

Statement of Case -Appendix A

Technical Consultation Responses to the Application

Appeal against refusal by Mid Sussex District Council.

Outline Planning Application for single chapel Crematorium with a single abated cremator and Natural Burial Site with associated access, car parking, landscaping and drainage. All matters reserved apart from access. Turners Hill Burial Ground, Turners Hill Road, Turners Hill RH10 4PB.

Reference: DM/20/2877

Hartmires Investments Ltd

JPL Ref: 21/12/ -Appendix A

LPA Ref: DM/20/2877

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I. Technical Considerations and Consultation Responses

- 1.1 This appendix provides a summary of the technical considerations of the appeal proposal and responses received by the various consultees to the Council to the proposal when it was considered at the District Planning committee.

Flooding

- 1.2 The application is accompanied by a full Flood Risk Assessment. The site is located entirely within Zone 1, where there is a low probability of flooding.
- 1.3 The Local Lead Flood Authority, WSCC (West Sussex County Council) have raised no objection to the proposal and have advised on reserved matters to be secured should planning permission be granted in outline.

Drainage

- 1.4 The Council's drainage officer also responded positively to the application and suggested a condition requiring details of the proposed foul and surface water drainage and means of disposal to be submitted to and approved by the Council.

Environment Agency

- 1.5 The Environment Agency raised no objection to the application and suggested three conditions that encompass the following:
- 1) requiring a foul drainage strategy,
 - 2) limiting surface water drainage to avoid infiltration,
 - 3) seeking to deal with contamination not previously identified.

Highways

- 1.6 The application was supported by a Transport Assessment (TA) as advised. Trip generation for crematoria and burial sites are low volume and generally off-peak.
- 1.7 The TA concluded that daily flows will amount to about 5% of movements and therefore within the 10% variation of normal daily flows. This makes the additional traffic impact on the network negligible. Most flows will be during the weekday inter-peak period.
- 1.8 The road safety audit raised no further material issues of concern. Further information is to be provided at Stage 2 (detailed design).

- I.9 The Local Highway Authority (LHA) raised no objection, they concluded that the analysis shows up to a 5% increase in predicted traffic each weekday hour on Turners Hill Road.
- I.10 They also confirmed that adequate visibility is available (with some modifications to the roadside verges and control of vegetation) at the proposed site access. A Section 278 highways agreement will be needed in order to implement the access. As far as road safety is concerned, the consultant has carried out an analysis of traffic accidents nearby, which again does not highlight any issues of concern.
- I.11 They went on to state that the TA accepts that, given the modest level of bus service provision near to the site and the likelihood that most site visitors will arrive and depart by car, the site is unlikely to be attractive for non-car access. A brief overview of the likely interaction between the site and other facilities within the village does not raise any potential problems. A dedicated footway is available between the site and St Leonards Church.
- I.12 In relation to parking they commented that the proposed parking provision appears reasonable for the use, although we acknowledge that this matter will be addressed in full under a reserved matters application.

Ecology

- I.13 A Preliminary Ecological Appraisal was been completed by Urban Edge Consulting a copy was submitted in support of the application. The report was prepared to record the ecological baseline and identify key ecological features within and around the proposal site.
- I.14 The impacts of the planned development upon biodiversity will be non-significant with suggested ecological enhancements resulting in a net gain and a long-term positive increase in biodiversity in line with national planning policy guidance.
- I.15 The Council's ecologist's response is supportive suggesting appropriate conditions.

Contamination

- I.16 The application was submitted with a contamination report by Terragen.
- I.17 The Council's consultee on contaminated land commented that the Preliminary Risk Assessment by Terragen has been assessed and agreed. Given the findings of the

report is agreed he recommended that no further investigation of the site is required at this time.

- I.18 He advised it is appropriate to apply a contaminated land discovery strategy for this development just in case otherwise unsuspected contamination is found during the development of the site.

Air Quality

- I.19 The site has been chosen for its location away from nearby residential properties. It is not anticipated that either from the operation of the crematorium or the nature of the access that there would be any impact on the amenity of any dwellings. An assessment has been carried out to determine the local air quality impacts associated with the construction and operation of the proposed crematorium.
- I.20 Predicted maximum process concentrations at sensitive receptor locations are well within the relevant air quality standards for all pollutants considered. The significance of the impacts has been assessed as negligible in accordance with the EPUK/ IAQM planning guidance and Environment Agency's risk assessment guidance.
- I.21 The Council's Environmental Protection Officer did not identify whether she supported the application, but her response recommended a condition, which implies she had no objection to the proposal. She noted that if permission were to be granted for this planning proposal then an application would be required for an environmental permit to fulfil the pollution prevention and control legislative requirements.
- I.22 The condition suggested recognised the site was not in or close to an air quality management area but she nevertheless would require a condition mitigating emissions. Given the emissions are regulated by permit and the traffic generated are within normal daily fluctuations this proposed condition does not meet the six tests as it is not necessary or reasonable.

Archaeology

- I.23 A desk-based assessment was prepared by Wessex Archaeology. This found that there is an archaeological interest within the Site. This is defined as the potential for the presence of buried archaeological remains, in particular relating to the medieval and Post-medieval periods.

- I.24 The response From Surrey County Council (who provide advice to MSDC) praised the production of a desk-based assessment and advised that to ensure the required archaeological work is secured satisfactorily, a planning condition should be attached to any outline planning permission that may be granted.

Potential Minerals Sterilisation.

- I.25 West Sussex County Council as mineral planning authority advised that the site is within a Building Stone Mineral Safeguarding Area and would occupy some 7ha of land. Policy M9 of the JMLP notes that proposals for non-mineral development within these areas will not be permitted unless exceptions could be demonstrated. This issue had not been raised by MSDC at the pre-application stage.
- I.26 The applicant prepared a response to satisfy any concerns and a revised response on 25 September 2020 confirmed 'No Objection'. This was on the basis of a demonstration by the applicant that the demand for Ardingly Sandstone is currently being met and that the viability of the site for stone extraction was low.

Fire and Rescue

- I.27 A formal response from West Sussex County Council Fire and Rescue Services provides advice in relation to planning conditions. They suggest two conditions for provision of a fire hydrant.

Landscape Impact

- I.28 The responses on landscape impact are considered in detail in section 6 of the statement of case. There were six letters in total from the County Landscape Architect dated 1/9/20, 16/9/20, 28/10/20, 2/11/20, 12/11/20 and 25/11/20 all providing different advice, with certain statements retracted, and at least some errors and omissions admitted. In addition, an email from the case officer (13 November 2020 -Appendix C) has set out common ground agreed with the County Landscape Architect that is in places in direct conflict with views expressed in her responses. The (sixth) final version of the consultation response letter was reported to the Committee who determined the application, now subject to this appeal.
- I.29 The 'evolving' position of the County Landscape Architect has been in part in response to challenges in correspondence from the appellant's landscape expert who prepared the design of the scheme and the Landscape and Visual Impact Assessment (LVIA). The appellant's agent has sought to resolve matters by

agreement through numerous requests to use of video meetings and with an offer of a site meeting with the Council's specialist advisor, all of which were declined.

- I.30 The appellant's contention is that the landscape impact of the proposal has been significantly overstated by the County Landscape Architect and now the Council. This is the one of the two key areas of dispute with the Council.