

affected neighbour to the east has also submitted a noise assessment. Both have been reviewed. Since these reports provided competing information, officers from the Environmental Health team made a separate site visit to carry out some verifying sound checks.

- 1.7 The key issue in the determination of this current application remains that of the noise associated with the various logging processes and the resultant impact on neighbouring residential amenity, and whether any adverse impacts in that regard outweigh the benefits of the proposal.

2 Site Description

- 2.1 The application site relates to the main farm yard of Stoke Farm which is an agricultural holding located on Northwood Lane. Northwood Lane is a rural lane and the application site lies on the southern side of the road which at this point is characterised by linear residential development. It lies beyond the defined urban area of Stoke and within the non-urban area of Hayling Island under policy AL2 of the Allocations Plan. The farm is currently a working farm and the yard has a number of buildings, including a traditional timber framed barn and modern agricultural buildings.
- 2.2 The farm house that the applicant, Mr North, resides in, is a converted barn located to the north of the yard adjacent Northwood Lane. The original farmhouse, Stoke Farm, is located to the west of the yard and is outside the red lined application site and farm holding of the applicant. The working yard of the application site is located to the rear of the frontage dwelling ie to the south, and vehicular access to the farm yard is taken to the east, adjacent the residential property Molandi. The eastern boundary of the site comprises a high evergreen hedge. Once within the yard the buildings are arranged in a rectilinear format.
- 2.3 The site is close to the junction with Castlemans Lane such that the residential properties in this lane back onto the application site. There is a Black Poplar tree that is protected by a Tree Preservation Order located close to the south-eastern corner of the farm yard.

3 Planning History

APP/18/00669 - Change of use to a mixed use of agricultural and logging/timber business. (Retrospective)., Refused 15/11/2018

APP/18/00317 - Application to determine whether prior approval is required for new agriculture barn for storage of hay and straw., Permitted 23/04/2018

APP/14/00794 - Remove epicormic growth from main stem and large scaffold limbs to eastern, north eastern and south eastern aspects of 1No. Black Poplar (T1), the tree subject to TPO 1893. Consent 29/9/14

APP/13/00750

Conversion and extension of existing disused barn and cart shed into new 3 bedroom house, with new vehicle and pedestrian access from Northwood Lane. Permitted 15/10/13

APP/13/00427

Construction of additional bay to east of existing barn. Permitted 15/7/13.

APP/12/00024

Rebuilding of agricultural barn adjacent to southern boundary of farmyard (part retrospective). Reduce branch of 1No. Black Polar tree to south west by 4m and remove 2 small branches subject to TPO 1893.

Refused: Impact on neighbour - Appeal Dismissed 3.1.13

09/56626/006

Renewal of temporary Planning Permission 03/56626/002 for the siting of a mobile home to be used as an agricultural worker's dwelling. Permitted July 2010.

07/56626/005

New farm barn to replace derelict building. (Revised application). Permitted January 2008.

07/56626/004

Application to determine whether prior approval is required with respect to the siting, design and external appearance of a new barn to replace derelict buildings. Prior Approval Required and Refused October 2007.

06/56626/003

Renewal of temporary permission 03/56626/002 for the siting of a mobile home to be used as an agricultural worker's dwelling. Temporary Planning Permission July 2006. Expired 31st October 2009.

03/56626/002

Renewal of temporary permission 00/56626/001 for the siting of a mobile home to be used as an agricultural worker's dwelling. Temporary Planning Permission December 2003. Expired on 31 October 2006.

00/56626/001

Siting of mobile home to be used for an agricultural worker's dwelling. Temporary Planning Permission August 2000. Expired 31st August 2003.

4 Proposal

- 4.1 Change of use to a mixed use of agricultural and logging/timber business with timber processing taking place in north west corner of site only (revised application).
- 4.2 This is a revised application following the refusal of APP/18/00669 and seeks permission to resume the logging business at Stoke Farm. The application is accompanied by a Noise Assessment which has been subsequently updated. During the course of determining this application a site meeting was held, and a more detailed site plan submitted which more precisely identifies the siting of the various activities associated with the logging use (see Appendix B). This plan shows that the raw timber would be delivered to the site and stored against the eastern boundary and existing northern barn. Where against the eastern boundary the raw timber would be laid in piles aligned north-south ie parallel to the boundary. The area marked red on the plan would be used for the unloading, stacking and storage of raw wood. The processing of the raw wood, which involves the use of a chain saw to cut up the logs into more manageable sizes and then fed through a firewood processor that is powered by the tractor, would take place in the area marked yellow. The processor shoots the chopped wood into the adjacent open sided barn and this processed wood would then be stored in the areas shown green awaiting delivery to customers.
- 4.3 The proposal confirms that each delivery comprises up to 30 tonnes of 3m lengths of raw timber and these would be capped at 20 deliveries per annum. The deliveries would occur between 09.00 and 17.00 Monday to Friday with an occasional delivery up to 19.00. The lorry delivering the timber cannot turn in the yard and reverses out of the site.
- 4.4 The applicant would then process the raw wood by relocating it in the tractor bucket to the

processing area where a chain saw is first used followed by the firewood processor which is powered by the tractor. It is stated that the applicant would only process the wood between the hours of 09.00 and 17.00 Monday to Friday and between 9.00 and 13.00 on Saturdays with no processing on Sundays. Once chopped the wood would initially be stored in the northern barn adjacent the processor, but once full some chopped wood would also be stored in the south-eastern barn. To deliver the processed wood the tractor bucket is used to load the applicant's flatbed style lorry that he drives direct to customers. It is stated that customers do not visit the site but order over the phone or online.

