

**REFERENCE NO - 18/501312/FULL**

**APPLICATION PROPOSAL**

Provision of a Controlled Atmosphere Store, concrete hardstanding, irrigation lagoon and associated engineering operations (including land raising/earthworks) and the upgrading of an existing track and access.

**ADDRESS** Swanton Farm Bicknor Road Bicknor ME9 8AT

**SUMMARY OF REASONS FOR RECOMMENDATION**

The proposal by reason of its size and bulk would harm the character and appearance of the countryside and would have a significant impact on the Kent Downs AONB and so the Borough Council needs to be satisfied that there are material considerations demonstrated to outweigh the harm.

The proposal is clearly necessary for agriculture. The building is clustered with other built form and the use of land for workers caravans rather than being ad hoc sporadic development.

The scheme includes significant engineering works to give topographical changes for screening purposes that are designed to be as natural in appearance as possible

KCC Highways and Transportation advise that the application would not have a material impact upon the safety and operation of the adjoining highway network and that there is no unacceptable impact on highway safety, nor are the residual cumulative impacts on the road network severe.

The distance of the local residents from the proposed development combined with the imposition of conditions relating to noise and lighting mitigation means that any impact on residential amenity is not considered harmful enough to warrant refusal of the scheme.

The provision of the reservoir benefits the functional need of the business to have access to irrigation water and to manage surface water run-off and provide biodiversity enhancements. These multi functional purposes of the reservoir are supported.

The proposed building is large but the demands of modern fruit farming to support traditional orchards are such that it is justified. The need for efficiencies and economies of scale dictate a building of this form and scale.

There is a strong economic case and national importance of an expanding agricultural enterprise at the forefront of technological and horticultural advances and which are endorsed by Government departments aiming to meet objectives to improve self sufficiency in food.

Overall, it is considered that this proposal represents an exceptional form of development in the AONB and therefore planning permission should be granted.

**REASON FOR REFERRAL TO COMMITTEE**

Contrary to the views of Hollingbourne PC and Bicknor Parish Meeting.

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Application called to Committee by Hollingbourne PC.		
<b>WARD</b> North Downs	<b>PARISH/TOWN</b> Bicknor	<b>COUNCIL</b> <b>APPLICANT</b> AC Goatham And Son <b>AGENT</b> Bloomfields
<b>TARGET DECISION DATE</b> 15/11/18		<b>PUBLICITY EXPIRY DATE</b> 30/08/18

**Relevant Planning History**

18/500202/LAWPRO

Lawful development certificate (Proposed) fifteen mobile homes for seasonal agricultural workers.

Approved Decision Date: 08.03.2018

17/505779/AGRIC

Prior notification for the erection of 1no. Agricultural building.

Prior Approval Not Required Decision Date: 01.12.2017

13/1682

Details submitted pursuant to condition 2 (Materials) and conditions 5 (Lighting) appended to planning permission MA/13/1055 (Siting and over winter storage of seasonal workers caravans, erection of building for communal facilities along with associated fencing works)

Approved Decision date: 16.10.2013

13/1055

Siting and over winter storage of seasonal workers caravans, erection of building for communal facilities along with associated fencing works as shown on drawing no. : 13/280 rev 01, 02, 03, 04, appendix 3 showing schematic block plan, site and planting plan 6.6.13v1 and site location plan scale 1:10000.

Approved Decision date: 19.09.2013

**MAIN REPORT**

**1. DESCRIPTION OF SITE**

1.01 The development is proposed at the farm's existing yard which is located to the south east of the hamlet of Bicknor in the NE of the Borough. This is to the south of Bicknor Lane, opposite the northern part of Swanton Farm in the same holding and some dwellings and commercial premises.

1.02 Bicknor Lane is a single carriage way lane that has junction with Swanton Street (B2163) to the east which is inside a bend. This is a North-South link road through

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the North Kent Downs between Hollingbourne and Bredgar, parallel to Detling Hill. It has a national speed limit at the junction.

- 1.03 The site lies in the countryside and in the North Downs Area of Outstanding Natural Beauty (AONB). The Church of St James, a Grade II\* listed Church is approx. 500m to the NW and the Grade II\* dwelling of Court Lodge is approx. 200m to the north within the hamlet of Bicknor. The main hamlet of Bicknor is 185m from the proposed new building and 120m from the proposed reservoir.
- 1.04 There are no PROW near the application site but KH165 and KH166 run east-west through the hamlet of Bicknor.
- 1.05 Properties at Captains Farm and residential conversions within Apple Barn are on the opposite side of the Lane, 70m from the Controlled Atmosphere Store (CAS) as proposed and 130m from the proposed reservoir.
- 1.06 Swanton Farm as owned by the applicant extends to 107ha and was purchased last year by the applicant with the view to expanding top fruit production. This includes the intention to plant almost 60k new apple trees on almost 20 ha in 2018 with a longer term plan to plant a further 106,000 trees on the surrounding orchards in the next 5 years
- 1.07 The farm already contains 20 caravans permanently on the site for seasonal agricultural workers and then overwintered (approved under planning application 13/1055) located behind an existing agricultural building (erected under permitted development). The 2013 planning permission included an amenity building which has not been erected.
- 1.08 In December 2017 a prior notification was submitted for an agricultural storage building with reference 17/505361 to be sited to the east of the existing agricultural building. The building is yet to be erected.
- 1.09 A Certificate of Lawfulness for Proposed Development (18/500202) for a further 15 mobile homes temporarily sited (ie not overwintered) for seasonal agricultural workers was granted in March 2018. These are not yet in situ but are indicated to be sited to the west of the existing 20 caravans next to the proposed reservoir.

## **2. PROPOSAL**

- 2.01 This application as amended is for the provision of a Controlled Atmosphere Store (CAS), concrete hardstanding, irrigation lagoon and associated engineering operations and the upgrading of an existing track and access. The application now includes including land raising/earthworks as part of the mitigation and off site passing places on the public highway have been separately negotiated by KCC as Local Highway Authority.
- 2.02 The CAS will be used to store apples grown and handled by the applicant. The double span building will contain 25 cold store chambers, which will facilitate the storage of 20,575 bins of top fruit in the building.
- 2.03 The intention is that the building is used for fruit storage but also will enable the applicant to target very late season sales with the objective of displacing imported fruit in the summer months.
- 2.04 The use of the building will take place between the hours of 8am to 6pm.

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- 2.05 Swanton Farm is forecast to produce 16,500 bins of fruit by 2023 with the significantly smaller Gibbens Farm in Swale (which extends to 35.33 hectares and is located just 1.3 miles to the north via Swanton Street) forecast to produce 4,200 bins of fruit by 2023.
- 2.06 The facility is also intended by the applicant to be a potential back-up store if other stores in the applicant's control break or need repairing and for facilitating potential additional storage in heightened harvest periods for other farms in the locality.
- 2.07 The main double span building will be sited to the SE of the existing agricultural store building and to the east of the 20 permanent caravans. It will measure 69 metres in length by 69 metres in width with an electrical component room meaning that the total floor area covered by the building is 4,863 square metres. The building will measure 12.5 metres to ridge and 9.45 metres to eaves. Fruit bins to be stored 9 bins high, with further room for unstacking. Four chiller units will be provided to the rear (south) of the building away from the public highway and screened behind the building. A 3m by 3m acoustic screen is to be sited on the SW corner of the building, intended to contain noise outbreak to the workers' caravans.
- 2.08 The CAS building would align on its north and south elevations with the 20 caravans in situ.
- 2.09 The roof is indicated to be clad with single skin corrugated fibre cement sheets shown to be light grey in colour. Doors and walls are indicated to be Olive Green/Moorland Green. Vehicles will pass through the store via roller shutter doors, going into the store to leave via roller shutter doors on the opposite end.
- 2.10 A 10m wide concrete apron will be provided either side of the building on the east and west elevations and will be used by farm vehicles and by HGVs for collecting fruit to take it to the packing facility (at Flanders Farm in Medway). A concrete apron extending 26 metres will be provided in front of the building to serve as the unloading area and to operate as a turning area for farm vehicles and the unloading of fruit bins and equipment.
- 2.11 The concrete access track will measure 7m in width and will extend eastwards for approximately 170m parallel to Bicknor Lane before entering the Lane via an existing gateway. New gates will measure 8 metres in width and are to be painted green in colour.
- 2.12 The eastern access proposed to be used as part of this proposal is intended to move the majority of the vehicle movements related to the site further away from Bicknor hamlet and the Listed Church and closer to the Swanton Street junction,
- 2.13 In terms of the emptying of a chamber, this would result in an average of 6 HGV arrivals and 6 departures a day.
- 2.14 In terms of drainage, the site could drain via infiltration, but the intention is to have a reservoir to the west (beyond the caravans) of approx. 50m by 80m. This will be part of the Sustainable Drainage System (SuDS) for dealing with surface water run-off generated from any impermeable surfacing on site. It will be used for irrigation purposes for the surrounding orchards. The topography of the land has gives a natural flow of surface water run off to the west (so this reservoir is nearer the Listed Church and the hamlet of Bicknor).

