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Gareth Owens LL.B Barrister/Bargyfreithiwr
Chief Officer (Governance)
Prif Swyddog (Llywodraethu)



To: Cllr David Wisinger (Chair)

CS/NG

Councillors: Marion Bateman, Chris Bithell,
Derek Butler, David Cox, Ian Dunbar, Carol Ellis,
David Evans, Alison Halford, Ray Hughes,
Christine Jones, Richard Jones, Richard Lloyd,
Billy Mullin, Mike Peers, Neville Phillips,
Mike Reece, Gareth Roberts, David Roney,
Carolyn Thomas and Owen Thomas

4 February 2015

Tracy Waters 01352 702331
tracy.waters@flintshire.gov.uk

Dear Sir / Madam

A meeting of the **PLANNING & DEVELOPMENT CONTROL COMMITTEE** will be held in the **COUNCIL CHAMBER, COUNTY HALL, MOLD CH7 6NA** on **THURSDAY, 12TH FEBRUARY, 2015** at **2.30 PM** to consider the following items.

******* ARRANGEMENTS HAVE BEEN MADE FOR THE COMMITTEE TO VISIT THE SITE AND A BUS WILL DEPART COUNTY HALL AT 1PM *******

Yours faithfully

Democracy & Governance Manager

AGENDA

- 1 **APOLOGIES**
- 2 **DECLARATIONS OF INTEREST**
- 3 **LATE OBSERVATIONS**
- 4 **REPORT OF CHIEF OFFICER (PLANNING AND ENVIRONMENT)**

The report of the Chief Officer (Planning and Environment) is enclosed.

REPORT OF CHIEF OFFICER (PLANNING AND ENVIRONMENT)
TO PLANNING AND DEVELOPMENT CONTROL COMMITTEE ON
12TH FEBRUARY 2015

| Item No | File Reference | DESCRIPTION |
|---|----------------|---|
| <u>Applications reported for determination (A=reported for approval, R=reported for refusal)</u> | | |
| 4.1 | 052334 - A | 052334 - A - Full Application - Construction of a New Crematorium, Associated Car Parks, Access Road and Ancillary Works, Landscaping, Gardens of Remembrance and Area for Natural Burials on Land at Kelsterton Lane/Oakenholt Lane, Near Northop (Pages 5 - 26) |

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **SPECIAL PLANNING AND DEVELOPMENT CONTROL COMMITTEE**

DATE: **12TH FEBRUARY 2015**

REPORT BY: **CHIEF OFFICER (PLANNING AND ENVIRONMENT)**

SUBJECT: **FULL APPLICATION – CONSTRUCTION OF A NEW CREMATORIUM, ASSOCIATED CAR PARK, ACCESS ROAD AND ANCILLARY WORKS, LANDSCAPING AND GARDENS OF REMEMBRANCE ON LAND AT KELSTERTON LANE/OAKENHOLT LANE, NEAR NORTHOP.**

APPLICATION NUMBER: **052334**

APPLICANT: **MEMORIA LTD**

SITE: **LAND AT KELSTERTON LANE/OAKENHOLT LANE, NEAR NORTHOP**

APPLICATION VALID DATE: **20TH JUNE 2014**

LOCAL MEMBERS: **CONNAH'S QUAY**
COUNCILLOR P. SHOTTON
COUNCILLOR A. DUNBOBBIN

NORTHOP HALL
COUNCILLOR L.A. SHARPS

TOWN/COMMUNITY COUNCIL: **CONNAH'S QUAY TOWN COUNCIL**
NORTHOP HALL COMMUNITY COUNCIL

REASON FOR COMMITTEE: **SCALE OF DEVELOPMENT RELATIVE TO DELEGATION SCHEME**

SITE VISIT: **YES**

1.00 SUMMARY

- 1.01 This full application which has been submitted by Memoria Ltd., proposes the construction of a new crematorium, associated car park, access road and ancillary works, landscaping and gardens of

remembrance on land between Kelsterton Lane/Oakenholt Lane off the B5126 Near Northop. The application site covers an area of approximately 2.8 hectares (7 acres) of existing agricultural land which is located within the open countryside as defined in the adopted Flintshire Unitary Development Plan.

- 1.02 The proposed crematorium and other associated development is located within the community council boundary of Connah's Quay, with the proposed site access and B5126 (Connah's Quay – Mold Road) being within the community council boundary of Northop Hall. The respective local members and community/town councils have been consulted on the planning application. For Members information the plans initially submitted as part of this application proposed that an area within the site be utilised for natural burials but this element has now been removed from the scheme by the applicant.

2.00 RECOMMENDATION: TO GRANT PLANNING PERMISSION, SUBJECT TO THE FOLLOWING:-

- 2.01
1. Time limit on commencement – 2 years.
 2. In accordance with approved plans.
 3. Hours of operation to be limited to 0900 – 1700 hours Monday – Fridays, 0900 – 1200 hours on Saturdays. None on Sundays or Bank/Public Holidays.
 4. Details of materials to be submitted and approved.
 5. Details of site and finished floor levels of building to be submitted and approved.
 6. No development to commence until details of chimney have been submitted/approved. Development to be carried out in accordance with approved details.
 7. No development shall take place until (i) the widening of Oakenholt Lane to 4.8m from the junction with the B5126 to the proposed site access and (ii) the extension of the existing footway to the pedestrian link into the site has been carried out in accordance with approved details.
 8. Forming and construction of means of site access to be submitted and approved. Development to be carried out in accordance with approved details.
 9. No building operations to commence until works associated with the forming of the site access including the kerbing and completion to carriageway base course layer up to the internal point of the entrance radii have been completed.
 10. Site access to have a visibility splay of 2.4 x 88 m in a northerly direction and 2.4 m x 80.8 m in a southerly direction.
 11. The stated visibility splays at the point of access shall be available and kept free from obstruction during construction works.
 12. Adequate facilities to be provided and retained within the site for the parking and turning of vehicles such facilities

