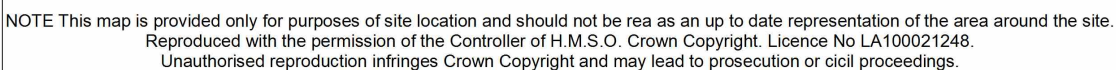


Planning Reference: 2018/0228

Land Adjacent Oakdene
Georges Lane Calverton



Report to Planning Committee

Application Number: 2018/0228

Location: Land Adjacent Oakdene Georges Lane Calverton

Proposal: The change of use of agricultural land to a mixed traditional, natural and woodland burial ground, erection of facilities building and associated car parking, landscaping and new access arrangements onto Georges Lane

Applicant: Mr Gary Davies

Agent: Armstrong Rigg Planning

Case Officer: Graham Wraight

1.0 Site Description

- 1.1 The site is rurally located to the north of George's Lane, between the settlements of Arnold and Calverton. It consists of agricultural land and woodland which has a substantial change in ground levels, with the land generally rising from George's Lane up towards the north.
- 1.2 The site is accessed from George's Lane via an unadopted hard bound road which leads in a northerly direction towards several dwellings that are situated on Ramsdale Hill. Dwellings are also located to the east of the site and to the west is Calverton Hill Hospital. Part of the site to the north also shares a boundary with Ramsdale Park Golf Centre.
- 1.3 The site is located with the Green Belt and Ramsdale Hill to the north is designed as a Scheduled Ancient Monument. A public bridleway runs along the existing access road and a public footpath also passes across the site to the north-east corner.
- 1.4 The site area is 6.1 hectares.

2.0 Relevant Planning History

- 2.1 2013/1010 - Change of use of agricultural field to create natural burial ground with associated car park – Withdrawn.

3.0 Proposed Development

3.1 The application seeks planning permission to establish a burial ground and comprises of the following elements:

- ☐ The change of use of the land to a burial ground consisting of areas for traditional burials, woodland burials and natural burials
- ☐ The alteration of the vehicular access onto George's Lane
- ☐ The construction of a car parking area to accommodate 16 spaces
- ☐ The erection of a single storey facilities building with a footprint of approximately 61m².
- ☐ Internal access roads to the traditional and natural burial areas
- ☐ Tree and shrub planting
- ☐ A footpath link to the existing bus stop adjacent to the site

4.0 Consultations

4.1 Nottinghamshire County Council Highways – no objection subject to conditions relating to the closure of the existing site access, the new site access being provided, improvements to the footway being made and visibility splays being provided.

4.2 Nottinghamshire County Council Rights of Way – no objection.

4.3 Nottinghamshire County Council Environmental Management and Design Team – no objection.

4.4 Lead Local Flood Authority – no objection.

4.5 Environment Agency – no objection subject to a condition to ensure that controlled waters are not contaminated as a result of the development.

4.6 Severn Trent Water – no comments received.

4.7 Historic England – no comments to make, refer to your specialist conservation and archaeological advisers,

4.8 Gedling Borough Council Conservation Officer – no objection.

4.9 Gedling Borough Council Scientific Officer – no comments.

4.10 Gedling Borough Council Parks and Street Care – The need for additional burial space has lessened as a new burial section has been laid out at Carlton Cemetery, although the Council is not in a position to offer burial space on the Arnold site of the Borough.

4.11 Gedling Borough Council Economic Development – a local labour agreement is not required.

4.12 Calverton Parish Council – object on the following grounds:

- ☐ Inappropriate development in the Green Belt
- ☐ Alternative provision at Hollinwood, Calverton
- ☐ Road Safety
- ☐ Pedestrian Safety
- ☐ Impact on scheduled ancient monuments
- ☐ Impact on the recreational amenity of this area of countryside
- ☐ Loss of agricultural land
- ☐ Visual impact due to prominent location

- 4.13 On receipt of the planning application a press notice was published, a site notice displayed and neighbour notification letters posted.

