

REPORT SUMMARY

REFERENCE NO - 18/501158/FULL		
APPLICATION PROPOSAL Provision of new farm access to Knoxbridge Farm from A229, including landscaping, crossing over stream and barrier. (Resubmission of 16/508630/FULL)		
ADDRESS - Knoxbridge Farm, Cranbrook Road, Staplehurst, TN17 2BT		
RECOMMENDATION – REFUSE		
SUMMARY OF REASONS FOR REFUSAL There is no overriding need for the access road in this location and there are no significant benefits that would outweigh the identified visual harm. The proposal is not acceptable with regard to the relevant provisions of the Development Plan, the NPPF and all other material considerations such as are relevant.		
REASON FOR REFERRAL TO COMMITTEE - Petition of more than 100 signatures has been received in support of proposal		
WARD Staplehurst	PARISH COUNCIL Staplehurst	APPLICANT Fridays Ltd AGENT Mr David Harvey
DECISION DUE DATE 17/08/18	PUBLICITY EXPIRY DATE 11/05/18	OFFICER SITE VISIT DATE 22/03/18

MAIN REPORT

1.0 BACKGROUND INFORMATION

- 1.01 This planning application was presented to Planning Committee on 5th July 2018 and the original report is found in APPENDIX A. Members resolved to defer the application to seek the submission of further details of the proposed junction layout; and to seek additional landscape mitigation measures in the form of a woodland shaw.
- 1.02 The applicant has submitted additional plans in response to the deferment. These include further details of the proposed junction (with tracking) and the addition of two woodland shaws (one either side of the proposed access along the roadside boundary). The applicant confirms that the woodland shaws will be some 15m in depth.

2.0 ASSESSMENT

Additional landscaping

- 2.01 Whilst the additional landscaping along the road boundary would provide further screening of the proposed development from the A229, this would not be in the short term whilst the trees establish and the proposal would still create substantial urban development through countryside that has a high overall landscape sensitivity.

Junction details

- 2.02 As previously set out, the Highways Authority is satisfied that the proposal can achieve the required standards for access onto the strategic road network. On review of the additional junction details received, the Highways

Authority has confirmed that their position remains the same.

Other matters

- 2.03 It must be stressed that no economic case has been put forward by the applicant, in terms of there being an essential need for this new access in order for the farm operations to continue successfully. The argument presented is that the proposal would be of overriding benefit in highway safety and residential amenity terms, and this is what is disputed.
- 2.04 The Local Plan policies this application has been considered against remain relevant and the introduction of the amended National Planning Policy Framework (July 2018) does not significantly alter the assessment of this application.
- 2.05 Except for KCC Highways Authority, no further representations have been received on this application.

3.0 CONCLUSION

- 3.01 With the additional information, it is still considered that the proposal would result in an inappropriate development that would be harmful to the character and appearance of the countryside hereabouts that has a high overall landscape sensitivity. There also continues to be no demonstration of an overriding need for the proposal in this location, in either economic terms, highway safety terms, or residential amenity terms. As such, there remain no significant benefits that would outweigh this identified harm, and the recommendation remains for refusal of the application on this basis.

4.0 RECOMMENDATION – REFUSE for following reason:

The proposal would result in an inappropriate development in the countryside that would cause unacceptable harm to the character and appearance of the landscape that is of high overall landscape sensitivity. No significant evidence has been submitted to indicate overriding highway safety or residential amenity benefits such as to outweigh this identified harm. The application is therefore contrary to policies SP17, DM1, DM3 and DM30 of the Maidstone Local Plan (2017); the Maidstone Landscape Character Assessment & Supplement (2012); the Maidstone Landscape Capacity Study: Sensitivity Assessment (2015); the Staplehurst Neighbourhood Plan (2016-2031); and the National Planning Policy Framework (2018).

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.

APPENDIX A.

Report to the planning committee on the 5th July 2018

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RECOMMENDATION – REFUSE		
SUMMARY OF REASONS FOR REFUSAL There is no overriding need for the access road in this location, in either highway safety or residential amenity terms, and there are no significant benefits that would outweigh the identified visual harm. The proposal is not acceptable with regard to the relevant provisions of the Development Plan, the NPPF and all other material considerations such as are relevant.		
REASON FOR REFERRAL TO COMMITTEE Petition of more than 100 signatures has been received in support of proposal.		
WARD Staplehurst	PARISH Staplehurst	COUNCIL APPLICANT Fridays Ltd AGENT Mr David Harvey
DECISION DUE DATE 09/07/18	PUBLICITY EXPIRY DATE 11/05/18	OFFICER SITE VISIT DATE 22/03/18
RELEVANT PLANNING HISTORY:		

- 16/508630: Access from A229 - Refused (Aug 2017: visual impact grounds)
- 16/07865 (Tunbridge Wells): Provision of farm access – Approved (Feb 2017)
- 16/07705 (Tunbridge Wells): 3 replacement poultry houses – Approved (Mar 2017)
- TW/15/504981 (KCC): Installation of Anaerobic Digester - Approved (Sept 2015)
- 09/03366 (Tunbridge Wells): Erection of 3 poultry sheds - Approved (Mar 2010)
- MA/03/0264: Access from A229 - Refused (June 2003: visual impact grounds)

1.0 SITE DESCRIPTION

1.01 The proposed development site forms part of Knoxbridge Farm, a large colony style chicken farm established by Fridays. The farm extends to approximately 130ha comprising arable crop production and a poultry farm, which forms the subject of the proposed development.

1.02 The farm itself is located in the borough of Tunbridge Wells, to the south-east of Staplehurst, and to the east of the A229 Cranbrook Road. The majority of the proposal site and the proposed access road however are within the Borough of Maidstone (except for some 40-50m of the eastern end of the road). There is an existing access to the farm from the A229, this is adjacent to the Knoxbridge café and within Tunbridge Wells, which is also a public footpath (WC237). Part of the site is within Flood Zone 3, and

part of the site (parallel with Cranbrook Road) within an Area of Archaeological Potential.

- 1.03 The surrounding area is rural in character, comprised predominantly of farmland in arable production or pasture, woodland blocks, and interspersed rural properties; and for the purposes of the Local Plan, the proposal site is within the countryside.

2.0 PROPOSAL

- 2.01 The proposal is for the provision of a new farm access road to Knoxbridge Farm from the A229. The new access will provide an alternative to the existing access and would be located further north along the A229. It is stated that the proposal would not have an impact on the operation of the farm in terms of vehicle movements.

- 2.02 The proposed access is in a similar location to that refused under planning application in August 2017 (reference 16/508630) for the following reason:

“Proposal would result in unnecessary and inappropriate development in open countryside which would be harmful to the intrinsic character of the landscape. No significant evidence has been advanced to indicate any overriding highways or residential amenity benefits such as to outweigh the fundamental harm to the character of the countryside. The application is therefore contrary to Local Plan 2000 Policy ENV28; and Local Plan (Reg 19) Submission Version 2016 Policy SP17”.

- 2.03 The main difference between the proposal refused permission and the current proposal is additional planting now shown along the southern edge of the new road (close to farm buildings).

3.0 POLICY AND OTHER CONSIDERATIONS

- Local Plan (2017): SS1, SP17, DM1, DM3, DM30, DM36
- National Planning Policy Framework (2012)
- National Planning Practice Guidance (2014)
- Landscape Character Assessment (am. 2013) & Supplement (2012)
- Maidstone Landscape Capacity Study: Sensitivity Assessment (2015)
- Staplehurst Neighbourhood Plan (2016-2031)

4.0 LOCAL REPRESENTATIONS

- 4.01 **Local Residents:** 9 representations received in support of application, including a petition of 224 signatures in favour of the proposed access road on the grounds of highway safety. Raise objections to current access because of unwanted odours; property damage; air quality; and transportation of animal waste and dangerous substances.
- 4.02 1 representation objects with concerns over location of new access and what impact it would have upon their amenity.

5.0 CONSULTATIONS

- 5.01 **Staplehurst Parish Council:** Wish to see application approved and do not request its referral to planning committee;

Councillors commented proposal would help address residents' concerns about safety in Knoxbridge area and recommend application is approved.

- 5.02 **KCC Highways:** Raise no objection to proposal but also have no highway safety objection to existing access (see main report).
- 5.03 **Landscape Officer:** Their view does not conflict with the case officer's view taken from a planning perspective (see main report).
- 5.04 **KCC Flood & Water Management Team:** Raise no objection.
- 5.05 **Biodiversity Officer:** Raises no objection.
- 5.06 **Environmental Protection Team:** Raise no objection.
- 5.07 **Environment Agency:** Has no comments to make.
- 5.08 **Upper Medway Internal Drainage Board:** Raises no objection.
- 5.09 **Agricultural Advisor:** Commented application doesn't fall within their advisory remit.
- 5.10 **KCC Archaeology Officer:** Has made no comments.
- 5.11 **Health & Safety Executive:** Raise no objection on safety grounds.
- 5.12 **Tunbridge Wells Borough Council:** Raise no objection.

APPRAISAL

Main issues

- 6.01 Development proposals in the countryside will not be permitted unless they accord with other policies in the Local Plan and will not result in harm to local character and appearance; and impacts on the appearance and character of the landscape shall be appropriately mitigated and where possible, enhance local distinctiveness (policies DM1, DM3 and DM30).
- 6.02 The adopted Staplehurst Neighbourhood Plan is also part of the Development Plan, and policy PW2 seeks new development outside the village envelope to be assessed in terms of its potential impact upon the visual setting and landscape features of the site and its surroundings.
- 6.03 This report will set out and consider the applicant's justification for the proposal, as well as its visual impact and its potential impact upon residential amenity; biodiversity; surface water drainage; and other planning matters as relevant.

Highway safety implications

- 6.04 In terms of the new access the Highways Authority comments are summarised as follows:

Visibility sight lines

- 6.05 Visibility sightlines of 4.5m x 160m will be provided for the new access in accordance with Design Manual for Roads and Bridges advice note TD 42/95. In this instance, a set-back distance of 4.5m has been used which is more than that required under The Kent Design Guide. No objection is raised in relation to the visibility of the access to the A229 Cranbrook Road.

Personal injury Collision Record

- 6.06 The applicant has provided personal injury collision record data (sourced from KCC) for the A229 Cranbrook Road within the vicinity of the proposed and existing site accesses. As this only covers the period up to 31/03/16 crash map has used to check for the additional period up to June 2017, and KCC have confirmed no additional collisions have been recorded.

Vehicle tracking

- 6.07 On reviewing the swept path analysis, the proposed junction arrangements are considered satisfactory for the largest types of vehicles that are likely to use them.
- 6.08 As an overview, KCC are satisfied that it has been demonstrated that the required standards for access onto the strategic road network can be achieved and so no objection is raised by them to the new access in this respect.

Suitability of the existing access

- 6.09 In assessing the need for the proposed new access road (which is considered against visual harm later in this report) the Highways Authority has stated that there is no issue with the standard of the existing site access that the new road is proposed to replace for HGV access. Whilst the Highways Authority state that the proposed access would be of a higher standard in respect of visibility and turning movements, the personal injury collision record for the existing access does not provide evidence to support the conclusion that there are inordinate safety issues at the existing access. The existing access is not considered a crash cluster site by KCC (that being within a 50m diameter having experienced 4 or more crashes in a 3yr period). The agent also states that none of the Farm's vehicles have been directly involved in collisions at the existing access.

Summary

- 6.10 On this basis, there is considered to be insufficient evidence to demonstrate that this new access/road is required, necessary, and will result in a significant improvement in road safety. Furthermore, as there is already an existing access to the farm that KCC do not consider to have inordinate safety issues, and it is considered that the proposal cannot be considered 'reasonable' for the purposes of agriculture.

Visual impact

- 6.11 Policies SS1 and SP17 of the Local Plan states that protection will be given to the rural character of the borough; and proposals in the countryside will not be permitted if they

result in harm to the character and appearance of the area. Policy DM30 states that new development should maintain, or where possible, enhance the local distinctiveness of an area.

- 6.12 In accordance with the Council's Landscape Character Assessment and Capacity Study, the Low Weald generic guidelines seek to "...conserve the largely undeveloped landscape with its scattered development pattern and isolated farmsteads". More specifically, the site is within the Knoxbridge Arable Lowlands character area (46) as designated in the Maidstone Landscape Character Assessment, and the overall landscape sensitivity for this area is considered to be high and sensitive to change.
- 6.13 There are no protected trees on, or immediately adjacent to the site, and the applicant has submitted a Landscape and Visual Appraisal (LVA) that concludes that there would be no total or substantial loss upon the main landscape features that characterise the application site.
- 6.14 Notwithstanding this, the proposed access including the necessary sightlines would puncture through a hedgerow along the A229, with some hedgerow also being removed within the site itself; and the first 40m of the new access would measure 7.5m wide, with the remaining road measuring more than 4m wide. The new road would measure more than 400m in length and traverse what is currently an open field, albeit with the edges of the fields lined by trees and/or hedges.
- 6.15 The proposal would appear as an urbanising feature on this sensitive landscape, by virtue of it dissecting existing fields with the laying of significant levels of hard surfacing, then the public view of large vehicles moving up and down this road; and by the introduction of an intrusive element along the A229 in the shape of the new junction and views of the road through the junction. This is considered to be unacceptable encroachment in to the countryside, being at odds with the rural context and sensitive nature of the site and the surrounding area. It is considered that it would require substantial screening in order to shield the proposal from public view, and any new landscaping/screening would take a number of years to reach maturity; and even once established it could be considered to be incongruous with the character of what is currently an open undeveloped field.
- 6.16 The proposal would be contrary to the Council's Landscape Character Assessment, as the proposal is not considered to be closely associated with an existing settlement or farmstead, given that it is a new urbanising feature measuring more than 400m in length that carves through undeveloped land; and given that it introduces new development along the A229. There is also reference in the LVIA to trees that are proposed to be removed, but the submitted plans do not clearly indicate the details of the existing vegetation in question. The Landscape Officer would normally expect arboricultural information to be provided to enable a proper assessment of the effects of the proposed development.
- 6.17 Whilst the Landscape Officer confirms that the conclusions of the applicant's LVA are drawn from the methodology followed, there are always elements of subjectivity within this. So whilst the Landscape Officer does not disagree that the proposed mitigation planting would help screen and filter views of the access road in the long term, they state that there is clearly an adverse effect arising from the effect of additional human activity

within this sensitive landscape. The Landscape Officer goes on to comment that the access road does not conserve and enhance the historic field pattern, and nor is it directly associated with existing farmsteads or in keeping with existing. The Landscape Officer therefore considers the scheme to not reflect the Council's suite of landscape documents in respect of this character area, which is defined as being of high overall sensitivity and sensitive to change.

- 6.18 It has been concluded that further information or screening etc. that could be requested through planning conditions would fail to mitigate against the harm identified. It is therefore considered that the development would result in unacceptable harm to the rural character and appearance of the landscape hereabouts, contrary to the findings of the submitted LVIA. There are considered to be no overriding circumstances here that justify such a harmful development in this location that has already been refused by the local planning authority, and the identified harm would therefore be contrary to the relevant policies of the Local Plan and policy PW2 of the Staplehurst Neighbourhood Plan.

Residential amenity

- 6.19 The proposed access/road would not have an unacceptable impact upon the amenity of any local resident.
- 6.20 The argument has been made that the proposal will benefit the existing residential properties that are located close to and along the existing access, because the proposal would result in a net loss of HGV/tractor movements. However, the access will still be used by other motor vehicles coming and going from the farm and elsewhere; there is no substantial evidence submitted with the application that demonstrates that the existing access is harmful to the amenity of the existing residents, in terms of general noise and disturbance; and as KCC have stated, they do not consider the existing access to the farm to have inordinate safety issues.
- 6.21 Furthermore, there are no reasonable means for this local planning authority to ensure that no heavy vehicles would use the existing access, or in fact define what vehicles can and cannot use this access as it is not in Maidstone borough. As it is currently in use and of an appropriate standard KCC highways would also not have the means or reason to stop the use of the existing access. Imposing a condition to restrict what type of vehicles can use the existing access would also not prevent use of the existing access as once the new access was in use this would not be reasonably enforceable. As such, a condition of this nature would not pass the NPPF's 6 tests for when planning conditions should be imposed.

Other considerations

- 6.22 A preliminary ecological appraisal report was submitted as part of this application. The Biodiversity Officer is satisfied with this report's findings and concludes that there will be no need for further survey work to be carried out prior to determination of this application. This conclusion is reached given the small area of habitat to be lost as a result of the proposed development, and given the works are unlikely to impact the population of any species present within the wider area. If this application was recommended for approval and as agreed by the Biodiversity Officer, suitable conditions

could be imposed to secure appropriate ecological mitigation (including a precautionary mitigation strategy).

- 6.23 The Environmental Protection Team raise no objection in terms of noise, air quality and land contamination grounds; and the Environment Agency has assessed this application as having a low environmental risk and have no comments to make in terms of flood risk. The Upper Medway Internal Drainage Board also raises no specific objection to the proposal; and the KCC Flood and Water Management Team have raised no objection to the proposal in terms of surface water drainage.
- 6.24 Part of the site (close to the road) falls within an Area of Archaeological Potential, but as the KCC Archaeology Officer has made no comment, it assumed that they raise no objection to the proposal on archaeological grounds.
- 6.25 The comments made by Staplehurst Parish Council and the local representatives have been considered in the assessment of this application. However, it should be noted that potential property damage and what environmental implications there may be with transporting animal waste and dangerous substances are not material planning considerations.

7.0 CONCLUSION

- 7.01 It is considered that the proposal would result in an inappropriate development that would be harmful to the character and appearance of the countryside hereabouts that has a high overall landscape sensitivity. The application fails to adequately demonstrate an overriding need for the access road in this location, in either highway safety or residential amenity terms, and so there are considered to be no significant benefits that would outweigh this identified harm. It is therefore considered that the proposal is not acceptable with regard to the relevant provisions of the Development Plan, the NPPF and all other material considerations such as are relevant. A recommendation of refusal of the application is made on this basis.

8.0 RECOMMENDATION – REFUSE for following reason:

The proposal would result in an inappropriate development in the countryside that would cause unacceptable harm to the character and appearance of the landscape that is of high overall landscape sensitivity. No significant evidence has been submitted to indicate overriding highway safety or residential amenity benefits such as to outweigh this identified harm. The application is therefore contrary to policies SP17, DM1, DM3 and DM30 of the Maidstone Local Plan (2017); the Maidstone Landscape Character Assessment & Supplement (2012); the Maidstone Landscape Capacity Study: Sensitivity Assessment (2015); the Staplehurst Neighbourhood Plan (2016 — 2031); and the National Planning Policy Framework (2012).