

**REPORT SUMMARY**

<b>REFERENCE NO - 16/507673/FULL</b>			
<b>APPLICATION PROPOSAL</b> Erection of cherry coverings and framework (Swale Borough Council).AS AMENDED BY SITE PLAN C 120916V3 Rev 240217 and PLAN C 12092016V3 Rev 240217 RECEIVED ON 24 <sup>TH</sup> FEBRUARY 2017			
<b>ADDRESS</b> Land At Swanton Farm Bicknor Lane Bredgar Kent ME9 8AY			
<b>RECOMMENDATION GRANT subject to conditions</b>			
<b>SUMMARY OF REASONS FOR RECOMMENDATION:</b> The proposal is in accordance with National and Local Policy			
<b>REASON FOR REFERRAL TO COMMITTEE:</b> Parish Council objection and Ward Councillor request			
<b>WARD</b> West Downs	<b>PARISH/TOWN COUNCIL</b> Bredgar	<b>APPLICANT</b> FW Mansfield & Son <b>AGENT</b> Mr Nicholas Rooke	
<b>DECISION DUE DATE</b> 09/02/17	<b>PUBLICITY EXPIRY DATE</b> 14/03/17	<b>OFFICER SITE VISIT DATE</b> 18.01.2017	
<b>RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):</b>			
<b>App No</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
16/504659	Erection of Cherry coverings and framework	Approval	07.09.16
15/510363	Erection of cherry coverings and framework	Approval	04.05.16
SW/11/0001	Erection of cherry coverings and framework	Approval	14.03.11

**MAIN REPORT**

**1.0 DESCRIPTION OF SITE**

- 1.01 The site is located to the east of the village of Bicknor and Swanton Farm adjacent to Swanton Street with access to the orchards from the lane leading to Swanton Farm.
- 1.02 The reduction in the proposal for the coverings to be over 3 of the orchards, orchard 1 to the south of this lane is 4.6ha and will require 2.96ha of coverings, Orchard 2 is 6.9ha with coverings of 5.07ha and finally orchard 3 is 6.3ha with coverings of 5.2ha .
- 1.03 All the orchards are surrounded by an established shelter belt of mature Poplar windbreaks of approx. 4m tall on all sides, although there are some gaps in this screening in the vicinity of the road junctions with the lanes leading to Bedmorton and Swanton Farm allowing views into the site.
- 1.04 There is also vegetative screening along Swanton Street to the east of the orchards and along the lane leading to Swanton Farm, here too there are some gaps. It is noted that the deciduous nature of the vegetation would open up views of the site in the winter months.

- 1.05 To the north of the orchards are two public footpaths, to the north west of the site to the north of Swanton Farm and a further public footpath from Bicknor Lane to the north of Swanton Court (with uncovered orchards 4 and 5 in between it and the covered site) to the north
- 1.06 The nearest residential property to the covered orchard is Swanton Court to the north which lies approx. 400m away and the village of Bicknor to the west at approx. the same distance.

## 2.0 PROPOSAL

- 2.01 The application seeks planning permission for the erection of cherry coverings and the associated framework to cover part of an existing area of cherry orchard at Swanton Farm, Bicknor Lane, Bredgar.
- 2.02 The area of orchard was originally to cover 24.20 hectares, with the orchard amounting in total to 30.914 hectares over 5 orchards. No additional trees are proposed to be planted and the proposal is to cover the existing trees. Following concerns raised during the consultation period the application site was amended and orchards 4 and 5 were removed and the area now to be considered is the 13.23 hectares of coverings over the trees in orchards 1, 2 and 3 totaling 17.96 hectares.
- 2.03 The cherry coverings themselves would measure approx 7.6m wide by 4.7 m high. The area to be covered would have a minimum 10m separation margin around the field edges. The tunnels themselves would be covered in a translucent plastic, which would be removed in October and be stored away for the winter and replaced in March. Each tunnel would have an open gutter and the frameworks are secured by screws and anchors and would have no permanent fixtures or footings and would be oriented in the same South West/North East direction as the rows of trees.

