

- 3.1 The application is a change of use from Class B2/B8/E to use as a pet crematorium operated by Final Rest Ltd. The proposal also includes the addition of a small flue on the roof. The use of the unit as a crematorium is considered to fall within the Sui Generis use class i.e., a use which does not fall within any particular use class.
- 3.2. The unit consists of a ground floor totalling approximately 218m² and a mezzanine floor totalling approximately 78.5m². The property is a steel framed structure with metal cladding externally and a low pitched roof. The height to the eaves is 6.77

metres and to the ridge is 7.51 metres. There is an up-and-over roller shutter door to the front elevation alongside a customer entrance.

- 3.3 Six existing car parking spaces would be provided for the development to the front of the unit, together with an internal cycle rack.

4. **Policy Considerations**

National Planning Policy Framework
Havant Borough Council Borough Design Guide SPD December 2011
Havant Borough Council Parking SPD July 2016
Hampshire County Council Minerals & Waste Plan 2013

Havant Borough Local Plan (Core Strategy) March 2011

CS16 (High Quality Design)
CS2 (Employment)
DM10 (Pollution)
DM14 (Car and Cycle Parking on Development (excluding residential))

Havant Borough Local Plan (Allocations) July 2014

Policy AL1 Presumption in Favour of Sustainable Development
Policy AL2 Urban Area Boundaries and Undeveloped Gaps between Settlements

Emsworth Neighbourhood Plan Post Examination Version 2020

Not applicable.

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 **Statutory and Non Statutory Consultations**

Building Control

The use of the building is not changing from a Building Control point of view

However internal alterations are being undertaken. Consideration with regards to Approved Document B compliance should be sought and an updated Fire Risk Assessment for the new operations and layout should be undertaken.

Officer Comment: *If permission is granted the above comments would be an informative on the decision notice, as they relate to Building Control matters.*

Councillor Alex Rennie - No Comment

Councillor Richard Stone - No Comment

Environmental Health Manager, Community Group - Pollution - Final Comment -

No Objection

Our suggested odour condition was not intended to request additional mitigation to the ones that the cremators offer. However, applicant is to ensure the cremators are equipped with robust system that will ensure that no odours are detectable during or post cremation.

The applicant's suggested conditions relating to noise and odour is acceptable.

Officer Comment: *the applicant's response to EH's comments are as follows:*

"The noise and artificial light conditions seem reasonable. We will need to include mitigation measures to achieve -5dB(A) at all times based on our current report, so I have commissioned Venta Acoustics to make predictions including our proposed refrigeration as well as the cremator fans. We can build the mitigation into our fit-out and we can submit this for your approval before the crematorium comes into use. We have no plans to install any new artificial lighting and would happily abide by the condition if that changed.

Re odours: I am not sure what additional equipment we are being asked to install to suppress and disperse fumes and/or odours. The cremator is type-approved and with complete combustion (which we explain how we monitor in our Emissions & Odour Management Plan) there should be no detectable odour. The refrigeration units are sealed and from a mortuary supplier (LEEC). Prevention is more about refrigeration and rapid cremation than any other form of equipment. We have already provided the details and specifications of the cremator. Would it make more sense to impose a restriction to the model of cremator we have provided? And/or a condition that requires cremation within at most three calendar days of receipt (the time limit for larger, 50kg–1tonne/hr) plants?"

As to recommended conditions these would cover 1 & 3 below, with the cremator to be installed to be restricted to that approved, with cremation taking place no later than 3 days of receipt of the bodies.

Environmental Health Manager, Community Group - Pollution - 1st Comment - No Objection

Having reviewed the application and the supporting document and can advise that we have no objection to the proposed application. However, we consider that should planning approval be granted, the following conditions be imposed for noise and odour.

Noise assessment

The applicant has submitted a noise impact assessment prepared by Venta Acoustics. The assessment derived a low impact which is expected given the location of the proposed fan within an established industrial estate and considerable distance to the nearest noise sensitive receptor. Nonetheless, the following noise condition is recommended to ensure that the background noise doesn't rise because of the new fans.

1) Plant Noise condition

Before the pet crematorium hereby approved comes into use, the rating level of the noise determined by the cumulative sound emissions of all items of plants(fridge, freezers, and compressors) shall be at least 5 dBA lower than the existing background noise level at any given time of operation. The noise levels shall be measured or predicted 1m externally to any window at the nearest residential façade.

Measurements and assessment shall be made according to British Standard 4142:2014.

