

PLANNING APPLICATION REPORT

REF NO: Y/103/18/PL

LOCATION: 10 Acre Field  
North of Grevatts Lane  
Yapton

PROPOSAL: Single Chapel Crematorium with car parking, landscape works, surface water drainage features & associated highway improvements. This application is a Departure from the Development Plan.

<b>SITE AND SURROUNDINGS</b>
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## DESCRIPTION OF APPLICATION

The single chapel crematorium building includes a single cremator and various facilities necessary for the crematorium to function. The majority of the building has a length of 55m but is adjoined by a flat roofed covered porch to a waiting room/toilets area at a right angle to the main building. This area includes a "Changing Places Toilet" facility. The majority of the buildings are single storey albeit there is a small mezzanine plant room area above the cremator. The buildings have pitched roofs mixed in heights between 7.2m, 9.3m and 9.9m. A single flue 13m high extends above the roofs. Materials consist of timber cladding, clay tiles, timber/aluminium windows/doors and brick plinths.

There is to be a secure service yard to the rear and a small pitched roof (7.3m high, 5.9m wide, 7.2m deep) Remembrance Court building to one side of the main building. To the opposite side is a walled floral tribute area. The rest of the site has vehicle parking, access roads and landscaping. Parking consists of 32 spaces in the main car park, 56 in the overflow, 19 in the overflow (on reinforced grass) and 12 staff/visitor spaces. Landscaping consists of native planting, native trees, wildflower meadows and evergreen tree planting. Drainage features (an attenuation basin & a swale) are shown.

The site is accessed from Grevatts Lane West with vehicles encouraged by way of the proposed entrance/exit design arrangement and signage to then head east to a new vehicle access onto the A259. Grevatt's Lane West will be widened within the highway boundary (circa 1.8m) to provide a continuous width of 4.8m. Approximately 10m to the west of the access from the site onto Grevatt's Lane West, the carriageway width will taper to the existing carriageway width of circa 3m.

The west bound carriageway of the A259 will also be widened

to accommodate a 3.5m wide right turn ghost lane so cars waiting to turn right do not hold up other traffic. The existing westbound lane will be 3.65m wide. The widening of the A259 carriageway to allow the creation of the ghost lane will solely utilise existing highways land on the southern side of the road. Approximately 36m to the west of the connection onto the A259 it is proposed the access road, (Grevatt's Lane West) would decrease from 7.3m wide to a width of 4.8m. The junction onto the A259 includes a crossing point across the access to allow cyclists and pedestrians to continue along the existing shared surface route safely.

The site is anticipated to operate between 09:00 and 17:00 Monday to Friday with potential for Saturday operation. Services are anticipated to last approximately 1 hour - a maximum of 8 services a day. The site will be staffed Monday to Fridays and during weekends as needed. The site is anticipated to have 5 full time staff, with infrequent visits by maintenance personnel and gardeners.

The applicant is Landlink Estates as owners of the land. They advise Dignity Caring Funeral Services are their chosen operator. Dignity currently operate Chichester Crematorium.

SITE AREA

2.47 Hectares.

TOPOGRAPHY

Predominantly flat.

TREES

No trees within the site but some (mature Scots Pines) as part of the eastern boundary. None of these will be affected.

BOUNDARY TREATMENT

Hedgerows with some ditches or open to adjoining land.

SITE CHARACTERISTICS

Agricultural (arable) use.

CHARACTER OF LOCALITY

Rural area being some distance from the nearest built development to the west. Aside from Grevatts Lane West (GLW) to the immediate south, all surrounding land is agricultural. The closest dwellings are to the west fronting Bilsham Road (the closest being at least 270m from the western boundary). There is a small light industrial site to the west with a second access point from GLW also west of the site. This part of Grevatts Lane West is closed to public vehicles and used solely by agricultural traffic. There is a public footpath 250m to the east of the site which turns west and then north of the site at a distance of some 300m.

There are heritage assets in the wider landscape to the west. They include locally listed buildings (84 & 85 Bilsham Road) and a Grade II Listed Farmhouse (Hobbs Farm House on Bilsham Road).

<b>RELEVANT SITE HISTORY</b>
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crematorium building & associated structures, car parking, access & landscaped spaces. This application is a Departure from the Development Plan.

Y/70/07/	Crematorium with associated car parking, memorial garden and landscaping - Re-submission following application Y/78/06/ (Departure from the Development Plan)	Withdrawn 28-09-07
Y/78/06/	Crematorium with associated car parking, memorial garden and landscaping. (Departure from the Development Plan)	Withdrawn 16-03-07

There have been applications for a crematorium locally (not on the application site). Applications Y/78/06/ and Y/70/07/ proposed a Crematorium on land to the immediate south west of the Grevatts Lane West/Bilsham Road junction. Both applications were withdrawn.

## REPRESENTATIONS

### REPRESENTATIONS RECEIVED:

Yapton Parish Council

The full response of Yapton Parish Council is on the Councils website but in summary they OBJECT on the following grounds:

- (1) The need for an additional crematorium has not been identified in the ADC Local Plan;
- (2) The crematorium is not in the original or emerging updated Yapton Neighbourhood Plan;
- (3) The land is good quality agricultural land;
- (4) Access arrangements to Gravett's Lane West, to and from the A259 in close proximity to Comet Corner are not safe unless major improvements are made at Comet Corner. This junction is already dangerous and congested and an additional junction will exacerbate safety issues;
- (5) Safety on the Bognor to Littlehampton cycle route at the new access junction and the proposed cycle route connecting Bilsham Road to the A259 which makes use of Grevatt's Lane;
- (6) Public transport arrangements for access by visitors are not considered to be adequate or safe; and
- (7) An overriding need for a crematorium at this location has not been demonstrated.

Middleton Parish Council object. Their full response is on the Councils website. In summary they raise the following concerns:

- (1) Departure from the Local Plan;
- (2) Should have been allocated within the Local Plan
- (3) Neither the public, officers, councillors or the Planning Inspector identified a need for a crematorium;
- (4) Access is dangerous and flawed;
- (5) Adding a break to the cycle path will encourage cyclists to use the main carriageway; and
- (6) Conditions should be applied to ensure vehicle access is only from Bilsham Road and that opening hours are 09.00 -17.00 hours on Mondays to Fridays with a maximum number of 8 services per day.

Clymping Parish Council object. Their full response is on the Councils website. In summary, they raise the following concerns:

- (1) Development is in open countryside;
- (2) Increased traffic congestion and highway safety issues; and
- (3) Both crematorium applications should be considered by Development Control Committee at the same time.

RESIDENTS:

51 letters of objection have been received raising the following concerns and comments:

- (1) No need for a Crematorium;
- (2) Two existing local crematoriums have no capacity issues;
- (3) Objection is not to the crematorium which is needed but to the location;
- (4) Most crematoriums are sited near urban areas not in the countryside;
- (5) Statement of Community Involvement not detailed enough;
- (6) Loss of good quality agricultural land;
- (7) Land should be given to young people to run as a farm;
- (8) Safety concerns re the A259 and the cycle path;
- (9) Safety concerns exacerbated by emotional state of drivers;
- (10) Contrary to NPPF paragraph 98 ("Planning policies and decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails.");
- (11) Severe impact on the highway in contravention of the NPPF;
- (12) Access should be from Bilsham Road with improvements to Comet Corner such as a roundabout;
- (13) Contrary to views of Middleton Parish Council, the junction of Grevatts Lane West with Bilsham Road is dangerous and therefore access should be from the A259;
- (14) Increased congestion on A259;
- (15) The cycling survey undertaken is irrelevant as the cycle path is less than one year old and will become much more frequented as connectivity between other cycle routes is established;
- (16) Issues with the transport documents in particular how and when traffic was counted;
- (17) A better option would be to widen Grevatts Lane West with improved junctions at both ends and allow it to be used as an alternative route to Comet Corner;
- (18) Proposed highway works will result in delays;
- (19) A better location would be on the south side of the A259;
- (20) Would be better located either next to a church or near the A27;
- (21) Not allocated in the Local Plan;
- (22) Not accordance with Government guidance on the siting of new crematoriums;
- (23) Air and ground pollution from cremations;
- (24) Two existing crematoriums in Chichester and Worthing emit fumes over open countryside;
- (25) Visual impact of 13m high flue;
- (26) Noise disturbance and loss of privacy from cars passing the houses on Grevatts Lane West;
- (27) Impact on existing on-street parking for residents on Grevatts Lane West;
- (28) Impact on wildlife (deer, bats, stoats, water voles) who use the application site;
- (29) Loss of Green Belt;
- (30) Crematorium will be a reminder of death & sorrow;
- (31) The two crematorium applications should be decided at the same time;
- (32) Contrary to ALP policy SD SP3 which requires a green gap between Middleton and Littlehampton;
- (33) No site notice at the A259/Grevatts Lane junction; and
- (34) Decision not made by 25/03/19.

In addition, the Council has received 2 further objections since the previous postponed Committee Meeting. These raise the following concerns:

- (a) Application seems to be a done deal and the agent and case officer are on first name terms;
- (b) Traffic and cycling figures as quoted by the applicant are unrealistic;
- (c) There are currently 150 cyclists per day as recorded by the cycle counter;
- (d) Users of the shared path have been totally ignored;
- (e) The application lacks the requisite information in that no sequential assessment has been provided and therefore fails to meet the requirements of paragraph 163 of the NPPF;
- (f) The application is contrary to Policy E2 of the YNDP; and
- (g) The S.106 clause to allow the buildings to be removed in 90 years time would not be compliant with flood risk policy and would open to challenge.

**COMMENTS ON REPRESENTATIONS RECEIVED:**

**YAPTON PARISH COUNCIL:**

The points are noted and where relevant considered in the conclusions section. In respect of (1) & (2), whilst it is accepted there are no crematorium allocations or policies in the development plan, this should not be taken to mean that there is no need for a crematorium, only that when the development plans were put together, there was no proposals in place.

**INTERESTED RESIDENTS:**

The Conclusions section assesses the application in respect of the principle of development in the countryside, the need for the proposal, the location of the site, agricultural land, the impact on highway safety/traffic congestion, visual amenity, pollution, residential amenity and biodiversity. The following comments are offered in respect of some of the points raised:

- (5) There is no requirement in planning policy to provide a Statement of Community Involvement. The Council cannot determine this application on the basis of the content of this document;
- (10) It is not considered there is a conflict as the plans make provisions for cyclists and pedestrians to cross the road junction with a central reservation to protect them;
- (12) - (13) & (17) There are a lot of differing opinions as to which is the safest way to access the site;
- (18) Delays arising from construction of the highway works will be temporary in nature
- (26) - (27) These issues will be mitigated by measures proposed to deter crematorium vehicles from exiting the site to the west and potentially future measures to prevent vehicles heading east along Grevatts Lane West;
- (32) The site does not fall in the designated Strategic Gap as shown on the Local Plan Proposals Map.

The following comments are offered in response to more recent objections:

- (a) The informal nature of email correspondence is not an indication that anything untoward is going on;
- (b) - (d) Noted however WSCC Highways maintain the position that there will be no harm to vehicle or cyclist safety;
- (e) This is covered within the Flood Risk section of the report's conclusions;
- (f) This is covered within the Agricultural Land section of the report's conclusions; and
- (g) The s.106 wording has been agreed by the Council's legal adviser.

<b>CONSULTATIONS</b>
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Environmental Health  
Engineering Services Manager  
Engineers (Drainage)  
Parks and Landscapes  
WSCC Strategic Planning  
Arboriculturist  
Highways England  
Environment Agency  
Surface Water Drainage Team  
Economic Regeneration  
Archaeology Advisor  
Ecology Advisor  
WSCC Strategic Planning  
Environmental Health  
WSCC Strategic Planning  
WSCC Strategic Planning  
Engineers (Drainage)

**CONSULTATION RESPONSES RECEIVED:**

ENVIRONMENT AGENCY - No objection - the discharge of effluent associated with this development will require an Environmental Permit under the Environmental Permitting (England & Wales) Regulations 2016, from the Environment Agency, unless an exemption applies.

HIGHWAYS ENGLAND - No objection on the basis the proposals generates an acceptable, change in traffic on the A27 and will not materially affect the safety, reliability and/or operation of the A27.

WSCC HIGHWAYS - No objection subject to conditions and the inclusion in a S106 Agreement of £7,500 towards the costs associated with the implementation of a Traffic Regulation Order (TRO) and £965 towards the costs of installing lockable bollards to restrict vehicle movements along Grevatts Lane West (west of the site access) in association with the TRO.

- Grevatts Lane West is currently gated at a point approximately 100m from Bilsham Road and at its junction with the A259 but is public highway land;
- A road safety audit has been provided for the site access and junction of Gravatts Lane West and the A259 Grevatts Lane. This did not identify any issues with the proposals;
- The applicant has revised the proposals since original consultation response to reduce the number of lanes accessing the A259;
- The applicant has provided additional pedestrian and cycle counts along the A259 to identify the existing usage levels on a weekday and weekend; and
- The applicant has identified measures to deter vehicles from heading west along Grevatts Lane West and these address the County Council's concerns over the use of Grevatt's Lane West.

WSCC FLOOD RISK MANAGEMENT - Raise no objections.

- Current surface water mapping shows the site is at low risk from surface water flooding;
- Any existing surface water flow paths across the site must be maintained or appropriate mitigation

strategies proposed;

- A wholesale site level rise via the spreading of excavated material should therefore be avoided;
- The majority of the development is shown to be at high risk from ground water flooding based on the current mapping;
- Where the intention is to dispose of surface water via infiltration/soakaway, these should be shown to be suitable through an appropriate assessment;
- No records of historic surface water flooding within the confines of the proposed site;
- Works affecting the flow of an ordinary watercourse will require ordinary watercourse consent;
- The FRA for this application proposes that sustainable drainage techniques (swales and detention basin) would be used to control the surface water from this development to Greenfield run-off rates; and
- Infiltration methods should be explored for the entire site.

COUNCILS ECOLOGIST - No objections subject to conditions being imposed to:

- Retain and enhance existing hedgerows for bats & dormice;
- Protect hedgerows with a 5m deep buffer zone during construction (for bats and reptiles);
- Ensure the lighting scheme for the site takes into consideration the presence of bats in the local area and avoids unnecessary artificial light spill through the use of directional light sources and shielding;
- Undertake a precautionary approach for reptiles in the small area of grassland on site which needs clearing. This involves any removal of scrub, grassland or ruderal vegetation to be undertaken sensitively and done with a two phased cut;
- Protect watercourses with a 5m deep buffer zone during construction (for water voles); and
- Prevent any works to trees during the bird breeding season unless supervised by an ecologist.

COUNCILS ARCHAEOLOGIST - No objection subject to a standard condition to evaluate the potential of the site to contain archaeological interest features (likely to be prehistoric burnt mound deposits).

ADC ENVIRONMENTAL HEALTH - No objections subject to a condition on construction hours of working and a condition to require approval of a construction environmental management plan.

ADC DRAINAGE ENGINEERS - Note that attenuated discharge is proposed and it must be demonstrated that infiltration has been fully investigated prior to attenuated discharge being agreed. Request that standard drainage conditions be imposed.

ADC ECONOMIC REGENERATION - Offer no comments.

ADC LANDSCAPE OFFICER - No objections subject to landscaping condition and any trees at risk are protected during construction.

- The site is located in a largely open agricultural setting with incomplete screening to surrounds;
- Additional planting would be required to gap up existing and to provide new screening particularly to the long viewpoints and to from views from higher ground to the North and where presently exposed arable field lacking in tree cover;
- Proposed 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 needs to provide a good mix of native species which when planted should establish quickly to form a balanced and appropriate planting scheme;
- The proposals could provide opportunity to enhance existing vegetation and to secure on-going management to any structural vegetation to the periphery of the site;
- The landscape scheme should maximise biodiversity with the inclusion of native species and the retention of a variety of habitats; and
- The 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.

ADC TREE OFFICER - No response received.

### COMMENTS ON CONSULTATION RESPONSES:

The need for the Traffic Regulation Order is explained within the Conclusions section.

WSCC Highways and ADC Environmental Health have asked for measures to be secured by condition in respect of the management of the construction process and it has been decided to combine both sets of requirements into one condition.

In respect of WSCC Flood Risk Management comments high groundwater risk is not an indication that the site will flood from groundwater sources or that there is a potential risk to human safety. The Councils Engineers state there are only a few places in the district where groundwater floods above the surface and these are known to the Council (and do not include this site). The height of groundwater does inform the design of surface water drainage. For example, soakaways must be located above the highest groundwater levels (i.e. the highest water table level). Whilst not an issue with this proposal, development below the ground level has the potential to be affected by groundwater flooding. The applicants Flood Risk Assessment states:

"A review of the SFRA suggests the site is situated in an area which has a high potential for groundwater to reach the surface although no historical groundwater flood events had been recorded for the site. In the absence of site-specific records to inform on this element, reference has been made to a nearby site promoted by LEL under Planning Reference: Y/92/17/OUT. That site is approximately 1.4 km to the north west of the proposed development site and groundwater is anticipated at depths of 0.4m below ground in that area. Bedrock geology of the site is likely to be permeable in nature and it is possible for a shallow groundwater table to be present beneath the site."

The applicant has agreed to all of the pre-commencement type planning conditions.

### POLICY CONTEXT

Designations applicable to site:

Outside the Built Up Area Boundary;  
Grade 2 Agricultural Land;  
Flood Zone 1; and  
Area of Special Control of Adverts.

### DEVELOPMENT PLAN POLICIES

[Arun Local Plan 2011 - 2031:](#)

CSP1	C SP1 Countryside
DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design
ECCSP1	ECC SP1 Adapting to Climate Change
ECCSP2	ECC SP2 Energy and climate change mitigation
ENVDM4	ENV DM4 Protection of trees
ENVDM5	ENV DM5 Development and biodiversity
ENVSP1	ENV SP1 Natural Environment

HERSP1	HER SP1 The Historic Environment
HERDM1	HER DM1 Listed Buildings
HERDM2	HER DM2 Locally Listed Buildings or Structures of Character
LANDM1	LAN DM1 Protection of landscape character
QEDM2	QE DM2 Light pollution
QEDM3	QE DM3 Air Pollution
QESP1	QE SP1 Quality of the Environment
SDSP1	SD SP1 Sustainable Development
SODM1	SO DM1 Soils
TDM1	T DM1 Sustainable Travel and Public Rights of Way
TSP1	T SP1 Transport and Development
WDM2	W DM2 Flood Risk
WDM3	W DM3 Sustainable Urban Drainage Systems
WMDM1	WM DM1 Waste Management

<a href="#">Yapton neighbourhood plan 2014 Policy BB1</a>	Built-up Area Boundary
Yapton neighbourhood plan 2014 Policy E1	Protection of high value agricultural land
Yapton neighbourhood plan 2014 Policy E3	Protection of natural habitats
Yapton neighbourhood plan 2014 Policy E4	Minimising the environmental impact of development
Yapton neighbourhood plan 2014 Policy E5	Enhancement of biodiversity
Yapton neighbourhood plan 2014 Policy E11	Minimising the impact of flooding from development
Yapton neighbourhood plan 2014 Policy KS21	Retention of community facilities

#### PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

#### POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans and Made Neighbourhood Development Plans.

The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

The Neighbourhood Development Plan

Where applicable, Neighbourhood Development Plan's (more commonly known as a neighbourhood plan or NDP), once made by Arun District Council, will form part of the statutory local development plan for the relevant designated neighbourhood area.

The relevant policies of the Yapton Neighbourhood Plan are considered in this report.

## DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:-

"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."

The proposal is considered to conflict with the relevant Development Plan policies in that the proposed site lies in the countryside and the proposal does not meet any of the criteria in the policies of the development plan with respect to new development in the countryside. The proposal results in the loss of high value (grade 2) agricultural land.

## OTHER MATERIAL CONSIDERATIONS

It is considered that there are other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background as detailed in the Conclusion section. These are as follows:

- (1) The quantitative and qualitative need for the proposed crematorium as evidenced by the submitted Need Assessment and also by application CM/4/19/PL for a site to the east of the application site;
- (2) The assessment of other suitable sites within the Arun District;
- (3) The National Planning Policy Framework and associated planning practice guidance;
- (4) The presumption in favour of sustainable development; and
- (5) The requirements in respect of location constraints as set out in the 1902 Cremation Act.

## CONCLUSIONS

PRINCIPLE:

The key policy considerations in the determination of the principle of this proposal would be C SP1 and SD SP1 of the Arun Local Plan (ALP). Policy C SP1 "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.

The proposal doesn't fall into these categories and is contrary to adopted countryside policy.

The Yapton Neighbourhood Development Plan:

The Yapton Neighbourhood Plan (YNDP) was made in November 2014 on the basis of saved policies in the 2003 Arun Local Plan and draft policies in the 2014 publication version of the then emerging Arun Local Plan. The site lies outside the BUAB in the YNDP and therefore is also defined as countryside.

Policy BB1 states development outside of the BUAB will not be permitted unless in accordance with 4 listed criteria. The fourth of these refers to "new or relocated health or community facilities in accordance with policies KS1 and KS2". Policy KS2 states that:

"Proposals for new and/or improved community facilities will be supported subject to the following criteria:

- the proposal would not have significant harmful impacts on the amenities of surrounding residents and other activities; and
- the proposal would not have significant harmful impacts on the surrounding local environment; and
- the proposal would not have unacceptable impacts on the local road network; and
- the proposal would provide appropriate car parking facilities; and
- the proposal is located within or immediately adjacent to the built up area boundary as defined in Policy BB1."

Although the preamble to this policy refers to community facilities in Yapton enabling a range of activities and services to be run which are important for people's wellbeing, there is no formal definition of what a community facility is and the crematorium clearly provides social benefit to the community of Arun and beyond. The proposal nevertheless conflicts with this policy as it is not directly adjacent to the defined edge of the built up area.

The proposal is considered to be conflict with ALP policy C SP1 and with YNDP policies BB1 and KS2.

#### LOSS OF AGRICULTURAL LAND:

As per Figure 2 of the YNDP, the site is classified as Grade 2 agricultural land. Policy E1 of the YNDP states "Planning permission will be refused for development on grade 1 and grade 2 agricultural land unless: (1) it involves the granting of planning permission for the development of the housing allocations identified in this Plan (Policy SA1 and Policy SA2); or (2) it involves the granting of planning permission for any additional housing sites required by Policy H1 to meet objectively assessed housing needs in the Plan area."

It should be noted that the Figure 2 map within the YNDP is based on the data provided by the national Provisional Agricultural Land Classification Grading system (ALC). This data is not based on site specific surveys but instead is assessed using various criteria including temperature, rainfall, aspect, exposure, frost risk, gradient, micro-relief, flood risk, soil depth, soil structure, soil texture, ground based chemicals and stoniness. The ALC uses a grading system to assess and compare the quality of agricultural land at national, regional and local levels. It assesses the potential for land to support different agricultural uses, such as growing crops for food. It doesn't consider the land's current use and intensity of use.

ALP policy SO DM1 considers soils and states: "Unless designated by this Plan or a Neighbourhood Development Plan, the use of Grades 1, 2 and 3a of the Agricultural Land Classification for any form of development not associated with agriculture, horticulture or forestry will not be permitted unless need for the development outweighs the need to protect such land in the long term." It should be noted that where there is conflict between policies that make up the development plan, the conflict must be resolved in favour of the most recent policy (in this case the ALP).

The applicant does not dispute the agricultural grading of the land but considers the clear benefits of the proposal and the compelling need for the proposal outweighs the loss of this Grade 2 land. The application supporting information states that:

- There are no alternative sites to this that are at a lower flood risk, outside the strategic gap and would

meet the 1902 Crematorium Act Locational criteria;

- 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 (data from November 2018) whilst the agricultural gross margin of the 4 hectare site is £589m\*;
- This is miniscule by comparison to the value of the business proposed; and
- The loss of the land equates to the loss of a tiny % of the Langmead Farm holding;- Only a very small portion of the site has permanent development that removes the land for agriculture.

\* It should be noted that both of these figures are calculated on the basis of 4 hectares since the data was only available for the whole of the field not just the part subject to the application. Therefore, the crop value or gross margin would be lower for the site subject of the application.

The need for this development is clearly set out elsewhere in this report (below in the next section) and it is considered that this need outweighs the need for the future retention of this 2.47 hectare parcel of agricultural land.

Policy SO DM1 then states that if development is permitted by the policy, the applicant should submit sustainability & options appraisals, mitigation measures and a soil resources plan for the development site. The applicant has stated that sustainability and options appraisals for soils are unnecessary as the limitations on location of the development provide no other alternative site. However, the applicant will be submitting a Soil Resource Survey and Soil Resource Plan for consideration by the Council. The latter could then be subject of a planning condition to ensure that its recommendations are followed.

Although the need for the development outweighs the need to safeguard this area of agricultural land, at the time of writing the applicant has not provided a response to the 2nd part of the policy. Therefore, the proposal remains partly in conflict with the YNDP (policy E2) and with policy SO DM1 of the ALP. This position may however change upon receipt and assessment of the Soil Resource Survey and Soil Resource Plan.

#### OTHER MATERIAL CONSIDERATIONS:

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:-

"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."

It is considered that there are other material considerations which would allow in the case of this proposal for a decision to be made despite being in conflict with ALP policies C SP1 & SO DM1 and with YNDP policies BB1, KS2 and E2. These will now be discussed under the following headings.

#### (1) The Quantitative and Qualitative Need for the Proposed Crematorium;

The Council has two applications for Crematoria with only 660m between the two.

The applicant has provided a Need Assessment which states whilst there is a compelling quantitative and qualitative need for a single new crematorium at Grevatts Lane West, there is no need for two crematoria at this location and, if both were developed neither would be financially viable. The Need Assessment noted there is no national policy or guidance in relation to the assessment of need for crematoria and the assessment criteria that has been taken into account has been drawn from a number of appeal decisions and a court judgement.

The Need Assessment states:

- In 2016 cremation accounted for approximately 80% of all funerals in England;
- 2014 based National Population Projections indicate a 19.5% projected increase in deaths in the UK between 2014 and 2039;
- Arun's population will increase by 19% to 2039 (England 12.9%);
- Arun's death rate to 2039 will increase by 30% (England 25.3%);
- The location of crematoria coupled with drive time and qualitative issues demonstrate that there is need for additional crematorium capacity in mid Arun;
- The key factor influencing most people's choice of crematorium for a funeral is its location, and there is a general preference to minimise travel times;
- 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;
- When seasonal variation in deaths is included, during peak months, Chichester is operating at 146% of its practical capacity whilst Worthing is operating at 126% of its practical capacity;
- The crematorium provides one hour service slots which is typical of new-build crematoria in contrast to the shorter time slots available at Chichester (40 minutes) and Worthing (45 minutes);
- Longer services could be provided at Worthing or Chichester but at the expense of less services per day and longer waiting times for new bookings;
- With hourly service intervals, the crematorium offers eight slots between 0900 and 1600 will add over 2,000 potential slots per year to those already available.
- Using the assumption that crematoria operate at approximately 75% of theoretical capacity, the factored capacity of the development would be 1,550 services per year, calculated from death rates within the 30 minute drive time;
- In Arun there is a prediction of 600 additional deaths per annum from 2018 to 2039, higher than any of the surrounding districts in numerical terms.
- This increase in death needs to be catered for in cremation capacity as qualitative issues will deteriorate at Chichester and Worthing, moving further way from recommended operational standards;
- A new crematorium in Arun will make a positive impact on satisfying quantitative need;
- It is not just about numbers. The development of a central Arun crematorium adds very significantly to the qualitative experience of bereaved people of the District;

(2) The Availability of other Suitable Sites within the Arun District;

The applicant has provided a list of alternative sites that could accommodate the crematorium. The applicant has undertaken this assessment with regards to both ADC's 2017 "Housing Economic Land Availability Assessment" (HELAA), the location requirements of the Cremation Act and the need for a size of site that would accommodate the ancillary parking and gardens.

The assessment assesses 19 other sites. It demonstrates there is no known alternative site that is free of the constraints and therefore equal or better than the site. Many of the sites were discounted due to having already been rejected as part of the HELAA or being located within the strategic gap.

(3) The National Planning Policy Framework (NPPF);

The NPPF is an important material consideration in the determination of planning applications. Although there is no reference to crematoria in the document, there is other guidance which is relevant to this application.

Paragraph 83 which states planning decisions should enable: (a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed

new buildings.

Secondly, paragraph 84 which advises 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.

(4) The Presumption in favour of Sustainable Development;

Policy SD SP1 states 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 contributes to the social, economic and environmental conditions south of the National Park through to the coast and throughout its settlements (both coastal and inland).

The NPPF defines the achievement of sustainable development as meeting three interdependent objectives - economic, social and environmental. These need to be pursued in mutually supportive ways.

It is not considered the location of the site is sustainable from the point of view of access by non-car modes of transport. Demand for the facility is unlikely to be local enough to mean that there will be many visitors walking, cycling or taking the bus to access the site. Although there are bus stops on Bilsham Road (BR) close to the junction with Grevatts Lane West (GLW), the bus service is not considered to be sufficiently regular to prove attractive to staff members. It is noted there is no pavement or street lighting on GLW. It is accepted that staff and locally based guests could cycle to the site given the flat landscape and the cycle path along the A259.

There will be environmental costs in respect of the loss of some grassland wildlife habitat and a visual change to the landscape. The proposal demonstrates environmental gains through biodiversity enhancements. In the long term additional planting will result in a benefit to the local landscape.

A new Crematorium located between existing facilities at Chichester and Findon will mean people in the areas between the two existing facilities will have less far to travel to access a crematorium. 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 Worthing. The location of the crematorium reduces travel time that would have been necessary to the existing facilities and result in lower vehicle emissions. However, there will be a similar amount of people accessing the new site as would access the existing facilities.

The proposal will result in new employment & other economic benefits and meet an existing social/community need. There is a loss of agricultural land to consider, however figures provided by the applicant suggest that the impact will be much lower than the value of the new crematorium business.

On balance it is considered that the proposal does represent sustainable development and would therefore comply with policy SD SP1

(5) The 1902 Cremation Act;

The 1902 Cremation Act sets out locational criteria for new crematoria. It states crematoria must 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. This effectively means that it is not possible to develop crematoriums in or adjoining the built up area boundary and pushes the search for new sites into the countryside. The edge of the site is around 270m from the nearest residential dwelling.

## Summary of Material Considerations

Although the principle of development on this site in the countryside is considered to be contrary to the development plan, it is considered the proposal represents sustainable development and that other material considerations as set out above (including the need for the proposal and the need for a countryside location) combine to allow for a decision to be taken to allow the principle of development on this countryside site and the loss of the grade 2 agricultural land.

### FLOOD RISK:

According to mapping on the Environment Agency's website, the site is in Flood Zone 1 which is low risk. The site is shown in the Council's Strategic Flood Risk Assessment (SFRA) as being at risk of flooding in the future. The SFRA includes maps showing the future effects of climate change and these suggest that the application site may become part of flood zone 3a by the year 2111.

Policy W DM2 of the Arun Local Plan states that:

"Development in areas at risk from flooding, identified on the latest Environment Agency flood risk maps and the Council's Strategic Flood Risk Assessment (SFRA), will only be permitted where all of the following criteria have been satisfied:

- a. The sequential test in accordance with the National Planning Policy Guidance has been met.
- b. A site specific Flood Risk Assessment demonstrates that the development will be safe, including access and egress, without increasing flood risk elsewhere and reduce flood risk overall.
- c. The sustainability benefits to the wider community are clearly identified.
- d. The scheme identifies adaptation and mitigation measures.
- e. Appropriate flood warning and evacuation plans are in place; and
- f. New site drainage systems are designed to take account of events which exceed the normal design standard i.e. consideration of flood flow routing and utilising temporary storage areas."

The application was accompanied by a Flood Risk Assessment (FRA). This concludes that the site currently is at low risk of flooding and that subject to the provision of further information from the Environment Agency on projected future flood levels, consideration can be given during the detailed design of the buildings to the incorporation of flood proofing and flood resilience measures. The Environment Agency have been consulted and raise no objections. Neither do the Council's own Drainage Engineers.

A sequential assessment is required where a site is at high risk of current or future flooding. Para 158 of the NPPF states that the sequential approach should be used in areas known to be at risk now or in future from any form of flooding. Para 155 NPPF states that the development 'should be made safe for its lifetime without increasing flood risk elsewhere.' Furthermore, para 33 (Reference ID: 7-033-20140306) of the associated Planning Practice Guidance states that it should not normally be necessary to apply the sequential test to development in proposals in flood zone 1 (and with a low probability of flooding from rivers or the sea) unless the flood risk assessment indicates there may be flooding issues now or in the future (for example by climate change).

The applicants for the Climping crematorium undertook a sequential test for a similar area which concluded there were no other preferable sites and therefore it is highly likely that if a sequential assessment was provided for this application given the proximity of the two sites (680m), it would provide the same assessment of sites and likely reveal the application site to be the best one. A sequential assessment has therefore not been sought.

The applicant has confirmed that the lease with the crematorium operator is for a maximum of 90 years and that they will therefore accept an additional clause within the section 106 that requires the removal of the building by 2110 if a future flood risk assessment confirms the site remains at risk of flooding. This is not capable of being a material planning consideration in the determination of the application and is only referred to here due to the applicant offering it.

In respect of the other criteria in policy W DM2, it has already been demonstrated that the application will result in sustainability benefits to the wider community, there are no objections to the scheme from the Councils drainage engineers and the proposed clause within the Section 106 will ensure that the crematorium is within flood zone 1 for the length of the lease. Further, that if the flood zone changes then it will be subject to a further FRA which could require further mitigation measures and a Flood Warning/Evacuation Plan. It is therefore considered that the proposal complies with policy W DM2.

#### HIGHWAY SAFETY, TRAFFIC & PARKING:

Local Plan policy T SP1 seeks to ensure development provides safe access on to the highway network; contributes to highway improvements & promotes sustainable transport. In respect of highway safety, it states: "The Council will support transport and development which: explains how the development has been designed to: (i) accommodate the efficient delivery of goods and supplies; (ii) give priority to pedestrian and cycle movements and have access to high quality public transport facilities; (iii) create safe and secure layouts for traffic, cyclists and pedestrians whilst avoiding street clutter."

In respect of parking, T SP1 states: "The Council will support transport and development which: Incorporates appropriate levels of parking in line with West Sussex County Council guidance on parking provision and the forthcoming Arun Design Guide taking into consideration the impact of development upon on-street parking". In addition, policy T DM1 requires that new development be located within easy access of established non-car transport modes/routes, contribute to the improvement of such routes & facilities and contribute towards the provision of a joined up cycle network and Public Rights of Way network.

Para 108 of the NPPF states: "In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that: (b) safe and suitable access to the site can be achieved for all users". Regard should be had to para 109 which states: "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."

The advice of WSCC Highways is summarised above. They have assessed the proposals and supporting documents provided including a Road Safety Audit and do not consider there will be any severe harm to the safety or convenience of the local highway network either solely or in combination with other developments.

WSCC Highways note that Grevatts Lane West is adopted highway but at some point in time, gates were illegally installed to prevent unauthorised access to the agricultural land. These gates are locked and currently prevent any non-agricultural vehicles from travelling up or down using Grevatts Lane West. However, as the road is public highway and as the effect of the proposal would be to open up and improve the junction with the A259, members of the public may be encouraged to try to use Grevatts Lane West as a cut through to avoid Comet Corner. They would then encounter the locked gate situated to the west of the Crematorium site and they would be within their right to request that the Highways Authority remove the gate. If this were to happen, there would then be nothing to stop vehicles bypassing Comet Corner in order to head east along the A259 or turning right off the A259 and using Grevatts Lane West to reach Bilsham Road.

The applicant therefore proposed a solution entailing the installation of lockable bollards on the highway, west of the site, to be secured by a future Traffic Regulation Order (TRO). This would act as a fail-safe mechanism to be implemented should the existing gate ever be removed and should a certain number of traffic movements be reached. It is not possible to say at this time what the trigger number of vehicles will be but it will need to be a sufficient number to support the TRO as this process will be led by County, will be subject to consultation (the implementation of bollards could therefore attract objections) and will be subject to a County Council committee decision.

A condition is therefore proposed to secure a regime of post approval traffic monitoring. The applicant will be responsible for installing the monitoring equipment and for providing this data to the Highway authority.

Consideration has been given to instead achieving these same aims through a planning condition but as the Traffic Regulation Order is not a planning matter and is dependant on a decision to be taken by the County Council, a condition would give no certainty and could stifle the development. Also, it would not be appropriate to close the access off for good as access is required by agricultural vehicles.

It should also be noted that the proposed site layout has itself been designed so as to encourage vehicles to head east from the crematorium site towards the A259. The layout forces drivers to drive left out of the access and although it would then be possible for smaller vehicles (not a hearse or refuse vehicle) to swing back right and head west, in practice the layout and the condition of the Grevatts Lane West surface will deter the majority of drivers. Therefore, it is unlikely that users of the crematorium will contribute to the need for a TRO.

The proposed access improvement works on the A259 are considered to be safe and reduce the potential for congestion from vehicles waiting to turn right onto Grevatts Lane West. The improvements include a pedestrian/cycle crossing point with island to allow users of the shared path to safely cross the access. The widening of the A259 carriageway to allow the creation of the ghost lane will solely utilise existing highways land on the southern side of the road and not any third party owned land.

The Federation of Burial and Cremation Authorities (FBCA) suggest parking for crematoria should be provided for approximately two thirds of the total seating capacity of the chapel. The chapel provides 126 seats and this equates to a demand of 84 parking spaces. The applicant proposes 107 spaces for guests with 12 for staff and other site visitors.

The application states a total of 6 cycle parking spaces for staff members will be provided in the service yard. Plans demonstrate that cars, refuse lorries and fire engines can all navigate & track around the site without restriction and can enter and exit in a forward gear.

WSSC Highways are the Councils technical experts on such matters and given they raise no objections, it is not considered a refusal on the grounds of highway safety or highway convenience could be sustained on appeal. It is considered the proposal accords with the relevant development plan policies and with the NPPF in terms of highway safety.

#### HERITAGE ASSETS:

The site is not itself a heritage asset and there are not considered to be any heritage assets, designated or non-designated, in close proximity. There are two locally listed buildings (nos. 84 & 85 Bilsham Road) to the west of the site however these are some distance away (approximately 355m between the building and the application site edge) with three further houses and fields between.

There is a Grade II Listed Building (Hobbs Farmhouse) also fronting Bilsham Road albeit slightly more in a north-westerly direction. This is further from the site with a distance of 440m between the edge of its curtilage and the application site boundary. There is a small industrial site and two dwellings within the landscape directly between Hobbs Farm and the application site.

The NPPF defines setting as the surroundings in which a heritage asset is experienced and states that the extent of the setting is not fixed and may change as the asset and its surroundings evolve. It is not considered that the setting of Hobbs Farm and the buildings within its curtilage extends far enough from its boundaries so as to include the application site.

On the basis that the application proposal does not directly affect these nearby heritage assets and does not affect their setting either, it is not considered necessary to assess the proposal against the heritage guidance within the NPPF, against the Planning (Listed Buildings and Conservation Areas) Act 1990 or against policy HER DM1 of the Arun Local Plan.

#### DESIGN, LANDSCAPE & VISUAL AMENITY:

Policy D DM1 of the Local Plan requires the Council seek to make the best possible use of land by reflecting or improving upon the character of the site and the surrounding area. It requires the Council to consider scale, massing, aspect, siting, layout, density, building materials, landscaping, and design features. The policy requires the scale of development keep within the general confines of the overall character of a locality. It states all development will be expected to incorporate existing and new tree planting as an integral part of development proposals. ALP policy D SP1 "Design" requires development to make an efficient use of land and also reflect local character.

Policy LAN DM1 of the ALP states: "Development throughout the plan area should respect the particular characteristics and natural features of the relevant landscape character areas and seek, wherever possible, to reinforce or repair the character of those areas. The historic character and development pattern of settlements within the District should be respected, taking into account their distinct identity and setting"

There are no relevant design or landscape policies in the YNDP. Regard should be had to para 127 of the NPPF: "Planning policies and decisions should ensure that developments: (c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities)." Paras 122 and 130 are relevant. Para 122 states decisions should support development that makes efficient use of land but the desirability of maintaining an area's prevailing character and setting should be taken into account. Para 130 states planning permission should be refused for development that fails to take opportunities available for improving character and quality of an area and the way it functions.

