

**Report to Planning Committee**

**Subject:** Introductory Report to Planning Applications 2012/0616 and 2012/0799

**Date:** 8 May 2013

**Author:** Service Manager, Planning and Economic Development

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**Application Nos:** (1) 2012/0616 & (2) 2012/0799

**Applicants:** (1) Mr Richard Evans (Westerleigh Group Ltd)

(2) Mr N Lymn Rose (A W Lymn The Family Funeral Service)

**Proposals:** (1) Proposed Crematorium & Cemetery for Gedling

(2) Demolition of dwelling & outbuildings & proposed development of a Crematorium building with memorial woodland, landscaping, nature conservation enhancement works & associated matters

## **1 - Introduction**

This report relates to two planning applications on two separate sites by different applicants for the erection of a crematorium and associated works. Application no: (1) 2012/0616 also includes the provision of a cemetery. Both sites are located on the north side of Catfoot Lane, Lambley, within the Green Belt for Nottingham and a Mature Landscape Area. The boundaries of the two sites are approximately 300 metres apart.

The applications are being reported as follows:-

- a) This report covers a number of common matters which affect both of the applications
- b) Each application then has its own separate report but those reports also rely upon information and advice contained within this report.

The reason for reporting in this fashion is that Planning Committee needs to consider a number of common issues and reach a view on these before it is able to make either determination. The two most important decisions it must take are to determine:-

- 1) Whether there is a need for crematoria services in the Borough and if so at what scale.

- 2) If this is a situation when, in determining the applications, alternatives to the proposals are a material consideration.

The final preliminary point is that applications for crematoria have the potential to be regarded as EIA development under Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011. There are delegated powers under the Council's Constitution to screen such applications, upon receipt of a request from applicants, to reach an opinion whether the formal EIA procedures need to be undertaken. Both applications were so screened and the opinion reached that both proposals would not give rise to any significant effects on the environment. As such, no EIA assessment was required for either proposal. Even so, there is always the potential during the application process that further information arises which leads the Council to form the view that in fact the application is EIA Development and a formal assessment required. No further information has been received in respect of either application that has led to a different opinion and it is considered that the Council has complied with its obligations under the EIA regulations, and these do not form an obstacle to the grant of planning permission for either application.

## **2 – Background**

### Current Proposals

The first application (2012/0616), on behalf of the Westerleigh Group was made in May 2012 and relates to a field approximately 200 metres from the junction of Catfoot Lane with the B684 Mapperley Plains. The second application (2012/0799), on behalf of A W Lymn, was made in June 2012, and also relates to a field, but includes the dwelling and associated buildings of Orchard Farm, 216 Catfoot Lane, which would be demolished. This site is located slightly further down Catfoot Lane towards Lambley village and is approximately 685 metres from its junction with the B684 Mapperley Plains.

Although the proposed crematoria have different designs, they are both of a similar size, with the first application (2012/0616) having a total internal floorspace of 536 square metres and the second application (2012/0799) having a total floorspace of 555 square metres.

### Previous Proposals

There have been three other applications for a crematorium within Gedling Borough in recent years. These decisions have the potential to be material considerations, although I am also mindful that the situation regarding crematorium provision has changed in the meantime and must be re-assessed in relation to the current proposals.

1. APP/N3020/A/07/2039505 - Land Off Oxton Road, Calverton - Change of use of land from agricultural to enable the erection of building for use as a Chapel & Crematorium, a Garden of Remembrance, car park & vehicular access

This application was refused on Green Belt and sustainability grounds in September 2006. In the opinion of the Borough Council, the very special circumstances

required to outweigh the harm caused to the Green Belt, by reason of inappropriateness, were not established.

An appeal against this decision was dismissed in January 2008 by Jeremy Eagles.

The Inspector's decision letter can be summarised as follows:

- The proposal constituted inappropriate development which was, by definition, harmful to the Green Belt.
- The proposal included the erection of a large imposing building in an exposed and prominent area of countryside on the sloping side of a valley, located in an elevated position above the carriageway of Oxtan Road and much of the proposed development would be readily visible from publicly accessible areas. The scheme would reduce the openness of this part of the Green Belt, which would conflict with the most important attribute of Green Belt. The development would not be readily assimilated into the local landscape or have regard for the rural character and appearance of the appeal site and its surroundings.
- In considering whether there was an over-riding need for an additional crematorium in this area of South Nottinghamshire, the Inspector accepted that local population levels and customer expectations in respect of the timing of funerals, the increased length of time allocated to individual services and the choice of when the funeral is held, were rising. However, there were four crematoria in the area which appeared to operate at levels well below their maximum capacity.
- The Inspector recognised that peak demand for crematoria services is seasonal, causing periods of delay in booking funerals at the most convenient times in January and February. At these times bereaved families are sometimes called upon to make difficult choices between the preferred time of a funeral and how soon it is held. However, such decisions often relate to the convenience of travelling arrangements for dispersed family members and friends, and although these are important matters, they do not constitute a very strong justification for another facility on quantitative grounds. In qualitative terms, it was accepted that unduly long journeys to distant crematoria are unattractive to mourners, but in widespread rural catchment areas it is reasonable to expect trip times approaching the recommended maximum standard. Although the proposal would be economically viable and very convenient to people attending funerals in the immediate area of North and East Nottingham, it was not considered that there was an over-riding need for an additional crematorium in the area on quantitative or qualitative grounds.
- In relation to sustainability, it was noted that the equipment to be installed would incorporate modern filters, which would ensure that all emissions were "clean to air", and that the length of car journeys for mourners living within 5 miles of the site would be reduced. However, this was not considered sufficient to outweigh the harm arising from the unsustainable location of the appeal site in an isolated rural position with no passing bus services or separate footway on Oxtan Road for pedestrians. Users of the crematorium would be almost entirely reliant on the car for transport and the proposal would not be sustainable to any significant extent that would justify its location within the Green Belt.
- In considering alternative sites, and having regard to other cases and the practical effect of the minimum separation distance required under the

Cremation Act 1902, the Inspector accepted that a rural location could be acceptable for a crematorium, subject to compliance with the criteria set out in Replacement Local Plan Policy ENV1. It was also acknowledged that some previously developed sites on the urban fringe may be more suitable for commercial or housing development, but equally that there is a possibility that there are alternative sites available where the less intensive use of land associated with a crematorium is more appropriate. No evidence of a thorough search for a more appropriate site in the wider area, either within or outside the Green Belt, was produced or very few details given of the reasons for dismissing the sites which were identified in the immediate locality. In the absence of convincing evidence that there was no other appropriate site available in the area, the Inspector could not be sure that there was an over-riding case for the proposal on this site in the Green Belt.

- The Inspector concluded that the proposal would constitute inappropriate development harmful to the function and purpose of the Green Belt and that there were no very special circumstances sufficient to clearly outweigh the harm identified.
- With regard to other matters, it was considered that the distance of the proposal from the adjacent Art Centre was sufficient to ensure that it would not impinge upon activities there to such an extent that the viability of the Art Centre would be threatened. Similarly, the distances between the appeal site and nearby residential properties and the Golf Centre were considered to be such that any residents or visitors who find crematoria disturbing were unlikely to find its presence too oppressive.
- The Inspector agreed with the Highway Authority that the proposal would be acceptable on highways grounds, subject to appropriate conditions.
- Any noise or disturbance generated from the Art Centre, or other neighbouring uses, which may affect the feelings of mourners would be mitigated by the distance of these uses from the appeal site and the background noise from traffic on Oxtan Road.

2. APP/N3020/A/07/2035242 - Dairy Farm, Mansfield Road, Arnold - Conversion of existing premises & extension to form new crematorium & cemetery burial site.

This application was refused on Green Belt, Landscape, Listed Building and sustainability grounds in October 2006. In the opinion of the Borough Council, the very special circumstances required to outweigh the harm caused to the Green Belt by reason of inappropriateness were not established.

An appeal against this decision was dismissed in June 2007 by Susan Hesketh. The Inspector's decision letter can be summarised as follows:

- The proposals did not constitute inappropriate development in the Green Belt and that the Appellant did not need to demonstrate very special circumstances in order to demonstrate why permission should be granted.
- However, given the sensitivity of the site and the lack of detail in the application, the proposed development would have an unacceptably detrimental impact on the visual, historic and nature conservation importance of the Mature Landscape Area.

- The proposals would not meet the requirements of national and local policies relating to the preservation of listed buildings and the preservation or enhancement of their setting.
- The loss of the grassy courtyard would unacceptably harm the character and appearance of the existing development on the site.
- The lack of pedestrian accessibility was not sufficient in itself to dismiss the appeal.

3. APP/N3020/A/2074820 - Land Off Oxtou Road, Calverton - Change of use of land from agricultural to enable the erection of building for use as a Chapel & Crematorium, a Garden of Remembrance, car park & vehicular access

This application was refused on Green Belt and sustainability grounds in November 2007. In the opinion of the Borough Council, the very special circumstances required to outweigh the harm caused to the Green Belt by reason of inappropriateness were not established.