## 3.0 SUMMARY INFORMATION

- 3.01 The applicant has provided supporting information with the submission and they state that *"the tunnels are needed at Swanton Farm as it is the land best suited for growing cherries. Two other farms in the North Kent 'fruit belt' at Norton and Owen's Court, Selling also grow cherries - cherry growing has been a feature of the area for many hundreds of years and clearly, agricultural practices evolve... cherries are no longer grown on large, spreading trees with sheep grazing beneath them. As set out in the Design and Access Statement (parag 10.6), consumers will simply not buy secondary quality produce – requiring it to be grown under cover.*
- 3.03 *FW Mansfield & Son are probably the largest agricultural employer in Kent and almost certainly the largest agricultural employer in the AONB, the economic success of their farms in turn allows environmental benefits to be carried out. Currently about 113 employees can be accommodated at Swanton Farm – just under 10% of the peak workforce of FWM and their contribution to the local economy through employment and local spending is immense. If Swanton Farm was not an intensive fruit farm, but farmed as an arable unit, it would be unlikely to employ more than 1 person, so there is an indisputable financial benefit to the district here."*

*We are happy to bolster the existing planting along the road frontages to further obscure the views of the tunnels from passing traffic.*

## 4.0 PLANNING CONSTRAINTS

4.01 This application is located within the Kent Downs Area of Outstanding Natural Beauty

## 5.0 POLICY AND OTHER CONSIDERATIONS

5.01 **The National Planning Policy Framework (NPPF)** Para 115 advises that “*Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty.*”

5.02 Para 116 continues that “*planning permission should be refused for major developments in these designated areas except in exceptional circumstances and where it can be demonstrated they are in the public interest. Consideration of such applications should include an assessment of:*

- *the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;*
- *the cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way; and*
- *any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.*”

5.03 Para 110 considers that in the preparation of development plans... “*the aim should be to minimise pollution and other adverse effects on the local and national environment and that the plans should allocate land with the least environmental or amenity value, where consistent with other policies in this framework.*” However this land has been designated as countryside and this allocation is not changed by the content of this application.

5.04 Para 109 advises that “*the planning system should contribute to an enhance the natural and local environment by, amongst other things protecting and enhancing valued landscapes, geological conservation interests and soils, minimising impacts on biodiversity and providing net gains in biodiversity were possible*” This needs to be read in association with the other relevant paragraphs of the framework as listed above.

5.05 **Development Plan: Swale Borough Council Adopted Local Plan 2008** In Policy RC1 (Helping to Revitalise the Rural Economy) the Council wishes to support those businesses that can help provide local employment opportunities and maintain the vitality or viability of other rural services. Additionally, it sees the provision of rural business as fundamental in supporting the market towns and local service centres. The Policy therefore states that “*proposals that would help to diversify the rural economy, provide new rural jobs and services or provide environmentally positive countryside management, will be permitted provided that:*

*the proposal is appropriate in scale with its locality and the site retains its rural character;*

*there is a positive impact upon, or no detriment to, landscape character, biodiversity or countryside conservation;*

*the use would not result in a significant increase in traffic to the detriment of the character, quiet enjoyment or safety of the lanes to and from the site, or be of a scale as to create unsustainable travel patterns;*

*maximum use is firstly made of existing buildings, or, if not suitable, their modest redevelopment, followed by use of other previously developed land, in preference to*

*development on greenfield land, except where this would result in a more acceptable and sustainable development than might be achieved through conversion; and the reuse of such buildings, or their extension, do not detract from their historical, architectural or landscape interest, character, or appearance”.*

- 5.06 Policy E9 states that *“The quality, character and amenity value of the wider landscape of the Borough will be protected and, where possible, enhanced. Within the Kent Downs Area of Outstanding Natural Beauty (AONB), the priority is the long-term conservation and enhancement of natural beauty (including landscape, wildlife, and geological features) of this national asset over other planning considerations.*

*Suitably located and designed development necessary to facilitate the economic and social well-being of the area and its communities, will be permitted, whilst major developments will not be permitted unless there is a proven national interest and no suitable alternative sites”*

- 5.07 **Bearing Fruits: Main Modifications June 2016** Policy DM3 is the means to highlight the needs of specific sectors and the protection and expansion of rural services, whilst balancing support for the sustainable growth and expansion of business and enterprises with limiting and managing adverse impacts upon the wider countryside.