The Design and Access Statement states:

- The design of buildings has been influenced by the desire to relate to the surrounding built forms and to provide a celebratory space within the Chapel which has a high ceiling height;
- The long 'separate' elements of the built area relate back to a farm typology common in rural South England;
- They have then been offset to give a contemporary design which is considered to sit comfortably in the landscape without being imposing;
- The internal design allows for different activities to take place at the same time without conflict (such as one cremation taking place whilst another unrelated chapel service is running);
- The building layout itself is orthogonal with the building sitting at an angle to the site boundary;
- Having the building at an angle to the site boundary also creates more intimate and welcoming spaces

which allows for the protected view behind the building to be unseen when anywhere else but in the chapel.

The scheme has been designed to create a sustainable, rurally appropriate design reflective of the landscape character of the coastal plain. The buildings are agricultural in design whilst the use of timber and clay tiles appropriate to the rural environment. Although some of the buildings have a high pitch, the accommodation (bar a small mezzanine area) is single storey and the buildings will not be out of character with the built form of nearby dwellings or the character of the surrounding landscape.

The applicant has provided a Visual Appraisal document which concludes:

- There are no high sensitivity receptors within the study area;
- Views from the medium sensitivity receptor (the 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 the proposed development would potentially be partially visible from a number of these locations;
- Residents of White Rails to the west (south of the Bilsham Road/Grevatts Lane West junction) 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;

In response, the following mitigation strategy is proposed:

- Set built form back from Grevatt's Lane West, behind a landscaped buffer, to reduce visual impact on views from the south and to focus development in areas of higher containment;
- Enhancement of existing boundary hedgerows and trees as characteristic landscape features which function as wildlife habitat and connect with wider green infrastructure;
- Strengthen the visual containment of the site, through tree and hedge planting;
- 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.

This will be enforced through a landscaping condition. This site is not in a protected landscape and is not part of a local or strategic gap designation. This coupled with the limited impact on receptors in terms of landscape impact means the proposal has only limited impact. The proposed on and off-site planting will lead to landscape enhancement in the longer term.

It is acknowledged that the design includes a chimney which will be higher than the building roofs. This is necessary in the interests of pollution control.

The proposal would not result in material harm to the rural character of the locality and the landscaping will, in time, screen the site from view and enhance the wider landscape. The proposal accords with ALP policies D DM1, D SP1 & LAN DM1 and with the relevant guidance on design within the NPPF.

#### POLLUTION:

ALP policies QE DM1, QE DM2 and QE DM3 seek to protect residential properties from adverse effects of noise, air and light pollution. It is important to note the 1902 Cremation Act states that crematoriums must be at least 200 yards (183 metres) from any dwelling unless the owner, lessee or occupier has given their consent in writing. The nearest residential property is at least 270m from the western site boundary.

The application is accompanied by an Air Quality Assessment. This states:

- Detailed air quality modelling has been undertaken to predict the impacts associated with stack emissions from the cremator;
- A stack height of 13m was selected to ensure adequate dispersion of the exhaust gases;
- Predicted maximum process concentrations at sensitive receptor locations are well within the relevant air quality standards for all pollutants considered; and
- 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.

The application has been assessed by Environmental Health officers who are the Council's technical experts on matters of pollution and they raise no objections. It is proposed to impose a condition to require the approval of lighting details post approval. These details would then be subject to agreement with Environmental Health officers and with our ecologist. In terms of noise, a condition will be imposed to prevent services from being held outside of 9am and 5pm on Mondays to Saturdays with no services on Sundays or Bank Holidays. This will ensure any noise generated by the use will be within standard working hours.

Matters relating to scheme in respect of air quality, lighting and noise are acceptable. The proposal is therefore in accordance with policies QE DM1, QE DM2 and QE DM3 of the Arun Local Plan.

#### RESIDENTIAL AMENITY:

ALP policy D DM1 requires the Council have regard to certain aspects when considering development including having minimal impact to users and occupiers of nearby property and land. Regard should be had to para 127 of the NPPF which states that development should provide a high standard of residential amenity for existing and future users.

Policy QE SP1 states: "The Council requires that all development contributes positively to the quality of the environment and will ensure that development does not have a significantly negative impact upon residential amenity".

Due to the distance to the nearest residential property, there will not be any impacts on residential properties in respect of overlooking, loss of light or loss of outlook.

Some residents have concerns regarding noise disturbance from vehicles travelling west from the site along Grevatts Lane West. The design of the access from the site onto Grevatts Lane West includes measures to deter vehicles from heading west towards Bilsham Road. If a particular number of vehicles doing so is reached (to be monitored by WSCC Highways) lockable bollards will be installed which will prevent access west along Grevatts Lane West by non-agricultural vehicles. This is not considered to result in significant harm to amenity of these residents.

It is not considered that there would be conflict with policies D DM1, QE SP1 or para 127 of the NPPF.

#### BIODIVERSITY:

ALP policy ENV DM5 states: "Development schemes shall, in the first instance, seek to achieve a net gain in biodiversity and protect existing habitats on site. They shall also however incorporate elements of biodiversity including green walls, roofs, bat and bird boxes as well as landscape features minimising adverse impacts on existing habitats (whether designated or not)."

YNDP policy E3 seeks to prevent loss of natural habitat but states it may be acceptable where mitigation measures ensure the integrity of the habitat or where the habitat is relocated to a site within 500m. Policy E4 states sites should retain well-established features of the landscape, including mature trees and species-rich hedgerows, new tree planting will be required to mitigate significant loss.

Para 175 of the NPPF states: "If significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;"

The application is accompanied by an Ecological Impact Assessment which concludes the site is considered to be of low ecological value with no particular habitats of interest. The proposals will not impact on the margins of the site (hedgerows/ditches) which do hold wildlife value. The Assessment considers that once avoidance and mitigation measures have been taken into account, the impacts of the planned development upon biodiversity will be negligible, nonsignificant with proposed ecological enhancements resulting in a net gain and result in a long-term positive increase in biodiversity. Mitigation measures include a number of precautionary measures alongside wildlife enhancements.

The Councils Ecologist has assessed the application in respect of whether there will be harm to protected species and advises no objection subject to the mitigation and enhancement measures being secured by condition. It will be necessary to protect the field boundaries with fencing during construction and to retain these areas as they ensure habitat for bats, voles and reptiles is maintained.

The application complies with the NPPF para 175, with ALP policy ENV DM5 and YNDP policy E3.

#### SUMMARY:

The principle of development is contrary to the development plan as it is located in a countryside location and on grade 2 agricultural land. The proposal represents sustainable development, the need for a new crematorium has been established and the evidence indicates this is the only available site which meets all of the required criteria.

The siting of a crematorium in the countryside is supported by the NPPF and by decision making elsewhere in the South East. These material considerations are such that in accordance with section 38(6) of the Planning and Compulsory Purchase Act 2004, a decision can be taken other than in accordance with the development plan.

This report has considered the concerns of interested residents and Parish Councils in particular with respect to the impact on highway safety/traffic congestion, visual amenity, pollution, residential amenity and biodiversity. It is not considered the proposal results in any material harm to any of these considerations and that there will be long term benefits from the enhancement of the local landscape and of the biodiversity value of the site.

The application will be accompanied by a Section 106 Agreement securing a contribution to the provision of a Traffic Regulation Order which will be required in the future should a particular number of vehicle movements travelling along Grevatts Lane West be reached. If this trigger is met the Highway Authority will seek to implement a Traffic Regulation Order using the agreed financial contribution from the applicant to pay for lockable bollards to prevent vehicle movements (other than for agricultural vehicles).

Due to the applicant providing further soil related documents in support of the application, it is necessary to notify the Parish Council of the amendment to the application. The Council has a duty in accordance with Section 2 of the Neighbourhood Planning Act 2017, to allow a 21 day notification period. The expiry of the 21 day period will be after the Committee Meeting on the 7th August.

Therefore, Committee are requested to resolve to delegate the application approval of planning permission, subject to the completion of the s106 agreement and the recommended conditions, to the Group Head of Planning for a decision to then be made in consultation with the Chair and Vice Chair of the Development Control Committee. Should the Parish make any further representations before the date of the Committee, then there will be a report update to update members and amend the recommendation.

#### **HUMAN RIGHTS ACT**

The Council in making a decision should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as Arun District Council to act in a manner, which is incompatible with the European Convention on Human Rights.

Consideration has been specifically given to Article 8 (right to respect private and family life) and Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for approval of the grant of permission in this case interferes unreasonably with any local residents' right to respect for their private and family life and home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for approval is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

#### **DUTY UNDER THE EQUALITIES ACT 2010**

Duty under the Equalities Act 2010

In assessing this proposal the following impacts have been identified upon those people with the following protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation).

The proposal would have a neutral impact on the protected characteristics.

#### **SECTION 106 DETAILS**

This decision has been granted in conjunction with a S106 legal agreement relating to the following provisions:

(1) a financial contribution of £7500 towards the cost of a potential future Traffic Regulation Order (TRO) which will be required if the necessary trigger of vehicle movements travelling along Grevatts Lane West is exceeded. If the trigger is reached the TRO will cover the installation of lockable bollards adjacent to the crematorium access on Grevatt's Lane West in place of the existing gate on Grevatt's Lane West to the west of the site. A contribution of £975 is required to pay for these bollards; and

(2) A clause to require the removal of the crematorium building by the year 2110 if a future flood risk assessment (FRA) confirms that the site is at a high risk of flooding. This is not a material planning consideration and has not therefore influenced the recommendation. It is included solely due to being proposed by the applicant.

#### **RECOMMENDATION**

APPROVE CONDITIONALLY SUBJECT TO A SECTION 106 AGREEMENT

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby approved shall be carried out in accordance with the following approved plans:

Dwg. 1176/1000 "OS Location Plan";  
Dwg. 1176/1002 "Proposed Site Plan" (1:1250);  
Dwg. 0524-DR-100 Rev PL01 "Proposed Site Plan" (1:500);  
Dwg. 1176/1003 Rev A "GA Ground Floor Plan";  
Dwg. 1176-1004 "GA Roof Plan";  
Dwg. 1176-2000 "GA Elevations - Main Building 1 of 2";  
Dwg. 1176-2001 "GA Elevations - Main Building 2 of 2";  
Dwg. 1176-2002 "GA Elevations - Remembrance Court";  
Dwg. 1176-2007 "GA Elevations - Main Building 1 of 2 Detailed";  
Dwg. 1176-2008 "GA Elevations - Main Building 2 of 2 Detailed";  
Dwg. 1176-2009 "GA Elevations - Remembrance Court Detailed";  
Dwg. 1176-2003 "GA Section - Main Building";  
Dwg. 1176-2004 "GA Section - Remembrance Court";  
Dwg. 1176-2005 "Detailed Elevation";  
Dwg. 1176-2006 "Proposed Approach View";  
Dwg. 1176-2007 "GA Elevations - Main Building 1 of 2 (Detailed)";  
Dwg. 1176-2008 "GA Elevations - Main Building 2 of 2 (Detailed)";  
Dwg. 1176-2009 "GA Elevations - Remembrance Court (Detailed)";  
Dwg. 128.001.007 Rev C "Access Road Amendments"; and  
Dwg. 128.0001.001 Rev D "Site Access with Right Turn Lane from Grevatts Lane".

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policies QE SP1, D DM1, T, SP1 and CSP1 of the Arun Local Plan.

- 3 The Changing Places Toilet hereby approved as part of this development and shown on drawing 1176/1003 Rev A "GA Ground Floor Plan" shall be laid out prior to first use of the crematorium in accordance with Arun District Council's "Changing Places Toilet Guidance" dated January 2019 (or any subsequent published version). Thereafter, its special features shall be maintained in good working order.

Reason: In the interests of public safety and convenience in accordance with policy D DM1 of the Arun Local Plan.

- 4 The development must be carried out in accordance with the mitigation and enhancement measures as set out within sections 5.0 and 6.0 of the Ecological Impact Assessment by Lizard Landscapes ref LLD1584 Rev 01 (26/11/18). The enhancements and mitigation measures shall be implemented as per the document and then permanently retained and thereafter maintained as fit for purpose.

Reason: In accordance with Arun Local Plan policy ENV DM5 and the National Planning Policy Framework.

- 5 No development shall take place, including any works of demolition, until a Construction & Environmental Management Plan has been submitted to and approved in writing by the Local

Planning Authority (who shall consult with West Sussex County Council and the Councils Environmental Health Officers). Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters

- an indicative programme for carrying out of the works;
- the anticipated number, frequency and types of vehicles used during construction;
- the method of access and routing of vehicles during construction;
- the parking of vehicles by site operatives and visitors;
- the loading and unloading of plant, materials and waste, including permitted times for deliveries;
- the storage of plant and materials used in construction of the development;
- the erection and maintenance of security hoarding, including decorative displays and facilities for public viewing, where appropriate;
- the provision of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders);
- Measures to minimise the noise (including vibration) generated by the construction process to include hours of work, proposed method of piling for foundations, the careful selection of plant and machinery and use of noise mitigation barrier(s);
- measures to control the emission of dust and dirt during construction;
- Details of any floodlighting, including location, height, type and direction of light sources and intensity of illumination; and
- a scheme for recycling / disposing of waste resulting from demolition and construction works.

Reason: In the interests of the amenity of the occupiers of any nearby noise sensitive premises, the general amenities of the area and in the interests of highway safety in accordance with policies D DM1, QE SP1, QE DM1, QE DM2, QE DM3 and T SP1 of the Arun Local Plan and the National Planning Policy Framework. This is required to be a pre-commencement condition because it is necessary to have the site set-up agreed prior to access by construction staff.

- 6 Prior to the commencement of development, the developer shall provide a 5m deep buffer zone to the hedges and watercourses along the site boundaries to be secured by temporary security fencing. The habitat within the buffer zones shall be maintained as existing and there shall be no access to these buffer zones during the construction process. Once construction is completed, the fencing shall be removed and the buffer zones left as a natural area for wildlife.

Reason: In order to protect wildlife habitat (bats, reptiles, dormice and water voles) and in the interests of general biodiversity in accordance with policy ENV DM5 of the Arun Local Plan. This is required to be a pre-commencement condition because it is necessary to ensure that the wildlife habitat is protected prior to the start of construction works.

- 7 Development shall not commence, other than works of site survey and investigation, until full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations, and the recommendations of the SuDS Manual produced by CIRIA. Winter groundwater monitoring to establish highest annual ground water levels and winter Percolation testing to BRE 365, or similar approved, will be required to support the design of any Infiltration drainage. No building / No part of the extended building shall be occupied until the complete surface water drainage system serving the property has

been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies W SP1, W DM1, W DM2 and W DM3 of the Arun Local Plan. This is required to be a pre-commencement condition because it is necessary to implement the surface water drainage system prior to commencing any building works.

- 8 The development shall not proceed until details have been submitted to and approved in writing by the Local Planning Authority for any proposals: to discharge flows to watercourses; or for the culverting, diversion, infilling or obstruction of any watercourse on or adjacent to the site. Any discharge to a watercourse must be at a rate no greater than the pre-development run-off values. No construction is permitted, which will restrict current and future land owners from undertaking their riparian maintenance responsibilities in respect to any watercourse or culvert on or adjacent to the site.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies W DM1, W DM2 and W DM3 of the Arun Local Plan. And to ensure that the duties and responsibilities, as required under the Land Drainage Act 1991, and amended by the Flood and Water Management Act 2010, can be fulfilled without additional impediment following the development completion. It is considered necessary for this to be a pre-commencement condition to protect existing watercourses prior to the construction commencing.

- 9 Development shall not commence until full details of the maintenance and management of the surface water drainage system is set out in a site-specific maintenance manual and submitted to, and approved in writing, by the Local Planning Authority. The manual is to include details of financial management and arrangements for the replacement of major components at the end of the manufacturer's recommended design life. Upon completed construction of the surface water drainage system, the owner or management company shall strictly adhere to and implement the recommendations contained within the manual.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies W DM1, W DM2 and W DM3 of the Arun Local Plan. It is considered necessary for this to be a pre-commencement condition to ensure that the future maintenance and funding arrangements for the surface water disposal scheme are agreed before construction commences.

