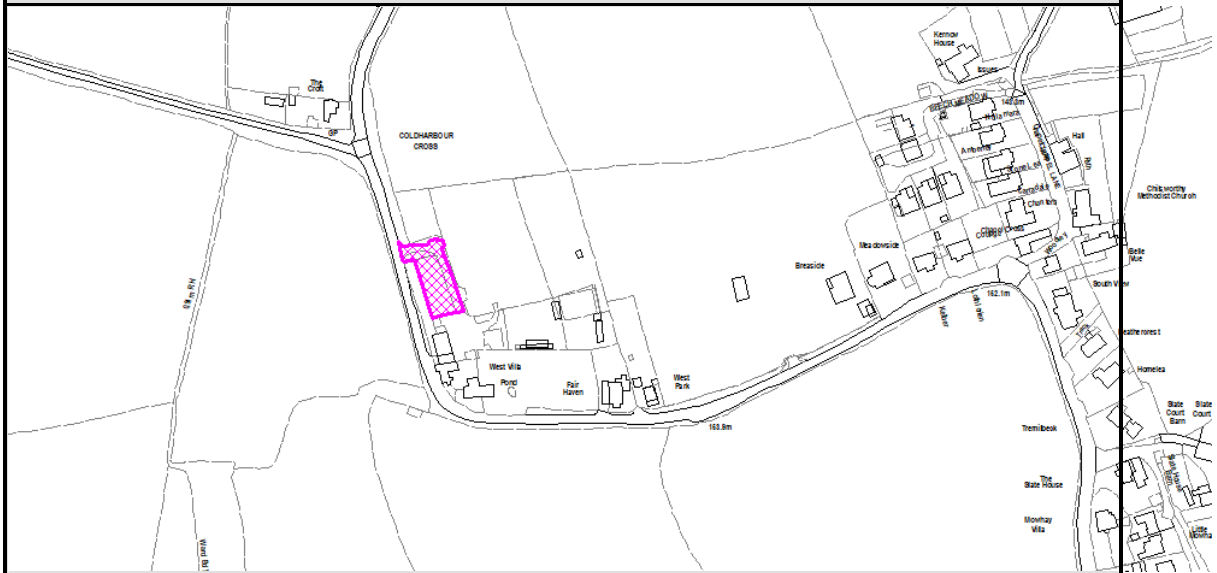


Committee Report – 12 January 2023

Application Number:	1/0953/2022/FUL
Registration date:	3 October 2022
Expiry date:	28 November 2022
Applicant:	Mr Ben Harris
Agent:	
Case Officer:	James Jackson
Site Address:	Land At West Villa, Chilsworthy, Devon,
Proposal:	Change of use of land to sui generis and siting of shipping container to house pet crematorium
Recommendation:	Grant



Reason for referral:

The application has been called to Plans Committee by the Ward Member, Cllr Hepple, if the planning officer is minded to recommend that the application be approved. The reasons for the call-in are:

- Industrial nature of proposed commercial operation not suited to village location.
- Concerns about fumes and increased number of expected transport movements particularly with regard to the number of parking spaces shown on plan.
- As with previous planning applications on this site it is considered inappropriate as a development proposal within a rural village environment.

Relevant History:

Application No.	Description	Status	Closed
1/0642/2000	CONSERVATORY	REF	06.06.2000
1/0939/1992	ERECTION OF AN AGRICULTURAL BUILDING TO HOUSE LIVESTOCK & TO STORE MACHINERY	PER	28.07.1992
1/0065/1997	EXTENSION TO FORM RESIDENTIAL ANNEXE	REF	05.03.1997
1/0589/1997	ERECTION OF TWO STOREY EXTENSION TOGETHER WITH PROVISION OF NEW ACCESS	PER	23.06.1997
1/1028/1997	RENEWAL OF APPLICATION FOR ERECTION OF AN AGRICULTURAL BUILDING TO HOUSE LIVESTOCK AND STORE MACHINERY	PER	09.09.1997
1/0895/1998	ERECTION OF GARAGE AND STORAGE FOR HAY	PER	23.07.1998
1/0073/2017/FUL	Change of use of land from agricultural to use for two static caravans	INVAL	24.05.2017
1/0142/2017/FUL	Construction of timber cattery for boarding 10 cat units and 1 isolation unit to match	INVAL	24.05.2017
1/0047/2018/FUL	4 Camping pods, along with log cabin to house office/shop and associated parking	INVAL	15.02.2018
1/0841/2018/FUL	Change of use from agricultural to sui generis including construction of boarding cattery	INVAL	28.09.2018

1/0247/2021/FUL	Proposed single storey rear extension	PER	05.05.2021
1/1253/2021/FUL	Retrospective application for the retention of mobile home for ancillary domestic use	PER	11.03.2022
1/0296/2022/FUL	Erection of 8x kennels, an office/dog grooming salon and 8ft safety fencing.	REF	17.05.2022
1/0801/2022/FUL	Erection of 8 x kennels, an office/dog grooming salon and 8ft safety fencing. (resubmission of 1/0296/2022/FUL)	PCO	

Site Description & Proposal

Site Description

The site comprises a parcel of land within the countryside on the western edge of the village of Chilsworthy, within close proximity to the village's development boundary. The site is located to the western edge of the applicant's land holding and forms part of a wider smallholding where geese, sheep and goats are farmed on a modest scale. The wider site is also in use as a small scale dog breeding and grooming business, which currently comprises four dogs. The dogs are currently accommodated in the applicant's dwelling. Provision is also available in a mobile home for times when dogs need to be separated from each other. It is understood that the dog breeding business is licensed by Torrington District Council.

The access to the site is located at the western boundary, where a private driveway provides access to the dwelling and other outbuildings. Third party dwellings are located to the south east and east of the site, including two dwellings that have been recently constructed. To the north west, existing dwellings are located on the opposite side of the public highway.

The site is located within flood zone 1 and the Holsworthy Critical Drainage Area (CDA).

Proposed Development

The application seeks full planning permission for the change of use of land to sui generis and siting of shipping container to house pet crematorium.

The development would be sited within close proximity to the mature hedgerow that separates the applicant's land from the public highway. The shipping container would accommodate a footprint of 6m x 2.4m, with a height to the top of the container of 2.8m and height to the top of the flue of 4m.

The proposed incinerator would be located inside the shipping container. The incinerator proposed is an Addfield Pet 200 with a primary and secondary chamber. The primary chamber is rated up to a temperature of 1450 degrees Celsius. The proposal has a maximum capacity of 7 animals per day.

Consultee representations:

Holsworthy Hamlets Parish Council:

Thank you for the consultation request for the planning application reference: 1/0953/2022/FUL for the Change of use of land to sui generis and siting of shipping container to house pet crematorium on Land at West Villa, Chilsworthy, Devon.

This application was discussed by the members of Holsworthy Hamlets Parish Council at their recent meeting. The discussion included analysis of the location plan, the site plan & the proposed elevations.

Councillors considered that the industrial nature of the proposed commercial operation of a pet crematorium would be better suited to an industrial estate rather than a village setting. They consider that the proposed location is not appropriate for this kind of operation.

They were concerned about possible fumes & about the increase in the number of transport movements (either with people coming to the site or the applicants collecting & bringing pets back to the site).

There was also a question about site maintenance & how it would be checked since this is not mentioned in the application.

Councillors were surprised by the number of parking spaces proposed which seems to be somewhat high for the proposed operation.

Following the discussion it was agreed that the members of Holsworthy Hamlets Parish Council object to this application on the grounds described above.

Devon County Council (Highways):

Standing Advice

Environmental Protection Officer:

First Response

The following consultation response is provided by the Environmental Protection Team in relation to the above application.

Having regard for the size of the proposed development and intended rate of incineration, a permit will not be required under the Environmental Permitting Regulations. Although the proposed development will not require a permit, it would be useful to receive further information on the measures to suppress odour emissions that may have an adverse impact on neighbouring amenity.

Second Response

Further to the previous consultation response dated 21 October, the Environmental Protection Team has reviewed the information provided by the applicant. The information demonstrates that the proposed incinerator complies with relevant standards and regulations, in particular Annex III Section 2 of Regulation EU 142/2011. Subsequently, the Environmental Protection Team is satisfied that the operation of the proposed incinerator will not result in significant harm to neighbouring amenity from air emissions. Should planning consent be granted, the Environmental Protection Team recommends the imposition of a condition stipulating that the proposed incinerator is installed and operated in accordance with the manufacturer's instructions.

Representations:

Number of neighbours consulted: 24
Number of representations received: 37

Number of letters of support: 19
Number of neutral representations: 0

Number of objection letters: 16

16 objections have been received. The following issues have been raised:

- Noise (x5)
- Highway safety (x8)
- Proximity to existing dwellings (x6)
- No need within the area (x6)
- Smoke (x2)
- Odour (x4)
- Industrial character (x6)
- Emissions (x10)
- Fossil fuel use
- Adverse biodiversity impact (x2)
- Flies
- Visual impact
- Stress (x3)

19 support comments have been received. The following issues have been raised:

- Need within the area (x12)
- Acceptable environmental impact (x3)

Policy Context:

North Devon and Torridge Local Plan 2011-2031:

ST07 (Spatial Development Strategy for Northern Devon's Rural Area); ST11 (Delivering Employment and Economic Development); DM14 (Rural Economy); ST04 (Improving the Quality of Development); DM04 (Design Principles); DM08A (Landscape and Seascape Character); ST10 (Transport Strategy); DM05 (Highways); DM06 (Parking Provision); DM01 (Amenity Considerations); DM08 (Biodiversity and Geodiversity); ST14 (Enhancing Environmental Assets); DM02 (Environmental Protection); ST03 (Adapting to Climate Change and Strengthening Resilience);

Government Guidance:

NPPF (National Planning Policy Framework); NPPG (National Planning Practice Guidance); NERC (Natural Environment & Rural Communities); WACA (Wildlife & Countryside Act 1981);

Planning Considerations

The following considerations are pertinent to the proposed development:

- Principle of Development
- Character and Appearance
- Highways
- Residential Amenity
- Biodiversity
- Surface Water Drainage

1. Principle of Development

Paragraph 2 of the National Planning Policy Framework (NPPF) states that planning law (namely Section 38(6) of the Planning & Compulsory Purchase Act 2004 and Section 70(2) of the Town & Country Planning Act 1990) requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF must be taken into account in the preparation of local and neighbourhood plans and is a material consideration in planning decisions.

The site is located within the countryside. Policy ST07 of the NDTLP sets out the spatial development strategy for northern Devon's rural area, and clarifies that in the countryside, beyond Local Centres, Villages and Rural Settlements, development will be limited to that which is enabled to meet local economic and social needs, rural building reuse and development which is necessarily restricted to a Countryside location.

Policy ST11 aims to support the delivery of employment and economic development. The policy lists 7 delivery mechanisms to support this. Part 7 of the policy states that proposals for economic development and diversification of the rural economy will be supported where they do not conflict with other Local Plan policies.

Policy DM14 of the NDTLP provides in principle support for small scale economic development in the countryside and states that such development will be supported on the following basis:

- (a) change of use or conversion of a permanent and soundly constructed building; or
- (b) sites or buildings adjoining or well related to a defined settlement or a Rural Settlement; or
- (c) the proposed employment use has a strong functional link to local agriculture, forestry or other existing rural activity;

There are no other buildings within the applicant's control that would be suitable for the intended use. The site is located in the countryside, however it does relate reasonably well to the village of Chilsworthy, with the proposed crematorium being sited approximately 80m from the development boundary that forms the western edge of the defined village. It is noted that the applicant operates a small scale dog breeding and grooming business at the site, however the proposal is not considered to have a strong functional link to this business, given that the breeding and grooming business and the proposed crematorium could operate completely separately from one another.

Taking account of the above, it is concluded that the proposed development accords with part (b) of Policy DM14. Policy ST11 also offers in principle support, providing there is no conflict with other policies. The principle of development is therefore considered acceptable.

2. Character and Appearance

Policies ST04 and DM04 of the NDTLP have a strong design focus and establish the need for development to be appropriate in, and have respect for, its context and setting. In addition, Policy DM08A of the NDTLP confirms that great weight will be given to conserving the landscape and scenic beauty of designated and undesignated landscapes and their settings. Part (f) of DM14 follows a similar policy direction. In this instance, the site is not subject of any landscape designation.

The proposed container would be of small scale and would be sited within close proximity to the existing mature hedgerow that separates the applicant's land from the public highway. Consequently, public views of the development would not be possible. It is also noted that the container would be located within close proximity to numerous former agricultural buildings that are in a poor state of repair, with the result that the proposal would relate well to the existing built form on the site. Lastly, it is noted that the area to the immediate north and south of the building would be landscaped with wildflower seed, which would assist in softening the appearance of the development.

Taking account of the above, it is considered that the proposal would not significantly impact upon the character and appearance of the area, and it therefore accords with policies ST04, DM04, DM08A and DM14.

3. Highways

Policies ST10 and DM05 of the NDTLP seek, inter alia, to ensure that development does not adversely affect the local or strategic highway network and that vehicular accesses are safe and well designed. In addition, DM06 of the NDTLP seeks to ensure that appropriate parking provision is delivered as part of development. Paragraph 111 of the NPPF advises that development should only be refused if there would be an unacceptable impact on highway safety, or if the residual cumulative impacts on the road network would be severe. Paragraph 110 states, inter alia, that any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, should be cost effectively mitigated to an acceptable degree.

The highways authority has been consulted and has referred to its standing advice document.

The proposal would likely increase vehicular movements to and from the site, however any increase would not be significant due to the scale and nature of the proposal. Visibility at the junction with the public highway is good and the surrounding highway network could comfortably accommodate the expected level of traffic. The proposed development has a capacity of 7 animals per day, which will limit the vehicle movements to and from the site. It is noted that the proposed site plan shows a parking area at the site, however this forms part of a separate planning application under reference 1/0801/2022/FUL. Planning permission has not been granted at this time in respect of the other application, and, even if it were, there is no guarantee that it would be implemented. As such, the proposed parking area cannot be considered as part of this application. Notwithstanding, it is considered that the parking needs associated with the development would be minor and could comfortably be accommodated within the existing parking area to the immediate north of the applicant's dwelling. As such, the application is considered to be acceptable in this regard.

It is considered that the proposal accords with the various highway related policies.

4. Residential Amenity

Policy DM01 of the NDTLP confirms that development will be supported where it would not harm the amenities of neighbouring occupiers or uses or result in harm to the future occupiers of the development from existing or allocated uses.

The Environmental Protection Officer has advised that there are no objections to the proposal. The applicant has provided detailed information relating to the proposal, which demonstrates that the chosen incinerator complies with Annex III Section 2 of Regulation EU 142/2011. The Environmental Protection Officer has accordingly advised that the proposal would not result in a significant adverse impact from air emissions. It is also noted that the scale and capacity of the incinerator means that an Environmental Permit would not be required, which again indicates that any environmental impacts arising from the proposal would not be significant.

It is noted that a number of the objections received raise concerns in respect of the impact on residential amenity, however the application successfully demonstrates that the impact would not be significant, and it is therefore concluded that the proposal would not have a significant adverse impact on residential amenity and that accordingly the proposal accords with Policy DM01 of the NDTLP.

5. Biodiversity

Local Planning Authorities have a statutory duty to ensure that the impact of development on wildlife is fully considered during the determination of a planning application under the Wildlife and Countryside Act 1981 (as amended), Natural Environment and Rural Communities Act 2006, The

Conservation of Habitats and Species Regulations 2010 (Habitats Regulations 2010). This is further reinforced by Policy DM08 of the NDTLP.

Policy ST14 aims to deliver biodiversity enhancement.

The application is accompanied by Devon County Council's Wildlife Trigger list, which confirms that an Ecological Impact Assessment (EclA) is not required.

In relation to biodiversity enhancement, the proposed wildflower planting to the north and south of the container would provide enhancement and is considered proportionate given the modest scale of the proposal.

The proposal accords with policies DM08 and ST14.

6. Surface Water Drainage

Policy DM02 of the NDTLP requires that development must not result in unacceptable impacts in relation to the pollution of surface or ground water, whilst Policy DM04 establishes that water management must be addressed by development. Policy ST03 requires development to minimise flood risk.

The site is located within the Holsworthy Critical Drainage Area (CDA).

A soakaway would be installed to manage surface water runoff from the proposed container, which is considered acceptable.

The proposal accords with Policies DM02, DM04 and ST03.

7. Conclusion

As set out above, the principle of development is considered acceptable.

In addition, the proposal meets the various policy requirements as discussed above.

16 objections have been received, many of which raise concerns in relation to emissions or other pollution from the proposed development. The Parish Council raises similar concerns. However, as discussed above the Environmental Protection Officer has no concerns in this regard, given the level of detail provided with the application and subject to the proposed conditions set out below. Numerous comments of support have also been received.

Accordingly, it is concluded that the proposal accords with the development plan, and it is therefore recommended that planning permission be granted, subject to the conditions set out below.

Human rights

Consideration has been given to the Human Rights Act 1998.

Conclusion

It is therefore considered that subject to the compliance with the attached conditions and taking into account all other material planning considerations, including the development plan the proposal would be acceptable.

Recommendation

GRANT subject to the following conditions:

- 1 The development to which this permission relates must be begun no later than the expiration of three years beginning with the date on which this permission is granted.

Reason: The time limit condition is imposed in order to comply with the time requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall be carried out in accordance with the approved plans listed in the Plans Schedule.

Reason: To ensure the development is carried out in accordance with the approved plans.

- 3 The incinerator used as part of the development hereby permitted shall be an Addfield Pet200.

Reason: To ensure that the residential amenities of surrounding occupiers are adequately safeguarded.

- 4 The incinerator hereby permitted shall at all times be operated in accordance with the manufacturer's instructions.

Reason: To ensure that the residential amenities of surrounding occupiers are adequately safeguarded.

- 5 The external surfaces to the shipping container hereby permitted shall be finished in a dark green colour.

Reason: In the interests of the character and appearance of the area.

Plans Schedule

Reference	Received
2204 P05	03.10.2022
2204 P07	30.09.2022
2204 P08	14.09.2022

Statement of Engagement

The National Planning Policy Framework (paragraph 38) requires local planning authorities to work positively and proactively with applicants to achieve sustainable development. Throughout the application process guidance has been given to the applicants and all outstanding issues have been identified.

In this instance the Council required additional information following the consultation process. The need for additional information was addressed with the applicant and submitted for further consideration.

The Council has therefore demonstrated a positive and proactive manner in seeking solutions to problems arising in relation to the planning application.