Four representations objecting to the proposal were received and these are summarised as follows:

- ☐ How will the fields access a water supply?
- ☐ What things have been put in place to address problems with the water supply?
- ☐ Access onto Georges Lane is not safe
- ☐ Conflict between users of single track
- ☐ Who will be responsible for road maintenance?
- ☐ Has an alternative access or a widened access been considered?
- ☐ The style of graves should be considered
- ☐ Possibility of increase in waste
- ☐ Visual impact and impact on openness
- ☐ Who will manage the graves?
- ☐ Increase in noise
- ☐ Impact upon walkers and the public footpath
- ☐ Access is dangerous and does not have required visibility
- ☐ Will impede access to exist dwellings
- ☐ Does the proposal comply with the Equalities Act and provide facilities for disabled people?
- ☐ How will the site be secured out of hours
- ☐ Potential for anti-social behaviour out of hours
- ☐ What is the evidence of need – alternative facilities are located nearby
- ☐ Surface water run-off and water contamination
- ☐ Usage will be greater than stated
- ☐ Question the need as alternative facilities nearby
- ☐ Access is not safe and visibility is not good
- ☐ Conflict between users of access track
- ☐ Digging a grave may be problematic due to water fill
- ☐ Site is not allocated for development and the principle of development has not been established
- ☐ Land is not unproductive
- ☐ No need and no special circumstances
- ☐ No evidence of sustainability
- ☐ No sequential test or site selection evidence
- ☐ Compromised access to 4 properties
- ☐ Increase traffic flow on footpath
- ☐ Signage would affect rural character
- ☐ Urbanising effect to meet highway safety standards including removal of trees and hedges
- ☐ Orchard Farm was rejected due to the damage to the Green Belt
- ☐ Half the site is in Calverton where the project was deemed to not be required by local officials
- ☐ Will fundamentally alter the local landscape
- ☐ Harm to Green Belt and inappropriate
- ☐ No VSCs demonstrated
- ☐ No need
- ☐ Site selection methodology and reasoning are flawed
- ☐ Disabled access would be difficult
- ☐ Internal roads and bins would be detrimental to the site

- ☐ Near a historic site
- ☐ Previously for sale as good agricultural land and is not rejuvenating derelict land
- ☐ Water supply is already under strain
- ☐ No account of vegetation which obscures visibility splays
- ☐ Conflict on access track
- ☐ Access to Calverton Hill Hospital is not mentioned
- ☐ What happens if emergency vehicles need to access residential properties?
- ☐ No mention of management structure of the site
- ☐ Refers to APP/N3020/A/2208636 Land at Orchard Farm, Catfoot Lane, Lambley
- ☐ Damage to water supply that crosses the site and issues with maintenance

One representation neither objecting nor supporting was received and this is summarised as follows:

- ☐ No objection but there is already a site in Calverton
- ☐ Concern about the safety of the access road

In addition, two representations of support were received and these are summarised as follows:

- ☐ Fully support but would recommend that the speed limit on Georges Lane is significantly reduced
- ☐ Overall support the application as it will enrich Green Belt land and stop housing development – also states that was not involved in public consultation event, that water supply runs under land and is concerned that shelter does not get enlarged and altered over time

4.14 Following the submission of amended plans which altered the proposed access onto George's Lane and repositioned the northern boundary to address the impact on the Schedule Ancient Monument and which included the submission of an amended red line, a full re-consultation period was undertaken with new press and site notices and neighbour notification letters. Two objection were received and are summarised as follows:

- ☐ Still have concerns about visibility on Georges Lane
- ☐ Has coach parking been added? This has potential to cause conflicts with the use of the shared access road.
- ☐ Will fundamentally alter the local landscape by introducing buildings and extensive hard surfacing and associated infrastructure
- ☐ Inappropriate development in the Green Belt, will have an impact on openness and visual amenity
- ☐ Will result in encroachment
- ☐ The 'very special circumstances' offered are inadequate
- ☐ No evidence of need and other sites are available
- ☐ Local residents and the County Council should be involved in choosing a site
- ☐ It is too steep making disabled access difficult.
- ☐ The internal roads and bins would be detrimental to the site.
- ☐ It is near an historic site.
- ☐ Local residents would have a substantial increase in noise pollution from the site.

- ☐ The present water supply to Calverton hill hospital and properties on Ramsdale Park is already under strain and supply was cut off on numerous occasions last year
- ☐ No mention has been made of advice from Severn Trent .
- ☐ The traffic surveys suggest a 120 m visibility splay is possible but makes no account of the vegetation which obscures the view.
- ☐ Visibility splays cannot be achieved
- ☐ Conflict between users of the access road
- ☐ The need to access Calverton hill hospital that employs a large number of staff is not mentioned.
- ☐ There is no mention of the type of headstone that would be allowed or details of the management company to maintain the site.

