

EAST AYRSHIRE COUNCIL

NORTHERN AREA LOCAL PLANNING COMMITTEE: 31 MAY 2002

**02/0138/FL: PROPOSED GREEN/WOODLAND BURIAL SITE WITH
ASSOCIATED PET CEMETERY AND ACCESS, PARKING AND
LANDSCAPING
AT LANDS OF MIDLAND, FENWICK
BY CRAUFURDLAND LTD**

EXECUTIVE SUMMARY SHEET

1. DEVELOPMENT DESCRIPTION

1.1 Full planning consent is sought for a change of use to a green/woodland burial site with associated pet cemetery and access, parking and landscaping. An improved access is to be formed, from the access to Midland Craft Centre, to a car park servicing areas for pet burial, green burial and for an extension of those activities. Existing hedging and fencing will be improved and a sizeable area of new planting is centrally located.

1.2 Information submitted by the applicants suggests that initially there may only be one "green" burial per month.

2. RECOMMENDATION

2.1 It is recommended that the application be approved subject to the conditions indicated on the attached sheet.

3. CONCLUSIONS

3.1 The application is consistent with the terms of the Approved Ayrshire Joint Structure Plan and given the terms of Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 the application should be approved unless material considerations indicate otherwise. As indicated at Section 6 above, there are other material considerations however these are considered to be broadly supportive of the proposal.

3.2 The site will extend the range of burial facilities available within the district without detriment to the environment, road safety or visual amenity. Subject to conditions, the application is considered to be acceptable.

CONTRARY DECISION NOTE

Should the Committee consider that the application should be refused contrary to the recommendation of the Head of Planning and Building Control, the application will not require to be referred to the Development Services Committee as this would not be a significant breach of policy.

Alan Neish
Head of Planning and Building Control

Note: This document combines key sections of the associated report for quick reference and should not in itself be considered as having been the basis for recommendation preparation or decision making by the Planning Authority.

EAST AYRSHIRE COUNCIL

NORTHERN AREA LOCAL PLANNING COMMITTEE: 31 MAY 2002

**02/0138/FL: PROPOSED GREEN/WOODLAND BURIAL SITE WITH
ASSOCIATED PET CEMETERY AND ACCESS, PARKING AND
LANDSCAPING
AT LANDS OF MIDLAND, FENWICK
BY CRAUFURDLAND LTD**

Report by Head of Planning and Building Control

1. PURPOSE OF REPORT

1.1 The purpose of the report is to present for determination a full planning application which is to be considered by the Local Planning Committee under the scheme of delegation as it is subject to an objection.

2. APPLICATION DETAILS

2.1 **Site Description:** The application site of 1.15 hectares is located immediately to the east of Midland Craft Centre which is itself to the east of Fenwick, off the Fenwick to Waterside Road. The site is bounded by farmland and has a slight rise at its centre where much new planting has already been undertaken. The various uses for the site have already been demarcated by fencing.

2.2 **Proposed Development:** Full planning consent is sought for a change of use to a green/woodland burial site with associated pet cemetery and access, parking and landscaping. An improved access is to be formed, from the access to Midland Craft Centre, to a car park servicing areas for pet burial, green burial and for an extension of those activities. Existing hedging and fencing will be improved and a sizeable area of new planting is centrally located.

2.3 Information submitted by the applicants suggests that initially there may only be one "green" burial per month.

3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council Roads and Transportation Division has no objections to the proposed development.

Noted.

3.2 West of Scotland Archaeology Service and Scottish Water have no objections to the proposed development.

Noted.

3.3 The Scottish Environment Protection Agency indicate that the proposal is likely to be subject to Waste Management Licensing Regulations and may require licensing with treatment of drainage works.

This point can be confirmed to the applicants by a note attached to any planning consent.

3.4 The Coal Authority has not offered any objections to the proposed development.

Noted.

3.5 Fenwick Community Council has not responded at the time of writing this report.

Noted.

3.6 Environmental Health and Waste Management Division has no objections subject to the following:-

- “
1. A sampling point should be provided in the central field drain serving the site with access to this point being made available to officers of this Department at any time.
 2. No embalmed bodies should be permitted.
 3. Only wicker, cardboard or untreated pine covens should be permitted. The use of medium density fibreboard or chipboard should be prohibited due to chemical and resin content.
 4. Comprehensive documentation must be kept with regard to the location and identity of bodies.
 5. Burials must comply with the Burial Grounds (Scotland) Act 1855 and the Local Authorities Cemeteries Order 1977”.

