

16/2007/001

MR W H LOXTON

**ERECTION OF AGRICULTURAL BUILDINGS AND FORMATION OF ACCESS TRACK AND YARD ON LAND EAST OF CURRY LANE, HIGHER DURSTON**

328630/128020

FULL

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**PROPOSAL**

The proposal is to erect 3 farm buildings with associated access track and yard to store and process Miscanthus (elephant grass). The 3 buildings include a store and associated farm office building 65 m x 30 m x 5 m to eaves. The tipping shed is 60 m x 30 m x 8 m to eaves (11.2 m ridge) while the processing shed is of similar size 60 m x 30 m. They are required in order to expand the current farming enterprise and facilities for it to operate in a more efficient manner as the farmer has a crop area of 670 acres. The crop is used as a fuel and as a source of rhizomes, which are used to provide future crops elsewhere in the country. The crop and rhizomes have a very fast growth pattern and harvesting of both generate very bulky crops. It is anticipated that rhizomes alone would produce 6,000 tonnes of crop per annum which when stored would require 12,000 half tonne boxes.

The existing buildings at Lodge Farm are inappropriate for a bulky crop and are also located centrally within the village off a drive that would not readily support new buildings. The land holding was reviewed and in view of highway considerations it was felt prudent to locate the new buildings in a new sympathetic position. The following factors were taken into account when choosing the application site:- (i) access can be provided away from the centre of the village with good visibility and sight lines available; (ii) due to topography and the new landscaping the buildings can be constructed with little visual impact on the surrounding countryside; (iii) the site can be access from a large part of the farm without the need for farm traffic to pass over the adopted road; and (iv) the site would reduce slow agricultural traffic movements using the existing farm access drive at Lodge Farm.

**CONSULTATIONS AND REPRESENTATIONS**

COUNTY HIGHWAY AUTHORITY the application relocates the access westwards where a junction to acceptable highway standards can be achieved. The agent's assertion is that the traffic to the new buildings using the A361 would be in the order of 900 movements a year and would be similar to the existing movements to the existing building. Even if these predictions are low the traffic generation is low and the access to the proposed buildings is much better than the access to the existing buildings. The proposed use of the buildings is agricultural and provided this could be assured along with other conditions there would no longer be a highway objection to the proposal. In the event of permission being granted I recommend conditions re parking, access, gradient, surface water disposal, use for agricultural purposes for the farm only, turning, visibility and stopping up access. COUNTY ARCHAEOLOGIST there are limited or no implications to this proposal and we

therefore have no objections on archaeological grounds. ENVIRONMENT AGENCY no objections in principle to the change of use subject to the imposition of the following conditions concerning surface water run-off, separation of clean and foul drainage, details of foul and surface water disposal, storage of oils/fuels and demolition waste and notes concerning sustainable drainage systems, culverting of the watercourse, assessment under the Habitats Regulations, consent to discharge and foul drainage kept separate from clean surface and roof water. WESSEX WATER the site is in an unsewered area and the applicant should investigate the use of private treatment works with discharge consent from the Environment Agency. The surface water discharge is to the local land drainage system with the consent of the Local Drainage Authority. There is an 800mm diameter trunk water main crossing the site and building over or near the main will not be permitted. The applicant should contact the development engineer to agree details of protection before development commences. The existing system has capacity to serve the development. NATURAL ENGLAND thank you for your consultation on the above planning application, your letter dated 30th April was received in this office on 2nd May. Having read the wildlife survey that accompanied the application it would appear from the information provided that the proposal does not have implications for protected species. Therefore Natural England has no further comment to make. CAMPAIGN TO PROTECT RURAL ENGLAND the proposal is for an irreversible development on otherwise productive farmland relying on the economic viability of a decidedly unproven enterprise. We cannot recommend this to you as worthy of backing or of any sacrifice of amenity by local residents. The application appears as an incomplete application for the erection of industrial buildings with an element of warehousing, clearly a departure from the development plan. The proposal is not in accordance with the definition of "agriculture" as described in Section 336 of the Town and Country Planning Act 1990. The proposal does not assist the cultivation of woodlands, nor for horticulture or a market garden. The proposal is for the construction of premises for an ambiguously described processing and stockpiling of produce arising from non forage root rhizomes. We consider the proposal speculative and far too large for the landscape, amenity of local residents and the description of the enterprise as described in the application. We consider earth bunding arises from failure in landscape planning. The proposal appears to fill the plot rather than the needs of a contemporary and coherent business plan. The application describes one of the buildings as a 'pellet shed/farm office' yet other references to manufacture of miscanthus pellets have been erased. We consider the need to be unproven. Indeed local evidence suggests that farm buildings are being turned over to industrial use through a want of agricultural use. We are concerned at the loss of first rate agricultural land and how the development would dwarf and overwhelm the established hamlet of Higher Durston. We are opposed to the large scale cultivation of miscanthus as it is a woody alien grass originating from Asia and as a short rotation coppice crop it competes with native alternatives of willow and poplar. The proposed departure from the development plan could damage the credibility of planning and be contrary to plan policies S4, S5 and S7, Core strategy Option 1 and national guidance PPS7 and SA Objective 11 (to maximise efficiency in use of land resources, minimising use of finite resources and minimising pollution and waste). This is partly because the proposal would hinder the development of native biomass sources which unlike the cultivation of miscanthus, require no additional fertilizer, biocide or fire prevention inputs on which the applicant has also

been vague. We feel the applicant has given insufficient information for approval and even were that forthcoming, a refusal would almost certainly still be appropriate.

LANDSCAPE OFFICER subject to no further comments from Somerset County Council regarding visibility splay requirements my assessment of the site is that the site is relatively well screened from the road and surrounding landscape. Subject to details of planting and earth mounding it should be possible to integrate the proposals into the local landscape in line with Policy EN12. NATURE CONSERVATION OFFICER the wildlife report identifies that protected species will not be harmed by the proposal. However badgers are known to cross the site and breeding birds may be affected by the proposals. I recommend that conditions be made to protect these species through the development phase. The landscape plan permitted with the application reinforces the hedgerows and this will improve the habitat on site. The agent's letter outlines the processing of miscanthus. It appears from this and the flood risk assessment that there will be no discharge of effluent from the processing. However with the proximity to the Levels and Moors SPA I recommend that this should be confirmed and any doubts raised through consultation with Natural England. RIGHTS OF WAY OFFICER if planning consent is granted it will be necessary to divert the public footpath T12/7. (Informal consultation with user-groups has taken place. The Open Spaces Society, the Ramblers Association and the Somerset Walking Club are happy that T12/7 be diverted on to Curry Lane.) The diversion would be brought about buy S119 of the Highways Act 1980, as the proposed development is of an agricultural nature. ENVIRONMENTAL HEALTH OFFICER no observations to make. DRAINAGE OFFICER I note that surface water is to be disposed of to existing ditches via an attenuation system. Details of the attenuation system need to be approved by this department before any planning approval is given. I attach a note of "Guidance Notes for Developers" and any approved system should be designed in line with the document. Details should be submitted as a matter of course. With regard to foul water disposal I note a private sewage treatment plant is to be installed. This will require discharge consent from the Environment Agency and they should be consulted before approval is given.

DURSTON PARISH MEETING previous applications in the Parish for change of use of land have been rejected as contrary to Somerset & Exmoor National Park Joint Structure Plan Review Policy STR6 and Policy 5 and Taunton Deane Local Plan Policies S1(D), S2 and EN12. This application should be rejected on similar grounds. Whilst this application addresses the problem of visibility splays, which was one of the reasons for recommendation for refusal of the previous application, there remains the issue of "... direct access from a County route with no overriding special need or benefit substantiated contrary to Somerset and Exmoor National Park Joint Structure Plan Review Policy 49". Presumably this objection still applies. Do the proposed activities at the facility still come within the agricultural classification applied to the development or is an industrial/commercial classification more appropriate? Whilst mindful that the economic expectations of farmers are encouraging them to consider various ways of diversification, should this be allowed at the expense of the rural character of the village and the countryside generally? If subsequently the degree of processing at the facility was increased (e.g. manufacture of pellets) how would this be handled from a classification perspective? The size of the proposed development has raised concerns that once established

the facility could in the future, in addition to servicing Lodge Farm, be used to handle, process and store crop from other farms in order to make it commercially viable. Whilst this would be outside the scope of the present application it would in reality prove difficult to control and enforce and hence such operations would, by a process of creep, become accepted, greatly increasing traffic volumes in and out of the facility, plus other environmental considerations. The applicant stated at the Parish Meeting that a full traffic survey had been conducted, but as this has not been made public on the planning department website, we can only assume that the increase in traffic movement is likely to be substantial considering the size of the development and what assurances can we have that this assessment was made independently? Whilst the applicant stated that he had no plans at present to pellet on site, given the obvious environmental impact of transporting Miscanthus bales in bulk and lack of power stations in this area of the country, there is a concern that in time a pelleting operation would be started on site. Indeed the original plans from the withdrawn application showed a pelleting facility as a later phase of the development. Reference to this was subsequently removed from the plans. The applicant has stated at the Parish Meeting that the facility will stand largely idle during the months of May to October - would restrictions be put to prevent uses other than agricultural during this time? If the development of Miscanthus should not prosper for whatever reason, what protection would there be with reference to other uses of the then redundant buildings - has a bonded development restriction been considered as a means of protection? Would the applicant be permitted to let the redundant buildings for non-agricultural purposes as is the case in two of his current buildings on his farm? If planning is granted what restrictions would be placed upon hours of operation, volumes of traffic and what safeguards would there be for occupiers of nearby residential properties from undue noise. Additionally, what measures would be put in place to ensure that the use of the site is restricted to servicing only the Lodge Farm crop as stated in the application? There is currently a Public Right of Way across the site which must be resolved. The fact that there is a non-agricultural unit next to the proposed site must not be taken as a precedent since this was allowed by retrospective planning consent, against the wishes of residents of the village at the time. Because of the size of the project and the points raised above it is felt that this application should be given wider consideration at a full planning meeting and not dealt with as a decision to be made by the Development Control Manager under delegated powers. As chairman, it is also my duty to report that, at the Parish Meeting, in addition to the applicant himself, four residents spoke in support of the application. The concerns expressed above were obtained not only from other residents at the Parish Meeting but also by personal representation to the Chairman since the re-submission of the application.

CREECH ST MICHAEL PARISH concern over whether the development should be considered 'industrial' and therefore be inappropriate for a residential area. Concern over that the development could lead to a substantial increase in HGV and employment traffic that could impact on the Parish. Is it possible to accommodate appropriate access for heavy vehicles adjacent to a busy main road such as Durston without causing disruption to traffic and local residents. Concern over potential expansion resulting in 24hour processing and shift working. This would result in a loss of green land and an industrial (perhaps brownfield) depot would be more appropriate not close to local residents and with easier traffic access.

10 LETTERS OF OBJECTION have been received raising the following issues:- large structure which would dominate the rural area however landscaped, the building would house a processing plant as well as offices, loading bays and storage and seems industrial rather than agricultural; the site is not suitable because of noise, dust pollution, increase in commercial traffic, hours of working may cause disturbance and influx of large casual labour force into a small village; loss of Greenfield site, application inaccurate, can the use of the farm solely be enforced, this industrial development should be on a brownfield site, increase in traffic noise and pollution, similar enterprises are going into liquidation, this agricultural fad could be short-lived and grants could stop; the existing farm has farm buildings rented out to non-agricultural use, if not viable will lead to a redundant site and will lead to an industrial estate with a large office; site better closer to existing farm buildings; prevailing wind would blow dust and smell towards the village; slurry store would create smell; vehicle movements would create dust and noise that would be carried toward the village; increase in traffic on A361; road access inadequate; working hours unclear; concern over herbicide use on the crop and health and safety impact as well as concerns over growing crop; the production of pellets from grass is not an agricultural procedure; this is a processing plant that is industrial and a regional centre; traffic increase would impact on the safety and convenience of locals with the addition of further slow moving vehicles; outlooks will be blighted; concern over surface water run off; no benefit to village and will lead to industrial units.

## **POLICY CONTEXT**

RPG 10 – Regional Planning Guidance for the South West, Policy SS19 – Rural Areas, Policy EN1 – Landscape and Biodiversity.

Somerset and Exmoor National Park Joint Structure Plan Review Policies STR1 – Sustainable Development, STR6 – Development Outside Towns, Rural Centres and Villages, Policy1 – Nature Conservation, Policy49 – Transport Requirements of New Development.

Taunton Deane Local Plan Policies S1 – General Requirements, S2 – Design, S7 – Outside Settlements, EC8 – Farm Diversification, M1 – Transport and Access, C6 – Public Rights of Way, EN5 – Protected Species, EN12 – Landscape Character Areas, EN25 – The Water Environment, EN29 – Flooding Due to Development, EN34 – Control of External Lighting.

## **ASSESSMENT**

The main considerations with the proposal are the impact of the buildings within the rural area, the highway safety implications of the development in terms of the access and footpath and the drainage proposed.

The development has been clarified with the applicant and is for the erection for 3 farm buildings to store and sort the crop of miscanthus which is grown on the holding. It is not a development for industrial use and is not a regional centre for processing. The crop consists of two aspects, the grass and the rhizomes, both of which are to be stored on the site. The rhizomes can be used as a seed crop for other producers and the process is similar to the growing of potatoes. The rhizomes

are lifted from the field transported to the site and manually sorted on conveyors before being dropped into storage boxes. These boxes are then stored before being transported off the farm at a later date. The soil taken off the conveyors during sorting is taken back to the land by tractor and trailer. The miscanthus is a perennial grass that is used as an energy crop. It is not for the Planning Authority to determine what crop is appropriate for a farmer to produce on his land.

The site is in a rural location outside settlement limits and therefore has to be considered in terms of policies S7 of the Local Plan and STR6 of the Joint Structure Plan. The use here is considered to be an agricultural one which would comply with such policies and the impact of the 3 farm buildings in landscape terms has to be assessed. The bigger buildings are 8 m to eaves and 11.2 m to the ridge while the smaller building is 8.2 m to the ridge. The buildings are dug 4 m into the site at the northern end and a landscaping bund of 4- 5 m high is proposed in the adjoining field to the south to limit the landscape impact. The site here is considered to be a suitable one in landscape terms as the development can be set into the landscape and be screened with existing features and landscaping from any significant distant views. The development is set down and screened from road level. Clearly the development is on a Greenfield site but it is considered to be an agricultural use proposed. The development will be visible in landscape terms from the nearby footpath but this impact in itself is not considered to warrant an objection in itself. Long distance views of the site have been addressed and the site is considered to be the most suitable one on the holding to house such buildings.

A public footpath T12/7 passes diagonally across the site and the development as proposed would conflict with this route. An alternative route has been suggested and this would utilise the existing Curry Lane which runs along the western boundary of the site. It is not considered that the alternative would unduly affect amenity or inconvenience users, although a formal diversion order would be necessary before development could occur. If no suitable alternative were available a refusal of the scheme could be recommended in line with policy C6 of the Local Plan, however given there is an alternative which is in the control of the applicant a Grampian condition to secure alternative footpath provision is considered appropriate in this instance.

The proposal involves a new access to Curry Lane which is private and a new access onto the A361. The applicant claims that the majority of movements to these farm buildings will be from surrounding farmland in the same ownership to the south of the road and therefore this will limit the traffic using the A361. The existing farm access lies at the bottom of the hill with poor visibility. The traffic statement provided on behalf of the applicant indicates an existing number of movements per year of 889 in relation to the existing farm use while 865 a year are indicated in relation to the proposed store. The new access from the A361 will be for the site workers and distribution of the crop away from the site. It is indicated that up to 50 temporary staff will be required at harvest time and these will be ferried to the site by bus or van. The Highway Authority are satisfied with the new access provision, traffic flows and visibility and are recommending conditions on any approval.

The drainage proposed is for the toilets to drain to a septic tank and for surface water to drain to a storage tank system with a limiter to prevent inundation of the

existing watercourse. The Environment Agency raise no objection in principle and it is considered that the drainage details can be conditioned. A condition to control external lighting and working hours are considered appropriate. The wildlife survey of the site has not identified any adverse impacts. The provisions in PPS9 – Biodiversity and Geological Conservation seek to enhance and improve biodiversity as part of new developments. It is considered that this can be appropriately achieved through a condition.

The development is of a significant scale within the countryside, however it is for an agricultural development in association with the existing holding. The scheme involves landscape mitigation which can be conditioned. The scale of traffic using the site is considered to be acceptable by the Highway Authority and a new access has been designed to meet visibility requirements. The drainage issues can be conditioned and the footpath issue needs to be addressed by means of a Grampian condition. In view of the provision of an agricultural business in this well screened location the proposal is considered acceptable in this instance and is recommended for approval.

## **RECOMMENDATION**

Permission be GRANTED subject to conditions of time limit, materials, landscaping, no development until footpath diverted, temporary construction parking, access, parking, gradient, disposal of surface water, agricultural use only, stopping up existing access, turning space, visibility, surface run-off limitation, details of foul and surface water disposal, separation foul/surface water, storage of oils/fuels, external lighting detail, operating hours, badgers and birds during construction. Notes re relocating speed limit sign, blocking access, compliance with Waste Management Licensing, sustainable drainage systems, culverting watercourse, Habitat Regulations, controlled waters and foul drainage.

**REASON(S) FOR RECOMMENDATION:-** The proposed development is not considered to adversely affect the landscape character of the area and to accord with Taunton Deane Local Plan Policies S1, S2, S7, C6 and EN29.

**In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1998.**

**CONTACT OFFICER: 356398 MR G CLIFFORD**

NOTES: