

2.2 REFERENCE NO - 19/501640/FULL			
APPLICATION PROPOSAL Erection of polytunnels and water storage tanks. Demolition of redundant concrete fibre building.			
ADDRESS Land North Of Highstreet Road Hernhill Kent ME13 9EJ			
RECOMMENDATION Application Permitted			
SUMMARY OF REASONS FOR RECOMMENDATION Proposal is broadly in line with national and local planning policy			
REASON FOR REFERRAL TO COMMITTEE Parish Council objection			
WARD Boughton And Courtenay	PARISH/TOWN Hernhill	COUNCIL	APPLICANT Moneypeak Ltd AGENT Angela Hirst Chartered Surveyors
DECISION DUE DATE 28/06/19	PUBLICITY EXPIRY DATE 10/05/19	OFFICER SITE VISIT DATE 16.04.2019	
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
SW/09/0268	Application for construction of tunnels for horticultural production on agricultural land. (NB. This land is to the immediate south-west of the site the subject of the present application.)	Refused	29/05/2009
It should be noted that a subsequent Appeal decided under reference APP/V2255/A/09/2117254/NWF was allowed, and costs were awarded against the Council			

1.0 DESCRIPTION OF SITE

- 1.01 The site is a large field to the west of the A299 Thanet Way, to the immediate west of an existing petrol filling station and services area and northwest of the junction turnoff to Faversham and Hernhill. The site extends north from a southern boundary with Highstreet Road. Further west, there is an area of existing glasshouses.
- 1.02 It should be noted that the boundary between the Boroughs of Swale and Canterbury crosses this site; the southernmost third of the site (measuring approximately 3.8 hectares) is within Swale, whilst the northernmost two-thirds of the site (measuring approximately 12.7 hectares) falls under Canterbury City Council's jurisdiction.
- 1.03 The site is fairly flat, with a small increase in height towards the northern end.
- 1.04 The areas of land alongside the Thanet Way are characterised by agricultural land, particularly utilising poly tunnels and glasshouses for crop growing purposes. The area of land between the site and the Thanet way is also the location of a large petrol filling station and shop; a café; and a Travelodge hotel.
- 1.05 The site is outside any established built-up area boundary, within the six-kilometre consultation zone for a Site of Special Scientific Interest (SSSI) and near to a Ramsar Site, which is designated along the Swale and the Thames Estuary.

- 1.06 To the immediate east of the site, there is a public right of way, running between the adjacent services area and the site in question. No changes to the right of way are proposed.
- 1.07 The land is Grade 3b Agricultural land, which is defined as being moderate quality agricultural land; land capable of producing moderate yields of a narrow range of crops, principally cereals and grass or lower yields of a wider range of crops or high yields of grass which can be grazed or harvested over most of the year.
- 1.08 The application site does not adjoin any residential curtilage; the nearest dwelling is a minimum of 200 metres from the application site, and on the opposite side of the dual carriageway.

2.0 PROPOSAL

- 2.01 The proposal is threefold: to remove an existing agricultural building from the site (inside Canterbury's boundary); to construct four small water reservoirs and a drainage pond on the north west part of the site (less than one half of one of the proposed reservoirs ('Reservoir 4') would be situated on land within Swale Borough); and the construction and all-year-round permanent retention of poly tunnels on site, for the growing of strawberries. A total of 28 hectares of polytunnels is proposed of which 8 hectares would be in the Swale Borough area.
- 2.02 Each poly tunnel would have a height of 4 metres; a width of 8 metres, and would be provided with both heating and low level LED lighting, to stimulate growth outside of the usual growing season.
- 2.03 The drawings submitted show a connecting road to the existing access to the farm.
- 2.04 The proposal is accompanied by a Design and Access Statement; an ecological appraisal; an ecological mitigation and enhancement plan; an Ecological Impact Assessment; a Flood Risk Assessment; a Habitats Regulations Screening Assessment; a landscape and visual assessment; a Transport Statement; a water vole survey; a wintering bird survey; a reptile survey; and an Economic Appraisal.
- 2.05 Of particular importance are the ecological reports, which also include a list of mitigation measures to ensure that the ecology of the site is not adversely impacted by the proposal, if approved. These state that

'The ecological mitigation and enhancement strategy objectives for the proposed development are:

