to justify this proposal against this criterion of COM2. On this basis, the proposal is contrary to the development plan. Regard would therefore need to be given as to whether there are material considerations that justify the proposal as a departure from the Development Plan;
- *National Planning Policy Framework (NPPF)* The National Planning Policy Framework (NPPF) is a material consideration. The NPPF identifies the three dimensions of sustainable development which should be taken into account, i.e. social, economic and environmental roles (paragraph 7). Paragraph 6 sets out what sustainable development means in the context of the NPPF guidance;
- There are no specific references to crematoria, although there are references to supporting community facilities (section 8). Regard would also need to be given to potential public benefits arising from such a scheme including choice and access to such facilities. Potential economic and employment benefits (application form refers to 20 proposed employees, while the 'Use of Charlton Park Memorial Chapel and Crematorium' statement refers to staff numbers being expected to reach 16 over the next 2 years, accounting for relocation of existing staff) would also be a material consideration. It has also been put

forward that the capacity to carry out all activities associated with the applicant's operations from one site would significantly reduce the number of journeys undertaken relative to the existing operational approach;

- *Relevant Planning History* Outline planning permission was granted via appeal for a crematorium at this site in February 2002 through application reference TVN.03232/3. A reserved matters approval was issued further to this in May 2006. In January 2017, a Certificate of Lawfulness was issued in relation to these applications, which indicated that the use / operation of the site as permitted through TVN.03232/3 and /4 would be lawful. Regard would also need to be given to how comparable the current proposal is to that which is permitted via TVN.03232/3 and /4 in terms of the implications for the principle of the current proposal - the scale and nature of the proposal appear to be quite different to those established through the planning history;
- *Summary on Principle of Proposal* The proposal does not accord with policy COM2 of the adopted Local Plan. Therefore consideration needs to be given as to whether there are material considerations that justify departure from the Development Plan. The Case Officer is best placed to weigh up all such considerations. This will include the planning history of the site, which includes an extant permission for a crematorium, as well as other social, economic and environmental considerations.

### 3.0 REPRESENTATIONS

#### 3.1 **1 x letter**; Comments from Shakespeare Martineau, 1 Meridian South, Leicester, raising (summarised);

- Committee report fails to recognise that there are a significant number of planning appeal decisions where Planning Inspector have consistently adopted an approach to dealing with crematoria in the open countryside. Inspector has considered qualitative and quantitative need for facility;
- Report submitted previously by Memoria with objection dealt with assessment of quantitative and qualitative need and the absence thereof;
- Submission does not consider Romsey crematorium. This is a material change in circumstances since previous planning permission;
- Previous grant of planning permission granted in circumstances very different to those which exist now;
- Applicant acknowledges that small local crematorium as permitted is no longer viable proposition;
- Previous planning permission is no longer a relevant consideration – it is a materially different proposal. This is a much larger facility with extensive parking and 4 cremators as opposed to one. Unlike previous permission which was meant to serve a local need this proposal cannot address a local need because it is not viable, particularly in light of Romsey crematorium being built;
- Planning permission was granted 16 years ago and despite allegedly implementing the planning permission by lawfully commencing limited highway works, no attempt has been made to build it;

- Approved plans and design are out of date;
- Wrong to conclude that the grant of 2002 planning permission is material consideration. Courts made it perfectly clear that only must there be a planning permission on which an applicant relies as a fall back, there has to be a likelihood or real prospect of such development authorised by that planning permission occurring;
- Planning permission is 16 years old without any development having materially taken place;
- Serious question marks as to whether or not the planning permission was ever lawfully implemented despite grant of Certificate of Lawfulness of development;
- Design of permitted crematorium are out of date;
- New crematorium at Romsey take away need for any local crematoria facility;
- Permitted scheme no longer viable so there is no realistic prospect that it will ever be built. It is not an alternative fall-back position and cannot lawfully constitute a material consideration;
- Development is unacceptable development in the countryside;
- There is no need for the development as evidenced in objections;
- If there is a breach of planning policy by locating this large commercial development in the countryside and there is no need for it to be located in the countryside and there is no need for the facility in any event, particularly in light of recent erection of crematorium at Romsey, then there cannot be a justifiable exception to policy;
- Absence of lawful basis for relying on a previous grant of planning permission in 2002 further undermines conclusions in report;
- Proposal runs contrary to sustainability requirements of NPPF and encourage journeys from all over England and Wales on a 24/7 basis along local substandard highways and through small village communities. Travel distance involved and CO2 emissions cannot be justified for a rural location near a small settlement in southern England. This facility could so easily be located in a central location near to major built up urban area;
- Traffic impact has not been properly or lawfully assessed in terms of impact on local highway and communities. Paragraph 32 of the NPPF states “all developments that generate significant amounts of movement should be supported by a transport statement or transport assessment”. Scale of proposal will be significant generator of traffic. Proposed building is of significant scale with four cremators which is exceptional by any crematorium standards and could only be justified by extensive hours of operation. There is neither a transport statement nor transport assessment;
- Making a simplistic judgement on a percentage increase in traffic based on unsubstantiated claims as to likely traffic generation is in no way a sound basis for assessing the likely traffic impact of this scheme;
- Cannot ignore need for such evidence simply because of a previous grant of planning permission in 2002, which is significantly different scheme with no realistic prospect of being implemented;
- Council must consider this proposal in isolation as new scheme in the

open countryside, and properly considered in traffic impact terms which it hasn't;

- Alleged social and economic benefits would not outweigh breach of planning policy in the absence of any need for the facility of this size and scale in this location;
- Employment opportunities are not adequately set out and no clear evidence to suggest that job creation shouldn't or couldn't be provided in a more suitable location;
- Job creation is neither a key consideration nor is it relevant given its likely neutral impact when considering an alternative location in which to site this facility;
- Essential that an alternative site assessment to consider a more suitable site should have been conducted;
- Application should be refused as being contrary to policy, there being no need for the development, and on highways grounds;
- Local need from previous planning permission has disappeared, and a crematorium serving local need is no longer viable and there is no reasonable prospect of the permitted scheme ever being built.

#### 4.0 **PLANNING CONSIDERATIONS**

##### 4.1 **Highway network**

Paragraph 8.23 of the main agenda report should set out that the total weekly number of anticipated inbound funeral-related vehicle movements equates to 300-400.

#### 5.0 **RECOMMENDATION**

**Delegate to the Head of Planning and Building that subject to no unresolvable objections being received from the Lead Local Flood Authority, then PERMISSION subject to conditions 1 and 3-18 and notes 1-3 of the main agenda report, any further conditions recommended by the Lead Local Flood Authority, amended condition 2 and additional note 4 below:**

- 2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers; P17-063 02-02-002 E; P17-063 02-03-001 E; P17-063 02-04-001 D; P17-063 02-05-001 C; P17-063 02-05-002 C.**

**Reason: For the avoidance of doubt and in the interests of proper planning.**

**Note to applicant:**

- 4. Badgers are known to be present in the wider countryside. These animals, which are legally protected, have large territories and can excavate new setts at any time. It is therefore advised that the applicant ensures that there is no new badger activity within the areas affected by construction works before works commence, and that this check takes place at least three months before works start to give sufficient time for appropriate mitigation works to be designed and any necessary licences to be obtained. If badger presence is suspected, further advice should be sought from Natural England or an appropriately experienced ecologist.**
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