

REFERENCE NO - 18/501312/FULL		
APPLICATION PROPOSAL Provision of a cold store, concrete hardstanding, irrigation lagoon and associated engineering operations (including land raising/earthworks) and the upgrading of an existing track and access with structural landscape enhancement and screening		
ADDRESS Swanton Farm Bicknor Road Bicknor ME9 8AT		
RECOMMENDATION Pending S106		
SUMMARY OF REASONS FOR RECOMMENDATION <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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. Additional information has been submitted in regard of detailed structural landscaping scheme comprising a significant area of woodland and wetland wrapping around the building to include the Bicknor Road frontage; further details showing views from the south east being improved as a result of the landscaping proposed, and details of the energy efficiency of the building and conclusions in regard of scope for renewable energy measures to be incorporated into the scheme.</p> <p>Overall, it is considered that this proposal represents an exceptional form of development in the AONB, can be adequately screened with ecological net benefits and therefore planning permission should be granted.</p>		
REASON FOR REFERRAL TO COMMITTEE Application called to Committee by Hollingbourne PC		
WARD North Downs	PARISH/TOWN COUNCIL Bicknor	APPLICANT AC Goatham And Son AGENT Bloomfields
TARGET DECISION DATE 04/12/18.		PUBLICITY EXPIRY DATE 20/11/18

MAIN REPORT

1. BACKGROUND

- 1.01 The application was deferred from the Planning Committee of 6 September 2018 with the following resolution:

That consideration of this application be deferred to:

- *Seek the submission of a detailed structural landscaping scheme comprising a significant area of woodland and wetland wrapping around the building to include the Bicknor Road frontage;*
- *Seek further details of how views from the south east could be improved as a result of the landscaping proposed; and*
- *Seek details of the energy efficiency of the building and how renewable energy measures could be incorporated into the scheme.*

- 1.02 The original report and Urgent update are annexed. At the meeting the following was verbally reported:

The agent for the applicant provided further information (a) clarifying that the orchards to the south would be on wire supports three metres high and that the trees would grow to a height of up to four metres to provide landscape screening to complement the existing landscape screening and (b) indicating that the applicant would be willing to consider further woodland type screening as part of the landscape condition if required.

2. PROPOSAL

- 2.01 The application has been clarified/amended as follows.

Structural landscaping scheme

- 2.02 This has been revised to include a new wetland close to the originally proposed woodland planting to the NE of the building (ie south of the Bicknor hamlet). The depth of planting here is approx. 40-60m. A woodland belt of indigenous trees and understorey has also been proposed around the existing caravans and proposed caravans as well as to the south, east of the new CAS building and along Bicknor land. The woodland belt to the south and east of the building and parallel to Bicknor Lane is shown to be approx. 20-30m in width. The woodland belt extends to screening the approved storage maintenance building on the site.
- 2.03 New secondary hedging of mixed natives will be planted inside the poplar shelterbelts along the northern boundary and parts of the east and west boundaries and existing hedging on the rest of the boundary will be infilled with poplars where there are gaps to do so and will allowed to grow to at least 5m in height.
- 2.04 In summary there will be:
- 1,714m of secondary hedging
 - 61m of additional poplars to be provided in the existing hedge
 - 24,526 sqm of Dry Woodland Planting
 - 1,316 sqm of Wet Woodland Planting
 - 162 sqm of waterside planting
 - 10,707 sqm of Special meadow grass seed mix
 - 4,603 sqm of Wet and meadow grass seed mix

Views From The South East

- 2.05 Photomontages have been submitted indicating the degree of future screening of the site from the SE viewpoint and there are also photomontages for views from the east, west and north.
- 2.06 A section drawing has been provided which shows that an existing 3-4m high hedgeline combined with the topography (upwards slope) of the ground to the south of the building means that the visual impact of the new building is limited and once the woodland planting reaches a mature height (eg 12m), would not be visible at all from that viewpoint.

