

## REPORT SUMMARY

<b>REFERENCE NO - 21/02192/FULL</b>		
<b>APPLICATION PROPOSAL</b> Demolition of an existing poultry house; Erection of new egg packing centre with associated offices and staff facilities		
<b>ADDRESS</b> Fridays Of Cranbrook Ltd Chequer Tree Farm Swattenden Lane Cranbrook Kent TN17 3PN		
<b>RECOMMENDATION</b> GRANT subject to conditions (see section 11 of the report for full recommendations)		
<b>SUMMARY OF REASONS FOR RECOMMENDATION</b> <ul style="list-style-type: none"> <li>• There is no objection in principle to the proposed development as whilst the site is outside the Limits to Built Development it is an established agricultural operation;</li> <li>• The proposal would not have a significant impact on nearby Ancient Woodland;</li> <li>• The proposal would not have a detrimental impact upon highway safety;</li> <li>• The development can accommodate sufficient parking within the existing site;</li> <li>• The scale, layout and design of the proposals respect the context of the site and preserves the visual amenities of the locality;</li> <li>• The development would not be significantly harmful to the residential amenities of nearby dwellings by reason of loss of privacy, overshadowing, dominance, odour, dust, flies or noise;</li> <li>• The proposal preserves the character of the countryside;</li> <li>• Other environmental impacts have been assessed and there are none that are considered potentially significant and which cannot be addressed through conditions.</li> </ul>		
<b>INFORMATION ABOUT FINANCIAL BENEFITS OF PROPOSAL</b> The following are considered to be material to the application: <b>Contributions (to be secured through Section 106 legal agreement/unilateral undertaking):</b> N/A <b>Net increase in numbers of jobs:</b> None <b>Estimated average annual workplace salary spend in Borough through net increase in numbers of jobs:</b> N/A The following are not considered to be material to the application: <b>Estimated annual council tax benefit for Borough:</b> N/A <b>Estimated annual council tax benefit total:</b> N/A <b>Estimated annual business rates benefits for Borough:</b> N/A as in agricultural use		
<b>REASON FOR REFERRAL TO COMMITTEE</b> Significant major comprising non residential floor space by means of new build of 2000m <sup>2</sup> or more		
<b>WARD</b> Benenden & Cranbrook	<b>PARISH/TOWN COUNCIL</b> Cranbrook & Sissinghurst Parish Council	<b>APPLICANT</b> Fridays Ltd <b>AGENT</b> Mr Simon Kenny
<b>DECISION DUE DATE</b> EOT 17/01/22	<b>PUBLICITY EXPIRY DATE</b> 30/12/21	<b>OFFICER SITE VISIT DATE</b> 06/07/21

<b>RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):</b>			
14/506767/FULL	Egg Maturation Building with on-site parking spaces	Granted	13/05/15
13/01011/FULMJ	Erection of agricultural building for storage of packaging	Granted	23/07/13
12/01187/FULMJ	Demolition of 8 of the existing 11 poultry sheds and erection of 3 poultry houses for egg production, each equipped with 4 feed bins	Granted	25/07/12
11/03678/EIASCO	EIA Scoping Opinion - Proposed upgrade of existing poultry unit	Comments provided	11/01/12
08/02305/FUL	Agricultural building	Granted	22/08/08
95/10713/AGRIC	Article 3 Submission - Borehole with shed to house pump and storage tank	Granted	
94/01237/FUL	Proposed egg processing building	Granted	05/01/95
94/00892/FUL	Additional flow balance tank to existing effluent plant	Granted	06/09/94
94/00036/FUL	The formation of open ended roof areas between Units 18/19 and 20/21	Granted	07/03/94
93/00234/FUL	Extension to egg boiling plant	Granted	13/04/93
93/00147/FUL	Retrospective - installation of a new effluent treatment plant	Granted	15/03/93
92/00259/FUL	Extension of existing poultry houses	Granted	30/04/92
90/01345/FUL	New packaging store	Granted	29/10/90
89/01716/FUL	New staff facility building	Granted	27/03/90
87/01753/FUL	Extension of egg produce storage building	Granted	01/02/88
87/01297/FUL	Single garage	Granted	16/11/87
87/00747/FUL	Egg processing building	Granted	08/07/87
87/00134/FUL	Extension to egg processing plant for storage purposes	Granted	14/04/87
86/01384/FUL	Extension to packing shed	Granted	10/11/86
85/01005/FUL	Erection of 3 poultry houses and demolition of existing poultry houses and the carrying out of additional landscaping	Granted	25/09/85
85/00771/FUL	Extension to existing packing shed	Granted	25/07/85
81/01142/REM	Reserved Matters - Deep Pit Chicken House	Granted	16/12/81
81/00114/OUT	Outline - Demolish two poultry houses and replace with 1 deep pit poultry house	Granted	31/03/81
80/01120/FUL	Extension to agricultural building	Granted	05/01/81
80/00345/FUL	Extension to egg packing unit	Granted	17/06/80
79/00817/FUL	Extension to egg packing unit	Granted	16/11/79
78/00097	Section 32 - Application to rescind condition 2 of WE/5/74/9	Granted	04/08/78

## MAIN REPORT

### 1.0 DESCRIPTION OF SITE

- 1.01 Chequer Tree Farm lies within the Area of Outstanding Natural Beauty (AONB) between Cranbrook and Benenden on the north east side of Swattenden Lane. The site is characterised by open grassed areas and a plentiful spread of trees, including a large number of poplars.

