

## **BRECKLAND COUNCIL**

### **PLANNING COMMITTEE – 1 OCTOBER 2012**

#### **REPORT OF DIRECTOR OF COMMISSIONING (Author: Chris Raine, Senior Planning Officer)**

#### **CROWN MILLING, GREEN FARM, EDGE GREEN, KENNINGHALL**

**Summary** – This report concerns unauthorised development at Crown Milling, Green Farm, Edge Green, Kenninghall.  
The report concludes that the development is acceptable in planning terms and that no further action is necessary

#### **SITE AND LOCATION**

Crown Chicken Limited operates an animal feed milling business, known as Crown Milling, and a poultry hatchery from Green Farm, Edge Green, Kenninghall. The site extends to around 2.2 hectares and comprises various buildings and structures, including a feed mill, poultry hatchery, storage silos, vehicle workshops, offices and a weighbridge. The site is located to the south of the main village of Kenninghall, within an area of sporadic (predominantly residential) development known as Edge Green. The site is accessed via Heath Road which lies to the north-west of the site. Crown Milling produces pelleted animal feed for pig and poultry rearing businesses and for its own poultry farms. Processes include milling of cereals, mixing/blending of materials, pressing of materials into pellets using steam, and bagging and dispatch of finished products. It is understood that around a third of those products are used by the company's own farms.

#### **INTRODUCTION AND BACKGROUND**

On the 23<sup>rd</sup> of July 2012 the Local Planning Authority issued a Certificate of Lawfulness for the site which authorised the following purposes on the site:

- a) Use of particular buildings and equipment for the production of dry bulk animal feeds from cereals, solid protein material and liquids involving the processes of heating, grinding, blending and mixing, conditioning and pelleting, cooling, sieving, fat spraying and crumbling and bagging and storage.
- b) Use of particular buildings as a hatchery for hens eggs imported to the land and for the export of hatched chicks.
- c) Use of particular buildings for the repair and maintenance of vehicles used in connection with the two uses referred to in a) and b) above.
- d) Use of particular buildings for administration purposes in connection with the two uses referred to above in a) and b) and as ancillary thereto
- e) Use of particular buildings as a rest room with associated toilet facilities for workers in connection with the uses above a) and b)
- f) Use of a single weighbridge in connection with a) and b) above

The above uses are restricted to particular buildings, plant and machinery on site.

The aforementioned Certificate of Lawfulness does not cover all elements of the site, with the following elements excluded:

- a) grinder house
- b) chick shelter to the rear of the hatchery
- c) silo
- d) refurbished bin area to the mill
- e) additional weighbridge

A full assessment of the planning implications of the unauthorised developments has been undertaken. This process has included further consultation with Environmental Health Officers, the Environment Agency, the Highway Authority and a number of local residents.

### **CONSULTATIONS**

A number of responses have been received from local residents and these can be summarised as follows:

- Noise and activity have increased considerably over recent years as a result of increased HGV and tractor traffic and hours of operation at the site.
- Heath Road is in a poor state of repair, requires constant repair work and the verges are constantly damaged. It is dangerous to walk, cycle or drive along Heath Road at any time.
- Detrimental to local environment and residents.
- Breckland Council should not have accepted the statements made by Crown Mill's Directors.
- Crown Milling should be the subject of a retrospective planning application.
- Do not wish to see the mill closed, but unregulated development and expansion should not be permitted.
- Minimum action required is for a retrospective planning application, for the following reasons, the items are not insignificant ones and the Grinder House has significantly affected the lives of local residents through increased noise, additional operating hours, increased numbers and sizes of vehicles associated with the site. Applicant has in the past indicated a willingness to submit such an application.
- The Highway Authority has indicated concern that if the site was the subject of an application as a new enterprise it would have concerns in relation to highway safety.
- The CLEUD is unlawful.
- No screening opinion has been issued.
- There have also been complaints to the Environment Agency in the past.

### **KEY DECISION**

This is not a key decision.

### **COUNCIL PRIORITIES**

The following Council priorities are relevant to this report:

- A safe and healthy environment
- A well planned place to live and work

### **ASSESSMENT**

In assessing the planning issues associated with those items which are not included in the CLEUD, each will be looked at in turn:

#### **Grinder House**

The current grinder house was erected in 2011 and replaced the former grinder house. This work was undertaken as the former structure featured storage bins which were open to the elements, which over time had deteriorated. The new grinder house is slightly larger than the previous building and contains the same equipment

included in the former structure including some of the associated steel framework, which form the basis of the current structure. Additional supporting steelwork has been used and replacement bins installed. The resulting framework has been re-clad to match the adjoining buildings.

It is evident that the resulting building relates adequately to the existing buildings on site and in no way causes any significant visual harm to the character and appearance of this part of the countryside. Given that there is no substantial difference in the equipment housed within the structure from that previously contained in the former grinder house, it is not considered that the proposals would alter operations at the site, and thus would have no significant effect upon local amenities including vehicle movements at the site.

It is considered that the current grinder house has no significant adverse impact in either visual terms, highway safety terms or neighbour amenity terms and as such is considered acceptable in planning terms.

#### Chick Shelter to Hatchery

This structure was added to the rear of the hatchery in 2011 in order to protect the day old chicks produced in the hatchery from cold winds/inclement weather when they were transferred from the hatchery building to waiting vehicles. Given their extremely young age (1 day old) changes in temperature had negatively impacted upon mortality rates. The structure consists of a flat roof clad structure which uses materials which match the main hatchery buildings.

It is evident that this modestly sized building relates effectively to the existing building in design terms, given its simple design and external matching materials. It is a significant distance from any local residents and has no impact upon the vehicle movements associated with the hatchery and therefore causes no concerns in relation to local highway safety. The Highway Authority has confirmed that they have no objection to this element of the site.

It is considered that this extension to the hatchery has no significant adverse impact in either visual terms, highway safety terms or neighbour amenity terms and as such is considered acceptable in planning terms.

#### Silo

This was added in 2008 in response to one of the existing silos on site splitting due to its inability to effectively store soya. This particular model was specifically designed so as to avoid this from re-occurring. The damaged silo having been repaired, was suitable for other raw materials and thus was retained on-site.

The new silo is of the same broad external appearance to the other silos on site and is sited in close proximity to the existing ones thus retaining a tight grouping of these. Furthermore, it lies in close proximity to the position of former silos removed in 2006. It is evident that this silo is entirely consistent with the other silos on site and, as such, relates satisfactorily to the site and its immediate surroundings. It is sufficiently distanced from any local residents and is not considered to significantly impact upon the level and type of vehicle movements associated with the site. The Highway Authority has no objections to this element of the site in relation to local highway safety.

#### Refurbished bin area to the Mill

This was revised in 2008 and whilst previous reference has been made to a "refurbished bin area to the mill" these works were undertaken in order to facilitate the re-positioning equipment in the adjoining building, which in turn required this small addition to the building. It consists of an external clad extension to the existing mill. The modest increase in size was constructed using external materials to match the adjoining building and it is evident that it has not caused no significant harm to the appearance of the site or the character and appearance of this part of the

countryside. It is a significant distance from any neighbouring properties and the modest size of the works means that it has not facilitated any significant change to production on the site which in turn could have significantly increased vehicle movements into the site. The Highway Authority is satisfied that this element of the site does not cause significant harm to the functioning of the local highway network. It is considered that this alteration to the building has no significant adverse impact in either visual terms, highway safety terms or neighbour amenity terms and as such is considered acceptable in planning terms.

#### Additional Weighbridge

This was added in 2011 in order to improve the internal flow of vehicles within the site and avoid the need for vehicles to use the weighbridge which has existed on-site for many years.

It is evident that this has no bearing on the character and appearance of the site and immediate locality given it results in no visible change above ground level. For the same reason it has no significant impact upon the outlook of neighbouring properties. It is acknowledged that it is a registered public weighbridge, however, it is evident that there is very little usage from any outside parties and its installation has in no way increased vehicle movements associated with production at the site. The Highway Authority has confirmed that they have no objection to this in highway safety terms.

It is considered that this additional second weighbridge has no significant adverse impact in either visual terms, highway safety terms or neighbour amenity terms and as such is considered acceptable in planning terms.

The total footprint of the above elements (excluding the weighbridge) equates to approximately 214m<sup>2</sup>. This represents approximately a 5% increase on the total floorspace occupied by the buildings and plant regularised through the Certificate of Lawfulness. It should be noted that this increase does not take account of the floorspace of the previously demolished grinder house, which if taken into account would further reduce the percentage increase of the unauthorised works.

Part 8 of the Town and Country Planning (General Permitted Development) Order 1995 (GPDO) relates to permitted development allowances for Industrial and Warehouse Development. This allows for the erection, extension or alteration of an industrial building or a warehouse and development carried out on industrial land for industrial purposes (plant and machinery) subject to specific criterion being met.

It is not considered that any of the unauthorised developments are permitted development as they exceed the relevant GPDO height limits. However, a relatively modest reduction in the height would bring the building extensions within the scope of permitted development. This "fall-back" position would need to be taken into account should enforcement action be contemplated.

#### **RECOMMENDATION**

It is considered that the items set out above are all acceptable in planning terms and as such it is not expedient to pursue enforcement action against these breaches. It should be noted that if no action is taken, the unauthorised development will become lawful after four years.