

WINCHESTER CITY COUNCIL  
DEVELOPMENT CONTROL COMMITTEE AGENDA

Winchester City  
Council  
Planning Department  
Development Control

TEAM MANAGER  
SIGN OFF SHEET

## Committee Decision

<b>Case No:</b>	07/00138/FUL	<b>Valid Date</b>	22 January 2007
<b>W No:</b>	04046/15	<b>Recommendation Date</b>	6 May 2008
<b>Case Officer:</b>	Mr James Jenkison	<b>8 Week Date</b>	<b>19 March 2007</b>
		<b>Committee date</b>	<b>22 May 2008</b>
<b>Recommendation:</b>	<b>Application Permitted</b>	<b>Decision:</b>	<b>Committee Decision</b>

<b>Proposal:</b>	(AMENDED DESCRIPTION) Erection of refrigerated apple storage unit and use of existing and proposed buildings for the storage and distribution of produce grown by Hill Farm Orchards and other English grown produce
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<b>Site:</b>	Hill Farm Orchards Droxford Road Swanmore Hampshire
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Open Space Y/N	Legal Agreement	S.O.S	Objections	EIA Development	Monitoring Code	Previous Developed Land
NO	YES	NO	YES	NO		NO

DELEGATED ITEM SIGN OFF		
APPROVE Subject to the condition(s) listed	REFUSE for the reason(s) listed	
	Signature	Date
<b>CASE OFFICER</b>		
<b>TEAM MANAGER</b>		

**APPENDICES:-**

**Appendix I: Previous Committee report.**

**Appendix II: Applicants clarification of the existing and proposed orchard operation.**

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**Item No:** 5  
**Case No:** 07/00138/FUL / W04046/15  
**Proposal Description:** Erection of refrigerated apple cold storage unit and associated parking (RESUBMISSION)  
**Address:** Hill Farm Orchards Droxford Road Swanmore Hampshire  
**Parish/Ward:** Swanmore  
**Applicants Name:** Hill Farm Orchards Ltd  
**Case Officer:** Mr James Jenkison  
**Date Valid:** 22 January 2007  
**Site Factors:**

**Recommendation:** Application Permitted

### General Comments

This application was previously reported to Committee on 26<sup>th</sup> July 2007 and was approved subject to the completion of a Section 106 Agreement restricting the use of the new and existing buildings on the site to produce grown on the applicants holding. Subsequently, more details have been provided about the apple orchard operation which includes the importation of produce from other farms. Additionally, more land in Owslebury and Swanmore forms part of Hill Farm Orchards' operation and produce from this land would be stored at the application site.

The applicant has now confirmed that the orchard operation includes an element of imported produce and has sought permission to allow the storage and distribution of up to 300 tonnes annually (i.e. a total of 300 tonnes storage and distribution over a calendar year) of fruit grown elsewhere. The applicant has stressed that the operation does not intend to import produce from abroad.

This application is reported to Committee because the applicant is unable to complete a legal agreement which prevents the importation of any fruit. The applicant has indicated that imported fruit is an important element in the business and has been so for a considerable period of time. The applicant envisages that the proportion of imported fruit will actually fall but that the business will need to retain the ability to store and distribute fruit grown elsewhere. The application was previously reported to Committee due to the high level of objections received (100). Condition 4 has been modified (new Condition 13) to reflect the change in circumstances.

The previous report is appended to this Committee report (Appendix I) and a full account of the applicant's proposal is detailed in Appendix II.

### Site Description

Droxford Road is a country lane bounded by hedgerows, mature trees and embankments. A number of residential dwellings in the area are located close to the road.

The site is situated adjacent to the East Hampshire Area of Outstanding Natural Beauty and within the proposed South Downs National Park boundary, and has a strong rural character defined by the rolling nature of the land, abundance of roadside hedgerows and trees, the dispersed nature of building groups and the location in the Meon Valley.

Hill Farm Orchards is a long established horticultural operation and its plantation trees form part of the wider landscape in the immediate locality. A complex of mainly modern farm buildings is located adjacent to the roadside, with mobile homes at the rear used for accommodating seasonal workers. The largest building, located at the rear of the group, was originally a packing shed and was substantially enlarged with planning permission in 1988, with a condition restricting its use to the processing of primary food products only. In the early 1990's the building was converted to a

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large food distribution centre operated by A.G. Axton. There also appears to be an apple juice bottling plant operating from the site as well (which was permitted to operate in the current Axton's building for processing apples produced from the site).

The land where the building is proposed is essentially agricultural land adjacent to the large Axton's building at the rear of the site. The land is flat and bounded to the east by a line of mature trees and hedgerows which delineates the boundary of the orchard and Axton's complex from a neighbouring farm.

### **Proposal**

The site is located on farmland to the rear of the Axton's building and the land is owned by A.G. Axton (the independent distributor located on the site), with the applicant being Hill Farm Orchards.

The proposed coldstore has an approximate length of 71 metres and an approximate depth of 31 metres, allowing a total storage capacity 2,236m<sup>2</sup>. It will have a height of 9.8 metres above ground level. The building is proposed to be constructed of preformed steel.

22 carparking and 14 cycle parking spaces are to be provided.

The application now proposes the use of the existing and proposed buildings for the storage and distribution of produce grown by Hill Farm Orchards, as well as for other fruit imported from producers elsewhere.

### **Relevant Planning History**

**88/00531/OLD** - Erection of single storey side extension to packing shed – Application Permitted 04/08/1988

**99/00538/APN** - Steel framed agricultural storage building – Application Permitted 23/04/1999

**03/01733/APN** - Extension to existing agricultural/ horticultural building – Application Permitted 06/08/2003

**06/01748/FUL** - Erection of refrigerated apple cold storage unit building and associated parking – Application Refused 03/08/2006

### **Consultations**

#### Engineers: Highways (Re-consulted):

"The reason for this application being referred back to Planning Committee is the need to vary the terms of the Section 106 Agreement. The applicants need to retain an element of imported "top fruit" (i.e. apples and pears) from other English suppliers, in order to cater for variations in growing seasons due to poor harvests and consequently to enable the applicants to meet their contract targets.

It is expected that there will be a requirement for 300 tonnes of imported produce, which could equate to approximately 12 deliveries (i.e. 24 trips - 12 in and 12 out); however, it is envisaged this figure will reduce to approximately 100 tonnes, as the on-site yield increases due to the change in the apples produced. I am informed that the existing practice of importing fruit has occurred over 20 years or more.

The applicant's Highways Consultant and Solicitor have both confirmed to the Local Planning Authority that the Transport Assessment, supplied in support of the planning application, included

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the figures associated with these "imported deliveries". This application is being taken back to Committee to reflect the nature of existing operations and for a Section 106 Agreement to permit the importation of produce not grown by the applicant.

It is important to remember that the applicants intend to alter their farming processes in order to produce a greater output, which is something the Local Planning Authority are unable to control. What is abundantly clear is that, unless the proposed building is permitted, then the additional crops will also have to be transferred away from the site for storage and then back again to allow packing to occur, thereby producing a far greater traffic generation than currently exists. However, the proposal removes the need to transfer both current and future stock to and from the site and therefore will reduce the associated traffic movements involved with the existing and future farming practices."

Hampshire Highways (from previous report):

Use of the road by large articulated vehicles has caused continuous erosion of carriageway edges, creating potholes and bad dips and bank erosion. There has been erosion of road verges due to the constant mounting of the verges and footpath by vehicles in order to allow passing.

Landscape (from previous report):

The belt of mature trees to the north-east does not adequately screen the site from views in the winter, gauged by the mass of the existing building, which is very intrusive from the north-east and the AONB. The added impact of an even larger building would be unacceptable and contrary to Policies CE5 and CE6, given that it is so close to the AONB.

Environmental Health (from previous report):

Concern raised about the noise that would be generated by fans operating in association with the cold store. A condition is suggested to deal with the noise impact of fans on neighbouring dwellings (Condition 13).

South Downs Joint Committee (from previous report):

Proposal supported in principle, provided that it would only be used for the storage of fruit grown on the associated land. Objection expressed that siting may not allow sufficient planting to the north to adequately screen the site. Conditions relating to materials colour, landscaping, rainwater collection and external lighting are suggested (Conditions 2, 3, 4, 5, 6).

**Representations (submitted prior to 26/7/2007):**

Swanmore Parish Council

Objects to the application because of the intensification of heavy traffic and that the project is unsustainable. If minded to approve, then a restrictive covenant considered essential.

100 letters received objecting to the proposal.

The focus of the objections was that further storage space is not required on the site and would only increase the problems caused by the existing business including:

- The narrow country lanes being unsuitable for the HGV's and the traffic dangers posed by these vehicles to local residents, especially as the lanes are enclosed by high banks and hedgerows.
- Dangerous road junctions with unsuitable sightlines and there are accident black spots.
- HGV's using travelling up and down the lanes frequently 24 hours a day 7 days a week and preventing sleep and loss of amenity.
- HGV's damaging road verges and making it uncomfortable, dangerous and more difficult for pedestrians, cyclists and horse riders to travel along and causing flooding. Children crossing the road are particularly vulnerable. As there are no footpaths along these lanes pedestrians have to walk along the narrow lane and share it with vehicle traffic.

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- HGV traffic has increased considerably in the past 3 years (trebled in four years) and drive at dangerous speeds above the 40mph speed limit.
- Noise disturbance from HGV's through use of air braking, engine noise, gear changing and wheel movements, engines left idling while HGV's wait at road junctions and when unloading. Happens at all times of the day and night.
- Many HGV's foreign registered and drivers get lost on the country lanes.
- Damage to homes and property (mainly as a result of vibration and because many buildings are historic), many of which are immediately adjacent to the lane.
- Wholesalers have proliferated in the past 10 years.
- Concern raised about the site being owned by A.G. Axton.
- Hill Farm already has adequate storage.
- The traffic is exacerbated by the nature of the operation because the HGV's deliver the produce and then depart and then shortly afterwards local lorries depart with the produce which has been delivered.
- These roads were built as country lanes for local traffic and are not wide enough for HGV's. Lorries have to mount the verge to pass one another and other vehicles.
- Concerns expressed that Hill Farm is expanding into an industrial estate and is inappropriately located for such activities. HGV traffic is extremely intensive.
- The building is extremely large.
- The traffic assessment produced by the applicant has been contested.

1 letter of support was received on the basis that it would eliminate unnecessary deliveries.

**Relevant Planning Policy:**

Hampshire County Structure Plan Review:

E7

Adopted Winchester District Local Plan Review 2006:

CE13

National Planning Policy Guidance/Statements:

PPS 7 Sustainable Development in Rural Areas

PPG 13 Transport

Supplementary Planning Guidance

Farm Buildings: A Design Guide for Hampshire

**Planning Considerations**

Principle of development

The principle of constructing buildings for the storage of farm products produced by a holding is acceptable in principle provided there is a demonstrable need.

Fruit storage requires refrigerated buildings in order to allow it to be stored for extended periods, including outside of the harvesting season. Fruit growing businesses can also be vulnerable to factors like the weather, which can affect yields. It is therefore not uncommon for producers to import fruit from other farms in order to meet the requirements of their customers. The applicant's solicitor has written a letter (Appendix II) detailing the requirements of the operation at Hill Farm Orchards. The applicant has suggested that imports have formed part of their business for a long time although, as a proportion of the produce stored on the site, their volume is decreasing. The applicant envisages that imports will continue to fall as home grown produce increases.

Nonetheless, the applicant still wishes to retain the capacity to store and distribute fruit produced elsewhere (maximum of 300 tonnes per calendar year). In 2007 imported fruit accounted for some

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24% of fruit handled by the operation. Farmers are often able to bring in some fruit from other holdings for distribution without the need for planning permission as such activities are normally ancillary (usually up to around 15% of the total).

Consequently, in principle, it is considered that it would be difficult to sustain an objection on policy grounds to some imported produce being handled at the site, as it forms part of the overall farming operation of the business. However, its quantity and nature needs to be limited by planning obligation, i.e. a maximum of 300 tonnes of fruit (apples and pears) per calendar year.

It is accepted that additional storage to serve the holding is required.

It is important that the number of buildings on the holding is kept to the minimum necessary, as in this instance one of the buildings has already been turned over to an independent fruit distributor in 1992 and the site is unsuitable for general commercial activity. A condition (Condition 11) has therefore been recommended requiring the dismantling/demolition of the building should it cease to be required for the operations of the holding. Additionally, Condition 13 and a Section 106 Agreement are considered to be necessary to restrict the land used by Hill Farm Orchards for fruit production handled at this site, and the nature of the operation, and ensure that the conditions can be effectively monitored and enforcement action taken where necessary.

#### Design/layout

The proposed building has its shortest end facing over the agricultural field, thus minimising the profile of the building in oblique views from Droxford Road when the site is approached from the north. The building has its entrances facing away from the existing large building, resulting in a service yard facing towards the fields with a landscape buffer to screen views of the building.

It is evident from the existing building on the site (where the light coloured roof is the most visible element in views from Droxford Road) that the roof and sidewall elevation facing over the neighbouring field towards Droxford Road will be visible. The proposed building is large and the hardstanding associated with it is extensive. However, there are no close views of the building and even in winter months there is a level of screening from the existing hedgerow. Sheet metal cladding is able to be colour finished at the manufacturing stage and a juniper green colour scheme for the roof and north-east side elevation, as well as landscape planting, will achieve a high level of screening of the building from public viewpoints, even in winter months. This will ensure that, in winter time when trees are without leaf, the building will blend in with existing mature vegetation. Landscape reinforcement will assist in ensuring this (Condition 2).

#### Landscape/Trees/ Rural Character

The building, as shown on the revised site plan, is set perpendicular to this boundary and 22 metres from it, allowing additional landscape planting at this important boundary. This addresses the concerns raised by Landscape and the AONB Panel. This will need to include indigenous tree species to thicken the landscape screening of the building and will allow a small copse to develop (Condition 3).

The application plans show tree planting within the large hardstanding area and along the south-east boundary. However, in this countryside location it would be more appropriate for a higher level of landscaping than is shown on the plans in order to reflect the countryside location of the site and to prevent extensive areas of visually unrelieved hardstanding from being formed.

Strong floodlighting at night can produce glare as well as reflection from building walls and hardstanding. This can undermine the rural character of a locality as the glow emanating from the site can be visible over a long distance and needs to be controlled (Condition 4).

Uncontrolled open storage may also be an issue, so a condition has been recommended restricting the type and height of material which may be stored in the open on the site (Condition 7).

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Highways/Parking

The most important issue in relation to this proposal is the potential level of traffic that a building of this size could generate, particularly given that the proposed development will generate traffic in addition to the Axton's operation. The Axton's distribution business operates from a building that was previously associated with Hill Farm Orchards but this business has gained immunity from enforcement action as it has been operating from the site for longer than 10 years. The result is that the long-established orchard now generates large amounts of HGV traffic as a result of having to store some of its produce, and imported fruit, off-site and having to return it to the site for final distribution.

The proposed apple store would reduce the amount of traffic by eliminating the need to store produce off-site temporarily prior to final distribution, in terms of both home grown fruit and imported produce.

Given the current storage arrangements, additional traffic would be generated by the higher productivity that the orchard is hoping to achieve in terms of crop yields, and an increase in agricultural production lies outside the scope of planning control. If productivity on the holding is increased the provision of a new cold store would help to limit any increase in HGV traffic, compared to the existing situation, where there would be a greater need to store fruit temporarily off-site before bringing it back for final redistribution. Allowing greater on-site storage capacity should reduce traffic even if production levels remain the same at the holding. It is therefore considered that the building proposed is justified. However, because Droxford Road is an attractive country lane in an area of countryside/AONB, it is essential that HGV traffic is kept to a minimum and that the proposed building, or any of the other farm buildings under the control of Hill Farm Orchards, are not used for commercial storage activity unrelated to the holding or the fruit growing business.

As the application site is in the ownership of A.G. Axton and because of the flexibility that permitted development rights allow in relation to ancillary activity, the most appropriate means to ensure that the existing and proposed buildings are used only for the storage and distribution of apples/produce from the orchard operation, including an element of fruit grown elsewhere, would be a through a Section 106 Agreement. This would include the annual total of 300 tonnes of imported produce and the orchard sites of Letter Box Field (6 hectares of land at Whaddon Lane, Owslebury) and Tudor Cottage (10 hectares of land at Cott Street, Swanmore).

Noise

The most significant impact on neighbouring properties will be the potential noise impact from HGV traffic moving to and from the site and the operation of the air conditioning units associated with the coldstore.

The air conditioning units will be located inside the building, ensuring that the building itself will act to shield noise, with the main entrances to the building facing away from residential properties in the locality.

The purpose of the application is to reduce the amount of HGV traffic travelling to and from the site and a Section 106 Agreement will secure this.

Neighbours Representations

Much of the existing traffic is either duplication from Hill Farm Orchards that should be reduced by the erection of the building proposed (if production is not increased – see above) or as the result of the Axton's operation which has gained immunity from enforcement.

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By strictly controlling the use of the existing farm buildings and the proposed building of Hill Farm Orchards to the storage of produce from the orchard only (with an element of imported produce), it should be possible to secure a reduction in traffic even if on-site production increases and thus promote an improvement on the existing traffic situation.

Conclusion

The site has always been a large orchard operation and new buildings have been constructed (1988) in connection with the orchard operation, which are now used by independent businesses. The impact of the size of the building on the landscape can be reduced to an acceptable level by the planting of additional landscaping to the existing hedgerow and by controlling the colour of the building's cladding. The traffic situation along the rural Droxford Road is a matter of concern and a Section 106 Agreement, in addition to Condition 13, is considered necessary to restrict the amount of HGV traffic servicing the site in relation to Hill Farm Orchards, due to the current level of activity on the site and the fact that the application site is owned by Axton's which is a general wholesale distributor.

Planning Obligations/Agreements

In seeking the planning obligation(s) for the restriction of the use of the proposed and existing buildings for the storage of apples/produce from the orchard only, the specified additional sites which form part of the orchard operation and the storage and distribution of an additional 300 tonnes of imported produce, the Local Planning Authority has had regard to the tests laid down in Circular 05/2005 which requires the obligations to be necessary; relevant to planning; directly related to the proposed development; fairly and reasonably related in scale and kind to the proposed development and reasonable in all other respects. The Section 106 Agreement will also ensure that the level and nature of agreed storage can be effectively monitored and appropriate enforcement action taken where necessary.

**Recommendation**

Application Permitted, subject to a Section 106 Agreement for the restriction of the use of the proposed and existing farm buildings for the storage and distribution of apples/produce from the holding of Hill Farm Orchards and its associated land only and for an additional 300 tonnes per calendar year of imported fruit, and the following conditions:

**Conditions**

1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

1 Reason: To comply with the provisions of Section 91 (1) of the Town and Country Planning Act 1990 (as amended).

2 Prior to work commencing on the site a scheme of details of the colour and finishes of all external surfaces of the building hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved within one month of the external surfaces being constructed and retained thereafter.

2 Reason: To ensure that the development presents a satisfactory appearance in the interests of the amenities of the area.

3 No development shall take place until details of both hard and soft landscape works and existing tree and hedgerow protection have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved within the first planting season of the substantial completion of the development or as otherwise agreed in writing by the Local Planning Authority. These details shall include the following, as relevant:



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- means of enclosure, including hedgerow planting:
- other vehicle and pedestrian access and circulation areas:
- hard surfacing areas and hard surfacing materials:
- Landscape areas.

Soft landscape details shall include the following as relevant:

- Retention of existing trees and hedgerows
- planting plans
- written specifications (including cultivation and other operations associated with plant and grass establishment:
- schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate:
- schedule of plants for the re-enforcement of the existing hedgerow and new hedgerow planting:
- manner and treatment of watercourses, ditches and banks:
- implementation programme.

3 Reason: To protect the amenities of the countryside here and the rural character of the AONB.

4 No floodlighting, either affixed to the building or freestanding, shall be erected on the site at any time without the written agreement of the Local Planning Authority.

4 Reason: The site is located along a rural lane in the AONB and the use of floodlighting would undermine the rural character of the locality.

5 Detailed proposals for the disposal of foul and surface water from the building and hardstanding shall be submitted to and approved in writing by the Local Planning Authority before the commencement of the development hereby permitted. The approved details shall be fully implemented before the development is first brought into use.

5 Reason: To ensure satisfactory provision of foul and surface water drainage.

6 No machinery shall be operated, no process shall be carried out and no deliveries taken at or dispatched from the site except between the hours of 0730 and 1900 Monday to Saturday and 0800 and 1800 on Sundays and Bank Holidays, unless otherwise agreed in writing by the Local Planning Authority.

6 Reason: To protect the amenities of the occupiers of nearby properties.

7 No outside industrial processes or working or storage of materials, vehicles, machinery or equipment (other than the storage of pallets related to the horticultural activities of the holding) shall be undertaken on the site at any time unless otherwise approved in writing by the Local Planning Authority.

7 Reason: In the interests of local amenities.

8 The storage of pallets on the site shall only occur adjacent to the south-west side elevation of the building hereby approved in an area marked out on the approved landscape plan for the site and shall not be stacked to a height greater than the eaves level of the building hereby approved. Should existing farm building become redundant for other purposes then the storage of the pallets shall be transferred to those buildings.

8 Reason: In the interests of the amenities of the locality.

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9 No additional floorspace (including the installation of mezzanine floors) shall be created within the development hereby approved unless agreed in writing by the Local Planning Authority.

9 Reason: In the interests of highways safety and local amenity.

10 If the building hereby approved becomes redundant for agricultural or horticultural purposes associated with the holding then the building shall be dismantled or demolished and all resultant material removed from the site.

10 Reason: In the interests of the rural amenities of the locality.

11 The existing trees and hedgerow along the north-east boundary shall not be lopped, topped, felled or uprooted without the prior written approval of the Local Planning Authority. These trees shall be protected during building operations by the erection of fencing at least 6 metres from the tree trunks in accordance with BS 5837.

11 Reason: To retain and protect the trees which form an important part of the amenity of the area.

12 Details of the air conditioning and ventilation of the building (including noise levels) shall be submitted to and approved in writing prior to the commencement of work on the site. No air conditioning or ventilation shall be installed other than in accordance with the approved details.

12 Reason: To protect the amenity of adjoining residential properties.

13 The building hereby permitted shall only be used for the storage of agricultural products grown on the land detailed on the attached maps (date stamp received 30 April 2008) and including:

- 37 hectares of land at Hill Farm Orchards, Droxford road, Swanmore.

- 10 hectares of land at Tudor Cottage, Cott Street, Swanmore

- 6 hectares of land at Letter Box Field, Whaddon Lane, Owslebury.

- No more than 300 tonnes total annually of agricultural produce from other sources ancillary to the operations of Hill Farm Orchards.

13 Reason: The site is located along a rural lane in an unsustainable location within the AONB and the use of the building for any purposes other than the storage of locally produced farm products would be detrimental to the amenities and character of the locality.

**Informatives:**

This permission is granted for the following reason:

The development is in accordance with the policies and proposals of the Development Plan set out below, and other material considerations do not have sufficient weight to justify a refusal of the application. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, planning permission should therefore be granted.

The Local Planning Authority has taken account of the following Development Plan policies and proposals:-

Hampshire County Structure Plan Review: C1, C2, E6, E7, E8  
Adopted Winchester District Local Plan Review 2006: CE13

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Note to applicant: Should any of the existing farm buildings on the site become redundant for farm purposes of the holding planning permission is unlikely to be granted for the change of use of the building.

# Appendix I:

## Previous Committee report and recommendation.

<b>Case No:</b>	07/00138/FUL	<b>Valid Date</b>	22 January 2007
<b>W No:</b>	04046/15	<b>Recommendation Date</b>	3 July 2007
<b>Case Officer:</b>	Mr James Jenkison	<b>8 Week Date</b>	<b>19 March 2007</b>
		<b>Committee date</b>	<b>26 July 2007</b>
<b>Recommendation:</b>	<b>Application Permitted</b>	<b>Decision:</b>	<b>Committee Decision</b>

**Proposal:** Erection of refrigerated apple cold storage unit and associated parking (RESUBMISSION)

**Site:** Hill Farm Orchards Droxford Road Swanmore Hampshire

Open Space Y/N	Legal Agreement	S.O.S	Objections	EIA Development	Monitoring Code	Previous Developed Land
	Y/N	Y/N	Y/N	Y/N	Y/N	Y/N

DELEGATED ITEM SIGN OFF		
APPROVE Subject to the condition(s) listed	REFUSE for the reason(s) listed	
	Signature	Date
<b>CASE OFFICER</b>		
<b>TEAM MANAGER</b>		

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**AMENDED PLANS DATE:-**

# Appendix I:

## Previous Committee Report and Recommendation.

**Case No:** 07/00138/FUL / W04046/15  
**Proposal Description:** Erection of refrigerated apple cold storage unit and associated parking (RESUBMISSION)  
**Address:** Hill Farm Orchards Droxford Road Swanmore Hampshire  
**Parish/Ward:** Swanmore  
**Applicants Name:** Hill Farm Orchards Ltd  
**Case Officer:** Mr James Jenkison  
**Date Valid:** 22 January 2007  
**Site Factors:**

**Recommendation:** Application Permitted

### General Comments

This application is reported to Committee because of the number of objections received (100). Swanmore Parish Council also recommended that the application go to Committee if recommended for approval.

