

FLINTSHIRE COUNTY COUNCIL

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

DATE: **12TH FEBRUARY 2014**

REPORT BY: **HEAD OF PLANNING**

SUBJECT: **CHANGE OF USE OF AGRICULTURAL LAND TO A GRAVEYARD AT LAND TO THE REAR OF CROMPTON CLOSE, HIGHER KINNERTON.**

APPLICATION NUMBER: **051534**

APPLICANT: **WILLIAM CROMPTON ESTATE CHARITY**

SITE: **LAND TO THE REAR OF CROMPTON CLOSE, HIGHER KINNERTON**

APPLICATION VALID DATE: **28TH NOVEMBER 2013**

LOCAL MEMBERS: **COUNCILLOR P LIGHTFOOT**

TOWN/COMMUNITY COUNCIL: **HIGHER KINNERTON COMMUNITY COUNCIL**

REASON FOR COMMITTEE: **REQUESTED BY THE LOCAL MEMBER**

SITE VISIT: **YES**

1.00 SUMMARY

- 1.01 This planning application seeks permission for the change of use of agricultural land to the rear of Crompton Close, Higher Kinnerton to a graveyard.
- 1.02 Planning permission for an identical scheme was granted 19th August 2008. The only difference between the current application and the extant permission is the proposed vehicular access.

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

- 2.01 That conditional planning permission be granted subject to the following conditions:
1. Time commencement
 2. In accordance with plans
 3. Restrictions on positioning of burials
 4. Landscaping details to be submitted and approved
 5. An approved scheme for the layout of the graveyard is to be submitted and approved
 6. Access restricted to the funeral hearse and maintenance vehicles

3.00 CONSULTATIONS

3.01 Local Member

Councillor P Lightfoot

Requests a site visit as there are inconsistencies in the plans submitted and there are parking issues.

Higher Kinnerton Community Council

Does not support the proposal. The plans submitted are incorrectly annotated.

Head of Assets and Transportation

No objection subject to the vehicular access being limited only to a funeral hearse and maintenance traffic.

Head of Public Protection

No objection subject to conditions recommended by NRW

Natural Resources Wales

No objection subject to conditions.

4.00 PUBLICITY

4.01 Site Notice, Neighbour Notification

5 representations have been received objecting on the grounds of:

- Inaccurate plans submitted with the application
- Inappropriate for funeral procession to go through the play area
- Increased traffic and parking on Park Avenue

5.00 SITE HISTORY

5.01 044413 - Change of use of agricultural land to a graveyard

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

GEN1 – General Requirements for New Development

GEN3 – Development in the Open Countryside

7.00 PLANNING APPRAISAL

7.01 Introduction

The application site is located just outside the settlement boundary of Higher Kinnerton as defined in the adopted Flintshire Unitary Development Plan and is therefore in the open countryside. To the north and west of the site is open countryside; to the east is an open field, on the opposite side of which are residential properties on Crompton Close; to the south east of the site is a play area, on the opposite side of which are residential properties on Kirkett Avenue.

7.02 The proposed access to the site is via an existing footpath which runs along the north boundary of the adjacent playing field linking it with Park Avenue.

7.03 The proposal includes for the change of use of approximately 0.2 hectares of agricultural land for use as a graveyard. It is proposed that hedging will be planted on all sides of the graveyard to provide privacy and also screen the site. Badger proof fencing will also be erected on the inside of the hedge to prevent badgers from entering the site and disturbing the ground.

7.04 The proposed vehicular access and turning area will be created using graded limestone.

7.05 Main Issues

The main issues to consider in the determination of this application are the impact the proposal will have on the general character of the area; the impact on highway safety and the highway network; and, the impact on the amenities of nearby residents.

7.06 Policy Context

The site subject of this application is located outside the settlement confines of Higher Kinnerton within an area of open countryside as shown on the Proposals Maps in the adopted Unitary Development Plan.

7.07 UDP Policy GEN3 sets out the types of development that may be permitted outside settlement boundaries. Criterion *J* allows for other development which is appropriate to the open countryside and essential to have an open countryside location rather than be sited elsewhere. Given the nature of this proposal it could be deemed an appropriate use for a rural area subject to meeting the detailed general requirements of UDP Policy GEN1.

7.08 As such, in principle, the proposal would comply with the relevant policies of the UDP.

7.09 Impact on the character of the area

By its very nature, the proposal will not be visually obtrusive in that the only physical features of the graveyard will be headstones. Notwithstanding this, adequate natural screening will even further reduce this impact.

7.10 The proposed access and turning area will be constructed of stone and will run through the existing play area. It is not considered that this will cause any adverse harm on the character of the area.

7.11 Impact on residential amenity

The proposal will not generate any noise, and given its distance from nearby residential properties, it will not cause any adverse over bearing or overlooking impact, particularly during times when a funeral is taking place on the site.

7.12 Concerns have been raised by local residents regarding the issue of people parking on Park Avenue and causing congestion and using the entrance to the play area as a vehicular access to the site; however, the Head of Assets and Transportation has no objection subject to the vehicular access only being used by the funeral hearse and maintenance. Due to the scale of the site, it is not considered that it will be frequently used and therefore any impact on residents by funeral processions or visitors to the site will minimal and sporadic.

7.13 Other considerations

Reference has been made by third party representations to the submission of an inaccurately annotated plan. However, the plan referred to forms part of the lease agreement for the land and does not form part of the planning application.

7.14 There is an extant planning permission for a similar scheme to that proposed, the only difference being the vehicular access on the current application. The extant permission only has consent for a 1.5m wide footpath following the same route as the currently proposed vehicular access. Whilst the UDP has been formally adopted since the extant permission was granted, the relevant policies to be considered have not materially changed.

8.00 CONCLUSION

8.01 For the reasons above, it is considered that the proposal is acceptable in terms of the principle of the development in planning policy terms, the highway implications, the effects upon the character and appearance of the area and the effects upon the amenities of nearby residents.

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.

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