

Development Control Committee
Meeting to be held on 20 January 2016

Electoral Division affected:
Rossendale North

Rossendale Borough: application number LCC/2015/0106
Demolition of existing crematorium, office building and stable block and replacement with new crematorium building at Rossendale Pet Crematorium, Co-operation Street, Crawshawbooth

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Executive Summary

Application – Demolition of existing crematorium, office building and stable block and replacement with new crematorium building at Rossendale Pet Crematorium, Co-operation Street, Crawshawbooth.

Recommendation – Summary

That planning permission be **refused** for the following reasons:

1. The new crematorium building would be constructed outside the defined urban boundary (Local Plan saved policy DS.1). The crematorium does not need to be located in the countryside and would therefore be contrary to Policy 1 of the Rossendale Core Strategy.
2. The new crematorium building would be incompatible with its surroundings in terms of its size, scale and visual impact contrary to Policies 23 and 24 of the Rossendale Core Strategy.
3. The applicant has failed to satisfactorily demonstrate that there would be no unacceptable impact on bats as a consequence of the demolition of existing buildings, contrary to Policy 18 of the Rossendale Core Strategy.

Applicant's Proposal

Planning permission is sought for the demolition of an existing crematorium, office building and stable block and replacement with a new crematorium building for the cremation of animals and management of veterinary waste. An existing yard area would be retained for overnight parking of light goods vehicles. There would be 9 parking spaces including 1 disabled space.

The new crematorium building would measure approximately 40m x 15m x 9m to ridge height. The building would be cut into the hillside allowing for a two storey design at the frontage and one upper storey towards the rear. There would be four

stacks exiting the roof from internal cremators that would terminate at 12m above ground level. There would also be four heat extraction units positioned along the roof ridge. Land immediately surrounding the building would be re-profiled and a retaining wall would be provided along with a tarmac surfaced access area, vehicle washing area, a brown paviour surface to entrance forecourt and in ground wastewater holding tanks with soakaway.

The building would be constructed with pitch faced natural stone to the lower storey and timber plank cladding with dark brown stain finish to the upper storey. The roof would be covered with reclaimed natural blue slate (as stated on the submitted drawings) or plastic coated corrugated steel coloured olive green (as stated on the application form).

The applicant has noted that the floor areas of the buildings to be demolished would be 87m² for the existing office, 66m² for the existing stables and 127m² for the existing crematorium with building heights in the range of 2.2m to 3.7m. The total gross new internal floor space would be 768m², an increase of 496m² above existing.

Description and Location of Site

The proposed development relates to an existing pet crematorium and cemetery complex including a crematorium building, storage area and parking, office building, burial grounds, and also adjacent grazing land featuring a stable block. The moorland extends upwards beyond the site to the west.

The site is located on a hillside in an area of open countryside (as allocated in the Rossendale Local Plan). The site is accessed via a long, narrow and steeply sloping private access road off Co-operation Street from Crawshawbooth in the valley below. The private access road includes a public right of way footpath number 92 along some of its length and two passing places.

The nearest resident property is some 60m from the most northerly point of the proposed development at 'Sunny Bank'.

Background

History

There has been a pet cemetery and crematorium on part of the site since the 1970s. The land for the proposed new building is grazing land.

Planning Policy

National Planning Policy Framework

Paragraphs 6 – 16, and 109 – 125 are relevant with regard to the definition of sustainable development and the operation of the planning system, and conserving and enhancing the natural environment

Joint Lancashire Minerals and Waste Local Plan (JLMWLP)

Policy NPPF1 Presumption in Favour of Sustainable Development
Policy DM2 Development Management
Policy DM4 Energy from Waste

Rossendale District Core Strategy

Policy 1 – General Development Locations and Principles
Policy 18 – Biodiversity, Geodiversity and Landscape Conservation
Policy 23 – Promoting High Quality Design and Spaces
Policy 24 – Planning Application Requirements

Rossendale Local Plan

Policy DS.1 – Urban boundary

Consultations

Rossendale Borough Council – Policy 1 directs new development to the urban boundary unless it has to be located within the countryside. The application site lies within the countryside, outside of the defined urban boundary. It is in a relatively inaccessible location (compared to many more urban locations) approximately 500m from Burnley Road via a single track lane with no footways. This is also a public right of way. The policy also seeks development that makes best use of under-used, vacant and derelict land and buildings. The policy's supporting text points out the considerable amount of such land and buildings in the area, the re-use of which would help to improve the quality of the local environment as well as helping to reduce pressure to build on 'greenfield' peripheral locations. Although parts of the wider site where buildings are to be demolished are previously developed, the site subject to the new building is greenfield.

The submission makes no reference to Policy 1 and no justification is made for the new crematorium building to be located within countryside and not within the urban area. There is no justification for the chosen site within the submission. It does not appear to be necessary for the building (which is not for agricultural or rural use) to be in the countryside rather than the urban area.

