

24/2005/058

M S A & L A DENNIS

CHANGE OF USE OF REDUNDANT AGRICULTURAL BUILDING TO A HIGH CARE COOKING FACILITY AT NYTHE FARM, NORTH CURRY.

32743/24226

FULL

PROPOSAL

Nythe farm is situated in the open countryside to the south of Helland and North Curry. It lies adjacent to the levels, a Site of Special Scientific Interest, Special Protection Area and RAMSAR site (for its nature conservation value). A previous application was submitted in April 2005 for the conversion of a redundant agricultural building to a cooking facility. This was withdrawn when additional information was required to enable a full assessment of the impact on the adjacent Somerset levels to be undertaken. The current application is for the change of use of a redundant agricultural building for a high care cooking facility at Nythe farm. The building would be adapted by introducing a new floor across approximately a third of the building (to provide staff facilities, office and boardroom) and inserting new windows in the first floor gable in the north and south elevations with a door and step access at first floor level. In addition two new doors would be inserted into the western elevation of the building to provide for the chicken intake and dispatch. The proposal would use the existing access for all of the vehicles to and from the site. The existing owner currently operates the same business from premises in Crediton Devon, providing chickens from the farm at Helland.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY whilst there is concern that the roads leading to the site are substandard and the site is remote the traffic on the road is not expected to be significantly higher than that expected with the previous use. Provided there is no retail sale from the property and the use is restricted to that applied for there is no objection. ENVIRONMENT AGENCY OBJECTS to the proposed development, as submitted, on the following grounds:- The application provides for the re-routing of a local watercourse, however, no reference is made to what will happen to the existing channel. In addition, the applicant has not specified why it is considered necessary to re-rout the watercourse. Should the proposal include the infilling or culverting of the channel, the Agency's prior Land Drainage Consent would be required, however, it must be noted that the Agency is opposed to the culverting/infilling of watercourses, because of the adverse ecological and flood defence effects that are likely to arise. Any works that would affect the flow of water in any stream or watercourse on the site would also require the prior consent of the Agency. For information, old drainage maps of the area do not appear to indicate a rhyme on the line of the proposed new cut. They do, however, show that there were once additional rhynes at right angles to the proposed new cut. Although the development site is shown to be outside the mapped flood zone area, site access/egress is likely to be compromised during a flood event. The area IDB should be consulted regarding this proposal. I Should you wish to discuss the above matter further, please contact Mr Dave Hughes Development Control Engineer (Tel:

01278 484727). In addition, the Agency will require details of the numbers of chickens to be processed and the volumes of waste that will be generated. Any discharge of effluent will require the Agency's prior consent under the provisions of the Water Resources Act 1991. Unfortunately, there are no percolation test figures to indicate that a soakaway will operate at the above this site. This aspect's fundamental to the proposal as the site lies within 800 metres of a European site. West Sedgemoor SSSI being part of the Somerset Levels and Moors Spa/Ramsar site." Accordingly, any proposed discharge will need to be appraised to determine whether an assessment is required under the Habitats Regulations. Under such circumstances, the Agency, as the appropriate authority, may determine that a discharge is not acceptable in the vicinity of the designated European site. In such a case, the use of a sealed tank system for the collection of effluent, prior to removal offsite to a suitably licensed facility, maybe the only option, which may in itself have implications in terms of its sustainability. In view of the above, it would clearly be advantageous for the Agency and TDBC to liaise closely regarding the determination of the planning application and any subsequent effluent disposal assessment, as both have responsibility to consider likely effects on European sites. In the event of the above issues being satisfactorily resolved, the Agency must request that any approval is subject to the following conditions:-

CONDITION:- Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls, details of which shall be submitted to the Local Planning Authority for approval. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound should be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%; or 25% of the total volume which could be stored at any one time, which ever is the greater. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground, where possible, and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.

NOTE:- Any oil storage facility of 200 litres or more must include a bund, and comply with the Oil Storage Regulations ("The Control of Pollution (Oil Storage) (England) Regulations 2001"),

CONDITION:- There shall be no discharge of foul or contaminated drainage or trade effluent from the site into either groundwater or any surface waters, whether direct or via soakaways.

REASON: To prevent pollution of the water environment. Under the terms of the Water Resources Act 1991, the prior written consent of the Agency is normally required for any discharge of sewage or trade effluent into controlled waters, and may be required for any discharge of surface water to such controlled waters or for any discharge of sewage or trade effluent from buildings or fixed plant into or onto ground or into waters which are not controlled waters. Such consent may be withheld. (Controlled waters include rivers, streams, groundwater, reservoirs, estuaries and coastal waters). This Agency must be notified immediately of any incident likely to cause pollution. The applicant is advised to contact the Agency's Area Environment Management Officer, Mr Roy Hayes (Tel: 01278 484612), regarding the proposed means of trade effluent and domestic foul sewage disposal. WESSEX WATER there is a mains water supply in the vicinity of the proposal. Foul and surface water sewers are not available.

LANDSCAPE OFFICER views awaited ENVIRONMENTAL HEALTH OFFICER views awaited.

PARISH COUNCIL views awaited.

3 LETTERS OF OBJECTION have been received raising the following issues:- the proposal should be located on an industrial estate not in the open countryside; as there are no 1:100 floor plans I assume there are no alterations to the layout submitted previously; the environmental report does not include the qualifications of the professionals; the environmental report refers to warm air rising and dispersing I am concerned that this will lead to unpleasant odours drifting down wind and effecting neighbours; any future expansion of the use will exacerbate the odour and noise problems and be unsuitable in this rural location; traffic to traffic to the site will be severely increased ranging from heavy goods vehicles, service engineers and those travelling to work at the site, there is already traffic to and from the site day and night and an operation of this scale is likely to make this worse causing greater disturbance for local residents; substantial water usage and cleaning materials appear to be involved with an obvious need to dispose of significant effluent and liquid waste by-products, this appears to be at odds with the recreational use of the surrounding land; the proposed use is unsuited to this rural area adjacent to the Conservation Village of North Curry; the applicant currently operate a similar business from a trading estate in Crediton which is far more suited to this type of use; the environmental report does not answer concerns highlighted by many parties; there are 5 properties within a 320m radius of the site with at least 6 just outside the radius plus at least another dozen at Helland; the facility will be positioned within the hamlet of Helland in a very rural area and consider that the road infrastructure is not adequate to cope with the extra pressure of commercial use, indeed the Helland/ West Sedgemoor Road is single tack with deep ditches on either side and little opportunity to pass; the access road is made of concrete which produces a lot more noise than tarmac, the surface is heavily rippled and has speed humps along its length this results in more noise from airbrakes, and rattles and bangs, especially with chicken crates banging up and down; my mothers house is situated adjacent to a cattle grid and humped back bridge and this causes even more noise as vehicles don't attempt to slow down when passing; one of the drivers crashed into a lady in a car leaving my mothers house destroying her car and pushing it down the road into a fence has the applicant taken any account of these effects when proposing the processing plant?; other vehicles use the tarmac entrance opposite my mothers house to avoid using the concrete road, creating both noise and disturbance to my mother; I can hear the noise of barking dogs from over 1000 m away so why does the report use a 320 m radius for the noise perimeter?; when the live chickens are collected they are placed into metal crates which have to be unloaded then loaded onto the vehicle this involves a forklift truck running constantly with rattling and banging as the crates are moved, this work usually takes place during darkness when the chickens are more easily moved; the noise measurements were taken at Crediton in an Industrial estate, how can this be a good comparison?; it is proposed that the effluent is stored in external tanks how many?; where will they be sited?; what impact will this have on the surrounding countryside?; it is also proposed that the effluent would be tankered from the site how often and what sort of tankers would be used?; this would cause more noise and traffic along the roads; the effluent disposal should be resolved before planning permission is granted and should provide for on site treatment; a reed bed system has a problem during the winter months when the reeds are dormant; the report states that the findings and opinions are expressed as a result of current information and should not be relied upon at substantially later dates and I consider that this questions the validity of the report as it is the local residents that will be effected by the

development in the longer term if the report is wrong; any increased use of the roads through North Curry will result in increased congestion and would be prejudicial to highway safety.

7 LETTERS OF SUPPORT have been received raising the following:- the proposal will help local people find local jobs; the proposal would create new jobs in the area without spoiling the character of the surrounding area; we have known the applicants for many years and are sure they will undertake the change with minimal disruption to neighbours and wildlife; the applicants live next to the site

1 LETTER has been received with no objections to the application.

POLICY CONTEXT

Somerset and Exmoor National Park Joint Structure Plan Review the following policies are considered relevant:- STR1 Sustainable Development; STR6 Development Outside Towns, Rural Centres and Villages; Policy 1 Nature Conservation; Policy 4 Levels and Moors Policy 49 Transport and New Development Proposals.

Taunton Deane Local Plan the following policies are considered especially relevant:- S1 General Development; S7 Outside Settlements; EC1 Wildlife Sites of International Importance; EN2 Sites of Special Scientific Interest; EN4 Wildlife in Buildings to be Converted; EC6, Conversion of Rural buildings; EC8, Farm Diversification.

ASSESSMENT

As stated above, Nythe farm is a chicken rearing farm unit situated in the open countryside to the south of Helland and North Curry. It lies adjacent to a Site of Special Scientific Interest, Special Protection Area and RAMSAR site for its nature conservation value. The proposal would adapt the existing vacant agricultural building to enable the chicken processing use to take place. The applicants suggest a total of 8 new members of staff will be required. With one lorry per day which would be less than that required if the building was used as a chicken house. The applicants have submitted an Environmental appraisal for the proposed change of use. This has looked at noise associated with mechanical plant and vehicle movements. The report identifies that some noise attenuation will be required, at the steam outlet flue and adjacent to the intake and dispatch areas to avoid any noise problems for nearby occupants. Such attenuation (an acoustic attenuation for the steam flue and solid barrier between the intake and dispatch bays) can be provided to an adequate level to avoid unacceptable increases in noise from the use. In regard to odour, measurements have been taken directly from the Crediton site and used to assess the likely impact of the proposed use. There have been no smell complaints at Crediton and the current proposal would introduce more modern and efficient steam cookers that should further reduce any odour from the production system and not result in an odour problem for smell sensitive properties. In regard to the impact of the proposal on Water Quality great care has been taken to assess the potential impact of the new use as the site lies adjacent to a Site of

Special Scientific Interest, Special Protection Area and RAMSAR site for its nature conservation value, therefore any effluent discharge to ground or surface water must insure that there is no adverse impact on the protected area. At present there is insufficient information on the amount or quality of effluent produced as part of the process and this restricts the ability to design an effective drainage treatment scheme for the site. As a result the applicant proposes to store the effluent in storage tanks and tanker it away to be dealt with off site. This proposal is acceptable in the short term but both English Nature and the Environment Agency have concerns as to the sustainability of this process over a longer period. This is a commercial rather than planning concern, as the sealed system would be an acceptable alternative that would protect the adjacent environmentally sensitive sites.

The proposal enables the existing chicken rearing farm to diversify into the cooking and preparation of chicken, which currently takes place at Credition. Combining the facilities in one place is a more sustainable option than continuing to transport the chickens to and from Credition, in Devon. The County Highways Authority do not consider that the proposal would result in a significant increase in traffic to and from the site and do not raise an objection to the proposal for highway safety or sustainability reasons. Policy EC8 allows for farms to diversify provided the proposal is compatible with the agricultural uses on the farm and utilise existing farm building wherever possible. In this case the existing farm building would be utilised for a process, which compliments the current use of the farm. Proposal considered acceptable

RECOMMENDATION

Subject to the receipt of the views of the Environment Agency and no further letters of representation raising new issues by ... the Development Control Manager in consultation with the Chair/Vice Chair be authorised to determine and permission GRANTED subject to conditions of time limit, materials, details of the acoustic attenuator and solid noise barrier, working hours 7.30 - 19.00 Monday to Friday and 0730 - 1300 Saturday, provision of the effluent storage tanks prior to commencement of works or the provision of an acceptable alternative drainage scheme, landscaping, oil, fuel storage, no direct discharge of foul, contaminated or trade effluent; effluent storage details, no retail sales from the premises, parking for 8 cars and 1 lorry and use restricted to chicken processing plant only. Notes re disposal of trade effluent in approved manner, oil storage over 200 litres must include a bund.

REASON(S) FOR THE RECOMMENDATION:- The proposed use would allow for farm diversification without compromising the environmental quality of the adjacent Levels and Moor Site of Special Scientific Interest, Special Protection Area and Ramsar site in accordance with the requirements of Somerset and Exmoor National Park Joint Structure Plan Review Policies STR1, 6 and Policies 1 and 49 and Taunton Deane Local Plan Policies EC8, EN1 and EN2.

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

CONTACT OFFICER: 356467 MRS J MOORE

NOTES: