

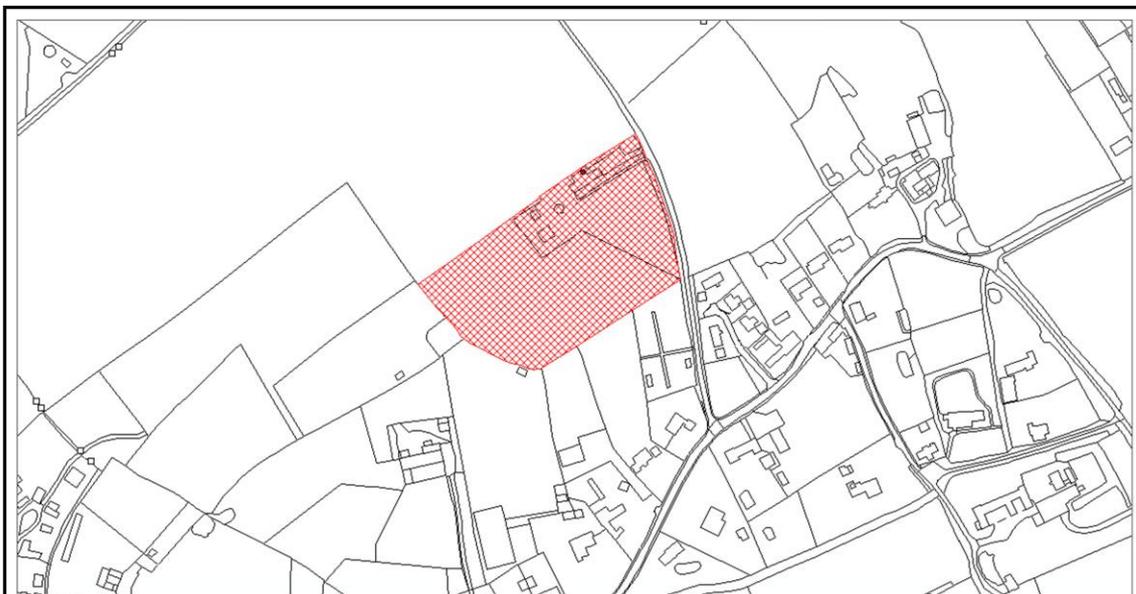
PLANNING COMMITTEE - 13 March 2018**APPLICATION NO** DC/17/5381/COU**LOCATION**

Mill House
 Mill Lane
 South Elmham St. James
 Suffolk
 IP19 0HW

EXPIRY DATE 16 March 2018
APPLICATION TYPE Full Application
APPLICANT Miss and Mr Sharon & Andrew Boatwright

PARISH South Elmham St. James

PROPOSAL Change of Use to re use of two agricultural buildings. First a barn/workshop to house machinery to perform small pet cremations. The second the brick base which previously supported post windmill to be repaired with a view of it being used as an office/reception/waiting area for clients attending pet cremation. This is to allow the residents of Mill House to run a small pet cremation service from home attracting a maximum of 15 clients per week. There will also be a collection service available, therefore, reducing the number of potential visitors by at least half (based on figures obtained from similar small pet family run crematoria) thus reducing the visitors to the site to an average of only one daily.



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1. SUMMARY

- 1.1 The application seeks planning permission for the change of use of two former agricultural buildings situated within the residential curtilage of Mill House for the purpose of carrying out small pet cremations. One of the buildings would house the machinery for carrying out this process and the second would be used as an office/reception/waiting area.
- 1.2 The site is situated on the edge of the village of South Elmham St. James, remote from other properties within the village. This area is considered to be in the open countryside due to the lack of access to services and facilities. The spatial strategy (Policy CS01) of the Local Plan states that new development proposals for the provision of services should take place within the towns or larger villages of the district.
- 1.3 This proposal is justified on the basis of the small scale nature of the proposal which would diversify the rural economy as encouraged by policy CS07 "Employment" of the Local Plan. Whilst this is an industrial process the impact of the proposal on local Air Quality and noise has been assessed as being acceptable in relation to the closest dwellings and the proposal would safeguard the amenities of neighbouring uses as required by Policy DM02 "Design Principles" of the Local Plan.
- 1.4 The application is before members due to the conflict with the Local Plan and is subject to a member call in. The application is recommended for approval.

2. SITE DESCRIPTION

- 2.1 The site comprises a residential property and a number of outbuildings within its curtilage, two of which would be utilised for this proposal. The workshop building is constructed part in block work and part in corrugated metal sheet to the upper parts of the walls and roof. The second building is a former mill structure and is a substantial circular brick building.
- 2.2 This property has a large curtilage and although it adjoins the gardens of other residential properties there is a generous gap of around 100 metres between dwellings.
- 2.3 The site is situated off Mill Lane; this is a minor road which adjoins the village to other areas of the Saints. This village is situated approximately 7 miles from the nearest sustainable settlements such as Halesworth and Bungay or Harleston in South Norfolk District.

3. PROPOSAL

- 3.1 The proposal is to install a specialist pet cremation incinerator within the workshop building. This is a low capacity incinerator <50kg hour capacity and it is proposed to cremate a maximum of 15 small pets per week. The only alterations proposed to the external appearance of the building is the provision of a flue which is proposed to be no higher than 1 metre above the ridge.

3.2 The former mill building is intended to be repaired to be used for an office/reception/waiting area in association with the business. This proposal would not require any additional employees. Clients would either bring the deceased pets to the premises or a collection service would be offered resulting in a maximum of 4 – 5 visits per day.

4. CONSULTATIONS/COMMENTS

4.1 **Neighbour consultation/representations** – 2 representations have been received, 1 in objection and 1 in support:

Objection:

- We do not consider that the proposed changes are consistent with policy CS07 which states that rural development should be encouraged particularly in larger villages. St James consists of less than 100 properties and cannot be considered as a 'larger village'.
- The policy also states that development should be of a scale and character appropriate to the location and there should be good access to the transport network and public transport." The location of the development is very close to a number of houses which are very likely to be affected by emissions from the furnace chimney, due to the prevailing winds from the west / south west passing directly over those properties. Additionally there is very limited public transport to and from St. James.
- The furnace unit proposed is a Matthews SF 50 which according to the details submitted with the application burns waste oil.;The emissions from burning waste oils. Potential pollutants include carbon monoxide (CO), sulfur oxides (SOx), nitrogen oxides (NOx), particulate matter (PM), particles less than 10 micrometers in size (PM-10), toxic metals, organic compounds, hydrogen chloride, and global warming gases (carbon dioxide [CO2], methane [CH4]), and we do not this appropriate considering the proximity of neighbouring properties. We also have concerns over how emissions from the facility would be monitored and controlled on a daily / weekly basis, as the APHA only carry out monitoring every 6 months.
- It is also not clear what level of noise would occur whilst the furnace is running, and the noise may carry some distance in an otherwise quiet location.
- The visual impact of the chimney flue, a 6m minimum height would not be acceptable.
- We are concerned over the stated maximum number of visits to the facility. The application notes that there would be a maximum of 15 clients per week. How would this maximum limit be enforced and monitored? On the basis that it would be impossible to restrict the activities of any business to '15 clients per week' and that monitoring of the regularity of such visits would be equally difficult, we believe that there is a strong potential for many more than 15 visits per week, with no defined upper limit, with a consequent increase in traffic. Additionally there would be further traffic delivering waste oil products.
- Whilst we fully support local initiatives for businesses in rural areas, we do not believe that this type of business is appropriate for this location, particularly as there are a number of other such facilities within reasonable travelling distance.

Support:

- This is a small scale home service. With the numbers restricted to 15 movements a week I can see minimal impact on our road system.
- Having such a service locally will cut down on otherwise much longer journeys.
- I support bringing the possibility of working from home in this rural environment and making the village more economically viable.

4.2 Parish/Town Council Comments - Recommendation Approve

- Ms Boatwright has made creditable efforts to discuss her proposals as covered in this application with residents of St James South Elmham and members of the Parish Meeting Committee. In consequence, she has gained a good degree of support for her initiative.
- I approve the idea of seeking to bring appropriate new business activities to the village. In principle, I have no objection to her application. There are, however, a number of detailed points that I believe should be addressed in considering the application and dealt with in conditions to be applied should it be approved:
 1. The maximum volume of business activity proposed (15 cremations/week) should be fixed, and should also be imposed on any future occupant of the premises/ operator of such a business
 2. The application proposes (Section 20) operations from 10 a.m. until 8 p.m. Monday - Saturday and from 10.00 a.m. until 4 p.m. on Sundays and all Bank Holidays. This is a very quiet, mainly residential village in a rural area. I see no need for Sunday or Bank Holiday working nor for working to extend later than 6 p.m. The hours/days of opening should be reduced and set accordingly.
 3. Page 3 of Ms Boatwright's supplementary information deals with noise and emissions from the machinery when operating.
 - a. while the cremation machinery is stated as compliant with EU noise and emission limits, neither these nor the expected operating levels are provided. They should be checked and confirmed as within acceptable limits for a residential area. The statement that any noise or smoke/particulate emissions would be less problematic for local residents in a village than in a more densely populated location would not, I believe, be acceptable to village residents.

4.3 WDC Environmental Services:

- I have received a reply from Matthews Environmental Solutions, the suppliers of the Surefire SA50/0.6 manual load pet cremator, which has given me the appropriate information to enable me to carry out the screening exercise required under the Local Air Quality Management regime.
- Using a short stack industrial emission assessment tool I conclude that the actual emissions of NO₂ and particulates are much less than the maximum emission values that would then make it a requirement that dispersion modelling or monitoring is carried out. This being the case, the Environmental Protection Team has no objections to the change of use on grounds of detrimental impact on local air quality.
- It is appropriate that restrictions are placed on the proposal in the form of planning conditions.
 - 1) The Surefire SA50 / 0.6 manual load pet cremator can be specifically conditioned.

- 2) You could also consider limiting the number of cremations to 15 per week (this is the applicants figure).
- 3) Apply an operating limit of 8 hours per day (this is the anticipated daily operating period).
- Noise impact is a further consideration and noise emissions are likely to be adequately controlled provided the incinerator is completely enclosed within the building and operated with the doors closed, or the orientation of the door opening is located to face away from the nearest noise sensitive receptors.
- Odours and nuisance can be controlled by the statutory nuisance provisions of the Environmental Protection Act 1990 should issues arise.

4.4 Suffolk County Council Rights of way – No objection

4.5 Suffolk County Council Highways Authority – No comment.

4.5 Suffolk Fire and rescue – Advise to applicant in relation to building regulations and access to water for fire fighting.

PUBLICITY

The application has been the subject of the following press advertisement:

Category	Published	Expiry	Publication
In the vicinity of a public right of way	12.01.2018	01.02.2018	Beccles and Bungay Journal
In the vicinity of a public right of way	12.01.2018	01.02.2018	Lowestoft Journal

SITE NOTICES

The following site notices have been displayed:

General Site Notice Reason for site notice: General, in the vicinity of a public right of way, Date posted 5.01.2018 Expiry date 25.01.2018

5. PLANNING POLICY

- 5.1 Policy CS01 “Spatial Strategy” of the Core Strategy (Adopted January 2009) suggests that new development proposals will take place in the main town of Lowestoft, followed by Market Towns. Outside of these locations exceptions will be for developments of an appropriate scale that contribute to the continued viability of the agricultural industry and/or diversify the local rural economy.
- 5.2 Policy CS07 “Employment” states that outside the towns proposals to diversify the rural economy will be encouraged, particularly where they are located in or adjacent to the larger villages. The development should be of a scale and character appropriate to the location and there should be good access to the transport network and public transport

- 5.3 Policy DM09 “Re-use, conversion and replacement of buildings in the countryside for employment use” of the Development Management Policies (Adopted January 2011) supports the re-use of vacant rural buildings for non-residential and employment uses. The type and scale of the proposed use must be appropriate to its location; in particular it should not generate significant traffic movements in unsustainable locations and should ideally be located in or adjacent to a larger village where there is good access to the highway network and public transport. The use should also not conflict with neighbouring uses.
- 5.4 Policy DM02 “Design Principles” requires that development proposals will be expected to protect the amenity of the wider environment and neighbouring uses including noise emissions and odour.
- 5.5 National Planning Policy Framework (March 2012) - Paragraph 28 supports economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development and states that "To promote a strong rural economy, local and neighbourhood plans should:
- “support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings"

6. PLANNING CONSIDERATIONS

- 6.1 Section 38(6) of the Planning and Compensation Act 2004 states that application should be determined in accordance with the development Plan unless material considerations indicate otherwise. In this instance, the development plan for the purpose of this application is the Core Strategy (2009) and the Development Management Policies (2011). The National Planning Policy Framework is a material consideration.
- 6.2 As highlighted in the above local Plan policies there is a clear presumption that development proposals should be situated in locations that are well located in relation to sustainable settlements in the district. Proposed sites should offer good connectivity to the surrounding transport network and public transport. The type and scale of the proposed uses should be appropriate to the location and should not generate significant traffic movements in unsustainable locations. Support is given to the re-use of existing buildings in the countryside.
- 6.3 Although St. James South Elmham is a village it does not benefit from a settlement boundary due to the lack of services and facilities available within the village. Therefore in policy terms this area is situated within the ‘open countryside’ and is remote from the nearest ‘sustainable’ settlement.
- 6.4 This is the type of business by its very nature would not make use of public transport provision even if this was available. The customers of this service would be reliant on the use of motor vehicles. The property has suitable visibility for cars to exit the site safely and there is ample space for vehicles to turn on site. The numbers of vehicles likely would not have a detrimental impact on the highway network in terms of safety and

would not cause congestion. Facilities such as this are few and far between and this facility is likely to offer a shorter journey for customers within this district.

