

18/02821/FUL

Applicant Mercia Crematoria Developments Ltd

Location Land East Of Main Road And South Of Stragglethorpe Road
Cotgrave Nottinghamshire

Proposal Development of crematorium and memorial gardens with associated access, parking and landscaping.

Ward Cotgrave

THE SITE AND SURROUNDINGS

1. The application relates to an area of land situated on the corner of Stragglethorpe Road and Main Road Cotgrave. The site is bounded by a public footpath/bridleway to its southern boundary, with neighbouring fields now used to accommodate a solar panel farm, and to the east by a disused railway track, which is now being used as a multi user footpath connecting Holme Pierrepont with Cotgrave Country Park. This is not a recorded public right of way. The site area is an undeveloped agricultural field with no hard surfacing or buildings. The general topography of the site can be described as having a natural fall in a northerly direction with the highest point in the south west corner of the site and the lowest point being at the north west corner. The site is approximately 3.65ha (9 acres) in area. Vegetation in the form of some mature trees, shrubs and hedgerows are present along the northern, eastern and western boundaries of the site.
2. The site lies within the Nottingham – Derby Green Belt and is within 500m of the Cotgrave Country Park. The nearest property to the site boundary is the Shepherds Stonehouse Pub and Restaurant, which is understood to include a residential flat above, with a separate day nursery to the rear. The Cotgrave Pocket Park and Ride operates from within its car park, with the Thorntons Holt Camping Park to the north east. The Nottinghamshire Golf Club House and Hotel lies approximately 1km to the south west. There is a Travellers pitch to the north on the opposite side of Stragglethorpe Road, which has been approved at appeal on a temporary basis. To the south of the site are fields used in connection with a solar farm. There is a group of residential properties to the south west of the site at Cotgrave Place and an individual property at Stragglethorpe Nursery to the south east of the site.

DETAILS OF THE PROPOSAL

3. Full planning permission is sought for the development of a crematorium and memorial gardens with associated access, parking and landscaping.
4. The crematorium building itself is proposed to be set back from the road and placed in the southern quarter of the site. The gross internal area of the building would be approximately 500m², which would allow for a 100+ seat chapel and associated facilities. The overall gross external area of the building footprint, including the main entrance (Porte Cochères), would be circa 694 m². The building is proposed to have a main roof with a height of

6.5m, with the top of the flues of the cremator(s) reaching 9m in height. In total three unclad flues are proposed.

5. Materials are proposed to be Portland Stone cladding (or similar) to the front (west facing) façade with a Cedar Cladding to the majority of the eastern, northern and southern elevations. The roof is proposed to be a single ply membrane with a green roof system to support a sedum blanket.
6. The plans propose the majority of the site to be landscaped. To the northernmost part of the site a strong belt of woodland is proposed, set around a swale with wildflower meadows and memorial woodland dominating the northern half of the site. The building and car park is proposed to be partially screened from view by strategic planting and landscaping. The memorial gardens are proposed to be located centrally within the site and are proposed to be delivered in phases with details suggested to be approved by condition. The chapel garden is proposed to be visible from within the chapel and is proposed to include a reflective water feature. All trees along the southern, eastern and northern boundaries of the site are proposed to be retained, as will the vast majority of the western boundary, save for the small sections that are necessary to be removed in order to create the vehicular and pedestrian access and egress.
7. Separate vehicular access and egress points are proposed along Main Road. This will allow the separation of incoming and outgoing funerals. The plans propose 100 parking spaces, including 4 DDA compliant spaces, 10 to be reserved for staff/deliveries and 10 for memorial garden visitors. 36 of the spaces are proposed to be surfaced in block permeable pavements to reduce the overall tarmacked area. Provision would be made for cycle spaces. A lay-by would be provided for funeral vehicles to drop off and collect.
8. The application is supported by the following information (available on the Council's website):
 - a. Planning Statement (including information on what is considered to be the very special circumstances – detailed in paragraph 10 below)
 - b. Flood Risk Assessment
 - c. Transport Assessment
 - d. Framework Travel Plan
 - e. Design and Access Statement
 - f. Preliminary Ecological Survey
 - g. Archaeological Survey
 - h. Tree Survey Constraints Plan
 - i. Technical Input
 - j. External Lighting Plan
 - k. Landscape Management Plan
 - l. Planning Drawings
9. Surface water runoff from the proposed development is proposed to mimic the method and route of pre-development surface water discharge. A cess tank is proposed to be installed to serve the development. The plans show the formation of a surface water attenuation pond as part of the landscaping scheme.

10. As the site is located in the Green Belt, and the proposal involves inappropriate development, it is necessary for the applicant to demonstrate that very special circumstances exist, that may outweigh any harm to the Green Belt. The planning statement sets out that these are as follows:

- Quantitative and Qualitative indicators of Need (especially social benefits);
- Meeting the needs of the greatest population of the Boroughs population (i.e. geographically located where it would be accessible to largest towns and villages within the Borough);
- Minimising the need to travel for the larger rural settlements;
- Compliance with requirements of the Cremation Act 1902 will generally constrain crematoria to countryside locations;
- Opportunity for the Borough to have its own civic facility - whether self-run, self-owned and managed by a third party, or wholly delivered by a third party;
- Greater choice in the provision of crematoria – without the need for Rushcliffe residents to pay an arbitrarily higher fee for cremation;
- Improvement to quality of life for a vulnerable group in society – older people, who typically attend more funerals, and would benefit ‘end of life care’;
- Direct employment benefits through the creation of 3 - 4 full time skilled jobs;
- Indirect benefits to rural economy, local florists, petrol stations, shops, cafes and especially pubs/restaurants (for wakes) and hotels (for accommodation);
- Economic claw back from lost trade out of Rushcliffe to neighbouring Authorities;
- Economic benefits to Funeral Directors, funeral officiants and supporting services through the provision of a facility closer to their existing branches;
- Further economic benefits from support services being set up in local towns e.g. funeral directors discussing opening new branches in Radcliffe or Cotgrave;
- Reduction in carbon emissions from travel as being closer to the weighted centre of the Boroughs population would reduce the environmental footprint arising from travel to funeral services (and in later years to annual visits to the memorials);
- Environmental benefits from net biodiversity gains, habitat creation and restoration through tree and hedgerow planting and returning ploughed land to a natural state; and
- Further environmental benefit from increased awareness and use of the new Multi-user’s path along the former dismantled railway and into Cotgrave Country Park.

SITE HISTORY

11. There is no history for the site that is relevant to the determination of this application.

REPRESENTATIONS

Ward Councillor(s)

12. One Ward Councillor (Cllr Butler) objects to the application on grounds that are summarised as follows:
- a. Development in the Green Belt – doesn't consider there to be significant or very special circumstances to develop in this area.
 - b. Cumulative impact of this and solar farm on character of the area.
 - c. Impact on amenity and neighbouring properties – site is in an area that is used for tourism and leisure – Local Plan Part 2 emphasises the importance of retaining and enhancing opportunities in Policy 31.
 - d. There are brown tourist signs to Cotgrave Park and the Nottinghamshire Golf and Country Club both of which are adjacent to the site. It would be incongruous for there also to be signs indicating a crematorium.
 - e. Users of the new Radcliffe to Cotgrave Country Park green route would feel uncomfortable looking directly over the crematorium.
 - f. Very close to the well-established, highly reputable and very popular Thorntons Holt camping and caravan site – the owners of the site have invested very large amounts of money and time in their business which brings income not just to their business but also to shops and businesses in the area. The impact on being known as a camping site next to a crematorium would be devastating to them, their guests and to the numerous local staff employed there.
 - g. Impact on Shepherds pub/restaurant – whilst they may gain some custom for refreshments by visitors to the proposal their mainstream customers are likely to be put off.
 - h. Impact on Nottinghamshire Golf and Country Club – visitors to the crematorium could also find it upsetting and distasteful to be near a leisure and entertainment venue.
 - i. Highways Safety – conflicts between slow moving traffic and general speeding traffic, concerns over queuing traffic turning right at the Main Road Junction and also at Stragglethorpe Junction. Funeral corteges may also get split as well as being at risk of rear end collisions.
 - j. Does not disagree that Wilford Hill Crematorium is perhaps past its best and is not ideal and would benefit from some investment to bring it up to more modern and suitable standards that would solve perceived or actual problems.
 - k. If an additional crematorium in the Borough is needed to make access less stressful then such a new facility should be further away from the proposed site which is only ten minutes from Wilford Hill.

- l. Not convinced of the need for the additional crematorium because much of the previous pressures on Wilford Hill have been reduced by the recent opening of a new crematorium in the Gedling area.
 - m. He states that he has to represent the views of his constituents and all approaches and comments that have been made have been against the application for these sound and realistic planning reasons.
- 13. One Ward Councillor (Cllr Chewings) supports this application if the entrance and exit are one way in and one way out and that they are clearly marked. She considers that when the building has reached the end of its life span it should be removed and land put back to the same condition that it is now, and that the land is not to be taken out of the green belt and reclassified.
- 14. One Ward Councillor (Cllr Jeffreys) does not accept that there is a requirement for a crematorium at this site. The approach roads are entirely unsuitable, there are daily traffic hold ups and until this matter is dealt with hearses and mourners' cars cannot be accepted. The site is adjacent to a travellers' site, which is unsightly, and field after field of solar panels add to the misery. The Caravan Park is a most popular place where families come to enjoy not only the peaceful surroundings but can attend numerous sporting events and matches all within a few miles. Annual events provided by Rushcliffe Borough Council are an additional attraction. To have a crematorium close by would spoil all of such joys. Statistics on other crematoria have been obtained, which show that this crematorium is not really needed.
- 15. Adjacent Ward Councillor (Cllr Upton - Radcliffe on Trent Ward) does not object to this planning application. He considers that a new crematorium is required to serve the needs of Rushcliffe residents and this would seem to be an ideal location with good transport links. The Wilford Hill crematorium is often 'not fit for purpose' with unacceptable delays to get a service, parking difficulties, and poor toilet provision, at what is often an emotional time for the bereaved. From his limited discussions with residents in his Ward, he has not met anyone who is against this proposal.
- 16. County Councillor Cutts, representing Radcliffe on Trent Division, objects to the application on the following grounds:
 - a. NCC has recently invested several hundred thousand pounds in a multi user route, utilising the old mineral line which, at this point, is at a high level as it is filled land. She does not believe that the crematorium fits in well with the leisure activity for families and, indeed, could be viewed by many as being extremely upsetting and would be liable to turn people away from the route by the nature of the crematorium's business. There are other leisure activities in close proximity, including Thorntons Holt and Shepherds restaurant, which could also suffer because it is an incompatible use.
 - b. The residents of Holme House and the other properties which have been developed around it already have within close proximity a green waste recycling site, and a crematorium located just a short distance away would lead to further loss of amenity for their properties and, therefore, be liable to affect their market value. The new housing site

at Cotgrave of approximately 500 homes has led to a large increase in vehicular traffic and, as such, Highways England are now redesigning the turning from the A52. Large solar farms have also been developed in nearby fields on Stragglethorpe Road. All of these developments are on the Green Belt and is now creating a continuous built up area from the A52 through to Cotgrave, which the Green Belt is supposed to protect. The nearby travellers have recently applied for a permanent dwelling on their site, for which they have temporary permission. She understands that this was turned down on access and it, therefore, follows that access to a crematorium with a large number of visitors and vehicles per day would create even greater traffic issues on an already overstretched road.

- c. Wilford Hill has acted as a crematorium for the Rushcliffe/West Bridgford area for many years and whilst she accepts that there is a possible need for a crematorium somewhere south of the river between Newark and West Bridgford, she respectfully considers that this is not an ideal site.
- d. She wishes these comments to be viewed as a local member of long standing registering concern on behalf of the residents that have approached her.
- e. Concern over impact on the day nursery attached to Shepherds Restaurant where children are encouraged to be outside as often as possible and also to walk in the local environs. The development would severely impact on this nursery school due to the nature of the business and large amount of extra traffic which would be generated. Parents already say it is difficult to access from the A52 when collecting and leaving children
- f. NCC has invested in a pocket park and ride site utilising the extensive car parking area owned by the Shepherds restaurant company. These spaces are to encourage commuters to leave their cars and catch a service bus to their final destination. This car park may be utilised by visitors to the crematorium and create a nuisance for commuters and the restaurant.
- g. This site is wholly unsuitable.

Town/Parish Council

- 17. Cotgrave Town Council objects to the application on the grounds of Green Belt, traffic concerns, impact on local business, incorrect location, location to new tourism features and not enough evidence to show a need
- 18. Radcliffe on Trent Parish Council (as adjacent Parish Council) do not object
- 19. Holme Pierrepont and Gamston (as adjacent Parish Council) wish to comment on highway issues, specifically relating to the Stragglethorpe Road, Radcliffe Road (A52 Junction) and its impact on residents of their Parish. The website does not show any comments from Highways England who have been designing major alterations to the A52 over the last few years and they feel that it will have a major impact on their proposals

20. Over the last 12 months they have been assisting residents along the A52 with issues relating to the re-signalling of junctions along this route. This will restrict the gaps in the flows of traffic and adversely impact on the safety of residents arriving and leaving their properties by car along the A52. Highways England have held two meetings in their village hall to hear and comment on their concerns.
21. They are concerned that traffic generated from this development, plus new housing development in the area has not been factored into Highways England's Calculations and will have a negative impact on both these residents and those around Holme House sited at this junction.
22. 24 Cremations per week, with a large number drawn from Radcliffe, Bingham and West Bridgford will access the site from Radcliffe Road by car. This is a major trunk road. In their view it is not appropriate to have funeral processions behind a hearse travelling at slow speeds on a dual carriageway where most cars travel at 60+mph. There is no alternative route for any procession from those built up areas. This is a major safety issue.
23. Until this is addressed the application should be held in abeyance or rejected.

Statutory and Other Consultees

24. Highways England have confirmed that they previously provided comments on an environmental screening application for this site which included the following extract; *"From review of the EIA Screening Opinion report, highways England considers that the traffic generated from the proposed development will not result in any material impact on the Strategic Road Network (SRN). We therefore do not require an assessment of highway impacts to be carried out."* They consider these comments are also valid for this current application and as such Highways England have no further comments to make.
25. Concerns regarding the operation of the Stragglethorpe junction (in particular the right turn queues) have been brought to their attention and they have responded as follows:
 - a. They understand and share concerns with the right turn queues potentially blocking back into the fast lane. The right turn queue has been steadily increasing in line with traffic flows across the network generally. At such high risk locations this does make this issue a priority. Some potential improvements to the junction have been recently consulted on with local residents. Delivery of these improvements is dependent on securing the necessary Traffic Regulation Orders and if there are any objections to these then it may delay or stop progress and require further review of potential improvements. Unfortunately, this junction is heavily constrained within the existing highway boundary which limits the available options. In the meantime they will continue to monitor the junction and to consider further intervention as necessary.
 - b. They understand that the problems occur occasionally during the peak hours when commuter traffic is at its heaviest. Information submitted with this application suggests that the facility will operate outside of the

usual peak hours and should not impact upon the junction during these periods.

- c. Should the monitoring of the junction identify that excessive queuing occurs regularly and outside of the peak hours, then mitigation may be required, particularly if the situation is exacerbated by the crematorium traffic (although this will not become known until the facility is operational).
- d. In the event that the improvement works mentioned above do not proceed, as an example, a scheme involving the installation of an additional detector loop in the carriageway, which would trigger the signals to release turning traffic, could be investigated. Could the costs of such a scheme be requested from the developer as mitigation (5 - 6K as a rough estimate)?

27. Nottinghamshire County Council as the Local Highway Authority originally made the following comments:

- Based on a review of the application form it is understood that generally only 4 full time members of staff will be employed on the site. This is relatively low and as such they would not specifically advocate the need for a travel plan, as this is only usually requested for developments employing 20 or more members of staff
- With regard to the Transport Statement the highway authority are generally happy with its content; however, some additional information, and provision, will be required so as to ensure the access arrangements are safe, and that sufficient access provision is made to local bus stop infrastructure. They requested that the application be deferred until information in relation to visibility splays, footpath provision to existing bus stops, access junction drawings, and provision of vehicle swept path analysis for large refuse vehicles can easily enter and exit the site and signage information.

28. Revised and additional information has been submitted showing the provision of footways leading to the existing footpaths to the north and south of the site together with associated uncontrolled pedestrian crossings, and access and visibility information. No objections are now raised to the proposal subject to conditions requiring the submission of the construction details of the works and their implementation prior to first occupation of the development. A condition requesting details of signage to direct visitors to the site from all directions is also required to be submitted and implemented prior to first occupation.

29. Nottinghamshire County Council as the Lead Local Flood Risk Authority raise no objections to the proposal subject to a condition requiring a detailed surface water drainage scheme based on the principles set out within the Flood Risk Assessment (FRA) 18052-FRA, November 2018, Rutter Johnson Ltd submitted with the application.

30. Nottinghamshire County Council Rights of Way Officer states that a public right of way (bridleway no 1 – Cotgrave) is situated along the southern boundary of the proposed development but appears not to be affected. They

do not object to the application but request that the applicant ensures that the width of the right of way is not encroached upon and should access to the site be required by use of the bridleway and track, then the safety of the public should be observed at all times.

31. Nottinghamshire County Council as Strategic Planning Authority consider that, in terms of the County Councils responsibilities, the following elements of national policy and guidance are of particular relevance, waste, minerals, transport, education, healthy communities. They have confirmed the following:
- a. In relation to the Minerals Local Plan, whilst the site does not lie within a Minerals Safeguarding and Consultation Area, approximately 430m to the north of the site lies the boundary for the Minerals Safeguarding and Consultation Area for Sand and Gravel. There are no current or permitted sites close to the application site. Considering this, and the distance, it is unlikely that there would be an adequate site area to facilitate a viable extraction site and therefore the County Council does not wish to raise any objections to the proposal from a minerals perspective.
 - b. In terms of the Waste Core Strategy, the site is, at its closest extent, approximately 600m to the south-east of an active waste management facility, Stragglethorpe Road composting site, which is an open air facility that emits significant amounts of bioaerosols. Other developments at a similar distance have been able, on occasion, to detect odour from the site, therefore there is potential that, at the proposed development site, an odour may be detectable. The County Council does not object to the proposed development but would advise that this issue is considered by the applicant, and the Borough Council, so as to avoid any potential risk of sterilising the site, in line with policy WCS10 and its supporting text.
 - c. As set out in Policy WCS2 'Waste awareness, prevention and re-use' 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.' In accordance with this, as the proposal is likely to generate significant volumes of waste through the development or operational phases, it would be useful for the application to be supported by a waste audit. Specific guidance on what should be covered within a waste audit is provided within paragraph 049 of the Planning Practice Guidance.
 - d. There are no strategic transport observations to make.
 - e. In relation to public transport, it is noted that the closest bus stops are approximately 100m from the proposed building on Main Road. Their location will need to be assessed on highways safety grounds, as the site entrance appears to be in close proximity. Any bus stop relocations will need to be funded by the developer. Pedestrian access to bus stops RU0884 and PU0885 will also need to be provided from

the site to allow access from public transport to the site. This would need to include lowered crossing points on Main Road.

- f. It is not envisaged that contributions towards local bus service provision will be required
 - g. Current infrastructure observations from photographic records show that RU0884 Golf and Country Club is a both ways bus stop pole, RU0885 Golf and Country Club has no infrastructure, RU0551 Shepherds P&R is a real time bus stop pole and displays (displays to be installed in 03/19), polycarbonate bus shelter and raised boarding kerbs and RU0056 Shepherds P&R bus stop pole and raised boarding kerbs.
 - h. The County Council would request a contribution of £17,500, via a Section 106 agreement, for bus stop improvements. Improvements are necessary to achieve an acceptable standard to promote sustainable travel and make the development acceptable in planning terms. The improvements would be at the nearest served bus stops which are situated close to the site so are directly related to the development and are fairly and reasonably related in scale and kind to the development.
32. Severn Trent Water note that the foul is proposed to be discharged to a cess tank upon which they have no comment. Surface water is proposed to be discharged to a ditch upon which they have no comment. They suggest an informative is also attached with regard to potential sewers on the site.
33. Environment Agency has advised that the site falls in Flood Zone 1 and the LLFA should be consulted regarding sustainable surface water disposal. The Environmental Health Department should also be considered because they will regulate emissions. They have confirmed that the site is in a fairly low risk groundwater area and any distribution of ashes on the site themselves do not present concern to the Environment Agency.
34. Rushcliffe Ramblers raise no objections
35. The Coal Authority has confirmed that the application site does not fall within the defined Development High Risk Area and is sited instead within the defined Development Low Risk Area. This means that there is no requirement under the risk based approach, that has been agreed with the local Planning Authority, for a Coal Mining Risk Assessment to be submitted or for the Coal Authority to be consulted. They recommend that if this proposal is granted planning permission, that the Coal Authorities standing advice is attached as an informative note to the applicant in the interests of public health and safety.
36. Rushcliffe Borough Council's Design and Conservation Officer has considered the heritage statement, archaeological desk-based assessment and design of the building and raises no objection to the proposal. His comments are summarised as follows:
- a. There is no evidence on which to assume the likely presence of archaeology from any particular period, but equally it is not possible to confidently exclude the possible presence of archaeology from any

period. At present, there would be no reason to assume the presence of archaeology which would prohibit the proposed development of the site, however, he would encourage further archaeological investigation of the site via condition to ensure that development does not encounter unanticipated archaeology. As a first step, he suggests a geophysical survey of the site, with a possibility of further investigation depending upon the results of that survey.

- b. The proposed design for the building has been considered and no objections are raised. There is some forward thinking integrated into the way various spaces are divided internally, with folding screen walls allowing the ability to expand the seating area within the chapel into neighbouring spaces, should a larger capacity be required. Whilst some of the roof overhangs are very large the edges of the deck are well detailed with a faceted edge which adds some interest and detail.
- c. The single storey nature of the proposal sits well within the site and would be well screened by the extensive tree planting shown around the site within the landscaping plan, this should help screen the building whilst also screening the site from neighbouring road noise to create a tranquil space.

37. Borough Council's Landscape Officer has confirmed that he has visited the site to assess how visible the proposed development is from surrounding vantage points and to consider whether there will be any effect on the character of the landscape. Following this site visit he has made the following comments; *"The site is most visible from the footpath to the south as it runs on the inside of the field boundary, from this point the field slopes away to the north. It is clear that in the short term the parking area and crematorium would be visible from the right of way, but in the medium to long term the proposed landscape screening and changes in level would effectively screen the car park and soften views to the crematorium. To the east of the site is a railway embankment, I'm not sure if it is a formal public right of way, but the stone path along it is clearly open for public use. The path is the same level as the site at the south eastern corner, but gradually increase in height as it approaches the bridge over Stragglethorpe Lane. The sides of the embankments contain a range of native trees from shrubby Elder and Hawthorn to mature Ash. As you walk along the embankment views are focused along the path corridor and the vegetation provides an effective screen, views at right angles to the path do allow partial views into the site, but in summer months visibility will be further reduced. Whilst users of such routes will be sensitive to change the current screening provided by the embankment vegetation is effective in winter and the proposed structure planting will further screen the site and soften views of the car park and crematorium.*
38. *The northern and western boundaries are abutted by roads, the western boundary is a well maintained dense hedgerow. The northern boundary is a taller informal hedgerow which contains a number of mature trees. Views to the site from the nearby campsite are blocked by the railway embankment and bridge. Views from the campsite to the public house along the pavements are currently limited and the proposed landscape planting in the northern half of the site will effectively screen the crematorium from view. I*

have no concerns about the visual impact of the proposal on road users or pedestrians on the pavements.

39. *Under the Greater Nottingham Landscape Character Assessment the site is considered to form part of the Cotgrave and Tollerton Village Farmlands and the site shares many of its characteristics, in that is a slightly undulating medium sized arable field bounded by hedgerows. The character area is rural but there are frequent urbanising features due to its proximity to large villages and Nottingham along with industry and large farm buildings. Field boundaries tend to contain few trees and these tend to be present in small clusters. There is a relatively low level of woodland and this is concentrated around country parks, golf courses and settlements, this is reflected on site with the wooded embankment along the disused railway line and cluster of trees on the northern boundary. The character area is considered to have a moderate landscape condition and strength with a landscape strategy to enhance.*
40. *The Greater Nottingham Landscape Character Assessment makes the following recommendations, amongst others, that relate to an application such as this:*
- *Conserve the older field patterns within the DPZ (Draft Policy Zones) such as those reflecting open systems and the semi-regular geometric patterns in the north.*
 - *Enhance field boundaries through planting of new hedgerows and hedgerow trees to reinforce field pattern.*
 - *Enhance the distribution of hedgerow trees by encouraging planting of trees within hedgerows. Species used should be mostly ash with some oak.*
 - *Restore hedgerows and encourage planting of new hedgerow trees to provide unity between more open arable land and the more enclosed and wooded pasture fields around village fringes.*
 - *Conserve and enhance roadside hedgerows through replanting and planting new hedgerow trees such as ash or oak.*
 - *Enhance woodland cover within the DPZ ensuring where implemented it is small copses, reflects surrounding field patterns and does not block longer distance views.*
41. *The proposed landscape masterplan has the potential to achieve all of the above and provides a generous amount of structural planting to limit views into the site. Whilst there will be a change in character of the site from arable land to a crematorium and remembrance garden, the proposed structural landscape planting will not be out of keeping with the woodland found along the railway embankment or the belts of trees found on the golf course to the west and I consider that the changes in landscape character will be acceptable.*
42. *I do not object. If planning is granted a detailed landscape condition will be needed and if any of the planting is to be carried out in different phases this should be detailed. A tree protection condition will also be needed to ensure that sections of the boundary hedge and the vegetation on the embankment close to the car park and building are not damaged during construction."*

43. The Borough Council's Environmental Health Officer commented; *"The crematoria would be a permitted process under the Pollution Prevention & Control Act 1999 and the operator would need to apply for an environmental permit to operate the process. This will ensure that best available techniques are used to control any potential environmental issues, such as noise, dust and odours.*
44. *All emissions to the air from the crematorium's incinerator will also be regulated by the environmental permit. The incinerator will be fitted with the latest filtration and abatement equipment to ensure that emissions to air meet acceptable limits stipulated by process guidance issued by the Department for Environment, Food and Rural Affairs (Defra).*
45. *The draft chimney height calculations submitted are acceptable. We would, however, advise that the filtration system incorporates abatement plant for nitrogen oxides (NOx), i.e. 'Facultatieve Technologies DeNOx system', along with the proposed 'Facultatieve Technologies Dry Scrub Technology' designed to adsorb heavy metals, mercury, dioxins and furans, which are found in the flue gases. This abatement plant will ensure compliance with the emission limits within the process guidance and current local air quality management technical guidance.*
46. *In respect of potential noise impacts from the operation of the crematoria, we note that all the crematory equipment will be installed within the new building with the exception of the air blast chillers. All plant/equipment to the development will need to be designed to ensure that noise from such does not exceed the existing background noise levels at the boundaries of the site.*
47. *The supporting Tech Input report has identified that the development will require intrusive ground investigation and geo-environmental testing. Although the initial desktop study has confirmed that no significant contaminant linkage has been identified, given the made ground associated with the disused railway to the eastern boundary of the site and the fact that the boundary of the former colliery is some 200m south east, we will require a contaminated land investigation, including ground gas monitoring, be undertaken for the development.*
48. *We have also considered the impacts of this proposal on local air quality. Traffic generation from the use of the site may have an impact on our Air Quality Management Area (AQMA), AQMA 1 2011, that covers several properties along the A52 and Stragglethorpe Road at the junction of the A52 and the Stragglethorpe Road, Radcliffe-on Trent. As the development may lead to additional through traffic at the junction of Stragglethorpe Road/A52 Radcliffe Road and, subsequently, generate or increase traffic congestion at such, we will need a screening assessment to evaluate the potential impacts on air quality in our Air Quality Management Area (AQMA), AQMA 1 2011.*
49. *The nitrogen oxides (NOx) and mercury abatement plant that will be fitted to the cremator will ensure compliance with the current local air quality management technical guidance so emissions from such will not need to be included in the assessment."*
50. *They have confirmed that, taking the above into account, they have no objection to the proposal on environmental health grounds, if planning*

permission is to be granted, they recommend that conditions are imposed relating to a method statement detailing techniques to control noise, dust and vibration during construction, no burning of waste, details of noise levels for any externally mounted plant or equipment, a contaminated land report, an air quality screening assessment and details of chimney height calculations. An informative relating to the need for an Environmental Permit should also be attached.

51. The Borough Council's Sustainability Officer notes that a preliminary Ecological Appraisal has been submitted with surveys supporting this having been carried out in September 2018 and they appear to have been carried out according to best practice. He confirms that no protected species were identified on the site with common birds using the area. The site is likely to have use for roosting and foraging with wild birds, foraging bats and terrestrial mammals. The site consists of arable habitats, bare soil, hedgerows and associated margins and trees. The site is adjacent to the Cotgrave Colliery Local Wildlife Site. He considers that the proposed development is unlikely to have a material impact on the favourable conservation of a European Protected Species if developed sensitively. The development can provide a net gain for biodiversity. He provides recommendations in relation to conditions to ensure the protection of existing habitats and enhancement opportunities.

Local Residents and the General Public

52. The application has been advertised as a departure from the Development Plan in both the press and by way of site notices. Local residents have been directly consulted by way of a neighbour consultation letter.
53. One local resident has commented in support of the application and considers it a wonderful idea and it's a sensible location
54. Representations have been received from 23 local residents objecting to the application on the following grounds:
- a. The traffic flow off the A52 towards Cotgrave is now at dangerous levels and the slip road off the A52 is far too short so cars are backing up into the fast lane and there have been several near misses of cars potentially hitting stationary traffic. This was raised previously with NCC and HE. This will be compounded if funeral corteges join and use the slip road.
 - b. The impact of traffic flow not just on Main Road - narrow road, a bus route, lack of pedestrian crossings, many entrances in a short space of road, possible parking issues on the road, lack of control of traffic speed.
 - c. Traffic flow has increased recently with the road being used as a rat run from A52 to A46 and increased local population from local housing development.
 - d. Bringing more traffic into this rural area, often at extremely low speeds, will significantly impact the congestion, pollution and increase the very strong likelihood of a serious road incident.

- e. General highway concerns with proximity of several entrances.
- f. The screening of the solar farms by hedges has not worked particularly in winter. How can we ensure that this is not the case with this application and mature hedges/trees/screening are used.
- g. Seems work has already started on site with the construction on the entrance. How can this be allowed when they have only just received the planning notice.
- h. Negative impact on the area and local business will far outweigh any fantasized figures for the requirement for such a development.
- i. The tourists from the campsite also support the local shops/pubs/restaurants in the surrounding area – these would be affected as well.
- j. The area already has fields full of solar panels and a gypsy site spoiling the countryside
- k. Loss of green belt – have already lost 35 Hectares in the area- this is completely disproportionate for such a small section of land and is surely a pure case for profiteering from all parties for a building/company/operation that is not essential to the immediate area.
- l. Local aesthetics – impact from the very presence of such an operation in the area
- m. Question whether there is such a huge demand for an operation of this kind in this area of Rushcliffe
- n. The recently developed and very welcome local listed trail on the old railway line, which would look down onto the crematorium and car parks, may be affected.
- o. Appreciate the need for an additional crematorium for Nottinghamshire surely there are more suitable locations particularly in brown belt areas or upgrade Wilford Hill
- p. Contrary to national planning policy and draft local plan policies 31 and 34.
- q. There aren't appropriate or justifiable reasons for development of a site in the protected green belt.
- r. Continued urbanisation of land impacts on long term sustainability of farming practises in the area – not sure those visiting loved ones in the memorial garden will appreciate muck spreading.
- s. The current bus stop opposite the entrance to the Nottinghamshire will potentially have to be relocated as it appears to be right where entrance or exit to the crematorium will be.

- t. Concern about impact on the operation of the day nursery where children encouraged to be outside as often as possible and to walk in the local area.
 - u. Potential for the park and ride to be used by visitors to the crematorium creating a nuisance for both nursery and restaurant as well as commuters.
 - v. Cotgrave Gateway is one of immense natural beauty and boasts a significant recreation offer focussed around the Stragglethorpe Golf and Country Club, Cotgrave Country Park, Grantham Canal and the new Cotgrave – Radcliffe Walking route. The positioning of a crematorium in this prominent location would mark a significant change in direction for RBC away from the 'green regeneration' of this area.
 - w. Increased numbers of walkers and cyclists are making use of the multi user path between Radcliffe on Trent and Cotgrave, which directly overlooks the site. Horse riders use the bridleway at the edge of the site as well as the grass verge alongside Cotgrave main road.
 - x. Already have multiple wedding receptions at the golf club – not what guests want to be confronted with.
 - y. Very special circumstances necessary to allow development in the green belt have not been demonstrated. The proposal remains, in principle, contrary to national and local policy by virtue of its location within the Green Belt.
 - z. Failure to carry out an appropriately robust assessment of alternative sites – the significance of this is particularly acute bearing in mind a substantial proportion of the Borough is not green belt
55. A lengthy detailed response and objection letter has been received from the owners of the nearby Thornton Holt camping site, which can be viewed in full on the Borough Council's website. Their principal concerns as set out in their submission are outlined as follows:
- a. The proposed development has the potential to destroy this thriving tourism and leisure business, which, ironically, is supported and should be protected by existing and future planning policy (NPPF, Local Plan Part 1 and Draft Local Plan Part 2). It is difficult to think of any other development, on that piece of land, that would have such a detrimental impact on the decision-making process of a holiday maker who does not know the area.
 - b. The land is in the Green Belt and its openness should permanently be protected from any form of inappropriate development.
 - c. The traffic in the surrounding area has increased exponentially since improvements to the A46 carriageway and additional housing built around Cotgrave. The right turn off the A52 onto Stragglethorpe Road can be extremely dangerous, as can the Main Road to Stragglethorpe Road Junction. The extra, and type, of traffic generated by this proposal will only aggravate the issue of road safety in this area.

- d. The applicants have failed to establish or demonstrate a significant need for the proposal, neither has it been shown that the proposed site is the best available site if such a need were to be established. Proper examination of the quantitative needs assessment data proves no need for such a facility. This application is not based upon a sound need, merely an overstated desire.
 - e. The application places huge emphasis on the failures, both operational and managerial, of the Borough's existing Wilford Hill Crematorium facility. This is not a material consideration and no weight should be given to these non-planning matters.
 - f. Sincerely hope that this planning application is refused and another, more suitable location identified, if indeed another crematorium facility is so urgently desired within the Rushcliffe Borough.
56. The lengthy comments from Thorntons Holt also include information to expand on those outline concerns above including evidence on visitor booking and income benefits to the local economy, information to suggest that the applicant has failed to establish or demonstrate a significant need, justification as to why the chosen site is unsuitable and would have a serious adverse impact on local area and landscape character, further information regarding highway safety, urbanisation of countryside, lack of future expansion opportunities, chapel not large enough for Hindu or Sikh funerals and what they consider are other material considerations and contrary to policy 21, 31 and 34 of emerging Local Plan 2.
57. Comments have been received from 20 users or previous users of the campsite who make the following comments:
- a. Thorntons Holt is a family campsite with a beautiful site and is a hidden treasure.
 - b. Consider the development would negatively impact on the business.
 - c. Families come to escape their busy lives and become at one with nature and the tranquillity that the site provides.
 - d. The crematorium will affect the lovely walks around the site formulating a negative visual impact on the charming scenic landscape and the locality which surrounds it.
 - e. Loss of green belt – has this now lost all meaning?
 - f. More suitable location such as sites near Bingham or option of improving crematorium at Wilford or better brownfield sites.
 - g. Concern that work has already been commenced.
 - h. Construction will create noise and disturbance and traffic during and after an everlasting nuisance.
 - i. Affect the atmosphere and negatively impact the business indefinitely.

- j. The visual impact of seeing funeral cars around the area so frequently may impact on families.
- k. Introduction of an industrial incinerator will influence their decision whether to return.
- l. The old railway track has only recently been opened sufficiently to link some lovely walks joining R on T to Cotgrave and beyond – no one using this new pathway, including the grieving families, wants to upset each other.
- m. Bearing in mind the use of trip advisor websites and google type maps the identification of a crematorium on these would be likely to dissuade visitors.
- n. Crematorium would increase noise, the road outside would become far busier and make it difficult to cross when going for walks in the nature reserve and more difficult driving in and out of the site. This is a quiet site and this is one of its biggest appeals.
- o. How can a Conservative-led council propose to ruin the green belt in such a manner?
- p. No desire to stand waiting for a bus, going for a walk in the country park or visiting Shepherds restaurant whilst a constant procession of hearses and funeral cars pass by.
- q. Building work is likely to affect all types of birds and animals, which will possibly go elsewhere to nest and settle.
- r. Local shops, pubs and amenities will lose out on the income from a reduction of visitors to the campsite.
- s. Hope the views and concerns of local people and those regular users of Thorntons Holt Caravan Park will fully be taken into account when this planning application is reviewed.

58. Westerleigh Group (Crematoria and Cemetery Development) have objected to the application on the following grounds:

- a. Consider that it is inappropriate development in the green belt and that very special circumstances based on need do not exist to outweigh the harm arising from the proposal.
- b. The planning statement accompanying the application deals with the applicant's case for the quantitative and qualitative need for a new crematorium and in their view the information is misleading.
- c. In relation to quantitative need whilst there is no crematorium within Rushcliffe itself this is not unusual and the catchment population is already well served within a short travel time by two existing crematoria nearby at Wilford Hill, West Bridgford and a recently developed crematorium at Gedling, Lambley.

- d. Previous planning appeals have determined that special circumstances may exist where the crematoria would serve an immediate catchment population in excess of 150,000 and it is noted that the immediate catchment population for this development would be significantly less at just over 117,000 or just over 84,000 within a 30minute cortege travel time, according to the applicants figures. In any event the catchment is already well served by two existing crematoria
- e. Whilst the applicant refers to the 15.7% reduction in cremations at Wilford Hill in 2017 following the opening of Gedling, they do not mention that the number of cremations has continued to significantly reduce as more services are diverted to Gedling as that facility continues to reach maturity (estimated at 2021)
- f. Westerleigh is the operator of Gedling Crematorium and based on the numbers of cremations held in 2018 they estimate that a similar reduction in number of cremations undertaken at Wilford Hill occurred in 2018 and further reductions are likely as Gedling reaches full maturity.
- g. In relation to qualitative need, it is not prudent to assess the capacity of Wilford based on cremations carried out in 2017 and the numbers are falling year on year as a consequence of the new capacity opened in the catchment area at Gedling. It is not correct to say that Gedling is not geographically positioned to serve the needs of Rushcliffe Borough and this is evidenced by the high quality service already being provided to that catchment.
- h. They agree that Gedling is not capacity constrained and likewise due to the continued fall in the number of cremations at Wilford Hill (including their estimate of another circa 15% in 2018) there is no longer any capacity issue at Wilford Hill, even allowing for projected future growth
- i. The application also tries to argue a capacity issue based on a hypothetical increased service time of 1 hour compared to the current 40 minute intervals
- j. The industry standard as advocated by the Institute of Cemetery and Crematoria Management Charter for the Bereaved sets out a minimum service time of 40 - 45 minutes and Wilford Hill is already meeting this standard. Many new crematoria continue to operate on less than 1 hour slots.
- k. There is in conclusion no capacity issue at Wilford Hill and the current reduction in cremations arising from the maturing of the Gedling facility provide ample capacity to meet future demand.
- l. In terms of waiting times, a period of 2 - 3 weeks in peak times is not untypical and in itself does not demonstrate need. Other operational issues mentioned at Wilford Hill can be remedied through operational management and the continued reduction in capacity as a result of

Gedling will ease these issues. Since 2017 Gedling has also offered an alternative choice which already provides the benefits and choice put forward by the applicant. This is reflected in the continued growth of services at Gedling as the site becomes more established and well known in the local area.

- m. For the reasons set out above, very special circumstances based on need do not exist to outweigh the harm arising from this proposal.
59. Representations have been received from Coop Funeral Directors making the following comments:
- a. They have served Rushcliffe Borough for 25 years.
 - b. They write to offer support for the proposal as it would bring many benefits to their clients, including reduced travel distances, longer service times and better availability of peak hour services.
 - c. Whilst Gedling Crematorium has relieved some critical pressures with capacity at Wilford Hill, the latter remains the only facility within the Borough and it is increasingly not fit for purpose resulting in undue stress for the bereaved.
 - d. Congestion to and from Wilford Hill is widespread and one can feel hurried, with pressure to accept less than desirable service times to avoid delay. Families are often forced to book double slots in order to have sufficient time for the service, and the facilities are not exactly modern and flexible.
 - e. Having viewed the proposal they have identified an excellent location being accessible and well located in respect of complimentary facilities for wakes.
 - f. The design is modern and fit for purpose offering a 100 seat chapel and generous waiting areas along with 90 parking spaces and set in a well landscaped site.
 - g. Approval of these plans would greatly benefit bereaved families in and around Rushcliffe.
60. A.W.Lymn Funeral Directors have also written supporting the plans and their comments are summarised as follows:
- a. Family business operating and providing funeral services in Nottingham and surrounding district since 1907 - probably the largest provider of funeral services to families within Rushcliffe.
 - b. It is acknowledged that the only crematorium facility within the Borough is that operated by the City of Nottingham at Wilford Hill and although pressure and congestion has been reduced on that site in recent years with the opening of Bramcote and Ollerton Crematoria, and more recently Gedling at Lambley, the facilities at Wilford Hill are not really of the quality that bereaved families would expect in the 21st Century.

- c. They consider that whilst Bramcote, Gedling, Grantham and Loughborough provide a good service, these crematoria are not geographically well placed to serve the areas of high population within Rushcliffe and, therefore, only serve those families on the periphery. Their analysis indicates that over 50% of the Borough residents live within the areas known as Bingham, Radcliffe on Trent, Ruddington and West Bridgford and at present these families have little choice without entailing a long journey to use any facility other than Wilford Hill.
- d. It would appear that the site is centrally placed between these high density areas within the Borough and is therefore readily accessible. Furthermore, the proposal indicates that the crematoria would be set in grounds within a cemetery and in a modern building with timeslots of an hour which would provide for a much better service for bereaved families.
- e. It is interesting to note the timing of this application as in mid November a report was published concluding that many families in England and Wales find the current lack of facilities available particularly at the older crematoria to give the impression of funerals being on a conveyor belt. It is considered that a new crematorium within Rushcliffe, readily accessible by the centres of population, would be a major asset and improvement to those families that they serve.

PLANNING POLICY

- 61. The Development Plan for Rushcliffe consists of the 5 saved policies of the Rushcliffe Borough Local Plan (1996) and the adopted Rushcliffe Local Plan Part 1: Core Strategy (December 2014). The publication version Local Plan Part 2 (LPP2): Land and Planning Policies is also a material consideration, although the policies within this document do not currently carry as much weight as those that are adopted, as they are still subject of an examination and have not yet been adopted. Local Plan Part 2 was submitted for examination on 10 August 2018 with the hearing taking place in November/December 2018.
- 62. Other material considerations include the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG).

Relevant National Planning Policies and Guidance

- 63. The National Planning Policy Framework (NPPF) (updated in 2018) includes a presumption in favour of sustainable development. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area. In assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development. There are three dimensions to sustainable development, economic, social and environmental. The proposal is for the construction of a crematorium and associated works. The site is located within the Green Belt.

64. As such, the following national policies in the NPPF with regard to achieving sustainable development are considered most relevant to this planning application:
- Section 6 Building a strong, competitive economy para 83-84
 - Section 8: Promoting healthy and safe communities
 - Section 9: Promoting Sustainable Transport
 - Section 12: Achieving well designed places
 - Section 13: Protecting Green Belt land
 - Section 14: Meeting the challenge of climate change, flooding and coastal change
 - Section 15: Conserving and enhancing the natural environment
 - Section 16: Conserving and enhancing the historic environment

Relevant Local Planning Policies and Guidance

65. Saved Rushcliffe Borough Local Plan 1996 Policy ENV15 states that; 'A Green Belt is proposed as defined on the proposals map'. This plan defines the extent of the current Nottinghamshire – Derby Green Belt. None of the other saved policies of the Rushcliffe Local Plan are relevant to this application.
66. The Rushcliffe Local Plan Part 1: Core Strategy was formally adopted in December 2014. It sets out the overarching spatial vision for the development of the Borough to 2028.
67. The following policies in the Rushcliffe Local Plan Part 1: Core Strategy are relevant:
- Policy 1 - Presumption in Favour of Sustainable Development;
 - Policy 2 - Climate Change;
 - Policy 3 - Spatial Strategy;
 - Policy 4 - Nottingham – Derby Green Belt;
 - Policy 5 - Employment Provision and Economic development;
 - Policy 10 - Design and Enhancing Local Identity;
 - Policy 11 - Historic Environment;
 - Policy 12 -Local Services and Healthy Lifestyles;
 - Policy 13 - Culture Tourism and Sport;
 - Policy 14 - Managing Travel Demand;
 - Policy 15 - Transport Infrastructure Priorities;
 - Policy 16 - Green Infrastructure, Landscape, Parks and Open Space;
 - Policy 17 – Biodiversity;
 - Policy 18 – Infrastructure; and
 - Policy 19 - Developer Contributions
68. There is no neighbourhood plan which needs to be considered.
69. The Rushcliffe Borough Non-Statutory Replacement Local Plan (RBNSRLP) is a material consideration. Whilst not part of the Development Plan, the Borough Council has adopted the RBNSRLP for development management purposes in the determination of planning applications and Policy GP2 (Design and Amenity) is used frequently.

70. The emerging Local Plan Part 2, Land and Planning Policies, has undergone its necessary preparation including the identification of preferred housing sites and extensive consultation. This has now been submitted for examination and the hearing took place in Nov/ Dec. An initial view from the Inspector has been received suggesting minor changes to a few of the policies. Some weight should, therefore, be given to this emerging policy document. In particular the following planning policies are considered material to the consideration of this application:
- Policy 1 Sustainable Development
 - Policy 18 Surface Water Management
 - Policy 21 Green Belt
 - Policy 31 Sustainable Tourism and Leisure
 - Policy 34 Green Infrastructure and Open Space Assets
 - Policy 40 Pollution and Land Contamination
 - Policy 41 Air Quality
71. Consideration should also be given to other Borough Council Strategies including the Sustainable Community Strategy, Nature Conservation Strategy and the Borough Councils Corporate Priorities.

Other Considerations

72. Planning (Listed Buildings and Conservation Areas Act) 1990 - Local planning authorities shall have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. Special attention should be paid to the desirability of preserving or enhancing the character or appearance of Conservation Areas. Considerable importance and weight should be attached to any harm to these heritage assets or their setting. The courts have held that this creates a negative presumption (capable of being rebutted) against the grant of planning permission where harm will be caused and that the balancing exercise must begin with this negative weight/presumption even where the presumption in favour of sustainable development is engaged under the Framework. Section 66 of the Act, requires that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
73. Conservation of Habitat and Species Regulations 2017, and the Wildlife and Countryside Act (as amended) 1981 - These regulations/legislation contain certain prohibitions against activities affecting European Protected Species, such as bats. These include prohibitions against the deliberate capturing, killing or disturbance and against the damage or destruction of a breeding site or resting place of such an animal. The Habitats Directive and Regulations provide for the derogation from these prohibitions in certain circumstances. Natural England is the body primarily responsible for enforcing these prohibitions and is responsible for a separate licensing regime that allows what would otherwise be an unlawful act to be carried out lawfully.

74. Equality Act 2010 - Under S149 of the Act all public bodies are required in exercising their functions to eliminate discrimination, advance equality of opportunity and foster good relations.
75. The Cremation Act 1902 and The Siting and Planning of Crematorium (1978) guidelines. Compliance with the Act limits the locations within which crematoria can be sited and the guidelines provide further criteria that should be satisfied. Therefore, these factors are considered to be material to the consideration of a planning application when determining the need for a particular location.
76. Section 5 of Chapter 8 of the 1902 Act states that; *"No crematorium shall be constructed nearer to any dwelling house than 200 yards (182 meters) except with the consent in writing, of the owner, lessee and occupier of such house, nor within 50 yards of any public highway."*
77. The 1978 Siting and Planning of Crematoria offers guidance on the siting of a crematorium:
- *That the site is well suited for the building, and is accessible by public transport, and normally that all main services are available;*
 - *That the crematorium is so sited that its use does not have any material effect on the immediate neighbourhood;*
 - *That the layout of the site provides for the easy movement of vehicles to and from the building, and adequate parking space;*
 - *That the building should be so planned as to allow convenient circulation;*
 - *That proper amenities are provided for those attending or working at the crematorium;*
 - *That the cremation room and its ancillary rooms and space comply with good practices and permit cremation to be carried out in a reverent and dignified manner.*
78. This document further states; *"Care is needed in the selection of a suitable site for a crematorium and the local planning authority should be consulted at the outset. A well wooded piece of ground with natural undulations and good views is ideal, but this must be along with easy access by public transport and by private car."*
79. Consideration has also been given to a guide produced by The Federation of Burial and Cremation Authorities (2016) which provides recommendations on the establishment of Crematoria. This states amongst other matters that previously developed land can often prove unsuitable, due to contamination which is unacceptable for the interment of ashes, or due to the presence of residential property within 200yards.
80. This document suggests that a minimum of two hectares per estimated 1,000 cremations per annum is recommended to provide sufficient space for the crematorium, gardens of remembrance, traffic circulation, parking and a modest amount of space around the building. The Federation also considers that every crematorium should provide a strewing area of at least 2.0224 hectares of fertile land for each 1,000 cremations per annum, which are likely to be carried out at the crematorium in question.

81. Environmental Impact Assessment Regulations Prior to the submission of this application the proposal was screened under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. It was concluded that the proposal development, for the purposes of the EIA regulations, is not likely to have significant effects on the environment and is not a form of development that requires an Environmental Impact Assessment to accompany the application.

APPRAISAL

82. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. Paragraph 11 of the NPPF advises that there is a presumption in favour of sustainable development and for decision-making this means approving development proposals that accord with the development plan without delay. The NPPF is a material consideration in planning decisions.
83. Government Policy set out in the NPPF advocates sustainable development by the use of previously developed land, bringing it into beneficial use. Information set out in the Federations of Burial and Cremation Authorities document 2016 acknowledges that previously developed land can often prove unsuitable, due to land contamination which is unacceptable for the internment of ashes or due to the presence of residential property within 200yards. They suggest that there is a growing recognition that new crematoria will be built in a countryside setting close to the urban fringe. Taking into account that the Green Belt surrounds the urban fringe of both West Bridgford and Nottingham City, it could be concluded that any new crematorium deemed necessary by growing population and crematorium usage may be likely to be most appropriately sited outside the urban area and thus, in the case of Rushcliffe, within the Green Belt.
84. 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. Paragraph 134 of the NPPF advises that the Green Belt serves 5 purposes:
- (a) to check the unrestricted sprawl of large built-up areas;
 - (b) to prevent neighbouring towns merging into one another;
 - (c) to assist in safeguarding the countryside from encroachment;
 - (d) to preserve the setting and special character of historic towns; and
 - (e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
89. A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are provided in a 'closed' list within paragraph 145 of the NPPF. The building of a crematorium does not fall within this list and, therefore, must be considered as inappropriate development.
90. Certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These include material changes in the

use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds). The change of use to memorial gardens in themselves could, therefore, be considered as not inappropriate in the Green Belt, however, as they form part of a wider planning application and as implicitly linked with the proposed Crematorium, it is most appropriate to deal with the application on the basis that it represents inappropriate development in the Green Belt.

91. The proposal involves built development in the Green Belt. The kind of development that is proposed does not constitute an exception to the presumption against built development in the Green. Therefore, the crematorium would be inappropriate development which is, by definition, harmful to the Green Belt and should not be approved, except in very special circumstances (VSCs). Very special circumstances will not exist unless the potential harm to the Green Belt, by reason of inappropriateness, and any other harm resulting from the proposal is clearly outweighed by other considerations. Very special circumstances must, therefore, be able to be clearly demonstrated to justify a support of planning permission on this site. Harm to the Green Belt should be given substantial weight in determining the application.
92. The applicant acknowledges that the proposed scheme would be inappropriate development in the Nottingham-Derby Green Belt and should not be approved except in VSCs, as per NPPF paragraph 143. The applicant has set out what he considers are the very special circumstances, which are outlined above at paragraph 10.
93. In support of these identified very special circumstances, evidence has been submitted to the Council, which is said by the applicant to demonstrate a clear quantitative and qualitative need for a new Crematorium in Rushcliffe. That need is said to be best met on the application site. That conclusion is a product of a “weighted centre of search” for a site, which show the application site is located approximately equidistant from Rushcliffe’s main centres of population, being approximately 5km to the east of West Bridgford, 7km and 2km west of Bingham and Radcliffe respectively and 3km and 6.5km north of Cotgrave and Keyworth respectively. The application acknowledges that the Nottingham – Derby Green Belt covers the western half of the Borough within which around three quarters of the populous reside and where a significant level of future housing growth will take place, namely at Bingham, Radcliffe, Cotgrave, Gamston, and Keyworth.
94. Due to the requirements of the Cremation Act, including distance from residential properties and the recommended size of the site, officers accept it would be very difficult to find a suitable site for a crematorium within the settlement boundaries and/or on brownfield land within one of the Borough’s settlements.
95. A Catchment Area Plan submitted with the application indicates that a new crematorium would need to be located within the western half of the Borough if, in terms of time and distance, it is to serve the needs of the majority of the Borough’s population. The applicant has undertaken a comprehensive site search and officers accept the outcome of this exercise. It should be noted that sites have not been considered beyond the Green Belt for the practical reason that the time and distance users would have to travel would fail to

meet the needs of the majority of the Borough's residents, who would be provided with a new crematorium that is no nearer to them than existing facilities. This is considered to be supported by evidence to justify this approach. As such, it is apparent that a site beyond the Green Belt within Rushcliffe would not meet the needs of the population that the proposed facility is intended to serve.

96. Whilst with regard to alternative sites, there is no national or local policy requirement for this type of development to follow a sequential approach to the identification of sites, alternative sites within the search area have been considered against the criteria recommended for the location of a Crematorium. The planning statement submitted with this application provides information in relation to long and short listing of sites taking into account constraints such as flood risk, allocation of sites for development and proximity of bus links and then the specifics of the Cremation Act 1902 and advice set out in 1978 Siting and Planning of Crematoria Guidelines. It is considered that alternative sites have been adequately explored and there are unlikely to be any suitable and available non green belt sites within the defined area of search and nearby settlements, and justification exists for this Green Belt location. This Green Belt site also has benefits in relation to links with existing businesses for associated activities such as wakes, which assist sustainability matters by reducing travel times to such facilities.
97. The catchment area plan and accompanying information indicates that the population of this area is 117,766, therefore, assuming all residents travelled to their nearest crematorium, regardless of quality or availability, well over 100,000 people could be expected to benefit from the provision of a more convenient crematorium facility at 'day one'.
98. From a quantitative perspective the applicant considers that the following are key quantitative indicators:
- Catchment population currently over 100,000 (for whom the proposed facility would be nearer than existing) growing to over 150,000 residents at maturity.
 - Existing catchment area demand of c1086 cremations per annum growing to 1,150 – 1250 per annum at maturity (5 years after opening in 2026).
 - Continued viability of existing crematoria following the proposed development.
 - Demographic trends (ageing population and housing and population growth).
99. The applicant has provided information outlining what they consider to be the potential catchment for the development which takes into account current and future demand from required housing growth. The catchment is based on a geographical area within which the proposed crematorium would be closer than the nearest crematorium, namely Wilford Hill, Gedling at Lambley, Loughborough and Grantham. Industry and appeal decision guidelines suggests that providing a new crematorium closer than existing facilities for 1,000 cremations per annum is further evidence of need for crematoria. Whilst it is acknowledged that some of the predicted housing growth in the south and western part of the Borough is outside of the geographical catchment area for the proposed crematorium (including the Sustainable

Urban Extensions of Clifton and Edwalton) the applicant has provided information to support the figures provided in the submission in relation to housing growth anticipated in Melton, Nottingham City and Newark areas, which would be in the geographical area of catchment.

100. The Federation of Burial and Cremation Authorities (FBCA) Recommendations on the establishment of Crematoria (2016) confirm that crematoria undertaking 1,000 cremations or more ought to be viable. The information provided by the applicant indicates that the likely demand in the crematorium's first year of operating is anticipated to be 1,086 cremations. At maturity in 2026 this is expected to rise further to around between 1,150 – 1,250 cremations per annum (24 per week). This level of operation is based on a catchment of around 118,000 persons of whom around 84,000 live within a 30 minute drive time of the site. The latter figure is projected to rise to around 110,000 by 2026.
101. With regard to catchment areas this has been updated from the 150,000 as previously referred to as the industry standard in the 2006 edition, and mentioned in the Westerleigh objection, to 120,000 residents within the 2016 edition. Sufficient evidence therefore exists to support the use of the guideline of 120,000 residents in catchment. The catchment area as shown by 'day one' will be in excess of 120,000 although it is acknowledged that the catchment area within 30min drive time (an identified appropriate time for travel) is 84,446 with an increase to over 110,000 residents by the time the new crematorium has matured in 2026. The applicant has provided a plan showing the 30min drive time for the crematorium, which clearly shows the potential for a larger catchment area based on resident choice of facilities although it should be appreciated that this provides overlap on other Crematoriums catchment areas in relation to geographical distance.
102. Consideration of the impact on the existing crematorium facilities is also necessary in this particular instance, to consider the special circumstances of need put forward. Whilst competition is not a material planning consideration in the determination of this application, appeal decisions have also held that demonstration of continued viability of existing facilities, coupled with viability of a new crematorium, is further evidence of quantitative need for a new facility. It is acknowledged that cremation draw to the proposed development will be drawn from the nine nearest existing facilities surrounding the catchment area (Wilford Hill, Bramcote, Gedling, Grantham, Loughborough, Leicester, Great Glen, Ollerton and Lincoln). The largest draw is considered to be from Wilford Hill Crematorium and is anticipated to be in the region of 27.5%. It is acknowledged that Wilford Hill has lost some custom by the opening of the Gedling Crematorium. Westerleigh's representation indicates that there may be some additional loss of Wilford Hill's market share to Gedling. However, having regard in the round to all of the information that has been presented, especially increasing death and cremation rates, and population growth within Rushcliffe, Nottingham City and the surrounding areas, on balance it is judged likely that Wilford Hill will remain viable.
103. In terms of quantitative need, it is considered that, having considered existing and future catchment population, existing and proposed cremation demand, including considering the impact of the development on the continued viability of existing crematorium, there is a quantitative need for additional crematorium capacity that is capable of amounting to very special

circumstances, outweighing any harm to the Green Belt and justifying the grant of planning permission.

104. In relation to qualitative need, the key indicators as set out by the applicant relate to the following:
- Seasonal 'practical capacity' concerns at Wilford Hill crematorium based on peak demand service times and service intervals;
 - Future year round practical capacity concerns from growth in cremation demand;
 - Unreasonable travel times to crematoria – in excess of 30min for many;
 - Unreasonable waiting times for funeral services (often two or three weeks);
 - Inability of existing provision to accommodate obese persons;
 - Operational issues at Wilford Hill including availability and pricing structure of midday, weekend and Friday services;
 - Limitations in chapel seating capacity at Wilford Hill Crematorium;
 - Access and car parking congestion at Wilford Hill Crematorium; and
 - Lack of choice of funeral type, location and quality for the bereaved and vulnerable.
105. Qualitative need has been considered to form part of very special circumstances in planning decisions. The Inspector within an appeal decision within Gedling at Orchard Farm stated that adequate provision of cremation facilities is an essential need and a planning consideration of the highest order, noting that bereaved relatives organising a funeral should be able to expect to find a crematorium within a reasonable distance. There should also be sufficient capacity for funerals to be arranged, at times convenient to mourners, without undue delay.
106. The applicant asserts that, bearing in mind the majority of the catchment area and the vast majority of the Borough population currently uses Wilford Hill, it is reasonable to assess only this crematorium in terms of its capacity to meet existing practical and future cremation needs. This is considered to be an appropriate approach to adopt. The comments of the Westerleigh Group are noted, in particular that they refute that Gedling is not geographically positioned to serve the needs of Rushcliffe Borough and they suggest that this is evidenced by the high quality service being provided to this catchment. This however, is in contrast to their submission on the planning application considered by Gedling Borough Council for the Gedling crematorium, which the Westerleigh Group operates, and ultimately the appeal Inspector suggested that Rushcliffe would fall outside of the crematorium catchment area.
107. 'Practical capacity' has been determined by appeal inspectors as a material consideration and refers to the fact that cremations and funeral services are not evenly spread across the week due to higher demand on Fridays and Mondays and considerable seasonal fluctuations in demand with the peak winter months often experiencing around 20% more deaths than summer months. Existing practical, rather than technical capacity is, therefore, a matter to be taken into account in the determination of this application in relation to qualitative need. Information in relation to existing and future

practical capacity at Wilford Hill is set out in full within the Planning Statement and additional information submitted since the validation of the application. This indicates that increased capacity is needed to address both current and increasingly critical future capacity issues at Wilford Hill to provide additional service slots in peak months, days and preferred times. The new facility would also provide a facility that is closer to significant areas of population than existing less constrained facilities. Appeal decisions have also held that 30min is a maximum reasonable travel time to a crematorium. This is based on taking the most direct route but applying funeral cortege speeds in normal traffic conditions (60% speeds). As set out above 84,466 residents would be within 30minutes travel of the proposed crematorium, increasing to over 110,000 residents by the maturity of the crematorium.

108. Waiting times for services can be held to demonstrate capacity issues and the application is supported by a survey of existing crematoria identifying that respondents stated that waiting times for an appropriate cremation slot were 2 - 3 weeks with difficulties identified obtaining weekend, lunchtime and Friday afternoon slots. Two separate letters submitted directly to the Borough Council in support of the application support improved opportunities for availability of services.
109. The proposed Crematorium would also be able to accommodate larger coffins than can be facilitated at Wilford as per modern standards of crematoriums. Such cremations need to be undertaken at alternative modern crematoriums such as Gelding resulting in longer distances for travel. An inspector at an appeal in Swanwick, Derbyshire included in his judgement of qualitative need the availability of facilities to cater for coffins more than 33 inches wide.
110. The proposed Crematorium would have a seating capacity for 100, with the flexibility to increase to 120 with a tighter seating arrangement, and with the potential for 168 people to view the service when seated through bi fold doors to the waiting area and entrance vestibule. This is compared to the two chapels at Wilford Hill which accommodate 85 and 65 people respectively and whilst it is acknowledged that this accommodates the average funeral party, the larger capacity would enable larger funerals (including certain faith groups). Larger funeral services would also be able to utilise improved parking facilities. Therefore, it is considered that the proposed development has the advantage of being able to cater for larger funeral services, which currently have to be held at Gedling or even further afield.
111. Comments received from a funeral director refers to a report produced in November 2018 titled Cost, Quality, Seclusion and Time where qualitative factors that are critical for the bereaved are reviewed, with availability of the right funeral slot and the time afforded in the Chapel being the most important factor. Whilst this report has not yet been tested at appeal it is considered to be of some relevance given the survey sample size. It is also noted that Bramcote is rated 4th place and Gedling 7th of the best performing UK crematoria based on the customer needs scorecard, with many of the top 20 best performing crematoria being newer facilities. It is noted that Wilford Hill is not within in the top 20. The impact of multi chapel crematoria are also identified as adding to the stress of the bereaved in terms of anxiety with identifying the correct chapel and the ability of funerals to be mixed up within the car park and grounds. The Statement of Community Involvement

submitted with the application and the comments received from the two local funeral directors support the case for better quality facilities to serve residents of Rushcliffe.

112. For the reasons set out above, it is considered, taken as a whole that qualitative need would constitute a very special circumstance, which would contribute to the factors that outweigh any harm to the Green Belt.
113. In addition, it is necessary to consider whether there would be additional harm to the Green Belt by reason of loss of openness, visual impact and any other harm with regard to the purposes of the Green Belt, together with any other planning harm. Any additional harm must also be clearly outweighed by other considerations.

Effect on openness of the Green Belt

114. It is considered that the proposed development would have an adverse impact on the openness and permanence of the Green Belt.
115. The NPPF states that substantial weight should be given to any harm to the Green Belt. However, in this case the limited quantum of built development would not have a marked impact on the extent of open land. Furthermore, the low level and restrained design of the building and the amount, layout and landscaping of car parking would help to minimise the visual impact of the scheme on openness, viewed in its own terms and having regard to its cumulative impact taken together with other development referred to by objectors, including the temporary travellers' site and the solar farm.
116. The proposed development must also be tested against the purposes of the Green Belt as set out in para 134 of the NPPF, as set out in the following paragraphs:
117. To check the unrestricted sprawl of large built up areas - In this instance, the application site is separated from the main built up area of Greater Nottingham and the larger villages of Bingham, Cotgrave, and Radcliffe on Trent. For this reason it is considered that the proposed development would not represent or contribute to urban sprawl.
118. To prevent neighbouring towns merging into one another - As stated above, the application site is separated from the main built up area of Greater Nottingham by a number of miles and is a significant distance from the villages of Bingham, Cotgrave and Radcliffe on Trent. For this reason it is considered that the proposed development would not result in Greater Nottingham merging with these villages.
119. To assist in safeguarding the countryside from encroachment - The application site currently comprises open agricultural land. As noted above, built development would fill part of the site and thus encroach on the countryside.
120. Preserving the setting and character of historic towns - It is not considered that the development would harm the setting and character of any historic town and would not therefore conflict with this aim of Green Belt policy.

121. Assist in urban regeneration, by encouraging the recycling of derelict and other urban land - The proposed development would not encourage the recycling of derelict and other urban land, so it would not assist in urban regeneration. However, as has been noted, crematoria are not ideally suited to brown field sites in built up areas. Thus the development would have a neutral impact on the use of such land and regeneration generally.

Summary

122. The scheme is inappropriate development in the Green Belt. It would encroach on the countryside. That would tend to reduce the openness of the Green Belt, albeit to a limited extent. However, there is a proven and substantial need for a crematorium to better meet the needs of Rushcliffe's population. Officers are satisfied that in practical terms land for this use will have to be found in, and taken from, the Green Belt. This is considered to constitute "very special circumstances" justifying a departure from the normal rule that strictly controls and restricts inappropriate development.

Benefits of the scheme

Provision of Community Facilities

123. Paragraph 92 of the NPPF requires that planning decisions should make positive provision for community facilities and local services to enhance the sustainability of communities and residential environments.
124. Policy 12 of the Rushcliffe Local Plan Part 1: Core Strategy relates to Local Services and Healthy Lifestyles. It states that the provision of new, extended or improved community facilities will be supported where they meet a local need. New community facilities of an appropriate scale should be located within District, Local Centres or Centres of Neighbourhood Importance wherever appropriate; be in a location accessible by a range of sustainable transport modes suitable to the scale and function of the facility; and where possible be located alongside or shared with other local community facilities.
125. The reasoned justification for the policy recognises that community facilities play an important part in people's lives and contribute to quality of life and sense of place. The Core Strategy will encourage proposals which increase the range or quality of community facilities in Rushcliffe. If community facilities are to serve the entire community they need to be accessible, hence the need for them to be located near to public transport and also be accessible by walking and cycling.
126. 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. Part of the needs case is understood to be that existing facilities are located some distance away from the main area of need and that, therefore, a closer facility would reduce journey time and be more sustainable. As set out above, appeal decisions

have acknowledged that '*...adequate provision of cremation facilities is an essential need and a planning consideration of the highest order*'.

127. Crematoria are community facilities. It has been shown that as matters stand, a significant proportion of the Borough's population are not well served by existing cremation facilities. The scheme would help to remedy that deficiency. That accords with the policy of paragraph 92 of the Framework and Policy 12 of the LPP1.

Highway Considerations

128. In considering applications, Policy 1 (Development Requirements) of the emerging Local Plan Part 2 requires that a suitable means of access can be provided to the development without detriment to the amenity of adjacent properties or highway safety and the provision of parking is in accordance with advice provided by the Highways Authority (this policy also reflects the requirements of policy GP2 of the Non-Statutory Replacement Local Plan). This is supported by Section 9 of the NPPF which relates to promoting sustainable transport which states that in specific applications for development it should be ensured that:
- a) appropriate opportunities to promote sustainable transport modes can be or have been taken up, given the type of development and its location;
 - b) safe and suitable access to the site can be achieved for all users; and
 - c) any significant impacts of the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.
129. The application is supported by a Transport Statement which has been reviewed by both Highways England, from a perspective of assessing impact on the Strategic Road Network including the junction of the A52 and Stragglethorpe Road, and Nottinghamshire County Council as highway authority for the local road network. Consideration has, therefore, been given as to how the operation of the Crematorium would affect the highway network and whether the proposed access and car parking arrangements would be satisfactory. Additional information has been received in relation to the provision of adequate visibility splays and clarification on a number of matters raised by the County Council in their initial response.
130. In addition, the proposal has taken into account walking, cycling and bus proposals, with measures set out in a Travel Plan to encourage alternative modes of transport to the private car. The County Council have, however, confirmed that a formal travel plan is not required due to the level of employees involved. Consideration has been given to improving existing bus stop provision in the vicinity of the site and the applicant has agreed to provide footpath linkages to the existing stops near the entrance and exit to the site and a contribution (£17,500) towards improving the facilities at the stops closest to the proposed vehicular exit. Details have been obtained from the County Council as to what facilities would be provided with the level of contribution being sought and this is considered necessary, directly related and reasonable in scale, and thus satisfies the legal requirements of CIL. Should members be minded to support the application, this contribution can be secured through a S106 agreement.

131. Specific concerns have been raised by interested parties regarding the existing and future operation of the right turn lane at the A52 and Stragglethorpe junction, in particular the impact of potentially slow moving and long funeral corteges negotiating this junction and waiting to turn right onto Stragglethorpe Road. This concern has been raised with Highways England and it is understood that improvements have been identified to improve the current situation, with highway safety issues being raised and acknowledged with its operation at peak hours. As the transport assessment identifies, the proposed operation of the proposed development would not impact on the highway network during these hours and, therefore, no objection has been raised on the operation of this junction from Highways England. A request to secure a potential contribution towards equipment to monitor and trigger changes to the traffic light sequences, if such improvements are unable to be implemented, has been received but this does not satisfy the necessary legal tests of being directly related to the development, as any impact is identified to be outside of peak hours when the junction operates satisfactorily. In any event, significant financial contributions are being sought from the larger housing developments within the Borough to contribute to improvements along the stretch of the A52, which could be utilised for such necessary improvements.
132. The concerns raised by Parish Councils and other interested parties in relation to highway safety issues in the vicinity of the site have been considered carefully. On balance, officers are satisfied that the applicant has provided a robust assessment of the highways impacts of the scheme and demonstrated that they can be mitigated effectively.
133. 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.
134. With the imposition of suitable conditions and Section 278 agreements to secure works in the public highway, there are no highway safety reasons to justify a recommendation to refuse the planning application. It is considered that the proposed development would provide access, parking and turning arrangements in accordance with Section 9 of the NPPF and Policy 1 of the emerging Local Plan Part 2. In particular, the NPPF makes it clear in paragraph 109 that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. No such impact has been evidenced and, therefore, a refusal on these grounds is not considered to be justified. The potential impact of the scheme on the nearby park and ride facility has also been considered, but raises a management issue for the car park's operators (there being sufficient on-site provision at the crematorium to accommodate its uses). Highway matters are therefore considered a neutral consideration in the planning balance.
135. The applicant has suggested that this proposal will minimise the need to travel for the larger rural settlements with a new reduction in carbon emissions from travel being closer to the weighted centre of the Borough's population, which form part of case that very special circumstances exist to

outweigh the harm to the Green Belt and any other harm caused. This would accord with the environmental aims of sustainable development. Some positive weight should be given to this in the planning balance.

Landscape and Visual Impact

136. The most relevant planning policies which need to be considered in relation to landscape matters are set out in Section 15 of the NPPF, and policies 10 and 16 of the Core Strategy. NPPF paragraph 170(b) requires that development should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside. Policy 16 of the Core Strategy requires that landscape Character is protected, conserved or enhanced where appropriate in line with the recommendations of the Greater Nottingham Landscape Character Assessment. Policy 10 also requires that development is assessed in terms of its treatment on the potential impact on important views and vistas including landscape.
137. Consideration has been given to the visual impact of the proposal in relation to landscape character and also the impact from public vantage points including public rights of way. A public right of way adjoins the site to the south and the recently implemented multi user route on the disused railway line which forms the eastern boundary to the site, with the path at the same level as the site at the south eastern corner and then gradually increases in elevation as it approaches the bridge over Stragglethorpe Lane. The sides of the embankments contain a range of native trees from shrubby Elder and Hawthorn to Mature Ash. Views afforded by walks along this path would be focused along the path corridor and the site is largely screened by vegetation that runs along the margins. Views at right angles to the path do allow filtered views into the site but when trees are in leaf they will be significantly reduced. Whilst users of such routes will be sensitive to change, the current screening provided by the embankment vegetation is considered effective in winter and the proposed structural planting will further screen the site and soften views of the car park and crematorium.
138. The site is most visible from the footpath to the south and from this point the field slopes away to the north. In the short term the parking area and crematorium would be visible from the right of way but in the medium to long term the proposed landscape screening and changes in level would effectively screen the car park and soften views to the crematorium. It is noted that no objections have been raised from the County Councils Rights of Way or Strategic Planning Team in relation to impact on users of this right of way.
139. The northern and western boundaries are abutted by roads, with the western boundary being a well maintained dense hedgerow. The northern boundary is a taller informal hedgerow which contains a number of mature trees. Views to the site from the nearby campsite are blocked by the railway embankment and bridge. Views from the campsite to the public house walking along the pavements are currently limited and it is considered that the proposed landscape planting in the northern half of the site will effectively screen the crematorium from view. The Landscape Officer has no concerns about the visual impact of the proposal on road users or pedestrians on the pavements.

140. Reference to the Greater Nottingham's Landscape Character Assessment and the landscape actions accompanying this assessment are made in the comments from the Council's Landscape Officer, which are set out in full above. The assessment acknowledges that the general area of the site has a rural character, although there are frequent urbanising elements providing a reminder of the proximity of built forms, such as large villages, industry and large farm buildings. It is considered that the proposed landscape masterplan has the potential to achieve all of the landscape features recommendations set out within this assessment and provides a generous amount of structural planting to limit views in to the site. Whilst it is accepted that there will be a change in character of the site from arable land to a Crematorium and remembrance garden, the proposed structural landscape planting will not be out of keeping with the woodland found along the railway embankment or the belts of trees found on the golf course to the west and the Landscape Officer has raised no objection to the changes in landscape character, and the impact on landscape character is in the long term considered neutral overall.
141. Objectors have raised concerns over the view towards a crematorium due to what they consider is the inevitable and unwelcome association with grief and death. Interested parties also feel that the presence of a crematorium nearby would inhibit enjoyment of nearby green spaces and countryside, rights of way and campsite, and the perception is that this will harm the quality of life. However, officers are satisfied that the design of the building and its associated landscaping would ensure that the building and its associated land uses will be well designed and screened and would not draw attention to itself or its use but would be assimilated successfully and unobtrusively into the countryside.

Design Considerations

142. The most relevant planning policies to be considered in relation to design are set out in Section 12 of the NPPF, Policy 10 of the Core Strategy and Policy 1 of the Emerging Local Plan Part 2. Section 12 of the NPPF states at paragraph 127 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.
143. Paragraph 131 of the NPPF states that in determining applications, great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design in an area.
144. Policy 10 of the Core Strategy and Policy 1 of the Emerging Local Plan Part 2 require all new development to be designed to a high standard and set 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.
145. The building design philosophy set out in the design and access statement is stated as to utilise a balanced use of natural and modern materials to realise a structure which is both sympathetic to its Green Belt environment and the sensitive nature of its function, while maintaining the integrity and character of a Civic building. The mass of the building is proposed to be broken by oversailing 'flat' roofs forming crisp horizontal lines in contrast to the natural

back drop and sedum roof finish above. Materials include cedar cladding which will naturally weather to sit comfortably within its landscaped setting.

146. It is noted that the Borough Council's Design and Conservation Officer considers the single storey nature of the proposal to sit well within the site and would be well screened by the extensive tree planting shown around the site within the landscaping plan. This should help screen the building whilst also screening the site from neighbouring road noise to create a tranquil space. No objections are raised regarding the proposed design. It is therefore considered that the design of the proposed development would satisfy the relevant design aims of the NPPF and Local Planning Policies
147. The impact of the proposed development on the local landscape has been considered elsewhere in this report.

Conserving and enhancing the historic environment

148. The NPPF requires new development to preserve and enhance heritage assets and their setting. There are no designated heritage assets (i.e. listed buildings or Conservation Areas) within close proximity of the site. The closest listed building is Cotgrave Place Farmhouse, a grade II listed building. It stands approximately 560 metres to the west of the site. The development is not considered to impact on its setting and significance due to the distance involved, topography and intervening structures, principally those immediately adjacent to the listed building. Archaeological interests can be adequately addressed by way of planning conditions. Accordingly, it is not considered that the proposal would cause harm to any heritage assets.

Pollution Considerations

149. The NPPF at paragraph 180 states that planning decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:
- a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from the new development and avoid noise giving rise to significant adverse impacts on health and the quality of life;
 - b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and
 - c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.
150. Emerging Policy 1 of Local Plan Part 2 Land and Planning policies (which reflects GP2 of the Non Statutory Replacement Local Plan) states that planning permission for new development will be granted subject to certain criteria including:

- There is no significant adverse effect upon the amenity, particularly residential amenity of adjoining properties or the surrounding area, by reason of the type and levels of activity on the site, or traffic generated.
- A suitable means of access can be provided to the development without detriment to the amenity of adjacent properties or highway safety and the provision of parking is in accordance with the advice provided by the Highways Authority.
- Sufficient space is provided within the site to accommodate the proposal together with ancillary amenity and circulation space.
- The scale, density, height, massing, design, layout and materials of the proposal is sympathetic to the character and appearance of the neighbouring buildings and the surrounding area.
- Noise attenuation is achieved and light pollution is minimised.
- There is no significant adverse effect on important wildlife interests.
- There is no significant adverse effect on landscape character.
- The amenity of occupiers or users of the proposed development would not be detrimentally affected by existing nearby uses.
- The use of appropriate renewable energy technologies will be encouraged within new development and the design, layout and materials of the proposal should promote a high degree of energy efficiency.

Noise and disturbance

151. With regard to noise, whilst the proposed use would generate traffic movements to and from the site, the nature of the proposed use would mean that this would be largely limited to daytime hours during the week. This, together with the background noise already existing in the area from the two existing main roads, is unlikely to increase any vehicle noise impact on nearby residential properties to such an extent as to warrant a refusal of planning permission on these grounds.
152. Concern has been raised by users of the nearby campsite that noise and disturbance generated by the proposed development would impact on the recreational and amenity value of the area. The principal noise sources associated with the development post construction are anticipated to be related to road traffic. Some noise could also be generated by the use of the memorial gardens on the site, although given the quiet reflective nature of the use, it is considered that this is likely to be very minimal. In light of the location of the campsite on the opposite side of Stragglethorpe Road, set behind the elevated railway embankment, and the proposed car parking area is located predominately to the south of the site, it is not considered that any noise generated by the proposed use would unduly impact on neighbouring uses to such a degree to warrant a refusal of planning permission on these grounds. No objections have been raised from the Borough Council's Environmental Health Officer and a condition is suggested to ensure that noise from any externally mounted plant or equipment, or any internally mounted equipment which vents externally, is considered prior to installation.

Air Quality

153. With regard to air quality the NPPF (Section 15) confirms that planning decisions should sustain compliance with and contribute towards EU limit

values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and the cumulative impacts on air quality from individual sites in local areas. The site is not located within an Air Quality Management Area but an air quality zone exists at the junction of Stragglethorpe Road and the A52. It is considered that an assessment of potential impact from an increase in use of this junction is reasonable and justified and a pre-commencement condition is suggested to consider this further. Bearing in mind the limited increase in traffic around this junction, the Environmental Health Officer is satisfied that this can be dealt with by condition and it is not necessary for this to be considered prior to determination of the application.

154. The National Planning Practice Guidance (NPPG) contains guidance on air quality. It requires local planning authorities to consider whether development would expose people to existing sources of air pollutants, and/or give rise to potentially significant impact (such as dust) during construction for nearby sensitive locations. A condition is recommended requiring the submission of a construction management plan to help minimise construction nuisance from dust.
155. Emissions to air are tightly controlled and regulated by DEFRA, and the future operator of the crematorium will be responsible for obtaining the necessary permit. No objections have been received from the Environmental Health Officer in relation to air quality impact on these grounds. Paragraph 183 of the NPPF advises that the focus of decisions should be on whether the proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively.
156. Comments received from the County Council in relation to the odour that can be emitted from a nearby waste operation have been noted and considered. Bearing in mind the relative locations and the distance between the operations it is not considered that such an operation would impact on the successful operation of the Crematorium or vice versa.

Light pollution

157. With regard to light pollution it is noted that this end of Main Road is already affected by the existing street lights along Main Road and Stragglethorpe Road, night time traffic along these roads and lights at the Shepherds, and this area is not identified as an area of intrinsically dark landscape. 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 the existing situation. Consideration is needed to ensure that any new lighting does not impact on nature conservation. The application proposes the use of external lighting to provide 'way finding' for visitors who may attend the facility at dusk during the winter months and during spells of inclement weather. The lighting is designed to be low level to mitigate environmental impact and is to be controlled by a time clock to prevent light pollution outside of operating hours together with an external sensor to ensure its use only when daylight levels are insufficient.

Ground conditions and pollution

158. In accordance with NPPF paragraph 178, planning decisions should ensure that a site is suitable for its proposed use taking into account ground conditions and any risks from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining. It is noted that a site specific desk study report has been undertaken and reviewed by Environmental Health. An area of made ground has been noted which will require further investigation prior to commencement of development. This will not prevent development of the site. Due to the proximity of Cotgrave Colliery the Coal Board have been consulted and have referred the applicant to general advice.
159. The very nature of the proposed use may result in the grounds being used for the scattering of ashes. The Environment Agency has been consulted and has not raised any concerns over the potential impact on groundwater.
160. For the above reasons it is considered that the proposed development would not contribute to an unacceptable level 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 surrounding area in general, the natural environment or the landscape. Therefore, it is considered that the proposed development would accord with Section 15 of the NPPF and Policy 40 of Local Plan Part 2: Land and Planning Policies.

Residential Amenity

161. One of the principles of the operation of the planning system, as set out in the NPPF, is to ensure that authorities should always seek a good standard of amenity for all existing and future occupants of land and buildings. Taking into account the relative location of the closest residential properties, it is not considered that there would be any 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.
162. Whilst the distance between the proposed crematorium 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 200yds, it is noted that in this instance the nearest residential property would be the residential accommodation above the Shepherds Restaurant, around 214 metres at its closest point, measured between the two buildings.

Impact on Local Businesses and community facilities

163. The application provides information on the potential economic benefits of the scheme and it is suggested that the development provides direct and indirect employment benefits supporting new jobs and creating economic growth resulting in expenditure to the benefit of the local area, supporting local retail and leisure services. Taking into account the above it is, therefore, considered that the application satisfies the requirements of Policy 5 of the Core Strategy and satisfies the aims of the NPPF in relation to the economic role of planning including supporting a prosperous rural economy, and the corporate priority of supporting economic growth to ensure a sustainable,

prosperous and thriving local economy. Such matters are given weight in the determination of applications and appeals by the Secretary of State.

164. Section 6 of the NPPF relates to 'Building a strong, competitive economy' with paragraph 83 specifically referring to 'Supporting a prosperous rural economy' with emphasis that planning decisions should enable:
- The sustainable growth and expansion of all types of business in rural areas both through conversion of existing buildings and well-designed new buildings.
165. The proposed development would introduce a new business into a rural area through what is considered to be a well-designed building and provide for employment opportunities in accordance with the economic strand of sustainable development. This weighs in favour of the scheme.
166. Paragraph 182 of the NPPF states that; *"Planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs)."* Whilst this is largely to ensure that new development does not impact on the operation of existing businesses e.g. introducing new residential flats next to an existing music venue could mean that late night noise and disturbance might result in anti-social behaviour therefore impacting on the new business hours of operation in the future, consideration should be given to the impact of the proposal on existing businesses which include a campsite, restaurant, day nursery, golf and country club and hotel. In support of the application the applicant has outlined the potential economic benefits of the location of the use and its potential interrelationship with existing businesses by way of increasing trade by additional visiting members of the public and use of services, thus assisting in the long term viability of the uses. This weighs in favour of the scheme. No objections to the proposal have been made by the owners/operators of the restaurant or golf and country club.
167. Significant concern have been raised by the owners of the nearby campsite known as Thorntons Holt and its users with regard to the potential for loss of trade and impact on the amenity of users of the site. Section 6 of the NPPF relates to supporting a prosperous rural economy and the need to ensure that development is sensitive to its surroundings. The importance of the campsite to the Borough in relation to it providing for and supporting tourist facilities should not be underestimated and Policy 31 of the Emerging Part 2 has a specific policy relating to sustainable tourism and leisure encouraging the retention, enhancement and protection of such uses. Careful consideration has been given to the potential impact on this facility.
168. The campsite is not in direct view of the proposed Crematorium and the entrance to the campsite is offset from the Stragglethorpe frontage of the site, which is proposed to be landscaped. The campsite is separated and screened from the application site by a disused railway embankment, a road, bridge and significant vegetation and the Crematorium building itself would be set away from the Stragglethorpe Road frontage. It would not be possible to view the crematorium from any of the pitches within the campsite. It is suggested that the crematorium is an incompatible use in context with the surrounding recreational character of the land. However, once the

landscaping has matured the crematorium would have a more intimate and screened appearance and the visual impact of the development would be significantly reduced. As stated above it is not considered that the operation of the proposed use would result in noise and disturbance issues likely to affect the tranquillity, which is suggested to exist at the campsite. Therefore, on balance, officers conclude no material harm would be caused to this or any other business.

Psychological impact

169. Concern has been raised with regard to the potential psychological harm of the introduction of a crematorium into this location, particularly in relation to users of the day nursery, campsite and rights of way. It is accepted that moral objections to proposals are not material but aspects of a use that may cause distress, albeit in the mind could be a planning matter. In an appeal decision in Stroud relating to the use of premises as a funeral directors the local authority alleged that the proximity of the site to residential accommodation and a large car park would result in emotional and psychological effects that would be harmful to children or the elderly. The Inspector observed that distress and emotional effects were subjective matters and although there was some argument that psychological effects were material considerations, in the circumstances of the case they should be taken into account. He noted the measures to be taken to minimise sight of activities likely to cause offence and allowed the appeal. Costs were sought by the appellant due to lack of evidence to substantiate the reasons for refusal and the Inspector awarded these ruling that the evidence amounted to little more than personal opinion. In an appeal decision in Leicestershire consideration was given to the potential impact on children at a local school seeing on occasions funeral cortege passing. This was not considered to be a reason to refuse planning permission with reference made to existing and proposed landscaping helping to limit intervisibility between adjacent uses. There was also no evidence to indicate that the presence of a crematorium would affect demand for school places.
170. Against that background, some concerns have been registered about the site's proximity to a day nursery. However, it is located behind the Shepherds Rest and its outdoor play area is outside of the direct view of the proposed development. Moreover, even if children using the outdoor play areas do see funeral corteges passing by on Stragglethorpe Road this is not a unfamiliar situation along many approach roads to Crematoriums or cemeteries without causing any harm and no compelling evidence has been presented to the Council that the impact would be anything other than benign in this case.
171. With regard to the impact on the users of the campsite, campers will not be able to view the site whilst pitching on the site and the crematorium would only be observed when approaching or leaving the campsite in a certain direction or when using the public rights of way. As acknowledged above, once the landscaping has matured, the crematorium would have a more intimate and screened appearance and the visual impact of the development would be less noticeable and would reduce the perception of the impact from users of the area. It is not considered that a reason to refuse planning permission would be able to be justified and substantiated at appeal on the impact of the use on the users of these businesses or the loss of enjoyment of the local countryside. The importance of the mineral line as a green space

and multi user right of way is recognised in Policy 34 of the Emerging Local Plan Part 2. It is not considered that the siting of a crematorium would have undue impact on the protection or operation of this green infrastructure asset with users' views being focussed along the length of the path by the high level vegetation on either side.

Ecology

172. The applicant's ecological appraisal assesses the likely significant effects of the proposal on the ecology and nature conservation of the site and its surroundings. It describes the methods used to assess the likely effects, and presents the baseline conditions currently existing at the site and the value of the component features. Detailed surveys have been undertaken to confirm the presence of species protected under the Wildlife and Countryside Act 1981(as amended), The protection of Badgers Act 1992 and the Conservation of Habitats and Species Regulations 2010 (as amended), together with faunal surveys. The reports have been considered the Borough Councils Sustainability Officer. No objection has been raised with the information submitted and it is considered to be robust in its methodology and outcomes.
173. The Ecological report has concluded that, over the period of survey, the majority of the habitats identified within the survey area were considered to be of low ecological value. No significant populations of protected species were found within the site.
174. Green infrastructure has been designed to surround and enhance the site with existing hedgerows maintained and enhanced wherever possible. The proposals include a natural garden which will comprise wildflower grassland, an attenuation pond, woodland and shrub planting, and a memorial garden which will include ornamental planting and landscaping. Recommendations in the ecological report include the use of native seed/fruit bearing species within the tree and hedgerow planting scheme, which will be of value to wildlife, and the creation of areas of wildflower grassland and the erection of bird and bat boxes. Bats may use the vegetated northern, eastern and western boundaries for foraging and commuting purposes. Therefore, in order to preserve their value to bats and to comply with paragraph 180 of the NPPF, which aims to limit the impact of light pollution on bats, these boundaries should be kept in an unlit state.
175. Core Strategy policy 17 requires development to contribute towards the conservation, enhancement or restoration of biodiversity and ecological networks throughout the landscape. The NPPF (Section 15) advises that the planning system should contribute to and enhance the natural and local environment by: minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures. Under Section 40 of the Natural Environment and Rural Communities Act (2006), every local authority has a statutory duty, in exercising its functions, to have regard, so far as it is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity.

176. The applicant has undertaken the required ecological surveys and identified proposed mitigation measures, which after careful consideration and review are considered appropriate in the context of the Framework and CS Policy 17 (Biodiversity). As set out above, ecological information has been carefully assessed by our ecologist and no objections to the proposals are raised. To ensure that the proposed development is undertaken in a way that will minimise adverse impacts on biodiversity and secure future long-term management to retain biodiversity and deliver biodiversity gain, a range of mitigation measures would be required and secured by the imposition of suitable planning conditions. No protected species are identified as being directly affected by the scheme. The proposal would, therefore, accord with the aims of Paragraph 174 of the Framework and the provisions of Policy 17 of the Core Strategy. With the extent of new planting and biodiversity enhancements proposed this can be viewed as a positive benefit of the proposal according with the environmental aims of sustainable development which weighs in favour of the scheme.

Contamination

177. The NPPF (Section 15) requires that decisions should ensure that a site is suitable for its proposed use taking into account ground conditions and any risks arising from natural hazards or former activities. Part of the site is included on the Councils prioritized list of potentially contaminated land sites, No objections have been received from the Environmental Health Officer to the principle of the use on the site and they are satisfied that any potential contamination can be dealt with appropriately by way of a planning condition and it is not necessary for investigations to be undertaken prior to the application being determined. A condition is, therefore, recommended to ensure a detailed investigation report is submitted. The condition would ensure that any contamination is identified and if necessary mitigation measures proposed and undertaken to ensure that the site is suitable for its proposed use. This is not an unusual approach and it is not considered that this prevents development on the site, and will ensure compliance with the requirements of emerging Policy 14 (Environmental Protection) of the Local Plan Part 2 Land and Planning Policies and with paragraph 178 of the NPPF.

Equality Implications

178. Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:
- (1) A public authority must, in the exercise of its functions, have due regard to the need to:
 - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
179. Section 71 of the Race Relation Act (1976) requires due regard to be given to the impact of any decision on the statutory duty to eliminate unlawful racial discrimination and promote equality of opportunity.

180. The European Convention now specifically addresses matters relating to discrimination in Article 14, which seeks to prevent discrimination on any ground such as race and religion. Planning in the UK needs to satisfy the requirements of European Law and this is reflected in the NPPF. It stresses the need to take into account the needs of all of the community.
181. It is noted that the proposed building will have a specific capacity of 163 seated plus standing space if necessary and reference has been made to the specific issue of accommodating larger funerals for potentially different faiths. This proposed development would allow for greater capacity than exists at Wilford Hill and Gedling and exceeds that presently recommended in the Recommendations on the Establishment of Crematoria of the Federation of Burial and Cremation Authorities 2016. Disabled access would also be required to accord with building regulations and the equipment to be installed will allow for larger coffins to allow for cremation of larger members of the community.
182. In other respects, there are no known equality implications arising directly from this development.

Drainage and Flood Risk

183. The site is located within Flood Zone 1 on the Environment Agencies Flood Risk Maps and is therefore at low risk of flooding. It is also not necessary to undertake a sequential or exception test. Consideration however needs to be given to surface water management and a Flood Risk Assessment including sustainable urban drainage strategy supports the application and has been designed to attenuate surface water run off on site in the form of a swale in the northern, lower part of the site supports the application. The existing surface run off from the field flows northwards and into a drainage ditch. This has been assessed by the County Council as Local Flood Risk Authority and no objections are raised, subject to the imposition of planning conditions.

Waste

184. The National Planning Policy for Waste advises that when determining planning applications for non waste development local planning authorities should, to the extent appropriate to their responsibilities, ensure that:
- The likely impact of proposed, non waste related developments on existing waste management facilities, and on sites and areas allocated for waste management, is acceptable and does not prejudice the implementation of the waste hierarchy (prevention - preparing for reuse - recycling, other recovery - disposal) and/or the efficient operation of such facilities.
 - New non waste development should make sufficient provision for waste management and promotes good design to secure the integration of waste management facilities with the rest of the development and in less developed areas with the local landscape. This includes providing adequate storage facilities. The handling of waste arising from the construction and operation of development should maximise reuse/recovery opportunities and minimise off-site disposal.

185. The National Planning Guidance follows this advice and suggests that proposals that are likely to generate significant volumes of waste through the development or operational phases should undertake a waste audit. Bearing in mind the relatively small size of the building works proposed to be delivered on this site, it is not considered that a waste audit is essential for this site to ensure consideration of the waste hierarchy is achieved. It is considered that waste matters can be adequately considered by way of planning conditions as set out below.
186. Consideration has been given to waste matters in the application and it would be normal practice for the construction management plan to include a requirement for a scheme for recycling/disposal of waste resulting from site clearance and construction works.
187. Before granting planning permission the local planning authority will need to be satisfied that the impacts of non waste development on existing waste management facilities are acceptable and do not prejudice the implementation of the Waste Hierarchy. In terms of the Waste Core Strategy, the site is, at its closest extent, approximately 600m to the south-east of an active waste management facility, Stragglethorpe Road composting site, which is an open air facility that emits significant amounts of bioaerosols. The County Council advise that other developments at a similar distance have been able, on occasion, to detect odour from the site, therefore there is potential that, at the proposed development site, an odour may be detectable. This issue has been considered in the determination of this application and the applicant has reviewed the planning permission for the facility and it would appear to have caused little nuisance to nearby residents or businesses. Taking into account the level of structural planting proposed, the distance and relative locations between the operational waste site and the proposed development and the prevailing wind direction it is not considered that the operation of this waste site would compromise the operation of the proposed development or vice versa. It is noted that the County Council do not object on this basis.

Loss of agricultural land

188. The site comprises approximately 3.5 hectares of arable agricultural land classified as Grade 3 land. Paragraph 170 of the NPPF identifies that the economic and other benefits of the best and most versatile agricultural land (BMVAL) should be taken into account. Significantly, development of agricultural land, where demonstrated to be necessary, should utilise areas of poorer quality land in preference to that of higher quality. The application site is BMVAL and the resultant loss of BMVAL is a matter that weighs against the scheme. BMVAL is a finite resource and the NPPF makes it clear that the economic and other benefits of such land must be weighed in the balance. The loss of BMVAL would, at worst, be modest, taking into account the general quality of agricultural land across the country, the NPPF does not prohibit its loss and that a loss of less than 20Ha does not trigger consultation on this basis with Natural England. Nonetheless, it would be a dis-benefit of the proposal that must be weighed into the overall balance of the decision.

Other considerations

189. Comments have been made expressing concern that works have been commenced on site. This is not the case, the works that are taking place in the vicinity of the site relate to works being undertaken by Severn Trent.
190. Representations have been submitted asserting that the proper way to identify the optimum site for a crematorium is to use the Local Plan process. However, when planning applications are made, they must be determined. Moreover, the existing plan provides an adequate policy framework for determining this application. There is no need for a specific allocation.
191. Should planning permission be forthcoming, Members will be aware that the Borough Council does have an option to become the operator/owner of the site and a report to cabinet was discussed in November 2018. This application, however, has been assessed on its own planning merits in relation to planning policies and this report sets out clearly what Members should take into account in the determination of the application.
192. Concern has been raised in relation to directional signage to the site. This is required to ensure highway safety is not compromised and to assist users in locating the facility. These are considered to be Traffic signs and would not require advertisement consent, however, the precise location and details will need to be submitted and agreed through the discharge of a planning condition and separate S278 agreements by the relevant highway authority. It is not considered that this will have a detrimental impact on the amenity of the area. Advertisements at the entrance of the site may require a separate application for advertisement consent to be considered and a note to applicant is recommended.

Consideration of the Green Belt direction

193. As the proposed development is a major application involving a site within the Green Belt and the development constitutes inappropriate development, consideration has been given to the Town and Country Planning (Consultation) England Direction 2009. This requires applications for certain developments to be referred to the Secretary of State for Communities and Local Government if a local authority does not propose to refuse an application for planning permission for which the direction applies. 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.
194. The building proposed does not have a floor space of over 1000 square metres and as set out above, whilst the development would have some impact on the openness of the Green Belt due to its built form and associated hard surfacing, it is not considered to be of such a scale or in such a location to have a significant impact to require a referral to the Secretary of State for Communities and Local Government.

Conclusion and Planning Balance

195. Members are reminded that Section 38(6) of the Planning and Compulsory Purchase Act 2004 directs that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. Paragraph 11 of the NPPF advises that there is a presumption in favour of sustainable development and for decision-making this means approving development proposals that accord with the development plan without delay. The NPPF is a material consideration in planning decisions.
196. The scheme has been considered having regard relevant National and Local Planning Policies, with particular attention to Green Belt considerations, which are considered to be fundamental to this case given the location of the site and should be given substantial weight. Officers acknowledge that the proposal amounts to inappropriate development in the Green Belt, which should be regarded as harmful by definition, and should not be approved except in very special circumstances. Paragraph 144 of the NPPF advises that; *“Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.”* The applicant has put forward factors which they consider amount to very special circumstances and these have been carefully considered by officers.
197. The benefits of the scheme, referred to in this report, are considered to amount to very special circumstances, which outweigh the identified harm to the Green Belt. In particular, it is considered that there is an evidenced need for a new crematorium within the Rushcliffe area to meet the needs of the Borough and adjoining areas. The provision of community facilities and supporting a prosperous economy are supported by local and national planning policy and the site search undertaken by the applicant demonstrates that a Green Belt location is necessary in this instance to serve the identified catchment.
198. Consideration has also been given to other material considerations including design and landscape impact, highway considerations, contamination, ecology, impact on heritage assets and the amenity of residents and users of the countryside in this location. Consideration of the impact on the intrinsic value of the Local Landscape Character, particularly during the early years of the development when proposed landscaping is maturing is outweighed by the very special circumstances necessary to support this proposal.
199. It is considered that the proposed development would not give rise to any undue impacts on highways safety, either on the Strategic Road Network or local roads and would provide reasonable accessibility and transport choice with the proximity of public transport and rights of ways.
200. It is also considered 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, businesses and users of the countryside, ecology, visual impact with the design of the proposed development and its impact on the public footpath. Perceived psychological impact of the development has been considered and given appropriate weight.

201. Having attached weight to the material planning considerations and assessed whether there are positive or negative factors in the overall planning balance, it is evident that the positive considerations clearly outweigh the negative aspects of the proposal. 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, it is considered that other material considerations indicate that permission should be granted.
202. There was no formal pre-application submission for the proposed development, however, discussions have taken place with the agent throughout the consideration of the application, which has resulted in the submission of additional information to clarify certain elements of the proposal and revised plans to overcome highway concerns initially raised. This has ultimately resulted in a favourable recommendation to Planning Committee.

RECOMMENDATION

It is RECOMMENDED that the Executive Manager – Communities be authorised to grant planning permission subject to the prior signing of a S106 agreement in relation to a contribution towards Bus Stop Improvements, and the following conditions:

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

[To comply with Section 91 of the Town and Country Planning Act 1990, as amended by the Planning & Compulsory Purchase Act 2004].

Pre-commencement conditions

2. No part of the development hereby approved shall commence until a detailed surface water drainage scheme based on the principles set forward by the approved Flood Risk Assessment (FRA) 18052-FRA, November 2018, Rutter Johnson Ltd., has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. The scheme shall be implemented in accordance with the approved details prior to completion of the development. The scheme to be submitted shall:
 - i) Demonstrate that the development will use SuDS throughout the site as a primary means of surface water management and that design is in accordance with CIRIA C753.
 - ii) Where possible utilise further SuDS methods at detailed design such as permeable paving and swales to convey water and provide maximum water quality benefit and biodiversity/amenity.
 - iii) Limit the discharge rate generated by all rainfall events up to the 100 year plus 40% (for climate change) critical rain storm to 5 l/s for the developable area.

- iv) Provision of surface water run-off attenuation storage in accordance with 'Science Report SCO30219 Rainfall Management for Developments' and the approved FRA.
- v) Provide detailed design (plans, network details and calculations) in support of any surface water drainage scheme, including details on any attenuation system, and the outfall arrangements. Calculations should demonstrate the performance of the designed system for a range of return periods and storm durations inclusive of the 1 in 1 year, 1 in 2 year, 1 in 30 year, 1 in 100 year and 1 in 100 year plus climate change return periods.
- vi) For all exceedance resulting from the development to be contained within the site boundary without flooding buildings in a 100year+40% storm.
- vii) Evidence of how the on-site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development to ensure long term operation to design parameters.

[In accordance with the aims of Policy 2 (Climate Change) of the Rushcliffe Local Plan Part 1: Core Strategy. This is a pre commencement condition due to the need to establish acceptable details relating to be incorporated into the layout of the scheme at design stage.]

3. Prior to the commencement of development details of a scheme for the provision of soft landscaping of the site shall be submitted to and approved by the Local Planning Authority. This shall include details of the phasing for securing both the approval and implementation of the soft landscaping which shall generally accord with the details outlined in the submitted Landscape Masterplan (Ian Stemp Landscape Associates). This scheme shall allow for the early provision of structural planting to the boundaries of the site and hedgerow enhancement and provide for native species appropriate to the local area in areas of structural and natural areas. The scheme shall thereafter be undertaken in accordance with those implementation details and those approved within the individual phases. Any tree(s) or planting which die, are removed or become seriously damaged or diseased within 5 years of completion of the final phase of planting shall be replaced in the next planting season with others of a similar size and species.

[To ensure a satisfactory development in accordance with the aims of Policy 10 of the Rushcliffe Local Plan Part 1: Core Strategy. This is a pre-commencement condition due to the need to establish acceptable details of hard and soft landscaping to be incorporated into the layout of the scheme at design stage.]

4. Prior to commencement of development a scheme to allow for the protection of retained trees and hedgerows (in accordance with BS5837/2012) shall be submitted and approved by the Local Planning Authority and these approved details shall be implemented prior to works commencing on site and shall be retained whilst construction is being undertaken.

[To ensure a satisfactory development in accordance with the aims of Policy 10 of the Rushcliffe Local Plan Part 1: Core Strategy. This is a pre-commencement condition due to the need to protect existing trees and hedgerows on the site prior to potential damage at construction stage.]

5. No development shall take place until a programme of archaeological work by geophysical survey has been undertaken and the results of which have been submitted to and approved in writing by the Borough Council. Should the results of that survey indicate the presence of archaeological features, a written scheme of investigation covering appropriate further archaeological evaluation shall be submitted to, and agreed in writing by, the Borough Council and any subsequent development undertaken in accordance with that agreed scheme of investigation.

[To ensure that archaeological matters are satisfactorily addressed in the interests of Policy 11 (Historic Environment) of the Rushcliffe Local Plan Part 1: Core Strategy. This is a pre-commencement condition due to the need to establish the impact on archaeological matters prior to work commencing on site to avoid any damage to features of historic interest.]

6. Prior to the commencement of any on site works, a method statement detailing techniques for the control of noise, dust and vibration during construction shall be submitted to and approved by the Local Planning Authority. The works shall be carried out in accordance with the approved method statement. All construction work, including deliveries, shall be restricted to the following times, to cause the minimum amount of disturbance to neighbouring residents:

Monday Friday 0700 - 1900 hours
Saturday 0800 - 1700 hours
Sunday/Bank Holidays No work activity

[To ensure a satisfactory development and in the interests of residential amenity in accordance with the aims of Policy 10 of the Rushcliffe Local Plan Part 1: Core Strategy. This is a pre-commencement condition due to the need to establish acceptable details of construction methods to be agreed prior to works commencing to avoid loss of amenity to neighbouring premises.]

7. Before the development is commenced, and notwithstanding the details of the chimneys shown in the approved plans and drawings, details of the proposed chimney heights and their associated D1 chimney height calculations shall be submitted to and approved in writing by the local planning authority. The chimney(s) shall thereafter be installed and maintained in accordance with the approved details.

[To ensure a satisfactory development in accordance with the aims of Policy 40 of the Emerging Local Plan Part 2:- Land and Planning policies. This is a pre-commencement condition due to the need to establish acceptable details relating to this matter to enable this to be incorporated into the design of the premises at design stage.]

8. No development shall take place until an ecological enhancement scheme and management plan including a programme of implementation has been submitted to and approved in writing by the local Planning Authority and

should take into account the recommendations of the Preliminary Ecological Appraisal (September 2018) and include:

- i) The provision of a 10m vegetated margin to the boundary of the Cotgrave Wildlife Site;
- ii) Habitats to support Grizzled and Dingy Skipper butterflies;
- iii) Ensuring no works to trees with potential for bats should receive work without a bat survey; and
- iv) Provision of permanent artificial wild bird nests and bat roosts installed on retained trees

The plan must detail the formal management agreement, aftercare and monitoring of the retained and newly created habitats on the site and their ongoing maintenance. The plan shall be carried out as approved unless otherwise agreed in writing by the Local Planning Authority

[To ensure that the proposed development contributes to the conservation and enhancement of biodiversity within the site and for the wider area in accordance with paragraphs 174-175 of the NPPF and Policy 17 of the Rushcliffe Local Plan Part 1: Core Strategy. This is a pre commencement condition to ensure that matters of ecological importance are adequately protected before construction commences.]

- 9. No development shall commence on site until such time as the existing and proposed ground levels of the site, and proposed finished floor levels have been submitted to and agreed in writing by the local planning authority. The approved proposed ground levels and finished floor levels shall then be implemented in accordance with the approved details.

[To ensure that the development has a satisfactory appearance in the interests of visual amenity to accord with Policy 10 of the Rushcliffe Local Plan Part 1: Core Strategy. This is a pre commencement condition to ensure that any development takes into account ground levels on the site.]

- 10. Before development is commenced, a Phase II Investigation Report shall be submitted to and approved by the Local Planning Authority. If this report confirms that "contamination" exists, a remediation report and validation statement will also be required. In such instances, all of these respective elements of the report will need to be submitted to and approved by the Borough Council as Local Planning Authority before the development is operational.

[To ensure a satisfactory development in accordance with the aims of Policy 41 of the Emerging Local Plan Part 2:- Land and Planning policies. This is a pre-commencement condition due to the need to ensure that potential contamination matters are adequately assessed and if necessary mitigated prior to work commencing.]

During Construction

11. During any ground works, demolition or construction there shall be no burning of waste on the site.

[In the interests of residential amenity in accordance with the aims of Policy 10 of the Rushcliffe Local Plan Part 1: Core Strategy.]

12. Prior to the development reaching slab level details of all of the facing and roofing materials (including details of the living roof) shall be submitted and approved by the Borough Council. The development shall thereafter be constructed in accordance with such details.

[To ensure a satisfactory development in accordance with the aims of Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy]

Prior to first use conditions

13. Prior to the development hereby approved being brought into use, the following highway infrastructure shall be provided, in accordance with construction details to be first submitted to and approved by the Borough Council:

- i) the site access junctions from Main Road;
- ii) proposed pedestrian footway along the north-eastern kerb line of Main Road to the north of the entry junction, including associated uncontrolled pedestrian crossings;
- iii) proposed pedestrian footway along the north-eastern kerb line of Main Road to the south of the exit junction, including associated uncontrolled pedestrian crossings; and
- iv) as shown for indicative purposes on drawing titled: "Access Layout and Site Lines", reference: J1014 full access fig 1 (rev A).

Prior to the development being brought into use, the accesses shall be surfaced in a bound material (not loose gravel) for a minimum distance of 8m to the rear of the Main Road nearside channel line, and shall be drained to prevent the unregulated discharge of surface water from the access onto the public highway. The bound material and the provision to prevent the discharge of surface water to the public highway shall thereafter be retained for the life of the development.

[In the interest of Highway Safety, enhance sustainable accessibility, to ensure adequate access, operational capacity, and associated visibility is provided to the development. In accordance with the aims of Policy 10 of the Rushcliffe Local Plan Part 1: Core Strategy.]

14. Prior to first occupation of the development hereby approved details of the means of hard surfacing of the site which shall generally accord with the details as set out on the submitted Landscape Masterplan (Ian Stemp Landscape Associates) shall be submitted to and approved by the Borough

Council as the planning authority. The provision of the access driveway and car parking spaces shall thereafter be implemented in accordance with those details prior to the use first being brought into use and shall thereafter be retained for such purposes.

[To ensure a satisfactory development in accordance with the aims of Policy 10 (Design and Enhancing Local Identity) of the Rushcliffe Local Plan Part 1: Core Strategy]

15. Before the development is first brought into use, the noise levels for any externally mounted plant or equipment, together with any internally mounted equipment which vents externally, that is to be installed, along with details of the intended positioning of such in relation to the development, shall be submitted to and approved by the Borough Council as Local Planning Authority. If this information is inconclusive or not complete then the applicant will be required to undertake a full noise assessment in accordance with BS 4142:2014: Methods for rating and assessing industrial and commercial sound. This report will need to make it clear that the plant/equipment is capable of operating without causing a noise impact on neighbouring properties.

[To ensure a satisfactory development in accordance with the aims of Policy 40 of the Emerging Local Plan Part 2: - Land and Planning policies.]

16. Before the development is first brought into use, an air quality screening assessment report shall be carried out in accordance with Local Air Quality Management (LAQM) Technical Guidance 16 (TG16), February 2018 and submitted to and approved in writing by the local planning authority. The assessment shall consider road traffic changes and the potential impact on the existing adjacent Air Quality Management Area (AQMA), AQMA 1 2011. Where any impact is considered significant, the report shall include an action plan to mitigate such impacts and this shall be implemented within 12 months of operational commencement.

[To ensure a satisfactory development in accordance with the aims of Policy 41 of the Emerging Local Plan Part 2:- Land and Planning policies.]

17. Prior to first occupation of the development hereby approved, a detailed signage scheme to direct visitors to the site from all directions, as shown indicatively in Technical Note reference: J1014-TN1, dated 3/1/2019, shall be submitted to and approved in writing by the Local Planning Authority. The approved detailed signage designs shall thereafter be implemented prior to first occupation of the development.

[In the interest of highway safety in accordance with the aims of Policy 10 of the Rushcliffe Local Plan Part 1: Core Strategy.]

18. Prior to first occupation there shall be submitted to and approved in writing by the Borough Council, as local planning authority, 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.

[To encourage sustainable modes of transport to the site in accordance with the aims of Policy 14 of the Rushcliffe Local Plan Part 1: Core Strategy.]

Implementation and ongoing conditions.

19. The development hereby approved shall be undertaken in accordance with the details as shown on drawing numbers 1589/17 Dec 18 (elevation), 1589/18 dec 18 (elevation).1589/19 dec 18 (sections), 1589/21 dec 18 (dimensions),1589/16 dec18 (floor plans) 1589/20 dec 18 (block plan), external lighting plan drawing (035407/IF/A), 1589/15 Dec 18 Site Plan and "Access Layout and Site Lines", reference: J1014 full access fig 1 (rev A)

[For the avoidance of any doubt and to ensure a satisfactory development in accordance with the aims of Policy 10 of the Rushcliffe Local Plan Part 1: Core Strategy.]

20. The external lighting to the site as approved and implemented in accordance with Kingfisher Lighting drawing no. 035407/TF/A shall remain switched off when the building and memorial gardens are closed to the public. No additional lighting shall be installed without the prior written approval of the Borough Council as Local Planning Authority.

[In the interests of amenity and biodiversity of the area in accordance with the aims of Policy 10 of the Rushcliffe Local Plan Part 1: Core Strategy]

21. Notwithstanding the provision of Part 2 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Oder) no additional vehicular access gates, other than those approved by the details under drawing ref 1589/15 Dec 18 Site Plan, barriers, bollards, chains or other such obstructions shall be erected within a distance of 8 metres of the highway boundary and the approved gates as shown shall only open inwards and shall be open at all times when the crematorium building or memorial garden is in use.

[In the interest of highway safety in accordance with the aims of Policy 10 of the Rushcliffe Local Plan Part 1: Core Strategy.]

22. The site shall only be open to the general public between the hours of 8am to 8pm Mon – Sunday, however, cremations (where these have visiting members of the public) shall only take place between the hours of 9.30am to 4.30 pm Mon – Fri and 9.30am to 1.30pm on Saturdays.

[In the interests of highway safety and residential amenity in accordance with Rushcliffe Local Plan Part 1: Core Strategy.]

Notes to Applicant

This permission is subject to a S106 agreement.

The process falls under the Environmental Permitting Regulations a permit will be required from the Borough Council prior to commencement of operations. The

applicant should contact the Borough Council to discuss these requirements. Further information on this is available at:

<https://www.rushcliffe.gov.uk/business/rulesandregulations/licensing/otherlicences/environmentalpermits/>

Nottinghamshire County Council Rights of Way Officer states that a public right of way (bridleway no 1 - Cotgrave) is situated along the southern boundary of the proposed development and you should ensure that the width of the right of way is not encroached upon and should access to the site be required by use of the bridleway and track then the safety of the public should be observed at all times. If a structure is to be built adjacent to the public bridleway, the width of the right of way should not to be encroached upon. Should access to the site be required - by use of the bridleway and track, then the safety of the public should be observed at all times. A temporary closure of the right of way may be granted to facilitate public safety during the construction phase subject to certain conditions. Further information and costs may be obtained by contacting the Rights of Way section. The applicant should be aware that at least 5 weeks' notice is required to process the closure and an alternative route on should be provided if possible.

For further information on the content of Contaminated Land Reports, please refer to the Council's Publication "A Guide to Developing Land Within Nottinghamshire". This booklet is available from Rushcliffe Borough Council's website www.rushcliffe.gov.uk (use the A-Z search for Contaminated Land) or via the following link:

<https://www.rushcliffe.gov.uk/media/1rushcliffe/media/documents/pdf/environmental%20waste/environmentalhealth/protectionandsafety/Notts%20developers%20guide%202013.pdf>

You are advised that an application for advertisement consent may be required for the display of advertisements on the site.

In order to carry out the off-site works required you will be undertaking work in the public highway which is land subject to the provisions of the Highways Act 1980 (as amended) and therefore land over which you have no control. In order to undertake the works you will need to enter into an agreement under Section 278 of the Act. Therefore, it is recommended that the developer contact the Highway Authority as early as possible after Planning Permission is granted. Correspondence with Highway Authority should be addressed to: hdc.south@nottsc.gov.uk

It is an offence under S148 and S151 of the Highways Act 1980 to deposit mud on the public highway and as such you should undertake every effort to prevent it occurring by installing wheel washing facilities on site.

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 0345 762 6848.

Further information is also available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority

Good practise construction methods should be adopted including:

- Advising all workers of the potential for protected species. If protected species are found during works, work should cease until a suitable qualified ecologist has been consulted.
- All work impacting on vegetation or buildings used by nesting birds should avoid the active bird nesting season, if this is not possible a search of the impacted areas should be carried out by a suitably competent person for nests immediately prior to the commencement of works. If any nests are found work should not commence until a suitably qualified ecologist has been consulted.
- Best practice should be followed during building work to ensure trenches dug during works activities that are left open overnight should be left with a sloping end or ramp to allow animal that may fall in to escape. Also, any pipes over 200mm in diameter should be capped off at night to prevent animals entering. No stockpiles of vegetation should be left overnight and if they are left then they should be dismantled by hand prior to removal. Night working should be avoided.