



Appeal Decision

Site visit made on 4 March 2014

by Paul Crysell BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 8 May 2014

Appeal Ref: APP/F2415/A/14/2211858

Land at London Road, Great Glen, Leicestershire LE8 9DJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by the Co-operative Group against the decision of Harborough District Council.
 - The application Ref 13/01523/FUL, dated 8 October 2013, was refused by notice dated 19 December 2013.
 - The development proposed is a crematorium, woodland burial site and cemetery together with associated access and landscaping.
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Decision

1. The appeal is allowed and planning permission is granted for a crematorium, woodland burial site and cemetery together with associated access and landscaping on land at London Road, Great Glen, Leicestershire LE8 9DJ in accordance with the terms of the application, Ref 13/01523/FUL, dated 8 October 2013, subject to the conditions in the schedule attached to this decision.

Procedural Matters and Main Issue

2. I carried out a site visit on 4 March prior to the receipt of the Council's Statement and the appellant's final comments. Having had regard to these I consider a further visit is not necessary. I am also mindful of the substantial numbers of representations advocating the need for a public inquiry, including those made by the MP and the County Councillor for the area. However, the Council's reason for refusing the development refers solely to its effect on the character and appearance of the area which is the main issue in this case. In light of this and the information before me, I am satisfied I can determine the appeal without prejudice to the interests of any party.
3. The Government introduced Planning Practice Guidance (PPG) on 6 March 2014. This replaced previous guidance including that found in a number of circulars, advisory notes and letters. Neither the appellant nor the Council consider the PPG has implications for the appeal although the latter says it reinforces relevant policy content in both the National Planning Policy Framework (NPPF) and the Council's Core Strategy¹ (CS). I have, in any event, taken it into account in reaching my decision.

¹ Harborough District Core Strategy 2006 – 2028, adopted November 2011

Reasons

Principle of development

4. The north-west boundary of the appeal site is about 270 metres south-east of Great Glen which is one of a number of larger settlements designated in policy CS17 of the CS as 'Rural Centres'. These are seen as suitable locations for further growth which will strengthen their role as sustainable rural locations capable of providing services for the local community and their catchment areas. Outside settlement boundaries the intention is that development will be strictly controlled.
5. The need for infrastructure to support new development is set out in policy CS12. This includes the provision of community facilities, such as those required for burials and cremations, providing chosen locations are consistent with the Council's transport (policy CS5) and design policies (policy CS11). There is no suggestion that the policy offers support for facilities that are not required or cannot be justified. Unlike the view expressed by one objector, I am satisfied that the CS provides an adequate basis for determining the appeal.
6. Development plan policy is augmented by the NPPF. This was released after the CS was adopted and explains that a key objective of the planning system is to support sustainable development unless material considerations indicate otherwise (paragraph 11). The recently released PPG provides advice and clarification of the principles behind the NPPF.
7. The appellant has undertaken an assessment which describes the pressure on existing facilities at Leicester and Kettering and highlights the need for cremation and burial services between these urban centres. According to local funeral directors almost all funerals take place more than seven days after death between September and April and at times waiting periods can extend to two weeks or more. During the rest of the year delays are less severe (50 – 70% of funerals taking place within one week). In addition, older crematoria are not able to accommodate larger coffins while the lack of facilities means that those attending services have further to travel.
8. A substantial population (350,000) lives within 30 minutes' drive time of Great Glen of which 160,000 would be closer to the proposed site than to an existing crematorium. Demographic changes indicate the catchment population will rise to 190,000 by 2031 increasing the demand for cremations from 1,051 to 1,234 per annum. Consequently, while there is strong opposition to the proposed scheme it is apparent that many respondents accept additional facilities are required. I agree because the evidence supports the provision of new facilities in this part of the County.
9. The crematorium and cemetery site covers approximately 12.4 hectares and extends from London Road to the A6 which bypasses Great Glen. Great Glen and Burton Overy Parish Councils as well as many objectors believe the location is inappropriate because it is too close to the village. Conversely, the Council says it is unacceptable because it is in open countryside and would contravene policy CS17.
10. I do not consider the policy is fundamentally at odds with national objectives for the rural economy although I agree with the Council that its restrictive

approach is not entirely consistent with the NPPF. In particular, it does not reflect the positive approach advocated in paragraph 28 of the NPPF which supports the sustainable growth of all types of business in rural areas. This is an important consideration when restrictions on the location of crematorium imposed by the Cremation Act 1902 are taken into account. Sites should be at least 200 yards (183 metres) from any dwelling² and at least 50 yards (46m) from a public highway. Finding a suitable site in an urban area would be difficult, especially one as large as that proposed in this case, while a location immediately adjacent to a rural settlement presents similar problems.

11. Advice on the siting and planning of crematoria is set out in guidance published in 1978³. This says sufficient land should be available to enable a crematorium to operate effectively and to provide appropriate facilities. It also refers to the desirability of sites having good views. While not precluding urban sites, I agree with the appellant that it appears to 'steer' crematoriums away from developed areas.
12. My attention has also been drawn to a number of appeal decisions⁴ where inspectors have found the factors involved in the siting of crematoria make rural locations a more likely option. I agree and having regard to the proximity of the site to a sustainable rural settlement, I consider the development to be acceptable in principle but subject to my consideration of other issues.

Character and appearance

13. The land is currently in agricultural use with access obtained from London Road via a tree and hedge-lined avenue leading to the main rectangular part of the appeal site. The field generally falls away from the north-east corner to the south and west and has well-established field boundaries. An internal hedgerow separates the northern and southern parts of the site and would remain as a partition between the formal areas of the cemetery and crematorium and a woodland burial area and wildflower meadow adjacent to the A6. A public footpath along the western boundary connects the village to the area south of the A6 via a footbridge next to the south-west corner of the appeal site.
14. The buildings and most of the parking would be contained in the northern part of the site. The former have a curved footprint and would take advantage of the topography in the north-west corner where the land slopes towards the village. The cremator, chapel, foyer and administrative areas would be in a building 45 metres long and 16 metres wide with a pitched roof 8 metres high. A chimney stack would project one metre above the ridge. A covered way would link it to a smaller building (10 by 14 by 7 metres) containing a waiting area, chapel of remembrance and toilets.
15. The site lies in the High Leicestershire Landscape Character Area (HLCA) as defined in the Council's Landscape Character Assessment⁵ and also within the Great Glen Agricultural Parkland Character Area (GGAP). The HLCA is a

² The Act permits a crematorium to be closer only where the owner, lessee and occupier of the dwelling have given their consent in writing.

³ The Siting and Planning of Crematoria: Department of the Environment – Ref LG1/232/36, 1978

⁴ See, for example, APP/D0840/A/09/2098108; APP/W1715/A/08/2070547; APP/A0665/A/12/2186911; APP/M1005/A/12/2188880.

⁵ Harborough District Landscape Character Assessment, September 2007

landscape which is reasonably sensitive to change although Great Glen is one of the locations towards the western edge of the Character Area which is considered to be capable of accommodating some development. Gently rolling farmland is a typical feature of both Character Areas although at lower levels the landscape of the GGAP is more enclosed and includes areas of parkland, such as the area forming the grounds of Stoneygate School next to the appeal site.

16. Replacing farmland with buildings, parking and circulatory paths would change the character of the site giving it a more formal appearance. This is acknowledged in the appellant's Landscape and Visual Appraisal Impact Assessment (LVAI) which also recognises that construction work would have a greater effect on the GGAP because of the smaller scale of its landscape features although few of these components would be lost. The visual impact of these changes is crucial in my opinion to the acceptability of the scheme especially as the site is not contiguous with Great Glen. Consequently there is a danger, identified by the Council, that the proposal could be perceived as an unacceptable extension of the village into the countryside.
17. This point is also made in a submission on behalf of Stoneygate School which argues that the north-western side of the settlement is closer to the urban fringe unlike the appeal site on the opposite side of the village. While factually correct I do not consider this means that development must take place closer to the urban edge. In my view, development proposals should be assessed in the context of Great Glen's role as an identified 'Rural Centre'. Consequently I cannot accept the premise that the site is an unsustainable location in view of its proximity to a settlement which is expected to accommodate further development.
18. Despite its proximity to the village both the topography and hedgerows ensure the site cannot be seen from Great Glen. Instead views are mostly limited to short distance glimpses through gaps in hedgerows from the school grounds to the east or fleeting views for those passing the site on the A6. Furthermore, a substantial part of the site would remain undeveloped restricting its impact both locally and from limited points in the wider landscape, most notably to the south of the A6. Structural planting, woodland areas and hedgerow enhancement would also contribute to the increasing containment of the area although I accept it would be some years before a new hedgerow would mature sufficiently to mask the cemetery and buildings from those using the public footpath.
19. The buildings would be positioned to avoid the highest part of the site but the Council believes their curved but linear form would result in a largely unbroken elevation of linked buildings and walls which would be intrusive and at odds with its rural setting. Remembrance gardens, other more formal garden areas and extensive parking would add to the incongruous nature of the development which would be visible to users of the public footpath. As a result it says the proposal is contrary to the design objectives in the NPPF⁶ and policy CS11 of the CS which emphasises the importance of design in contributing to local distinctiveness.
20. These and other concerns are echoed by those promoting a different site. Nevertheless, I do not consider the scale of building would be excessive in

⁶ Paragraphs 56,58,60 & 61.

relation to the size of the site. I accept the linking walls would add to its formal appearance but this would be limited to the northern part of the site and would not be inconsistent with the nature of the use. In addition, the buildings and walls would help to separate and define the different parts of the cemetery while respecting the topographical character of the site.

21. Reference has also been made to policy CS8 (Protecting and Enhancing Green Infrastructure) which the Council maintains has relevance even though it was not included in the reason for refusal. The policy has wide-ranging objectives to deliver environmental and recreational improvements by providing and maintaining green spaces and the linkages between them. I do not consider the development would conflict with these aims because it would not interfere with the role of the footpath in linking different parts of the countryside. In this respect the impact of the crematorium and cemetery would be little different to that of the A6 bypass immediately to the south of the appeal site.
22. Drawing these points together, I find that the proposal would not extend the built and visual envelopes of Great Glen as is claimed. The site would remain separated by fields on its western edge from the village and would be well screened by the topography and boundary vegetation. Its containment would reduce the impact of its more formal appearance while much of the area would retain its open aspect. Consequently, I do not consider the development would adversely affect the character and appearance of the area contrary to the provisions of relevant policies of the CS or the NPPF to which I have referred.

Other matters

23. It has been suggested that alternative locations including other land in the appellant's ownership would be better choices than the site at Great Glen. A crematorium at Countesthorpe some 9 kms west of Great Glen is the subject of another appeal⁷ and a further possible site at Welford Road, Kilby, about 6 kms to the south west of the appeal site is being marketed by the County Council. The scale of building works at Countesthorpe would be more modest because there is an existing cemetery next to the proposed site.
24. However, I am required to determine the proposal before me and I am not convinced the arguments for rejecting the development at Great Glen outweigh those in favour of the scheme. I have little or no information about most of the other sites although I accept it is unlikely that more than one crematorium would be required to meet needs in this part of Leicestershire. Nevertheless, in the absence of an agreed approach between authorities for the delivery of facilities of this type, I consider the market should determine which site or sites come forward.
25. For its part, the Council acknowledges the scheme would have no adverse impacts on flooding, archaeology, ecological interests or transport although some or all of these are issues have been identified by others including the MP, county councillor, parish councils and residents.
26. Highway issues are of concern to many because it is intended that up to 1,500 cremations and over 200 burials will take place each year. The amount of traffic expected to be generated by the development has been modelled as

⁷ Countesthorpe Appeal Ref: APP/T2405/A/13/2210523

part of a transport assessment using data from the appellant's existing crematorium in Shropshire. Regard has been had of traffic movements to Stoneygate School as well as the effect of maximum service sizes during morning and afternoon peak periods. The proposed hours of operation mean that services are unlikely to exacerbate traffic flows at critical times while the appellant has indicated that larger services would be timed to avoid peak periods.

27. It would be possible to reach the crematorium/cemetery by public transport but it is likely that most people will come by car. Nevertheless the traffic analysis shows the crematorium/cemetery access on London Road and the junction between the A6 and Station Road will operate within capacity so that any impact on the highway network would be minimal. The necessary visibility splays can be provided within the highway boundary and the Highway Authority confirms the network is more than capable of coping, even for large events when any excess pressure on parking spaces could be absorbed on internal roads. It therefore has no basis for objecting to the development on highway grounds, subject to the imposition of appropriate conditions.
28. The Environment Agency is satisfied the development would not give rise to drainage and flooding issues and the County Archaeologist has concluded that further investigative work is not necessary. The County Ecologist has reviewed the appellant's reports on protected species and confirms the proposal would not have an unacceptable impact on wildlife including badgers where setts have been found. Great Crested Newts⁸ are present in two ponds near the centre of the site but would not be directly affected by the development. Nevertheless a 50 metre buffer will be provided to maintain sufficient territorial and breeding habitat while the appellant intends to create further ponds as part of a landscape scheme. It seems to me that proposals for woodland and wildflower areas would also support a wider range of habitats than currently exist.
29. Crematoriums require an environment permit in order to operate which would ensure mercury and other emissions met acceptable standards, a matter of concern to many residents. The appellant's Air Quality Assessment concludes that emissions from the cremator and vehicle exhausts would be negligible although it advocates mitigation measures are put in place to minimise the possibility of dust emissions during construction. The Council's Environmental Health Department accepts that air quality will not be adversely affected and raises no objection providing conditions are put in place to control piling and lighting. In addition, paragraph 122 of the NPPF says that local planning authorities should assume the control of processes or emissions which are subject to approval under pollution control regimes will operate effectively.
30. The crematorium is expected to provide five jobs initially which could increase to ten. However, many objectors believe the proposal could undermine the viability of Stoneygate School and have unwelcomed psychological consequences for pupils because of its proximity to the school. Both the proprietor and headteacher regard the choice of site as insensitive and an inappropriate location for a use which could have unacceptable traffic

implications, lead to more pollution and give rise to potential long term effects because of emissions from the site.

31. The closest part of the site is 140m from the school buildings but while the grounds are reasonably well screened by existing hedgerows it would be impossible to ensure pupils did not on occasions see funeral corteges. Equally, it would be difficult to prevent noise from children participating in outdoor activities from affecting the tranquillity of the cemetery. Even so, these are not factors which I regard as reasons for refusing the proposal. Proposed bunding, hedgerow planting and other landscape works would help to limit intervisibility between adjacent uses and there is no evidence to indicate the presence of the crematorium and cemetery would affect demand for school places.
32. I have also had regard to other points which have been raised. These include the loss of good quality agricultural land, restrictions preventing some faith groups from using the facility and the appellant's use of the term 'woodland burial'. The latter has been raised by the Association of Natural Burial Grounds and the Natural Death Centre charity but this is not a factor which is relevant to the planning merits of the case. An assessment has shown this is not the best or most versatile agricultural land and the appellant has confirmed that the facility is intended to cater for those of different faiths.

Conditions

33. I have considered the conditions suggested by the Council having regard to the model conditions in Appendix A of Circular 11/95⁹. Those covering materials and landscaping are required to control the appearance of the development and others relating to the access, visibility splays, roads, footpaths, parking and associated matters are necessary to ensure highway safety and the provision of essential facilities on the site. Conditions are also needed to control light pollution, piling, air quality and water quality to protect the interests of those living in the area.
34. Conditions are necessary to safeguard wildlife interests both during and after the construction period while filters are needed to avoid the contamination of water systems. A condition is required to ensure the development has appropriate drainage facilities and I have also included a condition identifying relevant plans for the avoidance of doubt.
35. The appellant's transport assessment refers to a small number of funerals taking place on Saturday mornings during summer months. The Council's proposed condition on the hours of operation would prevent this. I consider it is not unreasonable to avoid services at the weekend when more people are at home.

Conclusions

36. Despite its rural setting I am satisfied the proposal is acceptable and would comply with the policy requirements of the development plan and the objectives of the NPPF in supporting sustainable development. In coming to this conclusion I have taken into account the locational constraints imposed by existing legislation and the characteristics of the site. I have also had

⁹ Circular 11/95 *The Use of Planning Conditions in Planning Permissions*, was cancelled on 6 March 2014 with the exception of Appendix A

regard to the need for the facilities and the benefits in reducing delays before funerals can take place and the distance those attending services have to travel. I find that the development would not be an unduly intrusive feature in the countryside or constitute an unacceptable extension to Great Glen nor am I persuaded that the scale and form of the buildings would be so damaging to warrant dismissing the appeal. For the reasons given above and having regard to all other matters, I allow the appeal.

P R Crysell

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans 120108 (D) 100 Rev B; 120108 (D) 101 A; 120108 (D) 102 A; 120108 (D) 103 A; 120108 (D) 104 A; 120108 (D) 105 A; 120108 (D) 106 A; 10120108 (D) 107 A; 20108 (D) 108 A and ITM7270-GA-015.
- 3) No development shall take place until a schedule of the materials to be used in the construction of the external surfaces of the development hereby permitted has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) No development shall take place until a scheme of hard and soft landscaping has been submitted to and approved in writing by the local planning authority, the details of which shall include:
 - a) a plan showing all existing trees and hedgerows on the land;
 - b) details of trees and hedgerows to be retained together with measures for their protection in the course of development;
 - c) proposed hard landscaping including hard surfacing materials and boundary treatments;
 - d) finished levels and contours including bunding;
 - e) planting sizes, species and densities for proposed soft landscaping (suitable evergreen species should be included to provide winter screening);
 - f) minor artefacts and structures (e.g. furniture, refuse and other storage units, signs etc);
 - g) a programme of implementation.

The development shall be carried out in accordance with the approved details and retained in perpetuity.
- 5) No development shall take place until a landscape and biodiversity management plan has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented and managed strictly in accordance with the approved management plan.
- 6) The development shall not be brought into use until details of any external lighting including type, position and luminance levels has been submitted to and approved in writing by the local planning authority. Any lighting scheme shall be installed strictly in accordance with the approved details.
- 7) The development shall be carried out strictly in accordance with the recommendations of the Ecological Surveys (Middlemarch) and the submitted Air Quality Assessment.
- 8) Cremation/funeral services shall only operate between the hours of 09:30 to 16:00 hours Monday to Friday and shall be scheduled to a frequency not greater than 1 service per hour.

- 9) Prior to the commencement of any piling, a method statement shall be submitted to the local planning authority and approved in writing. Piling shall be carried out strictly in accordance with the approved details.
- 10) Prior to the commencement of the development, details of a pedestrian access to the site from the public footpath C32 shall be submitted to the local planning authority and approved in writing. The development shall be implemented and maintained in accordance with the approved details.
- 11) Access gates or any other means of securing the site entrance should be set back a minimum of 5 metres behind the highway boundary and hung to open inwards only and the gradient of this initial length of access road should not exceed 1:12.
- 12) Before first use of the development hereby permitted, the vehicular access to the site shall be provided with 6 metre control radii on both sides of the access.
- 13) Before first use of the development hereby permitted, the vehicular access to the site shall be widened to an effective minimum of 6 metres over a minimum distance of at least 7 metres behind the highway boundary. Once provided the access shall thereafter be so maintained in perpetuity (if the access is bounded immediately on one side by a wall, fence or other structure an additional 0.5 metres will be required on that side. If it is so bounded on both sides, additional 0.5 metre strips will be required on both sides).
- 14) Before first use of the development hereby permitted, visibility splays of 2.4 metres by 170 metres shall be provided at the junction of the access with London Road. These shall be in accordance with the standards contained in the current County Council Design Guide and shall thereafter be permanently so maintained. Nothing shall be allowed to grow above a height of 0.6 metres above ground level within the visibility splays.
- 15) Before first use of the development hereby permitted, a footway shall be completed to the satisfaction of the local planning authority from the vehicular access to the site in a westerly direction for a minimum distance of 5 metres. Tactile crossing points shall then be provided to each side of the road, details of which shall be submitted for approval prior to the development commencing.
- 16) No development shall take place until a construction traffic/site management plan, including wheel cleansing facilities and vehicle parking facilities and a timetable for their provision, has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 17) Before the development hereby permitted is first used, off street car parking provision shall be provided in accordance with the submitted details. The parking area shall be surfaced, marked out prior to the development being brought into use and shall be so maintained at all times.
- 18) Before the development hereby permitted is first used, cycle parking provision shall be made in accordance with details to be submitted to and agreed in writing by the local planning authority. Once provided these shall be maintained and kept available for use in perpetuity.

19) All burials in the cemetery shall be:

- A minimum of 50 metres from a potable groundwater supply source;
- A minimum of 30 metres from a watercourse or spring;
- A minimum of 10 metres distance from field drains.

There must be no burial into standing water and the base of the grave must be above the local water table.

20) The development hereby permitted shall not be commenced until such time as a scheme to install oil and petrol separators has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented as approved.

21) No development shall take place until a plan for the protection and/or mitigation of damage to the ponds on site, both during construction works and once the development is complete and including management responsibilities, has been submitted to and approved in writing by the local planning authority.

22) Before the development hereby permitted is first used drainage shall be provided within the site such that surface water does not drain into the public highway and thereafter shall be so maintained.

23) No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 1:100 year climate change critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall be implemented in accordance with the approved details before the development is brought into use. The scheme to be submitted shall demonstrate:

- Details of how the scheme shall be maintained and managed after completion;
- How sustainable drainage techniques or SUDS are incorporated into the design;
- Details to show the outflow from the site is limited to the maximum allowable rate, i.e. greenfield site run-off;
- Design details of the proposed balancing pond, including cross sections and plans.

The surface water drainage system must deal with the surface water run-off from the site up to the critical 1% Annual Probability of Flooding (or 1 in a 100 year flood) event, including an allowance for climate change (i.e. for the lifetime of the development). Drainage calculations must be included to demonstrate this (e.g. Microdrainage or similar sewer modelling package calculations which include the necessary attenuation volume).