



## Appeal Decision

Hearing Held on 2 April 2019

Site visit made on 2 April 2019

**by Claire Searson MSc PGDip BSc (Hons) MRTPI IHBC**

an Inspector appointed by the Secretary of State

Decision date: 4<sup>th</sup> June 2019

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**Appeal Ref: APP/H0520/W/18/3197401**

**Land North of Wyton Piggery Cottage, Sawtry Way, Kings Ripton**

- 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 Mr Alan Lathbury (Dignity) against the decision of Huntingdonshire District Council.
  - The application Ref 17/00969/FUL, dated 27 April 2017, was refused by notice dated 21 December 2017.
  - The development proposed is the construction of a new crematorium with associated car parking, memorial gardens, access road, access and landscaping.
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### Decision

1. The appeal is allowed and planning permission is granted for the construction of a new crematorium with associated car parking, memorial gardens, access road, access and landscaping at Land North of Wyton Piggery Cottage, Sawtry Way, Kings Ripton in accordance with the terms of the application, Ref 17/00969/FUL, dated 27 April 2017, subject to the attached schedule of conditions.

### Application for Costs

2. At the Hearing an application for costs was made by Mr Alan Lathbury (Dignity) against Huntingdonshire District Council. This application is the subject of a separate Decision.

### Procedural Matters

3. The site address was changed from the address given in the original application form. At the Hearing it was established that parties had agreed this change for precision and that consultation of the original proposals was undertaken using the amended address. I have therefore referenced the updated address in my decision.

### Main Issues

4. The main issues are whether the site is a suitable location for the proposed development having particular regard to:
  - (a) the character and appearance of the countryside; and,
  - (b) the accessibility of the site.

## **Legislative and Planning Policy Context**

5. At the time of the Council's decision and the Hearing, the development plan for the area included the saved policies of the Huntingdonshire Local Plan 1995 and the Huntingdonshire Core Strategy 2009.
6. The Draft Huntingdonshire Local Plan 2036 (LP) had also been examined and main modifications have been consulted upon at the time of the Hearing. Parties agreed at the Hearing that significant weight should be given to Policies LP11, LP13 and LP17, as referenced in the decision notice. The plan was subsequently adopted on 15<sup>th</sup> May 2019 and the plans as referenced above are now superseded. The main parties were given an opportunity to comment on this change. I have therefore taken my decision against the policies in the newly adopted LP as the development plan for the area.
7. The National Planning Policy Framework (the Framework) was updated on the 24<sup>th</sup> July 2018 and then again on the 19<sup>th</sup> February 2019. At the Hearing parties established the correct paragraphs of the revised Framework to be applied.
8. My attention has also been drawn to the Cremations Act 1902, which provides, amongst other things, that no crematorium shall be constructed nearer to any dwelling house than 200 yards (around 183m), nor within fifty yards (around 43m) of any public highway.
9. *The Siting and Planning of Crematoria* published by the former Department of Environment (DoE) in 1978 remains extant, although it does not form planning policy or guidance. This sets out a number of principles for crematoria site selection. Similarly the *Recommendations on the Establishment of Crematoria* published by the Federation of Burial and Cremation Authorities (FBCA) in 2007 also provides guidance on planning and siting of crematoria. While of some age, these documents are relevant to my determination of the application proposals as material considerations.

## **Reasons**

### *Character and Appearance*

10. The appeal site is approximately 4.75 hectares in size which forms around half of an open undulating arable field. It is roughly rectangular in shape, bounded by mature hedgerows and trees and shallow drainage ditches to its north, south and western boundaries.
11. The site is accessed from Sawtry Way (the B1090), via a separate open arable field. To the east of the site is the remainder of the field and a laboratory site. The RAF Wyton site is located beyond, around 1km away from the site. To the north and west is the village of Kings Ripton, part of which is designated as a Conservation Area and comprises predominantly of residential dwellings with the Grade II\* listed Church of St Peter at its core. There are caravan parks at Manor Farm and Glebe Farm. A public footpath leads from Kings Ripton, close to Manor Farm caravan park, running along a track from Glebe Farm and then along Sawtry Way past the southern edge of the site, leading towards the RAF site.
12. The appeal site is located in the countryside outside of any settlement and forms part of the Central Claylands landscape. This is described in the

Huntingdonshire Landscape and Townscape Assessment (2007) as gently undulating farmland, with large scale field patterns and an open landscape character. It notes that this area also includes relatively large scale developments, including airfields, transport corridors and extensions to the main towns, including Huntingdon. This document identifies management issues including the protection of existing hedgerows and planting of new blocks of woodland and hedgerows to give structure to the landscape and to screen intrusive structures.

13. The appeal proposals comprise of a single storey crematorium building which would accommodate a chapel, a cremator and administrative space. It would have an oval form with an elliptical flat roof which overhangs the main entrance to create a porte cochere. There would also be a small elliptical satellite building comprising of a waiting room area and toilet facilities. The building would be positioned on elevated land within the site.
14. Materials would include zinc edged roof with red cedar soffits, flint and rendered walls and frameless glazed fenestration. The crematorium building would have a zinc clad chimney which as depicted on the submitted plans would be 6.35m in height.
15. Externally there would be a storage compound area and pond to the arrival area. Car parking would be provided for 110 cars in a semi-circular area of hardstanding, with tree-planting, leading to separate arrivals and departures areas. Wider landscaping would comprise of supplementary planting to the existing site boundaries, along with new circular belts of planting and radial footpaths, alongside amenity grassland and wildflower meadows.
16. The appellant submitted a Landscape and Visual Impact Assessment (LIVA) as part of the original application which assesses the proposed effects upon the local landscape of the development, taking into account landscaping and mitigation proposals. In general terms, the LIVA finds that the proposed development would result in a low magnitude of landscape change to the medium sensitivity Central Claylands LCA at both Year 1 and Year 10 as it would represent the addition of new features of limited characterising influence and would be a noticeable change affecting small areas of landscape character. The LIVA concluded that these changes would be neutral in nature overall and of slight significance for this medium sensitivity landscape.
17. It specifically details that views from Sawtry Way would be filtered by the set back from the road and by the mass of proposed woodland and that the vegetation would be perceived as a new woodland block, with an increase enclosure of views. In terms of views from Kings Ripton, the LIVA suggests that these would be largely oblique from residential properties on the south-eastern side of Kings Ripton and would be enclosed or filtered by the vegetation resulting in no direct views of the entire site at year 1, and substantial enclosure by year 10. The additional screening of views of the RAF site and laboratories are also cited. A number of biodiversity enhancements are also noted.
18. The Council obtained their own independent expert view on the development proposals undertaken by the Michelle Bolger Expert Landscape Consultancy (MBLEC). The report states that the harm would be limited overall and would occur primarily as a result of the development of a greenfield site in a rural location. It also notes that the overall impacts have been reduced by the

separation from Sawtry Way, the existing enclosure from boundary vegetation, the design of the building and the proposed planting and that is it not recommended that the Council refuse or defend the application on landscape and visual grounds.

19. It was made clear at the Hearing that the Council's concerns relate to the effects of the development as experienced from Kings Ripton and Sawtry Way. These concerns were echoed by local residents at the Hearing.
20. The landscape has no formal designations. In recognition of the legislation and the FoE and FBCA guidance, it is a matter of common ground between parties that a new crematorium would require a countryside location within the District. There is also no dispute from the appellant that the loss of open land at the appeal site would have an effect in landscape and visual terms as a natural consequence of the introduction of a new building into the countryside, but that the changes would be neutral overall.
21. In light of this, I agree with the MBLEC report that the assessment of harm which could arise from the proposed development is therefore dependent upon how the development responds to local landscape character and features.
22. Based upon my own observations from my site visit, although the rural surroundings to Kings Ripton are clearly appreciated by the local residents and Members, I do not consider that the appeal site exhibits any particular special landscape characteristics or sensitivities which would dictate its preservation over and above any other rural site.
23. In general terms, the introduction of a further large-scale development would be consistent with the occurrence of large-scale non-agricultural buildings and structure within the Central Claylands LCA. The design of the development, to which no objection was raised, through its low height, its palette of materials and its architectural detailing would represent a sensitive addition to the landscape.
24. The proposed mitigation and landscaping as part of the scheme is extensive and would provide for the bolstering of the existing hedgerows, as well as providing a coherent and cohesive scheme within the site to provide tranquillity for the users of the crematorium. This would also provide wider landscape mitigation through screening of the building and carparking as well as providing biodiversity enhancements. This would be consistent with the management objectives of the LCA in respect of the creation of new blocks of native woodland and hedgerows in order to provide a stronger sense of structure to the landscape, and to screen structures. In landscape terms, I thus agree with the LIVA that the effect would be neutral.
25. There would be visual effects which would be experienced particularly from users of the public footpath, as well as residents along Ramsey Road and visitors to the Manor Farm Campsite. In this regard, the development would represent a discernible visual change as the development would be perceptible, but that in itself would not cause harm.
26. In particular, views from Kings Ripton would be obtained in the context of the laboratory and the RAF site and the landscaping would help to screen the crematorium building and car park as well as having the extra effect of softening these wider developments.

27. In terms of Sawtry Way, the loss of hedgerow to create the access would be visible and due to the topography of the site, road users would be aware of the presence of the development, particularly early on in the development. However, as the landscaping scheme becomes more established, views would be more filtered and the woodland block effect as described above would be appreciable here. While the building would be located within an elevated position based upon the topography of the site, the mitigation and the low height of the building and its design would mitigate any effects in terms of its positioning.
28. Local concern was also raised about the chimney stack as a tall feature which would draw attention to the building in the landscape and act as a major feature in the landscape. There is also a discrepancy in terms of the stack height as illustrated on the plans at 6.35m high and as may be required under environmental legislation at 7m high. However, I note that the LIVA assessed up to a height of 7m. Based on the topography of the site and the proposed tree planting, its prominence in views even up to 7m in height, particularly from Kings Ripton, would be diminished.
29. It is inevitable that any built development on an open field will have an effect upon the landscape character and there would be visual effects. However, in light of the character of the LCA including the presence of other large scale developments in the area, the topography of the site, the design, positioning and detailed landscaping proposals, and biodiversity enhancements I find that there would be no harm to the rural character and appearance as the development would be effectively and successfully integrated into the landscape.
30. In terms of planning policy, the development plan makes no specific reference within its policies to crematorium development. Policy LP11 within the LP restricts development in the countryside, recognising its character and beauty. It does, however, state that other proposals in the countryside will be expected to demonstrate clear sustainability benefits which will depend on the use or uses proposed and how the proposal complies with applicable policies on the DLP and the Framework.
31. The Framework seeks to support a prosperous rural economy through the sustainable growth and expansion of all types of business in rural areas (paragraph 83). Development proposals should be visually attractive as a result of good architecture, layout and appropriate and effective landscaping as well as being sympathetic to the landscape setting. I am also mindful that crematorium developments do require a countryside location. Based on my above assessment, I find no conflict with LP Policy LP11 and the Framework in this regard.
32. On this matter I therefore conclude that there would be no harm to the character and appearance of the area, in accordance with LP Policy LP11 and the Framework.

### *Accessibility*

33. In addition to requirements for crematoria developments to be located at a distance from built up areas, one of the principles of the DoE 1978 guidance is that the site is accessible to public transport as well as making provision for access and parking for cars. LP Policy LP13 promotes accessibility and the

integration of land-uses and transport and Policy LP17 requires that development maximises opportunities for sustainable transport modes, connectivity and ease of access for all users, including those with impaired mobility and the provision of safe and convenient pedestrian and cycle routes. The Framework also promotes sustainable transport through limiting the need to travel and offering a genuine choice of transport modes, including facilitating access to public transport and addressing the needs of people with disabilities and reduced mobility for all modes of transport (paragraphs 103 and 110). The glossary of the Framework also provides a definition of sustainable transport modes.

34. The proposed crematorium would primarily serve the residents within Huntingdonshire area. At present there are no other crematoria operating in the District and therefore there is a need for Huntingdonshire residents to travel to nearby crematoria in Peterborough, Fenland, Cambridge, Bedford, Nene Valley and Kettering. These are located between 27-58km away from the appeal site with travel times as calculated by the appellant from the appeal site being between 23-51mins (normal speed) or 38-85mins away (Cortege speed). This is demonstrable of a significant need to travel some distance to these facilities.
35. The appeal site is poorly served by public transport, and there is no bus stop in proximity to the site. Sawtry Way does not have a pavement to provide safe access by foot, nor would the provision of footpaths be practicable given the distance of the site from settlements. The development proposals would provide for 110 car parking spaces within the site and as such it is expected that there would be a heavy reliance on journeys made by private car.
36. There was much discussion at the Hearing by the appellant in terms of the nature of crematorium use in that visits are usually pre-arranged and typically would involve onward travel to a venue for a wake which does not always fit in with public transport, even if this was available. However, opportunities in terms of offering a genuine choice of transport modes (whether or not they are taken up) as required by the Framework are clearly very limited at this site.
37. It is unfortunate that the appellants have not sought to explore opportunities with bus companies in terms of the provision of bus stops adjacent to the site. While bus services may not typically align with future crematorium service times, the provision of a bus stop would allow ready access to the memorial gardens for mourners, outside of restrictions on service times of cremations.
38. However, in light of the lack of alternative provision in the District, I am mindful that there would be a net reduction in the distances travelled by mourners. I also accept that car sharing is common in respect of services and visits to memorial gardens, noting that car sharing is recognised in the Framework as a sustainable transport mode. While the appellant raised concerns regarding the necessity of a travel plan to encourage car sharing as well as wider matters in respect of routes taken by Corteges based on natural behaviours, I consider that the implementation of a travel plan for the site would assist in ensuring that car sharing would be encouraged.
39. Cycle racks would also be provided on the site for those who wish to travel to the site by bicycle and both this and the travel plan could reasonably be conditioned to ensure that these are implemented.

