

WHIMPLE  
(Whimple)

09/1549/MFUL

Target Date: 05.11.2009

Applicant:

Mr A Marshall

Location:

Land East Of Piccadilly Copse, Strete Raleigh  
Whimple

Proposal:

Construction of crematorium with associated landscaping,  
access and car parking (enlarged and amended scheme)

## **CONSULTATIONS**

### County Highway Authority

The current application differs from the previous one in that it proposes an increase in the vehicle parking, a separate footpath access to the Old A30 *Trunk Road*, the inclusion of bus stop bays with raised kerbs for low access buses, a proposed central traffic island with bollards and signage and the access point to the site moved to be 90 metres stagger from the existing access to the Day Nursery on the opposite side of the highway. All of which from a highway aspect improve the proposal.

The inclusion of the bus stops on both side of the Old A30 road will require a pedestrian crossing point including a central pedestrian refuge island because of the national speed limit of 60mph and the width of the road; access from one side of this road to the other is not negotiable safely on foot without a refuge stage.

The application includes a comprehensive Transport Assessment; however it does not include a construction travel plan, which would have been preferable.

The Highway Authority has not received any independent Stage 1/Stage 2 Highway Safety Audit Report relating to the new junction access, bus stops and the alterations to the existing highway in the submitted documents and therefore must recommend refusal of this application on grounds of insufficient information.

### Highways Agency

Summary of comments provided:

The Agency does not expect this application to have any detrimental impact to the surrounding Strategic Road network and has no further comments regarding this application.

### South West Water

No objection

SWW will only allow foul drainage to be connected to the public foul or combined sewer. Should no separate storm system be available, details of the means of disposal must be submitted for prior approval. The use of soakaways will require satisfactory percolation tests to have been undertaken. If soakaways are not an acceptable solution, we request the applicant contacts this office for further information.

Please note there is a public water main in the vicinity. No development will be permitted within 3 metres of the water main, we also request that ground cover is not substantially altered to ensure the security of our apparatus.

## Environment Agency

Initial response:

Provided the development proceeds in accordance with the submitted FRA and disposes of all surface waters in accordance with its Conclusions and Appendix D in particular, there are no objections from the flood risk aspect.

Further Comments:

I refer to the above application, and my response dated 14th August 2009 and the objector letter received on the 24th August 2009

The concerns raised were regarding the surface water and foul drainage disposal. The applicant has produced a flood risk assessment, which outlines how they intend to deal with surface water and we have confirmed our acceptance of this.

A foul drainage treatment plant will require Consent To discharge from this Agency, should Consent not be forthcoming an alternative solution has been suggested which does not require consent.

## Environmental Health

I have considered this application and in principal I have no objections to the proposal, The process of crematoria will be covered by the DEFRA Process Guidance Note 5/2 (04) and permitted by the Environmental Health Department at East Devon District Council as a Part B Process under the PPC Regulations. The permit is primarily the controlling legislation for air pollution and noise.

I would like to recommend that the following condition is attached to any permission granted to ensure that there is no noise pollution from any mechanical ventilation throughout the building.

To forward noise level specifications for all units throughout the building and a detailed plan of any isolation that is to be carried out along with predicted noise levels of proposed attenuation as detailed in the ventilation strategy.

To obtain a full noise report for the units with all measured and predicted noise levels to ensure that they are capable of achieving at least 10 dB below background at the closest boundary for the site, the methodology must fully comply with BS4142, and agreed with the Planning Authority before any works commence.

## **TOWN/PARISH COUNCIL**

Whimble Parish Council objects to this application.

In principal the Parish are in agreement that an extra crematorium is required in East Devon but this site is not suitable.

Several points were raised:-

The proposed development represents sporadic and unjustified development in an area remote from any settlement. Alternative sites should be examined and investigated further in order to locate a site that is more suitable and viable. A site should be found that is more central to the district it is intended to cover Whimble is too close to Exeter. Honiton is in the centre of East Devon and has better facilities it is close to the railway and has 4-way on/off junctions with the A30. A sympathetic build would be required in the AONB, with greater care for design. A site on the A30/A35 corridor would be more sensible for covering the required area.

The proposed development would result in an intrusive development that harms the character and appearance of the area. This is a rural area the soil structure is not suitable and the land is of grade 3a agricultural value.

The Parish is concerned about the impact on an historic area the site lies to the south side of the old Roman road between Exeter and London and is of archaeological interest.

There are inaccuracies in the application vis a vis distance from the new A30 and distance from planned future habitation. Cranbrook will not be the second largest settlement in East Devon unless all future growth of Honiton and Axminster is completely curtailed. The traffic from Cranbrook would reverse this quiet road to an extension of the main arterial route into and out of Cranbrook. Present low traffic volumes are thus misleading. Whilst the edge of Cranbrook will be within 2 miles of the site, the phase 1 development will be at least 3 miles distant and thus the 'edge of settlement' criteria will not be met.

Public transport is woefully insufficient, it is not an option at this site. There are no taxis at Whimple station and inadequate frequency of trains. Bus service is also poor. Safety at Daisymount junction is a cause of concern. When the new service station and hotel are built there will be a much larger volume of traffic using the junction, particularly during the summer months. A large proportion of the traffic heading for the proposed crematorium will use this junction. Funeral corteges every half-hour will make Daisymount junction a safety hazard.

The environmental impact is concerning, the Parish is concerned about emissions from the cremator and general pollution.

The Parish is very concerned about the impact on wildlife, particularly deer that pass from the wood through into the field in six areas. Bats also use this area for roosting and are a protected species. The Parish draw particular attention to the following quoted objection when owners of the adjacent copse requested permission to lay a track in 2005 and were refused as: 'The proposed development would result in the potential loss of a significant wildlife habitat and area of biodiversity that is found within the secondary woodland and neutral grassland.' The neutral grassland referred to is the site in this application. For the same reason the copse may not be harvested.

There are mature trees growing along the edge of the site, which the Parish Council does not wish removed. It is not possible to move a hedgerow, it would not re-grow as the original.

There is concern re proximity of the crematorium to the Apple Blossom children's nursery, which has been removed from the 'Site Context Plan'

Accesses to the nursery and crematorium are too close.

Disappointingly low levels of employment for such a large land take. If this land is to be used it should provide jobs for people living in Whimple.

Adjacent land and property owners have not been informed or consulted.

The site planning notice has no date for comments to be returned to EDDC.

If the District Council is minded to grant permission, the Parish Council wish to make the following points

The foul drainage issue must be addressed.

Surface water drainage and flooding issues must be addressed as insufficient provision has been made around the building Whimple area is affected by flooding due to the clay soil. Combined with the new service station and hotel, due to be built at Daisymount junction, the surface water run-off will particularly affect Hand and Pen, where properties are already affected by flooding.

An alternative entrance must be used, away from the two existing entrances to the Apple Blossom Day Nursery and Northcotts Farm.

No mention is made of the colour of materials to be used other than the cedar cladding. The Parish Council does not want a repeat of the blue material used at the garage at Hand and Pen.

The carbon footprint must be considered. The Parish Council would wish the building to be carbon neutral (apart from the burners).

In conclusion, the Parish Council suggests that the other possible sites should be looked at again and reviewed in a different way, e.g. noise is not an issue as the building could be soundproofed. This is an isolated site away from a built up area. This is a function that can be delivered in an urban environment, preferably without the loss of agricultural land.

The Parish Council also draws attention to the many valid comments made in letters of objection received by parishioners.

A letter from Mercia Crematoria was received but arrived too late for the Parish Council to consider when preparing this response.

Additional response:

There is still a danger of losing the adjacent hedge where it is being taken out and being re-inserted as well as losing the original section of hedge, due to all the root disturbance. This hedge is ancient - in the region of 1,000 years old. The Parish Council are not happy with the principal of moving it.

### **WARD MEMBER(S)**

The initial comments of the Ward Member Cllr Dinnis are -

Support the application

Good road network

Would serve the whole of East Devon well

It will become edge of settlement build when Cranbrook is completed.

In the event that this application comes to Committee I would reserve my position until I am in full possession of all the relevant facts and arguments for and against.