Policy 1 also requires planning applications to "enhance and protect the countryside". The scale of the proposed building at some 825sqm with 4 x 5m high chimneys and a ridge height of 9m, will be large, and will have an appearance akin to an industrial building. Whilst it will replace some smaller scale existing buildings, there is a net increase in over 500sqm, which is a significant increase in scale. It will be sited on higher level land further up the hill from the existing stable building, further into the open countryside. There are a number of PROW's surrounding the site, the nearest being just 50m away to the north from where the building will be visible. For these reasons there are concerns that the proposal will fail to "enhance and protect" the countryside, and it will cause harm to the character of the countryside.

Policy 21 states that the rural environment and economy will be protected and enhanced and outside of existing rural settlement boundaries and major developed sites (the application site is not located within either) proposals should demonstrate

the social and or economic needs / benefits for the local rural community and strict consideration will be given to the impact of rural development on the countryside. Other than making reference to the Pet Cemetery being an established business, the submission does not demonstrate social or economic needs / benefits for the local rural community, and again, for the reasons above there is concern that the proposal will have a harmful impact on the countryside by reason of its siting, scale and design. The proposal fails to comply with Policies 23 and 24 in this regard also.

LCC Developer Support (Highways) – Raise no objection to the proposal subject to an amendment to the plan which would see the proposed parking spaces using the yard area to turn and exit onto the lane in forward gear, rather than using the lane to reverse turn. The reason is to reduce the risk of a collision with a pedestrian on the lane which is a public footpath, especially during the hours of darkness due to the lane being unlit.

There would be an increase in the vehicle movements on the lane, which have been considered. There are two passing places for vehicles and pedestrians on the lane which is single track for most of its length. There are opportunities for pedestrians to stand on the grass verge on other sections of the lane should a vehicle be passing by. This would not be a highway safety concern.

County Ecology Service – Whilst significant harm to biodiversity does seem reasonably unlikely, there are potential impacts (primarily protected species) which will need to be addressed. Inspection of buildings to be demolished would be required before determination of the application to assess the likelihood of impact on bats. Demolition or other development should avoid potential impacts on nesting birds. Appropriate working practices would have to be employed in the event that Japanese knotweed, Himalayan balsam, and monkeyflower are encountered.

Environment Agency – There is a current Environmental Permit EPR/DP3591LV for the waste operations performed at the Rossendale Pet Crematorium Ltd site. The proposed development might require an Environmental Permit variation.

The development proposal includes a tank to hold wastewater from a vehicle washing area and an internal waste holding area. This cannot be discharged to surface water or ground (soakaway), and should either be discharged to sewer under consent from United Utilities or tankered for off-site for disposal.

The development proposal also includes a biodisk with discharge to soakaway. If the discharge to soakaway is less than 2 cubic metres per day, the discharge and sewage treatment plant meets the requirements of the 'general binding rules'. If the discharge is only sewage in nature (toilets, hand wash sinks) and does not contain any trade effluent or wash down water, then the applicant will not need an Environmental Permit for this discharge. If not, then they will require an Environmental Permit.

Coal Authority – No objection.

Natural England – No objection.

Lead Local Flood Authority (LLFA) – No objection subject to conditions relating to sustainable drainage.

Representations – The application has been advertised by press and site notice, and neighbouring residents informed by individual letter. One representation has been received raising the following issues:

- The proposed development would be inappropriate in an open countryside location. An industrial site would be more appropriate.
- The proposal would be a major increase in scale of development at the site when compared with the existing with stacks a minimum of 12.2m high.
- The proposed development would be detrimental to residential amenity.
- Reference to Rossendale Core Strategy and the general requirements to seek to avoid any harmful impacts of development on all aspects of Rossendale's natural environment, and to ensure high quality design and be in keeping with the local area.
- Access to the site would be inadequate for additional traffic.
- The proposal includes an equine cremator. The access road will not be suitable for horse transportation.
- The access road is also a public right of way but there is no footpath. Walkers have to step off the road onto the rough verge when a vehicle passes. Reference to Rossendale Core Strategy, which refers to the value of footpaths
- Concerns about clinical veterinary waste on-site.
- No independent water supply on-site. Water is provided via a pump from third party land and would not be able to accommodate an intensification of use.
- The application does not include a flood risk assessment.
- Proposed hours of opening have not been provided in the application form.
- No biodiversity or geodiversity assessment.
- The application does not consider visual impact from neighbouring property.
- Trees on application site recently removed.

Advice

The applicant has stated that the pet cemetery is an established business in Rossendale and that the proposed facility would be an improvement on the existing crematorium in that it would be more efficient and, being sited further up the hill, would give an improved dispersion from the chimneys.

