

North Yorkshire Council
Community Development Services
Strategic Planning Committee

10 OCTOBER 2023

ERECTION OF A CREMATORIUM WITH ASSOCIATED ACCESS, PARKING, MEMORIAL GARDENS AND LANDSCAPING AT LAND WEST OF GRAVEL PIT FARM TO BLACK DIKE PLANTATION, SAND HUTTON, NORTH YORKSHIRE, YO41 1LW.

Report of the Assistant Director Planning – Community Development Services

1.0 PURPOSE OF THE REPORT

- 1.1 To determine a planning application for a new Crematorium on Land West of Gravel Pit Farm to Black Dike Plantation, Sand Hutton, York. (Application reference 20/01195/MFULE)
- 1.2 The application is accompanied by an Environmental Statement and determination is a Committee decision under the Council's constitution. The application also raises cross boundary issues with the City of York.

2.0 EXECUTIVE SUMMARY

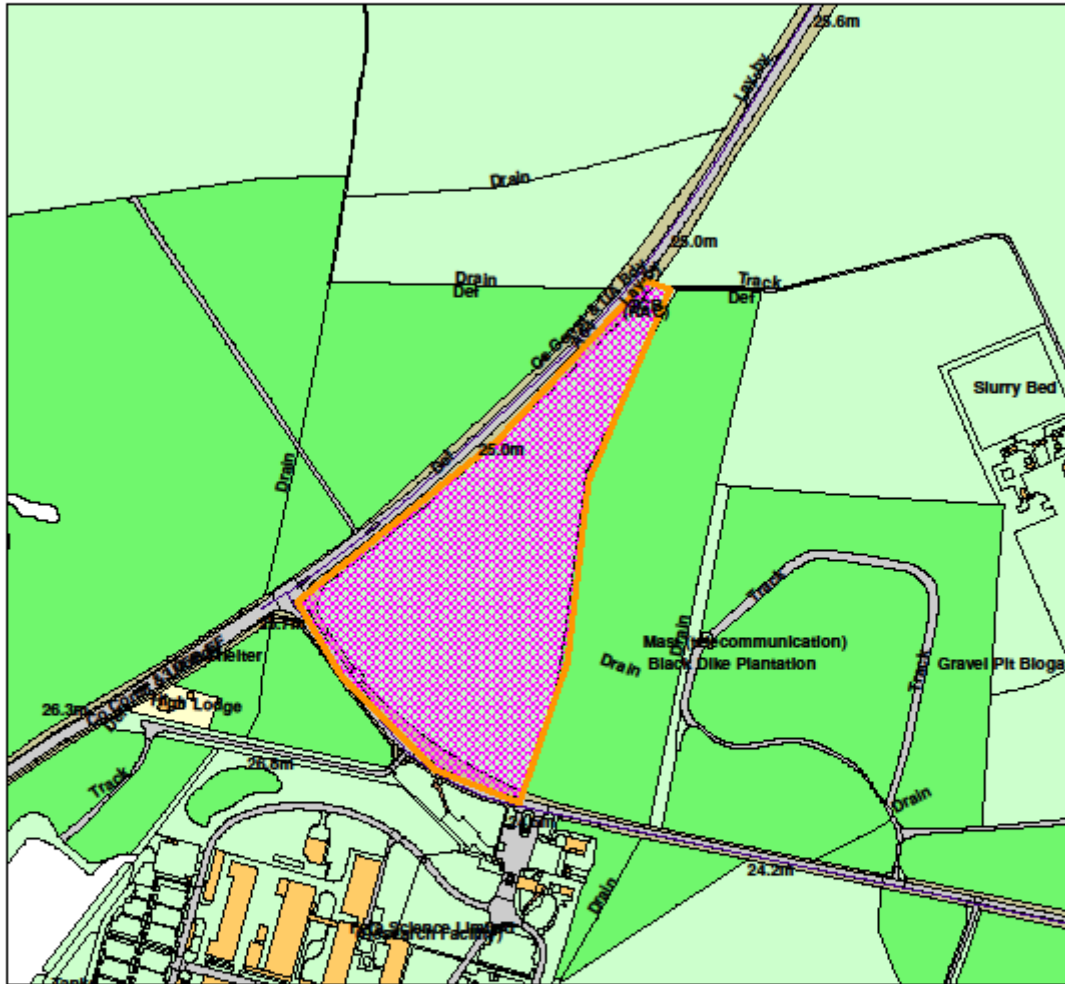
RECOMMENDATION: That planning permission be GRANTED subject to conditions listed at the end of the report.

- 2.1 The application is for a new crematorium to serve people from the north of York and the former Ryedale area of North Yorkshire. The building is proposed to be located in open countryside at Sand Hutton, to the north of the City of York on the A64. The application site is adjacent to the York Biotech Campus. The main issues in the consideration of the application are the need for the facility and the extent to which this is sufficient to justify the development in the open countryside; the implications of the development on the highway network; the relationship with the adjacent land use and emissions associated with the process.
- 2.2 In considering the application, it has been concluded that the proposal is acceptable in relation to technical matters such as drainage, highway capacity or safety, and ecological impacts. It is also considered that there is sufficient evidence to demonstrate that there is a need for additional cremation capacity to serve the current and future needs of the area.
- 2.3 The York Biotech Campus is a significant science based research establishment adjacent to the site. Information supporting the application (including Air Quality Assessment and single chapter Environmental Statement) concludes that the proposed facility will not have a significant effect on research carried out at/by the campus. In the absence of any robust, substantive evidence from those undertaking the research that the proposed facility would have an adverse effect on the research or the locational attractiveness of the Campus site, there is no robust information, explanation or compelling evidence that is considered to counter the conclusions of the Environmental Statement.

- 2.4 Weight needs to be attached in the decision making process to the need for the facility as well as to the status of the Biotech Campus as a national/ international centre of research. On balance, and taking account of all of the information available, the current and future need for the facility is considered to outweigh what is considered to be perceived and limited risks of harm to the Biotech campus; environmental impact associated with the combustion process and the development of a green field site in the open countryside.

20/01195/MFULE

Land West of Gravel Pit Farm



Scale: 1:5,000

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Organisation	North Yorkshire Council
Department	Development Management
Comments	Not Set
Date	02/10/2023
MSA Number	Not Set

3.0 PRELIMINARY MATTERS

- 3.1 Access to the case file on Public Access can be found at:- <https://planningregister.ryedale.gov.uk/caonline-applications/simpleSearchResults.do?action=firstPage>
- 3.2 A proposed site layout plan is appended to this report. Wider supporting information, including a Design and Access Statement, Proposed Elevations, Planning Statement and technical studies can be viewed on the case file.
- 3.3 The application was screened in as 'EIA Development' post submission and a single chapter environmental statement has been prepared and consulted upon. This resulted in some minor changes to the proposed design and landscaping details, the reasons for which are detailed in the main body of the report.
- 3.4 There is no planning history associated with the site.
- 3.5 The application and supporting material were submitted prior to local government re-organisation. References to the need for the facility to serve the residents of Ryedale in this report and the supporting material should be taken as being the needs of residents of North Yorkshire living in the former administrative area of Ryedale.

4.0 SITE AND SURROUNDINGS

- 4.1 The site is a triangular shaped field immediately to the east of the A64 at the Sand Hutton/York Biotech Campus junction. The field is situated immediately to the north of the road to Sand Hutton and to the north of the Biotech Campus site.
- 4.2 The site is bounded to the east by the mature plantation woodland. Post and rail fencing and hedging define the western and southern boundaries of the site.
- 4.3 The site covers 5.3ha and is currently fallow agricultural land.

5.0 DESCRIPTION

- 5.1 The application proposes a new crematorium to serve the north of York and surrounding areas. A crematorium building, with access, car parking, memorial garden and memorial parkland/woodland are proposed.
- 5.2 Access to the facility is proposed from the Sand Hutton road, approximately 130 m east of the junction with the A64. The building is proposed to be located towards the south of the site, with an entrance garden and car parking positioned to the east of the building. A memorial landscaped garden is located on the northern side of the building with a memorial woodland garden positioned to the north of the proposed car parking area. A large area of memorial parkland/woodland is proposed to cover the remainder of the western and northern parts of the site.
- 5.3 The building itself covers a footprint of approximately 63m by 63 m and is made up of a series of interconnected spaces around a central chapel which are designed to support the buildings function and the smooth progression of funeral services. The principal entrance to the building is situated on its eastern elevation where a landscaped entrance garden and porte cochere lead to the chapel. An exit from the chapel on the northern elevation leads to a courtyard collanade, floral tribute area and landscaped memorial garden, with access to the memorial woodland and memorial woodland garden beyond.

An additional access to the memorial woodland/parkland and memorial woodland garden is also proposed from the car park.

- 5.4 A small vestry and toilet facilities are located on the eastern side of the building adjacent to the entrance. Office space and staff facilities form the south- western section of the building with the cremator and associated technical areas on the north -western side. An outdoor service space wraps around the south- western and north western sides of the building. It is accessed via a service access road which stems from the main access road within the site. The service area includes staff car parking, turning space for service vehicles, refuse space and space for the siting of five LPG tanks.
- 5.5 The central chapel is the tallest element of the building and includes a celestrial window on all four sides. The chapel walls are proposed to be constructed in a handmade Yorkshire red brick with decorative timber columns. Anodised aluminium frames are proposed for the windows. The other elements of the building are proposed to be single storey in height and faced with larch timber cladding. All of the sections of the building are proposed to have flat roofs of timber construction with a standard waterproof membrane.
- 5.6 98 permanent car parking spaces are proposed. 74 of these are included in four central aisles within the car park and 28 within a side return aisle. The proposal includes an overflow car park area to the south east of the car park. This is designed to provide a further 29 spaces on a reinforced grasscrete base. 5 staff car parking spaces are proposed within the service area. In addition, the scheme includes laybys for hearse and family car parking, immediately adjacent to the access and service roads.
- 5.7 The applicant has confirmed that the new facility would provide for services of one hour in length.
- 5.8 The supporting documentation submitted with the application explains the applicant's commitment to improving choice and experience of funerals for the bereaved and how they believe the application would achieve this. In summary these include:
- quantitative and qualitative need for the facility would be met which would reduce funeral waiting times, provide a better choice of 'slots', reduce drive times and in a location served by public transport which is not designated as Green Belt
 - a well-designed building in a landscaped setting to provide high quality, peaceful facilities in an attractive and comforting setting

6.0 PLANNING POLICY AND GUIDANCE

- 6.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning authorities must determine each application under the Planning Acts in accordance with Development Plan so far as material to the application unless material considerations indicate otherwise.

Development Plan

- 6.2. The Development Plan for the area in which the site is located is:
- The Ryedale Plan – Local Plan Strategy (2013) and Local Plan Sites Document and Policies Map (2016)
 - Saved policies of the Yorkshire and Humber Plan (Regional Spatial Strategy):- York Green Belt Policies (YH9 and Y1)

- 6.3 The application site is not located within the York Green Belt and the remaining saved policies of the Yorkshire and Humber Plan are not directly relevant to the consideration of the application.

Guidance - Material Considerations

- 6.4 Relevant guidance for this application is:
- National Planning Policy Framework 2021
 - National Planning Practice Guidance

Presumption in favour of Sustainable Development

- 6.5 Both the Development Plan and the National Planning Policy Framework include policies which promote a presumption in favour of sustainable development to be applied in the decision making process. The national presumption does not change the statutory status of the development plan as the starting point for decision-making.
- 6.6 Paragraph 11 of the National Planning Policy Framework details how the presumption in favour of sustainable development is to be applied. In relation to decision-taking makes it clear that this means:

“approving development proposals that accord with the development plan without delay or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting planning permission unless:

the application of policies in this framework that protect areas or assets of particular importance provides clear reason for refusing the development proposed or, any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this framework taken as a whole”.

- 6.7 Policy SP19 of the Local Plan Strategy is consistent with the above national presumption.

7.0 CONSULTATION RESPONSES

- 7.1. The following consultation responses have been received and have been summarised below. Please see the web-site for full details.
- 7.2. Claxton and Sand Hutton Parish Council – Object. The evidence does not demonstrate a quantitative or qualitative need; the traffic survey is inadequate and the proposal will increase pressure on the A64 and local road network, exacerbating congestion, delays and accidents; the location is inappropriate (green field site, encourages travel by car, increased air pollution, proximity of the biotech campus, likelihood of noise and odour as a result of nearby land uses). The proposal conflicts with national and local policy and is not suitable or sustainable development.
- 7.3 Objections have also been received from:
- Stockton on the Forest Parish Council - Traffic impact on the Parish
 - Lillings Ambo Parish Council - Impact of traffic on the A64 and surrounding roads
 - Strensall with Towthorpe Parish Council - Traffic flows through the Parish. Suggest that a more suitable site is sought closer to the population centres of Ryedale

- Foston and Thornton-le-Clay Parish Council - Sustainability and safety of the parish as a result of increased traffic; protecting green belt land/landscape; air pollution

Division Member – Strongly objects

Environment Agency – No objection in relation to ground water quality. In response to the Environmental Statement, confirmed no sensitive environmental receptors within the Agency's remit at or close to the site/ no comments.

Ministry of Defence – No safeguarding objections

Natural England – No objection. The proposal will not have significant adverse impacts on designated sites.

Highways England – No objection

Local Highway Authority – Recommends conditions and Informative

RDC Economic Development – Object. Concern about additional traffic movements at the junction; not justified by a sequential test; concern over potential to compromise operational capabilities of the York Biotech Campus

Local Lead Flood Authority – Recommend conditions

Foss Internal Drainage Board – Recommend condition and informative

Yorkshire Water – Recommend conditions

North Yorkshire Council (Ecology) – Recommends conditions (adherence to measures in the Preliminary Ecological Appraisal report and lighting)

North Yorkshire Council (Arboriculture Section) – No objection. Recommends condition.

City Of York Council – comments – consideration should be given to the impact of slow moving corteges travelling significant distances on the A64. A key consideration is whether the need for the facility can be justified and outweighs harm to the open countryside. A more sustainable and appropriate location would be closer to the main centres of population at Malton and Norton in an edge of settlement / brownfield land location

FERA Science Ltd – Object

- Initial objection - Potential for hazardous materials to be released which could interfere with the integrity and validity of services performed at FERA which would prejudice ability to continue to deliver leading scientific services
- Further objection –Concerned about the health and safety for pedestrians and road users in context of the busy A64 (visibility, pedestrian crossings, volume of traffic, , traffic speed and lack of (eastbound) off line bus pull in space. Increased traffic will exacerbate the issues as volumes will increase in the peak and non-peak and slow moving funeral vehicles will cause traffic to backlog, exacerbating issues of accessing and exiting the site.

G L Hearn (obo Capita Plc, leaseholders of the Biotech Campus site)

Initial Holding objection – summary of issues raised:

- Unacceptable impact on Highways – In an unsustainable location via active transport. Unacceptable impact on A64 in terms of safety
- Lack of justification of site selection – fails to take account of more suitable alternative locations. A sequential test of alternative sites within the catchment area should be carried out
- Unsustainable development – conflicts with national policy. Could pose a threat to businesses at the campus and loss of jobs; encourages travel by car; is a green field site; close proximity to extremely fragile ecosystems at the campus
- Unacceptable impact on established uses –Air Quality Assessment fails to recognise the volatile and micro-sensitive nature of operations at the campus. A small increase in emissions could impede experiments. Presents an unacceptable risk to the mesocosm. This is a nationally significant outdoor experimental system that examines the natural environment under strictly controlled conditions and is required not to have any chemicals on the site to protect the outdoor laboratory conditions. The National Bee Unit is also based at the site and undertakes world leading research into bee health and pollination. The research should not be put at risk.

Further response to Air Quality Assessment information - summary of issues raised

- it is not considered that the submitted information has appropriately assessed the sensitive nature of the Biotech Campus
- Changes in pollutant concentrations in very small magnitudes have the potential to cause significant contamination in laboratories
- Critical loads used for acid deposition are not stringent enough and if more stringent criteria were used the process contribution would be considered to have a significant impact at the campus
- Will result in frequent disruptions. Sporadic burning by farmers causes disruption and the development will be operational at a more consistent rate

Further response to Environmental Statement - summary of issues raised:

- Not sustainable development when considered against NPPF and Local Plan policies and should be refused
- Fails to comply with the 'Agent of Change' principle as it puts unnecessary restrictions on future development of the campus
- The ES fails to describe the reasonable alternatives that have been considered
- Does not consider whether predicted modelling results are correct or the suitability of using background concentrations variation as a measure of identifying potential adverse effect
- The ES should include equipment specification and monitoring and management plan to mitigate impact
- The results are based on averages. Experiments can be affected for conditions present in a specific day
- Places a burden on the campus which innovates/ Impact thresholds could be different in the future

Capita has also raised concerns over health and safety issues relating to road safety

CBPE Global Investors (Investment managers for Capita) – Object

- The impact on air pollution has not been fully assessed and a full sequential test of alternative sites has not been taken to outweigh potential harm

Local Representations

- 7.4 73 letters of objection have been received, largely from residents living in Sand Hutton and neighbouring villages. One representation of support has been received from a member of the public living in Claxton. 12 letters of support have been received from funeral directors operating across York, North Yorkshire and the East Riding. Summaries of comments received are outlined below however please see the web-site for full comments.

Support

- Addresses quantitative and qualitative need
- Improves choice
- Reduces delay

Objections

General

- Contrary to national policy/ sustainable development
- Should be on Brown Field land/ sequential test applied
- Green Field site/should not build on Green Belt land
- Lack of serious/robust local consultation
- May be legal restrictions that prevent use
- House prices will go down
- Will affect the appeal of the village (s)
- Will impact on mental health and well- being of residents
- No restrictions on the hours of use
- Precedent for further ribbon development along the A64
- Loss of good agricultural land
- Noise and odour will impact on mourners
- The site is in the Digestate Management Plan for the nearby AD

Traffic/ Access

- Will increase congestion on the A64
- The TA is flawed, not reflective of real life and underestimates accidents
- Should not compromise dualling of the A64
- Will lead to increased traffic in surrounding villages
- The junction is currently unsafe
- Insufficient car parking/parking will spill onto surrounding roads
- Pedestrian safety at the A64/ Sand Hutton road junction should be prioritised and measures installed to reduce accident risk
- Local road improvements are needed
- Will undermine road safety and increase accidents

- Congestion on the A64 will lead to delay and stress for mourners

Need

- York Crematorium and others cope well
- York Crematorium had capacity in the pandemic
- Should be located more centrally in Ryedale/ Malton and not so close to York
- Capacity is too much in comparison to annual deaths in Ryedale
- Journey time arguments in the context of the A64 are flawed and lack local knowledge
- Rural residents are used to travelling longer distances
- No compelling need

Biotech Campus

- Breaches the Cordon Sanitaire established to protect the Campus site
- Work at the campus could be compromised by emissions
- Bee Mitigation Strategy does not prevent bees foraging on floral tributes
- The mesocosm will be impacted by pollution
- Air quality assessment fails to recognise the impact that low concentrations of pollutants have on sensitive instruments

Pollution

- Increased air pollution as a result of additional traffic and cremator emissions
- Danger to natural environment and to health

8.0 ENVIRONMENTAL IMPACT ASSESSMENT (EIA)

8.1 The development has been screened in as EIA development. It falls within Schedule 2 of the relevant legislation and having regard to the characteristics of the development, the type of impact and the location of a sensitive adjacent land use, it was concluded that significant effects could not be ruled out. The Environmental Statement is limited in scope to an assessment of the air quality impacts on the research activities of the neighbouring York Biotech Campus. The Environmental Statement has concluded that there will be no significant effect/ an insignificant effect on research at the Campus.

9.0 MAIN ISSUES

9.1 The main issue in the consideration of the application is whether the proposal represents an acceptable location for a crematorium, having regard to local and national policies relating to development in the countryside, the effect of the character and appearance of the area and neighbouring land uses as well as other material considerations including evidence of need for a crematorium in the area.

10.0 ASSESSMENT

Principle of Development

10.1 The site is not allocated in the development plan for the use proposed and the plan does not have a policy which specifically covers crematoria development. Consequently, the principle of the development of the site for the use proposed is not established by the

development plan. The principle of the development will be established taking account of strategic policies of the development plan and all other material considerations.

Location

- 10.2 The site is a greenfield site in an open countryside location at the southern end of the District and outside of the York Green Belt.
- 10.3 The applicant's supporting Planning Statement points to a number of reasons which support, in general, the location of the proposed facility. In summary, these include:
- Legislation and guidance relating to the siting of crematoria development
 - The proposed location addresses need and a viable facility can be provided in this location
 - The proposed location is not within the York Green Belt and is not subject to landscape or ecological designations
 - The development is in accordance with the provisions of the development plan
- 10.4 The supporting application material references a range of legislation and guidance which establish locational requirements for new crematoria.
- 10.5 The Cremation Act (1902) requires new crematoria to be located at least 200 yards from the nearest residential dwelling (unless agreed otherwise) or within 50 yards of any public highway. The proposed location of the crematorium building accords with the requirements of the 1902 legislation. The building will be approximately 202 yards from the nearest residential curtilage of the nearest dwelling which is situated in a small triangle of land, adjacent to the A64, to the south west of the site.
- 10.6 Guidance produced by the Department of Environment in 1978 on the siting and planning of crematoria remains in use. It confirms that the main principles to be observed in the location and design of new facilities. Specific locational principles are that a site should be accessible by public transport and sited so as not to have a material effect on immediate neighbours.
- 10.7 The Federation of Burial and Cremation Authorities (FBCA) also produce guidance and recommendations on the establishment of new crematoria. Documents produced in 2016 and 2019 note the importance of sites having a feeling of quietness and seclusion in an attractive setting. The documentation also notes that there is a growing recognition that new crematoria will be built in a countryside location close to the urban fringe. It notes that ideal sites are rarely to be located in urban areas and emphasises that the suitability of the setting is of greater importance than its location in close proximity to population centres.
- 10.8 It should be noted that this is guidance and not a policy or legislative requirement. The extent to which the proposed location satisfies guidance in relation to seclusion and the need for an attractive setting is largely a matter for the operator. Whilst the references to countryside locations are understandable in the context of the 1902 Act restrictions and that locations in or at settlements may be difficult to achieve, it should be noted that this does not mean that countryside locations or locations distanced from settlements are necessarily mandated. In addition, whilst it is accepted that locational requirements are material considerations in the consideration of the proposal and that these are satisfied by the application site, these are not necessarily unique to the application site.
- 10.9 Policy SP1 (General location of development and settlement hierarchy) makes it clear that the former area of Ryedale's development requirements will be focussed at the Market Towns, with limited growth at service villages. In open countryside locations, the

Development Plan restricts development to that which is necessary to support the rural economy and rural communities. Read as a whole, the plan, including SP1, spatial strategy, settlement hierarchy and SP11 (Community Facilities and Services), it is clear that plan compliant community facilities in the open countryside are those local community facilities that address a local rural community or villages need.

- 10.10 A crematorium is a necessary community facility although one which is very much 'higher order' social infrastructure. In this respect, the scale and nature of the proposal is beyond the policy support provided for local rural community facilities in the open countryside under policies SP1 and SP11 of the adopted development plan. It is development of a scale which the plan would seek to direct to/towards the market towns and the Principal Town in particular.
- 10.11 The applicant notes that proposals for crematoria are not readily covered by local or national policies and that proposals should be considered against the Presumption in Favour of Sustainable Development. In officer's view, the development plan is not silent on the matter of community facilities or the location of development and whilst the development plan is over five years old, its policies in relation to the location of development are not, in officer's judgement, out of date. The 'tilted' balance associated with Policy SP19 and national policy is not, in officer's view engaged.
- 10.12 The supporting application material notes that the proposed location will help to address need for the facility arising in the (former) Ryedale area as well as from a wider catchment – most notably the City of York. In this respect, the proposed crematorium would serve as cross boundary, sub regional infrastructure. The applicants have confirmed that in this respect, a crematorium located more centrally in (former) Ryedale, at the main centres of population, would not be a viable proposition for the business.
- 10.13 Notwithstanding this, it is considered that in terms of its location in the open countryside and at a distance from the (former) District's main service centres, the proposed development is in conflict with Policy SP1. This policy conflict weighs against the proposal.
- 10.14 A number of representations have been made in response to the application which make the point that the proposal should be subject to a sequential test to demonstrate that there are no brownfield sites suitable to accommodate the development proposed and/or no suitable, alternative sites closer to existing centres of population. It should be noted that there is no local or national policy requirement for a sequential test to be applied in the consideration of the application to either prioritise the reuse of brownfield land or to demonstrate a lack of suitable sites elsewhere.
- 10.15 Objections to the proposal have raised the fact that the proposed site is included in the Digestate Management Plan for the nearby anaerobic digester. This aims to ensure that land which forms part of the relevant farm holding is used for the disposal of digestate from the facility. The application would indicate that the land no longer forms part of the holding and in addition, the Management Plan does not require that all of the identified land is used or required. On that basis, it is considered that the proposed development would not prejudice the operation of the digester or the agreed Management Plan.

Need

- 10.16 The application is supported by a Need Assessment which has been prepared by the applicant. In order to assist the consideration of this application, the Council has commissioned Impact Planning Services (IPS) to review the supporting assessment. IPS are a planning consultancy which specialise in this area of work. There has been several exchanges of information, following IPS's initial review of the Need Assessment. The

response of the applicant, together with a further review of supplemental review by IPS and further responses by/ on behalf of the applicant are available to view in full on the online planning file.

- 10.17 It is an objective of national policy that planning should ensure the provision of services that reflect current and future needs. The evidence or methodology required to support the need for a new crematorium is not set out in national policy or in any prescribed or defined policy although appeal decisions have helped to establish a degree of planning precedent around the factors that demonstrate need. The extent to which there is a need for the facility is based on a combination of quantitative and qualitative factors. The former are objective measures, based on a proximal need and on the capacity of existing facilities. The latter relate to more subjective, opinion and observation based measures, which relate to meeting the needs of the bereaved, customer service and experience. Qualitative measures of need include accessibility, funeral delay, choice and length of service slots as well as the design of existing facilities. Quantitative and qualitative elements of need are inter related and they are considered in turn below.

Quantitative need

- 10.18 There are two main quantitative factors which help to indicate need for a new facility. The first is based on proximity to existing facilities and the second relates to the capacity of existing facilities.

Proximal or 'Drive time' need

- 10.19 The supporting Need Assessment notes that the proximity to a deceased's home is a key factor in the choice of crematorium. This is a measure of need which appeal inspectors have taken into account in considering the need for new facilities and it is a measure of need that IPS advising the Council consider to be a relevant indicator of need. Drive times can influence qualitative need. The rationale being that journey lengths that are considered to be excessive in length are likely to be distressing to bereaved families. Proximal/ drive time need is also used to establish a catchment for an analysis of quantitative need based on the capacity of existing facilities.
- 10.20 The applicants have referred to a number of appeal decisions in which a 30 minute (cortege speed drive time - CSDT) has provided a 'rule of thumb' standard and starting point in assessing the quality of existing services to the bereaved. (It should be noted that drive times referred to in the supporting assessment are software generated using, it is understood, a cortege speed of 60% normal traffic speed).
- 10.21 In view of the rural nature of this part of North Yorkshire/ the former area of Ryedale, the applicants have also considered a 45 minute drive time, which has been considered a more appropriate 'standard' for rural areas in a number of appeal situations. Given that former Ryedale is one of the most sparsely populated areas in the Country, it is considered that a 45 minute CSDT would be the most appropriate rule of thumb standard on which to base a proximal assessment of need. The geography of the area is such that access to 'higher order' services is inevitably more difficult and time consuming for residents and, in general, residents are accustomed to travelling further to distances to access such services.
- 10.22 The applicants have confirmed that the proposed facility in the proposed location would serve 204,000 people in a 30 minute cortege drive time and would be the nearest accessible location for over 142,000. Using a 45 minute drive time, the proposed facility would serve 271,638 people, would be the closest facility for 142,000 people and would bring 31,000 within a 45 minute drive time for the first time.

- 10.23 In supporting material, the applicants make it clear that the drive time need justification for the proposal is based on a need to address the proximal needs of the residents of (former) Ryedale in accessing crematoria facilities. It should be noted that the above figures cover the population which would be served by the proposed facility in the proposed location, which is a population which cross cuts administrative boundaries.
- 10.24 The Needs Assessment notes that the vast majority of the population of the former District is not within a 30 minute CSDT distance of an existing facility and that the main centres of population (Malton, Norton and Pickering) are outside of a 45 minute CSDT distance. The proportion of (former) Ryedale's population currently not served by any crematorium within (the more appropriate) 45 minute CSDT distance is not explicitly clear in the application material. This is unfortunate given that the proximal needs of the residents of the area are being used, in part to justify the need for the development proposed.
- 10.25 Notwithstanding this, it is considered that it is reasonable to conclude that a significant proportion of (former) Ryedale's population will currently fall outside of a 45minute CSDT distance of existing crematoria and that there will be an unmet proximal need arising from residents of the District to be able to access a facility based on this rural 'rule of thumb' standard.
- 10.26 The applicants have confirmed that the proposed facility in the proposed location would ensure that the residents of Pickering, Malton and Norton would be within a 45 CSDT of the facility, with the residents of Malton and Norton falling within a 30 CSDT. The supporting material states that the proposed facility will be the closest crematorium for 80% of the residents of (former) Ryedale. However, the proportion of the former District's population which would be newly served within a 45 minute CSDT of the proposed facility is not clear.
- 10.27 Information submitted by the applicant illustrates that in comparison to other hypothetical locations within the former District's area, the application site performs least well in terms of the numbers of people that would be newly served with acceptable drive time standards although the applicant has noted that these alternative locations would not be viable. Notwithstanding this point, Members are reminded that the application must be determined as proposed and the applicant is not required to source alternative sites.

Capacity of existing facilities

- 10.28 The capacity of existing facilities is a further indicator of a need for additional provision/cremation capacity. The applicant is clear in the supporting material that the proposed development is designed to address current and future capacity issues at existing crematoria and in particular those associated with York Crematorium.
- 10.29 The capacity of a crematorium is the number of cremations that it performs in a year and it is determined by the length of the cremation service. (The reason being that cremators can be operated outside of the hours available for funeral services.) The Institute of Cemetery and Crematorium Management's document 'Charter for the Bereaved' establishes an objective for a minimum service time of 40-45 minutes in order to allow funerals to arrive and depart without seeing other funerals and to avoid delay as a result of the late arrival of other funerals. A 45 minute service or 'slot' time has often been used in appeal situations as a reasonable assumption to use in assessing capacity.
- 10.30 Therefore, using the above, the theoretical capacity of a one chapel facility would be 11, 45 minute service slots between the hours of 9.00 am and 5.00 pm. It is generally accepted however, that for a range of reasons, funerals are often concentrated in the middle of the day – largely between the core hours of 10.30 am – 3.00 pm which results

in a core hour capacity of 7 slots per day (based on a 45 minute slot time) or 1,764 per annum based on 252 cremation days per annum (Monday – Friday excluding bank holidays). Furthermore, it has been accepted in appeal situations that in assessing capacity, further account should be taken of the fact that crematoria have a ‘practical’ capacity, reflecting the fact that it is impractical for every core hour capacity slot to be filled all of the time. A further ‘rule of thumb’ used within the industry and by a number of appeal inspectors is to calculate capacity as being 80% of core hour capacity. This approach has been used by the applicant within the supporting Need Assessment and is an approach with which IPS are in agreement with.

- 10.31 Whilst the applicant has used this broad methodology to assess the capacity of exiting crematoria, the actual slot times currently used at each of the surrounding crematoria have been used to assess their capacity. These vary between 60 minutes at East Riding to 40 minute slot times at York and 45 minute slot times at Scarborough.
- 10.32 The applicant has concluded that Scarborough and East Riding crematoria are operating within their current practical capacity and that on the basis of predicted future deaths, Scarborough will be operating at or beyond its practical capacity within ten years and that East Riding will experience capacity issues within the next few years, (if, as it is understood) it continues to operate one hour slot times.
- 10.33 The supporting information notes that York Crematorium has two chapels – the larger White Rose chapel and the smaller Ebor chapel, although it should be noted that as both chapels share the same entrance foyer, access route and waiting room, the presence of two chapels does not double the capacity of this crematorium.
- 10.34 The applicant’s initial supporting Needs Assessment provided a quantitative need calculation. The number of attended services at York in 2019 was 2,276. The applicant has calculated the core capacity of the White Rose Chapel as being 2,016 services and its practical capacity as 1,612 services (using a 40 minute slot time). This figure has then been revised to take use of the Ebor Chapel into account and in this respect, an assumption has been made that circa 14.5% of services (330 pa) will be held in the Ebor chapel. The assessment notes that this results in a volume of attended services in the White Rose Chapel as being 1,946, which indicates that it is operating at 96.5% of its core capacity and in excess of its practical capacity (1,612 services). The applicant notes that this position is significantly worse in peak demand months and will worsen if, as it expects, cremation rates increase. It also notes that projected increase in death rates in York and Ryedale over the next 20 years (19.8% and 33.7% respectively) will further exacerbate capacity constraints. In applying 2030 (York) death rates to 2019 cremation volumes, it has estimated that the White Rose chapel will be operating at 106% of its core capacity which will increase to 115% by 2040.
- 10.35 In its initial review of the supporting material, IPS noted that the approach used by the applicant and conclusions drawn are on the basis that assumptions over the level of the use of the Ebor Chapel are correct. It is agreed that York crematorium cannot be considered to be a full x2 chapel facility for the purposes of calculating capacity given the size of the second chapel and the shared entrance facility. Applying the applicant’s assumptions over the use of the Ebor chapel, core hour capacity of York Crematorium as a whole is calculated by IPS as 2,020. Using a four year average figure for cremations performed (2,344 between 2016-2019), IPS calculate that the crematorium is operating at 116% of its core hour capacity, significantly above the guideline 80% of its core capacity. IPS in advising the Council has noted that even if a more cautious approach were taken to the use of this chapel, at for example 50% of services, this would still mean that York crematorium would be operating at 89% of core hour capacity and above the 80% guideline for practical capacity.

- 10.36 Further evidence of capacity issues at York Crematorium has been recently provided by the applicant and uses data on the use of the smaller chapel (sourced via FOI from the City of York Council at 24.7%) to calculate capacity. This information reveals that in an average month (using 2016-2019 four year average cremations) York Crematorium operated at just over 100% of its core hour capacity and at 119.6% of its core hour capacity in a peak month. 2021 cremation data for York crematorium indicates that it performed 2,347 cremations in that year of which 161 were direct cremations (cremation without a funeral service). This results in 2,186 attended services. Applying a 25% factor for the use of the use of the second chapel, the crematorium as a whole has a core hour capacity of 2,200 slots. This updated information indicates that in 2021 York was operating at 99% of its core hour capacity and in excess of the 80% guideline for practical capacity. The information highlights that the level of use of the second chapel and direct cremation in influencing the capacity at York.
- 10.37 Notwithstanding this, it should be noted that whilst IPS do not share the applicants view that cremation rates will necessarily continue to increase into the future, they do agree assumptions in relation to increases in death rates. In addition, IPS are of the view that whilst the recent Hambleton crematorium and increases in direct cremation may suppress the strength of quantitative need identified by the applicant, they will not resolve capacity issues at York Crematorium.
- 10.38 In response to an initial review by IPS, the applicant has provided further supporting information which indicates where cremations are likely to be diverted from as evidence that the proposal would resolve capacity issues identified by the applicant at existing crematoria. The information reveals that the largest diversion of cremations (841) will be from York Crematorium and at this level, this would address the current and future capacity pressures identified by the applicant.
- 10.39 Against this context the applicant is of the view that there is a quantitative existing and future need for additional cremation capacity to relieve pressure from York Crematorium. This is not disputed by IPS in advising the Council.
- 10.40 On the basis of the above and taking all factors into account, it is considered that a quantitative need does exist, particularly in relation to the capacity of York crematorium and that the proposal will address capacity pressures at York.

Qualitative Need

- 10.41 There are a number of issues which are recognised as being indicators of a qualitative need for additional provision. These include Accessibility – whereby a population has convenient access to a crematorium within a reasonable time; Funeral Delay – resulting from a lack of available slots at an accessible crematorium at a convenient time of the day without resulting in unreasonable delay and; Slot Length – that existing facilities offer slots of sufficient length to allow a service to take place without a bereaved family feeling rushed. Each of these qualitative factors are related to quantitative proximal or capacity components of need. A further component of quantitative need relates to the design of existing facilities and the extent to which, for example, sufficient car parking exists or the ability to cater for multi faith services.
- 10.42 The applicant takes the view that qualitative need does exist and is of the view that journey times for (former) Ryedale residents to existing facilities are too long and that these will have a negative impact on the bereaved on what is already a stressful day. In addition, the applicants are also of the view that capacity constraints at existing crematoria, in particular York, are leading to funeral delays which it considers to be unacceptable and which results in distress to the bereaved. It notes that (using obituary data) wait times at York in peak winter months are over three weeks and that this

situation will only worsen as future increases in death rates further compound capacity. The applicants are of the view that this is in addition to the minimum 40 minute slot time at York and what they consider to be a 'poor and congested' qualitative experience offered by York Crematorium. Additional problems associated with York Crematorium including cremator issues and access road flooding are also referred to. It should be noted that the City of York Council has responded to this point by confirming that for a number of months the Crematorium was operating with one cremator and that it now operated with two new cremators and make the point that the statistics used may not represent the present situation. It has also noted that the operation of the crematorium has not been compromised during recent flood events and that new flood defences in the area are nearing completion. The City of York Council has not provided a response to the applicant's assessment of quantitative need.

- 10.43 The applicant notes that indicators of 'overtrading' and lack of capacity are long wait times which it believes to be the case for York (noted as 3 weeks in peak winter months) and that consequently, long wait times will reduce the qualitative experience of bereaved families.
- 10.44 There is some disagreement between the applicant and those advising the Council over the extent to which qualitative measures should be or can be evidenced in order for the need for a new facility to be demonstrated. The applicant has referred to appeals in which, in essence, inspectors have taken the view that qualitative issues will inevitably arise where quantitative need exists, for example, where existing provision is too distanced for mourners or if existing facilities are operating over 80% practical capacity. Alternatively, IPS have provided appeal examples where Inspectors have taken a view that quantitative factors do not automatically result in qualitative issues and that evidence of qualitative issues is necessary to demonstrate a need for a new facility.
- 10.45 On the basis that it is accepted that the need for new crematorium is a consideration of qualitative as well as quantitative measures, it is reasonable that evidence of qualitative issues is provided to justify need.
- 10.46 The applicant has provided limited information or evidence in this respect and for the most part is relying on the views of funeral directors and funeral wait times/ delay as evidence of qualitative issues. Prior to submitting the application, the applicant undertook a survey of local funeral directors to ascertain views on what bereaved families consider to be important and their experience of current provision. It has confirmed that 14 companies were contacted and that 6 companies responded. All 6 respondents agreed that there was a need for a new facility to serve the north of York and area covered by the former Ryedale District; that there was not sufficient availability of preferred service times, which a new facility would benefit families and; that slot times of between 10.30 and 3pm represent the main demand. In addition 60% of the 6 respondents confirmed that up to two weeks was a reasonable time for families to wait for a preferred slot; 83% believed that families in their area did not have a realistic choice; 83% considered that a reasonable journey time to a facility was 30 minutes and 67% took the view that that a journey time over 30 minutes starts to impact on the experience of bereaved families.
- 10.47 It should be noted that the applicants have not provided details of the locations where respondents to the survey are based. It is also unclear, if respondents were aware or asked to comment on the proposed location of the development. In addition to the survey responses, one funeral director based in York has written in support of the proposal.
- 10.48 More recently, letters in support of the application have been provided which have been signed by 11 funeral directors. 8 of these operate within the York area, one is from the area regional manager, one is North Yorkshire (Helmsley) based and another from the East Riding. (It is not clear if these letters of support are from companies in addition to

the 6 earlier respondents.) The letter confirms that the signatories agree there is a quantitative and qualitative need for a new crematorium which will address qualitative issues and confirming that qualitative need arises as families experience long waits to secure preferred service times, a lack of choice of crematoria experience within a reasonable drive time and long journey times for residents (of the former Ryedale area) to / from their closest crematoria. It concludes that the proposed facility will be a significant benefit to local communities and will assist other local crematoria in providing capacity and a better more accessible experience and choice for families. A separate letter has also been provided from a York based Funeral Director, raising concern about wait times, choice and distances travelled.