- *Ensure that construction works do not kill or injure reptiles;*
- *Ensure that where possible potential reptile habitat is protected and enhanced;*
- *Ensure that site clearance and demolition works do not result in the intentional destruction of active bird nests, eggs and/or young;*
- *Ensure that construction works do not disturb any breeding wild bird listed on Schedule 1. This includes adults and their young, at, on or near an 'active' nest;*
- *Ensure that no works are conducted within 5m of the northern drain boundary and the on-site water body (Target Note 3) in order to avoid impacts to potential water vole (Arvicola amphibius) habitat;*
- *Ensure that works within 8m of the top of the southern bank of the northern drain boundary are avoided so that the need for an Environment Agency Flood Consent Licence (which considers ecology) is avoided;*

- *Ensure that where possible habitats are created and enhanced for the benefit of Species of Principal Importance; and*
- *Ensure that where possible Habitats of Principal Importance are created and enhanced.*

2.06 The Economic Appraisal accompanying the proposal should also be noted. It makes the following concluding statements:

‘Moneypeak Ltd is a profitable business generating an average profit over the last four years of £0.55 million. The previous expansion of the business in 2011 improved profitability although recent increases in costs have reduced overall profitability. Forecasts for the new heated polytunnels show the expansion is profitable and will allow the business to continue its development and growth.

The S&A Group has invested around £10.95 million into the site at Hernhill Nursery and is planning to invest a further £3.5 million into the site. The capital expenditure made at the nursery has not been included in the ongoing economic impact of the business in Kent. However, there will be a considerable positive economic impact from the capital investment at the Nursery.

The proposed expansion will generate employment for the business both in full time staff (8) and in picking and packing labour (37 FTE’s). There is a continuous labour requirement for around nine months of the year, with a peak in April/May and a trough in December/January. The increased labour requirement and near continuous demand for labour will allow the business to employ local staff and improve local employment prospects.

The business as a whole has a major positive impact on the local economy, spending around £2.3 million locally. This is forecast to increase to around £2.8 million with the new heated polytunnels. In addition the proposed new production areas creates around 46 FTE’s.

The LM3 calculation shows that the business’ current impact on the local economy is over £8.9 million. The proposed increase in growing area will increase the business impact on the local economy to around over £10.9 million. The business has a significant positive economic impact on the local economy.’

2.07 The application shows a landscaping plan which would retain existing hedging on the perimeters of the site; introduce new hedging to those parts of the perimeter which do not have existing hedging, and the introduction of three ‘copse’ areas of new trees, the latter all being within that part of the land which comes under Canterbury City Council’s jurisdiction.

3.0 SUMMARY INFORMATION

	Existing	Proposed	Change (+/-)
Site Area (ha)	16.5 hectares	16.5 hectares, including 3.8 hectares within Swale Borough Council area.	-
Approximate height of poly tunnels	-	4 metres	+ 4 metres
Approximate Width per poly tunnel	-	8 metres	+ 8 metres

4.0 PLANNING CONSTRAINTS

Potential Archaeological Importance

Environment Agency Flood Zone 2 & 3

5.0 POLICY AND OTHER CONSIDERATIONS

- 5.01 Bearing Fruits 2031: The Swale Borough Local Plan 2017 - Policies CP1, (Building a strong, competitive economy); DM3 (The rural economy), DM14 (General development criteria), DM21 (Water, flooding and drainage), DM24 (Conserving and enhancing valued landscapes, DM 28 (Biodiversity and geological conservation), and DM31 (Agricultural land).
- 5.02 Swale Landscape Character and Biodiversity Appraisal SPD – Waterham Clay Farmlands is in poor condition and its sensitivity is moderate.

6.0 LOCAL REPRESENTATIONS

- 6.01 No local representations have been received.