### **REPRESENTATIONS**

#### **Objections**

24 letters have been received raising the following points:

- Major development in the open countryside (green field) with insufficient justification compared to the other sites considered
- Previous applications for driveway within the vicinity of this site were refused and therefore the Council should be consistent
- Harm to the ecology (including bat roosts and a breeding pond for Newts), important trees and biodiversity of the area has not been overcome

- The site remains too small compared to the Exeter Crematorium
- Loss of Grade 3A farmland resulting in lost potential for food production
- Adjacent land could be subject of toxic pollution
- Noise and air pollution arising from the number of vehicle movements each day to the site
- Development is located in the open countryside and would represent a departure from the Development Plan – site should be identified through the LDF process
- Soil could not accommodate a soakaway due to too much clay – it is already prone to flooding
- More easterly site would serve the predicted catchment better
- Concern about the health and welfare of young children and their mother attending the day nursery opposite
- Pollution from vehicles accessing the site will harm children’s health
- Fall out of toxins from the crematoria can harm the health of women in close proximity
- Loss of business to the day nursery due to the proposed development
- The claim that this is the only viable option is incorrect – it is a commercial “for profit” venture
- Such development can be accommodated within the AONB (just requires a more sensitive design)
- Passing buses are too infrequent to usefully serve the Crematorium
- Site would be difficult to find and potentially confusing with adjacent addresses
- Site is not tranquil as claimed by the applicants – due to the A30 and flight path from Exeter airport

Support

No letters of support have been received

**RELEVANT PLANNING HISTORY**

<b>App.No:</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
09/0311/MFUL	Construction of crematorium with associated landscaping, access and car parking	Refused	19.05.2009

**PLANNING POLICIES**

Government Guidance

- PPS 1 – Delivering Sustainable Development
- PPS 7 – Sustainable Development in Rural Areas
- PPS 9 – Biodiversity and Geological Conservation
- PPG16 – Archaeology and Planning

Devon Country Structure Plan (2001-2016)

- ST1 (Sustainable development)
- ST5 (Development Priority)
- ST16 (Local Centres and Rural Areas)
- C01 (Landscape Character and Local Distinctiveness)
- CO6 (Quality of New Development)
- C08 (Archaeology)
- C013 (Protecting Water Resources and Flood Defence)
- C015 (Air Quality)
- TR1 (Devon Travel Strategy)
- TR4 (Parking Strategy, Standards and Proposals)

TR5 (Hierarchy of Modes)  
Policy TR10 (Strategic Road Network)

East Devon Local Plan (1995-2011)

S5 (Countryside Protection)  
D1 (Design and Local Distinctiveness)  
D2 (Sustainable Construction)  
D4 (Landscape Requirements)  
D5 (Trees on development sites)  
EN6 (Wildlife Habitats and Features)  
EN8 (Proposals affecting sites which may potentially be of archaeological importance)  
EN20 (River and Coastal Flooding)  
EN21 (Surface run-off implications of new development)  
TA1 (Accessibility of New Development)  
TA3 (Transport Assessments/ Travel Plans)  
TA7 (Adequacy of Road network and site Access)  
TA9 (Parking provision in new Development)

**SITE LOCATION AND DESCRIPTION**

Land east of Piccadilly Copse is currently an agricultural field which slopes gently from south-east to north west. The field is set in the open countryside and located approximately 1.7km from Whimble, 2.3km from West Hill and 6.5km from Rockbeare.

The site is surrounded to the south and west by a swathe of land used for coppiced woodland. Currently the trees are maturing and form a distinct and strong physical boundary to the edge of the site. While the proposed development only uses half of the field there is currently no division along the proposed eastern boundary. The northern boundary is currently formed by a native hedgebank with sporadic but mature trees. An existing break in the hedge with metal gate forms the existing entrance from the field onto the old A30 which lies to the north of the site and links the new A30 at Daisymount to the Airport and Clyst Honiton (6.4km away).

**PROPOSED DEVELOPMENT**

The application proposes using approximately 3.2 ha of the field for the construction of a crematorium with associated landscaping, access and car parking.

The crematorium building itself would be formed in an approximate T shaped formation with pitched and hipped roofs and maximum ridge height of 7.5m although a chimney would extend beyond this by approximately 0.9m. Small projecting wings on the three primary elevations would provide detail and interest to the building as well as providing functional areas for the use within the building including a service area and associated yard and enlarged entrance canopy and foyer. The building would be constructed in through colour render with cement tiles. In addition cedar screens would provide interest to the design of the building.