- 4.5 It is stated that the farming activities take priority and the logging operations are undertaken around the farm chores according to weather and time of year.
- 4.6 It is also stated that the firewood business began approximately 7 years ago. Since the operations on the site ceased following the refused application, this current application is in effective a prospective use. It must therefore be determined based on the information supplied and the robustness of the submitted documents.

5 Policy Considerations

National Planning Policy Framework, 2019

Havant Borough Local Plan (Core Strategy) March 2011

CS16 (High Quality Design)
CS17 (Concentration and Distribution of Development within the Urban Areas)
DM10 (Pollution)
DM8 (Conservation, Protection and Enhancement of Existing Natural Features)

Havant Borough Local Plan (Allocations) July 2014

AL1 (Presumption in Favour of Sustainable Development)
AL2 (Urban Area Boundaries and Undeveloped Gaps between Settlements)

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

6 Statutory and Non Statutory Consultations

Arboriculturalist

Thank you for sending me the Tree Protection Plan to comment on. In the absence of undertaking a site visit, and purely from a desk based assessment my comments are as follows:-

My understanding is that the hard surfacing may have been in situ for a number of years and I do not consider its continued use detrimental to the tree. Ideally the area outside of the hard surfacing should not be used, however, if it is, I agree with the Arboricultural Consultant that a no dig solution should be used to limit compaction and a more detailed plan will need to be provided to show where the cellular confinement system will be located.

I cannot comment on the condition of the tree

Environmental Health Manager

(A) Comments on initial submission:

I have read the additional enclosed documentation provided under this application and can comment as follows:

As advised similarly previously, the noise related to this non-agricultural business goes

beyond just the use of a firewood splitter machine driven via the tractor, to saw logs into determined sizes and then rammed through a splitter, to be further carried away and piled by an attached conveyor. Consideration must also be given to the related noise of deliveries of logs for further processing, stacking of these logs prior to processing and also the removal to the processing point, use of a hand held chain saw to cut larger logs (those unable to go through the machine in presented size) into more manageable sizes, and the use of tractor and bucket to position split logs into the storage barns and onto delivery vehicles.

It is noted from the latest covering letter and block plan, that is now proposed to resite the firewood processing plant to operate outside of the 'North ' barn only. However raw logs are to continue being stored within the designated external storage area, as was the case previously, and the two barn areas, North and South, will also remain as undercover storage for the processed / split logs. Therefore the designated external storage site will remain an area in which logs will be off loaded, stored and later moved to the processing zone, as will processed logs be returned for dry storage and further removal for delivery purposes, to & from the designated barns; the noise related to these activities will therefore still be evident within these areas.

It is also not clear as to where the operation of cutting logs by means of a hand held chain saw, will be carried out.

It is further noted that proposals are listed in the covering letter which advise the applicant is willing to accept a limit to the number of deliveries of unprocessed logs per annum (item 34), plus the hours of operation are also stipulated (item 35). The foregoing could be conditioned as such if the Planning Authority were to consider this application favourably.

Having reviewed the noise assessment provided, we still believe there are a number of issues with it, and would request that these be reconsidered and redetermined:

- * We do not agree with the assumption that the log pile will provide any noise mitigation, and any attenuation attributed to it in the IMMI model should be removed, and the model re run to predict specific sound levels at the receiver;
- * The predicted corrected specific sound levels appear to be significantly under reported. The explanation of the corrections made for "on time", character, and distance attenuation do not account for the large reduction in noise level from the source to receiver. Further explanation is required to justify the modelling outputs accordingly. This also then affects the assessment outcomes, which I believe are also under reporting the impact of the noise from the activities;
- * The assessment does not assess the impact of the proposals on all of the nearest sensitive receivers i.e. those also at Stoke Farm Cottage and Bernard House and potentially beyond. These will need to be included in the assessment. In this regard it has been confirmed that Stoke Farm Cottage cannot be conditioned separately as it does not form part of this application, and therefore becomes the nearest residential receptor to the west;
- * We are of the opinion that there should be a further 3dB acoustic feature correction added to the specific sound level as per the standard BS4142:2014 quoted below :
"Other sound characteristics
Where the specific sound features characteristics that are neither tonal nor impulsive, though otherwise are readily distinctive against the residual acoustic environment, a penalty of 3 dB can be applied."

As advised previously, this office would have no objection in principle to an operation of this nature at this site, subject to said operation not impacting on the ability of nearby residential receptors to enjoy the amenities of their properties. However until such time as we have clarity that this will be the case, objection is lodged to the approval of this

application.