7.0 CONSULTATIONS

- 7.01 Hernhill Parish Council raises objection to the application. Their reason for objection, in its entirety, is as follows: *'The Parish Council objects to the proposed scheme given the scale and visual impact of the development on the open landscape as they will be permanently in situ.'*
- 7.02 Southern Water raises no objection, but recommends that the Environment Agency should be consulted regarding surface water disposal.
- 7.03 The Environment Agency offers no comment on the application
- 7.04 Kent Police raises no objections.
- 7.05 Canterbury City Council raises no objection to the proposal. Their comments may be summarised as follows:
- The proposal needs to demonstrate that the public benefits outweigh any harm from the scheme
 - Development is unlikely to have an unacceptable impact on residential amenity
 - The character of the area is that of actively farmed agricultural land with glasshouses
- 7.06 Natural England originally asked for additional information to determine the impacts on designated sites; this information being received by the applicant, Natural England now raises no objection, subject to a mitigation condition.
- 7.07 KCC Highways and Transportation raises no objection, subject to conditions included below.
- 7.08 KCC Flood and Water Management raises no objection to the proposal, subject to conditions included below.
- 7.09 The Council's Rural Affairs Consultant raises no objection to the application, noting that the final decision of whether or not the benefits of the scheme outweigh the harm must be the Council's decision.

- 7.10 KCC Ecology raises no objection to the proposal, subject to the inclusion of a number of conditions included below. Their comments are as follows:

'Low population of slow worm, grass snake and common lizard present

- *41 species of bird during the wintering bird survey*
- *5 species of principle importance*
- *1 species listed on the wildlife and countryside act*
- *At least 6 farmland/marshland species*
- *Barn owl roost*
- *Least two species of foraging bats*
- *Harvest Mouse (species of principle importance)*

The report has made the following mitigation recommendations:

- *Sensitively designed lighting plan*
- *Increase and enhancement of hedgerows*
- *Sensitive management of the retained scrub, reedbed and grassland*
- *Creation of a on site receptor site.*
- *Site clearance works done to minimise/avoid impact on birds.*
- *Precautionary mitigation for water vole. hedgehogs and badgers*

We advise that in principle we are satisfied with the proposals but recommend that, in addition to the above mitigation, the following is implemented within the site:

- *Erection of barn owl box within the site.*
- *Management of retained farmland to benefit farmland/marshland species.*
- *SPA/Ramsar/SSSI*

The wintering bird surveys did not assess the site as having functionally linked habitat as very low numbers of qualifying bird species were recorded on site or close to it.

The submitted information has detailed that the construction and operational phase of the development may have a negative impact on the designated site and the HRA has made a number of recommendations to minimise / avoid an impact. SWB will have to carry out an Appropriate Assessment as part of this application. NE's comments on the website provides further details on this point.'

The Council's Appropriate Assessment is attached to this report as Appendix A.

- 7.11 No response has been received from the County Principal Archaeological Officer. In view of the history of the site, I have considered it prudent to include an archaeological watching brief condition below.
- 7.12 SBC's Environmental Protection Team Leader raises no objection to the proposal.

8.0 APPRAISAL

- 8.01 The issues raised by this proposal are the principle of the development in the countryside, the visual amenity / landscape impact; the economic need; and the potential effect on the environment.

- 8.02 With regard to the principle, the Council's Rural Affairs Consultant has responded as follows: *'It has been recognised for some years that the use of polytunnels is now a necessary part of modern soft fruit production. The system has a number of advantages over conventional unprotected growing including the ability to protect crops 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.'*

As indicated above, the use of tunnels assists UK growers to meet customer demand as opposed to what might be regarded as the less sustainable alternative of foreign imports.

In effect the tunnels comprise units of production in themselves, and can be regarded as inherently required and appropriate for the purpose of modern UK soft fruit production. ' I would contend that this justifies the principle of the development.

- 8.03 In terms of amenity, it cannot be denied that polytunnels are not the most attractive structures found within the countryside, and in other locations, such as in very rural and isolated locations, or in an Area of Outstanding Natural Beauty (AONB), such a large scale use of such tunnels might not prove to be acceptable. However, there are a number of factors involved with this development and this specific location which I am of the opinion weigh in its favour such that it may be judged to be acceptable from a visual amenity perspective. .

- 8.04 Firstly, the land itself is fairly flat, with no particular prominent features. It is, in essence, a flattish area of land, soliciting little notice or indeed appreciation. The location of the land also adds to this view, being situated close to the A299 Thanet Way, a busy dual carriageway, with a minimum separation distance of 70 metres. As such, the location of the site renders itself not to be worthy of any specific designation; its primary physical feature is a busy dual-carriageway road, with development of polytunnels and glasshouses immediately adjoining the road and, I therefore contend that the land itself, nor its location, is particularly worthy of any particular merit. The fact that the land is also Grade 3b agricultural land should also be noted.

