

**8. FULL APPLICATION - EXTENSION TO EXISTING HIDES' BUILDING AND PROPOSED ADJOINING NEW BUILDING TO ENCOMPASS PROCESSING OF ANIMAL BY-PRODUCTS TO EXTRACT OIL FOR ON-SITE ELECTRICITY GENERATION, THE KNACKERS YARD, MAIN ROAD, FLAGG (NP/DDD/0216/0084 P.11135 413189/368981 28/9/2016/CF)**

**APPLICANT: F REDFERN & SONS LTD**

**Introduction**

In summary, the application proposes the erection of a new portal framed building at the rear of a group of existing buildings at the Knackers yard in Flagg. The building would be partly dug into a field parcel immediately adjacent to the northern boundary of the existing yard areas and would be used to process animal by-products. This process would involve feeding macerated animal by-products through a centrifuge where the material would be lightly heated and separated into waste water, meat and bone meal (MBM), and oil. The waste water would be stored, recycled and then sent to an off-site water treatment plant. The MBM would be dried on site within the new building then sent off-site for use as a bio-mass fuel. The oil would be retained to be used to fuel the oil-burning electricity generators on site.

A decision was deferred on this application at the Authority's Planning Committee in August to allow Flagg Parish Council to clarify their position with regard to the proposed development. The original officer report (attached as Appendix I) afforded a significant amount of weight to the Parish Council's views on this application and the Parish Council's stated objections underpinned an officer recommendation of refusal of this application for the following reasons:

1. **The Authority would not be able to guarantee that granting planning permission for the current application would not lead to an intensification of the existing use of the site or whether the business would seek to meet demand from a larger than local area. Furthermore permission would be granted in circumstances whereby it has not been established that the business operating from the Knackers Yard is sited in an appropriate location not least because the concerns of the local community with regard to the existing impacts associated with the business and potential adverse impacts of allowing the business at the Knackers Yard to expand on the edge of Flagg have not been fully addressed. Therefore, any approval for the current application would conflict with saved Local Plan policy LE4(a)(i) and (ii).**
2. **The potential adverse cumulative impacts of the existing and proposed developments at the Knackers Yard on the amenities of the local area through odour nuisance associated with the use of site and the potential to generate movements of large vehicles moving at speed through the village would detract from the living conditions of the local community and concerns about the existing and proposed uses carried out at the Knackers Yard are having a material and detrimental impact on the wellbeing of local residents. Therefore, the current application also fails to accord with policy GSP3 of the Core Strategy, saved Local Plan policy LC4 and core planning principles in the National Planning Policy Framework.**
3. **In this case, the positive aspects of the development proposals are not considered to demonstrably or significantly offset or outweigh the identified harm to policies and the harm to the amenities of the local area. Therefore, the development proposals do not accord with the social and environmental principles of sustainable development set out in policy GSP1 of the Core Strategy and national planning policies in the Framework.**

Flagg Parish Council met on 13 September 2016 with members of the local community and all Councillors present. At this meeting Councillors agreed that a Parish Council vote should be taken to clarify matters on whether the Parish Council was in favour of the application or not. The

result was that the Parish Council could not support the application by 3 votes to 2, with no abstentions, for the reasons stated in their representations to the Authority sent on 8 March 2016 and 17 May 2016 and that these letters should stand as valid objections to the application.

In their representations submitted on 8 March 2016, Flagg Parish Council stated they were not in favour of this application and expressed their concerns as follows:

- Despite assurance to the contrary, Councillors believe this [application] will lead to an increase in noise pollution.
- The new buildings would encroach into an otherwise un-built field and close proximity to neighbouring properties.
- The overall size of the business premises is increasing rapidly and is disproportionate with the overall scale of the village.

On 17 May 2016, the clerk to Flagg Parish Council wrote that the expansion of the Knackers Yard was raised at the Parish Council meeting earlier that month and was still causing concern. The clerk went on say that Councillors wish to stress the levels of concern and that the expansion seems to be out of line with the size and depth of the village. Of great concern are the existing noise, odour and traffic levels, and how any further expansion will make these completely intolerable for residents.

### **Representations**

At the time of the original officer report, there had been five letters of objection received by the Authority from local residents. In summary, these letters set out concerns about existing odour and traffic movements; concerns about the impacts of expanding the site; and concerns that the processing plant will lead to a significant intensification of the use of the site with associated adverse impacts on the villages. Subsequently, a further six letters objecting to the current application have been received by the Authority from other local residents at the date of this report.

One focus of these six letters is the impact of traffic in the village and in particular, the risk posed by large vehicles moving through the village to young children attending the nursery school in the centre of Flagg. These objections are exacerbated by concerns about air pollution, odour nuisance associated with vehicles carrying carcasses to the Knackers Yard, and large lorries coming into the village on narrow country lanes that are not considered to be suitable for this kind of traffic. These letters set out a general consensus amongst the local residents concerned that the existing operations at the Knackers Yard blights the village by the way of odour nuisance and the noise and disturbance associated with vehicle movements. There is also a consensus in these letters that the increasing size and scale of the operations at the Knackers Yard mean that the business would be better sited on an industrial estate rather than within a small rural village within the National Park

There are other issues raised in the objections letters that are not relevant planning considerations such as the effect of existing operations and any grant of planning permission for the current proposals on house prices. There are also references to other rendering plants elsewhere in the country but the current proposals and existing operations at the Knackers Yard simply are not comparable to the operations taking place at any of the other rendering plants mentioned. However, the overall conclusion that can be drawn from these letters is that there is a strong feeling amongst the local residents that have written in to object to this application that approving the current application would have severe and detrimental long-lasting effects on Flagg and that it is inequitable that the desires of one party should be allowed to have a catastrophic effect on so many others. These letters are available to read in full on the Authority's website.

### **Fall-back Position**

Since the meeting of the Authority's Planning Committee in August, it has come to light that there is a potential fall-back position insofar as permitted development rights would allow the applicant to install the processing plant in one of the existing buildings on site. This means that the processing plant could be installed and operated from the site without planning permission. The processing activities would remain ancillary to the primary use of the site as a Knacker's Yard so there would be no material change of use of the land or buildings. In these respects, a fall-back position only has to have "more than a merely theoretical prospect" of taking place in order to be a material consideration but the likelihood of the suggested fall-back position occurring or the practical difficulties of implementing a fall-back position may affect the weight to be attached to it.

In this case, all the existing buildings at the Knackers Yard are in use. Therefore, installing the processing plant in an existing building would result in a requirement for an additional building such as the building proposed in this application to accommodate the activities that would be displaced by the processing plant. Consequently, existing operations would be disrupted by installing the plant in an existing building until permission was sought and obtained for a new building and any forthcoming permission had been implemented. This means that implementing the fall-back position could also risk compromising the efficient and effective operation of the existing business by displacing current activities, or some activities may need to be suspended pending planning permission being granted for a replacement building. Nonetheless, the applicant has stated a willingness and ability to install the processing plant in an existing building.

However, the Authority has not yet determined that a new building on the site would be acceptable in planning terms and a final decision on the acceptability of a further extension of the Knackers Yard and whether a further intensification of the size and scale of operations carried out of the site has not yet been made by the Authority. Therefore, it cannot be taken for granted that planning permission would be granted for a replacement building if this application were to be refused, for example, and the fall-back position were to be implemented. Consequently, it is considered that the ability to install the processing plant in an existing building without planning permission is a material planning consideration. Nonetheless, officers would not afford this fall back position so much weight that it would warrant a recommendation of approval unless the building proposed in this application is acceptable in its own right and that the size and scale of the extended site would be acceptable in planning terms. It would also be relevant to take into account the fact that a new building could allow the use on the site to intensify.

### **Discussion**

The original officer report sets out very clearly that the issues are finely balanced in this case and also that the original recommendation of refusal was made having afforded substantial weight to the views of the local community and the Parish Council. Since the meeting of the Planning Committee in August, the Parish Council have confirmed their objections by 3 votes to 2 at their last meeting and a further six letters of objection to the application have been received by the Authority from other local residents at the date of this report. Therefore, it cannot be concluded that the concerns of the local community have been fully addressed.

In this case, whilst the occupants of some of the nearest neighbouring properties have raised concerns about noise, odour and disturbance relating to the processing plant itself, the wider concerns of local residents relate to off-site impacts of additional vehicle movements, odour nuisance from vehicles moving to and from the site, and the increasing size and scale of operations at the site, amongst other things. In summary, there are also a significant number of representations that suggest existing operations already detract from living conditions within the village and the current proposals would make the situation even worse. These concerns are exacerbated by the perception that the installation of the processing plant would lead to a significant intensification of existing operations resulting in unacceptable noise and odour nuisance and an increase in movements of large vehicles through the village.

However, there is still no hard evidence that existing operations at the Knackers Yard do cause any substantial harm to the amenities of the local area and, in principle, the introduction of the processing plant should reduce vehicle movements and reduce the potential for odour nuisance if there were no significant increase in the amount of animal by-products processed at the Knackers Yard and permission were to be granted for the current application. The Environmental Health Officer from the District Council has no objections to the current application and the nature of the processing plant means that there is no realistic likelihood that taking the plant into use in the building, as proposed, would cause noise or odour nuisance or give rise to any other adverse impact on the environmental quality of the local area. The original officer report also sets out clearly that the design and siting of the proposed building would be appropriate, that the building would not in itself be unneighbourly, and that the building would not have an adverse impact on its landscape setting.

Consequently, there are sound planning reasons to approve this application if it were to be considered that Flagg remained an appropriate location to expand the existing business and the size and scale of the associated activities taking place at the Knackers Yard would not harm the amenities of the local area or detract from the living conditions of local residents. However, it is difficult to make this judgement when there is no information clarifying maximum vehicle movements to and from the site, hours of operation, or the maximum amounts of material that would be taken to and from the site if permission were to be granted for the current application. A further problem arises because setting limitations on the use of the processing plant by way of planning conditions could unreasonably impact on the applicant's ability to carry on the existing business. If permission were granted without these controls then the Authority would have to rely on enforcing against a 'material intensification' of the site if an intensive use of the processing plan resulted in a definable change in the character of the use of the site with reference to both off-site and on-site impacts.

The ability to enforce against a material intensification of the site is not necessarily a fail-safe safeguard but it does mean that the Authority would retain some control over the future use of the site if permission were granted for this application without imposing planning conditions on hours of operation or placing other restrictions on the business. From an officer perspective, this consideration does weigh in favour of approving the current application but it is not a determining factor as this approach could lead to unacceptable levels of uncertainty for local residents and the applicant as to when planning permission would be required for a more intensive use of the processing plant. However, if it were to be determined there are no overriding objections to the siting of the building and permission would be granted for the building (if it were not for the installation of the processing plant) then the fall-back position, mentioned above, could be afforded more weight. In this respect, it would be difficult to sustain an objection to the installation of the processing plant in its own right if it could be installed in an existing building without planning permission and the Authority was of the view it could grant approval for a new building as proposed.

However, the planning merits of the new building cannot be taken in isolation when the Authority's policies require consideration of whether the use of the extended site would remain of a scale and type intended to meet local needs and at a fundamental level; the Authority cannot demonstrate that this would be the case or impose planning conditions to ensure this would be the case. In reaching this conclusion, consideration has to be given to local concerns and the views of the Parish Council. If weight is afforded to the concerns that the village cannot accommodate a further expansion of the existing business and the grant of planning permission for the current application would exacerbate the existing adverse impacts of existing operations on the living conditions of local residents and these concerns cannot be properly addressed then it would be appropriate to consider refusing the application on the basis of the original reasons for refusal, as follows:

- 1. The Authority would not be able to guarantee that granting planning permission for the current application would not lead to an intensification of the existing use of the site or whether the business would seek to meet demand from a larger than**

local area. Furthermore permission would be granted in circumstances whereby it has not been established that the business operating from the Knackers Yard is sited in an appropriate location not least because the concerns of the local community with regard to the existing impacts associated with the business and potential adverse impacts of allowing the business at the Knackers Yard to expand on the edge of Flagg have not been fully addressed. Therefore, any approval for the current application would conflict with saved Local Plan policy LE4(a)(i) and (ii).

2. The potential adverse cumulative impacts of the existing and proposed developments at the Knackers Yard on the amenities of the local area through odour nuisance associated with the use of site and the potential to generate movements of large vehicles moving at speed through the village would detract from the living conditions of the local community and concerns about the existing and proposed uses carried out at the Knackers Yard are having a material and detrimental impact on the wellbeing of local residents. Therefore, the current application also fails to accord with policy GSP3 of the Core Strategy, saved Local Plan policy LC4 and core planning principles in the National Planning Policy Framework.
3. In this case, the positive aspects of the development proposals are not considered to demonstrably or significantly offset or outweigh the identified harm to policies and the harm to the amenities of the local area. Therefore, the development proposals do not accord with the social and environmental principles of sustainable development set out in policy GSP1 of the Core Strategy and national planning policies in the Framework.

However, it has been accepted that the Knackers Yard provides a service to the local community, that the current proposals would help to maintain the viability of a local employer and the processing plant would help to reduce dependency on non-renewable energy and improve the overall sustainability of the business, amongst other things. Affording more weight to these issues could offset and outweigh the adverse impacts of granting planning permission, as identified in this report and the original report. Equally, attaching more weight to the fall-back position identified above and the Authority's ability to enforce against any material intensification of the use of the site could lead to a similar conclusion. Conversely, affording less weight to the views of Parish Council and local concerns because there is an absence of hard evidence to demonstrate existing operations detract from the amenities of the local area could also lead to a conclusion the development proposals are acceptable in planning terms, also taking into account there is no evidence to demonstrate that the processing plant would result in any harm or that granting permission for this application would actually result in any significant intensification of the existing use of the site.

If Members consider that an approval is appropriate, officers would suggest the following conditions:

Time Limit

1. The development hereby permitted shall be begun within 3 years from the date of this permission.  
Amended Plans
2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the amended plans, Drawing No.s 041-05 P401 Revision A, 041-05 P404 Revision A, 041-05 P405 Revision A, 041-05 P406 Revision A all received by the National Park Authority on 10 May 2016 subject to the following conditions or modifications:

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### Landscaping

3. No development shall take place until there has been submitted to and approved by the National Park Authority a scheme of landscaping, including tree and shrub planting, seeding or turfing, earth mounding, walling, fencing, paving or other surfacing as necessary. The scheme shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development.

### Design Details

4. The external profiled sheeting for the building hereby permitted shall be factory colour-coated to BS 5252 Ref. No. 18B29 (Slate Blue) and thereafter the sheets shall not be repainted or replaced other than that colour without the prior written approval of the National Park Authority.
5. Prior to the installation of any storage containers, or the external flue, full details of their external finish, shall be submitted to and approved in writing by the National Park Authority. The development shall thereafter be carried out in accordance with the approved specification and shall be permanently so maintained.