

App. No.: **65724** Reg. : **17/10/2018** Applicant: **W S GAYTON & SONS**  
L. Bldg. : Expired: **16/01/2019** Agent : **NPAS DEVON LIMITED**  
Parish : **FREMINGTON**  
Case Officer : **Ms J Watkins**

Proposal: **ERECTION OF ONE BUILDING TO PROVIDE FUNERAL PARLOUR WITH ASSOCIATED OFFICES, WORKSHOPS & GARAGING TOGETHER WITH ERECTION OF SUPERVISORY DWELLING WITH DETACHED GARAGE**  
Location: **LAND ADJ TO FREMINGTON CEMETERY, OLD SCHOOL ROAD, FREMINGTON**

## **PROPOSAL**

The proposal is for a purpose designed funeral home to allow for the relocation and expansion of the business WS Gayton & Sons from Lauderdale in Bickington. The application also proposes a supervisory dwelling.

The application seeks approval for a Funeral Parlour amounting to 629m<sup>2</sup>. The parlour will provide the necessary rooms in order to store prepare and look after the deceased. Within this building is a chapel of rest for family members to visit loved ones prior to being moved to their final resting place. The building includes offices and work spaces for staff, visiting families and medical practitioners as well as the coffin storage and preparation.

To the west of the proposed parlour is a proposed Funeral Car Garage measuring 287m<sup>2</sup>. The garage building provides storage and preparation facilities for the funeral cars (4 funeral cars and two removal vehicles). Space will also be allowed to accommodate occasional horse box parking associated with horse-drawn hearses.

The Funeral Parlour and Garage are single storey in scale and will be constructed of:

- Walls – Staffordshire blue brick plinth and Red/purple multi brick
- Roof – Decra stratos grey
- Windows/windows/facias – White uPVC

As part of the application it is a proposal to build a Supervisory Dwelling amounting to 121m<sup>2</sup>. This comprises a three-bedroom single storey family home in a position to provide adequate security on site and a pallet of materials to match the main building as follows:

- Walls – Red/Purple multi brick
- Roof – grey natural slate
- Windows/doors/facia – White uPVC

A detailed landscaping plan provides significant planting to provide both screening and will add to the biodiversity gain of the site.

## **RECOMMENDATION**

APPROVE

## **SITE AND SURROUNDINGS**

The site is outside of the defined development boundary for Fremington.

The site is located in Fremington Parish and is to the immediate north of the existing well established cemetery and approved cemetery extension.

To the north are residential housing estates (Westaway and Beards Road), the eastern site boundary is Old School Lane with agricultural land to the west, east and south.

The site is gently sloping down to the north.

The site is accessed off Old School Lane

### **REASON FOR REPORT TO MEMBERS**

This is a MAJOR application which is also a DEPARTURE from the North Devon and Torridge Local Plan. It is accordingly considered appropriate for this scheme to be considered by members under the provisions of Section 7.2 (b) of the NDDC Constitution (May 2015).

### **POLICY CONTEXT**

The North Devon and Torridge Local Plan has recently been adopted and the following policies are relevant:

#### **North Devon and Torridge Local Plan (2011 – 2031)**

ST01: Principles of Sustainable Development  
ST02: Mitigating Climate Change  
ST03: Adapting to Climate Change and Strengthening Resilience  
ST04: Improving the Quality of Development  
ST05: Sustainable Construction and Buildings  
ST06: Spatial Development Strategy for Northern Devon's Strategic and Main Centres  
ST07: Spatial Development Strategy for Northern Devon's Rural Area  
ST08: Scale and Distribution of New Development in Northern Devon  
ST10: Transport Strategy  
ST11: Delivering Employment and Economic Development  
ST12: Town and District Centres  
ST14: Enhancing Environmental Assets  
ST17: A Balanced Local Housing Market  
ST21: Managing the Delivery of Housing  
ST22: Community Services and Facilities  
Policy ST23: Infrastructure  
DM01: Amenity Considerations  
DM02: Environmental Protection  
DM03: Construction and Environmental Management  
DM04: Design Principles  
DM05: Highways  
DM06: Parking Provision  
DM08: Biodiversity and Geodiversity  
DM08A: Landscape and Seascape Character  
DM10: Green Infrastructure Provision  
DM12: Employment Development at Towns, Local Centres and Villages  
DM14: Rural Economy

DM19: Town and District Centres  
DM20: Development Outside Town and District Centres  
DM28: Rural Worker Accommodation  
FRE: Fremington and Yelland Spatial Vision and Development Strategy

## **CONSULTEE RESPONSES**

**Parish Council** (13/11/18) As the applicant is the Parish Council's Burial Superintendent, it was resolved not to pass any comment and to forward the representations made at the meeting.

**Highways** (04/12/18) The absence of adequate footway/cycleway provision, and connection to public transport facilities, leads to the conclusion safe and suitable access provision is not provided to the site for non-motorised users of the public highway, in particular, pedestrians, cyclists and mobility impaired, as contained within the advice provided by the National Planning Policy Framework.

**DCC Flood Risk Team** (29/10/19) We are not a statutory consultee for the above planning application.

**Environment Agency:** Standing advice applies

**Planning Policy** (23/01/19) Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that if regard is to be had to the development plan in the determination of a planning application then the determination must be made in accordance with the development plan unless material considerations indicate otherwise. As you are aware, the Council have a recently adopted Local Plan (October 2018) which was considered by the Inspector to be 'Sound' and in general conformity with the NPPF; therefore, policies in the Local Plan are up to date. The NPPF is a material consideration in planning decisions.

It is considered that as the new funeral parlour and supervisory dwelling are intrinsically linked. From a policy perspective, if it is considered that the principle of a business use is acceptable in this countryside location then the proposed use could require a 24 hour service to its customers therefore, I will consider the development as a package rather than as individual proposals in the context of Policies DM14 and DM28.

In order to deliver sustainable communities, Policies ST06 and ST07 have been framed to principally support proposals within defined development boundaries in accordance with the stated hierarchy. This greenfield site is outside the defined development boundary for Fremington where Policy ST07 will apply. Criterion 4 of Policy ST07 states that 'development in the Countryside will be limited to that which is enabled to meet local economic and social needs, rural building reuse and development which is necessarily restricted to a Countryside location'.

In policy terms, I am not convinced the applicant / agent has fully justified as to why a Countryside location is required to deliver a funeral parlour / supervisory dwelling or why such a facility could not be delivered on vacant land at Roundswell Business Park, land south of the A39 or any other suitable site within a defined development boundary as set out in the Plan. A suitable site within a defined development boundary for the funeral parlour would also reduce the need for a dwelling in the open countryside as the funeral

director could access existing housing on the open market within close proximity of the site whilst still providing that 24 hour service to customers.

Policy DM14 supports the principle of new small scale economic development in the Countryside. To define small scale economic development in the context of the Local Plan the glossary states 'development for employment or commercial purposes of a scale not exceeding 250m<sup>2</sup> gross external floor area or a site area of 0.1ha'. Clearly, the site area proposed is approximately 0.7ha in size and the footprint of the proposed buildings (excluding the dwelling) is approximately 916m<sup>2</sup> and therefore not small scale. Criterion (b) of the adopted Local Plan supports sites or buildings adjoining or well related to a defined settlement such as Fremington subject to there being no adverse impact on the living conditions of local residents; the scale of employment being appropriate to the accessibility of the site and the standard of the local highway network, proposals respect the character and qualities of the landscape and its setting and include effective mitigation measures to avoid adverse effects or minimise them to an acceptable level. Therefore, whilst the principle of a new small scale economic development is supported in the Countryside subject to the stated criteria, there are fundamental policy concerns regarding the scale of development as well as criteria (d), (e) and (f) of DM14.

Policy ST11 of the adopted Local Plan supports the delivery of employment and economic development. Criterion 2 provides a flexible approach to employment land release in response to relocation or expansion proposals that will contribute to improving the economy of northern Devon. The Plan provides for a land supply of 84.9 hectares to deliver economic development that provides businesses with a choice of suitable premises and locations. However, paragraph 5.10 also recognises that 'further sites may also be released on an exceptional basis to address identified expansion or new business proposals that could not otherwise be accommodated within allocated sites. Land release on this basis will be to secure specific quality employment opportunities that contribute to meeting strategic economic objectives.' The Spatial Planning Vision sets out four strategic aims and objectives. Aim 1: seeks to support 'A Vibrant northern Devon Economy – where excellent opportunities support diverse low carbon growth and moves towards an economy that supports our world class environment in accordance with the stated objectives'. Whilst I accept the desire and need to expand an existing business which is considered important to the local economy, it is my informal opinion that the relocation of a funeral parlour to the countryside would not justify an exceptional release of land as I do not consider that such a use contributes to meeting the strategic economic aims and objectives of the Plan.

The site is within the landscape character type 3A: Upper Farmed Wooded Valley Slopes where some of the special qualities include 'open landscape with important vantage points and uninterrupted vistas; narrow sunken lanes and species-rich hedgebanks; copses, woodlands and tree clumps; cob, thatch and whitewashed buildings, including traditional linhays and little or no light pollution resulting in starlit skies. The strategy for this landscape character is 'to protect the landscape's strong rural character and historic sense of place. The farmed landscape comprises a rich mosaic of fields bounded by an intact network of species-rich Devon hedges. Valued farmland and woodland habitats are managed and extended, with opportunities for Green Infrastructure links to settlements pursued'. This approach is also supported by criterion (g) of Policy ST14. Clearly, a building in this location will be of detriment to the existing landscape character and its special qualities.

Old School Lane is narrow where there are concerns relating to the potential increase in traffic movements using this highway. Criterion (3a) of ST10 requires reducing the need to

travel by car by alternative sustainable travel options. All highway issues should be considered against Policies ST10, DM05 and DM06 together with the response of the Local Highway Authority.

If you are minded to support the application then you must ensure the delivery of a high quality development in accordance with Policies ST04, DM01 and DM04.

Therefore, from a policy perspective I do not consider this proposal to be in accordance with Policies ST07, ST11, ST14, DM14 and DM28.

**Economic Development** (29/01/19) We have spoken to DCC and they cannot confirm the timetable for release of plots to the South of the A39 to the market. There was some immediate concern with the compatibility of this use with others they would like attract to this site. I would also query the use class of this business and whether it would comply with the outline consent at this site. Furthermore, this site is also a little remote from residential properties – I would not consider this development an appropriate site for a supervisory dwelling if this was deemed necessary.

We did also ask them about other land in their control. They have one site left in Roundswell North but this is significantly smaller than the 0.7ha site proposed at Fremington and is not currently available on the open market.

When will the units at Mount Sandford Green be released and might they be appropriate for this use?

**Parks** (11/01/19) I recall we discussed this at the end of last year and concluded that we would not seek a contribution in light the use class and the proposed gardens / landscaped area on offer as part of the application.

**Sustainability** (20/11/18) The submitted Ecological Appraisal (EA) adequately sets out the existing condition of habitats within the site and the extent of losses associated with the proposed development. Although the EA does not formally apply a biodiversity impact assessment metric it does clearly establish the requirements for mitigation which when taken as a whole are likely to lead to a demonstrable net gain. The recommended mitigation is also appropriately illustrated on the submitted Landscaping Scheme with general planting specifications and schedules.

The EA sets out mitigation in the form of tree, shrub and hedge planting, wildflower meadow, attenuation ponds, bat and bird boxes and a 1 m wide unmanaged grassland margin. I would suggest that if you were minded to grant permission for the proposed development that it would be best practice to secure a Landscape and Ecological Management Plan (LEMP) prior to determination. The LEMP would provide detailed specifications for the implementation and management of all mitigation and enhancement measures and clearly define post construction monitoring and reporting mechanisms. The LEMP must demonstrate that all new and retained habitats are managed to achieve optimum condition and secure long term net gains.

The EA recommends that a sensitive lighting plan be developed, whereby any lighting within the new development is sensitive and avoids illumination of green spaces. I would suggest that given the open nature of the site and the proximity to sites of nature conservation importance that a lighting specification and contour plan be secured prior to determination. All external lighting should be modelled alongside potential sources of

internal light spill to demonstrate best practice with regards to maintaining dark corridors for bats <https://www.theilp.org.uk/documents/guidance-note-8-bats-and-artificial-lighting/>.

**Landscape Officer** (23/10/18) I note there is no arboricultural impact assessment or associated tree protection plan / arboricultural method statement has been provided in support of the application (prudent to protect important hedgerows on site during the course of construction) and I would suggest that if you were minded to grant permission for the proposed development that it would be best practice to secure this prior to determination, but if necessary this could be achieved through the imposition of a pre commencement condition.

I could not see any biodiversity impact assessment calculation to demonstrate the proposed landscaping will deliver a net gain, and that no firm details of ecological enhancement provision has been included on the elevations etc.

Whilst the landscape plan provides information on soft landscaping, it doesn't provide detailed post development management proposals to secure long term net gain benefits (growing existing hedges taller/wider, enhancing connectivity of hedgerows i.e. Southern boundary hedge might be best at top of bank rather than bottom of slope and connect around supervisors dwelling etc.

**Environmental Health** (01/11/18) I have reviewed this application in relation to Environmental Protection matters and comment as follows:

1 Land Contamination: If permission is granted, I recommend conditions be included:

2 Construction Phase Impacts: In order to ensure that nearby residents are not unreasonably affected by dust, noise or other impacts during the construction phase of the development I recommend conditions be imposed:

**Designing Out Crime Officer** (30/10/18) There are no Police objections to the scheme, however, given the location of the proposed development, please note the following information, initial advice and recommendations given from a designing out crime, fear of crime, antisocial behaviour (ASB) and conflict perspective.

I can find no details of boundary treatments for either the proposed parlour or dwelling and police seek clarification of this. Perimeter security is one the basic principles of crime prevention, being the first line of defence against unwanted trespassers, as such all rear boundary treatments should be 1.8m high, as a minimum requirement, and be solid and robust to prevent being breached. Close boarded fencing or walls would be deemed appropriate. If more surveillance is required or 1.8m would feel too closed in for smaller gardens then a 1.5m solid structure with a .3m trellis topping would be acceptable. It is accepted that on some occasions gradients of land or other permanent solid structures can have an impact on the need, choice and height of boundary treatments but these should be assessed on their own merits to ensure the boundary treatment is appropriate to any potential risk of trespass. The rear aspect of dwellings are intended to be the more private areas and therefore not so well overlooked which is why the majority of burglaries are perpetrated by gaining access to the rear. This is made all the more easier when there is inadequate boundary treatments or insecure gates. It is recommended that the private rear garden and side of the 'supervisory dwelling' is suitably enclosed as detailed above. I would ask that a lockable barrier or gates is incorporated at the entrance to the site. These if required could be secured when the business is closed and prevent potential misuse of the car park perhaps particularly by groups in their cars. This is not altogether uncommon problem for car parks elsewhere within North Devon and can arise at any time. I would ask

that incorporation of a suitable barrier be considered as a condition of planning to secure the car park out of hours and thereby reduce likely incidents of crime, disorder and anti-social behaviour (ASB).

I feel the parking arrangements are satisfactory. The car parking areas, public and staff, should be well illuminated to provide the potential for natural surveillance during hours of darkness. In terms of physical security for the parlour and garage, it is advised they be protected by a monitored intruder alarm compliant with current Chief Police Officer Group guidelines. It is recommended any system also includes the supervisory dwelling.

External doors and windows are advised to be to a nationally recognised security standard such as PAS 24:2016 or equivalent, glazing advised to have at least one pane of laminated glass. It may also be worth considering an anti-graffiti finish to vulnerable external walls. External pillars and rainwater pipes must be designed in such a way as to not aid climbing, thus providing access to the roof itself. I am assuming the parlour will have CCTV internally? I would recommend that CCTV should also cover the car parks and garage courtyard. This would help deter crime but can also be very useful in terms of crime investigation for example identifying vehicles being used by persons suspected of shoplifting or other crimes. If site wide CCTV is not to be installed I would again ask that a suitable planning condition be considered to enable this. This is again to assist in the detection and prevention of crime and disorder. The CCTV must have a recording format that is acceptable to the Police. Recorded images must be of evidential quality if intended for prosecution. Any on site lighting must be compatible with any installed CCTV system.

It is noted that the bin store is located within the rear compound which is also a good design feature. However wheelie bins must be secured as they can be used as climbing aids and the contents used to start fires.

**Archaeology** (24/10/18). Assessment of the Historic Environment Record (HER) and the details submitted by the applicant do not suggest that the scale and situation of this development will have any impact upon any known heritage assets. The Historic Environment Team has no comments to make on this planning application.

## **REPRESENTATIONS**

At the time of preparing this report 58 letters of objection and 2 letters of support have been received relating to the application. A detailed representation has been made by the Save Fremington Residents Group.

\*See attached list for representation names and addresses.

The main issues raised from the objections are:

- Contrary to the local plan
- Not sustainable development
- Outside of the development boundary on greenfield land
- More suitable locations / plots such as Roundswell Business Park
- No economic benefits / creation of jobs
- Development will bring nothing to village
- No justification for the residential property on site
- Increase to traffic levels

- Road safety from increased traffic
- Extra fumes from increased traffic
- Poor visibility from site to road
- No public transport or pedestrian access to proposal site
- Sound impacts
- Light / noise pollution
- Impacts on local properties (privacy / amenity)
- Impacts on surrounding landscape
- Impact on protected species
- Loss of rural greenspace
- Impact on the quiet peaceful setting of the cemetery
- Additional surface water to already down hill flood issues

The main points raised from support letters are:

- Safe environment for staff
- Caring environment for families
- Privacy for families

(Copies of all the letters have been made available prior to the Planning Committee meeting in accordance with agreed procedures).

The applicant has also provided supporting letters within his submission.

### **PLANNING HISTORY**

Reference	Proposal	Decision	Date
53554	Change Of Use From Field To Extension To Cemetery / Burial Ground Together With Formation Of Turning Area	APFP	03/12/13
62036	Approval Of Details In Respect Of Discharge Of Condition 5 (Visibility Splays) Attached To Planning Permission 53554	DOCA	03/11/16

### **SUMMARY OF ISSUES**

- Location of development
- Highway Access
- Landscape and Ecological Impact
- Amenity
- Design
- Infrastructure

### **PLANNING CONSIDERATIONS**

- **Location of development**

The Supporting statements indicate:

*The funeral home has been based at the property known as Lauderdale, accessed from Hopperstyle in Bickington, since the company was founded in*



*1910. Since this time, the business has been subject to significant expansion and therefore, while every effort has been made to utilise the land at Lauderdale to its greatest potential, the constraints of the site hinder the ability of the funeral directors to conduct operations with the required levels of respect and privacy for a business of this nature.*

*Constraints associated with the existing site include the lack of ability to store all of the vehicles required to operate the business within the premises meaning that a significant number of trips need to be made to an offsite storage area each day in order to collect vehicles as and when required for removals, funerals and maintenance. Furthermore, the limited parking on site and conflict between the various types of trip purpose made to the funeral home means that overflow parking commonly occurs on Hopperstyle. There are also around 2 or 3 funerals requiring the use of horse-drawn hearses per year. Despite the small number these funerals do cause significant issues on the surrounding highway network due to the limited space in and around Lauderdale*

*The proposals also include the provision of a residential property on site to be occupied by a member of the Gayton family in order to ensure security on the site, enable quick access to equipment and facilities as part of the funeral home's 24-hour service and also provide peace of mind for the relatives of the deceased.*

The applicants advise that they have been searching for a site for 2 years. In the submitted Planning Statement (attached to this report) they detail the types of properties that have been considered. No brownfield site of the size required is available within the defined development boundary of the area of search.

They have explored whether there are suitable sites on an employment area and do not consider that such a location would meet their clientele's needs. One of the core elements of the business is to provide a chapel and a restful environment within which to deal with bereaved families. The range of associated activities also requires a site that can provide discretion and privacy. Economic Development advice that there is no timetable for the release of plots to the South of the A39 to the market. There are also some immediate concerns with the compatibility of this use with others that DCC would like attract to this site. The use class of this business would also not comply with the outline consent at this site. Furthermore, this site is also remote from residential properties and would not be appropriate for a supervisory dwelling if this was deemed necessary. It is not considered that the undeveloped employment land south of the A39 would provide an available site for this business.

DCC have one site left in Roundswell North employment area but this is significantly smaller than the 0.7ha site proposed at Fremington and is not currently available on the open market. Sites at Mount Sandford Green will not be available for at least 3 years and are not in the area of search.

The application is supported by a Statement of Community Involvement detailing the responses received at a public exhibition which were more positive than the reaction to the advertisement of the planning application. Of the 60 residents who attended, 37 left responses, 81% of which were supportive, 11% undecided and 8% opposed the scheme primarily on transport and precedent grounds. The application when at consultation has received numerous objections based on the principle of developing a greenfield site outside of the defined development boundary.

This is the principle reason for bringing this application to the Planning Committee.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the determination of a planning application to be made in accordance with the development plan unless material considerations indicate otherwise.

This greenfield site is outside the defined development boundary for Fremington where Policy ST07 will apply. Criterion 4 of Policy ST07 states that *'development in the Countryside will be limited to that which is enabled to meet local economic and social needs, rural building reuse and development which is necessarily restricted to a Countryside location'*. In order to decide whether this is sustainable development the Authority must be satisfied that the scheme brings with it social and economic benefits.

Policy DM14 supports the principle of new small scale (250m<sup>2</sup> gross external floor area or a site area of 0.1ha) economic development in the countryside on sites adjoining or well related to a defined settlement such as Fremington. The site adjoins both the existing cemetery and is within 25m of the defined development boundary. It is considered that this site is well related to the edge of the settlement. The Policy Team advise however that the scale of this proposal does not fall within this policy by being too large.

Policy ST11 of the adopted Local Plan supports the delivery of employment and economic development. Paragraph 5.10 also recognises that *'further sites may also be released on an exceptional basis to address identified expansion or new business proposals that could not otherwise be accommodated within allocated sites. Land release on this basis will be to secure specific quality employment opportunities that contribute to meeting strategic economic objectives.'* The Policy Team conclude that the *'relocation of a funeral parlour to the countryside would not justify an exceptional release of land as I do not consider that such a use contributes to meeting the strategic economic aims and objectives of the Plan'*. This is a single business representative of many similar enterprises and hence the view is that it is not of strategic importance. From a policy perspective and from their review of the submitted information the Policy Team do not consider this proposal to be in accordance with Policies ST07, ST11, ST14, DM14 and DM28.

Fremington and Yelland is identified as a 'Local Centre'. Para 10.188 recognises the village's existing role as a local service centre offering education, employment, recreation and community facilities. Additional and enhanced community facilities will be delivered to help make the community more self-sufficient and sustainable. This business wishes to remain in this locality and to retain and develop its workforce. The applicant argues that he provides an essential community service. The only site allocated for employment purposes on Proposals Map 4 Fremington & Yelland is Yelland Quay which is unlikely to come forward in the short term. There are no other employment sites allocated to support Fremington as a Local Centre.

The applicant wishes to relocate his business to a site that meets the functional needs of his operation but still stay in the local area. The suggestion that this type of use would fit comfortably on an employment estate results in as many issues as the current business faces by being located within a residential area. The applicant also wishes to retain his strong ties to the local community that the business has served for many years and wishes to remain in this general locality. The applicant is also the superintendent of the adjoining cemetery. The site therefore has a strong functional association with the adjoining land use (cemetery).

This is an exceptional type of use and in this instance a convincing case has been made that there are no other sites available. The business is on a constrained site at the moment and has to park vehicles off site which compromises operational efficiency. The use also results in problems with on street car parking. The existing site has no room for the business to grow or develop. The business is a local employer and the proposal will result in significant investment in a new site.

Returning to policy ST07, criteria (4) states '*In the Countryside, beyond Local Centres, development will be limited to that which is enabled to meet local economic and social needs, rural building reuse and development which is necessarily restricted to a Countryside location*'.

In this case there is a demonstrated local economic and social need. This is considered to be an exceptional venture that has been unable to find an alternative site and that without releasing a greenfield site this business will not be able to grow. It is not considered that the release of this site would set an unacceptable precedent due to the nature of the use and its proximity to the cemetery which the applicant is the superintendent of. The NPPF at para 81 indicates that in order to build a strong competitive economy that Authority's need to be '*flexible enough to accommodate needs not anticipated in the plan*' and at para 82 '*Planning policies and decisions should recognise and address the specific locational requirements of different sectors*'.

Para 84 states:

*Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.*

In this instance the site search has found no available brownfield site and as such the economic gains from the investment on this business and the growth of local jobs should be given significant weight in the decision making process.