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- 2.15 The irrigation pond will have storm capacity for high rainfall events. Infiltration trenches and gullies with trapped outlets offer de-silting and protection from hydrocarbons.
- 2.16 The banks of the reservoir would be covered with coir erosion control matting to aid the growth of selected grasses and other plant life to encourage future biodiversity potential.
- 2.17 Having regard to the Landscape Character Areas of the Borough, the objective for the Bicknor area is to “conserve and reinforce the very distinctive pattern of orchards, by avoiding their permanent loss through grubbing up and ensuring they are managed and replanted”. The Landscape and Visual Impact Assessment from the applicant’s consultant states that any perceived impact would be offset by the large amount of mitigation planting proposed.
- 2.18 The LVIA report acknowledges the site’s location within the AONB but judges it to be of Medium Sensitivity, claiming “the development would be perceived as an almost indiscernible new element.” The LVIA considers the proposal from 16 different views, two being considered near distance, thirteen being medium and one being a long distance view. In all of these cases the perceived impact of the proposal is claimed to be “Not Significant” at completion and after mitigation planting.
- 2.19 The mitigation strategy would include hedging predominantly Hawthorn and a mix of the following species: Field Maple, Hornbeam, dogwood, Beech, Holly and Blackthorn. A taller block of woodland type indigenous species to the NW to screen views in from Bicknor and the bridleway (KH 166), to include the following species would be proposed; Field Maple; Hazel; Beech and Common Oak.
- 2.20 As part of the landscape proposal, an existing Poplar hedge would be managed to grow up for greater height to assist screening the partial views from the northern part of Swanton Farm, Bicknor and PROW KH 165.
- 2.21 The LVIA claims that “there may be an incremental increase in lighting at night but this would be seen as a minor addition to that which exists at present and is judged as Not Significant.”
- 2.22 Since the application was originally submitted, further mitigation has been submitted in landscape terms. The main building is to be dug down by 1.5m to a Finished Floor Level (FFL) of 155.23m OD giving a ridge of 167.73m OD. The orchard to the east side is to be raised to approx. 160.216m OD with the arisings and re-planted with a new orchard. There will also be a gradual bund reaching 161.496m OD. To the south, the orchard will have a height of 159.11m OD.
- 2.23 The above means that the ridge of the new CAS will be 7.5m above the bund of orchard to the east and 8.6m above the orchard to the south.
- 2.24 Floodlights with side baffles are proposed to be installed above the sectional doors and low level bulk head lights are likely be used at the entrances to the plant room and across the front of the building. The bulkhead lights will be motion activated to provide safe pedestrian access. It is stated that the floodlights will only be used in the hours of darkness to provide safe loading and unloading conditions to and from the transport vehicles and will be controlled via manual switches. Due regard will be given Ecological impact in the design of the lighting.
- 2.25 The agent has submitted a supporting statement with key points as follows:

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- Britain is striving for greater food security which needs efficient and environmentally low impact new build storage to continue to improve market share, support food security and to meet the needs of the customer.
- There is an increased demand for British produce to be available wherever possible: emphasised by the country's desire to leave the EU and become more independent.
- A Report of the Fruit and Vegetable Task Force (August 2010) identifies that sustainable food security and production is a priority following the release of the Food 2030 Strategy.
- Controlled Atmosphere Storage is required so that the fruit can be kept in a very good condition for extended period of time. They also assist in preserving fruit as there is no longer use of post-harvest anti-fungal products
- Food production is overlooked in planning policy and those involved in the fruit industry are missing opportunities to meet contracts, apply for grants and generally be reactive to the market demand.
- This Campaign to Protect Rural England (CPRE) document recognised that in 2010 the UK was only 38% self-sufficient in fruit, with apples and pear self-sufficiency being very low. UK apple production almost halved between 1989 and 2003.
- AC Goatham and Son is an industry leader: one of the largest growers of apples and pears in the UK.
- They are promoting the consumption of British top fruit and actively involved in research to develop fruit varieties so they can be grown and stored for increased periods of time throughout the year.
- Awarded "Top fruit grower of the year" at the UK Grower awards February 2017, and the business was also a finalist across categories open to the entire horticultural industry including, "Best Production Manager", "Edible Grower of the year" and for the "Best Business Innovation" award for their growing methods.
- Awarded Kent Invicta Chamber of Commerce's Business of the Year in March 2017
- Won the Farmers Weekly Specialist Crop Grower of the Year award for their work in reviving the fortunes for British Conference Pear in October 2017
- top prize for fruit grown on its Maidstone Farm at Sutton Valance in the East Kent Fruit Society annual Top Fruit Competition 2017
- allocated grant funding in association with The East Malling Trust and Robert Mitchell Farms as a promotion of British produce
- Funding was awarded for the use of modern cold store technology at one of their other farms.
- Over the last eight years, AC Goatham & Son have significantly invested £30 million through their business: DEFRA in 2008 granted £1.8 million to enhance their facilities.

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- There are benefits from local food hubs working well with the supermarkets.
- In the 2018 season, 58,820 new trees will be planted across Swanton Farm, with further plans in the next 5 years to then plant a further 106,000 trees in surrounding fields.
- There are no storage facilities at Swanton Farm to store the fruit generated or forecast to be generated on this farm, whilst there is a shortfall across the business and Kent of modern CAS.
- Packing, grading and storage facility at Flanders Farm in Medway was opened in December 2017, this project is now complete and will have seen AC Goatham and Son investing another £10 million into supporting the horticultural industry and the
- Annual GVA of the business is forecast to rise to equate to 7% of all the GVA from farming in Kent.
- The increase in fruit production forecast will generate a requirement for more seasonal agricultural workers and storage facilities. Last season AC Goatham & Son employed 251 full time staff and 450 seasonal staff expected to rise to 312 full time staff, and in the order of 900 seasonal staff.
- The building will reduce dependence by the applicant and the partner farms on third parties for “overspill” and emergency facilities which is cost saving allowing inward investment.
- The location of the building is centrally located within the farm, accessible to the local road network and the surrounding orchards. The proximity to the mobile units serves as a security feature on site, but it allows staff to be on hand to deal with any emergency issues relating to the stores (e.g. power loss).
- The location of the building has also been chosen so that it can be sunk into the landscape to reduce its perceived impact and following a recommendation coming forward from the Landscape Visual Impact Assessment.
- The natural topography allows a gravity fed drainage system to operate for dealing with surface water.

### **3. POLICY AND OTHER CONSIDERATIONS**

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Maidstone Borough Local Plan 2017 SS1;SP17;SP18; SP21; SP23;DM1, DM2; DM3, DM4; DM6; DM8: DM21,DM30; DM36; DM37,

Landscape Character Assessment Guidelines and Maidstone Landscape Character Study

### **4. LOCAL REPRESENTATIONS**

**Local Residents:**

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4.01 11 letters of support from local fruit farms

- there is a national shortage of high quality cold stores
- Government support for more British food produce throughout the year
- new varieties and techniques are resulting in larger yields
- Swanton having its own facilities allows existing local cold stores to serve other local farms.
- Reduces the handling of the fruit
- The new building will spread the traffic throughout the year
- Benefits other local businesses
- The scheme includes tree planting which is a landscape gain
- The irrigation lagoon supports water recycling in times of more restrictions of water usage.

4.02 18 objections received from local residents raising the following (summarised) issues

- Current operations have inconsiderate HGV drivers resulting in dangerous manoeuvres near the junction
- Support the idea behind the proposal but it needs to be sited away from Bicknor, nearer the Sittingbourne to Hollingbourne Road.
- concerned about the grant funding that is being sought- that should not put pressure on the Council to rush the application through
- Applicant does not live in Bicknor
- No evidence this is for Swanton's fruit,
- Inadequate evidence that can increase the yield per acre from 25 bins per acre to 80 bins per acre – vagaries of weather are not detailed.
- tree lifespan will be less than normal due to the intensity of the farming,
- Likely to become a regional hub and packing house.
- No mention of the grading needed before storage or there needs to be will be double transportation.to a grading facility prior to sale.
- No 'social value' to the community
- fully support the AONB's comments
- Overlooking and loss of outlook
- Smells and rats from waste
- Inadequate sewers



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- Light pollution
- Will add to flooding, including to Grade II listed house
- Building and access should be the SE corner of their site.
- noise of the cold storage fans, fork lift truck vehicles, beeps,
- average speeds are significantly higher than 20 mph
- lorry traffic noise
- too large in size, looks industrial the heart of the village
- visible from the village of Bicknor, too close to residents
- will blight the landscape not in keeping with AONB
- proposed irrigation pond - significant mosquito breeding
- Rural lanes around Bicknor are already full of rubbish in the picking season
- area such as Bicknor, noise travels significantly
- potentially 210 workers in a migrant industrial site, dwarfing Bicknor
- Workers playing loud music late at night and general chatter.
- No amenities for the workers; workers, isolated public transport links in town and the supermarkets
- No clear route for the articulated vehicles
- vehicles would be going past St James Church, a grade II listed building
- dangerous access to the Hollingbourne-Bredgar Road, a 60mph road with a blind corner
- Vision splays to main road are not owned by the applicant so no control.
- Have been accidents locally, contrary to Transport report
- Danger to walkers, dogs, families and cyclists.
- inadequate passing bays
- Increasing the pollution in an area of natural outstanding beauty.
- Mud/dust over the road, hazard for local residents
- surrounding roads are single track, narrow, twisty and very poorly kept
- Deterioration on surfaces already barely fit to drive on.
- local villages of Hollingbourne, Bredgar, and Tunstall could be adversely affected
- seasonal workers might live off site and travel to work by car

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#### 4.03 CONSULTATIONS

*(Please note that summaries of consultation responses are set out below with the response discussed in more detail in the main report where considered necessary)*

#### 4.04 Bicknor Parish Meeting–

- Bicknor is a small hamlet in the Kent ANOB and borders several Ancient Woodlands, there are residential properties close by. Scale of industrialisation in the heart of the village is obscene and excess.
- request that the applicant revise the scale and location of the development as it fails to meet MBC Policy DM1,8,30, and 36.
- Concerned about encroachment up to the boundaries of Ancient Woodland in Gorham wood. These new high intensity farming methods may impact the wildlife and fauna in surrounding areas.
- Deciduous nature of the vegetation opens up views of the site in the winter months. Attempts to moderate the impact through colour, double span roof and orientation but will appear as a very large industrial structure, entirely out of scale with other agricultural buildings in the locality
- Locate the building on other holdings that belong to Goatham & Son outside the AONB. Using the building to hold fruit not produced on Swanton Farm is considered wholly inappropriate in view of the scale of the proposed cold store and sensitive location.
- Important to ensure that any planning permission issued is conditioned to ensure that the new store is only used to store fruit from Swanton Farm, so as not to result in any increase in vehicles on the surrounding rural road network.
- Noise and Light Pollution
- Transportation of 200+ workers on a daily basis added to the daily arrival and collection of fruit bins creates significant noise levels.
- Additional 15 caravans; seasonal workers can create significant amounts of noise, and the lack of facilities results in them walking around trying to
- Security lighting should be low level or motion activated rather than on throughout the night.
- Background noise will be audible over the entire locality.
- Electricity demands will impact on residential supplies.
- Sewage system is not fit for purpose. But no plans have been submitted for its replacement.
- this winters rain has reduced Bicknor Lane to a river with negative impact on the roads

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- The drainage lagoon will be less than 50 yards from the new caravans and 150 yards from the village. Concerns about the impact of air-borne infection from this standing water in a period of hot weather
  - New store could also provide a back-up store in the event of other stores operated by the applicants elsewhere needing repair, or for "overspill" for other (unspecified) farms in the locality.
  - Swale BC refused to allow apples not grown in Swale to be stored in Swale. One might ask why MBC do not follow this approach.
  - The cold store, additional caravans and any new buildings should be further away from the village.
  - Narrow single track lanes surrounding Bicknor are already of an extremely poor quality, with potholes and mud over the road with inadequate clean-up, leaving a hazard for local residents.
  - The lanes are single track with no recognised or made-up passing places, and HGVs and buses do not reverse. This will add to journey times in and out of the village for all residents.
  - The Hollingbourne-Bredgar Road at Swanton Street from Bicknor Road is a blind corner, particularly in the summer.
  - The B2163 is already very busy and used as a rat run
  - Traffic on South Green Lane will come through the village and have to avoid Fourayes and Swanton Farm vehicles.
- 4.05 Hollingbourne PC: The development would generate a far greater amount of HGV traffic coming through the Hollingbourne village when visiting Swanton Farm. Hollingbourne already has a substantial problem with the amount and speed of vehicles driving through it, particularly with heavy vehicles. Traffic signs at the entrance of the village are largely ignored by lorry drivers.
- 4.06 Bredgar PC: The Council recognises the importance of supporting farming as part of the rural economy, and the reality of modern farming methods, it does not object PROVIDED THAT 1. The impact on the AONB is mitigated to the fullest extent possible and the AONB Management Plan is taken into account and adhered to as closely as is feasible. 2. The proposed hedgerow and woodland planting is made a mandatory condition of any approval of the application, and minimizes the impact on the views across the landscape, in particular, from our perspective, from the road into Bredgar. 3. The issue of light pollution is carefully considered and restrictions placed on lighting arrangements. 4. The inevitable heavy traffic is minimised by placing a restriction on the source of the fruit to be stored – ideally, to that grown at Swanton Farm only. Further, consideration should be given to the scale and precise location of the proposed development in relation to the size and character of the village of Bicknor whose residents will suffer the greatest impact.
- 4.07 Kent AONB: Historically orchards have played an important part in the special character of the AONB landscape and the AONB Unit is supportive of proposed additional orchard planting, especially in this locality where orchards are typical of landscape character along with associated alder and poplar shelter belts.

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- 4.08 Vegetative screening along the lanes is mostly in the form of poplar tree belts. Gaps in this, including in the vicinity of the road junctions on Swanton Lane with the lanes leading to Bedmorton and Swanton Farm, allowing views into the site. Furthermore, the deciduous nature of the vegetation opens up views of the site in the winter months. While it is recognised that attempts have been made to moderate the impact of the proposed building on the surrounding landscape through choice of colour, incorporation of a double span roof and orientation of the roof span, the cold store would nevertheless appear as a very large industrial structure, entirely out of scale with other agricultural buildings in the locality and an intrusive addition to this otherwise very area. Opportunities should be sought for reducing the scale of the building should be sought, or locating the building on other holdings in less sensitive areas outside the AONB.
- 4.09 Using the building to hold fruit not produced on Swanton Farm is considered wholly inappropriate in view of the scale of the proposed cold store and sensitive location. Any planning permission issued should be conditioned to ensure that the new store is only used to store fruit from Swanton Farm, so as not to result in any increase in vehicles on the surrounding rural road network.
- 4.10 In view of the elevated and remote location any lighting must be carefully managed, in accordance with policy SD7 of the Kent Downs AONB Management Plan for dark skies at night. Further information on proposed lighting and potential light spillage is required and it should be controlled to be motion sensitive outside of normal working hours and not to remain on all night.
- 4.11 In respect of the LVIA, the sensitivity assigned to many of the receptors is stated to be low to medium; receptors in nationally protected landscapes such as AONBs are generally regarded to be of a higher sensitivity. The magnitude of impact is underplayed from some of the viewpoints, in particular in winter months from viewpoints 5,6,7 and 8 would result in a significant impact.
- 4.12 Imperative that the mitigation measures are secured by condition. Gapping up of the existing poplar hedges is proposed at numerous viewpoints as well as the provision of an additional secondary hedge, however such measures are not carried through to the mitigation plan- brings into question the conclusions of the LVIA; also the proposed mitigation measures outlined for the irrigation lagoon must be secured.
- 4.13 The proposed cold store would have a detrimental impact on the Mid Kent Downs Landscape Character Area of the Kent Downs AONB that would weaken the characteristics and qualities of natural beauty and landscape character and disregard the primary purpose of the AONB designation, namely the conservation and enhancement of its natural beauty. The application is considered to be contrary to policies SD1, SD3, SD8 and LLC1 of the Kent Downs AONB Management Plan 2014 - 2019. The Management Plan has been formally adopted by all local authorities in Kent in which the AONB occurs, including Maidstone Borough Council. Management Plans are a material consideration in determining planning applications/appeals as set out in the NPPG. The application is also considered to be contrary to policy SP17 of the adopted Maidstone Local Plan which states great weight shall be given to the conservation and enhancement of the Kent Downs AONB.
- 4.14 KCC Highways and Transportation-
- 4.15 A speed survey between in April 2018 on Bicknor Road north of the site access identified 85%ile speeds of 24.1 miles per hour northbound and 23 miles per hour southbound. Visibility splays of 2.4 by 90 metres and 2.4 by 32 metres will be

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provided; the use of the existing reconfigured access is considered acceptable for the scale of the proposals.