- 10.49 IPS have noted that funeral delay is not always a direct result of cremation capacity and that a direct causal link cannot be assumed. Other factors including the capacity of funeral directors themselves or personal choices of bereaved families may equally contribute to funeral wait time. It is also noted that there is limited evidence (provided by the applicant or by anyone making representations on the application) which substantiates the applicants position that journey times or the experience of existing facilities or arranging funerals at existing facilities is resulting in qualitative issues for bereaved families.
- 10.50 Whilst it is considered that the information provided does not in itself provide compelling evidence that qualitative factors are resulting in current dissatisfaction or distress for bereaved families or that they are all a direct result of inadequate existing provision, funeral directors are important stakeholders and representatives of the business and their views and opinions are relevant. On this basis it is considered that the application is supported by some, albeit limited, evidence of qualitative need.
- 10.51 In conclusion, it is considered that the applicant has demonstrated that there is a need for increased cremation capacity in the sub region to address capacity issues at York Crematorium in particular. The proposed facility would address this need and there is no evidence to suggest that the level of diversion from York or other crematoria would render any existing facility unviable. Whilst it is less clear as to the extent to which the proximal needs of the residents of (former) Ryedale are met by the proposal, the proposed facility will become the closest facility for the majority of the (former) Districts population and the proximal needs of the residents of the (former) Districts largest centres of population will be met by the proposed facility. The application is also supported by some evidence of qualitative issues arising with existing provision. Officers also take the view that on the balance of probability, the future demands on existing provision will inevitably exacerbate qualitative need factors.
- 10.52 A number of representations have raised the issue that the proposed crematorium will predominantly meet the needs of the population of the City of York and that a new facility would, on that basis, be better located closer to the City. It should be noted however, that crematoria are strategic infrastructure with catchment areas that inevitably cater for cross boundary needs. This point is well illustrated by the fact that all of (former) Ryedale's cremation requirements are addressed by facilities outside of the former District. Residents of this area of North Yorkshire will place demands on the capacity of York crematorium as well as others. It should also be noted that an alternative location closer to the City of York would reduce the benefits of reduced travel times for much of the (former) District's population.
- 10.53 The need for additional cremation capacity to meet current and future need in the wider sub region is considered to weigh in favour of the proposal. Increased accessibility to a crematorium for the residents of (former) Ryedale, together with an improved choice of facility are benefits which are also considered to weigh in favour of the proposal, although

this is tempered by the fact that there is limited evidence of current qualitative concerns/ needs being identified by members of the general population.

Air Quality

- 10.54 Potential air quality impacts have been a key factor in the consideration of the application. The assessment work which has been undertaken to establish the extent of any impact on the nearby York Biotech Campus is addressed in the next section of this report.
- 10.55 The air quality impacts of the proposed development (traffic generation and cremator plant process contributions) on sensitive receptors have been assessed in a supporting Air Quality Assessment. These include impacts on human health as well as sensitive ecological/habitat receptors which are designated ecological sites that could be affected by the development. The assessment, together with further information and clarification has been thoroughly reviewed by consultants acting for the Council.
- 10.56 The work has concluded that the level and distribution of traffic generated by the proposed development will have a negligible impact on sensitive receptors, taking account of guidance produced by Environmental Protection UK and thresholds agreed by Natural England in similar assessments.
- 10.57 Atmospheric dispersion modelling has been used to identify the distribution and concentration of process emissions. This has used emissions data from the cremator plant provider and takes account of the applicant's policy of using abatement for nitrogen oxides on its plant, as well as mercury abatement technology. The methodology assumes a 'worst case unrealistic' scenario in terms of process contributions which, in effect, doubles the predicted number of cremation hours that the crematorium is likely to have.
- 10.58 The impact of predicted process emissions have been assessed against relevant air quality objective levels for health and critical load levels for ecosystems which have been established by Government and the Environment Agency and screening criteria provided by Environmental Protection UK and the Environment Agency. The assessment concludes that against these criteria, the development would not lead to any significant change in the concentration of pollutants at local sensitive (human and ecosystem) receptors and that the air quality effects are judged to be 'insignificant'.
- 10.59 The assessment also considers the potential impact on users of the proposed development. In this respect, predicted contributions of most pollutants within the site boundary are below relevant screening criteria and predicted contributions of Nitrogen Dioxide and Sulphur Dioxide are 'well below' relevant objectives.
- 10.60 It is understood that in an unabated emissions/ emergency situation cremators would be shut down immediately. However, the supporting information confirms that the modelling shows that these are not materially different to the abated scenario which is likely to be due to the high exhaust temperatures which are lower when the flue treatment/abatement is in operation.
- 10.61 One objector has raised concerns about the in combination effect of ammonia generated from the nearby anaerobic digester reacting with nitrogen oxides (NOx) produced by the crematoria and forming secondary particulate matter. Although the comment was made in response to the Environmental Statement (the scope of which is limited to the impacts on the adjacent biotech campus), the applicant's air quality consultants have confirmed that this matter is one which relates to human health. They have responded by confirming that ammonia will also be emitted from surrounding agricultural activity and

that the formation of secondary particulate matter (PM) takes place over scales of tens to hundreds of kilometres such that there will be no significant formation of particulate matter from NO_x emitted by the crematorium within the air quality study area. They confirm that whilst any new NO_x source will have a very small effect on regional background concentrations of PM emissions, the geographical locations of those emissions usually makes very little difference. Against the context of falling national NO_x and PM emissions, they have concluded that the proposed development will have no meaningful effect on these national level improvements.

- 10.62 Consultants acting for the Council have confirmed that they consider that the impact on air quality with respect to human health will not be significant and that impacts on air quality with respect to designated ecological habitats will be insignificant.
- 10.63 It should be noted that statutory guidance for Crematoria is produced by DEFRA provides emission limit values for pollutants which all crematoria must adhere to. It also includes emission monitoring methods and the use of best available techniques to control emissions. Local Authorities have regulatory responsibility for crematoria and must use this guidance as part of their licencing/ permitting regime. The supporting Air Quality Assessment also makes it clear that emission rates from the plant to be installed, are substantially lower than those required by the DEFRA guidance. In this respect, if members are minded to approve the scheme, it is considered that a specification for the equipment to be installed should be secured by condition in order to ensure that the modelled emissions are achieved.

Impact on Neighbouring Use

- 10.64 The application site is situated in very close proximity to the York Bio-tech campus. The campus provides specialist laboratory, research and office space, as well as manufacturing facilities for a range of specialisms including agri-tech, food biotechnology, environmental, medical, healthcare and diagnostic work. Tenants include science based agencies including the Plant and Animal Health Agency (and the National Bee Unit), the Department for Environment, Food and Rural Affairs and FERA Science Ltd. Other tenants include private sector research businesses. It is understood that the site is a base for circa 900- 1000 workers. As well as indoor laboratory space, the campus has a state of the art outdoor testing facility - the mesocosm. It is understood that this is used for testing the safety of plant production products for aquatic environments.
- 10.65 The Bio-Tech campus is internationally/ nationally significant site for scientific research, innovation and development in the bio-tech/ agri-tech sectors and is a designated National Reference Library under international legislation relating to plant and animal health. The Local Economic Partnership (LEP) recognise that work at the Campus contributes to the region's bio tech/ agric tech cluster which it sees as being of global importance. Bio- based inward investment is also a key element of the LEP's economic strategy.
- 10.66 Against this context, the impact of the proposed development on the research and operation at the campus site is a key consideration in the determination of the application.
- 10.67 Policy SP20 (Generic Development Management Issues) of the Development Plan makes it clear that *'New development will not have a material adverse impact on ... the users of neighbouring land and buildings ...'* The policy goes on to state that *'All*

sensitive receptors will be protected from land and other contamination and that developers will be expected to assess the risks posed by contamination in accordance with recognised national and international standards and guidance’.

- 10.68 National policy (para 81 of the NPPF) makes it clear that “*Planning decisions should help to create the conditions in which business can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weakness and address the challenges of the future. This is particularly important where Britain can be a global leader in driving innovation and in areas with high levels of productivity, which should be able to capitalise on their performance and potential’.*
- 10.69 Paragraph 185 of the NPPF goes on to make it clear that planning decisions should ensure that new development is appropriate for its location, taking into account of the likely effects as well as the sensitivity of the wider area to impacts that could arise from the development. Paragraph 187 confirms that planning decisions should ensure that new development “*can be integrated effectively with existing business..... Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established”*
- 10.70 It is considered that the proposed development has the potential to impact upon the campus in two ways. The first relates to a potential risk that the proposed use could reduce the locational attractiveness of the campus site for existing and/or potential future tenants. The second is in relation to any effect of air pollution/emissions resulting in harm to current or future scientific research at the Biotech Campus.

Locational Attractiveness

- 10.71 The proposed development shares access from the A64 with the adjacent Biotech Campus. There is inter visibility between both sites when either is accessed. Officers are of the view that there is a potential for the proposed development to be seen as ‘bad neighbour use’ by existing and future tenants of the campus and their customers. Any perception of harm could undermine the locational attractiveness of the campus site. In Officers view, the perception of harm and a diminution in the locational attractiveness of the campus site does represent a risk to the continued success of the Campus and this is a risk which is a relevant material consideration in the consideration of the application. It is clear from a number of objections to the application that there is a perception of harm associated with the proposed facility.
- 10.72 The applicant has sought a view from Savills on this matter. In a letter, a Savills surveyor has confirmed that:
- ‘In our opinion, the development of a crematorium on land opposite will not impact upon the desirability of businesses locating at the campus or the future success of the campus. The success of the campus will continue to relate to the quality of infrastructure and facilities it offers tenants. Many crematoria are located in close proximity to residential and commercial uses including business/ science parks without any impact and increasingly such residential and commercial uses are being developed adjacent to existing crematoria. The perception of being located next to a crematorium is not one that I would see impacting on the ability of the Campus to continue to attract occupiers.’*
- 10.73 It is understood that crematoria are often located in close proximity to residential and some commercial uses. Officers have found little evidence to suggest that many are

located in close proximity to business and science parks or at least, located in such a way as to be juxtaposed and inter visible. The only example located by officers was a crematorium in close proximity to, but to the rear of, a science park both with separate accesses. It is noted that Savills have not included specific references to comparable situations in order for any impact to be ascertained.

- 10.74 Officers share the view that the facilities at the Campus will continue to be a major draw for tenants but remain of the view that the proposed development has the potential to undermine the locational attractiveness of the setting of the campus by the introduction of a use which creates a perception of harm which, in turn, presents a risk to the campus.
- 10.75 The Biotech Campus is an existing use and one which makes a significant contribution to the local economy and a national contribution to science. It is the only 'high tech' business space of its type in this part of North Yorkshire. For these reasons, the protection of this use should be given great weight in the decision making process. In Officers judgment, the proposed use would present a risk to the campus on the basis of a perception of harm. However, despite the application being pending consideration for a considerable period of time, this is not a specific issue that has been raised by current or future tenants. As far as Officer's are aware no tenant has relocated from the campus or threatened to relocate as a result of the development proposed. In addition, this is not a specific issue that has been raised by the Campus itself or by the Local Enterprise Partnership, for example. Whilst the Council's economic development team have raised general concerns about the development impacting on the campus, these do not specifically refer to this matter. The absence of this being a specific risk identified by others, tempers, in Officer's view, the weight that should be applied to this issue in the planning balance.
- 10.76 Local objections have noted that the proposed development would breach a 'Cordon Sanitaire' that was established around the campus site when the location was chosen by the then Ministry of Agriculture, Fisheries and Food for its Central Science Laboratory. Whilst this is something that Officers are aware of historically, it is not translated into any form of land charge or specific planning policy restriction. Any legal agreements entered into by landowners at that time are a legal matter.