In respect of the residential unit, if the business case is supported to relocate the funeral enterprise then the Planning Statement provides detailed argument for why there is a need to have residential supervision at any time of the day or night. The existing site contains a dwelling and there is no reason to doubt that the funeral business operates on a 24 hour basis receiving and collecting the deceased. The scale of the property proposed is modest and within site and sound of all parts of the site and can monitor the entrance for security purposes. With appropriate occupancy conditions if the case for relocating the business is supported there are no objections to a linked unit of accommodation in line with DM28.

- **Highway Access**

The application is supported by a detailed Transport Appraisal. The results of which are disputed within the letters of representation. The site will be accessed via Old School

Lane. The T junction with the B3233 (known as Church Hill in this location) is well aligned, with good visibility to the left and right. School Lane itself forms a residential street. The site is around 400 metres to the south of the B3233. Old School Lane provides access to Fremington Cemetery and then onwards to a network of rural roads to the south west of Barnstaple. It is a relatively low trafficked road.

Along its length, Old School Lane has a number of pinch points and sections of single width carriageway. No formal priority working is in place however there are wider sections of carriageway interspersed with the pinch points and good forward visibility due to the alignment of the road meaning that the flow of traffic along this road is effectively self-managing.

The Highway Authority are satisfied that the width and alignment of the carriageway (Old School Lane) within the immediate locality to be acceptable. No objections are raised therefore to the small increase in use of the road by vehicular traffic generated by the proposed development. The Transport Appraisal details the potential number of trips each day and forecasts that even with business expansion that there would be an increase of less than 4.5% in increased flows which is considered to be immaterial and will not be noticeable to existing users. The appraisal argues that with improved vehicle storage and parking arrangements that the relocation of the business will provide net gains to the highway network as a whole. The relocation of the business from Lauderdale onto one site will reduce traffic movements resulting from having to move funeral vehicles between the two current operational sites.

The Highway Authority considers that the proposed new access into the site to be acceptable. It has been provided at an adequate size and with adequate visibility (X distance of 2.4 metres and a Y distance of 50 metres). The new access onto Old School Lane is considered to be safe.

Within the site the internal access road will split to access to the supervisory dwelling and operational areas, with the main arm of the access leading directly to the visitor parking area and reception which will essentially operate as the public facing area of the business. The main parking area will be for families and includes 2 disabled spaces, and a second for staff parking, deliveries, and doctors. A designated doctor space will be provided due to their limited availability and the frequency which their visits will be made. The scheme accords with DM06.

The Highway Authority has however recommended refusal of the application. The issue of concern that they raise relates to the potential for conflict between vehicles, cyclists and pedestrians, including vulnerable and those persons with special needs. DCC consider that there will be non-motorised users attracted to the site utilising roads that are considered to be substandard for pedestrians (pavements are sporadic along the route) and cyclists and which could lead to an increase in inconvenience between groups of road users and could become a danger to all road users. The site adjoins the existing cemetery and as such it is not so unsustainable that there will be no pedestrian and cyclist movements due to the distance from the Parish of Fremington and the topography not being prohibitive to discourage pedestrian and cyclists. DCC don't believe the highway infrastructure is conducive to providing safe and convenient trips to vulnerable road users (pedestrian/wheelchair users etc).

It is for the Local Planning Authority to consider travel sustainability along with social and economic sustainability.

The applicants transport consultant advises that there is unlikely to be a significant level of pedestrian traffic to the site due to the tendency of the funeral directors to make home visits in order to make arrangements with families and therefore the potential for family, friends or colleagues of the deceased to travel to the site by foot or cycle. Indeed, if people without access to private car transport did wish to visit the site to attend the chapel of rest, one of the services that the funeral directors could offer would be transport for the families. Even if this were not the case Old School Lane is a 400m walk from the main road. It is a route that pedestrians already use to access the cemetery.

The existing cemetery location means that the principle of pedestrian and cycle travel is established, both past the site and on Old School Lane where the footways are intermittent. Due to the low existing traffic flows and the minimal impact of the traffic associated with the proposed funeral home the conflict is recognised and would need to be considered in the balance.

- **Landscape and Ecological Impact**

The site consists of improved grassland bordered by species-rich and species-poor hedges. The proposal would result in the loss of 0.5 ha of improved grassland and the temporary loss of 50 m of species-rich hedge. Once site planting is established, it is considered that the proposals will result in a net gain for wildlife in line with Policy DM08.

It is proposed to create a new hedge approximately 2 – 3 m back from the existing hedge, so that the proposed new entrance has a suitable visibility splay. It is considered that the most cost-effective and least ecologically damaging solution is to move the hedge, rather than remove the hedge and plant a new hedge.

Local Planning Authorities have a statutory duty to ensure that the impact of development on wildlife is fully considered during the determination of a planning application under the Wildlife and Countryside Act 1981 (as amended), Natural Environment and Rural Communities Act 2006, The Conservation of Habitats and Species Regulations 2017. Specific representations have been made about the adequacy of the submitted ecology report.

No evidence of dormice was found on the site and there are no records of dormice within 1 km of the site. However, there is potential for dormice to be present in hedges on the site. The section of hedge to be moved is relatively sparse compared to the other hedges on the site. A thorough inspection for dormouse nests undertaken in this area found no dormouse nests. The loss of this section of hedge is considered to have a minor impact on dormice at a local scale because of the small amount of temporary potential foraging habitat loss, i.e., if dormice are present in the area.

It is recommended that bat and bird boxes be installed on the proposed buildings, to provide ecological enhancement. Recommendations for the planting of the attenuation pond and the development of a sensitive lighting plan are also made.

In line with best practice a Landscape and Ecological Management Plan (LEMP) will be secured. The EA also recommends that a sensitive lighting plan be developed, whereby any lighting within the new development is sensitive and avoids illumination of green spaces and again this will be conditioned.

- **Amenity**

The nearest residential property is approximately 120m to the north. The proposed buildings being single storey are not considered to be imposing or result in any adverse amenity issue in terms of over looking. With careful management of lighting of the car parking area it is not considered that residential amenity would be adversely affected in line with DM01.

As set out above, conditions will be required to manage construction in order to minimise impact on local amenity during the development phases. Whilst this is agricultural land conditions will also be required should unexpected contamination be found so that it can be properly dealt with.

Given the nature of the business and the applicant's desire to present a calm and dignified site for his clientele, an adverse impact on the cemetery is not considered to result. Controls over the future use of the site are recommended.

- **Design**

Both the adopted local plan and NPPF support the principles of good design. The development will result in a complex of single storey structures set within a landscaped setting. The design is appropriate to the form of the business and the dwelling due to its scale will not be visibly intrusive in the landscape. The materials (brick under a dark grey roof) and the setting of the buildings within a planted campus will limit the impact of the wider landscape setting of this edge of the settlement in line with DM04 and DM08A

- **Infrastructure**

The site is within Flood Zone 1 (at low risk of flooding) but is within a Critical Drainage Area. Development within such areas will be required to incorporate a comprehensive sustainable drainage scheme that neither increases the rate of surface water runoff entering Fremington Stream or Fremington Pill nor increases flood risk elsewhere in Fremington in accordance with Policy ST03: Adapting to Climate Change and Strengthening Resilience. Infiltration drainage is not considered to be viable on site due to the underlying geology. The proposed surface water drainage strategy consists of a network of swales, permeable paving and pipes conveying surface water runoff to outfall into an attenuation basin located at the north-western corner of the site, where the land is at the lowest point. The design will also assist with ecological mitigation. The scheme accords with ST03.

## **CONCLUSION**

Give the recommendation this report has been shared with the Policy Team who advise:

*'Firstly, as you are aware our adopted Local Plan has been considered to be 'Sound' and in general conformity with the NPPF, albeit in our case the version published in March 2012. As the NPPF has been subsequently revised to the version published in July 2018, I would still contend that our economic policies do support growth and therefore are still in general conformity with the NPPF, so in my opinion paragraph 11(d), 'the presumption in favour of sustainable development' would not apply.*

*However, whilst I will maintain that the development plan is up to date and decisions should be made in accordance with that plan, I have read your report and for me it does read in a way that has balanced all the issues and you have clearly concluded that in this instance material considerations have indicated the Plan should not be followed (paragraph 12 NPPF).*

It is for the Planning Committee, in light of the strong level of opposition that this application has received, to decide whether a convincing case has been made to depart from the Development Plan.

This is a balanced recommendation.

This application is for the provision of a purpose built and designed funeral parlour with ancillary garaging and a supervisory dwelling. This development is proposed on agricultural land outside of the development boundary for Fremington defined within the recently adopted North Devon and Torridge Local Plan. Policies within this Plan seeks to control development in the countryside and will only permit development under ST07 in the Countryside, beyond Local Centres, *'which is enabled to meet local economic and social needs'*. There must be over riding economic and other benefits

This development will have an impact on the character of the countryside by building on what is currently undeveloped agricultural land; however, this will be mitigated by the scale of development and the detailed landscaping scheme which is proposed.

Any potential impact on neighbouring properties, ecology and the water environment can be controlled by conditions.

The NPPF is clear that the 'purpose of the planning system is to contribute to the achievement of sustainable development'. The three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

- a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
- b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
- c) an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan permission *should not usually be granted*. Local planning authorities may take decisions that depart from an up-to-date

development plan, but only if material considerations in a particular case indicate that the plan should not be followed. This is such a case.

When applying the balance, in terms of the environmental strand of sustainable development, this site will have an impact on the countryside by the very fact that new buildings are proposed on a greenfield site and similarly the development results in the loss of agricultural land (ST14). This identified harm needs to be balanced against the circumstance at para 80 that '*Significant weight should be placed on the need to support economic growth*'.

The delivery and investment in this new business floor space and the resultant jobs both short term in the construction phase and long term in the operational phase is therefore accorded significant weight. It is considered that there are no other available sites for this business within the development boundary and hence on an exceptional basis that this scheme should be supported.

Given the site's proximity to Fremington (and the existing development boundary) and the proximity to the existing cemetery which is already access by pedestrians and cyclists via Old School Lane this is considered to be a sustainable location. The 400m distance from the B3223 to the site has sufficient pedestrian refuges to minimise conflict between differing road users and it is accepted that this is a lightly trafficked route which will only experience a small increase in traffic from the development.

On balance, this is considered an appropriate location for this type of economic development next to the existing cemetery, which can be delivered in a manner that satisfactorily mitigates unacceptable environmental impacts. The impact of this development on the countryside is recognised but the release of this site will result in social and economic benefits by allowing this business to grow and develop which will demonstrably outweigh the identified environmental harm.

The recommendation is one of approval subject to appropriate conditions.

### **HUMAN RIGHTS ACT 1998**

The provisions of the Human Rights Act and principles contained in the Convention on Human Rights have been taken into account in reaching the recommendation contained in this report. The articles/protocols identified below were considered of particular relevance:

Article 8 – Right to Respect for Private and Family Life  
THE FIRST PROTOCOL – Article 1: Protection of Property

### **DETAILS OF RECOMMENDATION**

APPROVE with the following conditions:

(1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.

Reason:

The time limit condition is imposed in order to comply with the requirements of Section 91 of the Town and Country Planning Act 1990.



(2) The development hereby permitted shall be carried out in accordance with the following plans and the recommendations contained within the following reports:

Location Plan 565 10

Site Plan as Proposed 565 20 Rev F

Landscaping Plan MT01180907a

Floor Plans 565 30

Elevations 565 31 Rev A

Plans & Elevations Supervisory Dwelling 565 32 A

Double Garage Supervisory dwelling 565 33

Flood Risk Assessment 42017/4001 Rev C October 2018

Ecological Appraisal Version 1.0 December 2017

Transport Appraisal 42017 Rev E October 2018

Design and Access Statement 565 40

Reason:

To ensure that the development accords with the detailed submission, which provides a form of development that minimises the impact on the landscape setting of the settlement and which addresses drainage and highway safety.

(3) The development shall be undertaken in accordance with the proposed finished floor levels shown on the approved drawings unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To ensure that the development accords with the approved plans which show levels that safeguard the impact on amenity and landscape setting of the village edge.

(4) The occupation of the dwelling shall not occur until the business premises have been fully provided and available for their intended use and thereafter the occupation shall be limited to a person solely or mainly employed, or last employed, in the business hereby approved (undertakers establishment) and operated from the site, or a dependant of such a person residing with him or her, or a widow or widower of such a person.

Reason:

An exceptional case has been made for the need for residential supervision of the business to which this dwelling relates and as such it is considered necessary to tie the occupation of the dwelling to the operation of the business to fulfil the proven functional need.

(5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any order revoking and re-enacting that Order) the development hereby permitted shall be restricted to use as a Funeral Parlour with ancillary garaging and for no other purposes whatsoever.

Reason:

An exceptional case has been made for the need to relocate this business to a site on the edge of the settlement and given the links with the adjoining cemetery, the proposed use has been judged acceptable but any other use would need to be considered in light of its impact on the functioning of the highway network and residential amenity.

(6) Implementation and maintenance of approved landscape proposals shown on Drawing Landscaping Plan MT01180907a

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation or the substantial completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variations.

Reason

In order to ensure that landscaping occurs to enhance local biodiversity and in the interest of the character of the development given its edge of settlement location.

(7) Prior to work commencing an Arboricultural Method Statement (AMS) (in accordance with section 6.1 BS5837:2012) shall be submitted to and approved in writing by the Local Planning Authority. The work shall thereafter be carried out in accordance with these agreed details.

Reason:

This is a pre commencement condition required to ensure that an auditable/audited system of arboricultural site monitoring, including a schedule of specific site events requiring input and supervision is required to ensure that biodiversity is adequately managed given the requirements to alter hedges at the proposed site entrance.

(8) Prior to the commencement of development of any phase a scheme depicting the method by which hedges/ trees shall be protected during the course of the development shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall identify a construction exclusion zone that will be enclosed by tree protection fencing which unless otherwise agreed in writing by the Local Planning Authority will be erected in accordance with figure 2 of BS 5837. The tree protection fencing will be erected prior to the commencement of development in accordance with the approved scheme. At no time shall any works in connection with the development, including storage, access, cement mixing, bonfires, excavations or other level changes occur within the protected areas.

Reason:

This is a pre commencement condition required to ensure that existing landscape features which are to be retained are protected during the course of development to ensure their longevity and to assimilate the development into the landscape and to safeguard the appearance and character of the area.

(9) The recommendations set out in the Ecological Appraisal dated December 2017 shall be implemented in accordance with a Landscape and Environmental Management Plan (LEMP) which shall be submitted to and approved in writing by the Local Planning Authority before work commences on site. The LEMP shall include:

- a) Description and evaluation of features to be managed.
- b) the details of habitat creation and enhancement.
- c) the details of mitigation for protected species (such as bat tiles, wooden soffits and access points and suitable non-tyvac clad, pitched loft spaces and the installation of bird nest boxes and other features).
- d) A lighting plan and hedgerow buffers plan.
- e) Aims and objectives of future management and the ongoing monitoring and remedial measures to ensure the effectiveness of the LEMP

Reason:

To sustain and conserve the character, distinctiveness or quality of the biodiversity of the site. To allow the continued ecological functionality of this habitat and avoid adverse impacts on bats and other protected species

(10) Other than the details shown on the approved plans no other wall, fence or means of enclosure shall be erected unless details of its siting, design and external appearance, including materials of construction have been submitted to and approved in writing by the Local Planning Authority and thereafter the boundary treatment shall be carried out as approved.

Reason:

The approved plans show natural hedgebanks as the primary boundary treatment. Any other wall or security feature would need to be assessed in light of its visual impact on the wider landscape.

(11) Prior to the installation of any outside lighting, a lighting design and location plan informed by the ecological appraisal and the comments of the Designing Out Crime Officer shall be submitted to and agreed in writing which demonstrate a scheme which minimises light spill onto, adjoining residential properties, onto wildlife corridors and which prevent impact on light sensitive bats and hedgerow buffers. The works shall be carried out in accordance with the agreed details.

Reason

To ensure the site is adequately lit for both security purposes and that the lighting proposed does not affect ecology or the amenities of occupants of properties.

(12) Contaminated Land Phase 1 Condition

Prior to the commencement of any site clearance, groundworks or construction, the local planning authority shall be provided with the results of a phase one (desktop) survey for potential ground contamination. The report shall be prepared by a suitably qualified person and be sufficient to identify any and all potential sources of ground contamination on any part of the development site. Thereafter, depending on the outcome of phase one, a proposal for any phase two (intrusive) survey that may be required shall be presented to and agreed with the planning authority.

Reason:

To ensure that risks from land contamination to future users of the land and neighbouring land, together with those to controlled waters, property and ecological systems are identified and, where necessary, remediated in accordance with the National Planning Policy Framework.

