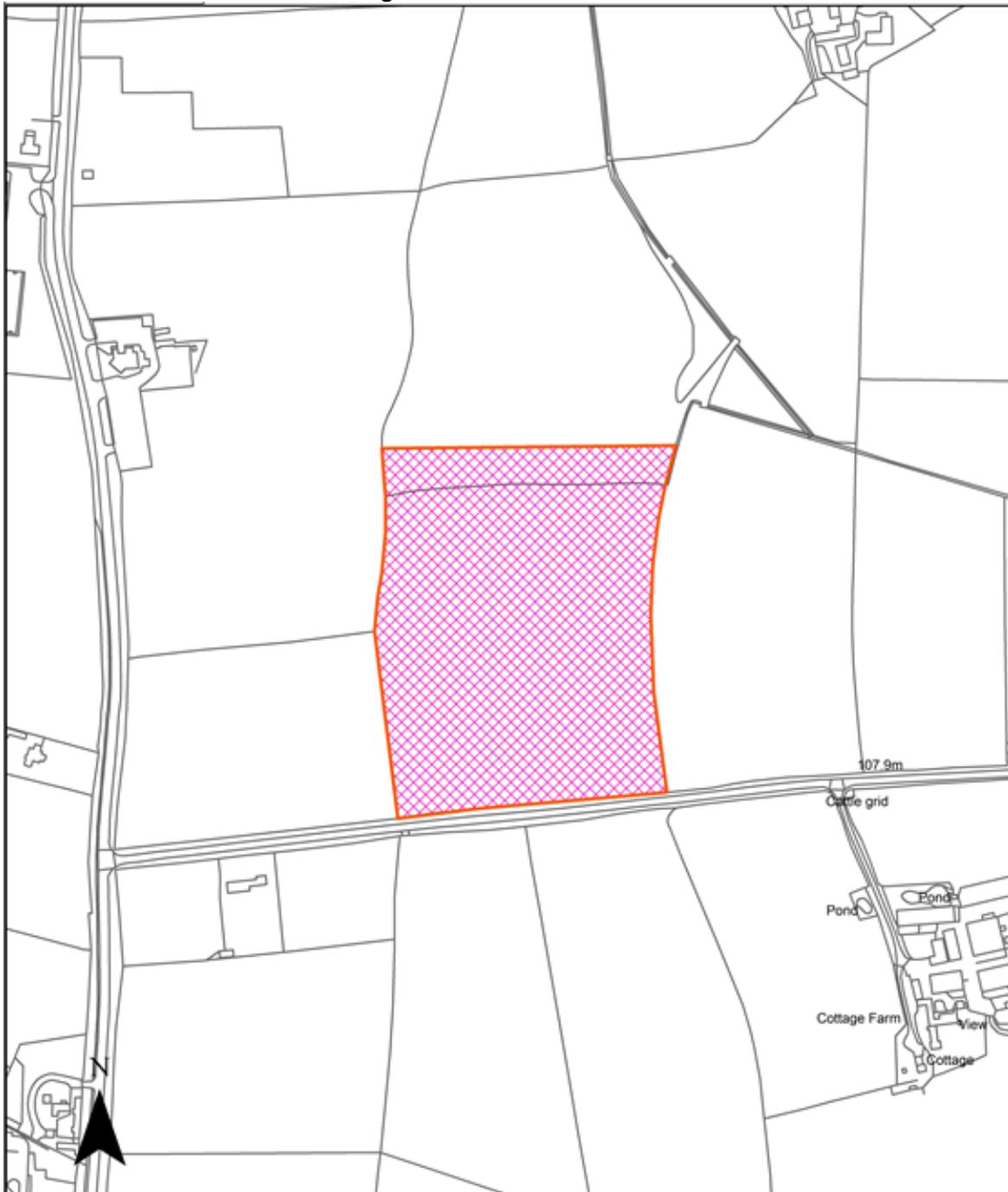


**Application Number:** 2012/0616  
**Location:** Land North Of The Lighthouse Catfoot Lane Lambley Nottinghamshire



**NOTE:**  
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## **Report to Planning Committee**

<b>Application Number:</b>	2012/0616
<b>Location:</b>	Land North Of The Lighthouse Catfoot Lane Lambley Nottinghamshire
<b>Proposal:</b>	Proposed Crematorium for Gedling
<b>Applicant:</b>	Westerleigh Group Ltd
<b>Agent:</b>	RG+P
<b>Case Officer:</b>	Nick Morley

### **Site Description**

The application site consists of approximately 5.3 hectares (13 acres) of agricultural land, within the Green Belt for Nottingham, a Mature Landscape Area and the Greenwood Community Forest. It contains no buildings or structures.

The site is located on the north side of Catfoot Lane, which links Lambley and outlying residential properties and businesses with the B684 Mapperley Plains road. The application site is about 200 metres from the junction of Catfoot Lane with Mapperley Plains and some 1.3 miles from the edge of Lambley village, which lies to the east.

There are a number of relatively isolated residential properties, farms, a public house, rugby club and businesses within the general vicinity of the site, including The Lighthouse and Brookfields Garden Centre to the south-west; The Travellers Rest public house and Mellish Rugby Football Club to the north-west; Barn Farm to the north-east; 224 Catfoot Lane, Orchard Farm and Foxhill Farm to the east; and Cottage Farm and Floralands Garden Centre to the south-east.

The site is bounded by mature hedgerows and trees, with the hedgerows along the eastern and western boundaries classed as 'important' under The Hedgerows Regulations 1997.

The site falls in level from its southern boundary with Catfoot Lane to its northern boundary with the Dumble by between 4 to 15 metres, with a fall of approximately 19 metres measured diagonally from its south-western corner to its north-eastern corner. There is also a fall of between 4 to 15 metres across the site from west to east, with the lower figure being at the top of the site adjacent to Catfoot Lane.

Lambley Footpath No.33 passes through the site, running parallel to the eastern boundary, from where it runs back up the Dumble in a north-easterly direction towards Lambley House Farm, where it meets Lambley Bridleway No.24.

## **Relevant Planning History**

On 17<sup>th</sup> May 2013, the Borough Council granted planning permission to the Westerleigh Group for a crematorium and cemetery on land north of The Lighthouse, Catfoot Lane, under application no: 2012/0616.

Following a Judicial Review, the decision was quashed by the High Court on the 11th March 2014. Appeals to the Court of Appeal by the Borough Council and Westerleigh regarding the quashed decision were heard on 3rd December 2014, with the final judgement being handed down on 22<sup>nd</sup> January 2015.

The Court of Appeal upheld the decision of the High Court and the planning permission for Westerleigh to develop a crematorium on Catfoot Lane, Lambley remains quashed.

With the quashing of the permission, the application has been remitted back to the Borough Council for re-determination and additional information and details have been submitted as an update/revision to the information submitted as part of the original application. Although these were submitted in October 2014, it was subsequently agreed by the Borough Council and Westerleigh that the application would not be reported back to the Planning Committee until the judgement of the Court of Appeal had been handed down. The additional information and details are outlined under *Proposed Development* below.

On 17th May 2013, the Borough Council refused planning permission to A W Lymn for a crematorium at Orchard Farm, Catfoot Lane, under application no: 2012/0799. This application was refused on the following grounds:

1. The proposed development would not fall within the categories of appropriate development within the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. 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 Borough Council does not consider that the very special circumstances by reason of need put forward by the applicant to justify the proposal would, in this instance, outweigh the harm to the Green Belt at the application site due to the impact on openness and the harm caused to the purpose of safeguarding the countryside from encroachment.
2. The proposed development would not maintain the openness of the Green Belt at the application site by reason of its scale, appearance and associated hard surfaced areas, and would conflict with the purpose of assisting in safeguarding the countryside from encroachment.
3. The proposed development would have a moderate adverse visual impact and a moderate adverse effect on The Dumbles Rolling Farmland of the Mid-Nottinghamshire Farmlands Landscape Character Area and the Mature Landscape Area by introducing buildings and a fundamentally diverse landscape into an area of high landscape sensitivity, derived from its simplicity and openness.

An appeal against this decision was subsequently lodged with the Planning Inspectorate and a Public Inquiry was held at the Civic Centre on 17th - 20th June and 24th - 25th June. A site visit was made on 2nd July 2014.

The appeal was dismissed on 4<sup>th</sup> August, 2014. In reaching this decision, the Inspector concluded [in summary] that:

1. The proposed development would be inappropriate in terms of Green Belt policy, and would cause a loss of the Green Belt's openness, and would represent an encroachment into the countryside. In all these respects, it would conflict with the Green Belt policies of the Replacement Local Plan (RLP) and the National Planning Policy Framework (NPPF). Substantial weight must be given to the resulting harm to the Green Belt.
2. Harm would also be caused to the character and appearance of the landscape, and the location would not allow for satisfactory accessibility for all users or maximise the use of sustainable transport modes. In these respects, the proposal again conflicts with relevant policies of the RLP and the NPPF, and also the emerging Aligned Core Strategy (ACS). The Inspector gave these matters considerable weight. In addition, the development would have potential adverse consequences for highway safety and for neighbouring occupiers. The Inspector gave some further weight to each of these.
3. In providing an additional crematorium facility within the Gedling area, the development would provide some benefits to the local community, and would reduce the mileage travelled in connection with cremations and funerals in the Borough. There would also be some potential benefits to the site's ecology and biodiversity. But these benefits would carry little weight in comparison to the harm identified above.
4. A need for the facility has not been demonstrated. Neither has it been shown that the appeal site is the best site available if such a need were to be established. Although the proposed scheme has been designed with great care, the quality of the design is not so outstanding or innovative as to count as more than a neutral factor in the overall balance.
5. In the light of all these considerations, the Inspector concluded that although the proposed development would have some benefits, on any objective analysis these would not clearly outweigh the harm that he found. Those benefits therefore cannot amount to the very special circumstances that are necessary under the NPPF to justify development in the Green Belt. Furthermore, given the various substantial planning objections that the Inspector identified, the proposal does not constitute sustainable development. And even if it did, the NPPF's presumption in favour of such development does not apply in Green Belts.

Therefore, as matters currently stand, there is no extant planning permission for a crematorium within Gedling Borough.

### Proposed Development

The additional information and details submitted in October 2014 included amendments to the proposed layout plan. The amended layout plan shows the removal of the proposed cemetery land from the application and the re-configuration of the footpaths within the site, including the removal of the footpaths and car parking areas that were associated with the proposed cemetery use. These changes are

reflected in the description of development below, which otherwise remains as originally reported to Planning Committee in May, 2013. The other additional information and details which were submitted in October 2014 are outlined separately.

The proposed development is for a crematorium, comprising a main chapel and crematorium building containing the main public areas of the chapel, entrance lobby, vestry and a waiting area. To the rear of the chapel would be the cremator room, offices, a meeting room, staff area, storage rooms and a garden store. It is also proposed to construct a separate covered floral tribute area adjacent to the main crematorium building.

Associated works proposed include the vehicular access, car parking areas, footpaths and new internal hedges within the wider site.

The proposed crematorium building would be located on gently sloping land, approximately halfway down the site and on its western side. The finished floor level of the proposed crematorium building would be approximately 4 metres lower than the highest part of the site, adjacent to Catfoot Lane. It would measure a maximum of 39.3 metres in length by a maximum of 18.7 metres wide (including entrance canopies, porches and stack), with a ridge height of 6.8 metres, an eaves height ranging between 2.5 metres to 3.7 metres and a stack height of 9 metres.

The proposed floral tribute area would be sited 10 metres to the north-east side of the main crematorium building and would provide some 129 square metres of protected space, underneath an angled canopy with a maximum height of 3.3 metres.

Whilst the site has a total area of just over 5 hectares, the proposed crematorium building would have a gross floor area of 447 square metres (522 square metres including covered areas) and the various car parking areas, driveways and paths would now cover an area of approximately 3570 square metres, resulting in a total developed area of approximately 0.4 of a hectare. Prior to the removal of the footpaths and car parking areas that were associated with the proposed cemetery use, these figures were 4140 square metres and 0.5 hectares respectively.

The proposed crematorium would have a seating capacity of 96 and, including the overflow car parking, would provide a total of 83 visitor car parking spaces. Staff car parking spaces and space for the main funeral cortege cars would be in addition to the visitor car parking areas.

Access into the site would be gained directly from Catfoot Lane via a new access through the existing hedgerow, approximately 300 metres from the junction with Mapperley Plains and mid-way along the site boundary with Catfoot Lane. The proposed access would consist of a 6 metres wide carriageway for the first 18 metres into the site, with gates set back 10 metres from Catfoot Lane. The amended layout plan shows inward opening access gates set back approximately 10 metres from the highway boundary.

Revised access plans were previously submitted to minimise the impact of the visibility splays on the existing hedgerow along this part of Catfoot Lane. These now show visibility splays of 2.4 metres by 160 metres in both directions, compared to splays of 2.4 metres by 215 metres, as originally proposed.

Once within the site, vehicles would be fed into a one-way, circulatory access system,

intended to allow vehicles to move freely within the site on the narrower internal roads and for the car parking areas to fill and empty at different ends.

The revised plans now show the addition of a pedestrian access in the south-west, corner of the site to Mapperley Plains. Previously, pedestrian access into the site would have been gained solely via the proposed main site entrance. This would join a new footway, running along the southern side of Catfoot Lane, between the site access and Mapperley Plains. The footway would continue on the eastern side of Mapperley Plains for a distance of approximately 30 metres to the south of the junction. The proposal would also include a pedestrian refuge to assist with the crossing of Mapperley Plains, in order to reach the existing footway along the western side of Mapperley Plains, and associated works to the junction radii.

It is stated that the proposed crematorium building has been designed so as to fit into this sloping site, whilst being low in scale and simple in its overall form. The overall design of the proposed building is modern and functional and will be constructed with sustainability in mind, using local materials where possible and using a rainwater harvesting system to conserve water and re-use for irrigation of the grounds.

Although the siting of the proposed main building has not changed, a revised layout plan was previously submitted, showing the overall crematorium scheme condensed towards the south-western corner of the site and this has been retained within the current site layout.

As a consequence of the previous and recent revisions, the proposed crematorium and associated works would now occupy approximately 1.75 hectares of the overall site, instead of the 3.8 hectares originally proposed.

The proposed crematorium would be separated from the remaining, undeveloped, land on the northern and eastern part of the site by new hedges.

As part of the previously revised layout, an additional length of hedge is also proposed on the west side of the existing footpath.

The proposed access road, parking area and footpaths would be surfaced with macadam and the proposed overflow parking area would be surfaced with grasscrete. The areas directly around the proposed crematorium building and floral tribute area would be surfaced with concrete paving setts, concrete surfacing, gravel strips, gravel surfacing and planting beds. The remaining open areas of the site, as defined by the land within the existing south and west boundaries and the new hedges separating the proposed crematorium and associated works from the undeveloped land, would comprise mown grass lawns.

Lighting would comprise 7 no. 4 metres high, strada lights alongside the proposed access road and parking areas; 21 no. church bollard lights alongside the proposed access road, footpaths, crematorium and floral tribute area; 4 no. ASC clarity lights under the proposed crematorium canopy and 4 no. JCC Geo oval lights under the floral tribute canopy.

The proposed main car park and overspill parking to serve the proposed crematorium has also been re-aligned as part of the previously revised plans so as to follow the site contours.

The original application was accompanied by a Design and Access Statement, Town Planning Statement, Statement of Community Engagement, Ecology Phase 1 Habitat Survey, Flood Risk Assessment, Landscape and Visual Impact Assessment (LVIA), Need Report, Site Search Document, Transport Statement and Travel Management Plan.

In addition to the revised access, layout, parking and landscaping drawings referred to above, the LVIA was updated previously and more information was submitted in relation to travel impact and management, cortege routes, stack height calculations and illustrative lighting details.

Following representations from the Catfoot crematorium opposition Group (CCOG) in which differing evidence of existing crematoria capacity was submitted, Westerleigh was given the opportunity to respond, which they did in January 2013. In that response, the differing evidence was challenged and a number of the points made in the earlier submission was reiterated, but using the CCOG figures to support the case.

In subsequent correspondence, Westerleigh produced new evidence of a significant increase in the time between death and cremation at Mansfield, Bramcote and Wilford Hill between 2011 and 2012, after what was said to be a change in working practices during the period at Wilford Hill.

A Technical Briefing by the applicant and agents was held for members of the Planning Committee on 28<sup>th</sup> January 2013. This was also attended by members of the public.

#### Additional Information & Details (submitted after High Court judgement)

In addition to the amended plans showing the removal of the proposed cemetery and the re-configuration of the footpaths within the site, including the removal of the footpaths and car parking areas that were associated with the proposed cemetery use, the following additional Information and details have been submitted since the High Court judgement:

#### *Planning Statement*

This seeks to address the issues and concerns that were raised by the Inspector during his consideration of the A W Lymn appeal and relates either to the Inspector's comments relating to this application or to common issues between the A W Lymn application and this application.

#### *Need Report*

A full revised Need Report has been submitted to address the Inspector's comments in relation to the need for a new crematorium in this location and in order to further justify the location of such a facility within the Green Belt. The applicant's agent considers that in his determination of the A W Lymn appeal, the Inspector did not read the Westerleigh Need Report as originally submitted to justify their proposed development, nor did he find the need argument put forward by A W Lymn compelling or persuasive. He concluded his comments on need by stating that *'it may be that there is such a need, but if so, it remains to be demonstrated'*.

#### *Site Search Report*

An update to this forms part of the Planning Statement, and seeks to show that, in addition to the sites already 'tested' the applicant's agent have included reference to the Nottingham Fire and Rescue Services Headquarters at Bestwood Park and the Sherwood Lodge Police Headquarters site at Burntstump Country Park to the north of Nottingham on the A60. The Planning Statement also details why the Gedling Colliery site is considered unsuitable for the proposed crematorium, as this site was specifically referred to by the Inspector in the A W Lymn decision.

### *Landscape and Visual Impact Assessment*

An addendum has been provided to the LVIA as originally submitted, which seeks to iron out issues of potential landscape impact as raised at the A W Lymn appeal and which further serves to justify the chosen location of the site, and siting of the building in terms of its landscape setting.

### *Ecology – Phase I Habitat Survey*

As the original survey is now out of date, the site and surrounding area has been re-visited in order to refresh the survey data and an addendum to the original report has been provided.

### *Transport Statement*

A Transport Note, dated 1<sup>st</sup> October 2014, has been provided in order to provide an update on issues relating to access and visibility. In addition, the original Transport Statement was updated in May 2014 to include revisions to the accident data for the area and further data in relation to local bus services.

## **Consultations**

The comments below were made in respect of the application as originally submitted, and subsequently amended, prior to the decision of the Borough Council to grant planning permission in May 2013. In each case, these are followed by a summary of any further comments made on the additional information and details submitted after the High Court judgement.

Local Residents & Businesses have been notified by letter, site notices have been posted and the application has been publicised in the local press.

A number of representations were received prior to the submission of the planning application, or any consultation by the Borough Council, following the applicant's public exhibition and Environmental Impact Assessment screening request. The comments made are included with those raised following formal public notification of the planning application, and are outlined below.

Local Residents & Businesses (objections, concerns or issues) - I have received 846 emails and letters of representation<sup>1</sup> which raise objections, concerns or issues on various grounds to the proposed development in response to consultation on the

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<sup>1</sup> This figure does not include additional letters from the same respondent in respect to the revised plans or additional information.

proposals as originally submitted or following the submission of revised plans and additional information. These representations have been made direct, by a planning consultant on behalf of the occupants of 5 properties in the vicinity of the site, or via Members and the local MP, and can be summarised as follows:

### Green Belt Issues

#### *Policy*

- This represents inappropriate and harmful development of undeveloped Green Belt land, as it is not a type of development defined by saved Local Plan Policy ENV26 as being appropriate development in the Green Belt. The two relevant purposes of including land within the Green Belt are to prevent the unrestricted sprawl of built-up areas and to safeguard the countryside from encroachment. To allow this development would be in clear breach of what Green Belt land is there for.
- It is understood that there has to be special reasons to allow development within the Green Belt, which neither application has shown, or that they have made a robust enough case to show there are no other suitable sites. It has not been demonstrated that there is a proven case based on need for what would be a fifth crematorium within Nottinghamshire.
- The applicant has failed to demonstrate that very special circumstances apply which outweigh the substantial harm caused to the Green Belt by reason of inappropriateness, the encroachment of building on undeveloped land, and any other harm. The encroachment of a large building with extensive hard surfacing on undeveloped land will be clearly visible and would have a harmful effect on the openness of the Green Belt and the purposes of including land within it, contrary to Local Plan Policy ENV26 and the National Planning Policy Framework (NPPF).
- The Green Belt issue is of major concern. The Lambley Dumbles is what Lambley is famous for and everything should be done to keep this local heritage. It would be a shame if Lambley were to become associated with a crematorium in the same way as Wilford and Bramcote have, and which have also had new road schemes over the years to increase capacity and widen access roads. If Lambley were to go the same way, it would soon no longer be a village, but part of the urban landscape.
- It is understood that owing to the need to build 200 yards away from the nearest dwelling, the proposed crematorium will be built on Green Belt land which has not previously been developed. This increase in the distance will lead to sporadic development, culminating in the conflict of two of the purposes of including land within the Green Belt – checking unrestricted sprawl of built-up areas and safeguarding countryside from encroachment. This will clearly result in the character of the area being altered detrimentally and irreversibly. The proposed development will therefore prejudice both of these purposes.
- The Green Belt has been protected from development such as crematoriums for many years and should remain so. Lambley was made a Green Belt wash village by Gedling Borough to prevent such development taking place and the Lambley Parish Plan supported this.
- The applicant cites the need for the facility and the lack of suitable alternatives as

the very special circumstances. However, these arguments are both flawed, as existing facilities in the Greater Nottingham area already cater adequately within capacity for the needs of the population and there is no urgent need for expansion.

- Given that both Wilford and Bramcote exist (as well as Mansfield and Ollerton) and have, over the years, had improved accesses, it would be more sensible to explore ways to upgrade these facilities further.
- The applicant promotes the site's suitability for the proposed development as a further very special circumstance, in particular that the site is generally flat, well screened and reasonably well served by public transport, which is not the case.
- The Borough Council resists many proposed developments in the Green Belt or imposes conditions in the interests of visual amenity and should be consistent when determining this application.

### *Need*

- A 'need' for the proposed crematorium or cemetery has not been proven.
- Crematorium figures available in the public domain suggest that cremations from 2009 to 2012 have actually decreased and evidence provided by the applicant confirms that the annual death rate and cremation numbers have remained fairly constant, which does not justify another crematorium.
- The four crematoriums at Wilford Hill, Bramcote, Mansfield and Ollerton are operating at well below 50% capacity, proving that there is not any need for a fifth crematorium/cemetery. Wilford Hill has also just had a ?600,000 facelift and is an excellent crematorium. The applicant's desire to build a crematorium at this site is solely for commercial reasons and, in claiming all the supposedly needed cremations for this proposal, there is absolutely no need for a second crematorium.
- The applicant states that they will be conducting four to five funerals per day, including one burial per week. This will not significantly reduce pressure on the existing four crematoria, nor will it have much impact on the shortage of cemetery space within the Borough, giving doubts about the viability of such a project. As a consequence, the number of cremations and burials would gradually increase. Extra capacity could be found if existing crematoria were to open longer hours or operate on Saturdays.
- It is disingenuous to use 100% of the population as the statistic for calculating the catchment area. As the applicant identifies, the national cremation rate is 72%. The fact that many funerals have the majority of attendees coming from outside the Borough, combined with the percentage of people who are likely to be single when they die, indicates the statistics need re-working, as the benefit to the population of the Borough and surrounding area would be reduced.
- The applicant suggests that this will increase the choice of a crematorium. This is an aspiration, rather than a pressing or overriding need. There are already two crematoria serving this area, Mansfield and Sherwood Forest (the existence of which are omitted in the application), with a total of four crematoria in the overall City and County area. Five crematoria are definitely not needed, especially to the

detriment of this historic landscape. Increased choice does not necessarily translate to an 'overriding' need for the proposed facilities.

- None of the existing crematoriums are so far away that they are difficult to get to by all forms of transport. An average car journey to Mansfield Crematorium takes about 20 minutes from Arnold Town Centre.
- The aspiration of no more than a 30 minute drive for mourners is flawed, as family and friends often live at a distance and therefore this 30 minutes distance can rarely be achieved, with funerals more often being held close to the deceased's residence rather than a central point for mourners. Many funerals also start at church and then go to the crematorium.
- The applicant's case takes the view that Mansfield is too far away, due to speed taken by a funeral cortege, so only deals with Wilford Hill and Bramcote, both of which are much more difficult to reach from this area by private car or public transport. A large proportion of mourners will travel by private car and not in procession, so will travel at normal speed, meaning that Mansfield actually takes less time to reach from this side of Nottingham than Wilford Hill or Bramcote, because of the risk of traffic jams.
- The average person attends no more than twelve to fifteen funerals in a lifetime. In all probability, some of these funerals will occur outside of Nottingham, or even abroad, bringing the actual number down. No one has been heard to complain that twenty or five minutes is a long time in travelling to attend the funeral of a loved one. It is suggested that none of the present crematoria in Nottinghamshire are too far away (under thirty minutes maximum) for mourners to attend. Some mourners, who attend funerals for friends or relatives in other cities, have considerably longer journey times, in excess of thirty minutes. Some possibly incorporate over-night stays, but most mourners expect to undertake these journeys.
- The requirement for a further 3 acres of burial land is not at all robust. The applicant states that it is anticipated that there would be a single burial a week on average in the proposed cemetery, which does not seem to be a viable business or hardly constitutes an 'overriding' need.
- Whilst local and national planning guidance confirm that the principle of a cemetery is an appropriate form of development within the Green Belt, the application site is evidently not large enough to accommodate both the crematorium and the cemetery, instead requiring the destruction of a presently intact hedgerow and replanting of a new northern boundary along a completely arbitrary line, which is promoted as a landscape and biodiversity benefit, rather than something wholly unnecessary.
- Locally, Lambley Parish Council has just made further plots available in the village cemetery and there are also plenty of other burial grounds within Gedling Borough, such as Carlton, Redhill, Tithe Green, Woodborough and Gedling, so people have a choice when it comes to burial location.
- The capacity of Redhill Cemetery could be extended by the acquisition of adjacent land from the City Council.

- The delays for services are due to requests from family members in order to facilitate arrangements rather than there being a lack of capacity within nearby crematoriums/cemeteries.

### *Alternative Sites*

- It is understood that to grant planning permission in the Green Belt a full investigation of available alternative sites which are not designated as Green Belt has to have been carried out and ultimately proved that alternative suitable sites do not exist, especially those of brownfield designation. It is not considered that the search exercise has been either robust or conclusive in demonstrating that this is the only suitable site in the Green Belt.
- Land designated as a Mature Landscape Area should have been automatically excluded from the site search, as has safeguarded land, conservation areas or land subject to flooding. The site search has been unnecessarily limited by existing land use constraints.
- There are many other suitable sites for a development, and in a previous application for a crematorium near Calverton, the applicant identified several alternative sites which were being considering. At that time, it was stated that Catfoot Lane had been discounted as not viable and an inappropriate site for such a development, being within the Green Belt. It is difficult to understand how both applicant's now believe that Catfoot Lane is viable.
- The 200 yard rule is cited as one of the reasons why the proposed crematorium is located in an 'urban fringe' rather than 'edge of settlement' location. However, this surely relates to the crematorium building itself, not the memorial gardens, which could be used creatively to provide a natural buffer between neighbouring housing and the crematorium building, allowing a more sustainable location to be considered.
- There has been extensive mention of the former Gedling Colliery site, which is a brownfield site being acquired by the Borough Council, which would appear to offer such an alternative site. This is a considerable area of land, which will be available for a wide range of uses, as demonstrated by the proposed 'Sunshine Farm'.
- The former Household Waste Centre, which has no dwellings affected by the 200 yard rule, has the necessary infrastructure being served by roads which could cope by the extra traffic with a bus stop at the end of the entrance drive. As the site is brownfield, any required screening earthworks could be carried with no detriment to Green Belt land. The proposed 'Sunshine Farm' on the former Gedling Colliery demonstrates that the Borough Council is considering a wide range of uses.
- This may be a more locally acceptable after-use for the Mapperley Golf Course, following the end of the lease, rather than the recently proposed housing development.
- There are other brownfield sites at the former Calverton Colliery, again with no dwellings affected by the 200 yard rule; at the vacated tip on the A614; or at the former petrol storage area off the Colwick Loop Road.
- The site at B6386 Calverton is approximately 3 miles away from the selected site,

which is no great additional distance. As for this site being dismissed because of overhead cables, the application site has overhead cables, which would be very close to the proposed crematorium building.

- A site near the top of Bank Hill, such as the car breakers yard, which is a brownfield site, would be preferable, as the fields are level and there is better and safer road access.
- Other sites could be found along the A60, A614 or A6097 with better access, more suitable for a development such as this. Even if need was proved, a development such as this should be located alongside or very close to one of the major roads, rather than in a quiet Green Belt location.
- The applicant's lack of suitable alternatives is based on outdated information from pre-existing Council plans that are no longer relevant, such as the Gedling Colliery site which is no longer a household waste facility. At what stage were these sites considered and has there been any updated search in the interim?
- Building a crematorium in the Green Belt lowers the landscaping cost, as opposed to building on a brownfield site. It is suggested that there are a number of brownfield sites suitable for this project, if it can be proved that there is an overriding need for a crematorium, which seems improbable.
- There is no difference now to the reasons for a previous application for a crematorium on land off Oxtun Road being refused in November 2007.

### Landscape Issues

- Lambley Dumbles and the proposed site is designated a Mature Landscape Area and is of unique visual and historic significance, having remained unaltered to date, despite development pressure. As such, it is a particularly sensitive and special landscape, which should be protected from inappropriate development and encroachment. The applicant has failed to demonstrate that there are reasons for the proposal that clearly outweigh the need to safeguard the area's intrinsic value, contrary to saved Local Plan Policy ENV37 and the NPPF.
- The proposed development is significant and substantial in size that will harm and dramatically alter this open, expansive and attractive local landscape. This is unique Nottinghamshire Dumbles landscape that has Mature Landscape Area designation. The proposed development would have a significant adverse effect on the appearance of the area by reason of its scale, bulk, form, layout and materials, contrary to Local Plan Policy ENV1 and the NPPF.
- The associated infrastructure, inevitably including both internal and external lighting, and significant additional landscaping required to help screen the development, will also combine to irreversibly alter this part of the local landscape, which has remained unchanged throughout the years, something recognised through its Mature Landscape Area designation.
- The Landscape and Visual Impact Assessment (LVIA) confirms that one of the objectives set out in the relevant Landscape Character Assessment is that 'open views along the dumble valleys and areas of unimproved pasture should be

conserved’.

- The proposed site has no regard for the historic field boundaries and instead intends to create arbitrary new ones that do not take into account the important historic Dumbles landscape. The main field is not large enough for both the crematorium and cemetery uses, instead it is proposed to obliterate the historic northern field boundary and plant a new one along a completely illogical and arbitrary line.
- The landscape will be detrimentally and irreversibly altered by this substantial development, as due to the contours of the land it will break the horizon line and will be very easily seen from many vantage points, including the B684 and the Travellers Rest to the north/north-west of the site, and will inevitably attract attention. There will be significantly less natural screening for the 5 months of the year when there are no leaves on the trees and hedges.
- Lambley is a village surrounded by open countryside of outstanding natural beauty, including numerous footpaths and bridleways, which are used frequently.
- A public footpath runs inside and along the length of the entire eastern boundary of the site. Despite the applicant’s claim that the proposed development would be ‘barely visible’, there is no existing screening whatsoever from this immediate public vantage point, which would detract from its enjoyment for many people. The LVIA concludes that from some viewpoints the site remains ‘fairly prominent’ from the public footpath and ‘relatively clear and unobstructed’ from another. There are also easily attainable views from elsewhere along the footpath as it crosses the valley and clear and expansive views from the north and north-west, without any municipal intrusion at present.
- If some form of enclosure or dense planting is proposed to the west side of the public footpath, this would create a serious community safety issue for users of the path, who would be trapped and feel unsafe when walking along such a long section of enclosed path. It is essential that this path is kept open and well integrated with the rest of the site, otherwise the proposed development would have an adverse impact on the path and its users.
- The proposed planting of the site conjures up images of neo-municipal planting, which would be out of place in a landscape of open views over fields and hedges.
- The removal of a large, unclarified part of the hedge along Catfoot Lane, which may be outside the applicant’s control, to make way for the access and visibility splays, will result in further views of the proposed development from this direction. Even if only very short sections of hedge have to be removed, it is essential that replacement native hedges are planted and grown to a height of at least 3 metres to screen the buildings and car parks from Catfoot Lane.
- Substantial screen planting would be required to the north of the building, to reduce the detrimental impact on the surrounding landscape, including distant viewpoints. Gaps in the existing hedges would need to be filled in to ensure that the rural character of Catfoot Lane would not be adversely affected and views into the site opened up. It is essential that these are in the control of the applicant, otherwise other landowners may reduce or remove these hedges.

- A car park with 96 spaces means that tarmac will be laid over a substantial area of the site. The number of designated spaces contradicts the number of cars that the applicant has determined will be generated by mourners. It is understood that special funerals are attended by very large numbers of mourners and this may be one reason why so many car parking spaces have been allocated, although this is not reflected in the applicant's figures. Another reason, not mentioned by the applicant, is that sometimes there is an overlap with services and outgoing mourners could clash with incoming mourners.
- The proposed development will adversely affect the character and appearance of the Mature Landscape Area and landscape setting generally. Consideration of any non-agricultural or forestry development is premature without a full visual impact assessment.
- The proposed crematorium building is substantial in size. The design and use of materials are not appropriate to this rural setting, as suggested by the applicant.
- What is presently a traditional open agricultural field will become a substantial commercial development, operational 7 days a week and 52 weeks of the year. Associated lighting (which is not mentioned in the application), will only serve to attract attention to the proposed development, and will alter this landscape detrimentally and irreversibly.
- The crematorium may be extended in the future, such as to provide an additional chapel. Although the applicant has stated that there will be no more than 5 funerals per day, this is a business which will want to increase its turnover.
- The addition of a footpath along Catfoot Lane to serve the proposed development would not be an improvement, as it would have an urbanising effect, which would destroy the existing character of the lane, with its planted grass verges.
- The peace and quiet, views and lack of traffic and light pollution in this undeveloped Green Belt location would be compromised if the application is accepted.
- The proposed development would become yet another blot on the landscape, violating one of the most scenic routes for walking locally and removing more of our children's heritage.

### Highway Issues

- Catfoot Lane is a narrow country lane of restricted width (ranging between 4.15 metres to 5.85 metres, contrary to the information provided by the applicant), which is already very busy and dangerous. It struggles to cope with the numerous large lorries, farm vehicles, vans and fast cars, while at the same time being frequently used by horse riders, cyclists, joggers and walkers [photographs showing farm vehicles have been submitted in respect of this point]. This is on a road that has no public footpaths, road markings or street lights and which is set at the national speed limit of 60 mph. Residents of Catfoot Lane know the difficulties of this road, on which traffic often exceeds the speed limit, making it difficult for pedestrians and cyclists who live along the road or who are visiting the Dumbles.
- There are many tight, narrow and sharp bends where school buses and even

regular sized cars struggle to pass, often being obliged to stop or move onto the grass verges where the edges have become eroded and dangerous. There have been a number of incidents, accidents and near-misses along its length [photographs showing a recent accident have been submitted in respect of this point], which show the road difficulties, particularly at the 'S' bend and the last bend where the lane descends to the village centre and Lambley Primary School (situated at the junction of Catfoot Lane and Main Street). Some school children have to walk up Catfoot Lane to their homes. Extra traffic, especially funeral convoys, will only make this lane more dangerous (there were two accidents within three days during the first week in July 2012).

