

## **REPORT BY THE HEAD OF PLANNING AND PUBLIC PROTECTION**

### **GROUNDINGS OF REFUSAL**

#### **ERECTION OF A CREMATORIUM WITH ASSOCIATED CAR PARK, ACCESS ROAD, AND GARDENS OF REMEMBRANCE, CONSTRUCTION OF A NEW VEHICULAR ACCESS AND INSTALLATION OF A PACKAGE TREATMENT PLANT**

#### **LAND WEST OF ST. ASAPH BUSINESS PARK ON SOUTH SIDE OF GLASCOED ROAD, ST. ASAPH**

#### **APPLICATION NO. 31/2013/1069/PF**

### **1. PURPOSE OF REPORT**

- 1.1 This report seeks Members' consideration of, and resolution on the reasons for refusal of planning application 31/2013/1069, which was considered at the 19<sup>th</sup> March 2014 Planning Committee.
- 1.2 The item is presented to Committee to seek clarity from Members on the precise reasons for refusal, in order to fairly articulate the matters raised in debate on the item at the March Committee, and to protect the interests of the Council in the event that the applicants exercise their right of appeal.
- 1.3 The report is not seeking Members' reconsideration of the merits of the planning application.

### **2. BACKGROUND**

- 2.1 The planning application for the crematorium was the subject of a comprehensive report from Officers which set out the proposals, responses and main issues. For Members' information, the report and the Late Information Sheets containing additional information relating to the item are appended to the back of this report.
- 2.2 Members may recall that at the March Committee, there were speakers against and for the proposals. There was a lengthy debate on the item, and a number of questions were addressed to Officers before a resolution was made. The substance of the proceedings is contained in the Minutes in Item 4 of this Committee's Agenda, which captures the concerns of Members as expressed in the debate and as outlined by the proposer for the refusal of permission.
- 2.3 The Minutes of the March meeting record 11 Members speaking on the item, and that at the conclusion of the debate, the Member making the proposition for refusal was asked to outline the reasons for refusal so the Committee could move to the vote. The Member's response referred to the points raised in the debate and repeated reference to conflict with the Local Development Plan, loss of agricultural land, road safety, and landscape/visual impact.
- 2.4 The proposition to refuse permission was contrary to the Officer recommendation. The vote was 15 to refuse permission, 4 to grant permission, and there were 4 abstentions.
- 2.5 There was no formal resolution from the Committee on the process through which the reasons for refusal were to be drafted and agreed before the Certificate of Decision was released. For

the reasons outlined in paragraph 1.2 above, Officers have opted to put this part of the decision making process back to Committee for deliberation and resolution.

### **3. SUBSTANCE OF MEMBERS' COMMENTS AT THE MARCH 2014 PLANNING COMMITTEE**

3.1 Officers noted the following main points raised by Members in the meeting in objection to the application:

#### **Need for the crematorium**

- Questions whether quantitative need / 'overriding need' is proven to justify development on best and most versatile agricultural land

#### **Site search process**

- Whether the siting of the crematorium is the most appropriate to serve the County's population / questions over the site selection process

#### **Best and most versatile land**

- Use of high quality agricultural land should be resisted

#### **Highway safety**

- Access point on open section of road at national speed limit, with no footways ; poor approach roads

#### **Accessibility / sustainability**

- Poor accessibility by public transport, no bus stops nearby, poor links for pedestrians, no guarantee that bus services would be improved and retained over time

#### **Local Development Plan**

- Conflicts with Denbighshire Local Development Plan / a crematorium is not a 'community facility' / site is not included in the Plan
- Site should be within a Development boundary

#### **Residential amenity**

- Potential amenity impacts on occupiers of dwellings

#### **Impact on local businesses**

- Negative perception of use from presence of crematorium and passage of corteges for companies on St Asaph Business Park, local residents and school

#### **Pollution**

- Question over potential for emissions from cremation process

#### **Landscape and visual impact**

- Potential effect on the local landscape, and visual impact

3.2 Having regard to the above points, Officers would note that these were covered in some detail in the main Committee report and the late/addendum sheets, and by Officers in addressing questions in exchanges with Members at the March Committee. The following section provides additional comment from Officers on the points raised by Members, in order to assist the Committee in formulating reasons for refusal.

#### **4. OFFICER COMMENT ON POTENTIAL GROUNDS OF REFUSAL**

4.1 In respecting the range of concerns expressed at the March Committee on the merits of the proposals, Officers would comment as follows:

##### **Need for the crematorium**

- The question of 'need' for a crematorium has been addressed in detail by the Council's external consultants, who conclude there is need established. Officers would not recommend that no proven need for the facility is advanced as a reason for refusal.

##### **Site search process / Best and most versatile land**

- Issues relating to the use of the best and most versatile land and the availability of alternative sites are linked in Section 4.10 of Planning Policy Wales, and if these are to form a basis of refusal, could be encompassed in a single reason.

##### **Highway safety**

- Issues relating to highway safety and the quality of the approach roads are not supported by the Highways Officer and it is not recommended that these are advanced as a reason for refusal.