An appeal against this decision was dismissed in January 2009 by Alan Novitzky. The Inspector's decision letter can be summarised as follows:

- The proposal represented inappropriate development in the Green Belt.
- The profile of the building would project above the horizon. Although something of the scale of a large agricultural barn, its location, form, materials, and association with the access route and other elements of the development, would show that it did not belong within the landscape as an agricultural element.
- Despite screening, the substantial car park and its associated activity would still be seen from the road and from other positions within the landscape. The garden of remembrance, set into the slope of the ground, but in its nature carefully tended, would also be seen contrasting with the natural landscape. The development would inevitably become a focus of attention, visually commanding the surrounding broad, open landscape.
- The proposal would significantly harm the openness of the landscape. Moreover, it would conflict with one of the purposes of including land in Green Belts, of safeguarding the countryside from encroachment. Despite other development in the surrounding area, the proposal would attract particular visual attention because of its location. In any event, harm which may already exist should not be compounded.
- The proposal would conflict with Local Plan Policy ENV1(a) through its harmful effect on the open agricultural appearance of the area in terms of scale, bulk, form and layout. It would also conflict with Planning Policy Statements 1 and 7 in failing to protect and enhance the quality and character of the countryside.
- The need for the provision of sustainable crematorium facilities for the residents of Gedling and substantial parts of the surrounding boroughs is based on the idea of a funeral cortege being able to reach a crematorium within 30 minutes travelling time. At an average speed of 20 mph, this would give a maximum travel distance of 10 miles. The Appellant's evidence suggested that 68.3% of the proposal's anticipated turnover would be generated from a population living within a 5 mile radius of the site. Moreover, on information derived from the Appellant's funeral businesses, at

least 78% of the funerals conducted from the Arnold, Calverton and Bestwood areas, which lie within the 5 mile radius, experience travel times of 30 minutes or more.

- Having read the evidence presented in support of the case for need, the Inspector did not find it entirely persuasive. The absence of travel isochronal analyses for the site and surrounding crematorium facilities, related to varying population densities, leaves an incomplete picture. Moreover, those living towards the outer edge of the 5 mile radius would be well within 10 miles of the surrounding facilities. Also, the examples of comparative travel times put forward by the Appellant, in response to the planning report, exceeded the 30 minutes standard by only a few minutes.
- In any event, a whole range of travel times would apply in different locations around the country, from remote countryside to dense urban areas. Moreover, issues of sustainability also relate to the travel patterns of other mourners, besides family and other members of the cortege, perhaps travelling from well outside the area.
- Although the figures were disputed, and the Appellant pointed to the Council's earlier encouragement for the establishment of further facilities, the Inspector saw no strong evidence of an overall shortage of capacity provided by existing facilities in the area. This was so, even within the preferred core hours, although seasonal shortages may arise. The Inspector noted the difficulties connected with the alternative sites investigated, many of which lay in the Green Belt. However, without a persuasive case for need, this aspect could not carry substantial weight. In any event, other sites may emerge with fewer difficulties.
- Being located away from centres of population, there were no bus routes or other means of public transport present at that time which could be used to gain access to the site. Virtually all visitors would rely on cars for access, contrary to the aims of Planning Policy Guidance Note 13. The Appellant pointed out that this was normally the case and was seeking to mitigate the harm through negotiation with local bus companies or the provision of a mini-bus service and cycle facilities are proposed. Nevertheless, some harm arose on this point because of the location of the site, and added weight to the harm already identified.
- The proposal would give rise to greater traffic activity along Oxtun Road, but the increase would be small and within the capacity of the network to absorb it. The Inspector agreed with the Highway Authority that the proposal would be acceptable on highways grounds.
- The interests of the adjacent Art Centre and local residents were a material consideration. However, the crematorium would not have a separate chimney stack, the flue passing within the building and discharging via a constantly monitored filtration system through a ridge level outlet. Some of the traditional appearance of a crematorium would, therefore, be avoided, and the emissions would be acceptably clean.
- The Inspector did not think that the proposed crematorium would significantly prejudice the enjoyment of activities at the adjacent Arts Centre, or discourage clients from attending. Furthermore, he did not think that noise and disturbance generated by the Art Centre, or other neighbouring uses, would materially harm the sense of tranquillity appropriate to a crematorium, given the distances involved.

- Overall, it was concluded that the harm, by reason of inappropriate development in the Green Belt and the other harm identified, failed to be clearly outweighed by the case for need and other considerations which, therefore, did not amount to the very special circumstances necessary to justify the development. The proposal was unacceptable.

### **3 - National & Local Planning Policy**

The publication of the National Planning Policy Framework (NPPF) on 27<sup>th</sup> March 2012 has not altered the fundamental legal requirement under Section 38(6) of the Planning and Compulsory Purchase Act 2004 that decisions must be made in accordance with the Development Plan unless material considerations (such as the NPPF) indicate otherwise.

However, the NPPF makes clear at paragraphs 214 and 215 that the weight to be given to older development plans not prepared in accordance with NPPF was time limited. Paragraph 215 stated that, following a 12 month period from the date of publication of the NPPF, due weight should be given when determining planning applications to the relevant policies according to their consistency with the Framework.

Thus, in terms of determination of these applications, the starting point is those saved policies in the Replacement Local Plan, namely:

- Policy ENV1: Development Criteria
- Policy ENV2: Landscaping
- Policy ENV26: Control over Development in the Green Belt
- Policy ENV37: Mature Landscape Areas
- Policy ENV40: River Environment
- Policy ENV43: Greenwood Community Forest
- Policy T10: Highway Design and Parking Guidelines

It is considered that in terms of these proposals ENV1, ENV2, ENV26, ENV40, ENV43 and T10 are up-to-date and consistent with the NPPF. They should, therefore, be given very significant weight in determining these applications. It is considered that the evidence that underpinned ENV37 (Mature Landscape Areas) has been superseded by the Landscape Character Assessment (2009) which provides up-to-date information regarding landscape character in Gedling Borough. Limited weight should therefore be given to ENV37 with reference made to paragraph 113 of the NPPF and the Landscape Character Assessment (2009)

The NPPF is an important material consideration in determining the applications. The aim of the NPPF is to deliver 'sustainable development' which balances environmental, social and economic objectives. As part of this the NPPF includes a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.

However the NPPF, in Section 9 (paragraphs 79-92), still retains the requirement that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. It goes on to say that when

considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. "Very special circumstances" will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

The NPPF goes to define the construction of new buildings as inappropriate with various exceptions. Buildings for crematoria are not listed in the exceptions. Other sections of the NPPF which are material include the following:

7. Requiring good design (paragraphs 56-68)
9. Protecting Green Belt land (paragraphs 79-92)
10. Meeting the challenge of climate change, flooding and coastal change (paragraphs 100-104)
11. Conserving & enhancing the natural environment (paragraphs 109- 125).

Gedling Borough Council at its meeting on 13<sup>th</sup> February 2013 approved the Gedling Borough Aligned Core Strategy Submission Documents which it considers to be sound and ready for independent examination. Consequently, Gedling Borough in determining planning applications may attach greater weight to the policies contained in the Aligned Core Strategy Submission Documents than to previous stages, as it is at an advanced stage of preparation. The level of weight given to each policy will be dependent upon the extent to which there are unresolved objections (the less significant the unresolved objections, the greater weight that may be given).

The following emerging planning policies are relevant to this planning application:

- Climate Change
- The Green Belt
- 10. Design and Enhancing Local Identity
- 16 Green Infrastructure, Parks and Open Space
- 17. Biodiversity

Details of the objections to these policies can be found in the 'Summary of Main Issues Raised by Representations on the Publication Version Aligned Core Strategies' (February 2013) which was taken to Full Council 13<sup>th</sup> February 2013 and will form part of the documents submitted to the Planning Inspector for examination. It is considered that there are no significant unresolved objections on Policy 1 in terms of these applications. There are objections in relation to Policy 3 (Green Belts) regarding the need for and scope of a Green Belt review. These objections, however, do not object to the principle of the Green Belt in these locations. As such it is considered these objections are not significant in terms of these applications. There was support for the broad approach to protecting landscapes taken in Policy 17 and Policy 10, although some objectors considered that they should go further than proposed. Given the broad support for the approach it is not considered that these objections are significant. In relation to Policy 17 (Biodiversity) there are objections to the principle of the protection given to locally designated and non-designated sites which are considered significant. As such, less weight should be given to Policy 17 than to the other relevant policies of the Aligned Core Strategy.



The key planning consideration in the determination of these applications is the application of Green Belt policy and particularly whether very special circumstances would outweigh the harm caused to the Green Belt through inappropriate development. This is discussed in the next section.

The other main planning considerations which must also be assessed are the impact of the proposed development on:

- Landscape
- Highways
- Sustainability
- Pollution
- Water environment.
- Residential properties and businesses
- Ecology
- Design
- Public footpaths

#### **4. Very special circumstances and other legal issues**

Both applications are for inappropriate development in the Green Belt. It should be noted that even if an application contains elements that on their own would be appropriate development (such as a cemetery), the Courts have held that the whole of the development is still to be regarded as inappropriate.<sup>1</sup>

Therefore in order to be granted planning permission, very special circumstances (VSC) have to be demonstrated which outweigh the general harm. Whilst the former PPG 2 did give an indication of what might be VSC (such as development in the national interest –also referred to in the written explanation of Policy ENV 26), the Courts have held that where there is inappropriate development, it is for the applicant to demonstrate that there are VSC. Many matters, and not just matters of national interest, might have the potential to be regarded as VSC.

