

Application No: 23/0306N

Location: Doddington Mill House, MILL LANE, DODDINGTON, CW5 7NN

Proposal: Proposal to convert part of an outbuilding to commercial use for Pet and Equine cremations including the installation of 2no Incinerators.

Applicant: Georgina Carter, Nantwich Pet and Equine Crematorium

Expiry Date: 28-Mar-2023

SUMMARY

This proposal seeks permission to convert the use of an existing rural building to use partly for Pet and Equine cremations, including the use of two incinerators. The remaining section of the building will be retained for general storage for the site.

The application site is located in the open countryside as defined in the Local Plan Strategy (LPS). Policy PG6 of the LPS seeks to protect the open countryside from inappropriate development unless it is essential for the purposes of agriculture, forestry, outdoor recreation, public infrastructure, essential works undertaken by public service authorities or statutory undertakers, or for other uses appropriate to a rural area. The policy goes on to set out exceptions which are acceptable, such as re-use of an existing rural building where the buildings is permanent, substantial and would not require extensive alteration, rebuilding or extension.

The conversion of a building within the open countryside is acceptable within the countryside. Whilst the proposed use is appropriate within the open countryside. The principle of the development is considered to be acceptable.

The applicant has set out in their submission that the development would initially create two jobs with an additional 2 part time jobs expected as the business progresses. The applicant states that there are no local pet cremation facilities in the local area, and it will fill a need in the rural area linked with local vet practices, and equestrian facilities. There is therefore a rural link to the need to be located in a rural area to reduce vehicle movements to the wider area where other facilities may be available. Whilst the site is located off Mill Lane which is a relatively narrow lane, a number of farms use the lane and it is only located approximately 300m off the A51 which would offer easy access to Nantwich and Crewe relatively quickly.

There are no significant issues raised in terms of Ecology, Highways, Amenity or design, subject to conditions set out below.

It is therefore considered that given the small scale of the development, the re-use of existing building on site that the development is broadly in accordance with the Development Plan.

Recommendation

Approve with conditions

REASON FOR REFERRAL

The application is referred to Southern Planning Committee at the request of Councillor Clowes for the following reasons;

'I have a number of concerns regarding this application. First of all, Doddington Mill House is NOT a farm and has not operated as a farm in any respect for many decades. The location plan clearly identifies that this land-holding is located along the Forge Brook and is part of a recognised wildlife corridor of importance (Cheshire Wildlife Trust 2018).

This application therefore is not a change of use from agricultural to commercial, but a new commercial business classification. (Any farm machinery stored on site may be related to businesses outside the site or to recent earth modification activity on what is now exposed garden to the property alongside the brook.) This application was first submitted last year and withdrawn as it does not comply with prior approval conditions and a full application is required (hence this full resubmission).

a) The application does not comply with CELPS Policy EG2. The opportunity for rural employment in this unsustainable site is extremely limited and makes no contribution to rural vitality in this area.

b) This proposal does not represent the retention or diversification of an existing business.

c) It does not meet the sustainable development objectives of CELPS Policies MP1, SD1, or SD2

d) This proposal has very limited potential to support the rural economy BUT importantly this service may reasonably be expected to locate in more sustainable, designated centres. (Indeed, it may be argued that crematoria should be in areas that are more accessible to customers and emergency services.

e) The SADPD - This proposal does not comply with Policy RUR2 as this is NOT a farm diversification of an agricultural business. This is a stand-alone proposal in an unsustainable location at what will be a significant distance from any proposed customer base.

f) The Wybunbury Combined Parishes Neighbourhood Plan. This proposal does not comply with WCPNP Policy LE1. Whilst the application does seek to re-use an existing building, the proposal does not comply with other relevant planning policies.

g) There is statutory guidance for Animal Carcass Incineration issued by DEFRA Guidance Note 5/03(13) and there may be other regulations. There is no mention of proximity to dwellings (what are the distances to nearby dwellings) nor is there any mention of fire regulations. This is a complex activity where appropriate statutory consultees (Environmental Protection) and Industrial Standards must be notified and addressed.

h) The access to the site is via a narrow, single lane track which would not enable two cars to pass (let alone horse boxes or fuel tankers.)

i) I note that the Highways approve the access as acceptable as there were no accidents on Mill Lane in the prior three years. This fails to recognise that the preceding three years were impacted by Covid lock-downs and the fact that Mill Lane was closed for the majority of that time due to other major engineering works on the lane requiring road closures. These included:

- A six months closure due to the instable structure of the Doddington Mill Bridge adjacent to

the access track to the application site on Mill Lane from May ◊ November 2021.