(B) Comments on revised details:

Having reviewed the latest acoustic report I can advise that I have concerns about the acoustic modelling. I therefore base my recommendations on my site visit and report review.

The highlighted area on the revised site plan to the northwest of the premises and directly outside the North barn, which has been identified as an alternative to the existing farmyard area, is indicated as an appropriate location for the noisiest activities to take place. This building is shown in the model as an effective acoustic barrier. However it is noted that the building does not appear to have complete structural integrity ie there were holes at the back & side of the building, and because the structure is partially metal, this could provide a reverberant space for noise to build up. Any holes in the building will act as an effective route for noise escape, which is not shown by the modelling. I therefore do not have confidence in the noise predictions at the sensitive receivers, based on this model. Also, the noise assessment did not assess every activity which takes place during the processing, storage and distribution aspects of the firewood business. The assessment is incomplete.

For these reasons I would like to recommend refusal on noise grounds, as the activity has the potential to be detrimental to the amenity of the neighbourhood.

If however the Local Planning Authority and / or the Planning committee, were minded to approve this application, I would ask that the following conditions be considered for any approval: hours of operation; personal use; temporary 12 months; restriction on number of deliveries of raw wood; use would cease if Stoke Farm cottage sold or occupied by non-family member; uses on location plan adhered to; B2 & B8 permission exclusively for the firewood processing and full / split log storage.

Also request Informative re separate requirements under Environmental Protection Act 1990

(C) Comments following site checks:

The highlighted area on the revised site plan, to the northwest of the premises and directly outside the North barn, is identified as an alternative, more appropriate location, in noise terms, for the majority of the noisiest activities to take place.

Having reviewed the latest acoustic report submission, and also now having had the opportunity to carry out a site visit to witness the majority of these activities that have been put forward to take place in the proposed new location of the North barn, I am satisfied that the activities as described, should now be able to take place without causing detriment to the amenity of the neighbourhood.

My previous recommendations were based on reservations about the structural integrity of the north barn and likely noise transmission from the work area to the nearest residential receptors.

However this barn has now been partially noise insulated and holes in the façade between the back to back barns have been closed. There are no longer direct transmission paths for noise through the structure. The sound checks showed that there is a useful reduction in noise from source to the nearest receivers and I no longer have objection to the proposals.

If the Local Planning Authority and / or the Planning committee, were minded to approve this application, I would ask that the following conditions and informative be added to any approval:

Conditions:

1. As agreed by applicant / agent the hours of operation of the firewood processing business be set as :
09:00 – 17:00 Monday to Friday and 09:00 – 13:00 Saturday only. No operation of the above on a Sunday or Public Holiday.

2. As agreed by the applicant, the operation of this business be restricted to himself only. If the farm were ever to be disposed of, then any permission related to this business at this property will cease to be in effect.

3. We would wish to see any permission that may be granted, be initially agreed to for a temporary period of 12 months only. Any extension of this permission would need to be re-applied for.

Reason: To ensure that the acoustic reports submitted by the consultant wherein it is advised that there should be no issue to nearby residential receptors are valid. If this proves to be the case, it is likely we would not object to the renewal of this permission.

4. The number of HGV deliveries of logs be restricted to 20 per annum as agreed with the applicant. Tonnages I believe are in the region of 27 ton per load. This may need to be clarified.

5. A condition is required whereby any permission granted will fall away should Stoke Farm cottage, adjacent the farm / North barn, be sold on or is no longer occupied by a family member

6. Location of activities are all based on the updated supplied site drawing i.e the tractor driven processor, the chainsaw operation and the loading of the delivery tipper truck all take place in the designated area of the North barn; the delivered / unprocessed logs to be stored parallel to and against RSJ's along the boundary with Nora Cottage. Split logs will also continue to be stored in the South barn, in addition to the North barn.

7. We would also expect that any B2 & B8 permission be exclusively for the firewood processing and full / split log storage.

An informative is also required advising that:

The granting of Planning permission, will not implicitly permit the emission of noise from commercial / industrial activities on the site, nor will it supersede the general requirement of the Environmental Protection Act 1990 (as amended) not to cause statutory public, or private, nuisance. This office also reserves the right, as part of any future nuisance investigation, to require additional mitigation measures, should it be deemed necessary, to prevent noise impact on nearby residential receptors.

Highways Engineer

The Highway Authority has no adverse comment to this application providing it is operated in the way outlined in the covering letter.

Natural England Government Team

No comments received

7 Community Involvement

This application was publicised in accordance with the Council's Code of Practice for Publicity of Planning Applications approved at minute 207/6/92 (as amended), as a result of which the following publicity was undertaken:

Number of neighbour notification letters sent: 20

Number of site notices: 1

Statutory advertisement: Not applicable.

