
Appeal Decision

Site visit made on 2 March 2016

by M Seaton BSc (Hons) DipTP MRTPI

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

Decision date: 25 July 2016

Appeal Ref: APP/M0933/W/15/3135605

Land to the North of Junction 36 of the M6, adjacent to the A65, near Crooklands

- 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 SCP Investments Limited against the decision of South Lakeland District Council.
 - The application Ref SL/2014/1231, dated 22 December 2014, was refused by notice dated 30 March 2015.
 - The development proposed is the erection of a crematorium with memorial gardens and associated landscaping, car parking, and a new access to A65 and changes of land use.
-

Procedural Matters

1. The planning application forms indicate the applicant to have been Property Alliance Group Ventures Ltd, whilst the grounds of appeal highlight SCP Investments Limited to be the appellant. However, I have had regard to correspondence received during the course of the appeal which confirms that Property Alliance Group Ventures Ltd had provided express permission for the appeal to be lodged on behalf of SCP Investments Limited.
2. I note that there is some discrepancy between the appellant's identification of the appeal site and the Council's reference on the Notice of Decision. However, I consider the Council's description to be more accurate in highlighting the precise location of the appeal site, and I have therefore also identified the appeal site on the same basis.
3. During the course of the planning application, the Council has indicated that the appellant submitted additional and revised plans and information, principally in respect of highway matters but also incorporating updates to the landscape proposals. On the basis of the submitted evidence, these submissions and documents have been addressed by the parties and my decision has therefore also taken them into account.

Decision

4. The appeal is allowed and planning permission is granted for the erection of a crematorium with memorial gardens and associated landscaping, car parking, and a new access to A65 and changes of land use on Land to the North of Junction 36 of the M6, adjacent to the A65, near Crooklands in accordance with the terms of the application, Ref SL/2014/1231, dated 22 December 2014, subject to the conditions attached in the Annex.
-

Background and Main Issues

5. On the basis of the evidence placed before me, the Council and appellant agree that the Development Plan comprises the policies of the South Lakeland Core Strategy 2010 (the Core Strategy), the South Lakeland Allocation of Land Development Plan Document 2013 (the DPD), and the saved Policies of the South Lakeland District Council Local Plan 2006 (the Local Plan). The Council has also drawn my attention to the South Lakeland Land Allocations Infrastructure Delivery Plan 2013 (the Delivery Plan), which recognises the need for a crematorium in the South Lakeland area, as a consequence of an increasing ageing population and the increasing popularity of crematoria.
6. Neither the Council nor appellant has drawn my attention to a specific Development Plan policy regarding crematoria, although the parties have referred me to locational criteria as set out in the primary legislation of the Cremation Act 1902, which are still engaged. In this respect, the Cremation Act advises that the crematorium should be at least 200 yards (183 metres) from any dwelling unless the owner, lessee or occupier has given their consent in writing, and at least 50 yards (46m) from a public highway. For the purposes of the Cremation Act, the expression "crematorium" is stated as meaning any building fitted with appliances for the purposes of burning human remains, and includes everything incidental or ancillary thereto.
7. I have had careful regard to the submissions of an interested party related to the siting of the crematorium, which includes reference to a new reception building approved at the entrance to the Millness Hill Caravan Park in 2013. The submission has also drawn my attention to the Department of the Environment (DofE) guidance, "*The Siting and Planning of Crematoria*" (1978). I note that the submitted reference to the DofE guidance highlights advice that the meaning and scope of crematorium would also include grounds used for the disposal of ashes.
8. The crematorium building would be set the minimum distance away from the closest dwelling-house, or in this instance holiday lodge, and whilst my attention has been drawn to the closer proximity of the approved reception building, I am satisfied that this would not contravene the siting restrictions set out in the Cremation Act. However, on the basis of the appellant's own submissions in the Grounds of Appeal, the memorial gardens comprising both formal courtyard spaces and gardens of remembrance would be open for mourners to scatter ashes, and in accordance with the DofE guidance regarding the meaning of crematorium, would be within the 183 metre minimum distance. Nevertheless, whilst I would consider the DofE guidance to remain extant albeit not as planning policy or guidance, the DofE guidance is intended as guidance for those planning or designing crematoria. In this respect, I would conclude that what would constitute a crematorium for the purposes of the Cremation Act would ultimately be a matter for the Courts and that in the absence of any detail relating to a conclusive legal judgement, this is not a decisive matter in determining this appeal.
9. I note that Policies CS1.1 and CS1.2 of the Core Strategy address the principle of development in the open countryside in accordance with a sequential approach to site location, and that development should be allowed only in exceptional circumstances where there is an essential requirement for a rural location. In this instance the appellant has followed a sequential approach to