- Intermittent lane closures due to flooding and replacement drainage engineering at Yew Tree Farm during 2019 and 2020*
- A two months closure on Mill Lane End for further reconfiguration of road drains and culverts to prevent repeated flooding of Mill Lane and the Mill Lane End cottages.*
- Intermittent closures on Mill Lane End as the result of HS2a mitigation surveys (this is an ongoing programme currently with Balfour Beatty, National Grid Gas and Kier)*

j) The Highways report suggest that visibility splays are good on accessing and egressing the track entrance. This is not the case. (Has this property been mistaken for the adjacent Doddington Mill Farm?) On exiting the track onto Mill Lane, right-hand egress is impaired by the steep incline down to the bridge and woodland. It is suggested that highways officers conduct a thorough site visit to assess the visibility splays and capacity of the access track for the type of vehicles that this business proposal will require to be accommodated.

k) The Highways Report does not take into account the high levels of HGV and farm traffic accessing the next door (unrelated) Doddington Mill Farm at the top of the hill. (The difference is that the access to this property is much wider, is highly engineered with passing places and wide grass verges at the junction with Mill Lane permitting good visibility in both directions. These advantages are not available to the Doddington Mill House applicants).

l) The National Mill Dale Scout Association Campsite is located a short distance from the access junction and on the same Mill Brook. This is a well-used site attracting high levels of traffic, activity and other agencies (including the Police) throughout the week and over the course of the year. It should be recognised that the principal access route to Mill Lane (and the application site) will be via the A51 and past the Milldale Site.

m) Two crematoria for large and small animals will require significant levels of stored fuel (in addition to that required for domestic use). There is no piped gas supply to this rural area and so LPG or oil will have to be sourced, delivered and stored for use.

n) There is no analysis in the detail provided regarding the crematoria burners regarding management of noise, emissions or air-borne particulate matter which may create potential problems in this quite elevated position. These will have negative impacts on two dwellings that are situated below the application site on the other side of the brook.

o) The building proposed is a substantial new-build storage unit: 6m x 18m x 4m (5m to the ridge) at the top of the site overlooking the Mill Brook and the two neighbouring properties; Eveley Mill Cottage and Doddington Mill. Extensive clearing of trees and remodelling of the lower tiers of the site in 2020 have further exposed the site in this important wildlife corridor (as identified in the Wybunbury Combined Parishes Neighbourhood Plan by the Cheshire Wildlife Trust in 2019.)

p) there are no details of drainage proposals for this building. In an area with no main drains and situated an important main rivers watercourse, this is essential. In the light of the above concerns and non-compliance with important planning policies, I politely request that this application is refused'.

DESCRIPTION OF SITE AND CONTEXT

The application site relates to a building within the ownership of Doddington Mill House, off Mill Lane, Doddington which is located within the Open Countryside.

DETAILS OF PROPOSAL

This application seeks permission to convert an existing building on the site for pet and equestrian cremations. This will include the use of two incinerators. The remaining section of the building will be retained for general storage for the site.

RELEVANT HISTORY

22/1430N – Prior Approval for a proposed change of use – Withdrawn 22/6/22

21/0770N – Proposed garage extension to front of home, proposed rear summer house extension – Refused 24th May 2021

POLICIES

Cheshire East Local Plan Strategy

MP 1 - Presumption in Favour of Sustainable Development

PG 2 - Settlement Hierarchy

PG 6 - Open Countryside

SD 1 - Sustainable Development in Cheshire East

SD 2 - Sustainable Development Principles

EG2 - Rural Economy

EG 5 – Promoting a Town Centre First Approach to Retail and commerce

SE 1 - Design

SE3 - Biodiversity and Geodiversity

SE4 - The Landscape

SE13 - Flood Risk and Water Management

SE12 - Pollution, Land Contamination and Land Instability

CO 2 - Enabling Business Growth Through Transport Infrastructure

Appendix C: Parking Standards

Site Allocation and Development Policies Document

GEN 1 Design principles

ENV1 Ecological network

ENV2 Ecological implementation

ENV 3 Landscape character

ENV 5 Landscaping

ENV 15 New development and existing uses

ENV 16 Surface water management and flood risk

RUR 2 Farm diversification

RUR 10 Employment development in the open countryside

RUR 13 Replacement buildings for residential use

RUR 14 Re-use of rural buildings for residential use

HOU 12 Amenity

INF 3 Highway safety and access

Wybunbury Combined Neighbourhood Plan

H4 Design

E5 Landscape Quality, Countryside and open views

LE1 New and Existing businesses

LE3 Use of rural buildings

TI1 Traffic Management

Other Material Considerations

National Planning Policy Framework (NPPF)

