

<b>No.1</b>	<b>APPLICATION NO.</b>	2019/1003/FUL
	<b>LOCATION</b>	Barn Lodge Veterinary Hospital Clinic 54A Southport Road Ormskirk Lancashire L39 1LX
	<b>PROPOSAL</b>	Installation of hardstanding (3m x 3m) and the installation of an incinerator.
	<b>APPLICANT</b>	Barn Lodge Veterinary Hospital Clinic
	<b>WARD</b>	Scott
	<b>PARISH</b>	Unparished - Ormskirk
	<b>TARGET DATE</b>	17th January 2020

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## **1.0 REFERRAL**

- 1.1 This application has been called in for consideration at Planning Committee by Councillors Thompson and Delaney who raise concerns in respect of impacts upon neighbouring amenity and health & safety. The application relates to full planning permission for an incinerator.

## **2.0 SUMMARY**

- 2.1 The application is for the installation of an incinerator in connection with the existing veterinary practice and is considered to be acceptable in principle. I consider the design of the incinerator to be acceptable and, subject to restrictive conditions, do not consider the development would result in unacceptable harm to either the residential amenity of neighbouring properties or the visual amenity of the surrounding area. Ecology and highway impacts are considered to be acceptable. The proposed development is considered to be compliant with the NPPF and relevant policies in the West Lancashire Local Plan.

## **3.0 RECOMMENDATION - APPROVE with conditions**

### **4.0 THE SITE**

- 4.1 The application site is an existing veterinary practice/hospital located on the northern side of Southport Road to the rear of no's.54 and 56 Southport Road. There is residential accommodation in the main living areas of Nos 54/56 which is currently used by veterinary staff. Malthouse Business Centre is to the rear of the site and properties fronting onto Southport Road are residential.
- 4.2 Pedestrian and vehicular access is taken from an access point between no's.52 and 54 Southport Road. Parking is provided to the front, eastern side of the building and to the rear.

### **5.0 PROPOSAL**

- 5.1 The application seeks planning permission for the installation of an incinerator and hardstanding (3m x 3m) to the rear (parking area) of the existing veterinary practice building. The veterinary surgery/hospital operates as the main headquarters of 4 other local surgeries in the same group practice.
- 5.2 The incinerator comprises a primary chamber and secondary burning chambers which are encased in a corrugated sheet metal shelter similar to a small container. The footprint of the proposed development will be 3 metres by 3 metres with a ridge height of 3.2 metres

and the external stainless steel chimney would have a height of 6.6 metres (0.4m diameter). The incinerator will be located to the rear of the veterinary practice.

- 5.3 The applicant indicates that the incinerator would be in use for approximately 4 hours within a calendar week, which would likely to be divided into two burns of 2 hours per week. The incinerator would only be in use during daytime hours between 9am to 5pm Monday to Friday. There will be no cremations taking place on the weekend or bank / public holidays. The applicants have assessed the weight of material to be cremated to be approximately 200kg per week. The proposed incinerator has a burn rate of 50kg per hour making a burn time of 4 hours. The incinerator will burn animal waste from the other surgeries in the group practice. The practice currently contracts cremation out to an off-site facility in Leyland.

## **6.0 PREVIOUS RELEVANT DECISIONS**

- 6.1 2000/1238 Display of illuminated advertisement sign GRANTED 21.06.2001.
- 6.2 2000/1237 Alterations to vehicular/pedestrian access arrangements and provision of car parking facilities GRANTED 18.04.2001.

## **7.0 OBSERVATION OF CONSULTEES**

- 7.1 Environmental Health Officer - No objections in principle subject to the imposition of safeguarding conditions (09.01.2020, 02.06.2020, and 23.06.2020).
- 7.2 Highway Authority - No objections (18.12.2019).

## **8.0 OTHER REPRESENTATIONS**

- 8.1 Neighbour representations have been received by the Council and the concerns raised are summarised as follows:

Air pollution;  
Odours;  
Inappropriate development;  
Noise and smoke;  
Eyesore and harmful to visual amenity;  
Unsuitable location;  
Impact on protected species; and  
Human health risks.

Other comments have been raised in neighbour representations which do not relate to material planning considerations.

## **9.0 SUPPORTING INFORMATION**

- 9.1 Manufacturer's Specification (i8-55A Animal Incinerator) (07.10.2019)  
Panoramic View (22.11.2020)  
Visual Impact (22.11.2020)  
Burner Noise Levels (22.11.2020)  
Photographs (22.11.2020)  
Further Information including Burner Noise Levels (13.01.2020)  
D1 Calculations (air quality) (24.02.2020)  
Noise Assessment (01.05.2020)

## **10.0 RELEVANT PLANNING POLICIES**

10.1 The National Planning Policy Framework (NPPF) and the West Lancashire Local Plan 2012-2027 Development Plan Document provide the policy framework against which the development proposals will be assessed.

10.2 The application site is located within the Key Service Centre of Ormskirk with Aughton as designated within the West Lancashire Local Plan 2012-2027.

### **10.3 National Planning Policy Framework (NPPF)**

Building a strong, competitive economy  
Achieving well-designed places  
Conserving and enhancing the natural environment

### **10.4 West Lancashire Local Plan (2012-2027) (DPD)**

SP1 - A Sustainable Development Framework for West Lancashire  
GN1 - Settlement Boundaries  
GN3 - Criteria for Sustainable Development  
IF2 - Enhancing Sustainable Transport Choices  
EN2 - Preserving and Enhancing West Lancashire's Natural Environment

### **10.5 Supplementary Planning Document (SPD)**

Design Guide (January 2008)

## **11.0 OBSERVATIONS OF CORPORATE DIRECTOR OF PLACE AND COMMUNITY**

### ***Assessment***

11.1 The main considerations for assessment of this application are:

Principle of Development  
Design and visual impact  
Impact on neighbouring properties  
Impact on parking and highway safety  
Ecology

### ***Principle of Development***

11.2 The site is located within the settlement boundaries of Ormskirk and the proposed incinerator would be used in connection with the existing veterinary practice which operates on site. Policy GN1 advises that within settlement boundaries, development on brownfield land will be encouraged, subject to other relevant Local Plan policies being satisfied. Therefore the principle of an incinerator in this location is acceptable, provided the development is in compliance with other Local Plan policies.

### ***Design and Visual Impact***

11.3 Policy GN3 in the Local Plan requires that development have regard to visual amenity and be sensitively designed to take account of the characteristics of its surroundings. The incinerator's external stainless steel chimney would have a maximum height of 6.6 metres (0.4m diameter) and would be the most visually prominent part of the proposed development. However the incinerator and its chimney would be located to the rear of the

existing veterinary practice building and would be screened from Southport Road due to the presence of the existing veterinary practice. Given the height of the commercial units to the rear in Malthouse Business Centre, I do not consider that the proposed development would have a detrimental impact on the character of the area.

- 11.4 Whilst I note objections from local residents based on visual impact, the proposed structure would be sited in an enclosed space, bound by brick walls, the existing surgery and other outbuildings. Whilst glimpsed views may be obtained from neighbouring gardens of the chimney through existing spaces between buildings, it is not considered the visual appearance of the area will be harmed in any significant way.
- 11.5 Given the context of the existing built environment and the part commercial use, I do not consider that the proposed development would be detrimental to the visual amenities or character of the surrounding area and would be in accordance with Policy GN3 of the WLLP.

### ***Impact on surrounding land uses and neighbouring properties***

- 11.6 Paragraph 180 of the NPPF states that planning decisions should aim to mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life. Para 181 states that planning decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas.
- 11.7 Policy GN3 of the Local Plan also requires that developments should retain or create reasonable levels of amenity for occupiers of neighbouring properties, minimise any reduction in air quality and minimise the risks from all type of pollution.
- 11.8 The nearest residential properties to the application site are to the eastern and western boundaries on the frontage of Southport Road. I note the letters of objections from local residents in relation to the impacts upon surrounding residential properties including air pollution, odours, noise and smoke, and human health risks. I have consulted with the Environmental Health Officer in relation to any potential environmental impacts.

### **Noise**

- 11.9 The proposed incinerator would be used for animal by-products only and would be in operation for a limited number of hours per week between 9am to 5pm Monday to Friday. The incinerator would be fuelled by mains gas and comprise 2 burners with air fans built into the burners. The main source of noise from the incinerator is from the two fans which will be operation whilst the incinerator is in use. The incinerator would be located inside within a vented shelter and the Environmental Health Officer has studied in detail the type of incinerator to be used and the details supplied in the accompanying noise report.
- 11.10 The Environmental Health Officer has advised that they have no objections to the development having reviewed the noise assessment, which indicates that noise from the incinerator would not be above guideline noise levels in residential gardens. Conditions are recommended to ensure this remains the case.
- 11.11 Subject to the conditions to limit noise levels, restrict hours of use and ensure that the incinerator is operated in accordance with the manufacturer's instructions I am satisfied that the proposal would not cause unacceptable levels of noise disturbance and accords with the requirements of Policy GN3 of the WLLP.

### Odours/fumes/air quality

- 11.12 The incinerator would comply with Department for Environment, Food and Rural Affairs- DEFRA regulations for animal health and the model proposed for this project is also listed as 'type approved' on the DEFRA website. The operations of the incinerator in respect of odours/fumes is inspected annually by the Animal & Plant Health Agency - APHA (an executive agency of the DEFRA) who will inspect the electronic recordings for each burn which are automatically recorded in the secure integral software. Services are mandatory and monitored by APHA.
- 11.13 The Council's Environmental Health Officer has reviewed the application and is of the view that there will be no unacceptable pollution impacts subject to the flue being 6.6 metres in height, as shown on the submitted plans.
- 11.14 The National Planning Policy Framework paragraph 183 advises that the focus of planning decisions should be on whether the proposed development is an acceptable use of land, rather than the control of processes or emissions, where these are subject to separate pollution control regimes. Furthermore the Planning Policy Guidance; Use of planning conditions states that: Conditions requiring compliance with other regulatory regimes (e.g. Building Regulations, Environmental Protection Act) will not meet the test of necessity and may not be relevant to planning. In this regard I am satisfied that the Animal & Plant Health Agency have suitable powers to monitor and control any emissions of odour or fumes. Given the level of use of the incinerator and these controls I do not consider that the development would a significant impact on air quality and thereby meets the requirement of the NPPF and Policy GN3 of the WLLP.
- 11.15 I note concerns from adjoining residents that the proposed incinerator will have a significant impact on their residential amenity. The impact of the noise, and fumes have been carefully considered and found to be acceptable. Having assessed the siting of the proposed development in relation to the nearby residential properties, I do not find that the proposed development would be overbearing to surrounding properties, given the slimline nature of the flue. I am therefore of the view that the development, subject to restrictive conditions, would not result in harm to the amenities of nearby residents sufficient to warrant a refusal of planning permission.

### ***Impact on parking and highway safety***

- 11.16 Policy GN3 in the Local Plan indicates that development should generally provide a level of on-site car parking commensurate with the proposed use and the Council's car parking standards in Appendix F of the Local Plan. The application site has a mixed use as residential accommodation for members of practice staff, an animal hospital and veterinary practice. There are no specific car parking standards attributable to a mixed use of this nature.
- 11.17 The site provides parking at the front (largely for resident veterinary staff) and staff and visitor parking to the side and rear. The proposed development affects 2 staff parking spaces but can be reconfigured so that only one space is lost. The Ormskirk site is the hub of the veterinary practice and some staff who work in the other surgeries live at the Ormskirk site. Staff travel to the branch practices at 8.30 in the morning and return at 6pm so their vehicles are not on the Ormskirk premises during the working day when the Ormskirk surgery is open. The applicant indicates that this frees up on site parking spaces for customers. The practice operates on an appointment basis and the applicant indicates that even with the loss of a small proportion of the available on site parking, there would still be space on site for both customer and staff parking.

- 11.18 The applicant also indicates that the development would reduce the number of vehicular movements to the site because at present carcasses are collected on a daily basis for off-site disposal. This would cease if the application were approved. Whilst material from across the practices would be incinerated on site, this would not result in an increase in vehicular movements as waste would be brought to site in the vehicles which are traveling back to Ormskirk at the end of each working day.
- 11.19 I have sought the advice of LCC Highways who have raised no objections to the proposed development. They consider that the proposed development would have a negligible impact on highway safety and highway capacity within the immediate vicinity of the application site. The proposed development would result in the loss of one vehicle parking space, given the operation of the practice, I am satisfied that adequate parking for visitors and staff can be achieved within the confines of the application site given the level of vehicular use and activity. I therefore consider that the proposal meets with the requirements of Policies GN3 and IF2 of the WLLP.

### ***Ecology***

- 11.20 Policy EN2 of the WLLP states that where there is reason to suspect that there may be a priority species, or their habitat, on or close to a proposed development site, planning applications should be accompanied by a survey assessing the presence of such species and, where appropriate, making provision for their needs. This allows the LPA to screen the project against the Habitats Regulations and relevant national and local policy.
- 11.21 Noting the nature of the site, which is a hard-surfaced yard to the rear of a commercial area, I do not consider that ecology surveys are required as there would be no tree or vegetation loss as a result of the proposed development. Whilst local residents have indicated that there may be bat activity in the vicinity of the site, it is unlikely that the species will be significantly impacted by the proposed development, particularly given the restricted hours of operation of the proposed incinerator.

## **12.0 CONCLUSION**

- 12.1 Overall I consider that the installation of an incinerator to the rear of the existing veterinary practice building would satisfactorily meet the requirements of Policies SP1, GN1, GN3, IF2 and EN2 of the West Lancashire Local Plan 2012-2027 DPD and should be recommended for approval.

## **13.0 RECOMMENDATION**

- 13.1 That planning permission be GRANTED subject to the following conditions:

### **Conditions**

1. The development must be begun not later than the expiration of three years beginning with 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 Section 51 of the Planning and Compulsory Purchase Act 2004.
2. The development hereby approved shall be carried out in accordance with details shown on the following plans:  
Plan reference plans (elevation drawings);  
received by the Local Planning Authority on 01.06.2020.  
Plan reference site location plan;

received by the Local Planning Authority on 22.11.2019.

Make and model of incinerator: i8-55A shown on INCINER8 brochure received by the Local Planning Authority on 07.10.2019

Reason: 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. The incinerator shall be used by Barn Lodge Veterinary Group Practice only and shall not be used by other veterinary practices or to offer private pet cremations to the public.  
Reason: To safeguard local residents from noise and disturbance, and to comply with Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.
4. The incinerator shall only be used between the hours of 0800 and 1800 hours Monday to Fridays, 0800 to 1300 hours on Saturdays and at no time on Sundays or Bank Holidays.  
Reason: To safeguard local residents from noise and disturbance, and to comply with Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.
5. The incinerator shall be used for a maximum 6 hours per calendar week. A record detailing the times of incinerator use shall be kept and be made available for inspection at any time by the Local Planning Authority.  
Reason: To safeguard local residents from noise and disturbance, and to comply with Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.
6. The level of noise emitted from the operation of the incinerator shall not exceed 55 dB LAeq, 1hr between (08:00) and (18:00) Monday to Fridays, and between (08:00) to (13:00) on Saturdays, as measured in free-field conditions within the residential gardens of properties on Southport Road.  
Reason: To safeguard local residents from noise and disturbance, and to comply with Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.
7. The chimney height of the incinerator shall be 6.6m in height from the ground level.  
Reason: To ensure that the external appearance of the incinerator and chimney is acceptable and to ensure compliance with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
8. The incinerator shall be operated as per the manufacturer's operating instructions (Make and model of incinerator: i8-55A shown on INCINER8 brochure received: 07.10.2019) to ensure that emissions from combustion processes in normal operation shall be free from visible smoke and ensure controlled air distribution for a clean odourless emission.  
Reason: To safeguard local residents from noise and disturbance, and to comply with Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.
9. The incinerator shall be housed in a container as shown on INCINER8 brochure received: 07.10.2019. Any doors to such container shall be kept closed at all times whilst the incinerator is in operation.  
Reason: To safeguard local residents from noise and disturbance, and to comply with Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.
10. Prior to the incinerator being installed plans showing details of the revised areas for the movement, loading, unloading and parking of staff and visitor vehicles shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be brought into use until such areas have been provided, constructed and surfaced in complete accordance with the approved plans. These areas shall be retained at all times thereafter.

Reason: These details are required prior to the installation of the incinerator to ensure that adequate on site vehicle parking/manoeuvring facilities are provided in the interests of highway safety and amenity, and to comply with the provisions of Policy GN3 and IF2 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

### **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:

SP1 - A Sustainable Development Framework for West Lancashire

GN1 - Settlement Boundaries

GN3 - Criteria for Sustainable Development

IF2 - Enhancing Sustainable Transport Choices

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