

Supporting Planning Statement December 2018

Central Arun Crematorium

JACKSON PLANNING



Central Arun Crematorium

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Date of Issue:

14th October 2016

Executive Summary

The proposed scheme is a detailed planning application for a single 'chapel' crematorium with car parking, landscaping, drainage, highway and junction improvements.

The site has been selected based on an alternative site search that established it as the only suitable site located outside the strategic gap, outside flood zones 2/3 and meets the location requirements of the 1902 Cremation Act.

The applicants have commissioned a detailed need report that shows local Crematoria at Worthing and Chichester are operating well above capacity and that projected deaths within a 30 minute drive time of the proposal will justify sufficient demand for the facility. In addition to the quantitative need a qualitative need is also demonstrated.

The design proposal has been developed by award-winning architects Haverstock, who have developed a Farm style idiom to sit comfortably on the site, set within the coastal plain. The functions are housed in separate but related buildings to reduce the scale of the development within the landscape. The style is a quiet design formed in a simple series of steeply pitched roof forms finished in high quality clay tiles and treated timber boarding delivered with contemporary detailing.

The application is accompanied by a visual appraisal and landscape masterplan for the site. The applicant proposes additional off-site landscape mitigation which can be secured by condition as Landlink controls extensive land adjacent to the site.

The application is accompanied by a full Flood Risk Assessment. The site is located entirely within Zone 1, where there is a low probability of flooding.

A preliminary ecological appraisal has confirmed that the site is formed of common, widespread habitats of low ecological value. Floral diversity in general was low, with the bulk of the site dominated by arable field. No other protected species were recorded utilising the site. The proposal will ensure significant biodiversity gain with both on-site and off-site planting and the formation of new habitats.

The applicants have engaged in the pre-application process and have addressed all concerns raised from the preliminary response by the Local Planning Authority. In addition, pre-application discussions have taken place with the highway authority to agree the proposed site access arrangements, level of traffic movements and car parking required.

The applicants have prepared a statement of community involvement setting out the steps they have taken to understand local concerns. It is proposed that dialogue with the Parish Council will continue following submission of the planning application.

Planning Policy considerations of the Arun Local Plan and Yapton Neighbourhood Plan have been considered and reviewed. In particular the consideration of NPPF84 which post-dates the Local Plan has been considered in support of the proposal when reviewing the planning policy framework.

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The application is supported by a Transport Assessment and with the pre-application exchange with WSCC it is confirmed that the development proposed does not have an unacceptable impact on the highway network. Safe access to the site can be provided with the junction improvements proposed, adequate parking is available, and the site has sufficient turning for all types of vehicles likely to use the site.

The application is supported by an air quality assessment. Emissions from the crematorium will be controlled by an Environmental Permit. Regard must be had to paragraph 183 of the Framework, which requires local planning authorities to assume that where the control of processes or emissions themselves are subject to approval under pollution control regimes, that those regimes will operate effectively.

In summary, the development proposal as described and assessed in this statement has shown the demonstrable need and significant benefit of the facility outweighs any harm to the protection of the countryside policy. There are no other harms present that would fail compliance with any other key policy considerations. There are no significant impacts on the highway network, or on air quality or on amenity of adjacent residents or any other harms to any public interest.

1. Introduction

- 1.1 This statement supports the full Planning Application for a new crematorium to serve central Arun, located at Bilsham. This statement sets out all the planning considerations for this proposal.
- 1.2 The proposed application is located within Arun District Council's jurisdiction/control/? close to the hamlet of Bilsham.
- 1.3 The proposed scheme is for a single 'chapel' crematorium with single cremator. The facility is designed as a secular building to cater for those of any faith or those with no faith. The crematorium is proposed to be set within generous grounds with a garden of remembrance and garden of reflection, a car park with overspill area in addition to a servicing area to serve functions associated with cremation.
- 1.4 The application has been subject to pre-application discussions with the local planning authority and a formal pre-application process with the highway authority, and an Environmental Impact Assessment Screening submission.
- 1.5 The applicant is the Landlink Estates Ltd. This is property arm of the Langmead Group.
- 1.6 All of the land that is subject of the application is within the ownership of the Langmead Group. Additional land adjacent to the site is also within the same ownership.
- 1.7 The approach to the proposal was to consult with as many local stakeholders as possible to take on board constructive comments and suggestions to work with the community in developing a locally supported facility.
- 1.8 The development proposal is supported by the following technical team:

Name	Role
Landlink Estates Ltd	Applicant and Project manager
Jackson Planning	Pre-application submission, planning application preparation, co-ordination and submission.
Lizard Ecology	Phase I Ecological survey
Entran	Air Quality
Paul Basham Associates	Transport and Access

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Haverstock	Scheme Architects
Plincke	Landscape and Visual Appraisal and landscape masterplan
Peter Mitchell Associates	Crematorium Expert Advisor on Need and operation
Campbell Reith	Flood Risk Assessment, surface and foul drainage strategy

2. Site Location and Description

- 2.1 The proposed site is located to the immediate north of Grevatts Lane West, a public highway whose access has been informally restricted at its eastern end for many years. The site is located within the countryside but has no special landscape designation.
- 2.2 1 km to the north of the site is the village of Yapton. Two kilometres to the east is the Oyster Catcher public house. To the west of the site is the small industrial estate and a limited number of dwellings at Bilsham Corner, to the south is the A259 – a busy and significant distributor road. Beyond a further kilometre south is the settlement of Middleton on Sea.

Landscape Character

- 2.3 National Character Area (NCA) profiles prepared by Natural England for the 159 NCA's defined across England. These NCA profiles include a description of the natural and cultural features that shape the landscape, how the landscape has changed over time, the current key drivers for ongoing change, and a broad analysis of each area's characteristics. At this very broad landscape scale, the site and the wider study area lies within Natural England's National Character Area (NCA) 126 'South Coast Plain'. This NCA stretches from the edge of Southampton in the west to Brighton and Hove in the east, and therefore covers a very extensive landscape tract.
- 2.4 The West Sussex Landscape Character Assessment (WSLCA) has been undertaken at a District/Borough level. It subdivides the landscape into 43 Landscape Character Areas. The WSLCA characterises the area encompassing the Site as SC9, the Chichester to Yapton Coastal Plain Landscape Character Area (LCA).
- 2.5 The assessment of landscape capacity described the Bilsham Coastal Plain in terms of its capacity to accept development. The Brief Description of this area states "Enclosed rural arable landscape, separates Bilsham and Yapton, partially in floodplain." the Landscape Sensitivity is considered Substantial, Landscape Value is Slight and overall Landscape Capacity is Low/Medium.
- 2.6 Arun Green Infrastructure Study, June 2012 considers the area, the Site is not within a Strategic Gap, and no Green Infrastructure (GI) assets have been identified in proximity to the Site, under 'Current GI Issues',
- 2.7 The site sits within a land parcel that is 4 hectares (10 acre) level field that is semi enclosed on its eastern boundary by a line of mature Scots Pines (off site) that create a strong landscape feature in an otherwise relatively open and featureless landscape.
- 2.8 Given the landscape sensitivity is considered 'substantial', yet the landscape value is slight, (due to the lack of any special designation) the application is accompanied by a Landscape and Visual Appraisal and Landscape masterplan for the site and the applicant proposes additional offsite landscape mitigation as he controls land adjacent.

Public Footpaths

- 2.9 There is a public footpath 250m to the east of the site, this footpath turns west and then north of the site at a distance of some 300m. Views from the footpaths have been assessed as this will be one of the main receptors of views of the proposal.

Soils

- 2.10 The site is identified as Grade 2 agricultural land.

Flooding

- 2.11 The application is accompanied by a full Flood Risk Assessment. The site is located entirely within Zone I, where there is a low probability of flooding.

3. Planning History

- 3.1 The site, subject of this application, has no known planning history.
- 3.2 There have been two planning applications for a crematorium (Y/78/06 and Y/70/7) with associated car parking and memorial garden, which were made by operators Mercia on a site less than 0.5km to the west in 2006 and 2007. However, officers were minded to refuse the application on 24 September 2007 as it had not been demonstrated that need for the facility was proven. The application was withdrawn before the refusal was issued.
- 3.3 The lack of evidence to support the need for the facility was the main issue with the previous application in this area. In addition, the second chapel at Worthing Crematorium was opened the same year and would have effectively absorbed the spare capacity in the area. Given that crematoriums generally reach capacity after 10 years the position is now different and in the intervening 11 years since the last application the local death rate has risen significantly and continues to rise, there has been no local increase in crematorium capacity (within the 30 minutes accepted travel time) and therefore there is significant, unmet quantitative and qualitative need.
- 3.4 It should be noted that this current application is entirely unrelated to the previous application. The landowner and applicant are different.

4. Pre-Application Work

- 4.1 Pre-application discussions began with the authority in July 2018 which involved meeting with a Senior Council officer.
- 4.2 A formal pre-application request was submitted to Arun District Council on 19 July 2018 and a formal response was issued on 26 October 2018.
- 4.3 *“Overall, the principle of development on this site is contrary to the development plan being as it is located in an unsustainable countryside location. However, it is considered that the presence of other material considerations may be sufficient to outweigh the conflict with the development plan and therefore, whilst at this time, the proposal cannot be considered acceptable, you should review the arguments both for and against the proposal to establish whether the planning balance can be shown to demonstrate support for the proposal.”*
- 4.4 The written pre-app response can be summarised as follows, with the right-hand column indicating how the application has been revised/ expanded to meet the concerns expressed at the pre-application stage.

