

**PLANNING AND DEVELOPMENT CONTROL COMMITTEE**  
**12 FEBRUARY 2015**

Minutes of the meeting of the Planning and Development Control Committee of the Flintshire County Council held at County Hall, Mold on Thursday, 12 February 2015

**PRESENT: Councillor David Wisinger (Chairman)**

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

**SUBSTITUTIONS:**

Councillor: Haydn Bateman for Marion Bateman, Mike Lowe for Billy Mullin, Veronica Gay for Mike Peers and Ron Hampson for Mike Reece

**ALSO PRESENT:**

The following Councillors attended as local Members:-

Councillors Tony Sharps and Paul Shotton – agenda item 4.1.

The following Councillors attended as observers:

Councillor: Mike Peers and Aaron Shotton

**IN ATTENDANCE:**

Chief Officer (Planning and Environment), Development Manager, Planning Strategy Manager, Senior Engineer - Highways Development Control, Senior Planner, Planning Support Officer, Democracy & Governance Manager and Committee Officer

**132. DECLARATIONS OF INTEREST**

Councillor Christine Jones declared a personal and prejudicial interest in the following application because a family member was an undertaker and explained a dispensation had been granted by the Standards Committee:-

**Agenda item 4.1 – 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 (052334)**

**133. LATE OBSERVATIONS**

The Chairman allowed Members an opportunity to read the late observations which had been circulated at the meeting.

**134. 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 (052334)**

The Committee considered the report of the Chief Officer (Planning and Environment) in respect of this application which had been the subject of a site visit earlier that day. The usual consultations had been undertaken and the responses received detailed in the report. Additional comments received since the preparation of the report, along with an addition to it, were circulated at the meeting.

The officer detailed the background to the report and explained that a number of amendments had been made to the originally submitted application which were detailed in the report. These included the removal of an area for natural burials and the proposal to increase the width of Oakenholt Lane to the site entrance to 4.8m without the requirement for translocating the existing established hedgerow. He referred to the amendment to paragraph 7.29 of the report, and the remainder of the late observations. The officer also highlighted condition 22 which had been added since the draft conditions had been made available to Members. He asked that Members consider this application on its own merits and not compare it with the Tyddyn Starkey application which had previously been refused by the Committee on 29 October 2014. This application site was not in the green barrier and there was therefore no requirement for an alternative site assessment to be undertaken. At the meeting on 29 October 2014, the Committee had agreed that there was a need for a crematorium in Flintshire and this was one of the main issues considered by the officer in preparation of his report with the recommendation of approval.

Mrs. J. Hulme spoke against the application on behalf of local residents. She felt that the site was not suitable for a crematorium and she raised concern at the address given for the site and suggested that this could be misleading. The village and lane were not capable of taking traffic generated by the proposal as the road was a single track and was not wide enough to allow a funeral hearse and other traffic to pass each other. Mrs. Hulme asked who would police the routes that the funeral vehicles took to ensure that they followed the proposed signage to be put in place as she felt that the signed routes would not be followed. She referred to a planning application that she had submitted in 2001 which conditioned that traffic could not leave the proposal onto Oakenholt lane because of it being dangerous. Mrs. Hulme felt that the difficult highway issues had not been taken into account in consideration of the application and referred to the rat run from the A548 to the A55 which was frequently used by students from Coleg Cambria. She suggested that all lanes in the area were dangerous because they were so narrow and referred to the number of accidents that had occurred in the area. She agreed that there was a need for a crematorium but that this was not the correct site and she referred to the number of objections that had been received to the proposal. She suggested that the Tyddyn Starkey proposal

was far superior to this site and asked the Committee to refuse the application.