40. At the Hearing, the provision of electrical vehicle charging points was also discussed, and although this wasn't originally proposed by the appellant, there was a willingness to provide for 1 electric charging point for every 50 spaces in the development. This would accord with the Framework which states that development should be designed to enable charging of plug-in and other ultra-low emission vehicles (paragraph 110) and could reasonably be secured by condition.
41. In terms of visitors to the site with mobility issues the proposals address such potential needs as there would be the provision of disabled parking spaces within the site. Again, all modes of transport for such users would not be covered by this provision but I consider that reduced journey times would also be of a benefit. I therefore find that there would be no discrimination or conflict with the Public Sector Equality Duty contained in section 149 of the Act, which sets out the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it.
42. Taking all of the above into consideration, I recognise that there are shortcomings of the scheme in relation to public transport and in light of distances and lack of footpaths walking options are also limited. However, in light of the rural character of the District and the requirement that crematoria are located away from residential properties, this does bring about challenges in terms of accessibility of the site by a range of transport modes.
43. The particular circumstances of the case are as such that there would be a net reduction in travelling longer distances to alternative crematoria, including for those people who have mobility issues, and the appellants have sought to address other matters in terms of travel plans including for car-sharing, as well as the provision of cycle racks and electric charging points. In this regard the development would minimise the need to travel and would offer some, albeit more limited, opportunities for sustainable transport modes, in accordance with Policy LP17 of the LP.
44. Baring in mind that paragraph 103 of the Framework recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, I therefore conclude that, on balance, there would be no overall harm in terms of sustainable travel and accessibility of the site.

### **Other Matters**

45. A number of other matters were raised as part of the appeal proceedings and discussed at the Hearing which I shall deal with, below.

#### *Need*

46. In broad terms, there is no dispute that within Huntingdonshire District there is a qualitative and quantitative need for further provision as at the current time, as no crematoria currently operate in the District. However, one main area of concern related to the need for the proposed crematorium in light of the Council's recent approval at an alternative site around 1.7km away from the appeal site. This was a scheme submitted by Huntingdon Town Council at Mayfield Heath Farm<sup>1</sup> which was granted permission on 8<sup>th</sup> February 2019.

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<sup>1</sup> Planning Reference 18/01439/FUL

47. Concern has been raised by agents acting on behalf of Huntingdon Town Council in terms of the need for the appeal scheme. My attention has also been drawn to a High Court judgement<sup>2</sup> whereby planning permission was quashed relating to a failure to properly consider capacity at a nearby facility.
48. There is no specific policy requirement in terms of demonstrating need in the Council's development plan policies and the judgement itself is different to the appeal proposals before me as that site was located in the Green Belt and thus there was a specific requirement to assess need. While competition is not a matter I can give weight to, as a general principle, I do accept that need can be a material consideration in the planning balance. However, I have found no conflict in terms of the main issues having assessed the effects based upon the evidence before me and the merits of the case.
49. The Council are satisfied that there is sufficient need for two crematorium facilities within the District. Accordingly, a detailed assessment of need is not strictly necessary in my determination although I recognise that some of the concerns raised in terms of the main issues relate to the need for the site, as it was felt locally that the extant site provided for a more appropriate location in both character and appearance and accessibility terms.
50. It was explained at the Hearing that the Town Council are in the process of preparing to discharge conditions and anticipates that construction would begin in the late summer with an anticipated opening in 2020. Both schemes forecast that they would deal with around 1000 cremations per annum based, although the Town Council also suggest that the permitted scheme could manage up to 1260 cremations per annum, assuming 252 weekday services per annum. I was made aware at the Hearing that there is currently an application for Judicial Review (JR) of this scheme, the timescales being unknown. From discussions at the Hearing, it would be likely that the appellants would proceed in developing the site as soon as possible were the appeal to be allowed. Setting aside the matter of the JR as this has yet to be decided, it is reasonable to assume for the purposes of my assessment that both schemes would be likely to come forward in the near future.
51. The development would divert some services from existing facilities outside the area which are operating in excess of 80% capacity and would reduce travel time to under 30mins. Both sites would offer 60min service slots which is above the recommended levels of 45min. Both would therefore offer qualitative benefits in this regard in comparison to existing service provision outside of the District. The appellant predicts that both schemes would each lose about 20% of their trade which would result in each facility operating at around 800 cremations per annum or 1600 per year when established.
52. Based upon the Council's figures of cremation rates at 75% on a District wide basis, it predicts that rates would be 1351 per annum in 2020 and 1445 in 2036. The period up to 2036 is specified as it is in line with the plan period for the DLP. The appellant considers now that an 80% rate is more realistic, and the figures would therefore be 1441 per annum in 2020 and 1542 in 2036. This uplift relates to use of death rates, rather than mortality rates and based on 2018 ONS data as well as changes in cremation levels.

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<sup>2</sup> Crematoria Management Ltd, R (On the Application Of) v Welwyn Hatfield Borough Council [2018] EWHC 382

53. Concern was raised at the Hearing that these figures did not demonstrate the catchment areas. The appellants updated forecasts for the catchment area would be for 1044 annual cremations in 2018 and 1312 in 2031 (no figure for 2036 is specified).
54. While I have no doubt that both sites would have greater capacity for greater annual cremations, based on the above and a 75% operation rate were only one scheme to come forward, the need in the area would not be fully met. Cremation rates may be lower in the early years of operation by the crematoria and less than the 1600 threshold for both sites, but there is no evidence to suggest that this would affect the viability of either of the sites. Certainly, by the end of the DLP plan period, the need would be close to the threshold. The qualitative benefits would also largely be equal but that in itself would not preclude both of the sites being developed or justify a lack of need for more than one site based on my assessment above.
55. Overall, based upon the evidence before me, I am satisfied that the development would help to meet the need for crematoria in the area, including when assessed against the extant proposals. This weighs further in favour of the scheme in accordance with LP Policy CS11 and does not undermine my findings in terms of character and appearance and accessibility.

#### *Highway Safety*

56. The appeal site would be served by a newly constructed access from the B1090 in a ghost island arrangement. The B1090 is a reasonably well-used road which operates at the national speed limit. The ghost island would have a right turn lane which would accommodate up to 11 vehicles. The running lane widths of the road would be maintained at 3m wide. Visibility splays would be developed in line with the Design Manual for Roads and Bridges (DMRB) at 215m.
57. Due to the road conditions, the Highways Authority has requested that the use of the site is restricted by condition to outside of peak times, which the appellant has accepted. Traffic generation has been modelled by the appellant and it is anticipated that the majority of trips would take place between 10:00-16:00 due to the nature of the use of the site and as modelled this would generate an average of 118 two-way trips would occur during this inter-peak period.
58. At the Hearing local residents raised concern regarding the safety of the site access in respect of the conditions of the road. It was held by locals that the survey work was undertaken when there were road closures elsewhere and as such the modelling was not accurate in this regard. Local concern is raised about the high speeds of road users along this stretch of road, coupled with undulating nature of the road close to the proposed access site which is believed would create a blind-spot, raising safety concerns particularly due to the slow nature of Corteges. Other influences such as local festivals and the presence of an airfield are also said to have an effect.
59. While I accept that accident levels may be higher than reported in the Transport Assessment at the Kings Ripton staggered junction, to the west of the site access, I do agree with the appellant and the Council's assessments that the traffic will, for the most part, arrive from the A141 to the east and use the ghost island. Traffic generation will increase during the inter-peak period

but the B1090 would have capacity to absorb the additional flows. There is no particular evidence to suggest that the assessments and models are inadequate and I am mindful that there were no objections were raised by the Highways Authority, subject to conditions limiting the hours of operation.

60. In respect of the effects and potential blockages and closures of the road arising from the use of part of the land at Glebe Farm as an airfield, it was established at the Hearing that the airfield does not benefit from planning permission, although temporary use for up to 28 days per annum is permitted under the General Permitted Development Order 2015 (as amended). I witnessed a small plane landing at this site at my pre-Hearing visit to the area and in observing the traffic, this did not have any discernible effect on the flow of traffic during this event.
61. Other events, including an annual Garden Party and growth at the RAF site would be assessed in the future as part of any development proposals at these sites; the Garden Party details were limited but the low frequency of this event would not give any concerns at this stage. Overall, I consider that there would be no harm to highway safety arising from the proposed development, subject to conditions.

#### *Noise*

62. With regards to concerns whether the appeal site would provide a suitably tranquil environment for a crematorium, there would be some noise and disturbance arising from barking dogs at the adjacent laboratory.
63. However, it was established that this is restricted to feeding time at the site and that the appellant, in selecting the site, was satisfied that there would be an appropriately tranquil environment for mourners, in spite of this and in terms of other noise from the nearby Go-Cart site and RAF site. Based on the limited evidence before me, I have no reason to dispute the claims of the appellant and I consider that there the users of the site would be provided with an appropriate tranquil.

#### *Air Quality*

64. Concern was raised at the use of DNOX technology in terms of emissions which is emerging technology and there was concern raised by local residents regarding the proposed stack height needed to be increased to 7m, rather than the 6.35m as depicted by the plans. As part of this, and as referenced above, the appellant submitted a further Air Quality Assessment for a 7m high stack.
65. The emissions and technical details, including the specific technology used would be dealt with through other legislative means and in broad terms the original and updated study demonstrate negligible effects in terms of both stack heights. While the appellant does dispute the need for a stack height to be increased to 7m, were this to be a requirement under the necessary Environmental Permit, they consider that this could be dealt with by condition.
66. While the submitted plans do depict a lower chimney, the difference in height would not be a significant change and in light of the evidence submitted in this regard, as well as the discussions which took place, I consider no party would be prejudiced were this to change. I am also mindful that the assessment in terms of landscape effects did assess the chimney height at 7m and thus this

has been adequately assessed in this regard. On this basis, I consider that this is a matter which could reasonably be dealt with by condition.

67. Based upon submissions made by the Council, I am also satisfied that there would be no cumulative effects from the separate recently approved site, based upon the distances involved and the conclusions of the assessments. I therefore consider that there would be no harm in respect of air quality.

#### *Loss of Agricultural Land*

68. It was suggested at the Hearing that the submitted Soils and Agricultural Quality study was flawed and that the classification for the site should be classified as Grade 2 (very good quality) rather than 3a (good) and 3b (moderate) as claimed by the submitted survey.

