

PLANNING COMMITTEE	DATE: 10/09/2020
REPORT OF THE SENIOR PLANNING AND PUBLIC PROTECTION MANAGER	

Number: 3

Application Number: C20/0046/42/LL

Date Registered: 19-03-2020

Application Type: Full

Community: Nefyn

Ward: Nefyn

Proposal: Application for change of use of agricultural land to form part of an extension to the existing cemetery together with work to extend the existing car park, create paths and erect associated fences/gates.

Location: Land near the Public Cemetery, Nefyn, LL53 6EG

Summary of the Recommendation: TO APPROVE WITH CONDITIONS

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1. Description:

- 1.1 This is a full application to create an extension to the cemetery by changing the use of agricultural land. The proposal entails changing the use of an agricultural field to form an extension to the existing cemetery, situated off Ffordd Dewi Sant in Nefyn. New roads and internal paths will be created (linking with the existing), a small extension to the existing car park, erection of wooden fencing, installation of benches and tree planting.
- 1.2 The site is located directly opposite the Nefyn development boundary near the rear of the Business Park. Vehicular and pedestrian access is gained to the site along an unclassified road that runs from Ffordd Dewi Sant between Nefyn Workshops and the Business Park.
- 1.3 This application is submitted to the Committee as the size of the application site (0.9ha) exceeds the threshold of 0.5 hectares to submit applications to the Committee.

2. Relevant Policies:

- 2.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and paragraph 2.1.2 of Planning Policy Wales emphasise that planning decisions should be made in accordance with the Development Plan, unless material considerations indicate otherwise. Planning considerations include National Planning Policy and the Local Development Plan.
- 2.2 The Well-being of Future Generations Act (Wales) 2015 places a duty on the Council to take reasonable steps in exercising its functions to meet the seven well-being goals within the Act. This report has been prepared in consideration of the Council's duty and the 'sustainable development principle', as set out in the 2015 Act. In reaching the recommendation, the Council has sought to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.
- 2.3 **Anglesey and Gwynedd Joint Local Development Plan 2011-2026, adopted 31 July 2017**

ISA 2: Community Facilities

PCYFF 2: Development criteria

PCYFF 3: Design and place shaping

PS 5: Sustainable developments

TRA 2: Parking standards

TRA 4: Managing transport impacts

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2.4 National Policies:

Planning Policy Wales (Edition 10 -November 2018)

Technical Advice Note 12: Design

Technical Advice Note 18: Transport

3. Relevant Planning History:

3.1 C01D/007/42/LL – 'Change of use of agricultural land as an extension to the cemetery' Approved on 25/04/2001.

4. Consultations:

Community/Town Council: Response received on 06/04/2020 stating that Nefyn Town Council supported the application.

Transportation Unit: **Response received on 20/03/2020:**
I refer to the above application, and confirm that I have no objection to the proposal. I recommend attaching the following conditions / notes to any planning permission granted:

P37B - The car parking area will be completed in total accordance as shown on the enclosed plan prior to the commencement of the use herein approved

Natural Resources Wales: **Response received on 07/07/2020:**

Safeguarding Groundwater:
We received the following report from the applicants on 26 June 2020, in response to our previous letter dated 7 April 2020:

1. Extension at Nefyn Cemetery, Ffordd Dewi Sant, Nefyn – Stage 1 Preliminary Groundwater Assessment and Risk Screening Report. e-geo Solutions, Report No. E1237.PGWA.R1, June 2020.

We have received the additional information on the burial rates and site setting. The report comes to the conclusion that the setting of the site is low - we agree with this conclusion and therefore we ask for the following condition to be imposed on any planning permission given:

Condition - All burials in the cemetery shall be:

- a minimum of 50 m from a potable groundwater supply source;

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- a minimum of 30 m from a water course or spring;
- a minimum of 10 m distance from field drains;
- No burial into standing water and the base of the grave must be above the local water table.

Reason: to protect regulated waters on the site.

Response received on 07/04/20:

We have significant concerns regarding the proposed development as submitted. We recommend that you should only approve planning permission if it is possible to satisfy the following requirement. We would oppose the development if the plan did not satisfy this requirement:

Requirement - The applicant should submit a Stage 1 Groundwater Risk Assessment (that includes a Water Characteristics Survey), and also, where relevant, the submission of a Tier 2 Groundwater Risk Assessment to support the application.

Welsh Water:

Response received on 26/03/2020:

We would request that if you are minded to grant Planning Consent for the above development and if SAB consent is not required that the **Conditions and Advisory Notes** provided below are included within the consent to ensure no detriment to existing residents or the environment and to Dŵr Cymru Welsh Water's assets.

