

Def Item 2 REFERENCE NO - 16/507789/FULL		
APPLICATION PROPOSAL Provision of a cold store building, extension to an existing building to provide lean-to for agricultural storage purposes, irrigation lagoon and electricity substation.		
ADDRESS Howt Green Sheppey Way Bobbing ME9 8QP		
RECOMMENDATION Grant		
SUMMARY OF REASONS FOR RECOMMENDATION The development is considered to be reasonably necessary for the agricultural operation at this site. It is therefore acceptable in principle. The proposal would cause no significant harm to visual amenities and there would be no significant increase in traffic as a consequence of the proposal. Therefore, the impact on landscape character, visual amenities and highway safety and amenity is accepted. Noise and activity at the site would not increase to a significant degree and I therefore consider that there would be no undue impact on local residents in this respect.		
REASON FOR REFERRAL TO COMMITTEE Parish Council objection		
WARD Bobbing, Iwade And Lower Halstow	PARISH/TOWN Bobbing	COUNCIL AC Goatham AGENT Bloomfields
DECISION DUE DATE 17/02/17	PUBLICITY EXPIRY DATE 30/12/16	OFFICER SITE VISIT DATE 02.12.16
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):		
16/507788/FULL	Change of use of land for the creation of hardstanding and siting of 16 mobile homes for 52 weeks of the year for occupation by seasonal rural workers and associated engineering works	Current.
16/507231/FULL	Retrospective application for extended period for temporary portable cabin for laundry use.	Approved.
16/501913/PNQCL A	Prior notification for the change of use of a building and land within its curtilage from an agricultural use to a use falling within Class C3 (dwelling-houses) and building operations reasonably necessary to convert the building For it's prior approval to: - Transport and Highways impacts of the development. - Contamination risks on the site. - Flooding risks on the site. - Noise impacts of the development. - Whether the location or siting of the building makes it otherwise impractical or undesirable for the use of the building to change as proposed. - Design and external appearance impacts on the building.	Prior approval granted.
14/505985/FULL	Proposed change of use of land for the creation of hardstanding to site 16 mobile homes for 52 weeks of the year for occupation by seasonal agricultural workers along with associated engineering works.	Refused and allowed on appeal.
SW/13/0728	Temporary portacabin for laundry use.	Approved
SW/13/0501	Controlled temperature fruit store with	Approved

	associated hardstanding and extension to general purpose building to provide office, WCs and laundry.	
SW/03/0201 & SW/04/0579	Fruit box and machinery store and chill store extension to this building respectively.	Approved
SW/11/0764	Erection of 65m in length close boarded fence 2-3 m height.	Approved
SW/10/1570	Increase in hardstanding area, soil bund with additional landscaping and provision of 16 no. seasonal workers caravans including hardstanding and vehicular parking.	Approved
SW/09/0386	Variation of condition to allow the storage of fruit grown in Swale, not just on A C Goatham's farms.	Approved
SW/08/1321	Variation of condition to allow the storage of fruit grown in Swale, not just on A C Goatham's farms.	Refused
SW/07/1388	Erection of a steel frame building to the rear of the site containing long-term storage for English Apples and Pears under.	Approved

MAIN REPORT

1.0 INTRODUCTION

1.01 Members will recall that this application was reported to the Planning Committee on 2nd February 2017. This report is appended. The application was deferred following a question from a Member in respect of the noise impact from the chiller units to be installed on the proposed cold store building, and a suggestion that condition 10 be amended to specify that the chillers should not be audible from residential properties close by, including the seasonal workers caravans. Members are asked to refer to the minutes of this meeting for details of the discussion.

1.02 The purpose of this report is to provide clarification on the noise impact from the chillers and to recommend an appropriate condition to address this noise impact. Members are reminded that in deferring this application, the matter of concern was solely in respect of the wording of condition 10:

10. The noise mitigation measures as set out on pages 4 and 9 of the submitted Environmental Noise Management Report shall be implemented prior to the first use of the cold store hereby approved and shall be maintained as such in perpetuity.

Grounds: In the interests of residential amenities.

1.03 Members are asked to refer to the appended report for details of the site, the proposal, planning constraints, planning policies, local representation, consultees and, an appraisal of the scheme.

2.0 DISCUSSION

2.01 The previous report noted that the Environmental Health Manager has no objection subject to conditions to ensure that the mitigation measures set out in the acoustic

report are implemented, notably the enclosure of each chiller in a suitably designed acoustic enclosure and the provision of a 3m high acoustic fence to the southern boundary.

- 2.02 In response to Members concerns about the noise impact and the robustness of condition 10, I have asked the Environmental Health Manager to provide further comment on this matter. He notes:

“I do not disagree with the report (acoustic assessment) or its choice of attenuation. My only issue with it is the mention of the old 1997 version of BS 4142, which the author of the report should have realised has been superseded by the 2014 version.

*The acoustic assessment has determined that at 10 metre distance from the two proposed chillers with the acoustic information provided by the manufacturers of the chiller, complaints are highly likely without attenuation. It has suggested a minimum noise reduction of 12 dB(A) to both chillers to achieve a figure of 31 dB(A) at the nearest residential property, which has been measured at 82 metres distance to the south of the site. The attenuation appears to consist of a combination of acoustic enclosures and a 3 metre high acoustic fence. The attenuation is seemingly **not** designed to protect the temporary workers caravans, some of which are less than 10 metres from the chillers.*

However.... this is a working farm and there are other chillers on site which may affect these and the other caravans similarly. Also, the occupants are not ‘residents’ in the truest sense, as they are only present for a few months per year. The times that they are staying at the farm corresponds to the busiest time of the year where there will be other noise sources, often at unsocial hours. The ambient noise levels on and near this site are higher than normal and will help to reduce the effect of these chillers, which will be attenuated in any case.

I think therefore that if it is felt appropriate to alter the wording of condition 10 relating to noise mitigation to include these caravans, the change should not use the word ‘inaudible’, as it is an impossibility for there to be no sound audible at these caravans from the latest chillers. There are other noise sources on the site, including the proposed electricity station, situated close to the caravans.

I see no real reason to change the wording of this condition, as to do so will introduce issues that cannot be mitigated against.”

- 2.03 As such, the noise reduction that the proposed mitigation would provide would adequately protect the residential amenities of the residential properties close by. The acoustic assessment states that the nearest affected property is ‘St Anton’ which is 82m to the south of the proposed chillers and notes:

“We would expect the local authority to specify that the total plant noise emissions should not exceed a level of background minus 5dB when measured at 1metre from the façade of the nearest affected residential property...

...In order to achieve the criterion of 31dBA (5dB below background noise level)...it will be necessary to provide a minimum noise reduction of 12dBA to both chillers.”

- 2.04 On page 9 of the submitted Environmental Noise Management Report (acoustic report), under conclusions and recommendations, it states:

“The noise emissions from the proposed development should not exceed the levels indicated in table 3 (i.e. 31dBA) when measured at 1m from the façade of the nearest affected residential property....

In order to achieve the noise criterion, it will be necessary to enclose each chiller within a suitably designed acoustic enclosure. Inlet and discharge are should be provided with suitably designed attenuators selected to provide 12dBA minimum level attenuation...”

- 2.05 The originally suggested wording of condition 10 requires the development to be carried out in accordance with the above recommendations. Should Members wish to be more specific in its requirements, I suggest an amended wording:

*10. The noise mitigation measures as set out on pages 4 and 9 of the submitted Environmental Noise Management Report, **specifically, that the noise level of the chillers hereby approved shall not exceed 31dBA when measured at 1m from the façade of St Anton and that the chillers shall be enclosed with attenuators providing 12dBA as a minimum level of attenuation and the erection of a 3m high acoustic fence as shown on drawing number 3830 DR001 & 06J7/01043, shall be implemented prior to the first use of the cold store hereby approved and shall be maintained as such in perpetuity.***

Grounds: In the interests of residential amenities.

- 2.06 31dBA is below what one might expect as the ambient noise level in a home. An empty living room generally has an ambient noise level of 20-30dB. As such, I consider that the stipulated 31dBA noise level will ensure that the residents of the closest neighbouring property, St Anton do not suffer any undue harm and that it is unlikely that noise from the chiller units would be perceptible within the property.
- 2.07 I am in full agreement with the Environmental Health Manager in respect of the need to protect the ‘residential amenity’ of the seasonal workers. It is the case that the caravans are not providing permanent residences and these are not homes where one might expect to have the same level of privacy and quiet. The workers will be fully aware that they will be living and working in the same environment and that this will be a working farm which is, by its very nature, noisy. I do not therefore consider that the proposed chillers should be attenuated to accommodate the seasonal workers caravans. However, if Members were so minded, we could require an additional acoustic fence to be provided between the chillers and the caravans. This might offer some further sound reduction.

Other Matters

- 2.08 We have now received comment from Kent Highways and Transportation and they have no objection to the proposal. They note that the access and visibility provided thereto is acceptable. They agree with the findings of the submitted Transport Assessment in respect of the likely number of trips generated by the development and note that the road is of a standard that is capable of accommodating large vehicles and does not have capacity issues. They ask for conditions to require details of parking for site operatives during construction, to guard against mud on the highway during construction and, the permanent retention of parking and turning space within the site. Conditions 5, 6 and 16 below cover these issues.
- 2.09 Since the last report was written, we have received comments from the Tree Consultant who finds the submitted landscaping details acceptable.

3.0 CONCLUSION

- 3.01 Having considered the comments from local residents, the parish council and the relevant consultees as well as the relevant planning policies, I consider that the development would be acceptable in principle. It would help to sustain an established agricultural enterprise to the benefit of the rural economy. The proposals would have some impact on visual amenities and the character of the landscape but I do not consider that this would be harmful, especially with the planting of the Alder trees along the boundary with Sheppey Way by way of mitigation. The proposals would not increase noise levels to the extent that there would be any significant harm to local residents in my view. Traffic levels would be increased by a small degree but this would not be harmful to highway safety or amenity in my view. Kent Highways and Transportation raise no objection in this respect.
- 3.02 I therefore consider that planning permission should be approved subject to the conclusions below, including the amended wording for condition (10).

4.0 RECOMMENDATION – GRANT Subject to the following conditions:

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which the permission is granted.

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

2. The development hereby approved shall be carried out in accordance with the following approved drawings: 04, 09a, 05, 06, 08, 11, 16009_600_01 rev OR, 3830_DR_002, 3830_DR_001, 8223/03 A.

Reason: For the avoidance of doubt and in the interests of proper planning.

3. Prior to the commencement of development hereby approved, the applicant, or their agents or successors in title, shall secure the implementation of a programme of archaeological work in accordance with a written specification and timetable which has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that features of archaeological interest are properly examined and recorded.

4. No construction work in connection with the development shall take place on any Sunday or Bank Holiday, nor on any other day except between the following times:- Monday to Friday 0730 – 1900 hours, Saturdays 0730 – 1300 hours unless in association with an emergency or with the prior written approval of the Local Planning Authority.

Reason: In the interests of residential amenity.

5. During construction of the development adequate space shall be provided on site, in a position previously agreed by the Local Planning Authority to enable all employees and contractors vehicles to park, load and off load and turn within the site.

Reason: In the interests of highway safety and convenience

6. Adequate precautions to be previously agreed in writing by the Local Planning Authority, shall be taken during the period of demolition and construction to prevent the deposit of mud and/or other debris on the public highway.

Reason: In the interests of highway safety and convenience.

7. The scheme of tree planting and landscaping shown on the submitted landscaping masterplan and planting plan shall be carried out within 12 months of the completion of the development. Any trees or shrubs removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with trees or shrubs of such size and species as may be agreed in writing with the Local Planning Authority.

Reason: In the interests of the visual amenities of the area and encouraging wildlife and biodiversity.

8. Details in the form of British Standards or commercial specifications of the proposed colouring of the cold store building materials (which shall be olive green) shall be submitted to and approved by the Local Planning Authority before the development is commenced.

Reason: In the interest of visual amenity.

9. The materials to be used in the construction of the external surfaces of the lean-to extension hereby permitted shall match those on the existing building in terms of type, colour and texture.

Reason: In the interests of visual amenity.

10. The noise mitigation measures as set out on pages 4 and 9 of the submitted Environmental Noise Management Report, specifically, that the noise level of the chillers hereby approved shall not exceed 31dBA when measured at 1m from the façade of St Anton and that the chillers shall be enclosed with attenuators providing 12dBA as a minimum level of attenuation and the erection of a 3m high acoustic fence as shown on drawing number 3830 DR001 & 06J7/01043, shall be implemented prior to the first use of the cold store hereby approved and shall be maintained as such in perpetuity.

Reason: In the interests of residential amenities.

11. Prior to the commencement of development hereby approved, full details of the method of disposal of surface waters shall be submitted to and approved by the Local Planning Authority. The approved details shall be implemented before the first use of the development hereby permitted.

Reason: In order to prevent localised flooding.

12. The ecological recommendations as set out at Chapter 4 of the submitted Preliminary Ecological Appraisal, including the ecological enhancements, shall be implemented on site in accordance with a timetable to be submitted to Swale Borough Council for approval in writing.

Reason: In the interests of the preservation and enhancement of ecology and biodiversity on the site.

13. No removal of hedgerows, trees or shrubs that may be used by breeding birds shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting birds interest on site. Any such written confirmation should be submitted to the local planning authority.

Reason: In the interests of the preservation of nesting birds on site.

14. No development shall take place until a "lighting design strategy for biodiversity" for the site boundaries has been submitted to and approved in writing by the Local planning authority. The lighting strategy shall:
- a) Identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes to access key areas of their territory;
 - b) Show how and where external lighting will be installed so that it can be clearly demonstrated that area to be lit will not disturb or prevent that above species using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy and these shall be maintained thereafter in accordance with the strategy.

Reason: In the interests of the preservation of bats on site.

15. The controlled atmosphere fruit store hereby permitted, shall be utilised for accommodating fruit grown within the Swale Borough Only. The store shall not be used for intermediate holding over of fruit for short term periods but instead operate a single filling operation per year.

Reason: In order to secure the use of the building for the purposes set out in the application particulars.

16. The area shown on the submitted plan as 'concrete apron' shall be used for or be available for loading and off-loading and vehicle parking at all times when the premises are in use and no development, whether permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order) or not, shall be carried out on that area of land or in such a position as to preclude vehicular access to this reserved area; such land and access thereto shall be provided prior to the commencement of the use hereby permitted.

Reason: The development without the provision of the loading, off-loading and parking space would be detrimental to amenity and likely to lead to inconvenience and danger to road users by virtue of vehicles parked on the public highway amenity

Informative:

1. The applicant is advised to give careful consideration to the comments of Southern Gas Networks as set out in their letter of 2nd December 2016.

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

The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.

The Council's approach to this application:

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework (NPPF), the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and proactive manner by:

Offering pre-application advice.

Where possible, suggesting solutions to secure a successful outcome.

As appropriate, updating applicants/agents of any issues that may arise in the processing of their application.

In this instance:

The application was acceptable as submitted and no further assistance was required.

APPENDIX A

Planning Committee Report – 2 February 2017

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APPLICATION PROPOSAL Provision of a cold store building, extension to an existing building to provide lean-to for agricultural storage purposes, irrigation lagoon and electricity substation.		
ADDRESS Howt Green Sheppey Way Bobbing ME9 8QP		
RECOMMENDATION Grant subject to the comments of the Tree Consultant		
SUMMARY OF REASONS FOR RECOMMENDATION The development is considered to be reasonably necessary for the agricultural operation at this site. It is therefore acceptable in principle. The proposal would cause no significant harm to visual amenities and there would be no significant increase in traffic as a consequence of the proposal. Therefore, the impact on landscape character, visual amenities and highway safety and amenity is accepted. Noise and activity at the site would not increase to a significant degree and I therefore consider that there would be no undue impact on local residents in this respect.		
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DECISION DUE DATE 17/02/17	PUBLICITY EXPIRY DATE 30/12/16	OFFICER SITE VISIT DATE 02.12.16
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):		
SW/03/0201 & SW/04/0579	Fruit box and machinery store and chill store extension to this building respectively.	Approved
SW/07/1388	Erection of a steel frame building to the rear of the site containing long-term storage for English Apples and Pears under.	Approved
SW/08/1321	Variation of condition to allow the storage of fruit grown in Swale, not just on A C Goatham's farms.	Refused
SW/09/0386	Variation of condition to allow the storage of fruit grown in Swale, not just on A C Goatham's farms.	Approved
SW/10/1570	Increase in hardstanding area, soil bund with additional landscaping and provision of 16 no. seasonal workers caravans including hardstanding and vehicular parking.	Approved
SW/11/0764	Erection of 65m in length close boarded fence 2-3 m height.	Approved
SW/13/0501	Controlled temperature fruit store with associated hardstanding and extension to general purpose building to provide office, WCs and laundry.	Approved
SW/13/0728	Temporary portacabin for laundry use.	Approved
14/505985/FULL	Proposed change of use of land for the creation of hardstanding to site 16 mobile homes for 52 weeks of the year for occupation by seasonal agricultural workers along with associated engineering works.	Refused and allowed on appeal.

<p>16/501913/PNQCL A</p>	<p>Prior notification for the change of use of a building and land within its curtilage from an agricultural use to a use falling within Class C3 (dwelling-houses) and building operations reasonably necessary to convert the building For it's prior approval to: - Transport and Highways impacts of the development. - Contamination risks on the site. - Flooding risks on the site. - Noise impacts of the development. - Whether the location or siting of the building makes it otherwise impractical or undesirable for the use of the building to change as proposed. - Design and external appearance impacts on the building.</p>	<p>Prior approval granted.</p>
<p>16/507231/FULL</p>	<p>Retrospective application for extended period for temporary portable cabin for laundry use.</p>	<p>Approved.</p>
<p>16/507788/FULL</p>	<p>Change of use of land for the creation of hardstanding and siting of 16 mobile homes for 52 weeks of the year for occupation by seasonal rural workers and associated engineering works</p>	<p>Current.</p>

MAIN REPORT

1.0 DESCRIPTION OF SITE

1.01 The application site lies within the countryside and within the Strategic Gap between Sittingbourne and the Medway Towns. There are no special landscape designations that cover the application site. It is to the northwest of Sittingbourne and to the south of Iwade. It lies opposite the entrance to a small cluster of industrial units. Residential properties lies on the opposite side of Sheppey Way, including Nethertoës and White House, both Grade II listed buildings. The surrounding land comprises of agricultural fields.

1.02 The application site lies within the larger farm complex of Howt Green where there are already three large agricultural buildings, two of which are cold stores. Also within the farm complex are two parcels of land used to site caravans for agricultural workers associated with the applicant's farming business. Members will note that an application for the relocation of some of these caravans is on the same agenda (Ref: 16/507788/FULL) but the two applications are not dependant on each other and so can be considered separately.

2.0 PROPOSAL

2.01 The proposed cold store would be sited 30 metres from Sheppey Way. It would be rectangular in footprint and would be 1,974 sq m with a ridge height of 11.2m. A 10m concrete apron would be provided around the building to ensure access to the site to load and unload fruit bins. The cold store would contain 12 chambers to store apples and pears grown and handled by the applicant.

- 2.02 The proposed lean-to extension would be to cold store no. 2 which is situated 85m from Sheppey Way. This would be 70m in length, running the entire length of the building and would be used to store machinery and farm equipment that is currently stored in the open air.
- 2.03 The irrigation lagoon would be located 70m from Sheppey Way to the north of the proposed re-located caravans. This would be 1,350 sq m in area with a cubic capacity of 900 cubic metres. The lagoon would be used to capture rain water (once filtered) and hold it for use as irrigation to the surrounding orchards.
- 2.04 The substation would be sited 15m from Sheppey Way just to the west of the re-located caravans. This would be a small stand-alone building with a maximum height of 3 metres and a footprint of 25 sq m. I understand that the substation has already been installed.
- 2.05 Submitted with the planning application is a landscaping masterplan. This proposes the provision of a 3m high acoustic fence along Sheppey Way and reinforced planting along this boundary also with an Alder tree belt.

3.0 PLANNING CONSTRAINTS

- 3.01 The application site is approximately 11m from a High Pressure Gas Pipeline.

4.0 POLICY AND OTHER CONSIDERATIONS

- 4.01 The National Planning Policy Framework (NPPF) sets out at paragraph 14 that at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.
- 4.02 Paragraph 18 of the NPPF states that the Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future.
- 4.03 Paragraph 22 of the NPPF states that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should:
- support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings;
 - promote the development and diversification of agricultural and other land-based rural businesses.
- 4.04 National Planning Practice Guidance (NPPG) – Natural Environment; Noise; Travel plans, transport assessments and statements in decision-making and; Use of planning conditions.

Swale Borough Local Plan Adopted 2008:

- 4.05 Policies E1 - general guidance regarding design and amenity, E6 – countryside, E7 – strategic gap, E9 – protection of landscape, E10 – trees and landscaping, E11 - biodiversity, E14 – development involving listed buildings, E19 – high quality design, B1 – supporting and retaining existing employment land and businesses, B2 –

providing new employment, RC1 – helping to revitalise the rural economy, T1 – vehicular access and T3 – vehicular parking.

- 4.06 Supplementary Planning Document – Swale Landscape and Biodiversity Appraisal (adopted 2011). The site lies within the Iwade Arable Farmlands which is identified as a Fruit Belt Landscape Type. The condition of this landscape is classed as ‘poor’ with a moderate sensitivity to change. The guidelines for this landscape type are to restore and conserve.

Emerging Local Plan Bearing Fruits 2031 Main Modifications version June 2016

- 4.07 Policies ST1 (sustainable development); CP1 (economy); CP7 (natural environment); DM3 (rural economy); DM6 (transport demand); DM14 (general development criteria) & DM32 (listed building); DM34 (archaeological site) are also relevant in the consideration of this application.

5.0 LOCAL REPRESENTATIONS

- 5.01 Five representations of objection have been received from local residents. A summary of their comments is as follows:

- Caravans and substation are already on site;
- This is an industrial use not agricultural as there is now an operator’s license to park HGVs on the land;
- The building would be an eyesore;
- Surface waters will drain from the site onto the road;
- The submitted transport assessment is incorrect;
- Speed limits on Sheppey Way are exceeded and HGVs overtaken;
- The access to the site is shared with the adjacent business and this has expanded recently, leading to more vehicles using the access;
- HGVs often reverse up Sheppey Way and cause congestion along the road;
- the number of vehicles going to and from the site is underrepresented in the transport assessment and the cumulative impact of this site with new housing will be detrimental to highway safety;
- the buildings would detract from the Hamlet of Howt Green;
- detrimental impact on the grade II listed building - Nethertoës;
- the site has expended considerably since 2008 and there is noise and pollution as a result;
- fruit is imported from other farms, contrary to planning conditions;
- there is a new water tank provided on site without permission;
- detrimental to local flora and fauna;
- additional noise in the early hours of the morning and late at night;
- no need for the lean-to extension as machinery and equipment can be stored elsewhere;
- regular crop-spraying and;
- there are a number of traffic movements from the residents of the caravans.

- 5.02 The Swale Footpaths Group comment that the adjacent footpath would be unaffected by the proposal.

6.0 CONSULTATIONS

- 6.01 Bobbing Parish Council object on the grounds that there would be increased traffic and noise. However, they understand that the machinery shed is being moved to the back

of the site. If this is done then it will reduce the noise in their opinion. They also note that there is no mention of hours of work on the application form and query what this would be.

- 6.02 The Health and Safety Executive no not advice against the development.
- 6.03 UK Power Networks have no objection.
- 6.04 The Rural Planning Consultant notes that the farm itself is some 60ha but also acts as the main farming base for the applicants' farms in the Swale area. The farmstead has approved controlled atmosphere storage facilities and a general purpose storage building. After storage at Howt Green Farm, the fruit is dispatched to Flanders Farm, Hoo, a new site approved by Medway Council as the applicants' main packing facility, dealing with the applicants' own fruit and that of other local farms. The applicant has provided details of the expected cropping from their own orchards in the Swale area from 2017 and 2019. The figures support the agricultural case for a third controlled atmosphere fruit storage building of the size now proposed. The new store would avoid the need to use an equivalent amount of storage in off-lying rented facilities, of poorer standard, and with limited ongoing security of tenure. The lagoon and the lean-to and substation are also considered to be necessary for agriculture.
- 6.05 Natural England consider that subject to consideration of the Thames, Medway and Swale Estuaries Strategic Access Management and Monitoring Strategy (SAMM), the proposal may be screened out as not having a likelihood of significant effects on the designated sites. As this proposal is not for residential use, no contributions are required for the SAMM.
- 6.06 Southern Gas Networks had objected subject to the comments of their local engineer (which we have now received). They note that the pipeline in the vicinity of the development is a Major Accident Hazard Pipeline. Guidance is provided on development close to such pipelines. Comments from the local engineer have been received. They note that there is a building proximity distance of 9 metres either side of the pipeline. No mechanical excavation is allowed within 3m either side of the pipeline. Other details guidance in respect of building close to the pipeline is provided. I note that the local engineer does not object to the proposal.
- 6.07 The Environmental Health Manager has no objection subject to conditions to ensure that the mitigation measures set out in the acoustic report are implemented, notably the enclosure of each chiller in a suitably designed acoustic enclosure and the provision of a 3m high acoustic fence to the southern boundary and, restrictions of times of construction.
- 6.08 KCC Ecology consider that sufficient ecological information has been submitted in support of the application. They note that the proposal is not for residential development and therefore there would be no increase in recreational disturbance on the SPA as a consequence of the proposal. They advise that any work to vegetation should be carried out outside of the bird breeding season. A condition to secure a precautionary mitigation methodology is recommended. In addition a condition to control lighting is suggested as well as a condition to secure biodiversity enhancements.
- 6.09 The Lower Medway Internal Drainage Board note that the site is outside of their district and provided that off-site water runoff rates are not increased by the development, their interests should not be affected.

- 6.10 Southern Water note that a formal application for connection to the public sewer is required and suggest an appropriate informative.
- 6.11 The KCC Surface Water Drainage and Flood Risk engineer has no objection to the proposal but recommend that any volumes of storage for rainwater are kept separate to the attenuation pond. It is important that the development is resilient to flash flooding. There are significant flooded volumes during 1 in 100 year storm events and therefore seek confirmation in detailed design that these volumes will be contained within the site boundary and not have a significant effect upon access and egress in a significant rainfall event. They recommend a condition to require the submission of this detail.

7.0 BACKGROUND PAPERS AND PLANS

- 7.01 Planning Design and Access Statement; Landscape and Visual Appraisal; Flood Risk Assessment and Surface Water Design; Traffic Statement; Environmental Noise Measurement Report; Landscape Masterplan and; Preliminary Ecological Appraisal.

8.0 APPRAISAL

Principle of Development

- 8.01 Planning permission was granted in 2009 (SW/09/0386) and 2013 (SW/13/0501) for the provision and use of buildings at this site for the storage of fruit grown in Swale (not exclusively for fruit grown on A C Goatham's farms). The current cold store proposal is to provide an additional building for the storage of fruit that is handled by A C Goatham and Son and grown in Swale. The applicant accepts that the same condition applied to SW/13/0501 can be applied to the current application. This states:

“The controlled atmosphere fruit store hereby permitted, shall be utilised for accommodating fruit grown within the Swale Borough Only. The store shall not be used for intermediate holding over of fruit for short term periods but instead operate a single filling operation per year.

Grounds: In order to secure the use of the building for the purposes set out in the application particulars.”

- 8.02 As well as having their own storage facilities, the applicant currently rents facilities for the storage of fruit. They would like to secure an additional building on Howt Green to ensure that they can continue to store fruit in the future with the added security of owning their own buildings. The approval of this building will help the applicant to continue to develop their agricultural business in the borough. This complies with policy RC1 of the Swale Borough Local Plan 2008 and emerging Local Plan policy DM3. This draft policy encourages provision for the storage, distribution or added value activities in central hubs located close to crop sources and the primary and secondary road networks. The proposal at Howt Green Farm would fulfil this aspect of policy DM3.
- 8.03 The lean-to extension, lagoon and substation are all considered to be necessary for this agricultural enterprise.
- 8.04 I therefore consider that the proposal would be acceptable in principle.

Visual Impact

- 8.05 The application is accompanied by a Landscape and Visual Impact Assessment (LVIA). The most noticeable element of this proposal will be the cold store. This has been sited close to Sheppey Way and so would be seen from this highway as well as from the residential properties opposite the site and the public right of way RU48 and RU48A to the north. It would be a large and tall building but would be set within the context of the farm complex at Howt Green as well as against the backdrop of a number of existing large agricultural and industrial buildings. The building would be contained within this setting and would therefore have a limited impact on the character of the landscape in my view. The building is proposed to be olive green thereby limiting the visual impact further as well as the proposed Alder tree belt along the southern boundary. I am assessing the acceptability of the proposed Alder belt and other landscaping proposed and will update Members at the meeting.
- 8.06 The LVIA concludes that the development would have an adverse impact in terms of visual amenity from Sheppey Way but suggests that mitigation measures will lessen this impact. The LVIA concludes that there would be neutral effects from other viewpoints. In terms of landscape character, the effects are assessed as being highly localised, of low magnitude and on a site scale only. I therefore consider that the visual and landscape impacts of the development would be acceptable, provided that landscape as shown indicatively on the Landscaping Masterplan is implemented in full.

Residential Amenity

- 8.07 The proposal for the cold store would increase activity at the application site to some extent. However, as the proposed use is for storage of fruit, the activity would be concentrated at particular times and would be associated with the filling of the fruit bins within the building and then emptying the fruit bins via HGVs. The filling of the bins will happen over a 12 week period between July and October. The fruit bins are then mostly emptied to supply supermarkets during the Autumn and Winter when fresh fruit is not available. This equates to 3 HGV trips per day over the 12 week filling period and less than 2 HGV trips per day for the rest of the year. In terms of the general noise and activity that this pattern of use would generate, I consider that this would be negligible in respect of the impact on the residential properties opposite.
- 8.08 There are no existing restrictions on the hours of operation at this farm complex and it would be unusual for an agricultural enterprise to have to operate with such restriction. Imposing a restriction on the hours of operation now would be unreasonable and unnecessary in my view.
- 8.09 The new cold store building would have two chiller cabinets, each measuring 4.1m x 1.1m x 2.8m in height, sited immediately outside to the eastern elevation on a concrete plinth. There would be some noise emitted from these chiller cabinets and the applicant has submitted a noise measurement report to assess the impact of this noise on residential properties close by. The noise assessment notes that it is necessary for the chillers to be enclosed with a suitably designed enclosure. The assessment also notes that there would be a 3m high fence along the southern boundary constructed of superior quality double overlapping slats which would provide a 5dBA attenuation. The Council's Environmental Health Manager raises no objection on noise grounds. He has considered the submitted noise assessment and recommends the mitigation condition below. I therefore consider that there would be no undue impact on residential amenities.

Highways

- 8.10 The applicant has submitted a Traffic Statement with the application. The predicted traffic levels associated with the proposed new development are set out at paragraph 8.07 above. I consider that this level of traffic associated with the cold store building would have a minimal impact on the highway network and Sheppey Way. There would be no increase in traffic as a result of the other elements of this application. I acknowledge the concerns of local residents and the Parish Council in respect of highway concerns and congestion at the access to the site. However, I do not consider that the number of HGVs predicted to be attracted to the site as a consequence of this new cold store would have a detrimental impact on highway safety and amenity. Neither do I consider that the additional HGVs using the access would increase congestion at this point.

Other Matters

- 8.11 The Health and Safety Executive raises no objection to the proximity and number of mobile homes in relation to the high pressure gas pipeline to the north east. The risk to human life is acceptable in my opinion.
- 8.12 The preliminary ecological appraisal recommends no further species specific surveys. The submitted Biodiversity Enhancement Strategy details appropriate enhancement measures. These assessments are acceptable to KCC Ecology. I have recommended a suitably worded condition to ensure that these ecological enhancements are implemented.
- 8.13 I have no concerns in respect of surface water drainage. KCC Surface Water Drainage and Flood Risk have requested further details in this respect and consider that this can be controlled by condition. I have recommended a suitably worded condition below.
- 8.14 The proposed cold store, lean-to extension, substation and lagoon would all be contained within the existing farm complex, on the otherside of Sheppey Way to the closest listed building - Nethertoës, which is 75m to the south. I consider that this distance and the intervening Sheppey Way would ensure that the setting of this listed building is preserved. I have applied an archaeological condition given the fact that a similar condition was applied to the 2013 application for the 2nd cold store on the site.

