

2.4 REFERENCE NO - 19/503442/FULL		
APPLICATION PROPOSAL Retrospective application for a change of use of an agricultural building to a storage use.		
ADDRESS Cleve Hill Farm Cleve Hill Graveney Kent		
RECOMMENDATION Grant subject to conditions		
REASON FOR REFERRAL TO COMMITTEE – Representation from Parish Council		
WARD Boughton And Courtenay	PARISH/TOWN COUNCIL Graveney With Goodnestone	APPLICANT East Kent Recycling Limited AGENT Waterman Infrastructure And Environment Ltd
DECISION DUE DATE 24/09/19		PUBLICITY EXPIRY DATE 29/08/19

Relevant Planning History for the current application building

SW/05/1007

Two straw storage barns.

Grant of Conditional PP Decision Date: 22.09.2005

Relevant Planning History for nearby agricultural buildings at Cleve Hill Farm

15/502904/PNMCLA

Prior Notification for change of use of agricultural lean-to building to provide 3no. B1 (business units). For it's Prior approval to: Transport and Highways impacts of the development - Contamination risks on the site - Flooding risks on the site - Noise impacts of the development.

Approved Decision Date: 29.05.2015

SW/12/1585

Change of use and conversion of barn to four no. B1(a,b & c)/B8 units with associated parking

Grant of Conditional PP Decision Date: 15.03.2013

1. DESCRIPTION OF SITE

- 1.1 The building in question is a large agricultural building (30m x 30m) finished in grey metal sheeting, and is one of a matching pair of buildings approved as hay stores in 2005 under planning reference SW/05/1007. The site lies in a remote location on the Graveney marshes close to the London Array electricity substation and site of the proposed Cleve Hill Solar Park. It is a remote location, best reached by the access road serving the London Array substation, although access may also be made by the older and much narrower Cleve Hill lane. The building is one of a number of agricultural/industrial type buildings on the site, some of which have had planning permission for conversion to B1 of B8 use (see history above). The sister building to the application building appears to be in agricultural use.

- 1.2 The only residential properties near to the site are the four properties known as Crown Cottages, which are situated approximately 150 metres away from the building in question.

2. PROPOSAL

- 2.1 The proposal, which is retrospective, is for a change of use of the building from agricultural use to B8 storage use. That use is intended specifically for the storage of empty skips and plant by East Kent Recycling Limited (EKR), a company who, as Members may be aware, operate a waste and recycling facility at Oare. No physical changes to the building are envisaged.
- 2.2 The proposal is accompanied by a Planning Statement which explains how EKR intend to operate the site, with reference to times of operation; vehicle movements, etc. The Statement includes the following information:

'Description

The applicant intends to use the site for the storage of empty skips and plant. All storage will be internal, inside the building.

Hours of use

The applicant proposes the following hours of use:

- *07:00 to 18:00 hours Monday to Friday;*
- *08:00 to 16:00 hours Saturdays; and*
- *none on Sundays, bank or public holidays.*

Transport and highways impact

The proposed use will not give rise to significant levels of traffic. It will generate up to 20 vehicle movements a day (10 in, 10 out).

Vehicles attending the site would include skip lorries, including those hauling trailers loaded with skips. It is anticipated that a vehicle, with a trailer, would be loaded with up to 10 empty skips.

Noise

The applicant is committed to preserving the amenities of the area. Measures to control noise will include:

- *limiting vehicle speeds; and*
- *unloading and loading within the confines of the building.*

For the avoidance of doubt:

- *no waste will be brought to the site;*
- *there will be no waste processing on site;*

- *plant will not be operated at the site.*

The building will be used as a repository only.'

3. SUMMARY INFORMATION

	Existing	Proposed	Change (+/-)
Floor Area	900m ²	900m ²	-

4. PLANNING CONSTRAINTS

- Outside established built up area boundary
- Within SPA (Special Protection Area) Consultation Zone
- Environment Agency Flood Zone 3
- Area of High Landscape Value
- Rural Lanes (Monkshill Road, Head Hill Road and Seasalter Road)

5. POLICY AND CONSIDERATIONS

- 5.1 Bearing Fruits 2031 – The Swale Borough Local Plan 2017: Policies ST3 (The Swale Settlement Strategy); DM3 (The rural economy); DM14 (General development criteria); DM24 (Areas of High Landscape Value) and DM26 (Rural lanes).

6. LOCAL REPRESENTATIONS

- 6.1 No local representations have been received.

7. CONSULTATIONS

- 7.1 Graveney with Goodnestone Parish Council raises objection to the proposal. Their comments are given in full as follows:

'Graveney with Goodnestone Parish Council objects to this application on the grounds that the surrounding area and roads are entirely unsuitable for the vehicle movements that would be necessary for this change of use. Head Hill Road and Seasalter Road are narrow and, in places, difficult for two vehicles to pass safely; they are also on the national cycle footpath network and as such have a very heavy use of cyclists, especially at the weekends; Cleve Hill is narrow and uneven; and the junction of Cleve Hill with Seasalter Road has poor visibility, making turning out into oncoming traffic very difficult. If, however, Swale Borough Council is minded to approve the application, we would wish to see the strongest possible conditions imposed on the applicant. The hours of operation suggested are too extensive, considering the rural and residential character of the villages and the points above. The hours of use should be 0900 hours to 1800 hours, Monday to Friday only, with no use on Saturdays or Sundays. Further conditions to be imposed should be a maximum of 20 vehicles a day (10 in and 10 out), vehicles speeds of no more than 30mph, unloading and loading

within the building only, and absolutely no waste to be brought or processed on site. We are aware that a number of these conditions are already allegedly in place, but current usage does not correspond to these stated conditions, as vehicle movements are more than suggested, waste is definitely being transported to and from the site, and access is currently gained via the London Array road rather than Cleve Hill. Previous storage at the site prompted the involvement of the Environment Agency and enforcement notices were served. We would therefore like strong reassurances that robust monitoring of conditions would be carried out and stakeholders would be given the means to report any breaches easily, promptly, and with the confidence that they will be given due consideration, leading to enforcement if necessary.'

7.2 Kent Highways and Transportation have not commented on the application.

8. APPRAISAL

- 8.1 The key issues to consider in this case are those of the rural economy, residential amenity and highway safety. The re-use of an existing rural building is normally acceptable if it has no unacceptable environmental consequences. These consequences commonly relate to traffic levels or noise. As a storage use, noise is not really an issue and so it is the traffic matters that assume most significance here. Such concerns have been raised by the Parish Council with regard to the transportation of skips to and from the site. This is an important matter to consider in this case.
- 8.2 Members who are familiar with the location of the site will be aware that the routes to and from it are on rural roads designated under policy DM26 of Bearing Fruits as being 'rural lanes'. The site is a distance of approximately two and a half miles from the A299 Thanet Way and over three miles from the A2 and M2. As such, transportation from and to these major routes is the main issue, with routes along either Seasalter Road and Head Hill Road or Monkshill Road being much smaller, quieter and narrower roads.
- 8.3 Monkshill Road towards Thanet Way is a rural road, steep and narrow in places, and crossing a gated railway level crossing en-route. As such, I can understand concerns raised with regard to highway safety and amenity. However, it is only fair to acknowledge that other larger vehicles use the road; mainly agricultural vehicles, and traffic is fairly limited in volume on this road. Moreover as the applicants are based at Oare this direction of travel is unlikely to be convenient for them.
- 8.4 With regard to Seasalter Road and Head Hill Road, whilst not by any means a major trunk route, this is a wider route, with two-way traffic along its entirety, and experiencing more traffic than Monkshill Road. It is, however, the route used by London Array for site construction and the proposed Cleve Hill Solar Park construction traffic route. This has led to it being the subject of intense scrutiny and concern over recent years. It is not normally free of HGV movements, but the major construction projects above have been predicted to create significant extra HGV movements and this has raised significant local concern.
- 8.5 Having said that the level of such additional movements is far higher than this application proposes, and any vehicle movements associated with the proposed use will to some extent replace movements otherwise associated with agricultural or other possible uses of the application building. In my experience, storage uses can be one of the lowest traffic generated uses that may occupy a rural building provided that use does not include a distribution function. In this case only 10 HGVs per day are

predicted, and I do not consider that at that level the consequences for road safety or amenity will be severe for the village.

- 8.6 Having considered the highway issues above, I believe that the best solution will be to ensure that the number of vehicle movements is restricted by a condition so that any potential harm can be restricted to an acceptable level. I therefore recommend that, if Members are inclined to support the application condition (8) below is also imposed, which restricts the number of vehicle movements per day to twenty; ten in and ten out. This should ensure that the issues of highway safety and amenity are contained to a reasonable level.
- 8.7 With further reference to the Parish Council's concerns, I believe that it is also necessary to restrict vehicle movements to certain times. However, the Parish Council's view on appropriate times, and those of the applicant, are somewhat different. The Parish Council recommends 09:00 -18:00, Monday-Friday, with no use at weekend or bank holidays, whilst the applicant has suggested 07:00 – 18:00, Mondays to Fridays; 08:00 – 16:00 on Saturdays, with no use on Sundays and bank holidays. In order to strike a reasonable compromise, I recommend the inclusion of a condition (4) which allows the following times: 08:00 – 18:00 Mondays to Fridays; 08:00 – 14:00 on Saturdays, with no use on Sundays and bank holidays.
- 8.8 Finally, and again taking the concerns of the Parish Council into consideration, to allow the effects of the permitted hours of access and number of movements to be assessed, I further recommend that a condition (1) is imposed limiting the change of use to three years only. A temporary permission will ensure that compliance with these conditions is in the interests of the applicant, as the situation can be reviewed in three years' time, and the Council can review the level of compliance demonstrated by the applicant.

9. CONCLUSION

- 9.1 This is a finely balanced case. I have had regard to the information provided with the application, as well as the views expressed by the Parish Council, and although I am of the opinion that the principle of the use of this building for storage is acceptable, I do recommend that, if Members are minded to support the application, they include the conditions below to conserve highway safety and amenity.

10. RECOMMENDATION - GRANT Subject to the following conditions:

- (1) The use of the building hereby permitted shall cease on or before 10th October 2022.
- Reason: In order that the position may be reviewed at the end of the period stated.
- (2) The premises shall not be used other than for the purposes of storage of empty skips and associated plant, or for agricultural purposes, and for no other purpose including any other purposes in Class B8 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended).
- Reason: In the interests of the amenities of the area.
- (3) No motorised vehicle visiting the building the subject of this application in connection with the use proposed shall enter or leave the farmyard at Cleve Hill Farm to or from the lane which approaches the site from the south-east and which is known as Cleve Hill Lane, but shall only travel to or from the building using the access to the north-east of the building which was built to serve the London Array substation.

Reason: In the interests of the amenities of the area and to safeguard against potentially unacceptable transport and highway impacts of traffic using Cleve Hill.

- (4) No skips or associated plant shall be placed in or removed from the building other than within the hours of 8am to 6pm on weekdays and 8am to 2pm on Saturdays. No such deliveries or removals to or from the building shall take place at any time on any Sunday or Bank Holiday.

Reason: In the interests of the residential amenities of the area and to safeguard against potentially unacceptable noise impacts of the use at otherwise quiet times.

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

Reason: In the interests of visual amenity.

- (6) No external storage of parts, equipment, raw materials, waste, or products shall take place within the site.

Reason: In the interests of visual amenity.

- (7) No waste shall be stored or processed on the site.

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

- (8) Not more than twenty Heavy Goods Vehicle (HGV) movements on any day (ten in; ten out) to and from the building shall take place in connection with the use hereby permitted. No HGVs movements associated with the use hereby permitted shall take place on any Sunday or Bank Holiday.

Reason: In the interests of highway safety and amenity.

- (9) No loading and unloading of skips and associated plant shall take place other than inside the building.

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

Council's Approach to the Application

In accordance with paragraph 38 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 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

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.