(13) Contaminated Land Reactive Condition

Should any contamination of soil or groundwater not previously identified be discovered during development of the site, the Local Planning Authority should be contacted immediately. Site activities within that sub-phase or part thereof, should be temporarily suspended until such time as a procedure for addressing such contamination, within that sub-phase or part thereof, is agreed upon with the Local Planning Authority or other regulating bodies.

Reason:

To ensure that any contamination existing and exposed during the development is identified and remediated.

(14) Construction Management Plan Condition

Prior to the commencement of development, including any site clearance, groundworks or construction within each sub-phase (save such preliminary or minor works that the Local Planning Authority may agree in writing), a Construction Management Plan (CMP) to manage the impacts of construction during the life of the works, shall be submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt and where relevant, the CMP shall include:-

- a) measures to regulate the routing of construction traffic;
- b) the times within which traffic can enter and leave the site;
- c) details of any significant importation or movement of spoil and soil on site;
- d) details of the removal /disposal of materials from site, including soil and vegetation;
- e) the location and covering of stockpiles;
- f) details of measures to prevent mud from vehicles leaving the site / wheel-washing facilities;
- g) control of fugitive dust from demolition, earthworks and construction activities; dust suppression;
- h) a noise control plan which details hours of operation and proposed mitigation measures;
- i) location of any site construction office, compound and ancillary facility buildings;
- j) specified on-site parking for vehicles associated with the construction works and the provision made for access thereto;
- k) a point of contact (such as a Construction Liaison Officer/site manager) and details of how complaints will be addressed.

The details so approved and any subsequent amendments as shall be agreed in writing by the Local Planning Authority shall be complied with in full and monitored by the applicants to ensure continuing compliance during the construction of the development.

Reason:

To minimise the impact of the works during the construction of the development in the interests of highway safety and the free-flow of traffic, and to safeguard the amenities of the area. To protect the amenity of local residents from potential impacts whilst site clearance, groundworks and construction is underway.

(15) Construction Hours Condition

During the construction phase no machinery shall be operated, no process shall be carried out and no deliveries taken at or dispatched from the site outside the following times:

- a) Monday - Friday 08.00 - 18.00,
- b) Saturday 09.00 - 13.00
- c) nor at any time on Sunday, Bank or Public holidays.

Reason:

To protect the amenity of local residents

(16) No other part of the development hereby approved shall be commenced until the access road has been laid out, kerbed, drained and constructed for the first 20 metres back from its junction with the public highway and the visibility splays required by this permission have been fully completed.

Reason

To ensure that adequate on site facilities are available for all traffic attracted to the site during the construction period and in the interest of the safety of users of the adjoining public highway.

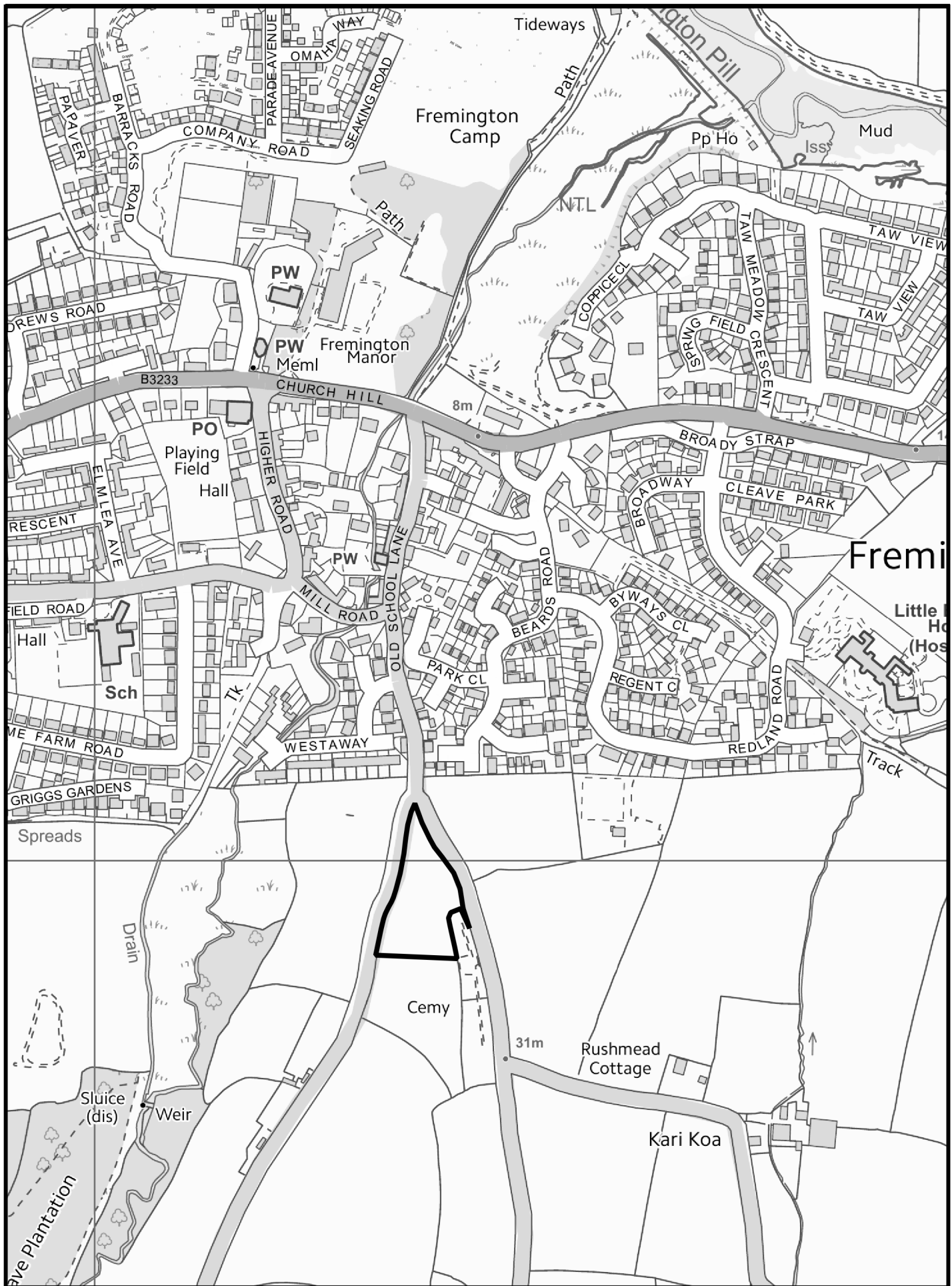
(17) Provision shall be made within the site for the disposal of surface water so that none discharges onto the public highway.

