

PLANNING COMMITTEE – 26 July 2022

REFERENCE NUMBER: 22/00519/FL **Application Expiry Date:** 29.07.2022
Application Type: Full application

Proposal Description: Change of use of commercial unit to a pet crematorium (sui generis use) with associated flue, warehousing and offices (Revised Scheme of 22/00195/FL)

At: 2E- 2F Church View, Clay Cross, S45 9HA

For: Mr R Slack - Chesterfield Pet Crematorium Ltd

Third Party Reps: 0 **Parish:** Clay Cross

Ward Name: Pilsley and Morton

Author of Report: Emily Cartwright **Date of Report:** 11.07.2022

MAIN RECOMMENDATION: REFUSE

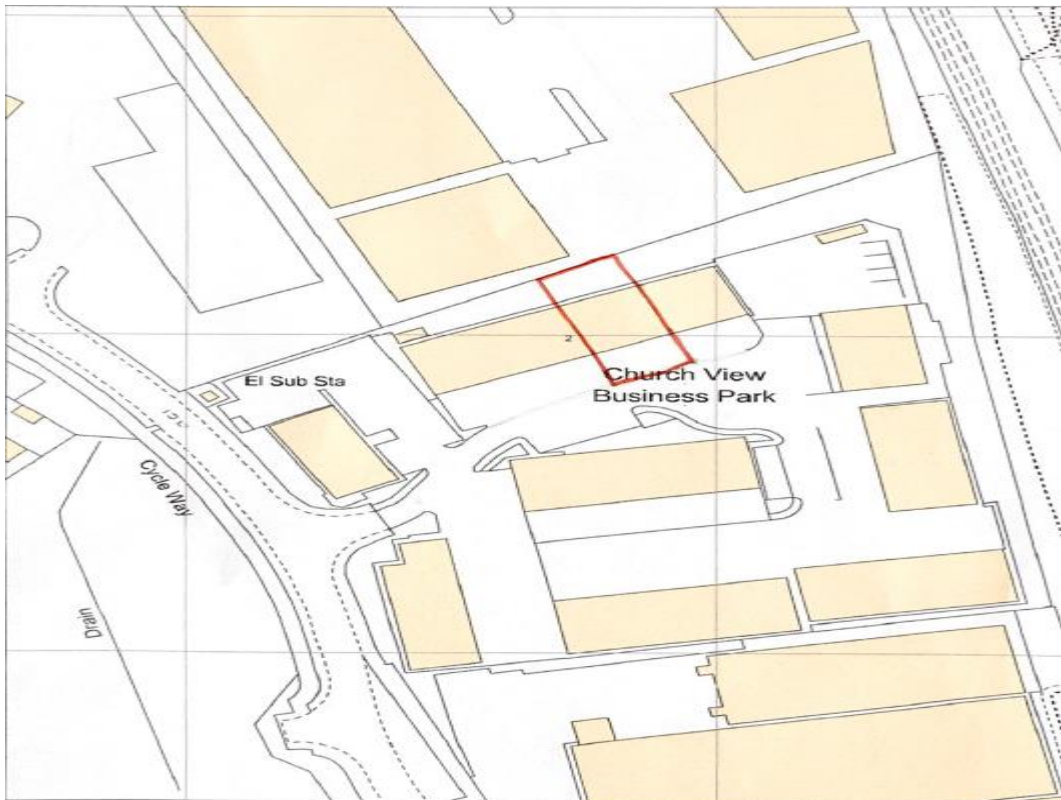


Fig.1 Site Location (not to scale)

1.0 Reason for Report

1.1 This application is being considered by Planning Committee as Councillor Shipman has called the application in on the following grounds:

- The application is for a business which is providing local employment, and, only because of a quirk in how pet crematoriums are classed, it falls outside the scope of usage for Coney Green. There are no other locations large enough to accommodate a business like this. The result of this is that the business would have to leave NEDDC, which is counterproductive of 'providing employment' in our district.

2.0 Proposal and Background

Site Description

2.1 The application site comprises a small complex of eight business units known as Church View Business Park, located between Coney Green Road and the railway line to the east.

2.2 The application building is located within Block 2 which is sited along the northern boundary of the site and comprises units 2E and 2F. These two units are located to the middle of Block 2; as per Fig 2 below the western unit comprises a warehouse area served by a roller shutter and personnel doors whilst the eastern unit features the main entrance door with offices, ancillary kitchen, toilet facilities and the cremation area to the rear.

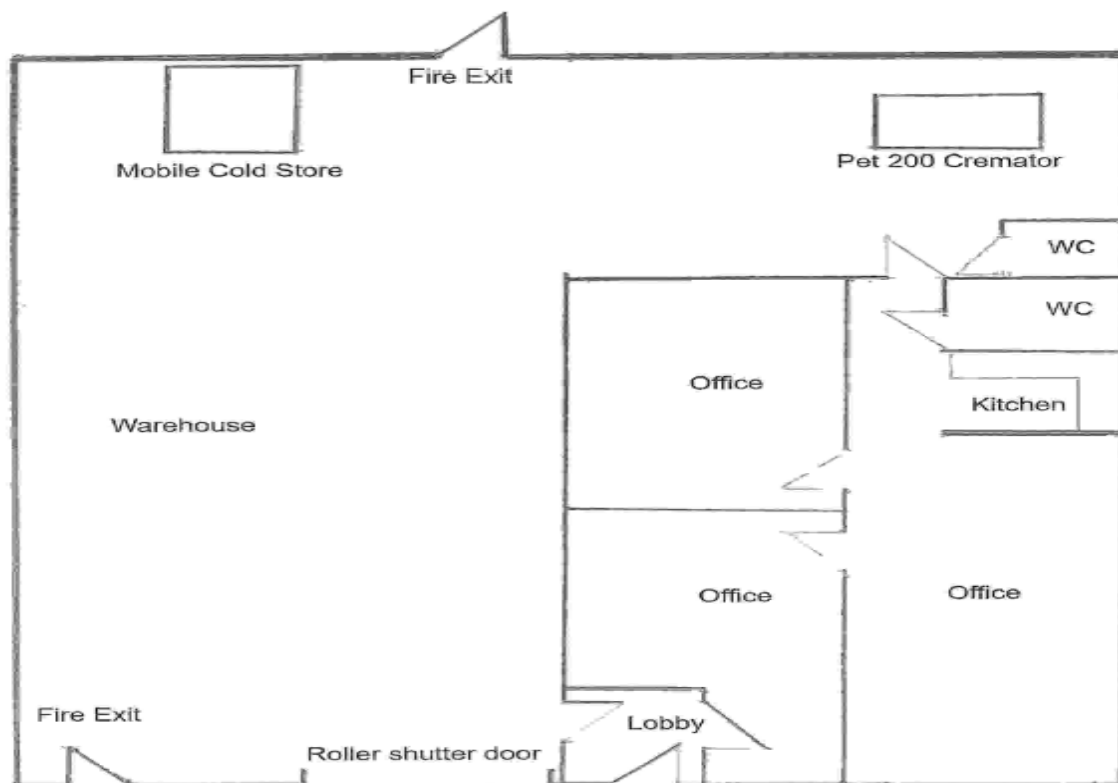


Fig. 2 Site Plan (not to scale)

- 2.3 The site is accessed via Church View, which in turn is accessed off Coney Green Road to the west of the site. The two units are served by eight dedicated parking spaces to the front.
- 2.4 The site is bounded to the north and south by existing business units which are occupied by a range of business uses.
- 2.5 The site is located within the defined Settlement Development Limit for Clay Cross and is also designated as a Principal Employment Area.

Proposal

- 2.6 Full permission is sought to retain the change of use of Unit 2E-2F Church View to a Pet Crematorium (Sui Generis use).
- 2.7 The change of use would be for the operation of a pet crematorium with an associated flue, warehousing and offices (see Fig 3 below).