One representation in support was received and is summarised as follows:

- ☐ As per my previous comment I fully support this application, it is an excellent change of use.
- 4.15 Calverton Parish Council maintain their objection on the same grounds as originally stated.

5.0 Assessment of Planning Considerations

- 5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) requires that 'if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise'.
- 5.2 The most relevant national planning policy guidance in the determination of this application is contained within the National Planning Policy Framework 2018 (NPPF) and the additional guidance provided in the National Planning Practice Guidance (NPPG).

6.0 Development Plan Policies

- 6.1 The following policies are relevant to the application:
- 6.2 National Planning Policy Framework 2018 – sets out the national objectives for delivering sustainable development. Sections 13 (Protecting Green Belt land), 15 (Conserving and enhancing the natural environment) and 16 (Conserving and enhancing the historic environment) are particularly relevant.
- 6.3 Greater Nottingham Aligned Core Strategy Part 1 Local Plan

Policy A: Presumption in Favour of Sustainable Development – a positive approach will be taken when considering development proposals

Policy 1: Climate Change – all development will be expected to mitigate against and adapt to climate change including with respect to flood risk.

Policy 3: Green Belt – sets out the policy with respect to the Green Belt.

Policy 10: Design and Enhancing Local Identity – sets out the criteria that development will need to meet with respect to design considerations.

Policy 11: The Historic Environment – sets out the criteria for safeguarding heritage interests.

Policy 17 – Biodiversity – sets out the approach to ecological interests

6.4 Local Planning Document (Part 2 Local Plan)

The Local Planning Authority adopted the Local Planning Document (LPD) on the 18th July 2018. The relevant policies to the determination of this application are as follows:

LPD 6: Aquifer Protection – states that planning permission will be granted where proposals would not be liable to cause contamination of the ground water in aquifers.

LPD 19: Landscape Character and Visual Impact – states that planning permission will be granted where new development does not result in a significant adverse visual impact or a significant adverse impact on the character of the landscape.

LPD 26: Heritage Assets – sets out the criteria that development which may affect a designated heritage asset will need to meet.

LPD 32: Amenity – planning permission will be granted for proposals that do not have a significant adverse impact on the amenity of nearby residents or occupiers.

LPD 57: Parking Standards – sets out the requirements for parking.

LPD 61: Highway Safety – states that planning permission will be granted for developments that do not have a detrimental impact upon highway safety, movement and access needs.

6.5 Calverton Neighbourhood Plan

The eastern part of the site is located within the Calverton Parish area and therefore the Calverton Neighbourhood Plan is relevant:

Policy ISF1: Sustainable Transport – states that opportunities for the use of sustainable modes of transport must be maximised.

Policy ISF2: Car Parking – states that any new development outside of the Village Centre will only be permitted where it has sufficient parking provision.

Policy ISF3 – Highway Impact – sets out the criteria for assessing highway impact.

Policy BE1: Design & Landscaping – states that all development on the edge of Calverton must provide soft landscaping on the approach into the village and sets out criteria to achieve this.

Policy BE5: Heritage Assets – sets out the approach to development that affects designated heritage assets including Conservation Areas and Ancient Monuments.

Policy NE3: Flooding- sets out the approach to preventing flooding and to ensure that adequate drainage is provided.

Policy NE4: Green Infrastructure –sets out the approach to green infrastructure and ecological considerations.

Policy NE5: Biodiversity – sets out the approach to biodiversity.

7.0 Planning Considerations

Principle of the development

7.1 The site is located within the Green Belt. Paragraph 134 of the National Planning Policy Framework states that the Green Belt serves five purposes:

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

7.2 Paragraph 145 of the National Planning Policy Framework states that

A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:

The provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;

7.3 Paragraph 146 of the National Planning Policy Framework states that

Certain other forms of development are also not inappropriate in the Green Belt providing they preserve its openness and do not conflict with the purposes of including land within it.

Included within the list set out in paragraph 146 is:

Material changes in the use of land (such as changes of use for outdoor space or recreation, or for cemeteries and burial grounds)

7.4 The wording of the National Planning Policy Framework 2018 differs from its 2012 predecessor in that the change of use of land to a cemetery or burial ground could, in principle, be not inappropriate within the Green Belt. In the event that the development was considered to be not inappropriate, there would be no requirement to demonstrate very special circumstances in order to permit the development.