- New major development in the area would instantly increase traffic onto the road and increase problems. It is difficult to accept claims that there will only be a minimal increase in traffic if this development goes ahead, as the facility would generate visitor and staff traffic in addition to funerals. The Lambley Parish Plan identified Catfoot Lane and the junction with Mapperley Plains as dangerous several years ago, any application which will increase traffic (especially long and/or wide vehicles such as this one), should be refused on highway grounds as the road is not suitable, being used by walkers and often people on horseback.
- The junction of Catfoot Lane and the B684 is unsuitable, difficult and potentially dangerous for use by a large number of slow moving vehicles travelling in convoy, due to its emergence at a blind spot following a dip in the road and the speed of traffic travelling towards it along the B684. There have been numerous accidents and near misses at this blind junction.
- Turning left or right out of Catfoot Lane onto Mapperley Plains is always difficult and delays are common, with traffic along the B684 driving at 60 mph or above. Looking right at the top of Catfoot Lane is a small brow. Speeding traffic only appears there very quickly and so there is only a short time to make the necessary turn out of Catfoot Lane.
- Adding slow moving funeral traffic to this junction, where there is no provision for pedestrian traffic, would be extremely dangerous. This would be exacerbated when an incoming cortege meets an exiting cortege, trying to find space in the traffic on Mapperley Plains.
- The access is compromised by a rising blind bend, exponentially increasing the risk of accidents, especially for those who are strangers to the area.
- Additional traffic in the vicinity may cause danger and problems to members of the nearby Mellish RFC, including members of the junior section. A slow moving cortege on Mapperley Plains during the rush-hour would also be a source of frustration, lack of respect and possibly accidents. Corteges may also get separated at the traffic lights at the Arnold Lane/Gedling Road junction or the mini-roundabout at the Coppice Road junction, causing delays.
- Additional slow moving traffic would be generated from some distance to this rural area and through the villages of Lambley, Woodborough, Calverton and Lowdham, as it is not possible to legislate which route mourners or funeral corteges will take. The issue of transport packs to each funeral director may be useful, but the reality is that corteges will travel by the route that suits them. This will create a rat-run

with more heavy traffic and danger to farm vehicles. This increase in traffic will be on an inadequate road infrastructure, which is already overloaded with traffic and the nature of the vehicles will further exacerbate the issues and cause congestion in the villages. Many of the drivers will be unfamiliar with the lane's dangers.

- The applicant states that any increase in traffic will only be at the top of Catfoot Lane and so will have no impact elsewhere. This development will have a knock-on effect for the whole of the area in terms of increasing traffic numbers, as vehicles visiting the crematorium will certainly use both ends of Catfoot Lane.
- The B684 is single carriageway virtually all the way from the City to Lime Lane, so an increase in traffic is to be expected along this arterial road, with frequent delays for slowing moving funeral convoys as they negotiate the narrow road lanes near the Mapperley shops and the two mini-roundabouts at the Spring Lane and Coppice Road junctions.
- The applicant states that traffic will be at a minimum, as there will only be a few funerals held each day, at off-peak times. This figure does not allow for the growth and expansion of the development, or the increasing amount of day visitors at evenings and weekends, as more and more people are buried or cremated on the site. It is doubted that the applicant would wish to see the operation of the crematorium restricted in terms of numbers of funerals per day and per year and the level of activity on site promoted within the Travel Management Plan and Transport Statement cannot be adequately controlled to such an extent by planning conditions.
- Residents of Catfoot Lane for five years, who travel along it by car, bicycle and foot, know that the road and junction with Mapperley Plains is always busy, so this off-peak suggestion does not ring true.
- There will be a substantial increase in traffic due to the number of people simply visiting the proposed crematoria, even when funerals are not taking place. Traffic lights, pavements, road markings, street lighting and a lower speed limit may all be required for safety reasons at the road junction and the whole of Catfoot Lane may require upgrading, to the detriment of the rural area and possibly at public expense, which would be hard to justify in these times of austerity. Such works would only encourage drivers to go faster. Local residents do not wish to see Catfoot Lane altered.
- Funerals often generate business for local public houses and this would result in further movements of traffic at regular intervals throughout the day and towards the end of the crematoria working day, meaning that these additional movements would not necessarily fall outside rush-hour times.
- Everyone walking along Catfoot Lane is aware of the great risk from all types of residential, commercial and agricultural traffic. There are currently no footpaths at any point along Catfoot Lane.
- There does not appear to be sufficient space for the proposed footpath, particularly at the Mapperley Plains junction, and walkers are likely to park their cars on this or the north side of Catfoot Lane, narrowing the carriageway further.

- Pedestrians standing on the proposed pedestrian refuge within Mapperley Plains, or on the proposed footpaths, as vehicles go past at 50 mph or leaving the junction, will also be in danger.
- The proposed development would fail to provide a safe and suitable access to the site, contrary to Local Plan Policy ENV1 and the NPPF.
- There is no regular public bus service down Catfoot Lane, with the nearest bus stop is over 1.1 kilometres away. Despite the applicant's claims that the distance is walkable, this cannot be described as a reasonable walking distance, so how is this development served by public transport? Most mourners, especially the elderly and infirm, will have to get there by car or taxi, which will lead to a substantial increase in the volume of traffic on Catfoot Lane and into the Green Belt, particularly when mourners from one funeral overlap with outgoing mourners from another funeral, effectively doubling the number of cars using the lane at any one time.
- Lambley Primary School and the associated playing fields are situated almost on the junction of Catfoot Lane and Main Street, which is already a dangerous place for children to cross the road or to be dropped off or collected.
- The junction of Church Street with Park Lane in Lambley is already extremely busy and any additional traffic, particularly slow moving traffic, is only going to exacerbate this.
- The introduction of the bus plug on Burton Road encouraged many drivers to commute via Lambley and, despite recent changes, they have stayed with this route, creating road safety dangers in the village for the young and old. Funeral corteges and other visitors to the proposed crematorium from the east side of Nottingham would also approach via Lambley, increasing traffic problems and congestion further.
- The B684 Mapperley Plains is already congested and if this and other proposed new residential developments and the Gedling Country Park go ahead, the inconvenience for local residents in the area will only increase. The volume of traffic entering or leaving the nearby Brookfields Garden Centre often causes hold-ups, tailbacks and general congestion on this road.
- Middlebeck Drive, which is already a busy, congested, cut-through for all types and sizes of vehicles wishing to avoid Coppice Road, will be used as an access.
- The increased traffic will pose a danger to horse riders and disrupt livery yards businesses on Catfoot Lane.
- Parking facilities will be inadequate if three funerals (two cremations and a burial) are taking place at the same time.
- Access may be difficult from local roads during the winter months, when they often become impassable due to ice and snow. This has not been taken into account by the Highway Authority assessment.
- Even if the Highway Authority raises no objections, the Borough Council should seriously consider the potential highway safety issues.

- There are no very special circumstances with respect to highway considerations for locating a crematorium on Catfoot Lane, which is required for inappropriate development within the Green Belt.
- If permission is granted, Catfoot Lane should be widened from Lambley village to Mapperley Plains to allow access for people travelling from the east. The junction with Mapperley Plains must also be widened and traffic lights installed to make it safe, even though this would slow down the flow of traffic travelling along Mapperley Plains and detrimentally alter the local environment and Green Belt.
- If one application is to be allowed, it should be application no: 2012/0616, with the condition that a direct access from the B684 is provided and a suitably designed and safe junction with that road, such as a roundabout, forms part of the approved design.

### Sustainability Issues

- It is spurious to claim that a significant number of journeys will be taken off the ring road, as there is no clear evidence of the route taken by cars per cremation.

### Pollution Issues

- The quality of air will be affected and pollution in the form of smoke, ash, toxic gases, specifically mercury vapour from dental fillings, will be emitted. These will require special treatment to ensure they pose no threat to human health, do not settle on the land or enter the food chain.
- The prevailing wind is westerly and both Lambley and Woodborough are to the east of the proposed site, meaning that toxic residue from the incinerator will fall over these villages and have a detrimental environmental effect. Local properties and walkers will be at risk as a consequence.
- There will be greenhouse gas emissions and traffic fumes. Emissions from the proposed crematorium will have an adverse impact on local residents and businesses.
- There is potential for future leakage of foul water from the site into the stream.
- There may be microbiological pollution of the water table and subsequent pollution of land and streams leading into the Dumbles and Cocker Beck, due to the decomposition of human bodies and the resultant nitrates, sulphates and other elements and organisms seeping into the ground. This effect would be exacerbated by the steep fall of the land and subsequent water flow, towards the lower end of the site where the cemetery is proposed.
- Impervious ground conditions make this an unsuitable location for a cemetery, as a grave cannot be used if it has standing water.
- The proposed development will require lighting and more street lighting may be needed, which will introduce light pollution into what is now an unlit area of Green Belt and Mature Landscape and further highlight the location of the facility.

### Water Environment

- The site falls some 18 metres, with the cemetery proposed at the lowest point, where there is a watercourse which forms the start of the Lambley Dumble, which causes concern as to how drainage is going to be dealt with.
- Laying large areas of tarmac on this Green Belt site will cause a huge increase in surface water run-off into the Dumbles.
- Surface water run-off during heavy rainfall will pass via Cocker Beck into the village and exacerbate existing flooding problems and costs. The same route would be taken by the effluent water discharged from the proposed water treatment system.

### Amenity Issues

- There will be a detrimental impact on the amenities of adjoining properties and Lambley village, due to the higher level of activity, traffic, noise and nuisance.
- The proposed development would have a significant adverse effect on the amenities of the locality in general by reason of the level of activities on the site and the level of traffic generated, contrary to Local Plan Policy ENV1 and the NPPF.
- It would be impossible to screen the sites effectively from nearby properties, businesses and roads, which are located within a picturesque landscape, which should be protected.
- Barn Farm will look directly onto both of the proposed developments, as the topography does nothing to assist screening from this direction and Nottingham Road, nor would additional screening assist. At present, the occupants of this property have an uninterrupted view of much of Catfoot Lane and of the Dumbles.
- The proposed crematorium building, floral tribute canopy, access roads, hard surfaced car parking and inevitable illumination will all be set against the slope of the site which presents its face towards Barn Farm, other nearby residential properties and other views from the north and north-west, which will fundamentally alter this outlook.
- The main break-out area for delegates attending Challenge Consulting at Barn Farm looks directly onto the proposed site due to the fall of the land, which will have a detrimental impact on the business and may potentially put it in jeopardy.
- Directional signage will be required at the bottom of Catfoot Lane, adjacent to a Listed Building.

### Ecological Issues

- The Dumbles landscape offers a natural habitat to many species of indigenous plant species and wildlife, which should be protected in order to safeguard the natural diversity and survival of these species in the future.
- Wildlife would be adversely affected by the proposed development and it is

understood that wildlife habitats and established hedgerows are protected.

- More high quality agricultural land will be lost along Catfoot Lane, in addition to that which has been approved for paddocks.
- This land has been used by the local farmer to encourage ground nesting birds.
- The Dumbles represent ancient woodland and the countryside around is widely accepted as an area of outstanding attractiveness. This proposal is completely at odds with the areas present and past uses and alternative sites should be considered as part of the Local Plan review.

### Design Issues

- In comparison to the spacious and architecturally elegant crematorium at Bramcote, the plan appears to be mean and cramped. The site is perhaps one third the size of Bramcote.
- In profile the proposed building has the appearance of a wartime barrack block, which gives the chimney an unfortunate connotation.
- The site is not particularly suited for the proposed development, as it is steeply sloping and falls over 18 metres from one corner to another; nor is it reasonably well served by public transport. It is therefore unsuitable for the disabled, infirm, elderly or the very young and discriminates against them.

### Other Issues

- Given that the review of the Local Plan is under way, this application is considered to be premature pending the outcome of the Local Development Framework process.
- As part of the Local Plan review and localism, as championed by the Prime Minister, all the Borough's residents should be consulted on more appropriate sites for a crematorium and cemetery, if it is concluded that there is an operational need for an extra facility over the forthcoming period, rather than in response to ad hoc planning applications in the interim, where only those notified of the proposal get chance to have their say.
- Given that cremation numbers have not increased over the last few years, it is unlikely that the situation will become much worse during the Local Plan review period.
- It would appear to be advisable to wait for the outcome of this review before making decisions on major services such as this, especially those which will affect local communities and the Green Belt.
- Whilst the applicant's agent asserts that the proposal should be considered in the first instance against the policies of the NPPF, this is erroneous. The NPPF is a material consideration in planning decisions, but the starting point remains the Development Plan, which comprises the East Midlands Regional Plan and adopted Local Plan 2005.

- Consultation by the prospective developer for local residents has been inadequate, given the nature of the business proposed. The prospect of a crematoria and a burial site in close proximity needs to be discussed fully. Some local residents have found this extremely difficult and upsetting, therefore such a development needs to be handled with sensitivity and a great deal of dialogue, which has not happened.
- The presentation by the applicant prior to the application did not indicate that a cemetery would also be proposed.
- No published risk assessments for flood risk, ecology surveys, environmental risk (especially for effects on Lambley Dumbles water supply and flooding down from the site to Lambley).
- Local residents have worked hard over the past few years to encourage visitors to Lambley and to enable residents to take a stronger role in their local community, all of which is now under jeopardy with these crematoria proposals.
- To allow this development would be a dangerous precedent, as it would be a clear signal for similar companies to build on Green Belt land in this area, adding to the gradual sprawl of development in recent years between Mapperley Plains and Lambley.
- Cemeteries become full and then require further expansion, meaning that approval is being sought for an ever-expanding facility.
- Slow moving funeral traffic will unavoidably have to pass the Lambley Primary School and the Lambley Day Nursery to access the proposed crematorium. It is possible that children will be in the school playground during the core funeral procession times and many parents are worried that daily exposure to funeral corteges will have a detrimental effect on young minds and the children may ruminate about death and associated subjects. Children need to be protected from witnessing this daily occurrence, possibly resulting in some children being severely traumatised by this sombre sight.
- The constant reminder of death by the view of the proposed crematorium from nearby properties or of passing funerals is not a sight local residents wish to see.
- Additional traffic flow through Lambley, especially heavy construction traffic, may compromise the structure of older properties.
- Loss of high quality farmland.
- Local properties will be de-valued.
- Residents of Lambley will feel they are living in the shadow of something morbid and insensitive.
- The isolated situation and the absence of overnight security would make the proposed development a target for vandals.
- The proposed development should be rejected and a period of at least 10 years

should elapse before it is eligible for consideration again, which should be raised at parliamentary level.

- It would be unwise to recommend either application, as only one crematorium is required to satisfy the supposed 'need' for cremation capacity; the supposed 'need' is contradicted by alternative evidence from objectors; the proposed locations and connecting highways are less than satisfactory for the traffic likely to be generated; and favouring one application over another may lead to litigation by the loser, which could prove very costly and time consuming to the Borough Council, as well as exposing the processes of the Borough and County Council to detailed scrutiny, which they may not be sufficiently robust to withstand.
- If planning permission is granted, a less imposing building would be preferable, so as not to spoil the local landscape and with 'green' credentials.
- If planning permission is granted, it is vital that conditions are imposed to protect the interests of Gedling Borough and to minimize the impact on local residents, surrounding areas and the public highway. These should include restricting the development to 5 cremations per day, 10.30 – 15.00 Monday to Friday, regular air sampling and establishing an appropriate monitoring system, which is available for public inspection. Any subsequent changes in operation should be subject to a further planning application or public consultation process.

### Conclusions

- It is considered that the applicant's very special circumstances are essentially unsubstantiated as there is no proven need for this facility and the site is not at all suitable for the proposed development.
- The proposed development is contrary to both the Development Plan and NPPF and should, in the absence of very special circumstances, be refused on the grounds of inappropriate development in the Green Belt.
- The proposal is premature in advance of the Local Development Framework process, where all of the Borough's future development needs will be adequately and more appropriately catered for.

### Revised Plans & Additional Information:

In addition to re-iterating some of the above comments, further representations made in response to re-consultation on the revised plans and additional information which have been submitted, have raised a number of other points, which can be summarised as follows:

### Green Belt Issues

#### *Need*

- All the existing crematoria appear to concur with the views of residents that there is ample capacity at all four local facilities and it is understood that none have confirmed that there is an urgent or overriding need for an additional crematorium.

### *Alternative Sites*

- The site search only concentrated on sites of more than 10 acres when, as the revised plans clearly show, this was not essential for the proposed development, which would fit into a much smaller site. It may well be that there are other smaller sites within the area of search which may have been unnecessarily discounted, or which might not have previously been considered on the basis they were deemed to be too small. It is not accepted that there are no other suitable sites, such as the former Gedling Colliery, these should be considered as part of the Local Plan review.
- A preferable location would be off the A614, roughly opposite the new Arnold Town Football Club and former tip. This is on a safe piece of wide road, accessible, with no problem in bad weather or for turning traffic, which could use the nearby roundabout.

### Landscape Issues

- Notwithstanding the amendments to the proposed landscaping, the views of the proposed development, particularly from the north, the north-west and the east, will remain clearly in view and will continue to have a detrimental impact on the character of the landscape in the immediate vicinity, which local and regional planning policies seek to protect, as does the NPPF. Both the original and revised Landscape and Visual Impact Assessment (LVIA) acknowledge this.
- The proposed crematorium remains entirely out of scale with its surroundings. It represents a design and materials more commensurate with a suburban setting and alien to this part of the countryside, Green Belt and Mature Landscape Area, and will still break and dominate the ridgeline along Catfoot Lane, particularly from views from the north-west and the footpath to the north.
- In doing so, the proposed development is clearly at odds with the local landscape strategy to 'conserve' the distinctive rural landscape, which seeks to protect the rural character by concentrating new development in existing villages; conserve the character of the settlements by restricting sprawled ribbon developments along roads approaching the village; conserve the rural landscape from expansion of urbanising features; and ensure built development does not extend above the ridgelines.
- The size, mass, scale, siting and orientation of the proposed crematorium building remain exactly the same as the details originally submitted. The concentration of the development into a much smaller area, on the steepest part of the slope and adjacent to Catfoot Lane, compounds the detrimental visual effect on the landscape, particularly from the adjoining footpath, Catfoot Lane, Nottingham Road and Plains Road. This will be more acute in winter months.
- There are a number of inaccuracies contained within the LVIA including references to national policies since replaced by the NPPF and the statement that there are no local landscape designations covering the site, when it is in a Mature Landscape Area, which are considered to be the amongst the most precious landscapes within Nottinghamshire.

- The proposed landscape mitigation will not prevent harm to, or significantly assimilate the proposed development into, the rural landscape. The revised landscape proposals promote less planting, so the proposed development will remain even more prominent.
- The LVIA concludes that common sense would suggest that locating the building on the lowest point of the site would minimise any visual impact?. It is unfortunate that this approach cannot be adopted, owing to the lower part of the site forming an integral part of the distinctive Nottinghamshire Dumbles. Instead, the LVIA seeks to legitimise the non-common sense approach, which is to locate the crematorium building at the top of the site, which the LVIA identifies is contrary to one of the objectives of the local landscape strategy.
- It seems that neither approach is satisfactory in terms of adhering to the objectives of the local landscape strategy and minimising the harm caused to the landscape. This is the wrong site in the wrong location for the type and scale of development proposed, the need for which is not considered to sufficiently overriding in any event.
- Concern is expressed about the amount of existing hedge and trees that will have to be removed or cut back as a consequence of the revised visibility splays.
- The amended site layout plan appears to show the area beyond the main area for development left purposefully clear, to retain the impression of an open unspoilt field rather than containing additional screening which in itself would be detrimental to the local landscape character. However, the proposed hedgerow around the south-western corner, depicts gaps to afford public access into this area – but its purpose should be clarified, since its proposed function has implications on the type and level of landscape mitigation required.
- The proposed new hedging around the development and along the footpath within the site will take many years to establish and grow to a size which will have any real impact as a screen. It will never be of a height to screen out the chimney.
- The additional hedge along the footpath will be a completely inappropriate landscape treatment, resulting in an incongruous feature within the wider landscape setting and restricting in terms of the outlook and enjoyment of this beautiful area of countryside.
- The creation of an extremely long, 2 metres wide hedgerow corridor, has the potential to impact detrimentally on the amenities of users of the existing footpath. Without appropriate management and maintenance, the hedgerow boundary will, in time, encroach into the route of the footpath, causing obstruction. If left to grow to a height in an attempt to screen the proposed development, this will result in a potentially oppressive and potentially unsafe environment for users of this footpath.
- The effectiveness of any screening by the proposed hedgerow would take between 10 to 15 years to attain any meaningful effect and, even then, would be necessarily limited.

### Highway Issues

- The anti-skid surfacing recently provided at the junction of Catfoot Lane with

Mapperley Plains can only have been deemed necessary where problems had previously occurred and is further testament to the continuing concerns of local residents about highway safety at this junction. Given the slow moving nature of funeral vehicles, any shortcomings in the junction design could have disastrous consequences. It is requested that the views of the Highway Authority should be revisited to ensure that all such concerns have been taken into account.

- There does not appear to be sufficient space within the highway for the proposed footpath at the junction of Mapperley Plains with Catfoot Lane without the removal of part of the adjacent landowners hedge, which is outside the control of either the applicant or the Highway Authority. As such, the Highway Authority will need to be content that either a new footpath is not essential (in which case why was one required in the first place), or that alternative provision can be made.
- Information from other crematoriums in Nottinghamshire indicates that the proposed parking facilities will be inadequate on certain anniversaries or when large funerals are being held. It is assumed that the Highway Authority would not be agreeable to parking along Catfoot Lane.
- Concern about the volume of funeral traffic using Middlebeck Drive, to avoid the Coppice Road and Mapperley Plains junction, will be exacerbated by the congestion being caused over the last 12 months by some residents living at the point in the road where the steep hill levels out have been parking their cars and vans in a continuous line, rendering the road into a virtual single lane for about 75 yards.
- If permission is granted, traffic lights or bollards should be installed at the junction of Middlebeck Drive with Mapperley Plains, where it is difficult to enter or exit Middlebeck Drive, and where there have been a number of accidents.
- The Travel Management Plan claims that most cortege traffic will use Mapperley Plains, where a steady procession can be achieved?, and states that traffic from Burton Joyce will travel along the Colwick Loop Road and join Mapperley Plains, but avoids stating how. Specifically, it will pass through Gedling village and then up to Mapperley Plains via Arnold Lane – a road that was deemed unacceptable to service the 550 new houses earmarked along that stretch of highway.
- The Borough Council should seriously consider what impact roughly five funeral corteges per day will have on Gedling village, with its mini-roundabout and then Mapperley Plain with its mini-roundabouts at Spring Lane and Coppice Road. How will these junctions cope with wide funeral cars and the trail of cars following them? All stretches of these highways are single lane traffic with no safe opportunities to overtake such processions, which will cause delays.
- The Travel Management Plan document is contradictory in that it claims 95% of funerals will avoid peak traffic, then proceeds to state that the last funeral of the day is at 3 p.m, so that participants would leave at 4 p.m, which is classed as peak traffic and clashes with school traffic times, where there are already 25% more cars on the road.
- The Management Plan document refers to research that indicates the average number of cars that attend a funeral is 18. What is this research and, if so, why

tarmac and maintain a car park with 83 spaces, when only 4 will be required by staff?

- If an extra bus stop were to be added to the numbers 56 and 59 bus routes, how would these turn on Mapperley Plains to re-join their normal route?

### Pollution Issues

- Whilst additional information has been submitted regarding the types of external lights envisaged, the amended site layout plan makes no reference to these and it is impossible to ascertain how many lights, and in what positions, will be required. Without such details, the impact of the proposed development on the local landscape at night cannot truly be assessed. The LVIA makes no reference to the proposed external lighting required to serve the facility or any assessment of the impact of this on the local landscape designations.
- From a health and safety aspect, it is expected that there would be a need for a significant number of the various lights suggested, the cumulative impact of such, within this remote location, would simply serve to add to the urbanising effect of the scheme and the prominence of the building at night.
- Residents had been assured initially that no external lights were proposed or required.

### Design Issues

- The emission chimney will have a height of 9 metres, which will only serve to act as a local 'urban' landmark that no amount of landscape mitigation and time can heal.
- There is no indication on the revised layout plan to show the position and extent of the proposed cemetery, whether the remaining areas of field will be useable for agricultural purposes or where the memorial garden of remembrance and informal pathways will be.
- There is no indication on the revised layout plan as to how the proposed cemetery might be physically and visually contained, as its north and north-west boundaries are completely arbitrary. It should be confirmed how this area is proposed to be defined, enclosed and screened.
- There are no details of any additional landscaping which would be planted to form the memorial garden and it is most unlikely that it is intended to comprise 'rough grass and meadow', as described in the notes on the revised plan, which is hardly the environment one would expect the bereaved to sit in quiet contemplation, particularly if the underfoot conditions are semi long wet grass.
- Additional landscaping can only seek to lessen the harm caused to the countryside and landscape setting, but cannot offset the harm caused to the Green Belt by reason of the development's 'inappropriateness'.
- Concern is expressed that the cemetery has been relocated to enable its future expansion from 3 to 8 acres on other land within the approximately 12 acres site. If this is the case, it should be included openly within the application or the red line

boundary should be amended to omit the surplus area to the north of the existing hedgerow for the avoidance of any doubt.

- The relocated cemetery touches two of the boundaries, which will give far more impact to people not associated with the activities of the Crematorium and Cemetery.
- The fence and hedge along the line of the public footpath will confine users and affect their enjoyment of this beautiful Green Belt location.

### Other Issues

- Lambley residents not only pay Council rates but also a Parish rate and should therefore should be considered.
- Lambley is an historical village and has a Grade I listed church with its own burial ground. There is also another burial ground within the village.
- It is inappropriate for the County Council as Highway Authority to be associated with the developer for the provision of the footpath on highway land, when the Highway Authority is also responsible for providing highway observations on the application.

### Local Residents & Businesses - Comments on Additional Information & Details submitted after High Court judgement)

I have received a further 211 emails and letters of representation which re-iterate the above comments and raise the following additional objections, concerns or issues on the additional information and details submitted after the High Court judgement.

### Orchard Farm Appeal Decision

- The Orchard Farm Inspector's decision completely vindicates concerns in all respects and on all matters. These are equally relevant to the consideration of the latest Westerleigh proposal. The appeal decision and the Inspector's conclusions on all matters should be considered a significant material consideration when the Council assesses the application.
- On need, the Inspector shared residents' concerns, concluding that the evidence submitted was not convincing. Whilst Westerleigh now point to specific elements around their updated needs case, much of the information still being relied on was, in fact, clearly already in the Inspector's possession.
- Even if the Council considered that the additional information demonstrated a need for the development (which the analysed statistics taken from 'The Cremation Society of Great Britain', clearly refute), then such a need would not be sufficient on its own to clearly outweigh the substantial harm caused to the openness of the Green Belt in this location (by reason of inappropriateness, impact on openness and encroachment into the countryside).
- Westerleigh seek to address the Inspector's concerns regarding the site search and availability of alternative sites by providing two short letters from local agents

confirming that they are not aware of anything suitable. This evidence is neither compelling nor robust.

- Westerleigh also seek to discount the former Gedling Colliery site because it is required for housing. The Council will recall that one element of the redevelopment site, which the Inspector considered had potential, formed part of the wider Country Park scheme.
- Notwithstanding the additional information submitted, it is considered the search exercise has not been properly or robustly undertaken. The Gedling Country Park option has not been adequately considered and it would be a regrettable and irreversible mistake to allow such inappropriate development in the Green Belt.
- It is understood that A W Lymn has now given up the Orchard Farm site, in the light of the appeal decision and is looking at an alternative, non Green Belt site elsewhere. If this is correct, then this introduces a further alternative site which ought to, at the very least, be investigated (in addition to and alongside the Country Park location), prior to the determination/acceptance of the Westerleigh site, as the only/most suitable site. Most would agree that this approaches the problem from a common sense perspective.
- Whilst the Inspector noted that the Westerleigh site was closer to the urban area, bus stops and footways etc., such concessions related to the 'site', rather than the 'development'. It was concluded elsewhere in the appeal decision that the development would have an even greater impact (harm) on the openness of the Green Belt and landscape, given that the site was an undeveloped agricultural field, rather than having buildings/development already on it.
- In addition to the vastly exaggerated need and the existence of possible alternative sites, the Inspector considered that the Lymn proposal introduced an urban development into a rural landscape and raised significant concerns regarding sustainability, highway visibility, safety at the junction with Mapperley Plains and impact on adjoining residential amenity. The Westerleigh site/development is clearly similarly flawed (at the Inquiry, a local resident drew the Inspector's attention to a recent accident at the junction and a previous fatality close by). It is an appalling lack of judgement by the Highways Department to consider that the exit and access is safe for a funeral cortege, pedestrian mourners and attendees by car at this notorious junction.
- The Lymn proposal sought to offset the existing buildings and hard standing against the inevitable impact of the new development on the Green Belt and landscape designations. It is inconceivable that the Council could reach a different conclusion on the impact of Westerleigh's latest proposal, i.e given the Westerleigh site comprises an undeveloped agricultural field (devoid of all buildings) with a development set close to the ridgeline, in a location which would be extremely prominent in the local landscape from a number of key public vantage points (on a picturesque approach to the City). The Inspector also pointed out that the crematorium would be extremely prominent in the landscape and would occupy a position very close to the ridgeline.
- The amended proposal has not addressed the Inspector's concerns/conclusion that the Westerleigh development would indeed have a greater impact and harm the

openness of the Green Belt with significant encroachment into the countryside, since it was an open field as opposed to a site occupied by some buildings.

- The size and design of the generic building remains the same (and in the same prominent location), as does the parking and access requirements.
- In an effort to reduce the overall impact, Westerleigh now propose more 'grasscrete'. However, the Lymn scheme also sought to do this and the Inspector considered these elements were also part of the 'built development' and would contribute to the overall harm.
- All the points in the Inspector's Conclusions and Planning Balance apply to the Westerleigh application and since the Public Inquiry is so recent and in respect of a site so close to the Westerleigh site, it is hoped that serious consideration and due weight will be given to the Inspector's findings.
- For all the above reasons, objections are made to this latest proposal in the strongest terms and residents hope that the Council listens carefully to local voices and acts in a responsible and consistent manner. It is clearly open to the Council to refuse the application on the very same (and sound) grounds that the Inspector so very recently cited in his decision notice.

### Green Belt Issues

#### *Need*

- Westerleigh say there is a pressing need for a crematorium in the Gedling area, however national statistics and those supplied by CCOG prove otherwise. Since the original figures were supplied, less than a 2% increase in the number of cremations has occurred.
- The statistics for 2012/13 when compared to 2011/12, show an overall downward trend for cremations. The applicant has again failed to prove that exceptional circumstances exist to build a crematorium in an important environmental and historical area. The updated table [see below] reflects the true facts regarding existing total spare capacity, currently above 59%, and categorically refutes the latest claims of the applicant. The overall percentage increase compared with other regions nationally is miniscule at 1.62%. Nottingham languishes way down the national list. The statistics determine that a crematorium would not be required until 2055 – which is a startling factor. A table showing Nottinghamshire Cremation Statistics and The Cremation Society of Great Britain (table of cremations) has been provided in support of this statement [these are available for inspection within the Planning Department].
- Westerleigh say there is a pressing need for a crematorium in the Gedling area, however national statistics and those supplied by CCOG prove otherwise. Since the original figures were supplied, less than a 2% increase in the number of cremations has occurred.
- Westerleigh try to say that there are significant delays in arranging a funeral from the date of death, but these delays are not caused by a lack of capacity at the existing crematoria, but be external factors which are beyond the control of the

crematoria. Westerleigh selected a particular month to illustrate the so called delays, as shown in the Analysis of Delays at Nottingham Crematoria table [this is available for inspection within the Planning Department]. These figures were taken from the Nottingham Post website and only give part of the facts, the date of death and the date of the funeral. When these dates were examined more closely, it was discovered that at Mansfield Crematorium there was a valid reason for each of the delays Westerleigh had cited, as shown in the Delays at Mansfield and District Crematorium – July 2014 table [this is available for inspection within the Planning Department]. These types of delays are representative of delay at all crematoria and have been previously pointed out. The manager of Wilford Hill Crematorium has advised that there was a strike on 10<sup>th</sup> July 2014 and that in the last year [2014] he has only received 2 requests from Funeral Directors for specific times for a funeral and on both occasions he has been able to provide the times requested. Further to the so called delay issue, an advert placed by A W Lymn in the Nottingham Post on 16<sup>th</sup> December 2014 offering to arrange a funeral before Christmas, provided the necessary paperwork is available, has been submitted. This offer was made at the busiest time of the year. However many crematoria were built, the delay situation would be the same as the factors causing the delays are of an external nature and not the lack of capacity at the existing facilities [this extract is available for inspection within the Planning Department].

- The original figures and additional data regarding need produced by Westerleigh do not demonstrate an overriding need, in fact the original Committee Report described the need as finely balanced?. Since the increase in cremations in the County to date is less than 2%, nothing significant has changed. Can finely balanced? be considered the very special circumstances required to outweigh the harm the development would cause within the Green Belt? The Orchard Farm Inspector did not think so.
- Appendix A of the revised Need Report makes no mention of Wilford or Ollerton. Presumably, as these are not displayed they are low numbers with lots of capacity.
- With regard to Appendix B of the revised Need Report, whilst accepting that Nottinghamshire has 4 crematoriums, the additional facilities where there is more than one at each location must be considered. Therefore, Nottingham really has 7, equating to 1,253 cremations per facility.
- Appendix C of the revised Need Report does not mention Ollerton, so this table of information is meaningless.
- With regard to Appendix D of the revised Need Report, the Halstead appeal decision is not relevant.
- With regard to Appendix E of the revised Need Report, the sample size of 198 is inadequate and the document should be disregarded.
- With regard to Appendices F, G, H, I of the revised Need Report, none of these appeal decisions are relevant.
- Appendix J of the revised Need Report does not mention Ollerton, so is incomplete and meaningless.

- The statistics in Appendices K and L of the revised Need Report are speculative and cannot be relied upon.
- The additional information provided makes no difference to the need or relevance of this site for a fifth crematorium. There is sufficient capacity left in the existing 4 sites.

#### *Alternative Sites*

- Westerleigh's attempt at a further site search in the form of 2 short letters from local estate agents confirming that they were unaware of anything suitable is not a very convincing effort on Westerleigh's part. It is considered that the search has not been properly undertaken and the Gedling Country Park should be looked into more thoroughly.
- In view of the number of dwellings proposed for the Linby, Hucknall and Calverton area in the near future, a further site worthy of consideration is the old Calverton Colliery spoil site on Oxton Road. Once all this development is completed, a more central position for a crematorium may be more appropriate.
- As the application is now just for a crematorium, it is believed that other more suitable locations in the Borough may be available or could become available within a reasonable time scale.
- Many alternative sites have been ruled out as too remote. This is a gross overstatement of what is necessary in terms of proximity to the population served and seems to have been used as a handy way of ruling out most alternatives. This excessively restrictive interpretation of what is a suitable location is challenged. It is accepted that not all such sites are well served by public transport, but neither is Catfoot Lane, compared to the services available in the urban area.

#### Landscape Issues

- The significance would be a major/high adverse/, negative adverse effect/impact on the landscape.
- There are already 2 sites nearby which blight the landscape and cause a nuisance to local residents; the extensive waste landfill site and the brickworks/quarry. To allow a third site, the proposed crematorium, is an unnecessary extra desecration and pollution of one of the more attractive areas of Arnold/Gedling Borough.

#### Highway Issues

- The current Transport Statement is invalid as it does not take into account that Calverton has been identified as a Key Settlement for Growth and Mapperley Plains is one of the main traffic routes that would be affected by this new housing development.
- If approved, there should be control over the number of cremations each day and times of operation to enable this to be monitored and enforced effectively by the Borough Council, as the traffic analysis is based on 5 cremations per day. Given the need to make a return on their investment, many more than the estimated

number of cremations may take place, so more traffic than is implied would be expected with the associated highway safety dangers at a time when Catfoot Lane is most used by vulnerable groups.