SEWERAGE

Conditions

No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

Land Drainage Unit:

Response received on 27/03/20:

Thank you for the following consultation

The Unit has no observations to offer on this application in terms of land drainage nor flooding risk.

Biodiversity Unit:

Response received on 31/03/2020:

No Biodiversity concerns, however, advantage should be taken of the opportunity to create a hedgerow along the eastern side of the site. It

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appears that there is currently a fence there. Any trees planted should be native species.

Public Consultation: A notice was posted on the site and nearby residents were notified. The advertising period expired on 10/04/20 and no letters/correspondence were received.

5. Assessment of the material planning considerations:

5.1 The principle of the development

Policy ISA 2 in the LDP aims to protect existing community facilities and encourage the development of new facilities where appropriate. This also includes extensions to existing community facilities which are not within or well-related to a settlement, will be granted where it can be demonstrated that the facility is well located to meet the needs of the community it is to serve.

The site is located outside but adjacent to the Nefyn development boundary and is a reasonable extension to the existing cemetery. It is considered that the location, size and setting of the extension is logical and will effectively add to the existing community service. As noted above, the existing site is served by an unclassified road off Ffordd Dewi Sant and a car park already exists, therefore this can be considered as a suitable site to create an addition to this community service.

It is considered that the location, size and purpose of this proposal is acceptable in principle and is in accordance with the requirements of policy ISA 2 of the LDP.

5.2 Visual, general and residential amenities

Policies PCYFF 2 and 3 are relevant to these considerations of the proposal. Currently, the site is an area of agricultural land that slopes to the west of the site and is surrounded by 'cloddiau', hedges and fences. To the west and north west are a number of industrial units, a fire station, Tŷ Doctor medical practice etc., that deter most of the view of the site from public areas. It should also be considered that the proposal is an extension of the existing substantial cemetery and therefore the visual impact already exists. Although the proposal means installing tracks/paths within the site, it is considered that the nature of this development would not lead to a substantial loss of greenery in the landscape.

As has already been discussed, the site borders industrial units, a fire station, Tŷ Doctor medical practice etc., on the western side and it is considered that the proposal would not have any detrimental impact on the amenities of these properties. However, on the eastern side of the site, is Fferm Cae Rhug dwelling and although it is located close to the cemetery extension, it should be considered that any impacts that are likely to emanate from the development already exist as a result of the existing development. Consequently, it is considered that an extension of this size to the cemetery is unlikely to lead to any different or additional disturbance to what already exists.

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In summary, the proposal will not entail any unacceptable changes to visual or residential amenities in the wider area and therefore is not contrary to the above mentioned policies.

5.3 Matters relating to transportation and access

It is proposed to extend the existing car park and this will be served by the existing unclassified road that links to Ffordd Dewi Sant. The Council's Transportation Unit was consulted and correspondence was received stating they had no objection to the proposal submitted and requesting to ensure that the layout of the car park was finished prior to using the development.

By imposing the appropriate condition, it is considered that the proposal is acceptable on the grounds of the parking arrangements and road safety and complies with the requirements of Policies TRA 2 and TRA 4 of the LDP.

5.4 Regulated/underground Water

NRW (Natural Resources Wales) was consulted and its observations were received stating concerns about the possible impact of the development on regulated waters on the site. In order to respond to these concerns, a Preliminary groundwater assessment and risk screening report was provided by e-geo Solutions Ltd. This assessment and screening report came to the conclusion that the setting of the site was low and confirmation was received that NRW agreed with the conclusion and it was possible to grant the development with appropriate conditions.

It is, therefore, considered that by imposing this condition it will be possible to protect the regulated waters on the site and the proposal complies with the requirements of policy PS 5 of the LDP.

6. Conclusions:

- 6.1 In the context of the above assessment, it is considered that this proposal complies with all relevant considerations and planning policy and is therefore acceptable for approval.

7. Recommendation:

- 7.1 To delegate powers to the Senior Planning Manager to approve the application, subject to the following conditions;

Approve - conditions

1. The development to which this permission relates shall be begun not later than FIVE years from the date of this permission.
2. The development hereby permitted shall be carried out in strict conformity with the details shown on the plans submitted to the Local Planning Authority on 06/05/20, and contained in the form of application and in any other documents accompanying such application unless condition(s) to amend them is/are included on this planning decision notice.

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3. All burials in the cemetery shall be:
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 - a minimum of 30 m from a water course or spring;
 - no burial into standing water and the base of the grave must be above the local water table.
4. No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.
5. The car parking accommodation shall be completed in full accordance with the details as submitted before the use hereby permitted is commenced.