Reason: To ensure that unsatisfactory odours during cremation outside the premises are minimised in the interests of the amenity of occupiers of nearby properties and having due regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2021.

2) Odour condition

Equipment shall be installed to suppress and disperse fumes and/or odours produced by the pet crematorium, and the equipment shall be effectively operated for so long as the use continues. Details of the equipment and any necessary mitigation measures shall be submitted to, and approved in writing by, the Local Planning Authority. The equipment shall be installed and be in full working order to the satisfaction of the Local Planning Authority along with any necessary mitigation measures prior to the commencement of use.

Reason: To ensure that unsatisfactory cooking odours outside the premises are minimised in the interests of the amenity of occupiers of nearby properties and having due regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2021.

3) Artificial Light condition

Details of any external lighting of the site and access route shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of the development. This information shall include a layout plan with beam orientation and a schedule of equipment in the design (luminaire type, mounting height, aiming angles and luminaire profiles). The lighting shall be installed, maintained, and operated in accordance with the approved details unless the Local Planning Authority gives its written consent to the variation.

Reason: To protect the appearance of the area, the environment, and local residents from obstructive lighting.

Environmental Health Manager, Community Group - Contamination - No Objection

Observations / Comments:

I have reviewed the application documents alongside some additional sources of both in-house & third-party information, to consider whether a cremation operation is appropriate at this urban location from the perspective of it's expected emissions to air.

It is understood that:

the proposed incinerator unit has a capacity of 38kg/hr, which classifies the pet crematorium as a low-capacity site which does not require an Environmental Permit to operate;

the AD-Entente-ABP incinerator is optimised, equipped with an afterburner, and was awarded type-approval in 2004;

the applicant is seeking unrestricted hours of operation for the incineration plant, to maintain operational flexibility;

that the burner is to be fired by gaseous fuel; and,

appropriate training, maintenance, operational procedures & performance monitoring provisions are proposed.

I have made reference to DEFRA/AEAT 'Atmospheric emissions from small carcass incinerators' 2002, which ultimately led to the type-approval process noted to have been awarded to the proposed unit. This document notes that the type-approval process aims to control several pollutants to the benefit of environmental protection and public health, but that the mitigation of these pollutants comes at the expense of (increased) NO_x/NO₂ emissions.

Direct emissions (of NO_x, as NO₂) at the flue terminal are likely to be in the region of 225-400mg/m³ (the upper limit being derived from the general waste incineration limits under an EU directive; the AEAT document noting that full optimisation for minimum TPM & VOC emission would result in NO_x emissions closer to 600mg/m³).

Assuming that the 400mg/m³ limit applies, the process contribution to the annual mean concentration (exposure level) would be expected to be in excess of +4µg/m³ at the closest residential receptors to the flue terminal (assuming 35hr/week operation).

Ambient NO₂ at the nearest sensitive receptor is expected to be around 15µg/m³

(annual), being 37.5% of the statutory limit (40 µg/m³). With reference to (the outdated, but not replaced-) EPUK/IAQM 'planning for air quality' significance criteria, when benchmarked against the statutory air quality limit, the impact would be considered to be 'moderate' at residential properties of Forsythia Close (~70m from flue).

Benchmarked against the WHO air quality guideline level (advisory) the impact at these properties would be considered to be 'substantial' in terms of the magnitude of change. It is worth noting that the total concentration (existing + process contribution) would still be marginally less than 50% of the statutory limit, and therefore arguably at an acceptable level. The WHO limit is purely advisory, but is relevant as a health benchmark. Against this standard, existing NO₂ levels are 150% of the guideline level, and the existing level + process contribution would be expected to be >190% of the health-based guideline value. In other words, the health of existing residents would in principle be materially harmed, but only to a degree that current *legislative* controls consider to be acceptable.

In terms of policy controls; DM10 refers to the breach of the (statutory) national AQ standards, but also to *'the health...of...nearby occupiers and residents'*, the latter being relevant to the non-statutory guideline level.

Nationally, it seems to me that NPPF 2021 paragraphs 119, 130, 185 and 188 are relevant. The proposed development is arguably contrary to 119 & 130, but it is difficult to envisage how the provisions of para. 130 could be wholly met in respect of any development which constitutes an emission source – implying that a balance needs to be struck. This is reflected in the wording of para. 185 (*'taking into account...effects...of pollution on health'*).

It is a planning judgement as to whether paragraph 188 is an overriding & material consideration, i.e., whether the type-approval awarded to the proposed incinerator model is sufficient to dismiss any consideration of spatial context as a material planning consideration. I would consider that it is not sufficient, and that the spatial context is relevant. This leaves us to consider the balance of benefits vs. harms.

I am mindful of the wind-rose presented at page 5 of the emissions & odour management plan, indicating locally prevailing conditions are in the direction of commercial property. Whilst the source is not stated, it's style and content would suggest that the data presented relates to Thorney Island, and was probably obtained from the willyweather website (i.e. it would appear to be sufficiently local, and reliable – no need to confirm with the applicant).

The AEAT document would suggest that the material issue with incinerator emissions is probably the impact upon annual average exposures and not the impact upon short term exposures. Given this, the prevailing wind conditions are material insofar as their impact upon the annual average process contribution at any specific location. The data presented in the wind-rose is probably sufficient to tilt the balance in favour of a recommendation to approve, as the prevailing conditions mitigate exposure at the closest residential receptors, and increase the dispersion distance available between the flue and the next nearest sensitive receptors in the direction of prevailing winds (to 160m-260m, compared with the closest, at around 65m). The process-derived annual impacts upon NO₂ concentrations at receptors which are directly down-prevailing-wind would be expected to be between 1.1 & 1.8µg/m³; 'negligible' against a statutory AQAL, and remaining 'substantial' against the advisory guideline AQAL.

On balance, I believe that this development may be supported. No objection is raised.

6 **Community Involvement**

This application was publicised in accordance with the Council's Code of Practice for Publicity of Planning Applications approved at minute 207/6/92 (as amended), as a result of which the following publicity was undertaken:

Number of neighbour notification letters sent: 0

Number of site notices: 1

Statutory advertisement: Not applicable.

Number of representations received: 0

Comment	Officer Comment
States emissions from the crematorium would be invisible and odourless - no assessment of likely carbon emissions or NO _x , which should be assessed.	See Section 7 below.
Concerns over increased level of NO _x from Amazon Distribution Centre - how will this be controlled.	As to NO _x , this is also covered in EH's (Contamination) response above.
E.g. plant a tree for each animal disposed of.	No space on the site for such planting.

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7 **Planning Considerations**

7.1 Having regard to the relevant policies of the development plan it is considered that the main issues arising from this application are:

- (i) Principle of development
- (ii) Loss of a B2/B8/E use
- (iii) Impact upon the character and appearance of the area
- (iv) Impact upon residential amenity
- (v) Parking

(i) Principle of development

7.2 The application site is situated within an urban area and an authorised industrial estate where further development is considered acceptable subject to the usual development control criteria.

7.3 It is acknowledged that the lawful use of the unit may have given rise in the past to such issues as noise, disturbance, odour and fumes due to its lawful Class B2 use. As to odours the applicant has advised that the cremator is type-approved with complete combustion with no detectable odour, which is noted. If permission is granted the use of a cremator on the site would be controlled by a condition requiring it to operate in accordance with the submitted Emissions & Odour Plan with the cremator restricted to that submitted and approved, with cremation taking place within 3 days of the receipt of the bodies. As to noise Environmental Health has raised no objection subject to a noise level as set out above. If permission is granted, this condition is recommended, as is a condition relating to artificial lighting.

7.4 With regard to NO_x, as NO₂ at the flue terminal, the proposal was considered against the guidelines in the NPPF and the objectives of policy DM10 of the Core Strategy and benchmarked against the WHO air quality guideline level (advisory) by EH (Contamination), concluding on balance, no objection to the proposal.

7.5 As to the applicant, Final Rest Ltd, is an existing business in Havant, that operates as a mobile veterinary practice for the home euthanasia of cats and dogs with office space at 39 Market Parade, Havant. The business covers a 30-mile service area centred around Havant and operates Monday to Saturday all year round. Currently the service offers a pet cremation service to their clients that is outsourced to the nearest pet crematorium, based in Tangmere. The proposal would be provided at Unit 9 if permission was granted.

7.6 The applicant has advised that within the area there is a lack of pet cremation service, with the nearest providers based in Tangmere (The Meadows Pet Crematorium), Eastleigh (Pet Undertakers), Odiham (Dignity Pet Cremations), and Winchester (Cremate-a-Pet). As mentioned, the proposal would offer a pet cremation services to Havant and its surrounding areas.

7.7 Currently the applicant advises that the demand for this service is between 2 and 5 pets per day for cremation through the euthanasia business "...and expect demand for

cremation independently of that would be roughly similar (likely 2–5 client visitors per day for cremation) though we are hoping to grow over time on both sides of the business Final Rest Ltd."

7.8 The pet bodies would be stored in sealed, refrigerated, mortuary standard body stores in lined, leakproof beds until they are cremated as per APHA guidelines. Following cremation, ashes are ground to a fine powder and moved into sealed, leakproof containers, for collection (most cases), or for landfill (rarely).

7.9 The principle of the change of use to a pet crematorium on this authorised industrial estate is considered acceptable in principle, subject to the recommended conditions and the following material planning considerations.

(ii) Loss of a B2/B8/E use

7.9 The proposal is for a sui generis use (ie of its own kind), which would result in the loss of a commercial unit for Class B2/B8/E use. That said, the use of the unit as a pet crematorium, would still be an employment use as supported by policy CS2 of Havant's Core Strategy. This is considered to be an appropriate use on an authorised industrial site which may be used for a number of commercial uses, being a reasonable distance away from residential properties, on the other side of the railway line to the south east. Further, if the use ceased in the future an application to convert back to its former lawfully uses, based on current policy, is likely to be supported. Therefore, the proposal, which would utilise a current vacant unit, is acceptable.

(ii) Impact upon the character and appearance of the area

7.10 As to the exterior of the building the only change would be a small new flue on the east elevation of the roof, which would be to the rear of the building, which backs onto the railway line. The installation of a small flu on the roof would not have a material impact on the character and appearance of the building or the area. Other changes to the building are internal, which includes a Reception Area & Farewell Room, cold storage refrigerators and a cremator, which would not impact on the appearance of the area.

7.11 The applicant is seeking no restrictions on hours of operation for the pet crematorium, to maintain operational flexibility. When planning permission was granted for the development under reference 06/71302/001, no hours of operations were imposed on the decision notice. Therefore, a Class B2 use could operate 24/7 from the unit, with all the associated noise, disturbance, fumes etc, that may be associated with such a use. Therefore, having regard to how the cremator would operate, which would be controlled by conditions, there is considered to be no justification to limit the hours of operation for a pet crematorium.

(iii) Impact upon residential amenity

7.12 The application site is located within an authorised industrial estate with permission to be used for a variety of uses covering Class B2/B8/E. As stated above, it is acknowledged that uses under Class B2 may give rise to noise, disturbance and fumes etc., as to be expected on an industrial site. The proposed cremator has an APHA type approval, and according to the information provides, would use an existing natural gas supply, which is not expected to produce any odours or visible emissions during operation. Also an Emissions and Odour Management Plan has been submitted explaining how this would operate.

- 7.13 Environmental Health (EH) (Pollution) has been consulted over the proposal and has raised no objection subject to three conditions, relating to limits on noise emissions, equipment to be installed to suppress and disperse fumes and/or odours and details of external lighting. The imposition of these three conditions was discussed with the applicant, who has advised that the noise and artificial light conditions seemed reasonable, albeit they have no plans to install new artificial lighting, but would abide by such a condition, if there was a need to install such lighting. As to the noise mitigation measures to achieve 5dB(A) at all times, the applicant has commissioned Venta Acoustics to build in the mitigation into their fit-out, which would be submitted for approval before the crematorium comes into use.
- 7.14 Concerning the suggested odour condition 2 as set out above, the applicant have advised that they are not sure as to what additional equipment they are being asked to install, as the cremator is type-approved with complete combustion, as set out in the Emissions & Odour Management Plan, which should not generate odour. EH (Pollution) was reconsulted over their comments, and following further consideration accepted that the wording of the applicant for a condition was appropriate to the use. To this end, it is recommended that a condition is imposed which restricts the type of cremator to be installed to that approved, with cremation to take place within 3 days of receipt of the bodies if permission is granted.
- 7.15 As to EH (Contamination) consultation as mentioned above, the proposal has been considered against the guidance in the National Planning Policy Framework, Policy DM10 in the Core Strategy, and benchmarked against the WHO air quality guideline level (advisory). When benchmarked against WHO's air quality guidelines, "...the health of existing residents would in principle be materially harmed, but only to a degree that current legislative controls consider to be acceptable." Therefore, when assessed against current legislative controls the proposal is considered acceptable, according with the advice in the NPPF and policy DM10 of the Core Strategy.
- 7.16 The proposed opening hours for clients are 08:00–18:00, Monday to Saturday. The proposal is seeking no time constraints on the operation of the cremator to maintain flexibility. Currently there are no hours of operation on the unit. Due to the information provided and how the unit would operate as a Class B2 use, restrictions on hours of operation are not considered reasonable or necessary, which EH has agreed to. With the controls proposed the cremator would not adversely impact on residential amenity.

(iv) Parking

- 7.17 Six car parking spaces are proposed for the development, which as far as can be ascertained is the current parking provision for the unit. As to day-to-day activities associated with the crematorium, the applicant has advised that:

"We expect to receive the bodies of cats and dogs from our vets and from clients directly. Final Rest currently sees between 2 and 5 pets per day for cremation through our euthanasia business and expect demand for cremation independently of that would be roughly similar (likely 2–5 client visitors per day for cremation), though we are hoping to grow over time on both sides of the business."

- 7.18 There would be two staff members on site: a receptionist and a cremator. Client attendance would be by appointment with the expectation of no more than two client vehicles at any time.

- 7.19 Havant's Car Parking SPD does not provide guidance on the car parking level for a pet crematorium, as it is a bespoke use. The closest equivalent to such a use is considered to be Class B2 general industrial. Such a use has a car parking requirement of 1 space per 45 sqm. The internal area of the unit is approximately 296 sqm, which would generate a car parking requirement of 7 car parking spaces, with a possible shortfall of 1 car parking space. That said, there is no specific car parking level for this bespoke use, which having regard to the existing provision of car parking for the unit and how the use would operate the provision of only 6 car parking spaces is considered to be acceptable for the proposed use.
- 7.20 As to cycle provision, if a Class B2 use is used to assess this provision, this would generate a requirement of two cycle racks, with four internal wall racks proposed.
- 7.21 The proposal is considered to accord with policy DM14 of the Core Strategy.

8 Conclusion

- 8.1 The principal of the development on this authorised industrial estate is considered acceptable, as is the proposal's impact on the loss of the current authorised use, the locality and residential amenity. The level of parking and cycle provision is also considered to be appropriate. Therefore, the proposal is considered to accord with the development plan as a whole, with conditional planning permission recommended.

9 RECOMMENDATION:

That the Head of Place be authorised to **GRANT PERMISSION** for application APP/23/00736 subject to the following conditions

1 GENERAL

The development must be begun not later than 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 permitted shall be carried out in accordance with the following approved plans:

Plans

Location Plan - Drawing No. 23051 - 101

Block Plan - Drawing No. 23051 - 102B

Proposed Ground & Mezzanine Floor - Drawing No. 23051 - 401B

Proposed West & South Elevation - Drawing No. 23051 - 501A

Proposed East & North - Drawing No. 23051 - 502A

Documents

ABP Incinerator Approval
Adament Refractory Settings Ltd.
Emissions & Odour Management Plan
Noise Impact Assessment
Planning Statement

Reason: - To ensure provision of a satisfactory development.

- 3 The cremator hereby approved shall operate in accordance with the Emissions and Odour Plan and shall be restricted to the approved AD-Entente-ABP with a capacity of 38kg/hr, classifying the pet crematorium as a low capacity incinerator site being <50kg/hr, using existing natural gas supply, unless otherwise agreed with the Local Planning Authority.

Reason: To ensure that unsatisfactory odours outside the premises are minimised in the interests of the amenity of occupiers of nearby properties and having due regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2021.

- 4 In the event, that external lighting of the site and access route are required, such lighting shall be submitted to, and approved in writing by, the Local Planning Authority prior to their installation. This information shall include a layout plan with beam orientation and a schedule of equipment in the design (luminaire type, mounting height, aiming angles and luminaire profiles). The lighting shall be installed, maintained, and operated in accordance with the approved details unless the Local Planning Authority gives its written consent to the variation.

Reason: To protect the appearance of the area, the environment, and local residents from obstructive lighting having due regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

5 **PRIOR TO OCCUPATION**

Before the pet crematorium hereby approved comes into use, the rating level of the noise determined by the cumulative sound emissions of all items of plants (fridge, freezers, and compressors) shall be at least 5 dBA lower than the existing background noise level at any given time of operation. The noise levels shall be measured or predicted 1m externally to any window at the nearest residential façade. Measurements and assessment shall be made according to British Standard 4142:2014.

Reason: To ensure that noise level associated with the use are minimised in the interests of the amenity of occupiers of nearby properties and having due regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 6 The car parking and cycle provision shown on the approved plans to serve the development hereby permitted shall be made fully available for use prior to the development being first brought into use and shall be retained thereafter for

their intended purpose.

Reason: In the interests of highway safety and having due regard to policy DM13 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.