### Site Description

Droxford Road is a narrow country lane bounded by hedgerows, mature trees and embankments. A number of residential dwellings in the area are located close to the road.

The site is situated adjacent to the East Hampshire Area of Outstanding Natural Beauty and within the proposed Southdown's National Park, and has a strong rural character defined by the rolling nature of the land, abundance of roadside hedgerows and trees, the dispersed nature of building groups and the location in the Meon Valley.

Hill Farm Orchards is a long established horticultural operation and its plantation trees form part of the wider landscape in the immediate locality. A complex of mainly modern farm buildings is located adjacent to the roadside, with mobile homes at the rear used for accommodating seasonal workers. The largest building, located at the rear of the group, was originally a packing shed and was substantially enlarged with planning permission in 1988, with a condition restricting its use to the processing of primary food products only. In the early 1990's the building was converted to a large food distribution centre operated by A.G. Axton. There also appears to be an apple juice bottling plant operating from the site as well (which was permitted to operate in the current Axton building for processing apples produced from the site).

The land where the building is proposed is fallow agricultural land adjacent to the large building at the rear of the site. The land is flat and bounded to the east by a line of mature trees and hedgerows which delineates the boundary of the orchard and Axton complex from a neighbouring farm.

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**Proposal**

The site is located on farmland to the rear of the Axton building and the land is owned by A.G.Axton (the independent distributor located on the site), with the applicant being Hill Farm Orchards.

The proposed coldstore has an approximate length of 71 metres and an approximate depth of 31 metres, allowing a total storage capacity 2,236m<sup>2</sup>. It will have a height of 9.8 metres above ground level. The building is proposed to be constructed of preformed steel.

22 carparking and 14 cycle parking spaces are to be provided.

**Relevant Planning History**

**88/00531/OLD** - Erection of single storey side extension to packing shed. PER 4th August 1988.

**99/00538/APN** - Steel framed agricultural storage building. PER 23rd April 1999.

**03/01733/APN** - Extension to existing agricultural/ horticultural building. PER 6th August 2003.

**06/01748/FUL** - Erection of refrigerated apple cold storage unit building and associated parking. REF 3rd August 2006.

**Consultations**

Engineers: Highways:

The proposed refrigerated apple store removes the need to transport existing fruit produced on the farm to and from other suitable stores located in Portsmouth and Kent; in addition to the need to transport the future increased crop levels envisaged as a result of changes to the varieties and growing methods.

The contents of the Transport Assessment assume all the existing refrigerated buildings located on the site will be used for the storage of fruit. In order to prevent the possibility of further traffic generation being created by these buildings, the Local Planning Authority may need to ensure that their use is restricted to ancillary storage to the main building only by applying a suitably worded condition

The contents of the Transport Assessment explains the proposed refrigerated apple storage unit will reduce the number of articulated heavy goods vehicles to and from the site. There is no reasons to doubt these figures, which appear to be reasonable.

Mindful of the above, and subject to the suggested conditions discussed above the proposals will not generate a material increase in traffic or demonstrable harm to users of the adjoining highway network.

Hampshire Highways were consulted and confirmed that the use of the road by large articulated vehicles has caused continuous erosion of carriageway edges, creating potholes and bad dips and bank erosion. There has been erosion of road verges due to the constant mounting of the verges and footpath by vehicles in order to allow passing.

Landscape:

The belt of mature trees to the north-east does not adequately screen the site from views in the winter, gauged by the mass of the existing building, which is very intrusive from the NE and the AONB. The added impact of an even larger building would be unacceptable and contrary to

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Policy CE5 and CE6 given that it is so close to the AONB.

Environmental Health:

Concern raised about the noise that would be generated by fans operating in association with the cold store. A condition is suggested to deal with the noise impact of fans on neighbouring dwellings (Condition 13).

South Downs Joint Committee:

Proposal supported in principle provided that it would only be used for the storage of fruit grown on the associated land. Objection expressed that siting may not allow sufficient planting to the north to adequately screen the site. Conditions relating to materials colour, landscaping, rainwater collection and external lighting are suggested (Conditions 2, 3, 4, 5, 6).

**Representations:**

Swanmore Parish Council object to the application because of the intensification of heavy traffic and that the project is unsustainable. If minded to approve then a restrictive covenant considered essential.

100 letters received objecting to the proposal. The focus of the objections was that further storage space is not required on the site and would only increase the problems caused by the existing business including:

- The narrow country lanes being unsuitable for the HGV's and the traffic dangers posed by these vehicles to local residents, especially as the lanes are enclosed by high banks and hedgerows.
- Dangerous road junctions with unsuitable sightlines and there are accident black spots.
- HGV's using travelling up and down the lanes frequently 24 hours a day 7 days a week and preventing sleep and loss of amenity.
- HGV's damaging road verges and making it uncomfortable, dangerous and more difficult for pedestrians, cyclists and horse riders to travel along and causing flooding. Children crossing the road are particularly vulnerable. As there are no footpaths along these lanes pedestrian have to walk along the narrow lane and share it with vehicle traffic.
- HGV traffic has increased considerably in the past 3 years (trebled in four years) and drive at dangerous speeds above the 40mph speed limit.
- Noise disturbance from HGV's through use of air braking, engine noise, gear changing and wheel movements, engines left idling while HGV's wait at road junctions and when . Happens at all times of the day and night.
- Many HGV's foreign registered and drivers get lost on the country lanes.
- Damage to homes and property (mainly as a result of vibration and because many buildings are historic), many of which are immediately adjacent to the lane.
- Wholesalers have proliferated in the past 10 years.
- Concern raised about the site being owned by A.G. Axton.
- Hill Farm already has adequate storage.
- The traffic is exacerbated by the nature of the operation because the HGV's deliver the produce and then depart and then shortly afterwards local lorries depart with the produce which has been delivered.
- These roads were built as country lanes for local traffic and are not wide enough for HGV's. Lorries have to mount the verge to pass one another and other vehicles.
- Concerns expressed that Hill Farm is expanding into an industrial estate and is inappropriately located for such activities. HGV traffic is extremely intensive.
- The building is extremely large.
- The traffic assessment produced by the applicant has been contested.



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1 letter of support was received on the basis that it would eliminate unnecessary deliveries.

**Relevant Planning Policy:**

Hampshire County Structure Plan Review:

C1, C2, E6, E7, E8

Adopted Winchester District Local Plan Review 2006:

CE13

National Planning Policy Guidance/Statements:

PPS 7 Sustainable Development in Rural Areas

PPG 13 Transport

Supplementary Planning Guidance

Farm Buildings: A Design Guide for Hampshire

**Planning Considerations**

Principle of development

The principle of constructing buildings for the storage of farm products produced by a holding is acceptable in principle provided there is a demonstrable need.

Fruit storage requires refrigerated buildings in order to allow it to be stored for extended periods, including outside of season. It is accepted that additional storage to serve the holding is required.

It is important that the number of buildings on a holding is kept to the minimum necessary as in this instance one of the buildings has already been turned over to an independent fruit distributor in 1992 and the site is unsuitable for general commercial activity. A condition (Condition 11) has therefore been recommended requiring the dismantling/demolition of the building should it cease to be required for the operations of the holding.

Design/layout

The proposed buildings has its shortest end facing over the agricultural field, thus minimising the profile of the building in oblique views from Droxford Road when the site is approached from the north. The building has its entrances facing away from the existing large building, resulting in a service yard facing towards the fields with a landscape buffer to screen views of the building.

It is evident from the existing building on the site (where the light coloured roof is the most visible element in views from Droxford Road) that the roof and sidewall elevation facing over the neighbouring field towards Droxford Road will be visible. The proposed building is large and the hardstanding associated with it is extensive. However, there are no close views of the building and even in winter months there is a level of screening from the existing hedgerow. Sheet metal cladding is able to be colour finished at manufacturing stage and a juniper green colour scheme for the roof and north-east side elevation as well as landscape planting will achieve a high level of screening of the building from public viewpoints, even in winter months. This will ensure that, in winter time when trees are without leaf, the building will blend in with existing mature vegetation. Landscape re-inforcement will assist in ensuring this (Condition 2).

Landscape/Trees/ Rural Character

The building, as shown on the revised site plan, is set perpendicular to this boundary and 22 metres from it, allowing additional landscape planting at this important boundary. This addresses the concerns raised by Landscape and the AONB Panel. This will need to include indigenous tree species to thicken the landscape screening of the building and will allow a small

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copse to develop (Condition 3).

The application plans show tree planting within the large hardstanding area and along the south-east boundary. However in this countryside location it would be more appropriate for a higher level of landscaping than shown on the plans in order to reflect the countryside location of the site and to prevent extensive areas of visually unrelieved hardstanding from being formed.

Strong floodlighting at night can produce glare as well as reflection from building walls and hardstanding. This can undermine the rural character of a locality as the glow emanating from the site can be visible over a long distance and needs to be controlled (Condition 5).

Uncontrolled open storage may also be an issue so a condition has been recommended restricting the type and height of material which may be stored in the open on the site (Condition 8).

### Highways/Parking

The most important issue in relation to this proposal is the potential level of traffic that a building of this size could generate, particularly given that the proposed development will generate traffic in addition to the Axton operation. The Axton distribution business operates from a building that was previously associated with Hill Farm Orchards but this business has gained immunity from enforcement action as it has been operating from the site for longer than 10 years. The result is that the long established orchard now generates large amounts of HGV traffic as a result of having to store its produce off-site and having to return it to the site for final distribution. The Council cannot insist that the existing building is used for the storage of fruit produced by Hill Farm Orchards.

The proposed apple store would reduce the amount of traffic by eliminating the need to store produce off site temporarily prior to final distribution.

Notwithstanding the current storage arrangements, additional traffic would be generated by the higher productivity that the orchard is hoping to achieve in terms of crop yields and an increase in agricultural production lies outside the scope of planning control. However, even if productivity on the holding is increased the provision of a new cold store would help to limit any increase in HGV traffic compared to the existing situation which would mean that there would be a greater need to store fruit temporarily off-site before bringing it back for final redistribution. Because Droxford Road is an attractive country lane in an area of countryside/AONB it is essential that HGV traffic is kept to a minimum and that the proposed building, or any of the other farm buildings under the control of Hill Farm Orchards, is not used for commercial storage activity unrelated to the holding.

As the application site is in the ownership of A.G. Axton and because of the flexibility that permitted development rights allow in relation to ancillary activity the most appropriate means to ensure that the existing building used by the holding and the proposed buildings of Hill Farm Orchards are used only for the storage of apples/produce from the orchard itself would be a through a Section 106 agreement.

### Noise

The most significant impact on neighbouring properties will be the potential noise impact from HGV traffic moving to and from the site and the operation of the air conditioning units associated with the coldstore.

The air conditioning units will be located inside the building ensuring that the building itself will act to shield noise, with the main entrances to the building facing away from residential properties in the locality.

The purpose of the application is to reduce the amount of HGV traffic travelling to and from the

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site and a Section 106 agreement will secure this.

Neighbours Representations

Much of the existing traffic is either duplication from Hill Farm Orchards that should be reduced by the erection of the building proposed (if production is not increased – see above) or as the result of the Axton's operation which has gained immunity from enforcement.

By strictly controlling the use of the existing farm buildings and the proposed building of Hill Farm Orchards to the storage of produce from the orchard only, and assuming no increase in apple production, traffic levels from the site can be reduced to a more acceptable level and thus promote an improvement on the existing traffic situation.

Conclusion

The site has also been a large orchard operation and new buildings have been constructed (1988) in connection to the orchard operation which are now used by independent businesses. The impact of the size of the building on the landscape can be reduced to an acceptable level by the planting of additional landscaping to the existing hedgerow and by controlling the colour of building cladding. The traffic situation along the rural Droxford Road is a matter of concern and a Section 106 agreement, in addition to Condition 4, is considered necessary to restrict the amount of HGV traffic servicing the site in relation to Hill Farm Orchards due the current level of activity on the site and the fact that the application site is owned by Axton's which is a general wholesale distributor.

Planning Obligations/Agreements

In seeking the planning obligation(s) for the restriction of the use of the proposed and existing buildings for the storage of apples/produce from the orchard only the Local Planning Authority has had regard to the tests laid down in Circular 05/2005 which requires the obligations to be necessary; relevant to planning; directly related to the proposed development; fairly and reasonably related in scale and kind to the proposed development and reasonable in all other respects.

**Recommendation**

Application Permitted subject to a Section 106 Agreement for the restriction of the use of the proposed and existing farm buildings for the storage of apples/produce from the holding of Hill Farm Orchards only and the following conditions:

**Conditions**

01 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

01 Reason: To comply with the provisions of Section 91 (1) of the Town and Country Planning Act 1990 (as amended).

02 Prior to work commencing on the site a scheme of details of the colour and finishes of all external surfaces of the building hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved within one month of the external surfaces being constructed and retained thereafter.