CONSULTATIONS (External to Planning)

Environmental Protection – No objections subject to condition for stack height to be at least 7m (total height)

Highways – No objections

Flood Risk – No objections

Environment Agency – No objections

Natural England – No objections

VIEWS OF THE PARISH / TOWN COUNCIL – None received at time of writing this report

OTHER REPRESENTATIONS

Two letters of representation have been submitted, including one submitted on behalf of two neighbours. The issues raised are summarised below (full comments available on the website);

- Concerns raised over the access, driveway width and use of the lane, and its potential impact on Highway Safety
- The building is a new building which has recently been constructed
- The site has never been in agricultural use – it is not a farm
- Concerns raised over other potential commercial uses in the future
- Concerns raised over potential health implications from pollutants into the air from the incinerators
- Concerns raised over potential impact on house values
- Unhappy that applicants appear to have assumed they would get permission prior to speaking to neighbours about proposed development
- Concerns raised over the limited amount of information supplied with the application, eg. Information re the operation of the incinerators, Lack of Ecological Assessment, No drainage details supplied, no floor plans,
- No parking / delivery information
- The development is contrary to policy PG6, MP1, SD1 and SD2
- Site is unsustainably located

- Use is not acceptable in rural area contrary to Policy ENV3
- Potential impact on neighbouring amenity
- Development will have a detrimental impact on local wildlife and biodiversity

OFFICER APPRAISAL

Principle of Development

The application site is located in the open countryside as defined in the Local Plan Strategy (LPS). Policy PG6 of the LPS seeks to protect the open countryside from inappropriate development unless it is essential for the purposes of agriculture, forestry, outdoor recreation, public infrastructure, essential works undertaken by public service authorities or statutory undertakers, or for other uses appropriate to a rural area.

Policy PG6 then goes on to set out exceptions which are acceptable, such as re-use of an existing rural building where the buildings is permanent, substantial and would not require extensive alteration, rebuilding or extension (exception ii) and the replacement of existing buildings by new buildings which are not materially larger than the building they replace (exception iii).

Policy RUR10 of the SADPD sets out where employment development may be appropriate within the open countryside and the requirements it should meet. It is noted that this policy sets out that additional buildings, structures and ancillary development are restricted to the minimum level reasonably required for the existing or planned operation of the business; are well-related to each other and existing buildings and do not form isolated or scattered development.

Policy EG2 (Rural Economy) of the LPS sets out that in rural area development which meets the following criteria will be supported provided the development also accords with other relevant policies of the development plan;

1. *Provided opportunities for local rural employment development that supports vitality of the rural settlements;*
2. *Creates or extend rural based tourist attractions, visitor facilities and recreational uses*
3. *Encourage the retention and expansion of existing businesses particularly through the conversion of existing buildings and farm diversification;*
4. *Encourage the creation and expansion of sustainable farming and food production businesses and allow for the adaption of modern agricultural practices;*
5. *Are considered essential to the wider strategic interest of the economic development of Cheshire East as determined by the Council*
6. *Supports retention and delivery of community serves such as shops and public houses, and village halls*

Policy LE1 of the W&CPNP is more supportive of new buildings and sets out the proposals for new appropriate rural employment will be supported where it can be demonstrated that the development will positively benefit the local economy and provide opportunities for local employment. Policy LE3 then supports the re-use of rural buildings provided that they meet a number of criteria.

The development proposes to convert an existing building. Some works have taken place to this building in the form of new cladding materials. The evidence available is in the form of aerial

photographs and those from 2019-21, 2015-17, 2010 and 1999-2003 all do show buildings on the site. If the proposal was not considered a conversion then the replacement would be allowable under exception iii of PG6, providing that the building is not materially larger (in terms of footprint the proposal would not be materially larger, as evidenced by viewing the historic aerial photographs).

This development would be for a small-scale operation and the business is therefore likely to serve a fairly localised market and rural customer base such as local vets and private individuals. Given the rural location, this facility would therefore appear to be well located to serve its intended market, and it is accepted that the proposal could also be considered to be an appropriate use within the countryside.

The use of the building is for pet and equine cremations using two incinerators. This is a sui generis use which would have no permitted changes of use to any other type of commercial use. The location in a rural area is relatively acceptable due to the low limit of expected movements. The applicant is intending to provide a collection and delivery service for most cremations from vet surgeries in the area, with an estimated up to 4 cars per week from customers with small pets, and up to 2 equine cremations per week which would include horse boxes. Furthermore, the generally small footprint of the building floor plan would limit the numbers.

The applicant has set out in their submission that the development would initially create two jobs with an additional 2 part time jobs expected as the business progresses. The applicant states that there are no local pet cremation facilities in the local area (the nearest sites are at Moston, or Shropshire (locations south of Whitchurch and Market Drayton and north of Eccleshall), and it will fill a need in the rural area linked with local vet practices, and equestrian facilities. There is therefore a rural link to the need to be located in a rural area to reduce vehicle movements to the wider area where other facilities may be available.

Whilst the site is located off Mill Lane which is a relatively narrow lane, a number of farms use the lane and it is only located approximately 300m off the A51 which would offer easy access to Nantwich, Crewe and Woore relatively quickly.

It is therefore considered that given the small scale of the development, the re-use of existing building on site that the development is broadly in accordance with the Development Plan.

Design and Character of the Area

Policy SD2 of the CELPS states that all development will be expected to contribute positively an area's character and identity, creating or reinforcing local distinctiveness in terms of:

- Height, scale, form and grouping
- Choice of materials
- External design features
- Massing of the development (the balance between built form and green/public spaces)
- Green infrastructure; and
- Relationship to neighbouring properties, street scene and the wider neighbourhood

Policy SE4 of the CELPS sets out that the high quality of the built and natural environment is recognised as a significant characteristic of the borough and that all development should conserve the landscape character and quality, and should where possible, enhance and

effectively manage the historic, natural and man-made landscape features that contribute to local distinctiveness of both rural and urban landscapes.

The proposed development will be largely internal alterations within the building with only 2no flues being visible externally. The existing building has recently been reconstructed with green coloured metal sheets. The Flues are required to be a total of 7m in height to ensure they meet Environmental Protection legislation, which requires flues of 2.5m protruding above the roof line. The flues are relatively thin and due to the sloping nature of the site will be largely hidden in view from around the site.

For the reasons noted above, it is considered that the development would have only a limited impact upon the character and appearance of the open countryside location, and therefore complies with the relevant policies of the development plan.

Amenity

Policies SD2 and SE1 of the CELPS seek to ensure an appropriate level of privacy for new and existing residential properties. Policy HOU 12 of the SADPD similarly sets out that development proposals must not cause unacceptable harm to the amenities of adjoining or nearby occupiers of residential properties, sensitive uses or future occupiers of the proposed development.

The nearest neighbouring property (other than the applicants) is located over 100m away from the buildings. Environmental Protection have assessed the proposal and have raised no objections to the use subject to the incinerators proposed in the application being used and the external flues being of a height of at least 2.5m. Furthermore, the Environmental Protection Officers have confirmed that the operation of the animal incinerator will fall under the Environmental Permitting Regulations and the applicant will need to apply for a Permit from the Council's Environmental Protection Team. Permits are a proactive means of controlling emissions to atmosphere by the imposition of specific conditions which are then subject to ongoing monitoring and inspection by the Environmental Protection Team. Applications are assessed in full, and conditions are imposed in line with statutory guidance issued by central government. The applicant has been advised of this specific requirement, therefore the impact on neighbouring amenity will be controlled by Environmental Protection legislation.

The scale of the development is therefore considered to be acceptable and would not adversely impact on neighbouring amenity and is subject to strict restrictions under Environmental Protection legislation.

Highways / Access

The Strategic Highways Officer has considered the proposal and notes that the existing access onto the public highway. Access is from Mill Lane which itself is primarily accessed from A51 London Road. The Mill Lane access, off London Road, is wide and provides sufficient width for 2 cars to pass each other, or for a car to pass an HGV. Mill Lane then narrows but there is a large passing bay at the scout campsite entrance. Mill Lane then narrows again to single car width but background traffic levels here are low.

The Strategic Highways officer states that there have been no recorded traffic accidents along Mill Lane or at its access with London Road over the last 3 years. Comments have been

submitted regarding more limited use of the lane over these 3 years relating to road works or Covid restrictions, but access would have still been available at these times. Nevertheless, extending back 5 years there have still been no recorded traffic accidents.

Regarding vehicle movements, the applicant has stated they will provide a collection and delivery service to and from the site in our own vehicles, including collecting in bulk from local veterinary practices once or twice per week. When running at full capacity they also expect up to 4 cars per week from customers dropping off. They expect 1 to 2 equine cremations per week for which they would use a horsebox and trailer.

The Strategic Highways Officer states that access visibility is acceptable and given the limited scale of the development, which has a floor area little more than a half dozen garages, and the number of vehicles that would be generated the proposal is considered to be acceptable and no objection is raised.

Ecology

The Councils Ecologist has been consulted on this application and the following comments have been made.

Statutory Designated Sites

The application site falls within Natural England's SSSI impact risk zones. The Officer advises that Natural England must be consulted to advise upon the potential impacts of the proposed development upon statutory designated sites.

Ecological Network and Biodiversity Net Gain

The application site falls within a Core Area and Restoration Area of the CEC ecological network which forms part of the SADPD. Policy ENV1 therefore applied to this application. This policy requires developments in Core Areas to lead to enhancements of priority habitat and developments in Restoration Areas to contribute to the enhancement of the network.

Policy SE3 of the core strategy and ENV2 also require development proposals to deliver a gain for biodiversity.

As the application site is relatively small opportunities for ecological enhancement are limited, it is suggested that the applicant submits a biodiversity enhancement strategy which includes proposals such as the incorporation of features for nesting birds such as house sparrow and native hedgerow planting.

Other matters

The Ecologist has advised that they do not anticipate there being any other ecological issues associated with the proposed development.

Natural England have been consulted on the application and have raised no objection to the development.

Flood Risk and Drainage

The LLFA have assessed the application and whilst the site possesses some local surface water risk which is in close proximity to the site boundary and is in close proximity to Flood Risk Zone 3, due to the scale and nature of this application have raised no objections to the proposal.

CONCLUSIONS AND REASON(S) FOR THE DECISION

This proposal seeks permission for the change of use of an existing rural building to use partly for Pet and Equine cremations, including the use of two incinerators. The remaining section of the building will be retained for general storage for the site.

The application site is located in the open countryside as defined in the Local Plan Strategy (LPS). Policy PG6 of the LPS seeks to protect the open countryside from inappropriate development unless it is essential for the purposes of agriculture, forestry, outdoor recreation, public infrastructure, essential works undertaken by public service authorities or statutory undertakers, or for other uses appropriate to a rural area. The policy goes on to set out exceptions which are acceptable, such as re-use of an existing rural building where the buildings is permanent, substantial and would not require extensive alteration, rebuilding or extension.

The conversion of a building within the open countryside is acceptable within the countryside. Whilst the proposed use is appropriate within the open countryside. The principle of the development is considered to be acceptable.

The use of the building is for pet and equine cremations using two incinerators. This is a sui generis use which would have no permitted changes of use to any other type of commercial use. The location in a rural area is considered to be relatively acceptable due to the low limit of expected movements. The applicant is intending to provide a collection and delivery service for the majority of cremations from vet surgeries in the area, with an estimated up to 4 cars per week from customers with small pets, and up to 2 equine cremations per week which would include horse boxes. Furthermore, the generally small footprint of the building floor plan would limit the numbers.

The applicant has set out in their submission that the development would initially create two jobs with an additional 2 part time jobs expected as the business progresses. The applicant states that there are no local pet cremation facilities in the local area, and it will fill a need in the rural area linked with local vet practices, and equestrian facilities. There is therefore a rural link to the need to be located in a rural area to reduce vehicle movements to the wider area where other facilities may be available. Whilst the site is located off Mill Lane which is a relatively narrow lane, a number of farms use the lane and it is only located approximately 300m off the A51 which would offer easy access to Nantwich, Crewe and Woore relatively quickly.

There are no significant issues raised in terms of Ecology, Highways, Amenity or design, subject to conditions set out below.

It is therefore considered that given the small scale of the development, the re-use of existing building on site that the development is broadly in accordance with the Development Plan.

Recommendation: Approve with conditions

- 1. Standard time**
- 2. Approved Plans**
- 3. Materials as set out**
- 4. Stack height of at least 7m**
- 5. Biodiversity Enhancement strategy**

In order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority is delegated to the Head of Planning (Regulation), in consultation with the Chair (or in his absence the Vice Chair) of Southern Planning Committee, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