Mr. J. Hodgeson spoke in support of the application. He explained that the applicant had seven sites in the United Kingdom including one which was to be built in Denbighshire and two in South Wales and the company had 80 year's experience. The proposal included one hour time slots for cremations and this would prevent problems with traffic flow to and from the site. The company had identified this as the best site in Flintshire for the proposal and were looking to invest £4m in the development. He spoke of the issue of delays in waiting times for funerals and added that approval of this proposal would assist in reducing this problem. Mr. Hodgeson explained that only 15% of the site would be developed and the 3,000 square foot crematorium building would have a minimum impact on the countryside. Following a recent consultation exercise, he suggested that 91% of local residents were in favour of the proposal which included making improvements to Oakenholt Lane by widening it to 4.8 metres. The access had been designed in accordance with national guidance and on the issue of highway safety, there had been no accidents in the vicinity of the site in three years. A pedestrian access across the southern boundary of the site was also to be created. In view of the catchment area Mr. Hodgeson stated that the new facility would avoid 188,000 travel miles a year, which would reduce CO<sup>2</sup> omissions, and that only 39% of traffic would need to access the site through Northop and Northop Hall.. He referred to the site at Tyddyn Starkey that had been refused, stating that sites in the green barrier could only be permitted in exceptional circumstances, including where there was an alternative site outside the green barrier. he added that refusal of his application would not make the Tyddyn Starkey site any more suitable. Mr. Hodgeson concluded that the proposal should be determined on its own merits and as it was acceptable in principle, he hoped that it would be approved by the Committee.

Councillor M. Richardson from Northop Hall Community Council spoke against the application and highlighted the objections by the Community Council which were detailed in the report. On the issue of traffic movements, he felt that existing roads were used as short cuts and that the local roads would become busier following the construction of a development for 50 houses in the area. The Community Council felt that the application site at Tyddyn Starkey was a more suitable site and one that was easily accessible. He felt that the site address was incorrectly reported and he referred to the summary section of the report where it was noted that the site was on agricultural land within the open countryside. Councillor Richardson suggested that the development could be seen from Northop Hall and would have a detrimental impact on the landscape of the area. He referred to the opening hours for the proposal and the suggested one hour time slots but said that he felt that this would still be an issue because of the number of vehicles that could be in a funeral cortège. He referred to the widening of Oakenholt Lane from the site entrance to the junction with the B5126 and suggested that the whole length of the lane should be widened to increase safety. He referred to accident data for the area and the traffic assessment submitted as

part of the application and a highway report submitted as an objection to the proposal.

The Democracy and Governance Manager said that the speakers had all made reference to the Tyddyn Starkey application. He explained that it was important to reiterate that the issue before the Committee was whether this application was satisfactory or not, and not whether it was better or worse than the Tyddyn Starkey application. He also explained that the site plan and details of the proposal had been made available on the Council's website and at County Hall.

Councillor Ron Hampson proposed the recommendation for approval which was duly seconded. He felt that the site was in an ideal location and approval of the application would reduce the time that families were having to wait to arrange a cremation. The application complied with policies and was not situated in the green barrier. Councillor Ian Dunbar said that a crematorium was needed in Flintshire and added that this application should be taken on its individual merits.

One of the Local Members, Councillor Tony Sharps concurred with all that Mrs. Hulme had said. He spoke of the dangers of the lanes in the area and queried the address of the proposal. He felt that it had not been mentioned in the report that the application site was outside the Unitary Development Plan and because of this, the application should be refused. Councillor Sharps queried why 'Manual for Streets' guidance had been considered as part of the consideration of the application and queried why the number of car parking spaces had been amended to a total of 100 spaces. He spoke of the provision of two bus stops in the area and commented on a number of fatalities and recent accidents in the area. He suggested that for openness and transparency, it would have been fairer for this and the Tyddyn Starkey application to have been considered together. He hoped that the Committee would refuse this application.

Another Local Member, Councillor Paul Shotton, highlighted the need for a crematorium in Flintshire and spoke of the delays by families in arranging cremations at other Crematoria in the area. He felt that this site was in a peaceful location and was served by bus routes that would allow easy access to the site. The issue of access to the site was being addressed as part of the proposal by widening part of the lane and the extension of the footway to the pedestrian link to the site. There had not been any objections from Highways to the proposal and the application complied with policy. Councillor Shotton commented on the overwhelming need for a crematorium in Flintshire and asked the Committee to approve the application.