Energy Efficiency/Renewable Energy

- 2.07 The agent has advised that the proposed development was originally requested by the applicant to be designed to be compliant to BREEAM – “Very Good”. However, Specialist Energy consultants (BBS) confirm that a building of this use is not BREEAM assessed because it is technically a low energy facility and it is not occupied by people as such. The scheme should therefore have the suggested condition 19 imposed from the 6 September agenda.
- 2.08 However, the agent confirms it will include the following systems and would be constructed from materials which are as environmentally friendly as possible and enable the building to operate in the most energy efficient manner.
- 2.09 There are 2 types of panels being proposed for this facility:
- a non-fire rated composite panel from Kingspan specifically designed for cold storage facilities (filled with a QuadCore hybrid insulation core which rated Green Guide A+ as per the BRE Global “The Green Guide to Specification”)
 - Eurobond Panel complying to BES 6001 for responsible sourcing of construction products standard (ie an independent body has verified that the building material has been produced in a manner which has minimised its environmental impact and is sustainable). All of Eurobonds panels are fully recyclable
- 2.10 All the lighting will be LED and internally switched via timed motion sensors. The entire facility has an automated control system: less electricity is used and less noise is generated. Secondary Refrigeration Systems will be very energy efficient and have inbuilt controls which optimise the operation of the cooling machinery and reduce energy use. Modern systems use Glycol which is non-toxic, non-corrosive and has excellent thermodynamic properties. Energy saving defrost systems are combined with a pipe work system which had its own cold buffer built in.
- 2.11 Regulation 21(3) of the Building Regulations 2010 sets out the types of building that need comply with the energy efficiency requirements and exempt from the requirements are non-residential agricultural buildings with a low energy demand. The space at the CAS is purely for the controlled storage of apples, with no provision for any space to heated or cooled for occupancy by persons. Therefore the Building Regulations do not apply here for energy efficiency requirements (which would usually mandate the investigation into the use of low carbon or renewable technologies within the proposals).
- 2.12 Notwithstanding the above a renewable technologies feasibility assessment from BBS has also been submitted. It concludes:
- Solar Thermal panels/Bio Fuels/Heat pumps are not feasible as there is no heating or hot water demand in the building.
 - Wind Turbines and Photovoltaic panels are potentially applicable.

- 2.13 However, the report goes on to state that in order for a wind turbine to produce any worthwhile impact, it would need to be of a relatively large scale (rotor diameter 10m or above). This could be considered unacceptable within the local AONB environment. The orientation of the building results in the roof pitching towards SEE/NWW, which is not ideal for a photovoltaic installation. However, some level of power production could be achieved with a SEE facing array. During summer period (May-September), where photovoltaics are most effective there will be virtually no power demand at the site, as the stores will be empty awaiting the autumn harvest. Therefore, the energy efficiency of the site would not benefit significantly from their installation.
- 2.14 The applicant has also commissioned a desktop study to assess the options and viability for exporting energy to the Grid from Swanton Farm. They have concluded that it is highly unlikely that the UKPNL distribution network will be able to accommodate any export generation from Swanton Farm without major network reinforcement. The costs and time to undertake that is prohibitive and unviable, being a National Grid assessment; very limited capacity in the 33kV network in the area and at Sittingbourne Primary Sub station and very limited capacity for generation on the local 11kV network.

Other Changes to the application documents

- 2.15 A Legal Agreement has been drafted to ensure that the routing is now limited to the direction of turn into to or out of the site (rather than wider use of the highway network) which can be a MBC rather than KCC enforced matter. It will oblige that all HGVs owned or directly controlled by the owner and used for the purpose of the development shall follow the route shown on the HGV Routing Scheme Map (except in emergencies). The routing plan shows that HGVs will enter and leave with turns into and out of the new site entrance via Swanton Street only and thus away from Bicknor hamlet.
- 2.16 The agent has clarified that the proposed Finished Floor Level height for the building will be 155.230mOD.

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,
Supplementary Planning Documents: Landscape Character Assessment Guidelines
and Maidstone Landscape Character Study

4. LOCAL REPRESENTATIONS

- 4.01 Relevant consultation on the additional/amended information has been carried out. No responses had been received at the time of writing the report.

5. APPRAISAL

Main Issues

- 5.01 The key issues for consideration relate to:
- Additional proposed structural landscaping/ Views From The South East
 - Energy Efficiency/Renewable Energy
 - HGV routing

Additional proposed structural landscaping/ Views From The South East

- 5.02 I am satisfied that the significant increase in the area and width of landscape screening to key areas of the site combined with the local topography means that the level of screening is acceptably commensurate to a building of this size in the AONB.
- 5.03 Similarly, the landscape screening has been designed to include a new wetland and so there will be net ecological benefits which is a material consideration in favour of the development overall.

Energy Efficiency/Renewable Energy

- 5.04 The agent has submitted a number of documents that indicate that the building will be energy efficient both in terms of the insulation quality of the fabric of the building and the technology of the plant used to control the temperature when the fruit is being stored. The seasonal use of the building means that the energy demands will be relatively low and that there are no staff comfortable working temperatures needs to be factored in.
- 5.05 It is the seasonal and constant albeit low energy use of the building which means that the applicant's energy consultants do not consider that it is feasible to include renewable energy measures. The only ones that would provide the necessary type of energy at the right times of the year would be wind and PV panels. The AONB location would make large wind turbines inappropriate and the PV array.
- 5.06 A desk top study has concluded that it is not viable to export renewable energy from the site to the Grid.
- 5.07 I am satisfied that the applicant has fully investigated scope for Renewable Energy as required by the Planning Committee resolution but that this site and location does not lend itself to including such measures and it would be unreasonable to impose a condition to that effect.
- 5.08 The applicant has demonstrated in my view that condition 19 suggested in the 6th September agenda report is not necessary or reasonable as BREEAM does not relate to this type of building. I therefore suggest that this condition be deleted.

Other Matters

- 5.09 The routing issue has been included in a draft legal agreement which is expected to be completed by the date of the Committee meeting.
- 5.10 The proposed development is CIL liable. The Council adopted a Community Infrastructure Levy on 25th October 2017 and began charging on all CIL liable applications approved on and from 1st October 2018. The proposed development falls into the zero charging category of the Maidstone adopted Charging Schedule. Consequently the CIL liability will be zero.

6. CONCLUSION

- 6.01 As per the original recommendation, there are material considerations demonstrated to outweigh the harm to the character and appearance of the countryside and the adverse impact on the Kent Downs AONB.
- 6.02 The agent has responded positively to the Planning Committee requests as regards the detailed structural landscaping, a significant area of woodland and wetland wrapping around the building to include the Bicknor Road frontage and details of

how views from the south east could be improved as a result of the landscaping proposed.

- 6.03 Full details of the energy efficiency of the building have been submitted and there has been investigation into the feasibility of renewable energy measures albeit concluded that none can be reasonably incorporated into the scheme. They have demonstrated that the BREEAM condition is unnecessary. The routing issue has also been resolved by a legal agreement.
- 6.04 Overall, I remain 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

The Head of Planning and Development BE DELEGATED POWERS TO GRANT planning permission subject to the prior completion of a legal agreement to provide the following (including the Head of Planning and Development being able to settle or amend any necessary terms of the legal agreement in line with the matters set out in the recommendation resolved by Planning Committee):

- all HGVs owned or directly controlled by the owner and used for the purpose of the development shall follow the route shown on the HGV Routing Scheme Map (except in emergencies). The routing plan shows that HGVs will enter and leave with turns into and out of the new site entrance via Swanton Street only and thus away from Bicknor hamlet.

and the imposition of the conditions as set out below:

- 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 development hereby permitted shall be carried out in accordance with the following approved plans: ACG&S-SF-250 sheet1 rev E; ACG&S-SF-250 sheet 2 rev E; 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; ACG&S-SF-300 rev B ; HLA-283-01 rev B ; HLA-283-03 rev A; HLA-283-101; 01.002.1769.02GF; 01.002.1769.01SF

Reason: To clarify which plans have been approved.

- 3) The building hereby permitted shall be used only for the storage of fruit that has been grown within Swanton Farm and/or Gibbens Farm (shown on approved drawings 01.002.1769.01SF and 01.002.1769.02GF) unless otherwise agreed in writing by the Local Planning Authority and it 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.

- 4) 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.

- 5) 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.

Reason: In the interests of avoidance of light pollution.

- 6) 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.

- 7) 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.

- 8) 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 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.

- 9) 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 in the AONB.

- 10) 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.

Reason: To ensure a satisfactory appearance to the development.

- 11) The approved details of the parking/turning areas shall be completed before the first 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 thereto.

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

- 12) 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: In the interests of amenity and highway safety.

- 13) The development hereby approved shall not commence above slab level until details of all fencing and boundary treatments (including acoustic barriers) with details of ongoing maintenance have been 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.

- 14) 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 under a s278 agreement with the Local Highway Authority.

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

- 15) 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.

- 16) No HGVs shall enter or leave the site during the hours of 1800hrs and 0800hrs.
Reason: In the interests of local amenity.
- 17) 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 amenity and highway safety. These details are required prior to the commencement of the development as they form an intrinsic part of the proposal's construction.
- 18) The details of landscaping 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 wetland and 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 completion 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.
- 19) 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 to establish or any trees or plants which, within five years from the commencement of use, 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.
- 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 high by 3m wide barrier extending south from the south west corner of the cold store and a 2m high 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 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);
 - 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 development should be implemented in accordance with the approved details.

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

INFORMATIVES

- 1) It is understood that the reservoir will be used for drainage, however if filled from a groundwater source then you may need an abstraction licence. If the proposal involves the retention of more than 25,000 m³ 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

<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