Number of representations received: 49 in total

2 letters of Objection have been received - from the same objector, one on the original submission and one on the revised details

47 letters of support have been received in total, after both notification periods, from residents in Northwood Lane, Castlemans Lane and wider customers

Comment	Officer Comment
<u>The original objection letter notes:</u>	
<p>Having read carefully through this new application and accompanying noise report we feel we have no option but to object.</p> <p>Most of the activities proposed are located as before, with only the location of the quieter processor moving. We find it disappointing that their reports' suggestion of a new barn in the south field was not taken up.</p> <p>In support of our decision please find attached a noise survey by Venta Acoustics, commissioned by us, which uses both new measurements and those of the applicant's Acoustic Associates report. This alternative report clearly identifies the very significant noise levels that these industrial processes can generate and match with our own recordings taken whilst these activities were actually happening. For example, using real time measurements of delivery lorries from other recordings, rather than estimates, gives an increase to +27db above background against the suggested -12db below background figure. Likewise, a figure of +4.5db was suggested for the chainsaw previously, where as our alternative report suggest concerning figure of closer to +29db. We feel these figures give a much realistic picture of the noise levels we endured. These levels caused significant impact on our health and wellbeing and required medication to help. I now work at home but these processes made it impossible to concentrate. Our garden is often unusable, and we regularly have to keep all the windows and doors closed. The new proposal moves the quietest of the activities to a new site but addresses none of the other concerns. In summary, we really do wish the farm every success in finding a suitable place for this enterprise. But cannot agree to an industrial logging set up amongst a run of houses in a quiet and</p>	<p>See section 8</p> <p>With regard to alternative locations for the activity, these have been informally explored with the applicant. It is understood that there are practical difficulties with other sites which, in any event, would need to be subject to a separate planning application. The current planning application must therefore be considered on its merits.</p>

tranquil lane. Our supplied noise survey clearly shows that huge noise levels are to be expected which will impact dramatically on the health and well-being of the residents and the use of their amenities. The farm owns considerable lands to the north and south with vehicular access and feel they should consider these as more sensible locations.

The objection to the revised plan notes:

This is a quiet and tranquil lane and the continuous noises of industrial processes would be incongruous. Due to the farm recently resuming the processing activities we now know the actual noise levels of the chainsaw and processor in the revised locations and are very confident that they will, again, cause a nuisance.

Receiving the raw logs to the eastern board (although 2m further along) will still generate the same noise nuisance as before with real case monitoring showing levels of up to +27db as per our noise report.

Picking and moving the logs by the tractor from the proposed new storage location will still happen within 10 meters of our house, and 1m from our garden, will again produce levels as shown by our noise survey of up to +27db and will cause a nuisance.

Moving the processed logs to be stored and collected in the south east barn by the tractor will again produce levels as shown by our noise survey of up to +27db and will cause a nuisance.

The lack of non-resonant lining to the barn will still cause the sides of the barn to resonate hugely, we only have our own recordings of these volumes, but are very confident that again, will cause a nuisance.

As with our objection raised for the unrevised application, the storing of the raw and processed materials with the processing to the north west of the farm, will require more time spent producing noise in the tractor further causing more nuisance.

We would like to add, that along side our own noise survey which taken without the farm's knowledge and we

See section 8

<p>feel shows a very realistic picture of the sort of noise levels that can be produced, please look at page 24 of the applicants AAS report between 16-1630 which is a recording of the tractor when under load.</p> <p>In summary, Due to the recent resumption of processing at the new location to the north west of the farm and our own (albeit it inadmissible) recording we feel certain that processing at the new location will again be a nuisance, cause us considerable distress and spoil the use of our home.</p> <p>We already know the receiving of raw logs produces levels considered a nuisance, as does the consequent picking and moving to be processed, as does the storing and retrieval there of when loading to the van.</p> <p>We also have serious concerns as to how any potential conditions could be enforced, as well as the process for potential breaches.</p> <p>We still wish the farm success in this venture, but feel a separate, distinct location, away from residential properties and with suitable noise cancelling measures taken is the correct way forward</p>	
<p><u>The support letters note:</u></p>	
<p><u>Noise from existing use</u> - logging venture been running in conjunction with his farming business for a few years now and we have had no problem with this, occasionally hearing tractor running but that is what we expect living close to a farm; noise level is no more than an agricultural yard and has never been loud enough to even notice</p>	<p>Noted</p>
<p><u>Diversification</u> - Yes there will be some unwanted noise, but small farmers have to diversify in order to survive, otherwise they will have to sell to housing developers which is not in the interest of any of us, we must retain the few remaining green areas on Hayling Island, even at a personal cost. DEFRA has encouraged the smaller farms to diversify to make them financially viable; I believe if this application fails the farm will not</p>	<p>Noted</p>

