

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	ML	08/10/2018
Planning Development Manager authorisation:	AN	11/10/18
Admin checks / despatch completed	ER	11/10/18

Application: 18/01278/FUL **Town / Parish:** Mistley Parish Council
Applicant: Mr J McNair
Address: Dickley Hall Dickley Hall Chase Mistley
Development: Proposed pet crematorium.

1. Town / Parish Council

Mistley Parish Council has no objections to this application.

2. Consultation Responses

ECC Highways Dept	The Highway Authority observes that there will be very limited public access to the site and that the proposed use will be for small animals (domestic pets etc) as opposed to farm animals or horse and therefore does not object to the proposals as submitted.
Environmental Protection	The information still isn't using the actual b/g levels. The tech guidance suggests that this would be better to use to demonstrate compliance but as the site is very rural and they need permission prior to making an application for the incinerators to the EA or DEFRA I ask that planners condition it so that a full air quality impact assessment is carried out using the local background data and that it is submitted and approved by the LPA to determine that the installation with the proposed stack height is acceptable before the project comes into beneficial use.
Waste Management	No comments

3. Planning History

97/01081/FUL	(Field Nos 70 and 71 South of Dickley Hall, Clacton Road, Mistley) Farm reservoir (20 million gallons)	Approved	10.03.1998
97/00013/AGRIC	20M Gallon Water Reservoir	Determinati on	12.06.1997
18/01278/FUL	Proposed pet crematorium.	Current	

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework July 2018

National Planning Practice Guidance

Tendring District Local Plan 2007

QL1 Spatial Strategy

QL7 Rural Regeneration

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

ER7 Business, Industrial and Warehouse Proposals

ER11 Conversion and Reuse of Rural Buildings

COM23 General Pollution

EN1 Landscape Character

EN23 Development Within the Proximity of a Listed Building

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017)

SPL1 Managing Growth

SPL3 Sustainable Design

PP6 Employment Sites

PP13 The Rural Economy

PPL3 The Rural Landscape

PPL9 Listed Buildings

Local Planning Guidance

Essex County Council Car Parking Standards - Design and Good Practice

Status of the Local Plan

The 'development plan' for Tendring is the 2007 'adopted' Local Plan. Paragraph 213 of the NPPF (2018) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF. Paragraph 48 of the NPPF also allows weight to be given to policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency with national policy. As of 16th June 2017, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Publication Draft.

Section 1 of the Local Plan (which sets out the strategy for growth across North Essex including Tendring, Colchester and Braintree) was examined in January and May 2018 and the Inspector's initial findings were published in June 2018. They raise concerns, very specifically, about the three 'Garden Communities' proposed in north Essex along the A120 designed to deliver longer-term sustainable growth in the latter half of the plan period and beyond 2033. Further work is required to address the Inspector's concerns and the North Essex Authorities are considering how best to proceed.

With more work required to demonstrate the soundness of the Local Plan, its policies cannot yet carry the full weight of adopted policy, however they can carry some weight in the determination of planning applications. The examination of Section 2 of the Local Plan will progress once matters in relation to Section 1 have been resolved. Where emerging policies are particularly relevant to a planning application and can be given some weight in line with the principles set out in paragraph 48 of the NPPF, they will be considered and, where appropriate, referred to in decision notices. In general terms however, more weight will be given to policies in the NPPF and the adopted Local Plan.

In relation to housing supply:

The NPPF requires Councils to boost significantly the supply of housing to meet objectively assessed future housing needs in full. In any one year, Councils must be able to identify five years' worth of deliverable housing land against their projected housing requirements (plus an appropriate buffer to ensure choice and competition in the market for land, account for any fluctuations in the market or to improve the prospect of achieving the planned supply). If this is not possible, or housing delivery over the previous three years has been substantially below (less than 75%) the housing requirement, paragraph 11 d) of the NPPF requires applications for housing development needing to be assessed on their merits, whether sites are allocated for development in the Local Plan or not. At the time of this decision, the Council is able to demonstrate a robust five year supply of deliverable housing sites (as confirmed in recent appeal decisions) and housing delivered over the previous three years has been comfortably above 75% of the requirement. There is consequently no need for the Council to consider an exceptional departure from the Local Plan on housing supply grounds and applications for housing development are to be determined in line with the plan-led approach.

5. Officer Appraisal (including Site Description and Proposal)

Site Description

The application site is located on the western side of Clacton Road on the farm holding known as Dickley Hall. The site is situated within the parish of Mistley. The holding comprises of the Grade II Listed Dickley Hall, the Grade II Barn at Dickley Hall and several other large modern agricultural buildings to the south, which are surrounded by a concrete apron.

The site is accessed via a long concreted drive accessed from Clacton Road to the east. The holding is isolated and rural with the nearest residential properties located 800m to the east fronting Clacton Road.

Proposal

The proposal is to develop the following at Dickley Hall to accommodate a pet crematorium;

- Office unit measuring 12.12m x 5.00m.
- Chiller unit measuring 6.06m x 2.5m (20ft shipping container)
- Small pet carcass incinerator measuring 6.06m x 2.5m.
- Large pet carcass incinerator measuring 6.06m x 2.5m.

The farm diversification venture will employ the following people;

- 2 full time staff
- 1 part time staff

The business will operate on the basis of pets being collected from customers and bought back to Dickley Hall to be stored in a chiller unit prior to cremation. There is not an intention for customers to bring their pets to the site for cremation. The ashes from the cremations are either returned to the private individuals or disposed of to a registered land-fill site.

Appraisal

Principle

Paragraph 83 of the National Planning Policy Framework (2018) states that planning policies and decision should enable the sustainable growth of all types of business in rural areas both through the conversion of existing buildings and well-designed new buildings.

Saved plan Policy ER11 states that the re-use of rural buildings for business purposes will be permitted subject to the acceptability of various criteria including that the type and scale of activity proposed and its compatibility with the character of the surrounding area. The policy goes on to add that proposals for the replacement of existing rural buildings which are or have been in business/employment use will be subject to the same criteria.

Emerging Policy PP13 concerns supporting the rural economy and states that to support growth in the rural economy the Council may grant planning permission for buildings that are essential to support agricultural and farm diversification schemes. This is obviously subject to detailed consideration against other policy requirements in the local plan. These are considerations are addressed below.

In this instance, it is considered that the proposal is in accordance with the aims and aspirations of the policies mentioned above, in so far that it concerns a farm diversification scheme that would support rural economic growth.

Landscape Impact & Visual Impact

It is noted that the proposed office building would take on the appearance and proportions of a traditional rural building emphasised through the use of dark timber cladding to the exterior walls. The incinerators themselves are more akin to modern agricultural machinery and would be sited to the south of several large agricultural structures on an existing concrete apron.

The proposed structures would be sited to the south of an existing cluster of large agricultural building and therefore not appear overly prominent or out of character in this location. It must also be noted that the buildings would be set back a significant distance from the public highway and therefore not publicly visible.

Any landscape impact brought about by the proposals would therefore be minimal.

Impact upon Listed Buildings

The proposed office building and the incinerators are to be located at the far south of the farm holding and to the south of an existing group of modern agricultural barns. Due to the sensitive siting of the buildings/structures and their modest size and impact upon the setting of the listed buildings to the north would be minimal as the proposals would not visually compete with these buildings.

As such neither the significance of Dickley Hall or the Dickley Hall Barn would be harmed by the development.

Impact upon Neighbours/Amenity

Due to the remote siting of the structures at least 800m to the west of the nearest residential properties any impact upon local residents would be minimal. The site is also subject to stringent controls in respect of environmental legislation and legislation in respect of the design and

compliance of the incinerators. The incinerators have been specifically designed and purchased for the purpose of pet cremation. The collection of pets from customers furthermore reduces any traffic impact on neighbouring residents.

The Council's Environmental Health Team have requested that a full air quality impact assessment is undertaken prior to the incinerators coming into use. However, as the site is remote and further permissions are required from DEFRA a full air quality assessment taking into consideration existing background levels is not considered reasonable. It must also be stated that additional information has been received from the applicant's during the course of the application showing that the incinerators have been designed to DEFRA standards.

Highway Considerations

The Highway Authority observes that there will be very limited public access to the site and that the proposed use will be for small animals (domestic pets etc) as opposed to farm animals or horse and therefore does not object to the proposals as submitted.

A condition will be attached ensuring that the use of the incinerators is operated as outlined in the supporting statement (i.e. no farm animals only pets up to the size of a large dog).

Parking is to be provided in the form of 5 no. spaces (inc. 2 disabled spaces) for employees and deliveries. This is sufficient to meet the requirements of the parking standards.

Other Considerations

Mistley Parish Council has no objections. No further letters of representation have been received.

6. Recommendation

Approval

7. Conditions

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason - To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

- 2 The approved pet crematorium shall be operated in the manner outlined within the section titled 'The Business' of the submitted planning statement (as prepared by Whirledge & Nott), in that only pets shall be cremated on site and no large farm animals or horses.

Reason - In the interests of highway safety and to safeguard local amenity.

- 3 The development hereby permitted shall be carried out in accordance with the following approved plans: Amended Site Plan (Received 19th September 2018), Amended Block Plan (Received 19th September 2018), Floor and Elevation Plans - Office Building and Chiller, Container Pet 200 GA-001 and TBAB-GA.

Reason - For the avoidance of doubt and in the interests of proper planning.

8. Informatives

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Are there any letters to be sent to applicant / agent with the decision? If so please specify:	YES	<input checked="" type="radio"/> NO
Are there any third parties to be informed of the decision? If so, please specify:	YES	<input checked="" type="radio"/> NO