It states that planning permission will be granted for the sustainable growth and expansion of business and enterprise in the rural area for the agricultural/forestry sectors:

- to enable the diversification of a farm; or
- to extend the growing season or improve the reliability and availability of local crops; or
- to provide for the storage, distribution or added value activities in central hubs located close to crop sources and the primary and secondary road networks; or
- increase the availability of locally grown food sold direct to the consumer; or
- increase the sustainable management of woodlands; or
- increase the use of renewable energy sources in accordance with Policy DM20.

- 5.08 Proposed policy DM24 in the emerging plan advises that within the AONB planning permission will only be granted where it conserves and enhances the special qualities and distinctive character of the AONB, that it furthers the delivery of the AONB Management Plan and minimise the impact on the AONB and its setting and being appropriate to the economic, social and environmental wellbeing of the area.

- 5.09 Supplementary Planning Documents:

In the Swale Landscape Character and Biodiversity Appraisal Supplementary Planning Document of 2010 the application site is found within the Bicknor Orchards area which is described as falling within the Dry Valley and Downs Landscape area. The Bicknor Orchards area is described as being in good condition, with low sensitivity. It further states that *“the strong network of shelterbelts, orchards and hedgerows create an area that is low in terms of visibility”*. It also says that *“the distinct traditional character of the landscape has been well maintained and the strong pattern of mature shelterbelts helps to screen any visually intrusive elements and maintain a sense of place”*.

The landscape appraisal expects that development within this area should conserve the shelterbelts, hedgerows etc, use local materials and refer to the Kent Downs AONB management plan.

- 5.10 The Kent Downs Management Plan provides the following advice in terms of Orchards within the Kent Downs AONB *"The area of orchards and hop gardens in the AONB has decreased by nearly 50% since 1961. There has however been a recent upturn in orchard planting including walnuts and fruits such as apricots as well as wine growing which could increase significantly if the predicted climate changes take place. Additionally the use of polytunnels has increased slightly, while currently covering a small area of the AONB the use of polytunnels is anticipated to increase (together with the associated transport and storage infrastructure), in order to meet quality standards and a longer season as required by customers. The horticultural sector is a small but important component of the landscape and the rural economy of the AONB"*.

Policy FL8 of the plan states: *"Proposals for polytunnels will be assessed for their impact on the AONB landscape, including by reference to their siting and mitigation. Proposals for polytunnels should be justified by an integrated whole farm plan. Best practice guidance for the use and landscaping of polytunnels will be pursued."*

## 6.0 LOCAL REPRESENTATIONS

- 6.01 3 letters of objection have been received. One submission also included a Visual Impact Study, a Landscape Statement, and a Surface Water and Flooding Assessment and a Drone Photo Survey. These comments were received in relation to the original scheme (**prior to its reduction**) and Members will note that the reduction in the extent of the proposed cherry coverings is described in paragraph 2.02 above.

The issues raised in these letters included the following:

- The application would have a significantly adverse effect upon the AONB in this location
- Do not object in principle to cherry coverings even in the AONB but this location is too sensitive
- Suggest that Orchards 4 and 5 should not have cherry coverings on them
- Visual impact study identified the adverse impact from a number of public vantage points of the proposal
- Adverse effect on the setting of the listed building (Swanton Court)
- Noted NPPF paras, 109, 110, 115 The Kent Downs Area of Outstanding Natural Beauty Management Plan 2014-2019 inc Policy FL8, Swale Borough Council Policy DM24
- The proposal will create a noise disturbance
- Reflection of the sun from the tunnels will produce glare
- support and understand the need for agricultural development and generally support it, this development so close to a local landmark listed property is a step too far.
- No consideration seems to have been taken of the water run-off from the development which already happens on a small scale causing flooding in Swanton Street considerable and massive protections need to be put in place
- If redirected towards the north it will run through the fields towards Bredgar and cause flooding risk to properties on the north side of Swanton Street, a problem that is currently experienced from time to time.