financially be able to provide enough revenue to continue.	
Noise - After reading the outcome of the noise report and the results, I believe it comes within the planning regulations so cannot be refused on the noise issues	Noted
Local Service - business a credit to Hayling supplying logs to the public for many years, I would like to see Mr North continue with his business as it is an integral part of Hayling Island & supplies the community with a good quality brilliant family friendly service; Great local company supporting local needs. Good quality wood, great customer service	Noted
Seasonal use - a seasonal event, and does not cause any more noise than the agricultural side	Noted
Sustainable use - use of the yard is a sustainable constructive use of a yard which would otherwise be derelict or developed. If this application is turned down then it would mean that people on the island will have to go to either, Petersfield, Fareham or Chichester for logs and this will then mean extra traffic to the already stuffed island traffic; no comparable supplier on the island	Noted
Hours - processing of logs always been within normal business hours; never been disturbed in unsociable hours by Mr North and cannot foresee his timber business causing disturbances to surrounding properties provided his work is carried out between the permitted times	Noted - hours of operation could be conditioned to ensure control
Amendments overcome issues - It's clear that modifications have been made and support is strong to support this family historic farm. Noise report is conclusive, and this should be allowed to support the local community with wood and support their own family financially.	Noted
Ceasing of trading - this business has had to cease trading during this	The business has co-operated with

planning process which is hugely detrimental to both them and their customers at this critical time of year. I hope they get this application passed and manage to retain the majority of their customers, I am sure this has been devastating for them.	Enforcement team and are currently only processing wood for their own private and personal use pending the outcome of this application
<u>Customer support</u> - We travel from Portsmouth to Hayling Logs as their service is second to none. The service they provide is much needed especially around Hayling and the surrounding areas. We have greatly missed not having them this winter and this situation has really inconvenienced us and our families.	Noted

8 **Planning Considerations**

8.1 Having regard to the relevant policies of the development plan it is considered that the main issues arising from this application are:

- (i) Principle of development
- (ii) Impact on character of area
- (iii) Impact upon residential amenity from noise and disturbance of use
- (iv) Highway considerations
- (v) Impact on TPO tree

(i) Principle of development

8.2 The application site is located beyond any defined built up area and therefore within the non-urban area. Policies AL2 and CS17 require development in such non-urban areas to be consistent with policies for the countryside as set out in national policy. The Pre-Submission Havant Borough Local Plan 2036 currently has limited weight in decision making but does indicate the direction of travel. It is noted that the settlement policy boundary of Stoke continues to exclude the application site which therefore remains outside any defined settlement boundary. In such locations emerging policy E3 indicates that planning permission would not usually be permitted unless, amongst other criteria, it does not represent a material intensification of use; or specifically and demonstrably requires a location outside of a built-up area.

8.3 The NPPF 2019 sets out a presumption in favour of sustainable development, and with regard to the proposed development in a more rural location it is necessary to balance the three overarching objectives of economic, social and environmental roles. The NPPF 2019 supports the principle of diversification of agricultural and other land-based rural businesses (para 83) but it also notes that "it will be important to ensure that development is sensitive to its surroundings" (para 84). The proposed logging business on Hayling Island is arguably a sustainable form of development as it supplies local residents and arguably reduces travel onto the island from other suppliers. It is also acknowledged that there are clear economic gains to the existing agricultural enterprise from the logging business which brings in added financial support for the applicant. There are also some social benefits in that the log company supplies firewood to the local community. However, the environmental impacts from noise and disturbance resulting from the processing of the logs must be weighed up against these benefits. These environmental impacts are considered in more detail below.

(ii) Impact on character of area

- 8.4 Whilst in policy terms the site is located beyond any settlement policy boundary it is nevertheless located amongst linear residential development such that it is surrounded by and has a tight relationship with residential dwellings. The character of the surrounding area is therefore primarily residential in nature, with open countryside to the north of Northwood Lane. The farm yard itself is located in a backland position such that it is not visible from the highway. In this instance the equipment used is a chain saw and firewood processor that is powered by a tractor. Visually the logs and equipment are as expected on a working farm and are not considered to be visually inappropriate to the farm yard site.
- 8.5 However, the proposed logging business is essentially a Class B2 industrial process, which is not generally compatible within residential areas. The proposal therefore involves a Class B2 industrial operation ie a logging business, taking place in addition to the agricultural use creating a mixed-use site. In an attempt to overcome the noise impacts on the nearest receptor to the east, this revised application has relocated the area for processing the wood from the main yard to an area to the west. The implications of this revised siting for the amenity of residential properties adjoining the site in both directions is discussed below.