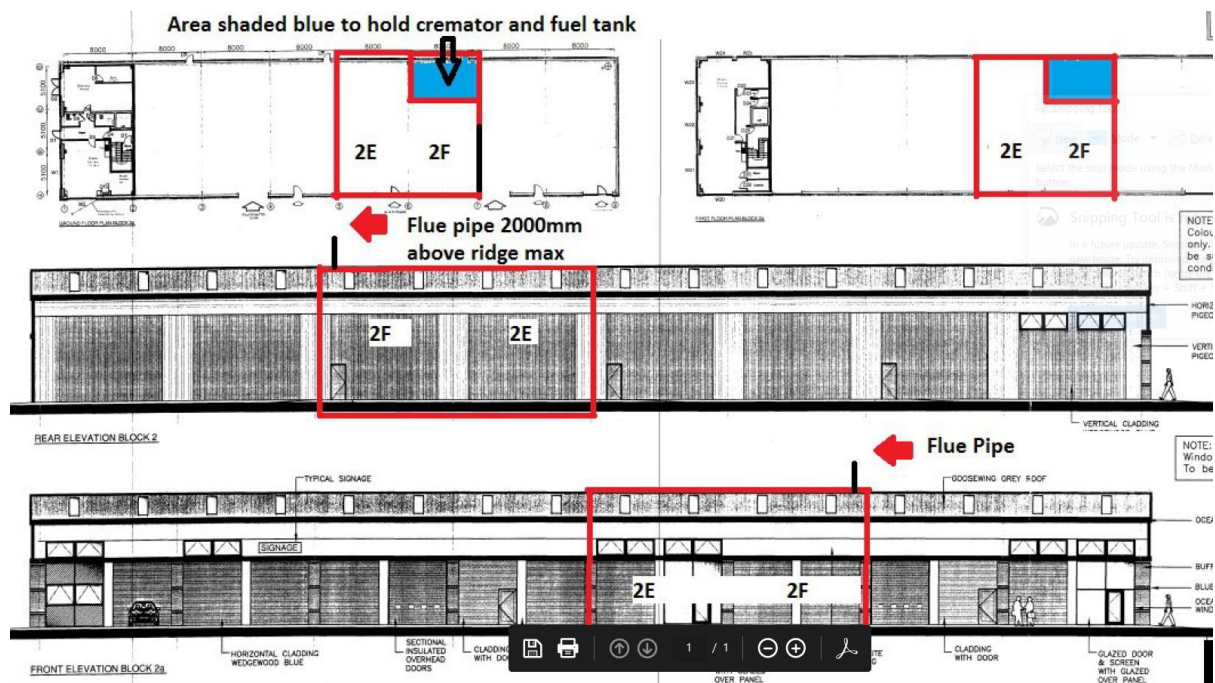


Fig.3 Proposed units with flue (not to scale)

- 2.8 Unit 2E will primarily be a warehouse to store items associated with the business such as urns for ashes, memorials and other keepsakes. To the rear of this unit is a cold store (Fig. 2 above).
- 2.9 Unit 2F features an office area where the administration side of the business takes place, with a small associated kitchen and toilet facilities. To the rear of thus unit is the Pet 200 Cremator.
- 2.10 The cremator measures 2.3m by 1.1m with a void of 0.7m x 0.75m x 1.2m and features an integrated secondary after-chamber and then a flue stack which extends vertically from the cremator and out through the roof of the rear of the unit.

- 2.11 The chimney flue is sited within the north west (facing) rear roof elevation and measures 200mm above the maximum ridge height, and 255mm wide in diameter. This is finished in a matt grey colour.
- 2.12 The business operates by collecting animals directly from their owner or from the vets, in a small van. Once collected, the pet is stored in the cold store until the cremation takes place. Only one pet is ever cremated at a time and no more than seven animals are cremated per day. The ashes from each animal are then collected and placed in the chosen urn. The ashes are then generally delivered back to the family or vet, although occasionally the client will collect the ashes themselves.
- 2.13 The hours of operation of the cremation business in terms of client visits and cremations would be from 8am to 6pm Monday to Saturday only. Call-out to collect animals would occur from 7am to 7pm on any day. In addition to this, the business owners may need access to the building to place pets in the cold store at any time, including occasionally out of hours and on Sunday and Bank Holidays.
- 2.14 The business currently employs two full time members of staff, and they hope to employ 2.5 full time equivalent additional employees once the business is established.

3.0 Amendments

- 3.1 No amendments have been made

4.0 Relevant Planning History

- 4.1 22/00195/FL - Application for change of use to a pet crematorium (Sui Generis) (Refused)
- 4.2 07/00894/FL - Revised Scheme of NED 06/01176/FL for the construction of 8 units for business/ industrial and commercial uses with associated access and car parking (Major Development) (Conditionally Approved)
- 4.3 06/01176/FL -Construction of 9 units for business/ industrial and commercial uses with associated access and car parking (Major Development) (Amended Plans) (Conditionally Approved)

5.0 Consultation Responses

- 5.1 The **Parish Council** have raised concerns regarding emissions particularly the co2 aspect as they are trying to make Clay Cross a greener space after years of industrial waste being pumped into the atmosphere.
- 5.2 The **Ward Members** have provided no comment
- 5.3 **County Highways Authority** (HA) have raised no highway safety objections.

5.4 **Environmental Health Officer (EHO)** have commented that the proposed process requires an environmental permit before it can operate and raise no concerns regarding the granting of planning permission.

5.5 **Yorkshire Water Services Ltd (YW)** have raised no comment

6.0 Representations

6.1 The application was publicised by way of neighbour letters and the display of a site notice. No letters of representation have been received.

7.0 Relevant Policy and Strategic Context

North East Derbyshire Local Plan (Adopted November 2021)

7.1 The following policies of the Local Plan are relevant to the determination of this application:

SS1 Sustainable Development

SS7 Development on Unallocated Land within Settlement with defined Settlement Development Limits

WC2 Principal Employment Areas

SDC11 Flood Risk and Drainage

SDC12 High Quality Design and Place Making

SDC13 Environmental Quality

ID3 Sustainable Travel

National Planning Policy Framework (NPPF)

7.2 The overarching aims of the National Planning Policy Framework (NPPF) have been considered in the assessment of this application. The main sections are covered in the assessment below.

8.0 Planning Issues

Principle of Development

8.1 The application site is situated within the defined Settlement Development Limit of Clay Cross and an area designated as a Principal Employment Area.

8.2 Local Plan Policy SS7 is supportive of development proposals within Settlement Development Limits, provided that the development is appropriate in scale, design and location to the character and function of the settlement, is compatible with, and does not prejudice any intended use of adjacent sites and land uses and accords with other policies of the plan.

8.3 The NPPF looks to support sustainable development, good design is a key aspect of this. Development should be visually attractive, sympathetic to the local character and history of the area and maintain a good sense of place.

8.4 Local Plan Policy WC2 sets out the council's approach to protecting the principal employment areas within the District. The policy protects these areas

for general industrial uses (Use Class B2), storage and distribution uses (Use Class B8), and office, light industrial and research and development uses (Use Class E (g)) only.

- 8.5 The policy then goes on to set out the Council's approach to other employment generating uses within the District's Principal Employment Areas and states that proposals for those other employment generating uses (those not falling within Use Classes B2, B8 and E (g)) will only be permitted in Principal Employment Areas where they would both be ancillary to the main use on the application site **and** (Officer emphasis) would not prejudice the future functioning or viability of employment uses on the site, or nearby employment sites by reason of conflicting activities, access arrangements, or movement of traffic or people.
- 8.6 In this case a pet crematorium would be the main use of the site. Whilst, it is noted that the actual pet incinerator and associated infrastructure only takes up a small floor area of the site, the use, when taken in the round, is classified as a Sui Generis use. As such, it does not fall within a B2, B8 and E(g) use, as required by policy WC2, and so the use is contrary to that policy. It is accepted that much of the remainder of the site would be used for storage or as offices but these uses are ancillary to the primary use of the site as a pet crematorium.
- 8.7 The sites identified in policy WC2 are so noted due to the important contribution the sites make to the local and strategic portfolio of B Class employment land and the policy seeks to retain them for this purpose rather than for other peripheral commercial uses not directly falling within the normal commercial and employment uses. Importantly it provides areas where such uses can operate without the risk of causing undue noise and disturbance to neighbouring uses.
- 8.8 Conversely, policy WC3 identifies those other employment sites where other non B-class employment generating uses (in line with the current NPPF definition for employment), and potentially including uses such as a pet crematorium, would be acceptable.
- 8.9 Therefore, Officers conclude that the purpose behind the provision of policy WC2 in the Local Plan plays an important role in delivering wider sustainable development across the District and the loss of such land would undermine the strategic approach to delivering such development and prejudice adversely the Council's policy on delivering commercial development on appropriate sites and without the Council's employment land base being reduced through its use for other non-mainstreamed commercial uses.
- 8.10 Officers note that the applicant states that a comprehensive search for alternative sites within the Chesterfield/North Derbyshire area has been completed and has concluded a suitable alternative site cannot be found. However, in view of the abovementioned strong policy provision of WC2, Officers do not consider that this would override the policy position in this case.

- 8.11 In view of the above, the principal of the change of use of the site to a Pet Crematorium is considered to be contrary to Policy WC2.

Design and Impact on the Character of the Area Considerations

- 8.12 Local Plan policy states that development will be permitted provided it would not be detrimental to the character and appearance of the site and its surrounding environment and it would not have a detrimental effect on the amenities of neighbouring occupiers and uses.
- 8.13 The submitted plans illustrate that external alterations are limited to the installation of a flue pipe only. The flue pipe would be no higher than 200mm above the maximum ridge height and 255mm in diameter. The flue pipe is finished in a matt grey colour.
- 8.14 Officers consider the proposed change to be of an appropriate design and scale for the intended use and to be in keeping, and respect, the character of the existing industrial appearance of the building and neighbouring commercial uses. It is therefore considered that the resultant overall design and appearance of Units 2E and 2F to be acceptable.

Amenity Considerations

- 8.15 Local Plan Policy SDC12 seeks to ensure that new development protects the amenity of existing and future occupiers of land and buildings.
- 8.16 The application site is located within a designated Principal Employment Site situated close to numerous existing commercial units. There are no residential properties in the immediate vicinity of the site, with the closest residential dwellings located approximately 105m to the west of the site along Bloomery Way.
- 8.17 In view of the separation distances, Officers do not consider the scheme to have any overriding or harmful impacts on nearby residential neighbours and, as the other closest uses are commercial in nature, there would be no adverse impact on those closer, industrial, neighbours.

Environmental Quality

- 8.18 Local Plan policy SDC13 sets out how all development proposals will need to be assessed in relation to their impact on air, light, noise, and ground and water pollution. Planning applications for development with the potential to pose a risk of pollution, such as a crematorium, should be accompanied by an assessment of its likely impact on environmental quality.
- 8.19 The application is accompanied by a Technical Summary Report which provides detailed technical information about the pet crematorium processes and this includes emission data and sound level measurements.

- 8.20 Environmental Health Officers have reviewed the submitted details and confirm that the proposed processes require an environmental permit before it can operate and so raise no concerns in regards the granting of planning permission as other legislation would address and control this issue.
- 8.21 Officers note the concerns of the Parish Council, however in view of the clear consultee comments on the matter, do not consider that the development would pose any unregulated risk of air or noise pollution

Highway Safety Considerations

- 8.22 Paragraph 111 of the NPPF (2021) states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 8.23 The proposal will not involve any changes to the access point or parking arrangements on site.
- 8.24 The County Highway Authority was consulted on the application, raising no highway safety objections to the scheme. Due to the site being located off the main highway and self-contained, Officers concur with that conclusion.

Flood Risk Considerations

- 8.25 The proposed development is within a Flood Zone 1 (land assessed as having less than 1 in 1,000 annual probability of river flooding) and has the lowest level of risk of fluvial and surface water flooding.
- 8.26 Officers consider that the development would be acceptable from a flood risk perspective.

Summary and Conclusion

- 9.1 Having taken into account all the material matters, it is considered that the proposed use, classified as sui generis, on a site designated as a Primary Employment Area specifically allocated by policy WC2, is not acceptable as it would prejudice the Council's policy on delivering commercial development on appropriate sites. The proposal, therefore, runs contrary to the policies of the Development Plan.
- 9.2 Planning applications should be determined in accordance with the Development Plan, unless material considerations indicate otherwise. The applicant, in this case, advises that there is no other locally available site. However, Officers conclude that due to the clear policy position, as set out in the recently adopted Local Plan, and a variety of other suitable designated employment areas in both Clay Cross and the wider area, that this reason alone does not carry sufficient weight to override the clear policy position.
- 9.3 Officers note that matters relating to design, amenity, environmental quality, highway safety and flood risk are deemed to be acceptable.

9.4 As such, in closing, officers recommend that the application is **refused**.

10.0 Recommendation

10.1 REFUSE Permission for the following reasons:-

The application site is situated within the Coney Green Principal Employment Area.

Local Plan Policy WC2 sets out the Council's approach to protecting the Principal Employment Areas within the District. The policy protects these areas for general industrial use (Use Class B2), storage and distribution uses (Use Class B8), and office, light industrial and research and development uses (Use Class E (g)) only. Other employment generating uses will only be permitted in these Principal Employment Areas where they would both be ancillary to the main use on the application site and would not prejudice the future functioning or viability of employment use on the site or nearby employment sites.

The sites identified in policy WC2 are so noted due to the important contribution the sites make to the local and strategic portfolio of B Class employment and it seeks to retain them for this purpose rather than for other peripheral commercial uses not directly falling within the normal commercial and employment uses. Importantly it provides areas where such uses can operate without the risk of causing undue noise and disturbance to neighbouring uses.

The proposal seeks a change of use to a Pet Crematorium (Sui Generis use). The use of the site for this purpose would be directly contrary to the provisions of the Development Plan, prejudice the Council's ability to deliver commercial development on appropriate sites and reduce the Council's employment land through its use for other non-mainstreamed commercial uses.

There are no other material considerations to outweigh the harm caused to the development plan and so the application is unacceptable and contrary to policy WC2 of the North East Derbyshire Local Plan.

