

<b>2.6 SW/14/0502</b>		<b><u>Newington</u></b>	
<b>APPLICATION PROPOSAL</b>			
Erection of poultry shed and grainstore, with associated access tracks, hardstandings, turning areas, land profiling and feed silos.			
<b>ADDRESS</b> Woodland Farm, High Oak Hill, Newington, Sittingbourne, Kent, ME9 7HY			
<b>RECOMMENDATION</b> GRANT Subject to conditions			
<b>SUMMARY OF REASONS FOR RECOMMENDATION</b>			
The impact on the surrounding area is acceptable.			
<b>REASON FOR REFERRAL TO COMMITTEE</b>			
Newington Parish Council objects.			
<b>WARD</b> Hartlip, Newington & Upchurch	<b>PARISH COUNCIL</b> Newington	<b>APPLICANT</b> Mr Jy Stedman <b>AGENT</b> Mr Christopher Hildyard	
<b>DECISION DUE DATE</b> 19/09/14.	<b>PUBLICITY EXPIRY DATE</b> 04/09/14.	<b>OFFICER SITE VISIT DATE</b> 20/05/14.	
<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>
SW/10/0631	Erection of poultry house and temporary stationing of mobile home with associated improvement of existing access and provision of parking and turning areas.	Approved	3/9/10.
SW/12/1221	Relaxation of condition (2) appended to planning permission SW/10/0631 to enable mobile home to be retained on site until the 25 <sup>th</sup> January 2015.	Approved	13/11/12.

## MAIN REPORT

### 1.0 DESCRIPTION OF SITE

- 1.01 The application site is located to the north east of Newington. It extends to 24.28ha of land of which 9.5ha is grassland and the remainder woodland. The south eastern section of the site is grassland that slopes steeply down towards High Oak Hill. The north western section of the site is woodland (chestnut coppice with oak standards). The site is elevated and has wide ranging views over the Newington valley.

- 1.02 The existing farm buildings comprise a 12,000 hen poultry shed, a barn and storage building. The vehicle and pedestrian access to the site is via High Oak Hill adjacent to The Bungalow. The site currently has a temporary mobile home on it.
- 1.03 The applicant actively manages the woodland and has an established 15 year coppice rotation in operation. The first 2 years of a 6 year coppice plan in cooperation with the Forestry Commission is already underway.

## **2.0 PROPOSAL**

- 2.01 The poultry shed position has been amended. It would now be located south west of the existing poultry shed, closer to the woodland as opposed to in the middle of the exposed slope, in order to screen it as far as possible within the landscape. Further landscaping is proposed to the front of the building to lessen the visual impact. The building would be partially dug into the ground and partially raised. This arrangement is shown on the Proposals Site Section drawing. It would measure 18.8m wide, 111m long, 3.5m to eaves and 5.5m to ridge. It would contain the poultry housing for 16,000 hens, egg store, packing room and office. Ventilation equipment would be installed. The building would be clad with juniper green cladding. Two 7.3m tall feed silos would be positioned to the north east corner of the building. A new access track would lead to the building. No external lighting is proposed.
- 2.02 The proposed grain store building would be located directly to the south east of the existing poultry shed, between it and an existing mobile home. It would measure 15.4m wide, 30m long, 7m to eaves and 9m to ridge height. It would store wheat, soya oil, limestone and supplementary additives. Producing feed on site would substantially reduce costs for the business.
- 2.03 The proposal would increase the number of chickens by 16,000 from 12,000 to 28,000. A detailed confidential business plan has been submitted. It details that the application would enable the applicant to cease work as an engineer and focus entirely on running this free range egg business. The applicant has a customer lined up for the additional egg production. The existing range will be divided into two, allowing the existing hens access to 6.4ha of grassland and woodland, and the proposed hens access to 11ha of grassland and woodland.
- 2.04 The proposal will not result in more employment, but part time and casual employees may be required to work an increased number of hours per week. Confidential details of loan arrangements and business accounts have been submitted. Manure is collected annually and this practice will continue. Eggs will continue to be collected twice a week.