Councillor Chris Bithell concurred that a crematorium was urgently needed but raised concern that the report proposed approval of the application as he was concerned about highway issues. He spoke of the busy B5126 and commented on accident history of the area which had not been reported. It had been assumed that funeral corteges would approach from Northop, Northop Hall and Connah's Quay but there was no reference to how

they would get to those locations. Councillor Bithell added that roads in Shotton and Connah's Quay were not a preferable route to access the site, particularly with the delays being caused by roadworks in the area. He felt that lanes in the area were unsuitable and that siting a crematorium in this location would increase traffic problems, particularly in view of the use of sat nav and the coaches which would attend some funerals. He also referred to the impact on the environment and queried why comments from the Council's previous Conservation officer, who opposed the development, had not been reported.

Councillor Gareth Roberts felt that this application should be compared with the Tyddyn Starkey application and highlighted a paragraph in the report for that application on the purpose of the Green Barrier Flint Mountain – Northop. He indicated that other sites had to be considered in the determination of the Tyddyn Starkey application and that was why the application had been delayed in being submitted to the Committee. He queried why this proposal was being considered in isolation and referred to the roads in the area. Councillor Roberts felt that the access to the other application was preferable and suggested that the green barrier argument was not viable and that this application should therefore be refused.

The Democracy and Governance Manager highlighted paragraph 7.12 which explained that this application needed to be considered on its own merits not compared with others sites. Other potential sites had to be considered during determination of the Tyddyn Starkey application, as it was in the Green Barrier, to identify whether there was an alternative site not in the Green Barrier.

Councillor Owen Thomas raised concern that funeral vehicles would not be able to pass tractors in the lane from the junction to the proposed access to the site as it would not be wide enough. He suggested that a width of at least 5.5 metres was more appropriate for safety reasons and raised concern that accident statistics were not included in the report. He referred to accident data for the area which included five fatalities and seven accidents at the junction with Oakenholt Lane. Councillor Thomas said that the Conservation Officer had raised concern about the loss of the verge in the lane to the proposed site access. He also highlighted the assessment by Peter Brett Associates on the suitability of the development in landscape and visual terms. He also queried why a Member for Connah's Quay supported the application when Connah's Quay Town Council had expressed their objection to the proposal. He referred to the objections raised as a result of the public consultation and raised concern on highway grounds. He felt that the lane could not be widened and he referred to regulations on hedgerows that meant that they could not be cut between March and September.

Councillor Richard Jones referred to the objections received particularly on highways issues and inadequate access to the site. He also referred to the Unitary Development Plan (UDP) and said that local people would be more aware of the dangers of local roads than the UDP Inspector. He felt that the effect of the proposal on the local community was paramount and that the

traffic in the area would increase significantly. He added that even though there was a need for a crematorium in Flintshire, this was not the appropriate place for it.

In referring to the one hour gap between cremations, Councillor Neville Phillips commented on issues that could affect this and said that even though signage was to be put in place to advise of suitable routes, he felt that Undertakers would use routes that they were familiar with even if this meant using unsuitable country lanes.

Councillor Carolyn Thomas commented on the beautiful site location and the use of the lane by cyclists, horseriders and walkers and reiterated the earlier comment that the hedgerow could not be cut during summer months. She raised concern as the verges would be less dense in winter than in summer and highlighted additional concerns about budget cuts affecting grass cutting services. She added that walkers could currently step onto the verges to allow vehicles to pass but if they were removed to widen the lane, then this would be a problem. Councillor C. Thomas agreed that a crematorium was needed in Flintshire but not at this location.

Councillor Carol Ellis concurred about the inappropriate location and indicated that she had originally suggested that both applications be considered at the same meeting. The lane was used as a rat run and widening the lane would make it more dangerous rather than increasing safety.