9.0 CONCLUSION

- 9.01 Having considered the comments from local residents, the parish council and the relevant consultees as well as the relevant planning policies, I consider that the development would be acceptable in principle. It would help to sustain an established agricultural enterprise to the benefit of the rural economy. The proposals would have some impact on visual amenities and the character of the landscape but I do not consider that this would be harmful, especially with the planting of the Alder trees along the boundary with Sheppey Way by way of mitigation. The proposals would not increase noise levels to the extent that there would be any significant harm to local residents in my view. Traffic levels would be increased by a small degree but this would not be harmful to highway safety or amenity in my view. Kent Highways and Transportation raise no objection in this respect.
- 9.02 I therefore consider that planning permission should be approved subject to the comment of the Council's Tree Consultant.

10.0 RECOMMENDATION – GRANT Subject to the comments of the Council’s tree consultant and the following conditions:

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which the permission is granted.

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

2. The development hereby approved shall be carried out in accordance with the following approved drawings: 04, 09a, 05, 06, 08, 11, 16009_600_01 rev OR, 3830_DR_002, 3830_DR_001, 8223/03 A.

Reason: For the avoidance of doubt and in the interests of proper planning.

3. Prior to the commencement of development hereby approved, the applicant, or their agents or successors in title, shall secure the implementation of a programme of archaeological work in accordance with a written specification and timetable which has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that features of archaeological interest are properly examined and recorded.

4. No construction work in connection with the development shall take place on any Sunday or Bank Holiday, nor on any other day except between the following times:- Monday to Friday 0730 – 1900 hours, Saturdays 0730 – 1300 hours unless in association with an emergency or with the prior written approval of the Local Planning Authority.

Reason: In the interests of residential amenity.

5. During construction of the development adequate space shall be provided on site, in a position previously agreed by the Local Planning Authority to enable all employees and contractors vehicles to park, load and off load and turn within the site.

Reason: In the interests of highway safety and convenience

6. Adequate precautions to be previously agreed in writing by the Local Planning Authority, shall be taken during the period of demolition and construction to prevent the deposit of mud and/or other debris on the public highway.

Reason: In the interests of highway safety and convenience.

7. The scheme of tree planting and landscaping shown on the submitted landscaping masterplan and planting plan shall be carried out within 12 months of the completion of the development. Any trees or shrubs removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with trees or shrubs of such size and species as may be agreed in writing with the Local Planning Authority.

Reasons: In the interests of the visual amenities of the area and encouraging wildlife and biodiversity.

8. Details in the form of British Standards or commercial specifications of the proposed colouring of the cold store building materials (which shall be olive green) shall be submitted to and approved by the Local Planning Authority before the development is commenced.

Reason: In the interest of visual amenity.

9. The materials to be used in the construction of the external surfaces of the lean-to extension hereby permitted shall match those on the existing building in terms of type, colour and texture.

Reason: In the interests of visual amenity.

10. The noise mitigation measures as set out on pages 4 and 9 of the submitted Environmental Noise Management Report shall be implemented prior to the first use of the close store hereby approved and shall be maintained as such in perpetuity.

Reason: In the interests of residential amenities.

11. Prior to the commencement of development hereby approved, full details of the method of disposal of surface waters shall be submitted to and approved by the Local Planning Authority. The approved details shall be implemented before the first use of the development hereby permitted.

Reason: In order to prevent localised flooding.

12. The ecological recommendations as set out at Chapter 4 of the submitted Preliminary Ecological Appraisal, including the ecological enhancements, shall be implemented on site in accordance with a timetable to be submitted to Swale Borough Council for approval in writing.

Reason: In the interests of the preservation and enhancement of ecology and biodiversity on the site.

13. No removal of hedgerows, trees or shrubs that may be used by breeding birds shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting birds interest on site. Any such written confirmation should be submitted to the local planning authority.

Reason: In the interests of the preservation of nesting birds on site.

14. No development shall take place until a "lighting design strategy for biodiversity" for the site boundaries has been submitted to and approved in writing by the Local planning authority. The lighting strategy shall:

- c) Identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes to access key areas of their territory;
- d) Show how and where external lighting will be installed so that it can be clearly demonstrated that area to be lit will not disturb or prevent that above species using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy and these shall be maintained thereafter in accordance with the strategy.

Reason: In the interests of the preservation of bats on site.

15. The controlled atmosphere fruit store hereby permitted, shall be utilised for accommodating fruit grown within the Swale Borough Only. The store shall not be used for intermediate holding over of fruit for short term periods but instead operate a single filling operation per year.

Reason: In order to secure the use of the building for the purposes set out in the application particulars.

Informative:

2. The applicant is advised to give careful consideration to the comments of Southern Gas Networks as set out in their letter of 2nd December 2016.

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.
The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.

The Council's approach to this application:

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework (NPPF), the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and proactive manner by:

Offering pre-application advice.

Where possible, suggesting solutions to secure a successful outcome.

As appropriate, updating applicants/agents of any issues that may arise in the processing of their application.

In this instance:

The application was acceptable as submitted and no further assistance was required.