- 1.02 There is a pond near the western access point to the site. The wider area is generally flat to the west, south and north while the land inclines gently over a relatively large area to the north east where the countryside is open and relatively sparsely populated. The bulk of the buildings on the site stand some distance back from the highway these include a range of large buildings given over to egg production. There are currently three poultry houses in total (plus one more that is redundant), an egg packing centre, buildings where egg products are manufactured, feed handling facilities and silos, vehicle maintenance workshops as well as offices and other ancillary buildings, four dwellings that house staff members and a sandwich production building.
- 1.03 Chequer Tree Farm is the applicants main centre of operations and supports its ten other farms located within Kent. Prior to the 1970s the farm was predominately concerned with fruit cultivation and packing. Access to and egress from the site from Swattenden Lane is via a single entry and exit point which has been improved over the years.
- 1.04 The buildings are arranged across the site which drops in level down to the south east toward a substantial belt of trees lining a watercourse, this being an area of ancient woodland. The buildings are stepped down on three different levels with the other three operational sheds to the north east. From Swattenden Lane to the south west only glimpses of the existing buildings are available with bunding and planting effectively screening them. From the west the tallest building on the site, the feed handling building, is all that can be seen, the poultry houses being to the rear and at lower levels.
- 1.05 There are a small number of residential properties along Swattenden Lane in the vicinity of the site, the closest and largest being Chequer Tree Farmhouse to the south west. Additionally, there are four domestic dwellings for staff within the site. The site extends to some 7 ha overall with extensive concrete aprons and roadways, an effluent treatment plant and the following buildings.
- 1.06 This proposal affects a plot towards the south of the farm complex. Buildings surrounding the plot are orientated SE–NW. The plot boundary is screened to the south east and south west by deciduous hedgerows and tree lines beyond which lie arable fields owned and cultivated by the company.
- 1.07 To the east are three operational laying hen poultry sheds (Colony Houses). These, along with the decommissioned unit to the south, are comprised of load bearing masonry ground floor elevations supporting timber framed upper deck fibre cement clad walls and roof.
- 1.08 To the north east is the current packing centre connected to a distribution warehouse. To the northwest there is a packaging warehouse of modern construction comprising a steel frame and pre-finished insulated cladding. This was permitted in 2013 (13/01011/FULMJ).

## **2.0 PROPOSAL**

- 2.01 The proposal is for an egg-packing building (including ancillary staff facilities and offices) comprising three adjoining structures, two approx. 40m wide and 66m long comprising the main structure, plus a 17m wide, 24m long link to the existing main packaging store.

- 2.02 The plot for the proposed packing centre is situated near the south of the complex on land that was once occupied by redundant poultry sheds that were demolished in 2013, creating four acres of unused land. The remaining former poultry shed on the south border of the plot is proposed to be demolished for vehicle access as part of this proposal. Access is via an existing roadway adjacent to the poultry sheds.
- 2.03 A surface water drainage strategy has been developed based on reducing existing runoff rates by 50% for the 1 in 1 year and 1 in 100 year storm events and providing attenuation storage in a swale immediately southwest of the proposed building. The swale will be located within an existing field boundary ditch which will be enhanced to provide attenuation storage with restricted discharge to the existing ordinary watercourse further to the south.

*Previous permission in this location*

- 2.04 Planning permission was obtained for construction of three new poultry sheds totalling 8,032m<sup>2</sup> on this part of the site (planning ref 12/01187/FULMJ) and this involved the removal of eight redundant poultry sheds (five here, three elsewhere on site). However this permission does not appear to have been formally implemented, None of the pre-commencement conditions attached to that permission have been discharged, nor have the three permitted replacement poultry sheds been built. Whilst seven of the eight redundant poultry sheds were removed in 2013, this work appears to have been undertaken separately to the implementation of 12/01187/FULMJ.

### 3.0 SUMMARY INFORMATION

	Existing	Proposed	Change (+/-)
Floorspace	Existing building to be demolished: 1210sqm	6030sqm	+4820sqm
Land use(s) including floor area(s)	Agriculture	Agriculture	No change
Number of jobs / parking	No changes		
No. of storeys	1	1	No change
Max height	8.4m – 8.6m	10.7m	
Max eaves height	Existing building to be demolished: 7.8m	9m	+1.2m

### 4.0 PLANNING CONSTRAINTS

- Agricultural Land Classification Grade 3
- Ancient Woodland + 30M Buffer Area to south of application site
- Area of Outstanding Natural Beauty (*statutory protection in order to conserve and enhance the natural beauty of their landscapes - National Parks and Access to the Countryside Act of 1949 & Countryside and Rights of Way Act, 2000*)
- Consult KCC on Major Planning Applications Or Equivalent Only (including Reserved Matters)
- Limits to built development - outside
- Section 106 or 52 Agreement attached to permission 78/00097 (Agricultural occupancy restriction attached to Nos 3 and 4 Chequer Tree Cottages)
- Group of Grade II listed buildings to the north west of the site (Doves Oast, Doves Barn and Doves Farmhouse) - (*statutory duty to preserve or enhance the significance of heritage assets under the Planning (Listed Buildings & Conservation Areas) Act 1990*);

## **5.0 POLICY AND OTHER CONSIDERATIONS**

In determining this application, the Local Planning Authority had regard to the following:

### **The National Planning Policy Framework (NPPF) 2021 National Planning Practice Guidance (NPPG)**

#### **Site Allocations Local Plan Adopted 2016**

- Policy AL/STR 1: Limits to Built Development

#### **Tunbridge Wells Borough Core Strategy 2010**

- Policy 3: Transport Infrastructure
- Policy 4: Environment
- Policy 5: Sustainable Design and Construction
- Policy 14: Development in the Villages and Rural Areas

#### **Tunbridge Wells Borough Local Plan 2006**

- Policy LBD1: Development outside the Limits to Built Development
- Policy EN1: Development Control Criteria
- Policy EN10: Archaeological Sites
- Policy EN13: Tree and Woodland Protection
- Policy EN16: Protection of groundwater and other watercourses
- Policy EN25: Development Control Criteria for all Development proposals affecting the rural landscape
- Policy TP4: Access to the road network

#### **Supplementary Planning Guidance – Landscape Character Area Assessment 2017**

#### **Other documents:**

- Kent and Medway Structure Plan 2006 Supplementary Planning Guidance SPG4
- Kent Vehicle Parking Standards (July 2006)
- High Weald AONB Management Plan

## **6.0 LOCAL REPRESENTATIONS**

6.01 The application was advertised by means of a newspaper advert, and three site notices posted on 6<sup>th</sup> July 2021.

6.02 No comments have been received from members of the public.

## **7.0 CONSULTATIONS**

### **Cranbrook and Sissinghurst Parish Council**

7.01 **(20/07/21)** - recommended APPROVAL providing the applicant completes the survey requested by KCC.

### **Environment Agency**

7.02 **(13/12/21)** - The site has an Environmental Permitting Regulations (EPR) Intensive Farming Installation permit for layer hens. The current permitted area includes the site of the development and the poultry house to be demolished. The operator may need to consider whether they need to update their permit to reflect current operations.

**Forestry Commission**

- 7.03 **(28/07/21)** – standard advice provided regarding development near Ancient Woodland

**Natural England**

- 7.04 **(15/11/21)** – No objection. Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites. Generic advice on other natural environment issues also provided.

**Southern Water**

- 7.05 **(21/07/21)** - The Environment Agency should be consulted directly by the applicant regarding the use of a private wastewater treatment works which disposes of effluent to sub-soil irrigation.
- 7.06 The Council's technical staff and the relevant authority for land drainage should comment on the adequacy of the proposals to discharge surface water to the local watercourse.
- 7.07 It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

**Mid Kent Environmental Protection**

- 7.08 **(13/07/21)** - Land contamination: The proposed development is not for a more sensitive end use and there is no obvious reason to consider that the site is likely to be affected by land contamination. The developer should be aware of the potential for unforeseen land contamination and ensure remediation is completed as necessary.
- 7.09 Noise: The current site has not attracted noise complaints and if as the application states the use is not increasing once developed, do not consider that it will cause noise complaints provided that plant and equipment is suitable installed. During development some noise and dust will be generated, and good practices will be required to prevent nuisance to neighbours.
- 7.10 Lighting: The current site has not attracted complaints about nuisance lighting, provided any new lighting is suitably installed this should remain so. Note the comments in relation to the ancient woodland and it is important that the Planning Officer distinguishes any conditions relating to lighting requested by EH to protect the human environment from those requirements.
- 7.11 Air Quality: the transport assessment concludes that there will not be increased vehicle movements associated with the development, the development therefore should not impact on air quality in this area.
- 7.12 RECOMMENDATIONS: No objections subject to conditions (noise, lighting, code of construction practice).

**KCC Flood and Water Management**

- 7.13 **(29/10/21)** - Since KCC's previous consultation response sent on 13/07/2021, a revised Flood Risk Assessment has been submitted. The contents of the report have been updated to reflect KCC's consultation comments.

- 7.14 The strategy presented within the report would see the construction of a swale on the western side of the site to receive and attenuate runoff from the new poultry house and surrounding hardstanding areas. The LLFA welcome that a complex flow control would be installed on site to restrict discharge into southern watercourse by 50%, compared to the existing scenario. This reduction in peak discharge rates will contribute to cutting flood risk further downstream.
- 7.15 The author of the report does highlight that further work is required at the detailed design to confirm invert levels of the pipe drainage network and swale (Section 6.4.1). Further to confirmation of levels at the detailed design stage, the Preliminary Drainage Strategy drawing does state that check dams may have to be installed at various points along its length if gradient is to severe (Box Note 3).
- 7.16 To facilitate the final design work of the drainage strategy to serve the development, the LLFA would advise that a detailed design condition is attached to this application.
- 7.17 **(13/07/21)** – It is understood from the FRA that the 5500m<sup>2</sup> proposed egg packing centre would be situated within the location of former poultry houses and the existing drainage arrangements would continue to be used to serve the new building (Paragraph 7.1.2). It has not been made clear as to the existing drainage arrangements and whether there are any controls in discharge to the southern watercourse. As with all redevelopments, the LLFA expects for drainage measures to be incorporated that reduce runoff rates and volumes through the use of sustainable drainage systems.
- 7.18 A continued unrestricted discharge from the developable area is no longer accepted and KCC would seek that rates are reduced to as close to greenfield as possible, or as a minimum a 50% reduction over existing rates. This is per KCC's Drainage and Planning Policy Statement (December 2019) and the Non Statutory Technical Standards (S3).
- 7.19 In light of the above point, object to the proposals and request a formal drainage strategy is provided.
- KCC Highways**
- 7.20 **(08/12/21)** - From a highway planning viewpoint, it is evident that without removing the existing building the development results in a significant increase in floor area on the site which hasn't been assessed in the TA and which could result in a significant increase in capacity and hence a significant change in traffic movements at the site including HGV's.
- 7.21 Therefore the highway authority would continue to advise that if the existing building is retained on site, it is not the case that there is only a small uplift in floor area, as set out in the TS.
- 7.22 If the LPA is minded to support the application we would consider it necessary that any decision ensures that the building could not be brought back into use without proper assessment.
- 7.23 **(20/07/21)** - The TS makes a number of statements advising that the proposed development will not increase the number of HGV movements and that no new staff are required. For example para 1.2.2 states '*Regarding this application, the proposal does not change the movements of HGVs from the established movements both upstream and downstream in the supply chain*'. And at 4.1.1 advises that the proposed development 'is for the construction of an egg packing centre to replace the