Councillor Derek Butler felt that highway issues were a material consideration in the determination of this application. He felt that the proposal complied with policy and highlighted paragraph 7.08 which indicated that crematoria were not explicitly mentioned in the UDP. There were no outstanding issues on biodiversity and the report indicated that two sycamore trees, which were in a poor condition, would need to be removed. Councillor Butler felt that all highway issues had been addressed and that Flintshire needed a crematorium.

Councillor Alison Halford sought clarification from the Democracy and Governance Manager about the position of the Local Authority if a judicial review was sought on the Tyddyn Starkey application. In response, the Democracy and Governance Manager advised that there was a time limit to request a judicial review, which had expired and that one could only be requested if there was no other avenue available to the applicant. In this case, the applicant could have appealed so a request for a judicial review would not succeed. He reiterated his earlier comments about the Committee needing to determine this proposal on its own merits. He added that when dealing with the Tyddyn Starkey application, other potential sites not in the green barrier had to be considered and as the Memoria application had been submitted, this delayed the determination of the Tyddyn Starkey proposal.

In response to the highway comments made, the Senior Engineer - Highways Development Control explained that the main issue was the site

access and visibility. She referred to standards for approach roads and traffic flow and explained that Highways officers did not have any objections to the proposal subject to conditions. A speed survey had been undertaken and accident data for the previous five years had been analysed. She commented on the traffic generation for crematorium services based on data analysed for two existing crematoria and that a car park survey had revealed that 60 spaces would be required for such a proposal; 100 spaces had been proposed for this application. The visibility for access to the site had originally been designed in accord with 'Manual for Streets' but following a query from officers, the proposal was adjusted to meet the desirable minimum stopping sight distances as prescribed in Design Manual for Roads & Bridgeworks and it was proposed to increase the width of Oakenholt Lane. The Senior Engineer added that bookings for crematorium services would be on an hourly basis and would therefore not overlap which would reduce traffic issues seen at crematoria with services more frequently. She commented on the speed survey that had been carried out and on the evidence considered by an appeal Inspector at recent crematoria applications on the road width required for two vehicles to pass each other. From a Highways stance, there was no reason to refuse the application.

On the issue of parking, a maximum requirement for such a use had not been identified but the survey information had been used and it been determined that 100 parking spaces was adequate. The Senior Engineer referred to a crematorium that operated a similar pattern and a decision taken by the appeal Inspector on such a proposal. She highlighted the 'Manual for Streets' guidance that only required the increase of a road to a minimum of 4.5metres but this had been increased by the applicant in the proposal to 4.8metres. Conditions had been included that a construction traffic management plan and an operational traffic management plan would be required which would prevent funeral cortèges from using the lower part of Oakenholt Lane. Signage would be required from the A55 to indicate access from junction 33 to the B5126 and the road through Northop Hall already had traffic calming measures in place. A recent speed reduction had been put in place on the B5126 and the Senior Engineer felt that the traffic associated with attending the site would not be at peak times of the day. Accident data had not been included as it would not normally be reported but the Senior Engineer provided details of the accidents in the area, which were due to driver error and three incidents on the bend had been speed related and took place prior to the speed reductions being put in place. There was no direct correlation between increases in traffic flow and the number of accidents and when the data was compared to the previous five years, it showed that the recent improvements put in place had reduced the accident rate. In relation to traffic flow, there was an average of 15 vehicles per service and with services being between 45 minutes and 1 hour apart, there would be minimum overlap of mourner's vehicles. There were no capacity issues on the road network and comparative site studies had been considered. The location of the site was sustainable as it was 1.5 miles from the A55 and pedestrian access had been increased as part of the proposal and the area was served by 11 bus services per day.

Councillor Christine Jones queried the opening hours for the site and asked whether the Garden of Remembrance would be open on Sundays and Bank Holidays. The officer responded that the hours of operation referred to in the conditions was for cremation services but it was anticipated that visits to the Garden of Remembrance outside of these operating hours would not generate a significant amount of traffic in the area.

Councillor Owen Thomas queried why Oakenholt Lane was only being widened to 4.8metres as this would not allow a hearse at 3 metres and cars at 2.5 metres to pass each other. The Senior Engineer responded that the lane varied in width but that improvements to 4.8 metres were being proposed which exceeded the guidance requirements. In response to a comment from Councillor Halford, the Senior Engineer advised that her comments were in relation to numerous appeal decisions made across the country on the issues of parking, road widths and single carriageways.

The officer referred to comments about the comparison with the Tyddyn Starkey site and highlighted paragraph 7.12 explaining this application needed to be considered on its own merits.

In response to a query from Councillor Bithell about why the comments of the Conservation Officer were not reported, the Planning Strategy Manager advised that it was not normal practice to report such comments. He added that the comments were at a moment in time when the access was different to the current proposal. The Planning Strategy Manager also explained that as this site was not in the green barrier it therefore had to be considered first sequentially. With regard to the points raised in relation to the UDP Inspector he advised that the decision before members was whether this development was in the public interest. Councillor Bithell indicated that the Conservation Officer had not just referred to the hedgerow but to the quality of the area and the impact of the proposal on the open countryside. He felt that this area had not been compromised by the A55 and was of far greater importance.

The Democracy and Governance Manager reminded Members that advice from officers was independent and that information from interested parties may be biased. He added that the Highways Officer had advised that there was no evidence to refuse the application on highway grounds.

Councillor Sharps sought clarification on whether the site was inside or outside the UDP. The Planning Strategy Manager indicated that the site was in the open countryside and that the UDP had not included any designated areas for crematoria so the UDP had not made any reference to it. The UDP had identified land in the open countryside and there were policies in place that could allow for sites in the open countryside to be considered.

In summing up, Councillor Hampson stated that it had earlier been suggested that the area was tranquil. He felt that this was therefore an ideal location for a crematorium and reiterated his comment that there was a need in Flintshire.



Councillor Gareth Roberts requested a recorded vote and was supported by the requisite five other Members. On being put to the vote, planning permission was refused by 13 votes to 8, with the voting being as follows:

**FOR - GRANTING PLANNING PERMISSION**

Councillors: Haydn Bateman, Derek Butler, Ian Dunbar, David Evans, Richard Lloyd, Mike Lowe, Ron Hampson and David Wisinger

**AGAINST – GRANTING PLANNING PERMISSION**

Councillors: Chris Bithell, David Cox, Carol Ellis, Alison Halford, Ray Hughes, Christine Jones, Richard Jones, Veronica Gay, Neville Phillips, Gareth Roberts, David Roney, Carolyn Thomas and Owen Thomas

The Chief Officer (Planning and Environment) sought reasons for refusal of the application. Councillor Richard Jones indicated that the application should be refused for landscape and conservation issues and highlighted policies STR1 c and g, STR2 b and AC13 a and b as the policies that the application did not comply with. Councillor Alison Halford felt that highway and environmental issues were a concern along with the number of accidents that had occurred in the area. Councillor Ray Hughes referred to pedestrian safety which he felt was a concern even if the road was widened to 4.8 metres as this would remove the grass verges.

The Chief Officer suggested that a report detailing reasons for refusal be submitted to the next meeting of the Planning & Development Control Committee on 25<sup>th</sup> February 2015 for consideration by Members. On being put to the vote, the suggestion was agreed.

**RESOLVED:**

- (a) That planning permission be refused; and
- (b) That a report detailing the reasons for refusal be submitted to the 25<sup>th</sup> February 2015 meeting of the Planning & Development Control Committee for consideration by Members.

**135. MEMBERS OF THE PUBLIC AND PRESS IN ATTENDANCE**

There were 38 members of the public and 2 members of the press in attendance.

(The meeting started at 2.30 pm and ended at 4.29 pm)

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**Chairman**