Impact on science/ research

- 10.77 The need to establish the impact of the proposed crematorium on the science undertaken at the campus has been a key consideration in the application process and one which has taken time to address. Objections to the proposal have been received from FERA and from Capita (via GL Hearn) who manage and lease space at the campus. Objections have also been received from a former worker at the National Bee Unit. Objections raise concerns that the increase in pollution levels would threaten the work of the National Bee Unit which is of national significance to bee science and research. In addition, both FERA and Capita have raised concerns about the effects of increased pollution on the integrity and validity of research conducted at the site by virtue of the fact that studies are 'conducted at levels of detection which would be affected by emissions and which would be exaggerated by any uncontrolled release'. Both bodies have also noted that the outdoor mesocosm is sensitive to the composition of the local atmosphere.
- 10.78 It is clear that key concerns relate to the air quality impact on the scientific research undertaken and there is a chronology to the way in which the LPA has sought to ascertain the impact arising from emissions. As noted earlier in the report, the application is supported by initial and ongoing air quality assessment work. In short, those advising the applicant concluded that the level and type of emissions to which the campus would be exposed would be smaller than routine/ historical variations in baseline air quality

conditions and that therefore any effect would be insignificant. Those advising the Local Planning Authority (APS) took the view that the work had not demonstrated that the proposed development could be integrated effectively with the York Biotech Campus. In relation to Bees, APS cited research which indicates harm to bees resulting from exposure to Nitrogen Oxides and Particulate matter. APS concluded that 'no evidence had been provided to support the applicant's hypothesis that as air pollution levels were higher in the past more can be added now with no adverse effect'.

- 10.79 In addition and in relation to research into environmental factors that affect ecological habitats (such as the mesocosm), APS concluded that whether the proposed development would cause a significant effect would depend on the sensitivity of the experiments to each pollutant.
- 10.80 APS concluded that a professionally qualified ecologist with an understanding of the sensitivity of the research is best placed to define the significance of the effect of the development.
- 10.81 At the same time, Capita maintained objections to the proposal, reiterating concerns over the risk of contamination to experimentation undertaken at miniscule levels; the 'proxy' levels/ limits used in the work to establish effects on the campus and concerns in relation to the level of acid deposition, in particular, that the campus would be exposed to.
- 10.82 Consequently, amidst uncertainty and disagreement between the experts that the LPA relies upon, the application was 'screened in' as EIA development. This was on the basis that on the information available, including holding objections from those undertaking scientific research at the campus, significant effects on the neighbouring land use could not be ruled out.
- 10.83 The applicant has therefore submitted a single chapter Environmental Statement which is specific to addressing the air quality impact on science at the campus. Capita and key tenants were specifically consulted on the basis that those designing and undertaking scientific activity are best placed to understand and explain the extent and nature of impact and 'impact thresholds'. This is particularly important in the circumstances as there are no existing standard criteria to assess the impact of the proposed facility on the air quality conditions within the campus and the significance of this in terms of impact on research. (Unlike standards which exist to assess air quality impacts on human health and natural habitats).
- 10.84 The Environmental Statement draws heavily on the air quality assessments undertaken. It details the methodology used, including dispersion modelling to assess the maximum predicted changes to air quality (by pollutant) at receptors within the campus site and impacts outside of the campus, to consider the potential to affect bees and the success of the Bee Unit apiaries. The ES notes that as there are no existing criteria to assess the impact of the development on research activity and in the absence of evidence that changes in air quality would disrupt research, a method of assessing impact needs to be established. It notes that:

"Whilst it is impossible to determine the change in air pollutant concentrations which would affect experiments, it is still possible to confidently determine changes which will not prejudice this work. Concentrations of every pollutant which might be emitted from the crematorium will already be present in the air. Furthermore, they will have changed appreciably over time and are expected to continue to change in the future irrespective of whether the proposed development is built or not. Mostly these changes have been reductions over time, but regardless of the direction of change, if the experiments were undermined by changes of this magnitude, then the campus would be unable to support

its own research in any event. On the basis that research at the campus is not already being rendered unviable because of existing small changes to air quality over time, the magnitude of this baseline variability provides a highly robust basis for determining a quantum of change which cannot prejudice this work.”

- 10.85 The approach has therefore been to establish assessment criteria for the range of pollutants based on a baseline variability in background air quality. Using the information sources available, ranges between the highest and lowest background air pollution levels to establish assessment criteria on which to compare the development emissions. The ES considers this to be *‘a worst case approach to summarising this evidence into a single metric for each pollutant and averaging period’*. The rationale behind the approach being that where changes in concentrations or deposition fluxes due to the proposed development are smaller than the assessment criteria, the proposed development would not expose the campus to changes in air quality greater than those to which is already exposed. The ES concludes that in terms of impacts within the campus site, the effects of the proposed development are considered to be not significant.
- 10.86 The assessment has also considered the potential for the proposed development to affect the success of apiaries. The work has revealed that NO_x levels resulting from the cremation process will be above annual mean levels within the development site, within 10m of the building. The ES notes that *‘the area over which there is any risk of concentrations in the future with the proposed development not being lower than those which have previously been accommodated by the bees is thus restricted to within 10m of the proposed crematorium’* and that *‘it should be noted that even here, concentrations will remain well below those experienced along roads, of which there are many within the area over which bees might conceivably forage’*.
- 10.87 The ES goes on to note that despite increases in NO_x concentrations being so small and restricted to a small area, a Bee Mitigation Strategy has been developed as a precautionary measure. This sought to increase and optimise foraging habitat for bees within the site and outside of the 10m area. In addition, the landscape masterplan was subsequently revised to omit green rooves on the crematorium building so as not to attract foraging bees towards the building. Against this context, the ES concluded that these small changes in air quality would not have a significant effect on the apiaries of the Bee Unit and that the effects are considered not to be significant.
- 10.88 Consultants on behalf of Capita have responded to the ES and raised concerns in relation to air quality and compliance with EIA Regulations – specifically relating to a description of reasonable alternative sites. In terms of air quality, concerns relate to a lack of detail on how parameters used in the model have been derived; the omission of detail on how mitigation (abatement and plant maintenance) measures will be undertaken and monitored; that results are based on averages and that specific experiments can be affected for conditions present in a specific day and; that as a place of innovation, the development would put an unnecessary burden on research/ future research. In this respect, Capita take the view that the proposal is in conflict with national policy (para 187) and the ‘Agent of Change Principle’.
- 10.89 The applicant has responded to these concerns. They have confirmed that the Environmental Permit required under legislation will regulate and monitor the operation of the facility and that this will include maintenance including the regular calibration of emissions monitoring systems. Whilst this is correct, it is understood that the applicant’s air quality assessment is based on emissions which are less than those that could be permissible under the permitting regime. To that end and if members are minded to approve the application, a condition is proposed to ensure that the equipment specification is agreed prior to the operation of the facility.

- 10.90 In terms of the use of averages, the applicant believes that those acting for Capita have misread the ES in terms of references to the use of average figures which relates to the derivation of the assessment criteria rather than the contribution from the crematorium. The applicant has also confirmed their view that the assessment approach which uses variability in baseline air quality provides a robust indication of the variability of future air quality and as such would not prejudice future research at the adjacent site.
- 10.91 The applicant has prepared an addendum to the ES to address omissions in terms of a description of reasonable alternative sites, cumulative effects, the emergency release of unabated emissions and providing further consideration of the impact on bees within the crematorium boundary. The addendum is accompanied by a revised landscape masterplan and bee mitigation strategy which further amend the proposed landscaping scheme to remove species rich wildflower planting.
- 10.92 The applicants have confirmed that need evidence and legislation and guidance relating to the siting of crematoria has led to the site being chosen. Whilst the ES addendum makes it clear that no alternative sites met those requirements, it provides no description of considerations of other sites. It is considered that the purpose of this element of the EIA Regulations is to ensure that where significant environmental effects are identified, any decision is made taking account of reasonable alternative locations. The applicants are of the view that the proposed development will have an insignificant impact on research at the Biotech campus. The application was screened as EIA development on the basis that significant environmental effects could not be ruled out at that time. Subsequently, in the absence of information to counter the conclusions of the Environmental Statement, it is considered that it would be onerous and unnecessary to require any further consideration of alternative sites.
- 10.93 The ES addendum confirms that cumulative effects have been taken into account within the main ES. It is understood that this is because cumulative effects arising from existing sources of emissions are accounted for in the methodology and the changes in background baseline variations. It confirms that there are no planned developments which would result in cumulative effects.
- 10.94 The addendum provides further detail in relation to the emergency release of unabated emissions. It notes that equipment failure is rare (the applicant has confirmed that this has happened on 11 occasions in the past two years out of over 9,000 cremations) and in the event of a failure they would be required to stop operations. The addendum notes that in terms of instantaneous emission concentrations, in practice these are unlikely to correspond with worst case background concentrations and that impact on annual mean contribution concentrations would be below inter annual variability in background concentrations. The addendum reiterates the point that if abatement equipment is bypassed, the emissions would be released at higher temperatures. It concludes that dispersion in such a situation would prevent it from having any effect at all on air quality within the campus. It is understood that this is a result of the height and velocity of the emission.
- 10.95 The additional commentary within the addendum on the impact on bees notes that there is no evidence in literature reviews of harm as a result of other pollutants and that in general a decline in pollinating insects has coincided with reductions in air pollution. It reiterates the conclusion that there will be no significant impact on bees and on that basis, confirms that the mitigation strategy is proposed to remove any potential perceived harm.
- 10.96 Capita has specifically referred to conflict with the 'agent of change principle' which is established in (para 187) of national policy. This aims to ensure that where the operation of an existing business or facility could have a significant adverse effect on new

development in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation.

- 10.97 Those acting for Capita have not set out how the Biotech campus would have a significant adverse effect on the development proposed and clearly in making the application, this is not something that the applicant has identified as being of concern. In Officers view, the 'agent of change principle' is not specifically relevant in this case. (However, as noted earlier, the first part of para 187 , which aims to ensure that 'new development can be effectively integrated with existing business and facilities' which 'should not have unreasonable restrictions placed upon them as a result of development permitted after they were established', is a significant material consideration in the planning balance.)
- 10.98 Officers take the view that research undertaken within buildings at the campus which is highly sensitive to atmospheric conditions and air borne pollutants, would be undertaken in controlled laboratory conditions. It should be noted that Capita/ those undertaking research at the campus have not provided any information or data of any air quality conditions/monitoring undertaken at the campus which would challenge or corroborate the applicant's air quality assessment methodology/assumptions.
- 10.99 It is also noted that whilst Capita have repeatedly raised concerns about the risk to research, it has not been explained how the air pollution/ process contributions identified by the applicant would affect the research. The outdoor mesocosm is exposed to the elements. The purpose of the science and the way in which this is sensitive to the process emissions or accumulation of pollutant concentrations and the extent to which it would be affected by these, including any impact thresholds on the research has not been articulated by those undertaking the research. In the absence of more detailed scientific reasoning or evidence from those undertaking research it cannot be concluded, in officer's judgment, that the proposed development would represent an unacceptable or indeed real risk to current or future research activity within the campus buildings or site. There is no substantive or compelling evidence to counter the conclusions of the ES – that the effect will not be significant.
- 10.100 Officers are of the view that the impact/ potential impact on bees is less clear. Levels of Nitrogen Dioxide within 10-15m of the flue would be at a level which is documented as detrimental to bee health and whilst the revised Bee Mitigation Strategy does seek to avoid landscape planting that would attract bees to the site, foraging bees will still be attracted to floral tributes which will be in close proximity to the building, flue and levels of emissions that are known to be harmful to bees. On the other hand, it is reasonable to take the view that the bee/ research livestock will be exposed to high levels of emissions arising from vehicular traffic and existing foraging habits cannot be controlled. On balance however, in absence of any detailed evidence or explanation from those undertaking the research which suggests that exposure to this level of NOx or any other emission would result in a direct lethal or sub lethal impact which would compromise the population of the apiaries or the nature of research, it cannot be concluded that the proposal would be detrimental to the research or that it presents an unacceptable risk to the research.
- 10.101 On balance therefore and taking account of the supporting information, representations, together with limited information and evidence from those undertaking the research, it is considered that the proposal satisfies the provisions of Policy SP 20 of the development plan and para 187 of national policy.

Landscape and Visual Impact

- 10.102 The site is located within the Vale of York, a landscape character area of predominantly open, flat and low lying land with fields in agricultural use, defined by hedgerows, tree belts, and conifer plantations. In this respect, the site is typical of the landscape character area. Whilst the site is relatively small and the proposed scheme incorporates substantive landscaping and open areas, development of the site would result in the loss of undeveloped land which is agricultural in character and which is typical of the prevailing, intrinsic character of countryside within the Vale of York.
- 10.103 The site is in close proximity to the Sand Hutton Biotech campus and is adjacent to the A64. The campus and the road are physical developments and features with a presence and associated levels of activity that contribute to the character of the immediate locality. Against the context of this neighbouring land use, the proposed development would not introduce a level of activity which would be out of character with the ambience of the immediate locality.
- 10.104 The application is accompanied by a landscape masterplan and a Landscape Statement and Landscape and Visual Impact Assessment (LVIA). The intention is to create a facility which is designed to have a rural character. Proposed enhancements to boundary hedgerows and the proposed memorial parkland/woodland, would not in themselves, be out of character with field boundaries and woodland in the surrounding landscape.
- 10.105 The design of the proposed building is low profile, with the highest points being the central chapel at 8m high and cremator flue at 7m. The proposed strengthening of boundary planting will serve to mitigate and soften the visual impact of the development on the site over time. The conifer plantation to the north and east of the site will provide a strong visual backdrop. This will screen any public views of the development from these directions and will help to ground and visually contain the proposed development within the landscape. It is noted that the conifer plantation is outside of the application area and the retention of the plantation in this location is not within the control of the applicant. In this respect, if members are minded to approve the application, it is considered that this should be subject to a condition to secure a landscaping scheme which would include enhanced planting adjacent to the plantation and within the application area.
- 10.106 There are limited distanced views of the site. From the north and the A64 from the north and west, the proposed development will be seen against the backdrop of the Biotech Campus site. Views from the south are obscured by the Biotech Campus and the plantation woodland surrounding the campus.
- 10.107 The proposed development would result in the loss of land which, in its undeveloped state is typical of the intrinsic landscape character of the Vale of York. Notwithstanding this, harm to the character and appearance of the immediate landscape is mitigated by the presence of the biotech campus site, existing trees and hedges and the design of the scheme, including site landscaping. It is considered that the proposed development will not result in unacceptable harm to the character or appearance of the landscape and is acceptable in terms of the provisions of Policy SP13 (landscapes) of the Ryedale Plan.

Biodiversity

- 10.108 The application is supported by a Preliminary Ecological Appraisal report which updated an initial version following comments received for the NYC ecologist.
- 10.109 The report notes that the site mainly comprises habitats of low ecological value such as intensively managed arable farmland and immature woodland, with smaller areas of trees of moderate ecological value. Hedgerow at the site has been identified as being the habitat of most significance.

- 10.110 The appraisal proposes a number of biodiversity enhancements, including native tree/ woodland planting and the restocking /restoration of stretches of defunct hedgerow with native, species rich planting. (A proposed wildflower meadow was originally proposed as biodiversity enhancement. This has been removed as part of the most recent Bee Mitigation Strategy).
- 10.111 No protected species or bat roosting features were found to be present at the site and the report confirms the site is not likely to represent a significant foraging or commuting resource for local bat populations. Additional landscaping, long term management and sensitive lighting design are recommended to support new bat roosting, commuting and foraging opportunities. The site provides limited bird foraging and nesting habitat which will be retained and enhanced with additional planting, long term management and the installation of bird boxes.
- 10.112 Further measures to conserve, enhance and maximise biodiversity within the scheme include rhododendron control and marginal bog planting to drainage attenuation facility. The report advises that best practise working methods in relation to trees, hedgerows, badger, bats, birds, hedgehogs and reptiles should be fully outlined within a Construction Environment Management Plan.
- 10.113 NYC's ecologist is also satisfied that appropriate native woodland planting will considerably exceed a 0.8ha area of cleared scrub in the northern apex of the site and originally confirmed that the habitat creation measures offered significant benefits to biodiversity. Subsequent changes to the scheme have removed some of the habitat creation measures originally proposed including green rooves and wildflower meadow planting. The applicant has provided a Biodiversity Net Gain calculation to accompany the revised landscape masterplan. This measures a 14.25% uplift on area based habitat units and a 116% uplift in hedgerow units. NYC's ecologist has confirmed that these levels are 'comfortably compliant' with BNG requirements.
- 10.114 The ecologist has recommended conditions to secure a Construction Environment Management Plan and Landscape and Ecological Management Plan, to include relevant recommendations in the Preliminary Ecological Appraisal Report, including external lighting.
- 10.115 The Preliminary Ecological Appraisal Report concludes that no likely significant effects are anticipated on the designating features of the River Derwent SAC/SSSI, given the separation distance (5.1km east of the site) and the nature of the proposals. It also concludes that no likely significant effect is anticipated on the designating features of the Strensall Common SAC/SSSI which is located 1.8km to the north of the site, given the mitigation designed into the proposals.
- 10.116 Members are aware that the Council is responsible for undertaking a Habitat Regulation Assessment to consider the potential for effects upon sites of European importance. NYC's ecologist confirmed that the River Derwent SAC/SSSI is over 5km from the application site with no physical or hydrological links. The ecologist agrees with the conclusions of the applicant's ecological assessment, that there are no likely significant effects on the River Derwent. The application site is closer to the Strensall Common SAC/SSSI and whilst the ecologist notes that there are no physical or hydrological links, the Council was advised to seek specialist advice in relation to potential air quality impacts. Specialist air quality consultants were subsequently commissioned to undertake a HRA screening assessment on behalf of the Council.
- 10.117 The assessment confirms that only the Strensall Common SAC requires assessment. The screening assessment takes account of the conservation objectives for the site and its qualifying features, the air quality information provided in the applicants air quality

assessment and site relevant critical (pollution) loads and levels established by the Environment Agency. It concludes that the proposed development will not lead to likely significant effects at the SAC both in terms of its construction and operation. Natural England has confirmed that it considers that the proposed development will not have significant adverse impacts on designated sites and has no objection to the development proposed.

- 10.118 The proposed development is considered to comply with Policy SP14 (Biodiversity) of the Local Plan Strategy.

Design and Sustainability

- 10.119 The proposed building is architecturally designed, with a contemporary design aesthetic. The building is comprised of four primary volumes. A central square chapel is the tallest section. A single story section containing office, waiting room, family room and technical area wraps around two sides of the chapel. To the rear of the building is the cremators room. Covered colonnades mark the entrance and exits to the chapel space and together with a small vestry and toilet building form a further distinct part of the building.
- 10.120 The Design and Access Statement supporting the application has been prepared by the architects for the applicant. It notes that it is the applicant's intention to create an exemplar, sustainable crematorium building and that the design process has been built around three key principles. These are: Nature – *creating a building that establishes a strong relationship with surrounding landscaping with an ambition to create a respectful and symbolic space for people to use*; Spirituality- *with the building and landscaping designed to allow a spiritual connection, with spaces and materials chosen to enable contemplation and reflection*; Sustainability – *to have minimal impact on the environment and using natural ventilation, light and materials to emphasise a connection with nature*.
- 10.121 The position and orientation of the building, its constituent parts and outdoor spaces at the site is influenced by a number of factors including road traffic noise, access and views of surrounding landscaping and the plantation woodland.
- 10.122 The scale, form and mass of the building reflects its function and the use, sequence of use and hierarchy of spaces within the building. In this respect, the central chapel building is the tallest volume of the building at 8 metres high. The principal entrance colonnade (porte cochere) and cremators room would be built to a height of 5 metres, with back of house technical and office areas and public areas (waiting room, toilets, chapel courtyard colonnade and floral tribute area, proposed at a height of 3.5 metres.
- 10.123 Materials proposed for external use on the building include handmade York brick for the external chapel walls, larch cladding to all other external walls, colonnades, and timber columns, anodised aluminium window frames, external door and roof copings with concrete upstands to all perimeter walls. The proposed palette of materials are considered to support the contemporary aesthetic and, as noted in the Design and Access Statement, have been selected to complement materials found in the buildings and natural surroundings of the area. The use of brick will be limited to the chapel section. The intention is to distinguish this area by giving it a heavier appearance, alluding to its symbolic value of the heart of the building. Additional design features including vertical timber columns, celestory windows and the use of larch timber cladding on all other external walls serve to visually reinforce the chapel being at the heart of the building and to distinguish it from other spaces/ areas.
- 10.124 The proposed building with its contemporary modern aesthetic, is considered to be of a high standard of design. Architecturally, the building is simple in its form, which closely reflects its function. The proportions, mass and materials proposed will ensure that the building will sit well within its landscaped setting and within the wider rural landscape

and that it has architectural merit. In terms of its design credentials, the proposal is considered to comply with policy SP 16 (Design) of the Local Plan Strategy and reflects the high standard of design expected by national policy.

- 10.125 The Design and Access Statement confirms that it is the applicant's intention to achieve the highest level of energy efficiency, primarily by designing out energy consumption and through the use on on-site renewable energy generation. It notes that the use of a timber structure for the building will negate the need for deep foundations, which will reduce embodied carbon use.
- 10.126 A supporting Energy and Sustainability Strategy reiterates that the design of the scheme includes a number of measures to reduce energy demand and to increase energy efficiency. High levels of insulation/ thermal efficiency, passive solar gain and reduced reliance on artificial light, low energy lighting and efficient water and space heating are energy efficiency measures included within the scheme. In addition, natural ventilation measures will be used to negate cooling energy use.
- 10.127 The energy strategy includes the installation of 80 square metres of roof mounted photovoltaic panels. Air source heat pumps used in tandem with heat recovery from the cremator plant are proposed to provide space and water heating. Although the building is exempt from Part L of Building Regulation the regulations are referred to in the supporting documentation to help to benchmark carbon reduction. Excluding cremator emissions, it is anticipated that the proposals will result in CO₂ savings on site of 8.5 tonnes or 62% against a Part L (2013) building compliant scheme. In this respect, the proposal has demonstrated that all levels of the energy hierarchy have been considered in accordance with Policy SP18 of the Development Plan.
- 10.128 The facility relies on a combustion process and as proposed this will be through the use of LPG gas. Whilst the supporting material does not provide a figure for the process contributions of CO₂ per cremation, Officers understand this to be in the region of 242 kg. The Energy Strategy confirms that it is not feasible or viable to deliver carbon zero development which would offset cremator emissions at the site (noting that a notional 4,600m² of pv would be required to offset emissions). Policy SP18 of the Development Plan specifically relates to building sustainability and the Development Plan has no specific policy relating to energy use and CO₂ emissions as a result of a process/use. CO₂ emissions and climate change are a material planning consideration and in this respect, process CO₂ emissions weigh against the development as proposed. This is however, must be tempered by the fact that there is no national policy which prevents the use of fossil fuel for the cremation process. It is also reconciled by the fact that Officers understand that there are environmental impacts associated with the disposition of bodies by all existing available means and that the demand for additional cremations would have to be met in any event. It should be noted that there would be nothing preventing the applicant from installing alternative means of cremation as and when technology evolves.

Highways, Transport and Accessibility

- 10.129 The application is supported by a Transport Assessment which covers highway related matters, including the impact of the proposed development on the strategic and local road network; the proposed new access/ junction for the Sand Hutton Road; the accessibility of the development and car parking.
- 10.130 The impact of the proposed development on the capacity and safety of the A64 trunk road and the local highway network, including the impact on the A64 /Sand Hutton road junction are key considerations in the determination of the application. The methodology and assumptions used in the supporting Transport Assessment and Traffic Analysis Notes have been considered by the Local Highway Authority and National Highways.

- 10.131 In order to assess the impact of the traffic associated with the proposed development, the applicants have used trip rates which are based on their own information and independent surveys of their funerals. To this end the modelling assumes 23 arrival trips and 23 departure trips per funeral, including the hearse. It also assumes 5 attended services per day between 10.30 am and 15.30 pm and a trip distribution (based on the population catchment) of 35% of trips arriving/ departing from/to the north and 65% from/to the south. It also takes account of a typical (45 minute) arrival and departure profile.
- 10.132 The assessment notes that average hourly traffic levels on the Sand Hutton road within the core operational hours of the proposed crematorium, equate to one movement or less per minute in either direction. It concludes that in this respect, the traffic generated by the proposed development will result in a small increase in absolute traffic levels and that the circa 4 staff vehicles in the am and pm peak represent an immaterial increase in traffic at these times.
- 10.133 The traffic modelling has focussed on assessing the impact of the development traffic, together with base traffic data and traffic growth to assess the capacity of the junction, using a junction model. Due to the fact that the core operating hours of the crematorium are outside of the am and pm road network peaks, the results show a less than 1% increase in traffic using the junction in the am and pm peaks, with the largest percentage increase in traffic using the junction during the period 12.45-13.45pm. Notwithstanding this, the modelling indicates that the traffic through the junction with the development in place during the inter-peak period would be lower than traffic through the junction during the am and pm peak. In addition, the work has concluded that the level of queuing on the Sand Hutton Road and on the A64 right hand turn lane would not exceed the current level of am and pm peak traffic queuing. The modelling has confirmed that the 50 m of available space on the A64 right hand turn is sufficient to accommodate a funeral cortege of five vehicles (including a hearse and limousine) together with predicted inter peak traffic.
- 10.134 National Highways has scrutinised the modelling work undertaken and has requested further information in relation to a number of assumptions used in the initial modelling. The applicant has responded to all of the issues raised and has undertaken further sensitivity testing which confirms the conclusions that the level of traffic and queuing would not exceed the current level of am and pm peak traffic and queuing. National Highways has subsequently confirmed that it has no objection to the proposed development. On this basis, it is considered that the proposed development is acceptable in terms of the highway capacity and safe operation of the trunk road.
- 10.135 The Local Highway Authority has raised the issue of development trips being diverted away from the A64 at times of heavy congestion due to seasonal traffic flows. It was noted that this had the potential for impact on the local highway network (including the local network to the west as well as to the east) and could also result in delays in the operation timetable of the proposed crematorium.
- 10.136 The transport consultants engaged by the applicants provided a response to the concerns raised by the LHA. In summary, it was noted that there are fewer deaths (20-30%) in the summer months which results in less demand for funerals. At these times, later service times are less well used, with later morning and early afternoon slots being more preferable. It was noted that the applicants experience was that people avoided planning funerals around Bank Holidays and main holiday periods as this may present difficulties for those wishing to attend and that Funeral directors are also likely to avoid services around busier times. It was also confirmed that the facility will not operate on Bank Holidays or on weekends. In addition, the consultants noted that the last service

would be between 3-4pm and would only consist of departure trips, the majority of which would be travelling towards York which would not be the peak traffic direction in the summer.

- 10.137 Following this, the LHA has confirmed *that 'based on the figures and operational activity provided..., I am satisfied that the likely traffic trip generation, timing and distribution will not have a significant impact on the local highway network, either to and from the nearby A64 junction or allowing for a certain proportion of that traffic choosing to divert away from that junction should severe congestion happen to be encountered and also bearing in mind the direct connection that the A64 will always provide on to other strategic and primary routes to local centres of population and amenity'*. The LHA has confirmed no objection, subject to the imposition of a number of conditions and an agreement to appropriate road directional signing should the Committee be minded to approve the application.
- 10.138 The evidence indicates that the additional volume of traffic and traffic movements associated with the proposed development can be accommodated on the strategic and local highway network both in terms of capacity and safety. Whilst it is well known that the A64 experiences congestion, particularly at peak times of the day and seasonally, the proposed additional traffic will not result in a significant worsening of the current situation. Members will be aware that the key test in national policy is that development should only be refused on highway grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe. The latter is a 'high bar' and this is not the case with the development proposed.
- 10.139 Access to the site is proposed by way of a new junction with the Sand Hutton Road, approximately 130m to the east of the junction with the A64. The proposed location and design of the access is in principle, acceptable to the Local Highway Authority (LHA). The LHA has recommended conditions to secure the detailed design specification; a programme and details of off-site highway works (including the provision of a section of footpath and a pedestrian tactile crossing point); alterations to highway drainage; the submission of a Stage 2 Road Safety Audit and a Construction Management Plan.
- 10.140 The site is accessible by public transport. The Coastliner bus service runs at regular intervals throughout the day and stops on the A64 close to the Sand Hutton/ Biotech campus junction.
- 10.141 The supporting application material refers to the guidance provided by FBCA and the Department of Environment which makes it clear that crematoria should be reasonably accessible/ accessible by public transport. Members are also aware that national planning policy also seeks to ensure that opportunities to promote accessibility and sustainable transport modes including public transport. As well as the bus service, a stretch of footpath/cycle path exists along the A64 from the Sand Hutton junction to the Towthorpe junction. An additional dropped kerb to the west of the proposed access to the site from the Sand Hutton road and a section of new footpath to the west of the proposed access into the site will assist access to the facility by those walking to /from bus stops at the A64.
- 10.142 Due to a limited number of on-site staff (4/5) a travel plan is not required to support the application. Notwithstanding this, the supporting Transport Assessment makes it clear the company will provide bus transport information to staff; will provide sufficient on site car parking; operates a car sharing policy and will provide cycles to staff who wish to use them. The applicants have confirmed that in their experience, the nature of the use and mourner travel habits mean that the majority of mourners attend funeral services by car.

- 10.143 Notwithstanding this, the site is accessible by non-car means and mourners would have a choice as to how to access the facility. The Transport Assessment also notes that the facility in this location would reduce the distances currently travelled by the catchment population to access a crematorium and in this respect, there is a broader sustainability context associated with the proposal.
- 10.144 The applicant has confirmed that the proposed level of car parking would meet operational needs and that a proportion of spaces would be equipped with electric vehicle charging points. The proposed number of spaces (96 visitor spaces) meets recommendations provided in guidance provided by the FBCA for the number of spaces to equate to approximately 2/3rds of the total seating capacity in the chapel. The extant Department of Environment guidance recommends a level of provision which equates to one car parking space for every two places in the chapel. It is understood that the capacity of the chapel is seating for 98. The supporting information also notes that in the applicant's experience, car sharing to attend funerals is very common.
- 10.145 The proposed level of car parking is generous in the context of the average funeral attendance. (The applicant claims that the average attendance at a funeral is 36 and has also refers to an independent survey figure of an average of 43 at one of their facilities). It is appropriate however, that the site needs to be capable of catering for a spectrum of funeral sizes and to allow mourners to park on-site. The proposal includes an overflow car park (26 spaces) to cater for larger funerals and the Transport Assessment confirms that staff on-site are on hand to manage parking in the event of a large funeral. The assessment also notes that the Westerleigh Group do not take coaches at their facilities and that large mourner groups are encouraged to use mini buses. In addition to car parking spaces, the proposal includes 8 cycle parking spaces adjacent to the staff parking area.
- 10.146 The Local Highway Authority has not raised concerns about the proposed level of car /cycle parking and it is considered that the level of parking proposed will be sufficient to ensure that the parking requirements associated with the development will be met on site.
- 10.147 Members are aware that National Highways is considering plans to improve the A64 between the Hopgrove Junction and Barton-le-Willows. Potential options for dualling this stretch of the trunk road have been subject to public consultation. National Highways are aware of the application although the extent to which the options under consideration have implications for the application site are unclear. At this stage, it is understood that a preferred route has not been selected and there is no commitment from government that the scheme will be developed beyond the current stage.
- 10.148 National Highways have not confirmed that land needs to be safeguarded or objected to the application on that basis. In the absence of a committed scheme and an objection from National Highways, it cannot be concluded that the proposed development would prejudice the improvement of the trunk road or that this should be given any weight in the decision making process.
- 10.149 The development is considered to be acceptable in highway terms under the provisions of Policy SP20 of the Local Plan Strategy and national policy.

Flood Risk, Drainage and Groundwater Protection

- 10.150 The application is supported by a Flood Risk Assessment. It notes that the site is located within Flood Zone 1 and as such is considered to be at a very low risk of flooding, with no measures required to mitigate fluvial flooding. The majority of the site is not at risk of surface water flooding, with the exception of limited areas within the site which are low

points in the land level. Based on the surrounding topography, this surface water flood risk is considered to result from the catchment of the site itself. A Surface Water Management Strategy is proposed to mitigate this. The assessment notes a moderate risk of groundwater flooding which will be mitigated through internal floor levels, the position of buildings on the site and appropriate damp proofing.

- 10.151 Surface water run-off from the site currently drains to the ditch and highway drainage network in the surrounding area. The surface water drainage strategy confirms that surface water runoff from the buildings and car park areas will be discharged to drains located to the south west of the site and owned by NYC Highways. Proposed on site land drains will discharge water from the formal landscaped areas to a drain to the north west of the site. A number of measures, including swales, a detention basin and permeable surfacing are included to attenuate the rate of discharge. The strategy includes a maintenance plan for the proposed sustainable drainage elements. It demonstrates that exceedance flows would not adversely impact on the proposed development or adjacent development/ land.
- 10.152 The Local Lead Flood Authority has confirmed that the scheme represents a reasonable approach to the management of surface water and recommends a condition to ensure the scheme is built in accordance with the submitted design. Notwithstanding this, the Internal Drainage Board has confirmed that it would also require a discharge rate to be applied to the surface water runoff from the landscaped areas. To that end a condition to ensure drainage works are agreed is proposed. Yorkshire Water has also recommended standard conditions.
- 10.153 The application proposes the use of a sealed cesspool to deal with foul sewage on the basis that alternative measures, including discharge to a public sewer or a package treatment plant are not feasible or viable. The Environment Agency originally objected to the proposal on the basis of risk to ground water pollution. The site is a sensitive location on a secondary aquifer overlying the principal Sherwood Sandstone Aquifer. The Agency took the view that insufficient information had been provided to justify the use of a cesspool over disposal by other means. Following the receipt of further technical information which demonstrates why the proposed development cannot connect to the nearest foul sewer and that risks can be satisfactorily managed, the Environment Agency confirmed that it has no objection to the proposal.
- 10.154 On the basis of the above, technical drainage proposals are considered to be acceptable and sufficient to satisfy Policy SP17 (Managing Air Quality, Land and Water Resources) of the Ryedale Plan.

Other Matters

- 10.155 The site, whilst not in current agricultural production is Grade 3 (good to moderate) agricultural land. It is unclear which sub-grade the land is. Sub grade 3a is land which is classed as Best and Most Versatile (BMV) Agricultural Land. National and local policy aims to protect BMV agricultural land and avoid its unnecessary loss. In the absence of information confirming the precise land grade, it can only be concluded that the application has the potential to result in the loss of a limited amount of BMV land. The site covers just over 5 hectares of land. The field is relatively small and an irregular shape. The proposed development would result in the loss of a limited quantum of agricultural land and at a level which is well below the threshold for consultation with Natural England for proposals which would affect BMV land. In this respect, it is considered that the proposal would not result in the loss of an unacceptable amount of agricultural land or that it would compromise reserves of higher quality agricultural land.

10.156 There will be some direct economic benefit to the local economy resulting from construction and the employment of four members of staff. Indirect economic benefits may also be experienced by some local facilities with the opportunity to provide funeral wakes, including pubs, restaurants and village halls. It is considered that these limited economic benefits provide limited weight in favour of the proposal. Some objectors have raised concerns in relation to the impact on house prices. Members are reminded that this is not a material consideration in the determination of the application.

11.0 PLANNING BALANCE AND CONCLUSION

11.1 There are no outstanding highways, drainage or other technical issues associated with the application. The proposed development can be accommodated in terms of these matters.

11.2 It is considered that it has been demonstrated that there is a need for a crematorium to serve the north of York and this part of North Yorkshire. In particular, this is in relation to the need for additional cremation capacity to address current and future demand and to address the proximal needs of those living outside of the City of York. There is limited evidence to suggest a current qualitative need for additional cremation capacity. However, it is reasonable to assume that qualitative issues, such as wait times, will come more to the fore as increasing future demands are placed on existing crematoria in the absence of increased capacity.

11.3 It is considered that weight should be applied to the need for the facility in the planning balance. The degree of weight to be attributed to this is, in officer's judgement, tempered by the limited evidence of current qualitative need.

11.4 Improved choice and Biodiversity Net Gain, together with albeit limited job creation are also benefits which weigh in favour of the proposal.

11.5 The protection of the long established, internationally/ nationally significant York Biotech Campus research facility is a matter which demands significant weight in the decision making process. On the basis of the information provided, there is no evidence to suggest that the proposal would result in demonstrable harm to current or indeed future research or evidence to indicate that the proposal would present an unacceptable risk of harm to research at the campus.

11.6 In Officers judgement, the location of the proposed development does have the potential to undermine the locational attractiveness of the Campus as a high tech business location through a perceived risk of harm. However, there is no evidence to suggest that this would present a significant risk or a more than hypothetical risk to the continued attractiveness of the adjacent facility and on that basis, it is considered that limited weight is attributed to the potential impact arising from a perception of harm.

11.7 On balance, it is considered that the benefits of the proposal in addressing current and future need for an additional facility outweigh policy conflicts arising from the development in this location; the loss of a green field site and a relatively limited area of agricultural land. In addition, there is no evidence which indicates that the proposed facility would result in demonstrable harm or an unacceptable risk of harm to the continued operation/research of the Biotech Campus which would outweigh the need for the facility.

12.0 RECOMMENDATION

12.1 That planning permission be GRANTED, subject to the conditions listed below:

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by 51 of the Planning and Compulsory Purchase Act 2004.

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

Site Location Plan YC-WTA-00-XX-DR-A-1001 Dated 4/11/2020
 Outline Landscape Masterplan 1277-001 Rev K
 General Site Plan YC-WTA-00-XX-DR-A-1002 S4 Dated 4/11/2020
 Ground Floor Plan YC-WTA-00-00-DR-A-1101 S4 Dated 4/11/2020
 Mid Roof level YC-WTA-00-RF-DR-A-1102 S4 Revision Dated 11/9/2023
 Top Roof level YC-WTA-00-RF-DR-A-1103 S4 Revision Dated 11/9/2023
 North West Elevation YC-WTA-00-xx-DR-A-1204 S4 Dated 4/11/2020
 South East Elevation YC-WTA-00-xx-DR-A-1201 S4 Dated 4/11/2020
 West Elevation YC-WTA-00-xx-DR-A-1202 S4 Dated 4/11/2020
 East Elevation YC-WTA-00-xx-DR-A-1203 S4 Dated 4/11/2020
 Section 1 YC-WTA-00-XX-DR-A-1301 S4 Dated 4/11/2020
 Section 2 YC-WTA-00-XX-DR-A-1302 S4 Dated 4/11/2020
 Section 3 YC-WTA-00-XX-A-1303 S4 Dated 4/11/2020
 Section 4 YC-WTA-00-XX-DR-A-1304 S4 Dated 4/11/20

And in accordance with the Design and Access Statement Dated November 2020 (and Addendum Dated September 2023)

Reason: For the avoidance of doubt and in the interests of proper planning and in order that the development is undertaken in accordance with the NPPF and relevant Development Plan policies including policies SP13, SP14, SP16, SP17, SP18 and SP20 of the Ryedale Plan Local Plan Strategy.

3. The development must not be brought into use until the access to the site at land west of Gravel Pit Farm, Sand Hutton, has been set out and constructed in accordance with the 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by the Local Highway Authority and the following requirements:

The crossing of the highway verge and/or footway must be constructed in accordance with the approved details (as indicated on Section 4 of the submitted Design and Access Statement) and/or standard detail number E60 Revision A and the following requirements:

- Any gates or barriers must be erected a minimum distance of 30 metres back from the carriageway of the existing highway and must not be able to swing over the existing or proposed highway.
- Provision to prevent surface water from the site/plot discharging onto the existing or proposed highway must be constructed in accordance with the approved details shown on drawing nos (1334-ENG-ZZ-XX Dr-C-) 3011 & 3012 Revisions PO2 and maintained thereafter to prevent such discharges.
- The final surfacing of any private access within 30 metres of the public highway must not contain any loose material that is capable of being drawn on to the existing or proposed public highway.

All works must accord with the approved details.

Reason: To ensure a satisfactory means of access to the site from the public highway in the interests of highway safety and the convenience of all highway users, in accordance with Policy SP20 of the Development Plan.

4. The development must not be brought into use until the existing field access onto Land west of Gravel Pit Farm, Sand Hutton, has been permanently closed off in accordance with details which have first been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety and the amenity of the area, in accordance with Policy SP20 of the Development Plan.

5. There must be no access or egress by any vehicles between the highway and the application site at Land West of Gravel Pit Farm, Sand Hutton, until splays are provided giving clear visibility of 90 metres to the west (right) and 120 metres to the east (left) measured along both channel lines of the major road from a point measured 2.4 metres down the centre line of the access road. In measuring the splays, the eye height must be 1.05 metres and the object height must be 0.6 metres. Once created, these visibility splays must be maintained clear of any obstruction and retained for their intended purpose at all times.

Reason: In the interests of highway safety, in accordance with Policy SP20 of the Development Plan.

6. The following schemes of off-site highway mitigation measures must be completed as indicated below:
 - Provision of 2.0 metre-wide macadam surfaced footway from the proposed site access to the existing field access approximately opposite the existing street lighting column with pedestrian tactile crossing points over the C176 carriageway and re-positioning of the existing prescribed traffic advance direction sign within the verge to a point west of the proposed site access at Land west of Gravel Pit Farm, Sand Hutton, prior to the development being brought into use.
 - Alteration to existing highway drainage by abandonment of the existing gully at the proposed site access and installation of new gullies, frames, connections and reinstatement of carriageway at positions either side of the proposed site access at land west of Gravel Pit Farm, Sand Hutton, prior to the commencement of the development hereby permitted.

For each scheme of off-site highway mitigation, except for investigative works, no excavation or other groundworks or the depositing of material on site in connection with the construction of any scheme of off-site highway mitigation or any structure or apparatus which will lie beneath that scheme must take place, until full detailed engineering drawings of all aspects of that scheme including any structures which affect or form part of the scheme have been submitted to and approved in writing by the Local Planning Authority.

An independent Stage 2 Road Safety Audit carried out in accordance with GG119 - Road Safety Audits or any superseding regulations must be included in the submission and the design proposals must be amended in accordance with the recommendations of the submitted Safety Audit prior to the commencement of works on site.

A programme for the delivery of that scheme and its interaction with delivery of the other identified schemes must be submitted to and approved in writing by the Local Planning Authority prior to construction works commencing on site.

Each item of the off-site highway works must be completed in accordance with the approved engineering details and programme.

Reason: To ensure that the design is appropriate in the interests of the safety and convenience of highway users, in accordance with Policy SP20 of the Development Plan.

7. There must be no access or egress by any vehicles between the highway and the application site at Land west of Gravel Pit farm, Sand Hutton, until:
- Full technical details relating to the bridging or culverting of the watercourse at the eastern end of the existing highway surface water pipe outfall up to the existing culvert under the C176 highway at Land west of Gravel Pit Farm, Sand Hutton, have been approved in writing by the Local Planning Authority; and,
 - Amendments to the ditch at the above location have been undertaken in accordance with the details approved in writing by the Local Planning Authority.

Reason: To ensure satisfactory highway drainage in the interests of highway safety and the amenity of the area in accordance with Policy SP20 of the Development Plan.

8. No development for any phase of the development must commence until a Construction Management Plan for that phase has been submitted to and approved in writing by the Local Planning Authority. Construction of the permitted development must be undertaken in accordance with the approved Construction Management Plan.

The Plan must include, but not be limited, to arrangements for the following in respect of each phase of the works:

1. Details of any temporary construction access to the site including measures for removal following completion of construction works;
2. Restriction on the use of any public highway through Sand Hutton village as access for construction purposes;
3. Wheel and chassis underside washing facilities on site to ensure that mud and debris is not spread onto the adjacent public highway;
4. The parking of contractors' site operatives and visitor's vehicles;
5. Areas for storage of plant and materials used in constructing the development clear of the highway;
6. Measures to manage the delivery of materials and plant to the site including routing and timing of deliveries and loading and unloading areas;
7. Details of the routes to be used by HGV construction traffic and highway condition surveys on these routes;
8. Protection of carriageway and footway users at all times during demolition and construction;
9. Protection of contractors working adjacent to the highway;
10. Details of site working hours;
11. Erection and maintenance of hoardings including decorative displays, security fencing and scaffolding on/over the footway & carriageway and facilities for public viewing where appropriate;
12. Means of minimising dust emissions arising from construction activities on the site, including details of all dust suppression measures and the methods to monitor emissions of dust arising from the development;
13. Measures to control and monitor construction noise;

14. An undertaking that there must be no burning of materials on site at any time during construction;
15. Removal of materials from site including a scheme for recycling/disposing of waste resulting from demolition and construction works;
16. Details of the measures to be taken for the protection of trees;
17. Details of external lighting equipment;
18. Details of ditches to be piped during the construction phases;
19. A detailed method statement and programme for the building works; and
20. Contact details for the responsible person (site manager/office) who can be contacted in the event of any issue.

Reason: In the interest of public safety and amenity in accordance with Policy SP20 of the Development Plan.

9. Prior to works of above ground construction, full details of all materials to be used on the exterior of the building and details of all hard landscaping materials shall be submitted to and approved by the Local Planning Authority.

Reason: To ensure a satisfactory appearance and to comply with Policy SP16 of the Development Plan.

10. No works shall take place until a Construction Environment Management Plan (CEMP-Biodiversity) is submitted to and approved in writing by the Local Planning Authority. The CEMP shall include the construction phase mitigation measures recommended in the supporting Preliminary Ecological Appraisal Report and shall be prepared following a re-survey of the site for badger activity, the results of which shall be documented in the CEMP. The approved CEMP shall be adhered to and implemented throughout the construction period in strict adherence with the approved details.

Reason: In the interests of the ecology and biodiversity of the area and to comply with Policy SP14 of the Development Plan.

11. A Landscape and Ecology Management Plan (LEMP) shall be submitted to and be approved in writing by the Local Planning Authority prior to the commencement of the development. The Plan shall provide full details of the ecological mitigation and ecological /landscape enhancement proposals and shall reflect the details/ measures included in the supporting Preliminary Ecological Appraisal; Landscape Masterplan and Bee Mitigation Strategy. The LEMP shall include full details of:

- The landscape features/ habitat to be created and enhanced, including the species, number, size and specification of new tree planting along the boundaries of the site; within the memorial parkland/woodland (initially) and the memorial woodland garden
- Tree species to be planted within the memorial parkland/ woodland over time
- New hedgerow planting along the southern boundary of the site
- Grassland planting/seed mix , bulb planting and all ornamental planting
- The measures that will be employed to manage and maintain all landscape and ecological enhancement measures including an ongoing work schedule, monitoring and remedial measures

All landscape and habitat planting at the site shall be substantially completed prior to the commencement of the use of the development and shall thereafter managed in accordance with the approved details.

Reason: To protect and enhance biodiversity and the delivery of biodiversity net gain in accordance with Policy SP 14 of the Development Plan and in the interests of the landscape setting of the development in accordance with Policy SP13 of the Development Plan.

12. Prior to the installation of any external lighting within the application site, including lighting for site security purposes, full details shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the position, height, angle of lighting, illuminance level and hours of operation and shall be designed in accordance with the Bat Conservation Trust & Institute of Lighting Professionals Guidance Note (2018 or subsequent revisions) and agreed by a professional ecologist prior to submission. All lighting shall be installed and maintained in accordance with the approved details and thereafter no additional lighting shall be installed.

Reason: In the interest of protecting nocturnal landscape character in compliance with Policy SP20 and to protect biodiversity in accordance with Policy SP14 of the Development Plan.

13. No cremator plant shall be installed until details of the specification of the cremator equipment has been submitted to and approved by the Local Planning Authority. The details shall include confirmation of the plant provider that the proposed specification of the cremator plant is designed to achieve the modelled emission rates in the supporting Air Quality Assessment. The approved plant shall thereafter be retained and any future replacement plant shall be provided to an equivalent or improved specification.

Reason: To ensure that emissions will not result in an unacceptable impact on neighbouring land uses in accordance with Policies SP17 and SP20 of the Development Plan.

14. Total annual cremation hours at the facility shall not exceed 3,900 hours per annum and once the cremator plant (approved under condition xx) has been approved, no additional cremators shall be installed to increase the cremation capacity of the facility hereby approved. A record of the number and duration of cremations shall be maintained and made available to the Local Planning Authority on request.

Reason: To ensure that emissions will not result in an unacceptable impact on neighbouring land uses in accordance with Policies SP17 and SP 20 of the Development Plan.

15. Hours use of the site shall be limited in accordance with the following times:

Cremator Operation

Cremations shall not take place outside of the hours 06.00am-22.00pm Monday to Friday

Attended Cremation Services

Attended cremation services shall only take place between the hours of 09:30am – 16.30pm Monday to Friday. There shall be no cremation services on Saturdays, Sundays, Bank and Public Holidays.

Use of the site

The use of outdoor areas of the crematorium for purposes related to the use including visits to the memorial woodland garden and memorial parkland is only permitted between the hours of 09:30am and 16.30pm Monday to Friday, Saturday, Sunday and Bank and Public holidays.

Reason: To protect the amenity of the community and to limit the scope of vehicular movements associated with attended funeral services to that assessed in the Transport Assessment, in accordance with SP20 of the Development Plan.

16. The site shall be developed with separate systems of drainage for foul and surface water on and off site.

Reason: In the interest of satisfactory and sustainable drainage in accordance with Policy SP17 of the Development Plan.

17. No development approved by this permission shall commence until a scheme for the disposal of surface water has been submitted to and approved in writing by the Local Planning Authority.

The approved scheme shall be implemented to the reasonable satisfaction of the Local Planning Authority before the development is brought into use.

The discharge rate from the buildings and car park area shall be no more than 2 litres per second and the discharge rate from the Memorial Woodland and Memorial Parkland shall be no more than 5.2 litres per second.

Reason: To ensure that the development is provided with a satisfactory means of drainage and to reduce the risk of flooding in accordance with Policy SP17 of the Development Plan.

18. No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall, other than the existing local public sewerage, for surface water have been completed in accordance with details submitted to and approved by the Local Planning Authority.

Reason: To ensure that the site is properly drained and in order to prevent overloading, surface water is not discharged to the public sewer network in accordance with Policy SP17 of the Development Plan.

19. The scheme shall include the sustainability, energy efficiency and renewable energy measures recommended in the supporting Energy and Sustainability Strategy and prior to works of above ground construction full details of these measures shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of climate change and to comply with Policy SP18 of the Development Plan.

20. A minimum of four electric vehicle charging points shall be provided at the site and these shall be installed and functioning prior to the development coming into use.

Reason: To facilitate the use of low emission vehicles in accordance with Policy SP17 of the Ryedale Plan.

INFORMATIVES

1. Notwithstanding any valid planning permission for works to amend the existing highway, you are advised that a separate licence will be required from North Yorkshire County Council as the Local Highway Authority in order to allow any works in the existing public highway to be carried out. The 'Specification for Housing and Industrial Estate Roads and Private Street Works' published by North Yorkshire County Council as the Local

Highway Authority, is available to download from the County Council's web site: [https://www.northyorks.gov.uk/sites/default/files/fileroot/Transport%20and%20streets/Roads%2C%20highways%20and%20pavements/Specification for housing and street works 2nd edi.pdf](https://www.northyorks.gov.uk/sites/default/files/fileroot/Transport%20and%20streets/Roads%2C%20highways%20and%20pavements/Specification%20for%20housing%20and%20street%20works%202nd%20edi.pdf).

The Local Highway Authority will also be pleased to provide the detailed constructional specifications referred to in condition xx.

MHi-D Visibility Splays –(MHC-05)

An explanation of the terms used above is available from the Local Highway Authority

MHi-F Delivery of off-site highway works –(MHC07)

Notwithstanding any valid planning permission for works to amend the existing highway, there must be no works in the existing highway until an Agreement under Section 278 of the Highways Act 1980 has been entered into between the Developer and North Yorkshire County Council as the Local Highway Authority. To carry out works within the highway without a formal Agreement in place is an offence.

MHi-G Ditches to be Piped –(MHC-08)

It is recommended that the applicant consult with the Internal Drainage Board, the Environment Agency and/or other drainage body as defined under the Land Drainage Act 1991 (as amended and including all instruments, orders, plans, regulations and directions). Details of the consultations must be included in the submission to the Local Planning Authority. The structure may be subject to the Local Highway Authority's structural approval procedures.

2. Under the Foss (2008) Internal Drainage Board's Byelaws, the written consent of the Board is required prior to any discharge, or any change in the rate of discharge, into any watercourse (directly or indirectly) within the Board's District.

Target Determination Date: 01.02.2021

Case Officer: jill.thompson1@northyorks.gov.uk