### 3.0 SUMMARY INFORMATION

	Existing	Proposed	Change (+/-)
Site Area (ha)	24.28	24.28	0
Approximate Ridge Height (m)		5.5 and 9	
Approximate Eaves Height (m)		3.5 and 7	
Approximate Depth (m)		111 and 30	
Approximate Width (m)		18.8 and 15.4	
No. of Storeys		1	
Net Floor Area	1602	2532	2532
Parking Spaces	4	4	0

### 4.0 PLANNING CONSTRAINTS

4.01 The application site is immediately adjacent to woodland known as Hawes Wood and Wardwell Wood which is classified as ancient and semi-natural woodland and a local wildlife site. The site is located within the countryside, strategic gap, an area of high Landscape Value, has archaeological potential and is located on the north west side of High Oak Hill, which is a rural lane as defined in the Swale Borough Local Plan 2008. The south west part of the application site is within the Newington Church conservation area which contains the grade I listed Newington Church. Snakesbury Cottage at the southern boundary of the site is considered to be a non-designated heritage asset. A high pressure gas pipeline runs along the northern boundary of the application site. There is sporadic residential development along High Oak Hill including The Bungalow adjacent to the site's vehicular entrance.

### 5.0 POLICY AND OTHER CONSIDERATIONS

5.01 Policies E1, E6, E7, E9, E10, E11, E12, E14, E15, E16, E19 and RC7 of the Swale Borough Local Plan 2008 are all relevant in the consideration of this application.

5.02 The National Planning Policy Framework (NPPF) and National Planning Practice Guidance (NPPG) in relation to sustainable development, building a strong and competitive economy, supporting a prosperous rural economy, requiring good design, conserving and enhancing the natural and historic environment.

5.03 The landscape character and biodiversity appraisal 2011 notes that the woods are one of the few wooded areas. They are perched on a hill and dominate this part of the area. To the south the woodland looks over a valley, framing and providing a setting for the village of Newington with its Parish Church in the foreground providing a landmark in the rural landscape. The condition of the landscape is considered poor and the sensitivity moderate. The guidelines advise the restoration and creation of the remaining landscape structure of woodland, hedgerows etc. conserve the distinctive landscape character of the

valley and hills covered by woodland, trees, pasture/grassland which form the eastern and northern landscape setting of the village of Newington. Use local and vernacular materials such as corrugated iron sheets on rural outbuilding roofs. For mixed woodland planting use oak, hornbeam, ash, hazel, field maple and birch.

## **6.0 LOCAL REPRESENTATIONS**

- 6.01 Neighbour consultation, a site notice and newspaper advert have been carried out.
- 6.02 One general neighbour letter has been received which raises no objection to the proposal but seeks assurances that no engineering or other industry beside the chicken farming and grain store will be taking place on the site.

## **7.0 CONSULTATIONS**

- 7.01 Newington Parish Council objects on the following grounds “In 2012 the applicant had to ask for a relaxation on condition 2 on permission for the mobile home on Woodland Farm because he had insufficient time to produce accounts showing that the business using the existing poultry shed was profitable. As far as we are aware no proof of profitability have been submitted to SBC. Until the business can prove profitability on the existing shed we object to another building on this site of outstanding natural beauty.” This objection was given following the second round of consultation. The initial objection was more extensive but is now less so and less relevant due to the changes made to the application ,in particular the repositioning of the proposed poultry shed to follow the contours of the land.
- 7.02 The Council’s Agricultural Consultant considers the submitted business plan appears soundly based in financial terms. The proposed new poultry building would be purpose designed for the number of hens as with the existing poultry building. The grain store would be designed to hold up to 4 or 5 months’ worth of raw feed materials which would be stored in the new barn and home-mixed prior to blowing into the silos that feed into the poultry sheds. The height of the store allows for large delivery lorries to tip up directly inside it, and the floor area allows for some general farm storage space for equipment, fertilizer etc otherwise the farm only has two fairly small storage sheds at present. Overall, it is anticipated that the expanded farm unit will be requiring some 115/120 tonnes of feed a month and that home mixing feed could save about £25,000 per 28,000 hen flock cycle. In agricultural business terms the proposals appear well considered, and appropriately designed for facilitating the proposed expansion of this new farming venture.
- 7.03 The Environmental Services Manager raises no objection on noise, odour, hours of operation, and waste management grounds, noting that noise levels have been provided in the business plan and the existing waste management plan will be expanded to incorporate the new development.

- 7.04 The Council's Tree Consultant commented "From the proposed site plan by GWF the new poultry shed will be sited approximately 13m (at its closest point) from the canopy edge of the woodland that lies to the north west of the site. When measured on site I would consider this distance from the edge of the trees to be sufficient not to have a significant impact on the woodland as a whole although the change in levels needed to site the new shed will require excavation of the ground levels approximately 2m from the edge of the trees canopy (at the closest point). Again, having inspected the trees toward the woodland edge closest to the new shed, I am satisfied that the distance of the excavation works from the trees will not compromise their long-term health provided protective fencing is erected outside the crown spread of the trees in accordance with BS5837:2012. In order to achieve this, I would recommend the condition listed below should be imposed to any consent that you are mindful to approve. With regards to the proposed planting of additional trees as submitted, I have no objections to the scheme although the planting of Ash as specified in the proposed tree types will need to be changed as the sale and transportation of Ash trees has been banned since the outbreak of Ash Dieback disease. The scheme does not mention the instillation of planting guards which are essential around the new trees if they are to be protected against grazing animals. Again, this could be achieved by way of a condition which I have drafted below.
- 7.05 Kent Highway Services raises no objection on highway safety and convenience grounds because there would be minimal impact on the local highway network subject to conditions relating to personnel parking, delivery space and prevention of dirt on the highway.
- 7.06 The Environment Agency considers the application as having a low environmental risk and makes no comment.
- 7.07 English Heritage does not wish to offer any comment and recommend that the proposal be determined in accordance with relevant policy and guidance.
- 7.08 I have consulted the standing advice of Natural England regarding Ancient Woodland and for protected species. The former has a flow chart that sets out if no ancient woodland would be lost or harmed then planning permission can be granted subject to other considerations. Given the supportive comments of the Council's tree consultant with regard to tree and root protection issues it is considered there would be an acceptable impact on the ancient woodland. The latter sets out that if woodland is on or within 1km of the application site, bat, breeding bird, badger, dormouse, invertebrate and plant surveys may be required. However, given that the site of the poultry shed is grazing land it has little ecological value. The gap between the woodland and the shed along with the lack of lighting will also prevent ecological harm. The chickens grazing inside the woodland also reduce its ecological value. No ecological appraisal is required on this basis because there is not a reasonable likelihood of protected species being present or effected.
- 7.09 Southern Water raises no objection.

- 7.10 The Lower Medway Internal Drainage Board encourages the applicant and LPA to ensure surface water run-off from the site will cope, whilst on site attenuation is recommended and to limit the discharge to the equivalent green field run-off rate.
- 7.11 Kent County Council Archaeology note the site lies within an area of archaeological potential with multi period activity on the higher ground. Setting the poultry building into the side of the hill may remove archaeological remains therefore a condition requiring a programme of archaeological works is required.
- 7.12 Kent Wildlife Trust objects because the applicant has not recognised the status of the site and therefore potential impacts on the ancient woodland/Local Wildlife Site have not been considered. Particular concern is raised about the impact the chickens will have on the woodland flora which form the basis of ancient woodland identification. The Trust state that this issue was raised under SW/10/0631 but were not dealt with. "There is now an opportunity to compare the area of woodland within SW/10/0631 with that within the current application to determine the potential impact and any mitigation that may be necessary."
- 7.13 The Health and Safety Executives PADHI consultation system was consulted because of the presence of a high pressure gas pipeline on the northern boundary of the site. The HSE does not advise, on safety grounds, against the grant of planning permission.
- 7.14 Bobbing and Lower Halstow Parish Councils were consulted as neighbouring parishes but did not reply to consultation.

## **8.0 BACKGROUND PAPERS AND PLANS**

- 8.01 A full range of existing and proposed floor plans and elevations have been submitted. Visual illustrations of the likely visual impact are provided along with a detailed design and access statement, and business plan. An EIA screening opinion was issued upon receipt of the application stating this is not EIA development.

## **9.0 APPRAISAL**

- 9.01 I note the local residents' comments. The use of the building for engineering would require planning permission and does not form part of this proposal and so does not fall to be considered here. I note the Parish Council's objection but I would comment that the reason the extended 3 year temporary permission for the mobile home was permitted was because the existing poultry shed took 16 months to complete and the business only started trading in January 2012. The Council normally allows a minimum 3 year period of establishment to enable the applicant to demonstrate business profitability before an application for a permanent dwelling would be considered. Hence why the extension to the temporary permission was

granted. A confidential business plan has been submitted and is considered sound by the Council's agricultural consultant and me.

### **Principle of Development**

- 9.02 The business plan demonstrates that the business is well planned on a sound financial basis. Therefore, it has been demonstrated to be necessary for agriculture as permitted by rural restraint policy E6. This would also help to secure a prosperous rural economy as outlined in the NPPF. Agricultural development is precluded from the strategic gap restrictions set out in policy E7. In my opinion, the principle of development is acceptable.

### **Design**

- 9.03 The design of the buildings is directly related to their function and as such are acceptable in my view. The grain store allows vehicles to tip their load inside the building hence the fairly large height. The choice of external materials is typical of farm buildings in the Borough. The silos are functionally designed. The design of the proposal is acceptable in my opinion.

### **Visual Impact**

- 9.04 The initial proposal was unacceptable because of the harm the poultry shed would have caused to visual amenity and the area of high landscape value due to the exposed hill side position proposed. This has been amended so that the building now sits within the 'S' bend in the tree line. These substantial trees will help to screen the poultry shed from view. Due to the sloping nature of the site some parts of the building would be dug into the ground and others would be raised above existing ground levels. An existing area of landscaping to the south east of the poultry shed would be enhanced with additional broad leaf planting and an additional area of grazing land would also be landscaped with the intention of helping to soften the appearance of the building and in the long term obscure it from view. The selected types of tree are acceptable in my opinion (excluding Ash which is dealt with in the condition). The positioning and landscaping proposed would in my view result in a development that is in the least harmful position available on the site and is acceptable in visual impact terms. This conforms to policy E9 requirements because it would ensure the protection and enhancement of the integrity, character and local distinctiveness whilst considering the needs of the local community.
- 9.05 The type of landscaping proposed conforms with the landscape character assessment and the building materials are similar to the vernacular corrugated iron sheets found on roofs. Whilst the proposal would clearly have some visual impact in my view the proposal takes every reasonable step to conserve the distinctive landscape character of the valley in accordance with the landscape character appraisal.

## **Residential Amenity**

- 9.06 The proposals are relatively remote from residential dwellings, the closest being The Bungalow at 140m away from the proposed grain store. As noted by the Council's Environmental Health Manager, such a gap would ensure minimal harm from noise from the ventilation equipment and odour from the poultry shed, or the annual collection of waste. The buildings are so far removed from neighbouring properties that the impact from overbearing, overshadowing etc would be very minimal. The impact on residential amenity is therefore acceptable in my opinion.

## **Highways**

- 9.07 The existing vehicle access would remain unaltered and is suitable for the existing operation. Eggs are currently collected twice a week and this would not change as a result of the proposal. The proposal would result in minimal harm to highway safety and convenience in my opinion.

## **Other Matters**

- 9.08 Whilst none of the buildings proposed are within the conservation area, the poultry shed is located adjacent to its boundary, which is marked by the tree line. As such it is a statutory requirement to have regard to the impact of the proposal on the setting of the conservation area. In my opinion, whilst the proposal would have some negative impact upon the setting of the conservation area, I note that the realignment of the proposed building along the contours of the land, the lesser amount of cut and fill and the mitigating effect of the landscaping now proposed would considerably lessen the impact of this development on the setting of the conservation area. The development would still have some negative impact upon the setting of the conservation area and on the surrounding landscape, particularly until the tree planting becomes established. However I am now content that the proposal would be considerably improved by the amendments and that all reasonable steps have been taken to reduce the visual impacts. Therefore, the impact on the setting of the conservation area is acceptable in my opinion. Similarly, the impact on Snakesbury Cottage (a non-designated heritage asset) is acceptable for the same reasons. The impact on the setting of the listed Church is acceptable because the development is not visible from it.
- 9.09 The separation distance between the poultry shed and the ancient woodland is sufficient to ensure that there would be an acceptable impact on the trees, their crowns and their root protection areas subject to the recommended conditions. The impact on the ancient woodland is acceptable in my view. The proposal accords with the standing advice of Natural England.
- 9.10 Natural England's standing advice on ecology sets out that if woodland is on or within 1km of the application site, bat, breeding bird, badger, dormouse, invertebrate and plant surveys may be required. However, given that the site of the poultry shed is grazing land it has little ecological value. The gap



between the woodland and the shed along with the lack of lighting will also prevent ecological harm, including to bats. The chickens grazing inside the woodland also reduce its ecological value. No ecological appraisal is required on this basis because there would not be a reasonable likelihood of protected species being present or effected. The ecological impacts, including the local wildlife site at the woods, are considered acceptable in my view. I recommend attaching the standard ecological improvements condition to secure benefits for ecology on the site. It is noteworthy that the proposed landscaping would extend the woodland which has ecological benefits.

- 9.11 KCC Archaeology note the potential for archaeology in the area therefore it is reasonable to recommend the condition requiring a programme of archaeological works be attached.
- 9.12 The proposal would have minimal impact on the character of the rural lane because the development is set a substantial distance from the road and is relatively well screened by vegetation along the roadside.
- 9.13 The PADHI consultation demonstrates the grant of planning permission would be in accordance with the HSE's advice.
- 9.12 I note the objection of Kent Wildlife Trust. However, the use of the land for agriculture does not require planning permission therefore it is only the impact of the buildings that is being considered here.
- 9.13 The application forms state that drainage would be to soakaways. The design and access statement says new drainage is to be installed which would connect to the existing system. No further updated details of this have been provided therefore I have secured them by condition in order to address the LMIDB concerns and to prevent localised flooding.

## **10.0 CONCLUSION**

- 10.01 The proposal as now amended is acceptable in all regards in my opinion therefore I recommend that planning permission be granted subject to the following conditions.

## **11.0 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.

Grounds: 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 colour of the external cladding of the poultry shed and grainstore shall be Juniper Green (BS12B29).

Grounds: In the interests of visual amenity.

- (3) No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority.

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

- (4) All trees within the adjoining woodland must be protected by barriers and ground protection at the recommended distances as specified in BS5837: 2012 'Trees in relation to design, demolition and Construction - Recommendations' before any equipment, machinery or materials are brought on to the site and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed, nor fires lit, within any of the area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.

Grounds: To safeguard the existing trees to be retained and to ensure a satisfactory setting and external appearance to the development.

- (5) All newly planted trees must be effectively protected against damage by grazing stock and rabbits immediately upon planting and such protection must be maintained as long as is necessary to prevent such damage;

Grounds: To safeguard the new trees against damage to maximise their amenity value and contribution to the character and appearance of the local area.

- (6) The scheme of tree planting and landscaping shown on the submitted plans received 15/8/14 shall be carried out within 12 months of the completion of the development. The three proposed Ash trees shall be substituted for any of the other tree types listed in the landscaping details because the sale and transportation of Ash trees is banned since the outbreak of Ash dieback disease. Any trees or shrubs removed, dying, being severely damaged or becoming seriously diseased within 5 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.

Grounds: In the interests of the visual amenities of the area.

- (7) 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 to 1900 hours, Saturday 0730 to 1300 hours unless in

association with an emergency or with the prior written approval of the Local Planning Authority.

Grounds: In the interests of residential amenity.

- (8) No loading/unloading, deliveries or collections shall take place outside of the hours of 08.30 to 17.00 Monday to Friday and not at all on weekends.

Grounds: In the interests of residential amenity.

- (9) Prior to the works commencing on site details of parking for site personnel / operatives / visitors shall be submitted to and approved by the Local Planning Authority and thereafter shall be provided and retained throughout the construction of the development. The approved parking shall be provided prior to the commencement of the development.

Grounds: To ensure provision of adequate off-street parking for vehicles in the interests of highway safety and to protect the amenities of local residents.

- (10) During construction provision shall be made on the site to accommodate operatives' and construction vehicles loading, off-loading or turning on the site.

Grounds: To ensure that vehicles can be parked or manoeuvred off the highway in the interests of highway safety.

- (11) As an initial operation on site, adequate precautions shall be taken during the progress of the works to guard against the deposit of mud and similar substances on the public highway.

Grounds: In the interests of amenity and road safety.

- (12) The poultry shed and grainstore buildings hereby approved shall be removed from the site and the land restored to its current condition within 3 years of its last use for agriculture, if it permanently ceases to be used for agriculture within 10 years of the date of its substantial completion and if no alternative use has been granted planning permission by the Local Planning Authority.

Grounds: In the interests of visual amenities and the character and appearance of the Area of High Landscape Value.

- (13) Full details of the measures to be incorporated in the development to support and encourage biodiversity at the site shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced. The agreed measures shall then be implemented in full before any of the development hereby approved is first used, unless otherwise agreed with the Local Planning Authority.

Grounds: In order to promote biodiversity on the site.

- (14) The development shall proceed in accordance with the following approved plan numbers;  
100 Rev A, 101 Rev A, 102 Rev A, 001 Rev A, 002 Rev A, 003 Rev A, landscaping plan and proposed planting list received 15/8/14, range plan scale 1:2500, S1475.1/1, S1475.1/1 Rev A, S1475.1/2 Rev C, S1475.1/3 Rev B, S1475.1/4, the County Silo brochure, the design and access statement and business plan.

Grounds: In the interests of clarity.

- (15) No development shall not take place until full details of the method of disposal of surface waters have been submitted to and approved by the Local Planning Authority. The approved details shall be implemented before the first use of the development hereby permitted.

Grounds: To prevent localised flooding.

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 agent was asked to change the location of the poultry shed to make it acceptable and provide further landscaping and contour plans to allow appropriate assessment of the proposal.

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.