The building itself would be located fairly centrally within the site with a car park providing space for 30 cars located between the building and old A30. In addition a further 35 informal spaces would be located in the north west corner of the site surfaced in grasscrete. On the remaining land to the east and south of the main building, it is proposed to form a landscaped memorial garden including the provision of a sculpture (as focal point) with paths passing through the gardens.

This application acts as a resubmission of an earlier application. While the design and appearance of the scheme remains largely unchanged, the proposed access point into the site

has been relocated 90m to the west, the internal driveway layout and memorial garden has been reconfigured and the site enlarged with an indicative area for future expansion identified – this includes both a second chapel and additional car parking provision.

## **CONSIDERATIONS AND ASSESSMENT**

As already referred to this application is a resubmission following an earlier application in spring 2009. The earlier application which was reported to both Development Control Committee and Planning Inspections Committee was refused for two reasons:

1. The proposed development represents sporadic and unjustified development in an area remote from any settlement. Whilst it is often recognised that a location outside a defined built up area boundary is required for the proposed development, it has not been sufficiently demonstrated that alternative and more sequentially preferable sites are not suitable, viable or available. The development is therefore considered contrary to guidance contained within national policy, PPS 1 Delivering Sustainable Development and PPS 7 Sustainable Development in Rural Areas, Policies ST1 (Sustainable development), ST5 (Development Priority) and ST16 (Local Centres and Rural Areas) of the Devon Structure Plan (2001 -2016), and Policy S5 (Countryside Protection) of the East Devon Local Plan (1995-2011).
2. The proposed development by reason of the necessary access to the proposed site and its associated junction works and visibility splay would result in intrusive development that harms the character and appearance of the area and result in the loss of, or significant harm to trees of high amenity value and a species rich hedgerow. In addition these works would undermine the ecological value of a historic site in the open countryside. The development is therefore considered contrary to PPS 1 - Delivering Sustainable Development PPS 9 - Biodiversity and Geological Conservation, Policies C01 (Landscape Character and Local Distinctiveness) of the Devon Structure Plan (2001 - 2016) and Policies D4 (Landscape Requirements) D5 (Trees on development sites) and EN6 (Wildlife Habitats and Features) of the adopted East Devon Local Plan (1995 - 2011).

In this instance therefore it is reasonable to focus most attention on whether the applicants have been able to satisfy the objections previously raised. To this end, these reasons for refusal and the points raised within them will be addressed in turn and considered against the current application and the additional information submitted.

In addition the impact on the highway network will also be considered in more detail as the sites enlargement, reposition of the access and provision of additional of car parking spaces is materially different.

### **Location of development.**

While with the previous application a range of alternative sites were considered additional information has been submitted by the applicant to support his assertion that these alternative sites really are not viable, suitable or available. In addition to this the applicant have considered a number of additional sites - in this instance looking more particularly around the proposed Cranbrook site – which again they claim are not sequentially preferable than the current proposal. Whilst a number of these are clearly not suitable and it is agreed that they can quickly be discounted, a small number warrant more detailed consideration. The site numbered referred to below are taken from the applicants numbering system with the current submission. The applicants have assessed the sites using the following criteria:

- Location
- Size
- 200 yard rule

- Topography
- Visual Impact
- Planning Policy Context
- Setting
- Vehicular Access
- Pedestrian and public transport access
- Deliverability

These are considered an appropriate set of criteria and should be followed through in the consideration of the current application.

#### Site 1 – Land North of Strawberry Lane Ottery St Mary

Summary of applicants considerations:

Location	Well related to Ottery St Mary
Size	Small but sufficient area to site development
200 Yard Rule	Owner of Island Farm would need to give consent but otherwise acceptable
Topography	Developable area is outside of flood zones Fall in land levels (to the east - would constrain development in terms of the physical challenge
Visual Impact	Elevated above Ottery St Mary with views from the town
Planning Policy	Within the potential growth area for Ottery St Mary and therefore premature
Setting	Relative proximity to Finnimore Industrial estate makes the site less serene
Vehicular Access	Crematorium building would be more that 150m from nearest road but potential access from Barrack Road – engineering solution potentially costly
Pedestrian and public transport access	Well connected by public transport services and the provision of new footpath along access drive could link the site to residential development at Thorne Farm Way
Deliverability	Not available in the short to medium term (contact having been made with the land owner) – site not put forward for consideration within the SHLAA

In planning terms and in recognising the applicants own criteria based assessment, this site has significant potential. The only reason that the applicant has been able to dismiss this within the site selection assessment is the apparent lack of willingness by the owner to sell the land. However no evidence has been submitted which supports this assertion or demonstrates how and why the land owner is unwilling to sell a particular site. In considering other sequential test applications, it has been standard practice to receive copies of the correspondence between the relevant parties, particularly if this supports the applicants stance.

#### Site 7 – Land West of Grange of Lodge Nursery, Cranbrook

Summary of applicants considerations:

Location	South of the former A30 (east the Oriental Promise Restaurant)
Size	Two fields are of sufficient size but awkward configuration
200 Yard Rule	With long driveway the rear portion of the site is outside any excluded area
Topography	Site is relatively flat with no physical constraints
Visual Impact	Site is well screened with impact not significant Two sections of hedgerow would be lost to gain access to rear field
Planning Policy	Outside of proposed Cranbrook boundary but within option 3 (growth area for

	phase 2 – therefore could be premature to the emerging LDF
Setting	Site is well screened on all sides particularly the densely wooded area to the immediate west of the site – this woodland which could be home to a range of protected species may act as a constraint.
Vehicular Access	Sufficient capacity on the former S30 which is a straight road Visibility splays could be provided as speed is restricted to 40mph
Pedestrian and public transport access	Site is within walking distance of bus stops and has a well lit footpath to the front. Development of Cranbrook would add to the range of bus services serving the area
Deliverability	Cranbrook expansion may prevent other forms of development within the short to medium term Contact with the land owner has not been returned and therefore it is assumed that the owner is not interested in disposing of the land - site has not been proposed within the current SHLAA process.

It is not considered that the potential for Cranbrook expansion can be used as a stop to development in this area. The sites proximity to the proposed settlement and the services and highway access that would accompany such development is a significant benefit. No evidence has been submitted about the nature or effort in respect of the contact made with the landowner.

#### Site 10 – Land East of Former Nursery (north of London Road)

Summary of applicants considerations:

Location	North of Gribble Lane – adjacent former nursery and previous caravan storage site
Size	Area is of adequate size within the field boundary
200 Yard Rule	Developable area within the centre of the site sufficient for the proposal
Topography	Site is flat with no constraints
Visual Impact	Site would seen in the context of future development
Planning Policy	Within the area for the potential for growth of Cranbrook (option 5) therefore consideration of this site is likely to be premature
Setting	Site is well screened by mature hedgerows and would remain suitably serene even with the new community adjacent and resultant traffic generation onto the London Road
Vehicular Access	Site is currently outside of the 40mph zone and therefore visibility splays would be difficult to achieve – Speed restriction could be introduced to reduce such requirements but there would still be a number or access points in close proximity which could cause conflict
Pedestrian and public transport access	Existing footpath provides access to the new community site with a regular bus service already running
Deliverability	Site is unlikely to come forward for crematorium development due to hope value as the owner has submitted it for consideration within the SHLAA process. No contact has been made with the applicant.

While the main constraint seems to be highway access this is not considered to be insurmountable. Therefore with no approach having been made to the owner it is unreasonable to discount this site which in all other respects seem highly appropriate.

#### Site 14 – Land west of Hayne Lane Honiton

Summary of applicants considerations:

Location	Land between the A30 to the north and the railway line
Size	L shaped field is of sufficient size
200 Yard Rule	Only the front part of the site is constrained and therefore majority of site is suitable
Topography	Land is relatively flat and there are no other physical constraints
Visual Impact	Visible from the A30 but screened from wider views – not visible from the AONB
Planning Policy	Within the potential growth area of Honiton and therefore consideration of site could be deemed premature.
Setting	Proximity of the A30 and railway line results in perceived noise pollution and therefore the site is not sufficiently serene
Vehicular Access	Hayne lane is of sufficient width to allow two way traffic to pass at site entrance with potential for visibility splay being provide across highway land
Pedestrian and public transport access	Existing verge could accommodate footpath through Business park and on existing bus route
Deliverability	Site is owned by EDDC and is understood to be unavailable in the short to medium term due to plans for business park expansion (or for housing needs).

Checks have been made with the Council's estate departments and it can be confirmed that the claims made by the applicant are assumptions only and that no direct request has been made. It is recognised that the lack of serenity in terms of site position is an issue.

#### Site 16 – Land South of Tesco's Honiton

Summary of Applicants considerations:

Location	Located on the corner of the A375 Sidmouth Road on the outskirts of Honiton
Size	Sufficient land area if three fields are combined
200 Yard Rule	Only land nearest Battishorne Cottage is more than 200 yards from other dwellings and therefore an exception would need to be made by existing owner
Topography	Site is relatively steep to the south with plateau to the north
Visual Impact	Site is within AONB and is visible from higher land to the south – however development would be seen in the context
Planning Policy	More stringent approach to landscape impact although the site is identified within the Issues and Options report as having potential for future development
Setting	Site is partially screened and affords a pleasant backdrop to the south of the site – Less serene due to proximity to the A375 although this is not insurmountable
Vehicular Access	Ideal access by virtue of the existing superstore roundabout with capacity to accommodate additional traffic
Pedestrian and public transport access	Existing public footpath along the southern boundary providing access to the site by non car modes of transport
Deliverability	The sites AONB status means that development of a crematorium on the site no matter how well designed would impact greatly on the surrounding landscape – therefore no land ownership details have been pursued.

Despite the lack of investigation it is considered that this site has again significant potential. The report itself makes it clear that despite being in the ANOB it would read against existing development and therefore have only a limited impact on the visual appearance of the area. Ownership details should have been explored in detail on this site.

### Consideration and assessment compared to proposed site

The applicants claim that the facility they intend to provide would serve the entire District and as such it perfectly reasonable and no less sustainable to site it equidistant from the nearest centres, namely Whimple and Ottery St Mary and West Hill. It is claimed that as the majority of journeys to and from the site would be by car such a position is no more or less sustainable than by siting a Crematorium on the edge of a settlement which is further from other settlements. While this line of argument is noted, it is contended that policy places a responsibility on decision makers to protect the countryside unless there is a justified need for the development in a particular location.

While this report only considers in detail 5 of the 35 sites identified by the applicants (and it is reasonable to dismiss a number of the alternative sites), it is considered that all 5 alternative sites have significant potential. Given that all the sites proposed (as noted within the maps included within this report) are on the edge of settlement or proposed settlements, they are significantly more preferable to bring forward for such development – resulting in less intrusion in the countryside and being more appropriately accessed by sustainable means of transport from the respective settlements.

The sites considered above are not an exhaustive or comprehensive list of fields that surround the respective settlements, most notably Cranbrook and therefore these coupled with the sites considered above which have potential, it is not considered that the applicant have overcome the first reason for refusal. It is considered that other sites which are not addressed within the submission may also be equally appropriate most notably around Cranbrook (along the old A30), to the west of Ottery St Mary to the north of site 4 (west of site 1) and along the A3052.

In this case it is considered that the current application remains an isolated plot in the rural countryside which is inappropriate for development that that can reasonably be provided elsewhere. Based on the above assessment it is not considered that there is sufficient justification to set aside the policy considerations in respect of development at the proposed site.

### Trees, Hedgerow and character of the area.

The second reason for refusal considered the loss of the hedgebank and mature trees of important value within it resulting from the widened access onto the old A30. It was considered that the formation of a wide entrance with visibility splay measuring 4.5m x 210m would significantly harm a species rich and important hedgerow as defined in the 1997 Hedgerow Regulation (Criteria 7a). With the current application the applicants have sought to reposition the proposed access and provided a method statement for the relocation of the hedgebank. This report has been assessed by the Council's Arboricultural Officer who has considered that while the hedgebank can in theory be moved such translocations are of limited success. In addition and what is not disputed by the report is that the mature trees within the bank are unable to be moved. These would be felled and new ones would take a considerable period of time to reach the maturity that the current ones display. Such loss not only removes habitat but would also leave significant gaps in the relocated hedgebank (even if this was successful). This would further undermine the integrity and appearance of the hedgebank and its value to the character of the area and the habitat provided. Therefore despite the additional method statement and the work that has been undertaken in proposing planting on site to mitigate for the loss, it is not considered that the previous reason has been overcome.

### Highway Assessment

Given that the current application materially differs from the previous it is reasonable that a reassessment of the issues and considerations raised is made. In this instance it is noted that the current application differs from the previous one in that it proposes

- an increase in the vehicle parking,

- a separate footpath access to the Old A30 *Trunk Road*,
- the inclusion of bus stop bays with raised kerbs for low access buses,
- a proposed central traffic island with bollards and signage and
- the access point to the site moved to be 90 metres stagger from the existing access to the Day Nursery on the opposite side of the highway.

All of which from a highway aspect improve the proposal.

The inclusion of the bus stops on both side of the Old A30 road however will require a pedestrian crossing point including a central pedestrian refuge island because of the national speed limit of 60mph and the width of the road; access from one side of this road to the other is not negotiable safely on foot without a refuge stage. In addition the application includes a comprehensive Transport Assessment; however it does not include a construction travel plan, which would have been preferable.

The Highway Authority have reported that they have not received any independent Stage 1/Stage 2 Highway Safety Audit Report relating to the new junction access, bus stops and the alterations to the existing highway in the submitted documents and therefore must recommend refusal of this application on grounds of insufficient information.

The Highways Agency who have looked at the application owing to its relative proximity to the new A30 trunk road, have assessed the volume of predicted traffic movements and have raised no objection to the proposed development

The lack of parking which was identified within independent representation made on the last application have been addressed by the applicant through the increase in site area and the indicative layout showing potential for expansion. No objections or concerns are raised regarding this aspect of the scheme.

#### Other Issues previously considered

As with the previous application a number of other issues were raised and discussed. These considered the design and appearance of the development, its impact on neighbour amenity, highway safety issues, the potential for archaeological and ecological importance and surface water runoff and drainage. These will be briefly considered below but while previously identified as being material considerations, were acceptable although not over riding the thoughts on the above two issues.

#### Design, appearance and impact on character

In terms of design, the proposed building remains of limited architectural quality with limited visual interest and materials that fail to enhance the design of the building or break up its massing and bulk. Given the position of the building which would set back within the site and the landscaping which would soften and break up the view to the building it is again not considered reasonable or appropriate to raise objections in this regard.

Concern has again been raised within the representations received that the woodland to the rear is managed, and therefore should not be used as long term screening.

#### Impact on neighbour amenity

The impact on neighbour amenity was and still is considered low. This is because as it is a countryside location with few immediate neighbours the impact of car movement, general activity associated with a crematorium and the perception of noise and air pollution would be limited.

To try and overcome any local concern the applicants have submitted an air quality report which addresses the level of waste gasses and output from a similar crematorium set up. The findings

contained within the submitted report have been assessed by the Council's Environmental Health team who do not raise any specific objections. It must be noted that the operation of a crematorium requires a permit under regulations enforced by Environmental Health and therefore separate legislation covers this aspect in any event.

### Impact on Archaeology

The developer has undertaken the required site investigation which was sought under the previous application and this has not found any material of significance. No objections are raised in regard this aspect of the consideration.

### Surface Water and Flooding

Although the site is within an Environment Agency designation Zone 1 which considers the proposed site to be at low risk of flooding, a suitable Flood Risk Assessment was previously required because the site area is greater than 1 ha. The submitted assessment has been considered by the Environment Agency who have no objections to the proposed development although they note that as part of the proposed development it is intended that foul effluent would be discharged to the ground via a soakaway system. The developer has recognised that if a soakaway is unacceptable due to the underlying geology and ground conditions a suitable package treatment plant would be specified.

### Ecological Impacts

In respect of the impact on ecology, the application has again been accompanied by an Extended Phase 1 survey of the site and boundary habitats. The survey found that while the arable field was of very limited ecological value, the boundary habitats were of much greater value including two small ponds, arable set aside margins, broadleaved woodland and a species rich hedgerow. In assessing this aspect, it is considered that with the exception of the harm arising to the habitat and species rich nature of the front boundary hedgerow and the interspersed trees, all other aspects can be overcome by condition in the event that the application is approved.