7.5 In order to establish whether the proposed development is not inappropriate, it must be considered whether it would preserve the openness of the Green Belt and whether it would conflict with the 5 purposes set out in paragraph 134.

7.6 There is no local planning policy that is directly relevant to the consideration as to whether this proposal is appropriate or inappropriate development within the Green Belt.

Impact upon the openness of the Green Belt

- 7.7 The quantum of built development proposed is restricted to the erection of a facilities building, a car parking area, access roads and a reconfigured site entrance onto Georges Lane. A pedestrian pavement would also be provided along part of Georges Lane to an existing bus stop. In addition, it is envisaged that burial plots would be marked out by gravestones, in the form of a traditional cemetery.
- 7.8 The facilities building would be single storey and have a small footprint of approximately 61m² thus ensuring it would be of a limited size and scale, the car parking area would contain only 16 parking spaces and the access road and site entrance amendments would be of relatively limited impact.
- 7.9 As none of this built development is of significant scale, it is considered that the development would preserve the openness of the Green Belt in this location in both a visual and a spatial sense. In this respect therefore, the development can be considered to be appropriate development within the Green Belt.

Impact upon the purposes of the Green Belt

- 7.10 The proposal would not result in the unrestricted sprawl of large built-up areas or cause neighbouring towns to merge into one another. The historical considerations arising from the proximity to the Scheduled Ancient Monument have been satisfactorily addressed. It is not considered that the proposal would have any impact on the objective to recycle urban land. It is therefore considered that the only assessment that needs to be made with respect to Paragraph 134 of the National Planning Policy Framework is whether the proposal would represent an encroachment into the countryside.
- 7.11 Whilst the proposal would result in the change of use of land which currently forms open land within the Green Belt, the amount of built form would be limited. It is accepted that the presence of gravestones would change the character of the land visually but they would not be significant in terms of their height or general scale. Furthermore, the 2018 National Planning Policy Framework advises at paragraph 146 that cemeteries and burial grounds are not inappropriate with the Green Belt and it is considered that there would be expectation that such uses would require the provision of gravestones. Therefore it is not considered that the proposal would compromise the objectives of the National Planning Policy Framework with respect to encroachment into the Green Belt and the development is therefore appropriate within the Green Belt.

Need for the development and very special circumstances

- 7.12 As the proposed development is considered to be appropriate development within the Green Belt when assessed against the National Planning Policy Framework 2018, it is not necessary for the applicant to demonstrate that very special circumstances exist in order for the proposal to be supported. This differs from the position when the current application was initially submitted which was prior to the publication of the 2018 Framework and as result the

documents submitted in support of the application include a consideration of need for the development, with the aim as establishing a lack of cemetery provision as a very special circumstance.

- 7.13 However as it is no longer necessary to demonstrate very special circumstances, the consideration of need for this proposed cemetery is no longer relevant. Having established that the development is appropriate in this Green Belt location it is only the following matters that now fall to be considered.

Impact upon visual amenity and landscape character

- 7.14 The application has been accompanied by a Landscape Visual Impact Assessment which considers that the site is relatively discreet and contained, which would help to integrate the proposal into the surrounding landscape and help conserve its rural farming character. This assessment can be accepted, as the topography of the site and the existing woodlands to the south and west would combine to provide screening from many vantage points. It is also proposed to plant native trees and shrubs to the northern boundary, which would provide further screening in addition to that which is naturally afforded by the fact that the land to the north is much higher than to the south.
- 7.15 The car park and facilities block would be located to the south on an area of the site which is a lower level and they would be sited immediately adjacent to an area of existing woodland. Whilst the proposed development would include access tracks within the site, it is considered that these could be surfaced in a material that is appropriate and sympathetic to the surroundings and this matter could be controlled by way of a planning condition. The presence of gravestones would have a visual impact and any impact upon the landscape, however it is not considered that this impact would be significant or intrusive.
- 7.16 It is therefore not considered that the proposal would have a detrimental impact upon visual amenity and it would therefore accord with the objectives of the National Planning Policy Framework, Aligned Core Strategy Policy 10, Local Planning Document Policy 19 and Calverton Neighbourhood Plan Policies BE1 and NE4.

Impact upon residential amenity

- 7.17 The proposed development would lead to an intensification of the use of the land as compared to the current situation. However, the use in itself would not generate any significant amount of noise generation and movements to and from the site would be unlikely to give rise to harm to residential amenity. Furthermore, there is a relatively substantial distance from the site to the adjacent residential properties.
- 7.18 It is therefore not considered that the proposal would have a detrimental impact upon residential amenity and it would therefore accord with the objectives of the National Planning Policy Framework, Aligned Core Strategy Policy 10 and Local Planning Document Policy LPD 32.

Highway matters

- 7.19 The proposed access point onto George's Lane has been amended and repositioned to address concerns raised by the Highway Authority. The Highway Authority consider that the proposed access would be a betterment of the current access and raise no objection subject to conditions relating to the closure of the existing site access, the new site access being provided, improvements to the footway being made and visibility splays being provided.
- 7.20 The improved access point is wide enough to allow cars to pass one another as they enter the site and drive towards the proposed car parking area. It is noted that concern has been raised by the occupiers of neighbouring properties that the access to their dwellings is not wide enough to allow cars to pass, however it is considered that the proposed access arrangements would ensure that there is no harm to highway safety as a result of the development.
- 7.21 Annex D to the Local Planning Document does not specify a parking requirement for burial grounds and therefore the Transport Statement submitted sets out a proposed requirement to serve the needs of the development. It is noted that the Highway Authority do not raise an objection to the proposal and therefore do not consider that any harm to the surrounding highway network would arise. On this basis, there is no evidence to suggest that 16 spaces would not be adequate to provide for the parking needs of the development.
- 7.22 It is therefore considered that the proposal meets with the objectives of the National Planning Policy Framework, Local Planning Document Policies 57 and 61 and Calverton Neighbourhood Plan Policy ISF2 and ISF3.

Heritage considerations

- 7.23 Following discussions with Historic England the positioning of the northern boundary of the proposed burial site has been adjusted to align with the recognised extent of Ramsdale Hill Scheduled Ancient Monument. This means that the proposed development would not take place within the extent of the Scheduled Ancient Monument, which was the matter of concern raised when the application was initially submitted. As a result, Historic England do not raise an objection to the proposal and Council's Conservation Officer has also not raised an objection to the proposal. It is therefore considered that the proposal would not have any adverse impact upon this designated heritage asset.
- 7.24 It is therefore considered that the proposal meets with the objectives of the National Planning Policy Framework, Aligned Core Strategy 11, Local Planning Document Policy 26 and Calverton Neighbourhood Plan Policy BE5.

Ecological considerations

- 7.25 An ecological assessment has been submitted in support of the application and this concludes that the proposed development would not have an adverse impact upon protected species. In particular, it is noted that the majority of the

site has been managed for agricultural purposes and that there would be limited removal of trees required, with new planting being proposed within the site. Since the time that the ecological assessment was undertaken, negotiations to ensure an adequate access point onto Georges Lane is achieved have resulted in a repositioning of the access. This will necessitate the removal of a small area of existing trees, however in the context of extensive woodland belt in this location, it is considered that any impact upon ecology would be negligible. Remaining matters related to protected species can be addressed by way of notes to applicant.

- 7.26 With regard to the possible Sherwood potential Special Protection Area, I note that the ecological assessment states that the proposed development will be a combined green / traditional and woodland burial ground and no new residential houses or other significant facilities that will increase either population or impose significant additional recreational pressure in the Location. Therefore the potential for any impact on the local Nightjar and Woodlark populations is considered to be negligible and no further assessment with respect to the potential that Sherwood Forest could be designated as a proposed Special Protection Area (pSPA) or Special Protection Area (SPA) for Nightjar or Woodlark is considered to be necessary.
- 7.27 Paragraph 3.17.3 in the Council's Aligned Core Strategy (ACS) (2014) states 'Whilst this is not a formal designation, it does mean that these areas are under consideration by the Joint Nature Conservation Committee, and may be declared a proposed Special Protection Area in due course. The Aligned Core Strategies and Infrastructure Delivery Plan therefore take a precautionary approach and treat the prospective Special Protection Area as a confirmed European Site. The infrastructure Delivery Plan sets out requirements for a range of mitigation measures as recommended in the Habitats Regulation Assessment Screening Record. A decision on the extent of any possible Special Protection Area is not known'.
- 7.28 Natural England's current position in respect of the Sherwood Forest Region is set out in an advice note to Local Planning Authorities (March 2014) regarding the consideration of the likely effects on the breeding population of nightjar and woodlark in the Sherwood Forest Region. While no conclusion has been reached about the possible future classification of parts of Sherwood Forest as a Special Protection Area (SPA) for its breeding bird (nightjar and woodlark) interests, Natural England advise those affected Local Planning Authorities (LPAs) to be mindful of the Secretary of State's decision in 2011, following Public Inquiry, to refuse to grant planning permission for an Energy Recovery Facility at Rainworth where the potential impacts on these birds and their supporting habitats was given significant weight. Having regard to evidence submitted to the inquiry in 2010, the site is not located within a core ornithological interest for breeding nightjar and woodlark area but is situated within an indicative 5km buffer zone.
- 7.29 In light of this decision the Advice Note recommends a precautionary approach should be adopted by LPAs which ensures that reasonable and proportionate steps have been taken in order to avoid or minimise, as far as possible, any potential adverse effects from development on the breeding populations of nightjar and woodlark in the Sherwood Forest area. This will

help to ensure that any future need to comply with the provisions of the 2010 Regulations is met with a robust set of measures already in place. However unlike the Council's ACS, Natural England's Standing Advice Note does not recommend that the Sherwood Forest Region should be treated as a confirmed European site.

- 7.30 In terms of the legal background, a potential Special Protection Area (pSPA) does not qualify for protection under the Habitats Regulations until it has been actually designated as a SPA. Furthermore, the site does not qualify for protection under the NPPF as paragraph 176 refers to pSPAs and footnote 59 explicitly states that pSPAs are sites on which the Government has initiated public consultation on the case for designation. This has not occurred and therefore the Sherwood Forest Region does not qualify for special protection and a risk based approach is not necessary to comply with the Habitat Regulations or the NPPF.
- 7.31 It is therefore considered that the proposal meets with the objectives of the National Planning Policy Framework, Local Planning Document Policy 26 and Calverton Neighbourhood Plan Policy NE5. Whilst it is noted that a departure is taken from the Aligned Core Strategy Policy 17 in that the prospective Special Protection Area is not being treated as confirmed European Site, the reason for this is set out above.

Other matters

- 7.32 The Environment Agency raise no objection subject to a condition to ensure that ground water is not contaminated. It is therefore recommended that a planning condition addressing this is imposed on the permission. A Flood Risk Assessment has been submitted and the Lead Local Flood Authority has raised no objection with respect to surface water considerations.
- 7.33 It is necessary to remove trees from a small area of the site adjacent to George's Lane in order to create an access point that meets with the requirements of the Highway Authority. However, in the context of the substantial number of trees that front onto George's Lane and on consideration that extensive new planting is proposed on the site, it is considered that the removal of these trees to improve the access point can be supported. It is considered that matters relating to tree removal and tree protection can be addressed by way of planning conditions.
- 7.34 It is noted that reference has been made to previous planning applications in the Gedling Borough however all of these were submitted and determined when the National Planning Policy Framework 2012 was in force. The changes in the National Planning Policy Framework 2018 with respect to material changes of use are noted earlier in this report and mean that the cases considered under the previous Framework are not relevant when it comes to a consideration of changes of use in terms of appropriate and inappropriate development in the Green Belt.
- 7.35 Reference has been made to the location of water supply pipes under the site and concern that these may be damaged or become difficult to maintain. This however is private matter between the parties involved and is not a material

planning consideration, nor is how the development itself will obtain a water supply or any impacts relating to existing water supplies. Furthermore, the Environment Agency has not objected and no comments have been received from Severn Trent Water. There is no objection to the proposal from Nottinghamshire County Council's Rights of Way Officer and therefore it is not considered that the proposal would compromise the rights of way that run through the site. The erection of signage would be likely to require advertisement consent and it is considered such signage could be secured, both in terms of number, size and design, which would be appropriate for this rural location.

- 7.36 The East Midlands Agricultural Land Classification identifies the site as Grade 3 (Good to Moderate). However, the site area (at 6.18 hectares) falls significantly below the 20 hectare threshold where Natural England would become a statutory consultee and where further consideration of this matter would be deemed to be necessary. There is no dedicated coach parking proposed on the site and reference has been removed from the description of development accordingly.
- 7.37 Whilst it is accepted that the site is steeply rising topography, the proposed internal access tracks are designed to allow vehicle access and therefore it is considered that reasonable arrangements could be made to allow disabled persons to visit burial plots. It is not necessary for any type of sequential test to be submitted in support of this application. It is not considered that the proposal would have any significant impact upon the recreational amenity value of the surrounding area.
- 7.38 Maintenance of the existing access road is not a material planning consideration. It is not considered that there is an evidence that the proposal would lead to an increase in anti-social behaviour. It is not considered that the proposal would lead to a significant amount of waste generation nor that the presence of bins would have an undue visual impact. The presence of Calverton Hill Hospital close to the site is noted however it is not considered that the omission of reference to the access to this has any material impact upon the assessment of the application. There is no evidence to suggest that the proposed development would prevent emergency vehicles from accessing existing properties and no concern has been expressed by the Highway Authority.

8.0 Conclusion

- 8.1 The proposed development would represent appropriate development in the Green Belt and would not cause harm to openness or to the purposes of including land within the Green Belt. It is not considered that there would be an undue impact upon visual amenity or landscape character, residential amenity, highway safety, designated heritage assets, ecological considerations or ground water. The proposal therefore accords with the objectives of the National Planning Policy Framework, Aligned Core Strategy Policies A, 1, 3, 10, and 11, Local Planning Document Policies 6, 19, 26, 32, 57 and 61 and Calverton Neighbourhood Plan Policies ISF1, ISF2, ISF3, BE1, BE5, NE3, NE4 and NE5. Whilst it is noted that a departure is taken from the Aligned Core Strategy Policy 17 in that the prospective Special

Protection Area is not being treated as confirmed European Site, the reason for this is set out in the report.

RECOMMENDATION: Grant planning permission subject to conditions:

Conditions

- 1 The development must be begun not later than three years beginning with the date of this permission.
- 2 This permission shall be read in accordance with the following plans and details submitted to the Local Planning Authority: Site location plan received on 23rd August 2018, Drawing no. PRI 20524 10 J received on 23rd August 2018 and Drawing no. PL-01 Rev B received on 2nd March 2018. The development shall thereafter be undertaken in accordance with these plans.
- 3 No part of the development hereby permitted shall be brought into use until the existing site access onto Georges Lane has been permanently closed and reinstated to verge, in accordance with details first submitted to and approved in writing by the Borough Council.
- 4 No part of the development hereby permitted shall be brought into use until the new access to Georges Lane and car parking area, as shown indicatively on drawing PRI 20524 10 J, has been provided and made available for use, in accordance with technical details that have been first submitted to and approved in writing by the Local Planning Authority.
- 5 No part of the development hereby permitted shall be brought into use until the footway improvements along Georges Lane, as shown indicatively on drawing PRI 20524 10 J, has been provided and made available for use, in accordance with technical details that have been first submitted to and approved in writing by the Local Planning Authority.
- 6 No part of the development hereby permitted shall take place until visibility splays of 2.4m x 120m have been provided at the site access.
- 7 All burials shall be:
 - o a minimum of 250 m from a potable groundwater supply source;
 - o a minimum of 30 m from a water course or spring;
 - o a minimum of 10 m distance from field drains;
 - o no burial into standing water and the base of the grave must be above the local water table
- 8 Prior to the development hereby approved being first brought into use, there shall be submitted to and approved by the Local Planning Authority a landscape plan of the site showing the position, type and planting size of all trees, hedges, shrubs or seeded areas proposed to be planted together with a management plan for the long term retention of the landscaping. The approved landscape plan shall be carried out in the first planting season following the development first being brought into use and shall be managed in perpetuity in accordance with the approved management plan.

- 9 Prior to the erection of any external lighting there shall be submitted to and approved in writing by the Local Planning Authority details of all such lighting, including levels of illumination and a lux plot of the estimated luminance, to be provided on the approved buildings or elsewhere within the site. Any security lighting/floodlighting to be installed, shall be designed, located and installed so as not to cause disturbance to ecological interests on and adjacent to the site. The external lighting shall be provided in accordance with the approved details and shall be retained as such for the lifetime of the development.
- 10 The internal access roads within the site shall not be installed until precise details of their widths and the proposed materials to be used in their construction have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved details and retained as such in perpetuity.
- 11 No development shall commence on site in connection with the approved car park, facilities building or woodland walk through the Woodland Burial Area (including, tree works, fires, soil moving, temporary access construction and / or widening or any operations involving the use of motorised vehicles or construction machinery) until a detailed Arboricultural Method Statement (AMS) in accordance with BS5837:2012 Trees in relation to design, demolition and construction - Recommendations has been submitted to and approved in writing by the Local Planning Authority and any protective fencing is erected as required by the AMS. The AMS shall include full details of the following:
- a) Timing and phasing of Arboricultural works in relation to the approved development.
 - b) Details of a tree protection scheme in accordance with BS5837:2012:which provides for the retention and protection of trees, shrubs and hedges adjacent to the site.
 - c) Details of any construction works required within the root protection area of trees, hedges or shrubs adjacent to the site, as defined by BS5837:2012.
 - d) Details of the arrangements for the implementation, supervision and monitoring of works required to comply with the arboricultural method statement
 - e) Details and construction details of any pathways and other development to take place within the Woodland Burial Area.
- The development shall thereafter be undertaken in accordance with the approved Arboricultural Method Statement.
- 12 The Woodland Burial area shall be used for the scattering of cremated remains only and not for ground burials, in accordance with the email received from the Agent on 1st October 2018.

Reasons

- 1 In order to comply with Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 For the avoidance of doubt and to define the terms of this permission.
- 3 In the interest of highway safety.
- 4 In the interest of highway safety.
- 5 To promote sustainable travel, in the interest of pedestrian safety.
- 6 In the interest of highway safety.
- 7 To protect the quality of controlled waters in the local area.
- 8 In the interests of visual amenity and landscape character.
- 9 To protect ecological interests on and adjacent to the site.
- 10 In the interests of visual amenity and landscape character.
- 11 To ensure that existing trees are adequately protected.
- 12 To ensure that the woodland is retained and to define the permission, for the avoidance of doubt.

Reasons for Decision

The proposed development would represent appropriate development in the Green Belt and would not cause harm to openness or to the purposes of including land within the Green Belt. It is not considered that there would be an undue impact upon visual amenity or landscape character, residential amenity, highway safety, designated heritage assets, ecological considerations or ground water. The proposal therefore accords with the objectives of the National Planning Policy Framework, Aligned Core Strategy Policies A, 1, 3, 10, and 11, Local Planning Document Policies 6, 19, 26, 32, 57 and 61 and Calverton Neighbourhood Plan Policies ISF1, ISF2, ISF3, BE1, BE5, NE3, NE4 and NE5. Whilst it is noted that a departure is taken from the Aligned Core Strategy Policy 17 in that the prospective Special Protection Area is not being treated as confirmed European Site, the reason for this is set out in detail in the Officer report to Planning Committee.

Notes to Applicant

The applicant is advised that all planning permissions granted on or after 16th October 2015 may be subject to the Community Infrastructure Levy (CIL). Full details of CIL are available on the Council's website. The proposed development has been assessed and it is the Council's view that CIL is not payable on the development hereby approved as the development type proposed is zero rated in this location.

The off-site works associated to this consent will require you to undertake works within the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. In order to undertake the work you will need to enter into an Agreement under Section 278 of the Act. Please contact hdc.south@nottsc.gov.uk for details.

The applicant should make themselves familiar with the Environment Agency's guidance on cemeteries and burials, which can be found at:<https://www.gov.uk/guidance/cemeteries-and-burials-prevent-groundwater-pollution>

When considering carrying out any work to trees it is important to consider the provisions made in the Wildlife and Countryside Act 1981, Conservation (natural habitats) Regulations 1994 and the Countryside Rights of Way Act 2000, which mean it is an offence to intentionally or recklessly kill, injure or take a bat, Intentionally or recklessly damage, destroy or obstruct access to any structure or place used for shelter or protection by a bat, Intentionally or recklessly disturb a bat while it is occupying a structure or place that it uses for shelter or protection, damage, destroy or block access to the resting place of any bat, Intentionally or recklessly kill, injure or take a wild bird, Intentionally or recklessly take, damage or destroy the nest of any wild bird when it is in use or being built, Intentionally or recklessly take, damage or destroy the egg of any wild bird. These points outline the main parts of the above legislation. If you are unsure about these issues, it would be advisable to contact an ecological consultant before undertaking any tree work operations.

The Borough Council has worked positively and proactively with the applicant in accordance with paragraph 38 of the National Planning Policy Framework (2018). Amendments were secured to address matters arising with respect to highway safety and heritage assets.

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to The Coal Authority on 0845 762 6848. Further information is also available on The Coal Authority website at www.coal.decc.gov.uk Property specific summary information on past, current and future coal mining activity can be obtained from the Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com