The application site is located in open countryside as allocated in the Rossendale Local Plan and as referred to in Policy 1 of the Rossendale Core Strategy. Policy 1 of the Rossendale Core Strategy states that development should take place within the defined urban boundary unless it has to be located in the countryside, and should be of a size and nature appropriate to the size and role of the settlement. It is appreciated that the proposed development would involve the rationalisation and expansion of an existing business, which would present economic benefits. However, there is no reason why the construction of a new large crematorium building on previously undeveloped land has to be located in the countryside. It is considered that the presence of the existing small scale crematorium and ancillary facilities on adjacent land would not be sufficient reason to support the application in principle where there is such a significant increase in the scale of the facility.

Notwithstanding the new crematorium building would be set into the hillside and the proposed design and selection of materials would ordinarily be appropriate for the setting (and could be subject of conditions requiring further details including earthworks, landscaping, revised parking layout, and sustainable drainage), it would still be of a significant size and scale. 12m high exhaust stacks extending some 3m above the ridge height would also add to the visual impact experienced by users of the adjacent public footpath and neighbouring landowners, which would be incompatible with the countryside setting contrary to Policies 23 and 24 of the Rossendale Core Strategy. Distant views are less likely to be significant given the flow of the local topography and the woodland coverage on lower slopes of the valley below.

The site is reached via a long steeply sloping, private access road from Co-Operation Street in Crawshawbooth. The road incorporates a definitive public right of way along part of its route although the full length of the access road is believed to be regularly used to access the wider footpath network beyond the site. The existing crematorium and cemetery has been in existence for many years and the number of vehicle movements by members of staff, visitors and light goods vehicles is not expected to increase so significantly for there to be reasonable grounds for refusal in this respect. Lancashire County Council's Developer Support (Highways) has raised no objection subject to an amendment to the plan which would see the proposed parking spaces using the yard area to turn and exit onto the lane in forward gear, rather than using the lane to reverse turn. This would be to reduce the risk of a collision with a pedestrian on the lane, especially during the hours of darkness due to the lane being unlit. This could be dealt with by way of condition.

Crematoria are well understood and practiced facilities that are subject to Environmental Permitting controlled by the Environment Agency. The existing facility is already subject of an Environmental Permit and could be applied or amended for the purposes of the proposed development. This should adequately control matters relating to noise, odour, air and water quality.

Paragraph 122 of the NPPF makes it clear that local planning authorities should focus on whether the development itself is an acceptable use of the land and the impact of the use, rather than the control of processes or emissions themselves where these are subject to approval under pollution control regimes. It should be assumed that the permitting regime operates effectively and there is no reason to doubt that air emission could be controlled to acceptable levels.

Demolition of the existing buildings could have the potential to impact on bats. No qualified assessment has been submitted to demonstrate whether or not it would be reasonably likely that there would be any impact. Bats are European Protected Species and are therefore a material consideration in the determination of planning applications. The application does not contain sufficient information to allow the value of the existing buildings for bats to be adequately assessed. On this basis there are grounds for refusing planning permission.

The demolition of buildings and construction of the new crematorium building could impact on nesting birds. However, this matter could satisfactorily addressed by way of condition to restrict the timing of development works.

Overall it is considered that the proposed development would conflict with the policies of the development plan whose purpose is to protect the openness and character of the countryside. The applicant has not demonstrated that the new crematorium building needs to be located outside the urban boundary in the open countryside and the size and scale of the proposed new crematorium building would be incompatible with its surroundings in the countryside. Furthermore, the applicant has not satisfactorily demonstrated that there would be no detrimental impact on bats. Other matters relating to details of drainage, landscaping, nesting birds and parking could be satisfactorily addressed by way of condition should permission be granted but this does not outweigh the conflict with the policies designed to protect the countryside outlined above.

Human Rights

Article 1 of the 1st Protocol concerns the enjoyment of property and provides that everybody is entitled to the peaceful enjoyment of his possessions and that no one should be deprived of the enjoyment of property except in the public interest. The refusal of planning permission has the potential to affect the applicant's rights under this Article. However, the County Council has a duty to ensure that the impacts of proposed development are properly assessed in accordance with the policies of the development plan and any material considerations. The proposal would conflict with the policies of the development plan designed to ensure the protection of the countryside and the interference in the rights of the applicant is therefore considered to be justified in order to protect the public interest. It is considered that the public interest can only be safeguarded by refusal of the application and that this would not be a disproportionate interference with the rights of the applicant.

Recommendation

That planning permission be refused for the following reasons:

1. The new crematorium building would be constructed outside the defined urban boundary (Local Plan saved policy DS.1). The crematorium does not need to be located in the countryside and would therefore be contrary to Policy 1 of the Rossendale Core Strategy.
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Local Government (Access to Information) Act 1985 List of Background Papers

Paper	Date	Contact/Ext
LCC/2015/0106	Jan 2016	R Hope/34159

Reason for Inclusion in Part II, if appropriate

N/A