- 10 No development shall commence until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Local Planning Authority.

Reason: The site is of potential archaeological significance in accordance with Arun Local Plan Policy HER DM6. This is required to be a pre-commencement condition because it would not be possible to carry out surveys once the building work has started.

- 11 No development of the crematorium building above damp proof course (DPC) level shall take place unless and until a monitoring regime to assess the impact of vehicle flows along Grevatts Lane West, west of the site access has been submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority. Thereafter the monitoring data shall be made available upon request to either the Local Planning Authority or the Local Highway Authority.

Reason: To accord with the terms of the application and in the interest of the safety of highway users in accordance with policy T SP1 of the Arun Local Plan and the National Planning Policy Framework.

- 12 No development above damp proof course (DPC) level shall take place until there has been submitted to, and approved by, the Local Planning Authority, a landscaping scheme including details of hard and soft landscaping and details of existing trees and hedgerows to be retained, together with measures for their protection during the course of the development. The approved details of the landscaping shall be carried out in the first planting and seeding season, following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which, within a period of five years from the completion of development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of amenity and of the environment of the development in accordance with policy D DM1 of the Arun Local Plan.

- 13 No development above damp proof course (DPC) level shall take place unless and until a schedule of materials and finishes to be used for external walls and roofs of the proposed buildings have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the buildings.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of amenity and character and appearance of the surrounding rural area in accordance with policy D DM1 of the Arun Local Plan.

- 14 Before the development is first occupied or brought into use a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, shall be submitted to and approved in writing by the local planning authority. The landscape management plan shall then be carried out as approved and permanently adhered to unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of amenity and of the environment of the development in accordance with policy D DM1 of the Arun Local Plan.

- 15 Before the development hereby permitted is first brought into use the developer shall enter into an agreement pursuant to Section 278 of the Highways Act 1980 with the County Council to provide for the junction improvements as shown on Drawing 128.0001.0001 REV D. The junction shall then be provided prior to first use of the crematorium.

Reason: To accord with the terms of the application and in the interest of the safety of highway users in accordance with policy T SP1 of the Arun Local Plan and the National Planning Policy Framework.

- 16 No part of the development shall be first brought into use until such time as the vehicular access serving the development has been constructed in accordance with the details shown on the drawing titled Access Road Amendments and numbered 128.001.007 Rev C.

Reason: In the interests of road safety in accordance with policy T SP1 of the Arun Local Plan and the National Planning Policy Framework.

- 17 No part of the development shall be first brought into use until the car parking has been constructed in accordance with the approved site plan. These spaces shall thereafter be retained at all times for their designated purpose.

Reason: To provide car-parking space for the use in accordance with policy T SP1 of the Arun Local Plan and the National Planning Policy Framework.

- 18 No part of the development shall be first brought into use until covered and secure cycle parking spaces have been provided in accordance with plans and details submitted to and approved by the Local Planning Authority. The approved cycle storage/parking spaces shall thereafter be permanently retained in good working condition.

Reason: To provide alternative travel options to the use of the car in accordance with in accordance with policy T SP1 of the Arun Local Plan and the National Planning Policy Framework.

- 19 No construction or demolition activities shall take place, other than between 08:00 to 18:00 hours (Monday to Friday) and 08:00 to 13:00 hours (Saturday) and no noisy working activities shall take place on Saturday afternoon, Sunday or Bank Holidays.

Reason: To protect the amenities of nearby residents in accordance with Arun Local Plan policies QE SP1 and QE DM1.

- 20 No external lighting shall be installed on site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage have been submitted to and approved in writing by the Local Planning Authority. The scheme should seek to conform with the recommendations within BS5489:1-2013 but also minimise potential impacts to any bats using the trees, hedgerows and buildings by avoiding unnecessary artificial light spill through the use of directional light sources and shielding. The lighting approved shall be installed and shall be maintained in accordance with the approved details.

Reason: In the interests of the amenities of the area, the site biodiversity (particularly in respect of bats), the interests of minimising crime and to minimise unnecessary light spillage outside the development site in accordance with policies QE SP1, QE DM2 & ENV DM5 of the Arun Local Plan.

- 21 No removal of trees, shrubs or other vegetation that may contain birds' nests shall take place between 1st March and 31st August inclusive, unless a suitably qualified ecologist/wildlife specialist has undertaken a careful, detailed, check of vegetation for active birds' nests immediately before the vegetation is cleared and confirmed that no nests will be harmed. Where nests are discovered, the vegetation shall remain in place until nesting activity has ended naturally and the ecologist has confirmed that it is safe to proceed.

Reason: To prevent interference with the breeding success of wild birds in the interests of biodiversity conservation, as well as to ensure compliance with the legal protection of birds, their nests and eggs under Section 1 of the Wildlife and Countryside Act 1981, as amended and in accordance with policy ENV DM5 of the Arun Local Plan.

- 22 No crematorium services shall take place outside of the hours of 09:00 and 17:00 Monday to Saturdays and there shall be no more than 8 services per day. There shall be no services on Sundays or Bank Holidays.

Reason: As agreed with the applicant and in the interests of the general amenity of the locality & to minimise the impact of traffic on the road network during peak hours in accordance with policy T SP1 of the Arun Local Plan and the National Planning Policy Framework.

- 23 INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in

accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

24 INFORMATIVE: This decision has been granted in conjunction with a Section 106 legal agreement relating to the following provisions:

(1) a financial contribution of £7500 towards the cost of a Traffic Regulation Order (TRO) which will be required if the necessary trigger of vehicle movements travelling west along Grevatts Lane West is exceeded. If the trigger is reached then the TRO will cover the installation of lockable bollards adjacent to the crematorium access on Grevatt's Lane West and also in place of the existing gate on Grevatt's Lane West to the west of the site. In addition, a contribution of £975 is required to pay for these bollards.

(2) A clause to require the removal of the crematorium building by the year 2110 if a future flood risk assessment (FRA) confirms that the site is at a high risk of flooding.

25 INFORMATIVE: This process may require a permit under the Environmental Protection Act 1990, Environmental Permitting (England and Wales) Regulations 2010 before operations commence and the applicant is advised to contact the Environmental Health Department on 01903 737755.

26 INFORMATIVE: The discharge of effluent associated with this development will require an Environmental Permit under the Environmental Permitting (England & Wales) Regulations 2016, from the Environment Agency, unless an exemption applies. The applicant is advised to contact the Environment Agency on 03708 506 506 for further advice and to discuss the issues likely to be raised. You should be aware that there is no guarantee that a permit will be granted.

Additional 'Environmental Permitting Guidance' can be found at: <https://www.gov.uk/environmental-permit-check-if-you-need-one>.

27 INFORMATIVE: 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 BRE365, 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 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. 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 regarding surface water drainage are located here <https://www.arun.gov.uk/surfacewater> on Arun District Councils website. A surface water drainage checklist is available here <https://www.arun.gov.uk/drainagechecklist> on Arun District Councils website, this should be submitted with a Discharge of Conditions Application.

28 INFORMATIVE: Under Section 23 of the Land Drainage Act 1991 Land Drainage Consent must be sought from the Lead Local Flood Authority (West Sussex County Council), or its agent (Arun District Council [land.drainage@arun.gov.uk](mailto:land.drainage@arun.gov.uk)), prior to starting any works (temporary or permanent) that affect the flow of water in an ordinary watercourse. Such works may include culverting, channel diversion, discharge of flows, connections, headwalls and the installation of trash screens.

The development layout must take account of any existing watercourses (open or culverted) to ensure that future access for maintenance is not restricted. No development is permitted within 3m of the bank of an ordinary watercourse, or 3m of a culverted ordinary watercourse.

- 29 .  
INFORMATIVE: The applicant is required to obtain all appropriate consents from West Sussex County Council, as Highway Authority, to cover the off-site highway works. The applicant is requested to contact The Implementation Team Leader (01243 642105) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.

<b>BACKGROUND PAPERS</b>
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[The documents relating to this application can be viewed on the Arun District Council website by going to https://www.arun.gov.uk/weekly-lists and entering the application reference or directly by clicking on this link.](https://www.arun.gov.uk/weekly-lists)

**Y/103/18/PL - Indicative Location Plan (Do not Scale or Copy)**  
**(All plans face north unless otherwise indicated with a north point)**



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