Following the submission of the new reduced scheme the following further comments were received:

- Appreciate orchards 4 and 5 have been removed from the proposal and welcome it
- They request a revised Heritage Impact Assessment is submitted
- Note orchard 3 will be very visible from Swanton Court
- The remaining cherry coverings may be glimpsed in the background from the public footpath to the north
- The applicant needs to demonstrate how the scheme “enhances and conserves the AONB landscape”
- The cherry coverings will be visible from Swanton Street
- Consideration of planting to screen and integrate the scheme need to be addressed
- Likely to be audible noise nuisance from the cherry coverings
- Applicant should give justification as to why his land outside the AONB is not being used instead

## 7.0 CONSULTATIONS

7.01 Bredgar Parish Council commented on the original application stating that they have in general been supportive of applications relating to reasonable developments for the benefit of agricultural businesses and raised no objection to previous applications for smaller areas of covering, at Swanton Farm, as those coverings, because of their scale and location, were viewed as being reasonable in terms of visual impact (summarised in section 6 of the Design and Access Statement (‘DAS’).

However, having reviewed the above application for the erection of a large area of cherry coverings, Councillors raise these concerns:-

1. The proposed, very large area of imposing metal structures with plastic coverings is out of place in the Kent Downs AONB, and will impact negatively on the intrinsic character of the AONB and the approach to Bredgar Village itself.
2. The site concerned adjoins the road into Bredgar and the lane down to Bicknor, as well as the garden of Grade II listed Swanton Court. The proposed structures would have a serious detrimental impact on the view from those areas, currently across the orchards and open landscape, which characterise this part of Kent.
3. Particular regard should be had to conserving the landscape surrounding the Listed Building, and thought should be given to the potential noise pollution which may be suffered by residents at the property, and into Bicknor, as a result of wind in the cherry coverings.
4. In relation to the current draft Local Plan, we note the references in the DAS to Policy D24, but we reach a differing conclusion in respect of the interpretation of section A, which states that “permission for major developments should be refused unless exceptional circumstances prevail”. The above referenced letter of 14th November describes the application as being a ‘large major’ application, and it is difficult to see that ‘exceptional circumstances prevail’ in this case.

Following the submission of the reduced scheme they commented:

*“We welcome the reduction in the area proposed for the covering. However, the majority of our concerns listed earlier still apply.”*

*Since our previous letter, we have become aware of an issue with the run off of water, from the coverings, which is potentially hazardous to the adjoining road.*

*5. Again in relation to the current draft Local Plan, we note the references in the DAS to Policy D24, but we reach a differing conclusion in respect of the interpretation of section A, which states that “permission for major developments should be refused unless exceptional circumstances prevail”. The revised application can still be considered “major” in scale, and it is difficult to see that “exceptional circumstances prevail” in this case..*

*It is also noted that the applicant company has some 3,500 acres of land under cultivation in Kent, across 20 farms. It would seem therefore that there is the opportunity for locating plastic coverings in orchards which are not within the AONB. For the above reasons the Parish Council objects to the revised proposal.”*

- 7.02 Kent Downs AONB Unit commented on the original submission by stating that the deciduous nature of the vegetation would open up views of the site in the winter months. Also that the cherry coverings would also be readily visible from the ProWs immediately north of the site, around Swanton Court as well as from the PRoW to the west of the site, north of Swanton Farm.

They asserted that the cherry coverings would appear as an extensive and intrusive addition to this otherwise largely undeveloped part of the AONB. Together with those previously approved under application 16/504967FULL immediately adjacent to the application site, they would appear as a large unbroken block of development, out of character with the open character of the plateau and harmful to the amenity of users of the well-used public rights of way in the vicinity of the site and thus to the environment, landscape and recreational opportunities of the AONB.

Following the submission of the revised reduced scheme they acknowledged that the amended proposals reduce the area of land of proposed cherry coverings by approximately fifty percent, which will therefore lessen the impact on the Kent Downs AONB landscape. Nevertheless, they stated that the “ *remaining area proposed for cherry coverings is, as advised in our original letter, partially open to views particularly in the vicinity of the road junctions with the lanes leading to Bedminton and Swanton Farm and from Public Rights of Way to the north and west of the site.*

*Therefore, it is considered imperative that mitigation in the form of supplementary planting is secured. This should be along the northern most boundary of the site and to the west of the area of proposed coverings north of the lane leading to Swanton Farm, as well infilling the existing gaps in the vegetative screening adjacent to Bredgar Lane around the road junction. To be in keeping with the local landscape character, we would recommend that this takes the form of shelter belts.”*

- 7.03 Kent County Council SUDS noted that the erection of cherry coverings can present three key challenges to flood risk management:

- Increased surface area of impermeable surfaces resulting in increased rates of runoff;
- Displacement of flood flows;
- Soil erosion leading to reduced capacity of watercourse channels downstream.

Given that this site lies within Flood Zone 1, (an area of low flood risk) they had no concerns with the displacement of flood waters. However, they did have concerns over the potential for increased rates of runoff and soil erosion, the management of which will require the submission of additional information at the detailed design stage.

Whilst they were ultimately happy with the minimal runoff provisions for the similar proposals on the adjacent parcel of land the orientation of these tunnels in relation to the topography is presently unclear.

They suggested that if the proposed cherry coverings are likely to increase the rate/volume of run off from the site cut off trenches or bunds could be utilised. Alternatively, a more formal attenuation pond could be constructed to attenuate the runoff; although this would have to be appropriately sized to be able to accommodate extreme rainfall events, the collected water could be used to reduce the reliance on potable water for irrigation by supplementing the existing supply. Whichever approach is chosen, the system should be capable of discharging such that 50% of the overall capacity is available within 24 hours of the determined critical rainfall event.

Whilst they comment that ideally this information should be provided at detailed design stage they accept that information within a Surface Water Management Plan, would have to be suitably detailed and robust and capable of demonstrating that the risk away from the site will not be exacerbated. If the cherry coverings were oriented downslope, it is likely that the applicant would have to provide a relatively detailed strategy to show how the water will be managed.

However they recommend that the following Condition is attached:

(i) Development shall not begin until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall be capable of accommodating the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100yr storm).

(ii) Development shall not begin until details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:

i) a timetable for its implementation, and

ii) a management and maintenance plan for the lifetime of the development which shall include 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.

To ensure that the principles of sustainable drainage are incorporated into this proposal and to ensure ongoing efficacy of the drainage provisions and compliance with the NPPF.

- 7.04 The Council's Agricultural Consultant noted that this proposal relates to land adjoining the sites where planning consent was granted under 16/504659 and 15/510363 for similar tunnels. His advice stated then that the use of cherry coverings is now a common feature of soft fruit production elsewhere in the Borough and wider in Kent and the UK: the tunnels comprise units of production in themselves, and are commonly required and appropriate for the purpose of growing and harvesting UK fruit to customer (particularly supermarket) requirements relating to supply and quality.

He noted the system has a number of advantages over conventional unprotected growing including the ability to protect the crop from the wind and rain, reduce pesticide/fungicide use, extend the growing season, provide better yields and continuity of supply, and greater ease of managing the plants and picking the fruits.



He confirmed that the proposed cherry coverings appear necessary in principle to continued efficient agricultural production on this holding.

On the same basis he confirmed that the further proposed cherry coverings appear necessary in principle to continued efficient agricultural production on this holding.

- 7.05 The Environmental Protection Team Leader commented provided a condition is included that requires the coverings to be removed from their frames and stored away during the months when not required for crop protection; I have no objection to the proposal.
- 7.06 The KCC Highways and Transportation advise that it would appear that this development proposal does not meet the criteria to warrant involvement from the Highway Authority in accordance with the current consultation protocol arrangements. They also confirm that KCC SUDS are justified in seeking the condition for a sustainable drainage scheme and consider that such mitigation would be sufficient for highway purposes.

## 8.0 APPRAISAL

- 8.01 In this case, I consider the key issues to be the policy context and the need for the development to support competitive farming, the visual impact of the proposal and its impact on the AONB and the nearby listed building. I am also very minded of the concerns raised by the Parish Council and the neighbours who raised objections.
- 8.02 Swanton Farm and the orchards are located in the Kent Downs AONB and as such, Paragraph 115 of the National Planning Policy Framework (NPPF) is relevant as it states that great weight should be given to conserving the landscape and scenic beauty and that the AONB should be afforded the highest status of protection in relation to its landscape and scenic beauty.
- 8.03 The NPPF continues however to acknowledge that during the consideration of any application whilst the conservation of the AONB should be given great weight permission can be considered for proposals in exceptional circumstances and where they are in the public interest.
- 8.04 Therefore consideration needs to be given as to whether this proposal meets the circumstances provided within the policy.
- 8.05 Firstly an assessment as to the need for the development, including in terms of any **national considerations, and the impact of permitting it, or refusing it, upon the local economy.**
- 8.06 The applicant has stated in the submission that the cherry coverings are needed for the efficient production of cherries, this is a view supported by the Councils Agricultural Consultant who notes that cherry coverings are now a common feature of soft fruit production in the UK and they are commonly required and appropriate for the purpose of growing and harvesting UK fruit to customers, particularly supermarkets requirements relating to supply and quality. The use of cherry coverings has a number of advantages over conventional unprotected growing which all result in extending the growing season and providing better and continuous yields which results in efficient agricultural production.

- 8.07 Additionally as a soft fruit farm it currently has 113 employees at Swanton Farm this is just under 10% of the peak workforce. As such, the contribution to the local economy of the continued success of this farm and its soft fruit production, through the employment opportunities and the subsequent local spending, is clear. The applicant states that if Swanton Farm was not an intensive fruit farm, but farmed as an arable unit, it would be unlikely to employ more than 1 person. As such the benefit of rural employment is a tangible benefit of the proposal.
- 8.08 Policy RC1 of the adopted Local Plan aims to provide support to such a business that can help provide local employment opportunities and thus will maintain the vitality or viability of other rural services. Proposals that would help to diversify the rural economy, provide new rural jobs and services or provide environmentally positive countryside management, will be permitted provided that the proposal is appropriate on a number of grounds. Relevant in this case is that the proposal is of a scale with its locality and the reduction in size of the proposal achieves this. Also that the site retains its rural character and has a positive impact upon, or no detriment to, the landscape character, biodiversity or countryside conservation, and here the coverings are in fact a common site in a thriving rural area and the additional vegetation and the strengthening of the shelterbelts, a defining character of the area, are a biodiversity gain of the proposal. Finally the use would also not result in a significant increase in traffic to the detriment of the character, quiet enjoyment or safety of the lanes.
- 8.09 The production of the soft fruit is of course limited to the areas in which they can successfully be grown, given the site specific conditions this is not a business that can be relocated easily as such **the cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way** is extremely limited. The applicant successfully grows cherries at two other farms in Norton and Owen's Court, Selling and the orchards can not be pulled up and located elsewhere.
- 8.10 Finally consideration needs to be given to any **detrimental effect on the environment, the landscape and recreational opportunities of the coverings going up and the extent to which that could be moderated.**
- 8.11 As explained in paragraph 2.02 the area to be covered amounts to 13.23 ha and whilst this is 50% less than had been originally submitted and the reduction in the proposal is of benefit it remains the case that the protection and conservation of the character of the AONB is likely to be affected by the revised proposal.
- 8.12 The impact of the proposal is moderated by a number of issues. Firstly, the revised scheme removes a considerable area of proposed coverings and as such the cumulative impact of the proposal with the previously agreed coverings in the area is reduced considerably.
- 8.13 Whilst walking along the public footpath to the north of the site the coverings will be visible however this is not an unusual sight to see in the countryside and the uncovered trees in orchard 4 and orchard 5, to the south and the open fields visible to the north west would maintain the appearance of the area to some extent. Additionally along with the established shelter belts these will provide screening to the coverings again as highlighted as an existing characteristic of this area.
- 8.14 The lane which runs between orchards 1 and orchard 2 bounded by its poplar shelter belts again breaks up the proposed covered area and provides an interruption to the covered area and interrupts any visual link.

- 8.15 Finally the removal of coverings for a minimum of 3 months of the year (as required by condition (4) below) will result in the metal frames remaining but again in part due to the screening shelter belts I do not consider these to be a significant distraction/intrusion into the area.
- 8.16 Given the criteria provided within the NPPF and an assessment of the proposal against it I consider that consideration be given to granting permission for the proposal against the great weight given to the conservation and protection of the AONB.
- 8.17 The Development Plan provides additional support via Policy RC1 as mentioned previously but also via Policy E9 which states that suitably located and designed development necessary to facilitate the economic and social well-being of the area and its communities, will be permitted. It continues that major developments will not be permitted unless there is a proven national interest and no suitable alternative sites. Given the above assessment I consider the proposal to be compliant with this policy.
- 8.18 The Development Plan consists of Bearing Fruits: Main Modifications June 2016 and Policy DM3 highlights the needs of specific sectors and the protection and expansion of rural services, whilst balancing support for the sustainable growth and expansion of business and enterprises with limiting and managing adverse impacts upon the wider countryside.
- 8.19 It states that planning permission will be granted for the sustainable growth and expansion of business and enterprise in the rural area for the agricultural/forestry sectors and in this case the extension of the growing season for the cherries and the improvement in the reliability and availability of these local crops is key to the proposal and a solution endorsed by the Councils Agricultural Consultant. The likely increase in the availability of locally grown food sold direct to the consumer is also a benefit of the proposal.
- 8.20 Proposed policy DM24 in the emerging plan advises that within the AONB planning permission will only be granted where a proposal conserves and enhances the special qualities and distinctive character of the AONB, and further delivers on the AONB Management Plan and minimises the impact on the AONB and its setting and being appropriate to the economic, social and environmental wellbeing of the area.
- 8.21 As assessed above I consider the scheme does meet the criteria of the policy and in terms of delivering on the AONB Management Plan I note it does address the issue of polytunnels. Policy FL8 of the Management Plan states that “Proposals for polytunnels will be assessed for their impact on the AONB landscape, including be reference to their siting and mitigation...” the AONB Unit were consulted on the original application and on the reduced proposal and whilst initially objecting to the proposal on the current amended scheme they accepted the new proposal reduced the impact on the AONB and required mitigation in the form of infilling to the vegetation screening.
- 8.22 The character of this part of the AONB and the area in and around the orchards is very much in line with the description within the Landscape Character appraisal with the orchards being described as being in good condition, with low sensitivity. It further states that the strong network of shelterbelts, orchards and hedgerows create an area that is low in terms of visibility and that the strong pattern of mature shelterbelts helps to screen any visually intrusive elements.

- 8.23 The boundary around the fields/orchards, as described above, are of established shelter belts to a degree that the orchards are screened from passing traffic driving along Swanton Street and the lane leading to Bicknor and Swanton Farm. I do note that during the winter months the deciduous nature of the screening will mean that the site will be more prominent from public view points than usual however, at this time of year the covers are likely to have been removed and packed away from sight.
- 8.24 Furthermore there are gaps in this screening and around the junction with Swanton Street and Bredgar Lane in particular the screening is at a reduced level which would provide long range views across orchards 2 and 3 and as such additional screening is necessary to interrupt this view. The applicant has agreed in principle and I have added a condition to ensure a comprehensive landscape plan is submitted to address this by proposing additional infilling and new native screening around the orchards. This, as recommended by the AONB Unit, would ensure sufficient mitigation for the detrimental effect of the coverings.
- 8.25 Following the reduction in the area of covering in terms of residential amenity, the site is now not located immediately adjacent to any residential properties. The nearest area of covering is in orchard 3 and shall be over 300m from Swanton Court and its occupiers and whilst they may well still be able to view the coverings in the distance from the first floor I do not consider this to be sufficient to warrant consideration of refusal of the proposal.
- 8.26 Additionally given the listed Grade II status of the property, the proposed development in terms of the impact on its historic setting needs also to be assessed. Swanton Farm is a 16<sup>th</sup> Century Hall house whose setting has evolved to be bounded by orchard developments over a number of years mainly on the south, north and western sides, the eastern boundary defined by Swanton Street. The proposed development would undoubtedly alter the existing more natural visual effect of a man-made orchard of trees by the intervention of the structures required to support the coverings. Following the submission of the amended scheme showing the removal of orchards 4 and 5 from being covered, which are nearest to the listed building, it is considered that the coverings to orchards 1,2 and 3 would be a sufficient distance away not to impact on the historic setting of this listed building.
- 8.27 In terms of flood risk, the site is not located within a flood zone, and the proposed open gutters on the covers would avoid water being channelled and concentrated, so flooding is not likely to be a problem. However, I note the concerns of the KCC SUDS team and have included condition (3) below to ensure that a sustainable surface water drainage scheme is introduced here.
- 8.28 I note the objections made to the proposal from this nearest neighbour, however, I consider the reduction in the size of the covered area and removal of orchards 4 and 5 (closest to the property) from the proposal have addressed their main concerns. However, the additional comments still refer to the cherry coverings being visible but due to the established shelterbelt screening and the proposed additional screening along with the visual gap from orchard 3 through to the north and a reduction in the size of the proposal I do consider now these impacts have been sufficiently mitigated. Additionally national and local policy require that during the consideration of this application an assessment is to be made between the great weight to be attached to the protection of the AONB against the need to support rural employment and farming practices. This is not a case if the cherry coverings can be seen then they are therefore unacceptable.