Reason

In the interest of public safety and to prevent damage to the highway

INSERT(S) TO FOLLOW OVERLEAF

1. OS Location Plan
2. List of representations names and addresses
3. Planning Statement



Lynton House, Commercial Road,  
Barnstaple, EX31 1EA

## 65724 - Land adj. Fremington Cemetery

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Committee Report

Scale: 1:5000  
Date: 13th February 2019

# Neighbour Representations List for Application No 65724

## 58 LETTER(S) OF OBJECTION

G DAVIES	79 BEARDS ROAD FREMINGTON	<i>Date Received:</i> 02-Nov-18
MR & MRS CAMERON	81 BEARDS ROAD FREMINGTON	<i>Date Received:</i> 19-Nov-18
JEANETTE GUY	27 WESTAWAY FREMINGTON	<i>Date Received:</i> 19-Nov-18
COLIN FEARON	TALL TREES OLD SCHOOL LANE	<i>Date Received:</i> 13-Nov-18
STEPHEN PARSONS	RECEIVED VIA EMAIL	<i>Date Received:</i> 15-Nov-18
LORRAINE HUGHES	11 COLOMBELLES CLOSE FREMINGTON	<i>Date Received:</i> 15-Nov-18
MARTIN HUGHES	11 COLOMBELLES CLOSE FREMINGTON	<i>Date Received:</i> 15-Nov-18 <i>Date Received:</i> 20-Nov-18
DONALD WHIPP	80 BEARDS ROAD FREMINGTON	<i>Date Received:</i> 15-Nov-18
MR D B WILKES	19 WESTAWAY FREMINGTON	<i>Date Received:</i> 15-Nov-18
MRS L E PHILLIPS	69 BEARDS ROAD FREMINGTON	<i>Date Received:</i> 16-Nov-18
MISS JENNY WINN	31 REDLANDS ROAD FREMINGTON	<i>Date Received:</i> 16-Nov-18
MRS JULIE PHILLIPS	9 COLOMBELLES CLOSE FREMINGTON	<i>Date Received:</i> 16-Nov-18
D NEWBERRY	59 REDLANDS ROAD FREMINGTON	<i>Date Received:</i> 16-Nov-18
DAVID PRATT	35 REDLANDS ROAD FREMINGTON	<i>Date Received:</i> 16-Nov-18
MR & MRS BELCHER	5 WESTAWAY FREMINGTON	<i>Date Received:</i> 16-Nov-18
SUE FOGERTY	SCHOOL HOUSE OLD SCHOOL LANE	<i>Date Received:</i> 19-Nov-18
MRS B HOPE	35 REDLANDS ROAD FREMINGTON	<i>Date Received:</i> 19-Nov-18
MARK HAMLEY	82 BEARDS ROAD FREMINGTON	<i>Date Received:</i> 19-Nov-18
R J NEWING	GREYSTONES CHURCH HILL	<i>Date Received:</i> 19-Nov-18
MRS B C ENTWISTLE	50 REDLANDS ROAD FREMINGTON	<i>Date Received:</i> 19-Nov-18

# Neighbour Representations List for Application No 65724

MRS LYN BONEWELL	1 COLOMBELLES CLOSE FREMINGTON	<i>Date Received:</i> 16-Nov-18
MR KENNETH BONEWELL	1 COLOMBELLES CLOSE FREMINGTON	<i>Date Received:</i> 16-Nov-18
MRS J CULSHAW	6 WESTAWAY FREMINGTON	<i>Date Received:</i> 16-Nov-18
W R KENNING	24 WESTAWAY FREMINGTON	<i>Date Received:</i> 16-Nov-18
MR NICK STURTRIDGE	5 NEW BUILDINGS OLD SCHOOL LANE	<i>Date Received:</i> 19-Nov-18
SANDRA WILKES	MILL DELL 19 WESTAWAY	<i>Date Received:</i> 19-Nov-18
SANDRA WILKES	MILL DELL 19 WESTAWAY	<i>Date Received:</i> 19-Nov-18
SAVE FREMINGTON RESIDENTS G	C/O MR M GOFF-JONES 14 WESTAWAY	<i>Date Received:</i> 22-Nov-18 <i>Date Received:</i> 23-Nov-18 <i>Date Received:</i> 19-Nov-18
MR C BAKER	22 WESTAWAY FREMINGTON	<i>Date Received:</i> 20-Nov-18
NICHOLAS MCMURTRIE	3 NEW BUILDINGS OLD SCHOOL LANE	<i>Date Received:</i> 20-Nov-18
MR G & MRS M TOZER	2 THE SQUARE OLD SCHOOL LANE	<i>Date Received:</i> 20-Nov-18
NICHOLAS GUY	27 WESTAWAY FREMINGTON	<i>Date Received:</i> 19-Nov-18
MR BILL DAY	2 WESTAWAY FREMINGTON	<i>Date Received:</i> 19-Nov-18
DIANA SIMPSON	1 WESTAWAY FREMINGTON	<i>Date Received:</i> 19-Nov-18
MRS SANDRA SLADE	4 WESTAWAY FREMINGTON	<i>Date Received:</i> 19-Nov-18
MR WILLIAM SLADE	4 WESTAWAY FREMINGTON	<i>Date Received:</i> 19-Nov-18
BEVERLEY FERNE	CORNER COTTAGE OLD SCHOOL LANE	<i>Date Received:</i> 20-Nov-18
MARTIN BAILEY	CORNER COTTAGE OLD SCHOOL LANE	<i>Date Received:</i> 21-Nov-18 <i>Date Received:</i> 20-Nov-18
MR J M STIDSTON	71 BEARDS ROAD FREMINGTON	<i>Date Received:</i> 20-Nov-18
STEVEN THORNE	83 BEARS ROAD FREMINGTON	<i>Date Received:</i> 20-Nov-18



# Neighbour Representations List for Application No 65724

ELAINE THORNE	83 BEARDS ROAD FREMINGTON	<i>Date Received:</i> 20-Nov-18
EOIN & PAULA HANLEY	HOME FARM LODGE FREMINGTON	<i>Date Received:</i> 20-Nov-18
MRS H J NEWING	GREYSTONES CHURCH HILL	<i>Date Received:</i> 20-Nov-18
MR M.J. NEW & MRS J .A.NEW	15 WESTAWAY FREMINGTON	<i>Date Received:</i> 20-Nov-18
JILLIAN GOFF- JONES	14 WESTAWAY FREMINGTON	<i>Date Received:</i> 26-Nov-18 <i>Date Received:</i> 20-Nov-18
KEVIN WEBB	67 BEARDS ROAD FREMINGTON	<i>Date Received:</i> 21-Nov-18
D FOGARTY	SENT BY EMAIL	<i>Date Received:</i> 21-Nov-18
MR A JONES	26 WESTAWAY FREMINGTON	<i>Date Received:</i> 21-Nov-18
MARTIN RILEY	SENT BY EMAIL	<i>Date Received:</i> 21-Nov-18
FRANK ENTWISTLE	50 REDLANDS ROAD FREMINGTON	<i>Date Received:</i> 21-Nov-18
REBECCA DENNIS	7 BEECH PARK FREMINGTON	<i>Date Received:</i> 22-Nov-18
ANGELA DENNIS	39 REDLANDS ROAD FREMINGTON	<i>Date Received:</i> 22-Nov-18
MRS J JONES	2 WESTAWAY FREMINGTON	<i>Date Received:</i> 22-Nov-18

## 2 LETTER(S) OF SUPPORT

MR KEIR DAVIS	12 BICKINGTON PARK BICKINGTON	<i>Date Received:</i> 26-Nov-18
MARTYN STREET	50 EAST PARK ROAD WHIDDON VALLEY	<i>Date Received:</i> 26-Nov-18

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PLANNING STATEMENT

RELOCATION OF FUNERAL HOME TO  
FREMINGTON

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1. The planning application has been designed and developed over a significant period of time. It has involved the Applicant carrying out extensive research and investigations to seek to relocate their business to a new location so that it can offer at the required level of service and discretion that the business prides itself upon. As will be appreciated, being a funeral director, the issues of service and discretion and the quality of service are key to the business.
2. The Applicant submitted a pre-application consultation with the Council (a copy is not enclosed with the application as the Council already has a copy). The Council responded to the consultation in the form of two emails dated 5 April 2018 and 27 April 2018 (Appendix 1).
3. The Applicant is now submitting a full planning application to relocate the funeral home to the site at Fremington and in its statement seeks to address the issues that were raised in the pre-application consultation.
4. These issues can be summarised as follows:-
  - The position of the site as being on the edge of the development boundary of Fremington and the process that was undertaken relating to the site selection;
  - The visual impact of the development on the landscape;
  - The justification for a dwelling on the edge of the development boundary at Fremington;
  - Transport considerations - in addition to these issues, the application has also considered the flood risk of the proposal and put forward a drainage strategy that has been approved in principle by Devon County Council as the relevant flood risk authority.

**The position of the site on the edge of the development boundary at Fremington and the process of site selection**

5. The site is by its nature on the edge of the boundary at Fremington co-located with the existing cemetery. It is recognised the planning policy seeks to protect countryside for its own sake. However, authorities recognise that in certain specific circumstances it is appropriate to consider types of development that may provide employment or community services on site with

or within the edge of identified villages where the scale of such development and the type is compatible with the settlement and does not harm the character of the surrounding countryside.

