
Appeal by the Co-operative Group against the refusal of Harborough District Council for the erection of a crematorium, woodland burial site and cemetery together with associated access and landscaping.

Land off London Road, Great Glen, Leicestershire

January 2014
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1. Introduction

1.1 This appeal is made against the refusal of planning permission by Harborough District Council (the Council) for the erection of a crematorium, woodland burial site and cemetery together with associated access and landscaping. The application was submitted by the Co-operative Group (TCG) on 9 October 2013 and was presented by Officer’s to the Council’s Planning Committee with a recommendation for approval, subject to the imposition of 23 conditions. A copy of the planning committee report is included at Appendix 1.

1.2 Despite the positive recommendation, the application was refused by the Planning Committee on 17 December 2013 for the following reason;

*The proposal lies outside of the defined limits to development of Great Glen in open countryside and by virtue of its design, scale and location will have a detrimental effect on the character and appearance of the area failing to respect the intrinsic character and beauty of the countryside. The proposal is therefore contrary to CS11 and CS17 and the Framework and no material considerations outweigh this conflict.*

1.3 A copy of the decision notice is included at Appendix 2.

1.4 This statement represents TCG’s full statement of case as required by the 2013 Regulations and presents clear arguments to support the case for approving the proposal as it represents sustainable development. We also conclude that the Development Plan is silent on the issue of siting Crematorium and that policy CS17 is inconsistent with the Framework. The proposals should therefore be approved without delay, in accordance with paragraph 14 of the NPPF as there are no adverse impacts arising so significant or demonstrable that are not outweighed by the clear benefits the proposal generates.

1.5 The following documents were submitted with the planning application and are to be considered as part of the appeal;

- Drawing: Existing Location Plan 120108 (D) 100
- Drawing: Proposed Location Plan 120108 (D) 101
- Drawing: Existing Site Plan 120108 (D) 102
- Drawing: Proposed Site Plan 120108 (D) 103
- Drawing: Proposed Ground Floor Plan 120108 (D) 104
- Drawing: Proposed Roof Plan 120108 (D) 105
- Drawing: Proposed Elevations Sheet 1 of 2 120108 (D) 106
- Drawing: Proposed Elevations Sheet 2 of 2 120108 (D) 107
- Drawing: Proposed Material Elevations 120108 (D) 108

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1 The Town and Country Planning (Appeals) (Written Representations Procedure and Advertisements) (England) Regulations 2013
• Drawing: Site Access
• Air Quality Assessment
• Archaeological Assessment
• Badger Survey
• Design and Access Statement
• Drainage Strategy
• Extended Phase 1 Habitat Survey
• Flood Risk Assessment
• Great Crested Newt Survey and Strategy
• Ground Investigation Factual Report
• Landscape and Visual Impact Assessment
• Landscaping Strategy
• Noise Assessment
• Phase 1 Geo-Environmental Desk Study
• Planning Statement
• Statement of Community Involvement
• Transport Assessment
• Utilities Statement
2. Site Description

2.1 The appeal site comprises approximately 12 hectares of agricultural land located between the A6 Leicester Road and London Road, approximately 500m south-east of Great Glen in Leicestershire. The site is surrounded by open land but is well screened with heavy mature wooded boundaries, and forms part of what is known locally as the Stoughton Estate.

2.2 Access to the site is via an informal gated entrance point from London Road at the northern boundary, which leads onto an enclosed tree lined avenue which will be upgraded as part of the development proposals. London Road provides access to bus stops, residential dwellings, and local facilities within the village. Stoneygate Primary School is located approximately 220 metres to the east of the existing informal gated access into site on London Road.

2.3 The A6 Leicester Road forms the Great Glen by-pass and provides a direct route to Leicester City Centre and Market Harborough, as well as other surrounding towns and villages such as Oadby and Wigston.

2.4 Orchard Lane is an existing residential road running southwards from London Road within the centre of Great Glen. The lane serves a number of residential properties and is gated at its southern end. An existing public footpath runs from the southern end of Orchard Lane, eastwards towards the proposed crematorium site and then along the western boundary of the site and across the A6. An additional path runs along the northern boundary of the site, although this route is not part of the public rights of way network. No public vehicular access is available from Orchard Lane to the proposed appeal site.
3. Description of Development

3.1 The appeal proposals comprise a crematorium with an associated cemetery and woodland burial site. The crematorium building will have a gross external area of 795 sq.m, and will be located to the north of the application site. The crematorium will accommodate a vestibule and waiting area, chapel and chapel exit lobby, administration areas (comprising a reception area, interview room, office, minister’s room and a store), facility areas including the crematory, transfer chamber, cleaners store and ash store, and visitor/staff toilets. The facility would seek to provide between 1,000-1,500 cremations and over 200 burials per annum.

3.2 The traditional cemetery will be located to the western side of the site and the woodland burial site to the south. Existing hedge lines will be retained and enhanced within the site and a 50m wildlife zone will be provided around the existing pond. The scheme will also introduce a number of planted earth bunds to further screen the site. A memorial garden will also be located adjacent to the crematorium building. The development proposals are shown on the submitted scheme drawings.

3.3 As stated above, access to the site will be via an existing entrance from London Road. Drawing ITM7270 – GA015 in Appendix B of the submitted Transport Assessment shows how the access will be upgraded as part of the development. The access road will be widened to 5.5m with a 2m footway to provide a safe route into the site for pedestrians. A short section of footway will be created to the west of the access, together with tactile paving to provide an uncontrolled pedestrian crossing to access the existing footway along the northern side of London Road.

3.4 Within the site two separate routes will be provided for funeral cortege vehicles and for the mourners and other vehicles, to ensure an appropriate degree of separation for the cortege and to minimise conflicts between vehicles and to ensure the car park can operate efficiently.

3.5 A public footpath currently crosses the site, which links to Orchard Lane to the west of the site. As part of the development this route will be retained and enhanced providing access to the proposed development and the surrounding countryside, whilst respecting the sensitive nature of the site.

3.6 The site will accommodate a total of 115 car parking spaces. The use of the car parking area will be carefully monitored by the Co-operative Group to ensure that the area operates as efficiently as possible.

3.7 The circulation arrangement has been designed to ensure that the potential of two funeral parties meeting is minimised. The layout of the proposal seeks to ensure that the circulation and access routes in and around the building prevent funeral parties from meeting on their way to/from services. The funeral services will be allocated a period of one-hour, as opposed to the typical 30-minutes at other facilities, therefore minimising the car parking demands at the site. A small number of disabled parking spaces will also be provided close to the burial facilities, as well as parking for maintenance vehicles.
3.8 This facility will address an acknowledged shortfall within the area. The closest existing crematoriums are located in Leicester, Kettering, Nuneaton, Coventry, Peterborough and Northampton and as such the local population often have to travel long distances to access existing facilities.

3.9 The provision of a new crematorium, cemetery and woodland burial facility within Great Glen will provide a more convenient service for people living within Harborough District and adjacent areas, therefore reducing the overall need to travel long distances and reduce the waiting time for families to access these facilities.
4. Policy Appraisal

4.1 The Council’s reason for refusal is limited to indentifying conflict with policies CS 11 and CS17 of the Adopted Harborough Core Strategy (2011) and ‘The Framework’. Copies of these policies are included at Appendix 3 and 4. This section of the statement is therefore restricted to an appraisal of these policies and the weight to be attached to them.

Development Plan

4.2 The Council’s reason for refusal cites conflict with Policy CS 11: Promoting Design and Built Heritage. This policy seeks to achieve the highest standard of design in new developments, in recognition of the importance of new design and the District’s built heritage. This policy is predominantly concerned with protecting the built and historic environment however there are parts of the policy that relate to safeguarding the rural environment from inappropriate development.

4.3 The wording of the refusal reason is clear that the design quality of the buildings proposed is not at issue. The proposal is sited within the open countryside and the reason states that ‘by virtue of its design, scale and location’ the proposal impacts the character and appearance of the countryside only. As such only certain parts of this policy are relevant to the determination of the appeal as follows:

- CS11 (b)
- CS11 (cii)
- CS11 (ciii)
- CS11 (cv)

4.4 Policy CS 17: Countryside, Rural Centres and Rural Villages states that ‘Beyond Market Harborough, Lutterworth, Broughton Astley and Leicester PUA, development over the plan period will be focussed on Billesdon, Fleckney, Great Glen, Husbands Bosworth, Kibworth and Ullesthorpe’ (our emphasis added).

The policy goes onto explain that ‘Outside these rural settlements, new development in the Countryside and other settlements not identified as selected rural villages will be strictly controlled’, and that ‘Only development required for the purposes of agriculture, woodland management, sport and recreation, local food initiatives, support visits to the District and renewable energy production will be appropriate in the Countryside subject to compliance with other relevant policies’.

4.5 The site lies within the open countryside and as such Policy CS17 is correctly considered. However as a consequence of the widely accepted locational requirements of crematoria and burial grounds (as identified later in this statement) and the restrictions imposed by the Cremation Act of 1902, it is inappropriate to apply Policy CS17 strictly to the appeal proposals; particularly considering its inconsistency with the Framework.
Paragraph 215 of the NPPF identifies that ‘…following this 12-month period, due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to policies in the Framework, the greater the weight that may be given.’

Policy CS17 is intended to ‘strictly control’ development within the countryside but fails to include any form of planning balance as advocated by the Framework. Case law confirms that the Framework requires a judgement is made as to whether any adverse impact identified would be outweighed by the scheme’s benefits. Policies that are intended simply to control development, without this required balance are inconsistent with the NPPF.

Policy CS17 does not include any such balance and is very far removed from the cost/benefit approach within the NPPF. In the Colman case, one policy at issue was an open countryside protection policy. The judgment held that “The policies as such do not permit any countervailing economic or similar benefit to be weighed in the scales.”

In conclusion, Policy CS17 is inconsistent with the Framework and limited weight should be attached to it accordingly.

National Planning Policy Framework

The reason for refusal claims the proposal is contrary to ‘the Framework’, albeit fails to identify which specific section. The drafting of the reason includes the wording ‘failing to respect the intrinsic character and beauty of the countryside’ and it is therefore assumed that paragraph 17 is the section they refer to.

Paragraph 17 sets out 12 core planning principles which must underpin both plan making and decision taking. This states that planning should;

‘Take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it;’

The NPPF at paragraphs 6 and 14, state that policies in the Framework should be considered as ‘a whole’ and furthermore that the definition of ‘sustainable development’ and what this means for the planning system in England is included at paragraphs 18-219. This will be considered further in the subsequent section of the statement.

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2 March 2013
3 Coleman v SoS CLG (2013) EWHC 1138, See Appendix 5
4 Policy ENV 1: Development in the Countryside, North Devon Local Plan 2006
5 Ibid 3 para 22
Other Considerations

4.13 Although not cited explicitly within the Council’s reason for refusal, the Adopted Core Strategy is underpinned by the Harborough District Landscape Character Assessment. This was produced in 2007 and is intended to be used for ‘development control activities’. The planning application was supported by a Landscape and Visual Impact Appraisal which considered the findings of the Council’s assessment in informing the development proposals. In isolation and as an evidence base document is considered to carry limited weight, however it gathers more weight when read in association with Policy CS 11 and CS 17 of the Development Plan.
5. Planning Considerations

5.1 The planning application the subject of this appeal was received as a valid planning application by Harborough District Council on 9 October 2013 following a lengthy period of community consultation and engagement with local authority officers. This resulted in a recommendation for approval from planning officers and no objection received from statutory consultees.

5.2 The application was supported by a comprehensive suite of planning and environmental assessments including a Landscape and Visual Impact Appraisal that assessed the impact of the development upon the open countryside. Despite this, members of the Council’s Planning Committee refused the development on 17 December 2013.

5.3 The reason for refusal was restricted to the impact of the proposed development upon the countryside, that there was conflict with development plan policies intending to safeguard the character and appearance of the countryside and finally that there are no ‘material considerations’ to outweigh this conflict. This section of the statement is therefore broken down as follows;

- Planning policy analysis
- Locational requirement
- Character and Appearance
- Need for the development and overall planning balance

Planning Policy Analysis

5.4 Policy CS 11 insofar as it is applicable to development in rural areas is largely consistent with the NPPF and therefore carries weight in the determination of this appeal. Policy CS 17 carries limited weight due to its inconsistency with the NPPF and is therefore out of date. The development plan is also silent on the need for or siting of crematoria. Where policies of the development plan are out dated or silent, paragraph 14 of the Framework provides that planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits. The policies in the NPPF should be given decisive weight in the determination of the appeal.

5.5 The NPPF is referenced in the Council’s reason for refusal indirectly citing conflict with one of the core planning principles, namely ‘recognising the intrinsic character and beauty of the countryside’. It is not appropriate to pick off one small part of the Framework in this way, particularly as the stipulation is that the planning system should ‘recognise’ the character of the countryside and not ‘prevent development at all costs’. More importantly, the Framework is explicit that it should be read and used in decision making ‘as a whole’.

5.6 Paragraph 28 of the NPPF states that ‘planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive
approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should:

- support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well-designed new buildings;
- promote the development and diversification of agricultural and other land-based rural businesses; and
- promote the retention and development of local services and community facilities in villages, such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship.

Locational requirement

5.7 Recent appeal decisions have confirmed that crematorium, particularly when accompanied by burial space require large sites that are not readily available in urban locations; particularly given the requirements of the Cremation Act (1902) which prevent a crematorium being sited within 200 yards of the nearest residential property.

5.8 In granting planning permission for a similar facility in Cheshire, the Planning Inspector noted that;

‘The constraints arising from the particular requirements of a crematorium are also acknowledged, and I agree that it would be more difficult to find a suitable site within or immediately on the edge of a built-up area.’

‘The need to find a site for a crematorium in grounds of sufficient size to provide suitable garden areas for the disposal of ashes and reflection, in addition to parking space, indicates that a rural location may often be appropriate. Although policies in the Local Plan encourage most forms of new development within and at the edge of the built-up areas, the Plan must be read as a whole, and, subject to policy tests, including those relating to need and sustainability, a crematorium may be appropriate in the open countryside’.

‘Having regard to the various relevant policies, and bearing in mind the requirements of legislation and national guidance concerning crematoria, I conclude that the proposed development is capable of being acceptable in principle in the countryside’.

5.9 A further crematorium proposal sited within the open countryside was allowed at appeal in July 2013. This proposal is sited within the countryside and distanced from nearby settlements. However, in this case the Inspector concluded that the proposals were in accordance with the development plan as the relevant open countryside policy included the ability to demonstrate that the development could

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6 APP/A0665/A/12/2186911- see Appendix 6
7 APP/M1005/A/12/2188880- see Appendix 7
not be located within an existing settlement. The appellant successfully demonstrated the facility could not be satisfactorily located within an urban area.

5.10 An analysis of the most recently developed crematoria shows that most or all of these have been developed in countryside locations. These locations, together with dates of opening and operator, are set out below:

- March (Fenland), Cambridgeshire, PE15 0YJ (August 2010, Dignity);
- Nacton (Seven Hills), Suffolk, IP10 0DQ (November 2010, Independent);
- Camborne (Treswithian Downs), Cornwall, TR14 0BL (December 2010, Westerleigh);
- Mendip, Somerset, BA5 3RR (March 2011, Dignity);
- Whimple, Devon, EX5 2PT (April 2011, Independent);
- Barry, Vale of Glamorgan, CF62 9PX (October 2011, Memoria);
- Melrose, Scottish Borders, TD6 9HA (December 2011, Westerleigh);
- Wyre Forest, Worcestershire, DY13 8DE (December 2011, Dignity);

5.11 These locations are illustrated in a set of maps at Appendix 3 of the Planning Statement at Appendix 8 of this statement. This is a high level illustration, but is useful in terms of showing the types of location which typically support developments of this nature.

5.12 In addition to this, the proposals represent economic growth in a rural location that will immediately generate 5 new jobs, rising to 10 new jobs by the third year of operation. Paragraph 8 of the appeal decision in Cheshire discussed above, confirms that crematoria are appropriate in the countryside and can provide a valuable local service to the community:

‘...many crematoria are operated by local authorities, and although the Appellant in this case is a private company, the crematorium would nevertheless provide a service for the communities in this part of Cheshire... I consider need later, but, subject to this test, a crematorium may be acceptable in the open countryside... Moreover paragraph 28 of the National Planning Policy Framework makes it clear that the sustainable growth and expansion of all types of business should be supported in rural areas, and whilst a core principle is to recognise the intrinsic character and beauty of the countryside, this provision does not distinguish between rural settlements and the open countryside’.

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*Policy EN 1 Amber Valley Local Plan 2006*
5.13 From this we can conclude that the application proposal accords with paragraph 28 of the Framework and that the test, ‘recognising the intrinsic character and beauty of the countryside’ does not explicitly restrict development in the open countryside in the way that the Council’s reason for refusal would indicate.

5.14 In summary on this issue the development proposals demand an open countryside location in order to accommodate the required site area, to satisfy the needs of the Cremation Act of 1902 and as identified later in this section, more specifically to best fill the identified gap between existing facilities in Leicester and Kettering.

5.15 In order to assess this identified locational requirement in policy terms it is necessary to consider whether the need for an open countryside location would give rise to significant or demonstrable adverse impacts that are not outweighed by the scheme’s benefits.

Character and Appearance

5.16 As previously discussed, Policy CS 17 is out of date as a result of its inconsistency with the Framework. For completeness however, this section of the statement considers the impact of the development upon the open countryside in the context of Policy CS 17 in order to conclude that the proposals fulfil the requirements of paragraph 14 of the Framework. The impact of the development on the open countryside was thoroughly assessed in the Landscape and Visual Impact Appraisal (LVIA) that accompanied the planning application. This is included at Appendix 9 of this statement.

5.17 Policy CS 17 identifies that development outside Rural Centres and Selected Rural Villages will be strictly controlled in order that the integrity of the landscape character and settlement pattern is protected. Whilst the appeal proposals fall outside the list of developments accepted in the countryside under this policy, part C identifies how rural development will be assessed in terms of character and appearance.

c) Rural development will be located and designed in a way that is sensitive to its landscape setting, retaining and, where possible, enhancing the distinctive qualities of the landscape character area in which it is situated. Key characteristics have been identified for the District’s five landscape character areas (High Leicestershire, Laughton Hills, Welland Valley, Upper Soar and Lutterworth Lowlands). All development in these areas will contribute to:

i) Protecting and, where possible, enhancing the character and quality of the landscape in which it would be situated;
ii) Conserving and, where possible, enhancing local landscape and settlement distinctiveness;
iii) Protecting and, where possible, enhancing local character through appropriate design and management which is sensitive to the landscape setting;
iv) Avoiding the loss of features and habitats of landscape, historic, wildlife or geological importance, whether of national or local significance;
v) Safeguarding important views and landmarks;
vii) Protecting the landscape setting of individual settlements;
vii) Restoring, or providing mitigation proportionate in scale for damaged features/landscapes in poor condition; and
viii) Improving the green infrastructure network including increased opportunities for public access to the countryside and open space assets.

5.18 In terms of Policy CS 11, the following sections of the policy are relevant to development in the rural environment (as highlighted);

b) All development should respect the context in which it is taking place and respond to the unique characteristics of the individual site and the wider local environment beyond the site’s boundaries to ensure that it is integrated as far as possible into the existing built form of the District. New development should be directed away from undeveloped areas of land which are important to the form and character of a settlement or locality.

c) Development should be well planned to:

i) Incorporate safe and inclusive design, suitable for all to access;
ii) Make the most of local built and natural assets;
iii) Be of a scale, density and design that would not cause damage to the qualities, character and amenity of the areas in which they are situated;
iv) Ensure that the amenities of existing and future neighbouring occupiers are safeguarded;
v) Reflect the landscape or streetscape in which it is situated and include an appropriate landscaping scheme where needed;
vi) Enable adaptation, allowing for mixed uses with the potential to change use where appropriate;
vii) Enable adaptation, ensuring suitability for today’s users and capability for alteration to suit users in a future changing climate;
viii) Where appropriate, encourage travel by a variety of modes of transport;
ix) Minimise waste and encourage re-use and recycling wherever possible.

5.19 Whilst the site is located in the open countryside it does not lie within a wholly rural setting. It is situated close to Great Glen, and is flanked on its eastern boundary by the Stoneygate School and grounds. To the south, the boundary is defined by the A6, a notable urbanising element within both the site’s immediate and the local landscape’s setting. In addition to the matter of geographic proximity, the site and its context is also visually influenced by the edge of the settlement.

5.20 The site sits within the High Leicestershire Landscape Character Area (LCA) and the Great Glen Agricultural Parkland Character Area (CA).

5.21 High Leicestershire, in the proximity of the site is characterised by the mixed land uses of the gently sloping ridge areas overlain with regularly shaped fields, thorn hedges with trees, and field ponds, with influences from the north-south powerlines and the A6 corridor. The Great Glen Agricultural Parkland CA also notes similar characteristics and influences, along with the addition of areas with parkland character.
5.22 Existing historic hedgerows, mature woodland and tree belts will be retained as part of the development proposals and incorporated into the overall layout. The retention of such features will help assimilate the scheme with limited effects on landscape character and visual amenity.

5.23 The character of the site itself will change permanently from rural to urban, although it has some influence as existing from the urban edge of Great Glen and the A6 corridor. The majority of the features associated with the site lie along the field boundaries, and as such remain largely unaffected by the proposals within the Site.

5.24 As identified above, the scheme would not contribute to the loss of structure of the landscape typical of these parts of High Leicestershire. Proposals would also not result in a greater sense of visual exposure or intervisibility within the LCA, a stated impediment to development in this LCA. With the identification of towns to the west of the LCA such as Great Glen as having greater capacity for “other development”, the site provides a logical location for the scheme.

5.25 Construction effects on the Great Glen Agricultural Parkland are potentially greater than those observed within Harborough DC High Leicestershire LCA as a whole due to its smaller scale, however, the benefits brought to the site through woodland planting, structural planting and hedgerow reinforcements result in greater effects, of a negligible to slight beneficial nature at year 15 once planting has established / matured.

5.26 There are likely to be some residual effects on the landscape character, as the existing arable farmland would be replaced with a building, car park and woodland. However, due the enclosed nature of the site, any significant adverse effects on landscape character are assessed as being restricted to the site and its immediate environs only.

5.27 Due to the nature of the proposals, it is considered that no significant indirect effects will occur on any character area beyond the site’s immediate vicinity. There is also very limited intervisibility with adjoining LCAs and CAs, minimising impact upon the setting of these character areas.

5.28 Visibility is generally well contained, as vegetation, roadside trees and woodland screen the Site beyond the immediate vicinity to the north and the east round to the south east. The screening effects of existing woodland belts, field boundary hedgerows in combination with the proposed structural planting and trees will ensure that significantly affected visual receptors are likely to be limited primarily to users of the Public Right of Way which passes through the Site. The introduction of these elements could enhance the views for receptors within the south of the Site and to the south-west where the A6 influences views.

5.29 The introduction of the tree planting to create the woodland burial area is not considered detrimental to the landscape character due to the adjacent mature parkland in the adjacent Stoneygate School grounds, and the recognised well wooded appearance of the local landscape. Indeed there is potential to enhance the existing character of the area through the planting of appropriate, native species.

5.30 The landscape framework was based upon the existing structure of the site, which is wholly governed by existing vegetated boundaries; both internal and peripheral.
Additional planting, including enhancement and reinforcement boundary and hedgerow planting is guided by these existing site characteristics.

5.31 The woodland burial area reflects the well-established parkland character of the immediately adjacent Stoneygate School site. Of the 12.4 hectare proposal site, the informally planted woodland burial area occupies over a third of the total site area.

5.32 The LVIA and submitted Design and Access Statement demonstrates that the proposals have been designed to be sensitive to the prevailing landscape character and whilst the character of the site will changed as a result of the proposals, they offer the opportunity to enhance the quality of the landscape in which it is situated. The proposal will;

- Be discrete and well screened from the surrounding countryside, and includes a high quality landscaping scheme which will improve the character and attractiveness of the area.
- Not have a negative impact on the local landscape, and will be sympathetically integrated into the site with careful landscaping and exemplary architectural design.
- Not lead to the loss of features and habitats of landscape, historic, wildlife or geological importance.
- Have no impact on any important views or landmarks.
- Have no discernible effect on the landscape setting of Great Glen.
- Preserve the existing green infrastructure network, including opportunities for public access to the countryside and open space assets.

5.34 Therefore, even if it is accepted that Policy CS17 is not out of date and carries weight in the determination of this appeal, this statement and the accompanying LVIA demonstrate that the impact upon the character and appearance of the countryside is not adverse.

Need for the development

5.35 A full assessment of the quantative and qualitative need for greater crematorium provision in the area is provided in the Planning Statement that accompanied the planning application. This is included at Appendix 4.

5.36 In summary, the case presented in terms of qualitative need identifies that that there are significant levels of demand at neighbouring crematoria, in particular the two closest facilities of Leicester and Kettering. At both facilities it is common to have to wait for two weeks between death and funeral (as against an industry ‘rule of thumb’ of a maximum of one week). This is a major qualitative issue, and has been identified in other applications for new facilities as a key indicator of qualitative need.
The four other issues discussed are also important indicators of qualitative need: the need to improve provision for the population of over 25,000 who are currently in excess of 30 minutes drivetime from a crematorium; the limited capacity of chapels at Leicester and Kettering; the poor standard and cramped nature of facilities at Leicester, and the need for facilities for the cremation of coffins over 85cm wide. Taken together, these elements amount to a compelling qualitative need for the proposed crematorium at Great Glen.

In terms of quantitative need, there is an acknowledged shortfall in crematorium provision within the area. The closest existing crematoriums are located in Leicester, Kettering and Nuneaton; and Great Glen provides the best opportunity for filling this gap in provision, being roughly equidistant in travel time from Leicester crematorium and Kettering crematorium.

A new crematorium in, for example, Market Harborough, or on the southern edge of the Leicester urban area, would serve this gap in provision less well, as such a development would be close in drivetime to existing provision (Market Harborough is only 17 minutes’ drive from Kettering Crematorium, and the southern edge of Leicester is a similar distance from the Leicester Crematorium). The Great Glen location therefore offers the best opportunity for providing crematorium facilities for a currently under-served area, and for minimising the need for residents of Harborough to travel outside the Borough.

The qualitative and quantitative needs assessment that accompanied the planning application has demonstrated that there is both a qualitative and quantitative need for greater crematorium provision in the area, and that the proposed development at Great Glen is well placed to meet this need. The proposed development would provide an attractive, modern facility, meet needs that are currently unmet at existing facilities (particularly in respect of accommodating large funerals and large coffins) and, most importantly, address the issue of the two week wait between death and funeral that the bereaved in Leicestershire currently typically face.

The development could be expected to carry out over 1,000 funerals per year, rising to over 1,200 in the future as the demand for funerals across the county increases.

The proposed development at Great Glen would therefore meet both qualitative and quantitative needs for greater crematorium provision in the area. This weighs heavily in favour of the application proposals and in the overall planning balance.
6. Conclusion

6.1 The adopted Harborough Core Strategy identifies a shortfall in the provision of burial facilities in the District, and the emerging Local Plan seeks to introduce a policy specifically promoting new facilities for burial and cremation. This correlates with our own needs assessment, which identifies a clear quantitative and qualitative requirement for a new crematorium in this location. The appeal proposals will therefore help to address this deficiency in line with the objectives and policies of the adopted Core Strategy and emerging new Local Plan.

6.2 The 1902 Cremation Act imposes a firm restriction on the siting of crematoria which limits the scope to accommodate these facilities in urban areas. This is a principle that has been accepted at numerous appeals, and accordingly these facilities are typically found in locations such as that proposed to the south of Great Glen.

6.3 The NPPF provides no specific guidance on the development of crematoria and burial facilities. However, the appeal statement and the accompanying planning application material have demonstrated that the application scheme is a sustainable form of development which accords with the Framework when read as a whole and having particular regard to its paragraph 28.

6.4 The adopted Harborough Core Strategy identifies a particular shortfall in cemetery and burial ground provision in this part of the District, and includes policies CS8 and CS12 aimed at securing new provision to help address this deficiency, although it is silent on the specific issue of the location of such facilities in the countryside. Importantly, the scoping document for the emerging new Local Plan proposes a new policy which explicitly seeks to enhance cremation and burial facility provision in the District. The appeal proposals therefore accord with the emerging development plan.

6.5 In light of all the above factors, the planning balance is clearly weighted in favour of the application scheme. The proposed crematorium, cemetery and woodland burial facility at the Great Glen site is in accordance with the NPPF and the adopted development plan taken as a whole, and should therefore be approved without delay, in accordance with the third bullet point of paragraph 14 of the NPPF.

6.6 We also conclude that in important respects the development plan is silent and relevant policies are out of date and that permission should also therefore be granted in line with the terms of the fourth bullet point of paragraph 14 of the NPPF. There are no adverse impacts arising from the development that would outweigh the clear benefits that the proposal generates.
7. Proposed Conditions

7.1 The Council’s planning officers prepared a list of conditions to support their planning committee report which recommended that the development should be approved. The committee report is included as Appendix 10.

7.2 With the exception of Condition 8 we are in agreement with the proposed conditions. This is currently drafted as follows;

*Cremation/funeral services shall only operate between the hours of 09:30 – 16:00 Mondays to Fridays and shall be scheduled at least 1 hour apart.*

7.3 Condition 8 is not agreed as it poses unnecessary operational restrictions upon TCG. This prevents services taking place on Saturdays and fails to acknowledge that although the last service of the day may take place at 16:00, patrons will not depart the site until sometime after this. The wording is therefore not sufficiently precise.

7.4 This condition fails to meet the 6 tests as set out in Paragraph 206 of the NPPF and should be removed.