

# PLANNING COMMITTEE MEETING

Date: Thursday 11 January 2018  
Time: 6.00 p.m.  
Venue: Town Hall, High Street, Maidstone

## Membership:

Councillors Boughton, Clark, Cox, English (Chairman), Harwood,  
B Mortimer, Munford, Powell, Prendergast,  
Round (Vice-Chairman), Spooner, Mrs Stockell and Vizzard

---

## AMENDED AGENDA

Page No.

1. Apologies for Absence
2. Notification of Substitute Members
3. Notification of Visiting Members
4. Items withdrawn from the Agenda
5. Date of Adjourned Meeting - 18 January 2018
6. Any business the Chairman regards as urgent including the urgent update report as it relates to matters to be considered at the meeting
7. Disclosures by Members and Officers
8. Disclosures of lobbying
9. To consider whether any items should be taken in private because of the possible disclosure of exempt information.
10. Minutes of the meeting held on 19 December 2017 adjourned to 4 January 2018 - to follow
11. Presentation of Petitions (if any)
12. Deferred Items
13. 16/501954 - Bletchenden Farm, Bletchenden Road, Headcorn, Kent

---

**Issued on Wednesday 10 January 2018**

**Continued Over/:**

*Alison Broom*

**Alison Broom, Chief Executive**

14. 16/501955 - Bletchenden Farm, Bletchenden Road, Headcorn, Kent
15. 16/503157 - Land Rear Of Forge House, Ashford Road, Broomfield, Kent
16. 16/505401 - Vicarage Field At Wares Farm, Linton Hill, Linton, Kent
17. Appeal Decisions
18. Chairman's Announcements
19. 17/503284 - Church Farm, Ulcombe Hill, Ulcombe, Maidstone, Kent 61 - 100

### **PLEASE NOTE**

**The order in which items are taken at the meeting may be subject to change.**

**The public proceedings of the meeting will be broadcast live and recorded for playback on the Maidstone Borough Council website.**

**For full details of all papers relevant to the applications on the agenda, please refer to the public access pages on the Maidstone Borough Council website. Background documents are available for inspection by appointment during normal office hours at the Maidstone Borough Council Reception, King Street, Maidstone, Kent ME15 6JQ.**

### **ALTERNATIVE FORMATS**

The reports included in Part I of this agenda can be made available in **alternative formats**. For further information about this service, or to arrange for special facilities to be provided at the meeting, **please contact 01622 602030 or [committeeservices@maidstone.gov.uk](mailto:committeeservices@maidstone.gov.uk)**. To find out more about the work of the Committee, please visit **[www.maidstone.gov.uk](http://www.maidstone.gov.uk)**

## REPORT SUMMARY

<b>REFERENCE NO - 17/503284/FULL</b>		
<b>APPLICATION PROPOSAL</b> Erection of Cravo greenhouses, general purpose agricultural storage building, water storage tanks, drainage works, construction of a reservoir and landscaping		
<b>ADDRESS</b> Church Farm Ulcombe Hill Ulcombe Maidstone Kent ME17 1DN		
<b>RECOMMENDATION -</b> The wording of Condition 5 (Landscaping) to be agreed by Members.		
<b>SUMMARY OF REASONS FOR RECOMMENDATION</b> Members resolved to Grant planning permission at the adjourned Committee Meeting dated 16 November 2017 subject to the landscaping scheme as set out in the Urgent Updates (Condition 5) being agreed in consultation with the Political Group Spokespersons of the Planning Committee and Ward Members and the addition of a condition relating to the submission of a transport plan, again to be agreed in consultation with the Political Group Spokespersons of the Planning Committee and Ward Members.  Following discussion at the Committee meeting dated 30 <sup>th</sup> November 2017 with regard to the minutes of the 16 <sup>th</sup> November 2017 meeting, the wording of <b>in consultation with Ward Members</b> was re-enforced into Condition 5 and the Head of Planning and Development was given delegated powers to review and amend as appropriate the wording of Condition 5 (landscaping) in consultation with Ward Members and Councillor Harwood.  Following consultation on amended wording in relation to Condition 5 (landscaping) with the relevant parties there is a differing of opinion relating to the appropriate wording. As such Members are requested to make a decision regarding the two choices of wording of the condition.  The principle difference relates to whether the exiting conifer tree planting should be retained or removed.		
<b>REASON FOR REFERRAL TO COMMITTEE and URGENT ITEM</b> Due to the opposing views on the wording of Condition 5 (Landscaping) and the sensitivity of the proposed scheme, Committee Members, are requested to make a decision which wording of the condition would be appropriate.  The item is brought to Members as an urgent item as an Extension of time agreement for determining the application expires on 12 January 2018 and a decision needs to be made on the application.		
<b>WARD</b> Headcorn	<b>PARISH/TOWN</b> Ulcombe	<b>COUNCIL</b> <b>APPLICANT</b> G Charlton And Sons <b>AGENT</b> DHA Planning
<b>DECISION DUE DATE</b> 02/10/17 (EOT agreed 12/1/18)	<b>PUBLICITY EXPIRY DATE</b> 07/09/17	<b>OFFICER SITE VISIT DATE</b> 05/09/17
<b>RELEVANT PLANNING HISTORY : See attached Committee Report dated 9<sup>th</sup> November 2017</b>		

## 1.0 APPRAISAL

1.01 The Planning Committee, at the adjourned meeting dated 17<sup>th</sup> November 2017 resolved to grant planning permission, subject to a minor amendment to Condition 5 and an additional condition relating to a transport plan. This principle resolution is not up for further discussion (for information a copy of the Committee report, Urgent Updates and printed Minutes is attached). The aim of this report and consideration by Members is to resolve the matter relating to the wording of Condition 5 (landscaping) whereby there is a differing of opinion between those members consulted as to whether the existing conifers should be removed or retained as part of the landscaping scheme.

1.02 The two suggested wordings of condition 5 (landscaping) are as follows :

- (i) Condition wording as per Urgent Update to meeting dated 16<sup>th</sup> November 2017 (removing conifer planting)

*The development hereby approved shall not commence until a landscape scheme designed in accordance with the principles of the Maidstone Landscape Character Assessment Supplement 2012 has been submitted to and approved in writing by the Head of Planning and Development, in consultation with the Political Group Spokespersons of the Planning Committee and Ward Members. The scheme shall show all existing trees, hedges and blocks of landscaping on, and immediately adjacent to, the site and indicate whether they are to be retained or removed and include a planting specification, a programme of implementation and maintenance and a 5 year management plan. The landscape scheme shall reflect the locations of the lines of hedges shown on the Planting Proposals Plan (LVA, Figure 3) but specify the removal of existing conifer species and their replacement with appropriate native hedgerows. The hedgerow species mix shall include a proportion of evergreen shrubs (Holly or Yew) and species which retain their leaves for a large proportion of the year (Hornbeam or Beech) to maximise the screening effect without compromising existing landscape character. The scheme shall also include a minimum 15m wide buffer area to the adjacent woodland areas, defined with post and rail fencing and planted with a mix of 55% *Corylus avellana* (Hazel), 10% *Ligustrum vulgare* (Privet), 10% *Prunus spinose* (Blackthorn), 15% *Rhamnus cathartica* (Purging Buckthorn) and 10% Field Maple (*Acer campestre*), planted at 1.5m centres and at a minimum height of 45-60cm.*

*Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development*

- (ii) Condition wording removing reference to the removal of existing conifer species (retaining conifer planting)

*The development hereby approved shall not commence until a landscape scheme designed in accordance with the principles of the Maidstone Landscape Character Assessment Supplement 2012 has been submitted to and approved in writing by the Head of Planning and Development, in consultation with the Political Group Spokespersons of the Planning Committee and Ward Members. The scheme shall show all existing trees, hedges and blocks of landscaping on, and immediately adjacent to, the site and indicate whether they are to be retained or removed and include a planting specification, a programme of implementation and maintenance and a 5 year management plan. The landscape scheme shall reflect the locations of*

*the lines of hedges shown on the Planting Proposals Plan (LVA, Figure 3) and include the supplementing of the recently planted conifer hedgerow with appropriate native hedgerows and trees. The hedgerow species mix shall include a proportion of evergreen shrubs (Holly or Yew) and species which retain their leaves for a large proportion of the year (Hornbeam or Beech) to maximise the screening effect without compromising existing landscape character. The scheme shall also include a minimum 15m wide buffer area to the adjacent woodland areas, defined with post and rail fencing and planted with a mix of 55% *Corylus avellana* (Hazel), 10% *Ligustrum vulgare* (Privet), 10% *Prunus spinosa* (Blackthorn), 15% *Rhamnus cathartica* (Purging Buckthorn) and 10% Field Maple (*Acer campestre*), planted at 1.5m centres and at a minimum height of 45-60cm.*

*Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development*

## **2.0 Applicants supporting comments** (relating to condition wording (ii) and retaining the conifer trees)

Dealing firstly with the existing Conifer tree planting these are proposed to be retained and will be managed to a height of approximately 5 metres to ensure that they do not overwhelm the proposed native species hedge/tree planting referred to below. We acknowledge that these are non-native species but we point out that Conifers already exist on the boundary of the eastern field and also in large numbers in the vicinity of the church and grave yard. Furthermore and importantly the conifer trees will provide a shelter-belt/wind break on this exposed hillside site from the cold and drying winds particularly in early spring for the orchards and the new fruit cropping systems. In addition the conifers will provide protection to the native species tree and hedgerow from the cold northerly winds in the early part of the year.

The strong and dense evergreen foliage of conifers trees are especially effective at providing year-round shelter and this sheltering effect makes conifer attractive to nesting and roosting birds and other wildlife. The conifers are therefore beneficial both from an agricultural and wildlife perspective.

We confirm that in addition to the existing conifer planting, it is proposed to plant a mixed native species hedge with occasional standard trees on the south side of the existing conifer shelter belt to soften close and long views of the shelter belt and to enhance biodiversity. To help maximise pollinator populations on the farm site the following hedge and tree species are proposed:

Hedge: Hawthorn, Blackthorn, Spindle, Dog Rose, Guelder Rose, Holly and Dogwood. Standard trees will include Yew, Beech and Hornbeam.

## **3.0 CONSULTATION RESPONSES**

### **3.01 Cllr Prendergast** (in support of condition wording (i) and removing the conifer trees)

Strongly objects the retention of the newly planted conifer screening for the following reasons (summarised) :

1. The removal of the conifers was integral to the decision making process at the committee meeting, this was set out in the drafted condition and presentation by Officer's.

2. The conifer shelterbelts will have no impact in protecting the fruit trees due to the direction of the prevailing winds
3. Leylandii have an extensive and very shallow root system – given that the conifers have been planted on a raised bund, concerns regarding the survival of any additional native hedge planting. The land in front has already been heavily compacted by vehicle movements, and the eastern boundary is a public footpath with no space for the new native hedging.
4. Leylandii are also notoriously “thirsty” – and the rainwater from the greenhouses will be collected for the reservoir. Concerns regarding the survival of the trees.
5. Quote from the Wildlife Trust website - “The spread of Leyland Cypress at the expense of planting native trees and hedges has not been great news for our wildlife, diminishing nectar and berry sources and suitable nesting areas”.
6. The draft Kent Tree Strategy is not adopted by the Council (referred to in other Councillor comments)
7. Disagree with the conclusion that : “in long views will be indistinguishable from the yews in the church yard” this fails to take into the account that the site is in an LLV, setting of a Grade 1 heritage asset and bounded by various public rights of way including the Greensand Way.

**3.02 Cllr Harwood** (in support of condition wording (ii) and retaining the conifer trees)

Supports the retention of the conifer hedging for the following reasons (summarised):

- Agree with the retention of the conifer hedging for agricultural reasons (on the condition that it is screened by mixed native hedgerow planting with occasional hedgerow trees to enhance long views and maximise biodiversity).
- The topography of the Greensand Ridge means that it is very exposed to cold and drying winds early in the season and before deciduous trees and shrubs come into leaf which can damage fruit tree flower buds, the conifers would provide protection.
- Conifers provide a valuable sheltered nesting resource for many birds species
- The draft Kent Tree Strategy states within its trees and woodland on farms section that conifer windbreaks should be screened with native mixed hedgerows.

**3.03 Cllr Munford** (in support of condition wording (ii) and retaining the conifer trees)

I agree (with condition to retain conifer trees)

**3.04 Ulcombe Parish Council** (comments summarised)

- Topography of the site and surrounding area is such that the conifer hedging would need to be a height of 20m to provide appropriate screening. The conifer hedging should not be restricted to a height of 5m (as suggested in the agents statement)

- There is an existing row of deciduous pollarded trees 3m high behind the row of conifers on the northern side.
- Conifers not ideal but they have the virtue of being fast growing ,evergreen, and a windbreak.
- There is a row of 20 - 30m m high poplar trees screening the applicant's polytunnels on the east side of Ulcombe Hill at Hill Farm providing a good level of screening.
- Applicant doesn't own the field to the south of the conifer hedge. Suggest that if the conifer hedge is removed then the neighbouring owner would plant their own conifer hedge. Better to retain the existing conifer hedging and allow for planting of deciduous hedging to the south.

#### 4.0 CONCLUSION

- 4.01 The comments and responses above put forward arguments for both the retention and removal of the recently planting conifer trees. Members are requested to make a decision as to whether the wording of the landscaping condition should include the removal or retention of the non-native conifer trees.

#### 5.0 RECOMMENDATION – Condition 5 should be worded as (i) or either (ii) (in bold below)

- (5 i) The development hereby approved shall not commence until a landscape scheme designed in accordance with the principles of the Maidstone Landscape Character Assessment Supplement 2012 has been submitted to and approved in writing by the Head of Planning and Development, in consultation with the Political Group Spokespersons of the Planning Committee and Ward Members. The scheme shall show all existing trees, hedges and blocks of landscaping on, and immediately adjacent to, the site and indicate whether they are to be retained or removed and include a planting specification, a programme of implementation and maintenance and a 5 year management plan. The landscape scheme shall reflect the locations of the lines of hedges shown on the Planting Proposals Plan (LVA, Figure 3) but specify the removal of existing conifer species and their replacement with appropriate native hedgerows. The hedgerow species mix shall include a proportion of evergreen shrubs (Holly or Yew) and species which retain their leaves for a large proportion of the year (Hornbeam or Beech) to maximise the screening effect without compromising existing landscape character. The scheme shall also include a minimum 15m wide buffer area to the adjacent woodland areas, defined with post and rail fencing and planted with a mix of 55% *Corylus avellana* (Hazel), 10% *Ligustrum vulgare* (Privet), 10% *Prunus spinose* (Blackthorn), 15% *Rhamnus cathartica* (Purging Buckthorn) and 10% Field Maple (*Acer campestre*), planted at 1.5m centres and at a minimum height of 45-60cm.**

**Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development**

- (5 ii) The development hereby approved shall not commence until a landscape scheme designed in accordance with the principles of the Maidstone Landscape Character Assessment Supplement 2012 has been submitted to and approved in writing by the Head of Planning and Development, in**

***consultation with the Political Group Spokespersons of the Planning Committee and Ward Members. The scheme shall show all existing trees, hedges and blocks of landscaping on, and immediately adjacent to, the site and indicate whether they are to be retained or removed and include a planting specification, a programme of implementation and maintenance and a 5 year management plan. The landscape scheme shall reflect the locations of the lines of hedges shown on the Planting Proposals Plan (LVA, Figure 3) and include the supplementing of the recently planted conifer hedgerow with appropriate native hedgerows and trees. The hedgerow species mix shall include a proportion of evergreen shrubs (Holly or Yew) and species which retain their leaves for a large proportion of the year (Hornbeam or Beech) to maximise the screening effect without compromising existing landscape character. The scheme shall also include a minimum 15m wide buffer area to the adjacent woodland areas, defined with post and rail fencing and planted with a mix of 55% *Corylus avellana* (Hazel), 10% *Ligustrum vulgare* (Privet), 10% *Prunus spinose* (Blackthorn), 15% *Rhamnus cathartica* (Purging Buckthorn) and 10% Field Maple (*Acer campestre*), planted at 1.5m centres and at a minimum height of 45-60cm.***

***Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development***

Case Officer: Rachael Elliott

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

**REPORT SUMMARY**

<b>REFERENCE NO - 17/503284/FULL</b>			
<b>APPLICATION PROPOSAL</b> Erection of Cravo greenhouses, general purpose agricultural storage building, water storage tanks, drainage works, construction of a reservoir and landscaping			
<b>ADDRESS</b> Church Farm Ulcombe Hill Ulcombe Maidstone Kent ME17 1DN			
<b>RECOMMENDATION - GRANT</b> subject to the planning conditions set out in Section 8.0 of the report			
<b>SUMMARY OF REASONS FOR RECOMMENDATION</b> Although the scheme will result in some landscape harm to the countryside, the economic and social benefits of supporting modernising farming practices would outweigh the harm and support the rural economy and the assessed need for the development in relation to the future agricultural practices and productivity of the land.  The development would result in less than substantial harm to the setting of local Listed Buildings, such that the extent of harm would not compromise the importance of these settings.  Landscaping, ecological, drainage and tree impacts are all considered on balance acceptable and could be mitigated by appropriate planning conditions.			
<b>REASON FOR REFERRAL TO COMMITTEE</b>  The application has been called in by Cllr Round on the grounds of sensitivity to the environment in respect that the location is on the Greensand ridge and significantly affects the panorama of/to the LLV of the Low Weald, plus it is a massive cumulative and disproportionate effect to the whole landscape of the area  Referred to planning committee by Broomfield and Kingswood Parish Council.			
<b>WARD</b> Headcorn	<b>PARISH/TOWN</b> Ulcombe	<b>COUNCIL</b>	<b>APPLICANT</b> G Charlton And Sons <b>AGENT</b> DHA Planning
<b>DECISION DUE DATE</b> 02/10/17	<b>PUBLICITY EXPIRY DATE</b> 07/09/17	<b>OFFICER SITE VISIT DATE</b> 05/09/17	
<b>RELEVANT PLANNING HISTORY (inc. appeals and relevant history on adjoining sites):</b>			
<b>App No</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
17/505238/ENVSC R	EIA Screening Opinion: Erection of Cravo greenhouses, general purpose agricultural storage building, water storage tanks, drainage works, construction of a reservoir and landscaping (refers to: 17/503284/FULL).	EIA not required	26/10/17
Church Farm (land to the south of the application site)			
13/1645	Erection of 10 ha (25 acres of polytunnels) each polytunnel being approximately 3.75 metres in height and having a width of approximately 8 metres	Permitted	18/11/13
Church Farm (land to the immediate east of the application site)			
01/1243 (Oast House)	An existing development being a mixed use comprising B1(c) light industrial and as a base	Permitted	8/11/01

	for a business of installation and servicing of irrigation and hydraulic systems for farms including associated assemblage of equipment, storage of components and a ancillary sales as described in application MA/01/1243		
01/0415	Continued use of the cold store for a mixed storage and agricultural use, continued use of dutch barn for storage (use class B8), continued use of stables for offices (use class B1a) and use of hop shed for B1(c) use	Permitted	14/6/01
Land to the immediate west (Morry Farm, Morry Lane))			
15/506987	Part retrospective application for the erection of polytunnels, drainage works and landscaping.	Permitted	21/4/16
Land to the east (Hill Farm, Lenham Road)			
14/504784	Erection of polytunnels, general purpose agricultural storage building, hard surface yard area, water storage tanks, drainage works, balancing pond below ground pumping chamber, reservoir and landscaping	Permitted	6/2/15

## MAIN REPORT

### 1.0 DESCRIPTION OF SITE

- 1.01 The application site relates to approximately 38 hectares of agricultural land located to the north of Ulcombe, situated to the west of The Street and Ulcombe Hill. The land is located on the south facing slope of the Greensand Ridge, with the topography sloping steadily northwards from the southerly part of the site.
- 1.02 The Greensand Ridge Way centrally dissects the site, with additional public rights of way (PROW) adjacent to the northern boundary and dissecting the site east-west and north-south at various points.
- 1.03 To the north of the site the boundary of the site adjoins the Kingswood South Ancient Woodland and there is a significant block of woodland (Rough Field Wood) to the south-east of the site. There are existing hedges marking the lines of some filed boundaries. There is a cluster of Listed Buildings to the east of the site, namely Ulcombe Place (Grade II), Church Farmhouse (Grade II) and All Saints Church (Grade I).
- 1.04 The site is with the Greensand Ridge Landscape of Local Value as defined in the Local Plan (2017). The site is within the Sutton Valence Greensand Ridge landscape character area as defined in the landscape capacity study and adjoins the Ulcombe Mixed Farmlands character area to the south.
- 1.05 The surrounding area is generally characterised by a patchwork of enclosed arable fields and orchards which follows the topography of the Greensand Ridge. Existing man-made reservoirs, agricultural buildings and polytunnels form part of this landscape, interspersed with areas of woodland and sporadic dwellings and villages.

- 1.06 Access points are principally along the eastern boundary (with Ulcolombe Hill), with three principal access points located to the north, centrally and south along this boundary.

## 2.0 PROPOSAL

- 2.01 The application seeks planning permission for the erection of cravo greenhouses, a general purpose agricultural storage building, water storage tanks, a reservoir and landscaping. The details of each element is summarised below:

### 2.02 *Cravo Greenhouses*

It is proposed to cover an area of approximately 12hectares of agricultural land with cravo retractable roof houses. They would be sited across three existing fields, in rows of 22, 26 and 13 joined structures. The rows would vary in length from approximately 21m to 15m. The structures would be staggered along the boundaries.

The structures would have a pitched roof, with an eaves height of approximately 3.4m and a maximum height at ridge of approximately 5.25m.

The framing is metal and the structure would have the ability to be fully enclosed on the roof, at the sides and ends or choose optimum permutations by independently operating each enclosure. The roof covering would be a clear type material. Outside the growing season all coverings (side, roof and ends) would be fully retracted.

### 2.03 *General purpose agricultural storage building*

This building would be sited to the north-west of the application site and would be metal clad (juniper green in colouring) built on a brick plinth. The roof would be fibre cement sheeting with a anthracite gray finish. There would be three principal openings, two electronic shutter doors and one timber. Four small pedestrian doors are proposed. Rooflights are proposed in both roofscapes, totalling 112.

The building would approximately measure 70m in length, 25m in width and have a pitched roof with an eaves height of 5m and a ridge height of 7.95m.

The building is proposed to store picking trays, barrows, tractors, mowers, sprayers, platforms, fertilisers and polythene. It would also house the irrigation control room.

### 2.04 *Water storage tanks*

Four water storage tanks are proposed, three larger tanks measuring a diameter of 15m by 3m and one smaller tank measuring 11m by 3m. These would be sited to the south of the proposed storage building.

### 2.05 *Reservoir*

This would be located to the south of the application site and would be an irregular shape with an approximate maximum width of 120m and length of approximately

135m. The sides would be graded and there would be elements of cut and fill to create to the new reservoir within the existing site levels.

## 2.06 *Landscaping*

Additional planting is principally proposed to enclose the southern, northern and central boundaries enclosing the proposed greenhouse, with a proposed raised bund which would incorporate conifer planting and new native trees. Further landscaping of a native hedge and trees is proposed to enclose the proposed new agricultural building.

## 3.0 **POLICY AND OTHER CONSIDERATIONS**

The National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Development Plan:

Maidstone Borough Local Plan (2017): SP17, SP18, DM1, DM3, DM4, DM8, DM30 and DM36

Other documents:

Maidstone Landscape Character Assessment

## 4.0 **LOCAL REPRESENTATIONS**

Ulcombe Parish Council: Opposes this application. The comprehensive reasons for objection are set out in the full representation. A summary of the reasons for objections is as follows:

-Draw attentions to representation received from a local resident compiled by Strutt and Parker and the CPRE.

-The development would be contrary to a number of policies within the adopted and emerging local plans and the NPPF.

-10% of the residents of Ulcombe have made representation objecting to the application, together with other parish councils and amenity groups.

-Parish Council are supportive of agriculture and have not raised objection to previous applications for polytunnels in Ulcombe, however the harm is a balance.

-The application would be the tipping point for harm to the amenity of local residents.

-Harm to the countryside and visual amenity, including reflections and harm to the views from PROW's.

-Cumulative impact

-Harm to Heritage Assets, the development is more industrial than rural and will be visually intrusive.

-Harm of access and traffic issues. There has been a significant increase in farm traffic since earlier polytunnel development, the roads cannot sustain more heavy agricultural traffic.

-Impact on streams due to reservoirs, there is not enough water flowing due to more intensive farming. There is a cumulative impact of 5 reservoirs within a mile of each other.

Broomfield and Kingswood Parish Council: Express extreme concerns of this application for the residents of Kingswood.

G Charlton & Sons have other farm sites in the parish locality and there are many issues and complaints received by this parish regarding the farm vehicles accessing the existing sites, their type and size and the manner in which they are driven around our narrow lanes. To add further to the problems currently being experienced by having an additional site of such significant size as proposed in Ulcombe and the implied increase in vehicles to and fro the site through our parish, Councillors have concluded that this application would be intolerable and therefore require this application to be refused.

Adjoining neighbours were notified of the application as originally submitted. A site notice was also put up at the site. 31 objections have been received in response to the consultation which are summarised as follows:

- Increased traffic and HGVs
- Want clarification on access
- Plans don't make reference to the PROW that goes through the site
- Contrary to supporting local people and community
- No local benefits
- Pollution and rubbish
- Concerns the site will be transformed into areas in Spain
- Disruption and loss of views
- Noise and vibration
- Impact on Listed church
- Impact on quality of life
- Too many existing polytunnel developments
- Illumination/light pollution
- Negative impact on landscape

One letter of support has been received, raising in summary the following comments:

- Serious investment by Mr Charlton
- Applicant is considerate to local resident ,
- I would like to think he could offer something back to the Village to offset some of the changes.

Comments have also been received from the following amenity groups with their comments summarised:

Parochial Church Council (PCC) : Objection to the application on the grounds that the egress for this site will bring heavy farm vehicles and buses through a narrow bridle path. There has been recent deterioration of the path due to existing polytunnels. Harm to Listed Church.

Suggest conditions and S106 to repair the bridle path and maintain in a good condition at all times. Prevent use of bridleway during Sunday services and for another 24 days each year.

Weald of Kent Protection Society : Strongly object. Visual harm, highways impact, where would workers be housed, damage to listed church. Need to choose an unobtrusive location within the landscape.

National Farmers Union: Support the application.

CPRE: Objects to the application. Contrary to policy, visual harm and lack of highways information.

## 5.0 CONSULTATIONS

- 5.01 UK Power Networks : No objection
- 5.02 Environment Agency : No objection subject to conditions and informatives
- 5.03 KCC Public Right of Way Officer : No objection subject to informatives
- 5.04 KCC Highways : It is not considered the cumulative impacts of the development are likely to be considered severe and therefore warrant a recommendation for refusal as per paragraph 32 of National Planning Policy Framework, subject to conditions.
- 5.05 KCC Drainage : No objection subject to conditions
- 5.06 Natural England : No comments
- 5.07 Environmental Health Officer : No objection subject to conditions
- 5.08 Crime Prevention Design Advisor : No objection subject to consideration of safety and crime prevention
- 5.09 Southern Water : No objection
- 5.10 Rural Planning Advisor : Overall, therefore, I consider that the new greenhouses and general purpose building at Church Farm, and the other associated works, are necessary to the developing successful and efficient agricultural production on this holding, in accordance with saved policy ENV 43(1) of the Local Plan, and in accordance with the emerging policy DM40.
- 5.11 Historic England : No objection
- 5.12 Conservation Officer : No objection
- 5.13 KCC Biodiversity: No objection subject to conditions
- 5.14 Landscape Officer: Comments regarding the character areas, the proposed landscaping and impact on trees.

## 6.0 APPRAISAL

### Main issues

6.01 The key issues for consideration relate to:

- **Principle of development**
- **Agricultural need**
- **Sustainability**
- **Residential amenity**
- **Highways**

- **Ecology and tree matters**
- **Drainage**
- **Impact on setting of Listed Building**

#### **Principle of Development**

- 6.02 Policy SP17 of the Local Plan (2017) is relevant and supports agricultural proposals which facilitate the efficient use of the borough's significant agricultural land and soil resource providing any adverse impact on the appearance of the character of the landscape can be appropriately mitigated. Policy DM36 allows for new agricultural building and structures providing criteria relating to need, residential amenity, visual impact and in relation to polytunnels consideration of surface water run-off, rotation programme and ecological maintenance and enhancement.
- 6.03 In terms of land use in this location, it is necessary to balance the needs of agriculture against the impact of the proposals.

#### **Agricultural Need**

- 6.04 When considering the need for development, Rural Planning Ltd, provided the following statement:

*'The proposed Cravo greenhouses perform a similar role to that of conventional polytunnels, the extensive use of which (subject to appropriate conditions) has been approved elsewhere on the applicants' farms and further afield in the Borough, and is now a common feature of fruit production across Kent and elsewhere in the UK: such tunnels effectively comprise units of production in themselves, and may be considered inherently required and appropriate for the purpose of modern UK strawberry and cane fruit production.'*

*Protected cropping of this type 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. It assists UK growers to meet customer demand as opposed to what might be regarded as the less sustainable alternative of foreign imports.*

*The choice of Cravo greenhouses, in this case, provides a more flexible response to weather conditions, having retractable roofs which allow uncovering/covering as necessary throughout the normal growing period from about February to November. Section 7.3 of the Planning Statement further explains their use and advantages in terms of optimising growing conditions for the fruit.*

*The applicants' agent has also provided (in an email dated 31 July 2017) a helpful explanation of the requirement for the large general purpose building, to assist with the expanding production on this part of the farm enterprise. The building would provide storage for palletted picking trays, picking barrows, fertiliser, farm machinery and equipment, polythene, and bulk bins for apples, and would include an irrigation control room. A similar structure was permitted under 14/504784 to perform the same sort of functions for Hill Farm, Ulcombe.*

*Overall, therefore, I consider that the new greenhouses and general purpose building at Church Farm, and the other associated works, are necessary to the developing successful and efficient agricultural production on this holding, in accordance with*

*saved policy ENV 43(1) of the Local Plan, and in accordance with the emerging policy DM36.'*

- 6.05 It is therefore considered there is a reasonable need for the development in line with Policy DM36 of the Local Plan (2017). It is considered therefore that the overarching question is whether the harm to the appearance of the countryside is so great as to outweigh the agricultural need for this development and this will be assessed in this report.

### **Sustainability**

#### Economic and Social role

- 6.06 Paragraph 28 of the NPPF supports economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong economy support should be given to the sustainable growth and expansion of all types of businesses and enterprises in rural areas and promotion of development and diversification of agricultural and other land-based rural businesses.
- 6.07 The pre-ambule to Policy DM36 of local plan (2017) recognises the economic benefits of polytunnels and other similar structures by increasing the growing season and the reduction in the reliance on imported produce.
- 6.08 The National Farmers Union (NFU) in their comments sets out that :
- 'In 2013 the County of Kent produced 95% of the entire top fruit crop in South East England, approximately 50% of the soft fruit crop and approximately one third of all other horticultural crops produced in the region. It is for this reason that we believe the horticultural sector in Kent holds special national significance and relevant proposals should be evaluated against this level of importance. Approximately £4.4 billion is invested in the rural economy in Southern England by land owners and occupiers on an annual basis and for every £1 spent in the rural economy, £7.40 is paid back to the wider economy through agricultural GVA, purchase of goods and services, public recreation and wider environmental services.'*
- 6.09 It is stated by the agent that the proposal would provide continued employment and additional jobs and that the farm holding overall provides for over 800 jobs. Although the planning statement does indicate that the greenhouses would result in significant labour saving due to automation, it has been stated by the agent that the proposals would still result in approximately 300 to 320 additional jobs which would include 250 pickers, 50 packhouse jobs and an additional 15 to 20 associated jobs such as drivers, supervisors and managers.
- 6.10 Further additional information states that the additional workers will contribute further to the local economy through the use of local shops and services. In addition, the fruit produced as a result of the proposed new growing system will result in increased sales to one of the main UK supermarkets which means that more local produce will be sold in supermarkets in Maidstone and the surrounding area, thereby helping to maintain and create local retail jobs.
- 6.11 In addition to the direct jobs there will be indirect jobs created in the Borough including those created during the construction phase of the development, which is estimated will result in 100 jobs. All of which will have beneficial effect on the economy of Maidstone.

- 6.12 The land has been recently purchased by the applicant and therefore it would be difficult for the applicant to provide a direct comparison of the farming of the land in earlier years. The applicant is however seeking to maximise the output of the land at the outset. To achieve this there would be a significant initial financial input by the applicant.
- 6.13 Whilst the applicant has been unable to provide comparison information (land productivity with and without the greenhouses) submitted information does show that the greenhouses would provide 40-60% higher yields than traditional polytunnels. To produce the same output, a larger area of 40 hectares of polytunnels would be required compared to the 11/12 hectares of the proposed greenhouses. Whilst Polytunnels themselves would require separate planning permission and assessment this does provide an indication of the productivity benefits of the greenhouses. It follows that there would be a significant increase in productivity compared to traditional planting methods and compared to planting in polytunnels.
- 6.14 Today more than 90% of soft fruit grown in the UK is sold through supermarkets, who demand on behalf of their customers, a secure and constant supply of fruit from growers. The applicants states that the only way of achieving the demands are by protecting plants and fruit from vagaries of the weather and protection from insects/disease. This protection enables the applicant to meet the market and customer requirements for high quality and high yield fruit supply, in the absence of this the likelihood is that contracts to supply supermarkets may be lost.
- 6.15 The applicants are established soft and top fruit growers in Maidstone and have actively sought to increase their holding and expand their agricultural business. They currently own or lease 385 hectares of land within the Maidstone Borough, growing top, soft and stone fruit. Poly tunnels are already a common features on a number of these holdings. The acquisition on the application site land and the prospective investment in more technologically advanced equipment (subject to this planning application) demonstrates the applicants commitment to the economic success of the continued agricultural business.
- 6.16 The agricultural market is highly competitive and in order to secure continued competitiveness farmers are having to make provisions to remove 'weaknesses' from the growing process. The use of greenhouses will extend the growing season (to February to late November), allow weather conditions to be regulated, increase the density of planting, protect against pests and disease and regulate water supply. This will aid in facilitating improvements in the productivity of the land and represents sustainable economic development to support local agriculture.
- 6.17 As highlighted above, wholesale and customer demands and expectations have grown and enabling farmers to be competitive with international markets and providing almost year round 'local' produce to the UK market, reducing the 'food miles' positively supports the sustainable goals of the NPPF.

Environmental (including visual impact and landscaping)

- 6.18 The Greensand Ridge lies to the south of Maidstone and is defined by the scarp face of the Ridge with extensive views across the Low Weald to the south. It is characterised by frequent small blocks of coppice and deciduous woodland and extensive orchards. Policy SP17 of the local plan (2017) seeks to conserve, maintain and enhance landscapes of local value, of which the site forms part of.

6.19 The Landscape Character Assessment locates the site within the Sutton Valence Greensand Ridge landscape character area (35), with the southern boundary being the geographical dividing line between this area and the Ulcombe Mixed Farmlands character area (42). The generic guideline's for the Greensand Ridge seeks to avoid agricultural intensification and conserve the sense of enclosure and the field pattern provided by native hedgerows.

6.20 The assessment continues by identifying that :

*'Modern farming practice has opened up parts of the landscape for intensive crop production, which is particularly evident around Ulcombe Hill, and much of the traditional small scale field pattern has been lost in the area.*

6.21 The Maidstone Landscape Capacity Study; Sensitivity Assessment considers that the Sutton Valence Greensand Ridge landscape character area is of high overall landscape sensitivity with high visual sensitivity due to its ridgeline location and that it is, therefore, sensitive to change. The assessment report provides the following relevant advice for this area:

*Development potential is limited to within and immediately adjacent to existing settlements and farmsteads in keeping with existing. However development on the visually sensitive ridge should be resisted, in particular extensive or large scale development or developments with strong or high vertical elements.*

6.22 The Ulcombe Mixed Farmlands landscape character area, which is immediately south of the site seeks to soften the visual impact of large scale agricultural buildings with native planting, avoid further field segregation. It identifies few visual detractors, with those being large farm buildings and equipment and large glasshouses at Broadstone (currently undergoing re-development for housing). The Maidstone Landscape Capacity Study; Sensitivity Assessment also assesses the landscape as being sensitive to change due to its high overall landscape sensitivity. The Sensitivity Assessment report provides the following relevant advice for this area:

*Development potential is limited to within and immediately adjacent to existing settlements and farmsteads in keeping with existing. Other development could be considered to support existing rural enterprises, although extensive, large scale or visually intrusive development would be inappropriate.*

6.23 The application is accompanied by a Landscape and Visual Assessment which concludes that there would be no significant conflict with the range of policies which seek to protect the countryside and landscape character. This conclusion follows from the site having been assessed as having medium sensitivity to the development of the type proposed, considering that the greenhouses would not appear unduly out of place amongst existing polytunnels, the removal of roof coverings during winter and during times where covering is required, leaf cover is greater and thus the visual impact would be less. Impact on a small number of existing properties is assessed as low and there would be an overall landscape effect judged to be slight to moderate, with the degree of landscape change being low to medium.

6.24 There are significant variations in topography, both within the site itself and between the site and the surrounding area. The most northerly part of the site (where the proposed agricultural barn would be located) slopes gently from north to south. The fields where the proposed greenhouses would be sited slopes more steeply north to south with a difference in topography of approximately 20m. The site then

continues to fall north to southwards towards the field where the reservoir would be located, again with a similar fall in land levels by approximately 20m. A number of PROW dissect the site (generally in an east to west direction), with the Greensand Way dissecting the site centrally and lies to the south of the location for the greenhouses and barn and to the north of the reservoir.

- 6.25 There are three key elements to the proposed development, the agricultural barn, reservoir and greenhouses. The visual impact of each element is discussed as follows :

*Agricultural storage barn*

- 6.26 The proposed agricultural building would be located within the north-western section of the site, to the north of PROW KH312. Additional landscaping is proposed adjacent to the PROW and 4 water storage tanks would be sited to the south of the building. At some 7.95m to the ridge and some 70m by 25m, the building would undoubtedly be a large structure however an assessment needs to be made with regard to the visual impact of the building and justification for its size and height. The Rural Planning advisor indicates that the footprint of the building can be justified by the requirements of the farming functions which it would support. Farm buildings of this size are generally considered common features on modern farms and its need at Church Farm is considered to be justified to allow the farm to operate table top farming production as supported by the NPPF. It is therefore necessary to assess the visual impact of the proposed building on the character of the open countryside.
- 6.27 Due to the proposed location of the building on the edge of the Ancient Woodland, partially screened to the west by an existing hedgerow and proposed new planting which would wrap around the southern and eastern elevation, there would be some level of screening of the building. Additionally, the proposed materials would be suitably muted and characteristic of a typical agricultural building. This said the new building would be located directly adjacent to two PROW's which join at a pinchpoint to the north-western corner of the proposed greenhouses. As such even with screening there would undoubtedly be public vantage points where the building would be visible. These views would be more prominent in the short range, with longer range views obscured somewhat by topography and landscaping
- 6.28 On balance the demonstrated need for the new building (in conjunction with the other elements of the scheme applied for) it is considered that the new building would not be unreasonably detrimental to the enjoyment of the footpaths, nor would such a building be wholly uncharacteristic of a working farm.

*Reservoir*

- 6.29 The reservoir/attenuation pond would be located in the southern section of the site, partial views of the reservoir would also be afforded from public footpath KH351 and KH351, but these views would be restricted by topography and existing hedgerow, planting and woodland. These types of proposed water bodies are however considered a common characteristic of agricultural land and, by virtue of their form, size, siting and appearance, would not result in any unreasonable visual impacts on the character, appearance and setting of the countryside, LLV and adjoining SLA. In terms of cumulation, there is an existing reservoir located to the south and east of the site. Reservoirs are characteristic of agricultural development for irrigation purposes, and the proposed and existing reservoir in combination would have a volume / surface area considered appropriate for the type of irrigation projects proposed / in use, as confirmed by the Rural Planning advisor. The potential

cumulative impact of the three reservoirs is therefore considered acceptable from a visual perspective and the development has been suitably justified for the type of farming practices it would support and, would not result in any detrimental visual impacts in the open countryside and LLV

### *Greenhouses*

- 6.30 The location of the storage building on the plateau of the Greensand Ridge and the location of the greenhouses to the north of the Greensand Way provides the best position in terms of the operation/efficiency of the farm and also minimises the impact of the building and greenhouses in short /medium range views from the village and also longer range views from the Low Weald. If the building and greenhouses were to be located at a lower level to the south near the foot of the slope it would be visible from many short and medium range views from the village and would have a far greater visual impact.
- 6.31 Although the greenhouses have the ability to have the roof and sides fully retracted, unlike traditional polytunnels the mechanisation of the greenhouses means that there are various permutations available in terms of covering of the structures and their ability to extend the growing season means that there is likely to only be a period of around 2months when no covering is required and during these times the coverings would be concertinaed back against the metal structure. In terms of practicality and enforceability the opening and closing of the greenhouses could not be readily controlled by planning conditions and as such the application has to be considered on the basis of annual full enclosure. The greenhouses proposed would be more visually obtrusive than more traditional polytunnels as their function and design means that the planting season would be extended, they would have higher, heavier and more ridged frames and are likely to be covered for more extended periods of the year.
- 6.32 This is not to say that the proposed development would not have any impact. The proposed development would be visible from public vantage points, in particular short range views from PROW KH313A to the north of the site and from residential properties which border KH313 to the east of the site and the PROW itself. It is from these vantage points visual impact would be at its most significant, however PROW's dissecting fields of polytunnels is not uncommon within the countryside and neighbouring routes (including those which form part of the Greensand Way) currently pass through fields of polytunnels. The greenhouse structures proposed do differ from polytunnels (as described above), however fundamentally their characteristic and purpose as an aid in growing agricultural products remains the same and the observer using the footpaths is likely to view them in the same context as part of the modern agricultural landscape. Providing these growing aids will always have an impact, but utilising those which would provide the most agricultural benefit, means that the visual harm weighs against greater productivity.
- 6.33 There would also be some longer range views from footpaths KH351 and KH350 to the south of the site, but these views are sporadic, long-ranging and would be partially obscured by existing hedgerows, tracts of woodland, new planting proposed and seen in the context of existing polytunnels. Views from the Greensand Way although possible north and southwards, the observers eye is generally drawn southwards where the views are long reaching across the Low Weald. As such locating the structures and barn to the north of the Greensand Way minimises their visual intrusion and retains the uninterrupted views across the low weald and minimises those visual detractors described in the Landscape Character Appraisal. Although changing the character and appearance of the application site compared to

the traditional arable farming, in essence the development proposed relates to agricultural operations on agricultural land and although it represents a change in characteristics, some form of enclosure is representative of modern farming practices and cannot be considered as wholly uncharacteristic.

#### *Overall*

- 6.34 It is acknowledged that the proposed development would have an impact on the countryside, and LLV, however this impact would be mitigated by the chosen location of the more visually obtrusive elements of the scheme, which would be to the north of the site, restricting any loss of long range views from public vantage points. Additional landscaping and screening is proposed and could be secured by condition to ensure that the type and mix of planting would be acceptable in this location. There would be no change of use of the land, it would remain to be used for agricultural purposes, but would promote modern farming practices which are demanded by the wholesalers and consumers of today's market. The visual harm has to be balanced against the benefits and the aims of sustainable development to secure a long-term future for rural communities. The countryside is there to be cherished and enjoyed, however it is also a working environment which needs to remain successful and competitive. The visual harm in this case is considered to be outweighed by the agricultural and economic benefits that the scheme would give rise to.

#### **Residential Amenity**

- 6.35 Whilst the visual impact of the countryside is a planning consideration, it must be noted that the right to a view is not.
- 6.36 It is considered that the proposed development would be of a sufficient distance from the proposals so that it would not cause harm to the outlook.
- 6.37 The greenhouses, barn or reservoir would not result in any overshadowing to the living spaces of the properties in the nearby dwellings.
- 6.38 The intensified use of the land may have additional farm workers (although the proposed greenhouses would be less labour intensive than other planting methods) and as a result there may be some associated noise disturbances, but it is not considered they would be of such a scale that would warrant this application unacceptable. This is an operating farm and therefore one would expect to find farm workers and farming activities on the land.
- 6.39 Based on the above, it is considered that the noise and disturbance, loss of privacy from people working on the land, incidence of litter etc would not be so great as to warrant a reason for refusal.

#### **Highways**

- 6.40 The proposal would utilise an existing access off Ulcombe Hill. It is acknowledged that the access is within close proximity to a bend and has a considerable amount of overgrown vegetation, which reduces the visibility at the access. However, it is considered these arrangements are adequate for the scale and use of the proposals. On the basis this is an existing arrangement utilised by the applicant to transport its produce to the main distribution centre on the A274, Sutton Road in Langley. The existing access has a good personal injury collision record and a low number of lorry/heavy goods vehicle (HGV) movements would be associated with the development.

6.41 Ulcombe Hill, Lenham Road, Headcorn Road and Tilden Road/Ulcombe Road are country roads that are restricted in width in certain places and will likely be the main routes for traffic generated as a result of the development. It is accepted that the development will generate an increase in traffic on the local road network, particularly during the summer months of June to September, however the extent of increase could not be considered severe and the majority of trip movements would be by tractor which would service the land irrespective of the decision of the application.

6.42 It is not considered the cumulative impacts of the development on highways matters are likely to be severe.

### **Ecology and tree matters (including impact on adjacent Ancient Woodland)**

#### *Ecology*

6.43 The site is adjacent to areas of woodland (one of which has been identified as Ancient Woodland). The fields to be impacted are intensively managed arable field or orchards and as such it is considered that the proposed works are unlikely to result in the significant loss of suitable habitat for protected/notable species.

6.44 It is possible that suitable ground nesting bird habitat will be lost if planning permission is granted and although no mitigation has been proposed to replace the nesting opportunities the proposed enhancements will provide feeding opportunities for birds within the surrounding area.

6.45 The submitted information has provided details of ecological enhancements which include the retention, enhancement and creation of field margins and hedgerows and provided these enhancements are implemented it is not considered that the proposed development would cause undue harm to ecology.

#### *Trees*

6.46 There are no protected trees on, or immediately adjacent to, this site. However, there is an area of designated Ancient Semi Natural Woodland, Kings Wood South, located to the north of the proposed blocks of Cravo tunnels and immediately northeast of the proposed agricultural storage building. Additionally, there is a block of significant woodland, Rough Field Wood, immediately to the east of the proposed reservoir and there are hedges marking the lines of field boundaries.

6.47 The proposals for the reservoir has the potential to impact on the rooting environment, particularly in terms of hydrology, of trees in the adjacent Rough Field Wood and existing hedges bounding the area. An arboricultural report has been requested to assess the impact and any necessary mitigation measures, this however has not been forthcoming. The agent states that the reservoir would be located to the west of an existing water course which separates the proposed reservoir and woodland area, the profile of the existing water course would be unaffected and the woodland is at a lower level than the proposed reservoir. The tree officer acknowledges these points, but considers that a tree report and details of any mitigation measures are still necessary but these details could be conditioned and required if planning permission were granted.

6.48 Paragraph 118 of the NPPF set out in its aim to conserve and enhance biodiversity that :

*'Planning permission should be refused for development resulting the loss or deterioration of irreplaceable habitats, including ancient woodland.....unless the need for, and the benefits of, the development in that location clearly outweigh the loss.'*

6.49 Policy DM3 of the emerging local plan sets out that development should :

*'Protect positive historic and landscape character.....areas of Ancient Woodland, trees with significant amenity value....and the existing public rights of way networks from inappropriate development and ensure that these assets do not suffer any adverse impacts as a result of development.'*

*'Protect and enhance the character, distinctiveness, diversity and quality of Maidstone's landscape and townscape by the careful, sensitive management and design of development.'*

6.50 Natural England and the Forestry Commission standing advice in reference to the impacts of development nearby Ancient Woodlands, sets out the following pertinent effects :

- Breaking up or destroying connections between woodlands and other habitats
- Reducing the amount of semi-natural habitats next to ancient woodland
- Increasing damaging activities like flytipping and the impact of domestic pets
- Changing the landscape character of the area

Mitigation measures set out include :

*-leaving an appropriate buffer zone of semi-natural habitat between the development and the ancient woodland or tree (depending on the size of the development, a minimum buffer should be at least 15metres)*

6.51 The proposed greenhouses would be approximately 90m away from the edge of the ancient woodland to the north of the site. The proposed storage building would be sited approximately 50m from the edge of the ancient woodland and at least a 15m buffer between the building and the ancient woodland can be maintained and a 'physical' barrier could be provided through a planning condition to ensure that the encroachment of vehicles accessing the storage building would not encroach into the buffer.

6.52 Overall it is not considered that the proposed development would cause undue harm to trees and ancient woodland that could not be controlled or mitigated by conditions.

### **Drainage**

6.53 Policy DM36 of the emerging local recognises that polytunnels and other similar semi-permanent structures, due to their impermeable nature can result in increased surface run-off and sets out that proposals should demonstrate how surface run-off will be dealt with and controlled.

6.54 The application is accompanied by a Flood Risk Assessment which identifies that the application is within Flood Zone 1 which represents areas at lowest risk of flooding, identifies the existing run off situation and future management of surface water.

6.55 The proposed strategy sets out that during periods where the tunnels are uncovered the catchment would act identically to that as existing with the site draining overland following the existing topography into various ditches and streams draining away to

the south. During periods where the tunnels would be covered, water would be collected in gutters which would discharge into downpipes which will be connected into a network of surface water sewers which would discharge into an attenuation pond (the proposed reservoir) to the south of the site. Flow rate of water from the attenuation pond into adjacent watercourses would be controlled at a rate lower than existing flow rates, a betterment to the existing situation.

- 6.56 The Lead Flood Authority (KCC) have commented on the application and raise no objection to the principle of the proposals subject to conditions and the use of an appropriate modelling system. It is not considered that there is reason to depart from this conclusion and the impact on surface water run off would be acceptable and would not result in an increase in run off compared to the existing green field conditions..

### **Impact on setting of Listed Buildings**

- 6.57 There is a cluster of Listed Buildings to the east of the site which include the Grade I All Saints Church, Table Tomb to John Earl (Grade II), Ulcombe Place (Grade II) and Church Farmhouse (Grade II).
- 6.58 Paragraph 132 of the NPPF sets out when considering impact on the significance of the designated heritage asset, great weight should be given to the asset's conservation, the more important the asset the greater weight. Significance can be harmed or lost through development within its setting. Policy SP18 of the emerging local plan seeks to secure the sensitive management and design of development which would impact on heritage assets and their settings. Policy DM4 continues by stating that new development should incorporate measures to conserve and where possible enhance the setting of the heritage asset where appropriate.
- 6.59 There may be some limited views of the proposed development from the listed buildings and some views of the tower of All Saints Church from PROW KH313A to the north of the site would become obscured by the proposed greenhouses, however the potential harm is not considered significant on the setting of the Listed Buildings. Any harm would be considered to amount to 'less than substantial harm' in terms of the NPPF. This means that the harm should be weighed against the public benefits of the proposal.
- 6.60 Based on the consultation responses from Historic England and the Conservation Officer, both raising no objection and the less than substantial harm that would result it is considered that the proposal would be acceptable in terms of conservation of the setting of the Listed Buildings.

### **Other Matters**

- 6.61 There are a number of PROW's that dissect the site, however it is not considered that these would be adversely affected in terms of them being available for use by pedestrians, cyclists or horse riders. An informative could be attached to ensure that the applicant is aware of their responsibilities in terms of keeping the PROW's open and available.
- 6.62 The need for an environmental impact assessment (EIA) has been considered under the screening opinion carried out under application 17/505238/ENVSCR. This concluded that '*Whilst this development falls within Schedule 2 of the Regulations, given the nature of the intended use; the location of the site; and the scale of the*

*proposed development the proposed development would be of more than local importance, such that an EIA is not required.'*

## 7.0 CONCLUSION

- 7.01 Although the scheme will result in some landscape harm to the countryside, the economic and social benefits of supporting modernising farming practices would outweigh the harm and support the rural economy and the assessed need for the development in relation to the future agricultural practices and productivity of the land.
- 7.02 The development would result in less than substantial harm to the setting of local Listed Buildings, such that the extent of harm would not compromise the importance of these settings.
- 7.03 Landscaping, ecological, drainage and tree impacts are all considered on balance acceptable and could be mitigated by appropriate planning conditions.

## 8.0 RECOMMENDATION – GRANT planning permission subject to the following conditions:

- (1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this decision.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- (2) The development hereby permitted shall be carried out in accordance with the following approved plans: (insert plan numbers)

Cravo Retractable Roof Houses  
Cravo X-Frame Images 1-4  
X-Frame heights  
Habitat creation, enhancement and management dated June 2017  
DHA/11931/01 (Site Location Plan)  
DHA/11931/03 (Proposed Site Layout Plan)  
DHA/11931/04 (Proposed Site Landscaping Plan)  
DHA/11931/05 (Enlarged details of proposed landscaping and siting of greenhouses)  
DHA/11931/06 (Proposed site section details A-A)  
DHA/11931/09 (Site location plan)  
DHA/11931/10 (Proposed storage building – floor/roof plan)  
DHA/11931/11 (Proposed storage building - elevations)  
Reservoir Cross-section A-A and B-B  
Reservoir Cross-section C-C and D-D  
Reservoir plan view

Reason: To clarify which plans have been approved.

- (3) No development shall take place until a tree survey and Arboricultural Method Statement (AMS) in accordance with the current edition of BS 5837 has been submitted to and approved in writing by the local planning authority. The AMS shall specifically cover all trees and hedges on, and immediately adjacent to, the reservoir site and the footprint of the ground treatment for the agricultural storage and tank

compound. It shall detail implementation of any aspect of the development that has the potential to result in the loss of, or damage to trees, including their roots, for example, changes to existing levels and hydrology, site access and service runs. It should also detail any tree works necessary to implement the approved scheme and include a tree protection plan.

Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development. The details are required prior to commencement to ensure no damage to existing trees.

- (4) The development hereby approved shall not commence until details of earthworks have been submitted to and approved in writing by the local planning authority. These details shall include the proposed grading and mounding of land areas including the levels and contours to be formed, showing the relationship of proposed mounding to existing vegetation and surrounding landform;

Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development. The details are required prior to commencement to ensure a satisfactory visual impact of the development.

- (5) The development hereby approved shall not commence until a landscape scheme designed in accordance with the principles of the Maidstone Landscape Character Assessment Supplement 2012 has been submitted to and approved in writing by the local planning authority. The scheme shall show all existing trees, hedges and blocks of landscaping on, and immediately adjacent to, the site and indicate whether they are to be retained or removed and include a planting specification, a programme of implementation and maintenance and a 5 year management plan. The landscape scheme shall reflect the locations of the lines of hedges shown on the Planting Proposals Plan (LVA, Figure 3) but specify the removal of existing conifer species and their replacement with appropriate native hedgerows. The hedgerow species mix shall include a proportion of evergreen shrubs (Holly or Yew) and species which retain their leaves for a large proportion of the year (Hornbeam or Beech) to maximise the screening effect without compromising existing landscape character. The landscaping shall also include a physical barrier to provide a 15m buffer to the Ancient Woodland to the north of the site.

Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development. Details are required prior to commencement as a satisfactory landscaping scheme is of importance to the visual amenity of the development.

- (6) The use of the development hereby permitted shall not commence until all planting specified in the approved landscape details has been completed. All such landscaping shall be carried out during the planting season (October to February). Any trees or plants which, within five years from the first use of the land, die or become so seriously damaged or diseased that their long term amenity value has been adversely affected shall be replaced in the next planting season with plants of the same species and size as detailed in the approved landscape scheme unless the local planning authority gives written consent to any variation.

Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development

- (7) If the Cravo greenhouses (or sections thereof) are permanently no longer required for agriculture then those Cravo greenhouse (or the sections thereof) shall be removed from the land within 4 months of the cessation of their use;

Reason: In order to avoid unnecessary retention of structures that are no longer needed and in the interests of visual amenity.

- (8) 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 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 and construction can be adequately managed to ensure there is no pollution risk to receiving waters. The details shall include measures to prevent the discharge of water onto the highway.

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. Details are required prior to commencement to ensure that the works are constructed without risk to surface water flooding.

- (9) No use of the buildings/structures hereby permitted shall commence 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:
- a) a timetable for its implementation, and
  - b) 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 any measures to mitigate flood risk and protect water quality on/off the site are fully implemented and maintained (both during and after construction), as per the requirements of paragraph 103 of the NPPF and its associated Non-Statutory Technical Standards.

- (10) Any lighting installed at the site shall be in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority

Reason: In the interests of amenity of adjoining residents and the landscape character of the area..

- (11) No use of the buildings/structures hereby permitted shall commence until the ecological enhancements set out in the Wildlife habitat creation, enhancement and management plan dated June 2017 have been implemented.

Reason: To protect and enhance existing species and habitat on the site in the future.

## INFORMATIVES

- (1) Works to trees/hedges could result in disturbance to wild animals, plants and important wildlife sites protected by law. It is the applicant's responsibility to ensure that appropriate precautions are taken to ensure that an offence is not committed. Further advice can be sought from Natural England and/or Kent Wildlife Trust.
- (2) The granting of planning permission confers no other permission or consent on the applicant. It is therefore important to advise the applicant that no works can be undertaken on a Public Right of Way without the express consent of the Highways Authority. In cases of doubt the applicant should be advised to contact this office before commencing any works that may affect the Public Right of Way. Should any temporary closures be required to ensure public safety then this office will deal on the basis that:
  - The applicant pays for the administration costs;
  - The duration of the closure is kept to a minimum
  - Alternative routes will be provided for the duration of the closure.
  - A minimum of six weeks notice is required to process any applications for temporary closures.

This means that the Public Right of Way must not be stopped up, diverted, obstructed (this includes any building materials or waste generated during any of the construction phases) or the surface disturbed. There must be no encroachment on the current width, at any time now or in future and no furniture or fixtures may be erected on or across Public Rights of Way without consent.

Case Officer: Rachael Elliott

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

**Item 24**

**Church Farm, Ulcombe Hill, Ulcombe, Kent**

**17/503284**

**Pages 167-187**

**Additional representation/information submitted**

Ulcombe Parish Council

Ulcombe Parish Council have submitted a Landscape and Visual Impact rebuttal produced by Harper Landscape Architecture (referred to as HLA). This consists of the following documents :

Rebuttal dated October 2017

Executive Summary of Rebuttal dated October 2017

Appendix 1 – HAD and additional HLA Viewpoints

Appendix 2 – Landscape and Visual Impact Assessment Methodology

Appendix 3 – Table of LVIA Judgements

Appendix 4 – Landscape Assessment of Kent October 2004

Appendix 5 – Maidstone Landscape Character Assessment 2012

Appendix 6 – Maidstone Borough Wide Local Plan 2017

Appendix 7 – Listed building designations

Appendix 8 – Critique of DHA and Graham J Field drawings

Appendix 9 – LI Photography Advice Note

It is understood that these documents have been submitted to Members as lobbying material.

**Officer Response**

The submitted information has been considered by Officer's and the Landscape Officer. In summary the information seeks to question the methodology used by DHA (the applicant's agent) and draws differing conclusions regarding the impact of the proposed development.

Firstly regarding the methodology, it should be acknowledged that the Guidelines for Landscape and Visual Impact Assessment (GLVIA), 3<sup>rd</sup> Edition, 2013 is as the title suggests, guidelines and does not need to be strictly followed in producing a landscape and visual appraisal. It is considered by Officer's that the document generally conforms with the guidelines and although lacking in information relating to the impact on the adjoining landscape area and not taking into consideration the Maidstone Landscape Capacity Study : Sensitivity Assessment.

## First Urgent Update Report

It is noted that the conclusions reached regarding the impact of the proposed development differs considerably between the two assessments. The DHA report concluding a slight to moderate adverse impact on the local landscape, whereas the Parish Council report identifies the impact to be of major significance on the local landscape character.

This significant variation in conclusion is acknowledged by Officer's and it is not disagreed that the conclusions in the DHA report do somewhat underplay the impact of the proposed development. However it is clear in the Committee Report, in particular at Paragraph 6.34 that *'The visual harm in this case is considered to be outweighed by the agricultural and economic benefits that the scheme would give rise to.'*

It is not considered that the rebuttal documents provided by the Parish Council give reason for Officer's to depart from the conclusions set out in the Committee Report.

### Agent's response

The applicant's agent has had sight of the rebuttal information submitted by the Parish Council and have provided the following comments in response :

1. *HLA claim that in paragraph 3.2 that having the photographs in two sections in the submitted LVA report makes it 'inconsistent and difficult to follow'. The photographs are split because the first batch are general and illustrate the preceding general descriptive text, and the second batch illustrate the visibility of the site, and so follow that text. This is an example of the general HLA approach, which seems to have been to criticise everything indiscriminately, rather than conducting an even-handed review.*
2. *HLA say in their paragraph 2.11 that it is not clear who produced the submitted LVA report. The author of the report is Jon Etchells who has 37 years professional experience, and has been carrying out landscape assessments for 30 years and is a chartered member of the Landscape Institute.*
3. *HLA also make a number of points about the methodology used in the assessment – the methodology used is considered to be entirely acceptable and appropriate and has been used by Jon Etchells for some 25 Public Inquiries without any serious question, and importantly follows the GLVIA guidance. Furthermore, the method for the assessment is the same as that used for the Hill Farm and Morry Farm polytunnel assessments, which the Council found to be entirely acceptable. Ulcombe Parish Council will have seen the document for Hill Farm and as far as we are aware did not make any comments.*
4. *HLA criticise the LVA methodology, yet their own methodology is a) quite brief and b) contains a number of errors – for example in their 4.21 HLA say that there would be a 'High Adverse and Significant Landscape Impact', whereas their methodology (their Appendix 2) does not use the term 'high adverse' for significance of effects at all. Their Table 2 is headed 'Sensitivity of Landscape Receptors', but appears to relate to visual receptors.*
5. *HLA comment on the photography, and the interpretation they put on the fact that a shadow can be seen on one of the photographs which they say shows a 'small camera or mobile phone' held above someone's head. What it in fact is shown is a Nikon compact digital camera held at eye level. That camera has been calibrated against an optical SLR camera to check that the degree of zoom used approximates to a 50mm lens, as set out in the methodology.*

6. HLA have pointed out (their 2.421) three spurious viewpoints shown in my Figure 2 – they are correct in that and the additional viewpoints are a drafting error, but it is clear from the description under those photographs which are the correct viewpoints.

7. HLA also criticise the visual envelope shown on Figure 4, saying that they have found views from outside the dotted line shown. That is clearly indicated on the Figure, which shows some more limited and distant views from beyond the main visual envelope. HLA claim that there are ‘a wide array of panoramic views’ from the south (their page 6), and also that (their page 8) the LVA is wrong to say in respect of photograph 23 that there would be some ‘distant and partial views’. That viewpoint is 1.5km from the site, which is clearly distant, and the views of the greenhouses would be partial.

8. In section 4.1 HLA claim that the height of the Cravo structures is incorrectly stated in paragraph 3.1.1 of the LVA, as 5.25m, when it should be 6.19m. HLA have clearly made an error, it is clear in the application that the height of the proposed Cravo structures is 5.25m. Perhaps their assumption of an incorrect height has led them to overstate the effects.

9. The HLA report claims that there would be (6.311) major adverse effects on the Borough landscape character area and also on the local landscape. Their Table 1 in their Appendix 2 shows that this is the highest possible category of significance of effect. This is a gross exaggeration – a methodology for landscape and visual assessment needs to cover all potential developments, up to and including nuclear power stations and motorways. For HLA to claim that the new greenhouses would have the maximum possible effect on the landscape and on views, effectively meaning that no other development could have greater effects, is clearly wrong. The degree of exaggeration is also shown by their assessment (also in 6.311) that there would be up to moderate adverse effects on the landscape of the national character area of the Wealden Greensand. We point out that this is a very large area, extending from Petersfield and Farnham in the west to Folkestone in the east and including the urban areas of Petersfield, Farnham, Redhill, Sevenoaks, Maidstone, Ashford and Folkestone, as well as lengths of the M25, M26 and M20 – to suggest that there would be any significant effects on such a large and varied character area from the proposed development calls into question all of the comments made by HLA.

10. The degree of exaggeration by HLA can be seen from the fact that the current proposals are similar in form and extent to those for Hill Farm and Morry Farm. Both these developments were approved by the Council and were not found to have major adverse effects.

11. HLA state (in their 3.1) that the submitted LVA does not mention the grade I listed church. This is incorrect, there are many references to the church, starting with sections 1.1.2 and 2.1.1.

12. HLA state in their 6.341 that there would be significant adverse landscape and visual effects on the listed church. As set out in their consultation response, Historic England have considered this matter and have no objections.

13. HLA criticise the design of the reservoir as ‘overly engineered’ with steep slopes. The side slopes are 1 in 3, which is quite shallow – even gentler side slopes would just make the reservoir bigger, and it is tucked away, with a low degree of visibility.

14. HLA also criticise the building and water storage tanks proposed, saying (their 4.41) that these would be ‘major landscape detractors’, and would in themselves have a ‘High Adverse and Significant Landscape Impact’ – in fact they are just typical modern

*agricultural buildings and are common agricultural features in the countryside including areas such as the Greensand Ridge and AONB's.*

15. *In their 4.53 HLA criticise the lack of proposed mitigation planting for views from the east – such planting is not needed as there are already tall trees alongside Ulcombe Hill which screen the farm site and prevent views from that direction.*

16. *In their 4.551 HLA say that our Section AA drawing does not show the existing hedge. HLA have not checked properly, because they would have seen that the existing hedge does not extend as far west as the section line, and the section doesn't show it because it isn't there.*

17. *The submitted LVA says, there would be some (relatively low level) adverse effects. Clearly however these have to be balanced against the agricultural and economic benefits of the proposal.*

18. *We submit that the LVA assessment is perfectly reasonable and the methodology is tried and tested – there is an inherent element of judgement in landscape and visual assessment, and a different assessor may come to a slightly different conclusion. In our opinion the HLA assessment is unreasonable and has exaggerated the effects significantly.*

19. *With regard to the comments set out in HLA Appendix 8 documents a number of the points made are addressed above but we would add that in terms of 4.04 the viewpoint is from the south just beyond the village, looking north towards the site. The submitted drawing DHA/11931/07 shows the existing tree planting and the Cravo structures when first erected, and DHA/11931/08 show the site with the proposed additional native species tree and hedgerow planting after approximately 5 years of growth.*

20. *We considered that the proposed building will have no impact on the setting of All Saints Church bearing in mind that it will be 500/600 metres from the Church and just over the crest of the hill and furthermore it is proposed to screen the building with new native species tree planting. Indeed Historic England raise no objection to the proposals.*

Comments received from Councillor Harwood

**Road traffic impacts mitigation** – The introduction of a similar poly-tunnel set-up at nearby Hill Farm East in Lenham Road and 'industrialisation' of Knowle Game Farm has resulted in a significant increase in road traffic on the local lane network. This includes tractors and trailers and other farm vehicles driven at high speed on country lanes, polluting old buses used to shuttle workers and assorted other recklessly driven vehicles associated with these agri-industrial sites 7 days a week and into the night. Walking on the local lane network has become a risky business and riding or even leading horses virtually impossible

**Possible solution** – Is it possible for a transport plan to be conditioned to ensure that vehicles servicing this site are confined to specific roads such as Chartway Street and Lenham Road (i.e. not smaller lanes or Ulcombe Hill) and that modern clean buses and vans are used to move workers to and from the site?

**Landscape and biodiversity** – The current proposal will clearly result in an industrialisation and sterilisation of all life on a large tract of the Greensand Ridge as has occurred at nearby Hill Farm East. Landscaping at Hill Farm East is totally inadequate, grasses verges and bunds are mown to sterile bowling greens, while leyland cypress and other non-native and incongruous trees and shrubs have been planted. Even worse, spoil from muddy tracks has been repeatedly bull-dozed into ancient woodland destroying ground flora and wildlife, while field headlands have been laid with stone chippings to overcome the Somme like

## First Urgent Update Report

conditions caused by heavy vehicle use. In addition seemingly endless earth moving operations take place on those parts of the farm without poly-tunnels or buildings (these have been reported to Enforcement to no avail).

Blocks of woodland on the application site are currently dense and shaded with arable cropping right up to the dank and dark woodland edge. In the summer months PROWs crossing the site along field edges are virtually impassable.

**Possible solution** – A far more robust landscaping scheme is required to protect woodland within and bounding the application site and should comprise the fencing and planting with woodland edge native shrub species of 15m buffers around all this woodland. Essentially, rough grass interspersed with widely spaced common hawthorn, purging buckthorn, hazel, wild privet and blackthorn saplings is required. This would create a better structured woodland edge for a range of wildlife, enhance landscape and protect woodland from damage.

**Nuisance issues** – human waste and litter from the large numbers of workers on agri-industrial sites in Ulcombe is an increasing problem and causes much local upset.

**Possible solution** – Conditioning of bins and hygienic lavatory availability should be incorporated into any permission.

**Reservoir inundation risk** – The proposed raised reservoir is likely to exceed 10,000 m<sup>3</sup> and will therefore be covered by the provisions of the Reservoir Act 1975 and Flood and Water Management Act 2010. This requires:

1. All undertakers with reservoirs over 10,000m<sup>3</sup> to register their reservoirs with the Environment Agency;
2. Inspecting engineers will have to provide a report on their inspection within 6 months;
3. Where directed, undertakers will need to prepare a reservoir flood plan (the 'On-Site' plan); and
4. All incidents at reservoirs will have to be reported to the Environment Agency.
5. Kent County Council must develop a site specific off-site reservoir inundation plan if the reservoir is considered to be Category A (i.e. Where a breach could endanger lives in a community (10 persons or more)).

**Possible solution** – The Environment Agency should provide information on the capacity of the proposed reservoir and provide a view on which category the reservoir is likely to attain. Design of the reservoir should maximise resilience and biodiversity.

In conclusion, the committee report as it currently stands does not acknowledge the damage and disturbance to the Greensand Ridge and local communities being wrought by the industrialisation of agriculture in this most unspoilt area of Maidstone Borough. This application must be significantly improved in environmental, landscape and biodiversity terms, and reassurance provided on safety and resilience issues pertaining to the proposed reservoir.

### Officer Response

#### **Road traffic impacts mitigation**

Paragraph's 6.40-6.42 of the main report set out the principle consideration of highways matters. Whilst acknowledging that there would be a likely increase in traffic movements,

## First Urgent Update Report

this increase is not considered to be severe and traffic movements to and from the land would be necessary irrespective of the decision of the application.

A condition has been suggested which would require a transport plan which would confine traffic movements to specific roads and require the use of modern and clean buses and vans.

A condition has been considered in consultation with KCC Highways and it is not considered that it would meet the six tests set out in the NPPF and NPPG. Whilst Councillors concerns are noted regarding the use of tractors and trailers on country lanes a condition that restricted the vehicular movements of traffic associated with the development would be hard to physically enforce and police. It is also noted that the primary access to the site is via either Ulcombe Hill or The Street/Ulcombe Hill and these roads would have to be used, at least for short length, in order to physically access either Lenham Road or Chartway Street.

A condition that restricted vehicles associated with the development to 'modern' and 'clean' ones only would most likely be difficult to enforce due to its subjective nature. If such a condition was imposed then what is the definition of 'modern' and 'clean.' One would hope that the applicant would want to make their operation as efficient as possible and therefore choose to use as modern and clean a vehicles as possible for their own benefit. Similarly, with regards to movement, it would expected that the applicant to use off road routes where possible across his land but also make effective/efficient use of the public highway.

It is therefore considered a condition of the nature proposed would be appropriate and the application needs to be considered on the basis of the information submitted.

### **Landscape and biodiversity**

The applicant has been requested to amend their landscaping plan to provide additional buffer's around the woodland which adjoin the site areas. Amended plans have not been forthcoming and the agent's response is as follows :

*'With regard to the designated Ancient Semi-Natural Woodland (ASNW) this is located over 40 metres to the north of the closest part of the proposed agricultural building and well beyond the Natural England standing advice of a 15 metre buffer. The building will be accessed on the north side by farm machinery and equipment but there will be no encroachment of any form of development within the 15 metre buffer zone.*

*We would also point out that the land at Church Farm including the land at the northern boundary next to the ASNW has been cultivated and used for crop/food production for many years. This includes ploughing and crop production to within a few metres of the edge of the woodland.'*

Officer's, in consultation with the Landscape Officer have considered the comments from Councillor Harwood, together with the agent's response. Condition 5 as set out in the recommendation at 8.0 of the Committee Report currently requires a robust landscaping scheme, together with a demarcation of the 15m buffer to the Ancient Woodland. However it is not considered unreasonable by officers to amend the condition to require planting within the buffer of the Ancient Woodland and other woodland area to enhance the landscape and biodiversity. The agent's comments regarding current crop production within the margins of the woodlands is noted, however the application offers significant benefits to the applicant in terms of productivity and landscape harm has been weighed against this benefit. It is therefore not considered unreasonable to secure environmental and ecological benefit as compensation for the harm.

Amended wording for Condition 5 is suggested as follows :

- (5) *The development hereby approved shall not commence until a landscape scheme designed in accordance with the principles of the Maidstone Landscape Character Assessment Supplement 2012 has been submitted to and approved in writing by the local planning authority. The scheme shall show all existing trees, hedges and blocks of landscaping on, and immediately adjacent to, the site and indicate whether they are to be retained or removed and include a planting specification, a programme of implementation and maintenance and a 5 year management plan. The landscape scheme shall reflect the locations of the lines of hedges shown on the Planting Proposals Plan (LVA, Figure 3) but specify the removal of existing conifer species and their replacement with appropriate native hedgerows. The hedgerow species mix shall include a proportion of evergreen shrubs (Holly or Yew) and species which retain their leaves for a large proportion of the year (Hornbeam or Beech) to maximise the screening effect without compromising existing landscape character. The scheme shall also include a minimum 15m wide buffer area to the adjacent woodland areas, defined with post and rail fencing and planted with a mix of 55% *Corylus avellana* (Hazel), 10% *Ligustrum vulgare* (Privet), 10% *Prunus spinosa* (Blackthorn), 15% *Rhamnus cathartica* (Purging Buckthorn) and 10% Field Maple (*Acer campestre*), planted at 1.5m centres and at a minimum height of 45-60cm.*

*Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development*

### **Toilet/litter issues**

Details of how the applicant would expect to deal with toilet facilities and rubbish storage and collection have been requested from the agent. This sets out that *'mobile toilets and washing facilities will be provided on site at Church Farm together with litter bins/bags. This is in line with the established practice operated on the other farm sites run by G Charlton and Sons during busy work periods and harvest time. We advise that the provision of toilet and washing facilities is a requirement of the British Retail Consortium, Red Tractor scheme, Assured Produce scheme and other farm audit procedures.'*

The applicant's intentions regarding toilet/wash facilities and litter are noted, and accepted in principle as a reasonable way to deal with the required need of workers and to avoid litter becoming a nuisance on the land. However due to the sensitivity of the landscape, the proximity to neighbouring properties and Listed Buildings and the temporary nature of these facilities (which would normally fall outside planning control), it is considered a condition requiring details of toilet/wash facilities and a litter management plan should be secured by condition. The suggested wording of the condition is as follows :

- (12) *Prior to the commencement of development details of toilet/wash facilities for the farm workers shall be submitted to and approved in writing by the Local Planning Authority and any facilities shall be provided in accordance with approved details. The details shall include, but not be limited to details of siting, appearance, management, maintenance and timescale.*

*Reason : In the interests of the visual appearance of the landscape, setting of heritage assets and residential amenity. Details are required prior to the commencement of development as the facilities may be necessary during the construction phase of development.*

(13) *Prior to the commencement of development a litter management plan shall be submitted to and approved in writing by the Local Planning Authority and any measures shall be provided in accordance with approved details. The details shall include, but not be limited to details of siting and appearance of bins, details of collection and a management and maintenance plan.*

*Reason : In the interests of the visual appearance of the landscape, setting of heritage assets and residential amenity. Details are required prior to the commencement of development as the measures may be necessary during the construction phase of development.*

### **Reservoir inundation risk**

Further comments have been received from Councillor Harwood which clarify that the threshold for reservoir capacity under the referred to acts has been increased to 25 000 m<sup>3</sup>. The proposed reservoir would fall below this threshold with a volume capacity at outfall level being approximately 17 855 m<sup>3</sup>.

It is noted on this application the Environment Agency has been consulted and raised no objection, however information relating to reference to the separate environmental regulations has been referred to. As the reference relates to legislation outside that relating to planning, it is considered an informative would be sufficient and no further consideration of the matters is necessary as part of the consideration of the planning application. This guidance has not however been included in the proposed informatives and it is therefore proposed to add the following additional informatives to the recommendation :

#### Additional informatives

(3) *The applicant should be made aware of the following environmental regulations which may apply :*

#### **Reservoirs Act**

*If the reservoir will hold more than 25,000 m<sup>3</sup> of water above normal ground level, this will require firstly, registration with the Local Authority under the Reservoirs Act 1975, and secondly an impoundment licence from the Environment Agency under Section 25 of the Water Resources Act 1991. Any reservoir holding more than 10,000m<sup>3</sup> of water will fall under the Reservoir Act, and the applicant would need to appoint a panel of safety engineers.*

#### **Water Resources**

*Under current legislation all abstractions from surface or ground sources greater than 20 cubic meters per day require an abstraction licence from the Environment Agency. Forms of irrigation other than 'spray' irrigation such as trickle/drip, Capillary matting, Hydroponics, currently do not need a licence. However, it is expected that these forms of irrigation will soon require an abstraction licence.*

*Any plans to abstract or store water must take into account these anticipated future changes to licencing to ensure the business is not unnecessarily impacted when the legislation changes. In this case we recommend that all rainwater harvested be directed to the reservoir without using a natural watercourse as a conduit. This way, rainwater and its subsequent use remains exempt from licencing.*

## First Urgent Update Report

*For further details on the on the local water resource situation please read the Medway CAMS strategy. We recommend you contact our area Groundwater & Hydrology team at [ksl.gwh@environment-agency.gov.uk](mailto:ksl.gwh@environment-agency.gov.uk) to discuss abstraction licence requirements and the sustainability of the proposed reservoir.*

*They can carry out a preliminary assessment alongside a possible site visit. This will allow them to review the applicant's requirements and advise on the probability of a licence being issued, if required under the terms of the Water Resources Act 1991 and as amended Water Act 2003. Any assessment will take into account the resource situation in the area.*

### **Fuel, Oil and Chemical Storage**

*Any facilities for the storage of oils, fuels or chemicals must be provided with secondary containment that is impermeable to both the oil, fuel or chemical and water, for example a bund, details of which shall be submitted to the local planning authority for approval. The minimum volume of the secondary containment should be at least equivalent to the capacity of the tank plus 10%. If there is more than one tank in the secondary containment the capacity of the containment should be at least the capacity of the largest tank plus 10% or 25% of the total tank capacity, whichever is greatest. All fill points, vents, gauges and sight gauge must be located within the secondary containment.*

*The secondary containment shall have no opening used to drain the system. Associated above ground pipework should be protected from accidental damage. Below ground pipework should have no mechanical joints, except at inspection hatches and either leak detection equipment installed or regular leak checks. All fill points and tank vent pipe outlets should be detailed to discharge downwards into the bund.*

### **Waste on site**

*The CLAIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste or have ceased to be waste. We recommend that developers should refer to our position statement on the Definition of Waste: Development Industry Code of Practice and our website at [www.environment-agency.gov.uk](http://www.environment-agency.gov.uk) for further guidance.*

### **Waste to be taken off site**

*Contaminated soil that is, or must be disposed of, is waste. Therefore, its handling, transport, treatment and disposal is subject to waste management legislation, which includes:*

- Duty of Care Regulations 1991*
- Hazardous Waste (England and Wales) Regulations 2005*
- Environmental Permitting (England and Wales) Regulations 2010*
- The Waste (England and Wales) Regulations 2011*

*Developers should ensure that all contaminated materials are adequately characterised both chemically and physically in line with British Standard BS EN 14899:2005 'Characterization of Waste - Sampling of Waste Materials - Framework for the Preparation and Application of a Sampling Plan' and that the permitting status of any proposed treatment or disposal activity is clear. If in doubt, we should be contacted for advice at an early stage to avoid any delays.*

*(4) Detail relating to Condition 8 (surface water drainage) should take into consideration the following :*

## First Urgent Update Report

- *Appropriate pollution prevention methods (such as trapped gullies or interceptors) should be used to prevent hydrocarbons draining to ground from roads, hardstandings and car parks.*
- *Clean uncontaminated roof water should drain directly to the system entering after any pollution prevention methods.*
- *No infiltration system should be sited in or allowed to discharge into land impacted by contamination or land previously identified as being contaminated.*
- *There must be no direct discharge to groundwater, a controlled water. An unsaturated zone must be maintained throughout the year between the base of the system and the water table.*
- *A series of shallow systems are preferable to systems such as deep bored soakaways, as deep bored soakaways can act as conduits for rapid transport of contaminants to groundwater.*
- *Design of the reservoir should maximise resilience and opportunities to promote/enhance biodiversity.*

*All precautions must be taken to avoid discharges and spills to the ground both during and after construction.*

The agent has also advised that 'G Charlton and Sons will advise the Environment Agency and appoint a Panel Engineer to oversee the project and produce a flood plan and report any incident.'

### **Other matters raised**

The comments suggest that the report fails to adequately address the impact of the proposals on the Greensand Ridge. The Committee Report clearly sets out at paragraphs 6.18 to 6.22 the key landscape characteristics and guidelines identified in the Landscape Character Assessment forming the Council's evidence base for landscape character within the area. It is these characteristics which form the basis to the appraisal and the report then continues to assess the impact of the proposed development both individually and cumulatively. The impact on the landscape is a subjective matter and as such the identified harm is balanced against the benefits of the proposal.

### **Other matters**

For Member's information a Woodland Tree Preservation Order (No. 5021/2017/TPO) with effect from 14<sup>th</sup> November 2017 has been made on Rough Field Wood, The Street, Ulcombe, Kent. The woodland area adjoins the application site to the south-east and is sited next to the proposed location of the new reservoir. The making of the order does not affect the appraisal relating to trees as set out in Paragraphs 6.46-6.52 of the Committee report.

**Recommendation remains unchanged subject to the amended/new conditions and new informatives as set out above.**

Item 24  
17/503284  
Pages 167-187

Church Farm, Ulcombe Hill, Ulcombe, Kent

**Additional consultee response**

KCC Archaeological Officer

The site of the application is within a sensitive area archaeologically and in terms of historic landscape. The site lies in an area of potential associated with Iron Age remains. Some Iron Age burials have been located in the churchyard and this suggests the potential for an Iron Age settlement nearby.

Ulcombe Church itself is of 13<sup>th</sup> century or earlier origins and may be the focus of a medieval settlement. Ulcombe Place is adjacent to the church and is a high status residence of 13<sup>th</sup> century date, although it too may be of earlier origins. Ulcombe Place may well be a medieval manorial complex with associated remains surviving in the surrounding fields. Ulcombe Place seemed to develop as a post medieval farm complex and Church Farm has been highlighted in the Historic England Farmstead Survey and is a historic farm complex. Associated with Ulcombe Place is a historic formal garden which reflects the character of Ulcombe Place as a post medieval high status residence.

This scheme could have a detrimental impact on the setting of designated heritage assets: Ulcombe Church, Ulcombe Place, Ulcombe Place gardens and Church Farmhouse. Ulcombe Church is Grade I and as such Historic England should be consulted on this scheme. I understand the applicant has been in consultation with Historic England and they are now satisfied with the mitigation on setting and impact proposed for the scheme.

This scheme may have an impact on archaeological remains and on the wider setting of Ulcombe Church and Place. The application does not seem to be supported by a Heritage Statement or assessment of archaeological issues. It would be preferable for this scheme to be supported by assessment of archaeological issues.

The scheme is likely to have an impact on the wider historic landscape surrounding Ulcombe Church and Place. This concern has been considered by the applicant and they have put forward additional mitigation which is accepted by Historic England.

I consider archaeological concerns can be addressed through condition and I recommend the following condition is placed on any forthcoming consent:

- (14) *No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of*
- i archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority; and*
  - ii following on from the evaluation, any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation and recording in accordance with a specification and timetable which has been submitted to and approved by the Local Planning Authority*

*Reason: To ensure that features of archaeological interest are properly examined and recorded and that due regard is had to the preservation in situ of important archaeological remains.*

**Officer's comment**

The Archaeological Officer raises a number of points, which concludes that subject to a condition the proposals would be acceptable in terms of Archaeological impact. It is considered that that proposed condition is reasonable and would meet the necessary tests, with the addition of wording to the reason to give reason as to why the details are required prior to commencement of development it is considered that the above condition be added to those previously recommended.

**Recommendation remains unchanged subject to the additional condition set out above and those set out in the earlier Urgent Update.**

**EXTRACT FROM THE MINUTES OF THE ADJOURNED MEETING OF THE PLANNING COMMITTEE HELD ON 16 NOVEMBER 2017**

279. 17/503284 - CHURCH FARM, ULCOMBE HILL, ULCOMBE, KENT

The Committee considered the report, and urgent updates, of the Head of Planning and Development.

Mr Rogers (objector), Councillor Kenward (of Ulcombe Parish Council), Councillor Hoy (of Broomfield and Kingswood Parish Council) and Mr Charlton (applicant) addressed the Committee on this item.

**RESOLVED:**

1. That, subject to the conditions and informatives outlined in the report and amended in the urgent updates of the Head of Planning and Development, planning permission is granted.
2. That condition is 5 amended to read (addition in bold):

The development hereby approved shall not commence until a landscape scheme designed in accordance with the principles of the Maidstone Landscape Character Assessment Supplement 2012 has been submitted to and approved in writing by **the Head of Planning and Development, in consultation with the Political Group Spokespersons of the Planning Committee**. The scheme shall show all existing trees, hedges and blocks of landscaping on, and immediately adjacent to, the site and indicate whether they are to be retained or removed and include a planting specification, a programme of implementation and maintenance and a 5 year management plan. The landscape scheme shall reflect the locations of the lines of hedges shown on the Planting Proposals Plan (LVA, Figure 3) but specify the removal of existing conifer species and their replacement with appropriate native hedgerows. The hedgerow species mix shall include a proportion of evergreen shrubs (Holly or Yew) and species which retain their leaves for a large proportion of the year (Hornbeam or Beech) to maximise the screening effect without compromising existing landscape character. The landscaping shall also include a physical barrier to provide a 15m buffer to the Ancient Woodland to the north of the site.

3. That an additional condition is added:

The development hereby permitted shall not take place until a transport plan has been submitted and approved in writing by the Head of Planning and Development, in consultation with the Political Group Spokespersons of the Planning Committee.

Voting: For - 5 Against - 3 Abstentions - 1

**EXTRACT FROM THE MINUTES OF THE MEETING OF THE PLANNING COMMITTEE HELD ON 30 NOVEMBER 2017**

296. MINUTES OF THE MEETING HELD ON 9 NOVEMBER 2017 ADJOURNED TO 16 NOVEMBER 2017

**RESOLVED:**

1. That the Minutes of the meeting held on 9 November 2017 adjourned to 16 November 2017 be approved as a correct record and signed subject to the amendment of the first sentence of condition 5 (Landscaping) set out in the second resolution contained in Minute 279 relating to application 17/503284 (Church Farm, Ulcombe Hill, Ulcombe, Kent) to read:

The development hereby approved shall not commence until a landscape scheme designed in accordance with the principles of the Maidstone Landscape Character Assessment Supplement 2012 has been submitted to and approved in writing by the Head of Planning and Development in consultation with **Ward Members and** the Political Group Spokespersons of the Planning Committee.

2. That the Head of Planning and Development be given delegated powers in consultation with Ward Members and Councillor Harwood to review and amend as appropriate the wording of condition 5 relating to application 17/503284.