the location of the proposed crematorium, but has been unable to identify existing buildings, previously developed land, or infill opportunities within settlements which would be suitable for the proposed use. This conclusion has not been disputed by the Council, who accept that a mainly open countryside location would be required given the constraints. I am also mindful from the submitted evidence that this conclusion is consistent with the views reached by Inspectors on previous appeal decisions.

10. I have noted that the issue of there being a need for a crematorium is common ground between the main parties, with reference having been made to the conclusions of a previous Inspector's decision for a crematorium at Levens, South Lakeland from 2005, as well as the aforementioned Delivery Plan in establishing the principle. Whilst I am mindful that neither main party has directed me towards any definitive background evidence which establishes the need, I accept that the current distances for South Lakeland residents to travel to the nearest crematoria in Lancaster and Barrow-in-Furness would be markedly reduced. This would fulfil the need for a qualitative improvement in the availability of facilities for the residents of South Lakeland.
11. I am mindful that the quantitative need for a crematorium has been disputed by interested parties on the basis that there is capacity at existing crematoria. A report submitted by an interested party challenges the premise that existing facilities in Lancaster and Barrow-in-Furness are working to capacity, on the basis of a reported conversation from February 2015 with the manager of the Lancaster & Morecombe Crematorium. However, I am mindful that it has generally been held in other appeal decisions that a crematorium operating at 100% capacity is a nominal or theoretical figure due to the technical limitations of equipment and the unpopularity of certain slots during the day. Furthermore, whilst the opening of a crematorium within South Lakeland may have an impact on the business and demand for existing crematoria further away, this must be balanced against the qualitative benefit of reducing the need to travel.
12. I have also considered the submissions regarding Office for National Statistics (ONS) figures for annual registered deaths in the South Lakeland area up to 2014, which it is contended demonstrate an overall decline in annual death rates over the past decade. However, on the basis of the actual figure there is a relatively limited variation over the reported period, and in any event the accepted basis for the quantitative need is based on future projections for an ageing population and demographic trends, from which it is concluded that demand is likely to grow. I find therefore in respect of the principle of a need for crematorium facilities within South Lakeland, the submissions of interested parties do not provide a substantive or compelling basis upon which to counter the Council's Delivery Plan and illustrate that there is not a need or that it should be provided elsewhere within the District.
13. My attention has also been drawn to the recent appeal decision from January 2016 granting planning permission for a crematorium at Beetham Hall, near Milnthorpe, which I consider to be a material consideration. However, whilst I am mindful of the circumstances related to this appeal, despite the Council's assertion of the applicant's intent to implement the planning permission, I do not consider that this provides a basis of any certainty that the development will proceed. Furthermore, there is no compelling evidence or reference within the Beetham Hall appeal decision that the development as approved would fully

satisfy quantitative and qualitative need within the District. I do not therefore consider the extant approval for Beetham Hall to be a decisive factor in assessing the acceptability of the proposed development.

14. In reaching a decision, the Council has highlighted that the proposed development of the appeal site would as a consequence of the various facets of the crematorium, result in a significant urbanising effect on a rural and agricultural setting, with the development introducing discordant and jarring features into the landscape. Furthermore, it has been concluded that the location of the crematorium would have an adverse effect on existing business in the vicinity, with particular reference to the impact on tourism.
15. As a consequence, the main issues are therefore;
 - The effect of the countryside location of the proposed development on the landscape, character and appearance of the area; and,
 - Whether the proposed development would result in adverse impact on tourism and local businesses.

Reasons

Landscape, character and appearance

16. The appeal site is comprised of a 2.75 hectare broadly triangular parcel of undeveloped grassland located to the north east of Junction 36 of the M6 motorway, and close to the junction between the A65 and A590. The land slopes upwards to the northern and western corners, with the western and southern boundaries defined by major roads, and the eastern boundary by the Lancaster Canal. I observed at the site visit development to the east of the canal to be fairly limited with occasional dwellings and buildings set adjacent to the canal, whilst Millness Hill Caravan Park is located to the north. To the south are more extensively developed areas comprising a rural auction centre and business village accommodating both office and light industrial floorspace. The appeal site is highlighted as not being located within an Area of Outstanding Natural Beauty (AONB), or a National Park.
17. The appellant submitted a Landscape and Visual Impact Assessment (LVIA) as a means of assessing and evaluating the changes to both the local and wider landscape as a consequence of the proposed development. The LVIA concludes that the change of the character of the site from undeveloped land to a crematorium would in landscape terms give rise to a low to moderate landscape effect in respect of landscape character, and a low landscape effect in respect of vegetation. It is also concluded that the development would give rise to a series of moderate visual effects, the most significant of which would be experienced in the immediate locality from surrounding land and development, with the principal effects experienced along the A65 and the public right of way which bounds the site. It is however contended that the change would be mitigated through tree planting and vegetation associated with the development. It is concluded in more distant views, such as from rights of way at Farleton Fell to the south, that there would be a minor change to the existing views of the landscape, but no a significant environmental effect. Nevertheless, whilst the overall conclusion is that there would be minor adverse landscape or visual impacts from the development from the permanent and irreversible nature of the development, it is accepted that some localised

- impacts would be adverse and more significant, despite the proposed mitigation and amelioration of the impact through the landscaping of the site.
18. On the basis of the submitted evidence, I note that the Council does not take issue with the baseline report of the LVIA but disagrees with the conclusions which have been reached. The Council also refers to the importance of the appeal site as an open area of transitional land at this junction, with the land viewed as an important part of the foreground of open, rural and agricultural views to Farleton Knott and to Howe and Scout Hill, and contests the description of the landscape context as semi-urbanised.
 19. In this respect, I do not disagree that the land makes a positive contribution to the landscape context, but it is evident from my observations that the character of the surrounding area has changed. The Council's description of the wider area as possessing a rural and agricultural character cannot be disputed, but I accept the appellant's contention that the immediate area now possesses a more urban characteristic than other parts of the wider rural area. This is clearly as a consequence of the extent and type of development and associated infrastructure which has already occurred, as well as the impact of the major transport corridors passing in the area of the appeal site. Whilst I recognise that it is not disputed that the loss of the open land on the appeal site would clearly have an adverse landscape effect and that there would be an increase in urbanisation of the land in the vicinity, I do not consider that the appeal site exhibits any particularly special landscape characteristics which dictate its preservation over and above any other rural site.
 20. I have carefully considered the Council's contention regarding the impact of the loss of the open land on the appeal site in the context of long views from Farleton Fell and Scout Hill. However, I agree that whilst it is clear that there would be a material change to the mosaic of fields in long views, the change would be viewed in the context of the existing development in the vicinity and on surrounding land.
 21. Turning to the proposal itself, I note that the Council does not dispute, despite its conclusions on the urbanisation of the site, that the treatment of the crematorium and formalised gardens would be well-designed, which would be a conclusion with which I would also agree. However, whilst I accept that the two proposed chimneys would in themselves appear as comparatively prominent features, I do not consider that they would significantly increase the overall prominence of the proposed development in the context of the landscape and the area. Furthermore, and as I have already concluded, the proposed landscaping and the topography of the appeal site would assist in mitigating any visual impact of the detailed design.
 22. I have carefully considered the impact of the proposed development on the landscape character of the area, as well as the appropriateness of the proposed design. On the basis of the submitted evidence and my observations of the site, I would accept the conclusions of the LVIA to be reasonable and that the development would have a low to moderate landscape effect in respect of landscape character and would give rise to moderate visual effects. I am satisfied that the proposed detailed design would be of a high quality, and that the proposed chimneys would not result in a significant overall increase in the visual prominence of the development. Nevertheless, whilst I have had regard to the proposed mitigation of the impact that existing and proposed planting

would have, the proposal would result in an adverse landscape impact to the detriment of the character and appearance of the area. This would conflict with Core Strategy policy CS8.2, which seeks to ensure the protection of the landscape, and that development is sympathetic to existing landscape character.

Tourism and rural business

23. The Council has expressed concern over the impact of the locational relationship between the proposed crematorium and surrounding business and tourism interests. In particular, the concerns have focussed on the visual relationship and proximity to Millness Hill Caravan Park and the nearby Longcroft Nursery, as well as the impact on users of the Lancaster canal footpath. Correspondence has also been received from interested parties in respect of the impact.
24. I have carefully considered the various submissions in respect of the relationship between the proposed development of the appeal site and the surrounding tourist and business uses. I have noted both the existing and proposed levels of landscaping and planting around the boundaries of the site, the location of proposed elements of the crematorium, as well as the visibility from various points surrounding the site, and I would agree with the Council's assessment that the site would be filtered by landscaping to some degree at all times of the year. However, I do not consider that it would be possible to provide full visual mitigation of the proposed crematorium and grounds from surrounding land uses, particularly in the location of the Lancaster Canal Path where the topography of the land surrounding the appeal site allows an overview of the site and its activities. Furthermore, and irrespective of the effectiveness of the landscaping of the site, I am satisfied that there would be an undoubted awareness and perception of the activities associated with the site.
25. Despite my conclusions in this respect, I note that the evidence which has been submitted regarding the impact on tourist uses and local businesses is somewhat anecdotal. Whilst undoubtedly users of the Lancaster Canal Path will be aware of the crematorium in passing the site, I am not persuaded given the limited stretch of the overall canal path which passes the site that this would be likely to dissuade potential users and walkers from continuing to visit and enjoy access to the canal.
26. With regards to Millness Hill Caravan Park, whilst on the basis of my observations I do not consider the appeal site to be visible from large parts of the caravan park, I have had careful regard to the submissions of an interested party related to a dismissed appeal decision from 1999 for a crematorium off Gatebeck Lane, Endmoor, Cumbria. In this appeal, the Inspector concluded it *likely that nearby tourist facilities would become less attractive because of negative public perceptions of Crematoria*. I have also noted the testimony of an owner of a holiday lodge and submissions related to the economic benefits that can be derived from holiday/leisure park developments. However, whilst I accept that there may be the potential for some limited impact, I do not consider these submissions to be sufficiently compelling to draw the conclusion that the level of any impact from the development, would be so adverse as to be unacceptable. By the same token, I also have no conclusive basis on which

to determine that the business interests of the nursery will be affected to the extent that there would be an overall adverse impact.

27. I am mindful in reaching my conclusions on the impact of the proposed development, that paragraph 28 of the Framework in seeking to provide support for a prosperous rural economy, advocates support for economic growth in rural areas in order to create jobs and prosperity. In this respect, the proposed development would accord with national policy. I note that the paragraph 28 also seeks to ensure the promotion of a strong rural economy by supporting sustainable rural tourism, which is reflected in the Council's economic aims as set out at Policy CS5 of the Core Strategy. In this respect, I accept that there may be the potential for some limited conflict with Policy CS5, albeit that this has not been conclusively demonstrated. Furthermore, any such conflict must also be considered in the balance of support for economic growth in rural areas.

Other Matters

Impact on Heritage Assets

28. In determining this appeal, I have a statutory duty, under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, to consider the impact of the proposal on the special architectural and historic interest of the listed structure affected, and its setting. I am also mindful that paragraph 132 of the Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 134 of the Framework confirms that where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. Planning Practice Guidance (PPG) confirms that what matters in assessing if a proposal causes substantial harm is the impact on the significance of the heritage asset, and that, in general terms, substantial harm is a high test and may not arise in many cases.
29. The heritage asset is a Grade II listed bridge over the Lancaster Canal dating from c.1816, and currently carrying the A65 road. The bridge is of limestone and features an elliptical arch, shallow arched parapets, with pilasters at each end, with steps up to the roadway. The significance of the heritage asset derives principally from its function as a means of bridging the Lancaster Canal, and there is no evidence before me that it possess any functional or historic relationship with the appeal site. Whilst I note that the bridge is located just to the north of the boundary of the appeal site, I would agree with the Council's assessment that the intervening landform, as well as the existing and proposed landscaping including trees and hedges, would reduce the inter-visibility with the appeal site. As a consequence, I am satisfied that the significance of the heritage asset would not therefore be diminished by the proposal as it would not detract from the setting, and would not therefore conflict with the policies of the Framework which seek to conserve and enhance the historic environment.

Other Possible Harm

30. In addition to the above and the main issues, interested parties have also raised concerns over a number of other matters, including highway safety, the

appropriateness of the site in respect of existing sources of noise, the accessibility of the appeal site by alternative means of transport, the impact of the proposed development on ecology and flooding, and the potential impact of emissions from the crematorium.

