

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	ML	14.11.2018
Planning Development Manager authorisation:	ANJ	15/11/18
Admin checks / despatch completed	ERL	15/11/18

Application: 18/01723/FUL **Town / Parish:** Mistley Parish Council

Applicant: Mr J McNair

Address: Dickley Hall Dickley Hall Chase Mistley

Development: Variation of condition 2 of planning permission 18/01278/FUL - to allow the cremation of horses.

1. Town / Parish Council

Mistley Parish Council makes no objection to this planning 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) and some horses and therefore does not object to the proposals as submitted.
Waste Management	No comments.

3. Planning History

18/01278/FUL	Proposed pet crematorium.	Approved	11.10.2018
18/01723/FUL	Variation of condition 2 of planning permission 18/01278/FUL - to allow the cremation of horses.	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

TR7 Vehicle Parking at New Development

EN1 Landscape Character

EN23 Development Within the Proximity of a Listed Building

TR1A Development Affecting Highways

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 Paragraph 213 of the NPPF (2018) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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/Background

Planning permission 18/01278/FUL approved the siting of a pet crematorium on the site and included, through consultation with ECC-Highways, a condition stating that no large farm animals or horses shall be cremated. This application seeks to vary the condition to allow the cremation of horses which will be collected from private equestrian customers.

The original proposal approved the following;

- 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

Appraisal

The previous permission established that the principle of siting an animal crematorium in this location is acceptable. The officer report stated the following;

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.

Furthermore, the previous permission confirmed that the landscape impact brought about by the proposals would be minimal and due to the modest size of the buildings and their siting to the rear of existing agricultural buildings they would not adversely impact upon the setting of the listed structures to the north.

Residential Amenity/Highway Impacts

The variation of the condition to allow the cremation of horses would not significantly increase traffic movements along the private track. Horses are proposed to be collected from private equestrian customers and no movements will be made to Dickley Hall by the general public for horses. As such overall traffic movements will remain minimal and comparable to existing farm traffic movements. As such there are no concerns in respect of the impact upon neighbours sited onto Clacton Road. Furthermore, ECC-Highways have provided the following comments;

- 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) and some horses and therefore does not object to the proposals as submitted.

Other Considerations

Mistley Parish Council makes no objection to this planning application. No further letters of objection have been received.

6. Recommendation

Approval

7. Conditions

- 1 The approved development shall commence prior to the 11th October 2021.

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 animal crematorium shall be operated in the manner outlined within the section titled 'The Business' of the submitted planning statement (as prepared by Whirledge & Nott) and the 'Variation of Condition' statement prepared by Whirledge & Nott (dated 12th October 2018).

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 assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission 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	NO
Are there any third parties to be informed of the decision? If so, please specify:	YES	NO