
Appendix 1: Original Officer Report

FULL: 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 25/7/2016/CF)

APPLICANT: F Redfern & Sons Ltd

Site and Surroundings

The Knackers Yard at Flagg is situated at the northern end of the village on the main road between Edge Close Farm and New Close Farm. The site has been in operation for around 40 years but has expanded incrementally following a series of planning consents since the early 1990's. Amongst other things, planning permission has been granted for an incineration plant, stone-built office and reception building and several modern portal frame buildings including a hides and storage building.

The office building, incineration plant and modern portal framed buildings are set back from the main road and a belt of mature trees at the front of the site largely screens views of the site from the highway. A second swathe of trees along the south eastern boundary screens the site from the village and another group along the northern boundary screens much of the site from Flagg Lane. There are a number of smaller tree groupings within the site plus several mature ash trees are dotted along the western boundary.

However, the site is bounded by open fields at the rear leading up towards Taddington Moor to the north and the site is visible in the wider landscape from higher vantage points broadly to the north of the Knackers Yard. The landscape surrounding the site is characterised as an upland pastoral landscape with a regular pattern of straight roads and small / medium sized rectangular fields bounded by limestone walls, which is a character type described as 'Limestone Plateau Pastures' in the Authority's Landscape Strategy and Action Plan.

A public footpath runs along the opposite side of the highway approximately 130 metres from the entrance to the site. The nearest neighbouring properties to the site are New Buildings Farm, 130 metres to the west and Edge Close Farm, 130 metres to the east.

Proposal

The current application originally proposed the erection of an additional modern portal framed building on the site of the Knackers Yard that would encroach into an adjacent field to the immediate west of the existing group of buildings. However, the original submission has been revised and the amended plans show that the new building would be sited at the rear of the existing modern buildings and would be partly dug into a field parcel immediately adjacent to the northern boundary of the existing yard areas.

The proposed building would measure 30m x 20m with an eaves height of 6m and ridge height of 8.1m above the adjacent ground level. The height of the new building would be the same as the existing adjacent building and the new building would be clad with profiled sheets above block work to match the character and appearance of the group of existing modern portal framed buildings on site. The building would also be provided with a metal flue that would extend a further 3m above the ridge (i.e. 11.1m above the adjacent ground level) and would have four full length roller shutter doors to provide access onto the extended yard to the east of the new building and to the north of the existing group of buildings.

In addition to the new building, two cylindrical 60 ton metal storage tanks for recycled water, one cylindrical 60 ton metal storage tank for waste water, and one cylindrical 40 ton metal storage tank for oil would be sited between the western gable of the existing hides building and an existing bund that runs along the western boundary of the application site. These storage tanks (four in total) are required in connection with the operational processes that would take place within the new building and would comprise the processing of animal by-products to extract oil for on-site electricity generation.

In summary, the new building is required to accommodate a process that involves feeding macerated animal by-products through a centrifuge where the material is 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. Amongst other things, this process would remove the requirement for animal by-products to be transported to an off-site rendering plant and by producing oil; the processing plant that would be accommodated in the new building would reduce operational costs and dependency on non-renewable fuels at the Knackers Yard.

RECOMMENDATION:

That the application be REFUSED 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.**

Key Issues

- Whether the Knackers Yard is an appropriate location for expansion of the existing uses of the site;
- Whether the expanded site and the associated uses would remain of a scale and type intended to meet local needs; and
- Whether the proposed development can be accommodated on the edge of Flagg without harm to the amenity and valued characteristics of the area or to traffic safety and circulation.

History

The Knackery site has been in operation for around 40 years but has expanded incrementally following a series of planning consents since the early 1990's, which includes the following consents:

DDD/1200/549: Knackers building, approved subject to conditions.

NP/DDD/0607/0493: Livestock reception, approved subject to conditions.

NP/DDD/1010/1030: Hides and storage building, approved subject to conditions.

NP/DDD/0612/0566: Office and reception building, approved subject to conditions.

NP/DDD/0414/0420: Larger intermediate plant room building, approved subject to conditions.

NP/DDD/0914/0956: Removal of condition 5 from app code no. NP/DDD/0414/0420.

NP/DIS/0914/0955: Discharge of conditions 4 (odour) & 6 (noise) from app code no:

NP/DDD/0315/0151: Installation of ground mounted solar array, approved subject to conditions.