02 Reason: To ensure that the development presents a satisfactory appearance in the interests of the amenities of the area.

03 No development shall take place until details of both hard and soft landscape works and existing tree and hedgerow protection have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved within the first planting

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season of the substantial completion of the development or as otherwise agreed in writing by the Local Planning Authority. These details shall include the following, as relevant:

- means of enclosure, including hedgerow planting:
- other vehicle and pedestrian access and circulation areas:
- hard surfacing areas and hard surfacing materials:
- Landscape areas.

Soft landscape details shall include the following as relevant:

- Retention of existing trees and hedgerows
- planting plans
- written specifications (including cultivation and other operations associated with plant and grass establishment:
  - schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate:
  - schedule of plants for the re-inforcement of the existing hedgerow and new hedgerow planting:
- manner and treatment of watercourses, ditches and banks:
- implementation programme.

03 Reason: To protect the amenities of the countryside here and the rural character of the AONB.

04 The building hereby permitted shall only be used for the storage of agricultural products grown on the holding of Hill Farm Orchards Ltd. as detailed on drawing 07000 P 100-1 date stamp received 22 January 2007.

04 Reason: The site is located along a rural lane in an unsustainable location within the AONB and the use of the building for any purposes other than the storage of locally produced farm products would be detrimental to the amenities and character of the locality.

05 No floodlighting, either affixed to the building or freestanding, shall be erected on the site at any time without the written agreement of the Local Planning Authority.

05 Reason: The site is located along a rural lane in the AONB and the use of floodlighting would undermine the rural character of the locality.

06 Detailed proposals for the disposal of foul and surface water from the building and hardstanding shall be submitted to and approved in writing by the Local Planning Authority before the commencement of the development hereby permitted. The approved details shall be fully implemented before the development is first brought into use.

06 Reason: To ensure satisfactory provision of foul and surface water drainage.

07 No machinery shall be operated, no process shall be carried out and no deliveries taken at or dispatched from the site except between the hours of 0730 and 1900 Monday to Saturday and 0800 and 1800 on Sundays and Bank Holidays, unless otherwise agreed in writing by the Local Planning Authority.

07 Reason: To protect the amenities of the occupiers of nearby properties.

08 No outside industrial processes or working or storage of materials, vehicles, machinery or equipment (other than the storage of pallets related to the horticultural activities of the holding) shall be undertaken on the site at any time unless otherwise approved in writing by the Local Planning Authority.

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08 Reason: In the interests of local amenities.

09 The storage of pallets on the site shall only occur adjacent to the south-west side elevation of the building hereby approved in an area marked out on the approved landscape plan for the site and shall not be stacked to a height greater than the eaves level of the building hereby approved. Should existing farm building become redundant for other purposes then the storage of the pallets shall be transferred to those buildings.

09 Reason: In the interests of the amenities of the locality.

10 No additional floorspace (including the installation of mezzanine floors) shall be created within the development hereby approved unless agreed in writing by the Local Planning Authority.

10 Reason: In the interests of highways safety and local amenity.

11 If the building hereby approved becomes redundant for agricultural or horticultural purposes associated with the holding then the building shall be dismantled or demolished and all resultant material removed from the site.

11 Reason: In the interests of the rural amenities of the locality.

12 The existing trees and hedgerow along the north-east boundary shall not be lopped, topped, felled or uprooted without the prior written approval of the Local Planning Authority. These trees shall be protected during building operations by the erection of fencing at least 6 metres from the tree trunks in accordance with BS 5837.

12 Reason: To retain and protect the trees which form an important part of the amenity of the area.

13 Details of the air conditioning and ventilation of the building (including noise levels) shall be submitted to and approved in writing prior to the commencement of work on the site. No air conditioning or ventilation shall be installed other than in accordance with the approved details.

13 Reason: To protect the amenity of adjoining residential properties.

**Informatives:**

This permission is granted for the following reasons:

The development is in accordance with the Policies and Proposals of the Development Plan set out below, and other material considerations do not have sufficient weight to justify a refusal of the application. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, planning permission should therefore be granted.

The Local Planning Authority has taken account of the following development plan policies and proposals:-

Hampshire County Structure Plan Review: C1, C2, E6, E7, E8  
Adopted Winchester District Local Plan Review 2006: CE13

Note to applicant: Should any of the existing farm buildings on the site become redundant for farm purposes of the holding planning permission is unlikely to be granted for the change of use of the building.

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## Appendix II:

### Applicant's clarification of the existing and proposed orchard operation.



Mrs P Horsler  
Legal Services  
Winchester City Council

DX 120400  
WINCHESTER 5

10 April 2008

Our ref:

Your ref: PAH/PL1/6/1246

Dear Sirs

**Hill Farm Orchards Droxford Road Swanmore  
Planning Application 07/00138/FUL**

Thank you for your letter dated 31 March 2008. We have taken our client's instructions and can now respond as follows.

#### **The business and the role of imported produce**

The issue of imported produce is a very important one for Hill Farm Orchards. Imported produce is divided into two categories: top fruit (apples and pears) and other produce (oranges, onions and other produce requiring cold storage). All produce stored is top fruit and no other imported produce has been stored for at least four years..

Hill Farm Orchards business is growing top fruit, storing and packing it, and storing and packing top fruit for other growers; it has carried on both parts of this business for over

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twenty years. This storage of imported top fruit has been an integral and fundamental part of the business.

In earlier times, when the stores were empty in the spring it has stored other imported produce, such as oranges when the stores in Portsmouth (MMD) have been full, and supplies for the Falklands campaign. The use of the stores for produce imported into the UK has not been undertaken recently and it should be noted that the all of the produce that is referred to as “imported” is top fruit grown by other growers in the south of England.

The imported top fruit is treated in the same way as that grown by Hill Farm Orchards and supplied, packed, to the main customer, Tesco, during the English season. The imported top fruit has played an important part in meeting Tesco’s requirements but, with the development of the Hill Farm Orchards and the increased home yields, will become less important to the business. The imported top fruit will, however, remain very important to the continuing health of the business due to such factors as the susceptibility of top fruit production to the vagaries of the British climate.

In the past, the proportion of imported top fruit handled by Hill Farm Orchards has been as high as 74% of the total production but this has declined and in the past 2007 season this has been brought down to 24% of total production. It will be reduced as a percentage of the produce handled as the Hill Farm Orchards produce comes on stream over the next few years but the ability to store fruit on behalf of other producers is vital as a buffer against fruit production shortfalls at Hill Farm Orchards. .