69. I accept that the Framework seeks to protect and enhance valued soils and prevent the adverse effects of unacceptable levels of pollution. Soil is a finite resource which has a number of benefits in terms of ecology, carbon store and food production. However, no detailed evidence was put forward to substantiate such claims or counter the findings of the report. In any case, I agree with the Council's findings that in light of the site area to be developed, the remaining availability of good quality agricultural land in the vicinity and wider area the loss of 4.75 ha is not considered to be significant. I am also mindful that this would also be consistent with the Council's findings in relation to the other crematorium site which was classified as Grade 2 and covers a larger area of land.

#### *Ecology*

70. The extant agricultural use of the site provides a limited environment in biodiversity terms. The application provides additional landscape areas, incorporating native species, meadow planting and water features which would enhance the biodiversity offer.
71. I am satisfied that the scheme has been sensitively designed to mitigate and enhance ecology and biodiversity, taking into account the recommendations of various ecological surveys. Nature conservation interests in terms of the landscaping proposals on site could be safeguarded by the imposition of appropriate planning conditions. I therefore find no harm in this regard.

#### *Heritage Assets*

72. The proposals would not have an adverse effect upon the significance of the Kings Ripton Conservation Area or listed buildings within this settlement, as derived by their setting. The development is of sufficient distance away from these assets and based on my broad conclusions in respect of character and appearance, landscaping as part of the scheme would ensure that the rural setting of these assets is maintained.
73. While archaeological spot finds have been found outside of the development site, based on trial trenching work undertaken as part of the proposals for the scheme, I am satisfied that no further archaeological works are required in advance of determination of the appeal or in terms of construction and any lateral disturbance of other remains can be considered as part of future landscaping condition to address concerns in this regard.

### *Tourism and rural business*

74. Concern was expressed in terms of the impacts of the proposed crematorium and the surrounding business and tourist interests, primarily relating to the caravan park at Manor Farm and as well as at Glebe Farm.
75. I have carefully considered the landscape and visual effects above, finding no harm overall. While the crematorium would likely be visible from these sites, as well as from the public footpaths which would be utilised by visitors to these tourist facilities, the evidence which was presented in terms of the effects upon the businesses themselves was largely anecdotal. On balance, I do not consider that the presence of the crematorium would be likely to dissuade potential users of these sites or would undermine the tourist offer.

### **Planning Conditions**

76. I have had regard to the conditions as discussed in the Hearing, presented in a document to me. I have attached standard commencement condition in accordance with the requirements of the Act. I have also specified the approved plans as this provides certainty.
77. In order to protect the character and appearance of the area and biodiversity, I have imposed conditions relating to materials samples, hard and soft landscaping works, a landscape management plan, land levels, tree protection plan, and site levels. As discussed above, a condition relating to the flue height has also been implemented, for the same reason.
78. A condition relating to the submission of a Construction Environment Management Plan is necessary in order to protect amenity of neighbouring residents. Similarly, I have conditioned details of contamination to protect the amenity of future users and for reasons of biodiversity and ecology.
79. Conditions relating to foul sewage and surface water drainage are necessary in terms of amenity and flood risk. Highways conditions are imposed, relating to onsite access and layout, off-site works (the ghost island) and restrictions on operation during peak highways hours. These are reasonable and necessary to secure safe access for all users.
80. As per my second main issue, I have imposed conditions in terms of the provision of electrical vehicle charging points and for the provision and implementation of a travel plan. While the necessity for the latter is disputed by the appellant, I consider both of these conditions to be necessary and reasonable in light of the site's limited accessibility by public transport.
81. Due to the nature of the requirements requiring up front approval, conditions 6,7,8,9,10,12 & 13 are pre-commencement conditions, which the appellant has agreed to.

### **Conclusion**

82. Overall I have found no harm in respect of character and appearance and accessibility, and no conflict with the development plan. For the reasons above, taking into account all other matters raised, I therefore consider that the appeal should be allowed.

*C Searson* INSPECTOR

## APPEARANCES

### FOR THE APPELLANT:

Victoria Hutton	Counsel
Patrick Downes BSc (Hons) MRCIS	Harris Lamb Ltd
Alan Lathbury FCMA MBA	Dignity
Stephen Kirkpatrick BSc BLD CMLI	Scarp Landscape Architecture
James Byrne BSc (Hons) MCIHT	Mode Transport Planning
Tony Readman MSc MEI CEng	Facultatieve Technologies
Jonathan Best BSc (Hons) Dip TP MRTPI	Montagu Evans

### FOR THE LOCAL PLANNING AUTHORITY:

Richard West	Elected Member, Development Management Committee
Richard Tuplin	Elected Member, Development Management Committee
Louise Newcombe	Development Management Team Leader
Claire Braybrook	Environmental Health

### INTERESTED PERSONS:

Oliver Bell	Nexus Planning (on behalf of Huntingdon Town Council)
Simon Bywater	County Councillor
William Roy Collett	Local Resident
Julia McCullough	Local Resident
Malcom Lowes	Local Resident
Barry Townsend	Local Resident
Justin Smith	Cemetery Development Services

## DOCUMENTS

- 1 List of Appearances on Behalf of Dignity Funerals Limited
- 2 Updated LPA Suggested Conditions
- 3 Appellant Addendum Sheet to deal with updated Framework 2019 References
- 4 Further Updated LPA Suggested Conditions

**SCHEDULE OF CONDITIONS**

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:

<b>Plan Reference</b>	<b>Description</b>	<b>Version (where relevant)</b>
16.03.09	Site location plan	
16.03.10B	Plans	
16.03.10B	Elevations	East + West Section
16.03.12B	Elevations	North + South and Section BB
J32-2681-PS-101	Access Details	
J32-2681-PS-102	Visibility Splays	
SCA 1668 010A	Landscaping	
SCA 1668 011A	Landscaping	Plan 1
SCA 1668 012A	Landscaping	Plan 2
SCA 1668 013A	Landscaping	Plan 3
SCA 1668 014A	Landscaping	Plan 4
SCA 1668 015A	Landscaping	Plan 5
SCA 1668 016A	Landscaping	Plan 6
SCA 1668 050A	Planting Plan	
SCA 1668 100A	Other	Surface 1 and 2
SCA 1668 101A	Other	Surface 3
SCA 1668 102A	Other	Surface 4
SCA 1668 120A	Kerbing and Paved Areas	Type 1 and 2
SCA 1668 121A	Kerbing and Paved Areas	Type 3 and 4
SCA 1668 122A	Other	Edge
SCA 1668 130A	Other	Bollard
SCA 1668 131A	Cycle Stand	
SCA 1668 132A	Other	Bench
SCA 1668 150A	Fence Details	
SCA 1668 160A	Signage Location	
SCA 1668 200A	Other	Tree Pit
SCA 1668 201A	Planting Plan	
SCA 1668 202A	Planting Plan	
SCA 1668 300A	Other	Reflection Pool
SCA 1668 310A	Other	Swale
SCA 1668 320A	Other	Perm Water Body
SCA 1668 002A	Masterplan	
SCA 1668 001B	Landscaping	General Arrangement Plan

- 3) No development shall commence above slab level until samples of materials to be used on the external surfaces of the development have been made available for inspection on site and adequate notice given to the Local Planning Authority who will arrange inspection and thereafter approve in writing by the Local Planning Authority. The approved materials shall be used in the implementation of the development and thereafter retained.

- 4) No development shall commence above slab level until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include
- i) Hard landscape works, to include but not be limited to, full details of boundary treatments (including the position, height, design, material) to be erected and paved surfaces (including manufacturer, type, colour and size) and lighting.
  - ii) Soft landscape works, to include planting plans, written specifications (including cultivation and other operations associated with plan and grass establishment), schedules of plants noting species, plant sizes, proposed numbers and densities, tree pit details (where appropriate) including, but not limited to, locations, soil volume in cubic metres, cross sections and dimensions and archaeological effects.
  - iii) An implementation programme for the landscape works.
  - iv) Full details of landscape maintenance regimes after completion of works.

Any trees or plants planted in connection with the approved soft landscape details which within a period of five years from planting die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of the same size and species as those originally planted, unless the Local Planning Authority gives written its written consent to any variation.

- 5) No development above slab level shall take place until a Landscape Management Plan has been submitted to and agreed in writing by the Local Planning Authority. The Landscape Management Plan shall include, but not be limited to, long term design objectives, a programme of implementation, management responsibilities including replacement of dead or dying plants, and management and maintenance schedules for all landscape areas other than privately owned domestic gardens. The Landscape Management Plan shall be carried out as agreed, unless the Local Planning Authority gives written agreement to any variation.
- 6) No development, demolition, clearance or preparatory operations, including any excavations (hereafter referred to as "the works") shall commence on site in connection with the development hereby agreed, until a Tree Protection Plan has been submitted to, and agreed in writing by the Local Planning Authority.

The agreed tree protection measures shall be implemented before any equipment, machinery, or materials are brought on to the site in connection with the works. They will be retained intact for the duration of the construction works and shall only be removed or altered following completion, or with the prior written agreement of the Local Planning Authority.

Any trees, shrubs or hedges covered by the protection measures which die or become severely damaged within five years from the completion of the construction works shall be replaced with trees, shrubs or hedge plants of similar size and species unless the Local Planning Authority gives written agreement to any variation.

- 7) No development shall commence until details of the existing and proposed levels and contours have been submitted and approved in writing by the Local Planning Authority. The submitted details shall include the relationship of proposed levels and contours to surrounding landform and existing vegetation. The development shall be carried out in accordance with approved details.
- 8) No development shall commence until a Construction Environmental Management Plan (CEMP), has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall accord with and give effect to the waste management principles set out in the adopted Cambridgeshire & Peterborough Minerals and Waste Core Strategy (2011) and Waste Hierarchy when completed. The CEMP shall include the consideration of the following aspects of construction:
  - (a) Construction programme
  - (b) Contractors' access arrangements for vehicles, plant and personnel including the location of construction traffic routes, details of their signing, monitoring and enforcement measures, along with location of parking for contractors and construction workers
  - (c) Construction hours
  - (d) Delivery times for construction purposes
  - (e) Soil Management Strategy including a method statement for the stripping of top soil for re-use; the raising of land levels (if required); and arrangements (including height and location of stockpiles) for temporary topsoil and subsoil storage to BS3883:2007
  - (f) Noise monitoring method including location, duration, frequency and reporting of results to the LPA in accordance with the provisions of BS 5228 (2009)
  - (g) Maximum noise mitigation levels for construction equipment, plant and vehicles
  - (h) Vibration monitoring method including location, duration, frequency and reporting of results to the LPA in accordance with the provisions of BS 5228 (2009)
  - (i) Setting maximum vibration levels at sensitive receptors
  - (j) Dust management and wheel washing measures to prevent the deposition of debris on the highway
  - (k) Site lighting
  - (l) Drainage control measures including the use of settling tanks, oil interceptors and bunds
- (m) Screening and hoarding details
- (n) Access and protection arrangements around the site for pedestrians, cyclists and other road users
- (o) Procedures for interference with public highways, (including public rights of way), permanent and temporary realignment, diversions and road closures.
- (p) External safety and information signing and notices

- (q) Liaison, consultation and publicity arrangements including dedicated points of contact
- (r) Consideration of sensitive receptors
- (s) Prior notice and agreement procedures for works outside agreed limits
- (t) Location of Contractors compound and method of moving materials, plant and equipment around the site

The Construction Environmental Management Plan shall be implemented in accordance with the agreed details, unless otherwise agreed in writing by the Local Planning Authority.

- 9) No development shall commence until the recommendations of the Phase 1 Site Investigation Report by Ecus Ltd Dated November 2016 have been undertaken and a geotechnical site investigation report shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.
- 10) The approved car parking and cycle parking facilities hereby approved shall be implemented prior to the commencement of the use of the development hereby approved and thereafter retained.
- 11) No development shall commence until a detailed scheme for highway works comprising of full details of means of vehicular access into the site, including the road width, kerb radii, visibility splays, details including sections of construction, finishing materials and the cross falls and longitudinal falls and off-site highways works relating to the ghost island arrangement have been submitted to and approved in writing by the Local Planning Authority.

The approved details of the access shall be completed before the commencement of the use of the land or buildings hereby permitted and the sightlines maintained thereafter free of all obstruction to visibility above 1.0 metres.

- 12) No development shall commence until a scheme to dispose of foul drainage has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be implemented as approved.
- 13) No development shall commence until a surface water drainage scheme for the site, based on sustainable drainage principles, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before development is completed.

The scheme shall include:

- (a) Site Investigation and test results to confirm infiltration rates;
- (b) Full calculations detailing the existing surface water runoff rates for the Qbar, 3.3% Annual Exceedance Probability (AEP) (1 in 30) an 1% AEP (1 in 100) storm events
- (c) Full results of the proposed drainage system modelling in the above-referenced storm events (as well as 1% AEP plus climate change), inclusive of all collection, conveyance, storage, flow control and disposal elements and including an allowance for

- urban creep, together with an assessment of system performance;
- (d) Detailed drawings of the entire proposed surface water drainage system, including levels, gradients, dimensions and pipe reference numbers
- (e) Full details of the proposed attenuation and flow control measures (if infiltration is not used)
- (f) Details of overland flood flow routes in the event of system exceedance, with demonstration that such flows can be appropriately managed on site without increasing flood risk to occupants;
- (g) Full details of the maintenance / adoption of the surface water drainage system;
- (h) Measures taken to prevent pollution of the receiving groundwater and / or surface water;

The drainage scheme must adhere to the hierarchy of drainage options as outlined in the National Planning Policy Framework and Planning Practice Guidance.

- 14) No development above slab level shall commence until full details of the proposed flues (diameter and height) to serve the cremators in accordance with the D1 emissions calculator have been submitted to and approved in writing by the Local Planning Authority. The chimney shall be installed in full accordance with the approved details.
- 15) No development above slab level shall commence until a scheme for the provision of electric vehicle charging points has been submitted to, and approved in writing by, the local planning authority. The scheme shall provide for 1 electric charging point for every 50 car parking spaces in the development. The development hereby permitted shall not be occupied until the electric vehicle points have been provided and are available for use in accordance with the approved scheme.
- 16) No development above slab level shall commence until a travel plan to encourage car sharing by persons attending the site has been submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall not be occupied until the approved travel plan has been implemented.
- 17) Any cremation services at the crematorium hereby permitted shall not take place during the following peak hour periods:

08:00 to 10:00 hours Monday to Friday

16:00 to 18:30 hours Monday to Friday