Consultations

County Council (Highway Authority) – No objections

District Council (Environmental Health) – No objections to the revised application subject to the recommendations of the noise report submitted by the applicant being implemented, and subject to the flue for the building being a minimum chimney height of 3m above the ridge for the purpose of discharging emissions.

Parish Council – Object to the revised application saying that their concerns are that the extension and secondary usage would increase the quantity of vehicles travelling through the village both to deliver and collect from the site. There are also concerns as to noise and odour levels and despite discussion and various explanations of the processes involved, there is still a very real concern that present odour and noise levels are unacceptable, and that the new process cannot be 'odour neutral' as stated in the documentation. There is also a concern that the business plot size is increasing out of proportion with the overall size of the village.

Representations

There have been five letters of objection received by the Authority to date 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. These letters are available to read in full on the Authority's web page for this application.

Main Policies

Relevant Core Strategy policies include: DS1, E1, GSP1, GSP2, GSP3, L1, T1 and T4

Relevant Local Plan policies include: LC4, LE4, LT2, LT9 and LT18

Assessment

Background

In the first instance, although it would be possible for officers to determine (refuse) this application under delegated authority, it is considered that a determination on this application should be made by the Authority's Planning Committee in the interests of fairness and in the interests of transparency and accountability in terms of the Authority's decision making.

On one hand, officers have supported the principle of the development proposed in this application and the applicant has spent a considerable amount of time and money seeking to address the concerns of the local community through the submission of additional information and amended plans requested by officers. The revised scheme proposed by the applicant would also incur much more capital outlay compared to the original proposals.

On the other hand, as this application has progressed, it has become clearer that the applicant's baseline assessment of the acceptability of the impacts of the Knackers Yard on the amenities of the local area is strongly disputed by local residents. The current application has also given rise to strong objections to the development proposals on the grounds that it would make already unacceptable impacts arising from current operations worse, and the Parish Council cannot support the expansion of the Knackers Yard.

The issues raised by this application are finely balanced because the development proposals would normally be deemed to be acceptable in principle and do not give rise to any overriding planning objections when taken in isolation. Moreover, a number of issues raised in representations on this application should normally be expected to be addressed by the environmental permitting regime. However, for the reasons set out in the report, the application is recommended for refusal.

Key Issues

In terms of the Schedule attached to the Town and Country Planning (Use Classes) Order 1987, as amended, the Knackers Yard is considered to be in a B2 Use Class. This means that the site has a lawful use for general industry and it is considered that the processing plant proposed in this application would fall within the same Use Class and be ancillary to the existing lawful use of the site. Therefore, the current application does not propose a change of use of the land and buildings at the Knackers Yard from their existing use but the proposals would constitute an expansion of the existing business not least through the addition of the new building proposed in this application.

As noted above, the application site lies on the edge of Flagg, which is a settlement named in policy DS1 of the Core Strategy. Consequently, as the proposals constitute the expansion of an existing business on the edge of a named settlement, policy E1(A) of the Core Strategy and saved Local Plan policy LE4(A) are especially relevant to the determination of the application.

Policy E1(A) says new sites and buildings for business development will be permitted within or on the edge of the named settlements in policy DS1. E1(A) goes on to say proposals must be of a scale that is consistent with the needs of the local population. Wherever possible, proposals must re-use existing traditional buildings of historic or vernacular merit or previously developed sites, and take up opportunities for enhancement. Where this is not possible, new buildings may be permitted. These policy provisions are consistent with the National Planning Policy Framework ('the Framework') taking into account policy E1(A) supports the growth of the rural economy but also seeks to direct most employment uses to existing settlements in the interests of safeguarding the landscape character of the National Park.

In this case, it is clear that a purpose-built new building, as shown on the amended plans, would be required to accommodate the proposed processing plant and it is clear the processing plant itself would be closely related to the existing operations and operational requirements of the business operating from the Knackers Yard. There are also no objections to the design of the building, which has been revised to match the existing buildings on site and to be the minimum possible size to accommodate the processing plant it would accommodate. As such, it is considered that there are no overriding objections to the principle of erecting an additional building on the Knackers Yard site for the processing plant. Consequently, the acceptability of the current application relies much more on an assessment of the planning considerations summarised in policy LE4(A)(i)-(iii).