Issue	Pre-App Response	Application Submission Response
CSP1	<i>The proposal does not fall into any of these categories and therefore is clearly contrary to adopted countryside policy</i>	Demonstrates that the qualitative and quantitative need arguments, coupled with locational restrictions of 1902 Crematorium Act outweigh the countryside policy and demonstrate that the proposal cannot be built within a BUAB. The alternative site search shows there are no suitable alternatives within neighbouring BUAB as evidenced by HELAA and brownfield register
SD SPI	<i>It is not considered that the proposal meets the definition of sustainable development and would therefore also be contrary to policy SD SPI. For reasons below:</i> <i>Location</i> <i>It is not considered that the location of the site is sustainable as demand for the facility is unlikely to be local enough to make access by walking, cycling or bus attractive. In addition, although there are bus stops on BR close to the junction with GLW, the bus service is not considered to</i>	The applicant believes the development does constitute sustainable development as it meets a very specific social need based on the qualitative experience of cremations. NPPF2 requires reading of whole to consider whether development is sustainable. In addition, elements of the scheme that the pre-app suggested were unsustainable are wrong when considering the nature of the proposal. Given the nature of the use it is inappropriate to suggest that the majority of travel to a crematorium would be by walking or cycling. Mourners will travel to the service at the Crematorium from their home locations as they relate to the individual

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	<i>be sufficient regular to prove attractive to staff members. Furthermore, there is no pavement and no street lighting on GLW.</i>	who is to be cremated. The availability of pavements and street lighting would not make the site more sustainable given the wide travel patterns associated with the use. Given it is not possible to locate a Crematorium within an urban area due to the requirements of the Cremation Act staff will always have to travel to the facility. It is possible that staff could cycle given the flat landscape and cyclepath along the A259. NPPF 84 is specific in this regard: “Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport”.
SD SPI	<i>Harm to Biodiversity and Landscape</i> <i>It is also considered that there will be environmental costs in respect of the loss of wildlife habitat and potential change to the landscape.</i>	The planning application demonstrates environmental gain in terms of positive biodiversity given the low value of the site. The benefits from additional planting, habitat creation and management and the landscape mitigation with off-site planting that balances any landscape change and creates a positive landscape intervention.
SD SPI	<i>No net reduction in movements</i> <i>I do acknowledge that a new Crematorium located between the existing facilities at Chichester and Findon will mean that people in this area have less far to travel to access such a facility. Therefore, these visitors will not contribute to congestion on certain roads between their homes and the existing facilities such as the A27 and its pinch points around Arundel, Chichester and through Worthing. However, there will be a similar amount of people accessing the new site as would access the existing facilities.</i>	The location of the new Crematorium will reduce travel time that would have been necessary to the existing facilities so it will be more sustainable for residents in Arun as it will result in lower emissions. There will be a <u>net reduction in length of journeys</u>. This comment fails to acknowledge rising death rates and the change to pattern of deaths. In addition it does offer the opportunity for travel by bicycle that would not be possible to Chichester and Worthing.
SD SPI	<i>Economic and Social Benefit outweighed by loss of agricultural land.</i> <i>The proposal will no doubt result in new employment & other economic benefits and may, if successfully proven, meet an existing social/community need. However, there is also the economic cost to consider regarding the loss of agricultural land.</i>	The balance of assessment is wrong and not based on evidence. The loss of 4.08ha of agricultural land represents a crop profit which is calculated at £395/ha which is £1,611.60 per annum. This is based on the Lettuce Company's last crop harvested in November 2018 from the site. This is miniscule by comparison to the value of the business proposed.
YNDP	<i>Therefore, any conflict between the YNDP and the ALP would be resolved in favour of the latter.</i>	Given the applicants believe there is no conflict with policies SD SPI and CSPI

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BBI		as set out above and the compliance with policy BBI in the YNDP is supportive of the proposal.
ECC SP2	<i>All major developments must produce 10% of the total predicted energy requirements from renewable or low carbon energy generation on site, unless it can be demonstrated that this is unviable. Energy efficiency measures will be taken into consideration when the total predicted energy requirements are calculated. The Council will consider 'allowable solutions' where it is clearly demonstrated that the provision of on-site renewable or low carbon energy generation is</i>	The proposal will include natural heat recovery from the process which reduces the need for space heating by over 10%.
QE DM2	<i>Due to the exposed rural location of this site, it is considered that any lighting should be designed so as to minimise light pollution generally and also to minimise harm to any local bats. The Council would also be unlikely to support the use of column lighting in this location</i>	Lighting design will be dealt with by an appropriate condition. The hours of operation mean that lighting is only an issue from November- February for the last service of the day. There is no use of the site at night. The lighting would not harm bats, bat flight only takes place in the summer when all the services would be completed within daylight hours.
ENV DM5	<i>The proposed development is likely to be acceptable provided that it is accompanied by a phase 1 habitat survey and that if a need is identified within that report for additional species specific surveys that these are also provided. This is important given the rural location of the site and the presence of watercourses running to the east, west and north of the site.</i>	Phase 1 Ecological Survey and recommendations for biodiversity enhancement complete.
SO DMI	<i>I consider that your proposal will conflict with both the ALP and the YNDP in respect of the loss of high quality agricultural land. You may be able to counter this if a soil survey demonstrates that the land is outside grades 1-3a. However this seems unlikely and you will therefore need to consider this policy conflict in your planning case. It may be that the material considerations discussed above in respect of "Principle" will similarly apply to potentially outweigh this conflict.</i>	The loss of 4.08 of Grade 2 agricultural land equates to the loss of a tiny % of the Langmead Farm holding. Whilst this is regrettable this is outweighed by the clear benefits of the proposal and the compelling need case.
Other material considerations	<i>I consider that it would be possible to argue that proposal has to be located within the countryside and that there are material considerations that would outweigh the conflict in respect of the ALP countryside policies.</i>	This is dealt with in the planning assessment section that considers that need and location constraints from the 1902 Crematorium Act that are material considerations that weigh in favour of the proposal. See also NPPF 84 "Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond

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		<i>existing settlements, and in locations that are not well served by public transport”.</i>
Other site assessment	<i>I would also recommend that in addition to your Statement of Need, you should provide an assessment of other sites within the district that you have considered and the reasons why these have been discounted.</i>	See section on assessment of alternative sites. There are no other realistic options where it is known that land is available for the proposed use that have already been rejected as part of the HEELA or are located within the strategic gap.
Highways Impact/ Mitigation	<i>It is also considered that a contribution to highway infrastructure may assist in mitigating the impact of the proposals. I note in particular that this formed one of the two proposed refusal reasons for the 2007 application. However, this would need to be discussed separately with West Sussex Highways</i>	This is the wrong starting point – see TA- the question is whether the proposal has a significant impact on the network. What was considered in 2007 is not relevant here. The planning obligations must meet the tests of NPPF56. The WSCC pre-app and TA demonstrates no material impact on Comet Corner

Environmental Health

4.5 The Council's Environmental Health Officer has made the following comments:

4.6 "No concerns. However thoughts will be needed for:

- o 1) Acoustics - Standard demolition and construction phase management report for the control of noise
- o 2) Dust - Standard demolition and construction phase management report for the control of dust
- o 3) PPC - Application duly made in writing to EH department for a PPC permit will be required"

1.1 The case officer concluded: that the proposed site is far enough away from nearby residential properties such that there will be no harm to the amenity of these occupiers. However, it will also be necessary to consider the impact on amenity as a result of the increase in vehicle movements along GLW and the potential for conflict with those residents who park on-street at the western end. The proposal is likely to be acceptable having regard to the above policies. The proposal to have a dedicated direct access to the A259 removes this potential problem.

Drainage Officer

4.7 The Councils drainage officer advised: *Infiltration must be investigated for surface water disposal. Infiltration rates for soakage structures are to be based on percolation tests undertaken in the winter period and at the location and depth of the proposed structures. The percolation tests must be carried out in accordance with BRE 365, CIRIA R156 or a similar approved method and cater for the 1 in 10 year storm between the invert of the entry pipe to the soakaway, and the base of the structure. It must*

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also have provision to ensure that there is capacity in the system to contain below ground level the 1 in 100 year event plus 40% on stored volumes, as an allowance for climate change. Adequate freeboard must be provided between the base of the soakaway structure and the highest recorded annual groundwater level identified in that location.

- 4.8 *Any SuDS or soakaway design must include adequate groundwater monitoring data to determine the highest winter groundwater table in support of the design. The applicant is advised to discuss the extent of groundwater monitoring with the Council's Engineers. Supplementary guidance notes are also available upon request.*
- 4.9 *There are watercourses running to the east, west and north of the site, no development should occur within 3m of this. Any proposals to connect to a culverted watercourse will need land drainage consent, which can be sought through us.*

Landscape Team

- 4.10 **The Councils landscape officer advised:** *"The proposed site is screened to a limited degree to the periphery, with particular note the existing sporadic vegetation to the east of the existing development. Additional planting would be required to gap up existing and to provide new screening particularly to the south and west of the proposals which is presently exposed arable field lacking in tree cover. Any new buildings or structures must be considered also in relation to the wider viewpoints. Consideration should be given to species choice and for the purpose that they would be required. This proposed development has the potential to be controversial in both location and use.*
- 4.11 *Any proposed new planting would need to be sufficient in height with a mix of tree and shrub species that are sufficiently fast growing to provide a year round screen. Any screening proposed will need to provide a good mix of native species which when planted should establish quickly to form a balanced and appropriate planting scheme. This would be realised as it matures and the effects on the landscape of the development will diminish over time. The nature of the predominant site will change with this proposed development, which will in turn over time allows differing biodiversity habitats forming. The proposals could provide the opportunity to enhance existing hedgerows and to secure on-going management of all structural vegetation to the periphery of the site. A more ornamental planting scheme offer would need to be considered if this were to be a location for visitors, the creation of a place for reflection as well as function.*
- 4.12 *Long term management of the developing landscape would need to be considered. The landscape scheme should maximise the biodiversity of the site with the inclusion of native species and the retention of a variety of habitats.*
- 4.13 *The proposed planting with particular emphasis on screening is recommended to be in place prior to, but no later than the first planting season following the construction of this proposal.*
- 4.14 *We note there is a requirement for any scheme, in accordance with policy to be of High Quality Design, the nature and usage of this development should not compromise this requirement*

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- 4.15 *The emerging landscape design aims should be:*
- 4.16 *To design and implement a scheme that reflects and incorporates elements of its surroundings and*
- 4.17 *enhances the atmosphere of local distinctiveness.*
- *To create a visually pleasing and interesting landscape for owners, employees and visitors to the development.*
 - *To enhance the landscape quality of the site when viewed from the surrounding area.*
 - *To provide a planting scheme that includes native species to blend with the surrounding location, enhance biodiversity and create enhanced wildlife corridor opportunity.*
 - *To provide a sense of flow and cohesion between the different elements of the landscape, buildings, open areas and surrounding environment."*
- 4.18 **The case officer recommended the application be accompanied by a landscape and visual impact assessment to enable officers to assess the landscape impact of the proposal. This has been prepared in support of the application.**

WSCC Highways

- 4.19 **A formal Pre -app submission was made and meeting held on 12th November 2018.**
- 1.2 **This was helpful in outlining the unique operation of a Crematorium which does not generate travel demand in accordance with normal patterns. The County accepted that traffic generation from the use was low, especially within the peak. This was supported by an appeal decision, quoted by the highway officer, where a similar level of traffic generation had been accepted. The pre-application response from WSCC in relation to highways can be summarised as follows:**
- *Trip generation. The Transport Note provided details that each service would be expected to generate 19 vehicle trips. On the basis of these being recorded as single trips when in fact they should be doubled to create 38 two-way vehicle trips per service then based on previous experience this level would be accepted. The TA should include a narrative on the trip generation as provided in the pre-application meeting.*
- 4.20 *Impact on Comet Corner / Oyster Catcher junctions. It would be beneficial to set out the peak hour trips that would be the above junctions. It is not anticipated that the junctions would require any junction modelling but this exercise would benefit the application when reporting its impacts.*
- 4.21 *Parking -The proposal is to provide 100 vehicle parking spaces with an overflow area. The level of overflow spaces should be set out. A justification for the level of parking provision should be provided within the application*
- 4.22 *Cycle Parking - Whilst it is anticipated most visitors will travel by motor vehicle an appropriate level of cycle parking should be included for staff.*

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4.23 *The Highway Authority would require the following documents to be submitted as part of any future application*

- *A site location plan scale (1:1 250) with site boundary indicated*
- *Schedule of existing uses including planning history with reference numbers*
- *Description, including site layout plans, of the proposed development and schedule of uses*
- *Summary of reasons supporting the site access/highways works proposals, including plan (scale 1:250 or similar) with achievable visibility splays indicated*
- *Design Audit of proposed Highway works, including plan identified departures from standards*
- *Final Stage 1 Road Safety Audit of proposed highway works and designer's response, including amended plans and a 'Design Audit' of proposed highway works including identified departures from standards*
- *A 'Transport Statement', including location plan of key services, availability of sustainable modes of transport and existing/future vehicular generation*
- *Reference to supporting national, regional, and local planning documents and policies*
- *Parking strategy, including provision of parking for all modes of transport*
- *Relevant data collected to date*
- *Proposed trip rates with accompanying evidence*

4.24 **The overall response was positive. This note and a subsequent exchange suggested consultation should be carried out on a putative Traffic Regulation Order (TRO) to prevent rat running on Grevatts Lane West. This Planning Statement considers the planning merits of the approach and suggest that if deemed appropriate a TRO to support the scheme could be secured through a s106 agreement.**

Second Phase Pre -Application

4.25 **The applicants had a follow up meeting with the LPA building upon work in the pre-application process. The meeting took place on 10th December 2018. This was an opportunity to update the case officer, present the need case, discuss the emerging designs and consider the Environmental Impact Assessment screening request that was now live.**

4.26 **The officer concluded that there appeared to be a compelling need case. In terms of the more developed design solutions presented the officer agreed the design approach was appropriate. Also, the applicants were able to discuss the response from public consultation and consider relevant material for submission with the planning application.**

5. Planning Policy

National Planning Policy Framework (NPPF)

- 5.1 The National Planning Policy Framework ('NPPF') was introduced in March 2012 as a key output resulting from the Government's Plan for Growth agenda. It sets out national planning policies for England and how these are expected to be applied to proactively drive sustainable development and growth and to boost significantly the supply and delivery of new housing.
- 5.2 The NPPF was updated in 2018 and remains the primary expression of the government's planning policy for England. The status of the NPPF is a matter of some complexity, since it is at a lower legal status than local planning policy, but nevertheless informs the making of it.
- 5.3 The emphasis within the NPPF2 (albeit strengthened) remains on reading the Framework as a whole in deciding whether or not development is sustainable in paragraph 9 where local circumstances must be weighed in the balance including needs.
- 5.4 NPPF 84 – the new addition in terms of policy in relation to developments in rural areas that serve a community need is a significant material consideration that must weigh heavily in support of the proposal. It is a material consideration for development management that must be taken into account now (NPPF212).

National planning policy guidance (NPPG)

- 5.5 The national planning policy framework is also supported by the live online guidance in the form of the National planning policy guidance, NPPG. This helps with detailed interpretation of the NPPF.

Local Development Framework

- 5.6 Planning law section 38(6) PCPA 2004 and related advice in section 70(2) of TCPA 1990 requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.
- 5.7 The Development Framework is term to include the plans that make up the development plan. In this case there are both adopted and emerging plans.

Adopted Plans

- 5.8 The development plans for the site is contained in the Arun District Local Plan 2011-2031
- 5.9 The policy considerations are as follows:

- C SPI Countryside
- D DMI Aspects of form and design quality
- D SPI Design
- ECC SPI Adapting to Climate Change

ECC SP2 Energy and climate change mitigation
ENV DM4 Protection of trees
ENV DM5 Development and biodiversity
ENV SPI Natural Environment
HER SPI The Historic Environment
LAN DM1 Protection of landscape character
QE DM2 Light pollution
QE DM3 Air Pollution
QE SPI Quality of the Environment
SD SPI Sustainable Development
SO DM1 Soils
T DM1 Sustainable Travel and Public Rights of Way
T SPI Transport and Development
W DM2 Flood Risk
W DM3 Sustainable Urban Drainage Systems
WM DM1 Waste Management

5.10 The Yapton Neighbourhood Plan (YNDP) is a made neighbourhood plan and is part of the development plan for the purposes of this decision except where it conflicts with the later Arun Local Plan.

5.11 The YNDP has the following relevant policies/

- Built-up Area Boundary
- Protection of high value agricultural land
- Protection of natural habitats
- Minimising the environmental impact of development
- Enhancement of biodiversity
- Minimising the impact of flooding from Development
- Retention of community facilities

Policies in detail

5.12 The key policy considerations in the determination of the principle of this proposal would be CSPI and SD SPI of the Arun Local Plan 2011 - 2031 (ALP). Policy C SPI "Countryside" states that outside of the defined built up area boundaries (BUAB) land is defined as countryside and development will only be permitted here where it is:

- a. for the operational needs of agriculture, horticulture, forestry, the extraction of minerals or the management of waste as part of a waste site allocation within the West Sussex Waste Local Plan;
- or
- b. for quiet, informal recreation; or
- c. for green infrastructure; or
- d. for the diversification of the rural economy; or
- e. for road and/or cycle schemes; or
- f. in accordance with other policies in the Plan which refer to a specific use or type of development.

5.13 The Council state that *the proposal does not fall into any of these categories and therefore is clearly contrary to adopted countryside policy*. This is however, only part of the assessment and a balanced judgment is required.

