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SUMMARY

Proof of Evidence of Lisa Jackson MA BSc MRTPI of Jackson Planning Ltd

Land north of Turners Hill Road, Turners Hill,
RH10 4PB

Hartmires Investments Ltd

PINS Ref: APP/3266563

LPA ref: DM/20/2877

April 2021

JACKSON PLANNING

I. Summary Proof

- I.1 My name is Lisa Jackson, I am a chartered town planner and Member of the Royal Town Planning Institute. I have recent and relevant experience in the planning, design and development of Crematoria. I appear at this inquiry on behalf of Hartmires Investments Ltd (the Appellant).
- I.2 My evidence is concerned with the planning balance and the relative weight to be afforded to planning Policy given its consistency with the Framework, as it relates to this proposal, and by considering the fallback position in relation to schemes of development permitted and part implemented on the Appeal Site. This evidence is given in accordance with the guidance of the Royal Town Planning Institute. I confirm that the evidence and the opinions given are my true professional opinions.
- I.3 The appeal proposal is for is for a single 'chapel crematorium with single abated cremator alongside the facility for natural burial on the site on a scale previously approved on this site. The site is already established through the historic consents and partial implementation of those permissions, as a site for funeral services and final committal of the deceased by natural burial.

Appeal Scheme Benefits

- I.4 The appeal scheme directly leads to the following benefits:
- I. Improving choice and raising the standard of care to the bereaved – this community facility provides a critical 'one chance' life event. There is no opportunity to repeat a funeral and a poor experience at a funeral aggravates grief.
 - II. Offering the bereaved a choice of committal in a high-quality, attractive, calm and comforting secular setting to cater for those of any faith or none.
 - III. Additional quality and choice in the polarised, costly and broken Funeral Market to avoid the long waits for congested and high price services and to relieve the chronic pressure of the existing facility at Surrey and Sussex Crematorium
 - IV. Providing a community benefit in terms of policy DP25 to cater for the inevitable increase in deaths as a result of planned population growth in the District and surrounding area.
 - V. The appeal scheme recognises the benefits set out in the Framework paragraph 84 in meeting a community need beyond an existing settlement whilst exploiting the opportunity for more sustainable means of travel (securing the pedestrian access to St Leonards and Turners Hill and providing a footpath on the site frontage to avoid the use of the road by pedestrians from the western bus stop) on a part previously developed land.

- VI. The proposal represents the most effective use of land set out in the Framework in Chapter 11 to ensure a wide range of benefits to the community in terms of choices for the bereaved by making better use of the site than the fallback consents (where a site is not allocated for a specific purpose in a development plan as set out in NPFF 121b).
- VII. I consider that the appeal proposal as a solution to the design scheme of the site is comprehensive and has benefits over the existing composite consents on the site.
- VIII. The proposal will secure an average biodiversity net gain of 30% ahead of any formal requirement to do so.
- IX. Economic Benefit – the proposal will result in construction jobs and in the long-term local jobs at the site, for the site’s maintenance and in the local supply chain for example funeral directors, florists and hospitality venues in the vicinity.
- X. The proposal provides an immediately workable design solution for a Crematorium operator within the parameters plan 917-GA-02A secured by condition 2.

Fallback Considerations & Consistency of Decision Making

- 1.5 Fallback approvals establish the acceptable use of the site for the provision of funeral services. The Chapel to support that use has approval (recently renewed under consent DM/21/0014 issued 08/03/21) and would cater for services of up to 40-60 people. There are 45 car parking spaces provided with the previous approvals that would serve both mourners and staff.
- 1.6 The approval under DM/15/1035 has been confirmed as lawfully implemented. This fallback consent anticipated 2 services a day associated with Natural Burial. However, neither this application or the subsequent approval of the Chapel (or revision or renewal) had any limit imposed on the number of burials or services that could be undertaken. There are no limits on the hours of operation on any of the relevant consents. This unfettered consent is a significant fallback consideration in relation to the Appeal Proposal.
- 1.7 Mr Gibbins in his proof (and using the photomontage prepared), has shown that the fallback proposal for the Chapel is more harmful to views in and out of the AONB than the appeal proposal, and that the impacts of the proposal are highly localised and short term.
- 1.8 In the determination of this appeal proposal the Council have proved to be entirely inconsistent with two previous assessments for related development they made on the site. Firstly, application DM/15/1035 (M3.8) for the natural burial ground. Secondly, the application for the Chapel renewal made this year DM/21/0014(M3.7). It is well established that the LPA should have regard to previous similar decisions as a material consideration, in the interests of consistency.

Policy Framework

- I.9 Policy DPI and DPI2 and THP8 are all out of date and must attract limited weight due to lack of consistency with the Framework. Of those policies that do attract full weight, DP25 is in favour of the proposal, whose relevance is examined in detail section 6 of my proof.
- I.10 There is express support from policy DP25 of MSDP (CD4.1). The natural burial ground is (although not yet operational) a community facility as identified in the supporting list to the policy. The appeal proposal adds/ and improves a further community facility the Crematorium, which adds choice of committal and in terms of layout and design overall the proposal improves significantly on the existing consents.
- I.11 The Council no longer rely on DP25, but they do not suggest it supports the appeal proposal. The Council did not undertake any research in the plan making stage of the planning process to deal with the need for facilities to support funerals. The failure to identify facilities and sites for the inevitable increase in deaths in the District that follow from growth is regrettable, NPPF121 is clear that absence of a formal allocation for a community facility is not a reason to refuse planning permission.
- I.12 It has been accepted in many other appeal decisions that the constraints of the legislation in the 1902 Cremation Act (CD11.0) requires new crematoria to have a rural or countryside location. This is well rehearsed in the DL for Appeal 2211858 at Great Glen (CD12.3) paragraphs 10-11 which usefully considers other appeal decisions too.
- I.13 The Council claim the Framework supports their reason for refusal, but they fail to evidence to any conflict that sustains the reasons for refusal, especially when considering the particular positive support from Framework at 83, 84, 92 and 121b).

Need for the Appeal Proposal

- I.14 The Council's case rests largely on their being no 'overriding' need for the development. At the planning application stage, the alleged issue was that there was no overriding need for the development (to outweigh alleged harms to countryside). The significant lacuna in the Council's case is their assessment of the qualitative need for the proposal. They failed to fully understand why the qualitative need for the development is an essential component of the need case and how this relates to quantitative issues.
- I.15 The appellant is clear that the weight to be afforded the need for the development should be substantial, as it is compelling, as set out in Mr Mitchell's proof.

Impacts of the Development

I.16 The Council's assessment of impacts to the countryside and setting of the AONB was wrong. The Council have attributed the wrong weight to the harm of the development, they provided a confused and erroneous assessment of landscape harm using the wrong tests that are not applicable to the site, and then having agreed common ground on landscape impacts, this was abandoned for a more forceful criticism that had no objective basis, and they did not properly consider fall-back. They have failed to have appropriate regard to the most important policy that supports the proposal (DP25) that has no limits on location.

Overall Balance

I.17 The Appellant's case is that the Appeal Scheme accords with the development plan taken as a whole, and the basket of policies in so far as they are not out of date, expressly support the proposal. The Appellant does not consider that any adverse impacts alleged by the Council significantly and demonstrably outweigh the benefits when considered against the Framework taken as a whole. It is clear that planning permission should be granted as the benefits of the Appeal Scheme outweigh any perceived adverse impacts, especially when considering fallback. On this basis, I respectfully request that the Appeal is allowed.