Policy LE4(A) says the expansion of an existing industry or business in or on the edge of a Local Plan Settlement will be permitted provided that:

- (i) it is operating in an appropriate location;
- (ii) the use remains of a scale and type intended to meet local needs;
- (iii) development can be accommodated without harm to the amenity and valued characteristics of the area or to traffic safety and circulation;

The provisions of policy LE4(A) are supported by a wider range of design and conservation policies in the Development Plan including policies GSP1, GSP2, GSP3 and L1 of the Core strategy and saved Local Plan policy LC4, which are concerned with promoting sustainable development that accords with the National Park's statutory purposes, high standards of design, and safeguarding the living conditions of local communities, amongst other things. These objectives accord with the specific provisions of paragraph 115 of the Framework in relation to development in a National Park and core planning principles set out in paragraph 17 of the Framework.

The criteria set out in policy LE4(A) also cover the main issues raised in several representations on this application and the concerns raised by the Parish Council and therefore underpin the three key issues in the determination of this application namely:

- whether the Knackers Yard is an appropriate location for expansion of the existing uses of the site;

- whether the expanded site and the associated uses would remain of a scale and type intended to meet local needs; and
- whether the proposed development can be accommodated on the edge of Flagg without harm to the amenity and valued characteristics of the area or to traffic safety and circulation.

Location

The amended plans show that the new building would be sited to the rear of the existing buildings. The revised position for the building would reduce the visible impact of the proposed development and prevent the building encroaching into an adjacent field to the east that may contain some archaeological interest. In general terms, moving the building to the rear of the site takes the processing plant further away from the neighbouring residential properties and would therefore further reduce any potential issues arising from noise and odour associated with the plant. In these respects, the new building would be sited in a logical location and the least damaging practicable location on land within the applicant's control.

However, if approved, the new building would be taken into a B2 use for general industry and it is not normally appropriate to consent development for general industrial uses in a built-up residential area because these types of developments tend to be 'bad neighbours'. In this case, the application site is on the very edge of the village and outside of the main built-up part of the named settlement but there are nearby neighbouring residential properties that are already appear to be impacted by the existing uses taking place on the Knackers Yard. The application site is also less than 1km from the main part of the village. Nonetheless, additional buildings for B2 uses have already been consented at the Knackers Yard and at the time these consents were granted; it was not considered that these buildings would exacerbate any pre-existing problems or that the expanded business would be a bad neighbour.

However, in representations, it is made clear by the occupants of the nearest neighbouring properties that they do consider they are adversely affected by the current business operated from the site including odour from the Knackers Yard albeit the Environmental Health Officer has not reported that any complaints have been received recently by the District Council. This scenario is problematic because one of the key arguments made in support of the acceptability of the current application is that the existing uses are not unneighbourly and the new building would not have any additional impacts on the local area in terms of noise, odour or vehicle movements.

In this case, officers consider the processing plant would not have any additional impacts over and above the existing use of the site in terms of noise and odour nuisance, partly because the evidence submitted with the application demonstrates there would be no additional noise disturbance and partly because the animal by-products would be fed into a closed system within an enclosed building. The system is designed in such a way that the only outlets for odour emissions would be when animal by-products are brought on to the site and fed into the system and when meat and bone meal (MBM) are collected at the end of the process.

Aside from meat and bone meal, the waste water would be fed directly into a storage tank before either being recycled to be heated by a boiler to lightly heat product in the centrifuge or being transported off site to a water treatment plant. The chimney over the building would only release emissions from the boiler and the generator used to power the process rather than fugitive emissions from the processing of animal by-products. The MBM would be collected whilst the doors of the building would be shut but this product would not be especially malodorous in any event because it would be dried rather than cooked. Therefore, the processing plant would be 'odour neutral' and odour emissions would be controlled by the environmental permitting regime.

However, these considerations do not necessarily address local concerns that existing odour nuisance adversely affects the living conditions of local residents. Similarly, the evidence supplied by the applicant appears to have failed to address local concerns around vehicle movements, which give rise to two key issues amongst the local community. There are some concerns that vehicles bringing in animals to the Knackers Yard give rise to odour nuisance through the village and there are concerns about the numbers of large vehicles moving through the village with some reference to the weight restrictions placed on the local road network. The roads through the village are also subject to a 40mph speed limit, and the impact of a number of relatively large vehicles travelling through the village at speed has a negative impact on perceptions of public safety.

In respect of these concerns, it should be noted that not every odour or vehicle movement experienced in the village can be attributed to the Knackers Yard and there is little in the way of 'hard' evidence to support the concerns raised in representations. Nonetheless, there is a limited amount of information in the current application that robustly demonstrates there are no issues with odour associated with the existing use of the site. There is also no information that would allow officers to confirm the maximum numbers of vehicle movements that might be associated with the expanded business if permission were to be granted for the current application. However, there are also practical operational reasons why it would be inappropriate to limit vehicle numbers, times of operation and amount of imported material brought on the site although it would be difficult to enforce these types of conditions in any event.

Consequently, the main issue for the local community appears to be that granting permission for the current application could mean any existing problems in the village arising from the existing uses of the Knackers Yard would get worse through a further intensification of the use of the site. However, it would not be possible to place an upper limit on the capacity of the processing plant or vehicular movements to and from the site or deal with any pre-existing problems associated with the site by granting permission for the current application, which might allow the Authority to more readily address the concerns of the local community.

Therefore, whilst there are no overriding 'in principle' objections to the current proposals for a new building at the Knackers Yard because of its location on the edge of a named settlement, local concerns about the impacts associated with the existing uses of the site and how the expanded site might exacerbate these impacts give rise to concerns as to whether the village remains the right location for the business, and moreover whether this is the right location for further expansion of the existing uses of the site.

Consequently, any approval for the current application could conflict with the provisions of saved Local Plan policy LE4(a)(i) but whether this conflict is sufficient to warrant refusal of the current application would depend primarily on whether the expanded site would remain of a scale and type intended to meet local needs and/or whether the development can be accommodated without harm to the amenity and valued characteristics of the area or to traffic safety and circulation.

Scale

Some of the concerns that underpin local objections to the proposals relate to the relatively rapid expansion of the existing business and the capacity of the expanded business to operate at a much more intensive level compared to the current situation. The point is made in representations that there are only a small number of rendering plants in the country and the processing plant at Flagg could provide a service to a larger than local area. It is also suggested in representations that the generation of oil through increased throughput of animal by-products

for sale off-site might in itself become a commercial objective that would intensify the use of the site.

However, the information supplied with the application does not give any reason to consider that the applicant is seriously intending to create a 'regional centre' for the disposal of dead animals or that the oil produced on site would be used for any other purpose than fuelling the generator on site. The applicant states that the oil produced by the processing plant would help to reduce operational costs along with reducing the cost of transporting animal by-products to an off-site rendering plant. In these terms, the applicant considers the proposed development would allow the business to offer local farmers a more competitive price, which has some relevance but can only be afforded limited weight not least because the cost of the service cannot be determined by planning controls. Nonetheless, the existing regulatory regime means that for the foreseeable future farmers will continue to need services like those offered by the Knackers Yard in Flagg to be able to properly dispose of fallen stock, for example. Therefore, it is reasonable to say that the Knackers Yard provides a service to meet local need and the current proposals would enable the business to continue to meet those needs in the future, which is a relevant consideration that weighs in favour of the current application.

The Knackers Yard also takes on business from other local government and government bodies where the licensed disposal of animals is required but the level of this type of business is difficult to predict and it is equally difficult to predict when animals may need to be collected. There are also a number of practical reasons and on-site operational reasons why it would be necessary to collect animals at short notice and deal with animals on site as they arrive. For example, a fallen animal may be causing a hazard to public health and safety and it is clear that animals need to be processed on site promptly to avoid odour nuisance, amongst other things.

Therefore, as noted above, it would be difficult to impose conditions on any permission for the current application seeking to restrict hours of operations and vehicle movements or place limitations on the amount of imported material without the risk of unreasonably compromising pre-existing operations taking place on site or prejudicing the ability of the business to carry out its normal activities. In these respects, it is reasonable to suggest that if the business continued to operate at its existing levels the processing plant would reduce vehicular movements and remove some potential sources of odour nuisance for the following reasons.

In summary, it is logical to conclude that if the processing plant reduces the volume of material that would need to be transported off site then vehicular movements would also be reduced. In this case, material would only be taken to off-site rendering plants if the processing plant was not operational and by removing the requirement to transport material to rendering plants when taken into use, the on-site processing plant would consistently reduce vehicular movements to and from the site that occur throughout the week. It is a matter of fact that the MBM produced by the plant would have less volume than the carcasses and other material that is currently sent to an off-site rendering plant, which would suggest that less large vehicles would be required to transport MBM to its onward destination.

However, the reduction in vehicular movements arising from the difference in volume between MBM and animal carcasses would be partially offset by the requirement to transport waste water to an appropriate water treatment site, but at the existing levels of use it is reasonable to conclude that the new building and the installation of the proposed processing plant would lead to a reduction in vehicular movements. The processing plant would also reduce odour nuisance arising from materials on site awaiting transportation to off-site rendering plants. Any odour nuisance arising from vehicles transporting this type of material through the village would also be reduced noting that it is also reasonable to conclude MBM would be far less odorous than animal by-products currently transported from the site and waste water would be transported in a sealed

tanker similar to a milk tanker. Therefore, the operation of the plant could help to reduce vehicle movements through the village, and reduce odour nuisance arising from transportation of animal by-products off site.

Nonetheless, it remains true to say that the Authority would not be able to use planning controls to prevent any further intensification of the site if permission was granted for the current application. Therefore, it cannot be said with any certainty that the expanded site and the associated uses would remain of a scale and type intended to meet local needs in accordance with the requirements of saved Local Plan policy LE4(a)(ii). Whilst the following sections of this report add more detail to why it is considered that noise and odour from the new building would not make the situation in the village worse or adversely impact on the living conditions of nearby neighbouring residential properties when taken in isolation (also noting the environmental permitting regime would adequately deal with the operation of the processing plant); the cumulative impacts of the expansion of a site that is already considered to be a 'bad neighbour' are a serious concern.

This problem is at the heart of whether the proposed development can be accommodated on the edge of a village without harm to the amenity and valued characteristics of the area or to traffic safety and circulation.

Landscape and Visual Impact

The landscape setting of the village is a valued characteristic of the local area and the revised proposals help to reduce the visual impact of the proposed development on its landscape setting. The new building would be seen within the context of the existing buildings and views into the site from a number of public vantage points are foiled by existing planting on and around the boundaries of the site. However, some additional planting would be required along the western boundary taking into account the erection of the proposed storage tanks might require existing plants to be removed and additional planting to be carried out to restore the existing level of screening. The existing buildings and the new building would also be seen quite clearly from vantage points broadly to the north west, north and north east of the site and the existing chimney for the incinerator building can be picked out from a number of distant vantage points.

Although the size and scale of the existing group of buildings is not readily appreciated from the main road through Flagg, or from the village itself, the addition of the new building will have some impact on the wider landscape and whilst the new building would look much like a modern farm building; the existing chimney already gives the site an industrial character and the flue proposed on the new building would serve to exacerbate this effect. Therefore, the proposals would result in some change to the character of the surrounding landscape and these changes could only be partly mitigated by planting because the site is visible from higher land and the new building would increase the visual bulk of the existing buildings and exacerbate the industrial character of the site to a certain extent.

However, the building would be partly dug in to the rising land at the rear of the site reducing its visual presence, the building would be a logical extension to the existing group of buildings, and despite the chimney and flue, the extended group of buildings at the Knackers Yard would not look completely out of place in a farmed landscape characterised by groups of large modern farm buildings attached to the farmsteads that are commonly seen within this landscape setting. Therefore, it is not considered that granting planning permission for the new building would result in an unacceptable harmful impact on the scenic beauty of the surrounding landscape. Nonetheless, a more robust landscaping scheme compared to that shown on the amended plans would help to reduce the impact of the new building and allow the current application to comply more readily with the provisions of paragraph 115 of the Framework and the Authority's

landscape conservation policies including GSP1, GSP2, GSP3 and L1 of the Core Strategy and saved Local Plan policy LC4.

Neighbourliness

In itself, the new building would not be unneighbourly. By virtue of its siting to the rear of the existing buildings and the intervening distances between the new building and the nearest neighbouring properties it would not harm the outlook from any other residential property and would not impact on the privacy or quiet enjoyment of any other residential property. The noise and odours associated with the processing plant within the building are unlikely to give rise to an adverse impact on the amenity of any other nearby neighbouring residential property given the supporting evidence submitted with the current application, the nature of the processing plant itself and the controls placed on the process through the environmental permitting regime.

Supporting information submitted with the current application addresses any concerns about how waste water would be dealt with and the use of the yard area to the rear of the building by vehicles would not create any additional noise and disturbance compared to the existing use of the site that would adversely impact any nearby residential property. Therefore, the provision of the new building and the installation of the processing plant would not in itself have an adverse impact on the environmental quality of the local area or be unneighbourly. In these respects, the current application complies with core planning principles in the Framework and the Authority's policies that seek to safeguard amenities and the living conditions of local communities including policy GSP3 of the Core Strategy and saved Local Plan policy LC4.

Traffic

Core Strategy policies T1 and T4 and saved Local Plan policies LT2 and LT9 are relevant to the issues raised by this application because these policies presume against developments that would result in traffic generation particularly where it would result in the more intensive use of minor roads by heavy goods vehicles and large vehicles transporting goods. Local concerns have been raised that indicate that existing vehicular movements to and from the Knackers Yard already generate an unacceptable level of use of minor roads in and around the local area and through the village itself by large vehicles.

However, the Highway Authority has no objections to the current application and confirms that the site has a safe and suitable access and that there would be adequate on-site parking provision and sufficient space to safely manoeuvre vehicles within the site. In terms of the current proposals, the Highway Authority does not see that the proposed development would generate such a significant amount of additional vehicle movements that the safety of local road network would be compromised if the new building were to go ahead. As noted above, if the existing use of the site were to be maintained the current proposals should actually reduce vehicle movements to and from the site but officers agree with the Highway Authority that the site itself has a safe and suitable access and there would be no particular concerns about the circulation of vehicles within the site or the amount of off-road parking provision on the site.

In these respects, the application complies with the provisions of national planning policies in the Framework and saved Local Plan policy LT18, which requires the provision of a safe and suitable access and adequate parking provision as a pre-requisite of all new development in the National Park. If the Knackers Yard were to continue to operate at its current level then it is unlikely that the provision of the new building would give rise to harmful impact on the local road network that would warrant refusal of planning permission for the current application.

Conclusions

It is therefore concluded that the proposed building would normally be deemed to be acceptable in principle and there would be no overriding objections to the building or the processing plant in terms of the impact of the development proposals on the character, appearance or amenities of the local area or in terms of the impacts of the proposed development on the local road network. However, these conclusions would be reached by assessing the proposed development in isolation and on the presumption that the existing uses of the site do not adversely impact the amenities of the local area. In these terms, the proposed development could be accommodated within the local area providing the use of the site would remain of a scale and type intended to meet local needs, providing there would be no further intensification of the use of the Knackers Yard, and providing the existing use of the site was not already adversely affecting the living conditions of the local community.

As discussed in the above, any permission granted for the current application would need to be an 'open-ended' consent insofar as it would be unreasonable to impose conditions that would limit the capacity of the processing plant or restrict vehicle numbers or hours of operation. Therefore, 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. Therefore, any approval for the current application would not fully meet the requirements of saved Local Plan policy LE4(a)(i) and(ii) and permission would be granted in circumstances whereby the concerns of the local community with regard to the potential adverse impacts of allowing the business at the Knackers Yard to expand on the edge of Flagg have not been fully addressed.

The issues raised in representations are generally supported by assertions based on local knowledge and the experience of living in the village rather than a particularly robust evidence base. Equally, the applicant has not been able to robustly demonstrate that the issues raised locally about current operations are not correct and the submitted application also tends to rely on assertion when making an evaluation of the impacts of the current operations taking place on site. Nonetheless, the Parish Council states very clearly that it is considered that the size and scale of the Knackery Yard is now increasing out of proportion with the overall size of the village and that not only is there still a very real concern that present odour and noise levels are unacceptable; the extension and secondary usage of the site for processing animal by-products would increase the quantity of vehicles travelling through the village.

In these respects, it is acknowledged that the perceptions of a local community about the impacts of an existing use or the impacts of proposed development might not normally be considered to carry substantial weight in the determination of a planning application if these perceptions are not supported by evidence. However, the facts that the concerns raised in representations on this application are offered with such conviction and are fully supported by the Parish Council means that, even if the objections to the current application have been based on perceptions, the concerns about the existing use of the site and fears amongst the local community about the impacts of the proposed development are having a material impact on the amenity of the local area and the living conditions of the local community. In summary, the concerns about current operations and the impacts of any expansion of the Knackers Yard are detracting from local residents' quiet enjoyment of their own properties and their enjoyment of village life in a relatively small settlement in the countryside. Therefore, the concerns of the local community are relevant and should be afforded weight in the determination of this application.

The views of the local community support the conclusion that the location of the Knackers Yard on the edge of the village is no longer an appropriate location to expand the existing business. There are already concerns that the business has outgrown the capacity of the village to

accommodate the Knackers Yard without an adverse impact on the living conditions of the local community. When taking into account 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 through the village, the application also fails to fully accord with policy GSP3 of the Core Strategy, saved Local Plan policy LC4 and core planning principles in the Framework.

Consequently, there is a clear justification to refuse permission for the current application on these grounds and on the basis of conflict with LE4 also taking into account conditions cannot be used to prevent an intensification of the use of the site and when taking into account planning conditions cannot be used to address pre-existing problems. Consequently, planning permission should be refused for the current application unless other material planning considerations indicate otherwise.

Other Relevant Considerations

The processing plant that would be accommodated in the proposed building is innovative and cannot be compared to traditional rendering techniques. The processing plant would also produce oil that would reduce the operational costs associated with running the Knackers Yard and the business would have a much reduced dependency on non-renewable energy if the plant were to be installed. These are relevant considerations that would normally weigh in favour of the current application and help explain why officers have sought to work positively with the applicant to reach a positive outcome on this application.

Notwithstanding these points, representations have been made to the Authority that the existing permission for a ground mounted solar array would meet some, if not all of the applicant's requirements to reduce energy costs and dependency on non-renewable energy. In other words, some of the benefits arising from granting planning permission for the current application could be met by a less damaging practicable option. However, the ground mounted solar array would not address the issue of the costs arising from transporting animal by-products to an off-site rendering plant and Planning Practice Guidance says local planning authorities should not scrutinise the relative efficacy of renewable energy development.

Therefore, it would not be appropriate for the Authority to carry out a comparative exercise between the benefits of implementing the existing permission compared to the benefits arising from the installation of the processing plant proposed in this application. Moreover, if the development proposed in this application were deemed to be acceptable, there would be no overriding objections on planning grounds to both the new building and the ground mounted solar array going ahead. There are no concerns that the ground mounted solar array would give rise to unacceptable impacts on the amenities of the local area or exacerbate any of the adverse impacts associated with the current use of the site or the proposed expansion of the Knackers Yard.

The Knackers Yard provides local employment opportunities and there are currently more than 25 people employed by the business, many of them from the local area. The current proposals might not necessarily be required to prevent any job losses at the present time but the longer term benefits of producing oil to reduce operational costs and the savings made by not sending animal by-products to an off-site rendering plant would help to maintain and promote the future viability of the business. The ground mounted solar array would also help to achieve these objectives but the array is not as closely related to the operational needs of the business and the service it provides. As noted previously, the business also provides a service that meets the needs of the local farming community and others within the local area and providing this service at a competitive rate would also offer some benefits to the wider rural economy.

The service provided by the Knackers Yard to the local community and its role as a local employer are highly relevant considerations that would also normally weigh heavily in favour of the current application and, again, help to explain why officers have sought to work positively with the applicant to reach a positive outcome on this application. However, whilst the applicant and officers have worked collaboratively to try and reach a positive outcome, and whilst the applicant has expended a significant amount of time and money trying to address the concerns of the local community, it has become increasingly clear as this application has progressed that there is a disconnect between the planning merits of the development proposals taken in isolation, the appropriateness of the location for the new building, and the ability of the local area to accommodate the expansion of the business operations at the Knackers Yard.

Conclusion

It is therefore concluded that any consent for the current application would support the uptake of an innovative technology that would promote a more sustainable approach to dealing with animal by-products. In addition, any consent would help to support the rural economy and maintain the viability of a business that is an important local employer and a business that meets local needs and offers a service that is required in the local area. However, these positive aspects of the development proposals do not demonstrably outweigh or offset the identified conflict with saved Local Plan policy LE4 or the adverse impacts on the amenities of the local area and the identified adverse impacts on the general social wellbeing of the local community identified in this report. Therefore, the development proposals do not accord with the social and environmental principles of sustainable development and the current application conflicts with core planning principles in the Framework as well as policies in the Authority's Development Plan.

Accordingly the current application is recommended for refusal.

Human Rights

Any human rights issues have been considered and addressed in the preparation of this report.

List of Background Papers (not previously published)

Nil