6. North Devon District Council have such a policy in policy ECN3.
7. In terms of this development it will generate employment on the site and having regard to the visual impact of the development, which is dealt with later in this statement, it is suggested that the development is compatible with the size and location of the rural settlement and does not harm the rural character or settling of the settlement to a surrounding area. In policy terms, therefore, there would appear to be support for a development of this nature on the edge of Fremington.
8. In the emerging new joint local plan, there is also a policy ST22 relating to community services and facilities and there are similar criteria imposed in policy ST22 as are reflected in policy ECN3.
9. In seeking to deal with the criteria the site is not the subject of any special landscape designation and is therefore countryside in terms of the design of the proposal following the pre-application consultation, the design of the funeral home and the worker's dwelling have been totally revised so that they have a negligible impact on the countryside in the area, particularly when viewed from Fremington and afar.
10. It is considered that the proposal is compliant with regard to policy ECN3 and the emerging policy ST22.
11. In terms of the site selection, I attach as Appendix 2 a document prepared by the family which sets out the issues they find as a business both with the use of the existing facility and also the benefits of a new purpose built site. In addition to this, I enclose as Appendix 3 the supporting document relating to the pre-application advice where the issues that the family face at the current site are set out.
12. In light of this situation, the family have sought to carry out an extensive search for an alternative site and have modelled their approach on what you may see for a retail application in that they have looked for opportunities to relocate the building over a period of at least 2 years, both in centre and at the edge of centre and have carried out the following enquiries.
13. They have liaised with local estate agents being Webbers and also Mr Doble. In respect of these agencies they have asked them to advise them of any market opportunities that may have arisen in order for them to relocate the funeral home. In particular, those local agents have only been able to suggest two sites to them, the first site related to a former petrol station at Yelland that may have become available, was used as a second hand car sales centre. Having investigated the site and the site area, the site did not have a sufficient capacity to relocate the proposed nature and standard of funeral home that the Applicant requires. It did not come to the market and remains a second hand car sales site.
14. The most recent opportunity that was referred to them was Le Chalet Nursing Home, Sticklepath Hill which had become vacant. Again, this was a building that has been extended organically over time by a series of extensions and additions. It was considered that if the Applicants were to relocate it would require complete demolition and a new rebuild. However as the site was smaller than the existing facility and only one point of access, this site was not suitable as it would not deliver the type and nature of facility and it would not deliver the separation of clients from operational activity.

15. A further building, being the Old Christian Science Reading Rooms, Sticklepath Hill came onto the market which, again was considered and would have required extensive alteration subject to planning, whilst being considered it was sold unconditionally to the current nursery operator.
16. During this time, there have been no other opportunities in the centre to provide them with a site to which to relocate. In terms of other edge of centre sites one may consider that there are industrial estates with vacant land on them that could be considered as suitable for the relocation of the funeral home. The applicants have looked at sites but have grave reservations that the type and facilities available on the industrial estate at Roundswell, firstly will not provide the suitable environment and facility to enable them to deliver the product and service that they currently provide to members of the public at a most vulnerable time. The fear is any site on an industrial estate has adjoining users and whilst users may be controlled by planning at this stage there is no ultimate guarantee that such control may be maintained over time due to planning policy. To give an example a recent office building on the estate was next door to a carpentry workshop which closed. Following the recession the unit received a change of use to enable it to be used as a scrapyards.
17. As you will appreciate with a significant investment in new premises the risk of such an incompatible use arising at the side of a funeral parlour is inconceivable and totally unsuitable for the nature of the service and product provided. Furthermore consideration has to be given as to the arrival and departure of clients who are visiting the recently deceased and the experience of travelling through an industrial estate to view the recently deceased in a chapel of rest is not the type and quality of service that the applicant intends to provide.
18. Therefore it fell to them to consider other edge of centre sites that could accommodate their proposed facilities. They are mindful of the nature of their business when recently deceased persons may be received by the funeral home at all times of the day and night, there may be visits by doctors and coroners at anti-social hours to affect business paperwork and there may be the need for the deceased family to visit the deceased in the chapel of rest.
19. Bearing all these issues in mind and also considering the fact that if all business was co-located on one site this would reduce traffic movements from the off-site existing garage facilities, it was necessary to seek to identify a site in the appropriate location. The proposed site is co-located with Fremington Cemetery and by the careful design of the proposal it is anticipated that the site can operate to provide the level of service, discretion and privacy that customers would demand whilst being able to serve the demands of the business in a way that does not generate noise and disturbance to any effected person and will improve the service upon which the applicant already provides. A member of the applicant's family is currently the superintendent at the cemetery and to be located close to the cemetery will aid not only journey from the existing base to the cemetery but also may deliver wider benefits to other funeral directors wishing to use the cemetery
20. The site is in an edge of centre location and by careful design of the building and landscaping the impact of the building is both minimal and unobtrusive and would not have any detrimental impact on the countryside.
21. In summary the site selection has resulted in a site which can be accommodated within the existing landscape, has no detrimental impact on the landscape and provides a much needed community service in that location. It is therefore considered that the proposal complies with the relevant development plan policies relating to the location of the facility on an edge of centre site.

22. In addition Policy ST11 (2) provides “ a flexible approach to employment land release will be adopted in response to relocation or expansion proposals that will contribute to improvements in the economy of Northern Devon”,
23. “Councils will support the modernisation of employment sites... in some instances this may include support for the relocation of businesses to other locations with Northern Devon to address operational and efficiency issues that could not otherwise be addressed. These are precisely the issues that the Applicant faces.
24. The visual impact of the development on the landscape, in terms of the initial pre-application the proposal submitted with the pre-application has been totally redesigned as a result of the comments received from the Council and you will see from the site plan as proposed the proposal has been modified to take advantage of existing levels and landscape to ensure that the proposal is visually un-intrusive when viewed from various viewpoints. The funeral home has been developed into the contours of the land so that it is as un-obtrusive as is possible and respect the natural land form.
25. In terms of size because the main building incorporates everything on a purpose built facility it achieves a modest increase in floor space as well as a modest decrease in the combined vehicle storage as these are now all co-located on one site.
26. **Justification for a dwelling outside of the development boundary**
27. It is appreciated that in order to justify a dwelling on the site there will need to be a full justification.
28. The business of a funeral director is not governed by strict working hours and there is an ongoing need to be close to the funeral home in order to administer the business. At the current site this is achieved either by somebody on occasion using the flat on site or living in close proximity to the site so that they can gain immediate access. An improvement to the service provided is sought by the application
29. The reason for the need for proximity to the site is many-fold but they can be summarised as follows:-
  - The receipt of deceased persons can occur at any time of the day and night both locally or for instance as a result of repatriation of the deceased from a foreign country and the need to place the deceased's remains in the funeral home. As a consequence there needs to be the ability to access the premises at all times to facilitate this service.
  - In terms of the running of the business and with modern lives, it is often the case that the relatives of the deceased may seek to enter the chapel of rest to view the deceased at often unsocial hours after they have worked or at weekends or when they have travelled from abroad and in order to provide the discrete and personal service that the applicant prides itself upon, there needs to be somebody close by to the chapel of rest so that these visits can be set up at very short notice.
  - In terms of other requirements, often there are needs for doctors and on occasion coroner's officers to attend the deceased and complete paperwork in order for cremation or interment to take place. By virtue of their roles often this is at either the beginning or the end of a long working day and again there is a need for flexibility so that the process can be completed with the minimum of delay and the ability to have an employee on site to provide this service is essential.

- There are also the need to ensure the premises are secure to provide peace of mind of the clients and that if there is a need for either early movement or late movements on the site this can be coordinated and controlled by the occupier of the employees dwelling.
- In this regard the ability to have an employee on site to effectively run the business smoothly is essential for the operation of business such as a funeral undertaker.

30. **Transport considerations:**

The transport considerations of the proposal have been examined by Peter Brett Associates and were submitted with the pre-application consultation to which the highway authority had no objection. For ease of reference a further copy of the transport assessment will be enclosed with the application.

31. **Flood Risk Assessment and Drainage strategy:**

A flood risk assessment and drainage strategy is enclosed with the application. Put simply the aim is to attenuate any surface water generated by the proposal through an attenuation pond and attenuation measures so that any surface water that leaves from the site will drain into an existing sewer but will have the benefit of being attenuated and all foreign material removed before the water enters the surface water sewer.

32. The proposals have been put to the flood risk officer at Devon County Council who in principle has no objection to the proposal as it will result in a more attenuated flow of surface water from the site that currently exists.

33. **Pre-Application Consultation and letters of support:**

The applicant has carried out a formal public consultation and a copy of the Peter Brett report has already been forwarded with the pre-application consultation but a further copy is enclosed with the application for ease of reference. In addition to this the client has been discussing its proposals with its local business community and contacts and a number of letters of support have been received and they are enclosed as Appendix 4.

34. **Conclusion:**

In summary the proposal to relocate the funeral home to Fremington would appear to be in compliance with the development plan and the benefits of relocating the home appear far in excess of any perceived detriments. There are no material considerations which have been identified which would be to the detriment of the scheme. Therefore the application should be considered by the authority on that basis.