### **Traffic figures**

You asked for clarification of the figures given in the table in paragraph 3.9 of the DM Mason Transport Assessment. The DM Mason Transport Assessment covers the season 2005/2006 production period for August 2005 to March 2006 and includes all fruit stored and packed by Hill Farm Orchards and not just home grown fruit. There was no out of season storage.

The Cool-Chain collections are for packed fruit sent to Tesco; these trips have been reducing over the years and for the 2006/2007 season this figure was 274 compared to 459 for the 2005/2006 season.

The figure for MMD Deliveries, 115, relates to shuttle trips between the Farm and the stores in Portsmouth and to imported top fruit from other growers; the figure for imported top fruit is 37 and the difference, 78, relates to the shuttle trips between the stores in Portsmouth and the Farm which would not have been required if the New Cold Stores had been in operation.



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The Other Collection column relates to deliveries to the Fruit for Schools programme and fruit for juicing in Suffolk.

**Pre English Season Storage**

There is no need for members to have concerns about imported produce being concentrated in the summer months before the English season starts in August because, as noted above, the imported produce is English top fruit which obviously shares the same season as the Hill Farm Orchards fruit.

As other imported produce is not stored at any time, members would have nothing to fear about a concentration of storage and associated deliveries and collections in a small period prior to the English top fruit season starting.

In order, however, to address any concerns members may have, our client would be prepared to provide a planning obligation in the Section 106 Agreement that no more than 10% pro rata of the annual imported produce will be stored in each of the months of April, May, June and July (not however August as the English season starts in August).

**Existing storage capacity**

The existing storage capacity is 516 tonnes which equates to 1,032 cubic metres allowing for ventilation. The capacity prior to refurbishment was in the region of 600 tonnes.

**Existing and projected tonnages**

The 2007 and forecast tonnages for 2010 and 2012 and present and future storage capacities are set out below:

Year	HFO	Imported produce	Existing produce	Deficit capacity	New store capacity
2007	1,098	345	516	927	0
2010	2,165	200	516	1,849	2,220
2012	2,541	100	516	2,125	2,220

Please note the figure for 2007 is the actual result and the forecast for 2012 has been revised since the Paul Jones letter. The figures for Hill Farm Orchards include the Tudor Cottage and Owslebury Orchards. The deficit column shows the tonnage that has and would, without the new store, have to be moved to and from the Portsmouth or other stores elsewhere. This makes clear the savings that the new store would make in terms of lorry movements: 180 for the 2012 season.

**Production Land**

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With regard to the area of production land; the land at Tudor Orchards was previously part of the Hill Farm estate and the fruit produced there has always been brought for storage and packing at Hill Farm Orchards by tractor and trailer, there are gates opposite each other on Cott Street. This land at Tudor Cottage is shown on the Location plan submitted with the application. The land at Owslebury is owned by others but 6 Ha were made available for planting and management by Hill Farm Orchards during this autumn; this very recent development was not anticipated when the application was submitted. It is important because it is virgin orchard land that allows existing orchards to be replaced in accordance with the Montreal Protocol.

At present some of the Tudor Cottage fruit is transported by shuttle for longer term storage at Portsmouth along with home produced fruit. If it cannot be stored at Hill Farm Orchards then either additional new stores or extra transport to offsite storage will be required.

We enclose plans showing each of the areas of land and these have been clearly defined in the draft Section 106 Agreement. The land at Owslebury is just within tractor and trailer range, but it would be more efficient to transport the fruit by lorry and this would entail only 12 loads in 2012, during the picking season.

There are practical limits to the amount of land that Hill Farm Orchards can acquire, one is finance and the other is storage capacity; this is a major problem in the fruit industry and there is no certainty about the continued availability of the stores at Portsmouth. Therefore there is no need for the concern about excessive growth.

**Proposed limit on imported produce**

The background to our client's offer to limit the level of imported top fruit handled at the stores should be seen against the lawful unlimited present ability to handle imported produce which, as noted above, has been up to 74% of the top fruit handled. This handling of imported produce has occurred at Hill Farm for over 20 years.

In addition, as noted above and detailed in our client's Transport Assessment, the building of the cold store will reduce significantly the number of lorry movements due to the avoidance of the need to move produce between the farm and the Portsmouth Cold stores.

In just last year alone, 1,352 bins (there are roughly 3 bins to the tonne) had to go to Portsmouth and back again due to the lack of available space (797 bins of this total were of home produced Braeburn apples). This shuttling necessitated 38 articulated lorry movements that would not have otherwise have been necessary.

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The fruit needs to be sorted, graded and sent out; so if it needs to be sent to Portsmouth for temporary storage, it has to be brought back for sorting, grading and packing when there is space and orders waiting.

Having investigated matters with our client, it has become readily apparent that the handling of only 10% of annual imported production would seriously jeopardise our client's business viability. This is clearly apparent from the fact that, at 345 tonnes (31% of the home produce) as the latest and lowest figure for a long time, 10% of 516 tonnes (only 51.6 tonnes) is nowhere near sufficient for our client to fulfil its supply obligations.

Our client has indicated that it would be possible to operate the business with a 300 ton limit and we would suggest that adopting a numerical cap rather than a percentage one would also make matters a lot simpler. It would also avoid any concern about farm expansion as it would constitute an absolute cap without, therefore, any need for reference to land holdings.

We would therefore suggest a condition imposing a cap of no more than 300 tonnes per annum of imported produce to be stored on site unless the Council first agree otherwise in writing. We would note that, even though our client forecasts that imported produce will fall over time as the Hill Farm Orchard's production increases, it would still need the ability to incorporate this potential level of imported produce so that it can fulfil its order commitments – in the event, for example, of the home production being adversely affected by matters such as climatic conditions.

### **Conclusion**

We hope that we have set out the vital importance to our client's business that imported produce plays and also the quantities involved and the length of time that our client has been handling such produce without ill-effect.

We hope that this will allay any fears that members may have and indicate that, in allowing the new store with a limit on imported produce (less, and at times, significantly less than our client has handled in the past), local employment prospects will be strengthened without any deleterious consequence to local amenities or otherwise. In fact, we would stress that the transport evidence confirms that lorry movements will actually decrease, even when the orchards reach peak production.

We hope, therefore, that our client's proposal can be recommended to members.

Please do not hesitate to get back to us (Josh Nelson prior to Michael Mundy's return on 17th April) if you have any queries or wish to discuss the matter.

Yours faithfully

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**Clarke Willmott**

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