Noted, these points can be addressed by Conditions (1-3) and Notes (4 and 5) attached to any consent granted.

4. REPRESENTATIONS

4.1 A letter has been received from one individual objecting to the proposal on the following grounds:

- a) The proposal would share an access with the Midland Farm Craft Centre where traffic and activity has greatly intensified. The proposal is also incompatible with such a centre as a neighbour.

The Roads Division have no objections and have commented only that the access is off an unadopted road. The location of the site is considered acceptable.

- b) With people on foot and slow moving funeral traffic visiting the site, its access should be separate from that to Midland Farm.

Noted, however there are no objections from the Roads Division.

- c) Where the Midland Farm access road meets the public road there is a hazardous crossroads with poor sight lines.

Noted, however there are no objections from the Roads Division.

- d) Site drainage runs into boggy ground and the adjacent field is already poorly drained. The site is not the most suitable in terms of soil conditions and adjacent land could be rendered less productive if drainage problems are exacerbated.

With reference to the consultation responses of Scottish Water, SEPA and Environmental Health, there are no comments in this regard which would suggest that a refusal of the application would be appropriate. The Environmental Health and Waste Management Division have closely considered ground conditions and their comments can be accommodated within any consent.

- e) Surely a more appropriate site could be found rather than a small field strip near an engineering yard where substantial planting is needed to surround it.

The location of the site is considered acceptable and, if considered by the public to be too close to commercial properties may result in it not being utilised to the full. However the applicant has already undertaken substantial tree planting on site such that its amenity will be further enhanced.

5. ASSESSMENT AGAINST DEVELOPMENT PLAN

5.1 Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that planning applications be determined in accordance with the development plan unless material considerations indicate otherwise. For the purposes of this application the development plan comprises the Adopted Kilmarnock Local Plan and the Approved Ayrshire Joint Structure Plan.

5.2 There are no specific policies within the Adopted Local Plan relevant to the determination of this application. Policy G5 of the Approved Ayrshire Joint Structure Plan states that:

Development proposals in the Rural Protection Area shall normally be limited to the use of land within settlements. Outside settlements, development proposals shall conform to the Structure Plan only where the development:

- A. *Has a demonstrated site specific locational need;*
- B. *Can be justified in terms of social and economic benefit to the community;*
- C. *Contributes to rural land diversification, or*
- D. *Provides for the operational needs of agriculture and forestry.*

It is considered that this green burial site contributes to rural land diversification and would not have a detrimental effect on the environment. This proposal therefore complies with structure plan policy.

6. ASSESSMENT AGAINST OTHER MATERIAL CONSIDERATIONS

6.1 The principal material considerations relevant to the determination of this application are the East Ayrshire Local Plan (Finalised Version with Modifications), the representation received, the consultation replies and the various impacts of the development.

6.2 The Adopted Local Plan is considerably out of date and therefore it is considered appropriate that greater weight should be attached to more recent expressions of policy. The Council has agreed that the East Ayrshire Local Plan (Finalised Version with Modifications) (EALP) should be considered as a prime material consideration.

East Ayrshire Local Plan (Finalised Version with Modifications)

6.3 There are no policies in the Local Plan relating to this specific type of development. However, Policy ENV 14, a rural protection policy, is considered to be relevant in this case.

Policy ENV14 states that:

In assessing development proposals relating to land within the rural area which has not been identified as specific development opportunity sites on the local plan maps, the Council shall ensure that these have minimum impact on the rural environment. There will be a presumption against any development which would:

- (i) *Cause the permanent and irreversible loss of prime quality agricultural land (ie Classes, 1, 2 and 3, 1 in the Macauley Land Classification System).*

This development is not proposed on such land.

- (ii) *Have a permanent adverse impact or cause irreparable damage to built heritage resources requiring conservation or their settings including listed buildings, conservation areas, historic gardens and designed landscapes, scheduled ancient monuments, archaeological and industrial archaeological sites.*

This development would not impact adversely on any of the above.

- (iii) *Have a permanent adverse impact or cause unacceptable irreparable damage to natural heritage resources requiring conservation and to existing species and habitats.*

It is considered that this proposal would not cause the above damage.

- (iv) *Adversely affect the quality of water resources, water catchment areas, land drainage or flood protection interests or create water pollution problems.*

Both SEPA and Scottish Water are satisfied that no adverse affects or pollution will occur.

- (v) *Result in the destruction of any areas of peat which are considered to be of significant ecological value.*

No such areas are affected.