- As fewer HGV's use this route now than previously, it would be a retrograde step to allow a development that would reduce this safety gain.
- The last 3 photographs in Appendix 1 of the updated Transport Statement are misleading. They show the view from the point of view of a passenger in a car travelling north along Mapperley Plains towards the junction with Catfoot Lane. The important view is that of a driver coming out of Catfoot Lane at this junction. This is much more restricted, giving a view of only 55 metres to the crown of a crest in the road to the right.
- Despite the warnings on the approach to this junction for traffic coming over the hill, many vehicles arrive at high speed and the assertion of the applicant that visibility along Mapperley Plains is adequate is not true.
- The number of accidents in recent years may be modest, but are indicative of the potential for further accidents to occur regularly, with an increased use of the type proposed. The fact that anti-skid and coloured surfacing have been installed dismisses this issue too lightly.
- Concern is expressed about the Highway Authority's use of the Manual for Streets 2 (MfS2) visibility criteria in concluding that the junction meets appropriate visibility standards. These standards have only recently been seen as potentially applicable to busy rural junctions, whereas previously the applicable standard was the Highway Agency's Design Manual for Roads and Bridges (DMRB), which is only obligatory for trunk roads, but has long been accepted as suitable for all main roads, including ones like Mapperley Plains. This sets higher standards for geometric design parameters, such as visibility, than MfS2. The Highway Authority therefore has to make a subjective judgement on the most appropriate standard to use for any particular junction and it is considered that DMRB should have been used for this junction, based on clear guidelines in MfS2 itself, as the two standards lead to opposite conclusions as to whether visibility is adequate. Essentially, MfS2 should not normally be used for roads with speeds over 40 mph.
- It is understood that the Highway Authority broadly follows MfS2 guidance by always using DMRB for busy rural junctions with a 60 mph speed limit, but has chosen to use MfS2 in this instance on the grounds that the Catfoot Lane junction is close to the urban area, just beyond the 40 mph speed limit, and that the character of Mapperley Plains itself has a restrictive effect on speeds.
- The Mapperley Plains southbound approach is the most critical, as this has by far the most restricted visibility, and a high level of concentration is needed to negotiate the junction safely, because visibilities are not adequate, despite the view of the Highway Authority. Should the crematorium go ahead, the need for extreme care may not be so apparent to visitors unfamiliar with the junction and has the potential to increase accidents beyond the present level.
- DMRB also requires the appropriate visibility to be available further back into the side road than 2.4 metres, namely 9 metres or failing that, 4.5 metres, which in the

case of Catfoot Lane is hopeless. However, it is accepted that this requirement is primarily to allow more than one vehicle at a time to take advantage of a single gap in main road traffic, hence increasing capacity, which is not the main issue of concern. However, this does demonstrate that the impact of queues would be greater than if better visibilities were available and effect the performance of the junction.

- Substantial numbers of vehicles would be using the junction in short periods before and after each funeral, albeit not at peak times. It is likely that several vehicles would be turning into or out of Catfoot Lane in convoy, or sometimes both movements at the same time. This would result in queues of vehicles turning right off Mapperley Plains and/or queues waiting to enter Mapperley Plains from Catfoot Lane itself. It is likely that a queue to turn right into Catfoot Lane would sometimes overflow the present ghost island right turn area, blocking the northbound ahead flow.
- Whilst there is less concern about capacity outside of peak times, this also means that these movements would be taking place when traffic on Mapperley Plains is able to maintain higher speeds, making the safety issue more critical than it would be at busier times, when speeds are restricted by the higher levels of traffic flow. This combination of high vehicle approach speeds and funeral processions in convoy is an uneasy mix.
- Concern is also expressed about the wisdom of providing for pedestrians to cross Mapperley Plains by means of a central refuge some 40 metres south of the junction.
- A sample of speeds measurements to establish speeds on the southbound approach to the junction, and an assessment of visibility, in support of the above comments has been undertaken and the details submitted [these are available for inspection in the Planning Department].
- Neither the applicant's transport consultants nor the Highway Authority have considered it necessary to assess the above matters and these concerns are echoed in the Orchard Farm Inspector's decision letter. The Inspector was unconvinced by such highway evidence as was before him and nothing material has emerged since to allay such concerns. It is believed that the Inspector's instinctive unease at the highway assessment stemmed from the inappropriate use of MfS2, when DMRB would have been the correct standard to apply.
- The revised Transport Statement contains many errors and omissions, such as no speed survey, verge widths and accident statistics; together with some supporting photographs [these are available for inspection in the Planning Department.
- For all the above reasons, it is considered the proposed site for the crematorium would, in all probability, exacerbate the safety problem, which is already evident to a greater degree than acknowledged, either by the Highway Authority or by the applicant.
- An independent Road Safety Audit of the junction proposal should be carried out and made available to the Planning Committee when the application is considered. Should problems be found by the auditors, these would need to be addressed,

potentially requiring a more major improvement to the junction. This process should be undertaken in advance of the Planning Committee meeting.

### Water Environment

- The Bottom Dumble stream has been a major contributor in recent years to flooding in Lambley, particularly at its confluence with the Cocker Beck at the easterly end of Main Street. At a public flood meeting some months ago, the Borough Council declined to exercise its right to require landowners to remove fallen trees from the stream or to carry out the work itself. It is timber debris from these trees which blocks the various culverts and leaves the watercourse unable to cope with the water caused by prolonged heavy rainfall.
- If planning permission is granted, considerable hard landscaping would be required for car parking and footways. It is therefore reasonable to assume that the run-off would drain into the Bottom Dumble stream, accelerating and increasing the water volume therein.
- Has the applicant produced an alternative drainage plan for surface water, which would not drain into the Bottom Dumble stream, either directly or indirectly?

### Amenity Issues

- Moving to the countryside was expected to enhance the way of life and quality of living, but living with the burning and burial of dead bodies does not add to this ideal.

### Other Issues

- The application should not be re-determined until after the Court of Appeal judgement.
- Lambley has a Parish Plan and its wishes are being ignored. The Aligned Core Strategy for Gedling Borough recommends that people should have a say in planning decisions and be listened to.
- The proposed crematorium is purely a commercial proposition, dressed up as responding to a non-existent public need, and would not benefit the British economy.
- Taxpayers should not be expected to fund an ongoing, unnecessary and very expensive legal fight.

Catfoot Crematorium Opposition Group (CCOG) - has submitted a letter and statistics of existing crematoria capacity in support of its argument that the proposals constitute inappropriate development in the Green Belt and that no proven, justifiable, need exists to warrant the building of a crematorium on Catfoot Lane, or indeed, in Nottinghamshire. The points made in this letter were also included within some individual letters submitted in response to the revised plans, but have not been included above to avoid repetition.

In summary, this letter states that:

- Neither applicant can prove that exceptional circumstances exist to build a crematorium (or cemetery) in an important environmental and historic area.
- The information presented in both applications, suggesting a spurious need, emphasise the shortfall in the present system, when in actuality there is in existence an extremely robust and capable crematoria system in Nottingham and Nottinghamshire. Figures provided by the existing crematoria disprove the assertions of both applicants that a need exists.
- There is substantial spare capacity at present, which has increased recently due to refurbishment and improved facilities at several existing sites. There will still be spare capacity when the 'baby boomer' era reaches maturity, with respect to the number of funerals, in the next 10 to 15 years, after which there will be a decline, coupled with the fact that people are living longer.
- The accompanying figures, which can be corroborated, belies the applicant's assumption that a proven need exists and negates the very special circumstances needed for building in the Green Belt.
- The present need is actually less than when the Inspector appointed to determine the appeal by A W Lymn for a crematorium in Calverton advised [January 2009] that we see no strong evidence of an overall shortage of capacity provided by existing facilities in the area. This is so even within the preferred core hours?.
- It is indicative from the information provided by the existing crematorium representatives that they consider the proposals to be ill-conceived and flawed in content, whether by design, deliberate manipulation or by inspirational wishful thinking. The transparent fudging of issues, which rely on the apathy of the public and spurious statistical information, should not be given any credence or relevance. Nottingham and Nottinghamshire does not need or require a fifth crematorium and both applications should be refused.

Further representations have been received from local residents during January and February 2013, which reiterate previous comments and draw attention to the above CCOG submission.

Following the Technical Briefing and re-consultation on the additional survey 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, I have received further representations from local residents, which (excluding previous comments already reported above) can be summarised as follows:

- The delay data does not advance the cause of either applicant in any significant way because:
  1. The Lymn data is not validated as an independent source and not even any quantities are provided.
  2. The Westerleigh data is taken from the Nottingham Post and the accuracy cannot be guaranteed in either reporting or collating the facts.
  3. Neither set of data gives any indication of the reasons for the delays which can

be various, excluding the lack of cremation slots.

4. As the numbers are relatively small, a few exceptional circumstances will distort the data, making it unrepresentative of a normal year.
  5. There is no analysis of the causes of the delays.
- The tables show that the crematoria handled more than double the number of cremations in January 2013 than July 2012, with only about a 10% increase in the 'average' delay. This suggests we need to understand what causes the wide distribution of delays between births and deaths, which is not necessarily due to capacity.
  - Using averages in statistics can be misleading and comparing only a couple of months figures compounds the problem. The averages can be affected by skews in the distribution, as demonstrated by the July 2012 and January 2013 figures, with no apparent capacity problems for this period in either month.
  - This is an effort to twist the data to suit a hopeless case. One resident has attended a number of funerals recently, where in all cases there was a delay of over 14 days because the family wanted it. You need enough time to make sure that distant family members can attend, so unless you have a special need, a quick service is not wanted. There is always time outside peak hours for an urgent service if wanted.
  - The data is presented by Westerleigh as strongly supporting the need case of their application, yet the Lymn letter on the same issue states that this additional information does little to address the key issues.
  - The need case in terms of actual capacity is now not a valid argument, which has always been the case from the outset. This has now been confirmed in writing by Lymns and verbally at the Technical Briefing.
  - At the Technical Briefing, the applicant for 2012/0799 stated that there was no capacity issue and appears to be relying on the travel time – an unproven and statistically flawed calculation. Given that both applications are geographically so close to one another, any point regarding capacity must also be applicable to the Westerleigh application, dismissing their capacity argument.
  - At the Technical Briefing there was emphasis by the applicants on the travel times to the existing crematoria, but when questioned it was conceded that both of the existing crematoria were within 30 minutes.
  - It was also conceded that 80% of the travel was attributed to mourners who can travel for 3 minutes or 3 days. Consequently, the travel time argument is not relevant because it is very largely beyond any control.
  - Travel time is the major flaw in the applicant's case. From Woodborough to Mansfield is about 20 minutes and Ollerton is the same. Time to go to Wilford or Bramcote, because of travelling around or through Nottingham is a least 45 minutes. Yet Mansfield and Ollerton have plenty of spare time.
  - If Gedling needs its own crematorium, it should be on a major traffic route easily

found by strangers to the district, not hidden down a remote country lane.

- Nothing new has been submitted.

CCOG has written outlining its observations on the Technical Briefing and the published minutes, together with its own comments on the specific questions raised by members, which relate predominantly to the various issues outlined above.

In response to the additional survey information, CCOG has commented, in summary, that:

- The tabulated submission by the applicant lacks credibility, in that the source is quoted as the 'Nottingham Post' website. Actual analysis requires a meaningful examination of the facts, including the reasons for the delays, which occur for a variety of reasons, none of which are due to a lack of slots:
  1. The clergy may not be available, as clergy often cover several parishes.
  2. The Coroner may advise on a delay due to ongoing investigations and police enquiries.
  3. Their own staff may be on holiday.
  4. Families may wish to delay a cremation due to relatives travelling long distances or wanting a specific date/time.
  5. Other relatives may be unable to attend at short notice, due to other commitments.
  6. Availability of Pathologist, should a post-mortem be required.
  7. Availability of Registrar.
  8. Availability of florists.
  9. Availability of a venue for a wake, which may coincide with heavily booked periods, such as Christmas and Easter Bank Holiday Times.
  10. The bereaved are not generally advised of slots available out of core hours by funeral directors, even though existing crematoriums have evening and weekend slots.
  11. It should be noted that 'core' hour slots total 14/16 at Bramcote/Wilford Hill (2 cremators at each crematorium). Inevitably, some bereaved will not be able to take up a 'core hour' slot on a given day, so a delay will occur. It is obvious that most delays are beyond the control of funeral directors and not, as suggested, by a lack of slots at crematoriums. Both applicants would have us believe that this proves a justification for another crematorium, whereas the only real motivation is a desire to increase profit margins.
  12. There are no statistics to prove that bereaved families prefer 'core hour' slots. They are not advised to book outside these hours, for the reasons given above. Today's peripatetic lifestyle suggests that early morning, late afternoon or

evening slots will fit better with 'working' families, as 'real time convenience slots'.

### 13. Limited fleet availability, when families choose compressed time slots.

All inevitably lead to delays, which affect the functionality of new crematoriums or existing ones.

- Time taken to Travel – both applicants refer to the 'Cambourne' crematorium as an example of the need for a fifth crematorium in Nottinghamshire. Until 2010, only two crematoriums served the whole of Cornwall, with a population of 536,512 covering 1,376 square miles. The analogy by both applicants, that Nottinghamshire is comparable to Cambourne, is an enigma - Cornwall is a peninsula, whereas Nottinghamshire is land-locked and has four existing crematoriums spread evenly around the city/county, which can all be reached under thirty minutes. Cornwall has a linear land-mass, with very narrow winding roads. Obviously, it would take mourners in remote areas, well in excess of 30 minutes to reach crematoria. At extreme points it may take over an hour. Reference is made to Inspector Novitsky's comments in relation to time [see Introduction Report].
- Irrespective of the revisions contained in the revised documentation submitted by both applicants, the proposals still come within the auspices of an 'inappropriate' development in the Green Belt. Previous applications have been refused in similar circumstances in the immediate Gedling area and this application only emphasizes their arrogance in pursuing this particular strategy.
- Neither applicant has proven that the 'very special circumstances' needed for building in the Green Belt exist and for this reason both applications should be refused.
- CCOG considers that its observations refute all claims made by the applicant and prove conclusively that a crematorium should not be built in Nottinghamshire.

### Catfoot Crematorium Opposition Group (CCOG) - Comments on Additional Information & Details submitted after High Court judgement)

In response to re-consultation on the revised plans and additional information, CCOG re-iterates its objections to the original scheme and makes the following additional comments:

Nothing in the additional information provided by Westerleigh, including amendments to the layout and statistics on need, do anything to dilute the very strong objections to the application on grounds of Green Belt, countryside, landscape designations, sustainability, highway safety, prematurity and need.

#### Highway Safety

- CCOG has made reference to the dangerous junction at Catfoot Lane/Mapperley Plains Road on numerous occasions and is greatly concerned that the Highway Authority does not have a problem with the site of the crematorium, adjacent to what is arguably one of the most dangerous junctions in Gedling. It is apparent that the Highway Authority, in all probability, did not apply the correct geometric

standards at this junction, when considering its recommendations. This point has been highlighted in another objection letter to the Council, which vindicated CCOG's original views on the unsuitability of such a project in this location.

- An extract from the above objection letter is outlined below, which CCOG wholeheartedly supports:

“For all the above reasons, I believe that the proposed site for the crematorium will, in all probability, exacerbate the safety problem, which to me is already evident to a greater degree than is acknowledged, either by the Highway Authority or by the applicant. At the very least, and irrespective of all other issues relating to this planning application, I strongly urge you to insist that an independent Road Safety Audit of the junction proposals be carried out and that you make the results of this available to the Planning Committee when the application is considered. Such an audit should focus on the reason for making the changes, i.e. the considerable change in character of both vehicular and pedestrian use of the junction, driven by the presence of the crematorium. The auditors should also be specifically asked for their view on the appropriate document to use in assessing geometric standards at this junction, i.e. MfS2 or DMRB.”

### Need

- The statistics for 2012/13 when compared to 2011/12, show an overall downward trend for cremations. The applicant has again failed to prove that exceptional circumstances exist to build a crematorium in an important environmental and historical area. The updated table [see below] reflects the true facts regarding existing total spare capacity, currently above 59%, and categorically refutes the latest claims of the applicant. The overall percentage increase compared with other regions nationally is miniscule at 1.62%. Nottingham languishes way down the national list. The statistics determine that a crematorium would not be required until 2055 – which is a startling factor.

A table showing Nottinghamshire Cremation Statistics and The Cremation Society of Great Britain (table of cremations), together with a table of Statistics of cremations carried out in Nottingham/Nottinghamshire over a three-year period have been provided in support of the above statement. In addition, CCOG draws attention to the table of delays submitted by Westerleigh and the real reasons for the delays submitted by Mansfield Crematorium [these are available for inspection within the Planning Department].

### Orchard Farm Appeal Decision

- The Orchard Farm Inspector's decision completely vindicates CCOG's concerns in all respects and on all matters. These are equally relevant to the consideration of the latest Westerleigh proposal. The appeal decision and the Inspector's conclusions on all matters should be considered a significant material consideration when the Council assesses the application.
- On need, the Inspector shared residents' concerns, concluding that the evidence submitted was not convincing. Whilst Westerleigh now point to specific elements around their updated needs case, much of the information still being relied on was, in fact, clearly already in the Inspector's possession.

- Even if the Council considered that the additional information demonstrated a need for the development (which the analysed statistics taken from 'The Cremation Society of Great Britain', clearly refute), then such a need would not be sufficient on its own to clearly outweigh the substantial harm caused to the openness of the Green Belt in this location (by reason of inappropriateness, impact on openness and encroachment into the countryside).
- For all the above reasons, objections are made to this latest proposal in the strongest terms and residents hope that the Council listens carefully to local voices and acts in a responsible and consistent manner. It is clearly open to the Council to refuse the application on the very same (and sound) grounds that the Inspector so very recently cited in his decision notice.

A W Lymn, The Family Funeral Service (Lymn) – have raised the following objections, in summary, since the Court of Appeal judgement was handed down:

### Introduction

There is no rational basis upon which the Borough Council could now grant planning permission given the recent appeal decision of the Secretary of State for a proposed crematorium on a site adjacent to the Westerleigh site by A W Lymn.

Given the terms of the appeal decision, the Borough Council has no choice but to refuse permission for the proposed development. The updating of the need evidence by Westerleigh is unconvincing and an attempt to salvage its scheme, despite the clear basis for the appeal decision. There can be no outcome for the proposed development other than to refuse it.

In summary, the proposed development would lead to:

- A significant loss of Green Belt openness, causing substantial additional harm over and above the harm by reason of inappropriateness.
- Additional harm caused to the landscape and to the character and appearance of the area.
- Unsatisfactory accessibility for all users and failure to maximise the use of sustainable transport modes.

The Secretary of State did not consider there to be a need sufficient to materially contribute towards there being a 'very special circumstance' justifying development akin to the proposed development. In addition, the Inspector considered it necessary to consider potential sites beyond the Westerleigh site and Lymn site.

By requesting the proposed development be re-determined, Westerleigh is seeking to lead the Council into legal error. The additional material submitted comes nowhere close to addressing the concerns of the Secretary of State.

### Objection

It is noted that Westerleigh has amended the proposed development, such that the cemetery, which formed part of the initial proposals, has now been removed. This means that the Westerleigh scheme now before Officers and Members is analogous to

that considered as a potential alternative by the Secretary of State.

#### *Effects on Green Belt Openness*

- The Westerleigh site is located within open countryside and within Green Belt. The Government attaches great importance to Green Belt whose fundamental aim is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and their permanence.
- The Westerleigh site comprises purely agricultural and undeveloped land in Green Belt. The buildings and structures forming part of the Westerleigh proposal would have a combined floor area of 651 square metres, whilst the areas of hardstanding would cover an area of 4,140 square metres. Consequently, there would be a substantial increase in built development on the site, and a corresponding substantial loss of openness. In this connection, it is important to note the Inspector's comments in relation to the Lymn proposal. Notwithstanding that the Lymn proposal involved the removal of 1,685 square metres of existing hardstanding and 905.7 square metres of existing building development, the Inspector was of the opinion that the Lymn proposal would result in a substantial loss of openness. The Inspector also acknowledged that the loss of openness at the Westerleigh site would be even greater.
- For the above reasons, the Westerleigh proposal would cause significant loss of the Green Belts openness, causing substantial additional harm over and above the harm be reason of inappropriateness, contrary to the aims of Replacement Local Plan (RLP) Policy ENV26 and National Planning Policy Framework (NPPF) paragraph 79. Given the importance that the NPPF places on openness of Green Belts, substantial weight should be given to the harm arising from the Westerleigh proposal in this respect.

#### *Effects on Green Belt purposes*

- The purposes of Green Belts are set out in the NPPF. They include checking the unrestricted sprawl of large built-up areas and safeguarding the countryside from encroachment. Notwithstanding the existence of built development on the Lymn site, the Inspector concluded that the Lymn proposal would have represented an encroachment of urban development into the countryside and, as such, it would have been contrary to one of the five purposes of Green Belt.
- The Westerleigh site is open and entirely free from development. The Westerleigh proposal comprises the same type of development, of similar scale. It is the case, therefore, that the Westerleigh proposal would fail to safeguard the countryside from encroachment and, as such, the proposed development would conflict with the aims of RLP Policy ENV26 and NPPF paragraph 80. In this respect, there would be further additional harm resulting from the Westerleigh proposal, harm that cannot be mitigated in Green Belt terms in the case of the Westerleigh proposal.

#### *Effect on Character & Appearance of the Area and the Landscape*

- The Westerleigh site lies within a Mature Landscape Area (MLA), whose designation is intended to identify and protect areas of landscape that have been least affected by adverse change. RLP Policy ENV37 seeks to protect MLA's from

development that would harm their visual, historic or nature conservation importance, except where these are clearly outweighed by the reasons for the proposal. Policy 10 of the Aligned Core Strategy (ACS), seeks to encourage good design and to enhance identity, taking account of impacts on valued landscapes. The Greater Nottingham Landscape Character Assessment identifies the Westerleigh site as lying within the *Wales Farmland?*, whose landscape condition is assessed as being 'Good' and whose landscape strength is assessed as being 'Strong'. The recommended strategy is 'Conserve'.

- The Westerleigh development would be sited close to the ridge, where views from the wider area would be widespread and the proposed crematorium building more apparent. The County Council's Landscape Officer has confirmed that the Westerleigh proposal would have an adverse effect on the character and quality of the landscape and such an effect would be contrary to the recommended strategy of the Greater Nottingham Landscape Character Assessment to conserve this landscape.
- In respect to the Lymn proposal, the Inspector concluded that the presence of significant numbers of vehicles would stand out as an alien feature in the landscape. In this connection, it should be noted that the numbers of parking spaces proposed for the Westerleigh proposal is analogous to that of the Lymn proposal. The Inspector went on to conclude that the visual impact arising from the number of vehicles would be exacerbated by the movement of vehicles and people, at frequent intervals. On this basis, the Inspector concluded that in such a tranquil setting, this continuous pattern of comings and goings would appear as inharmonious and disruptive to the area's rural character and it would therefore be the characteristics of the use, as well as the built development, that would cause harm to the character and appearance of the area.
- It is incontrovertible that the Westerleigh proposal would result in the same, or very similar, negative effects upon the character and appearance of the area as the Lymn proposal. In fact, Lymn would maintain that those effects would be worse.
- For these reasons, the harm caused to the landscape and to the character and appearance of the area would conflict with RLP Policy ENV37 and Policy 10 of the ACS and with the relevant provisions of NPPF paragraphs 17 and 109. In applying the planning balance to the Lymn proposal, the Inspector attached considerable weight to the adverse impact on the landscape and therefore the same considerable weight should be attached to the adverse impact of the Westerleigh proposal.

#### *Accessibility & Sustainable Transport Considerations*

- NPPF paragraph 34 requires that developments that generate *significant movements?* are located where the need to travel will be minimised, and the use of sustainable transport modes can be maximised. Paragraph 35 of the NPPF states that, where practical, all developments should have access to high quality public transport facilities and should consider the needs of people with disabilities.
- The Westerleigh site is located only a few hundred yards from the Lymn site, albeit closer to the junction of Catfoot Lane and Mapperley Plains. The Inspector noted in

respect of the Lymn site that the closest bus stop is at least 1.5 km away from the site and that this distance would make access by public transport a very unattractive option for most visitors and especially staff. Notwithstanding firm evidence to demonstrate that most mourners to services held at crematoria travel by private car, the Inspector was of the opinion that this does not mean that it is acceptable to locate such an important facility on a site where transport options are so limited.

- The Inspector suggested that in a location with better accessibility, a different pattern might emerge, especially amongst employees and those visiting for reasons other than to attend a funeral service. He went on to say that in choosing a location for a crematorium facility, to fail to have regard to such matters would not only be contrary to policy, it would simply be poor planning. In relation to accessibility and sustainable transport, the Inspector concluded that the issue was fundamental to the location of such an important public facility.
- Notwithstanding that the Westerleigh proposal makes provision for a public footpath along the south side of Catfoot Lane up to the mouth of the access from Mapperley Plains, the same conclusions reached in respect of the Lymn proposal in relation to accessibility and sustainable transport must be reached in relation to the Westerleigh proposal on the Westerleigh site. The same public transport options are available for both the Westerleigh site and the Lymn site and therefore on the basis of the Inspector's conclusions in this respect, it must be concluded that the Westerleigh proposal would not provide satisfactory accessibility for all users and it would not maximise the use of sustainable transport modes.
- Accordingly, the Westerleigh proposal is contrary to NPPF paragraphs 17, 34 and 35. The Inspector attached considerable weight to what he considered to be a significant shortcoming of the Lymn site, and the same considerable weight should therefore be applied to the same (or similar) shortcomings of the Westerleigh site.

#### *Lack of Need*

- Westerleigh has submitted additional information in relation to need and in so doing, have sought to discredit the evidence of need produced in respect of the Lymn proposal at appeal. However, Westerleigh does not choose to deal with the fact that the appeal decision is premised not just on the evidence of Lymn, but also that previously produced by Westerleigh (with the need study previously produced being put into evidence). Despite objection to the Lymn proposal at the appeal on the basis of every conceivable ground, Westerleigh took no issue with the need evidence produced by Lymn in support of the Lymn proposal.
- As previously explained, the conclusions reached by the Inspector in this regard are a very important material consideration in the re-determination of the Westerleigh proposal on the Westerleigh site.

#### *Availability of Alternative Sites*

- It is clear that the Inspector did not think Catfoot Lane a suitable location for a crematorium. Westerleigh is hoping that the Council simply disagrees, notwithstanding the Inspector's clear findings and the clear dangers of failing to attach full weight to the Secretary of State's decision on the Lymn proposal.

- In Lymn's opinion, the correct response to the appeal decision is for crematorium operators in the area to look elsewhere, preferably at non-Green Belt sites. Lymn has been doing just that. At the time of writing [February 2015], Lymn is continuing to search for suitable alternative sites, with a focus on sites outside of the Green Belt. The Secretary of State has made it abundantly clear that to site a new crematorium on either the Lymn site or the Westerleigh site would not only be contrary to policy, but it would constitute poor planning. Under these circumstances, it would be perverse of the Council to grant permission for the Westerleigh proposal on the Westerleigh site. As the Council will be aware, should an alternative non-Green Belt site for the proposed development exist, there is no basis in law for approving this application.

### Conclusions

In light of all of the above, and for the same of similar reasons as to why the Inspector dismissed the Lymn proposal on the Lymn site, the Council is invited to refuse to grant permission for the Westerleigh proposal on the Westerleigh site.

Local Residents & Businesses (comments in support) - I have also received 59 letters of representation in support of the proposed development on various grounds, made before or in response to consultation on the proposals as originally submitted. These representations have been made direct or via Members and can be summarised as follows:

- The application is supported by the majority of people in the Gedling area, who have complained about the lack of a crematorium for many years and would appreciate a quiet and peaceful garden of remembrance in which to remember their loved ones.
- The arguments in favour of this proposed development are convincing. Good local facilities are needed for the community and this development is long overdue. A large population lives in the north-east of Nottingham and there is no facility such as this to cater for the needs of the community. When deciding these applications, the fact that more crematorium capacity is needed in Nottingham, and Gedling in particular, should be taken into account.
- The existing crematoria are overstretched at times and this leads to delays for available service slots, often well over a week. Such delays can be very upsetting for families at an already difficult time. They are also busy and create a feeling of being rushed and pressured, which can be upsetting for mourners attending a loved one's funeral.
- The journeys to the existing crematoria are long and difficult and it is unfair for mourners to have to travel such large distances on busy main roads, which is an added discomfort at such a difficult time.
- Long travel distances to the existing crematoria make it harder for the elderly or those without a car to attend funerals, particularly in bad weather, and they may have to depend on other family members to drive them.
- The stress caused to families travelling to existing crematoria would be reduced

significantly and the community as a whole would benefit. A crematorium in this area would be much easier to visit and would cater for the needs of everyone on this side of Nottingham.

- The number of cars that currently travel the lengthy journey from the Borough all the way to Wilford Hill or Bramcote should be factored in. A cemetery off Catfoot Lane would actually have benefits for the environment.
- Mapperley Plains would be a great location, as there are regular buses passing by and the area is mainly fields, with not much housing. Having looked at other developments by the applicant, the crematorium building would be an attribute to the area.
- The proposed building looks attractive and of high quality and the traditional design of the building should also fit into the landscape.
- Funerals set in a calm and peaceful environment have a calming influence on family's and will make mourners feel more at ease than if surrounded in an overly busy and unattractive setting.
- Increased traffic is unlikely to be a problem, with only five or six funerals a day. Traffic will be less at weekends when funerals are not taking place, which will avoid any conflict with people visiting Floralands.
- The proposed development by Westerleigh has a sympathetic, traditional, rural style, which would sit more comfortably in the landscape and be more in keeping with the area than the ultra-modern design proposed by A W Lymn.
- The site will be of limited and fixed size and, apart from the building, will consist of trees and gardens. This is preferable to the rash of unattractive horse establishments and overgrazed fields which are currently prominent along this far from pristine lane.
- The population needs to be educated in support of cremation, as the pressure on land for traditional burial is no longer realistic and makes its undesirable.
- The installation of two cremators, as proposed by Westerleigh, rather than the one proposed by A W Lymn, would appear more sensible in case of breakdown or increased demand at particular times.
- The proposed development by Westerleigh is preferable as it would not have a detrimental effect on the Site of Importance for Nature Conservation, a wildlife haven which has been enhanced in recent years.
- The provision of a crematorium and a burial ground is better than just a crematorium alone. Having a cemetery for the burial and scattering of ashes on the same grounds as the crematorium means the bereaved can go back to somewhere peaceful to be close to their loved one, which would be appreciated.
- Local residents and funeral directors would rather see this service run by an independent, experienced crematorium company than by a competing funeral director. A funeral operator with a proven track record should be supported.

- The Council should encourage local companies in this project and not an international organisation.
- It is possible that the operation of a crematorium by a local funeral director may restrict access to other funeral directors and lead to increased prices.
- The proposed development will bring much needed employment to the area, during construction and when operative.
- Due to the shorter travel times involved, the proposed development may help reduce funeral costs.
- The Borough Council should consider what best serves the majority of Gedling residents and approve the application, which would improve the overall welfare of the bereaved in this area.
- It is hoped that the site is away from the busy main road, so it is not affected by traffic noise and has the advantage of views down the valley.
- It is considered that this would be a superb, high quality facility.

Lambley Parish Council – made the following comments on the application as originally determined:

### *1. Community Involvement in the Pre-planning Process*

The Parish Council regrets that there has only been superficial engagement with the local community by the applicant. Despite the assertion in the Statement of Community Engagement, there has been no effective consultation with the Parish Council, apart from a public consultation session for which publicity was minimal, so many residents were unaware of the meeting. To rectify these omissions, the applicant was invited to attend a public meeting in the village, convened specifically for the development, but declined.

### *2. Green Belt*

The Parish Council is very concerned that the proposed crematorium will breach the Green Belt, which will have a detrimental impact upon the village, both for residents and visitors, and will pave the way for further breaches in the future. Lambley is proud of its village 'feel', which will be jeopardised by the development. It is suggested that further efforts be made to investigate other more suitable locations.

### *3. Traffic*

It is the view of the Parish Council that insufficient attention has been given by the applicant to likely traffic problems, in particular in relation to Catfoot Lane, which is a narrow winding country road, ill-suited to take additional vehicles. Residents of Catfoot Lane have made representations to the Parish Council in the past about traffic hazards – prior to the present application being submitted. The Transport Statement makes hardly any mention of additional traffic on Catfoot Lane, along

which some mourners will inevitably drive, particularly those coming from an easterly direction.

#### 4. Conclusion

It is submitted that both the Green Belt and traffic issues summarised above are significant substantive problems, which have not been fully addressed by the applicant. In the view of the Parish Council, taken together, the problems are so serious that the application should be rejected.

In response to re-consultation on the revised plans and additional information, the Parish Council has stated that these do not in any way alter the above views.

#### Lambley Parish Council - Comments on Additional Information & Details submitted after High Court judgement)

Notwithstanding the additional information, Lambley Parish Council remains opposed to the application. The Parish Council's original concerns [see above], principally the unnecessary breach of the Green Belt and inevitable traffic problems, remain.

Woodborough Parish Council – made the following comments on the application as originally determined:

- Consideration should be given to traffic flow and access on Catfoot Lane, which is not equipped to cope with traffic of this nature.
- Consideration should be given to increased traffic through Woodborough, and the likelihood of traffic processions causing an accident.
- Consideration should be given to the provision of public transport, particularly for the workforce and visitors to the cemetery.

In response to re-consultation on the revised plans and additional information, the Parish Council is disappointed that the revisions do not improve the safety of the junction with Mapperley Plains as it regards this as a key risk to the safety of funeral and other traffic.

#### Woodborough Parish Council - Comments on Additional Information & Details submitted after High Court judgement)

- Traffic leaving the site to turn onto Mapperley Plains presents a considerable risk
- The PC requests that traffic lights with a right filter should be made a condition of any consent
- A mini-roundabout on the exit to Plains Rd would be worse than no roundabout given likely poor visibility

Wilford Hill Crematorium – made the following comments on the application as originally submitted with regard to the Crematorium facility available within the City of Nottingham at Wilford Hill (Southern Cemetery):

- The Crematorium was first opened in 1931 and built in a traditional style with two chapels, two waiting rooms, book of remembrance, toilet facilities and shelter to the frontage. Since its opening, the facility has continued to be well used and as the years have moved on families have developed strong links with the site being the place where their loved ones were cremated.
- During the last year alone, Nottingham City Council has invested ?750k, which has funded mercury abatement works in line with new legislation. It has also implemented an ongoing programme of works, including redecoration, new carpets and curtains, refurbished toilets and the provision of refreshment facilities. All of these works have helped to transform the facility offered and enable us to continue to meet the needs of the bereaved. Nottingham City Council now has a traditionally built Crematorium that is fully compliant with new legislation, maintained in good order, is fit for purpose and is the preferred choice for the citizens of Nottingham.
- During the last few months, Wilford Hill has also been awarded the Gold award for the Charter for the Bereaved and Green Flag status. This award was confirmed on the 27<sup>th</sup> June 2012 and recognizes the standard of service and related processes achieved and maintained by Nottingham City Council. In order to meet the required standard there on average 220 questions covering all aspects of the Cemetery Service provided, which have to be answered. The total number of marks possible is 1061 and this year Wilford Hill achieved 977, which represents Gold standard.
- The charter sets out the standards of service for the bereavement industry including future development and continued implementation of the charter. It also helps authorities set out priorities for future development and improvement along with demonstrating that they are committed to providing excellent service, designed to meet the needs of our citizens.
- The achievement of this standard is a reflection of the continued dedication of the Cemetery Service colleagues and the broad approach to ensuring all areas of service provision are continually reviewed and improved ensuring the needs of the bereaved are met. The same service area has also achieved Green flag standard for both Highwood Cemetery and Wilford Hill Cemetery and Crematorium which in turn recognizes standards that are both achieved and ongoing and development plans for the next 5 years. The achievements noted above have been awarded by independent organizations that have professionally assessed the service and facility, including site visits and interviews.

Wilford Hill Crematorium - Comments on Additional Information & Details submitted after High Court judgement)

Nottingham City Council would like to clarify the recent, current and future position with regard to capacity and flexibility of the Crematorium at Wilford Hill (Southern Cemetery) operated by Nottingham City Council.

The month of July 2014 is being cited as a month where there were delays in funerals taking place with specific reference to the City Council's facility at Wilford Hill (Southern Cemetery). The City would like to be absolutely clear that although July 2014 was a busy month for Cremations at its site, they still had ample capacity to accommodate more funerals and can confirm that they had 239 slots unused during this month. In addition to this, the City cannot recall a single concern being raised by funeral directors

concerning availability of slots. Furthermore, there were no requests for the City to extend its operating times or for weekend services which would have increased their capacity even further.

Although the City is not aware that this point has been raised yet by the applicants, it would also like to clarify the real picture surrounding capacity during the recent winter period of January 2015 – March 2015.

This period has seen a 26% increase in numbers of Cremations over the same period in 2014 and yet the City would again make it clear that capacity has never been an issue and that no concerns have been raised with us by Funeral Directors, or indeed requests been made for the City to extend its operating times including weekend services. The actual details of available slots for this period are as follows: January 2015 – 160 slots; February 2015 – 145 slots; March 2015 – 192 slots.

In relation to capacity, the City would like to confirm that it has been contacted by several families in recent months regarding delays to funerals taking place and that it is absolutely clear that the real reason is relating to lack of capacity of Funeral Directors and the services they provide. Having reviewed a couple of enquiries, the City confirmed that between the date of contact and the proposed date for a funeral by Funeral Director there were over 200 slots available at its Crematorium and yet these were not being offered to families.

The City fully understands that Funeral Directors have been under immense pressure over recent months linked to increased deaths. However, its capacity to deal with bookings has in no way contributed to this situation. The City is not sure if the following questions have been asked, but as it is constantly being challenged over capacity it is requested that the following questions are raised with local funeral directors. This will then better inform decision makers in the wider situation over funeral provision:

1. What is the maximum number of funerals you can accommodate each day?
2. How many staff do you normally have working for you who are directly involved in the delivery of front line funeral services?
3. How many vehicles do you have available on any given day that can be used in conjunction with Funeral Services?
4. Can you provide evidence in relation to where it is felt that a delay to funeral arrangements was as direct result of capacity at existing crematoriums in the area?
5. Can you clarify what impact the recent increased death rate over the winter period January 2015– March 2015 has had on your business and what contingencies were put in place to accommodate this?

In conclusion, the City trusts that this email clarifies the position of Nottingham City Council backed by real figures and industry knowledge and that this again makes clear that in no way is a new Crematorium needed due to lack of capacity or facilities within Nottinghamshire.

The City Council has since made the following additional comments in response to a request for further clarification from the Borough Council concerning core slots, cremations and burials:

- Number of 'core slots' available each day at Wilford Hill*

The City has 14 core time slots available across the two chapels and an additional 2 slots at lunchtime as a contingency, if required.

- *Confirmation that cremations and burials are not on site at the same time*

The actual figure for burials is 374 for the last year at Wilford Hill (Southern Cemetery). The City would suggest that the previous reference to 900 would have been a previous figure in relation to all of its operational sites combined. It is possible for burials and cremations to be on-site at the same time, as some burials will be direct to grave i.e. without the use of its chapels. Equally, the City may have a use of one chapel for a Cremation service whilst having a use of the other chapel for a burial service.

- *Confirmation of the number of free 'core slots' in the months identified*

July 2014 – Available core time slots remaining were 130 with 45 unused lunchtime slots and only 1 lunchtime slot requested and used.

January 2015 – Available core time slots remaining were 95 with 42 unused lunchtime slots.

February 2015 – Available core time slots remaining were 94 with 40 unused lunchtime slots.

March 2015 - Available core time slots remaining were 122 with 44 unused lunchtime slots.

The City would like to add again that, with reference to the months detailed above, it only took one booking for a lunchtime slot and cannot recall a single other request or complaint relating to slots that it had available from familie, or indeed local funeral directors.

Bramcote Crematorium – made the following comments on the application as originally submitted:

No objections, but Appendix J shows an excessively out of date aerial photograph of Bramcote Crematorium. Since that was taken, car parking has been significantly improved and the New Chapel built and a number of major improvements have been made, which are not referred to in the Need document for the proposal. In particular, a new flower viewing area has been built for the Main Chapel, which means that mourners using the two chapels have separate flower viewing areas. The following specific comments have been made on errors within the Need document for the proposal, in relation to the assessment of Bramcote Crematorium:

- The Main Chapel seats 115 (not 109), with dedicated standing room for a further 70. The New Chapel seats 46 (not 30). Both also have "overflow" facility with screens in waiting rooms.
- Bramcote Crematorium also offers Saturday and Sunday services and cremations.
- The 8:45 am (8:30 am often requested also) time slot is principally used by the

Anatomical Department of the QMC for their cremation services. It is also a popular time for Funeral Directors who have a cremation, where there are no family or minister attending, as they can deliver the coffin without causing significant inconvenience or delays to other services that day.

- Cremators that are regularly maintained and serviced and which are used longer each day are more efficient, produce less emissions, reduce the carbon footprint etc and breakdown less.
- The quarterly servicing is undertaken at the weekends and causes no significant weekday cremator "down time"
- Since the report was written, car parking has been increased and a new waiting room, remembrance room and improved flower viewing facilities have all been provided.
- Mourners assemble and leave from separate areas of the crematorium and seldom "mix" - especially now there is a dedicated Main Chapel flower viewing area.
- There are service lists around the grounds, not just at the Chapel entrance. The service Chapel required can be identified from several points within the grounds and also the office, without "jostling past" other mourners.
- Is there any substantiation or source for the comment that Bramcote is "excessively busy and struggles to provide a dignified setting because of the weight of numbers"?

In response to a rebuttal to the above, a report has been provided to demonstrate that Bramcote Crematorium does not 'claim' to have made improvements, but has spent around ?0.75 million since 2009 making actual improvements. Most of these have been completely ignored in the needs document supplied by the applicant.

No further comments have been made on the additional information and details submitted after the High Court judgement.

Mansfield & District Crematorium – made the following comments on the application as originally submitted:

### *1. Provision of Crematoria within Nottinghamshire*

Whilst it is noted that the applicant refers to only four crematoria serving Nottinghamshire, it should be noted that only a few miles across the border are Chesterfield, Derby, Grantham, Bretby and Loughborough crematoria, which also serve the people of Nottinghamshire, especially those communities who lie within the Nottinghamshire boundary, but are actually closer to these other crematoria. It would be interesting to know if any thought had been taken to the actual Geographic's of the other shires, as the location of the crematoria in most areas is centred around large centres of population and certainly for Derbyshire a lot of the area is farm land outside of Chesterfield and Derby and so it would not make sense for crematoria to be located there.

### *2. Capacity*

Bramcote and Mansfield and District Crematoria are amongst the busiest in the country and both have more than adequate capacity for the area they serve. However, it should be noted that capacity goes hand in hand with how many cremations can actually be undertaken within the actual working day and that might differ from the number of funerals that are carried out according to the individual site's protocols relating to 'holding over' (Mansfield cremate on the same day as the funeral as it is felt that this best meets the needs of the bereaved and so do not require 'chill rooms', However, depending on what the proposed crematorium's protocol relating to 'holding over' is, it is noted that there does not appear to be any provision for coffin storage). Likewise, there does not appear to be any provision for 'viewing of the coffin being charged into the cremator', which is often required by some religions to meet their funeral rites.

### *3. Travelling Time*

Whilst it is agreed that as an ideal mourners should not have to travel great distances, in the modern world this is regrettably a fact of life and often mourners use the crematorium as the destination point of their initial journey and no longer congregate at one location to then follow, en masse, to another.

### *4. Timing of Funerals*

The submission refers to the fact that 'funerals are concentrated in the middle of the day and not at regular intervals from 9am – 5pm' and that 'problems arise booking a 'preferred slot' which is generally considered to be from late morning to early afternoon'. In reality, Mansfield find that families work around existing commitments, whether that be childcare, medication or only being able to have half a day off work, and these are the factors that influence funeral times together with commitments of officiants and Funeral Directors. As such, Mansfield have had funerals taking place this last week [June/July 2012] which started at 9.15 am, as that time suited the family (3 instances over 5 days) and not because they were the only times available.

### *5. Delays in Funerals*

The submission also refers to delays in funerals and is slightly misguided in the information it portrays, implying that the fault in the delay arose from lack of capacity by the crematoria. The period 1 Jan 5<sup>th</sup> – 26<sup>th</sup> referred to related to deaths that had occurred before Christmas and then over the seasonal period. This is a time when people are on holiday (i.e. doctors, coroners, registrars) and when officiants are usually stretched due to Christmas services – all have a knock on effect on funerals together with the impact of being closed Christmas Day, Boxing Day and New Years Day. This would be the case where ever the funeral took place. Therefore, Period 2 is a more realistic marker for the whole year as it does not include any of the above external factors.

### *6. Location of proposed Crematorium and Impact on Neighbouring Crematoria.*

It is also noted, with some concern, that the Westerleigh Group have targeted their area of most impact on the south of the district and have implied that there will be little impact on Mansfield or Ollerton Crematoria. It is expected that some impact will be felt

by both, due to the very nature of the road infrastructure.

Likewise, families will usually migrate back to the crematorium where historically their previous generations have had their funeral, especially if the cremated remains have been strewn there, or they will return the cremated remains back to that crematorium at a later date.

Following re-consultation on the most recent additional survey 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, I have received the following comments from Mansfield and District Crematorium:

- Whilst unable to comment on how funerals are booked at other crematoria, Mansfield record both date of death, time and date the funeral booking is made by the funeral director with the crematorium and the date requested for the funeral. Mansfield Crematorium has no reason to believe that the timescales between date of death and booking the funeral with the Crematorium will differ from one crematorium to another. Data is provided for all the funerals which took place at Mansfield and District Crematorium during January 2013. Whilst the Crematorium allows 5 days between date of death and the funeral director actually contacting the Crematorium to arrange the funeral, there are several occasions where this time difference is far in excess of the 5 days. For every day Mansfield Crematorium was open for funerals, it was never at capacity and on several occasions the funeral director requested funerals quite a long distance, timewise, from the date of contacting the Crematorium.
- Outside influences, such as Coroner's involvement, access to doctors, access to registrar of births and deaths, family commitments, funeral directors commitments and officiant commitments will all have an impact on when a funeral is booked for and therefore the crematorium cannot be held solely responsible for delays in funerals.

No further comments have been made on the additional information and details submitted after the High Court judgement.

Nottinghamshire County Council (Strategic Planning) – made the following comments on the application as originally submitted:

In strategic planning terms the proposal must be considered in the context of the East Midlands Regional Plan (March 2009) (RSS) and the National Planning Policy Framework (NPPF).

The application site lies within the Nottingham-Derby Green Belt.

RSS Policy Three Cities SRS 2 states that the principle of the Nottingham-Derby Green Belt will be retained.

The proposal seeks planning permission for the erection of a crematorium building and associated floral tribute structure, along with the provision of a new access into the site, internal roadways, car parking areas, footpaths, landscaped grounds, gardens of remembrance, and the provision of 3 acres of cemetery land for burial purposes.

The NPPF states that the essential characteristics of Green Belts are their openness and permanence and inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

The NPPF sets out in paragraph 89 that the construction of new buildings in the Green Belt is inappropriate, exceptions to this include cemeteries. As such, the County Council I would not wish to raise any strategic planning objections to the cemetery element of this proposal.

Turning to the built element of the proposal, namely the crematorium building, this is considered in NPPF terms to be inappropriate development within the Green Belt, accordingly the onus lies with the applicant to demonstrate that very special circumstances exist which would outweigh any harm to the Green Belt.

In conclusion, taking into account the above, the County Council does not wish to raise a strategic planning objection to the cemetery element of the proposed development. However, in relation to the built crematorium element of the proposal, the County Council wishes to raise a strategic planning objection unless the Borough Council is satisfied that there is a proven need for the proposed development, the applicant has demonstrated there are special circumstances and that the proposal would not have an adverse impact upon the openness of the Green Belt.

#### Nottinghamshire County Council (Strategic Planning) - Comments on Additional Information & Details submitted after High Court judgement)

##### *National Planning Context*

The NPPF states that the essential characteristics of Green Belts are their openness and permanence and inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

##### *County Planning Context*

The adopted Nottinghamshire and Nottingham Waste Core Strategy (adopted 10 December 2013) (full title Nottinghamshire and Nottingham Replacement Waste Local Plan, Part 1: Waste Core Strategy) and the saved, non-replaced policies of the Nottinghamshire and Nottingham Waste Local Plan (adopted 2002), along with the Nottinghamshire Minerals Local Plan (adopted 2005) (and emerging replacement plan) form part of the development plan for the area. As such, relevant policies in these plans need to be considered.

##### *Minerals*

In relation to the Minerals Local Plan, the site lies within a Mineral Safeguarding and Consultation Area for brick clay. In line with the National Planning Policy Framework (paragraph 143) the Minerals Local Plan Preferred Approach (2013) sets out a policy (DM13) concerning these zones. Although not yet adopted, its provisions can be given some weight as a material consideration (in line with NPPF paragraph 216) as the plan is at a fairly advanced stage (although it should be noted that a number of minor objections to the policy, but not the zones themselves, arose through the preferred approach consultation that will need to be addressed before the plan is adopted, which may result in some minor changes to the policy).

DM13 as it currently stands requires applicants to demonstrate that non-minerals development will not unnecessarily sterilise the mineral resource in the area. Where this cannot be demonstrated, or where the need for the non-mineral development is clear and demonstrable, the practicality of prior extraction should be fully investigated. In this instance demonstrating that there will be no unnecessary sterilisation of the mineral resource, regard should be given to the location of the site close to the urban fringe, the need for the non-minerals development and the need for the mineral.

The site lies within the economic resource of Dorket Head brickworks, however current permitted reserves at the site will last until 2034. Combined with the facts that only part of the site lies within a safeguarding area and the site lies within close proximity to the urban fringe we would consider that the need for the minerals is outweighed by the need for the non-minerals development in this instance. However, the County Council would like to see it demonstrated that the practicality of prior extraction has been fully considered before a decision is made on the proposal.

#### *Response from Applicant*

In response to the above Minerals comments about prior extraction, the applicant's agent has discussed this issue further with the County Council's Minerals Officers.

#### *Response from NCC Minerals*

The County Council has confirmed that as the current permitted reserves for the Dorket Head brickworks will last until 2034 and the site is only located partly within a minerals safeguarding area, the need for the proposed development outweighs the need for the mineral in this instance.

#### *Waste*

In terms of the Waste Core Strategy, there are no existing waste sites within the vicinity of the site whereby the proposed development could cause an issue in terms of safeguarding our existing waste management facilities (as per Policy WCS10).

The County Council would be keen to see the best practice of waste management for the development. As set out in Policy WCS2 of the Waste Core Strategy, the development should be 'designed, constructed and implemented to minimise the creation of waste, maximise the use of recycled materials and assist the collection, separation, sorting, recycling and recovery of waste arising from the development.'

#### *Strategic Planning Issues*

##### *Green Belt*

The proposed crematorium building is considered in NPPF terms to be inappropriate development within the Green Belt, accordingly the onus lies with the applicant to demonstrate that very special circumstances exist which would outweigh any harm to the Green Belt.

##### *Strategic Highways*

The County Council do not have any Strategic Highways objections to the proposed development.

### *Travel & Transport (Bus Service Support)*

The site is not at present located on a local bus route. The only proposed road access to the development is from Catfoot Lane.

As the area does not lend itself very easily to diverting the current network, it follows that any new development would require a bespoke service. The most likely provision would be a service between Mapperley and Calverton via Catfoot Lane, which itself would connect with frequent local services from either of these places to Arnold and Nottingham.

### *Travel & Transport (Bus Stop Infrastructure)*

The Travel Management Plan suggests that only 18 cars on average attend any funeral and therefore logically these numbers would not be sufficient to support any alterations to the commercial services. The County Council have extracted some relevant points as follows:

#### Funeral times

95% of funerals are held between 10.30 and 15.00 which means that mourners would usually only start entering the crematorium from around 10.00 with the last visitors leaving by around 16.00. Research indicates that the average number of cars that attend each funeral is 18. Based on an average of five services per day this results in approximately 90 vehicle movements in each direction per weekday, all outside of peak times. In addition the cemetery is expected to hold no more than one funeral per week on average, based on current demand, and this would add a further 18 cars per week. It is hoped, as has been the case for other new crematoria, that a bus stop at the actual crematorium may be established once funerals start to be held?.

The Council reserves the right to consider appropriate enhancements to bus stop infrastructure in the vicinity of the development.

For information the current costs are approximately as follows:

- Bus Shelter - ?2,500
- Solar Lighting in Bus Shelter - ?1,500 - ?2,000
- Additional Hard Stand for a Bus Shelter - ?1,500 - ?2,000
- Raised Kerb - ?1,500
- Real Time Displays and Associated Electrical Connections - ?6,000
- Bus Stop Clearways - ?500 -?700

Further information can be supplied through developer contact with Transport & Travel Services.

### *Response from Applicant*

In response to the above comments about bus service support and bus stop infrastructure, the applicant's agent has sought further clarification and justification for

the requested Section 106 contributions with the County Council's Travel and Transport Officers.

### *Response from NCC Travel & Transport*

The County Council has reviewed the request for contributions for this development, taking into account the points raised, and has made a request for a reduced level of funding, which it considers is fair and reasonably relates to the proposed development:

A developer contribution of ?6,000 is now requested, which would be applied to fund Real Time Displays and Associated Electrical Connection at bus stop GE0420 Edison Way. A real time display here would show regular services and enhance passenger information and options to reach the City by public transport.

### *Response from Applicant*

The applicant has agreed to pay the revised contribution.

### Landscape & Visual Impact

The existing site is situated near the western end of Catfoot Lane, Lambley and falls within three local designations namely:

- Policy Zone MN045 Rolling Dumbles Farmland (Greater Nottingham Landscape Character Assessment - GNLCA). The assessment notes "this DPZ is distinctive in the landscape", has few detracting features? and is an intact rural landscape?. The combination of strong landscape character and good landscape condition, result in an overall landscape strategy of CONSERVE.
- Mature Landscape Area (MLA) a designation still recognised by Gedling Borough Council (ENV37)
- Green Belt (ENV26)

This application is considered in the context of the current policy environment and on the basis of the current documentation (i.e revised site layout plan GD01\_P(0)001A and LVIA dated September 2014). The comments are also informed by information revealed about the workings of crematoria raised during the Public Inquiry, June 2014, for 216 Catfoot Lane (Orchard Farm).

### *Landscape Character*

As noted above, the GNLCA denotes that the development site lies within a policy zone with an action of 'Conserve', and includes the actions:

- Conserve the rural farming nature of the landscape, any changes should respect and integrate with existing pattern of features
- Conserve rural landscape from urbanising features such as garden centres, large barns, where necessary ensure they reflect the style and character of farm buildings

- Ensure built development does not extend above the ridgelines to retain the sharp and distinctive separation between conurbations
- Restrict sprawled ribbon development

The Aligned Core Strategy (September 2014), now adopted by GBC, notes in Policy 10 (Design and Enhancing Local Identity) that:

"The area has some distinctive and locally valued landscapes, such as the 'Dumble Farmlands' in Gedling. New development should have regard for the landscape in which it is located, for example the important ridge lines surrounding parts of the main built up area of Nottingham" and "Development should protect, conserve or, where appropriate, enhance landscape character, in line with the relevant Landscape Character Assessments. Particular regard will be had to the objective of protecting open countryside and historic landscapes, locating or siting development sensitively within the landscape, the likely impact of the scale of the development, the appropriateness of materials and detailed design, and the objective of preserving or enhancing biodiversity value".

Policy 16 (Green Infrastructure) notes that: "landscape character is protected, conserved or enhanced where appropriate in line with the recommendations of the Greater Nottingham Landscape Character Assessment"

### *Urbanising Development*

The construction of a crematorium and associated car parking undoubtedly comprises 'urbanising development' which conflicts with the policy recommendations. The function of the building is non-rural, it will primarily serve the urban population (due to weight of numbers) and will be associated with vehicle movement and noise, both for mourners and service vehicles.

The Addendum to Planning Statement with this application states (para.4.6) that NCC did not previously object to the movement of vehicles and people in the assessment of the impact of the similar proposal at neighbouring Orchard Farm. This is incorrect, the County Council's evidence for the Public Inquiry, (para.4.2), states that the crematorium will generate "increased road traffic, noise and lighting" thus constituting urbanising development.

There is some mitigation in this instance in that the site is closer to Mapperley Plains, and already subject to some road noise and the proximity of street lighting. However, the sharp division between urban and rural landscape character which makes this landscape distinctive will be lost, and a large proportion of the site will be dedicated to parking.

Development of the site will also result in vehicle and operational noise being heard further down the valley than is currently the case. Given the local value given to this landscape, supported by local planning policy, it is assessed that the impact on landscape character will be moderate adverse. This concurs with the conclusion in the LVIA (Appendix 2).

### *Ridgeline*

The previous iterations of this development application included photomontages; it is

presumed that the building is largely unchanged and although the chimney will be proud of the nearby ridgeline, in the context of the Travellers Rest PH, this is not considered too detrimental in this instance, particularly as the building is situated at a slightly lower level than the road.

### *Proposed Planting/Mitigation*

The current proposal contains the development within a 'false field', which is to be welcomed as it defines the non-rural development in the same way that the occasional residential properties and nearby Travellers Rest PH are contained. An additional hedgeline is to be planted parallel to the field boundary beside PROW 33 - again this reinforces the existing field pattern, especially in the context of the wider landscape.

However, the current site layout shows no further tree planting associated with the works. It is suggested that tree planting in the inner hedge would also be appropriate and that the density of the trees along the PROW be reduced in order to replicate the existing pattern of tree/hedge planting in the landscape. In addition, should the scheme be approved, planting proposals should be conditioned and all hedge and tree species derived from the appropriate NCC species list and appropriately (locally) provenanced.

An earlier iteration of this proposal showed use of the remaining site as a cemetery; there are gaps in the hedge indicating access to the field, but it is unclear what use this area would be put to, or how it would be maintained; presumably the entire site would be in the ownership of Westerleigh. The future use of this part of the site also needs to be considered as part of this assessment; extension of non-rural uses would potentially be considered detrimental to local landscape character.

### *Impact on Visual Amenity*

The County Council are generally in agreement with the conclusions of the visual impact assessment .ie the greatest impact will be upon users of PROW 33, particularly when walking westwards and when the development site is prominent at the head of the valley. There will be a substantial adverse impact in that instance. Additional tree planting to the inner hedgeline, as suggested above would filter views of the development for walkers using this path and make the development less prominent.

Additional hedgeline planting would also screen the development to some extent for viewers from the ridge to the north and west. Although publicly accessible points are several fields away, the photographs show that the Catfoot Lane skyline is prominent in all views southwards.

### *Conclusion*

The recommendations contained within the GNLCA clearly state that this is a landscape of high local value, to be conserved, and that the inherent rural character and openness are key contributors to its distinctiveness and landscape strength. These recommendations are supported by the adopted Aligned Core Strategy in references to the Green Belt, Green Infrastructure and Local Identity; indeed the policy for Design and Local identity mentions this landscape by name as being locally valued and distinctive. It is accepted that the development has adopted a layout that has least impact on the locality and where some appropriate mitigation can be implemented.

However, the impact of greater volumes of traffic, noise and car parking can only represent creeping urbanisation and this is clearly in conflict with local policy regarding landscape character and protection of the openness of the this locality. Consequently, Nottinghamshire County Council does not support this application on the grounds outlined above.

#### *Response from Applicant*

In response to the above landscape comments, the applicant's agent has written to emphasise that the defined need for the development has strengthened and reinforced since the application was originally determined. Recent evidence has shown that there continues to be long delays for funerals across the County and the existing crematoria cannot cope with rising winter demands.

There have also been numerous appeal decisions since May 2013 which have supported the principle of crematoria development. Most notably, an inspector permitted development for a crematorium in the Green Belt at Halstead, Kent in December last year. All of these decisions underline the relevance and strength of the evidence which has been put forward in establishing the very special circumstances for this location.

The removal of the cemetery from the proposal needs to be taken into account as this clearly reduces the 'built form' on the site through the reduction in areas of hardstanding, footpaths and car parks. This is particularly important when the Council has to give consideration to whether traffic movements and car parking (which would both reduce as a result) actually constitute 'creeping urbanisation'. Instead, The proposal would offer an improvement in this regard.

Based on the above, it is considered that the planning balance has tilted in the applicant's favour since the original determination, given the reduction of the built form and the substantial additional evidence to support the defined need.

#### *Response from NCC Landscape*

In response, the County Council takes the view that the first two points above are not a material consideration for the LVIA.

Although the proposal may have altered from the earlier approved/then quashed application, the County Council is assessing the application as it currently stands – the application cannot reduce the 'built form' if there is no built form there now. The building/parking would reduce the openness of the field and have an impact on landscape character. There is no car park on the site now, it is not clear how having a car park and traffic improves the situation.

For clarification, the County Council would add:

#### *Landscape character*

- The site is in a landscape which is highly sensitive (see GNLCA), and given the proposed change from open field to car park and crematorium, in a policy zone with a recommendation of 'conserve', the County Council would judge this to be medium-high magnitude of change, which gives a substantial- moderate adverse

impact on landscape character. Given the NPPF allows for local landscape values to be taken into account, the County Council would assess this as a significant impact.

### *Visual Amenity*

- Footpath receptors are highly sensitive and, as explained in the memo, there are views from which the development would be prominent. As the County Council has also noted, there is scope for mitigation.

Although not necessarily concerned with design, the County Council considers the proposed car park layout to be rather unattractive. If the Borough Council feels there are very special circumstances for Green Belt development, the County Council would recommend that further attention is given to the car park/site layout and also some tree planting along the hedge of the inner boundary.

However, as with the Orchard Farm proposal, the County Council remains convinced that this is inappropriate development for MLA/GNLCA reasons.

### Ecology

This re-submitted application is supported by an updated ecological survey. Although basic, and lacking a consultation with the Nottinghamshire Biological and Geological Records Centre, it is considered that it is sufficient to confirm that the majority of the site is of low ecological value (being an arable field), and that the boundary hedgerows are of higher value (with two qualifying as 'Important' and all qualifying as Section 41 habitat). Furthermore, no evidence of, and limited potential for protected species was found at the site.

Nevertheless, the County Council would suggest a range of mitigation measures are required, to be secured through conditions, as follows:

- The control of vegetation clearance during the bird nesting season (March to August inclusive).
- The protection of hedgerows and trees during construction with appropriate stand-offs and temporary barriers.
- The production of an updated badger survey, prior to the commencement of development.
- The submission of a detailed landscaping scheme to include details such as species mixes, establishment methods and maintenance regimes: it is recommended that a significant part of the site earmarked for mown grass lawns is instead established as wildflower meadow using a mix such as Emorsgate Seed's EM1 Basic General Purpose Meadow Mix or Naturescape's NLM Landscape Meadow Mix; that a new hawthorn-dominated hedgerow is planted on the northern and eastern boundaries, and that additional enhancements such as the planting of hedgerow trees and areas of native shrubs, are also considered, to create a valuable area of habitat.
- The production of a landscape management plan, detailing how retained habitats

and those created as part of the landscaping scheme will be managed and maintained, in order to maximise their value.

### Reclamation

The County Council has consulted its map archive and this indicates that the proposed development site is coincident with predominantly agricultural/ horticultural end use. The present day land use is consistent with previous and is open paddock/grassed areas

### *Contamination Impacts*

From the map data available to NCC the previous use of the site has been predominantly agricultural/ horticultural. However, there is evidence of an in-filled pond in the north-western sector of the proposed site. There is also mention of an Oil Pipeline in the vicinity this may have impacted ground conditions locally.

Given the location and history of the site it is concluded that there is a small potential for the site to be contaminated.

A conceptual site model for the site should be developed through the preparation of a phase one desk study to assess the environmental and human health risks posed by pollutant linkages at the site. Reference should be made to the Environment Agency's Model Procedures for the management of land contamination CLR11 and BS10175:2011+A1:2013, Investigation of potentially contaminated sites: Code of Practice. Within this document clause 6 refers to a desk study and site reconnaissance. The BS document also refers to the development of a conceptual site model to assess the potential for risk from contamination and the development of an investigation strategy to assess those risks.

Once the phase one desk study has been completed, a site investigation can be designed to investigate the identified pollutant linkages. The investigation could also be integrated with the geotechnical investigation required for ground condition assessment for foundation design.

### *Response from Public Protection*

From the records held by the Borough Council (aerial photography, historical mapping etc.), there is no evidence of the in-filled pond or oil pipeline suggested in the County Council's contamination comments. Furthermore, the proposed use is not one that would be particularly sensitive to the presence of contamination (no sensitive receptors). Public Protection therefore does not see the need to require a contaminated land condition in this instance.

### Developer Contributions

Should the application proceed, Nottinghamshire County Council will seek developer contributions relating to the County Council's responsibilities in line with the Council's adopted Planning Contributions Strategy and the Developer Contributions Team will work with the applicant and Gedling Borough Council to ensure all requirements are met.

Section 106 contributions would be required for a local bus service, timetable and route to serve the site, including new bus stops, shelters, real time information displays and raised kerbs

### Overall Conclusions

The County Council does not have any Strategic Highways objections to the proposed development.

In terms of the Waste Core Strategy, there are no existing waste sites within the vicinity of the site whereby the proposed development could cause an issue in terms of safeguarding our existing waste management facilities (as per Policy WCS10).

The County Council would be keen to see the best practice of waste management for the development. As set out in Policy WCS2 of the Waste Core Strategy, the development should be 'designed, constructed and implemented to minimise the creation of waste, maximise the use of recycled materials and assist the collection, separation, sorting, recycling and recovery of waste arising from the development.'

The site lies within the economic resource of Dorket Head brickworks, however current permitted reserves at the site will last until 2034. Combined with the facts that only part of the site lies within a safeguarding area and the site lies within close proximity to the urban fringe we would consider that the need for the minerals is outweighed by the need for the non-minerals development in this instance. However, the County Council would like to see it demonstrated that the practicality of prior extraction has been fully considered before a decision is made on the proposal.

In terms of the Green Belt, taking into account the above, the County Council would wish to raise a strategic planning objection to the proposed crematorium unless the Borough Council is satisfied that there is a proven need for the proposed development, the applicant has demonstrated there are special circumstances and that the proposal would not have an adverse impact upon the openness of the Green Belt.

Nottinghamshire County Council (Landscape Advice) – made the following comments on the application as originally submitted:

#### 1. Existing Site

The existing site lies immediately to the north of Catfoot Lane, and comprises a north-east sloping arable field bounded by established hedgerows. The site falls within Policy Zone MN045 (The Dumbles Rolling Farmland) of the Mid-Nottinghamshire Farmlands Character Area of the Greater Nottinghamshire Landscape Character Assessment 2009 (GNLCA). This policy zone has been assigned 'strong' landscape strength and 'good' landscape condition. Overall, the landscape strategy is to conserve the distinctive rural landscape of long views over rolling farmland, field pattern, agricultural use and sporadic clumps of woodlands. The ridge lines are particularly prominent in this landscape and the north-east facing slopes of the area can be seen from high points in surrounding landscape areas around Epperstone, Woodborough and Calverton.

The site is screened from Catfoot Lane by an established mature hedge. There are isolated farm sites and private houses in the Lambley Dumble valleys, and a large garden centre (Floralands) to the east, accessed from Catfoot Lane approximately 900 metres from the site.

## 2. Methodology

The methodology refers to documentation which was superseded in 2010 by the GNLCA.

There is no outline of the methodology used, nor reference to the recognised LVIA methodology, although the analysis of the visual impact is comprehensive and includes material from many viewpoints near the site, it is not carried out to current accepted practice and does not include a systematic analysis of landscape character.

## 3. Landscape Character

The section on Landscape Character notes that 'villages such as Lambley, Woodborough, Burton Joyce, Lowdham and Calverton have grown significantly to accommodate commuter development ? suburban residential development has engulfed the old village centres and weakened the overall integrity and character of individual settlements'. Presumably, this point is made to argue the case for the proposal to locate this development within a predominantly agricultural area.

However, village settlements in the Dumbles are generally located in the valley bottoms; one of the key characteristics of this landscape is the lack of sprawl onto the valley sides and ridgelines. This is especially true of Lambley and Woodborough, and land included within this policy zone. As demonstrated by one of the photographs in the LVIA, it is the lack of development or settlement within the expanse of open fields that makes the view distinctive.

The study does not carry out a landscape character analysis and this should be provided as part of the planning application.

## 4. Visual Impact Assessment

The selected viewpoints all fall within a very limited area, well within 1000 metres of the centre of the site, and 9 of the 14 are within 500 metres. It is accepted procedure to define the study area as the extent of the Zone of Visual Influence (ZVI) by mapping this on site. In this case, the area is likely to be greater than the 1 kilometre circle shown, as views into the site extend from the surrounding ridgelines. Viewpoints should then be selected from key receptors within the ZVI.

The text outlines the scoring schedules, which are standard. However, it is not accepted practice, as shown in this study, to change the potential sensitivity of receptors after development has taken place; this has reduced the significance of the long-term detrimental impact for most of the viewpoints included.

It is also disputed whether some of the magnitude of change is as stated. For recreational users of the footpath to the east of the site, and vehicles on Catfoot Lane at the Mapperley Plains junction, the site forms an important part of the fore

and middle ground; the lack of vertical elements and screening enables views across and through the site to the unobstructed views and ridgelines beyond.

It is suggested that for some viewpoints, the existing site is a key component of a broad rolling landscape and the lack of tree cover and development contributes to the strength of the landscape character. The County Council would score these viewpoints (also maintaining receptor sensitivity) to give visual impacts of 'moderate' (in four cases) and 'substantial' (in one case). However, another viewpoint would be scored lower than the study.

Key issues seemingly overlooked are the visibility of the building from the footpath on what is currently a 'rural' ridgeline, and the presence of extensive car parking in a rural landscape which would not be screened from views from the east, given the slope of the site. In addition, a landscape character assessment would probably show some substantial change to what is currently a strong uniformity of elements.

## 5. Site Design

The County Council has no objections to the design of the building and notes that the Design and Access Statement refers to 'local materials' without specifying what these might be. There is a presumption from the images that the building will have brick facing and a roofing tile sympathetic to the area.

However, the site layout maximises the impact of the proposal on the surrounding landscape; the building is positioned at an angle to the field boundary/hedgerow, and well within the site. Extensive access roads and parking take up approximately half the site area; the suburban /park/car park character is incongruous with the adjacent agricultural land. Whilst it is accepted that there are isolated buildings and associated development in the immediate locality, they tend to be discreet elements constrained by topography, site boundaries or woodland/hedgerow. This is a far more expansive proposal not contained by the corridor of the road and which leaks out across the field.

The justification for the placement of the building is that the most visible portion of the site from publicly accessible land is that of the eastern side?; the text then cites views from key receptors at the Traveller's Rest and Mapperley Plains, both of which are to the west of the site. Following this logic, the building should be located on the boundary furthest from the key receptors, ie the eastern boundary of the site. Siting the building on the eastern boundary would also enable the site topography to aid screening from Mapperley Plains and the Traveller's Rest, and ensure the building would not be seen silhouetted against the natural ridgeline for receptors from the east. In its current location, the building is on the highest point of the site and therefore has a wider visual envelope.

The use of species from the suggested list would not necessarily add to local biodiversity (see below).

## 6. Native Species

The species list seems to be a fairly random selection of nationwide native tree and

shrub species. The County Council has provided a list of recommended species for the mid-Nottinghamshire Farmlands. Tree and shrub selection for native planted areas in this locality should be limited to these species only.

## 7. Summary

The following landscape conclusions were reached about the proposed development:

- The study is limited and does not follow standard procedure for landscape character and visual impact assessment (LVIA), and contains misleading and inaccurate information. There is no systemic landscape character assessment.
- Documents referred to are out of date.
- The scoring underestimates the impact of change on particularly sensitive receptors i.e recreational users on the footpath to the north-east of the site, and travellers along Catfoot Lane and Mapperley Plains.
- Tree and shrub species should be local to the area and of native provenance, if they are to contribute positively to biodiversity.
- Some of the justification for site design is contradictory, and appears to ignore opportunities for minimising landscape and visual impact by, for example, locating the building nearer the road/on a lower portion of the site, and designing a tighter configuration of hardstanding and parking. The design locates the building on the highest point of the site, therefore increasing its impact.

Whilst the County Council did not necessarily object to the proposal in principle, it was felt that the design would introduce the character of a suburban parkland into what is essentially agricultural land, and the supporting documentation is insufficient to demonstrate and assess the true impacts, or mitigation. The County Council would also disagree to some degree with the contention in the Statement of Reasons that 'the visual impact will be limited to a few receptor sites in the immediate vicinity of the site'; the impact on landscape character seems to have been overlooked and this should be considered at a local level.

As such, the County Council did not support the application as originally submitted.

Following the submission of a revised LVIA, the County Council was still unable to support the application as it would have an adverse effect on the existing landscape character; the site is both within a Mature Landscape Area and identified in the GNLCA as a landscape to conserve.

### 1. Landscape Character

The key features of the existing landscape are the open field pattern and long views over a distant landform. Woodland tends to be limited to hedgerows or distinct blocks on steeper slopes. Actions quoted for Policy Zone MN045, Rolling Dumbles Farmland, include;

- Conserve the character of the settlements by restricting sprawled ribbon

development along the roads approaching settlements.

- Ensure built development does not extend above the ridgelines to retain the sharp and distinctive separation between conurbations.
- Conserve the strong pattern of field boundary hedges by minimising the fragmentation.
- Conserve the rural farming character of the landscape.

The proposals are contrary to each of these actions; the building is sited on the ridgeline, the parkland/car park ambience with extensive scattered tree planting, ornamental planting and paving is wholly incongruous within an agricultural landscape made distinctive by its uniformity and repeated pattern of simple elements – i.e open rectangular fields and hedgerows. In addition, the hedgeline along the northern boundary will be fragmented. Views into and through the site to the rolling fields beyond will be obscured by the extensive parkland tree planting.

Appendix 2 [of the LVIA] analyses impacts on landscape character according to the relevant policies. The effect for Receptor Policy Zone MN045 should read 'Moderate Adverse' rather than 'Moderate'.

A development with a 'tighter' layout and increased area of open grassland, say towards the north of the site would retain some of the openness which is so important in this landscape; as they stand, the proposals would not be out of place in a suburban setting and the introduction of a new palette of landscape components will dilute what is already in place.

In a predominantly agricultural setting, which forms a sharp contrast to the northern edge of the conurbation, 1.5 km away; the proposals are considered inappropriate and will significantly detract from the distinctive character of the larger landscape.

## 2. Visual Impact

Appendix 2 [of the LVIA] analyses visual impact; generally the County Council agrees with the content, but again the suffix 'Adverse' has been omitted from the tables.

The main adverse impact will be on users of the nearby footpath, for which previous comments are still applicable.

Following the submission of the first revised layout showing the overall crematorium scheme condensed and additional landscaping works, the County Council considered that:

- The revised layout takes account of its previous comments regarding the extent of the proposed development across the application area.
- With regard to the GNLCA, Policy Zone MN045, this layout minimises fragmentation of the strong field pattern, and the site infrastructure is simplified.

The County Council holds the opinion that the proposed development will have an adverse impact on the existing landscape character, as elements of the open field will be lost. However, given the nature of the existing scattered settlement along Catfoot Lane, the overall impact of the revised proposal is seen as 'slight adverse'.

- It is recommended that the car parking areas are aligned along the contours rather than across; which would reduce the visual impact of the hard-standing for receptors viewing the site from the north-east.

Following the submission of the second and third revised layouts, showing the proposed car parking areas aligned with the existing contours, adjusted pedestrian routes and additional landscaping works, the County Council referred to its previous comments in respect of the existing landscape character and current designations, as outlined above, and commented as follows:

#### 1. Landscape Character

The 'tighter' layout creates a development contained within a smaller rectangular field; views across the site and beyond will be retained to a greater extent than in the original proposals. The simple rectangular field boundary of the core site area is consistent with the immediate locality and the proposed hedgerow with tree planting will strengthen and contribute to the landscape character, thus providing some mitigation for the non-agricultural development proposed.

Comments previously made regarding the siting of the building on the ridgeline still apply. However, overall it is considered that there will be a 'slight adverse' impact on landscape character.

#### 2. Visual Impact

The tighter layout reduces the impact of the development on receptors from all viewpoints; the extent of the development is more consistent with pockets of housing and/or farm buildings on the periphery of the conurbation or within the locality. The impact on receptors at five viewpoints is now considered to be either 'neutral to slight adverse' (two viewpoints) or 'slight adverse' (three viewpoints). Originally, these impacts were considered to be 'moderate' (four viewpoints) and 'substantial' (one viewpoint).

Although it is appreciated that the tree cover is now concentrated around the site boundaries to comply with the recommendations of the GNLCA, it is considered that given the pockets of tree planting and woodland in the immediate area, some additional tree planting within the site would provide additional mitigation.

Following the submission of the previously revised layout, showing the proposed cemetery relocated, the County Council again referred to its previous comments, but made the following additional observations in respect of the proposed cemetery, as relocated:

#### 1. Landscape Character

It has been assumed that given the nature of the proposed development, the cemetery area will be used for the scattering of ashes and perhaps ground level

memorial stones. However, if the cemetery area is to be used for headstones or statuary, or to have a different level of grassland management from the remaining field area, there would be a detrimental impact on landscape character, as effectively the area of open farmland would be diminished.

Comments previously made regarding the siting of the building on the ridgeline still apply, however, overall it is considered that there will be a 'slight adverse' impact on landscape character.

## 2. Visual Impact

Previous comments again apply; however, views from the footpaths may be affected by the siting of the cemetery on the north-east facing slope, depending on what is meant by cemetery. Ground level tiles will have no impact on views into the site from the footpaths, but a regimented layout of paths and headstones would have a greater impact. It is presumed that the former is the case and, therefore, the impact on receptors is unaffected; although this has not been clarified.

As noted previously, although it is appreciated that the tree cover is now concentrated around the site boundaries to comply with the recommendations of the GNLCA, it is considered that given the pockets of tree planting and woodland in the immediate area, some additional tree planting within the site would provide additional mitigation and screen views of the car park. The County Council also notes that it is rather a long walk (and over grass) from the parking area to the cemetery.

### Nottinghamshire County Council (Landscape Advice) - Comments on Additional Information & Details submitted after High Court judgement)

These are included within the County Council's Strategic Planning observations above.

Nottinghamshire County Council (Arboricultural Advice) – made the following comments on the application as originally submitted:

The County Council is satisfied that the scheme does not appear to threaten the visually important boundary hedges and trees present on site to any significant degrees. The hedge lines should be adequately fenced off during development, including site preparation.

Concern was initially expressed that the access to the site as originally submitted would cause substantial damage to the highway boundary hedge, which may be compromised further by highways requirements for visibility splays and their maintenance.

Following the submission of revised plans showing the proposed visibility splays at the site access reduced to 2.4 metres by 86 metres westbound and 2.4 metres by 77 metres eastbound, the Council was content that the above concerns had been overcome and that usual routine maintenance would ensure the splays are kept clear and should ensure the long term retention of the hedge in question.

Following the submission of the further revisions showing visibility splays of 2.4 metres by 160 metres in both directions, the County Council is satisfied that the highway

boundary hedge would not be adversely affected in any significant manner by the visibility splays as now proposed.

The County Council is also satisfied with the proposed landscaping, in terms of species type and the density of planting offered by the montages, although additional and specific detail would be required prior to passing further comment.

No further comments have been made on the additional information and details submitted after the High Court judgement.

Nottinghamshire County Council (Highway Authority) – made the following comments on the application as originally submitted:

Although Catfoot Lane is of variable width, from a highway point of view the Highway Authority does not consider the volumes of traffic using it to be any more than average. It has no footways, street lighting or road markings, but that lends itself to the roads environment. Recent speed surveys undertaken as part of the application show that despite the road being covered by a 60 mph speed limit, the actual 85<sup>th</sup> percentile speed is 47 mph, well below the permitted 60 mph. Taking all this into consideration, in conjunction with the reported injury accident statistics (that show no incidents in the past 5 years between Mapperley Plains Road to east side of Orchard Farm) the Highway Authority does not consider the nature of the road to raise significant highway safety concerns.

As mentioned above, the Highway Authority's road traffic injury collision records show that between January 2007 and November 2012 there have only been 5 incidents at the Mapperley Plains Road/Catfoot Lane junction and no accidents along Catfoot Lane between Mapperley Plains Road to just east of Orchard Farm. Of those 5 incidents, 3 involved right turning vehicles into Catfoot Lane, 1 right turn out of Catfoot Lane and a left turn into Catfoot Lane. Only one of these 5 incidents was severe. These records do not indicate that the junction is operating unsatisfactorily.

The new development will have an increase in local traffic, but the applicants transport consultants have shown that this increase is not a material increase and will not have a significant impact on the highway network.

The visibility splay at the junction of Catfoot Lane with Mapperley Plains Road, is 150 metres at a setback distance of 2.4 metres, in a northerly direction, upon exiting. Manual for Streets 2 contains a formula for calculating visibility splays and in accordance with this formula the visibility requirement is 125 metres for a 60 mph road, which is within the available 150 metres.

The Highway Authority had no highway objections in principle to the proposed development as originally submitted, subject to a number of conditions regarding:

1. Provision of the proposed vehicular access works.
2. Construction of the proposed off-site highway works (pedestrian island and footway link along Catfoot Lane between Mapperley Plains Road and the application site access).
3. Construction of the area shown for vehicular parking and access.

Following the submission of revised plans showing the proposed visibility splays at the site access reduced to 2.4 metres by 86 metres westbound and 2.4 metres by 77 metres eastbound, in order to minimise impact on the hedgerow, the Highway Authority recommended that the application be refused as inadequate visibility at the access point would be detrimental to highway safety.

However, following the submission of further revisions showing visibility splays of 2.4 metres by 160 metres in both directions, the Highway Authority has confirmed that these details are acceptable from a highway point of view, and has no highway objections, subject to a number of conditions regarding:

1. Provision of the visibility splays, as shown on the revised plans, which should thereafter be kept free of all obstructions, structures or erections exceeding 0.9 metres in height.
2. Provision of the proposed vehicular access, footway and pedestrian island.
3. Provision of the proposed access road, parking, turning and servicing areas, which should not be used for any other purpose.
4. Any gates at the access point shall open inwards only and be set back 5 metres from the highway boundary.
5. The submission of a Travel Plan, which shall set out, proposals (including targets, a timetable and enforcement mechanism) to reduce the traffic and environmental impacts of the development, and which shall include arrangements for monitoring the progress of the proposals.

Information is provided regarding off-site works on the public highway and that the Travel Plan should be secured by a section 106 Agreement.

The Highway Authority has no objections to the subsequent revised plans, showing the proposed cemetery relocated and the re-orientation of the internal car park, so that the layout follows the site contours.

#### Nottinghamshire County Council (Highway Authority) - Comments on Additional Information & Details submitted after High Court judgement)

The Highway Authority initially advised that it has no additional highway comments to add to those given previously, but has subsequently re-measured the visibility at the junction of Catfoot Lane with Mapperley Plains in view of the highway safety concerns raised in this respect.

The measured visibility to the right for vehicles giving way at the Catfoot Lane/Mapperley Plains Road junction is 109 metres (existing). This is well below the current standard for a 60mph road, which is 215 metres.

However, the Highway Authority can only raise an objection if there is a significant increase in traffic as a result of the development, which in this case there is not.

The Highway Authority has also confirmed that the application did not automatically

require the applicant to produce a Transport Statement (TS) and that the Highway Authority did not request one. However, if the application had been submitted without a TS, then given the location of the development it is very likely that the Highway Authority would have requested one in any case. The Department for Transport's guidance on transport statements does not stipulate that a TS is required for an application for a crematorium. A crematorium falls under the planning use class order of Class G1 (other). It is at the Highway Authority's discretion as to whether a TS is asked to be produced in such circumstances.

Furthermore, the Highway Authority would not expect the TS to be updated now to take into account the fact that Calverton has been identified as a Key Settlement in the Aligned Core Strategy for Gedling. The Highway Authority does not consider that a crematorium is a major strategic application, but more of a local scheme, that will have an effect on local traffic. Only the strategic transport model (Greater Nottingham Transport Model GNTM) for Nottingham has sites included in the Aligned Core Strategy as background traffic growth.

Public Protection – made the following comments on the application as originally submitted:

It is unlikely that there will be any adverse environmental protection issues. As the operator will need to apply for an environmental permit to operate, all the pollution issues should be dealt with via this route.

Whilst it would be preferable for planning permission and the environmental permit to be applied for together, satisfactory additional information has been provided in respect of the chimney stack height.

Public Protection - Comments on Additional Information & Details submitted after High Court judgement)

Re-iterate previous comments, particularly with regard to crematoria being a permitted process under the Integrated Pollution Prevention and Control Regulations and that the operators would need to apply for a permit to operate the process. This would control any potential environmental issues, such as noise, dust and odours.

Environment Agency – made the following comments on the application as originally submitted:

The submitted Flood Risk Assessment contains preliminary design calculations for required surface water run-off storage volumes, subject to infiltration tests. The proposed development will only be acceptable if a planning condition is imposed requiring details of a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development.

The scheme to be submitted shall demonstrate:

- The utilisation of holding sustainable drainage techniques;
- The limitation of surface water run-off to equivalent greenfield rates;
- The ability to accommodate surface water run-off on-site up to the critical 1 in 100 year event plus an appropriate allowance for climate change, based upon the

- submission of drainage calculations; and
- Responsibility for the future maintenance of drainage features.

The reason for this condition is to prevent the increased risk of flooding; to improve and protect water quality; to improve habitat and amenity; and to ensure the future maintenance of the sustainable drainage structures.

Advice and information is also provided by the Environment Agency regarding any proposed alterations to the above condition; sustainable drainage methods and surface water run-off control and the siting of the package sewage treatment plant.

No further comments have been made on the additional information and details submitted after the High Court judgement.

Severn Trent Water - made the following comments on the application as originally submitted:

No objection and no comments regarding sewerage.

No further comments have been made on the additional information and details submitted after the High Court judgement.

Natural England – made the following comments on the application as originally submitted:

The proposal does not appear to affect any statutorily protected sites or landscapes or have significant impacts on the conservation of soils, nor is the proposal EIA development.

However, the local planning authority should assess and consider the possible impacts resulting from this proposal on protected species or Local Wildlife Sites and consider the opportunities for biodiversity enhancements when determining this application.

Natural England - Comments on Additional Information & Details submitted after High Court judgement)

Re-iterates the above comments with regard to nature conservation sites, protected species and Local Wildlife Sites

Nottinghamshire County Council (Nature Conservation Unit) – made the following comments on the application as originally submitted:

#### 1. Surveys

The application is supported by a basic ecological survey of the site, involving a desk-top study, a hedgerow survey and a survey for badgers. The following should be noted:

- An assumption has been made that the survey carried out by Pennine Ecology in 2007 has set the scope for the further survey work provided in the current 2012 report.

- The desk-top study did not involve consultation with the Nottinghamshire Biological and Geological Records Centre (NBGRC). As a result, there is a chance that existing protected species records for the site and its surroundings have been missed.
- No assessment of impacts has been carried out.

Nevertheless, the survey report suggests that the site in question is of low ecological value, being an arable field, although the eastern and western hedgerows have been assessed as being 'important' under the Hedgerow Regulations. No evidence of badgers was found during the survey. In addition, checks by the County Council have confirmed that the proposals would not affect any designated sites: the nearest SSSI, Colwick Cutting, lies approximately 6 km to the south, whilst the nearest SINC, Fox Covert Grasslands, Lambley SINC 2/375, lies approximately 520 metres to the east.

## 2. Mitigation & Enhancement

In order to reduce potential ecological impacts to a minimum, to provide mitigation, and to maximise the value of the site post-development, it is recommended that planning conditions are attached to any permission granted, covering the following:

- The control of vegetation clearance during the bird nesting season.
- The protection of hedgerows during construction.
- An updated badger survey in the event that development does not commence within one year of planning permission being granted.
- The submission of a detailed landscaping scheme to include details such as proportions, establishment methods and maintenance regime: it is recommended that the open field which will be 'semi-managed' and maintained as rough grass and meadow is seeded with a simple native wildflower seed mix, to create a valuable area of habitat, and that additional enhancements, such as the construction of a pond are also considered.
- The production of a landscape management plan, detailing how habitats created as part of the landscaping scheme will be managed and maintained, in order to maximise their value.

## 3. Summary

In summary, it appears unlikely that the the proposed development would give rise to significant ecological impacts. However, the imposition of a number of planning conditions is recommended to ensure that mitigation is put in place, and to ensure that the biodiversity value of the landscaping scheme is maximised.

### Nottinghamshire County Council (Nature Conservation Advice) - Comments on Additional Information & Details submitted after High Court judgement)

These are included within the County Council's Strategic Planning observations above.

Nottinghamshire Wildlife Trust (NWT) – made the following comments on the application as originally submitted:

No objection, subject to the imposition of a condition to confirm which parts of the hedge, which crosses the lower part of the site from east to west, are to be retained in perpetuity as part of the development of the site.

All new planting should consist of plant stock of guaranteed native genetic origin and ideally of local provenance from the Mid-Nottinghamshire Farmlands area landscape guidelines.

In response to the revised access and site layout plans, showing the land for the proposed crematorium condensed and the proposed cemetery relocated, the NWT has made the following additional comments:

It is pleased to see the proposed additional native hedgerow planting around the smaller area of the crematorium and cemetery along the eastern boundary of the site.

It supports the creation of rough grassland and meadow in the larger open field, although there are no details of the seed mix to be used. It is recommended that a wildflower meadow mix containing 80% grass and 20% wildflowers is used, with seeds of guaranteed native genetic origin and, ideally, of local provenance to maximise the nature conservation value of the site.

#### Nottinghamshire Wildlife Trust (NWT) - Comments on Additional Information & Details submitted after High Court judgement)

The NWT welcomes the additional ecological survey (September 2014) that has been undertaken and is satisfied with the report's methodology and results. Reference is made to the NWT's previous comments, as outlined above, which are still relevant to the application.

The NWT also welcomes that the boundary hedgerows would be retained. As previously requested, the NWT would like to see the hedgerows enhanced by the planting of native species of a local provenance, suited to the local landscape character. It is important that the boundary hedgerows and trees are protected in accordance with BS 5837:2012 – Trees in Relation to Design, Demolition and Construction. Lighting associated with the development and during construction should be of low intensity and directed away from the boundary habitats.

The current landscape plan shows an indicative area of a proposed wildflower meadow. There is the opportunity to incorporate the wildflower meadow into a large area of the site, which would have a positive impact on local biodiversity. Therefore, we would request that as large an area as possible is designated for the planting of a wildflower mix. As stated in our previous comments, an ideal mix would include 80% grass species and 20% wildflowers. It is understood that the current plans are indicative, however, we would request that the revised landscape plan include a detailed species list as well as a planting and post management plan.

The NWT would request that the new and retained habitats associated with the development are managed in an environmentally sensitive manner post development. This would include the cutting of the meadow once a year at the end of the summer and the trimming of hedgerows no more than once every two to three years in January or February.

Within the National Planning Policy Framework, developments are required to contribute to the enhancement of the natural environment. Further enhancements which could be included in the development and would further increase the ecological value of the site include the following:

- Inclusion of badger gates within the fence post-development, to allow badgers to continue foraging on the site.
- Installation of bird, bat and/or bug boxes. Bird boxes could include an owl box.
- Creation of a wildlife friendly pond. This could be part of a Sustainable Urban Drainage Scheme.

Urban Design Consultant – made the following comments on the application as originally submitted:

The appearance is low key, modest in height & form, but with a fairly extensive footprint, as everything is on one level. No objection to the design proposed, as such, but considers that an eco-friendly building with a contemporary design, and perhaps more imaginative in appearance would relate better to this countryside setting.

Parks & Streets Care – made the following comments on the application as originally submitted:

- Good assessment of visual impact, mature boundary vegetation will help screen the site.
- Addition of burial space & identification of need for a cemetery is noted and welcome.
- Good analysis of local capacity and provision of two cremators gives good future capacity.

The following additional comments have been made on the previously revised plans, which show the proposed cemetery relocated:

The development will fit into the contours of the land effectively, so as not to encroach unnecessarily on the skyline. Addition of burial space welcome.

No further comments have been made on the additional information and details submitted after the High Court judgement.

Nottinghamshire County Council (Rights of Way) – made the following comments on the application as originally submitted:

This application impacts on Lambley Public Footpath No. 33, which runs through the eastern boundary of the application site. Whilst not an objection, the County Council would require that the availability of Lambley public footpath No.33 is not affected or obstructed in any way by the proposed development.

The County Council requests that it be re-consulted if there are any re-surfacing issues and that the developer should be aware of potential pedestrians in the area and walkers should not be impeded or endangered in any way.

In response to the revised access and site layout plans, showing the land for the proposed crematorium condensed and the proposed cemetery relocated, the County Council notes that it is proposed to corridor this footpath by installing an additional hedgerow, offset from the existing boundary by 1.5 – 2 metres. There should be a minimum 2 metres offset to accommodate the footpath, which has a default width of 1.5 metres clear, and to take into account future hedgerow growth and vegetation overhang.

Nottinghamshire County Council (Rights of Way) - Comments on Additional Information & Details submitted after High Court judgement)

The County Council re-iterates its previous comments, as outlined above.

Ramblers Association - made the following comments on the application as originally submitted:

This application does not identify a definitive right of way, Lambley public footpath No.33, as part of the development plan. This is an important path link forming a circular walk from Lambley to Mapperley Plains then returning via Lambley Dumbles. This right of way should be designed into the development.

No further comments have been made on the additional information and details submitted after the High Court judgement.

Nottinghamshire County Council (Archaeological Advice) – made the following comments on the application as originally submitted:

No observations or recommendations to make.

No further comments have been made on the additional information and details submitted after the High Court judgement.

**Planning Considerations**

The key planning consideration in the determination of this application is the location of the site within the Green Belt for Nottingham. The National Planning Policy Framework (NPPF) states that the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. One of the five purposes which Green Belt serves is to assist in safeguarding the countryside from encroachment.

Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The NPPF advises that substantial weight should be 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.

Whilst there is no specific definition of openness? in the NPPF, this is a concept which relates to the absence of building; it is land that is not built upon. Openness is therefore epitomised by the lack of buildings, but not by buildings that are unobtrusive

or camouflaged or screened in some way. Any construction harms openness quite irrespective of its impact in terms of its obtrusiveness or its aesthetic attractions or qualities.

Measures taken to limit the intrusiveness of a development in terms of its visual impact must not affect the assessment of openness, but may be relevant to the ~~many~~ special circumstance? weighing exercising. Openness and visual impact are different concepts.

Other important planning considerations which must be assessed are the impact of the proposed development on the local landscape, accessibility and whether the proposal would meet the main principles of sustainable development.

Additional planning considerations include the potential adverse impact of the proposed development on highway safety and the amenity of nearby residential properties and businesses, as well as its impact on ecology, pollution, the water environment, public footpath, minerals and the design of the proposed development.

These planning considerations and the weight which been attached to them are assessed below, as are other issues raised.

### Relevant Planning Policy Considerations

#### *National Planning Policies*

National planning policy guidance is set out in the NPPF, at the heart of which is the presumption in favour of sustainable development. The proposal is for the construction of a crematorium and associated works. The site is located within the Green Belt and within a Mature Landscape Area. As such, the following national policies in the NPPF with regard to achieving sustainable development are most relevant to this planning application:

- NPPF Section 4: Promoting Sustainable Transport (paragraphs 29–41)
- NPPF Section 7: Requiring good design (paragraphs 56-68)
- NPPF Section 8: Promoting healthy communities (paragraphs 69-78)
- NPPF Section 9: Protecting Green Belt land (paragraphs 79-92)
- NPPF Section 10: Meeting the challenge of climate change, flooding and coastal change (paragraphs 100-104)
- NPPF Section 11: Conserving and enhancing the natural environment (paragraphs 109-125)
- NPPF Section 13: Facilitating the sustainable use of minerals

With regard to core planning principles, plan-making, decision-taking and implementation, the following sections and annex of the NPPF are most relevant to this planning application:

- NPPF: Core planning principles (paragraph 17)
- NPPF: Ensuring viability and deliverability (paragraphs 173-177)
- NPPF: Planning conditions and obligations (paragraphs 203–206)
- NPPF: Annex 1: Implementation (paragraphs 208-219)

In March 2014, National Planning Practice Guidance (NPPG) was published. This

provides guidance on how to apply policy contained within the NPPF.

### *Local Planning Policies*

Gedling Borough Council, at its meeting on 10th September, approved the Aligned Core Strategy (ACS) for Gedling Borough (September 2014) which is now part of the development plan for the area.

It is considered that the following policies are relevant to this planning application:

- ACS Policy A: Presumption in Favour of Sustainable Development
- ACS Policy 1: Climate Change
- ACS Policy 3: The Green Belt
- ACS Policy 10: Design and Enhancing Local Identity
- ACS Policy 12: Local Services and Healthy Lifestyles
- ACS Policy 16: Green Infrastructure, Parks and Open Space
- ACS Policy 17: Biodiversity
- ACS Policy 18: Infrastructure
- ACS Policy 19: Developer Contributions

The Gedling Borough Replacement Local Plan (RLP) should now be referred to as the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014). The following policies of the RLP are most relevant to this planning application:

- RLP Policy C1: Community Services General Principles
- RLP Policy ENV1: Development Criteria
- RLP Policy ENV11: Pollution Generating Development
- RLP Policy ENV37: Mature Landscape Areas
- RLP Policy ENV40: River Environment
- RLP Policy ENV43: Greenwood Community Forest
- RLP Policy T10: Highway Design and Parking Guidelines

The weight to be given to the relevant policies of the Replacement Local Plan has been considered in accordance with paragraphs 214 and 215 of the NPPF.

Additionally, the Greater Nottinghamshire Landscape Character Assessment (2009) and the 6C's Design Guide, which deals with highways and transportation infrastructure for new developments, are relevant. Reference is also made to the Cremation Act (1902).

This application, submitted by Westerleigh, was originally approved in May 2013, but was remitted to the Borough Council to be re-determined following a decision by the High Court. At the same Planning Committee meeting in May 2013, permission was refused for a crematorium on a separate site at Orchard Farm submitted by Lymn. An Appeal on that refusal was dismissed in August 2014. Substantial weight should be given to the findings of the Inspector in the Orchard Farm Appeal.

Reference is made to the reports and decisions associated with these applications and appeal, as well as to other relevant appeal decisions and the Cremation Act (1902).

The proposal raises four policy issues:

- Prematurity;
- Green Belt;
- Provision of community facilities; and
- Landscape.

Each will be addressed in turn.

## Policy Issues

### *Prematurity*

The National Planning Practice Guidance identifies that the circumstances when planning applications may be refused due to prematurity will be limited and unlikely except where it is clear that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits. The Guidance identifies that prematurity may be an issue when:

- the application is so substantial or its cumulative impact would be so significant that it would predetermine decisions about the scale, location or phasing of new development; and
- the Local Plan is at an advanced stage but has not yet been adopted.

While the ACS has been adopted, the provision of crematoria is not addressed by the ACS. In response to the Inspectors comments at paragraph 67 of the Orchard Farm appeal decision, consideration is being given to whether to address the provision of crematoria through the Local Planning Document (Part 2 Local Plan). It had previously not been thought necessary to address crematoria provision in the Local Planning Document as, at the time the Issues & Options document was drafted, there was an extant planning permission for a new crematorium. Given the likelihood that, if there is a need, there will be a need for only one new crematorium, it is considered that approval in this case could pre-determine the location of new crematoria provision.

The Local Planning Document, however, is not at an advanced stage of preparation. The first stage of public consultation (Issues & Options) was held October to December 2013. At the time of writing, no decisions have been made on whether to allocate site(s) for new crematoria and there has been no formal public consultation on specific proposals. The guidance highlights that refusal on grounds of prematurity is unlikely to be an issue where a draft plan has not yet been submitted for examination.

As the Local Planning Document is not at an advanced stage, both criteria have not been met. It is considered that, although the application would likely predetermine issues, refusal on the grounds of prematurity is not possible at this time.

### *Green Belt*

As noted above, the site is located within the Green Belt. Paragraph 79 of the NPPF identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It goes on, at paragraph 89, to identify that, except in a limited number of circumstances, the construction of new buildings is inappropriate in the Green Belt; the list of circumstances does not include crematoria.

Inappropriate development is, by definition, harmful to the Green Belt and should only be approved in 'very special circumstances' (paragraph 87). Paragraph 88 identifies

that '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. Harm to the Green Belt should be given substantial weight in determining the application.

Policy 3 of the ACS sets out that the principle of the Nottingham-Derby Green Belt will be retained and that there will be a review of Green Belt boundaries as part of the Part 2 Local Plans. Guidance as to how to carry out the Green Belt Review is also given in the Policy. It is recommended that substantial weight be given to ACS Policy 3.

In conclusion, the construction of crematoria is considered to be inappropriate within the Green Belt. As such, the applicant is required to demonstrate that there are 'very special circumstances' which outweigh the harm to the Green Belt by reason of inappropriateness and any other harm. It is considered that the need for new crematoria provision in the area and the lack of available non-Green Belt sites to meet this need are the key 'very special circumstances'. Consideration will need to be given to any additional circumstances put forward by the applicant.

It is noted that information has been provided by the applicant, both when the application was originally submitted and following the Appeal decision in August 2014. This information should be considered alongside the findings of the Orchard Farm Inspector when determining if there is a need for a crematorium and potential alternative locations.

#### *Provision of Community Facilities*

While the proposal is to be operated by a private company, crematoria are considered to be a community facility. Paragraph 70 of the NPPF identifies that planning decisions should plan positively for the provision of community facilities and local services to enhance the sustainability of communities and residential environments.

This is taken forward in Policy 12 of the Aligned Core Strategy. Policy 12.1 states that new community facilities will be supported where they meet a local need. Policy 12.2 adopts a sequential approach to the location of community facilities with sites within town centres preferred, wherever appropriate, followed by locations accessible by a range of suitable transport modes suitable to the scale and function of the facility. The potential for co-location of other facilities should be considered. Again, it is recommended that substantial weight be given to this policy.

Similarly, Policy C1 of the RLP requires that proposals to improve community services are located within or near local or district centres or are easily accessible to local residents. The Policy also requires that proposals are not detrimental to the amenity of adjoining and nearby properties. It is considered that Policy C1 is up to date and consistent with the NPPF and, as such, it should be given substantial weight in determining applications.

As part of addressing Green Belt policy, the applicant is already required to demonstrate a need for new crematoria provision to serve the area; demonstrating a need will also lead to the proposal being supported by policies related to the provision of community facilities. It is considered that the Cremation Act (1902) and the nature of the proposed use and need for a tranquil setting effectively rule out locations within or on the edge of town centres. The nature of the use also precludes co-location with

other community facilities, other than a cemetery. The need for public accessibility to crematorium facilities was an issue identified by the Inspector in the Orchard Farm appeal.

Part of the needs case is understood to be that existing facilities are located some distance from the main area of need and that, therefore, a closer facility would reduce journey time and be more sustainable. This will be considered in more detail below as part of assessing the need for new crematoria provision.

### *Landscape and Visual Impact*

The site is located within a Mature Landscape Area, an area of the Borough identified as being least affected by change. More recent work has been undertaken regarding landscape character and value within Gedling Borough through the Greater Nottinghamshire Landscape Character Assessment (2009). It is considered that the information in the Landscape Character Assessment (LCA) is the appropriate starting point when assessing the impact of the proposal on the landscape. Other documents may also assist in the assessment of landscape harm.

At paragraph 109, the NPPF sets out that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes. Paragraph 113 requires that criteria-based policies should be set to proposals against and distinctions made between international, national and locally designated sites.

Two policies in the ACS address landscape and visual impact. Policy 10.2 identifies that development will be assessed in terms of a range of elements, including the potential impact on important views and vistas. Policy 10.4 sets out that development must have regard to the local context including valued landscape characteristics. In Policy 10.5 the ACS requires that Landscape Character is protected, conserved or enhanced in line with the recommendations of the LCA. It is recommended that substantial weight be given to these policies and the LCA.

The LCA places the site within the Dumbles Rolling Farmland (MN015) Draft Policy Zone. The LCA assesses the area as having a 'good' condition and a 'strong' character and recommends a series of actions to protect the area.

RLP Policy ENV37 sets out that development which would have an adverse effect on the visual, historic or nature conservation importance of a MLA will only be permitted where it can be shown that there are reasons for the proposal that clearly outweigh the need to safeguard the area's intrinsic value. Where permitted, proposals will be required to minimise the harm to the area and conditions or obligations put in place to secure appropriate mitigation.

In terms of weight, the information used to designate the area as a MLA has been superseded by the LCA. Additionally, Policy ENV37 is only thought to be moderately consistent with the NPPF as it only includes limited criteria. The Inspector in the Orchard Farm appeal, however, saw no reason to give it less than full weight (paragraph 38). It is recommended that substantial weight, therefore, be given to ENV37.

Overall, the impact on landscape character and visual impact should be identified

having regard to the LCA and its recommendations. If the need for new crematorium provision clearly outweighs the harm to the Green Belt it is considered that the need to safeguard the intrinsic value of the MLA is also likely to be outweighed.

### *Conclusion*

In conclusion, the applicant should demonstrate the following:

- the need for new crematoria provision in the Gedling area;
- the lack of alternative, less harmful sites to meet this need; and
- the impact of the proposal on landscape character.

### Need and Alternatives

The need for new crematorium provision and the lack of alternative ways of meeting that need are the key very special circumstances for this proposal. Need is also an issue for policies on Mature Landscape Areas and the provision of new community facilities. This section summarises the evidence on Need and Alternatives submitted so far, presents a conclusion on these issues and gives guidance on whether these can be treated as part of the very special circumstances required. Westerleigh, Lymn and the Catfoot Crematorium Opposition Group (CCOG) separately provided information regarding Need and Alternatives during the original determination of the applications. This information was combined and assessed in an Introductory Report (May 2013) which was used in determining the two applications in May 2013. Additional information on these matters was provided during the appeal on the Orchard Farm site and has also been provided during the redetermination of this application.

The totality of this information has been used to produce this report. The Orchard Farm appeal decision<sup>2</sup> and other appeal decisions, including those in Gedling Borough<sup>3</sup>, have also been used. The Inspector at Orchard Farm found that the evidence submitted did not demonstrate a need for new crematoria provision (paragraph 70) and considered that further consideration should be given to an alternative site (paragraph 73).

However, given the uncertainty over what information submitted by Westerleigh was presented to the Inspector<sup>4</sup>, the extent to which he engaged with this information and the new information provided since the appeal, it is not considered possible to simply rely on the appeal decision and conclude that there is no need or that an alternative site exists. It is recommended that substantial weight, however, be given to the views of the Inspector.

Equally, it is not possible to simply conclude that a need was identified originally and continues to exist. All the evidence presented to date needs to be assessed and regard had to the findings in the appeal decision before a conclusion can be reached. The Orchard Farm Inspector endorsed this approach at paragraph 95 by highlighting that, in dealing with the remitted application for this site, the decision would *have to take account of all the current circumstances, at the time the decision is made?*

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<sup>2</sup> APP/N3020/A/13/2208636

<sup>3</sup> APP/N3020/A/07/2039505, APP/N3020/A/07/2035242 and APP/N3020/A/2074820

<sup>4</sup> Paragraph 68 of the Orchard Farm appeal decision

It is noted that objections have been submitted at a number of stages from the operators of existing facilities commenting that there is currently sufficient capacity and, therefore, no need for additional crematoria provision. The Inspector in the Swanwick appeal commented at paragraph 30 that *“the employees or operators of the existing crematoria disagree [that there is a need for new crematoria provision]. However, those employees or operators have a vested interest in painting a rosy picture of their own operations. The funeral directors have no such vested interest?”*. The evidence in this report, although based in part on information provided by Westerleigh and Lymn who also have a vested interest, is supported by comments from independent funeral directors, assumptions that have been tested in numerous Planning Appeals and on information that has been collected from or checked with independent sources such as the Office of National Statistics and the Cremation Society of Great Britain where possible.