### Sustainable Credentials

In support of policy D2 of the adopted East Devon Local Plan, the applicants have resubmitted an energy efficiency statement that considers an approach to sustainability, the compliance with the spirit of conservation of fuel and power, the recovery of waste heat and energy benchmarking. In respect of the wording of the policy, which seeks to provide sustainable construction techniques and ongoing renewable energy production on site, the statement provided is still weak. However it continues to address the main criteria, and as such complies with the essence of the policy. It is therefore considered difficult to raise specific objections in this instance.

### Other issues

As touched upon within the section on neighbour amenity and detailed fully within the section on representations a number of local concerns have arisen during the consultation for this application.

Most notably is the perceived impact that the development would have on the welfare of children attending the Day Nursery, located on land almost opposite the application site. The concerns stem from the psychological effect of funeral corteges on the young children. While these real concerns are recognised, there is no scope within planning which allows weight to be placed on them as a material consideration. Irrespective of other considerations therefore no objection could be sustained against the proposed development on this issue. A similar response has to be made in respect of the perceived health concerns for new born babies. Environmental Health

have strict guidance and monitoring criteria for air pollution which the development and operators of the crematorium must adhere to. While the concerns are recognised, they are addressed under separate legislation and cannot therefore form the basis of a reason for refusal.

Further concerns have arisen in respect of the precedent argument, particularly in respect of further buildings being required on site such as caretakers accommodation. If such needs were to arise they would be subject to a separate application and could be considered at that time. Such development would require particular justification for further development in the open countryside location.

### Departure Consultation

Previously an application such as this would be considered a Departure from the Development Plan requiring a referral to the Secretary of State. However, the new Circular and Direction issued on 30 March 2009 by central government does not require this type of application to be the subject of a referral.

## **CONCLUSIONS**

Despite the continuing need for a crematorium within the District, it is considered that it has still not been demonstrated that sequentially more preferable sites (located on edge of settlement) are not appropriate. Additional information submitted in respect of alternative sites has demonstrated that there are alternative sites which even using the applicants own criteria, are sequentially preferable, more appropriately related to existing settlement patterns and as a result less intrusive in the countryside. Justification for a crematorium can be far more easily made in these locations than the current site location which is divorced from any settlement and the necessary infrastructure to allow easy access by alternative means of transport.

As such the current proposal is considered to represent sporadic and unjustified development in the open countryside poorly related to existing settlements, alternative means of transport and pedestrian access. Further the development by reason of the harm to a species rich hedgerow and specimen trees located within it not only undermines the character of the area and would result in a suburban entrance within the countryside, but also reduces the biodiversity of the site. The safety of the access junction (with the additional facilities now offered) has not been established to the satisfaction of the Local Highway Authority who are further raising objection based on a lack of information.

## **RECOMMENDATION**

REFUSE for the following reason(s)

1. The proposed development represents sporadic and unjustified development in an area remote from any settlement. Whilst it is often recognised that a location outside a defined built up area boundary is required for a crematorium, it has not been sufficiently demonstrated that alternative and more sequentially preferable sites are not suitable, viable or available. The development is therefore considered contrary to guidance contained within national policy, PPS 1 Delivering Sustainable Development and PPS 7 Sustainable Development in Rural Areas, Policies ST1 (Sustainable development), ST5 (Development Priority) and ST16 (Local Centres and Rural Areas) of the Devon Structure Plan (2001 -2016), and Policy S5 (Countryside Protection) of the East Devon Local Plan (1995-2011).
2. The proposed development by reason of the necessary access to the proposed site and its associated junction works and visibility splay would result in intrusive development that harms the character and appearance of the area and results in the loss of, or significant

harm to trees of high amenity value and a species rich hedgerow. In addition these works would undermine the ecological value of an historic site in the open countryside. The development is therefore considered contrary to PPS 1 - Delivering Sustainable Development PPS 9 - Biodiversity and Geological Conservation, Policies C01 (Landscape Character and Local Distinctiveness) of the Devon Structure Plan (2001 - 2016) and Policies D4 (Landscape Requirements) D5 (Trees on development sites) and EN6 (Wildlife Habitats and Features) of the adopted East Devon Local Plan (1995 - 2011).

3. Adequate information has not been submitted to satisfy the Local Planning Authority that the proposal is acceptable in terms of Road Safety contrary to Policy TR10 of the Devon County Structure Plan.

#### List of Background Papers

Application file, consultations and policy documents referred to in the report.