- 8.05 Added to the above, there is an established 'ribbon' of existing polytunnels and glasshouses on either side of the Thanet Way, probably for the reasons noted above, which seems to have set a serious precedent in this matter. Indeed, it will be noted that there is an existing area of glasshouse to the immediate west of the proposed site. I am therefore of the opinion that, as the sides of the Thanet Way are typically set aside for this use, the proposed polytunnels are an appropriate use for this site. As such, whilst I understand the concerns raised by the Parish Council, I cannot agree with their conclusion. As the area is characterised by such uses, I do not believe that the use on this site will be detrimental to the visual amenity of the area or have an unacceptable impact on landscape quality. It should be noted that the applicant has outlined proposals for new hedging and new 'copse' areas on the site, and I have thought it prudent to include standard landscaping conditions to ensure that full details of such may be submitted and that these landscaping details will be carried out, in the interests of visual amenity.

- 8.06 I note the use of the proposed low-level LED lighting, but again, I do not believe that this would have an adverse effect on the appearance of the area. Members may be aware of the Thanet Earth project, near Manston, which uses large glasshouses, brightly lit, and in a prominent position. The polytunnels proposed in this application would be of a much smaller and lower scale, with very low level lighting, and in a flat, non-prominent position. As such, and unlike the Thanet Earth units, this proposal would

not have a high level impact on the surrounding countryside. I would therefore contend that the proposal is acceptable on visual amenity grounds.

- 8.07 In terms of residential amenity, it should be noted that the nearest dwelling to the site is over two hundred metres away, and on the other side of the Thanet Way. As such, I am of the opinion that the proposal would have little or no adverse impact upon residential amenity.
- 8.08 In terms of the economic need, I am of the opinion that the economic appraisal accompanying the application successfully makes the case that the applicant is prepared to make significant investments on this site, to increase fruit production in an area where such uses are already well-established; to create direct employment; and to create ancillary employment via transport, etc., in accordance with Policies CP1 and DM3 of Bearing Fruits 2031 – The Swale Borough Local Plan 2017. It should be noted that the applicant hopes to receive EU funding to assist in this level of investment, and as such hopes to have a decision on the application before 31st October, when the UK is expected to leave the European Union.
- 8.09 With regard to the proposal's effect on the environment, I note that the application is accompanied by a number of different surveys covering the environmental aspects and potential impacts of the proposal. These surveys have all been studied by Natural England, the Environment Agency and the other technical consultees, none of whom has raised objection to the proposal, subject to the inclusion of the conditions listed below. I am reliant on their expert advice on this matter, and if they are satisfied that the proposal would not have a negative impact upon the environment and local wildlife, then I am content to take that expert advice, in accordance with policy DM28 of Bearing Fruits 2031 – The Swale Borough Local Plan 2017.
- 8.10 Finally, I would draw Members' attention to the above-mentioned appeal referring to land to the south of Highstreet Road, which was recommended for approval, but refused at Committee. This was for a similar proposal, but for an area of land ten hectares larger, which was approved on appeal and the Council lost costs following the Planning Committee's resolution to refuse the proposal. I am of the opinion that this case has set an important precedent which should be taken into account when considering the present proposal.

9.0 CONCLUSION

- 9.01 I therefore recommend that the proposal be approved, subject to the conditions included below.

10.0 RECOMMENDATION – GRANT Subject to the following conditions:

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) No development beyond the construction of foundations shall take place until details in the form of British Standards or commercial specifications of the proposed colouring of the water storage reservoir that would be partly located within the Borough of Swale hereby approved have been submitted to and approved in writing by the Local Planning Authority, and these works shall be implemented in accordance with the approved details.

Reason: In the interest of visual amenity.

- (3) No floodlighting, security lighting or other external lighting shall be installed or operated at the site.

Reason: In the interests of visual amenity and the residential amenities of occupiers of nearby dwellings.

- (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) No development beyond the construction of foundations shall take place until full details of both hard and 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 chosen to enhance biodiversity), plant sizes and numbers where appropriate, means of enclosure, hard surfacing materials, and an implementation programme.

Reason: In the interests of the visual and residential amenities of the area.

- (6) All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed in writing with the Local Planning Authority.

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

- (7) Upon completion of the approved landscaping scheme, any trees or shrubs that are 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, and within whatever planting season is agreed.

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

- (8) No development shall take place until a construction management plan shall have been submitted to and approved in writing by the Local Planning Authority. The plan shall include details of:

- a) The routing of construction and delivery vehicles to and from the site
- b) Parking and turning areas for construction and delivery vehicles and site personnel
- c) Timing of deliveries
- d) Provision of wheel washing facilities
- e) Temporary traffic management/signage

Reason: In the interests of highway safety.

- (9) No development shall take place until a Travel Plan highlighting measures to encourage sustainable travel to and from and within the wider site shall have been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in complete accordance with these approved details.

Reason: In the interests of highway safety.

- (10) No development beyond the construction of foundations shall take place until details of the provision and permanent retention of secure covered cycle parking facilities shall have been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in complete accordance with the approved details.

Reason: In the interests of highway safety.

- (11) No development beyond the construction of foundations shall take place 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 demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of without increase to flood risk on or off-site. The drainage scheme shall also demonstrate that silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters.

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

- (12) The development hereby permitted shall be carried out in complete accordance with the *construction phase mitigation measures as outlined in paragraph 6.16 of the applicants shadow Habitat Regulation Assessment (HRA)*

Reason: In the interests of supporting sustainability and biodiversity.

- (13) In the event of the fruit coverings and/ or the frames becoming redundant for horticulture purposes, the coverings, frames and associated equipment shall be removed from the site within a period not exceeding nine months unless otherwise agreed in writing by the Local Planning Authority.

Reasons: To minimise the visual impact of the development on the rural landscape.

- (14) No development beyond the construction of foundations shall take place until details are submitted to and approved in writing by the Local Planning Authority, which show a schedule of works designed to improve biodiversity on site. Upon approval, these works shall be implemented within six months of the date of that approval and retained as such in perpetuity.

Reason: To encourage wildlife and biodiversity.

- (15) Development shall not begin in any phase 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 based upon the submitted Flood Risk Assessment (Envireau, March 2019), and shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and beyond the climate change adjusted critical 100 year storm) can be accommodated and disposed of within the curtilage of the site without increase to flood risk on or off-site. The drainage scheme shall also demonstrate (with reference to published guidance):

- That silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters
- Appropriate operational, maintenance and access requirements for each drainage feature or SuDS component are adequately considered, including any proposed arrangements for future adoption by any public body or statutory undertaker

The drainage scheme shall be implemented in accordance with the approved details.

Reason: To ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on/off site flooding. These details and accompanying calculations are required prior to the commencement of the development as they form an intrinsic part of the proposal, the approval of which cannot be disaggregated from the carrying out of the rest of the development.

- (16) No structure on any phase (or within an agreed implementation schedule) of the development hereby permitted shall be used until a Verification Report pertaining to the surface water drainage system, carried out by a suitably qualified professional, shall have been submitted to and approved in writing by the Local Planning Authority, which demonstrates the suitable modelled operation of the drainage system such that flood risk is appropriately managed, as approved by the Lead Local Flood Authority. The Report shall contain information and evidence (including photographs) of earthworks; details and locations of inlets, outlets and control structures; extent of planting; details of materials utilised in construction including subsoil, topsoil, aggregate and membrane liners; full as built drawings; a topographical survey of 'as constructed' features; and an operation and maintenance manual of the sustainable drainage scheme as constructed.

Reason: To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with and subsequently maintained pursuant to the requirements of paragraph 165 of the National Planning Policy Framework.

- (17) Before the development hereby permitted is commenced, in addition to the mitigation measures recommended in the ecological reports submitted with the application, the developer shall also erect a barn owl box on the site and submit a Management Plan for retained farmland to benefit farmland/marshland species.

Reasons: In the interests of enhancing biodiversity on the site.

- (18) No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a watching brief to be undertaken by an archaeologist approved by the Local Planning Authority so that the excavation is observed and items of interest and finds are recorded. The watching brief shall be 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.

The Council's approach to the application

In accordance with paragraph 38 of the National Planning Policy Framework (NPPF), February 2019 the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and creative way by offering a pre-application advice service, where possible, suggesting solutions to secure a successful outcome and as appropriate, updating applicants / agents of any issues that may arise in the processing of their application.

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

INFORMATIVES

- (1) It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority.

Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil. Information about how to clarify the highway boundary can be found at: <https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land/highway-boundary-enquiries>

The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

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.