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- 5.14 Policy SD SPI states that the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework (NPPF). It will work to secure development that will contribute to the social, economic and environmental conditions south of the National Park through to the coast and throughout its settlements (both coastal and inland).
- 5.15 The District Council confirmed in the pre-app that the proposal did not accord with this policy as the development was not sustainably located and had other minor sustainability issues. This is disputed by the applicants for the following reasons:
1. The pattern of use of a Crematorium does not fit ordinary patterns of travel demand. The facility will not draw the same users from the same areas on a consistent basis save for 6 staff employed. There are public transport and cycling options for potential employees. Local mourners who return to pay respect at the site can also use public transport and cycle access. Therefore in terms of location (and given restrictions set out in 2 below) this is a sustainable site for this particular development.
 2. The Cremation Act 1902 s.5 stipulates that a crematorium should not be built within 182.88m (200 yards) of a dwelling house nor within 45.72m (50 yards) of a public highway. This legislation is critical in terms of determining a suitable and sustainable location.
 3. The revised NPPF July 2018 addresses the very issue of location in relation to community needs in rural areas. In paragraph 84 there is express support: *“decisions should recognise that a site, to meet local business and community needs in rural areas, may have to be found adjacent to all beyond existing settlements, and in locations that are not well served by public transport.”*
- 5.16 Given the above and that the NPPF must be read as a whole it is therefore perhaps wrong to simply judge the development as being within an unsustainable location due to the particular development in this case and the constraints and specific support that applies.
- 5.17 In any event the application demonstrates that significant material considerations exist that weigh heavily in favour of the proposal when considered in the round.

Technical Policies

- 5.18 In terms of the other technical policies the proposal meets all the requirements as set out below:

Policy	Requirement	Proposal
D DMI Aspects of form and design quality	Relevant policy considerations include: Improve character, high standard of architectural design, minimal impact on amenity, innovation, flexible for future use, crime	The proposal is designed with a farm yard idiom but with contemporary detailing and quality materials to reflect the character of the coastal plain by award winning architects. The building uses innovative heat recovery, enclosed RWG and seamless detailing. The

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	prevention, new tree planting, solar gain and scale	buildings could have other uses. The site is designed to be secure and it is proposed to have significant tree planting on site and off-site and incorporates solar gain and fabric first approach. The design breaks the component parts in to individual buildings to allow the scale to be minimised in terms of visual impact.
D SPI Design	Sustainable Development NPPF	See above the proposal is sustainable considering limitations of the use and other legislation.
ECC SPI Adapting to Climate Change	Shade, cooling, ventilation, solar gain, connectivity to GI SUDs	The building has a mechanical ventilation system to control comfort and has been designed to consider solar gain both for heating and staying cool. The planting proposed adds to existing local green networks. There is a full SUDS proposal to deal with surface water.
ECC SP2 Energy and climate change mitigation	Achieve energy efficiency and produce 10% of total predicted energy requirements from renewable/low carbon sources.	The buildings are designed to follow fabric first principles. The heat recovery will reduce predicted energy requirements of the building by more than 10%
ENV DM5 Development and biodiversity	Net gain in Biodiversity	The proposal will have a significant net gain in biodiversity given the poor quality of the current arable field.
HER SPI The Historic Environment	Conserve the historic environment	No impacts on historic environment.
LAN DMI Protection of landscape character	Respect Landscape Character	The whole approach to the design is to consider the design in terms of its appropriate place in the coastal plain and develop designs that respect the wide open character of the area.
QE DM2 Light pollution	No light impact on SDNP	Very little exterior lighting required to be used. Daytime activity predominates. Planning condition can secure a lighting design that is sensitive to the rural location.
QE DM3 Air Pollution	Assess impacts of air pollution	AQA confirms no harmful impact and EH licence the use through permits
SO DMI Soils	Need for use must outweigh the need to protect agricultural land in the long term. Soils stripped will be saved and used as part of GI of the site.	Only a very small portion of the site has permanent development that removes the land for agriculture. However, the use is needed and this demonstrably outweighs the benefit of this small parcel of Grade 2 land.
T DMI Sustainable Travel and Public Rights of Way	Access to alternative travel	The type of use limits the extent of PT, however, both staff and mourners could travel by bus/ bike. Cycle storage and showers are included for staff.
W DM3 Sustainable Urban Drainage Systems	SUDS required to increase water capture and storage, and improve water quality	Scheme includes FRA and SUDs design to mitigate flood events.

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WM DMI Waste Management	Identify volume of excavation, recovery and disposal	All top-soils stripped will be collected and redeployed on site or within the farm holding. There will be no disposal of soils and subsoils necessary.
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- 5.19 The above tabulated assessment above has shown that all the detailed technical planning requirements have been completed and the proposal is entirely in accordance with adopted planning policy.
- 5.20 Likewise, in meeting the policies of the Local Plan those policies of the NDP are met by this proposal. This follows as the two plans must be compatible.

6. Alternative Site Search

- 6.1 Although not strictly required outside of Green Belt locations, the District Council asked the applicants to consider alternative sites that could accommodate the facility. Usefully the Council's own HEELA 2017 considered a number of sites for employment or housing and rejected most as either being located within the strategic gap, as recently confirmed in the adopted Local Plan in July 2018, or with flood zones 2/3. The applicants coupled the HEELA assessment with the requirements of the Cremation Act and the need for a size of site that would accommodate the ancillary parking and gardens. This confirmed the only suitable site put forward as available in the vicinity that was unconstrained in planning terms was the application site.
- 6.2 The table in Appendix 1 and diagram in Appendix 2 demonstrates in detail that there is no known alternative site that is free of the constraints and therefore equal or better than the application site.

7. The Proposal

Development of the design

- 7.1 Haverstock Architects (award winning practice) were selected to prepare a concept design based on their extensive experience of developing Crematoria.
- 7.2 The proposal is for a single 'chapel' crematorium with single cremator. The facility is designed as a secular building to cater for those of any faith or those with no faith. The crematorium is proposed to be set within generous grounds with a garden of remembrance and garden of reflection, a pavilion for floral tributes, a car park with overspill area in addition to a servicing area to serve functions associated with cremation.
- 7.3 The Cremation Act 1902 s.5 stipulates that a crematorium should not be built within 182.88m (200yards) of a dwelling house nor within 45.72m (50 yards) of a public highway. This legislation is critical in terms of determining a suitable location.
- 7.4 The circulation and car parking are commensurate with the capacity of the ceremony hall with parking for 88 cars with an overflow area catering for 19 vehicles. Car parking for the staff and business visitors to the site are catered for in the service area, 12 spaces are shown. The layout also envisages a garden of remembrance and court separated from the main Chapel building.

Design Rationale

- 7.5 The Design and Access Statement covers this in detail, but in brief the aim is to create an outstanding but quiet design for the site that reflects the landscape character of the coastal plain, the special qualities of the site and the purpose of the building.
- 7.6 A key part of the design solution given the open aspect of the site within the landscape will be the landscape masterplan, which will seek to create a high-quality landscape environment that enhances the built form and provides a tranquil environment for mourners.
- 7.7 Many older crematorium buildings were designed with very obvious chimney features. The applicants are keen to avoid this, as it is something that is not generally appreciated by its users as it is a visual reminder on the necessary process that crematoriums are intended to perform. Stack heights have reduced with very significant pollution control over the cremators this generally reduces the need for a tall stack whilst still managing the effective dispersal of the very minimal waste gases etc. that are anticipated from the flue.

Operation

- 7.8 Hours of service are likely to be 0900 to 1700 and it is expected that the crematorium would offer one-hour 'slots' within which services would take place. This means that there could be a maximum of eight services each day, or a theoretical maximum of forty services each week.

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- 7.9 It is anticipated that the crematorium would be open from Monday to Friday with an ability to provide for weekend cremations upon request. The building would be air-conditioned and offer live organ music, computerised on-line music and a visual system which also allows for the recording of services.
- 7.10 Experience from other sites with a single chapel, reflected in the transport statement, shows that average attendance at services is low normally about 19 cars per service. Well-attended cremations are rare. Increasingly 'direct cremation' with no service is the choice for families reflecting the increasingly secular society.

8. The Need for a Crematorium

- 8.1 The application is accompanied by a full need statement produced by Peter Mitchell Associates.
- 8.2 The background to the application is as follows:
- In 2016 cremation accounted for approximately 80% of all funerals in England
 - ONS projects numbers of deaths in UK to increase until 2083
 - ONS 2014-based National Population Projections indicate a 19.5% projected increase in deaths in the UK between 2014 and 2039
 - Arun population increase 19% to 2039 (England 12.9%)
 - Arun death rate to 2039 to increase by 30% (England 25.3%)
- 8.3 Given that there is no national policy or guidance in relation to the assessment of need for crematoria, the criteria that have been taken into account in this Assessment have been drawn from a number of appeal decisions and a court judgement. There is a case for this Crematorium based on both quantitative and qualitative need.
- 8.4 The weight to be given to 'need' in the overall planning balance is discussed in this Statement in Section 15.

Death Rates and Local Capacity

- 8.5 Death rates are rising in England and Arun's death rate is significantly higher than the National rate, the location of existing crematoria coupled with drive time and qualitative issues demonstrate that there is need for additional crematorium capacity in mid Arun.
- 8.6 The key factor influencing most people's choice of crematorium for a funeral is its location relative to the people who will attend the funeral, and there is a general preference to minimise travel times.
- 8.7 Crematoria need to cater for peak periods, which can come about because of increases in death rates and because of variations in death rates at different times of the year. In the Essington Planning Appeal¹ decision, the Inspector stated that a crematorium operating above 80% of its practical capacity makes it difficult to offer a cremation service that meets an acceptable quantitative standard. On average, Chichester Crematorium is operating at **104%** of its practical capacity and Worthing Crematorium is operating at **90%** of its practical capacity. This alone demonstrates need for additional capacity in this area.

¹ APP/C3430/W/15/3039163 Land off Broad Lane, Essington, South Staffordshire para. 215

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- 8.8 When seasonal variation in numbers of deaths is included, during peak months Chichester Crematorium is operating at **146%** of its practical capacity and Worthing Crematorium is operating at **126%** of its practical capacity. On the basis of the 80% test set out in appeal decisions it's clear there is quantitative need for additional capacity in the area.

Qualitative Need

- 8.9 Whilst an operator of the facility has not been selected, we have assumed that the proposed facility would provide one hour service slots which is typical of many new-build crematoria across the country. This contrasts with much shorter time slots that are available at existing facilities at Chichester (40 minute slots) and Worthing (45 minute slots).
- 8.10 Need is derived from both qualitative and quantitative need. The application demonstrates need based on both criteria so it is important to appreciate the very close relationship between quantitative and qualitative need. A key point to note is that the ability of operators to adjust the length of time slots at existing facilities can make it appear as though there is no quantitative need because there are spare slots that would normally remain unused. A reduction in the length of the slot, however, will usually have negative qualitative consequences meaning that changes that, on the face of it, would diminish the quantitative need for a new facility would increase the qualitative need for a new facility.
- 8.11 This is the case at both Chichester and Worthing, the two closest facilities to the proposal; if time slots were extended to achieve a qualitative improvement for users, users would find it much more difficult to find available slots given the decrease in the number of slots and would then face increasing delays in securing a service. Such a qualitative need can only be addressed through the addition of new capacity.
- 8.12 The proposed Central Arun Crematorium supports the existing other crematoria to meet the quantitative need that exists currently and which will increase in line with projected increases in the number of deaths. With hourly service intervals, the new crematorium offering eight funeral slots between 0900 and 1600 will add over 2,000 potential funeral slots per year to those already available. This is a significant quantitative improvement on the current situation, but it will also significantly improve the match between preferred funeral date and time and achieved funeral date and time. There are particular pressures for services in the middle part of the day and with winter pressures when death rates naturally rise.
- 8.13 Having examined the potential number of cremations that could take place in the catchment area of the application site (which was defined on the basis of gravity model principles), it is evident that there is a strong quantitative need; if all cremations were performed at the application site it would perform at around factored capacity.
- 8.14 Using the assumption that crematoria operate at approximately 75% of theoretical capacity, the factored capacity of the proposed development would be 1,550 services per year, this is calculated from death rates within the 30 minute drive time.

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- 8.15 The report on need has demonstrated that a new Crematorium will attract around 1200 cremations within the 45 minute drive time. In Arun there is a prediction of 600 additional deaths per annum from 2018 to 2039, this is higher than any of the surrounding districts in numerical terms. This increase in death needs to be catered for in new cremation capacity as qualitative issues will deteriorate at Chichester and Worthing, moving further way from the recommended operational standards.

Catchment/ Drive time

- 8.16 It appears accepted practice that 30 minutes' drive has been referred to as 'rule of thumb' in numerous previous appeal decisions when determining a facility's catchment area, it is not distance, which determines the need for a facility in quantitative terms but the existence of sufficient population in an area to support a new facility, as well as other indicators of need such as the quality of existing provision.
- 8.17 A reduction in drive times is nevertheless a component of qualitative need and a wider planning and sustainability benefit in terms of minimising the need to drive. The 'rule of thumb' can be a starting point, but it is not yardstick to rigidly define a catchment area or to gauge the acceptability or otherwise of a proposed new crematorium.
- 8.18 In reality there is some 'leakage' to the newer crematorium at Havant. Nevertheless, we still expect the proposed central Arun facility to perform well when compared with other recently-built crematoria.
- 8.19 A new crematorium within Arun will make a positive impact on satisfying quantitative need in the area. However, as far as the general population is concerned, rather than statistics, bereavement is a unique, personal and emotional experience; it is not just about numbers. The development of a new central Arun crematorium will add very significantly to the qualitative experience of bereaved people of the District. This was supported verbally by the local funeral directors and vicars who attended the consultation event.
- 8.20 In conclusion, Landlink Estates is of the view that there is a strong quantitative need for the proposed facility and the expert advice of Peter Mitchell Associates considers that that there is a persuasive qualitative need for a new crematorium in central Arun to serve the District.

9. Consultation

Public Consultation Event

- 9.1 A report setting out consultation is set out in the statement of community involvement that is submitted in support of the planning application. This reports on the public consultation event held on 4th December
- 9.2 Attendance at the event was steady with 34 individuals recorded as attending the event.
- 9.3 12 formal responses were received regarding the proposals these are considered in the Statement of Community Involvement which is bound as a separate report in support of the application. All the responses have been considered in detail.
- 9.4 In addition, it is the applicant's intention to provide a briefing to Yapton Parish Council and answer questions in advance of their formal consideration of the application.
- 9.5 The project also has a dedicated website with information about the proposal.
<https://www.centralaruncrematorium.com/>

10. Ecology and Protected Species

- 10.1 A Preliminary Ecological Appraisal has been completed by Lizard Ecology and a copy is submitted in support of the application.
- 10.2 The Ecological Impact Assessment of the land on Grevatts Lane West, Bilsham (Grid Reference: SU 979 017– hereafter referred to as ‘the site’) has been completed. A Preliminary Ecological Appraisal (PEA) of the site was undertaken on 5th November 2018, to appraise the existing ecological resource within the land and the surrounding area.
- 10.3 The existing site is formed of arable field, semi-improved grassland ditches, hedgerow and scattered trees. The site itself is considered to be of low ecological value with no habitats of interest noted.
- 10.4 Hedgerow and Semi-Improved Grassland may provide habitat for reptiles and amphibians. Construction works in these habitats will be avoided, however, phased clearance of areas of semi-improved grassland on the southern boundary has been recommended and will be undertaken under ecological supervision with the vegetation on site to be kept short (~5cm) to prevent colonisation by reptile or amphibian species.
- 10.5 Hedgerows and trees may provide habitat for nesting birds. All birds and their nests are protected against damage / destruction under The Wildlife and Countryside Act 1981 (As Amended). Therefore any removal of hedgerow or trees should be made outside the nesting season (nesting season: 1st March-31st August inclusive) or following careful inspection to ensure no active nests are present.
- 10.6 The site is formed of common, widespread habitats of low ecological value. Floral diversity in general was low, with the bulk of the site dominated by arable field. No other protected species were recorded utilising the site.
- 10.7 With appropriate mitigation and enhancement as detailed within this report (Section 6.0), there will be no significant effects upon any habitats or protected species within or adjacent to the site.
- 10.8 The impacts of the planned development upon biodiversity will not be significant with suggested ecological enhancements resulting in a net gain and a long-term positive increase in biodiversity in line with national planning policy guidance.

11. Landscape and Visual Impact

- 11.1 A landscape and visual impact assessment prepared by Plincke landscape architects has been submitted in support of this application.
- 11.2 The report describes the assessment in line with accepted guidance; and to apply this methodology to the development proposals on the application site. The assessment has:
- Identified the significant existing landscape features and landscape quality both of the application site and the surrounding study area.
 - Identified the significant existing views of the site and the overall sensitivity to change.
 - Assessed the likely landscape and visual effects of the proposal taking into account any mitigation proposed and changed over time how that might occur from that mitigation.
- 11.3 Assessment has been carried out in accordance with the guidelines for landscape and visual impact, third edition (GLVIA3) published by the Landscape Institute and Institute of Environmental Management and Assessment and which came into force on 17 April 2013.
- 11.4 Sensitivity of visual receptors of the site can be summarised as follows:
- High – no adjacent receptors are deemed to be of high sensitivity
 - Medium – use of local public rights of way with views of the development site, this notably views from the footpath 166 to the east of the site and national cycle route 2 the south of the site. Residents of white rails, on Bilsham Road (B2132).
 - Low -uses of Grevatt's Lane West to the immediate south of the site of Grevatt's Lane (A259)
- 11.5 There are no high sensitivity receptors within the study area. Views from medium sensitivity receptor National Cycle Route 2, to the south, are intermittently open but oblique and otherwise screened by roadside vegetation. Views from other medium sensitivity receptors, public rights of way to the north and south of the Site, have some partial direct or oblique views of the Site and Proposed Development would potentially be partially visible from a number of these locations. Residents of White Rails would have direct partial views from the side and rear of the two properties. Intervening vegetation, comprising of hedgerow and trees, provides varying degrees of filtering and screening of potential views from these receptors.
- 11.6 Proposed mitigation to reduce visual impact:
- Set built form back from the public highway, behind a landscaped buffer, to reduce visual impact on views from the south and to focus development in areas of higher containment.

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- Protect, extend and enhance existing boundary hedgerow and trees as characteristic landscape features which function as wildlife habitat and connect with wider green infrastructure.
- Strengthen visual containment of the Site, through tree and hedge planting, to filter and screen potential views of built form from public rights of way and other sensitive receptors.
- Provide an attractive landscape setting to the Proposed Development to enhance visual amenity for users, provide a high-quality experience for mourners, and assist in integrating built form within the wider landscape.
- Retain the characteristic sense of openness between the Site and the wider landscape where appropriate through creation of framed and filtered views

11.7 It is notable that this site is not within a protected landscape. It is not part of a local or strategic gap designation. This coupled with the limited impact on receptors in terms of landscape impact mean the proposal overall has very limited harm. In addition, given the significant benefits of off-site planting which can be secured on land in the applicant's control the proposal will lead to landscape and biodiversity enhancement in the longer term.

12. Amenity, Air Quality and Emissions

- 12.1 **Neighbouring Uses** - The site has been chosen for its remote and tranquil location. As such neighbouring uses are limited and the site is remote from centres of population. It is not anticipated that, either from the operation of the crematorium or the nature of the access, that there would be adverse impact on the amenity of the four dwellings on Grevatts Lane West or the small industrial units to the west of the proposed site.
- 12.2 An assessment has been carried out to determine the local air quality impacts associated with the construction and operation of the proposed crematorium.
- 12.3 Detailed air quality modelling using the AERMOD 7 dispersion model has been undertaken to predict the impacts associated with stack emissions from the cremator. In order to provide a conservative assessment of potential impacts, pollutant emissions have been assumed to occur at the Environment Agency's emission limits for abated cremators. A stack height of 13m was selected to ensure adequate dispersion of the exhaust gases.
- 12.4 Predicted maximum process concentrations at sensitive receptor locations are well within the relevant air quality standards for all pollutants considered. The significance of the impacts has been assessed as negligible in accordance with the EPUK/ IAQM planning guidance and Environment Agency's risk assessment guidance.
- 12.5 It is considered that air quality does not pose a constraint to the development of the Site as proposed.

13. FRA and Drainage

- 13.1 A full flood risk assessment has been undertaken for the development site by Campbell Reith in accordance with the National Planning Policy Framework, to inform the proposed development for a crematorium at Bilsham, West Sussex.
- 13.2 The site is located in Flood Zone 1, where all types of development are considered acceptable by the Environment Agency.
- 13.3 Risk of flooding from fluvial, tidal, surface water, sewer flooding and artificial sources have been assessed and are all considered low for the site.
- 13.4 Future fluvial flood risk, as a result of climate change, has been assessed indicating potential increase in flood risk to the development. Subject to further information from the Lead Local Flood Authority on climate change predictions, consideration should be given to mitigation measures within the detailed design of the buildings.
- 13.5 Assessment of groundwater flood risk will be subject to further testing which will inform detailed design. In the absence of site-specific records nearby borehole logs suggest groundwater levels are approximately 0.4m bgl.
- 13.6 The Greenfield runoff rate (Q_{bar}) for the site has been calculated at 2.96 litres/second/hectare. Assuming no infiltration due to envisaged groundwater levels, approximately 600 m³ of storage would be required to cater for all storm events up to and including the 1 in 100 year + climate change, with discharge restricted at Q_{bar} into the ditch alongside the south eastern corner of the site.
- 13.7 The surface water drainage strategy proposed within this Flood Risk Assessment incorporates multiple drainage features to provide water quality, quantity, amenity and biodiversity benefits in accordance with current guidance and standards.
- 13.8 The proposed surface water drainage system will effectively control all runoff generated within the site and maintain pre-development Greenfield runoff off-site without increasing flood risk elsewhere.
- 13.9 The foul water from the proposed development will discharge via gravity to a cesspit located in the service yard of the development for off-site discharge.
- 13.10 Based upon the information available at the time of preparing this report, the proposed development is considered suitable at the proposed location.

14.

15. Transport and Highways

Traffic Impact

- 15.1 The application is supported by a Transport Assessment by Paul Basham Associates. However, it should be noted that a crematorium is not a regular destination where repetitive trips take place by local residents. It is very different from a place of work or a school where walking and cycling is a major mode of travel based on regular travel patterns. A crematorium is likely to attract people for each service from a wide catchment area and at different times of the day. Attending a service is very unlikely to be a regular occurrence for most people and often they are in a distressed state and may find the use of public transport difficult in such circumstances.
- 15.2 When mourners attending a service at the crematorium, they would not usually return directly to their original destination but would be likely to continue to another destination for the family gathering or 'wake'. This also makes the nature of the journey unsuitable for travel by public transport, bicycle or on foot and the use of the private car is more likely.
- 15.3 Mourners would either be travelling together as part of the cortege or would be more likely to car share with family and friends. As such car occupancy levels are much higher than for other forms of development.
- 15.4 The public consultation highlighted concerns over traffic generation, however, this related to the existing conditions rather than a new impact. Commentators accepted at the consultation event that most movements are off peak and attendance at most services is low.
- 15.5 The Highway Authority has accepted the low level of traffic generation based on the typical operation as this has been accepted in numerous planning appeals.

Junction Designs

- 15.6 In order to provide safe access to the development it is proposed to form a dedicated access along the existing Grevatt's Lane West (which remains adopted highway) direct from the A259. This will require junction improvements with a ghost island to facilitate right hand turning in to the site for mourners arriving from the east and junction geometry to prevent a right hand turn on exit from Grevatt's Lane West.
- 15.7 The access road from the A259 to the site will be widened to 4.8 metres to facilitate two way flow. The design of the layout will make the access to the site the primary movement to discourage any use of Grevatt's Lane West to the west of the site access.
- 15.8 WSCC have suggested a Traffic Regulation Order (TRO) to reinforce and allow enforcement of this preference. The main reason being to prevent rat running by traffic seeking to avoid Comet Corner. Whilst the applicant supports this concept it is not necessary to make the development acceptable in planning terms so it does not need to be secured at this stage. It is proposed that a TRO could be secured as part of a s106 agreement if the necessary trigger of

vehicle movements are exceeded and the TRO is proven to be necessary to reinforce the physical works. The s106 will have an undertaking to fund the legal and physical works to secure this should it be proved necessary.

Transport and Highways Conclusion

15.9 It is clear from the TA and pre-application exchange that the development proposed does not have an unacceptable impact on the highway network, safe access after the junction improvements are implemented can be provided, adequate parking is available and the site has sufficient turning for all types of vehicles likely to use the site.

15.10 Given the requirement in NPPF 109: “*development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impact on the road network would be severe.*” And the requirements in NPPF84 that accept development may be justified by need in countryside locations there should be no barrier to planning approval on issues related to travel demand or highway safety.

16. Planning Assessment & Conclusion

- 16.1 Planning Policy requires that applications must be determined in accordance with the development plan unless material considerations indicate otherwise. This section of the report considers the proposal against the development plan and other material considerations that need to be weighed against a policy presumption that prevents development outside built up boundaries.

Quantitative Need

- 16.2 The separate report prepared by Peter Mitchell Associates has considered in detail the need argument for the application proposal.
- 16.3 Planning appeals and a High Court Judgement have been the main vehicle for establishing the accepted parameters that justify need. In Appeal Decision APP/M0933/W/15/3135605 it was noted by the Inspector *“However, I am mindful that it has generally been held in other appeal decisions that a crematorium operating at 100% capacity is a nominal or theoretical figure due to the technical limitations of equipment and the unpopularity of certain slots during the day.”*
- 16.4 Therefore, a key and significant material consideration must be that of the capacity within the existing facilities and therefore need for a new facility. The need report clearly shows that average capacity at Chichester and Worthing Crematoria has been exceeded beyond the 80% capacity test introduced through planning appeals including Essington (see 8.7 and 8.8 above).
- 16.5 **The proposed facility’s catchment area** – this starts with an identification of the area representing what generally would be considered to be a reasonable maximum acceptable drive-time to a facility, usually 30 minutes. This drive time is to be assessed by reference to the slower travelling speed of a cortège. This is usually calculated at 60% of normal driving speed.
- 16.6 **The location of other facilities** – the drive time may need to be adjusted to reflect local circumstances; for example if the proposal were in a dense urban area people might expect to travel a shorter distance to their nearest facility and, conversely, in a very rural area people might expect that they would have to travel for in excess of 30 minutes.
- 16.7 **Population, death and cremation rates** – an appropriate assumption has to be made about the likely proportion of cremations (as opposed to burials) that will take place in that area for the resident population. Again, that appropriate assumption is derived in light of the approaches which have been used and accepted elsewhere for other proposals, but it must be tailored to reflect any known local patterns or circumstances. For example one would normally expect the cremation rate to be higher in an urban area than in a rural area because there are fewer crematoria in rural areas and greater numbers of people will choose burial rather than having to travel a longer distance to a crematorium.

- 16.8 In reaching a view on the cremation rate to be used regard should be had to the national average and trends (as derived from information provided by the Cremation Society of Great Britain) and, where such information is available, local rates.
- 16.9 **Usage of facilities** – whether there is a sufficient population with cremation needs based on projected mortality rates in that catchment area to support the proposed new crematorium. In this respect, a new facility will often satisfy ‘latent demand’, but it cannot be the case that all of the cremations at a new facility will be services that would not otherwise have been cremations.

Qualitative Need

- 16.10 Qualitative considerations in previous planning appeal decisions on Crematoria include:
- 16.11 **1. Travel time / proximity of facility** – there is often a strong preference for end-of-life ceremonies to be performed in the deceased’s local community which means that people attach importance to there being facilities within, or within reasonable proximity to, their community. Chichester and Worthing both have significant travel times (and potential travel delays) given the road network that are not conducive to the experience of the bereaved and this is a significant problem for both mourners, celebrants and funeral directors.
- 16.12 **2. Service length / congestion** – most people value the opportunity to have an un-rushed service and, in this respect, it is preferable to avoid congestion that can occur when services are tightly scheduled and / or where two chapels are operated side-by-side- as at Worthing.
- 16.13 **3. Scheduling** – people do not simply choose the next available time for a service to take place. Commonly, they already have a preferred time and date in mind and are prepared to wait a reasonable period of time in order to accommodate this preference. Therefore, where there is insufficient capacity in the existing system to accommodate people’s needs, increasing delays between death and cremation will be experienced.
- 16.14 There is no prescribed weight to be given to each of the components of need; in this case all three qualitative elements that have been considered in other cases. This demonstrates a decision precedent for the qualitative case to be as significant as the quantitative case.
- 16.15 Whilst the development of additional crematoria will not change the overall death rates or necessarily changes demand in the way a new retail operation would, they can increase the number of committals by cremation as the choice to use a more local facility of high quality will change a bereaved family’s choice. This is a key part of more sustainable behaviour patterns where communities can make local choices and use local facilities.
- 16.16 Taken together the qualitative and quantitative need is compelling. The increased death rate will only exacerbate the poor experiences at the existing facilities which are largely due to them operating at the top end of their practical capacity, and the increasing understanding that the limited service intervals are inadequate and the need to move towards the ICCM’s Charter Target 3 e) that “*Charter members should increase the minimum time allocated for funeral services*

to 40 or 45 minutes wherever possible". The only hope of achieving this is by the creation of further capacity at appropriate locations.

Sustainability and the Planning Balance

- 16.17 The assessment that the development cannot be considered sustainable in the pre-app is the result of a narrow view that considers sustainability in terms of location rather than in the round. The applicants contend that the development is sustainable when considering the proposal in terms of NPPF2 paragraph 9 which makes it clear that "*planning policies and decisions should play an active role in guiding development towards the sustainable solution, but in doing so should take local circumstances into account, to reflect the character needs and opportunities of each area.*"
- 16.18 In this respect the local need for the Crematorium is a significant strand of the social sustainability of this proposal. The site needs to be located here to optimise journey times and reduce travel to existing, oversubscribed facilities. The location is sustainable taking into account all journeys. It cannot be considered in the same way as other public / community facilities such as a leisure centre or library which serve more general needs. There will be very few linked trips to a crematorium. The visit to a crematorium is a particular visit to either attend a service or pay respects. At present residents of Arun District must travel to either to Worthing or Chichester, or further afield to make use of a crematorium. The local need for a crematorium is part of the sustainability of a balanced and well-served community. This is a social and cultural objective of sustainability.
- 16.19 The Economic Objective of sustainability was dismissed in the pre-application response with regard to the loss of best and most versatile soils. Whilst there is some economic loss from the reduced yield from the site this is miniscule when compared to the economic output of the new crematorium. The income, and employment from the development significantly is significantly greater than that of the economic yield of the crop, coupled with the construction employment that will be generated for the period of 12 months. Once established the supply chain support required from Funeral Directors, Florists, and from local venues for wakes is also significant.
- 16.20 The Environmental Objective of the sustainability of the development is also met. The development of species rich gardens, tree planting, hedge planting and landscape mitigation both on site and off site will provide significant biodiversity net gain. This is permanent gain and will be maintained to ensure that the species mix remains biodiverse. The landscape mitigation serves to enhance the local environment and the proposal makes effective use of land with an efficient layout that is optimised for efficiency given a thorough understanding of industry requirements.
- 16.21 The proposal therefore meets the requirements of Policy SD SPI and given that the council will take a positive approach that reflects the presumption in favour of sustainable development

contained in the National Planning Policy Framework (NPPF) this accords with the development plan in this regard.

The Planning Balance and Material Considerations.

16.22 The only policy area where there is a conflict with the development plan is C SPI and SD SPI of the Arun Local Plan 2011 - 2031 (ALP). Policy C SPI "Countryside" states that outside of the defined built up area boundaries (BUAB) land is defined as countryside and development will only be permitted here where it is:

- a. for the operational needs of agriculture, horticulture, forestry, the extraction of minerals or the management of waste as part of a waste site allocation within the West Sussex Waste Local Plan;
- or
- b. for quiet, informal recreation; or
- c. for green infrastructure; or
- d. for the diversification of the rural economy; or
- e. for road and/or cycle schemes; or
- f. in accordance with other policies in the Plan which refer to a specific use or type of development

16.23 The significant material considerations that counter this policy objection are the demonstrable need for the proposal, the inability to locate it within a built up boundary and NPPF 84 -a new policy consideration that post-dates the Local Plan policy and must be considered now in decision making.

16.24 The exercise of planning judgment and the weighing of the various issues are matters for the decision-maker as established by case law.

16.25 Section 70(2) TCPA 1990 provides that the decision-maker shall have regard to the provisions of the development plan, so far as material to the application. Section 38(6) of the Planning and Compulsory Purchase Act 2004 ("PCPA 2004") provides:

16.26 "If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise."

16.27 The weight to be given to the material considerations and the flexibility of the development plan has been considered by the Courts and in *City of Edinburgh Council v Secretary of State for Scotland* [1998] SC (HL) 33, [1997] 1 WLR 1447, Lord Clyde explained the effect of this provision:

16.28 There remains a valuable element of flexibility. If there are material considerations indicating that it should not be followed then a decision contrary to its provisions can properly be given.

16.29 Moreover, the section has not touched the well-established distinction in principle between those matters which are properly within the jurisdiction of the decision-maker and those matters in which the court can properly intervene. It has introduced a requirement with which the decision-maker must comply, namely the recognition of the priority to be given to the development plan. It has thus introduced a potential ground on which the decision-maker could

be faulted were he to fail to give effect to that requirement. But beyond that it still leaves the assessment of the facts and the weighing of the considerations in the hands of the decision-maker. It is for him to assess the relative weight to be given to all the material considerations. It is for him to decide what weight is to be given to the development plan, recognising the priority to be given to it.

- 16.30 This case law helpfully sets out that matters other than the development plan can be considered material to the decision. The relative weight of the development plan and material considerations is a judgement for the LPA.

Other Material Considerations

- 16.31 The extent to which the need for new crematorium facilities has been considered in planning appeals and in case law and is helpful in this case.

Cremation Act 1902

- 16.32 Locational Criteria is set out in the primary legislation of the Cremation Act 1902, which are still engaged. In this respect, the Cremation Act advises that the crematorium should be at least 200 yards (183 metres) from any dwelling unless the owner, lessee or occupier has given their consent in writing, and at least 50 yards (46m) from a public highway. For the purposes of the Cremation Act, the expression “crematorium” is stated as meaning any building fitted with appliances for the purposes of burning human remains, and includes everything incidental or ancillary thereto.
- 16.33 The key consideration in relation to this legislation is that there is no opportunity to develop Crematoria within Built Up Area Boundaries, where development may be deemed appropriate, as they would not comply with the locational criteria. Therefore given the constraints only a countryside location is likely to be suitable.

Alternative Sites

- 16.34 The extent to which alternative sites needs to be considered was examined in the High Court in Timmins. In this case the officers concluded that there were no reasonable alternative sites which had been identified which were capable of performing better in terms of planning policy and meeting the identified needs of the community. This was appropriate for a Green Belt site as it was necessary to demonstrate ‘very special circumstances’ to overcome a Green Belt objection.
- 16.35 The alternative site test is not a necessary test in this case as the site in question is not located within the Green Belt, indeed it has no special protection other than being located outside a built-up area boundary. It is not necessary for the applicant to show ‘very special circumstances’, he does not need to show there is no other non- green belt site; he only needs to confirm by evidence that there is a demonstrable need for the development. However, to assist the LPA the applicants have prepared an assessment of 19 alternative sites in the immediate vicinity of

the proposal to demonstrate the difficulty in identifying suitable sites for a crematorium. There are no suitable sites on the brownfield register for the proposal and none of the HELAA sites are preferable indeed they all failed on some level, either for being located in the strategic gap, for flooding, landscape or other suitability as assessed by the LPA.

Weight to be afforded to material considerations

- 16.36 There is no prescribed weight to be given to material considerations or each of the components of need. Some Inspectors have expressly set out the weight given to different components of need, for example at paragraph 32 of Halstead Orchard Barn and paragraph 25 of Halstead Oak Tree where “considerable weight” was given to the proximity of a facility and the potential for a reduction in waiting times. In Camborne “significant weight” was attached to the needs of the bereaved (paragraph 38). In Crooklands the Inspector, when considering the balance, stated: “I am satisfied that there remains both a quantitative and qualitative need for the provision of a crematorium within South Lakeland. This is a matter to which I attach substantial weight.”
- 16.37 In Crooklands Appeal Decision APP/M0933/W/15/3135605 The Inspector in weighing the adverse impacts concluded: “*that the proposed development of the appeal site for a crematorium would result in an adverse landscape impact to the detriment of the character and appearance of the area. I have also concluded that the proposals would have the potential to result in some limited conflict with local business interests and the tourism objectives of the Development Plan, and that the appeal site possesses only limited access to public transport. These are matters which cumulatively I would attach a moderate level of weight to.*”
- 16.38 Given the appeal decisions in Halsted, Camborne and Crooklands it should be noted that Inspectors consistently have weighed need for the facility including the needs of the bereaved with relative significant/ substantial/ considerable weight and in all cases above local plan policy considerations that restrict development. The positive considerations of biodiversity gain and rural employment resulting from these proposals have also weighed in favour, but in a more limited sense. Conversely, the harmful impacts have been given only moderate weight.
- 16.39 In this case given no harmful landscape impact and net biodiversity gain these also are neutral or favourable considerations. In addition satisfactory drainage and access solutions are also neutral in the consideration as they do not give rise to any unacceptable harm.