- 8.29 I therefore consider that on balance with the revised scheme taking on board many of the concerns of the occupiers and it being amended accordingly together with the proposed mitigation measures in place that the main elements of their objection have been addressed.
- 8.30 I note the comments from the Parish Council. However, I consider their concerns regarding the impact of the proposal, the views of it, the impact on the Listed Building have all been overcome by the revised reduced proposal and the screening mitigation required by the AONB Unit and agreed by the applicant. Regarding the additional concern of water run off this has been assessed by KCC Flood and Water Management and an appropriate condition has been attached to enable this to be dealt with adequately.
- 8.31 Finally with regard to the potential concern for “noise nuisance” from the coverings with the distances involved is unlikely to result in any disturbance sufficient to warrant refusal of the application to any residential properties. Members will have noted above that the Environmental Protection Team Leader raises no objection.

## 9.0 CONCLUSION

- 9.01 I have considered the application in line with National and local policy that requires an assessment to be made between the great weight that should be applied to the protection of the AONB and the circumstances in which the need for and the benefits and mitigation that can be provided by this proposal.
- 9.02 The revised scheme took on board the concerns from local residents, the Parish Council and the AONB Unit and the scheme now is one that provides for the needs of this thriving agricultural business and the benefits that provides in terms of local employment and prosperity. It has reduced and mitigated against any harm by the reduction in the size of the coverings, creating visual gaps between the coverings and the existing orchards, open landscape and poplar shelterbelts, it has moved away from the Listed Building and its setting and by expanding the characteristic shelter belts currently at the site is providing more screening. The business is limited by the location of these established orchards and the market in which they operate and it is not a business activity that is transferable on a whim.
- 9.03 The applicants' agent has provided strong support and reasoning as to why this proposal is necessary, and has considered the need to protect the character of the landscape, and has accepted the proposed necessity for additional screening.
- 9.04 On balance therefore I consider the proposal, with the attached conditions is acceptable and I recommend planning permission be granted.

## 10.0 RECOMMENDATION – GRANT Subject to the views of KCC Highways and Transportation and the following conditions

### CONDITIONS to include

- (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: TA01935 Bicknor A (x2) TA01939 Bicknor D, TA01937 Bicknor E (x2) TA01936 Bicknor F (x2) PLAN C 120916V3 Rev 240217 and PLAN C 12092016V3 Rev 240217

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

- (3) Development shall not begin until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall be capable of accommodating the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100yr storm).

Development shall not begin until details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:

- i) a timetable for its implementation, and
- ii) a management and maintenance plan for the lifetime of the development which shall include 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.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and to ensure ongoing efficacy of the drainage provisions and compliance with the NPPF.

- (4) None of the tunnels hereby permitted shall be covered with polythene for more than nine months in any calendar year, and all tunnels shall be clear of polythene for at least three months of the year, and the details of how the polythene is to be stored shall be in accordance with details in para 3.2 of the design and access statement, and shall then be carried out in accordance with these details.

Reason: To minimise the visual impact of the development on the rural landscape and to protect the character of the Area of Outstanding Natural Beauty.

- (5) No development beyond the construction of foundations shall take place until full until full details of the soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include existing trees, shrubs and other features, planting schedules of plants, noting species (which shall be native species and of a type that will encourage wildlife and biodiversity), plant sizes and numbers where appropriate and an implementation programme.

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

- (6) The scheme of tree planting and landscaping shown on the submitted plans 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.

## INFORMATIVES

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 applicant/agent was advised of changes required to the application and these were agreed.

The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the Committee and promote the application.

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.