- shall be completed prior to the proposed development being brought into use.
13. No development to commence, including site clearance until a Construction Traffic Management Plan has been submitted and approved. Development to be carried out in accordance with approved details.
 14. Prior to the site being brought into use an Operational Traffic Management Plan shall be submitted and approved. Development to be carried out in accordance with approved details.
 15. Details of signage to be submitted and approved.
 16. Hard and soft landscaping scheme to be submitted and approved including timescales for tree/hedgerow removal.
 17. Timescale for implementation of landscaping scheme.
 18. Details of external lighting to be submitted and approved. Development to be carried out in accordance with approved details.
 19. Scheme for the provision of a separate foul and surface water drainage system to be submitted and approved. Crematorium shall not be brought into use until drainage works have been implemented in accordance with approved scheme.
 20. Notwithstanding details contained within Ecological Appraisal no development to commence until details of Reasonable Avoidance Measures, mitigation, management and monitoring has been submitted and approved. Development to be carried out in accordance with approved details.
 21. No development to commence until an archaeological assessment and details recording of former industrial architecture on the site has been submitted.
 22. Pedestrian access to be completed before crematorium is brought into use.

3.00 CONSULTATIONS

3.01 Local Member Connah's Quay Councillor P. Shotton

Request site visit and planning committee determination. Preliminary views are that the proposal is a significant development which is a departure from the development plan and the access to the site is inadequate to serve the scale of development proposed.

Councillor A. Dunbobbin

No response received at time of preparing report.

Northop Hall Councillor L.A. Sharps

Request site visit and planning committee determination. Preliminary

views are that the proposal is a departure from the development plan and the access to the site is inadequate to serve the development proposed.

Connah's Quay Town Council

The Town Council objects on highway grounds i.e., the site does not have adequate access roads and problems with congestion could occur. There was also concern at the potential for further development areas from developers building houses down Oakenholt Lane. The Town Council would prefer the other proposed crematorium site over and above this one.

Northop Hall Community Council

Object to this application for the following reasons:-

1. Traffic Movements – Existing roads at this location are used as short cuts to the surrounding area and coupled with additional traffic generated by a development of 50 houses under construction, the roads around the village will not bear any more traffic.
2. There is an alternative application submitted by J.E. Davies for a crematorium to be constructed on land off Starkey Lane, Northop. The community council supports this application as a far more suitable and accessible site with good road links to the east and west via the A55.
3. The council understands that the site proposed by Memoria has already been assessed for suitability and dismissed only last year.
4. Failure to determine the application for a crematorium on land at Tyddyn Starkey has enabled Memoria to put in this rival application.

Request that consideration be given to the determination of this application at the same time as that for a crematorium at Tyddyn Starkey, Northop which has been re-submitted under Code no.053025.

Northop Community Council

Object to the development as it would have an impact on the character and appearance of the area forcing development in what is currently open land.

Head of Public Protection

Advise that the proposal will require a permit under the Environmental Permitting regime.

The Coal Authority

Records indicate that part of the site has been subject to past coal mining activities; the site being affected by the presence of two recorded mine entries. However the mine entries are outside the

planning application site and not located within the specific part of the site where development is proposed. A Coal Mining Risk Assessment is therefore not required and there is no objection to the proposed development.

Ramblers Association

No comments as the application does not directly affect any public rights of way.

Natural Resources Wales

No objection in principle subject to the imposition of conditions in order to safeguard protected species and ensure a satisfactory means of drainage.

Highways Development Control Manager

No objection to the proposed development subject to the imposition of conditions in respect of the widening of Oakenholt Lane, provision of footpath link, access/visibility requirements and the submission of Construction/Traffic Management Plans.

Campaign for the Protection of Rural Wales

Whilst recognising the need for a crematorium in Flintshire, express reservations about the scale of such a commercial enterprise in the open countryside. Would support such a development on a brownfield site, but consider this to be a more acceptable location compared to the site proposed closer to Northop. Question the adequacy of access and footpath link into the site but should permission be granted request these issues be covered by a Grampian condition.

Clwyd-Powys Archaeological Trust

It is noted that there is a small brick building which may be associated with nearby colliery activity located in the corner of the field near to the proposed pedestrian link into the site. Recommend the imposition of condition requiring an archaeological study of this building prior to the commencement of development.

Dwr Cymru/Welsh Water

The applicant intends utilising a private treatment works and therefore Natural Resources for Wales will require an input into the regulation of this method of drainage. Should a connection to a public sewerage system be preferred then Dwr Cymru Welsh Water will require further consultation. The proposed site is also crossed by a trunk/distributor watermain. It may be possible for the watermain to be diverted under Section 185 of the Water Industry Act 1991.

4.00 PUBLICITY

4.01 Press Notice, Site Notice, Neighbour Notification

136 letters of objection, the main points of which can be summarised

as follows:-

- Development would have a detrimental impact on the character of the open countryside.
- Adverse impact on the residential amenities of Northop and Northop Hall.
- Proposed site has inadequate and dangerous access.
- Development would not be centrally located and have a greater impact on residents with increased traffic movements through Northop and Northop Hall.
- Site submitted for a crematorium on land to the south of Tyddyn Starkey, Northop would be more preferable location given proximity to A55.
- Question the conclusions of the Transport Assessment and the Landscape Assessment undertaken.
- Consider that this application and that re-submitted for a crematorium on land at Tyddyn Starkey should be considered by the planning committee at the same time.

8 letters of support, the main points of which can be summarised as follows:-

- Proposal would not use high quality agricultural land or impact on a designated Green Barrier.
- Application accords with planning policy framework.
- No impact on highway safety and site would be preferable to that proposed to the south of Tyddyn Starkey, Northop (Code No. 051043).
- No impact on residential amenity or on local communities.

David Hanson Member of Parliament for Delyn

Letter received on behalf of constituents objecting to the development on highway and environmental grounds.

