

APPLICATION NO	PA/2020/1115
APPLICANT	Infinite Holdings Ltd
DEVELOPMENT	Planning permission to erect a technical (non-service) crematorium facility, including associated works and infrastructure
LOCATION	Plot 26 Bloom Lane, Normanby Enterprise Park, Scunthorpe, DN15 9GE
PARISH	Flixborough
WARD	Burton upon Stather and Winterton
CASE OFFICER	Mark Niland
SUMMARY RECOMMENDATION	Refuse permission
REASONS FOR REFERENCE TO COMMITTEE	Member 'call in' (Cllrs Elaine Marper, Ralph Ogg and Helen Rowson – significant public interest)

POLICIES

National Planning Policy Framework:

Paragraph 38 – Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

Paragraph 47 – Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing.

Paragraph 55 – Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Agreeing conditions early is beneficial to all parties involved in the process and can speed up decision making. Conditions that are required to be discharged before development commences should be avoided, unless there is a clear justification.

Paragraph 170 – Planning policies and decisions should contribute to and enhance the natural and local environment by:

- (a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
- (b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;
- (c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;
- (d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;
- (e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and
- (f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

Paragraph 178 – Planning policies and decisions should ensure that:

- (a) a site is suitable for its proposed use, taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation);
- (b) after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and
- (c) adequate site investigation information, prepared by a competent person, is available to inform these assessments.

Paragraph 187 – Local planning authorities should maintain or have access to a historic environment record. This should contain up-to-date evidence about the historic environment in their area and be used to:

- (a) assess the significance of heritage assets and the contribution they make to their environment; and
- (b) predict the likelihood that currently unidentified heritage assets, particularly sites of historic and archaeological interest, will be discovered in the future.

North Lincolnshire Local Plan: DS1, DS7, DS11, DS14, DS16, LC5

North Lincolnshire Core Strategy: CS1, CS3, CS5, CS6, CS11, CS17, CS19

HELA DPD: SCUE-1

CONSULTATIONS

Highways: No objections subject to conditions.

Environment Agency: No objections subject to conditions relating to contamination.

Archaeology: Initially objected stating that there is insufficient information in the application to conclude that there will be no effects on the heritage assets arising from the proposals. This objection has now been removed following further clarification on the potential impact on heritage assets.

Drainage (Lead Local Flood Authority): No objections subject to conditions relating to the mitigation of surface water.

Network Rail: No objections.

Environmental Protection: No objections subject to conditions on air quality, land contamination and noise

Ecology: The ecologist has stated that the proposal may affect great crested newts, other protected and priority species and an area of diverse habitat structure. Consent can only be given if sufficient evidence is presented that the tests of the European Protected Species (EPS) licensing are met.

PARISH COUNCIL

The parish council...are strongly against the application. There is significant public interest and they would like the application to be called in to committee.

PUBLICITY

The proposal has been advertised by site notice. One objection has been received from Bulten Ltd, an adjacent company, which raises the following concerns:

- The application appears not to address discharge of material to atmosphere generated by the incineration process.
- The application does not appear to identify the height of any plumes being emitted from stacks.
- It is proposed that the site be operated on a 24 hour/7 day basis. What will be the traffic impact in terms of volume and vehicle type?
- The application suggests that waste from the whole of the East Midlands and possibly further afield will be processed on the site. What is the volume to be handled?
- The proximity of the proposed site to our warehouse may bring unwanted contaminants to our products which in turn may be passed on to our clients.
- The location is wholly unsuitable for such an enterprise and other sites must exist within the East Midlands area.

UPDATE

This item was deferred at November's planning committee following receipt of a late consultation response from Ecology. The deferral has allowed the applicant a reasonable amount of time to respond to the ecologist's comments and the planning officer to consider both. Ultimately, as the proposal may affect great crested newts, sufficient evidence should be presented to show that the tests of European Protected Species licensing are met, the assessment of which is within the Ecology section below.

ASSESSMENT

Normanby Enterprise Park is situated to the north of Scunthorpe and comprises land that formed part of the Normanby Park Steel Works which closed down in 1981. The proposal site is located within an allocated Employment Zone SCUE-1 as identified by the Housing and Employment Land Allocations DPD 2016. The proposal is to erect a 'technical crematorium' that deals with incineration but with no associated services. The plot is accessible by using the existing road network serving Normanby Enterprise Park.

The proposed development was formally screened under the EIA Regulations prior to submission of the application and this screening exercise confirmed that the proposal does not constitute EIA development.

The assessment will focus on the following issues:

- **principle of development**
- **environmental issues**
- **land quality**
- **archaeology**
- **highways**
- **drainage**
- **character.**

Principle of development

Policy Allocation SCUE-1 sets out the tests against which any proposal located within the allocation will be judged. It states that land at Normanby Enterprise Park (35.10 hectares) is allocated for employment use. The site will be developed in accordance with the following site-specific criteria:

- The site should be developed for a mix of B1 (Business/Light Industrial), B2 (General Industrial) and B8 (Storage and Distribution) uses.

Policy CS1 of the Core Strategy, which represents the overall spatial strategy for North Lincolnshire, states, 'Opportunities for economic development will be provided within existing established employment locations as well as on additional sites. Focus will be on the town centre and areas to the north of the Scunthorpe urban area around the Normanby Enterprise Park'.

This proposal, which is industrial in its basic nature, is considered to align with both the allocation and the spatial strategy in principle and is therefore considered acceptable.

Environmental issues

Policy DS11 is concerned with polluting activities. It states that planning permission for development, including extensions to existing premises and changes of use, will only be permitted where it can be demonstrated that levels of potentially polluting emissions, including effluent, leachates, smoke, fumes, gases, dust, steam, smell or noise, do not pose a danger by way of toxic release. Policy DS1 is also concerned with the protection of amenity.

Both the council's Environmental Protection Officer (EPO) as well as the Environment Agency (EA) have been consulted. The applicant has submitted stack height calculations in terms of air quality and a noise assessment. The EPO has no objections to the proposal subject to the imposition of conditions. The department is satisfied with the submitted stack height information, in terms of mitigating against air pollutants, and has recommended the imposition of a condition to control the height of flues. Notwithstanding this fact, the operation will require an environmental permit that is regulated by the local authority, which will control emissions to air. Therefore, in air quality terms, this proposal is considered acceptable.

With regard to noise, the EPO is agreeable with the Noise Assessment submitted by NJD Environmental Associates. It is considered that a condition linking the operational noise to that identified by the report is sufficient mitigation. This condition will therefore be attached. The EA comments express concern and mitigation towards managing the risks posed to controlled waters by this development and these are discussed within the land quality section.

It is therefore considered, subject to the aforementioned mitigation, that the proposal would align with policies DS1 and DS11 of the North Lincolnshire Local Plan.

Land quality

Policy DS7 of the North Lincolnshire Local Plan is concerned with contaminated land. It states that permission will only be granted on contaminated sites where a detailed site survey has been submitted, and a suitable scheme of remedial measures has been agreed to overcome any existing contamination.

The applicant has submitted a phase 1 desktop study; however, as mentioned, the site has historically formed part of Normanby Park Steel Works. The EPO states:

'Historically the report identifies the site as open grass fields (OS maps 1885–86). There were no changes to the site until 1948 when a railway embankment is shown crossing the site from east to west. By 1956 a second railway and possible cutting crosses the northern part of the site. By 1966 earthworks are shown in the south-west corner of the site, but unfortunately the northern area is not covered by mapping. By 1978 the southern railway has expanded and is shown to be up to 30 metres wide. An electricity cable now crosses the northern boundary of the site. A sizeable pond and pits are shown to enter the south-west corner of the site. By 1980 an area of potential reworking is shown on the north-west side of the railway embankment. By 2002 the northern railway has been removed and realigned beyond the site boundary. By 2010 the site is shown with a drain marked within the northern boundary.'

Therefore, notwithstanding the submitted desk top survey, the EPO has requested a condition which seeks remediation and verification reports. The EA has been consulted and has stated that controlled waters are particularly sensitive in this location because the proposed development site is located upon a secondary A aquifer. The application's Phase 1 Desk Study report demonstrates that it will be possible to manage the risks posed to controlled waters by this development. Further detailed information will, however, be required before built development is undertaken. They believe that it would place an unreasonable burden on the developer to ask for more detailed information prior to the granting of planning permission but respect that this is a decision for the local planning authority. In light of the above, the proposed development will be acceptable if a planning condition is included requiring the submission of a remediation strategy. This should be carried out by a competent person in line with paragraph 178 of the National Planning Policy Framework (NPPF).

The proposed condition fairly echoes that put forward by the EPO and any permission will therefore be subject to this mitigation. It is considered then that, subject to a full land contamination condition, the proposal at this stage aligns with policy DS7 of the North Lincolnshire Local Plan.

Archaeology

Core Strategy policy CS6 (Historic Environment) states, 'The council will seek to protect, conserve and enhance North Lincolnshire's historic environment as well as the character and setting of area of acknowledged importance, including historic buildings, conservation areas, listed buildings (both statutory and locally listed), registered parks and gardens, scheduled ancient monuments and archaeological remains...' and 'Development proposals should provide archaeological assessments where appropriate.'

Policy HE9 states, 'Where development proposals affect sites of known or suspected archaeological importance, an archaeological assessment, to be submitted prior to the determination of a planning application, will be required. Planning permission will not be granted without adequate assessment of the nature, extent and significance of the remains present and the degree to which the proposed development is likely to affect them.'

Allocation SCUE-1 states that a heritage assessment will be required to demonstrate that the development will have no adverse impact on the historic environment. Particular regard will need to be taken of the impact of any proposals upon those elements which contribute to the significance of the scheduled monument to the west of this allocation and to the moated site which lies within this site. Development proposals should ensure that those elements which contribute to their significance are conserved.

The applicant has submitted a heritage statement in accordance with paragraph 189 of the NPPF and SCUE-1. The archaeologist has been consulted and has withdrawn earlier concerns about the smoke levels from the chimneys adversely affecting the public experience of the moated site. The applicant had confirmed that 'the only possible visible emission is on very cold days when you may see a visible vapour plume (like when you breathe out on a frosty morning) created from the water vapour in the flue gases, but this will be short-lived and typically limited to a few occasions per year subject to winter ambient external temperatures.'

It is therefore considered that the proposal would align with policies CS6, HE9 and Allocation SCUE-1.

Highways

Policy T2 of the North Lincolnshire Local Plan is concerned with access to development and states that all development should be served by a satisfactory access. Policy T19 of the local plan is concerned with parking provision, as well as general safety, and is also considered relevant.

SCUE-1 also states that vehicular access should be from existing distributor roads that serve the wider Enterprise Park. There should be no new accesses directly onto the B1430 Normanby Road. The highway authority may be seeking contributions from developers for improvements to Normanby Road and the Normanby Road/Mannaberg Way roundabout.

The proposal is accompanied by a Transport Statement and the council's sustainable transport officer has stated that, based on the information, they have no comments to make. The applicant has also shown on plan an acceptable access arrangement, as well as ample off-street parking provision. The council's Highways Development Control team have been consulted and have no objection subject to conditions relating to the laying of hard paved areas prior to use. The site is located within an established enterprise park and has good access to the strategic highway network. Therefore, subject to the aforementioned mitigation, the proposal would accord with policies T2 and T19 of the North Lincolnshire Local Plan.

Drainage

Policy CS19 of the Core Strategy is concerned with flooding, whilst policy DS14 of the North Lincolnshire Local Plan is concerned with both surface water and foul drainage; both are relevant. The site is located within flood zone 1 in accordance with the North and North East Lincolnshire SFRA 2011.

SCUE-1 states that a flood risk assessment should be prepared as part of the application process to assess and mitigate the risk of flooding from surface water drainage. Where practical, sustainable urban drainage systems should be incorporated into the development.

The applicant has provided a Flood Risk Assessment and Drainage Strategy, prepared by Anthony Jones, Waterco Ltd. Notwithstanding this, the council's drainage team (LLFA) has requested conditions relating to surface water. They state, '...We are unsure why the proposed outfall has not been surveyed with respect to providing a suitable solution without the need to provide a pumped solution. A pumping station should be the last option. There is a watercourse on the northern boundary that could be utilised as a positive outfall solution. This should be investigated further. There are design issues to be considered and investigated further with respect to the design of the permeable paving system and increasing the size of the existing pond...Notwithstanding the above, the LLFA Drainage Team has no objection to the proposed development (subject to conditions).'

The conditions recommended by the drainage team will provide adequate mitigation in respect of surface water drainage, are considered to meet the tests for conditionality and will be attached to any permission. The proposal is therefore in accordance with policies CS19 and DS14, as well as SCUE-1.

Character and landscaping

Policy CS5 of the North Lincolnshire Core Strategy is also relevant. It states, '...All new development in North Lincolnshire should be well designed and appropriate for their

context. It should contribute to creating a sense of place' and 'Design which is inappropriate to the local area or fails to maximise opportunities for improving the character and quality of the area will not be acceptable.

The applicant has shown on plan that the site would be softened with planting and a pond, as well as a hawthorn hedge. Much of this assimilates the site with the more rural nature to the north and is considered appropriate. The building itself, with flues, will obviously be prominent; however, it is read against the existing buildings located within the Normanby Enterprise Park and is, in any case, within an employment zone allocation. As expected, the building would have an industrial appearance; however, the palette of materials put forward, as well as the colourway, is considered appropriate. The applicant has detailed both the block and elevation plans with planting areas, boundaries and a pond, and these will therefore be secured through the approved plans condition.

Ecology

Policy CS17 is concerned with biodiversity and sets out principles for the management of schemes in order to achieve a net gain for wildlife habitat networks. Policy LC5 of the local plan is concerned with protected species. These are reinforced by paragraph 170 of the NPPF; SCUE-1 also states that an ecology survey will be required.

The applicant initially provided an ecology assessment and has shown on plan methods for increasing biodiversity within the site, including the creation of a pond and the planting of native species. Following the recent consultation response from the council's ecologist, the applicant has submitted a statement and supporting evidence on crematoriums in general. The ecologist has stated:

'At the moment, in the absence of mitigation, short-term impacts of the development include the killing and/or injury of individual great crested newts and common amphibians present, which would result in an offence. Permanent, long-term impacts include the loss of approximately 0.675 hectares of terrestrial habitat through vegetation clearance. There is also potential to cause pollution of nearby aquatic habitats during construction works, all of which may result in an offence and potentially reduce the favourable conservation status of great crested newts in the local area.'

Due to this the local planning authority must consider and record the results of the following tests:

- no satisfactory alternatives
- overriding public interest.

The ecologist then states, '...If you, as the case officer, feel that, for planning reasons, there are overriding economic or social reasons for the proposal, then you will need to provide clear written evidence of this with any committee report or record of decision. Otherwise, there may be difficulty in obtaining an EPS licence...If there is no such evidence, the application should be refused.'

Given that, in this instance, the case officer can only make a recommendation, members must apply this test in their decision-making.

No satisfactory alternatives

The applicant has responded to this test by stating that the principle of the development has already been accepted and that the site is located within an allocation for industrial use. It is therefore likely that, even if the proposed development is not pursued (i.e. the 'do nothing' scenario), then the site will be developed for another alternative purpose, perhaps with a greater built footprint and thus potentially impacting the local great crested newt population to a greater degree. A further updated response states that there is an extant permission on the site. The applicant goes on to state that the proposed development does not require a large site and that other employment allocations within SCUE-1 are larger and not cost-effective for the applicant to purchase. Furthermore, the applicant has stated that the following requirements are necessary:

1. Electricity – Phase 3 power, 1000 amps of supply, 480 kW, 71kVA
2. Gas – pressure of 50 mbar and a flow rate of 1000m³/h
3. Water and drainage – an appropriate amount for their usage.

and,

'In addition to this, the nature of the business model of a technical crematorium requires access to major national road routes for access to other regions in England as well as within the local region itself. There are also many considerations regarding neighbourhood and neighbouring businesses that, while not mandatory, need to be considered due to the nature of the business and the social response to such. It is also important to be cognisant of the number of other crematoria in the catchment area with North Lincolnshire (population over 170,000) being appropriate for an additional crematorium, although as the business model is very different to the traditional crematoria this is less of an issue. Finally, access to an educated source of potential employees to fill technical engineering roles in operating the machine is needed, in addition to the office operations that will accompany the establishment. After many months spent assessing alternative sites in North East Lincolnshire (around Grimsby), Hull and East Riding, among others, the Scunthorpe area, and specifically the Normanby Industrial Park, was the only location that fulfilled every single requirement outlined above.'

The applicant is correct in that the proposal site does form part of an allocation; however, little or no planning weight can be given to the applicant's comments in relation to larger sites being non-cost-effective. Furthermore, no evidence of this extant outline permission has been provided and a search on planning history does not confirm that a building can be sited in this location. Again, it is true that an application for something more intrusive to the great crested newt population could be submitted on the site; however, such an application would need to pass the same test for the EPS licence.

In their planning statement the applicant states:

'However, unlike traditional crematoria, which provide for secular and non-secular ceremonies, often in extensive grounds with ancillary buildings such as chapels, this facility will not receive visiting members of the public/guests (or hearses/funeral corteges). It will be far more compact in nature and the focus will be on the technical process of cremation.'

and,

'It is intended to run 24 hours a day, 7 days a week and serve a large geographic catchment extending from North Lincolnshire into the East Midlands region, and possibly further afield.'

The applicant has not identified why the geographical search for alternative sites is focused on solely within SCUE-1 and, whilst an argument has been made that the site is suitable, an opposing argument is not made as to why others are not suitable. Given that the business seeks to attract 'customers' (Mercury document) from North Lincolnshire as well as the East Midlands, it is expected that the search area for alternative sites should be succinct with their business model or at the very least provide reasoning based upon sustainability principles why every location outside of SCUE-1 is dismissed. It is unlikely that there are no other accessible areas to find an educated source of potential employees to fill technical engineering roles or that the utility requirements (electric/gas/water and drainage) are not available at other sites.

Assessing the submission and justification, it is considered that the applicant has failed to demonstrate that there are no alternative sites that could host the proposed development.

Overriding public interest

The test here is that 'the proposed development must meet a purpose of preserving public health or public safety, or other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment. The applicant has stated on these grounds:

'Taking into account Natural England's Guidance Note (WML-G24) regarding "European Protected Species and the Planning Process", it is considered there are imperative reasons of overriding public interest for the proposed development which includes the following:

- It serves a clear function in respect of providing a necessary service alternative for local people for a low cost. According to the Coop funeral care and research undertaken by Mercury (see attached), the average cost of a funeral with a cremation in the UK in 2019 was over £3,000. This cost generally includes the crematorium's fee, the minister or celebrant's fee, the funeral director's fee and any costs associated with the paperwork or forms needed for a cremation. The UK funeral market is currently subject to an in-depth investigation by the competition regulator over concerns that funerals have become unaffordable for many. The proposed development will therefore offer a much cheaper, direct cremation service (to a wide geographical area) where family members can choose their own way to remember someone at a much lower cost – likely in the region of £600.
- It satisfies the relevant national and local planning policies. The site is lies within an allocated employment zone and the principle of the development of this site has been established via the extant outline consent for B1/B2/B8 development (discussed in more detail in the 'satisfactory alternative' section below).
- The ground that forms the Site and wider Park is brownfield land and forms part of a large regeneration scheme, having been reclaimed from former steelworks/railway siding use.
- The proposal would result in additional jobs, during and post construction, and would make a positive contribution to local economic growth.'

There are clearly public benefits from this type of proposal; however, the applicant has failed to make a case that the 'public interest' overrides the potential impacts upon great

crested newts. Whilst a service such as a crematorium should be accessible to everyone, the applicant has not justified their proposal in that there is a need or a lack of capacity in similar local crematoriums; if there is no demonstrable need for this facility then its weight against potential harm to great crested newts is diminished. Furthermore, whilst the cost of using the facility may appear reasonable, this cannot be controlled by planning. It is therefore considered that, whilst public benefits do exist from such a facility, the applicant has failed to demonstrate why these benefits override the ecological harm.