##### **Accessibility / sustainability**

- Whilst not suggesting these concerns constitute a compelling ground of refusal, there are negative accessibility / sustainability aspects to the proposals, including the uncertainty over the delivery of a bus service and the absence of a footway to allow safe access by pedestrians.

##### **Local Development Plan**

- Considerable care needs to be taken in referring to conflict with the Local Development Plan (LDP) in any reasons for refusal, as this will be subject to close scrutiny at any appeal. The Officer report suggested that there were no LDP policies specific to the consideration of the principle of a crematorium proposal in open countryside. The fact that there is no policy or land allocation in the LDP for a crematorium does not by default mean the proposal is contrary to the LDP, and Officers would strongly recommend against taking a 'broadbrush' approach to reference to the Plan in the drafting of reasons. If Members are able to identify clear conflict with individual LDP policies in support of any grounds of refusal, then these should be stated and carefully examined. In Officers' opinion the only policy of direct relevance to the concerns highlighted in Paragraph 3.1 of the report seems to be ASA2, which relates to the provision of sustainable transport facilities.

-The argument that a crematorium is not a 'community facility' and is therefore contrary to Policy BSC 12 is not one Officers would recommend being pursued as a standalone ground of refusal. If Members' conclusion is that the development does not fall within the scope of the policy, then it follows that the policy should not be applied to the consideration of the application, and the development can not be contrary to the policy.

- The suggestion that the site should be located within a development boundary is not one Officers would consider capable of standing test at appeal. The Officer report to Committee highlighted the locational constraints imposed by the Cremation Act (including the requirement for a minimum distance of 200 yards from a dwelling), which suggest it is highly unlikely that a crematorium could be sited within any town or village development boundary.

### **Residential amenity**

- There were limited objections received at consultation stage to the potential adverse impact on residential amenity from the proposal. Officers would not recommend this be used as a ground for refusal.

### **Impact on local businesses**

- To justify using the negative perception of a crematorium use as a reason for refusal would need clear and quantifiable evidence. Officers would not recommend this as a ground to refuse permission based on the information in front of the Council.

### **Pollution**

- There is no 'technical' objection from the Council's Pollution Control Officer to the application based on the potential for pollution from the cremation process. The advice is clear in this respect that the process is subject to stringent licencing control and Officers would not recommend that this is considered as a ground of refusal.

### **Landscape and visual impact**

- Landscape and visual impact is not considered to constitute a sound ground for refusal, given the mixed character of the local landscape, the presence of substantial buildings in the locality, and the extensive landscaping proposals. Officers would not recommend that landscape and visual impact is advanced as a reason for refusal.

4.2 Taking the above into account, in trying to assist Members in the task of drafting reasons for refusal, Officers have attempted to articulate the basis of the Committee's concerns into two potential reasons for refusal for consideration. These are set out below. They are not reflective of Officers' views on the application, and clearly should not be taken as providing any guarantee that they could form the basis of a successful defence of a refusal should an appeal be subsequently lodged.

#### **Agricultural land / site search issue**

*"The proposal involves development of an area of high quality agricultural land within the grades considered as 'best and most versatile' in Paragraph 4.10.1 of Planning Policy Wales, Edition 6 (February 2014), which Welsh Government consider is of special importance and should be conserved as a finite resource for the future. Paragraph 4.10.1 requires Local Planning Authorities to give considerable weight to protecting such land from development, and outlines considerations to be applied to proposals when determining applications. In this case, the Local Planning Authority do not consider the application demonstrates that the need can not be met on either previously developed land or on land in lower agricultural grades in the area, or that the application site is the most appropriate for the development, and the proposals are considered to be in conflict with the requirements of 4.10.1 of Planning Policy Wales Edition 6."*

#### **Accessibility / highways issues**

*"It is the opinion of the Local Planning Authority that the site does not have good accessibility credentials in terms of access by public transport or pedestrians, in conflict with the sustainability objectives in the Denbighshire Local Development Plan, Policy ASA 2 of the Development Plan, Welsh Government's aims in Planning Policy Wales Edition 6 (Section 8) and Technical Advice Note 18- Transport, which seek to extend choice in transport and secure accessibility in a way which supports sustainable development. There is no bus*

*service passing the site and the nearest bus stops are over 500 metres to the east on St Asaph Business Park, with no footway link along the B5381 from the Business Park roundabout to the east of the site, effectively limiting access to the crematorium by way of the motor car. The applicants offer to provide bus stops closer to the site and the possibility of funding an increase in services passing the site are not considered sufficiently well developed to guarantee an acceptable level of accessibility to the site by means other than the motor car over the lifetime of the development.”*

## **5. RECOMMENDATION**

- 5.1 Members are invited to consider the suggested wording of the drafted reasons for refusal, to suggest revisions to the suggested wording and/or to contribute to any alternative grounds of refusal, with the objective of agreeing to a final resolution of the contents of the reasons for refusal of application 31/2013/1069/PF.

**GRAHAM H. BOASE**

**HEAD OF PLANNING & PUBLIC PROTECTION**