Sandy Mewies Assembly Member for Delyn

2 letters received on behalf of constituents objecting to the application on highway and environmental grounds.

Bagillt Community Council

Following the receipt of a letter from JA Davies & Son, support the view of the local funeral director, that both proposals for a crematorium in Flintshire should be dealt with by the planning committee of the county council at the same time.

5.00 SITE HISTORY

5.01 None relevant.

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

Policy STR1 – New Development.
Policy STR2 – Transport & Communications.
Policy STR7 – Natural Environment.
Policy STR10 – Resources.
Policy GEN1 – General Requirements for Development.
Policy GEN3 – Development in the Open Countryside.
Policy D1 – Design, Quality, Location & Layout.
Policy D2 – Design.
Policy D3 – Landscaping.
Policy D4 – Outdoor Lighting.
Policy RE1 – Protection of Agricultural Land.
Policy TWH1 – Development Affecting Trees & Woodlands.
Policy TWH2 – Protection of Hedgerows.
Policy L1 – Landscape Character.
Policy WB1 – Species Protection.
Policy WB5 – Undesignated Wildlife Habitats.
Policy WB6 – Enhancement of Nature Conservation Interests.
Policy AC21 – Pedestrian Provision & Public Rights of Way.
Policy AC4 – Travel Plans for Major Traffic Generating Developments.
Policy AC13 – Access & Traffic Impact.
Policy AC18 – Parking Provision & New Development.

Additional Guidance

Cremation Act 1902
Planning Policy Wales (PPW)
Technical Advice Note 5 – Nature Conservation & Planning
Technical Advice Note 6 – Planning for Sustainable Rural Communities.
Technical Advice Note 12 – Design.
Technical Advice Note 18 – Transport.
Design Manual for Roads & Bridges (DMRB).
Manual for Streets 1.
Manual for Streets 2.
Local Planning Guidance Note 11 – Parking Standards.
Circular 03/99 – Use of Non-Mains Sewerage Incorporating Septic Tank in New Development.

7.00 PLANNING APPRAISAL

7.01 Introduction

The site the subject of this application amounts to approximately 2.8 hectares (7 acres) of existing agricultural land which is within the open countryside to the west of Kelsterton Lane and east of Oakenholt Lane off the B5126 (Mold – Connah's Quay Road), approximately 2 km to the north-east of Northop and 1.25 km to the north of Northop Hall.

7.02 The site which is classified as Grade 3b agricultural land (Agricultural Land Classification ALC) extends over gently undulating pasture land interspersed with boundary planting, hedgerows and copse woodland. The surrounding landscape comprises mostly agricultural land with sporadic residential development on Oakenholt Lane, Kelsterton Lane and Golftyn Lane.

7.03 **Proposed Development**

The application which has been submitted by Memoria Ltd (a nationwide operator of crematoria facilities) proposes the construction of a new crematorium, associated car park, access road and ancillary works, landscaping and gardens of remembrance. In addition to the standard application forms and plans the application is accompanied by:-

- Planning, Design & Access Statement.
- Flintshire Crematorium Need Assessment.
- Landscape & Visual Assessment.
- Agricultural Land Classification.
- Transport Assessment.
- Tree Survey Report & Arboricultural Impact Assessment.
- Flood Risk Assessment.
- Ground Water Report.
- Ecological Appraisal.
- Archaeological Desk Based Assessment.

7.04 In terms of the detailing of the proposed elements of the application this can be summarised as follows:-

- **Crematorium Building**

A single storey structure which measures approximately 30 m x 20 m x 8.5 m high. It is proposed that the building incorporates an entry porch, entrance lobby/waiting area, a chapel to accommodate 95 seats, a crematory, an administration office, reception and interview room and exit "porte cochera" (covered porch for a vehicle or horse and carriage). The building is traditional in its form and design, the applicant being of the view that this responds to the landscape context in which it is located. It is proposed that the building be constructed having stone/render external walls with a natural slate roof. It is sited within the south west corner of the site with it being orientated so that the main entrance can be accessed from the driveway off Oakenholt Lane. The height of the chimney shown on the accompanying plans is shown at 9.5 m, this being affixed to the western gable elevation of the building. Whereas there is an annotation on the plan advising that the final height of the flue is to be set by a crematorium manufacturer and the dimension is an indication only, my recommended condition will cover this.

- **Vehicular/Pedestrian Access**

The application proposes that the vehicular access to the site and car park is obtained from a driveway off Oakenholt Lane. This proposed access is located approximately 200 m from the junction of Oakenholt Lane with the B5126. It is also proposed that there is a dedicated footpath which will lead from Oakenholt Lane near to its junction with the B5126 along the southern boundary of the field containing the road access. It is proposed that visitors to the crematorium who use the bus stop facility on the B5126 can access the site through the crematorium grounds.

- **Parking Provision**

The site layout plan shows the provision of a total of 40 No. car parking spaces within the main car park area located to the front of the north elevation of the crematorium building. In addition a further 60 No. spaces are proposed to the west to form an overflow car park to the main level of provision.

- **Garden of Remembrance**

A remembrance garden incorporating water features is proposed on an area measuring approximately 70 m x 35 m to the south of the proposed crematorium building.

- 7.05 For Members information proposals for new crematorium must have regard to the Cremation Act 1902. In addition to numerous requirements on the operation of such a facility, the Act places restrictions on the layout and siting of the crematorium. In particular it is required that:-

“No crematorium shall be constructed nearer to any dwelling house than 200 yards (182.88 m), except with the consent, in writing of the owner, lessee and occupier of such house, nor within fifty yards of any public highway, nor in the consecrated part of the burial ground of any burial authority”.

- 7.06 Whilst this is not a planning requirement it provides a useful indicator of the potential impact on amenity and having regard to the above Act, approximate distances to existing dwellings located in proximity to the site are:-

| Property | Distance to Site Boundary | Distance to Crematorium Building |
|---|----------------------------------|---|
| <u>Kelsterton Lane</u> Pinewood Lodge Wernddu | 42 m 500 m | 200 m 550 m |
| <u>Oakenholt Lane</u> Plas Bellin Lodge | 400 m | 435 m |
| <u>Golftyn Lane</u> Merllyn House | 450 m | 530 m |

- 7.07 Following submission of the application, a screening opinion has been undertaken in accordance with the Town & Country Planning (Environmental Impact Assessment) Regulations 2011, to ascertain whether the proposal would be subject to the requirement for an Environmental Impact Assessment (EIA). It is concluded in accordance with Regulation 2(1) that an EIA is not required with ecological, transport, landscape and other site specific issues assessed through the submission of separate reports accompanying the application.

7.08 **Planning Policy Framework**

There is no specific national planning policy guidance setting out the criteria which must be taken into account when assessing applications for new crematoria. Crematoria are not mentioned explicitly in Planning Policy Wales (PPW) or the adopted Flintshire Unitary Development Plan (FUDP). Each application must therefore be considered and assessed on its own merits, although both PPW and the FUDP provide a policy framework within which to consider the development of a crematorium.

- 7.09 In recent years there have been a number of appeals regarding applications for crematoria. These have established various parameters which are material in determination of subsequent proposals – in particular the requirement to demonstrate ‘need’ for the development.

7.10 **Main Planning Considerations**

It is considered that the main issues to be taken into account in determination of this application are:-

- i. The quantitative/qualitative assessment of whether there is a need for a crematorium within the locality and the

expected catchment area that a new crematorium might be expected to serve.

- ii. If such a need is established the considered optimum location for a facility.
- iii. The implications for a crematorium within the Northop locality following a crematorium proposal at St. Asaph within Denbighshire, being allowed on appeal.
- iv. The principle of the proposed development within an open countryside location having regard to the planning policy framework.
- v. Agricultural land classification.
- vi. Adequacy of highway network and access to serve the development.
- vii. Acceptability of location in accessibility terms.
- viii. Impact of development on the character of the landscape.
- ix. Impact on amenity of occupiers of nearby properties.
- x. Design of the building.
- xi. Impact on ecology.
- xii. Impact on past mining activity.
- xiii. Adequacy of drainage.

7.11 In order to assist in the assessment process, Flintshire County Council have commissioned independent consultants who have considerable experience in dealing with applications for crematoria (Peter Brett Associates). The consultants have been briefed to assess the suitability of the development in landscape and visual terms.

7.12 It is important that Members consider this application on its own planning merits rather than trying to compare it with the site at Tyddyn Starkey that was previously refused under application 051043 and which has been resubmitted. Whilst the requests received for this application to be considered at the same time as the re-submitted application at Tyddyn Starkey are duly noted, there is no requirement for this as the site the subject of this application, is not located within a Green Barrier. The issue for the committee is whether or not in planning terms the current application is satisfactory or not. The issue is not whether this site is a better or worse site than the Tyddyn Starkey site.

7.13 In commenting in detail in response to the Main Planning Considerations outlined above, I wish to advise as follows:-

Qualitative/Quantitative Assessment

There are currently no crematoria located in Flintshire and only three in North Wales at Bangor, Colwyn Bay and Pentrebychan (near Wrexham). Together with the crematorium at Chester these existing facilities help to serve the current needs of the population of Flintshire.

7.14 **Qualitative Assessment**

In looking at the issue of qualitative need Peter Brett Associates examined journey and waiting times at existing crematoria (when assessing the application 051043 for a crematorium at Northop) as it is acknowledged that waiting times between death and cremation have been cited as evidence of qualitative need.

7.15 In addition an important measure of qualitative need, for crematoria is based on the population which is beyond an acceptable distance from an existing facility. Inspectors in previous appeal decisions have considered that an industry standard or rule of thumb has been applied whereby a funeral cortege should not have to undertake more than a 30 minute drive to access such a facility.

7.16 The assessment undertaken by Peter Brett Associates to establish need concluded that:-

- There is evidence of waiting times in excess of one week at the Chester crematorium whilst there is unfilled capacity at both Colwyn Bay and Wrexham.
- There is a population of around 84,000 persons who currently reside in excess of 30 minutes drive time from a crematorium who would be served by the new facility together with a further 15,500 persons who are not currently within 45 minutes drive time of an existing crematorium who would be within 45 minutes of the proposed development. This is a significant level of population and an important indicator of qualitative need for crematorium provision within Flintshire.

7.17 **Quantitative Assessment**

A detailed analysis of Minimum Drivetime Catchment (MDC) around the previously proposed site at Tyddyn Starkey, Northop has been undertaken. This has shown that there is a population of 174,000 who would be closer to a new facility at Northop, than to any existing crematorium – a population which could rise to around 178,000 by 2033. This population would be expected to generate a demand for 1,233 cremations per year – rising to 1,458 per year in 2033. These figures indicate a quantitative need for a new crematorium in this part of Flintshire.

7.18 **Optimum Location**

Peter Brett Associates have advised that it is not possible to identify one site which is the 'Optimum Location' for a crematorium in Flintshire. It is however considered possible to identify a broad area of the County within which a number of sites could potentially meet the identified need for a new crematorium and the current site falls within this area.

7.19 **Implications for Development Having Regard to the St. Asaph Crematorium Proposal**

In preparing this report it is noted that an application for a crematorium at St. Asaph submitted to Denbighshire County Council has been allowed on appeal to The Planning Inspectorate on 5th January 2015.

7.20 The Inspector's report references the fact that two separate crematoria schemes have been submitted to Flintshire. The report acknowledges that one application has been refused with this current application yet to be determined. Notwithstanding the above, the Inspector concludes that if either of the proposals in Flintshire were to be developed that there would still be a quantitative and qualitative need for the St. Asaph proposal. By implication, it is my view that it can therefore be concluded that there would still remain a need for a crematorium in Flintshire should the St. Asaph proposal be developed.

7.21 **Planning Policy**

Planning Policy Wales (PPW) is the principal document of the Welsh Government which sets out the land use policy context for the consideration and assessment of the proposed development. The main thrust of PPW is to promote sustainable development by ensuring that the planning system meets society's needs in a way that is consistent with overall sustainability principles.

7.22 It is recognised that due to the requirements of the Cremation Act 1902 and the need for an appropriate landscaped and tranquil setting for the facility, that by their nature new crematoria are almost inevitably developed in rural locations, although it is not considered essential to have an open countryside location for such developments.

7.23 The open countryside location of this site is acknowledged and in my view there is an 'identified need' for such a facility within the western part of Flintshire.

7.24 The site the subject of this application at Kelsterton Lane/Oakenholt Lane is located within the open countryside but not within a Green Barrier. In planning policy terms there is no requirement for an alternative site assessment to be undertaken as part of this application.

7.25 Having regard to the planning policy context referred to, the suitability of this site for the development proposed is therefore in my view based on its acceptability in highway, landscape and ecological terms. It is however considered that if the principle of development is supported by Members in accordance with my recommendation, that the time period for the commencement of development be reduced from 5 to 2 years given the identified need for a crematorium in Flintshire as outlined in paragraphs 7.14 – 7.17 of this report.

7.26 **Agricultural Land Classification**

The land the subject of this application is classed as Grade 3b (Agricultural Land Classification) which is not regarded as the best and most versatile agricultural land, which is restricted to land of Grade 3a and above.

7.27 Whilst there are both national and local policies which seek to protect the 'best and most versatile' agricultural land, this development does not require on the basis of its classification, formal consultation with Wales Government (Agriculture).

7.28 **Adequacy of Highways**

For Members information, consultation on the planning application has been undertaken with the Highways Development Control Manager in order to assess:-

- Whether the capacity of the existing highway network is acceptable to serve the proposed development.
- Whether there is a potential conflict with existing traffic movements in the locality.
- If the formation of a new vehicular access into the site from Oakenholt Lane is acceptable in technical terms.
- The adequacy of the proposed parking to serve the development.

7.29 The Highways Development Control Manager has assessed the application having regard to the details/conclusions contained within a Traffic Assessment (TA) submitted as part of the application and having regard to the objections received further to the consultation exercise undertaken. It is considered by the Highway Development Control Manager, that the impact of increased vehicular movements associated with this development can be satisfactorily accommodated within the highway network to/from the site and through existing villages. It is also considered that whilst there is a level of other existing vehicular movements along Oakenholt Lane (including agricultural activity) from which access into the site is proposed, this lane has a restriction on Heavy Goods Vehicle access. It is considered by the Highway Development Control Manager that the volume of traffic movements associated with the proposed development, would not conflict with existing vehicular movements and when combined with the highway improvements outlined in paragraph 7.31 would make the proposal acceptable in highway terms.

7.30 For Members information, the TA initially submitted as part of the application, proposes that Oakenholt Lane from its junction with the B5126 be increased in width along its length to the proposed site entrance (a distance of approximately 200m), to 5.0 m wide in order to facilitate the safe passing of 2 No. vehicles. This would however result in a requirement for approximately 110 m of hedgerow on the

western side of Oakenholt Lane to be removed, although it is proposed by the applicant that the hedgerow is translocated.

- 7.31 In further consideration of this aspect of the development and to avoid the possible removal of the hedgerow at this location, the Highways Development Control Manager is of the opinion that in accord with 'Manual for Streets' that the road only requires increasing in width to a minimum 4.5 m and not 5.0 m as initially advanced by the applicant's highway consultants to provide for the safe passing of vehicles in opposite directions. An increase in width to 4.8 m can however be satisfactorily achieved within the highway verges on Oakenholt Lane without removing a significant length of the existing established hedgerow apart from a 7 m length to facilitate the formation of the entrance to the site. In this context the applicant proposes an amendment to the initially submitted scheme for the widening of Oakenholt Lane to 4.8m up to the proposed site entrance. This is considered acceptable by the Highways Development Control Manager to form a safe and satisfactory access and can be covered by one of my recommended conditions.
- 7.32 Local Planning Guidance Note 11 – Parking Standards does not explicitly refer to the maximum parking standards to be applied when considering the proposed development of a crematorium. In considering the adequacy of the level of parking provision proposed to serve the development, (100 spaces) specific regard has been given by the Highways Development Control Manager to the level of traffic generation anticipated in the Transport Assessment submitted as part of the planning application. It is concluded in accordance with these details that this level of parking provision is acceptable to serve the development.
- 7.33 **Acceptability of Location in Accessibility Terms**
In consideration of the appeal for a crematorium at St. Asaph, the Inspector assessed whether that site could be considered acceptable for the proposed use in accessibility terms.
- 7.34 Specific reference was made by the Inspector to the type and nature of movements associated with a crematorium with it being concluded that:-

“the nature of its use is not conducive to travelling by public transport, bicycle or on foot and the use of the private car is more likely. Moreover, mourners would either be travelling together as part of the cortège or would be more likely to car share with family and friends. As such, car occupancy levels would tend to be higher than for other forms of development. There would be some return visits to the gardens of remembrance by the bereaved, particularly where there have been interments involving the disposal of ashes with memorials”.

- 7.35 Having regard to the site the subject of this application it is located approximately 300 m from the nearest bus stop on the B5126 with an approximate 2 hourly bus service. To facilitate access into the site from the bus stop, a new footpath is proposed from the junction of Oakenholt Lane with the B5126 for a distance of approximately 250 m into the site. As a result those mourners or visitors wishing to attend the site by public transport and/or to walk to the proposed crematorium or gardens of remembrance could do so.
- 7.36 In allowing the St. Asaph appeal, the Inspector also references PPW which sets out the objectives of the Welsh Government for transport, including reducing the need to travel by locating development where there is good access by public transport, walking and cycling and reducing the length of journeys. In referring to a previous decision within Cheshire, the Inspector considers it appropriate to take a broader view of sustainable travel than simply the extent to which a site is accessible by public transport. Consideration of a reduction in the length of journeys to other crematoria and reduction in CO² emissions over a lifespan of development even when considered in the context of the St. Asaph proposal is an important factor in this respect. It is therefore my view that the area of the site as a crematorium is appropriate to different modes of transport.
- 7.37 **Landscape Impact**
The application site which amounts to approximately 2.8 hectares in area, comprises sections of 2 No. existing agricultural fields in arable/pasture use which are interspersed by hedgerows/trees, copse woodland and a wooded backdrop along the line of Kelsterton Brook. The trees along this north eastern boundary consist largely of deciduous native species, a significant proportion of which exceed 10 m in height.
- 7.38 The field in current pasture which would contain the crematorium building, memorial gardens and car parking has no defined north-eastern boundary and continues in an easterly direction to Kelsterton Lane. This lane is bounded by a continuous, largely hawthorn, boundary hedge approximately 1.5 m high.
- 7.39 The western field adjacent to Oakenholt Lane, is in arable production. The proposed site works to be undertaken in this field are restricted to its northern corner and would include the formation of the site entrance and formation of a new road access to the crematorium. The western boundary is formed by Oakenholt Lane defined by a native hedgerow approximately 1.5 m high containing several trees including oak and sycamore. Two sycamores would need to be removed to facilitate the formation of the site entrance and an oak tree would also need to be removed within an internal hedgerow to create the access to the crematorium. An assessment of the condition of these trees has been undertaken by the Council's Arboricultural Officer who considers them to be particularly poor specimens and

there is no objection to their removal.

7.40 The character of the landscape is defined both within the site and the wider context by the following elements and features:-

- Rolling and undulating land form.
- Fields are medium scale and are enclosed by hedgerows with hedgerow trees.
- Woodland located within valley streams.

7.41 In support of the application, a Landscape and Visual Assessment (LVA) of the site has been submitted by the applicant's landscape consultants, which assesses the impact of development from various viewpoints including residential properties, public rights of way and roads. As indicated in paragraph 7.11 of this report PBA have been commissioned by Flintshire County Council to assess the impact of development on the character of the landscape at this location.

7.42 To this effect the LVA of the site has been assessed by PBA who have considered the impact on the landscape on the basis of the proposed translocation of a section of hedgerow along Oakenholt Lane. It has been concluded by PBA that the landscape and visual impacts of the wider development including translocation of the hedgerow would be limited and would reduce as the structural landscaping within the site becomes established in order to contain the development.

7.43 However, since the above evaluation has been undertaken, it is considered that there is now no requirement from a highway perspective for the hedgerow on the western side of Oakenholt Lane to be removed. PBA did not object to the initial widening of Oakenholt Lane on the basis of translocation of the hedgerow and this revised access arrangement in my view provides for the retention of an existing hedgerow, which, when compared to the initial proposal is in my view to be welcomed in landscape terms to further minimise the impact of development on the landscape.

7.44 **Residential Amenity**

The nearest residential properties to the application site are located off Kelsterton Lane, Oakenholt Lane and Golftyn Lane and are referenced in the table in paragraph 7.06 of this report. This shows the respective distances of each property to the site boundary and main crematorium building.

7.45 The concerns raised by residents living in proximity to the site in respect of increased noise/disturbance from additional traffic generated by the proposal are duly noted. It is acknowledged that there will be an inevitable increase in vehicular movements at this location, over and above that which currently exists but it is considered that the improvement to Oakenholt Lane will facilitate the

provision of an adequate access into the site.

7.46 It is also considered that the combination of the distances of residential properties to:- (i) the site boundary/main building having regard to the Cremation Act 1902 criteria, and (ii) existing/proposed structural landscaping within the site will help to screen the development and form a buffer between the site and existing properties so that the impact on privacy/amenity can be safeguarded.

7.47 **Design/Siting**

The design of the proposed building as outlined in paragraph 7.04 is traditional in its form incorporating the use of stone/render and slate. An assessment of the impact of the proposed development on the landscape by virtue of its design/siting has been undertaken by PBA with it being concluded that the design of the building is appropriate to its setting.

7.48 The siting of the building within the field parcel will help to frame it within the site area and the existing/proposed landscaping will help to assimilate the development into the landscape without causing demonstrable harm.

7.49 **Ecological Considerations**

The nearest statutory designated site to the application site, is the Deeside & Buckley Special Area of Conservation/Site of Special Scientific Interest (SAC/SSSI) which is located over 1 km to the north.

7.50 An Ecological Appraisal accompanies the application. This confirms that whilst there are no known records of the presence of Great Crested Newts (GCN) on the site, that there is potential for it to be used as a terrestrial habitat, given that there are ponds adjacent to the site boundary and a number within 250 m and 500 m. As a result the appraisal assumes the presence of GCN within the site. In addition to the above the site has been surveyed for badgers, bats, water voles, dormice, reptiles and nesting birds.

7.51 The EC Habitats Directive 1992 requires the UK to maintain a system of strict protection for protected species and their habitats. The Directive only allows disturbance, or deterioration or destruction of breeding sites or resting places, in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment and provided that there is no satisfactory alternative and no detriment to the maintenance of the species population at favourable conservation status in their natural range.

7.52 The UK implemented the Directive by introducing The Conservation (Natural Habitats etc) Regulations 1994, now the 2010 Regulations, which contain two layers of protection a requirement on Local

Planning Authorities (“LPAs”) to have regard to the Directive’s requirements above, and a licensing system administered by the Welsh Ministers.

- 7.53 Planning Policy Wales (Edition 7, paragraph 5.5.11) advises Local Planning Authorities that: “The presence of a species protected under European or UK legislation is a material consideration when a local planning authority is considering a development proposal which, if carried out, would be likely to result in disturbance or harm to the species or its Habitats”.
- 7.54 Technical Advice Note 5 - Nature Conservation and Planning (2009) states at para. 6.3.6 :- “Regulation 3(4) of the Habitats Regulations [Regulation 9 (5) in the Habitats Regulations 2010] requires all local planning authorities, in the exercise of their functions, to have regard to the provisions of the Habitats Directive so far as they might be affected by the exercise of those functions. Consequently, the Directive’s provisions are relevant in reaching planning decisions where a European protected species may be affected and it is therefore important that such planning decisions are reached in a manner that takes account of, and is consistent with, the Directive’s requirements. Those requirements include a system of strict protection for European protected species, with derogations from this strict protection being allowed only in certain limited circumstances and subject to certain tests being met. These requirements are transposed by the provisions of the Habitats Regulations. The issues of whether development could give rise to a breach of the Regulations’ requirements, and whether there may be a potential need for a licence to avoid such a breach, are therefore a material consideration in a relevant planning decision, and where a licence may be needed, the three licensing ‘tests’ required by the Directive should be considered by the local planning authority. Paragraph 6.3.7 then states:- “It is clearly essential that planning permission is not granted without the planning authority having satisfied itself that the proposed development either would not impact adversely on any European protected species on the site or that, in its opinion, all three tests for the eventual grant of a regulation 44 (of the Habitats Regulations) licence are likely to be satisfied”.
- 7.55 Whilst there is no direct impact on the Great Crested Newt Habitat, the development will require the issue of a license under the above regulations in accordance with the three tests outlined below:-
- (i) The need for this facility. This has been proven in undertaking the qualitative and quantitative need assessment referred to earlier in this report.
 - (ii) That there is no satisfactory alternative to the development of this site. In considering the ‘Optimum Location’ for a crematorium in Flintshire as outlined in paragraph 7.18, PBA

consider that there are a number of sites within the Northop locality which may fulfill this criteria. It is however considered that given the high concentration of GCN in this area, that the impact of development on protected species and their habitat will be a common factor and there is therefore no satisfactory alternative site.

- (iii) That mitigation measures would compensate for any adverse impacts arising from the increase in activity from the development of this site in this location. This can be achieved by the recommendations within condition 20 in paragraph 2.01 of this report.

For Members information, this is consistent with the approach adopted when considering the application for a crematorium at Tyddyn Starkey, where it was also recognised that notwithstanding the Green Barrier designation any development on that site would also have required mitigation to be secured through an appropriately worded condition to safeguard the indirect impact of development on the GCN habitat.

7.56 The proposed development and mitigation proposals have been assessed by the County Ecologist and Natural Resources Wales who consider that subject to appropriate mitigation the development is not likely to have a detrimental impact on the potential GCN population at this location.

7.57 In addition to the above an assessment of the impact of proposed development on badgers, bats, water voles, dormice, reptile and nesting birds has been undertaken. There is no evidence of badgers, water voles, dormice or reptiles within the site, although it is proposed that the Kelsterton Brook which provides a suitable habitat for water voles is retained as part of the development, together with hedgerows the bases of which provides a habitat for dormice and common reptiles including grass snakes and slow worms. In addition as limited hedgerow/tree removal is proposed this can be timed to avoid any potential disturbances to nesting birds. With the supplemental landscaping proposed within the site this will help to maintain the level of habitat at this location. It is acknowledged that the proposal would entail the removal of two trees on Oakenholt Lane, to facilitate the formation of the site entrance. However, only one of the trees is considered to have 'moderate' bat roost potential and alternative mitigation proposals including the provision of a bat box can be installed to compensate for its removal together with wider controls of the lighting specification for the site to safeguard their presence. In these circumstances it is considered that the application satisfies the three tests required by the Habitats Directive. In these circumstances it is considered that the suggested mitigation to

safeguard GCN, nesting birds and bats can be secured through an appropriately worded condition if permission is granted.

7.58 In view of paragraphs 7.52 – 7.57 it is considered that the application satisfies the three tests required by the Habitats Directive.

7.59 **Past Mining Activity**

Consultation on the application has been undertaken with the Coal Authority in recognition of the areas industrial past. Whilst it is acknowledged that the site is affected by two recorded mine entries, there is no objection to the development from the Coal Authority, as the mine entries are located outside the application site boundary and not within a specific part of the site where new development is proposed.

7.60 **Adequacy of Drainage/Groundwater Protection**

It is proposed that foul drainage from the site is dealt with by the installation of a Package Treatment Plant. Consultation on this aspect of the proposal has been undertaken with Natural Resources Wales who have raised no objection to the installation of this method of foul drainage disposal. The treatment and disposal of foul drainage must however comply with relevant guidance and permits administered by them. In addition and in respect of surface water drainage particularly from car park areas, NRW have advised that this must pass through an oil interceptor before discharge. If Members are mindful to grant permission for the development the foul/surface water requirements can be covered by conditions.

7.61 In addition to the above, Dwr Cymru/Welsh Water have advised that part of the site is crossed by a trunk/distributor water main. This is located within the western field adjacent to Oakenholt Lane and runs parallel with it along the length. There is no proposal to build over the line of the water main save for the formation of the vehicular access driveway to serve the development. Whilst this is not a material planning consideration, the integrity of the water main during site construction works will however be covered through separate legislation between the statutory undertaker and private developers.

8.00 CONCLUSION

8.01 It is acknowledged as a result of a previous assessment undertaken by Peter Brett Associates and the conclusion of a recent appeal for a crematorium at St. Asaph, that a qualitative and quantitative need for a crematorium in Flintshire has been established. The site the subject of the application is located within open countryside but is not a statutorily designated site of specific landscape importance or classified as being high quality agricultural land or is it within a Green Barrier. Consequently, this does not require the undertaking of an alternative site assessment, before the principle of development in policy terms can be established. The acceptability of development at

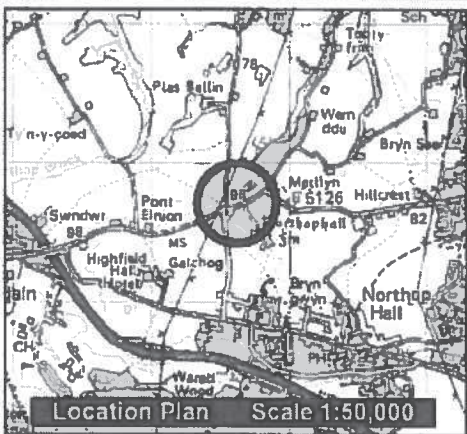
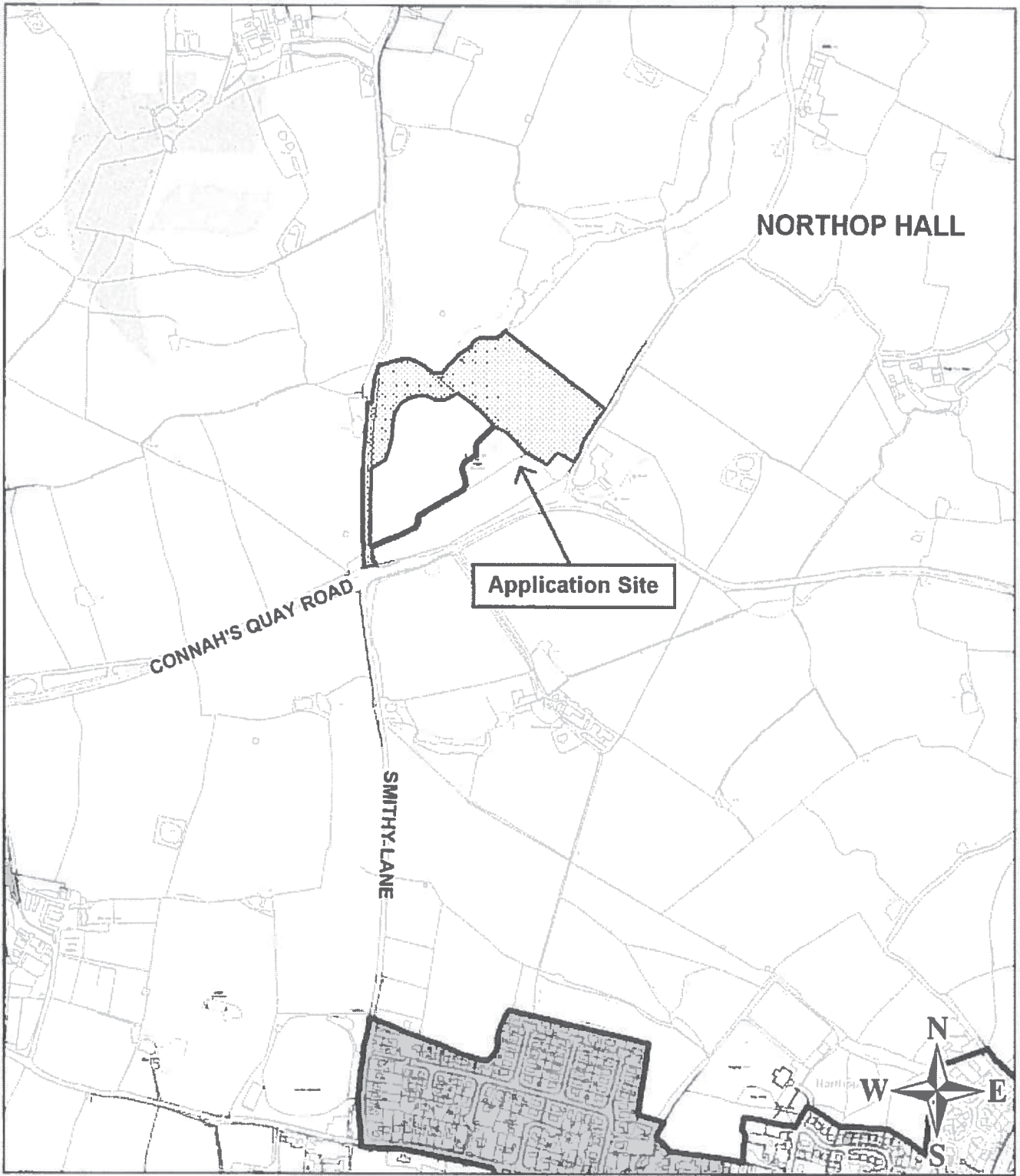
this location is therefore acceptable in my view having regard to highway, landscape and ecological considerations. In this respect there is no objection to the proposal from the Highways Development Control Manager. Peter Brett Associates have also confirmed my view that the development would not have an unacceptable impact on the character of the landscape. In addition, the ecological impact of development has also been assessed and it is concluded that subject to appropriate mitigation, that there is no detrimental impact on protected species. Taking into account the conclusions outlined above it is my view that the development can therefore be supported at this location and I recommend the grant of permission subject to the imposition of conditions as contained in paragraph 2.01 of the report.

- 8.02 In considering this planning application the Council has acted in accordance with the Human Rights Act 1998 including Article 8 of the Convention and in a manner which is necessary in a democratic society in furtherance of the legitimate aims of the Act and the Convention.

LIST OF BACKGROUND DOCUMENTS

Planning Application & Supporting Documents
National & Local Planning Policy
Responses to Consultation
Responses to Publicity

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| <p>Sir y Fflint Flintshire COUNTY COUNCIL</p> | <p>Planning & Environment, Flintshire County Council, County Hall Mold, Flintshire CH7 6NF Chief Officer Mr Andrew Farrow</p> | | | | | | |
| | <p>Legend</p> <ul style="list-style-type: none"> Planning Application Site Adopted Flintshire Unitary Development Plan Settlement Boundary | | | | | | |
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