It is acknowledged that the issue of Need is sensitive to the assumptions made. Different assumptions on matters such as the cremation rate and number of core slots available would produce a different outcome. The information provided is a professional judgement on what the most robust assumptions are. Assessments of capacity have been carried out on a number of different geographic scales (Greater Nottingham<sup>5</sup>, Nottinghamshire and Nottinghamshire plus Erewash Borough) to test different scenarios for the number of deaths and relevant crematoria.

The remainder of this report deals with different elements of Need and with potential alternatives to the current proposal. The report follows a similar structure to the Introductory Report taken to the original May 2013 Planning Committee and addresses the following issues:

- Relevant crematoria;
- Level of demand;
- Capacity at existing facilities;
- Time between death and cremation;
- Travel Times and Sustainability;
- Qualitative issues; and
- Alternative Ways of Meeting Need.

Each will be dealt with in turn before overall conclusions are made.

### *Relevant Crematoria*

Paragraphs 74 to 76 of the Introductory Report (May 2013) considered which of the four crematoria in the area (Wilford Hill, Bramcote, Mansfield and Ollerton) were relevant to determining the proposals in Gedling Borough. It concluded that provision

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<sup>5</sup> Defined as the administrative areas of Broxtowe Borough, Erewash Borough, Gedling Borough, Nottingham City and Rushcliffe Borough along with the Hucknall part of Ashfield District.

at Mansfield and Ollerton was not relevant to Greater Nottingham as these are distant from the conurbation. It is acknowledged that parts of the north of the Borough are closer to Mansfield and would likely use facilities there. Information was provided, where possible, for all four crematoria to allow Members who took a different view to have the necessary information.

The Orchard Farm appeal decision refers at two points to the issue of relevant crematoria. At paragraph 58 it states that the *the existing crematoria that serve the Gedling area are at Wilford Hill, Bramcote, Mansfield and Ollerton?*. It is unclear if the Inspector was of the opinion that capacity at all four crematoria should be considered when assessing need or was merely stating the fact that these are the current facilities which serve parts of Gedling Borough.

At footnote 17, the Orchard Farm appeal decision noted that additional capacity at Mansfield and Bramcote may be released as a result of the crematoria at Swanwick in Derbyshire which is understood to be under construction. The Swanwick crematorium was granted on appeal in July 2013 and, as such, was unknown at the time of the original determination. It should be noted, however, that paragraph 23 of the Swanwick decision<sup>6</sup> states that the Gedling permission (as it was at that time) did not affect capacity in Swanwick.

The new information provided by Westerleigh does not directly address the point about relevant crematoria. It is noted, however, that information has been provided regarding the capacity of Wilford Hill, Bramcote and Mansfield. Westerleigh's main arguments are that the existing crematoria are beyond an acceptable journey time from large parts of Gedling Borough, and that, regardless of journey time, there is insufficient capacity at Wilford Hill and Bramcote to meet the needs of the residents of Greater Nottingham.

Overall it is recommended that, although they may be beyond an acceptable journey time for many residents in Gedling Borough, only Wilford Hill and Bramcote be considered relevant to the provision of crematoria in Greater Nottingham. Mansfield and Ollerton are not part of the Greater Nottingham conurbation and therefore not relevant to meeting the needs of the majority of its residents. Whilst parts of Gedling Borough, such as Ravenshead, may be closer to other crematoria the numbers are likely to be small and offset by communities outside Greater Nottingham but closer to Wilford Hill or Bramcote. However, as previously, information is provided where available for Mansfield and Ollerton.

While the new crematorium at Swanwick may release some capacity at Bramcote, possibly from the Eastwood/Newthorpe and Ilkeston areas of Greater Nottingham, it is not considered that this will be significant; the numbers of cremations diverted is likely to be small and existing patterns of use are likely to continue in the short to medium term. It is also argued by Westerleigh that Bramcote is not within a reasonable journey time of the majority of Gedling Borough and therefore does not offer an alternative.

A map showing the locations of Bramcote, Wilford Hill, Mansfield, Ollerton and Swanwick Crematoria is provided at Appendix A to this report. Issues of journey times and capacity are addressed below.

#### *Level of Demand*

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<sup>6</sup> APP/M1005/A/12/2188880

At paragraph 77, the Introductory Report (May 2013) concluded that there needed to be sufficient capacity to hold just over 4800 cremations per year in Greater Nottingham. This was based on an average of 6900 deaths per year between 2004 and 2010 and a cremation rate of 70%. Greater Nottingham is considered to be the appropriate basis for assessing need although it is accepted that some communities, such as those in the north of Gedling and the south of Rushcliffe, may be closer to other crematoria; equally there are some parts outside Greater Nottingham which will be closer to one of the existing facilities or the proposed facility on Catfoot Lane.

During the Appeal, information was presented by Lymn<sup>7</sup> which showed that the cremation rate was likely to be higher at either 75% or potentially up to 77.5%. The 77.5% figure was based upon the experience of Lymn's in providing services to the area while the 75% rate is the United Kingdom average<sup>8</sup>. Given that the 77.5% figure is based on information from a single funeral director it is not considered appropriate to use. It is now accepted that the 75% rate should be used but no new statistics on the number of deaths are available. This results in 5175 cremations per year in the Greater Nottingham area. It is noted that new information submitted by Westerleigh shows that in 2013, Bramcote and Wilford Hill performed 5100 cremations between them which is within 2% of the average number required per year in Greater Nottingham between 2004 and 2010.

While it has been argued that the opening of new crematoria can increase the cremation rate as it offers additional choice it is not considered appropriate to make any assumptions on this; as noted by the Orchard Farm Inspector<sup>9</sup> it is the continuation of an adverse existing situation that is important.

Paragraph 4.16 of the evidence submitted by Lymn during the appeal also provided figures for the seasonal variation in the number of deaths between 2009 and 2014 within their market area<sup>10</sup>. This showed that during peak periods, usually the winter months, the number of deaths could be 24% higher than the average over the year. Conversely, during the summer there are fewer deaths and, therefore, less demand for cremations<sup>11</sup>.

The Orchard Farm appeal decision does not come to any clear conclusion on the level of demand in the area. Paragraph 57 notes that there is no guidance as to what constitutes an acceptable level of provision and that each case must be judged on its merits.

The information on cremations and seasonal variation in the number of deaths has been used to prepare the table below:

	<b>Mean No. of cremations</b>	<b>% Different from Mean</b>	<b>No. Different from Mean</b>	<b>No. of cremations required</b>

<sup>7</sup> Proof of Evidence of Paul Burley (May 2014)

<sup>8</sup> This has been verified by information on the Cremation Society of Great Britain website

<sup>9</sup> Paragraph 66

<sup>10</sup> Paragraph 4.16 Proof of Evidence of Paul Burley (May 2014)

<sup>11</sup> This has been checked against national figures from ONS for 2013 which show that the number of deaths in January was 25% above the mean for the year.

Jan	431.25	24	104	535
Feb	431.25	1	4	436
Mar	431.25	8.5	37	468
Apr	431.25	4.2	18	449
May	431.25	-3.8	-16	415
Jun	431.25	-6.5	-28	403
Jul	431.25	-7.9	-34	397
Aug	431.25	-14.6	-63	368
Sep	431.25	-8.3	-36	395
Oct	431.25	-2.4	-10	421
Nov	431.25	-1.2	-5	426
Dec	431.25	7	30	461
Total	5175			5175

Given the nature of crematoria it is not considered practical or appropriate for temporary provision to be made in peak periods nor is it considered appropriate for the lack of capacity to unduly delay cremations being held during the peak periods. The table above shows that there needs to be sufficient capacity to allow at least 535 cremations to be held each month (i.e. a total capacity of 6420).

This calculation does not make allowance for any increase in population or cremation rates. It is recommended that capacity over and above this should be provided to ensure flexibility for pandemics and above average peak periods as well as population growth. It should be noted that the Aligned Core Strategy sets a housing target of 7,250 new dwellings in Gedling Borough in the period up to 2028 while in the Greater Nottingham area as a whole plans make provision for around 50,000 new homes. Lymn<sup>12</sup> and Westerleigh<sup>13</sup> have also presented evidence to show that the need for cremations nationally will increase over the next 15 to 20 years. It is considered that a figure of 20% above the number of cremations required would provide sufficient flexibility to account for a range of factors including population growth, pandemics and the 'double booking' of core slots (addressed below). This results in a requirement for the capacity to hold just over 640 cremations per month or around 7,700 per year in Greater Nottingham. Recent news articles<sup>14</sup> have indicated that Winter 2014/15 saw winter deaths increased by a third over the five year average for the same period. This would suggest that a figure of 33% would be appropriate to provide flexibility; this would increase the number of core slots required. However, this is evidence from a

<sup>12</sup> Paragraph 4.21 Proof of Paul Burley (May 2014)

<sup>13</sup> Paragraph 5.3.2 Supplementary Report on Need (October 2014)

<sup>14</sup> <http://www.bbc.co.uk/news/health-31124320>

single year and is understood to be due to a large number of contributory factors.

When looking at a larger area the number of cremations required changes. Within Nottinghamshire using the same assumptions and approach as above there should be capacity for 937 cremations per month or 11244 per year. When Erewash is factored in the number required rises to 1036 per month or 12432 per year. It is appropriate to include Erewash due to the proximity of Ilkeston and Long Eaton to Bramcote; while parts of Erewash Borough will be closer to crematoria in Derby, the numbers will be small.

### *Capacity at Existing Facilities*

Crematoria capacity is based on two elements; the number of working days and the number of funeral services that can be held each working day. Due to the need for travel associated with crematoria to avoid the peak 'rush hour' periods, and for funeral directors and others to prepare before the funeral, only service times during the middle of days are considered practical to hold funerals. While there may be slots available for services before and after these times and at weekends they are not considered to be practical for the majority of cremations; Westerleigh suggest 95% of cremations are held during the core period<sup>15</sup>. It is only the services during the middle of weekdays that should be used when assessing capacity and these are known as the 'core slots'. This approach has been used in a number of planning appeals, notably in the Cambourne Appeal<sup>16</sup>.

Allowing for 5% of cremations to be held outside of core slots, there is a need for 610 core slots per month (to accommodate the peak month of January) or 7320 per year in Greater Nottingham. For Nottinghamshire this leads to a requirement of 890 (10680 per year) while for Nottinghamshire and Erewash this would be 984 per month (11808 per year).

Paragraph 79 of the Introductory Report (May 2013) concluded that the core period was between 10.30 and 15.30. The Orchard Farm appeal decision<sup>17</sup>, however, took the view that the core period was between 10.20 and 15.30. Given the views of the Inspector and the minor difference it is considered appropriate to use the period between 10.20 and 15.30 as the core period.

In terms of the number of core slots per year, Table 1 of the Introductory Report (May 2013) identified that there were 6422 core slots per year available for cremations in Greater Nottingham (3542 at Bramcote and 2880 at Wilford Hill) and a further 3528 at Mansfield. No figures were provided for Ollerton as the operators did not respond to requests for information. Overall, given the requirement of 4800 and an availability of 6422 per year, the Introductory Report (May 2013) found there to be no overall deficiency in capacity in Greater Nottingham. Accounting for the difference in the core period (i.e. using 10.20 to 15.30 rather than 10.30 to 15.30) would increase the capacity in Greater Nottingham as shown in the Introductory Report (May 2014) to from 6422 to 6674 per year.

Evidence presented by CCOG argued that, based on a core period of 10.20 to 15.30

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<sup>15</sup> Paragraphs 4.2.6 and 4.2.24 Supplementary Report on Need (October 2014)

<sup>16</sup> Paragraph 23 APP/D0840/A/09/2098108

<sup>17</sup> Footnote 16 of the Orchard Farm Appeal Decision

on weekdays, the number of core slots per year was as follows:

- Bramcote – 3528
- Wilford Hill – 4032
- Mansfield – 3528
- Ollerton – 1764
- Total across Nottinghamshire - 12852

The difference at Bramcote is the result of a difference in the assumptions about the number of working days while the difference at Wilford Hill is the result of account being taken of burials. The operators of Wilford Hill advised that they carry out around 900 burials per year; it was assumed in the Introductory Report that funeral parties for a burial and a cremation would not be on site at the same time and the capacity at Wilford Hill reduced by 900<sup>18</sup>. Accounting for these differences, the figures for Bramcote, Wilford Hill and Mansfield used in the Introductory Report and by CCOG are similar. There is no evidence to suggest the capacity for Ollerton provided by CCOG is incorrect and the figure is consistent with there being only one chapel.

During the original determination of the applications both Westerleigh and Lymn argued that capacity at Wilford Hill had been overstated. As part of the Appeal process, Lymn submitted evidence regarding the number of core slots available there. A copy of Nottingham City Council's Cemetery Rules & Regulations (submitted by Lymns<sup>19</sup>) shows that cremation times at Wilford Hill are as follows:

- Main Chapel – 9.20am to 4.00pm (excluding 1.20pm)
- West Chapel – 9.00am to 3.40pm (excluding 1.00pm)

This results in a capacity during the core period of 14 slots per day at Wilford Hill or 3528 per year. It has not been possible to find a copy of the Rules & Regulations document on the internet nor confirm the date of the document provided. Westerleigh, in their recent Supplementary Report<sup>20</sup>, also argue that Wilford Hill, Bramcote and Mansfield each have a capacity of 3528 core slots per year.

Nottingham City Council (the operator of Wilford Hill) has identified that there are 14 core slots usually available per day at Wilford Hill and an additional two core slots available as a contingency. Given the evidence provided by Lymn's that these two slots are not available to be booked, the consistency with the number of core slots at Bramcote and Mansfield and the fact that Nottingham City Council is a rival operator, it is recommended that a figure of 14 core slots be taken as the core slots per day at Wilford Hill.

Other than a general statement at paragraph 57 that *there should be sufficient capacity for funerals to be arranged, at times convenient to the mourners, without undue delay?*,

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<sup>18</sup> It has since been clarified that the figure of 900 related to the burials carried out across Nottingham City's facilities and not just Wilford Hill; the burial figure for Wilford Hill in 2014 was 374.

<sup>19</sup> Appendix PB7 Proof of Evidence of Paul Burley (May 2014)

<sup>20</sup> Paragraph 4.2.19

the Orchard Farm decision does not reach any conclusion about the number of core slots that exist in the area.

The evidence provided points to there being capacity within the core period for 6156 cremations within Greater Nottingham. This is based on the following:

	<b>No. of Core Slots per day</b>	<b>Working Days</b>	<b>Burials per year</b>	<b>Core Slots available for cremation per year</b>
Bramcote	14	252	0	3528
Wilford Hill	14	252	374	3154
Mansfield	14	252	0	3528
Ollerton	7	252	0	1764

When averaged out across the year, and assuming an equal distribution between months, this would result in 557 core slots per month in Greater Nottingham (6684 per year). If it is assumed that burials do not result in core slots being unavailable for cremation, there are 588 core slots available per month (7056 per year). This is in contrast to the 610 per month (7320 per year) identified above as being required to meet demand in the peak periods and take account of the need for flexibility.

Across Nottinghamshire there is capacity for 998 core slots per month (11974 per year) compared to the requirement for 890 per month (10680 per year). Including Erewash, the requirement increases to 984 per month (11808 per year) but there is no increase in capacity. As noted above, capacity at Mansfield and Ollerton is not thought to be relevant to Greater Nottingham or the majority of Gedling Borough and it is not recommended that it be taken into account.

At Paragraph 1.11.1 of their new Supplementary Report, Westerleigh provide figures for the number of cremations held in 2013<sup>21</sup>. The table below shows these figures compared to the identified number of core slots.

	<b>Core Slots available for cremation</b>	<b>Number of cremations</b>	<b>% of Core Slots</b>
Bramcote	3528	3063	86%
Wilford Hill	3154	2037	65%
Mansfield	3528	2601	73%
Ollerton	1764	Not provided	Not provided

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<sup>21</sup> Verified by information on the Cremation Society of Great Britain website which shows Ollerton performed 1076 cremations in 2013 (61% of Core Slots)

Similarly, CCOG have provided information<sup>22</sup> on the number of cremations in 2011 (2010 for Mansfield). Again, the table below shows these figures compared to the identified number of core slots.

	<b>Core Slots available for cremation</b>	<b>Number of cremations</b>	<b>% of Core Slots</b>
Bramcote	3528	2678	76%
Wilford Hill	3154	2047	65%
Mansfield	3528	2664	75%
Ollerton	1764	Not available	Not available

These show that over the course of the year there is spare capacity in Greater Nottingham. Nottingham City Council has also provided information arguing that there are core slots available in different months throughout the year. Applying the information provided by Lymns on seasonal variation to the actual number of cremations performed in 2013 and 2011/2010 in Greater Nottingham (i.e. Bramcote and Wilford Hill only) shows that, to meet 95% of the January peak with 20% extra for flexibility, in those years there should have been:

- at least 600 core slots per month (7205 per year) in 2013
- at least 557 core slots per month (6680 per year) in 2011/2010<sup>23</sup>

This is compared to the 557 identified as currently available each month (6684 per year).

The information provided by both Westerleigh and CCOG above is for the number of cremations actually performed rather than the number that should be planned for and does not take account of the potential for the lack of capacity to result in cremations being held outside Greater Nottingham or outside the Core Period. Additionally, Westerleigh<sup>24</sup> argue that the figures produced by CCOG prove that there is a need for further capacity. The figures show that 21% of cremations at Bramcote and 14% at Wilford Hill are taking place outside of the Core Slots and this is supported by information provided by Lymns<sup>25</sup>. As noted above Westerleigh argue the figure should be 5%.

These calculations also assume that each cremation uses one core slot. Both Westerleigh and Lymn have identified that in a number of instances two core slots are being booked to give mourners a longer period in which to hold the service. While the length of services is a qualitative issue which is addressed below, the booking of two

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<sup>22</sup> Proof of Evidence of Nick Baseley (May 2014)

<sup>23</sup> CCOG have provided a breakdown for the number of cremations that took place in core slots and non-core slots. This calculation is based on the total amount.

<sup>24</sup> Paragraph 4.2.5 to 4.2.6 Supplementary Report on Need (October 2014)

<sup>25</sup> Table 2 Proof of Evidence of Paul Burley (May 2014)

slots does have an impact on the availability of core slots. It is considered that the 20% flexibility applied above provides sufficient extra capacity to address this issue.

As set out above it is considered that there is a requirement in Greater Nottingham for 610 core slots per month or 7320 per year. Given that a capacity for 557 core slots per month (6684 per year) has been identified, it is considered that there is a shortfall in capacity and, therefore, a need for additional crematoria provision to serve Greater Nottingham. It is recommended that this need be given substantial weight in determining the application.

It is understood that the current proposal would provide an additional 1764 core slots increasing annual capacity to 8446 (i.e. an annual 'over supply' of 1126 core slots per year compared to the requirement of 7320). There would therefore be no need for any further provision. It is not considered that, given the proposal includes a single chapel, provision smaller than that proposed could be made. The only means to remove the oversupply would be to reduce the number of core slots either by increasing the length of services or by placing controls on the number of services that can be performed. It is not considered that the need to reduce the oversupply is justification in planning terms for doing either.

In their email of December 2014, CCOG argue that there is an overall downward trend for cremations within Nottinghamshire as the increase in cremations performed in 2012/13 was 1.62% compared to 2.38% for 2011/12; other crematoria have seen increases of up to 45.25%. The 1.62% figure is the annual change in the number of cremations performed and is considered to only have marginal relevance to this discussion. There are likely to be a number of reasons, potentially including the availability of crematoria during the core period, as to why the growth in cremations is slowing. It should also be noted that the number of cremations is still higher than the year before although the rate of growth is slower. CCOG also compare the number of cremations in Nottinghamshire (8777) to the total number of core slots at the four crematoria (21,524 including 384<sup>26</sup> slots discounted for burials) and argue that there is a spare capacity of 59.2%. This figure includes non-core slots which should be excluded from capacity figures and does not take account of seasonal variations in the number of deaths.

It is noted that Westerleigh, in their Supplementary Report on Need<sup>27</sup> refer to the position of crematoria in Greater Nottingham among the top ten busiest crematoriums in the Country. This is a relative assessment which is not material to this decision. The number of cremations that are performed is not relevant provided that there is sufficient capacity to ensure that all cremations can be performed in a timely and dignified manner. It is also noted that Westerleigh have identified that cremators in Nottingham are operating above the national average<sup>28</sup>. Whilst this is understood to be the case (the national average is around 614 per cremator, whilst the average in Greater Nottingham is 1035 i.e. 5175 divided by 5<sup>29</sup>) there is no evidence that the cremators are unable to accommodate this number; it is recommended that little weight be given to these factors when considering whether there are very special circumstances.

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<sup>26</sup> This is similar to the figure of 374 identified by Nottingham City Council

<sup>27</sup> Paragraphs 1.11.2 to 1.11.6

<sup>28</sup> Section 5.2 Supplementary Report on Need (October 2014)

<sup>29</sup> Two cremators at Bramcote and three at Wilford Hill

## *Time between Death and Cremation*

As has been noted above, there should not be an undue delay between death and a cremation taking place as a result of the lack of capacity. Based on the findings in the Cambourne Appeal and comments by the National Society of Allied and Independent Funeral Directors, the Introductory Report (May 2013) at paragraph 86 found that a period of 7 to 10 days was a reasonable target. It is understood that CCOG have raised no objection to this as a target. Paragraph 62 of the Orchard Farm decision addresses the time between death and cremation but does not reach any clear conclusion on what is considered an undue delay.

The Introductory Report (May 2013)<sup>30</sup> presented figures provided by each of the applicants that showed that the average time between death and cremation in Greater Nottingham varied between 12 to 16 days depending on the time of the year. Objectors, including CCOG and Nottingham City Council, argued that these delays were occurring at facilities where there were no capacity issues and were the result of other factors, including the availability of churches, capacity of funeral directors, administrative issues and the ability of mourners to attend, rather than a lack of capacity. The Introductory Report (May 2013)<sup>31</sup>, based on the findings of the level of demand and capacity at that time, agreed with the assessment of CCOG but attached some weight to the lack of capacity as a contributory factor in delays.

The information presented by Lymns during the appeal indicated that the findings on the level of demand and capacity made in the Introductory Report (May 2013) were incorrect, resulting in a need for more cremations each year and a reduction in the number of available core slots. At the Appeal Hearings, the Borough Council agreed that there was likely to be a lack of capacity during the winter months and this would have an adverse impact on the time between death and cremation. The Inspector, however, concluded at paragraph 62 of the Decision that there was *no clear evidence of a widespread problem of delays being forced on relatives against their wishes?* although it appears to be accepted that there were delays beyond 14 days. Section 4.1 (and Appendix J) of the Supplementary Report on Need submitted by Westerleigh provides an update of the time between death and cremation. It reports that in July 2014 (i.e. a month when demand is likely to be below peak demand) the average time between death and cremation was as follows:

- Mansfield – 16.8 days
- Wilford Hill – 15.1 days
- Bramcote – 14.4 days

Figures provided by Westerleigh for January 2015 show that there were delays of between 20 to 24 days at the three crematoria. The Supplementary Report also presents the views of a number of local Funeral Directors, local clergy and local residents in support of the lack of capacity resulting in undue delays being forced on mourners.

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<sup>30</sup> paragraphs 51 and 55

<sup>31</sup> paragraphs 88 and 89

In conclusion, there is evidence that the average time between death and cremation in Greater Nottingham is beyond the 7 to 10 days target period. While there are likely to be many causes for this, as shown by the information provided by CCOG and Nottingham City Council, there is evidence from local Funeral Directors that the lack of capacity is one of them and that this is being forced on mourners; this is likely to be especially true in the winter months when demand is at its highest. However, there is no clarity on exactly how much of the delay is due to a lack of capacity. As such, weight should be given to the lack of capacity as a contributory factor to the undue delays experienced in Greater Nottingham although it is recommended that it should only be given limited weight as a very special circumstance.

### *Travel times/Sustainability*

The length of journeys to existing crematoria is an important part of the Need argument presented by both Lymn and Westerleigh. A number of previous decisions including those of planning appeals (including the Cambourne and Swanwick appeals as well as those at Halstead<sup>32</sup>, Great Glen<sup>33</sup> and Lach Dennis<sup>34</sup>) and of the Competition Commission<sup>35</sup> have been based on 30 minutes being a reasonable travel time for a cortege; this is referred to as a 'rule of thumb' or 'industry benchmark'. In calculating the area within 30 minutes cortege travel time, the usual assumption is that a cortege would travel at 60% of the speed of normal traffic.

The Introductory Report (May 2013), based on the isochronal information provided by Westerleigh and supported by evidence from Lymn, concluded at paragraph 93 that there was a population of over 90,000 people to the east of Nottingham, including large parts of Gedling Borough, which was not within 30 minutes travel time of either Wilford Hill or Bramcote. CCOG in their objection to Lymn's planning application argued that:

- an additional 5 minutes would not be perceivable to such an extent that it could justify the harm to the Green Belt;
- local residents have assessed the time to Bramcote as being only 20 minutes from Catfoot Lane; and
- non-local mourners would travel greater distances.

The Orchard Farm appeal decision identified that the Inspector had concerns about the use of 30 minutes, a cortege speed of 60% of normal and the lack of isochronal evidence. He was, however, of the opinion at paragraph 58 that, if it were shown that journeys caused distress or hardship to large numbers of mourners, it could be given substantial weight.

Paragraph 59 of the Orchard Farm appeal decision sets out that the 30 minute journey time has not been included in planning policy and, while parts of Gedling Borough may be beyond 30 minutes this did not demonstrate a need sufficient to outweigh Green Belt as the population beyond 30 minutes was considered to be relatively small. In paragraph 60 the Inspector sets out his view that journey times of up to 45 minutes would not normally cause distress, while in paragraph 61 he questions the assumption that

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<sup>32</sup> APP/G2245/A/13/2210128 and APP/G2245/A/14/2217055

<sup>33</sup> APP/F2415/A/14/2211858

<sup>34</sup> APP/A0665/A/12/2186911

<sup>35</sup> JJ Burgess and Sons v OFT and W Austin & Sons 2005

corteges travel at a speed of 60% of normal traffic which has not been justified in this case. The Inspector also stated that residents of villages such as Papplewick and Calverton appear to be within 30 minutes of Mansfield and/or Ollerton.

The Supplementary Report on Need produced by Westerleigh following the appeal responds to the points the Inspector made. It highlighted that isochronal evidence was available and that this demonstrated that an estimated 94,269 people (an increase from that in the Introductory Report due to population growth) were not within thirty minutes of Bramcote or Wilford Hill; this evidence was not based on assumptions about travel speed but actual travel times of corteges based on the timing of journeys carried out by Westerleigh.

Westerleigh also presented comments made by two local Funeral Directors, a Church Administrator and a number of local residents who commented on the original applications who state that journey times are unacceptably long to existing crematoria from parts of Gedling Borough. Also presented are a number of appeal decisions (Cambourne, Halstead, Great Glen, Lach Dennis and Swanwick) which have used 30 minutes and 60% when assessing the need for new crematoria provision.

The use of 30 minutes is also addressed with Westerleigh arguing that 30 minutes is a 'rule of thumb' applied nationally; a final figure needs to be considered on a site by site basis looking at the characteristics of the area. In the Cambourne decision the Inspector considered that the nature of Cornwall (a rural peninsular) meant that local residents would generally be accepting of longer journey times. Westerleigh argue that 30 minutes should be seen as a definitive upper limit in predominantly urban areas such as Gedling Borough; this was something that was also argued by Lymn in the evidence presented to the appeal<sup>36</sup>.

Overall, while it is accepted that no figure is set in planning policy and despite the comments of the Orchard Farm Inspector, it is considered that 30 minutes is a reasonable upper limit for cortege travel time in Greater Nottingham. There is sufficient evidence that journeys beyond this length are likely to cause distress to mourners and 30 minutes has been used in a number of other appeals. As noted above, the 30 minute figure should be treated as a 'rule of thumb'; it is considered that in areas with a large urban population, expected journey times are likely to be shorter than the 30 minute figure.

There is satisfactory evidence in the form of isochronal information and information from funeral directors (including Lymn and others) that a large part of Gedling Borough is beyond a 30 minute cortege travel time from existing crematoria. While parts of the Borough may be within a 30 minute cortege travel time of Mansfield, and possibly Ollerton, it is accepted that there is a population of around 94,000 people across the eastern part of Greater Nottingham, focussed on Arnold and Carlton, and the western part of Newark and Sherwood District who do not live within 30 minutes cortege travel time of an existing crematoria. In accordance with the comments in paragraph 58 of the Orchard Farm appeal decision it is recommended that this be given significant weight as a very special circumstance as there is evidence that journeys are so long that they cause distress or hardship.

The Introductory Report (May 2013) also identified that, based on an average of 18

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<sup>36</sup> Paragraph 5.17 Proof of Evidence of Paul Burley (May 2014)

cars per cremation and 5 cremations per day, the provision of an additional crematorium on Catfoot Lane would save around 170,000 miles travelled annually which would have benefits in terms of congestion and emissions. This was viewed as a significant material consideration. The Inspector, whilst accepting that there would be savings, concluded at paragraphs 91 and 92 that the extent had not been reliably qualified and that the weight to be given could only be slight as crematorium traffic would only make up a small percentage of the overall traffic in the area. The Supplementary Report produced by Westerleigh reiterates that there will be savings of around 170,000 miles. As set out by the Inspector, it is recommended that this be given limited weight as a very special circumstance although it is noted that paragraph 30 of the NPPF encourages solutions that reduce greenhouse gas emissions and reduces congestion.

It is noted that in other appeal decisions reference has been made to a population of 150,000 being the catchment which a crematorium usually serves and that this has been used as a measure of quantitative need. While there are 94,000 people outside the 30 minute cortege travel time period Westerleigh have provided evidence that there are an additional 74,000 people who would be closer to the proposed crematorium (i.e. they live within 30 minutes cortege travel time of an existing crematorium but the journey to the proposed facility at Catfoot Lane would be shorter); there is a population of 168,000 people who would benefit from the proposal. It is considered that the 150,000 and 168,000 figures are only marginally relevant to this decision. The key issue is whether the 94,000 people outside the 30 minutes travel time is sufficient, in combination with any other circumstances put forward, to clearly outweigh the harm to the Green Belt and any other harm. This is a similar level of demand that was accepted in the (non-Green Belt) Swanwick Appeal<sup>37</sup> but lower than the 130,000 to 140,000 identified in the (Green Belt) Halstead appeals.

### *Qualitative Issues*

The issues identified above can be considered to be quantitative in nature. They do, however, have an impact on the qualitative need for new crematoria provision. Delays to cremations taking place, lengthy journeys and busy crematoria can cause distress to mourners and it is recommended that moderate weight be given to the qualitative benefits of providing a new crematorium when considering whether 'very special circumstances' have been demonstrated.

The Introductory Report (May 2013) identified this and, separately, addressed criticisms of the management of Wilford Hill and Bramcote. It was considered that these criticisms were not related to planning matters as they could be corrected by the actions of existing facilities and did not require the provision of additional crematoria. Weight was also given to the need for crematoria provision to be made within the community which it serves.

Paragraph 65 of the Orchard Farm appeal decision deals with qualitative issues. It concludes that qualitative criticisms of the existing crematoria are not planning matters and that it is not unusual for crematoria provision to serve more than one community; this was not seen to be conclusive to need. Westerleigh<sup>38</sup> have reiterated their view on qualitative matters and presented comments from funeral directors regarding the

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<sup>37</sup> Paragraph 23

<sup>38</sup> Paragraphs 4.2.14 to 4.2.17 Supplementary Report on Need (October 2014)

experience of mourners at existing crematoria.

Overall, while it is recommended that weight be given to the qualitative benefits that would arise from addressing any quantitative shortfall in provision, little weight should be given to the need for provision to be located within the community it serves. It is recommended that no weight be given to addressing management problems at existing crematoria as these are not planning matters.

### *Alternative Ways of Meeting Need*

Alongside the identified need for additional crematoria provision, the lack of alternative ways of meeting that need is one of the key 'very special circumstances' which is required to be demonstrated to outweigh the harm to the Green Belt. The Courts have set out that it is lawful to take alternatives into account when four tests have been met:

1. A proven need is established for the proposal in the public interest;
2. The proposed site has adverse 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.

It is established above that it is considered that there is a need for a single new crematorium to serve the eastern part of Greater Nottingham focussed on the Arnold and Carlton areas of Gedling Borough. It has also been established that the proposed site in question is within the Green Belt and a Mature Landscape Area; the site has adverse planning consequences. Tests 1, 2 and 4 have been met. This section will consider whether there are any alternative ways of meeting the identified need for new crematoria provision in order to address Test 3.

Any alternative way of providing crematoria provision should serve the identified area of need. Paragraphs 109 and 110 of the Introductory Report (May 2013) considered the potential for capacity to be increased at Bramcote or Wilford Hill. This was discounted as a possibility due to the practicalities of increasing the number of chapels on site and the failure of increased capacity at either site to address the issue of journey time.

One of the key factors that drive the location of new crematoria is the Cremation Act (1902). Section 5 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.*

This is a legal requirement and, therefore, does not fall within the ability of the planning process to consider as part of the balancing exercise. Any site which does not accord with the requirements of the Cremation Act (1902) must be considered unsuitable for a crematorium no matter how suitable it is in terms of the other matters. This means that

the prospects of finding a site within the urban area are so low that it is discounted as an option. Paragraph 36 of the Swanwick Appeal identifies that all of the 25 crematoria granted planning permissions between 1996 and 2013 were outside of settlements.

Alongside the Cremation Act (1902) and the need for new capacity to serve the main area of need, paragraph 101 of the Introductory Report (May 2013) identified a number of other criteria that sites should meet to be suitable for crematorium. These criteria were based on information provided by both Westerleigh and Lymn and information contained in 'Siting and Location of Crematoria' (Department of Environment 1978)<sup>39</sup>. Any potential site should, therefore, be:

- Able to serve the main area of need (Arnold and Carlton);
- Over 200 yards from existing housing and 50 yards from the public highway;
- Of sufficient size to provide an appropriate setting for the crematorium, adequate internal access roads, car-parking space and space for the disposal of ashes (around 5-10 acres / 2-4 hectares in size)
- Not on consecrated Burial Land
- Close to a main road, with access onto the site off a minor road of double carriageway width;
- Ideally flat but avoiding heavily sloping or undulating sites;
- Well screened with existing landscape features and good views; and
- Reasonably well served by public transport.

Any conflict with planning policies and designations should be considered and weighed in the planning balance.

As part of the submissions for their original planning applications, both Westerleigh and Lymn provided information on their searches for alternative sites. Westerleigh undertook a systematic search of the areas around Arnold and Carlton using the requirements of the Cremation Act (1902) as the starting point to identify if there was any potential within those areas. Lymn presented a series of sites and an explanation of why they were not alternatives to their proposal. Appendices B and C to the Introductory Report (May 2013) provided maps and the Borough Councils assessment of whether the various areas or sites identified were considered to be alternatives. Overall it was concluded at paragraph 118 of the Introductory Report (May 2013) that there were no alternatives other than the two proposed by Westerleigh and Lymn. A comparison of the two proposals was undertaken which concluded that, on balance, the Westerleigh proposal performed better than the Lymn proposal. This led to the Westerleigh proposal being granted planning permission (although later quashed) while the Lymn proposal, at Orchard Farm, was refused

During the Orchard Farm appeal lodged by Lymn's to that refusal, the Inspector had regard to alternative sites, including the Westerleigh site and provided what view he

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<sup>39</sup> <http://www.srgw.info/CremSoc/LegalEtc/Guidance/LG1-232-36.html>

would have taken if his conclusion on need had been different. At paragraph 72 the Inspector commented that there had been a lack of a methodical, strategic view as to preferred areas of search based on planning constraints and priorities. The Inspector accepted, also at paragraph 72, that few non-Green Belt sites would be likely to present themselves but was of the view that more consideration should be given to the potential of the Gedling Colliery site and an evaluation of its planning merits to accommodate a crematorium undertaken.

The Inspector considered the Westerleigh site as an alternative at paragraph 74. He concluded that *the Westerleigh site would thus be a possible alternative to the appeal site (i.e. Orchard Farm), which would avoid at least some of the adverse planning consequences of the present proposal?*. The Inspector goes on to conclude that Orchard Farm is not the best site available. Given these comments it is recommended that Orchard Farm should not be viewed as a more suitable alternative to the current proposal.

Turning to the Gedling Colliery site, this was originally assessed as one of the broad areas looked at by Westerleigh. It was not considered to be an alternative as it was allocated for alternative purposes, including a housing allocation and a Country Park, and the requirements of the Cremation Act (1902) would limit the housing potential of the site. Westerleigh have now provided information in their Additional Planning Statement from one of the landowners (Harworth Estates) of the Gedling Colliery site which indicates that there is considered to be no room for a crematorium on site.

The map at Appendix B to this report shows the existing designations and recent planning applications which have been submitted on this site. Opportunities are variously limited by the Crematorium Act (1902), topography, the Housing and Employment Allocations and the Country Park.

It is not considered possible for the crematorium to be delivered as part of the housing allocation due to the impact on the viability of the Gedling Colliery site. The provision of a crematorium would reduce the number of houses that could be built on site and also affect the marketability of the site to prospective developers. The failure to develop this site will impact on the ability to deliver the Objectively Assessed Housing Need for the Borough; proposals which would prejudice the redevelopment of the site would conflict with the recently adopted Aligned Core Strategy.

While the employment allocation is arguably a less constrained location, a crematorium here could still impact on the marketability of the housing site. A triangle of land lies to the north of the employment allocation which is outside the Country Park. The area is approximately 1.2ha in size and, when compared to the guidance in the Department of Environment's Siting and Location of Crematoria document (1978), considered too small for a crematorium. Access to the site would also be through the employment allocation and it is unlikely that this would present a suitable access to the site. Additionally there is an active Methane Extraction Plant on the employment allocation which burns methane from the former pit heap for energy generation. It is not considered that locating a crematorium alongside this would be appropriate.

While permission has been granted for development that was not in accordance with the policy designating the Country Park it is not considered that a crematorium and a Country Park are compatible uses for co-location. The Country Park is now open and offers the opportunity for outdoor recreation and attracts a number of families and

children to the site generating noise. Crematoriums, on the other hand, require a tranquil location. It is not considered possible to provide a crematorium on part of the Country Park in such a way as to meet the differing requirements of users and still deliver both a Country Park and crematorium. Any crematorium would need to be located centrally in the Country Park due to the presence of residential properties on surrounding roads. The solar farm, footpaths and topography all limited the amount of space possible. Additionally many locations within the Country Park are prominent in landscape terms and, as with the proposed location, may affect long distance views.

Overall, it is considered that there are no alternative ways of delivering crematoria provision to meet the identified need other than the provision of a single new crematorium to serve the eastern part of Greater Nottingham focussed on Arnold and Carlton. Due to the comments in the Orchard Farm appeal decision, it is considered that Orchard Farm is no longer an alternative site to that proposed in this application. It is not considered possible to deliver a crematorium alongside either the housing or employment allocations at Gedling Colliery or the Gedling Colliery Country Park. It is considered that Test 3 identified above has not been met and there are no alternatives to the current proposal. It is recommended that substantial weight be given to the lack of alternative ways of addressing the need for a new crematorium.

It is noted that Lymn's are continuing to search for non-green belt locations for a new crematoria; none have yet been put to the Borough Council to be considered as Alternatives.

### *Conclusions*

Overall it is considered that there is evidence showing that there is a need for a new crematorium to serve the eastern part of Greater Nottingham focussed on the Arnold and Carlton areas of Gedling Borough and the western part of Newark and Sherwood District. There is evidence that, within Greater Nottingham, there is currently capacity for 557 cremations per month (6684 per year) during the core period compared to a requirement for 610 per month (7320 per year). The requirement figure is based on a number of assumptions which include the average number of deaths between 2004 and 2010 and the national cremation rate; changes to these assumptions will result in changes to the conclusion on need.

Capacity exists when looking at both Nottinghamshire and Nottinghamshire plus Erewash. It is recommended that only capacity and need within Greater Nottingham is looked at as Greater Nottingham is the basis of planning for housing, employment and transport and should also be the basis for the planning of crematoria. There is isochronal evidence that a population of over 94,000 people to the east of Nottingham are not within 30 minutes cortege travel time of Bramcote or Wilford Hill.

Whilst acknowledging that 94,000 people is some way below the catchment figure for crematoria stated in several appeal decisions as a measure of viability, I note that a similar lower catchment figure was accepted for the Swanwick appeal decision (albeit not a Green Belt site). In addition, I also note that an additional 74,000 people would be closer to the proposed crematorium than an existing crematorium, so overall there is a population of 168,000 people who would benefit from the proposal. As a consequence, I am satisfied that the provision of a crematorium for 94,000 people should be given substantial weight in the overall planning balance, although the

benefits to the additional 74,000 people should be given limited weight, as they already have satisfactory provision.

Both the lack of capacity and the lack of access within a reasonable period are evidence of need for a new crematorium to serve the eastern part of Greater Nottingham and it is recommended that this be given substantial weight when determining whether there are very special circumstances. It is recommended that limited weight, however, be given to the need for crematoria to be within the community it serves.

While there is evidence of delays beyond the target period of 7 to 10 days it is recommended that limited weight be given to this as a very special circumstance as it is unclear how much of the delay arises from the lack of capacity. It is recommended that moderate weight also be given to the qualitative benefits that would arise from providing a new crematorium. As they are not planning matters, it is recommended that no weight be given to addressing the issues identified with the management of the existing crematoria.

There is also substantial and convincing evidence that there is no way of meeting this need other than the current proposal. Alternatives which do not provide capacity to serve the eastern part of Greater Nottingham should be discounted. A methodical search has been undertaken of the area around the urban area for opportunities and consideration given to the planning merits of locating a crematorium on the former Gedling Colliery site. There are not considered to be any alternatives to the proposed site. It is recommended that this should be given substantial weight in determining the application.

There are, however, a number of previous appeals in Gedling Borough which have found there is no need, or at least insufficient need, to outweigh the harm caused. It is considered that the information presented in this report is the most up to date information available and is based on information and assumptions which have been independently verified, either by the Borough Council or through Planning Appeals. It is considered that the conclusion on need is robust.

Arguments have been put forward that the need for crematoria should not be seen as a very special circumstance<sup>40</sup>. This is based on the National Planning Practice Guidance (NPPG) which sets out that the unmet need for housing is unlikely to outweigh the harm to the Green Belt. It is considered that this does not apply to the provision of crematoria; if the Government had intended this provision to apply more generally then it could have made this clear in the NPPG or NPPF. Additionally, the Orchard Farm inspector considered at Paragraph 57 that the adequate provision of crematoria is an essential need and a planning consideration of the highest order; this suggests that he considered that it would be capable of being a very special circumstance.

During the determination of the original application, objections were made that the Local Plan process should be used to identify the best way to deliver new crematoria provision if any is needed. It was concluded at paragraph 113 of the Introductory Report (May 2013) that a developer led solution tested against planning criteria is the most appropriate way. The Orchard Farm appeal decision addresses this issue at

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<sup>40</sup> paragraphs 3.34 to 3.35 Proof of Evidence of Nick Basely

paragraph 67. It suggests that the Inspector's view was that the provision of crematoria should be addressed in a Local Plan.

At the time that work commenced on the Part 2 Local Plan there was an extant planning permission for a new crematoria and it was not necessary to address the issue any further. As noted above, prematurity is not normally an issue prior to plans being formally submitted for examination. The Part 2 Local Plan has not yet been submitted and is not at an advanced stage. We are, therefore, unable to refuse planning permission for this proposal on the grounds of prematurity.

Consideration is being given to whether to address the provision of crematoria within the Part 2 Local Plan. This would involve the assessment of whether there was a need for additional provision and alternative ways of making provision. It is highly unlikely that that process would result in different conclusions to those in this Report.

Overall it is considered that there is a need for a new crematorium to serve the area to the east of Greater Nottingham focused on Arnold and Carlton and the western part of Newark and Sherwood and no alternative ways of meeting this need which have less impact. It should be considered whether these, along with any other matters put forward, amount to the very special circumstances which outweigh the harm to the Green Belt and any other harm.

### Green Belt Considerations

The most relevant planning policies that need to be considered in relation to the proposed use within the Green Belt are set out in Section 9 of the NPPF and Policy 3 of the ACS.

The NPPF emphasises the importance which the Government attaches to Green Belts and states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Paragraph 80 of the NPPF advises that the Green Belt serves five purposes:

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

Development within the Green Belt is inappropriate, unless it is for one of the purposes identified in paragraphs 89 or 90 of the NPPF.

Paragraph 89 of the NPPF states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt, apart from certain exceptions.

Paragraph 90 of the NPPF then states that certain other forms of development, such as mineral extraction, engineering operations and local transport infrastructure, are also not inappropriate in the Green Belt, provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.

As the proposed development does not meet any of the exceptions or forms of development identified in paragraphs 89 and 90 of the NPPF, it is considered to be inappropriate within the Green Belt.

Paragraph 87 of the NPPF states that, as with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Paragraph 88 of the NPPF then states 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.

Policy 3 of ACS retains the principle of the Green Belt and sets out the approach to be taken to recasting and reviewing its boundaries.

As stated in the NPPF, where development is deemed inappropriate, the applicant will need to demonstrate that very special circumstances exist which outweigh the harm to the Green Belt and any other harm caused. Crematoria are inappropriate development and 'very special circumstances' need to be demonstrated in two regards:

- Firstly, the applicant must demonstrate that there is a need for a new crematorium in the area;
- Secondly, the applicant must demonstrate that there is no alternative non-Green Belt location.

In addition, it is necessary to consider whether there would be additional harm to the Green Belt by reason of loss of openness and any other harm with regard to the purposes of the Green Belt. Any additional harm must also be clearly outweighed by other considerations.

#### *Effects on Openness and Permanence*

The proposed development would have a significant impact on the openness and permanence of the Green Belt, which cannot be mitigated and must therefore be balanced against the other material considerations, including whether very special circumstances exist.

The NPPF states that substantial weight should be given to any harm to the Green Belt.

In this respect, I am satisfied that the amount of built development, the level of parking provision and the additional vehicular and pedestrian activity which would be generated, would be proportionate to the proposed development and would therefore limit its harmful impact on the openness and permanence of the Green Belt as far as is reasonably possible. In my opinion, the harm to the openness and permanence of the Green Belt arising as a consequence of the proposed development is clearly outweighed by the very special circumstances that have been demonstrated in the Need and Alternatives section above.

Whilst acknowledging that the cumulative impact of numerous developments could destroy the characteristics of permanent openness of the Green Belt, which the NPPF seeks to preserve, each application has to be assessed on its own merits.

### *Effect on Purposes of Green Belt*

The proposed development must also be tested against its impact on the purposes of Green Belt, as set out in paragraph 80 of the NPPF:

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

Considering each of these purposes in turn:

#### *Urban Sprawl*

Apart from isolated dwellings, the application site is separated from the main built up area of greater Nottingham by several hundred metres of open countryside.

For this reason, I consider that the proposed development would not represent urban sprawl.

#### *Coalescence*

As stated above, the application site is separated from the main built up area of greater Nottingham by several hundred metres of open countryside, and is a significant distance from the villages of Lambley and Woodborough.

For this reason, I consider that the proposed development would not result in greater Nottingham merging with these villages.

#### *Encroachment*

The application site currently comprises open agricultural land, whereas the proposed development would result in a total developed area of approximately 0.4 of a hectare, within the south-western corner of the overall site.

For this reason, I consider that the proposed development would encroach into the countryside and this harm must be assessed in the planning balance.

#### *Preserving the setting and character of historic towns*

The proposed development would not harm the setting and character of an historic town and would not therefore conflict with this aim of Green Belt policy.

#### *Assist in urban regeneration*

The proposed development would not encourage the recycling of derelict and other urban land, so it would not assist in urban regeneration.

## *Conclusions*

There is no doubt that the proposed development would conflict with the fundamental aim of Green Belt policy and the purposes which Green Belt serves.

The need for the proposed development and alternative sites has been tested in detail in the Need and Alternatives section above.

With regard to determining whether there are very special circumstances, this concluded that there is evidence, to which substantial weight should be attached, showing that there is a need for a new crematorium to serve the eastern part of Greater Nottingham, focussed on the Arnold and Carlton areas of Gedling Borough and the western part of Newark and Sherwood District.

In addition, moderate weight should be given to the qualitative benefits that would arise from providing a new crematorium as a very special circumstance.

Only limited weight should be given to the need for a crematorium to be within the community it serves or to evidence of delays beyond the target period of 7 to 10 days, as a very special circumstance.

No weight should be given to addressing the issues identified with the management of the existing crematoria as a very special circumstance.

With regard to demonstrating that there is no alternative non-Green Belt location, it was concluded in the Need and Alternatives section that there is also substantial and convincing evidence that there are no alternative ways of meeting this need which would have less impact other than the current proposal. This included further consideration being given to the planning merits of locating a crematorium on the former Gedling Colliery site, as advised by the Orchard Farm Inspector. Substantial weight should therefore be given to the fact that there are not considered to be any alternatives to the proposed site.

In my opinion, therefore, the quantitative and qualitative evidence submitted with regard to need and alternative sites demonstrates that very special circumstances exist.

After careful consideration of the material planning considerations, and having attached substantial weight to the harm to the Green Belt, I consider that the very special circumstances necessary to support this proposal clearly outweigh the harm to the Green Belt by reason of inappropriateness and any other harm, including its effect upon openness and the purposes of Green Belt. In reaching this conclusion, I have also attached substantial weight to the comments of the Orchard Farm Inspector, who considered that the adequate provision of crematoria is an essential need and a planning consideration of the highest order.

## Landscape Considerations

The most relevant planning policies which need to be considered in relation to landscape matters are set out in paragraph 17 and Section 11 of the NPPF, Policies 10 and 16 of the ACS and Policies ENV37 and ENV43 of the RLP.

With regard to core planning principles, paragraph 17 of the NPPF states, amongst

other things, that planning should take account of the roles and character of different areas, recognise the countryside's intrinsic character and beauty, and contribute to conserving and enhancing the natural environment.

Paragraph 109 of the NPPF states, amongst other things, that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes.

Policy 10 of the ACS states, amongst other things, that new development will be assessed with regard to its potential impact on important landscape views and vistas and that, outside settlements, new development should protect, conserve or where appropriate enhance landscape character. In broad terms, this also reflects the aims of Section 11 of the NPPF.

The justification for Policy 10 states at paragraph 3.10.9 that the area has some distinctive and locally valued landscapes, such as the 'Dumbles Farmlands'. New development should have regard for the landscape in which it is located, for example the important ridge lines surrounding parts of the main built up area of Nottingham. Paragraph 3.10.10 of Policy 10 continues by stating that development should protect, conserve or, where appropriate, enhance landscape character, in line with the relevant Landscape Character Assessments. Particular regard will be had to the objective of protecting open countryside and historic landscapes, locating or siting development sensitively within the landscape, the likely impact of the scale of the development, the appropriateness of materials and detailed design, and the objective of preserving or enhancing biodiversity value.

Policy 16 of the ACS states that a strategic approach will be taken to the delivery, protection and enhancement of Green Infrastructure and requires, amongst other things, that Landscape Character is protected, conserved or enhanced where appropriate in line with the recommendations of the Greater Nottingham Landscape Character Assessment (GNLCA).

Policy ENV37 of the RLP states that development which would have an adverse effect on the visual, historic or nature conservation importance of a Mature Landscape Area (MLA), will be permitted only where it can be shown that there are reasons for the proposal that clearly outweigh the need to safeguard the areas intrinsic value. Where development is permitted proposals will be required to minimise the harm to the area.

Policy ENV43 of the RLP states that prior to granting planning permission for development within the Greenwood Community Forest area, the Council will seek to negotiate with developers to secure new tree or woodland planting as part of the development.

The potential landscape and visual effects of the proposed development have been assessed in the Landscape and Visual Impact Assessment (LVIA), as revised, which forms part of this application. The site is identified as falling within the 'Mid Nottinghamshire Farmland' Landscape Character Area and is classed as 'The Dumbles Rolling Farmland' landscape character type.

### *Landscape Character*

As a consequence of the previously revised plans, which show the overall crematorium

scheme condensed towards the south-western corner of the site, the northern, lower end of the site would remain open in character, which would have less impact on the character of the Lambley Dumble, close to its starting point.

I appreciate the concerns which have been expressed by local residents in terms of the impact of the proposed development on the local Landscape Character and Mature Landscape Area, and note that the County Council's Landscape Team has strengthened its view on this 'urbanising development' and the associated vehicle movement and noise, following the adoption of the ACS and the Orchard Farm appeal decision.

Whilst the County Council does consider that there is some mitigation in this instance, in that the site is closer to Mapperley Plains than Orchard Farm and is already subject to some road noise and the proximity of street lighting, the sharp division between urban and rural landscape character, which makes this landscape distinctive, would be lost, and a large proportion of the site would be dedicated to parking.

In addition, the County Council considers that the proposed development would also result in vehicle and operational noise being heard further down the valley than is currently the case.

Given the local value given to this landscape, supported by local planning policy, it is assessed by the County Council that the impact on landscape character would now be substantial moderate adverse, rather than slight adverse, as previously reported, which the County Council would assess as a significant impact.

However, I note that the County Council does not consider the proposed development would have too detrimental an impact on the ridgeline, particularly as the proposed building is situated at a slightly lower level than the road.

The County Council also considers that further mitigation of the impact on landscape character is achieved by the proposed development being contained within 'false field', which defines the non-rural development in the same way that the occasional residential properties and nearby Travellers Rest Public House are contained.

The proposed planting of an additional hedgerow parallel to Lambley Footpath No.33 would also reinforce the existing field pattern, especially in the context of the wider landscape.

Whilst the current site layout shows no further tree planting associated with the proposed works, the County Council suggests that tree planting in the inner hedge would also be appropriate and that the density of the trees along the footpath be reduced in order to replicate the existing pattern of tree/hedge planting in the landscape.

Should planning permission be granted, the County Council requests that planting proposals should be conditioned and that all hedge and tree species derived from the appropriate species list and be locally provenanced. In addition, details of the future use of the undeveloped parts of the whole site should be assessed.

Whilst the existing hedgerows along the eastern and western boundaries of the site are both classed as 'important' under The Hedgerow Regulations 1997, I am satisfied that

neither would be adversely affected by the proposed development and any gaps would be reinforced using native planting.

Although it would be necessary as part of the proposed development to remove, or cut back, part of the existing hedgerow along Catfoot Lane in order to create the site access and visibility splays, the potential impact of these on the existing hedgerow has been mitigated by the revised plans, which show the proposed visibility splays reduced. I note that these revised splays would be acceptable from both a highways and arboricultural viewpoint and that this particular hedgerow is not classed as 'important' under The Hedgerow Regulations.

The removal of the proposed cemetery land from the most recent amended layout plan has also reduced the potential impact of the proposed development on the landscape character of the area.

### *Visual Impact*

The proposed development would be sited on higher land at the top to the Dumble and close to a Primary Ridgeline. It would be visible from a number of public vantage points, including Lambley Footpath No.33, Catfoot Lane, Mapperley Plains and Nottingham Road, as well as from nearby residential and business properties.

I note that the County Council considers that the greatest visual impact would be upon users of the footpath, particularly when walking westwards and when the proposed development site would be prominent at the head of the valley. There would be a substantial adverse impact in that instance.

However, the County Council does consider that this impact could be mitigated to some extent by additional tree planting to the inner hedge line, which would filter views of the development for walkers using this path and make the development less prominent.

Furthermore, I note that the County Council considers that additional hedge line planting would also screen the development to some extent for viewers from the ridge to the north and west.

I consider that the visual impact of the proposed development on the landscape would be further mitigated by the retention of existing hedgerows and hedgerow trees around the site and the location of the crematorium near to the western boundary would take advantage of the natural screening provided by the more significant and mature vegetation within the hedgerows along the southern and western boundaries of the site.

The removal of the proposed cemetery land from the most recent amended layout plan has also reduced the potential visual impact of the proposed development.

I consider, therefore, on balance, that the proposed layout, scale, appearance and use of existing contours would minimise the overall visual impact of the proposed development and I am satisfied that the proposed levels would ensure that the proposed development would not be unduly prominent on the ridgeline.

### *Conclusions*

As stated by the County Council, there is no doubt that this is a landscape of high local value, to be conserved, and that the inherent rural character and openness are key contributors to its distinctiveness and landscape strength.

Although it is accepted by the County Council that the development has adopted a layout that would have least impact on the locality and where some appropriate mitigation can be implemented, I note that this is outweighed by the impact of greater volumes of traffic, noise and car parking, which can only represent creeping urbanisation and this is clearly in conflict with local policy regarding landscape character and protection of the openness of the this locality.

For the above reasons, it is evident that the proposed development would not accord with the aims of paragraph 17 and Section 11 of the NPPF, Policies 10 and 16 of the ACS and Policies ENV37 and ENV43 of the RLP in that it would not enhance the valued landscape character of the area. However, it would accord to a limited extent with the protection and conservation elements of these policies, if the mitigation measures recommended by the County Council are fully implemented.

In respect of mitigation, and as recommended by the County Council, the specific nature of the proposed new landscaping and its management could be addressed by the imposition of an appropriate condition, if permission is granted, requiring the submission of a landscape plan and landscape management plan. In my opinion, this would also meet the objectives of Policy ENV43 of the RLP.

Whilst I would attach considerable weight to adverse landscape considerations, I consider that any undue impact on the areas intrinsic value could be mitigated to a limited extent by appropriate landscaping and management and conclude in general that the impact of the proposed development on the local Landscape Character and Mature Landscape Area is therefore outweighed by the very special circumstances necessary to support this proposal. Nevertheless, in my opinion the landscape considerations are a negative factor in the overall planning balance.

#### Accessibility & Sustainability Considerations

The most relevant planning policies that need to be considered in relation to accessibility and sustainability are set out in paragraph 17 and Sections 4 and 10 of the NPPF, Policies A, 1 and 10 of the ACS and Policy ENV1 of the RLP. The 6C's Design Guide is also relevant. I would also attach some weight here, as did the Orchard Farm Inspector, to the relevant guidance documents for crematoria, issued by the former Department of the Environment and by the Federation of Burial and Cremation Authorities, which both refer to the need for sites to be accessible by public transport.

With regard to core planning principles, paragraph 17 of the NPPF states, amongst other things, that planning should support the transition to a low carbon future in a changing climate, manage patterns of growth to make the fullest use of public transport, walking and cycling and focus significant development in locations which are or can be made sustainable.

Section 4 of the NPPF states at paragraph 32 that plans and decisions should take account of whether the opportunities for sustainable transport modes have been taken

up, safe and suitable access to the site can be achieved for all people, and improvements can be undertaken within the transport network that cost-effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. This has already been dealt with to some extent under Highway Considerations.

Section 4 of the NPPF also requires at paragraph 34 that developments which generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised.

Paragraph 35 of the NPPF then states that developments should be located, where practical, to give priority to pedestrian and cycle movements, and have access to high quality public transport facilities and should consider the needs of people with disabilities by all modes of transport.

Section 10 of the NPPF states, amongst other things, that local planning authorities should plan for new development in locations which reduce greenhouse gas emissions, take account of water supply considerations and ensure that flood risk is not increased elsewhere.

Policy A of the ACS states that a positive approach will be taken when considering development proposals reflecting the presumption in favour of sustainable development contained in the NPPF. Where there are no policies relevant to the application, planning permission will be granted unless material considerations indicate otherwise – taking into account whether:

- a) any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework as a whole; or
- b) specific policies in that Framework indicate development should be restricted.

Policy 1 of the ACS requires all development proposals to deliver high levels of sustainability in order to mitigate against and adapt to climate change and to contribute to national and local targets on reducing carbon emissions and energy use and sets out how this should be achieved.

Policy 1 goes on to state, with regard to Sustainable Drainage, that all new development should incorporate measures to reduce surface water run-off, and the implementation of Sustainable Urban Drainage Systems into all new development will be sought, unless it can be demonstrated that such measures are not viable or technically feasible.

Policy 10 of the ACS requires all new development to be designed to be adaptable to meet evolving demands and the effects of climate change and reflect the need to reduce the dominance of motor vehicles and to perform highly when assessed against best practice guidance and standards for sustainability.

Policy ENV1 of the RLP states, amongst other things, that planning permission will be granted for development provided that it incorporates best practice in the protection and management of water resources.

In my opinion, the proposed development cannot be considered as 'significant' within the context of paragraph 17 of NPPF and I note that the Highway Authority does not consider that there will be a 'significant' increase in traffic as a result of the proposed development, which I consider reduces the weight which should be given to paragraph 17 and Section 4 of the NPPF.

Furthermore, it has been concluded in the Need and Alternatives section above that there is substantial and convincing evidence that there are no alternative ways of meeting the need which would have less impact other than the current proposal. In my opinion, it follows, therefore, that if there are no alternative sites which are not within the Green Belt or closer to the eastern edge of greater Nottingham, the application site must be the most achievable sustainable location, irrespective of any shortcomings with regard to accessibility.

There are no specific policies in the ACS with regard to crematoria and it has also been concluded in the above sections on Need and Alternatives and Green Belt Considerations that the adverse impacts of granting permission would not significantly and demonstrably outweigh the benefits.

Whilst I appreciate the comments that the distance of the site from Mapperley Plains and the nearest bus stop would make it difficult to access the site by alternative modes of transport, the scheme does incorporate improvements within the highway for pedestrian access and I am mindful that pedestrians access other local facilities in the Mapperley Plains area by foot.

In addition, the revised site layout now shows the addition of a pedestrian access in the south-west, corner of the site to Mapperley Plains, whereas previously pedestrian access into the site would have been gained solely via the proposed main site entrance. Whilst I would only attach slight weight to this particular feature, it does nonetheless reduce the distance to the site entrance for pedestrians travelling from the edge of the urban area, where the nearest bus stops are located, by approximately 85 metres. Once within the site, to reach the entrance of the proposed crematorium building, the reduction is a more modest figure of approximately 50 metres.

The distance between the pedestrian access to the site and the nearest bus stops on Mapperley Plains and Coppice Road for the No. 46 bus service is just under/over 1000 metres. The 6C's Design Guide states at paragraph 3.78, with regard to pedestrian access to bus routes, that in rural areas the walking distance to bus stops should not be more than 800 metres. However, to put the distance of 1000 metres into context, this is approximately the same distance as that between the Civic Centre and the middle of Arnold Town Centre, which I do not consider to be unreasonable in these circumstances.

I am also mindful that a planning obligation is being sought by the County Council towards the improvement of bus stop infrastructure in the vicinity of the site, which would improve accessibility further and to which some weight should be attached.

The encouragement of cycling as an alternative mode of transport for staff and visitors could be secured by the imposition of an appropriate condition, if planning permission is granted, requiring the provision of cycle stands.

With regard to the protection and management of water resources, I note that the proposed building would be constructed using local materials where possible and using a rainwater harvesting system to conserve water and re-use it for irrigation of the grounds. Furthermore, if planning permission is granted, an appropriate condition would need to be imposed to secure a surface water drainage scheme, based on sustainable principles, as required by the Environment Agency.

The Flood Risk Assessment (FRA), which has been carried out in accordance with the requirements of the NPPF, notes that sufficient open space is available within the development site to accommodate surface water attenuation storage in open Sustainable Urban Drainage System (SuDS) features.

I am also mindful that the proposed development would result in a reduction in travel miles across the city and a reduction in traffic on the city centre roads and the ring road, with a consequential reduction in greenhouse gas emissions and the carbon footprint of existing crematoria. However, I would only attach slight weight to the fuel and emissions savings which would arise as a consequence of the proposed development.

As no other site has come forward which is equal or better in terms of accessibility, I conclude that the current application site is the most achievable sustainable location to satisfy the need for the proposed development, for which there is substantial and convincing evidence. In reaching this conclusion, I am mindful that substantial weight has already been attached to the fact that there are not considered to be any alternatives to the proposed site.

It is considered, therefore, that the proposed development can be considered to be accessible and sustainable in accordance with paragraph 17 and Sections 4 and 10 of the NPPF, Policies A, 1 and 10 of the ACS and Policy ENV1 of the RLP.

In these circumstances, whilst I would attach considerable weight to accessibility and sustainability considerations, I do not consider that any shortcomings or weaknesses in relation to accessibility and sustainability should on its own outweigh the key considerations in relation to this application. As such, in my opinion the accessibility and sustainability considerations are limited positive factors in the overall planning balance.

### Highway Considerations

The most relevant planning policies which need to be considered in relation to highway matters are set out in Section 4 of the NPPF and Policies ENV1 and T10 of the RLP. The 6C's Design Guide is also relevant.

Section 4 of the NPPF states at paragraph 32 that all developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Plans and decisions should take account of whether the opportunities for sustainable transport modes have been taken up, safe and suitable access to the site can be achieved for all people, and improvements can be undertaken within the transport network that cost-effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

Policy ENV1 of the RLP states, amongst other things, that planning permission will be granted for development if it would not have a significant adverse effect on the amenities of adjoining occupiers or the locality in general, by reason of the level of activities on the site or the level of traffic generated. Development proposals should include adequate provisions for the safe and convenient access and circulation of pedestrians and vehicles and that, in this regard, particular attention will be paid to the needs of disabled people, cyclists, pedestrians and people with young children.

Policy T10 of the RLP refers to highway design and parking guidelines and states, amongst other things, that developers will not be required to provide more parking spaces than they consider necessary unless failure to provide enough off-street parking would harm road safety or prejudice the flow and management of traffic on nearby streets. In addition, Policy T10 requires that special attention will be paid to providing parking spaces reserved for disabled people in all non-residential development.

The 6C's Design Guide sets out the additional supporting details required to support development proposals. Although this application did not automatically require a Transport Statement, one was submitted and the Highway Authority has confirmed that in any case it is likely to have requested a Transport Statement, given the location of the proposed development. The Highway Authority has also confirmed that it would not expect the Transport Statement to be updated now to take into account the fact that Calverton has been identified as a Key Settlement in the Aligned Core Strategy for Gedling.

Whilst I appreciate the concerns which have been expressed with regard to different aspects of highway safety by the Parish Council's and local residents, I note that the Highway Authority does not consider the nature of the road to raise significant highway safety concerns.

In particular, although Catfoot Lane is of variable width, the Highway Authority does not consider the volumes of traffic using it to be any more than average; the actual percentile speed of vehicles is well below the permitted 60 mph; the reported accident statistics at the junction of Catfoot Lane and Mapperley Plains do not indicate that the junction is operating unsatisfactorily and the visibility splays meet the specified requirements.

It is accepted that the proposed development would lead to an increase in local traffic, but it has been demonstrated to the Highway Authority's satisfaction that this increase is not material and would not have a significant impact on the highway network.

I note that the Highway Authority has re-measured the visibility at the junction of Catfoot Lane with Mapperley Plains in view of the highway safety concerns raised in this respect and comments that the existing measured visibility to the right for vehicles giving way at the Catfoot Lane/Mapperley Plains Road junction is 109 metres. Whilst this is well below the current standard for a 60 mph road, which is 215 metres, the Highway Authority can only raise an objection if there would be a significant increase in traffic as a result of the development, which there is not in this case. I also note in this respect that the Highway Authority has not recommended that the number of cremations be restricted to 5 services per day, which both the Transport Statement and Travel Management Plan indicate is the average number of funerals per day, based on the total number of funerals expected per annum once the proposed development

reaches maturity.

The Highway Authority has confirmed that the most recent comments with regard to visibility at the Mapperley Plains/Catfoot Lane junction relate to the dimensions physically measured on site, but that the traffic generation from the proposed development is not significant enough to warrant any mitigation on the existing highway network.

As such, the Highway Authority has no objections in principle to the proposed development or the level of parking proposed, subject to the imposition of appropriate conditions regarding the provision of the visibility splays, vehicular access, footway and pedestrian island; the proposed access road, parking, turning and servicing areas; access gates and the submission of a Travel Plan.

The applicant's agent has checked the measurements for the proposed footway at the junction of Catfoot Lane with Mapperley Plains and has confirmed that there is sufficient space within the highway verge to undertake the required works to the highway in order to provide the proposed footpath.

In my opinion, the proposed development would include adequate provision for the safe and convenient access and circulation of pedestrians and vehicles, including provision for the needs of disabled people, cyclists, pedestrians and people with young children would be achieved.

Highway considerations do not form part of the case that very special circumstances exist which outweigh the harm to the Green Belt and any other harm caused.

If permission is granted, I am satisfied that the Travel Plan can be secured by means of an appropriate condition, in accordance with usual practice, rather than a section 106 Agreement, as suggested by the Highway Authority.

For the above reasons, I conclude that, subject to the proposed mitigation works, the proposed development would not have any significant impact on highway safety or traffic volumes and that there would be adequate provisions for the safe and convenient access and circulation of pedestrians and vehicles.

It is considered, therefore, that the proposed development would provide access, parking and turning arrangements in accordance with Section 4 of the NPPF, Policies ENV1 and T10 of the RLP. As such, in my opinion the highway considerations are a limited negative factor in the overall planning balance.

### Amenity Considerations

The most relevant planning policies that need to be considered in relation to residential amenity are set out in Section 11 of the NPPF, Policy 10 of the ACS and Policy ENV1 of the RLP.

Paragraph 123 of the NPPF states, amongst other things, that planning decisions should aim to avoid any adverse noise impacts as a result of new development. Policy ENV1 of the RLP states, amongst other things, that planning permission will be granted for development provided that it would not have a significant adverse effect on

the amenities of adjoining occupiers or the locality in general, by reason of the level of activities on the site or the level of traffic generated. This is reflected more broadly in Policy 10 of the ACS.

Whilst there would be an increased amount of traffic activity generated in the area, the nature of the proposed use would mean that this would mainly be limited to daytime hours during the week. I am satisfied, therefore, that the proposed use would not have any significant adverse impact on nearby properties due to the level of activities on the site or the level of traffic generated. For the same reason, I do not consider that the proposed development would give rise to any adverse noise impacts.

I do not consider that there would be any adverse loss of amenity to the nearest residential properties or businesses, in terms of overlooking, overshadowing or overbearing issues, given the distance of the proposed crematorium from these.

Whilst the distance between crematoria and residential properties is controlled by other legislation (the Cremation Act 1902, which states, amongst other things, that no crematorium shall be constructed nearer to any dwelling-house than 200 yards), I can confirm that the nearest residential property (The Lighthouse) to the proposed crematorium, measured building to building, is approximately 280 yards.

The change or loss of existing views to nearby residential properties or businesses is not a material planning consideration.

However, I am mindful of the comments of the Orchard Farm Inspector, who considered that to locate a crematorium site directly adjacent to a residential property and its curtilage would involve a significant risk of causing harm to the likely sensitivities of neighbouring occupiers, to which some weight should be given.

For the above reasons, whilst I am satisfied that the proposed development would not have an unduly detrimental impact on the amenity of nearby residents or businesses in accordance with the aims of Section 11 of the NPPF, Policy 10 of the ACS and Policy ENV1 of the RLP. However, in my opinion the amenity considerations are a limited negative factor in the overall planning balance.

### Ecological Considerations

The most relevant planning policies which need to be considered in relation to ecological matters are set out in Section 11 of the NPPF and Policy 17 of the ACS.

Section 11 of the NPPF advises, at paragraph 118, that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying a number of principles, including the encouragement of opportunities to incorporate biodiversity in and around developments. If significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

Policy 17 of the ACSSD seeks, amongst other things, to ensure that biodiversity will be increased over the Core Strategies period by:

- a) Protecting, restoring, expanding and enhancing existing areas of biodiversity

interest, including areas and networks of habitats and species listed in the UK and Nottinghamshire Biodiversity Action Plans;

- b) Ensuring that fragmentation of the Green Infrastructure network is avoided wherever appropriate and improvements to the network benefit biodiversity through the incorporation of existing habitats and the creation of new habitats.
- c) Seeking to ensure that new development provides new biodiversity features, and improves existing biodiversity features wherever appropriate;
- d) Supporting the need for the appropriate management and maintenance of existing and created habitats through the use of planning conditions, planning obligations and management agreements; and
- e) Ensuring that where harm to biodiversity is unavoidable, and it has been demonstrated that no alternative sites or scheme designs are suitable, development should as a minimum mitigate or compensate at a level equivalent to the biodiversity value of the habitat lost.

The presence of a protected species is a material planning consideration and I note that a Phase 1 Habitat Survey has been undertaken and forms part of this application. The Survey found that no nationally or locally designated nature conservation sites would be affected by the proposals and that there is no evidence of protected species on the site, although a number of bat species have been observed in the immediate area. However, due to the period of time which has elapsed since the application was originally submitted, it would be necessary, if planning permission is granted, for an appropriate condition to be imposed to secure an updated badger survey.

As part of the proposed development, additional lengths of hedgerow would be planted around the condensed site for the proposed crematorium and along the western side of the existing footpath. There is also potential for the existing hedgerows around the site to 'gapped up' and reinforced using native species and for the resulting larger, open field to be semi-managed and maintained as rough grass and meadow, which can be secured by the imposition of appropriate conditions, if permission is granted, requiring the submission of a landscape plan.

I note that the County Council's Conservation Team considers that majority of the site is of low ecological value and that both the County Council and NWT are satisfied that any potential ecological impacts can be mitigated by the imposition of appropriate conditions, if planning permission is granted.

In addition, both the County Council and NWT consider that the biodiversity value of the site can be enhanced by the imposition of appropriate conditions, if planning permission is granted, to secure a detailed landscape scheme and landscape management plan.

For the above reasons, it is considered that the proposed development would conserve and enhance biodiversity in accordance with the aims of paragraph 118 of the NPPF and Policy 17 of the ACS. As such, in my opinion the ecological considerations are a limited positive factor in the overall planning balance.

#### Pollution Considerations

The most relevant planning policies that need to be considered in relation to pollution are set out in Section 11 of the NPPF and Policy ENV11 of the RLP.

Paragraph 109 of the NPPF states, amongst other things, that the planning system should contribute to and enhance the natural and local environment by preventing new development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution.

Policy ENV11 of the RLP states, amongst other things, that planning permission will not be granted for pollution generating development which would result in unacceptable risk to the health and safety of residents or users of nearby properties; unacceptable nuisance to users or residents of nearby properties or the surroundings in general by reason of smoke, fumes, gases; or harm to the natural environment or the landscape.

Whilst I appreciate the concerns which have been raised in respect of emissions from the proposed development and air quality, I note from the Design and Access Statement that the proposed building will include abatement plant which minimises emissions to air.

I also note that paragraph 122 of the NPPF advises that local planning authorities should focus on whether the development itself is an acceptable use of the land, and the impact of the use, rather than the control of processes or emissions themselves where these are subject to approval under pollution control regimes. Local planning authorities are advised to assume that these regimes will operate effectively. In this instance, a separate application would need to be made to the Borough Council for an Environmental Permit in order for the facility to operate, and all pollution issues would be dealt with via this route.

With regard to surface and foul water disposal, I note that the Environment Agency has no objections in principle, subject to the imposition of an appropriate condition requiring details of a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development. I also note that Severn Trent Water has no objection and no comments regarding sewerage.

With regard to light pollution, I would comment that this end of Catfoot Lane is already affected by the existing street lights along Mapperley Plains, night time traffic along Mapperley Plains, lights at the Travellers Rest Public House and the floodlights at the Mellish Rugby Football Club (when in use). There are also three streetlights along Catfoot Lane between Mapperley Plains and the application site.

Given the nature of the proposed use, it is considered that the additional lighting which would be introduced into the area by the proposed development would not unduly exacerbate this existing situation and the overall effect would be limited by the revised layout and the imposition of an appropriate condition to control the extent and type of lighting to be provided. This accords broadly with the aims of paragraph 125 of the NPPF, which advises that planning decisions should limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

For the above reasons, I conclude that the proposed development would not contribute to unacceptable levels of soil, air, water or noise pollution or result in unacceptable

risk, nuisance or harm to the health and safety of residents or users of nearby properties, the surroundings in general, the natural environment or the landscape.

It is considered, therefore, that the proposed development would accord with Section 11 of the NPPF and Policy ENV11 of the RLP. As such, in my opinion pollution considerations are a neutral factor in the overall planning balance.

### Water Environment Considerations

The most relevant planning policies that need to be considered in relation to the water environment are set out in Section 10 of the NPPF, Policy 1 of the ACS and Policy ENV40 of the RLP.

Section 10 of the NPPF states at paragraph 101, that new development should be steered to areas with the lowest probability of flooding.

Policy 1 of the ACS states that development proposals that avoid areas of current and future flood risk and which do not increase the risk of flooding elsewhere will be supported.

Policy ENV40 of the RLP states, amongst other things, that planning permission will not be granted for development that would have an adverse effect on water quality and associated wildlife habitats of Lambley Dumble.

The FRA concludes that the proposed site is within Flood Zone 1, an area with low fluvial flood risk, and is not considered to be at risk from any source. As the proposed development would increase the impermeable area of the site, any increase in surface water run-off would need to be carefully managed. If there is no potential for infiltration drainage, the proposed development should discharge to the Dumble watercourse at greenfield rates. As already noted above, sufficient open space is available within the development site to accommodate surface water attenuation storage in open SUDS features.

The FRA also concludes that the proposed development would not increase flood risk to the wider catchment area as a result of suitable management of surface water run-off discharging from the site.

I note that the Environment Agency has no objections in principle to the proposed development, but recommends the imposition of a condition requiring details of a surface water drainage scheme for the site, in order to prevent the increased risk of flooding; to improve and protect water quality; to improve habitat and amenity; and to ensure the future maintenance of the sustainable drainage structures.

I consider it would be appropriate, should planning permission be granted, that the additional information provided by the Environment Agency is drawn to the applicant's attention by means of an informative note.

For the above reasons, I conclude that the proposed development would not have any undue impact on the water quality and associated wildlife habitats of Lambley Dumble, avoids areas of current and future flood risk and would not increase the risk of flooding elsewhere.

It is considered, therefore, that the proposed development would accord with Section

10 of the NPPF, Policy 1 of the ACS and Policy ENV40 of the RLP. As such, in my opinion the water environment considerations are a neutral factor in the overall planning balance.

### Footpath Considerations

Although there are no specific policies regarding public footpaths, the most relevant planning policies that need to be considered in relation to the public footpath are set out in Policy 10 of the ACS and Policy ENV1 of the RLP, as the impact of the proposed new hedgerows on the local landscape have already been considered above.

Policy 10 of the ACS requires, amongst other things, that all new development should be designed to create an attractive, safe, inclusive and healthy environment. Policy ENV1 of the RLP states, amongst other things, that new development should have regard to the appearance of the area and does not adversely affect the area by reason of its layout and that development proposals include adequate provisions for the safe and convenient access and circulation of pedestrians.

Whilst I note the comments of local residents about the visual and physical impact of the proposed new hedgerow alongside the footpath, I am mindful that the County Council has raised no objections to this from either a landscape or rights of way point of view, and considered that this would reinforce the existing field pattern, subject to the proposed new hedgerow being sufficiently offset to accommodate the footpath and to take into account future hedgerow growth and vegetation overhang and a reduction in the density of new trees along the footpath. This can be addressed by the imposition of an appropriate condition, if permission is granted, requiring the submission of a landscape plan.

In my opinion, the location of the proposed crematorium buildings near to the western boundary of the site would reduce any potential impact on users of Lambley Footpath No.33, both during construction or when the proposed development is operational.

Given the nature of the proposed use, therefore, it is considered that there will be minimal impact upon users of the right of way, which has been designed into the development, as requested by the Ramblers Association.

For the above reasons, it is considered that the proposed development would have no undue impact on Lambley Footpath No.33 and would accord with the relevant aims of Policy 10 of the ACS and Policy ENV1 of the RLP. As such, in my opinion the footpath considerations are a neutral factor in the overall planning balance.

### Minerals Considerations

The most relevant planning policies that need to be considered in relation to minerals are set out in Section 13 of the NPPF.

Paragraph 142 of the NPPF states that since minerals are a finite resource, and can only be worked where they are found, it is important to make the best use of them to secure their long-term conservation.

Paragraph 143 then states that local planning authorities should set out policies to encourage the prior extraction of minerals, where practicable and environmentally

feasible, if it is necessary for non-mineral development to take place.

I note that the applicant's agent has discussed the issue of prior extraction with the County Council's Minerals Officers and that the County Council has confirmed that as the current permitted reserves for the Dorket Head brickworks will last until 2034 and the site is only located partly within a minerals safeguarding area, the need for the proposed development outweighs the need for the mineral in this instance.

For the above reasons, it is considered that the proposed development would not conflict with the aims of Section 13 of the NPPF. As such, in my opinion the minerals considerations are a neutral factor in the overall planning balance.

### Design Considerations

The most relevant planning policies that need to be considered in relation to design are set out in Section 7 of the NPPF, Policy 10 of the ACS and Policy ENV1 of the RLP.

Section 7 of the NPPF states at paragraph 58 that planning decisions should aim to ensure that developments will function well and add to the overall quality of the area, over the lifetime of the development, and are visually attractive as a result of good architecture and appropriate landscaping.

Paragraph 63 of the NPPF states that in determining applications, great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area.

Policy 10 of the ACS requires all new development to be designed to a high standard and sets out in detail how this should be assessed. The most relevant design elements in this instance include the site layout; massing, scale and proportion; materials, architectural style and detailing.

Policy ENV1 of the RLP states, amongst other things, that planning permission will be granted for development provided that it is of a high standard of design which has regard to the appearance of the area and does not adversely affect the area by reason of its scale, bulk, form, layout or materials.

Whilst I appreciate the concerns which have been expressed in respect of design, I note that the Borough Council's Urban Design Consultant considers that the appearance of the proposed development is low key, modest in height and form and has no objection in principle to the design as proposed. In addition, the layout has been revised so as to be consistent with the landscape in the immediate locality.

The impact of the proposed development on the local landscape has been considered earlier in this report.

Whilst I am satisfied that the proposed development would be designed in accordance with the relevant design aims of the NPPF, Policy 10 of the ACS and Policy ENV1 of the RLP, I do not consider its design to be of such merit as to warrant great weight in the planning balance. As such, in my opinion design considerations are a neutral factor in the overall planning balance.

### Planning Obligations

The relevant planning policies which need to be considered in relation to S106 planning obligations are set out in paragraphs 173-177 and 203-206 of the NPPF, in relation to plan-making and decision- taking, and Policies 18 and 19 of the ACS.

Paragraph 173 of the NPPF states that to ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable.

Paragraph 204 of the NPPF states that planning obligations should only be sought where they meet all of the following tests:

- Necessary to make the development acceptable in planning terms;
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development.

Policy 18 of the ACS requires new development to be supported by the required infrastructure (including any necessary community facilities) and that contributions will be sought from developers for infrastructure needed to support the development. This is in line with the planning obligations tests set out in paragraph 204 of the NPPF.

Policy 19 of the ACS states that all development will be expected to:

- Meet the reasonable cost of new infrastructure required as a consequence of the proposal;
- Where appropriate, contribute to the delivery of necessary infrastructure to enable the cumulative impacts of developments to be managed, including identified transport infrastructure requirements; and
- Provide for the future maintenance of facilities provided as a result of the development.

I am satisfied that the planning obligation sought by the County Council towards the provision of bus stop infrastructure in the vicinity of the site, which would improve accessibility, meets the tests set out in the NPPF and would accord with the relevant aims of Policies 18 and 19 of the ACS.

The current position in relation to the planning obligation is that the applicant has agreed to pay a financial contribution to fund Real Time Displays and Associated Electrical Connection at bus stop GE0420 Edison Way and this would be secured via a S106 planning obligation.

#### Secretary of State Referral

Under the provisions of the Town and Country Planning (Consultation) (England) Direction 2009, the Secretary of State for Communities and Local Government must be consulted if a local planning authority does not propose to refuse an application for

planning permission to which the Direction applies.

### *Green Belt*

The Direction relates to inappropriate development on land within the Green Belt, as now identified in the NPPF, which consists of or includes:

- a) The provision of a building or buildings where the floor space to be created by the development is 1000 square metres or more; or
- b) Any other development which, by reason of its scale or nature or location, would have a significant impact on the openness of the Green Belt.

I am mindful that following the previous decision of the Borough Council to grant planning permission, a request was made from a third party for the Secretary of State to intervene in the planning application and call it in.

Whilst the Secretary of State subsequently decided not to intervene, and the removal of the proposed cemetery and associated hard surfaced areas from the revised proposal has reduced its overall impact on the openness of the Green Belt to some extent, I am of the opinion that the cumulative impact of the proposed building and associated hard surfaced areas would have a significant impact on the openness of the Green Belt in this location and that the application should be referred to the Secretary of State on this ground.

### *Development Outside Town Centres*

The Direction relates to retail, leisure or office development which is out-of-town; not in accordance with the development plan; and consists or includes the provision of buildings over 5,000 square metres (including new development of 2,500 square metres or more which, when aggregated with existing floor space, would exceed 5,000 square metres).

As the proposed development does not relate to retail, leisure or office development, the application would not need to be referred on this ground.

### *Sport England*

The Direction applies, amongst other things, when Sport England has objected to a proposed development in the Green Belt which involves the loss of a playing field and an alternative or replacement playing field is proposed that does not match that which would be lost.

As the proposed development does not involve the loss of a playing field, the application would not need to be referred on this ground.

### *Environment Agency*

The Direction applies when the Environment Agency has objected to a proposed major development in a flood risk area and the objection has not been withdrawn.

As the EA have not objected to the proposal, the application would not need to be

referred on this ground.

### Other Issues

With regard to other issues raised, I would comment as follows:

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.

Consultation on these applications has been carried out in accordance with the adopted Statement of Community Involvement. All residents have been able to make comments on the planning applications, if they so wished. As part of the application process the applicants have presented information about a range of alternative sites which have been considered.

The ACS makes provision for 7250 new dwellings within Gedling Borough for the period up to 2028. This would clearly result in an increase in the population and therefore also in the number of deaths and need for crematoria.

It is agreed that, as per section 38(6) of the Planning and Compulsory Purchase Act 2004, planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, the development plan is made up of:

- The Aligned Core Strategy for Gedling Borough (September 2014); and
- The Replacement Local Plan (Certain Policies Saved 2014).

Consultation arrangements prior to the submission of an application are a matter for the prospective developer.

The application is accompanied by the necessary supporting documents, which have been assessed by the Borough Council's consultees.

Each application is dealt with on its own merits and granting permission would not set a precedent for other development in the area or to expand the proposed development in future.

The potential psychological effect of the proposed development on local residents, young or old, is not a material planning consideration.

The proposed development would not involve the loss of Grade 1 or Grade 2 agricultural land.

The potential impact of the proposed development on the value or structural stability of existing properties is not a material planning consideration.

Bearing in mind that a relatively small proportion of cremations take place outside of the core hours, I do not consider the imposition of a condition restricting the operation of the proposed development to these hours would be effective.

In order to operate, an Environmental Permit has to be issued by the Borough Council. Once approved, the operator would either have a continuous emissions monitor fitted, or would have annual emissions monitoring conducted to comply with the limits in the permit. Any changes in operation which could affect emissions would require a variation to the permit to again prevent or minimise impacts.

It is normal practice for prospective developers to undertake improvements on the public highway, at their own expense, as part of a proposed development.

The management and security of commercial premises are the responsibility of the operator.

The Approved Judgement of the Court of Appeal was handed down in January 2015.

### Conclusions and Planning Balance

I would first advise Members that in his decision letter on the Orchard Farm appeal, the Inspector stated at paragraph 11 that:

*“Any future planning decisions relating to the Westerleigh site itself are, in the first instance at least, matters solely for the Council. For the avoidance of doubt, nothing in my decision is intended to fetter the Council’s discretion in that regard.”*

After reviewing the evidence provided by the applicant and other consultees, including Lymn’s, CCOG and Nottingham City Council it is concluded that:

1. There is a need for the capacity to accommodate at least 610 cremations per month in Greater Nottingham compared to existing capacity to hold 557 cremations per month. The table below sets out the Borough Council’s assessment of capacity across different spatial scales.

	Requirement		Capacity	
	Per Year	Per Month	Per Year	Per Month
Greater Nottingham	7320	610	6684	557
Nottinghamshire	10680	890	11974	998
Nottinghamshire plus Erewash	11808	984	11974	998

2. There are over 94,000 people to the east of Greater Nottingham who do not live within a 30 minute cortege travel time of existing crematoria.
3. There is evidence that cremations are taking place beyond the target period of 7-10 days. The reasons for this are unclear and are likely to be the result of a number of factors.

4. There are not considered to be any alternative locations or ways of meeting that need other than the current application.

Overall, it is considered that there is a need for a new crematorium to serve the Arnold and Carlton areas of Greater Nottingham and that there are no alternative ways of meeting that need to the current proposal.

There is clear evidence, therefore, to which substantial weight should be attached, showing that very special circumstances exist for allowing a new crematorium to serve the eastern part of Greater Nottingham, focussed on the Arnold and Carlton areas of Gedling Borough and the western part of Newark and Sherwood District.

After careful consideration of the Development Plan and the Green Belt policies of the Framework, I have attached substantial weight to the harm to the Green Belt, and the other harms. I consider that there are very special circumstances which clearly outweigh the harm to the Green Belt by reason of inappropriateness and any other harm, including its effect upon openness and the purposes of the Green Belt.

I consider that the impact of the proposed development on the intrinsic value of the local Landscape Character and Mature Landscape Area is outweighed by the very special circumstances necessary to support this proposal.

In my opinion the proposed development would not give rise to any undue impacts on highway safety and would provide reasonable accessibility and transport choice, bearing in mind that there are not considered to be any alternative locations or ways of meeting the need for a new crematorium.

I also consider that the proposed development would not give rise to any undue impacts with regard to pollution, the water environment, the amenity of nearby residential properties and businesses; ecology; the design of the proposed development; and its impact on the public footpath.

When taken in the round, I am satisfied that the proposed development would contribute to the achievement of sustainable development, making economic, environmental and social progress for this and future generations.

In reaching this conclusion, I have also attached substantial weight to the comments of the Orchard Farm Inspector, who considered that the adequate provision of crematoria is an essential need and a planning consideration of the highest order.

Having attached weight to the material planning considerations and assessed whether these are positive or negative factors in the overall planning balance, it is evident that the positive planning considerations clearly outweigh the negative planning considerations.

As such, the planning considerations set out and discussed above indicate that the proposed development would largely accord with the relevant national and local planning policies. Where the development conflicts with the Framework or Development Plan, in my opinion that other material considerations indicate that permission should be granted. The benefits of granting the proposal outweigh any adverse impact of departing from the Development Plan and Framework.

In my opinion, therefore, that the proposal largely complies with the aims of Sections 4, 7, 8, 9, 10, 11 and 13 of the National Planning Policy Framework, Policies A,1, 3, 10, 12, 16, 17, 18 and 19 of the Aligned Core Strategy for Gedling Borough (September 2014) and Policies C1, ENV1, ENV11, ENV37, ENV40, ENV43 and T10 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).

**Recommendation: GRANT PLANNING PERMISSION, subject to the applicant entering into a Section 106 planning obligation with the County Council towards the provision of bus stop infrastructure; and subject to the following conditions:**

### **Conditions**

1. The development must be begun not later than three years beginning with the date of this permission.
2. The development hereby approved shall be built in accordance with the approved Elevations (04 Rev 4), Floor Plan (05), Floral Tribute Plans and Elevations (06) and Sections (M052.D.LS02) drawings, deposited on 23rd May 2012; Proposed Footway drawings (SCP/11100/D01 APPENDIX 4 Rev B), received on 31st July 2012 and Site Layout drawing (GD01\_P(0)001 REV A), received on 6th October 2014.
3. Before development is commenced there shall be submitted to and approved in writing by the Borough Council details of the materials to be used in the external elevations of the proposed building. Thereafter the development shall be carried out in accordance with approved materials, unless otherwise prior agreed in writing by the Borough Council.
4. Before development is commenced there shall be submitted to and approved in writing by the Borough Council details of the means of enclosure of the site. Thereafter the development shall be carried out in accordance with approved means of enclosure, unless otherwise prior agreed in writing by the Borough Council.
5. Before development is commenced there shall be submitted to and approved in writing by the Borough Council details of any proposed alterations to the existing ground levels of the site, other than those shown on Sections drawing (M052.D.LS02). Thereafter the development shall be carried out in accordance with approved details, unless otherwise prior agreed in writing by the Borough Council.
6. Before development is commenced there shall be submitted to and approved in writing by the Borough Council details of the means of surfacing of the access road, driveways, car parking areas, turning and servicing areas and other unbuilt on portions of the site. The access road, driveways, car parking areas, turning and servicing areas and other unbuilt on portions of the site shall be provided and completed in accordance with the approved details before the development is first brought into use and the parking, turning and servicing areas shall not be used for any other purpose other than the parking, turning,

loading and unloading of vehicles.

7. Before development is commenced there shall be submitted to and approved in writing by the Borough Council details of the proposed access gates, which shall open inwards only and be set back a minimum of 5.00 metres from the highway boundary. The gates shall be provided in accordance with the approved details before the development is first brought into use and shall be retained for the lifetime of the development, unless otherwise prior agreed in writing by the Borough Council.
8. Before development is commenced there shall be submitted to and approved in writing by the Borough Council details of any means of surfacing or enclosure on the remaining land on the northern and eastern part of the site, beyond the new hedgerows. Any surfacing or enclosure shall be provided in accordance with the approved details and shall be retained for the lifetime of the development, unless otherwise prior agreed in writing by the Borough Council.
9. Before development is commenced there shall be submitted to and approved in writing by the Borough Council, details of a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed and shall be retained for the lifetime of the development, unless otherwise prior agreed in writing by the Borough Council. The scheme to be submitted shall demonstrate the utilisation of holding sustainable drainage techniques; the limitation of surface water run-off to equivalent greenfield rates; the ability to accommodate surface water run-off on-site up to the critical 1 in 100 year event plus an appropriate allowance for climate change, based upon the submission of drainage calculations; and responsibility for the future maintenance of drainage features.
10. Before development is commenced there shall be submitted to and approved in writing by the Borough Council details of all external plant, including extract units, air conditioning systems, flues, fans & vents. The external plant shall be provided in accordance with the approved details before the development is first brought into use and shall be retained for the lifetime of the development, unless otherwise prior agreed in writing by the Borough Council.
11. Before development is commenced there shall be submitted to and approved in writing by the Borough Council details of all external lighting, including levels of illumination, to be provided on the proposed building or elsewhere within the site. The external lighting shall be provided in accordance with the approved details before the development is first brought into use and shall be retained for the lifetime of the development, unless otherwise prior agreed in writing by the Borough Council.
12. Before development is commenced there shall be submitted to and approved in writing by the Borough Council details of cycle stands for staff and visitors. The cycle stands shall be provided in accordance with the approved details before the development is first brought into use and shall be retained for the lifetime of the development, unless otherwise prior agreed in writing by the Borough Council.

13. Before development is commenced there shall be submitted to and approved in writing by the Borough Council a landscape plan of the whole site showing the position, type, planting size and seed mix of all trees, shrubs, grassland and meadow areas proposed to be planted and sown, including details of proportions, establishment methods and the maintenance regime and, where appropriate, details of any existing trees and hedges to be felled, removed or retained. The landscape plan shall include native species of local provenance. The approved landscape plan shall be carried out in the first planting season following the substantial completion of the development. If within a period of five years beginning with the date of the planting of any tree, hedge, shrub or seeded area, that tree, shrub, hedge or seeded area, or any tree, hedge, shrub or seeded area that is planted in replacement of it, is removed, uprooted or destroyed or dies, or becomes in the opinion of the Borough Council seriously damaged or defective, another tree, shrub or seeded area of the same species and size as that originally planted shall be planted at the same place, unless otherwise prior agreed in writing by the Borough Council.
14. Before development is commenced there shall be submitted to and approved in writing by the Borough Council an ecological enhancement plan of the whole site showing the inclusion of badger gates within any proposed fences, the installation of bird, bat and bug boxes and the creation of a wildlife friendly pond. The ecological enhancement plan shall be implemented in accordance with the approved details and shall be retained for the lifetime of the development, unless otherwise prior agreed in writing by the Borough Council.
15. Before development is commenced there shall be submitted to and approved in writing by the Borough Council details of a landscape and ecological management plan, detailing how habitats retained and created as part of the landscaping scheme will be managed and maintained, in order to maximise their value. The landscape management plan shall be implemented in accordance with the approved details and shall be retained for the lifetime of the development, unless otherwise prior agreed in writing by the Borough Council.
16. Before development is commenced there shall be submitted to and approved in writing by the Borough Council details of a scheme for the protection of the existing hedgerows and hedgerow trees which form the boundaries of the site. The scheme shall be implemented in accordance with the approved details and shall be retained until all construction works have been completed.
17. Before development is commenced, an updated badger survey shall be undertaken by an appropriately qualified ecologist and the outcome reported to the Borough Council. If any badgers are found to be present, details of any proposed mitigation measures shall be submitted to and approved in writing by the Borough Council before development commences. The mitigation measures shall be implemented in accordance with the approved details before development commences.
18. No part of the development hereby permitted shall be brought into use until the visibility splays shown on drawing no: SCP/11100/D01 APPENDIX 4 Rev B have been provided. The area within the visibility splays referred to in this condition shall thereafter be kept free of all obstructions, structures or erections

exceeding 0.90 metres in height.

19. No operation of the use hereby permitted shall commence on any part of the application site unless or until the vehicular access and footway on the south side of Catfoot Lane has been provided between the site access point and the B684 Mapperley Plains, together with the provision of a pedestrian island on the B684, as shown for indicative purposes only on drawing no: SCP/11100/D01 APPENDIX 4 Rev B.
20. No part of the development hereby permitted shall become operational until a Travel Plan has been submitted to and approved in writing by the Borough Council. The Travel Plan shall set out proposals (including targets, a timetable and enforcement mechanism) to reduce the traffic and environmental impacts of the development and shall include arrangements for monitoring of progress of the proposals. The Travel Plan shall be implemented in accordance with the timetable set out in that plan and shall subsist for the lifetime of the development, unless otherwise prior agreed in writing by the Borough Council.
21. No vegetation clearance or ground works shall take place on site during the bird nesting season (1st March to 31st August inclusive in any given year), unless pre-commencement checks for nesting birds have been undertaken by an appropriately qualified ecologist and the outcome reported to the Borough Council. If any nesting birds are found to be present, details of any proposed mitigation measures shall be submitted to and approved in writing by the Borough Council before the development commences. The mitigation measures shall be implemented in accordance with the approved details before development commences.

## **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 allow a proportionate approach to minor material amendments.
3. To ensure that the materials to be used in the external elevations of the proposed building are satisfactory, in accordance with the aims of Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).
4. To ensure that the means of enclosure of the development are satisfactory, in accordance with the aims of Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).
5. To ensure that any alterations to the existing ground levels of the site are satisfactory, in accordance with the aims of Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).
6. To ensure that the means of surfacing of the development are satisfactory and to ensure a satisfactory development, in accordance with the aims of Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved

2014).

7. To ensure that the details of the proposed access gates are satisfactory and in the interests of highway safety, in accordance with the aims of Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).
8. To ensure that any means of surfacing or enclosure on the remaining land on the northern and eastern part of the site is satisfactory, in accordance with the aims of Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).
9. To ensure the provision of a satisfactory surface water drainage scheme; to prevent the increased risk of flooding; to improve and protect water quality; to improve habitat and amenity; and to ensure the future maintenance of the sustainable drainage structures, in accordance with the aims of Section 10 of the National Planning Policy Framework, Policies ENV1 and ENV40 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014) and Policy 1 of the Aligned Core Strategy for Gedling Borough (September 2014).
10. To ensure that the details of external plant are satisfactory, in accordance with the aims of Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).
11. To ensure that the details of external lighting are satisfactory in the interests of visual amenity and to ensure a satisfactory development, in accordance with the aims of Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).
12. To ensure that cycle stands are provided and that the details are satisfactory, in accordance with the aims of Section 4 of the National Planning Policy Framework, Policy ENV1 of the Gedling Borough replacement Local Plan (Certain Policies Saved 2014).
13. To ensure the provision of an appropriate landscape plan for the whole site in the interests of visual amenity and to enhance biodiversity, in accordance with the aims of Section 11 of the National Planning Policy Framework, Policies 10 and 17 of the Aligned Core Strategy for Gedling Borough (September 2014) and Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).
14. To ensure the provision of ecological enhancements to enhance biodiversity, in accordance with the aims of Section 11 of the National Planning Policy Framework and Policy 17 of the Aligned Core Strategy for Gedling Borough (September 2014).
15. To ensure the provision of a landscape management plan to maximise the value of new habitats and enhance biodiversity, in accordance with the aims of Section 11 of the National Planning Policy Framework and Policy 17 of the Aligned Core Strategy for Gedling Borough (September 2014).
16. To ensure the provision of a scheme for the protection of the existing hedgerows and hedgerow trees, to minimise any potential impacts on

biodiversity and the landscape in accordance with the aims of Section 11 of the National Planning Policy Framework and Policy 17 of the Aligned Core Strategy for Gedling Borough (September 2014).

17. To ensure the provision of an updated badger survey to minimise any potential impacts on biodiversity, in accordance with the aims of Section 11 of the National Planning Policy Framework and Policy 17 of the Aligned Core Strategy for Gedling Borough (September 2014).
18. To ensure that visibility splays are provided in the interests of highway safety, in accordance with the aims of Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).
19. To ensure that the vehicular access and footway on the south side of Catfoot Lane are provided in the interests of highway safety, in accordance with the aims of Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).
20. To ensure the traffic and environmental impacts of the development are mitigated and to ensure a satisfactory development, in accordance with the aims of Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).
21. To minimise any potential impacts on biodiversity in accordance with the aims of Section 11 of the National Planning Policy Framework and Policy 17 of the Aligned Core Strategy for Gedling Borough (September 2014).

### **Notes to Applicant**

The Environment Agency advises that condition 9 should not be altered without its prior notification to ensure that the above requirements can be incorporated into an acceptable drainage scheme that reduces the risk of flooding.

The Environment Agency does not consider oversized pipes or box culverts as sustainable drainage. Should infiltration not be feasible at the site, alternative above ground sustainable drainage should be used.

The Environment Agency advises that surface water run-off should be controlled as near to its source as possible through a sustainable drainage approach to surface water management. Sustainable Drainage Systems (SuDS) are an approach to managing surface water run-off which seeks to mimic natural drainage systems and retain water on-site, as opposed to traditional drainage approaches which involve piping water off-site as quickly as possible.

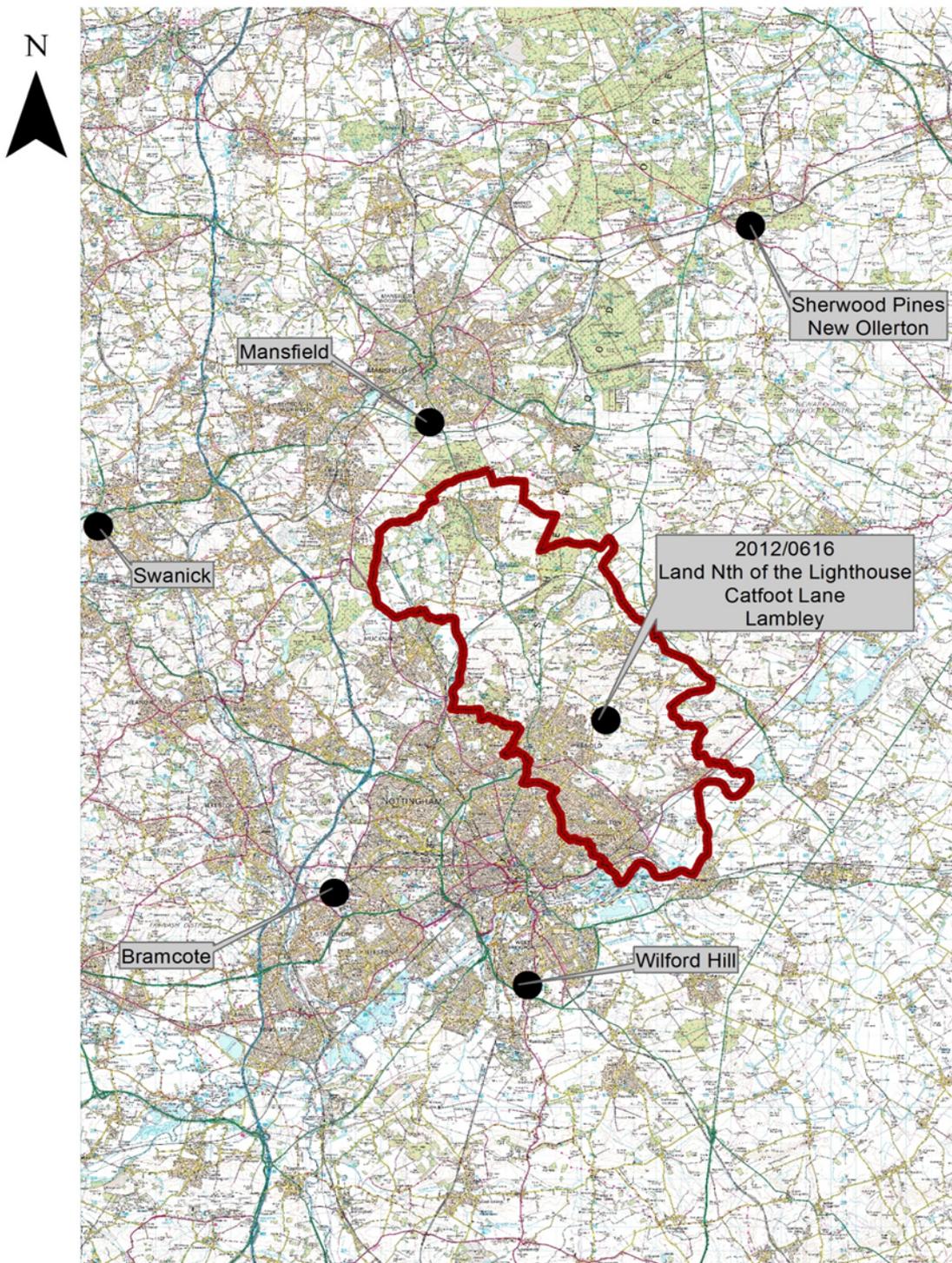
The Environment Agency advises that there should be no siting of the package sewage treatment plant within 50 metres or upslope of any well, spring or borehole used for private water supply. It should be noted that the private treatment plants may require a separate permit from the Environment Agency. This would be additional to planning permission.

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](http://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](http://www.groundstability.com).

The Borough Council has worked positively and proactively with the applicant, in accordance with paragraphs 186 and 187 of the National Planning Policy Framework, based on seeking solutions to problems arising in relation to dealing with the planning application. This has been achieved by meeting the applicant and agent to discuss consultation responses, providing details of issues raised in consultation responses; requesting clarification, additional information or drawings in response to issues raised; and providing updates on the application's progress.

# Appendix A



Existing and Proposed Crematoria



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 Gedling Borough Boundary

# Appendix B

Drawing Not to Scale