Representations

6.4 The objection has been addressed in Section 4 and it is considered that it raises no issues of sufficient weight to merit refusal of the application.

Consultation Replies

6.5 The consultation replies are addressed in Section 3 and it is considered that they raise no adverse issues of sufficient weight to merit refusal of the application.

Development Impacts

6.6 The Roads Division have no objections to the proposal and there is no suggestion from other consultees that adverse environmental impacts would arise from the development. The extensive landscaping together with existing natural features will create a site of relative seclusion appropriate to the nature of the proposals.

7. FINANCIAL AND LEGAL IMPLICATIONS

7.1 There are no financial or legal implications for the Council in the determination of this application.

8. CONCLUSIONS

8.1 The application is consistent with the terms of the Approved Ayrshire Joint Structure Plan and given the terms of Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 the application should be approved unless material considerations indicate otherwise. As indicated at Section 6 above, there are other material considerations however these are considered to be broadly supportive of the proposal.

8.2 The site will extend the range of burial facilities available within the district without detriment to the environment, road safety or visual amenity. Subject to conditions, the application is considered to be acceptable.

9. RECOMMENDATION

9.1 It is recommended that the application be approved subject to the conditions indicated on the attached sheet.

CONTRARY DECISION NOTE

Should the Committee consider that the application should be refused contrary to the recommendation of the Head of Planning and Building Control, the application will not require to be referred to the Development Services Committee as this would not be a significant breach of policy.

**Alan Neish
Head of Planning and Building Control**

20 May 2002
(DVM/MMM)

FV/DVM

LIST OF BACKGROUND PAPERS

1. Application Form and Plans.
2. Consultation Responses.
3. Statutory Notices/Certificates.
4. Adopted Kilmarnock Local Plan.
5. East Ayrshire Local Plan Finalised Version with modifications.
6. Approved Strathclyde Structure Plan.
7. Approved Ayrshire Joint Structure Plan.
8. Representation.

Anyone wishing to inspect the above papers please contact Dave Morris on 01563 576753.

Implementation Officer: Dave Morris

020138FL

EAST AYRSHIRE COUNCIL

TOWN & COUNTRY PLANNING (SCOTLAND) ACT 1997

02/0138/FL

Site of Proposal:	Lands of Midland FENWICK
Nature of Proposal:	Proposed Change of Use from Agriculture to Green/Woodland Burial Site with Associated Pet Cemetery and Access, Parking and Landscaping
Name & Address of Applicant:	Craufurdland Ltd Craufurdland Castle KILMARNOCK KA3 6BS
Name & Address of Agent:	Donalds Chartered Surveyors East Tannacrieff FENWICK KA3 6AX

DPOs Reference: DVM/MMM

The above FULL application should be approved subject to the following conditions:-

1. Prior to the commencement of the use hereby approved, a sampling point shall be provided in the central field drain serving the site, with access to this point being made available to Council officers as required.

REASON To enable the Planning Authority to monitor ground conditions at the site.

2. There shall be no embalmed bodies buried on the site.

REASON To prevent any pollution of the water table or watercourses.

3. Only wicker, cardboard or untreated pine coffins shall be used on site. There shall be no utilisation of medium density fibreboard or chipboard coffins.

REASON To prevent any pollution of the water table or watercourses from chemical or resin content.

4. Full details of the surface and drainage of the proposed car parking area shall be submitted to and approved by the Planning Authority prior to the commencement of development, and shall be implemented as approved before commencement of the use.

REASON In the interests of road safety.

5. A landscaping scheme including the treatment of the boundary of the site shall be submitted to and approved by the Planning Authority prior to commencement of any development, and shall be implemented not later than the next appropriate planting season after the development has been carried out; any trees removed without consent of the Planning Authority or seriously damaged at any time thereafter shall be replaced by trees of similar size or species as may be agreed in writing with the Planning Authority.

REASON In the interests of residential and visual amenity.

6. No trees shall be felled, lopped, have roots cut, or be the subject of any other works without the written consent of the Planning Authority.

REASON In the interests of visual amenity and to maintain the existing visual contribution of the trees to the amenity of the area.

**DUE TO ORDNANCE SURVEY REGULATIONS AND COPYRIGHT
THE MAP IS AVAILABLE FOR VIEWING AT THE COUNCIL'S
PLANNING OFFICE IN KILMARNOCK. FOR INFORMATION ON
VIEWING PLEASE CONTACT (01563) 576790.**

AGENDA