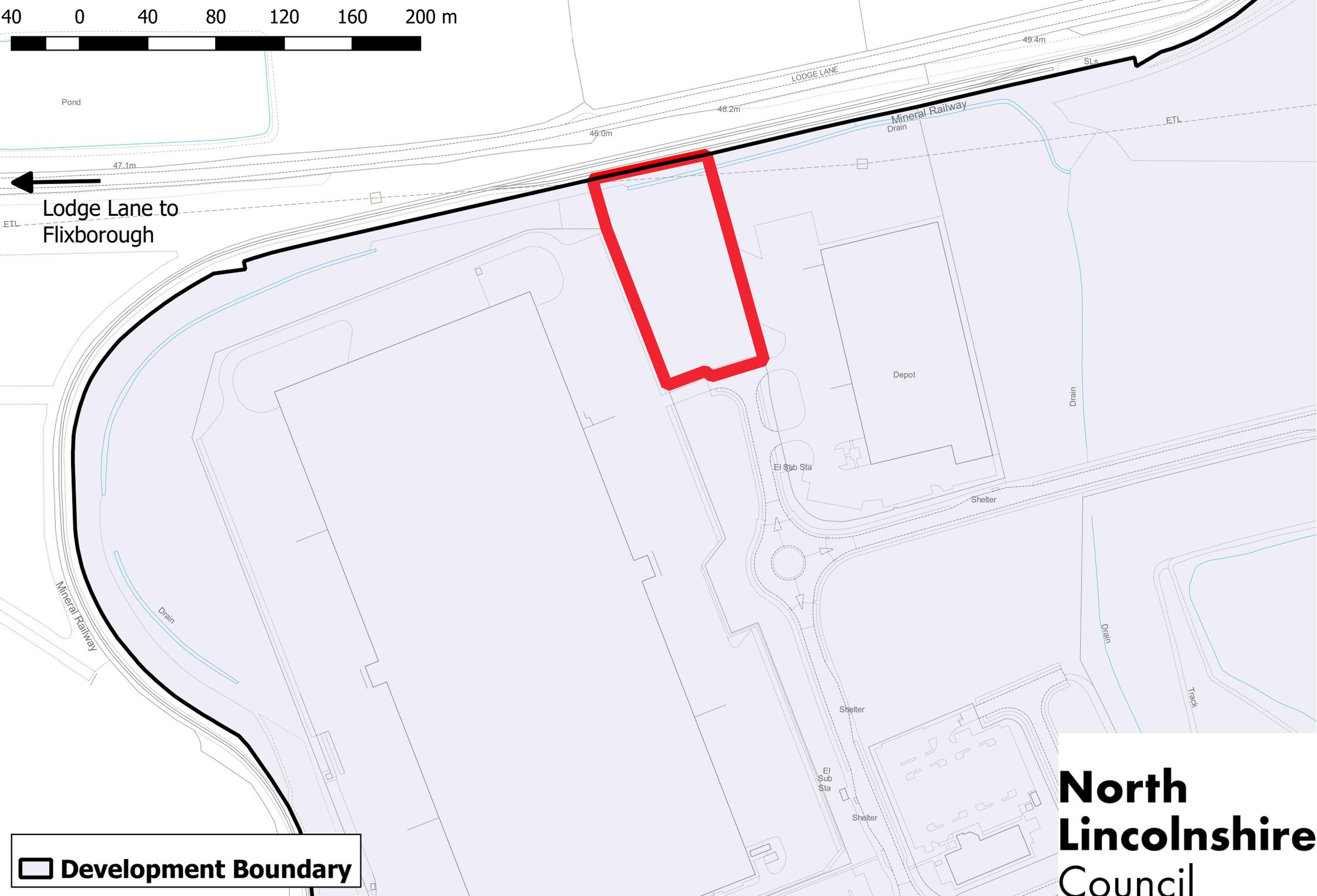
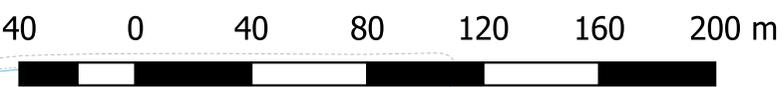
On this basis, it is considered that the proposal fails the tests for EPS and is contrary to policies CS17 of the Core Strategy and LC5 of the North Lincolnshire Local Plan.

Conclusion

The proposal is considered to align with the requirements set out under SCUE-1, as well being acceptable in principle. However, given the likely potential harm to great crested newts, the applicant is required to pass the tests for European Protected Species licensing. These tests are failed for the reasons discussed in this report.

RECOMMENDATION Refuse permission for the following reason:

The applicant has failed to demonstrate that there are no satisfactory alternatives to the proposal site or that there are sufficient overriding economic or social reasons that would outweigh the potential harm to protected species. Insufficient evidence has therefore been presented that the tests of European Protected Species (EPS) licensing would be met. Subsequently, the proposal is considered to be contrary to policy LC5 of the North Lincolnshire Local Plan and paragraph 175 of the National Planning Policy Framework.

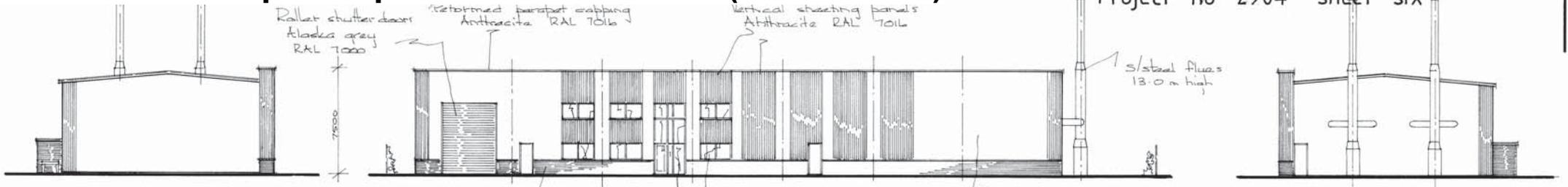


Lodge Lane to Flixborough

Development Boundary

**North
Lincolnshire
Council**

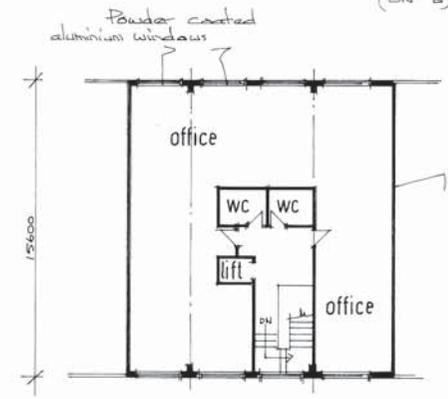
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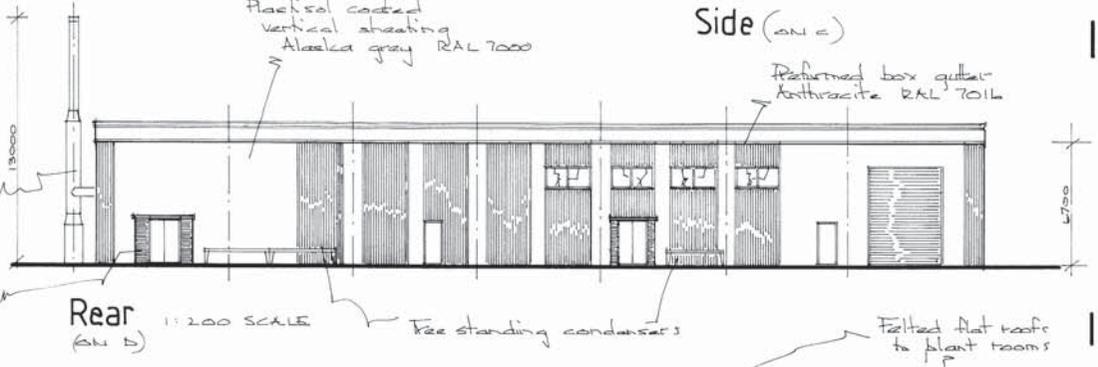
Side (ON A)

Proposed front elevation (ON B)

Side (ON C)



Blue brickwork
Powder coated aluminium framed doors & windows Anthracite RAL 7016

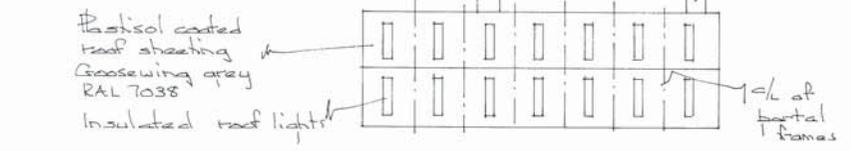


Rear (ON D)

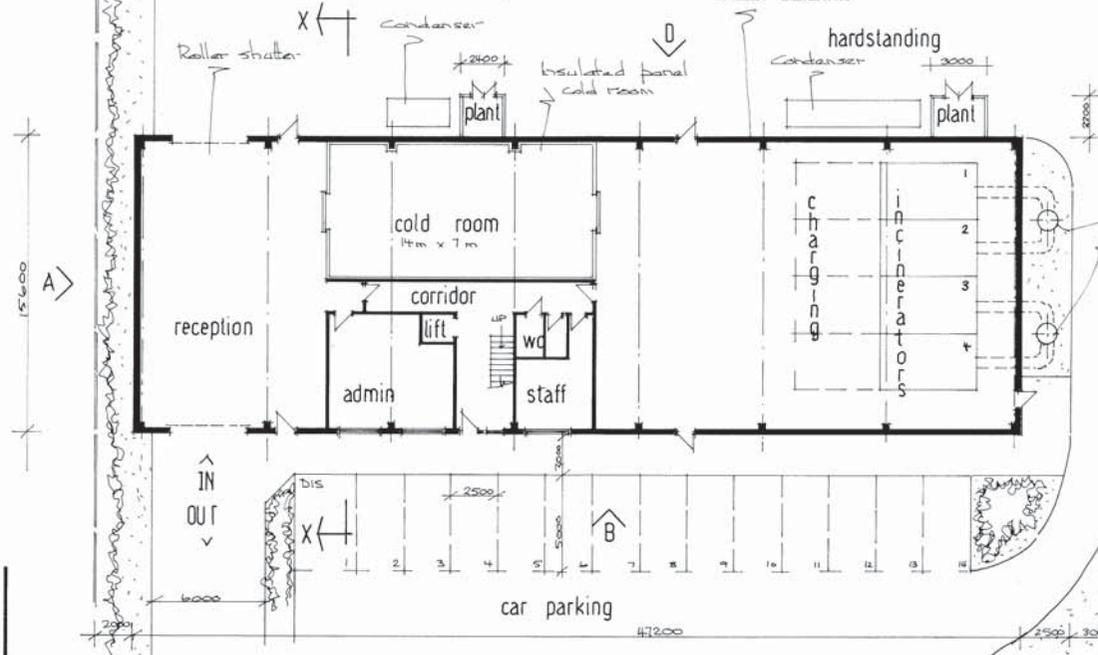
New palisade boundary fence

First floor plan

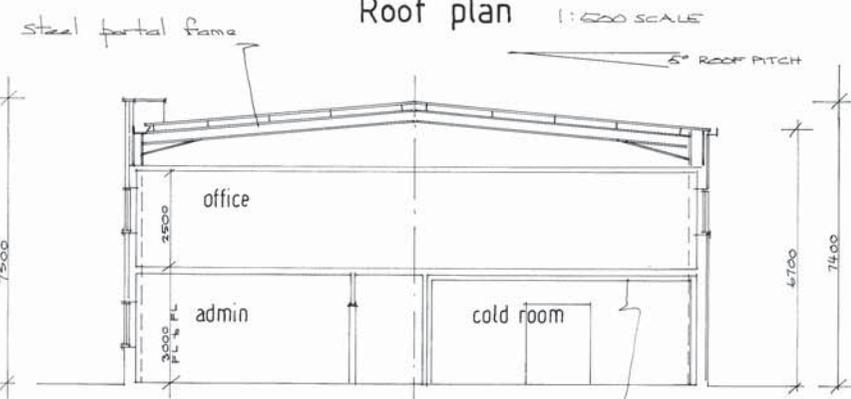
staff cars 20 19 18 17 16



Roof plan 1:500 SCALE



Proposed ground floor plan 1:200 SCALE



Section X-X 1:100 SCALE

PROPOSED PLANS & ELEVATIONS
1:100 1:200 & 1:500 SCALE AT A2 SIZE



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Project: Proposed Crematorium Scale: 1:100 1:200 1:500
Site: Plot 2b Bloom Lane SCUNTHORPE Drg.No. 2904-6