(iii) Impact upon residential amenity from noise and disturbance of use

- 8.6 It is acknowledged that there is considerable support for the applicant and his business with 47 letters of support received. Whilst many of the letters are not from immediate neighbours, there are however 2 letters of support from the occupiers of properties that are located to the west of the site and close to the proposed processing area. These letters note that the western covered area has been used for some time and the ensuing tractor noise did not cause enough disturbance to result in inconvenience; and one requests that any permission is not temporary, but full permission is granted. Additionally, there are support letters from the properties within Castlemans Lane that back onto the farm yard which note the agricultural noises of tractors and animals and that the log processing is carried out within normal business hours and does not impact the use of their gardens. The objections received arise in respect of the closest property to the east, which is sited immediately adjacent the vehicular access to the farm yard and separated by a high evergreen hedge.
- 8.7 The determination of this application must also take into account the fact that the site is an existing, active agricultural farm holding with all the associated noises and smells of a farm. The applicant can lawfully run his tractor in connection with genuine agricultural functions, which includes rolling barley in a barn immediately adjacent the residential property Molandi. These lawful farming activities are unrestricted and can take place at any time. They provide the background noises and activities for the site.
- 8.8 The proposed business is seasonal and weather dependent with periods of intense activity and other times with little or no activity. The applicant has acknowledged that on average he spends approximately a day and a half a week on the logging business, but due to the peaks in demand and seasonal nature of the business this can be undertaken as several continuous days and then none for a few weeks. The logging business is operated by Mr North only, with no employees.
- 8.9 The logs are stored in the open within the farm yard and moved in the tractor bucket and first cut up into more manageable sizes with a chain saw. This revised proposal includes the proposal to lay the raw wood parallel to the eastern boundary which would enable the tractor, when manoeuvring its front bucket to pick up the logs, to remain to the west of the logs ie within the main farm yard. Previously the tractor manoeuvred in a north-south direction up and down the drive alongside Molandi. This revised laying of the raw logs

would therefore reduce the noise disturbance and impact of tractor movements on the closest receptor, Molandi.

- 8.10 The smaller logs are fed through the firewood processor and this operation involves the continuous running of the tractor to power the processor. The logs are fed through the chopper/splitter which then drop down onto a conveyor arm as smaller pieces. This conveyor then shoots them up and out directly into a dry barn for storage. Therefore, this operation has to take place immediately outside the storage barn so that the logs end up in the dry. Whilst the tractor noise is effectively a genuine farm noise, its continuous running in a stationary position to operate the processor amounts to an industrial process. The thudding of the wood through the processor can be heard as well as the tractor engine with the total noise being over and above the normal farm noises. Furthermore, the use of the chain saw to first cut the wood into manageable sizes to feed through the processor is also over and above the normal farm noises. Other noises generated by the proposal include the additional tractor movements across the farm yard to move the raw and processed wood; the lorry delivering the raw wood 20 times a year; and the outbound deliveries of firewood to customers in the applicant's flatbed van.
- 8.11 The originally submitted Noise Assessment by Acoustics Sussex Ltd, dated 22/11/2018 was undertaken as an unattended sound survey between 9th and 15th November 2018 with the noise meter located as close as possible to the then nearest affected receptor, Molandi. This was supplemented by attended measurements to identify the different elements of the firewood processing. It is understood that the activities associated with the preparation of this Noise Assessment took place in the main farm yard as depicted in the site plan submitted for APP/18/00669 (see Appendix C). This Noise Assessment found that the background sound levels were 46dB.
- 8.12 Environmental Health officers had several queries with the Noise Assessment and requested some additional information and an update to take account of the relocated siting of the processor to the north-western part of the site, which in turn introduced the properties to the west as potential noise receptors that had not previously been considered. An addendum to the Noise Assessment was therefore undertaken on 23rd January 2019 and submitted for consideration. This re-ran the noise modelling for the changed distances to receptors and concluded that the processor would still be below background noise levels at Molandi and Bernard House and equal to background at Stoke Farm. The use of the chain saw in the revised location was also found to be below background noise levels at Molandi and Bernard House and 10.1dB above background at Stoke Farm.
- 8.13 However the Council is also in receipt of a comparative Noise Assessment, submitted on 24th January 2019 in respect of noise conditions at Molandi, undertaken by Venta Acoustics. This report aimed to confirm the existing background noise levels and undertook a noise survey between 18th and 22nd January 2019. The average background noise levels varied between 33dB and 42dB and using a typical calculation suggests that the ambient background value should be 40dB (compared to the applicants report of 46dB). This competing report contends that a lower background level would alter the modelling results and in reality the processor would be between 5dB and 13dB above background and the chain saw would be between 11dB and 29dB above. Such figures would conclude a significant adverse impact. It must however be noted that the applicant has provided evidence of the fact that he was away when this noise assessment was carried out and contends that activities at the farm were not therefore normal at that time affecting the accuracy of the background levels. The weight to be attached to this report is therefore limited.
- 8.14 The conflicting noise assessments have been considered by Environmental Health who had some concerns over the robustness of the applicants amended report and the predicted noise transmission which relied on the surrounding buildings and barns acting

as effective noise barriers. Therefore, Environmental Health officers undertook their own site visit and sound checks when Mr North ran the equipment. At that site visit the structural integrity of the surrounding buildings and barns was checked and the addition of partial noise insulation to the barns noted. During this sound check, the noise levels of the various elements of the processing were heard and assessed and the reduction in noise from source (ie where Mr North was operating the chain saw and processor in the western area) compared to the noise levels at the nearest receptors to the east (ie against the eastern boundary adjacent Molandi) was noted to be useful. There are no longer direct transmission paths for noise through the adjacent barn which results in an effective noise barrier for transmission in this easterly direction.

- 8.15 However the re-siting of the processing area to the west has the consequence of increasing the noise transmission in a westerly direction. The addendum noise report concedes that the use of the chain saw in the proposed location would result in a predicted 10.1dB audible level above background at Stoke Farm to the west, which would ordinarily result in a significant adverse impact on that property. However, the boundary walls and distance are such that the noise levels drop for Bernard House and Stoke House further to the west.
- 8.16 In the case of Stoke Farm, this lies outside the application site, and as such it is not legally possible to impose any condition linking the occupation of Stoke Farm to the proposed use. However, it is also noted that no objections to the application have been received from any of the properties to the west of the application site, including Stoke Farm.
- 8.17 Following the site sound checks, Environmental Health have withdrawn their previous objection to the proposal and are now of the view that with appropriate controlling conditions then a one-year temporary permission could be supported. The suggested one-year temporary permission would enable the true impacts of the use in both an easterly and westerly direction to be fully assessed and for the occupiers of both nearest properties to fully understand the noise impacts. Any noise complaints from the use would be investigated and monitored to assess the appropriateness of renewing the permission.
- 8.18 Noise is a subjective matter with different people hearing different sounds and each having different tolerance levels. The noise heard by experienced Environmental Health officers was such that they consider the activities could take place without causing detriment to neighbouring amenity, with the exception of Stoke Farm. The successful operation of the business would largely rest on the good management of the business by Mr North and his compliance with any conditions; it is only with time that this can be fully assessed.
- 8.19 Policy DM10 of the Core Strategy relates to pollution and indicates that development that causes pollution through noise and vibration will only be permitted where the health and safety of nearby residents is not put at risk. Policy CS16 also requires development to not cause unacceptable harm to amenity from noise. The NPPF in relation to noise indicates that when noise starts to affect behaviour then an adverse effect is likely to occur, and the planning process should be used to avoid this effect occurring. When the business was previously operating from the main farm yard the affected neighbour reported that when in operation, even with doors and windows closed, the noise impacted their lifestyle and resulted in a need to increase the volume of the television, affect conversations and concentration etc and caused distress. Therefore, that application was refused. However, it is now considered that the revised siting of the noisiest functions to the western corner of the barn, together with the intervening buildings acting as noise barriers, would, on balance, sufficiently reduce the noise impacts to the closest receptor to the east. Whilst acknowledging that the identified predicted noise levels from the use of the chain saw would ordinarily result in a significant adverse impact on the nearest receptor to the west,

nevertheless no objections have been received from any of the properties to the west. On balance it is considered that a one-year temporary permission would enable the full impacts of the proposed use to be assessed, and further evidence to be provided in the form of a noise impact assessment based on the use as now proposed, coupled as necessary with further monitoring of the impact of that use.

8.20 A further issue that must be considered relates to the scale of the proposed business and securing an enforceable way to control its intensification. It is acknowledged that occasional and short spells of the chain saw and processing may have limited impact on neighbouring residents, nevertheless if the logging business is undertaken for several hours a day then the continuous noise and vibration may be more intrusive and have a greater impact. Conditions could limit the hours of operation to between 9:00 to 17:00 Monday to Friday and 9:00 to 13:00 on Saturdays, but there would be no enforceable condition that could limit the use to just an hour or two a day within those core hours. Effectively the business could become permanent and full time. To counter this the applicant submits that he operates the logging business himself, with no employees, and does this around his farming tasks which take priority. Therefore, he cannot dedicate full time to the logging business which is ancillary to the farm. It would be possible to condition that the logging business is only ever operated by Mr North himself, with no other person operating any of the machinery, which would go some way to limiting the scale of the business.

8.21 Overall, regard must be had to the fact that the site is a lawful agricultural holding with its associated noises and smells, which could escalate over and above the current farming activities at the site. It is considered that the predicted audible noise levels at the nearest receptors (except Stoke Farm) from the proposed Class B2 logging business in the revised location, as depicted in the amended site plan (Appendix B), with intervening noise barriers, would have limited and acceptable impact on neighbouring amenity. Accordingly, it is considered that a one-year temporary permission, with other conditions controlling the use, would comply with the NPPF and policies DM10 and CS16 of the adopted Local Plan.

(iv) Highway considerations

8.22 The raw wood is delivered to the site in a large lorry that cannot turn within the farm yard and hence reverses out into the lane. However, it is considered that this would be similar to agricultural supplies in connection with the farm. There have been no third-party comments made about any inconvenience or safety concerns resulting from deliveries to the site, and no objection has been raised by the Development Engineer. On the basis of 20 deliveries of raw wood a year the impact to highway safety or highway amenity is considered minimal and acceptable.

(v) Impact on TPO tree

8.23 The tree located in the south-eastern corner of the farm yard is a Black Poplar protected by a Tree Preservation Order. A tree protection plan has been provided with a root protection area of 10.2m. Much of the area under the canopy of the tree is concreted and has been used for the storage of wood for some time. It is proposed to install a cellular confinement system to the areas not currently hard surfaced within the RPA to reduce compaction. The use of RSJ's are proposed to ensure the wood piles along the eastern boundary are supported and do not damage the boundary hedge. To avoid these being dug into the ground (to protect the tree roots) the RSJs will be L-shaped frames that sit on the ground as moveable structures. It has been agreed that these would be no higher than 3m to match the height of the boundary hedge. The Council's tree officer does not object to the continued use of the existing hardsurfaced area for storage but if the area beyond the existing concrete is used then an Arboricultural Method Statement and no dig solution would be required to limit compaction.

9 Conclusion

- 9.1 The site is a lawful agricultural holding and it is accepted that there are certain levels of noise and disturbance associated with agricultural operations. The site is located within linear residential development such that the farm activities are not taking place in a remote rural location but in close proximity to residential dwellings. The proposed logging business is an industrial Class B2 use and the proposal would result in a mixed use of the site. Within this residential area it is necessary to ensure that the introduction of the proposed use would not adversely impact neighbouring amenity or result in any environmental harm. On balance it is considered that the noise and vibration levels associated with the logging business, as set out in the revised site plan, could operate without causing significant harm or loss of amenity to the nearest receptors to the east. The impact on the occupiers of the property to the west is acknowledged as being likely to have an adverse impact, but no objections have been received to the use from any of the properties to the west. To ensure the business is capable of appropriately managed and all conditions capable of being fully complied with, then it is considered that a 12 month temporary permission would be most appropriate. This would enable the use to be assessed and further mitigation measures requested if necessary.
- 9.2 It must be noted that, irrespective of the recommendation, any future noise generated at the site would also be subject of the general requirement of the Environmental Protection Act 1990 (as amended) not to cause statutory public, or private nuisance. This would be monitored and controlled by Environmental Health if complaints are received.
- 9.3 When balancing the sustainable objectives of the NPPF, it is considered that the limited environmental harm expected to arise is not so sufficient as to outweigh the clear social and economic benefits of the proposed use. Therefore, the proposal is considered to comply with the NPPF and policies CS16 and DM10 of the adopted Local Plan and the application is recommended for temporary conditional permission.

9 **RECOMMENDATION:**

That the Head of Planning be authorised to **GRANT TEMPORARY PERMISSION** for application APP/18/01228 subject to the following conditions:

- 1 This permission shall be for a limited period expiring on 31st May 2020, on or before which date all processes involved with the Class B2 logging use shall cease and be discontinued permanently and the site shall revert to an agricultural holding, unless the prior consent of the Local Planning Authority has been obtained in writing for a further period.
Reason: To enable the Local Planning Authority to assess the impact of the proposed use and having due regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.
- 2 This permission shall enure for the benefit of Mr Graham Alan North only and no other person shall undertake any process in connection with the hereby approved Class B2 logging use, and the use hereby permitted shall be discontinued on the date when Mr Graham Alan North ceases to operate the logging business.
Reason: To limit the scale of the business in the interest of the quiet amenity of neighbouring residents, and having due regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 3 The B2 logging use hereby permitted shall be only carried out in full accordance with the following approved plans and shall not take place outside the areas shown on the approved block plan :

Location Plan Drawing No SC/North/01 Rev 1
Block Plan Drawing No SC/North/02 Rev 1 on Council's website dated 19 February 2019
Tree Plan Drawing No SC/North/02 Rev 2 on Council's website dated 05 March 2019

Reason: - To ensure provision of a satisfactory development.

- 4 The works associated with the processing of logs on the site (including delivery of raw wood, stacking, use of hand held chain saw, firewood processor and conveyor powered by the tractor and use of tractor and bucket to move split logs onto delivery vehicle) shall only take place between Monday to Friday: 09.00 to 17.00 and Saturday: 09:00 to 13.00 with no operations taking place on any Sunday or Bank / Public Holiday.

Reason: To protect the amenities of nearby residential properties and having due regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 5 There shall be no more than 20 deliveries of raw logs to the site per year (1st June to 31st May) and each delivery shall not exceed 30 tonnes. The invoices shall be kept available for inspection by the Local Planning Authority upon request in order to verify compliance.

Reason: To limit the scale of the business in the interest of the quiet amenity of neighbouring residents, and having due regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 6 The existing hedge on the eastern boundary of the site shall be retained at all times at a minimum height of 3m.

Reason: To provide noise mitigation to protect the amenities of the occupiers of the adjacent residential property and having due regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 7 Notwithstanding the hereby approved Block Plan and Tree Plan, the RSJ's shown to protect the eastern boundary shall not be inserted into the ground at any time and shall remain as free-standing structures that shall not exceed 3m in height.

Reason: To protect the health of the adjacent TPO'd tree and in the interests of the visual amenity of the occupier of the adjacent residential property, having due regard to policies CS16, DM8 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

- 8 An Arboricultural Method Statement and detailed plan for the no dig surfacing to be used on the area encroaching beyond the existing concrete hard surfaced area shall be submitted to and approved by the Local Planning Authority within one month of the date of this permission. The approved details shall thereafter be implemented in full and in accordance with the approved details before the area is first used for storage.

Reason: To safeguard the continued health of the TPO'd tree having due regard to policies CS11, CS16 and DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

Appendices:

(A) Location Plan

(B) Block Plan

(C) APP/18/00669 REFUSED Block Plan - for comparison