existing facility, which is reaching the end of its lifespan.’ Also 4.1.2 advises ‘*As the proposed development is to replace the existing egg packing centre the primary aim of the development is to increase efficiency and modernise the facility, rather than increase capacity.*’

- 7.24 However with regard to the existing facility para 4.1.4 advises that ‘*This packing centre would remain in use, whilst the proposal is delivered, and then would remain in-situ in a ‘mothballed’ state as a contingency measure.*’
- 7.25 So whilst para 4.2.2 refers to ‘*only a small net percentage uplift in terms of sqm*’ This in fact is not the case, as the existing floor area will also remain on site. Would therefore be grateful for some further clarification and advice regarding the retention of the existing facility, for the new build could seemingly result in significant additional capacity at the site and hence a significant change in trips to the site, including large HGVs. Could TWBC’s rural advisor please comment on the need for retention of the existing facility? And is TWBC able to advise as to possible other uses to which this floor space could be put?
- 7.26 Whilst the highway authority would not seek to raise objection to a replacement facility, TWBC will appreciate that proposals for additional facilities must be supported by a robust assessment of likely additional trips and to date this has not been done. Please also request swept path analysis for artics at the rear of the new building.
- TWBC Conservation Officer**
- 7.27 **(23/07/21)** – further to the request for heritage advice regarding the above application, view is that specialist advice from the Built Heritage Team is not, in this case, necessary for the determination of this application.
- TWBC Landscape & Biodiversity Officer**
- 7.28 **(29/10/21)** - The landscape plan addresses a number of concerns and any remaining matters can be dealt with via conditions for landscaping, ecological mitigation and enhancements and lighting.
- 7.29 **(02/07/21)** - There is no landscape or ecological objection in principle to the development which is set within an area of active industrial style units and was in recent times (2012/13) an area of built development and now is largely amenity grassland with one redundant chicken shed. Amenity grassland has some ecological value and noting species recorded in the area, it does offer foraging for a number of species but this might be viewed as a rather temporary situation having been formerly covered by buildings. The ecological report does conclude that any concerns that do exist can be dealt with by a scheme of avoidance but only provides limited information on potential mitigation and enhancements.
- 7.30 It is considered that future development of the site, if implemented in a sensitive and timely manner to avoid damage to areas of potential habitat (particularly for reptiles, bats and amphibians), would not require further survey work or licensing.
- 7.31 Other mitigation/ecological enhancements that should also be provided could include the provision of reptile fencing during the construction period and sensitive outside lighting with respect to bats.
- 7.32 It should be noted that ecological best practice should be followed as a matter of course with any clearance work taking place outside of bird nesting periods and under the supervision of an Ecological Clerk of Works.

- 7.33 Further details can be sought via conditions for a more detailed scheme of avoidance mitigation and enhancements but it should be clear that these need to be far more comprehensive so that there is a clear net gain for biodiversity.
- 7.34 Whilst the ecological report is generally acceptable in what it covers and concludes it does not in my view address the issue of possible effects of the development both during construction and operation on the ancient woodland to the south which is some 20 to 25m from the edge of the site. What the report currently says about Biodiversity Action Plan Priority Habitats is *"As the site not only has no BAP habitats within it but also is not thought to have any effect on BAP habitats within the locality no further action is proposed"* and this is not accepted.
- 7.35 The development is clearly within a zone of influence for the Ancient woodland such that noise, dust and lighting from construction is likely to have a negative effect unless mitigation is put in place. Similarly whilst the proposal moves the building away from the ancient woodland the area will be more active with lorries and so noise fumes and lights can all have a negative effect without mitigation.
- 7.36 It would be appropriate to have an indicative scheme of mitigation prior to determination with full details sought by condition. Mitigation for the operational phase of the development might include substantial fence or barrier on this southern boundary with some buffer planting between the site and woodland and details of drainage to ensure that the run off from the hardstanding is directed away from the woodland.
- TWBC Rural Advisor**
- 7.37 **(15/07/21)** - The new centre would incorporate three adjoining structures, both approx. 40m wide and 66m long, plus a 17m wide, 24m long link to the existing main packaging store (permitted under 13/01011/FULMJ).
- 7.38 As TWBC will be aware, the applicants are well-established, large-scale egg producers and packers, based in Kent, with some 11 local farms at Chequer Tree Farm Cranbrook, Frittenden, Boughton Monchelsea, Sissinghurst, Biddenden, Flimwell, and Chart Sutton. The Company is understood to be one of the largest egg producers and packers in the country.
- 7.39 Chequer Tree Farm is the main centre of operations, where the site occupies about 7ha overall, including the existing egg packing centre, workshop, buildings where egg products and other food products are manufactured, and associated yards. The centre currently handles over 900,000 dozen eggs a week. A full list of the buildings is provided in the submitted Design and Access Statement.
- 7.40 The Design and Access Statement explains the role of Chequer Tree Farm as the egg grading packing centre for the business, and the need for improved and enlarged facilities here to cope with expanding demand and production, and to meet customers' requirements and food safety standards. It explains how the current facilities are falling short in terms of size, height, drainage arrangements and the efficiency of the handling arrangements.
- 7.41 The new centre is purpose-designed for the anticipated requirements of this large and well established business, and confirm it appears appropriate to meet those needs.

## **8.0 APPLICANT'S SUPPORTING COMMENTS (taken from conclusion to Design & Access Statement)**

- 8.01 It is considered that the development is appropriate for the following reasons:-
- The proposal is necessary to ensure the continued viability of Fridays Ltd's existing ability to supply Fresh Egg to the major multiples;
  - The proposed site is adjacent to the Packaging Warehouse and utilizes the sites existing infrastructure;
  - The site is a "brown field" site and permission for new buildings on this site was granted in 2012;
  - The inclusion of the proposed Sustainable Drainage System and PV Panels will reduce the overall impact of the development on the environment;
  - In itself the proposed development will not impact on traffic movements to and from the site;
  - When seen in context will not be unduly visually intrusive;
  - The development will have a minimal ecological impact.

## **9.0 BACKGROUND PAPERS AND PLANS**

Application form  
Design & Access Statement  
Ecological appraisal January 2021  
Flood Risk Assessment October 2021  
Transport Statement January 2021  
Letter from applicant dated 14/09/21

## **10.0 APPRAISAL**

### **Main issues**

- 10.01 The site is outside the Limits to Built Development (LBD) and within the AONB countryside. The main issues are therefore considered to be the principle of the development at this site; landscape/AONB matters, design issues, residential amenity, highways/parking, ecology, impact on heritage assets, drainage and other relevant matters.
- Principle of development including rural economic benefits**
- 10.02 The site is outside any of the defined LBD where planning policy seeks to promote sustainable and adaptable agricultural sectors while ensuring that new development protects and enhances the environment.
- 10.03 Core Policies 7 and 14 seek to strengthen the rural economy. Para 84 of the NPPF sets out that planning policies and decisions should enable the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings. It also encourages the development of rural businesses. Agricultural businesses such as this support the rural economy through direct and indirect employment opportunities, enhancement to the existing business and associated rural economic benefits to sellers and suppliers. In addition to this there are the benefits of increased domestic food production.
- 10.04 This proposal is being put forward both in response to changing market needs and as a way of replacing aged buildings/equipment. The wider site is already in use for agriculture with all the necessary infrastructure in place. The Environment Agency has raised no objections in respect to the application; the ongoing management of the site is covered by the separate EA permit (as referred to in their response).
- 10.05 The use of this site for its current purposes falls within the definition of agriculture at S.336 of the Act and does not amount to a material change of use requiring planning

permission. This application seeks permission for development associated with that longstanding use. The Rural Advisor considers that the new packing centre is purpose-designed for the anticipated requirements of this large and well established business and appears appropriate to meet those needs.

- 10.06 Thus, it is considered that this proposal to replace existing facilities is acceptable in principle.

**Residential amenity**

- 10.07 The nearest dwelling to the proposed buildings (which lies outside the Chequer Tree Farm complex) is Chequer Tree Farmhouse, which is approximately 170 metres to the south west of the existing and new buildings. Whilst the new buildings will be approximately 3-4 metres taller than those they replace, due to the distance of separation and intervening tall, mature trees and existing buildings, they would not have a detrimental impact on these nearby residential properties by reason of loss of light, privacy or outlook.
- 10.08 The other nearest property is Little Chequer Tree, sited slightly further away from the proposed buildings than the above dwelling. It is not considered however, that this or any other property will be adversely affected by the proposed development.

**Renewable energy**

- 10.09 The Design & Access Statement advises that the building will be designed so that 1,680 No. PV panels (as per drawing no WM/664/P04) could be installed on the roof on the southern roof slopes which would generate approx. 428,400 kWh per annum. Full details can be secured by condition.
- 10.10 The applicant also states that in line with the company's and customer's sustainability objectives, reusable transport containers (e.g. plastic roller shippers) and packaging (e.g. plastic keyes trays) are replacing single use cardboard and fibre based formats. This trend is anticipated to continue and necessitates additional space as reusable fittings are bulkier than single use flat pack or nested formats. The building housing the current egg grading facility will be re-used for these purposes.

**Landscape/AONB (including trees)**

- 10.11 Adopted Development Plan Policy (including Core Policies 4 and 14) requires the conservation and enhancement of the AONB and rural landscape. The NPPF within paragraph 176 states that great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs which have the highest status of protection in relation to these issues. Paragraph 177 relates to major development in the AONB and states that "*Planning permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest.*" Footnote 60 states that '*whether a proposal is 'major development' is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined.*'
- 10.12 In this case, it is not considered that this should be considered as a 'major development' for NPPF Para 177 purposes. Whilst this is a significant new building, the development is concentrated on a single vacant piece of land formerly occupied by large poultry houses. There are existing farm buildings on two sides, with no encroachment in to the Ancient Woodland (which also screens the building). Ecological impacts are minimal, there are no particular landscape features that would be lost and the proposal would not result in coalescence with other settlements, nor encroachment in to hitherto undeveloped land. Whilst the application is a 'major' for

purposes related to the Development Management Procedure Order 2015 (the site area exceeds 1ha), that definition has no bearing on whether it is deemed 'major' for NPPF Para 177 purposes (as confirmed by the reference to 'Major Development' in Annex 2 and Footnote 75).

- 10.13 The new building is of a large scale and occupies an open space within the site. However, this space, whilst not 'Previously Developed Land' as defined by the NPPF (as its lawful use is agriculture) was nevertheless occupied by modern agricultural buildings until 2013. Some ground level remnants, a spoil heap plus one further redundant poultry shed remain. This part of the site is seen as part of the farm's functional area and contributes little to the wider AONB, nor the immediate amenity of the area given it is surrounded by buildings on two sides, with the redundant poultry house screening views from the SE and a line of trees performing a similar function on the SW boundary.
- 10.14 The proposed building is clearly larger than the remaining poultry shed and also larger than the four poultry sheds which occupied this part of the site until 2013. The building will be prominent in its setting. However, the proposal would not be harmful to the visual amenity of the site nor would it have a detrimental impact on the character of the countryside.
- 10.15 This is because the proposed building would, alongside replacing an existing building would be seen in the context of the rest of the site which already has a number of other buildings. It would be within the existing 'envelope' of development and also be sited relatively lower down the plot with the fall in land leaving it as not unduly conspicuous. The site is well screened by trees and existing structures and the site is not open to view to any significant extent; plus additional landscaping is proposed to the SE boundary.
- 10.16 Therefore the new buildings would not be unduly prominent in their setting and would make no material change in the context of the overall extent of the existing development of the site or in terms of its wider setting within the surrounding area. The perceived extent of built development on Chequer Tree Farm will not significantly increase.
- 10.17 It is therefore considered that although there would be an increase in the volume of built form and a small increase in building height (compared to the redundant and removed poultry sheds), the buildings are to be of a design typical of agriculturally-related structures and would not look out of context on the site. In light of this it is therefore considered that the proposal would not be detrimental to the countryside in which is located and there is no objection with regard to Policies EN1 or EN25 of the Local Plan, Core Strategy Policies 4 and 14, nor the NPPF in relation to rural development and the maintenance of the character of the AONB countryside.

#### **Impact on Ancient Woodland and ecology**

- 10.18 The application is accompanied by an ecological survey. This concludes that;
- There would be no impact on two SSSIs which are both over 600m away from the site, nor on locally designated wildlife sites nor Priority Habitats;
  - There is no botanical interest within the site, nor rare grasses;
  - The site of the proposed development offers no more than moderate value as Great Crested Newt and reptile commuting habitat - it is situated amongst other buildings associated with the poultry farm, so no further GCN work is necessary. Any potential impacts upon GCN resulting from the development could be mitigated for through the provision of suitable reptile fencing during the

construction phase along all site boundaries other than those against tarmac and/or buildings;

- Although the footprint of the proposed building currently does not include habitats which may be utilised by breeding birds, any site clearance work that may affect adjacent woodland or hedgerows should take place outside the nesting season (end February to August) or following a site inspection by an ecologist to determine that there are no nesting birds present. No further survey work is recommended;
- The habitats within the site provide, to a negligible extent, opportunities for foraging and commuting bats. No known roost sites have been confirmed within the site; however, it is always recommended that, prior to any demolition of buildings, any buildings should be inspected. If roosts are found, an appropriate mitigation strategy will be devised to maintain favourable conservation status of the species. Consideration should be given to foraging and commuting bats when designing any outside lighting;
- No signs of badger activity were noted during the visit. If on undertaking works badger activity is noted within 30m of the site then a badger survey should be undertaken to ensure no setts are located within 30m of the development. At this time a badger survey is not considered necessary;
- The proposed development does not directly affect dormouse habitat within either the hedgerow or the woodland and as such it is not proposed that any further survey work is necessary.

10.19 The applicant has submitted a landscaping plan which shows a newly planted buffer to the Ancient Woodland comprising mixed native species. The Landscape & Biodiversity Officer is satisfied with the proposal and recommends that landscaping, ecology and lighting can be addressed by condition.

### **Highways**

10.20 No changes are proposed to the existing access point and parking would be catered for by the existing parking facilities within the complex (no staff increases are involved, thus the development does not generate additional parking demand). No additional parking for HGVs is required.

10.21 To the rear of the proposed egg packing centre building will be 5 loading bays for HGVs, as well as appropriate turning facilities. As mentioned, a shed within the red-line boundary will be removed, providing the necessary space for these HGV movements. KCC Highways asked for details of vehicle tracking for this part of the development in their first response, which has now been provided within the landscaping plan.

10.22 The main issue raised by KCC Highways relates to additional trip generation. This site already has established trip-making on the B2086. The existing footprint includes over 15 buildings (Main office, sale office, machinery workshop, feed mill, packaging store, logistics warehouse, packing centre, vehicle workshop, boiling plant, chilled products, poultry (colony) houses and egg maturation warehouse).

10.23 The current proposal - as a replacement facility - creates no additional vehicle movements on to the highway. It is notable that the unimplemented permission for the three new poultry houses on this part of the site involved an increase in annual vehicle movements from the site from 942 to 2033; KCC Highways did not object on this basis.