- 6.5 An objection has been received by an adjacent neighbour regarding the appropriateness of this facility to this location and the potential impact on the amenities of neighbouring properties. This is an industrial process so great care is required to ensure that the amenities of the wider environment and neighbouring uses are protected.
- 6.6 The application as submitted was lacking in information with regard to emissions, including particulates, NOx and noise. Clarification with regard to the exact model of incinerator proposed has now been received. The plant proposed is approved by the Department for Environment, Food and Rural Affairs (DEFRA) for the purposes of the Animal and Plant Health Agency (APHA) regulations. The Defra Local Air Quality Management (LAQM) help desk have confirmed that there is still an obligation on Waveney District Council to assess the NOx and particulate emissions against the national air quality standards.
- 6.7 The Environmental Health Officer has received information from the manufacturer to enable a screening exercise required under the Local Air Quality Management regime. Using a short stack industrial emission assessment tool it has been concluded that the actual emissions of NOx and particulates are much less than the maximum emission values that would then make it a requirement that dispersion modelling or monitoring is carried out. This being the case this proposal would not have a detrimental impact on local air quality.
- 6.8 The noise omitted by this plant is 82dB (A) @ 1m. The Environmental Health officer has calculated that even though the background noise levels in this location will be very low noise disturbance would be adequately controlled provided the incinerator is completely enclosed within the building and operated with the doors closed or the orientation of the door opening is located to face away from the nearest noise sensitive receptors. The door faces to the North Easterly direction; however a condition could be imposed if considered necessary. Odours and nuisance can be controlled by the statutory nuisance provisions of the Environmental Protection Act 1990 should issues arise
- 6.9 There is concern that the scale of this proposal could not be controlled. It has been proposed by the applicant that no more than 15 cremations would take place in a single week. This could be adequately controlled by planning conditions; although monitoring has been questioned a log of all activities would be retained by the owner who could provide this information on request. The size of animal that can be cremated is restricted by the capacity of the incinerator. The specification of the incinerator along with hours of operation can also be controlled.

7. CONCLUSION

- 7.1 It is clear that this proposal is contrary to the aims of the Local Plan in terms of the location of this site and the proximity to a sustainable settlement with associated services, facilities and public transport provision. However the Local Plan and Paragraph 28 of the NPPF are both supportive of small scale activities which contribute to the local rural economy.

- 7.2 The lack of public transport in this case is not considered to be particularly relevant. Although this location is considered to be 'unsustainable' in terms of its reliance on the use of a car to get to it, the number of vehicular movements would not generate significant traffic movements. There is adequate access to the surrounding road network for the number of vehicular movements likely to be generated by this proposal.
- 7.3 The proposal is for a small scale enterprise appropriate to its location. It has been demonstrated that the proposal would protect the amenities of the wider environment and neighbouring uses and that impacts of the proposal would be acceptable and could be adequately controlled by conditions.
- 7.4 This is a low key proposal and it is arguable whether a site closer to a sustainable settlement would result in less vehicular use and in this case due to the nature of the business a more rural location is considered appropriate in this instance. It is considered that the economic benefit and the employment opportunity to the applicants, whilst providing a service which there is limited provision for within the District, would outweigh the harm of the policy conflict in this case.

8. RECOMMENDATION

8.1 Approve subject to the following conditions:

1. The development hereby permitted shall be begun within a period of three years beginning with the date of this permission.

Reason: In accordance with Section 91 of the Town and Country Planning Act 1990 as amended.

2. The development hereby permitted shall be carried out in accordance with approved block plan and elevational drawing received on 20th December 2017 for which permission is hereby granted.

Reason: To secure a properly planned development.

3. The 'barn' structure shall be used only for the purpose of a 'pet crematorium' and for no other purpose whatsoever, (including any other purpose in Class B2 of the Schedule to the Town and Country Planning (Use Classes) Order 2005) or in any provision equivalent to that Class in a statutory instrument revoking and re-enacting that Order with or without modification.

Reason: To retain control and enable consideration as to whether other uses in the Use Class would be satisfactory in this area.

4. The use hereby approved shall only operate using the plant specified within the application as being a Surefire SA50 / 0.6 manual load pet cremator.

Reason - In order to protect the amenity of the wider environment and surrounding occupiers.

5. The working hours in connection with the use hereby permitted, shall not be other than between 10.00 hours and 18.00 hours Monday to Saturday; and no work shall be carried out on Sundays, or Bank Holidays, or outside the specified hours, unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of amenity and the protection of the local environment.

6. The number of cremations carried out per week shall not exceed 15. The owner shall maintain, and keep available for inspection at all reasonable times, an up-to-date record of all cremations.

Reason - In order to protect the amenity of the wider environment and surrounding occupiers.

7. The doors to the barn shall remain closed whilst the incinerator is in operation.

Reason: In order to protect the amenities of surrounding occupiers from disturbance from noise

BACKGROUND INFORMATION: See application ref: DC/17/5381/COU at www.eastsuffolk.gov.uk/public-access

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