Amenity –Air Quality

- 16.40 Emissions from the crematorium will be controlled by an Environmental Permit. Regard must be had to paragraph 183 of the Framework, which requires local planning authorities to assume that where the control of processes or emissions themselves are subject to approval under pollution control regimes, that those regimes will operate effectively. Therefore, any concerns over emissions by any objector must be set aside.

Conclusion - The Planning Balance and Recommendation

16.41 In coming to a conclusion on the proposal the planning authority must consider whether the proposal constitutes sustainable development and consider the balance of harms and benefits of the proposal given the policy framework and whether this outweighs any policy harm.

16.42 The development proposal as described and assessed in this statement has shown the demonstrable need and significant benefit of the facility outweighs any harm to the protection of the countryside and there are no other harms present that would fail compliance with any other key policy considerations. There are no significant impacts on the highway network, nor on air quality and amenity of adjacent residents nor any other harms to any public interest.

16.43 In summary the applicants believe that the planning balance must weigh in favour of this proposal because:

- Lack of an alternative site that would meet the locational restrictions imposed by 1902 Crematorium Act and perform as well in terms of site suitability
- The proposal meets a demonstrable quantitative need for additional crematorium capacity (without qualitative restrictions) to serve the 30 minute catchment based on the application site
- Meeting a demonstrable qualitative need for a crematorium to serve the immediate needs of the local population based on the inadequacy and inaccessibility of existing facilities
- Biodiversity enhancements that will follow from the development

16.44 In view of the very limited harm to the countryside and the considerable weight that should be given to the demonstrable quantitative and qualitative need coupled with the locational limitations of the Crematorium Act indicate in favour of the proposal. In addition the overall policy compliance and with no demonstrable harms that outweigh the considerable benefits, of this proposal assessed against the policies of Local Plan and the Framework as a whole, the proposed development on balance is acceptable and should therefore be granted planning consent without delay.

17. Appendix I

Central Arun Crematorium

Alternative Site Search – Central Arun Crematorium

Site No.	Site Name	Site Size	Location	Compliance with Cremations Act 1902 Criteria	Source of site details	Other comments	Reason for rejection
1	Ashes Field	Gross 3.48ha	West of Bilsham Manor	Possible on part of the site	Landlink Estates Database of sites	Potential impact on heritage assets. Part of site within Flood Zone 3	Site too small after excluding flood zone
2	South of Grevatts Lane west	Gross 7ha	South of Grevatts Lane west	Possible on part of the site	Landlink Estates Database of sites	Part of site within Flood Zone 3 Site not tranquil with close proximity to A259	Access affected by flood zone and road noise
3	Triangle	Gross 3ha	South of Grevatts Lane west	Possible on part of the site	Landlink Estates Database of sites	Part of site within Flood Zone 2 Site not tranquil with close proximity to A259	Site too small after excluding flood zone and road noise
4	Badgers East	Gross 4ha	North of Grevatts Lane west	Possible	Landlink Estates Database of sites	Exposed and open site Site not tranquil with proximity to A259	Landscape impact issues given no screening and road noise
5	Badgers West	Gross 8ha	North of Grevatts Lane west	Possible	Landlink Estates Database of sites	Exposed and open site Site not tranquil with proximity to A259	Landscape impact issues given no screening and road noise
6	Land east of Bilsham Lane, adjacent to Little Meadow	Gross 5.5ha Net 3.3ha	Immediately West of application site	Unable to achieve separation distances from houses	HELAA 2017 site 46	HELAA confirms - not currently developable	HELAA rejected the site And separation distances
7	Land south of A259	Gross 10.48ha Net 6.28ha	South of A259	Possible	HELAA 2017 Site FP17	Large, flat area of land divided up in to a number of different areas. The A259 forms the northern boundary, whilst residential and public open space adjoins to the west and south. The area currently contains a business, a woodland and fields. Woodland, business use and fields. The site is owned	HELAA Flood Risk Multiple ownership Existing use

Central Arun Crematorium

						by a number of landowners including the Council. No further information as to whether this site is available Part flood risk zones 2 and 3, loss of open space	
8	Land south of A259 Middleton	Gross 17.8ha Net 10.6ha	South of A259	Only a limited part of the site would meet separation distances	HELAA 2017 Site FPI7a	Flood Risk Zone 2/3 Multiple land ownership HELAA confirms - Not currently developable	HELAA Flood Risk
9	Land North of Ancton Lane, Elms Farm	Gross 30.65ha Net 18.39ha	South of A259	Only a limited part of the site would meet separation distances	HELAA 2017 Site M7a	HELAA confirms Archaeological notification area; Public right of way through the middle; Flood zone 2 & 3a around the edge of the site; ground water flooding This area has a 'Negligible/ Low' Landscape Capacity for development. This was based on two assessments of the areas Landscape Value and Landscape Sensitivity. The site has a lot of constraints and is against policies, this site has a very high flood risk, it is therefore not considered suitable for development.	HELAA Flood Risk
10	Land North of Ancton Lane, Guernsey Farm, Middleton	Gross 32.2 Net 19.32	South of A259	Only a limited part of the site would meet separation distances	HELAA 2017 Site M7b	HELAA confirms This area has a 'Negligible/ Low' Landscape Capacity for development. This was based on two assessments of the area's Landscape Value and Landscape Sensitivity. The site has a lot of constraints and is also against policy. In addition, this site has a very high flood risk. The site is therefore not considered suitable for development.	HELAA Flood Risk
11	Land North of Acton Lane	Gross 12ha Net 7.2ha	South of A259	Only a limited part of the site would meet separation distances	HELAA 2017 Site M7c	HELAA confirms This area has a 'Negligible/ Low' Landscape Capacity for development. This was based on two assessments of the areas Landscape Value and Landscape Sensitivity. The site has a lot of constraints and is against policies, this site has a very high flood risk, it is therefore not considered suitable for development.	HELAA Separation Distances and road noise

Central Arun Crematorium

						HELAA confirms - Not currently developable	
12	Land North of Ancton Way (West of Bailiffscourt)	Gross 48ha Net 28.8	South of A259 east of Middleton	Only the northern part of the site would meet separation distances	HELAA 2017 Site NEWM8	HELAA confirms whole site is Flood zone 2 and 3a & some parts 3b and ground water flooding. This area has a 'Negligible/ Low' Landscape Capacity for development. This was based on two assessments of the areas Landscape Value and Landscape Sensitivity. The site has a lot of constraints and is against policies, it is therefore not considered suitable for development. HELAA confirms - Not currently developable	HELAA Flood Risk
13	Bairds Farm Shop, A259 Main Road, Climping	Gross 3.35ha Net 2.35	South of A259 Climping	Would not meet separation distances	HELAA 2017 Site New CM1	Agricultural buildings used as a farm shop. Large car park area to the front of the buildings. Listed Building located next to the western boundary. HELAA confirms - Not currently developable	HELAA Site too small
14	Land west of Bairds Business Park	Gross 3.35 Net 2.35	South of A259 Climping	Only the southern part of the site would meet separation distances	HELAA 2017 Site New CM2	Strategic Gap, Arun SFRA Ground Water Flood Risk v1, Settlement Gap Layer 2013, Settlement Gap Layer 2013 Provisional, Listed Building. Has existing use HELAA confirms - Not currently developable	HELAA Strategic Gap
15	Land West of Bairds Business Park Crookthorn Lane (A259)	?	South of A259 Climping	Only the southern part of the site would meet separation distances	HELAA 2017 Site Ru5a	HELAA Potential Employment Site Flood zone 2, 3a & ground water flood risk. Strategic Gap.	Site size unknown Flood Risk Strategic Gap
16	Hobbs New Barn, Climping	Gross 3.58ha	South of A259	Only a limited part of the site would meet separation distances	HELAA 2017 Site Ru5	The site is surrounded by mature perimeter planting which helps screen it. The east side of the site was identified in the Employment & Economic Land Assessment 2010 and has planning history that demonstrates the principle of employment/commercial uses.	HELAA Flood Risk Separation distances Waste transfer

Central Arun Crematorium

						Part of this site has been allocated as a waste transfer station. The west half of the site is agricultural land submitted as part of the 2016/2017 HELAA update consultation in order to extend the uses. Flood zone 2, 3a & ground water flood risk Strategic Gap.	unsuitable neighbour
17	Bonhams, Hoe Lane, Flansham	Gross 1.61ha Net 1.29ha	North of A259	Would not meet separation distances	HELAA 2017 Site NEWY22	According to the Arun Local Plan Viability Study 2016 the site is considered to be viable and achievable	Site too small and would not meet separation criteria
18	Jaybelle Park, rear of Oyster Catcher	Gross 1.47ha Net 1.18ha	North of A259	Would not meet separation distances	HELAA 2017 Site 3	Holiday park site, currently under construction	Site too small, in positive use and would not meet separation criteria
19	Site south of Ashes I	Gross 2.83ha	West of Bilsham Road	Possible	Planning Application Ref Y/70/7	Planning Application for Crematorium withdrawn – recommended refusal on need not proven, outside BUAB and lack of s106	Planning History