- 10.24 KCC's concern relates to the intention of the applicant to keep the existing egg grading facility available for use alongside the new facilities. The Transport Statement outlines the company's intention to continue use of grading equipment in the existing packing centre until commissioning of the new packing centre facility and thereafter 'mothball' it.
- 10.25 The reasons for this are set out in the applicant's letter dated 14<sup>th</sup> September 2021. The grading equipment will ultimately be removed for much needed storage capacity (associated with the changes in the way the company packages its products, as outlined earlier).
- 10.26 The letter states a need to retain the existing grading equipment to provide essential contingency for teething issues during commissioning and the first months of the new facilities operation. Functioning grading equipment is critical to the supply chain as eggs are laid continuously and must be graded on a daily basis, otherwise stock levels quickly become unmanageable.
- 10.27 The applicant states there are no benefits to running both facilities concurrently in order to supplement capacity as the labour requirement for such an approach would be uneconomic and the existing equipment will have reached the end of its serviceable life (hence the need for the new building to house the new equipment).
- 10.28 It is therefore considered that a condition to a) provide a timetable for bringing in to use the new grading facilities and b) for decommissioning and removal of the previous equipment, its removal from the facility and limit the use of the former grading area to storage will address this matter (and a condition to this effect has been agreed in principle by the applicant). It would be disproportionate and unreasonable to require the former building to be demolished; there is no suggestion the building itself is at the end of its useful life, only the equipment within it needs replacing. In addition, requiring the building to be demolished when it is stated by the applicant to be required for storage in association with the lawful use would not be sustainable development.
- 10.29 Therefore the proposal is considered to be acceptable in highway safety terms and to comply with all relevant Local Plan and NPPF policy covering sustainable transport.

**Other matters**

- 10.30 A condition has been added to require the removal of the building in the event it becomes redundant. This is a large structure which is acceptable largely due to the agricultural and rural economic justifications cited by the applicant. This will avoid the risk of a large building which is comparable to a warehouse in size and scale being left redundant in the countryside.
- 10.31 Southern Water raise no objections. KCC Flood and Water Management recommend conditions; the Environment Agency has not objected on flood risk grounds.
- 10.32 KCC Heritage has not responded to a consultation request; however given the site constraints the recommended archaeological condition is proposed to be added.
- 10.33 No impact is considered to occur towards the significance of the listed buildings to the north west and the Principal Conservation Officer has not raised any built heritage objections.
- 10.34 Pre-commencement conditions 7 and 16 listed below have been agreed by the agent in accordance with section 100ZA (8) of the Town and Country Planning Act 1990.

**11.0 RECOMMENDATION – GRANT** Subject to the following conditions

*Three year implementation*

- 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.

*Approved plans*

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

WM/664/P00 (Block plan)  
WM/664/P01 Rev 1 (Plan)  
WM/664/P02 (Elevations)  
WM/664/P03 (Section)  
WM/664/P04 (Roof Plan)  
WM/664/P11 (Existing building to be demolished)  
WM/664/P125 (Site Location Plan)  
WM/664/P502 (Landscaping)

Reason: To clarify which plans are approved.

*Demolition of existing buildings*

- 3) Prior to the first use of the development hereby approved the existing building shown for removal on approved drawing WM/664/P00 and WM/664/P11 shall be demolished and all resulting rubble and rubbish removed from the site (unless it is used in connection with the new development).

Reason: To mitigate the impact of the development upon the character of the countryside and to provide sufficient room for vehicle parking/turning

*External materials*

- 4) Notwithstanding the submitted plans and documents, written details including source/manufacturer, and photographic samples of all materials to be used externally shall be submitted to and approved in writing by the Local Planning Authority before any above ground construction is commenced and the development shall be carried out using the approved external materials.

Reason: In the interests of visual amenity

*Noise*

- 5) The rating level of noise emitted from the proposed plant and equipment to be installed on the site (determined using the guidance of BS 4142: 2014 Rating for industrial noise affecting mixed residential and Industrial areas) shall be low as can be possible. In general this is expected to be 5dB below the existing measured background noise level LA90, T. In exceptional circumstances, such as areas with a very low background or where assessment penalties total above 5 the applicants consultant should contact the Environmental Protection Team to agree a site specific target level.

Reason: In the interests of residential amenity and the wider amenity of the area

*Lighting*

- 6) Notwithstanding the submitted plans and documents, no external lighting shall be installed until a detailed scheme of lighting has been submitted to, and approved in writing by the Local Planning Authority prior to the first use of the development. This scheme shall take note of and refer to the Institute of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Lighting, GN01, dated 2005 (and any subsequent revisions) and shall include a layout plan with beam orientation and a schedule of light equipment proposed (luminaire type; mounting height; aiming angles and luminaire profiles) and an ISO lux plan showing light spill. The submission shall also have been informed by an ecologist and shall take into consideration the impacts of lighting upon protected species.

The scheme of lighting shall be installed, maintained and operated in accordance with the approved scheme unless the Local Planning Authority gives its written consent to any variation.

Reason: In the interests of residential amenity and to mitigate light pollution in a rural area. To mitigate the impacts of the development upon ecology and biodiversity.

*Construction Management Plan*

- 7) Notwithstanding the submitted plans and documents, prior to the commencement of the development a Code of Construction Practice shall be submitted to and approval in writing by the Local Planning Authority. The construction of the development shall then be carried out in accordance with the approved Code of Construction Practice and BS5228 Noise Vibration and Control on Construction and Open Sites and the Control of dust from construction sites (BRE DTi Feb 2003) unless previously agreed in writing by the Local Planning Authority.

The code shall include:

- An indicative programme for carrying out the works
- Measures to minimise the production of dust on the site(s)
- Measures to minimise the noise (including vibration) generated by the construction process to include the careful selection of plant and machinery and use of noise mitigation barrier(s)
- Maximum noise levels expected 1 metre from the affected façade of any residential unit adjacent to the site(s)
- Design and provision of site hoardings
- Management of traffic visiting the site(s) including temporary parking or holding areas
- Provision of off road parking for all site operatives
- Measures to prevent the transfer of mud and extraneous material onto the public highway
- Measures to manage the production of waste and to maximise the re-use of materials
- Measures to minimise the potential for pollution of groundwater and surface water
- The location and design of site office(s) and storage compounds
- The location of temporary vehicle access points to the site(s) during the construction works
- The arrangements for public consultation and liaison during the construction works

Reason: In the interests of residential amenity. This is a pre-commencement condition as the measures will be required to be in place from the commencement of the development phase.

*Contamination*

- 8) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the local planning authority. The remediation strategy shall be implemented as approved.

Reason To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site.

*Archaeology*

- 9) Notwithstanding the submitted plans and documents, no development (excluding demolition of the existing building down to ground level, but excluding removal of the concrete base or surrounding hard surfacing) shall take place until the applicant, or their agents or successors in title, has secured the implementation of a watching brief to be undertaken by an archaeologist approved by the Local Planning Authority so that the excavation is observed and items of interest and finds are recorded. The watching brief shall be in accordance with a written programme and specification 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.

*SUDS scheme*

- 10) No development (excluding demolition of the existing building down to ground level and site clearance) shall begin until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall be based upon the principles contained within the Flood Risk Assessment prepared by Stantec (Revision D, 15/10/2021). The submission shall also 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 (with reference to published guidance):

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

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

Reason: To ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on/off site flooding.

*SUDS maintenance*

- 11) No building on any phase (or within an agreed implementation schedule) of the development hereby permitted shall be occupied until a Verification Report, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved by the Local Planning Authority. The Report shall demonstrate that the drainage system constructed is consistent with that which was approved.

The Report shall contain information and evidence (including photographs) of details and locations of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and, the submission of an operation and maintenance manual for the sustainable drainage scheme as constructed.

Reason: To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with and subsequently maintained pursuant to the requirements of paragraph 169 of the National Planning Policy Framework.

*Renewable energy*

- 12) Notwithstanding the submitted plans and documents, prior to any above ground construction of the buildings hereby approved, written and illustrative details for renewable energy technologies associated with the development shall be submitted to, and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details.

Reason: To ensure the development incorporates renewable energy technologies and therefore assists in meeting energy needs for future generations

*Removal of redundant buildings*

- 13) Should the agricultural use of the buildings hereby approved permanently cease, then unless agreed otherwise in writing by the Local Planning Authority, the buildings shall be removed from the land and the land restored to the condition before the development took place, or to such as condition as may have been agreed in writing by the Local Planning Authority, within 6 months from the date at which any buildings cease to be required / used.

Reason: In the interests of protecting the character and appearance of the countryside by preventing the proliferation of unnecessary buildings in the countryside

*Landscaping*

- 14) All new planting comprised in the approved details of landscaping shall be carried out by the end of the first planting season following practical completion of the development. Any trees or plants whether new or retained which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In order to protect and enhance the amenity of the area.

*Retention of trees and hedgerow on SW boundary*

- 15) The existing trees and hedgerows to the SW of the development hereby approved shall be retained. All hedges and hedgerows on and immediately adjoining the site shall be protected from damage for the duration of works on the site.

Any trees or parts of this hedgerow removed without the Local Planning Authority's prior written consent or which die or become, in the opinion of the Local Planning Authority, seriously diseased or otherwise damaged within five years following contractual practical completion of the approved development shall be replaced as soon as is reasonably practicable and, in any case, by not later than the end of the first available planting season, with plants of such size and species and in such positions as may be agreed in writing with the Local Planning Authority.

Reason: To ensure the continuity of amenity afforded by existing trees and hedgerows

*Biodiversity mitigation and enhancement*

- 16) Notwithstanding the submitted plans and documents, prior to development commencing, a scheme for the mitigation and enhancement of ecology and biodiversity on the site shall have been submitted to and approved in writing by the Local Planning Authority.

The approved scheme shall take account any protected species that have been identified on the site, and in addition shall have regard to the enhancement of biodiversity generally in accordance with Paragraph 174 of the NPPF which requires a net gain from development. It shall be implemented in accordance with the approved proposals within it and shall be carried out in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect and enhance existing species and habitat on the site in the future. This is a pre-commencement condition as the measures will be required to be in place from the commencement of the development phase.

*Overlapping permissions*

- 17) This permission shall not be exercised in addition to the permission 12/01187/FULMJ granted by the Local Planning Authority on 25 July 2012 but shall be an alternative to that permission. In the event that 12/01187/FULMJ is found to have been implemented, should any further part of that permission be implemented then this permission 21/02192/FULL shall not be implemented.

Reason: In order that the impacts from the implementation of both permissions can be satisfactorily assessed.

*Timetable for cessation of use existing packaging facility*

- 18) Prior to the first use of the development hereby approved, the following shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details;
- i. a timetable for bringing in to use the new grading facilities and
  - ii. a timetable for decommissioning and removal of the previous equipment, its removal from the facility and use of the former grading area only for storage in relation to the agricultural use of the site.

Reason: In the interests of highway safety.

**INFORMATIVES**

- 1) The applicant is advised to contact the Environment Agency to ensure that there are no variations to their permit required.

Case Officer: Richard Hazelgrove

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

The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.