31. In respect of highways, I have had regard to the conclusions drawn by the Council in conjunction with the Highways Agency, and Cumbria County Council as the Highway Authority. I note that further to concerns raised by the Highway Authority regarding the access arrangements that the appellant submitted revised plans to demonstrate the provision of a right turn filter lane including the widening of the highway, changes to the speed limit, and advanced directional signage. On this basis, and subject to the imposition of appropriate conditions, no objection has been raised to the proposed development by the Highway Authority. However, this conclusion has been reached on the premise that up to a maximum of four cremations would be undertaken at the site each day, which is consistent with the basis of assessment for traffic generation as set out within the appellant's own Transport Statement.
32. With regards to whether the appeal site would provide a suitably tranquil location for a crematorium, I would acknowledge that the surrounding highway network is a major source of noise in the locality. However, ultimately I conclude that the impact of the existing noise environment is a matter for the operator of the crematorium to consider in respect of the appropriateness of the appeal site for the proposed use. This is not therefore a factor which I would regard as a reason for refusing the proposal.
33. Turning to the opportunities to travel to the site by alternative means of transport, despite the good accessibility to the local and strategic road network, it is clear from the appellant's submissions that the availability of public transport to and from the site would be comparatively poor with only 7 bus services indicated on a daily basis, albeit that this is disputed as being only 4 services by the Parish Council. Furthermore, it is recognised within the appellant's Transport Statement that mourners would be expected to travel to the crematorium either by taxi or private car. In this respect, it is clear that the appeal site possesses relatively limited accessibility to public transport as a consequence of its rural location, and as such that there would be conflict with Policy CS1.1 of the Core Strategy, which seeks to wherever possible, minimise the need to travel and provide a choice of sustainable transport modes for all sections of the community.
34. In respect of matters related to ecology and flooding, a phase I habitat survey accompanied the planning application, along with a flood risk assessment which assessed the surface water drainage of the site. Concerning ecological interest, the phase I habitat survey concluded that whilst some native hedgerow would be lost to facilitate the access to the appeal site, this would be compensated for by virtue of the replanting of native hedgerow elsewhere on the site, as well the planting of a large number of additional trees. I note that neither Natural England nor the Council has raised any technical concerns with the ecological work undertaken in support of the proposals, and I would agree with the conclusion that the overall scheme has the potential to improve the ecological value of the site.

35. With regards concerns over flooding, I have carefully considered the submissions of interested parties pertaining to recent incidences of flooding on part of the appeal site. However, this is clearly a consideration which has also been taken into account by both the appellant and the Council in reaching their conclusions on this matter, and I note that a condition has been suggested in order to secure a scheme of surface water disposal for both the site and the adjacent highway. I am also mindful that the Environment Agency has assessed the flood risk impacts resulting from the proposed development, but has not raised any objections in principle. As a consequence, I would agree that this is a matter which can be adequately secured through the use of planning conditions.
36. Concerns have been raised by interested parties over the potential impact of pollution and emissions from the crematorium, to the detriment of local residents and wildlife in the vicinity of the adjacent canal. In this respect, I have noted the absence of any technical representations from the Council's Environmental Health/Protection team, and also the conclusion that there would be a negligible impact on air quality. I am also mindful that any emissions from the crematorium would be controlled by an Environmental Permit. Furthermore, in this respect I have also had regard to paragraph 122 of the Framework, which requires local planning authorities to assume that where the control of processes or emissions themselves are subject to approval under pollution control regimes, that those regimes will operate effectively.
37. I have also noted that concerns over the adequacy of the consultation exercise undertaken in connection with the proposed development have been raised. However, whilst I have had regard to this issue, I have concentrated my decision upon the planning merits of the appeal, and this is not therefore an issue which has had any bearing on my determination of the appeal.

Benefits of the scheme

38. The Council Plan 2013-2017 and the Delivery Plan, which sit alongside the main Development Plan documents, identify there to be a need for a crematorium in South Lakeland, with it acknowledged that there is a current reliance placed upon existing facilities at Lancaster and Barrow-in-Furness, some considerable distance away for many residents. The issue of need represents common ground between the main parties, and whilst I have had regard to the submissions of interested parties on the same matter, no compelling evidence has been provided to counter the conclusions of the Council's Delivery Plan. In this respect, the provision of a local crematorium would substantially reduce the need to travel for that purpose within South Lakeland. Whilst I am mindful of the recent planning permission for a crematorium at Beetham Hall, it cannot be assumed that this development will be implemented or that it will provide sufficient capacity to meet the quantitative need of South Lakeland. Furthermore, I note that the Council's Delivery Plan has indicated the historic difficulties of establishing an appropriate site for a crematorium, and I therefore would conclude that addressing this identified social need would clearly be in the public benefit, and would add substantial weight in support of the proposals.
39. On the basis of the submitted evidence, the proposed development would provide four permanent jobs, as well as 15 temporary construction jobs, which even if the overall number of jobs is limited, would nevertheless support

economic growth in a rural area, which would be consistent with the underlying objective of paragraph 28 of the Framework. In respect of environmental benefits, it is highlighted that sustainable measures would be incorporated within the building design, and as has already been addressed, there would be an overall reduction in the need to travel long distances to the existing crematoria at Lancaster or Barrow-in-Furness. My attention has also been drawn to the biodiversity benefits arising from the enhanced and additional planting and landscaping of the site.

Planning Balance and Conclusion

40. I have concluded that the proposed development of the appeal site for a crematorium would result in an adverse landscape impact to the detriment of the character and appearance of the area. I have also concluded that the proposals would have the potential to result in some limited conflict with local business interests and the tourism objectives of the Development Plan, and that the appeal site possesses only limited access to public transport. These are matters which cumulatively I would attach a moderate level of weight to.
41. Despite its rural setting, which I acknowledge to have taken into account the locational constraints imposed by existing legislation and the characteristics of the site, on the basis of the submitted evidence, and being mindful of the recent planning permission for a crematorium at Beetham Hall, I am satisfied that there remains both a quantitative and qualitative need for the provision of a crematorium within South Lakeland. This is a matter to which I attach substantial weight. I also recognise that the proposed development would provide some limited support for the rural economy, and would result in the potential for enhancement of biodiversity interests on the appeal site. Furthermore, the proposals would not diminish the significance of the setting of the nearby listed building, and in respect of other possible harm identified by interested parties in relation to the proposed development, I conclude that none would be likely to result from the scheme.
42. Overall, I therefore conclude that the harm likely to be caused by the proposal would be outweighed by the benefits of the proposed development, and that for the reasons given above, and subject to the conditions attached, the appeal should be allowed.

Conditions

43. Turning to the suggested conditions, I have considered these in the light of paragraph 206 of the Framework. This paragraph sets out that planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise, and reasonable in all other respects.
44. I have added conditions related to timeliness and the identification of plans as they are necessary in the interest of proper planning and to provide certainty. In order to safeguard the appearance of the development and the countryside, conditions are necessary in respect of details and samples of external surface materials, the provision of a scheme of hard and soft landscaping, as well as details of external lighting, which would also be necessary to safeguard adjoining land uses. In this respect, conditions related to the submission and implementation of a Construction Method Statement, controls over operational hours and delivery times would also be necessary.

45. In respect of operational controls, I have had regard to the appellant's submissions, and I see no reason why a start time of 0830 rather than 0900 would be unacceptable Monday to Friday. Nevertheless, whilst I have noted the appellant's contention regarding the need for flexibility in the daily numbers of funerals that may take place, I do not consider in the light of the assessment criteria employed in the various supporting technical reports regarding the impact of the proposed development, that it would be unreasonable of the Council to seek to restrict the maximum number of daily events on a similar basis.
46. Schemes of surface and foul water disposal would be necessary in the interests of the environmental management of the site, as would details of proposed floor levels, and a scheme to remove suspended solids from surface water run-off during construction works. Conditions related to the submission of a Construction Method Statement, the provision of a pedestrian and vehicular access to the surrounding highway would be necessary in the interests of highway safety. A condition securing the implementation of a programme of work would be in the interest of the archaeological and heritage interest of the site.

