

No.12	APPLICATION NO.	2018/0003/COU
	LOCATION	Lime Tree Barn 59 Winifred Lane Aughton Ormskirk Lancashire L39 5DH
	PROPOSAL	Change of use of barn to pet crematorium, including 1000 litre fuel tank and additional hardstanding to rear of building.
	APPLICANT	Mrs S Fitzgerald
	WARD	Aughton And Downholland
	PARISH	Aughton
	TARGET DATE	28th July 2018

1.0 REFERRAL

- 1.1 This application was to be determined under the Council's delegation scheme, however, Councillor O'Toole has requested it be referred to Committee to consider the impact on surrounding residents.

2.0 SUMMARY

- 2.1 The proposed development to change the use of the barn to a pet crematorium is considered to be acceptable in principle and in compliance with Policy GN1 of the West Lancashire Local Plan. The proposal is considered to be appropriate to the location and will not have a significant impact on the character or appearance of the surrounding area or on the amenity of neighbouring properties. Suitable planning conditions will be added to any approval to ensure landscape and highway works are carried out appropriately. The proposed development is considered to be compliant with the NPPF and Policies GN1, GN3, EC2, IF2, EN4 and EN2 of the West Lancashire Local Plan 2012-2027 DPD.

3.0 RECOMMENDATION: APPROVE subject to conditions.

4.0 THE SITE

- 4.1 The application site relates to an existing barn to the rear of Lime Tree Barn, no. 59 Winifred Lane. The site is located to the west side of Winifred Lane and is sited within the Green Belt and Granville Park Conservation Area.

5.0 THE PROPOSAL

- 5.1 Planning permission is sought for a change of use of the barn to a pet crematorium. A 1000 litre fuel tank and additional hardstanding to the rear of the building is also proposed.
- 5.2 Planning supporting information indicates that cremations at the site will be pre-booked and will likely to generate in the order of 2 vehicles at any one time, with the maximum vehicles entering and leaving the site being approximately 20 vehicles on any day. The crematorium will operate on Monday to Friday between 08.00 and 17.30 and on Saturdays 08.00-13.00. There will be no cremations taking place on Sundays or bank / public holidays. It is envisaged that the enterprise will employ two full time members of staff. A 1500 litre fuel tank is also proposed to the rear of the crematorium building.

6.0 PREVIOUS RELEVANT DECISIONS

- 6.1 2011/1137/FUL - Construction of new agricultural access and field gate. Refused 22.12.2011. Allowed on Appeal 20.09.2012.

- 6.2 2010/0423/FUL - Demolition of existing stable block. Extension and conversion of existing farm building to form new stable block. (Amendment to planning permission 2008/0868/FUL). Refused 16.06.2010. Dismissed on Appeal 14.02.2011.
- 6.3 2007/0286/FUL – Retention of agricultural building. Granted 06.12.2007.
- 6.4 2004/0384 - Consideration of Details for Prior Approval - Erection of agricultural storage building. Details Approved 08.06.2004.

7.0 CONSULTEE RESPONSES

- 7.1 Highways Authority (20/06/2018) – No objection in principle to this application and is of the opinion that the proposed development should have a negligible impact on highway capacity and highway safety within the immediate vicinity of the site.
- 7.2 Environmental Health (30/04/2018) – No objections in principle. Requests planning condition in relation to times of operation.

8.0 OTHER REPRESENTATIONS

- 8.1 Aughton Parish Council (13/04/2018) and (14/06/2018) – No objections.
- 8.2 West Lancashire Conservation Areas Advisory Panel (23/05/2018) - Recommend refusal on the grounds that the proposal would industrialise the site and harm the residential character of the Granville Park Conservation Area.
- 8.3 Neighbour representations have been received from 19 local addresses objecting to the application on the grounds of:

Disturbance;
Loss of privacy;
Noise;
Health and safety;
Emissions;
Odour;
Commercial use not suited to the Conservation Area and Green Belt;
Increase in traffic;
Lack of details about what is to be incinerated;
Highway safety;
Set a precedent;
Possibility of commercial signage;
Impact on value of property;
Possibilities of expansion;
Lack of consultation;
Already have two pet crematoriums within half hour of Aughton;
Hours of operation too long;
Access to be used is agricultural;
Unhappy about burials;
Impact upon drainage / sewerage / flooding;
Impact upon wildlife;
Health risk;
Chimney visible;
Object to long hours of operation.

- 8.4 One letter has been received from no. 63 Winifred Lane which withdraws their objection.
- 8.5 Three letters of support has been received, welcoming a new local business.

9.0 SUPPORTING INFORMATION

- 9.1 Supporting Statement
- 9.2 Cremator Information

10.0 RELEVANT PLANNING POLICIES

- 10.1 National Planning Policy Framework (NPPF) and the West Lancashire Local Plan (2012-2027) DPD (WLLP) provide the policy framework against which the development proposals will be assessed.
- 10.2 The site is located within the Green Belt as designated in the West Lancashire Local Plan. The site is also located within the Granville Park Conservation Area.

National Planning Policy Framework 2012 (NPPF)

Delivering sustainable development
Promoting sustainable transport
Requiring good design
Conserving and enhancing the natural environment

West Lancashire Local Plan 2012-2026 (WLLP) policies:

Policy GN1 – Settlement Boundaries
Policy GN3 – Criteria for Sustainable Development
Policy EC2 – The Rural Economy
Policy IF2 – Enhancing Sustainable Transport Choice
Policy EN2 – Preserving and Enhancing West Lancashire's Natural Environment
Policy EN4 – Preserving and Enhancing West Lancashire's Cultural and Heritage Assets

Supplementary Planning Document, Design Guide (Jan 2008)

11.0 OBSERVATIONS OF DIRECTOR OF DEVELOPMENT AND REGENERATION

Assessment

- 11.1 The main areas of consideration in determining this planning application are:

Principle of Development;
Impact upon Green Belt;
Impact upon the Conservation Area;
Highways;
Impact upon adjoining land uses including neighbouring properties.

Principle of Development

- 11.2 Policy GN1 of the adopted WLLP states that 'development proposals within the Green Belt will be assessed against national policy and any relevant Local Plan policies'.
- 11.3 Paragraph 90 of the NPPF is relevant and lists five other forms of development that are not inappropriate in Green Belt provided they preserve the openness of the Green Belt

and do not conflict with the purposes of including land in Green Belt. The re-use of a building provided that the building is of permanent and substantial construction is one of the developments listed.

- 11.4 The proposed works do not see any extension to the building, only minor fenestration alterations are proposed together with an external flue. Externally a 1500 litre fuel tank will be located to the rear of the building which will sit on a concrete base.
- 11.5 Although no structural survey has been submitted with the planning application, the application building is a modern structure, which whilst it is currently empty it has been previously used until recently by the applicant. Therefore, I do consider that the existing building is of a permanent and substantial construction and is suitable for re-use as a pet crematorium. Therefore, the principle of the development in my view is acceptable.

Impact upon Green Belt

- 11.6 As no extensions are proposed to the building, I am of the view that the development would not have an adverse impact upon the Green Belt. A 1500 litre fuel tank is proposed to the rear of the building, however, the siting has been kept as close as possible to existing built development. The hardstanding proposed to the rear of the building has been significantly reduced since first submission and now covers just an area of 2m x 75cm as a base for the fuel tank. An existing access track will also be utilised thus minimising the impact upon the Green Belt. Car parking will be provided within an existing yard area, I am therefore satisfied that the development will result in minimal encroachment in the green belt.
- 11.7 I note that concerns have been raised by neighbouring properties in relation to burials taking place on the site. It is confirmed that no on-site burials will take place at this site.

Impact upon the Conservation Area / Visual Impact

- 11.8 The application site lies within the Granville Park Conservation Area. The principle statutory duty under the Planning (Listed Buildings and Conservation Areas) Act 1990 is to preserve heritage assets including their setting. The NPPF states that where a proposal would lead to less than substantial harm to a heritage asset, the harm should be weighed against the public benefits of the proposal. Policy EN4 in the Local Plan advises that development affecting the historic environment should seek to preserve or enhance the heritage asset. In this particular case the main issues with regard to the impact on the Conservation Area relate to the proposed changes to the building caused by housing the crematorium incinerator and the potential changes in the character of the site caused by the proposed commercial activity.
- 11.9 The building proposed to house the crematorium business is situated at the rear of the site and given the existence of landscaping and buildings is highly screened from main viewing points of the Conservation Area. It is therefore considered that the fenestration alterations to the building would be obscure from public viewing points. The main alteration to the building is the erection of the chimney which is at a height of 8m from ground floor level. Taking into consideration the rear location of the building, whilst glimpsed views may be obtained of the chimney through existing spaces between buildings and landscaping, it is not considered the appearance of the Conservation Area will be harmed in any significant way by this change to the building. Any minimal impact caused by the flue will be mitigated by imposing a condition requiring it to be painted a suitable colour.
- 11.10 In terms of impact on the character of the Conservation Area, it is noted that the access track and car parking area are already in existence and given the low level of vehicular

use and activity proposed in relation to the business use it is not considered that the character of the Conservation Area will be harmed. Details of a landscaping scheme will be requested as part of any approval to improve the appearance of the access track which is currently bounded by post and rail fencing. This will also provide additional screening to the building from Winifred Lane from a southerly direction. Therefore although the development unit will result in some very limited harm to the character and appearance of the Conservation Area, this is less than substantial and will be outweighed by the public benefits of the proposal, namely the reuse of the redundant agricultural building and creation of a new business and employment opportunity. The duty under section 72 of the P (LBCA) Act 1990 has been given considerable weight in the assessment of the application.

Highways

- 11.11 The proposals will utilise an existing agricultural access from Winifred Lane. Winifred Lane is a classified road with a speed limit of 30mph fronting the site. It is anticipated that cremations will be pre-booked and the likely traffic generation will be in the order of 2 customer vehicles at any one time. The maximum number of vehicular movements into and out of the site related to the crematorium activities on any one day will be 20 vehicles in and 20 vehicles out. There will also be two members of staff working at the application site.
- 11.12 The submitted plans detail that there is sufficient space within the site to accommodate parking for visitors and staff. Additional plans have also been submitted which demonstrate that sightlines can be achieved. The width of the access is also adequate for two vehicles to pass when entering/exiting the site. On consultation with Lancashire County Council no objections have been raised and they are of the opinion that the proposed development should have a negligible impact on highway capacity and highway safety within the immediate vicinity of the site.

Impact upon adjoining land uses including neighbouring properties

- 11.13 Policy GN3 of the West Lancashire Local Plan (2012-2027) DPD allows development provided it retains or creates reasonable levels of privacy, amenity and sufficient garden/outdoor space for occupiers of the neighbouring and proposed properties.
- 11.14 I note concerns from local residents which are listed in paragraph 8 above in terms of odour, smells, emissions, noise and health and safety. The Council's Environmental Health Officer has been consulted in relation to the potential impact of the development upon neighbouring properties and has raised no objections in principle.
- 11.15 A cremator of the capacity proposed would not need an Environmental Permit from the Local Authority or the Environment Agency so there are no other Local Authority regulatory controls over emissions. Instead the appliance must be DEFRA Approved and all pet crematoria sites must be approved by the Health and Veterinary Laboratories Agency (AHVLA). The proposed cremator is DEFRA Approved and complies with the EU Animal By-Products Regulation (EC) No 1069/2009. Such an appliance should not result in any visible smoke or odours. A stack height calculation has been submitted which requires an 8m stack height to ensure satisfactory operation and this is shown on the submitted plans. I am therefore satisfied that the development will not be detrimental to nearby residents through the creation of odour or emissions.
- 11.16 Manufacturer data on noise levels has also been provided. The Council's Environmental Health Officer is of the view that noise levels of the cremator are unlikely to exceed

daytime background noise levels in at the nearest residential property and hence the development will not result in noise disturbance to nearby residents.

- 11.17 In terms of vehicular movements to and from the site I consider the limited amount of visiting vehicles during the working day should not cause undue disturbance to neighbouring properties. The access and car parking areas are sufficiently distant from adjoining residential properties to ensure that noise and disturbance from vehicular movements is unlikely to have a significant impact on neighbours.

12.0 CONCLUSION

- 12.1 The proposed development would not be significantly harmful to the green belt, Conservation Area, residential amenity or highway conditions in the vicinity of the site and is therefore recommended for approval.

Conditions

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.
2. The development hereby approved shall be carried out in accordance with details shown on the following plans:-
Plan reference 2017/002/C; 2017/003/B and 2017/004 received by the Local Planning Authority on 05/07/2018; 05/07/2018 and 01/06/2018.
3. Within three months of commencement of development, a landscaping scheme shall be submitted to and approved by the Local Planning Authority. The landscaping scheme shall show the location, branch spread, and species of all existing trees and hedges; the location, species and number of all proposed trees, shrubs and hedges; and the location of all existing and proposed grassed and hard surfaced areas. Trees and shrubs planted shall comply with BS. 3936(Specification of Nursery Stock) and shall be planted in accordance with BS. 4428 (General Landscape Operations). Within a period of 9 months from the date when any part of the development is brought into use the approved landscaping scheme shall be carried out. All planting shall be maintained and dead or dying material shall be replaced for a period of seven years from the agreed date of planting.
4. No part of the development shall be utilised until all the highway works within the adopted highway have been constructed in accordance with a scheme that shall be submitted to and approved by the Local Planning Authority in consultation with the Highway Authority as part of an appropriate legal agreement, under the Highways Act 1980.
5. The cremator shall not be operated and no deliveries in connection with the crematorium business shall be taken at or dispatched from the site (including waste collections) outside the hours of 0800 - 1800 Monday to Friday; 0800 - 1300 Saturday nor at any time on Sundays, Bank or Public Holidays.
6. The chimney shall not be erected until details of its colour have been submitted to and agreed in writing by the Local Planning Authority. Thereafter the chimney shall be installed in accordance with the approved details.

Reasons

1. Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt and to ensure compliance with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
3. To assimilate the proposed development into its surroundings and to ensure that the development complies with the provisions of Policy EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

4. In order to satisfy the Local Planning Authority and Highway Authority that the final details of the highway works are acceptable and to ensure the development complies with Policy GN3 of the West Lancashire Local Plan.
5. To protect the amenity of adjacent residential properties and so comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
6. To ensure that the external appearance of the building(s) is satisfactory and that the development therefore complies with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

Notes

1. The new vehicular access, within the adopted highway fronting the property will need to be constructed under a section 184 agreement of the 1980 Highways Act (Vehicle crossings over footways and verges); The Highway Authority hereby reserves the right to provide the highway works within the highway associated with this proposal. Provision of the highway works includes design, procurement of the work by contract and supervision of the works. The applicant is advised to contact the Environment Directorate before works begin on site. Further information and advice can be found at www.lancashire.gov.uk and search for vehicular crossings.

Reason for Approval

1. The Local Planning Authority has considered the proposed development in the context of the Development Plan including, in particular, the following Policies in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document:

Policy GN1 – Settlement Boundaries

Policy GN3 – Criteria for Sustainable Development

Policy EC2 – The Rural Economy

Policy IF2 – Enhancing Sustainable Transport Choice

Policy EN2 – Preserving and Enhancing West Lancashire's Natural Environment

together with Supplementary Planning Guidance and all relevant material considerations. The Local Planning Authority considers that the proposal complies with the relevant Policy criteria and is acceptable in the context of all relevant material considerations as set out in the Officer's Report. This report can be viewed or a copy provided on request to the Local Planning Authority.