The very special circumstances referred to by Westerleigh in its planning statement at paragraph 3.10 are, in summary:-

- The defined and over-riding need for a new crematorium to serve this part of Nottinghamshire including the benefits of reduction in travel.
- The provision of a further 3 acres of burial land which will relieve pressure on cemetery facilities throughout the District.
- The use of site search criteria which was used to find the most appropriate location within the Green Belt.
- The justification for the proposal in quantitative and qualitative terms based on the submitted Needs Report and Site Search document.
- The accessibility of the site both in terms of public transport and in avoiding travel movements through the rural villages.
- The lack of openness of the site which will be further comprehensively landscaped.

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<sup>1</sup> Kemnal Manor Memorial Gardens Ltd v First Secretary of State [2005] EWCA Civ 835

- The design of the building blending it into the existing landscape.

The very special circumstances referred to by Lymn in its Design and Access Statement from paragraphs 7.5 to paragraph 7.14 are, in summary:-

- The demonstrable need for a new crematorium to serve this part of Gedling Borough allied with the strict criteria for identifying suitable sites that effectively negates the provision of a crematorium within the urban boundary.
- Identification of that need in the past by the Borough Council.
- Excessive journey times for Gedling residents and the limited capacity of existing crematoria which are unable to deal with existing demand.
- The improvement of the quality of experience for the bereaved at both Wilford Hill and Bramcote crematoria and for those using the new facility
- The reduction of built development on the site leading to a corresponding increase in openness of this part of the Green Belt thereby not harming the purposes of including land in the Green Belt.
- The outstanding architectural and landscape design quality of the proposals.

It can be seen that both parties rely on need to demonstrate VSC. This, and the issue of the quality of experience referred to by Lymn, are points where there is a common claim of VSC between the parties. All the other VSC items are site specific, but can still be used as points of comparison between the proposals if the Planning Committee considers that this is an appropriate way to proceed.

In determining each application the Planning Committee should balance the claimed VCS against the harm caused by inappropriate development in the Green Belt on the basis that the latter harm is considered to be a matter of policy and the NPPF requires at paragraph 88 that substantial weight should be given to it.

However, there is a second matter of principle that the Planning Committee has to consider. This is whether this is one of those rare and special cases where it is lawful for the decision-taker to take alternatives into account.

The Courts have laid down when such an occasion arises. The four tests are

1. A proven need is established for the proposal in the public interest; i.e. not just demand;
2. The proposed site has adverse planning consequences;
3. There are other sites without the adverse planning consequences or at least with less adverse planning consequences; and
4. There can only be one or a very limited number of sites granted planning permission.

In this instance there is little doubt that (2) is satisfied because a crematorium building is an inappropriate development in the Green Belt. The Committee will therefore need to rigorously test the evidence of need as set out in (1) and only then can it move to consider the potential of alternative sites. It needs to consider whether there are alternative sites with less adverse planning consequences (3) and it needs to establish that the number of sites that can be granted is limited (4).

Given that test (2) has already been decided, it is proposed that tests (1) and (4) are dealt with in the section on 'Testing the Need' of report and test (3) is dealt with in section 'Testing Alternative Sites'.

There is one other important issue in relation to the assessment of need. The Council has on three occasions been challenged on its decision to refuse planning permission for crematoria in the Green Belt and on each occasion the Planning Inspector has supported the Council's decision, dismissing the appeals. In the most recent Oxtan Road, Calverton case the Inspector was not convinced about the evidence concerning need. If the Council is to depart from these findings it needs to give reasons why it feels able to distinguish the current position from that found by the Inspector in 2009.

## **5 – Testing the Need for Crematoria facilities in Gedling.**

The 'need' for crematoria facilities in the Borough can be assessed by two general measures, the quantitative and the qualitative need.

**Quantitative need** is concerned with matching the demographic evidence of death in the local population, its distribution, and the proportion that are likely to require cremation, with the capacity and distribution of existing facilities in the area. An assessment is required as to whether these facilities are coping with the demographic requirements based upon their normal patterns of service and taking account of any standards of service that are expected. In particular the travel time to get to a crematorium may be a relevant measure.

In the assessment reference is made to four crematoria, those in Greater Nottingham at Bramcote and Wilford Hill, and those in the north of the County at Mansfield and the site near Ollerton (referred to as Sherwood Pines).

**Qualitative need** covers a range of issues which relate to the experience of mourners. Whilst there is no qualitative gap in provision<sup>2</sup> there may be issues concerning consumer choice and competition, existing facilities working beyond capacity and overcrowding, location specific needs and the general quality of existing provision.

This section of the report is structured as follows

1. The needs case presented by Westerleigh is first summarised.
2. This is followed by a summary of the needs case presented by Lymn.
3. Next a summary is given of the comments of local residents, their representatives and the action groups.
4. The final part of the section is the assessment of the evidence including any other evidence that has been gathered by Planning Officers in examining this matter.

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<sup>2</sup> A qualitative gap in provision would be if there were some particular service that was missing. In this case the argument is that there is a quantitative, not a qualitative gap.

All documents referred to in relation to this assessment of need are available for members of the Planning Committee, and the public.

### The Needs Case presented by The Westerleigh Group (“Westerleigh”)

The Westerleigh needs case is presented in a 22 page report entitled “Need for a New Crematorium and Cemetery for the Borough of Gedling”. It is in 6 sections including an introduction and conclusion. It is supported by 21 different appendices.

The key points from the report are:-

- Bramcote, Mansfield and Wilford Hill all hold more funerals than the national average with the former two being within the top 20 busiest crematoria in the UK.
- The information provided in the past appeal applications<sup>3</sup> was flawed but there was no weakness in the principle of the need for a new crematoria.
- The average number of cremations per crematoria is particularly high in Nottinghamshire, with the pressure worsened by demand coming also from Leicestershire and Derbyshire.
- The residents of Gedling are facing journey times above 30 minutes, a time considered recently by an Inspector to be a rule of thumb measure.<sup>4</sup> This is supported by isochronic evidence.
- Alternatively the new cemetery would bring over 94,000 people within a 30 minute catchment area and a further drive time improvement for an additional 66,449 people.
- The total population served would be 167,742 people, which is sufficient to support the new crematoria without damaging the viability of the existing services in the wider area.
- The past appeal evidence of capacity at Bramcote and Wilford Hill was incorrect in that it overestimated supply by failing to take account of the need for “core slots”<sup>5</sup>. Furthermore that capacity is now under further threat because of the need to install air filtration equipment to meet new air quality standards. (A significant part of the Westerleigh needs report is devoted to critically assessing the capacity of the existing provision at Bramcote and Wilford Hill.)
- Qualitatively the core slot approach is supported by the following points:-
  - The need for funeral directors to have preparation time beyond the core slots.
  - The lack of early availability of clergy and other officiants
  - Extended families and other mourners from out of area need additional time to get to the crematoria
  - It is inappropriate for corteges to be held up in rush hour traffic.

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<sup>3</sup> Referred to earlier in this report.

<sup>4</sup> APP/D0840/A/09/2098108 referred to as the Camborne decision.

<sup>5</sup> Core slots are found between 10.30 and 15.30 during which Westerleigh assert that 95% of funerals take place.

- The quantitative case in relation to Bramcote and Wilford Hill suggests that Nottingham's crematoria will have the highest throughput in the UK, unable to cope with pandemics, seasonal demand and leading to significant delays in funerals. The evidence produced suggests that the average time between death and cremation averages is about 16 days in the winter falling to 12 days in the summer. The importance of the delay issue in the Camborne appeal decision is highlighted.
- Westerleigh then cites its own list of beneficial qualitative issues including
  - The benefits of a local facility
  - The benefits of reduced journey times
  - The improvement in choice.
  - The congestion at Bramcote and Wilford Hill and the failing infrastructure at the latter reducing the cremation experience.
- Finally Westerleigh points out the demographic trends arising out of a growing population which will increase the need for capacity.

The applicant has also responded to the comments made by the Catfoot Crematorium Opposition Group (CCOG) in respect of the capacity of the existing crematoria:

- Capacity at Bramcote, Wilford Hill and Mansfield is irrelevant as it is outside the 30 minute drive time;
- The original assessment assumed Wilford Hill would operate as set out in CCOGs submissions;
- Local funeral directors are not aware of any change to Wilford Hill's timetable;
- CCOG does not contest that core slots between 10.30 and 15.30 are preferred;
- The findings of CCOG confirm the difficulty in getting a preferred core slot at Wilford Hill or Bramcote as only 85% and 79% of funerals are held during the core slots compared to 95% at other Westerleigh facilities;
- Families are delaying funerals to achieve a preferred core slot, a view supported by local funeral directors and AW Lymn;
- The reaction of the existing crematoria is simply an attempt to preserve their monopoly;
- There has been no challenge to the evidence that Wilford Hill and Bramcote have the highest number of cremations per cremator in the country;
- Need is not just related to capacity but to geography, travel time and distance
- The 30 minute travel time has been established at appeals and the greater part of Gedling Borough is beyond 30 minutes from Bramcote and Wilford Hill.
- This application shows that not only is there a need for a new crematorium facility in this location, but, in providing such a facility, there would be a substantial reduction in travel miles across the city and a clear reduction in traffic on the city centre roads and the ring road.