M Seaton

INSPECTOR

Annex

Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing Numbers 2014-049_004 Rev. F, 2014-049_005 Rev. D, 2014-049_006 Rev. H, 2014-049_009 Rev. E, 2014-049_011 Rev. C, 2014-049_020 Rev. D, 2014-049_030 Rev. C, 2014-049_031 Rev. D, 10777_L001 Rev. B, 10777_L002 Rev. B, 10777_L003 Rev. B, 10777_L004, 10777_L005 Rev. A, 10777_L006 Rev. A, 10777_L007 Rev. A, and 0635-F02 Rev. B.
- 3) The development hereby permitted shall not be commenced until samples of the materials and finishes to be used for the external elevations of the buildings and roofs of the proposals have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved materials and finishes.
- 4) No development shall begin until a scheme for the disposal of surface water (surface water, land drainage and highway drainage), including a timetable of implementation, and foul water for the site has been submitted to and approved in writing by the Local Planning Authority. The foul and surface water shall be drained on separate systems and the surface water scheme shall be based on sustainable drainage principles, an assessment of the hydrological and hydrogeological context of the development; and section 7.0 – Recommendations of the Flood Risk Assessment dated December 2014, referenced C1099/EAJ/jt/Y0353 and produced by Shepherd Gilmour Infrastructure Limited. The drainage scheme shall demonstrate that surface water run-off generated up to an including the 1 in 100 year plus climate change critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The system shall be implemented and thereafter retained in accordance with the approved details.
- 5) The development hereby permitted shall not be commenced until details indicating the proposed floor levels of all buildings and parking areas to a fixed datum point, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the agreed levels.
- 6) The development hereby permitted shall not be commenced until a scheme to dispose of foul water to a package treatment plant has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.
- 7) The development hereby permitted shall not be commenced until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 - The parking of vehicles of site operatives and visitors;

- Loading and unloading of plant and machinery;
 - Storage of plant and materials used in the construction of the development;
 - Wheel cleaning facilities;
 - Measures to control the emission of dust and dirt during construction;
 - A scheme for the recycling/disposing of waste resulting from demolition and construction works;
 - Measures to control noise during construction; and,
 - A signage and temporary access strategy for construction traffic.
- 8) Before the development hereby permitted is first brought into use a new vehicular and pedestrian access shall be created to the A65 in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. The road access shall be laid out, constructed and provided with visibility splays in either direction, the area in advance of the sightlines being maintained throughout the life of the development clear of any object greater than 1 metre in height (0.6 metre in the case of vegetation) relative to the adjoining nearside carriageway channel level.
- 9) No development shall begin until the speed limit (40mph) has been relocated, a clear way has been implemented and advanced directional signs implemented in accordance with a scheme which has first been submitted to and approved in writing by the Local Planning Authority.
- 10) No development, other than works to implement the access, shall begin until the access and associated alterations to the highway layout including the right hand filter lane, clear way and advanced directional sign within the A65 have been implemented in accordance with drawing number 0635-F02 Rev. B.
- 11) Before installation, a scheme must be submitted to and approved in writing by the Local Planning Authority, detailing the proposals for external lighting. All works must be fully implemented in accordance with the approved scheme before the use commences. The lights must be positioned on site to minimise light trespass and glare, and maintained as such throughout the working life of the installation.
- 12) The Crematorium and associated gardens shall be open for burials or cremations from 0830 to 1700 hours Monday to Friday, and on a Saturday between 0900 to 1200 hours, and at no time on Sundays or Bank/Public Holidays. No more than four cremations shall take place each day.
- 13) No construction works, movement of traffic, or deliveries to and from the premises, shall occur other than between 0800 and 1800 hours on weekdays and between 0800 and 1300 hours on Saturdays, and at no time on Sundays or Bank/Public Holidays.
- 14) No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority, a scheme of hard and soft landscaping including its management. All planting, seeding or turfing indicated on the approved landscaping scheme shall be carried out in the first planting and seeding seasons following the occupation of the

buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed, or become seriously damaged and diseased, shall be replaced in the next planting season with other of a similar size and species.

- 15) No development shall be carried out on the land until the applicant or the agents or successor in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation and timetable which has been submitted to and approved in writing by the Local Planning Authority. The written scheme of investigation shall include the following components:
- a) An archaeological evaluation; and
 - b) Archaeological recording programme the scope of which shall be dependent upon the results of the evaluation.

Where significant archaeological remains are revealed by the programme of archaeological work, a post-excavation assessment and analysis, preparation of a site archive ready for deposit at an appropriate store, compilation of an archive report and a report of the results suitable for publication in a specialist journal shall be submitted to the Local Planning Authority.

- 16) The development hereby permitted shall not be commenced until such time as a scheme to treat and remove suspended solids from surface water run-off during construction works has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved.