

PLANNING APPLICATION OFFICERS REPORT



Application Number	25/01487/FUL	Item	03
Date Valid	08.12.2025	Ward	ST PETER AND THE WATERFRONT
Site Address	19 Miller Court Plymouth PL1 3LQ		
Proposal	Change of use to pet crematorium (Sui Generis), inc. installation of flue		
Applicant	S Pullinger		
Application Type	Full Application		
Target Date	02.02.2026	Committee Date	26.02.2026
Extended Target Date	06.03.2026		
Decision Category	Councillor Referral		
Case Officer	Mr Sam Lewis		
Recommendation	Grant Conditionally		



This application was referred to the Planning Committee by Cllr Alison Raysford.

1. Description of Site

19 Miller Court is a small, single-storey commercial unit which is part of a wider group of similar commercial units on Miller Court and Slate Lane. The wider area is mixed use in nature, with both commercial and residential properties present. The site falls within the St Peter and the Waterfront ward of the city.

2. Proposal Description

The proposal looks to change the use of the unit to a pet crematorium (Sui Generis). Limited external changes to the property are proposed - with an external flue the only significant change proposed. Internally, the site would be divided up to include a reception/public area, the main cremation area, and an office space. An Addfield PET-200 system is proposed to be installed - and the business is proposed to operate between 08:00 and 17:00 Monday - Friday.

3. Pre-application Enquiry

None.

4. Relevant Planning History

There are a number of historic planning applications which relate to the wider industrial estate - but none are directly related to this property or the current proposal.

5. Consultation Responses

Highway Authority - No objections. Recommended conditions relating to EV charging and cycle storage.

Environmental Health - Considered that suitable Noise and Odour Assessments were provided which contained sufficient information regarding the proposed system to be installed and its potential impacts. Considered that the proposal would not lead to significant noise and odour impacts on nearby residential properties.

Economic Development - Raised some concerns given that there is a demand for light industrial-type uses currently but noted that an employment use would remain so did not express an objection.

Natural Infrastructure Team - No objections.

Environment Agency - No response received.

Natural England - No objections.

Lead Local Flood Authority - No objections.

6. Representations

Letters of representation objecting to the scheme were received by Officers. The material concerns raised include:

- Considered inadequacies in the Noise Assessment due to relevant BS standards not being met, a lack of background noise level survey, and identification of nearest noise receptors;
- Considered inadequacies in the Odour Assessment due to the meteorological information it uses and the absence of smoke and particulate assessments;
- Smoke impacts from the proposed flue.

These concerns will be discussed in Section 8 of this report.

7. Relevant Policy Framework

Section 70 of the Town and Country Planning Act 1990 requires that regard be had to the development plan, national development management policies, local finance and any other material considerations. Section 38(5B) of the Planning and Compensation Act 2004 sets out that the determination of any matter under the Planning Acts must be made in accordance with the development plan and any national development management policies, taken together, unless material considerations strongly indicate otherwise. For the purposes of decision making, the Plymouth & South West Devon Joint Local Plan 2014 - 2034 (2019) (JLP) is part of the development plan for Plymouth City Council. The Plymouth & South West Devon Joint Local Plan 2014 - 2034: Supplementary Planning Document (2020) (SPD) sets out guidance relating to the implementation of the policies of the JLP.

The relevant policies and/or provisions of the following documents also have the potential to be material to the consideration of the application: National Planning Policy Framework (NPPF), Planning Practice Guidance (PPG), National Design Guidance, the Plymouth and South West Devon Climate Emergency Planning Statement (2022) (CEPS), and the Joint Local Plan Five Year Review Report (2024).

8. Analysis

8.1 This application has been considered in the context of the development plan, the NPPF, and other material considerations as set out in Section 7.

8.2 The JLP policies relevant to this application are SPT1 (Delivering sustainable development), SPT2 (Sustainable linked neighbourhoods and sustainable rural communities), DEVI (Protecting health and amenity), DEV2 (Air, water, soil, noise, land and light), DEV14 (Maintaining a flexible mix of employment sites), DEV20 (Place shaping and the quality of the built environment), DEV26 (Protecting and enhancing biodiversity and geological conservation), DEV29 (Specific provisions relating to transport), DEV31 (Waste management), DEV32 (Delivering low carbon development), and DEV35 (Managing flood risk and water quality impacts).

8.3 Principle of Development

8.3.1 Prior to considering the specifics of the proposal, Officers must first consider the principle of the proposed use. From looking at historic signage at the property, it would appear that the most recent use of the site was for vehicle/motor repairs - so either Class B2 or Class E(g)(iii) depending on the activities which took place. The proposed pet crematorium use would fall within the Sui Generis use class. As described above, the area in which the property falls is mixed use - with both commercial and residential properties present. Miller Court is largely made up of small commercial/industrial units, and there is a larger industrial estate to the west on Stonehouse Street, but there are residential properties on George Place to the north, Brittany Street to the east, and Millbay Road to the south. Given the plethora of different commercial uses around the site, Officers do not consider that the proposed use would be significantly out of character with its surroundings. Many of the commercial properties nearby house vehicle repair business - but there are many different businesses present including a sign maker, a recording studio, and an auction house. As such, the area is quite diverse in terms of its business make-up - so an additional use type would be appropriate in principle.

8.3.2 The Council's Economic Development Team were consulted on the application. Whilst they did not object to the scheme, they considered it regretful to lose a light industrial unit as there is considered to be a demand for such in the city. DEV14 defines 'employment land' as falling within Classes B1, B2, or B8. It should be noted, though, that B1 no longer exists and falls within the wider Class E - meaning that DEV14 now has less control over such uses. The proposed use would not fall within these uses but would still provide employment (two employees as per the application form) and is a use suitable for an industrial estate-type setting. Given that the site would still be in employment use, then, no objection was raised by the Economic Development Team. Officers do not consider that refusing the scheme due to the loss of a light industrial unit would be justifiable and Officers do not consider that the scheme would conflict with the wider aims DEV14 of the JLP to protect employment-generating uses.

8.3.3 As Officers do not have an in-principle objection to the change of use proposed, the scheme will now be considered on its own merits.

8.4 Visual Impacts

8.4.1 The main external alteration proposed to the building itself would be the flue to serve the cremation equipment. The flue is proposed to be sited near to the ridge of the property's pitched roof - and it would be approx. 1.5m taller than the ridge overall. Flues often can have a negative

visual impact but given the industrial nature of the surrounding area rooftop plant and other flues/chimneys are not uncommon. In fact, some of the other units on Miller Court already have large flues - which appear to be bulkier and more visually dominant than the one proposed here. It is also noted that the property itself is set down from George Place to the north - with a tree line between it and the road which would help to provide some screening for the flue.

8.4.2 Taking the above into account, and the lack of other external changes proposed, Officers consider that the scheme would not have a significant visual impact in line with DEV20 of the JLP.

8.5 Amenity Impacts

8.5.1 The letters of representation received all raise amenity concerns relating to the proposed cremation equipment - relating to both noise and odour impacts. Some of the letters raise concerns with the lack of assessment information provided, without acknowledging the Noise and Odour Assessments prepared, whilst some raise concerns with the assessments themselves.

8.5.2 For clarity, both the Noise and Odour Assessments provided have been prepared in line with the relevant legislation/guidance. The Noise Assessment has been prepared in line with BS 4142: 2014 +A1: 2019, whilst the Odour Assessment has been prepared in accordance with best practice guidance from the Institute of Air Quality Management (IAQM) - both by qualified personnel. This is what Officers would expect to receive and are therefore satisfied that the submitted information is of a sufficient quality and detail to come to a view on the proposal.

8.5.3 The Council's Environmental Health Team were consulted on the scheme and they raised no objections. In terms of noise, the assessment identifies the nearest noise receptors (residential properties) and makes an assessment of background noise around the site. Using information relating to the product's noise output, as well as local factors and the distances between the site and the nearby properties, the assessment concludes that the noise generated by the use would be approx. 7dB lower than the lowest background noise level recorded in the area. As such, the noise impacts of the proposal are considered to be low. It should be noted that, despite the presence of residential properties around the site, the area is very much mixed use in nature and on the edge of a wider industrial estate. Many of the nearby businesses offer vehicle repairs, which are likely to contribute to the existing background noise levels.

8.5.4 In terms of odour, the system proposed (PET-200) is designed to minimise smoke and odour emissions. It features a secondary chamber which can reach temperatures of up to 850 degrees. The gases created from the cremation process are fed through this chamber and the high temperatures mean that the vast majority of gases would be thermally oxidised - meaning that odourless carbon dioxide and water vapour would be output. The Odour Assessment therefore concludes that the inbuilt mitigation measures are sufficient to limit impacts on nearby residential properties. The Odour Assessment also includes an assessment of local wind patterns taken from the nearby Mountbatten weather station (in accordance with IAQM guidance) which acknowledges that the common wind directions the site would face would blow particles, etc., closer to nearby houses - but this is not considered to be a significant concern given the output as described previously. It should also be noted that the equipment proposed is quite small and would only be suitable for household pets - up to the size of a large dog. As such, the operation would not be of a scale to serve the agriculture or meat industries. The PET-200 is suitable for up to seven cremations a day - and the business would operate by appointment between 08:00-17:00 Monday - Friday. As such, what is proposed is a small-scale operation. The Environmental Health Team do not consider that the operation would be of a scale to require an Environmental Permit.

8.5.5 Given the outcomes of both assessments, and the lack of objections from the Environmental Health Team, Officers do not have any significant amenity concerns. Conditions are considered necessary to ensure that any impacts are kept to a minimum. A condition requiring the installation of

the PET-200 system, as opposed to another system, has been included below - alongside one for an Odour Management Plan. The latter is recommended in the Odour Assessment and would need to cover the general operation of the business - including cold storage, maintenance patterns, and general monitoring of odour and smoke impacts.

8.5.6 Finally, on the topic of amenity, the statutory nuisance legislation referenced in the letters of representation is not a material planning consideration. This legislation deals with actual impacts not potential impacts. As confirmed in the Environmental Health's consultation response, though, if any negative impacts do arise as a result of the operation of the business then such can be considered under the relevant legislation.

8.6 Highway Impacts

8.6.1 The Highway Authority were consulted on the proposal and raised no objections to the proposed use. They noted that the property has two allocated car parking spaces and that the trip generation for the proposed use is likely to be relatively low. There is also pay and display parking around the site on the adjacent streets - and the site is in a sustainable location. The Highway Authority have recommended that both EV charging and cycle storage are considered. Cycle storage has been conditioned below to serve employees, but seeking EV charging in this instance would seem disproportionate.

8.6.2 The scheme is considered to be acceptable in line with DEV29 of the JLP.

8.7 Flood Risk and Surface Water Drainage Impacts

8.7.1 As the site falls within a Critical Drainage Area, the Lead Local Flood Authority were consulted on the proposal. The Environment Agency's mapping also shows that some land to the north of the property is at risk of surface water flooding. However, given the proposed use continues to be 'less vulnerable' in flooding terms, and the lack of changes proposed to the building itself, no objections were raised in line with DEV35 of the JLP.

8.8 Natural Infrastructure Impacts

8.8.1 Due to the type of development proposed, the scheme would be exempt from the statutory Biodiversity Net Gain condition. The Natural Infrastructure Team were consulted on the scheme and raised no objections. Despite the roofworks proposed, they did not consider the building to be suitable for roosting bats or birds due to the lack of roof voids. No other concerns were raised by the team. It should also be noted that the scheme has been screened out of being EIA development due to the small scale of the proposal - and the Environmental Health Team have also confirmed that the scale of the proposal would not necessitate an Environmental Permit. The development will have no conceivable effect on a European site and is eliminated from further assessment under the Habitats Regulations.

8.8.2 As such, the scheme is considered to accord with DEV26 of the JLP.

8.9 Climate Emergency Considerations

8.9.1 Due to the nature of the scheme proposed, Officers do not consider that it would be proportionate to seek any specific low carbon mitigation measures in line with DEV32 of the JLP and the CEPS.

9. Human Rights

The development has been assessed against the provisions of the Human Rights Act, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which

have been balanced and weighed against the wider community interests, as expressed through third party interests/the Development Plan and Central Government Guidance.

10. Local Finance Considerations

The scheme is not considered to be liable for CIL.

11. Planning Obligations

The purpose of planning obligations is to mitigate or compensate for adverse impacts of a development, or to prescribe or secure something that is needed to make the development acceptable in planning terms. Planning obligations can only lawfully constitute a reason for granting planning permission where the three statutory tests of Regulation 122 of the CIL Regulations 2010 are met.

Planning obligations are not sought due to the nature and size of proposal.

12. Equalities and Diversities

This planning application has had due regard to Section 149 of the Equality Act with regard to the Public Sector Equality Duty and Officers have concluded that it does not cause discrimination on the grounds of gender, race, and disability.

13. Conclusions and Reasons for Decision

Officers have taken account of the NPPF and S38(6) of the Planning and Compulsory Purchase Act 2004 and concluded that the proposal accords with policy and national guidance with the use providing a similar level of employment whilst not prejudicing the visual and residential amenity of the area. The application is therefore recommended for conditional approval.

14. Recommendation

In respect of the application dated 08.12.2025 it is recommended to Grant Conditionally.

15. Conditions / Reasons

The development hereby permitted shall be carried out in accordance with the following approved plans:

1 **CONDITION: APPROVED PLANS**

Location Plan 11112025 received 11/11/25

Site Plan 11112025 received 11/11/25

Existing and Proposed Plans and Elevations 3206/1 received 11/11/25

Reason:

For the avoidance of doubt and in the interests of good planning, in accordance with the Plymouth & South West Devon Joint Local Plan 2014–2034 (2019).

2 **CONDITION: COMMENCE WITHIN 3 YEARS**

The development hereby permitted shall be begun before the expiration of three years beginning from the date of this permission.

Reason:

To comply with Section 51 of the Planning & Compulsory Purchase Act 2004.

3 CONDITION: ODOUR MANAGEMENT PLAN

PRE-OPERATION

Prior to the first operation of the business hereby approved, an Odour Management Plan shall be submitted to and approved in writing by the Local Planning Authority. This should formalise steps to prevent the release of fugitive emissions during normal operation, including any requirement for cold storage and waste storage, as well as protocols in the event of equipment breakdown or abnormal operations and regular monitoring of emissions. The agreed Odour Management Plan shall then be followed at all times, with any additional equipment recommended by such installed prior to the first operation of the business.

Reason:

To ensure that harmful odours emitted as part of the business operation are kept to a minimum to protect the amenity of local residents and businesses in line with policies DEV1 and DEV2 of the Plymouth & South West Devon Joint Local Plan 2014-2034 (2019) and the National Planning Policy Framework 2024.

4 CONDITION: CYCLE PROVISION

PRE-OPERATION

The development hereby approved shall not be brought into use until space has been laid out within the building for a minimum of 2no. staff bicycles to be securely parked. The secure area for storing bicycles shall then remain available for its intended purpose and shall not be used for any other purpose.

Reason:

In order to promote cycling as an alternative to the use of private cars in accordance with policy DEV29 of the Plymouth & South West Devon Joint Local Plan 2014-2034 (2019) and the National Planning Policy Framework.

5 CONDITION: APPROVED CREMATOR

1no. Addfield PET-200 cremator shall be installed within the site as shown on the approved plans. The use of a different product or multiple products would require a further planning application.

Reason:

The supporting information assumes that only one Addfield PET-200 would be installed. A more intense use or a different product may lead to impacts not considered here. This is to protect the amenity of local residents and businesses in line with policies DEV1 and DEV2 of the Plymouth & South West Devon Joint Local Plan 2014-2034 (2019) and the National Planning Policy Framework 2024.

6 CONDITION: OPENING HOURS

The business shall not be open to customers outside the following hours:

Monday - Friday: 08:00 to 17:00.

The cremator shall not be operational outside of these hours.

Reason:

To protect the residential and general amenity of the area from noise and odour emanating from the operation of the use generally to avoid conflict with policies DEVI and DEV2 of the Plymouth & South West Devon Joint Local Plan 2014-2034 (2019) and the National Planning Policy Framework.

INFORMATIVES

1 INFORMATIVE: (NOT CIL LIABLE) DEVELOPMENT IS NOT LIABLE FOR A COMMUNITY INFRASTRUCTURE LEVY CONTRIBUTION

The Local Planning Authority has assessed that this development, due to its size or nature, is exempt from any liability under the Community Infrastructure Levy Regulations 2010 (as amended).

2 INFORMATIVE: CONDITIONAL APPROVAL (NO NEGOTIATION)

In accordance with the requirements of Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 and the National Planning Policy Framework, the Council has worked in a positive and pro-active way and has imposed planning conditions to enable the grant of planning permission.

3 INFORMATIVE: PROPERTY RIGHTS

Applicants are advised that this grant of planning permission does not over-ride private property rights or their obligations under the Party Wall etc. Act 1996.

4 INFORMATIVE: COUNCIL CODE OF PRACTICE

The applicant is directed to the Council's Code of Practice by the Public Protection Service (Control of Pollution and Noise from Demolition and Construction Sites):
<https://www.plymouth.gov.uk/sites/default/files/ConstructionCodeOfPractice.pdf>

5 INFORMATIVE: BIODIVERSITY NET GAIN EXEMPTION

In accordance with The Biodiversity Gain Requirements (Exemptions) Regulations 2024, this application is exempt from mandatory BNG as the development is subject to the de minimis exemption (development that does not impact a priority habitat and impacts less than 25sqm of habitat).

6 INFORMATIVE: BATS AND BREEDING BIRDS

The proposed works may take place within a site/in a building with suitability for bats or breeding birds. Under the Wildlife and Countryside Act (1981), bats and breeding birds are legally protected against disturbance, injury or killing and bat roosts are protected against obstruction, damage or destruction. If bats or a bat roost is present in the building, a licence to carry out the works from Natural England may be required. Please note bats are incredibly sensitive, so any alterations to buildings including roof lining, timber treatment may impact significantly upon them or their roosts. For further information please contact a suitably qualified ecologist. In practice, if any protected species are found on site (such as nesting birds, bats or reptiles) works must cease immediately, and a suitably qualified Ecologist consulted.

7 INFORMATIVE: SIGNAGE

This grant of planning permission does not allow for the erection of any signage at the site. Such would require advertisement consent.