The applicant has also submitted additional survey information for July 2012 and January 2013 with regard to the impact of the increase in capacity at Wilford Hill Crematorium on the time taken to arrange and hold cremation services.

The applicant states that this shows that delays have worsened for all three crematoria since the study in July 2011, and after the supposed change in work practice at Wilford Hill, whilst the extent of the delays in January 2013 are almost

identical to those recorded in the original Appendix R, which accompanied the need report.

A comparison of the information collected is summarised below:

	Average no. of days between death and funeral			
	July 2011	Jan 2012	July 2012	Jan 2013
Mansfield	11.9	15.8	13.9	15.2
Wilford Hill	12.2	16.1	13.1	15.9
Bramcote	12.4	16.9	14.6	16.1

It is considered that this evidence proves that delays at these crematoria remain unacceptably long and there has been no impact from the supposed change in practice now advertised by Wilford Hill crematorium.

The Needs case presented by Mr N Lymn Rose (A W Lymn The Family Funeral Service) ("Lymn")

The Lymn needs case is contained in a report entitled "Statement of Need. New Crematorium on Catfoot Lane by A.W.Lymn The Family Funeral Service". It comprises a 25 page document in 3 main sections together with 3 main appendices.

The key points from the report are;

- The history of the development of crematoria services in the Nottingham area
- The significant public preference for cremation as opposed to burial even where cremation services are deficient.
- Lymn has long reported the deficiency to the Council and the Council has remained consistently in agreement with this need throughout the last 20 years.
- Lymn has explored numerous sites and made a number of applications
- The Council set up its own working group in 2005 which concluded that there was a need for a new crematorium in Gedling Borough Council.
- Urban area standards of a maximum 30 minute cortege drive time are supported by the Office of Fair Trading<sup>6</sup> and in the Camborne appeal decision.
- Lymn's own approach to defining a 30 minute drive time, using the projections of four of its most experienced funeral directors.
- The subsequent report of FMC&Sons, enclosed as an appendix, which establishes a need for cremation services for 1,011 deceased per annum in a catchment area not currently within a 30 minute cortege drive time of an existing crematorium.
- That assessing capacity based upon core slots of 10.30 to 15.00 is the correct approach as supported by the Camborne decision, particularly because of qualitative issues such as family, friends and officiants avoiding rush hour travel, and pressure on guests travelling long distances.

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<sup>6</sup> JJ Burgess and Sons v OFT and W Austin and Sons 2005

- The deficient capacity of Bramcote leading to families having to take non-core slots or endure prolonged delays.
- Similar evidence of deficient capacity at Wilford Hill with the same results.
- That the new proposed crematoria would increase availability and suitability of service for those families using both the new and the existing facilities.
- Population increase in Gedling will make the issue more acute over the next 5 to 10 years.
- That currently 96% of Lymn's customers are experiencing delays where lead times are over 7 days. Lymn has produced evidence about the unacceptable effects that such delays have on the bereaved.
- The qualitative benefits of having a service "within the community to which they belong",
- The discrimination of customers against using the better facilities in Mansfield on these grounds.
- The qualitative and capacity problems at Bramcote include
  - The limited capacity of the New Chapel at Bramcote which can lead to mourners being prevented from entering
  - Truncated services because of the lack of capacity
  - Holding over cremation of now up to 72 hours after the service.
  - Periods where there are literally no slots available.
  - Problems with parking buses and coaches.
- The qualitative and capacity problems at Wilford Hill include
  - The age of the facilities
  - The location of the cemetery (in which mourners have to drive through burial grounds)
  - The problems of transfer of coffins (in which different parties end up mixed together so that one party is exiting past the coffin of a party entering)
  - The toilet facilities for ladies accessed through the Book of Remembrance room.
  - The lack of weather protection for the floral viewing area
  - The failure to administer arrangements properly because of the distance between the crematorium and the administrative block.
  - The increased timing requirements for submission of paperwork
  - Holding over,
  - Further congestion caused by burials.
  - Poor traffic management.
- How the new crematorium would address these deficiencies and provide for special religious requirements.
- The results of an independent survey of the public into support for the new facility and the services it has to offer. In relation to the overall requirement 80% said that taking all things into account that they would support the building of a new crematorium locally.

The applicant has also responded to the comments (see below) made by the Catfoot Crematorium Opposition Group (CCOG) in respect of the capacity of the existing crematoria:

- It has never been claimed that the total theoretical capacity in Nottinghamshire is less than the total number of cremations required;

- Distance, travel time, suitability of times available and waiting times are key issues ignored in the CCOG submission;
- The capacity figures for Wilford Hill are misleading as:
  - 13.30-15.30 is the correct period to calculate core slots;
  - Two slots (13.00 and 13.20) are lunch breaks and should be discounted as they have not been released for over 20 years;
  - The 30 minute travel time issue means that the earliest and latest core slots each day should be discounted for residents of Gedling;
  - Half days before each bank holiday and 6 annual training days should be discounted;
- In conclusion, the additional information does little to address the key issues raised by the application and in the accompanying 'Proof of Need' document of accessible and available cremation facilities for the residents of Gedling Borough at times and in a location convenient for them at such a sensitive time of their lives.

The applicant has also submitted additional information with regard to the impact of the increase in capacity at Wilford Hill Crematorium on the time taken to arrange and hold cremation services:

- new 'operational changes' may be in place at Wilford Hill, but they have had a nil net effect on the number of available "Core Slots", particularly with regard to the needs of the residents of the Borough of Gedling
- However, the applicant has supplied details of the current and historic average waiting times, from date of death to date of funeral, for funerals concluding at the Wilford Hill Crematorium experienced by clients using the Carlton and Arnold offices of A W Lymn The Family Funeral Service. Figures are provided for December to February which is the busiest period of the year for funerals

Wilford Hil	Average no. of days between death and funeral
Dec 2010 – Feb 2011	13.06
Dec 2011 – Feb 2012	13.90
Dec 2012 – Feb 2013	14.26

- The operational changes introduced at Wilford Hill Crematorium in March 2012 have not resulted in a reduction in the average waiting times for residents of Gedling. Indeed, there has actually been a slight increase in waiting times over the past year (from 13.90 days to 14.26 days).
- The additional evidence requested simply serves only to further ratify the evidence already submitted by A W Lymn (and Westerleigh), as set out in their original "Proof of Need" submitted to accompany the planning application.
- In short, this further information demonstrates beyond doubt that despite the operational changes at Wilford Hill Crematorium and contrary to the assertions made by the CCOG, there remains an unsatisfied demand for suitable and available "Core Slot" cremations for residents of the Borough of Gedling and that this increase in delays is a totally unsustainable position for residents of the Borough.



## Representations on Need from Existing Crematoria

In terms of the existing crematoria responses were received on both the Westerleigh and Lymn proposals from Wilford Hill, Bramcote and Mansfield Crematoria. No comments have been received from the Sherwood Pines Crematorium at Ollerton.

Wilford Hill identified that the facility has recently won awards for the service provided and £750,000 was invested over the last year. In terms of 'need' it was identified that there is capacity to carry out around 4,000 cremations per year, if required. At the time their responses was drafted [received 2<sup>nd</sup> April 2013] Wilford Hill had 80 core slots available over the next 7 days and any issues related to delays between death and cremation were due to a range of other issues such as the availability of churches and the ability of mourners to attend on a specific day. They also identified that delays are not the result of the availability of core slots. It was also identified that the time taken and distance to travel needed to take account of the journeys of family.

Bramcote Crematorium identified a number of errors in the information included in the applications regarding their service level and other matters of detail. However, no objections were raised.

Mansfield Crematoria considered that, while Bramcote and they are busy, there is adequate capacity for the area served. Figures were provided for January 2013 which show that the facility was never at capacity; outside influences such as the availability of coroners, family commitments and commitments of the funeral directors have an impact on when a funeral is booked and the crematorium cannot be held solely responsible for delays.

Comprehensive details of the responses to each application can be found in the relevant individual report.

## Representations on Need by Third Parties.

There have been a number of representations challenging the evidence of need put forward by both the applicants. The most comprehensive of these objections have come from a group of local residents who live in close proximity to both application sites and who have retained a planning consultant to make representations on their behalf.

The key points in relation to need that were first made by the planning consultant in relation to the Westerleigh application are as follows;

- The applicants have presented a case based upon the Bramcote and Wilford Hill being "close to busting", However there are a number of concerns with regard to the issue of need as follows
- Increased choice in itself does not necessarily translate to need. The defined need appears only to have been defined by the applicants themselves.
- Over recent years the death rate and the number of cremations have not increased at all.

- The assessment of need should be more appropriately undertaken through the development plan.

The same points were made in relation to the Lymn application but were further amplified as follows:-

- The existing operators should be given the opportunity to comment on the criticism of their service
- The FMC and Sons survey cannot be given weight given the leading nature of the questions asked.
- The delays experienced are the same at Ollerton but here there are no reported capacity issues.
- The Lymn catchment defining exercise is unsophisticated and lacks robustness
- Clients have found that they only have a 20 minute journey time to Bramcote from Catfoot Lane. Furthermore the 30 minute time is arbitrary and a 35 to 40 minute rule could be applied to protect the Green Belt.
- The fact that the Aligned Core Strategy has not picked this up as an issue of need is significant.

Further representations again reiterate that there is ample capacity at all four alternative facilities.

By December a formal local opposition group had formed, the Catfoot Crematorium Opposition Group (CCOG) and made further submissions to the Council. In these it argued

- That there is in existence an extremely robust and capable crematoria system in Nottingham/shire .
- That figures available in the public domain disprove the assertions of both applicants that a need exists.
- The figures presented can be corroborated by key personnel.
- Three tables were presented with this representation.
  - Table 1 presented the Core Hours (10.20 to 15.30) and suggested that the % available capacity was at its lowest (37%) in Mansfield rising to 40% at Bramcote and 56.5% at Wilford Hill
  - Table 2 presented capacity outside of the Core Hours and suggested the available capacity was between 78.3% and 88.5%.
  - The third table amalgamated the data to suggest that the total space capacity of all slots was 61.8%.
- Great reliance should be placed upon the findings of Inspector Novitsky who only recently found that there was not sufficient need.

Further submissions from the planning consultant representing residents also reiterated that sufficient capacity remains available and in support of this he cited the comments of key personal from Wilford Hill and Mansfield crematoria.

Following the new information provided by the applicants, regarding the time between death and cremation following the increase in capacity at Wilford Hill, a response was received from CCOG highlighting that analysis of the reasons for the

delays is needed and that factors other than the availability of 'core slots' results in the time between death and cremation being beyond seven days need to be considered.

#### Conclusions on 'Need'

##### 1) The position of the Council.

It is suggested in representations by Lymn that the Council has already found through its Working Group on Burial and Cemeteries review undertaken in 2005 that there is a need for a crematorium in the District. The Working Party made no such finding. One part of its brief was to consider the viability of a crematorium. However it made no findings in this respect, only recommending that the Borough Council embraces and encourages the private sector to assist in the development of cemetery, crematoria and green burial provision.<sup>7</sup>

Furthermore the Borough Council subsequently refused three applications for crematoria in the Green Belt, and appeals against all of these found against the appellants on the issue of need. In the June 2007 appeal no strong evidence of need was found. In January 2008 there was no overriding need on quantitative or qualitative grounds. In June 2009 there was no persuasive case for need. All three appeals were determined after the Working Group reported.

It has been alleged that in pre-application discussions that planning officers have already accepted that a need exists. This is not the case, but officers are aware that at some time in the future, particularly if the population of Greater Nottingham continues to grow, there may be a need.

##### 2) The weight to be given to previous Inspector's decisions.

It is a matter of planning principle that considerable weight should be given to previous Inspector's decisions and it would be unlawful not to consider them and give reasons for departing from those decisions.

All the recent decisions can be afforded some weight but that of Inspector Novitzky carries the most because it is the most recent. At that time he did not find that the needs case had been proven. At that time he was in possession of much of the evidence before the committee now and of some of the principles which are being used to justify approval of these applications, such as the 30 minute drive time. However he was critical of some of the quality of the evidence, particularly in relation to the absence of good isochronic evidence. Equally his comment in relation to the possibility of better sites coming forward suggests that the need case was not so overwhelmingly against the development that there was no purpose in considering alternatives in the near future.

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<sup>7</sup> Para 7.1 of report to Services Scrutiny Committee dated 18<sup>th</sup> November 2005.

Therefore it is considered that Inspector Novitsky did not find that there would never be a needs case for a new Crematorium in Gedling. He simply found that the evidence presented to him at that time was not sufficient for him to allow the appeal.

### 3) The relevant crematoria

The evidence presented by both applicants argues the same quantitative case, based upon the deficiency in the provision of core slots at the Bramcote and Wilford Hill cemeteries. Both discount provision at Mansfield and Sherwood Pines. A map showing the locations of the existing crematoria and the two proposed sites are shown at Appendix A.

There are northern parts of the Borough which will be served by the latter facilities, but it is considered that the majority of the urban population expects to be served by facilities within Greater Nottingham.

It is considered that some weight should be attached to the arguments from Lynn concerning the demand from people to have services in their own community rather than perhaps take the more convenient services in another town (i.e. Mansfield or Sherwood Pines). Therefore in making recommendations it is considered that it is not appropriate to place too much weight on the facilities available in the North of the County. However members may take a different view and therefore when presenting the data subsequently in this report data for the northern crematoria is also presented where available.

### 4) The number of deaths and demand for cremation

Based on the number of deaths between 2004 and 2010, there are on average about 6900 deaths per year in Greater Nottingham. Cremation takes place in around 70% of deaths and therefore there needs to be sufficient capacity to carry out just over 4800 cremations per year.

If Greater Nottingham is going to grow in population terms, then in the longer term the number of deaths will inevitably increase and the demand for cremations will equally grow. Traffic congestion may also grow, with the perceived need for more local facilities reducing the need to travel. This long term view on its own is not sufficient to provide justification for additional facilities now, but in the event that the need is not proven now, might provide some justification in the future.

### 5) The capacity of existing crematoria.

As argued by both applicants it is considered correct to focus on capacity during the Core Slots of between 10.30 to 15.30. Whilst in particular circumstances relatives may be prepared to conduct proceedings outside of these times, there are good qualitative reasons which I discuss later why, as far as possible, there should be sufficient capacity during these times.

The table below shows the information collected by the Borough Council on capacity from the four existing crematoria.

**Table 1**

	<b>Cremators</b>	<b>Working Days</b>	<b>Core Slots</b>	<b>Burials per year</b>	<b>Core Slots per year available for cremations</b>
Bramcote	2	253	14	0	3542
Wilford Hill	3 <sup>8</sup>	252	15 <sup>9</sup>	900	2880
Mansfield	4	252	14	0	3528
Sherwood Pines					

No information has been provided by Sherwood Pines crematorium.

It is telling that, compared to the requirement for about 4800 cremations in Greater Nottingham, the core slot capacity available for cremation of Bramcote and Wilford Hill combined is 6422, and therefore that the spare capacity should be around 25%. If it is higher, as suggested by the evidence presented by CCOG, this would suggest that a number of cremations are taking place outside of the core slots times due to other factors.

As part of their representations on the two applications Nottingham City Council, who manage Wilford Hill, have indicated that at the time of writing (2<sup>nd</sup> April 2013) they had 80 core slots available during the next seven working days and 118 over the next ten working days. The information provided by CCOG paints a similar picture in terms of 'spare capacity', although there are concerns about the methodology used. This would suggest that there is sufficient spare capacity to ensure that cremations can take place within seven days if availability of core slots was the only constraint.

It is considered that the evidence points to there being no overall deficiency in capacity particularly in Greater Nottingham. If this were to be the only measure of need then Very Special Circumstances would not be demonstrated.

#### 6) Time between death and cremation

Account has been taken of the many comments and evidence on the time between death and the funeral taking place.

The Cambourne Appeal identified that the number of cremations occurring beyond seven days from death was evidence of pressure on capacity. It identifies the

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<sup>8</sup> 2 mercury abated, 1 non-abated see <http://www.fbca.org.uk/update2.html>

<sup>9</sup> Wilford Hill advised that between 10.20 and 15.30 there were 16 slots. As a start time of 10.30 was used for the core slots the figures provided by Wilford Hill was reduced by one to accord with the 10.30 time used

standard required, and the level of capacity needed, and seems to suggest that a 7 day period is a reasonable target. It is noted that the industry itself through the National Society of Allied and Independent Funeral Directors has called for an upper time limit of 10 days<sup>10</sup>.

Both applicants assert that the delays in South Nottinghamshire are amongst the longest in the UK and they are evidence of a lack of capacity. Lymn in particular points out the qualitative impact of delays. However objectors, notably CCOG and the existing Crematoria, have pointed out that delays are occurring at facilities where there is no capacity issue and the reasons may well be social and administrative rather than simply capacity. Lymn's own evidence points to an administrative delay of 1 day at Wilford Hill simply because of the additional time that Nottingham City Council requires for the paperwork.

It is not considered that the delay evidence itself provides sufficient proof of lack of capacity. Furthermore the evidence that matters are getting worse is contradictory because the January delay figures have improved between 2012 and 2013 unlike the July (2011 to 2012) delay figures which have worsened.

Even so it is considered that would appropriate to attach some weight on the delay figures as a contributory factor in assessing the need.

## 7) Travel Times

In both the Novitsky decision and the Camborne appeal decision consideration was given to the 30 minute drive time. In the former there was criticism about the lack of supporting evidence to back up assertions whilst in the latter the 30 minute drive time was referred to as a rule of thumb

It is considered that the isochronic evidence provided by Westerleigh is persuasive in two respects. Firstly it clearly indicates the extent of the area where the 30 minute drive time cannot be achieved and this covers a significant part of the Borough. Furthermore, the attendant evidence in relation to reduction in mileage travelled arising from the opening of a new crematorium on the east side of Arnold may be a very important consideration in relation to the sustainability of the existing facilities to serve the Borough. Members should note that the evidence is of a saving of 170,000 miles travelled annually based upon an average of 18 cars attendance at any cremation and 5 cremations per day. This is a significant material consideration.

Criticism of the Lymn methodology by local residents is noted. Less weight is placed on Lymn's evidence because the evidence is not independently verified (except of course by the evidence of Westerfield).

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<sup>10</sup> <http://www.dailymail.co.uk/news/article-1076679/Now-bodies-dead-buried-effects-credit-crunch-spread-Britain.html>

Even so, it is noted that there is an area with a population of over 90,000 persons which would benefit from drive times under the target of 30 minutes and which currently does not have this service available. It is also accepted that Westerfield's assertion that a further area with a population of over 60,000 people would benefit from better drive times. It is considered that this is material in determining whether there is need.

#### 8) Qualitative issues.

It is considered that there are a number of qualitative benefits which will arise to families and mourners if more local facilities are provided. In particular it is appropriate to attach some weight on the need for local community facilities as argued by Lymn. It is also accepted that there may be a certain amount of distress caused by delay, and therefore this needs to be taken into account. It is also recognised that the lengthy journey times of corteges during the peak rush hours is undesirable, adding to the stress of the experience. Overall the desirability of not having barriers to the availability of services which may cause family and other mourners some distress is acknowledged.

However some of the criticism has been directed at features of the existing facilities at Wilford Hill and Bramcote. A number of these are not to do with need but are about Lymn's perception of other aspects of the existing services. It is therefore recommended that no weight should be attached to these submissions in relation to the reaching a view about the need for additional facilities.

#### 9. Overall Conclusion on 'Need'

It is considered that the Council has now had the fullest evidence presented to it on this matter. It certainly has more evidence before it than any of the previous Inspectors had. The decision as to whether need has been proven is extremely finely balanced but in terms of meeting the needs of the residents of the Borough it is therefore recommended that it is in the public interest that a single crematorium site is provided in the Borough to serve the Arnold and Carlton areas, and this is sufficient to be regarded as very special circumstances in this instance.

### **6. Testing Alternative Sites**

Given that three of the four tests have now been established, namely:-

1. A proven need is established for the proposal in the public interest; i.e. not just demand;
2. The proposed sites have adverse planning consequences; and
3. There can only be one or a very limited number of sites granted planning permission;

It is appropriate to determine whether there are other sites without the adverse planning consequences, or at least with less adverse planning consequences.

There are more than planning obstacles to overcome in determining appropriate locations for Crematoria. Probably the most significant of these is Section 5 of the Cremation Act 1902 which states

*No crematorium shall be constructed nearer to any dwelling-house than two hundred yards, 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.*

Such criteria will almost inevitably drive the search for crematoria site towards areas of open countryside. There have been suggestions from objectors to the current proposals that alternatives might be found within undeveloped, previously developed employment or other land but it is considered that that there is no real prospect of finding such a site that is suitable, available and developable.

Westerleigh presented its own site search in a report in which some 22 broad areas were identified and the availability of sites within each was then assessed. The criteria then used to establish the likelihood of a suitable site being found, were:

- The Cremation Act limitations
- The site should be 6-10 acres (or larger to provide new burial land).
- The site needs to be close to a main road, with access onto the site off a minor road of double carriageway width
- Ideally the site should be flat, as heavily sloping or undulating sites are unsuitable
- It should be close to centres of population
- It should be well screened with existing landscape features
- It should be reasonably well served by public transport.

Lymn presented its own report in which 21 actual sites (rather than broad locations) were identified. It used similar criteria to Westerleigh in identifying sites but added a criteria about the site being viable.

A number of the Lymn sites are within the broad areas of search identified by Westerleigh but there are areas where each exclusively undertook an assessment.

Local residents, their representatives and the action groups have all made representations concerning other sites. Amongst the points raised are the following.

- The assessments (particularly that undertaken by Lymn) are not exhaustive, robust and up to date.
- The exclusion criteria appears to have been partial including some designations as inappropriate but disregarding others.
- The site selection for such a facility would be best addressed through the development plan.

Appended to this report are a plan (Appendix B) and schedules (Appendix C) in which the various areas and sites have been identified and the assessment of the suitability of the sites together with my own comments have been reported. It



should be noted that GOCC did not present any alternatives but where other objectors presented sites not considered by either applicant these are identified on the plan and considered in this report.

In relation to assessing the evidence submitted, the convention that it is not appropriate to address in detail the Green Belt issues of each site has been followed. It is sufficient to find that a crematorium building on any of the sites would be inappropriate development and that the development should only be allowed in very special circumstances.

The main criteria used are

- a) Sustainability (with a focus on proximity to the urban area and availability of alternative means of transport).
- b) Landscape and visual impacts
- c) Traffic issues

The assessment has been conducted partly by reference to the comments of the two applicants but also by conducting independent inquiries where the investigations have been insufficient.

### Conclusions on Alternative Sites

#### 1) Expansion of Bramcote or Wilford Hill

As a starting point consideration has been given to the possibility of Bramcote and/or Wilford Hill increasing capacity above the level identified in Table 1 (i.e. taking account of the recent increase at Wilford Hill) to address the delays to funerals and some of the qualitative issues identified above. It is considered that additional chapels would be required which would likely require improvements to parking and access, and could potential increase the number of mourners on site at any one time, causing confusion. Both Bramcote and Wilford Hill are within the Green Belt and further expansion would also require VSC to be proven. As such it is very unlikely to be possible to increase the number of 'core slots' at these two facilities.

Further increases in capacity at either of these facilities would also not address the travel time issue. It is not considered that there are any practical ways of decreasing the time taken to travel to either of the existing facilities from the Gedling and north-east Nottingham area.

#### 2. Potential for urban scheme or urban extension scheme.

It is considered that the Cremation Act is so very limiting on the prospects of finding a site within the urban area to the point that this can be discounted as an option.

The impact of using the development plan to drive forward selection of a site as part of a major sustainable urban extension has also been considered. The view has been reached that to take such a course of action would be damaging to the

prospects of delivery of any SUE, as investors would be concerned about the market implications.

### 3. Potential for identifying site through the Local Plan.

Representations have been made that the proper way to identify the optimum site for a crematorium is to use the Local Plan process. This is not considered to be the purpose of a Local Plan within the current Planning system. There will always be a number of types of development where all the plan led system can do is to ensure that there is an appropriate policy basis for determining any planning applications, as opposed to allocating specific sites. It is considered that this is such an instance. A developer led solution tested against planning criteria is a more efficient way for proposals that are eventually delivered to come forward.

#### 1. Sites beyond the Green Belt.

It is not considered that alternatives exist beyond the Green Belt, particularly based upon the findings of Inspector Novitzky in relation to the more remote sites and their potential sustainability. Lymn have put forwards sites which are even outside of the Borough and then dismissed them. The only merit such an approach may have is that the development may not be within the Green Belt. However, given that the basis of the finding of need is related to the requirements of the urban population, proposing to locate the facility in a remote rural location rather defeats the object of trying to meet urban needs.

#### 5. Assessment of the Green Belt Sites.

Further contact was made with County Highways regarding the potential for the reopening of the old Ollerton Road onto Redhill Island (Leapool Island) and the potential for access along this road from Lime Lane. In the view of County Highways these options were considered unsafe. In addition it is considered that these sites are less centrally located to the area of need (Arnold and Carlton) potentially resulting in journey times from the Carlton area being no better than at present.

Objectors have identified a number of alternative sites for consideration. The vast majority of these have been considered by the applicants as part of their submissions. Additional sites on the former landfill off the A614 and at the former Calverton Colliery were not covered specifically by the applicants. However, these are in a similar area to other sites and areas considered by the applicants and have been discounted as alternatives due to their distance from the area of identified need in Arnold and Carlton. It is considered that this also applies to the former landfill and colliery sites.

Overall no site has been found which performs significantly better than the application sites. Details of the sites consider for each applicant and the views of Planning Officers on these can be found at Appendix C.

### 6 Overall conclusion on Alternative Sites

Having given consideration to a number of alternative options and sites I am satisfied that there are no reasonable alternatives or sites which have been identified which perform better in terms of planning policy and meet the identified needs of the community. The sites proposed by the applicants are considered in detail through the individual reports which follow this Report.

## **7. Determining the applications**

Members have received this report alongside two individual reports, one prepared for each application which deals with the site specific issues.

At the meeting, the reports will be considered in the following order;

1. The introduction report to;
  - a. To reach a decision as to whether Committee believes the needs test has been met
  - b. To decide whether Committee believes that there are no other more suitable alternative sites
2. The individual reports presented in the sequence they were received by the Local Planning Authority.
  - a. To discuss the relative merits of the sites and vote on the officers recommendations in respect of both applications or any other motions made by members.

In respect of the latter there are three possible options for the Borough Council to consider:

### **Option 1** - Refuse planning permission for both crematoriums.

As a consequence of the submitted information and the independent work undertaken by the Borough Council, it is considered that it has been demonstrated that there is a need for an additional crematorium on the north-east side of Nottingham and that there are no alternative non-Green Belt sites which could be developed, bearing in mind the constraints relating to a development of this nature which effectively negate urban areas from the site selection process.

Refusing permission for both proposals would therefore fail to meet the need identified and, for this reason, Option 1 should only be employed if Members feel that the harm on both sites is of such significance that very special circumstances have still not been proven in relation to either site.

### **Option 2** - Grant planning permission for both applications.

As a consequence of the submitted information and the independent work undertaken by the Borough Council, it is considered that it has not been demonstrated that there is a need for two additional crematoriums on the north-east side of Nottingham to a degree which outweighs the openness of the Green Belt. It

is also clear that the cumulative impact of two such developments in close proximity would be harmful to the openness of the Green Belt and have an unduly detrimental impact on the Mature Landscape Area.

For these reasons, Option 2 should be discounted.

Option 3 - Grant planning permission for one application and refuse the other

In conclusion it is considered that there is sufficient justification to grant planning permission for one additional crematorium to serve the north-east side of Greater Nottingham. Refusing both applications would not address the travel time or qualitative elements of need. It is not considered that there is clear evidence of need for two crematoria such that the harm to the Green Belt and other harm is outweighed. Granting permission for one crematorium would allow the situation to be monitored and subsequent applications considered if clear evidence on very special circumstances is presented.

Under this option, a decision would be needed as to which of the applications would be approved and which refused. An assessment of the merits of each site is included in the relevant individual report, including where appropriate points of comparison between the two sites. A summary of the main findings of the assessment is included below.

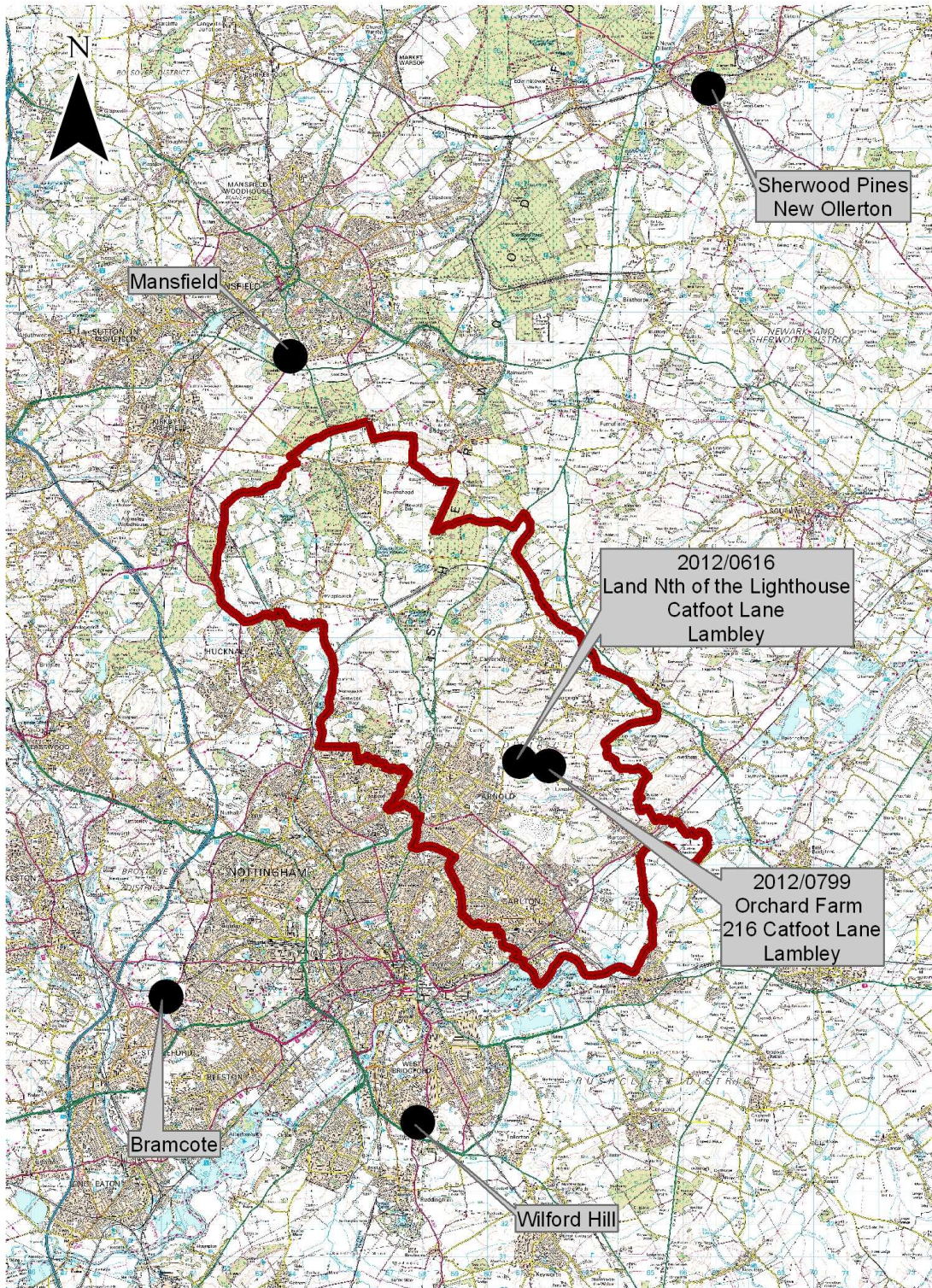
<b>Attributes</b>	<b>Westerleigh</b>	<b>A W Lymn</b>
Openness of Green Belt	Local impact on openness	Local impact on openness partly mitigated by demolition.
Landscape (Landscape Character)	Slight adverse	Moderate adverse
Landscape (Visual Impact)	Slight adverse	Moderate adverse
Highways	No highway objections (includes highway works)	No highway objections (highway works not required)
Sustainability	200 metres from Mapperley Plains	685 metres from Mapperley Plains
Pollution (Air)	Separate controls exist	Separate controls exist
Pollution (Water)	Acceptable (subject to details of disposal of surface water drainage)	Acceptable (subject to details of disposal of foul drainage)
Pollution (Light)	Some light pollution, partly mitigated by site location.	Some light pollution.
Water Environment	No undue impact on water quality and associated	No undue impact on water quality and associated

	wildlife habitats.	wildlife habitats.
Residential properties and businesses	Limited impact beyond isolated dwellings & businesses in vicinity	Limited impact beyond isolated dwellings & businesses in vicinity
Ecology	No direct impact on SINC (around 500m to nearest SINC). New habitats created.	No direct impact on SINC (directly adjacent to SINC). New habitats created.
Design	Standard design	Innovative design
Footpaths	No impact on footpath crossing site.	No footpath crossing site.

## **8 – Recommendation in relation to this report**

That Members note the content of this report and take it into consideration when determining the two applications that it refers to.

# Appendix A



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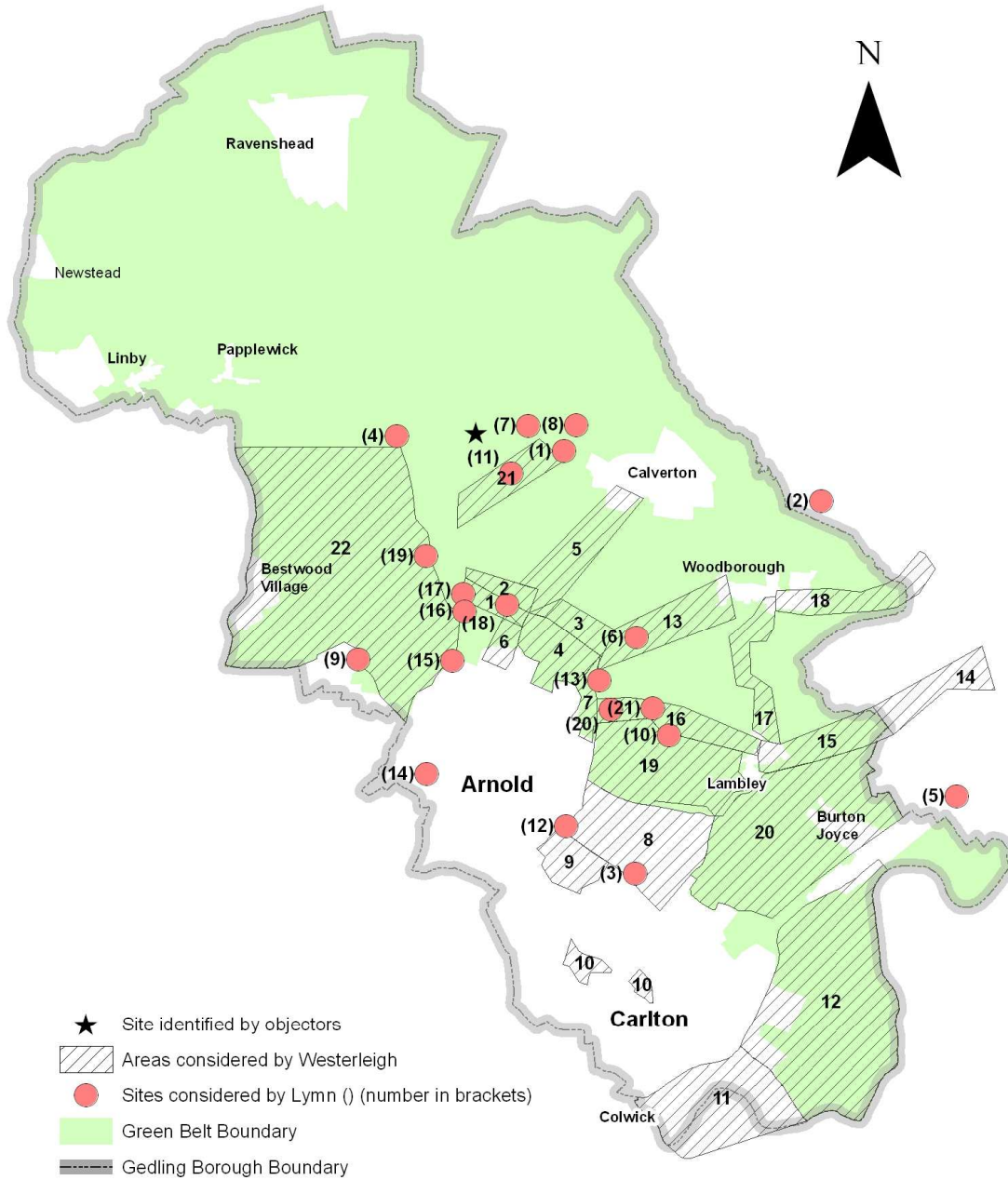
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Existing and Proposed Crematoria

Gedling Borough Boundary

# Appendix B

## Alternative Sites



## Appendix C

Alternative sites considered by Westerleigh

Site	Applicant's Comments	Planning Officer comments and Conclusion
1 – south of B684 (Lime Lane) towards Brick Works	Long open stretch of road Building would be highly visible	Distant from public transport.  <u>Agree not suitable as distant from public transport</u>
2 – north of B684 (Lime lane) towards Brick Work	As with site 1 but development would be on the ridgeline. Land is steep	Development would not be on a primary or secondary ridgeline.  Distant from public transport.  <u>Agree not suitable as distant from public transport.</u>
3 – B684 between Brick Works and Arnold Lodge (North)	Site is remote and steep. Open views of site means building would be very visible.	Distant from public transport. Homes and Rights of Way in area – limited space. On ridgeline.  <u>Agree not suitable as the site is distant from public transport and would be development on a primary ridgeline.</u>
4 – B684 between Brick Works and Arnold Lodge	Refuse tip covers most of this stretch of road. Potential site on corner but	The potential site is on a primary ridgeline and within a Mature



(South)	will be very visible.	Landscape Area.  <u>Agree not suitable as would be development on a primary ridgeline.</u>
5 – Dorket Head to Calverton	Poor access and very open site.	Distant from public transport.  <u>Agree not suitable as distant from public transport</u>
6 – Dorket Head into Arnold	Calverton Road Woodland Reserve and very close to Brick Works and refuse tip/landfill. Limited scope due to 200/50 yard rules	<u>Agree not suitable as sites not available due to 200/50 yard rule</u>
7 – Mapperley Plains	Land to the west discounted due to 200 yard rule.	<u>Agree west of road not suitable due to 200 yard rule.</u>
8 – Chase Farm Road (towards Gedling) north side	Former colliery site	Housing allocation and country park. 200 yard rule would limit housing potential of site.  <u>Agree not suitable as site is allocated for other purposes.</u>
9 - Chase Farm Road (towards Gedling) south side	Golf Course and land is affected by 200 yard rule	<u>Agree not suitable as site is protected open space and is affected by 200 yard rule.</u>
10- Open spaces in Carlton	Public open space surrounded by housing.	<u>Agree not suitable as sites are protected open space.</u>

11- south of Gedling District – Colwick	Industrial estate and not suitable for funerals.	<u>Agree not suitable as location for crematorium due to nature of surrounding uses.</u>
12- Area to south of A612 (between Colwick and Burton Joyce)	Problems with the roads. Backdrop would be the sewage works. Flooding is a potential issue.	Access could be made from new A612 link road which is not shown on map used. Part of site is employment allocation or safeguarded.  <u>Agree not suitable as allocated for other purposes and nature of surrounding uses.</u>
13 – Nottingham Road (towards Woodborough)	Relatively remote and land is heavily sloped. Building would be highly visible.	Distant from public transport.  <u>Agree not suitable as distant from public transport.</u>
14 – Lowdham to Lambley	Access would be via Lambley and is distant from area of need	<u>Agree not suitable as distant from main area of need with poor access.</u>
15 - Lowdham to Lambley	Access would be via Lambley and is distant from area of need	<u>Agree not suitable as distant from main area of need with poor access.</u>
16 – Lambley to Mapperley Plains ( <b>preferred site</b> )	Large parts of area affected by 200 yard rule. After preferred site road narrows.	Area is within Mature Landscape Area. Access would be via Catfoot Lane.
17 – Lambley to Woodborough	Road is narrow and twisty. Access would be via Woodborough or Lambley.	Distant from main population centres

	Distant from area of need.	<u>Agree not suitable as distant from main area of need with poor access.</u>
18 – Woodborough to Epperstone	Remote from area of need. Poor accessibility	<u>Agree not suitable as distant from main area of need with poor access.</u>
19 – Land to the East of Mapperley Plains	Land is heavily undulating. Large areas affected by 200 yard rule.	<u>Agree not suitable as heavily undulating and affected by 200 yard rule.</u>
20 – Gedling Wood Farm – to Burton Joyce	Remote from area of need and difficult to access.	Area is within Mature Landscape Area.  <u>Agree not suitable as distant from main area of need with poor access.</u>
21 – B6386 Calverton	Distant from population. Land is steep. Overhead cables detracts from ambience	Any conflict with potential special protection area would need to be considered.  <u>Agree not suitable as distant from main area of need.</u>
22 – Bestwood Village (includes New Farm)	Sites around Bestwood Village would be distant from population. One possible site exists but is difficult to access and is owned by Nottingham City Council.	The site identified is within the Green Belt.  <u>Agree not suitable due to access difficulties.</u>

Alternative sites considered by Lymns

Site	Applicants Comments	Planning Officer comments and
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		<b>Conclusion</b>
1 – Land adjacent to Calverton Colliery	No longer available	Distant from area of need.  <u>Agree not suitable as distant from area of need.</u>
2 – Land off Epperstone by-pass	Distant from area of need	<u>Agree not suitable as distant from area of need.</u>
3 – Gedling Colliery	Not Green Belt land but allocated for housing	<u>Agree not suitable as allocated for alternative purposes.</u>
4 – Dairy Farm	Distant from area of need. Required visibility splay could not be achieved without third party land.	<u>Agree not suitable as distant from area of need.</u>
5 – Land at Bulcote	Distant from area of need	<u>Agree not suitable as distant from area of need.</u>
6 – Podders, on Nottingham Road (just off B684)	Too close to residential properties	<u>Agree not suitable due to 200 yard rule.</u>
7 – Gravelly Hollow, Calverton	For lease only. Advised by GBC that not suitable	<u>Agree not suitable as distant from area of need.</u>
8 – Oxton Lane, Calverton	Land contaminated and not for sale.	<u>Agree not suitable as distant from area of need.</u>
9 – Woodland at Gaunts Hill, Bestwood Lodge	Forms part of Bestwood Country Park	<u>Agree not suitable as protected open space.</u>
10 – Catfoot Lane, Floralands Garden Centre	Too close to residential properties. Advised by GBC that not suitable	<u>Agree not suitable due to 200 yard rule.</u>
11 – Oxton Lane, Adjacent to Patchings Farm	Two planning applications and an appeal rejected. Distant from area of need	<u>Appeals refused on site in the past – agree not suitable.</u>
12 – Mapperley Top, adjacent to the ‘Chimney Pots’	Set aside for housing. Too close to residential properties	<u>Agree not suitable due to 200 yard rule.</u>

13 – The Orchard, Mapperley Top (opposite Mellish)	Too close to residential properties	<u>Agree not suitable due to 200 yard rule.</u>
14 - Land on Mansfield Road, Old Daybrook Laundry	Too close to residential properties	<u>Agree not suitable due to 200 yard rule.</u>
15 – Mansfield Road, Redhill	Too close to residential properties and highway	<u>Agree not suitable due to 200/50 yard rule.</u>
16 – Redhill roundabout, site was previously Little Chef	Too close to residential properties	<u>Agree not suitable due to 200 yard rule.</u>
17 – Redhill roundabout, site on the old link road	Advised that Highways Authority would not allow old road to be re-opened	County Highways have confirmed access would not be safe.  <u>Agree not suitable due to 200 yard rule.</u>
18 – Lime Lane, Former Stead's Transport	Withdrawn from sale. Not available	Distant from public transport.  <u>Agree not suitable due to 200 yard rule.</u>
19 – The Old Pumping Station, Mansfield Road	Too close to residential properties. Listed status affected delivery.	<u>Agree not suitable due to 200 yard rule.</u>
20 – Catfoot Lane, several open fields near Mapperley Top	No buildings on site	The site is the subject of another crematorium application (2012/0616).
21 – Application site	Site is located close to area of need and	