- 4.16 The Farm's 2018 production levels are 7,500 bins of apples. Therefore, assuming each lorry has a capacity of 75 bins of apples but only leaves half full and the produce is harvested over a 4-month period between July and October, 230 lorry movements would be required to transport it from site to the processing facility at Flanders Farm. HGV movements are concentrated over a short period (July to October) of time. Some of the machinery equipment that the farm requires is also transported onto site, rather than being stored in situ.
- 4.17 An automated traffic count in April 2018 averaged 7-day average hourly two-way flows of 10 vehicles but the survey was not undertaken in peak harvest season (July to October) when local farmers are harvesting their produce and is therefore unlikely to be representative of peak flows on Bicknor Road.
- 4.18 Therefore, assuming each trailer has a capacity of 60 bins this amounts to 56 tractor and trailer movements over the harvest period. The forecast HGV movements (HGV) will be 2.5 times higher without the proposed cold store. This is due to the store providing the capability for goods to be transported in HGVs with full loads.
- 4.19 275 HGVs would be required to empty the store would be in addition to the tractor and trailer movements required to transport the fruit from Gibbens Farm to the store at Swanton Farm. The alternative scenario where there is no proposed store would require goods to be transported in HGVs with half loads. If each lorry was to only leave with a load of 30 bins of apples 685 HGVs would be required to transport the produce from site to store; all of which will use the local rural highway network. By transporting the produce offsite in full loads, the number of movements is decreased, along with the likelihood of conflicts between road users on local roads, given the changes in produce volumes that are already planned over the period to 2023. Should the proposals be granted permission the produce would be taken to the on-site cold store straight away and then distributed to the packaging and processing facilities in Medway as demand dictates. This will have the effect of reducing the intensity of HGV movements on the local highway network.
- 4.20 An additional 15 mobile homes on Swanton Farm will provide accommodation for an overall total of 60-90 people, all of whom will be transported around the farm in small buses/coaches with a capacity of up to 32 passengers. The loading and unloading of apples will be undertaken by the seasonal workers that will be accommodated in the mobile homes. There will be a negligible change in staff vehicular traffic movements because of the proposals.
- 4.21 The applicant has also obtained prior approval for an additional agricultural building north of the proposed store. As a result, machinery and equipment for the farms operations can be stored on site, rather than having to be transported in as required. This will remove some of the movements associated with farms existing operations.
- 4.22 The formalisation and hard surfacing of existing informal passing bays along Bicknor Road would better enable the route to accommodate the two-way nature of traffic movements. The applicant has proposed to undertake the works which should be secured and implemented under a S278 agreement with Kent County Council as Local Highway Authority.
- 4.23 Produce from the farm will be transported to the pack house in Medway for processing and packaging. Vehicles travelling to the Pack House will route via

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Hollingbourne and then onto the A20 and M20, or north via Swanton Street before joining the A249. The applicant has indicated they intend to avoid both Bredgar and Hollingbourne. Although both routes are constrained, it is not considered that either will be made any worse due to the overall reduction in traffic movements associated with the site.

- 4.24 The applicant has provided further swept path analysis demonstrating that a vehicle can turn within the development's curtilage and exit onto the public highway in a forward manner. A limited amount of parking will be provided for operatives because car ownership levels amongst the seasonal workers are predicted to be low. However, some site operatives may still choose to bring a private vehicle and will therefore require a degree of parking provision. A clear space of approximately 66 square metres will be provided between each caravan. These areas could be used to meet the parking demands that seasonal workers may generate for the duration of their employment at the site.
- 4.25 The personal injury collision record for Bicknor Road at its junction with Swanton Street has been checked for the last 19 years up to 30th September 2017, via crash map ([www.crashmap.co.uk](http://www.crashmap.co.uk)), and is considered to have a good personal injury collision record.
- 4.26 Request conditions including a Construction Management Plan; construction vehicle loading/unloading and turning facilities; parking facilities for site personnel and visitors; provision and permanent retention of the vehicle parking spaces and vehicle loading/unloading and turning facilities; completion and maintenance of the access and visibility splays.
- 4.27 Southern Water: The applicant will need to ensure that arrangements exist for the long term maintenance of the SuDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity to avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system.
- 4.28 KCC (Drainage). The proposed use of an oversized irrigation pond, trenches and a soakaway would be adequate to manage an increase in impermeable areas. At the detailed design stage we would recommend further ground investigations are carried out at proposed location of the lagoon along with information about proposed invert level and soakage zone of the infiltration trenches. This should consider the presence of Head Deposits over the Chalk which will offer poor infiltration rates. We would recommend a Condition for a detailed sustainable surface water drainage scheme.
- 4.29 Natural England: No comment: not likely to result in significant impacts on statutory designated nature conservation sites or landscapes.
- 4.30 KCC Ecology: additional information confirms that the development will not result in a loss of the windbreak - there is no requirement for additional ecological surveys to be carried out. The application provides opportunities to incorporate features into the design which are beneficial to wildlife and this is in accordance with the NPPF.
- 4.31 Environment Agency: No objection if the reservoir will be used for drainage although if involves the retention of more than 25,000 m<sup>3</sup> of water above normal ground level and will require registration under the Reservoirs Act 1975, and an impoundment licence under Section 25 of the water Resources Act 1991.

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- 4.32 Kent Police: We recommend that the building should be appropriately alarmed and may benefit from CCTV to cover the main elevations of the proposed building and the main vehicle entrance gates. Access control could also be considered for these gates, including an audio visual intercom system. Doorsets and roller shutters should be to an appropriate security standard, for example LPS1175 SR1.
- 4.33 Environmental Protection: (initial comments) Land contamination and air quality are not significant factors in this application. The floodlighting of the yard has potential to cause disturbance to nearby residences. Concerned about the issue of noise mainly from the movement of HGVs on residential premises immediately opposite. No details of hours of operation of the yard or HGV deliveries and collections have been. There is also potential for noise disturbance to be caused by plant associated with the development. Given the close proximity to the residential premises and the likely very low background sound level in the area.
- 4.34 An alternative location nearer to the access point has been put forwards by local residents. This location would be further from noise sensitive receptors and make successful mitigation more likely.
- 4.35 (Additional comments): Noise report submitted to assess the potential noise impact from the proposed cold store. The HGV movements and loading and unloading activities have not been considered HGVs will not operate at night. It has also been confirmed that the proposed revised access road will take the HGVs further away from residential properties and the daytime HGV movement along with the daytime loading and unloading activities will not increase. The applicant will need to confirm the hours of operation.
- 4.36 A BS4142:214 assessment shows that the residential properties located on the site are below the assessment criteria and would therefore not be affected by the noise from the plant for the proposed cold store. However, the calculated noise level for the most affected caravan has been predicted to be 45dB.
- 4.37 The lighting plans detail LED lighting with minimum light spill. The lighting plan would be acceptable for the proposed development and neighbouring land use and residents.
- 4.38 Reductions of 10 dB could be achieved at the most exposed unit via a combination of a 3m by 3m barrier extending south from the south west corner of the cold store and a 2m tall barrier in front of the accommodation unit itself. Although the applicant mentioned that HGV's will not operate at night. We would still require confirmation of hours for the proposed HGV movements/operations.
- 4.39 Agricultural Consultant- The applicants are large-scale local fruit growers, and packers of their own fruit, and other farmers' fruit, with their operational base at Hoo St Werburgh, They own or rent a total of 26 farms, mainly in the Medway and Swale areas.
- 4.40 This proposal relates to some 107 ha land which the applicants have recently purchased at Bicknor, including 90 ha of established orchards, and further arable land that is now planned to be planted with orchard fruit.
- 4.41 The land includes a seasonal agricultural workers' camp site (20 caravans),. A permitted associated building for communal/recreational facilities has not been erected. There is one relatively small general purpose farm building nearby and a building was recently given prior approval, as general farm storage.

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4.42 It appears that the new facility is very largely required for the storage of the output from the applicants' own orchards, and particularly Swanton Farm itself. Whilst this is a relatively large scale development, I consider it to be necessary for the purposes of agriculture in accordance with Policy DM36 1.(i) of the Adopted Local Plan 2017.

## **5. APPRAISAL**

### **Main Issues**

5.01 The key issues for consideration relate to:

- Principle of the Development in the Countryside
- Area of Outstanding Natural Beauty
- Landscape and Ecology
- Highways
- Drainage
- Residential Amenity/Noise

### **Principle of Development in the Countryside**

5.02 Strategic Policy SS1 states that protection will be given to the rural character of the borough and to the Kent Downs Area of Outstanding Natural Beauty and its setting.

5.03 Policy SP17 defines the countryside as land outside the settlement boundaries of the Maidstone urban area, rural service centres and larger villages defined on the policies map. It says that development proposals in the countryside will not be permitted unless they accord with other policies in this plan, they will not result in harm to the character and appearance of the area nor have significant adverse impact on the setting of the Kent Downs AONB. Policy SP17 recognises that agricultural proposals will be supported which facilitate the efficient use of the borough's significant agricultural land and soil resource provided any adverse impacts on the appearance and character of the landscape can be appropriately mitigated.

5.04 The preamble to the policy advises that countryside has an intrinsic character and beauty that should be conserved and protected for its own sake, whilst also maintaining a level of flexibility to support farming and the various aspects of the countryside economy. The importance of agriculture is considered: "Agriculture remains an important influence, fulfilling a number of important and varied roles in the countryside, contributing to the local economy, and managing and maintaining much of the valued landscape...However, in line with other businesses, agriculture needs to be able to react to new and changing markets and developments in technology. Agriculture in general is having to respond to the demand for produce to be available on a year-round basis and this has the potential for adverse impacts from intensive uses to be felt on the wider landscape and in terms of ecology and resources.

5.05 The use of modern CAS is a technological advancement in the top fruit industry to reduce the reliance on imported produce by significantly extending the shelf life of produce, making the market more stable in terms



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- 5.06 Policy DM 36 (New agricultural buildings and structures) states that proposals for new agricultural buildings or structures on land in use for agricultural trade or business which meet the following criteria will be permitted:
- (i) the proposal is necessary for the purposes of agriculture;
  - (ii) the proposal would not have an adverse impact on the amenity of existing residents
  - (iii). The building or structure would be located within or adjacent to an existing group of buildings, in order to mitigate against the visual impact of development, unless it can be demonstrated that a more isolated location is essential to meet the needs of the holding. Where an isolated location is essential the site should be chosen to minimise the impact of the building or structure on the character and appearance of the countryside.
- 5.07 The preamble to the policy is “potential negative impacts should however, be seen against the benefit that an increased growing season can have for the rural economy and the increased period where locally grown produce is available thus reducing reliance on imported produce.”.
- 5.08 Amenity impact (ii) will be considered later in this report. The proposal is clearly necessary for agriculture. The building is clustered with other built form and the use of land for workers caravans rather than being ad hoc sporadic development. It therefore complies with criteria (i) and (iii).
- 5.09 I am satisfied that overall, the scheme complies with policy DM356 ((i) and (iii)).It does not comply with Policy SP17 by virtue of the harm to the character and appearance of the area and the adverse impact on the landscape character of the Kent Downs AONB and so the Borough Council needs to be satisfied that there are material considerations demonstrated to outweigh the breach of that policy.

#### **Area of Outstanding Natural Beauty**

- 5.10 Policy SS 1 states that the Kent Downs Area of Outstanding Natural Beauty and its setting will be conserved and enhanced and this is reiterated in policy SP17 as mentioned above.
- 5.11 The NPPF paragraph 172 says great weight should be given to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues. The scale and extent of development within these designated areas should be limited. Planning permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:
- (a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
  - (b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and
  - (c) any detrimental effect on the environment, the landscape.. and the extent to which that could be moderated.

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- 5.12 In terms of (c), it is considered that this proposal as landscaped, including the amendments in terms of the lowering the building in the ground and land raising strike the right balance measured against these criteria an efficient use of agricultural land is achieved with minimised impact upon the appearance and character of the landscape. Criteria (a) and (b) in this case would be economic considerations and these are discussed below.
- 5.13 Policy DM37 is the specific policy for economic development in the countryside and permits the expansion of businesses in rural areas. However, whilst the supportive aims of the policy in respect of the development are relevant, the scale, size and impacts of this CAS would go beyond that which is permitted by the policy which restricts new buildings to those small in scale and where the building can be integrated into the landscape. The policy then states that where adverse effects would occur, the development should look to locate in one of the Economic Development Areas (EDA), within Maidstone or one the rural service centres. This is not in the EDA and would be a substantial expansion dwarfing the existing agricultural buildings on the site. Thus, the scheme would be contrary to Policy SP17 and DM37 and the key question is whether they are any material considerations which would outweigh this policy conflict.
- 5.14 In line with the NPPF policy (paragraph 80) of placing significant weight on economic growth and supporting the rural economy (paragraph 83), Local Plan Policy SP21 states that the Borough Council is committed to supporting and improving the economy of the Borough and providing for the needs of business. That is caveated as proposals for the expansion of existing economic development premises in the countryside, should have a scale and impact appropriate for its countryside location, in accordance with policy DM37
- 5.15 The agent was asked to explain why a non AONB site cannot be used of the development bearing in mind the extent of the land holdings of the applicant over North Kent includes many holdings that are not in the AONB.
- 5.16 The case submitted in response is:
- storage facilities need to be provided as close to the fruit trees as possible to ensures preservation of the fruit in optimum conditions and allowing it to be stored as long as possible through the year.
  - all of Swanton Farm is located within the AONB
  - On average, it takes two hours to load a fruit train. There are usually 5 teams of 6 in the orchard picking at any one time due to space, amount of equipment and for health and safety reasons. Once loaded, the fruit trains are driven back to the yard by tractor across the fields, where the produce is then unloaded (up to half an hour for this process). Without an onsite CAS, 30 fruit bins are loaded into an HGV (up to half an hour for this process).
  - To reduce the “decomposition” time an HGV would leave the site half full with 30 bins not the full 75.
  - If CAS are located on site, the fruit bins can be loaded straight off a fruit train and into a cold store chamber. Thus, reducing double handling, ultimately preserving the quality of the fruit.
  - Milstead Manor Farm is also located in the Kent Downs AONB.

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- Gibbens Farm is also located in in the Kent Downs AONB. This only generates a quarter of the fruit derived from Swanton Farm. This location is more visually intrusive.
- Ufton Court Farm is outside the AONB has the tenancy coming to an end in 2020.
- Pond Farm at Newington is outside the AONB but the tenancy arrangement is reviewed by the landowner on a yearly basis.
- The applicant owns 14 farms on a freehold basis which would be the only option for investment of this scale to take place.
- Gwelo Farm at Newington is 18 minutes from Swanton (which would require vehicles to go back through Bicknor after loading). Any proposal here would result in the fruit being double handled before being taken for packing at Hoo. This increases the movement of vehicles on the local rural road network, it further concentrates operations at two farms during harvest period and gives a logistical problem for drivers at a very busy time when fruit lorries are already in demand elsewhere moving fruit. Delays the time in which fruit can get into storage (thus degrading the quality) and increase cost in logistics.
- Stallance Farm, Griffins Farm and Boughton Mount Farm are all freehold farms outside of the AONB. These significantly smaller in size than Swanton Farm (respectively less than a third, a seventh and a tenth), all located too far from Swanton Farm, south of Maidstone in the opposite direction to the main packhouse facility at Hoo. Illogical to take fruit in the opposite direction from where it then needs to be packed. Risk of degrading the quality of the fruit which has to travel further, double handling and increases food miles.
- Coleshall Farm and Howt Green Farm, two further freehold farms are both located at Bobbing, outside of the AONB. Notwithstanding the unsuitable distance from Swanton Farm, movement of fruit to this site would require vehicles to go north out of their way of the eventual final destination of Flanders Farm. This is illogical and degrades the fruit quality, increase costs, increases food miles.
- Bloors Farm and Pump Farm are located to the north of Rainham, and it would therefore not be possible to get the fruit into stores quickly enough when coming from Swanton Farm.
- Gore Farm is outside the AONB is located at Upchurch and thus requires the movement of lorries further afield and does not allow fruit to get into the stores within 4 hours of picking.
- Flanders Farm is outside the AONB but is located over 22 miles away, which is too far away to meet the immediate requirement to get the fruit into long term storage within 4 hours from picking, sooner ideally
- Elmstone Court Farm is outside the AONB one-hour drive away and located in the opposite direction to the Hoo packhouse.
- It has been suggested that the applicant could buy another site, close by and not in the AONB to accommodate this cold store facility but unaware of such opportunities being available for land.

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- Buying or retrofitting additional sites is unviable, not least given the additional capital outlay for such facilities, and the premium cost of brownfield land.
  - The prospect of renting facilities, even if they were available locally would be extremely competitive and costly given the shortfall in such facilities, let alone Controlled Atmosphere stores.
- 5.17 The proposal at Swanton Farm comprises economic development which has been evidenced to be essential to an expanding business. Lack of any on site CAS would result in a severe shortfall in storage space for the business and those dependent on it.
- 5.18 Having regard to policy DM30(iv) there is no building suitable for conversion or to meet the modern facility needed to store fruit. In locality terms, the building is close to the existing built form of the existing farm yard (albeit buildings erected under agricultural permitted development rights or prior notifications). It is a location that has planning permission for the permanent caravans and an amenity block (latter not implemented).
- 5.19 In the light of the detailed appraisal from the agent on alternative sites, it is considered that there are no operationally realistic alternative available sites to the Orchards which could accommodate the projected growth of the business with the direct and indirect economic benefits that will accrue from the expansion of the business. This includes extra jobs directly and associated jobs in the supply chain and additional economic benefits generated.
- 5.20 Nationally, the government is committed to securing economic growth in order to create jobs and prosperity building on the country's inherent strength and to meeting the twin challenges of global competition and of a low carbon future. There is a clear national objective to become more self sufficient in food.
- 5.21 Thus it is clear there is an identified need for the new building within the AONB and significant economic benefits to the national agricultural economy in terms of top fruit will accrue from the application in accordance with the NPPF principles and the aims of local policies. The proposed development will be fundamental to expanding the agricultural enterprise and the aim to provide British apples to consumers and reduce the need to import fruit from other countries, therefore supporting the local and British economy.
- 5.22 The proposed building is large but the demands of modern fruit farming to support traditional orchards has been justified in my view. The need for efficiencies and economies of scale dictate a building of this form and scale. The retained agricultural consultant has endorsed the scheme as being agriculturally necessary for the farm of Swanton and Gibbens Farms. I am satisfied with the strength of the economic case which overrides breach in countryside and AONB protection policy and that the NPPF test for major AONB development is also met based on the national importance of an expanding agricultural enterprise at the forefront of technological and horticultural advances and which are endorsed by Government departments aiming to meet objectives to improve self sufficiency in food.
- 5.23 The AONB policy at national and local level however can only be justified in my opinion if the building is used for storage of orchard produce from the AONB. This would mean Swanton Farm and Gibbens Farm which are explicitly intended to share the new CAS. The design capacity of the CAS matches the forecast crop yield in 2023 of which 80% would be from Swanton Farm and 20% would be from Gibbens

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Farm. However, it would not be policy compliant for the store to be over sized to act as a more general “spare” capacity for the overall business when many of the holdings are not in the AONB except for genuine emergencies that are notified to the Council in advance. This would need to be the subject of a planning condition if Members are minded to permit the scheme.

- 5.24 Hence overall, it is considered that there is a clear need for the development, including national food supply considerations and refusing it would significantly impact on the local agricultural economy as it would mean that orchards in the AONB would be at a commercial disadvantage in future without being able to take advantage of new technologies and advancements in the production of top fruit.
- 5.25 It is my view that the agent has provided adequate evidence that there is no cost efficient way or scope for developing outside the AONB, or meeting the need for it in some other way.
- 5.26 The detrimental effect on the environment and the landscape can be mitigated by the land level changes, extensive landscaping and net ecological improvements.

### **Landscape and Ecology**

- 5.27 Paragraph 149 of the NPPF encourages long-term implications for water supply, biodiversity and landscapes. Paragraph 170 says that Planning decisions should contribute to and enhance the natural and local environment by: a) protecting and enhancing valued landscapes, sites of biodiversity; minimising impacts on and providing net gains for biodiversity. Paragraph 175 opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.
- 5.28 Policy DM3 (Natural Environment) aims to that new development protects and enhances the natural environment by incorporating measures where appropriate to protect positive landscape character and provide for the long term maintenance and management of all natural assets, including landscape character, associated with the development. The policy goes on to say that account should be taken of the Landscape Character Guidelines and the Kent Downs AONB Management Plan.
- 5.29 Policies should support appropriate measures to ensure the future resilience of communities and infrastructure to climate change impacts, such as providing space for physical protection measures, or making provision for the possible future relocation of vulnerable development and infrastructure.
- 5.30 This development is dependant on the management of the wider landscape for orchards from the forthcoming additional planting this year and over the next 5 years. The application is accompanied by a Landscape and Visual Impact Assessment to ensure that any impacts are suitably mitigated and that the scale of the development is appropriate.
- 5.31 The area of land in question lies within character area 6, Bicknor and Hazel Street Orchards, as defined within the Maidstone Landscape Character Assessment. The guidelines for which are conserve and reinforce. The relevant actions for this area are as follows:
- Consider the generic guidelines for Dry Valleys and Downs

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- Bicknor and Hazel Street Orchards is situated within the Kent Downs AONB- nationally important designation with a high level of constraint
  - Conserve and reinforce the very distinctive grid pattern of orchards,
  - Conserve and reinforce the poplar and hazel shelterbelts
  - Conserve and reinforce the rural setting to the settlements
  - Conserve the historic settlements and buildings within the area
  - Conserve the narrow lanes and avoid road improvements that detract from their character
  - Seek to extend native woodland cover within areas of intensively farmed landscape
- 5.32 The Landscape Guidelines states that within this landscape character area screen planting should consist mainly of locally indigenous deciduous species. Although some simple species hedgerows are found in this area, with poplar used as a windbreak, mixed hedges are found and provide a better habitat for wildlife.
- 5.33 The selected plant species are not entirely in accordance with the Landscape Guidelines. Whilst there is a need to provide a reasonable proportion of evergreen species (and those that retain their leaves over winter) as screening but there should be only 25% Holly. *Quercus rubra* is not a native species and should be substituted by an appropriate native variety. These issues can be dealt with through landscape conditions.
- 5.34 The Preliminary Ecological Appraisal advises:
- No nearby ponds so unlikely that great crested newts would be present on site
  - Intensively managed orchard unlikely to be used by reptiles.
  - the site contains suitable habitat for breeding birds so bird nesting season is important to factor in when carrying out clearance
  - no further work is recommended with regards to dormice, badgers or bats
  - Mitigation will be carried out for small mammals including during construction
- 5.35 Paragraph 127 of NPPF says that development should function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development. The landscape mitigation provides new habitats.
- 5.36 The engineering that is a key part of the landscape strategy to give better screening what is undeniably a large bulky building are normally resisted in the AONB especially bunding which can appear alien. In this case, the topographical changes are designed to be as natural in appearance as possible- the screening is achieved by a dig down and very gentle gradients of land raising.
- 5.37 Landscaping and Ecological strategies would need to be secured by condition which would also require further detail on mitigation and enhancements in terms of the location and number and to make sure that the appropriate species and mixes are used and to ensure long term management and monitoring.

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5.38 The suggested enhancements are:

- Provision of ready-made bat boxes or tube
- Provision of barn owl boxes
- Provision of owl boxes in trees
- Planting of hedges with dormouse friendly species (using native species)
- Establish climbing plants on walls and other vertical structures
- Integration of green or grey roofs
- Provide suitable nesting areas for bumblebees

### **Highways**

5.39 Policy DM21 relates to assessing transport impacts. The application is supported by a Transport Assessment (TA).

5.40 The use of the new road and improved access will take vehicle movements further away from the nearest residents in Bicknor and closer toward Swanton Street.

5.41 KCC Highways have reviewed the car parking and proposed HGV movements on and off site and have no objections to the application, assessing that it would not have a material impact upon the safety and operation of the adjoining highway network. This is based on the conclusions of the TA that the HGV number increase from greater fruit yields is something that would happen in any event due to the change in agricultural practices and species. The CAS allows the HGVs to move off site as full vehicles which are more efficient practice rather than half full and it allows the HGV traffic to be spread over a longer period of time rather than peaking at harvest time.

5.42 KCC advise that there is no unacceptable impact on highway safety, nor are the residual cumulative impacts on the road network severe, hence it does not warrant refusal as per the national policy in the NPPF paragraph 109. The use of the junction of Bicknor Road and Swanton Street is an existing situation. KCC has negotiated with the applicant to formalise of a number of passing bays to Bicknor Lane to the east of the site where there has been verge damage from current operations. These are off site works that would be the subject of a s278 agreement so would be secured by a Grampian style condition.

### **Drainage**

5.43 The scheme is also supported by Sustainable Drainage System (SuDS) which have been reviewed by KCC as Lead Local Flood Authority who consider the strategy is acceptable in principle.

5.44 The provision of the reservoir benefits the functional need of the business to have access to irrigation water and to manage surface water run-off and provide biodiversity enhancements. These multi functional purposes of the reservoir are supported.

5.45 The SuDS scheme needs to demonstrate that it deals with the surface water from the development for which planning permission is sought. Current flooding issues

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mentioned by the objectors will obviously pre-date the development but the applicant's strategy to retain surface water for irrigation purposes would indicate that there is scope to mitigate past problems if they arise from the application site.

- 5.46 There are no foul drainage proposals from the development. Staff amenities are said to be provided by existing facilities.

#### **Residential Amenity/Noise**

- 5.47 Policy DM36(ii) as mentioned above requires that there should be no adverse impact on the amenity of existing residents from agricultural development. Policy DM1 of the Local Plan is a general policy that protects amenities from development.
- 5.48 The landscape mitigation and the changes in levels reduces the site's visual impact on the public domain of Bicknor Road. The colour of the roof and walls can be reviewed by the imposition of a condition to ensure that its visual impact is reduced as far as practicable.
- 5.49 The noise impact of the scheme has been considered by the Environmental Protection team and subject to an hours condition for HGV movements and acoustic screening to the caravans from the chillers on the southern elevation, they are of the opinion that noise can be satisfactorily mitigated by condition and that the position of the chiller units relative to local residents are screened by the building itself and by the distance such that no harm to amenity should occur.
- 5.50 The distance of the local residents from the proposed development combined with the imposition of conditions relating to noise mitigation and lighting mitigation means that any impact on residential amenity is not considered to warrant refusal of the scheme in my opinion.

#### **Other Matters**

- 5.51 The site is not in an Air Quality Management Area (policy DM6 of the MBLP) and the scheme produces no additional traffic other than would happen anyway from the increased yields which is not something that can be controlled from a planning point of view.
- 5.52 In terms of Local Plan Policy SP18 (securing the sensitive management and design of development which impacts on heritage assets and their settings) and DM4 (designated and non-designated heritage assets) the building is sufficiently far from the listed buildings in the vicinity so as not to affect their settings in my opinion.
- 5.53 Policies DM1 and DM2 of the MBLP relate to Principles of Good Design and Sustainable Design. Policy DM30 (Design principles in the countryside) sets out a number of criteria that need to be met when development is carried out in the countryside. The first three criteria are relevant to this proposal, namely; "i. The type, siting, materials and design, mass and scale of development and the level of activity would maintain, or where possible, enhance local distinctiveness including landscape features; and ii. Impacts on the appearance and character of the landscape would be appropriately mitigated. Suitability and required mitigation will be assessed through the submission of Landscape and Visual Impact Assessments to support development proposals in appropriate circumstances;"
- 5.54 It is considered that the proposal has been designed in terms of its form and materials to acceptably meet the functional requirements of the business. Conditions can be imposed with regard to the building's finish ensures the proposal serves its



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functional purpose, whilst remaining consistent in appearance to modern agricultural buildings which are coloured to blend into the local landscape. Due to the dig down and the landscape screening, it will be the colour of the large roof span (rather than the walls) that is particularly important and how that is viewed against the landscape will dictate the most appropriate colour (which may not be light grey as proposed).

- 5.55 Policy DM8 of the Local Plan relates to external lighting: a minimal amount of lighting is proposed on site for the purposes of security and safety to allow the safe unloading and loading of fruit bins.
- 5.56 The LVIA considers lighting, concluding that there may be an incremental increase in lighting at night but this would be seen as a minor addition to that which exists at present. The landscape mitigation should assist in reducing the visibility of the lighting and a conditions would be imposed to ensure that it is designed to minimise light pollution of the dark skies.
- 5.57 Policy DM 2 (Sustainable design): this building can be conditioned to achieve BREEAM which could incorporate decentralised energy sources, such as renewable energy.
- 5.58 Most of the matters raised by objectors are dealt with in the main report. Issues with the current farm operations, such as conflicts with inconsiderate HGV drivers or the seasonal workers needing local amenities, sewage problems, rubbish or vermin are not directly related or material planning considerations with this application.
- 5.59 The fears that this will be converted to a regional hub/packing operation cannot form part of the decision as it needs to be judged on its own merits. The Highways advice from KCC is clear that it has been judged in highway terms on the very specific matter of storing fruit that is being picked from the 2 local farms. A packing operation is a totally different proposal that would not be supported at this location. Similarly, a building for a regional hub or packing operation in the AONB would breach the NPPF with no justification for doing so.
- 5.60 The use of surface water drainage ponds for irrigation on farms is a common practice for water conservation and concerns about this being a source of air borne infections or mosquitos cannot be used as reasons to refuse this element of the overall scheme.

## **6. CONCLUSION**

- 6.01 The proposal by reason of its size and bulk would harm the character and appearance of the countryside and would have an adverse impact on the Kent Downs AONB and so the Borough Council needs to be satisfied that there are material considerations demonstrated to outweigh the harm.
- 6.02 The proposal is clearly necessary for agriculture. The building is clustered with other built form and the use of land for workers caravans rather than being ad hoc sporadic development.
- 6.03 The scheme includes significant engineering works to give topographical changes that are designed to be as natural in appearance as possible.
- 6.04 KCC Highways and Transportation advise that the application would not have a material impact upon the safety and operation of the adjoining highway network and

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that there is no unacceptable impact on highway safety, nor are the residual cumulative impacts on the road network severe.

- 6.05 The distance of the local residents from the proposed development combined with the imposition of conditions relating to noise mitigation and lighting mitigation means that any impact on residential amenity is not considered to warrant refusal of the scheme in my opinion.
- 6.06 The provision of the reservoir benefits the functional need of the business to have access to irrigation water and to manage surface water run-off and provide biodiversity enhancements. These multi functional purposes of the reservoir are supported.
- 6.07 The proposed building is extremely large but the demands of modern fruit farming to support traditional orchards has to be acknowledged in my view. The need for efficiencies and economies of scale dictate a building of this form and scale.
- 6.08 There is a strong economic case and national importance of an expanding agricultural enterprise at the forefront of technological and horticultural advances and which is endorsed by Government departments aiming to meet national objectives to improve self sufficiency in food.
- 6.09 Overall, I am of the view that there are exceptional circumstances of public interest to allow for planning permission to be granted within the AONB in line with the NPPF.

## **7. RECOMMENDATION**

GRANT planning permission subject to the following conditions:

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2) The building hereby permitted shall be used only for the storage of fruit that has been grown/produced within Swanton Farm or Gibbens Farm unless agreed in writing by the Local Planning Authority and shall not be used for any other purpose.

Reason: The building in the AONB is justified only by the operational needs of Swanton Farm and Gibbens Farm.

- 3) No open storage of plant, materials, products, goods for sale or hire or waste shall take place on the land outside of the building.

Reason: To safeguard the character and appearance of the surrounding area.

- 4) No external lighting shall be installed on the site except in accordance with details to be submitted to and approved by the Local Planning Authority and they shall be retained as approved. The lighting will be controlled to be motion sensitive outside of normal working hours and not to remain on all night.

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Reason: In the interests of avoidance of light pollution.

- 5) Development shall not begin until a detailed sustainable surface water drainage scheme for the site has been submitted to and approved by the local planning authority. The detailed drainage scheme shall demonstrate that the surface water generated (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of within the curtilage of the site without increase to flood risk on or off-site. The drainage scheme shall also demonstrate that silt and pollutants resulting from the site use and construction can be adequately managed to ensure there is no pollution risk to receiving waters.

Reason: To ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on/off site flooding. These details and accompanying calculations are required prior to the commencement of the development as they form an intrinsic part of the proposal, the approval of which cannot be disaggregated from the carrying out of the rest of the development.

- 6) The building shall not be occupied until an operation and maintenance manual for the proposed sustainable drainage scheme is submitted to (and approved in writing) by the local planning authority. The manual at a minimum shall include the following details:
  - A description of the drainage system and its key components
  - An as-built general arrangement plan with the location of drainage measures and critical features clearly marked
  - An approximate timetable for the implementation of the drainage system
  - Details of the future maintenance requirements of each drainage or SuDS component, and the frequency of such inspections and maintenance activities
  - Details of who will undertake inspections and maintenance activities, including the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime.

The drainage scheme as approved shall subsequently be maintained in accordance with these details.

Reason: To ensure that any measures to mitigate flood risk and protect water quality on/off the site are fully implemented and maintained (both during and after construction), as per the requirements of paragraph 103 of the NPPF and its associated Non-Statutory Technical Standards.

- 7) Where infiltration is to be used to manage the surface water from the development hereby permitted, it will only be allowed within those parts of the site where

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information is submitted to demonstrate to the Local Planning Authority's satisfaction that there is no resultant unacceptable risk to controlled waters and/or ground stability. The development shall only then be carried out in accordance with the approved details.

Reason: To protect vulnerable groundwater resources and ensure compliance with the National Planning Policy Framework.

- 8) Details of the proposed colour of the wall, doors and roof materials to be used in the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure a satisfactory appearance to the development.

- 9) The development hereby approved shall not commence above slab level until, details of hard landscape works have been submitted to and approved in writing by the local planning authority and the development shall be carried out in accordance with the approved details before the first occupation of the building(s) or land;

Reason: To ensure a satisfactory appearance to the development.

- 10) The approved details of the parking/turning areas shall be completed before the commencement of the use of the land or buildings hereby permitted and shall thereafter be kept available for such use. No development, whether permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order, with or without modification) or not, shall be carried out on the areas indicated or in such a position as to preclude vehicular access to them

Reason: In the interests of highway safety and to ensure efficient internal movements within the site

- 11) All HGVs using the CAS hereby approved shall only use the routes detailed in the letter dated 1 June 2018 from Crosby Transport Planning. All HGVs shall use the access detailed in drawing P1790/02 which shall be completed in accordance with the details hereby approved before first use of the building hereby permitted. The approved sight lines shall thereafter be kept free of all obstruction to visibility above 1.0m high.

Reason: To ensure highway safety of the site and the locality.

- 12) Prior to the commencement of the development hereby approved, details of all fencing and boundary treatments, including acoustic barriers, including details of ongoing maintenance shall be submitted to and approved by the Local Planning Authority. The approved fencing and boundary treatments shall thereafter be installed prior to first use of the building and retained thereafter.

Reason: to protect the amenity of adjoining occupiers and ensure a good standard of design is achieved

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- 13) No use of the development hereby permitted shall take place until the off-site highways improvements have been completed in the form of passing bays to Bicknor Road (as generally indicated on drawing 180702 P1790) under a s278 agreement with the Local Highway Authority.

Reason: To ensure appropriate highway conditions are maintained within the locality

- 14) The building hereby approved shall not be used until all land engineering to visually screen the building has been carried out strictly in accordance with the drawings ACG&S-SF-260 rev E; ACG&S-SF-292 rev B; ACG&S-SF-293 rev A; ACG&S-SF-294 rev B..

Reason: In order to secure a satisfactory form of development having regard to the topography of the site.

- 15) No HGVs shall enter or leave the site during the hours of 1800hrs and 0800hrs.

Reason: In the interests of local amenity

- 16) A Construction Management Plan shall be submitted to and approved by the Local Planning Authority before the commencement of any development on site to include the following: Routing of construction and delivery vehicles; Parking and turning areas for construction and delivery vehicles and site personnel; Provision of construction vehicle loading/unloading and turning facilities prior to commencement of work on site and for the duration of construction.

Reason: In the interests of highway safety.

- 17) The details of landscaping shall be submitted for approval by the Local Planning Authority shall provide for the following indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development, and a programme of maintenance. The proposal shall include a woodland area on site to enhance biodiversity. All planting, seeding or turfing comprised in the approved scheme shall be carried out in the first planting and seeding season following commencement of the development (or such other period as may be agreed by the Local Planning Authority) and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. The landscape scheme shall specifically address the need to provide native species only.

Reason: To ensure that the proposed development is satisfactorily integrated with its immediate surroundings and provides for landscaping.

- 18) The approved landscaping details shall be carried out during the first planting season following first occupation of the building. Any seeding or turfing which fails

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to establish or any trees or plants which, within five years from the first occupation of a property, commencement of use or adoption of land, die or become so seriously damaged or diseased that their long term amenity value has been adversely affected shall be replaced in the next planting season with plants of the same species and size as detailed in the approved landscape scheme unless the local planning authority gives written consent to any variation.

Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development

- 19) The proposed building shall achieve at least a BREEAM Very Good level. A final certificate should be issued within 6 months of first occupation of the building to confirm the Very Good BREEAM rating has been achieved which will be expected to include decentralised or renewable energy.

Reason: to ensure efficiency use of natural resources and achieve sustainable energy production in line with Policy DM2 of the emerging Maidstone Local Plan.

- 20) Prior to the first use of the premises, all mitigation measures in the noise report hereby approved shall be implemented in full and retained thereafter including a 3m by 3m barrier extending south from the south west corner of the cold store and a 2m tall barrier in front of the accommodation units.

Reason: To protect the amenities of the neighbouring caravan occupants.

- 21) Prior to the first use of the premises, details of any plant (including ventilation, refrigeration and air conditioning) or ducting system to be used in pursuance of this permission shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details

Reason: to protect the amenities of the area

- 22) The development hereby approved shall not commence above slab level until a landscape and ecological management plan (LEMP) has been submitted to and approved by the Local Planning Authority. This will need to detail all the proposed biodiversity enhancements in terms of number and location. The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed;
- b) Ecological trends and constraints on site that might influence management;
- c) Aims and objectives of management;
- d) Appropriate management options for achieving aims and objectives;
- e) Prescriptions for management actions;
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);

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- g) Map;
- h) Details of the body or organization responsible for implementation of the plan;
- i) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: To safeguard and improve natural habitats and features within the site

- 23) The development hereby permitted shall be carried out in accordance with the following approved plans: ACG&S-SF-250 rev 1 E; ACG&S-SF-250 rev 2 D; ACG&S-SF-251 rev F; ACG&S-SF-252 rev E; ACG&S-SF-253a rev A; ACG&S-SF-253 rev F; ACG&S-SF-254 rev C; ACG&S-SF-260 rev E; ACG&S-SF-261 rev C; ACG&S-SF-262 rev A; ACG&S-SF-292 rev B; ACG&S-SF-293 rev A; ACG&S-SF-294 rev B; P1790/02;

Reason: To clarify which plans have been approved.

## INFORMATIVES

- 1) We understand the reservoir will be used for drainage, however if you plan to fill the reservoir from a groundwater source then you may need an abstraction licence. If the proposal involves the retention of more than 25,000 m<sup>3</sup> of water above normal ground level and will require registration with the relevant Local Authority under the Reservoirs Act 1975, and an impoundment licence from us under Section 25 of the water Resources Act 1991. Further information can be found on <https://www.gov.uk/guidance/reservoirs-owner-and-operator-requirements>.
- 2) It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site. Information about how to clarify the highway boundary can be found at

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<https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land/highway-boundary-enquiries>.

- 3) You are advised to implement a suitable scheme of directional signage to ensure that the traffic associated with the new building follows suitable routes.
- 4) You are advised to discuss with KCC (Highways and Transportation) and the Parish Council; Provision of wheel washing facilities; Temporary traffic management/signage ; Timing of deliveries during construction.

Case Officer Marion Geary