

MC/13/2740

Date Received: 30 October, 2013

Location: Land adjacent to Bellwood Cottages, Ratcliffe Highway, Hoo St Werburgh, Rochester, Kent

Proposal: The change of use and creation of an area of hardstanding to provide for the stationing and storage of 6 caravans for agricultural workers, the change of use and the creation of an area of hardstanding for storage of apple bins and the parking of vehicles including HGVs and the erection of two smoking shelters

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Ward Peninsula

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**Recommendation of Officers to the Planning Committee, to be considered and determined by the Planning Committee at a meeting to be held on 23 April 2014.**

#### **Recommendation - Refusal**

- 1 The use of the northeastern hardstanding area for the parking of vehicles results in the vehicles being highly visible, dominant features within the open and undulating farmland landscape that detract from the objectives of the Medway Landscape Character Assessment, 2011, by resulting in a jumbled and more industrial/commercial, urbanising appearance contrary to the objectives of Policies BNE25 (i) and BNE1 of the Medway Local Plan 2003.
- 2 The submitted acoustic report fails to demonstrate that the use of the northeastern hardstanding area for the parking of vehicles does not result in detrimental harm to the amenities of the occupiers of surrounding nearby properties and in the absence of such information the proposal is contrary to Policy BNE2 of the Medway Local Plan 2003.

#### **Proposal**

This application is for the change of use and creation of an area of hardstanding to provide for the stationing and storage of 6 caravans for agricultural workers; the change of use and the creation of an area of hardstanding for storage of apple bins and the parking of vehicles including HGVs; and the erection of two smoking shelters.

## Relevant Planning History

- MC/13/2742 Application to remove condition 14 (hours of operation) of planning permission MC/08/1121  
Also on this agenda.
- MC/13/2741 Variation of condition 1 to allow for a minor material amendment to planning permission MC/11/2579 to alter the elevations of the buildings with the insertion of additional openings and the extension of the hardstanding area to the southwestern end of the buildings.  
Approved, 13 March 2014
- MC/13/2664 Variation of conditions 1, 4 and 7 of planning permission MC/11/2579 for approval of reserved matters (layout, scale, appearance, access & landscaping) pursuant to outline permission MC/08/1121 for construction of a fruit processing & storage facility with associated access.  
Withdrawn, 29 October 2013
- MC/12/1542 Application for Prior Notification under Part 6 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) for the construction of a reservoir.  
No application required, 25 July 2012
- MC/12/0179 Application for Prior Notification under Schedule 2 Part 6 & 7 of the Town & Country Planning (General Permitted Development) Order 1995, as amended for formation of a reservoir and banking.  
Refused, 17 February 2012
- MC/11/2579 Application for approval of reserved matters (layout, scale, appearance, access & landscaping) pursuant to outline permission MC/08/1121 for construction of a fruit processing & storage facility with associated access  
Approved, 25 April 2012
- MC/08/1121 Outline application for the construction of a fruit processing and storage facility with associated parking  
Approved, 19 January 2011
- MC/07/0200 Outline application for the construction of a fruit processing and storage facility with associated parking  
Refused, 24 July 2007

## Representations

The application has been advertised on site and in the press and by individual neighbour notification to the owners and occupiers of neighbouring properties.

High Halstow Parish Council and Hoo St Werburgh Parish Council have also been

consulted.

**12 letters** have been received raising the following objections:

- Loss of agricultural land
- Visual impact – Industrialisation of the countryside
- Not agricultural workers accommodation but factory workers – No agricultural need
- Original application stated workers would remain in caravans at Street Farm and would travel to the application site via minibus
- Lack of adequate drainage
- Light pollution
- Noise and disturbance
- Increased traffic
- Impact on wildlife

Other objections have been raised with regard to the other planning application currently under consideration (MC/13/2742). They are not listed here as they are not relevant to this application but will be considered as part of the processing of that application.

**Dickens' Country Protection Society** have written stating that they would like to see conditions imposed that screening is applied to alleviate any noise and lighting issues and to minimise any impact.

**Southern Water** have written advising of a public water distribution main in the immediate vicinity of the site.

**The Lower Medway Internal Drainage Board** (IDB) have written advising that the site has the potential to affect the Berry Wiggins Drain (IDB31) which is managed by the Board. The IDB have requested that should planning permission be granted a condition be attached related to surface water drainage.

**The Environment Agency** (EA) have written suggesting conditions related to surface water and foul drainage should planning permission be granted. A second letter was received following a discussion between the EA and the planning agent. The second letter stated that the EA had no further comments and no objection to the proposal.

### **Development Plan Policies**

The Development plan for the area comprises the Medway Local Plan 2003. The policies referred to within this document and used in the processing of this application have been assessed against the National Planning Policy Framework, 2012 (NPPF) and are considered to conform.

The Medway Landscape Character Assessment, 2011

## **Planning Appraisal**

### *Principles of Development*

The application site is located outside of the confines of any urban or village boundary and therefore Policy BNE25 of the Medway Local Plan 2003 applies. This policy relates to development in the countryside and sets out the criteria when it is considered that development is appropriate. In considering this application the two criteria most relevant are (i) and (iii). Criteria (i) states that development will only be permitted if it maintains, and wherever possible enhances, the character, amenity and functioning of the countryside, including the river environment of the Medway and Thames, it offers a realistic chance of access by a range of transport modes; and (iii) development essentially demanding a countryside location (such as agriculture, forestry, outdoor or informal recreation).

The restrictive wording of Policy BNE25 of the Medway Local Plan 2003 needs to be considered against the provisions of the more recent NPPF to ascertain its degree of compliance and therefore whether Policy BNE25 should be applied in its strictest form.

The NPPF does not reapply the policy context of 'protecting the countryside for its own sake' and has a presumption in favour of sustainable development. However, also relevant is the provision within Paragraph 17 of the NPPF of recognising the intrinsic character and beauty of the countryside as a core planning principle and the conservation and enhancement of the natural environment. This relates to the impact of the development in terms of its appearance within the countryside. The visual impact will be considered in the 'street scene and design' section below.

The permanent stationing and the storage of the caravans on the site with the potential for all year round occupation constitutes a proposal for agricultural dwellings. As such, criteria (iii) of Policy BNE25 of the Medway Local Plan 2003, which relates to it being essential that the development is located within a rural location needs to be considered alongside Policy BNE49 of the Medway Local Plan 2003. Policy BNE49 sets out criteria for when agricultural workers dwellings will be permitted. In summary, the three criteria require that there is a genuine need, the development is of appropriate scale and located on or adjacent to the holding it is to serve and that there are no other buildings available for or capable of conversion to residential use. This policy is considered compliant with Paragraph 55 of the NPPF which relates to sustainable development within rural areas and gives the example of there being an essential need for a rural worker to live permanently at or near their place of work in the countryside.

In considering Paragraph 55 of the NPPF and Policies BNE25 (iii) and BNE49 of the Medway Local Plan 2003, the Council's agricultural consultant advises that the retention of six caravans at Flanders Farm (the application site) to serve the needs immediately arising, appears generally appropriate to the size and nature of this established and expanding farming enterprise and its seasonal labour requirements. This advice is provided in the knowledge of the applicants existing agricultural worker accommodation in the form of caravans located at the nearby Street Farm site.

In terms of the need for the hardstanding area to accommodate the apple bins and parking against Policy BNE25 (iii), the agricultural consultant advises that there is a genuine requirement for the efficient operation of the packhouse facilities, for the storage of a large quantity of empty fruit bins prior to their later return to off-lying farms when required at harvest.

Taking the above into account, it is considered that subject to consideration of the appearance of the proposal within the countryside, the principle of the development is considered acceptable and in accordance with Paragraph 55 of the NPPF and Policy BNE49 of the Medway Local Plan 2003.

### *Street Scene and Design*

The visual impact of the development needs to be considered in the Policy context of Paragraph 58 of the NPPF and Policies BNE25 (i) and BNE1 of the Medway Local Plan 2003. However, given the rural location of the application site, an integral part of considering the visual impact of the proposal is the identification of the specific characteristics of the area.

Relevant parts of Paragraph 58 of the NPPF say that decisions should aim to ensure that developments respond to local character and reflect the identity of the local surroundings and that they will function well and add to the overall quality for the area over the lifetime of the development. The application site is located within the Hoo Peninsula Farmland character area as defined by the Medway Landscape Character Assessment 2011. The landscape type within this area is of flat or undulating open farmland. The characteristics of the Hoo Peninsula Farmland are of large open fields with little sense of enclosure and extensive views from higher ground towards the estuary. The orchard (including the areas that have since been removed to make way for the development) within the application site is specifically identified (along with a second large orchard) within the character assessment as being part of the character of the area. The loss of the orchards to development or conversion to arable farmland is one of the issues facing the area. Guidelines for meeting the proposed actions of 'restore and create' within the character assessment document which are relevant to this application is to seek to identify and recognise strategic viewpoints that offer high quality views across farmland towards the estuary and to protect existing orchards by resisting their loss.

It could be argued that by granting planning permission and allowing the construction of the facility in the first place, there has already been an impact on the special character of the area as a result of this. In considering this argument, it is agreed that there has been an impact on the landscape character of the area as a result of the construction of the facility as it introduced a somewhat more industrial appearing development into the open rural landscape. However, the use of the facility relates to the agricultural operations of one of the local farmers and it was considered at the time of determining the original application that the economic benefits outweighed the visual harm to the area. However, the outline planning permission and the subsequent reserved matters permission sought to ensure that the construction and operation of the facility had as minimal impact as it possibly could, particularly in terms of its visual impact and on residential amenity. Measures such as painting the buildings green, controlling the hours of operation and the removal of permitted

development rights to locate caravans within the site were all elements that were secured as part of the original planning permission.

In constructing the facility, and as time has passed, there are a number of elements that have been introduced in and around the facility without the benefit of planning permission. Some of those elements are being considered as part of this planning application and others are being dealt with under other current or recently determined planning applications (MC/13/2752 and MC/13/2740). This application deals specifically with the change of use of two areas of land from orchards to hardstanding areas which are being used in relation to the operation of the fruit processing facility as well as the construction of two smoking shelters.

One of the hardstanding areas is located to the northwest of the buildings and is being used for the stationing and storage of caravans to provide accommodation for agricultural workers. The hardstanding area on which the caravans are located requires planning permission in its own right and since the caravans are now connected to mains services and the intention is for them to remain permanently within the site, they also require planning permission in their own right. When initially located on the hardstanding and viewed from Christmas Lane, the white colour of the caravans, located in a uniform manner (in a line) behind the buildings appeared as a stark and alien feature within the open countryside landscape. However, they have since been painted green and this has facilitated the camouflaging of the caravans into the landscape. Taking this into account and that the painted caravans occupy only a small area to the rear of the fruit processing and storage buildings, they blend more successfully into the countryside and no longer appear as a stark and alien feature within the long views across the intervening, undulating farmland to the site from Christmas Lane.

In relation to the hardstanding itself on which the caravans are located, it is a relatively small area and the surrounding orchards and shelterbelts means that it is not visible within the long views. Taking this into account and that the use of the hardstanding for the stationing of the 6 caravans is not considered detrimental to the appearance and character of the area, no objection is raised to this element of the application.

Turning to the hardstanding area located to the northeast, this area is currently being used for the parking of HGVs and other vehicles. The proposal includes for the use of the hardstanding for storage of apple bins too. In the most recent visits, the apple bins are not being stored on this area of hardstanding but rather on the existing concrete area which was part of the planning permission granted at reserved matters stage. However, it is probable that this area of hardstanding could be required for the storage of apple bins in the future.

The hardstanding area itself again does not result in a detrimental impact on the character and appearance of the area as identified in the Medway Landscape Character Assessment, 2011 due to the screening of the site from the existing shelterbelt. However, the main issue here relates to the use for which the hardstanding has been provided. The location of this hardstanding area to the northeastern end of the site means the parking of HGVs and other vehicles on it are highly visible within the long views across the undulating and intervening farmland

between Christmas Lane and the application site and has resulted in the loss of the orchard. The vehicles parked on this hardstanding area result in a jumbled appearance which to a certain extent has the appearance of scrapyard and results in a more industrial/commercial and urbanising appearance. The use of this hardstanding area for the parking of vehicles results in the vehicles being highly visible, dominant features within the landscape that detract from the objectives of the Medway Landscape Character Assessment, 2011, and of the original planning permission which sought to protect visual and residential amenities. For this reason, the proposal is considered contrary to Policies BNE25 (i) and BNE1 of the Medway Local Plan 2003.

In relation to the storage of apple bins on this hardstanding area, the bins are a feature that relates to agricultural activity and is therefore considered not to be an unusual feature to appear within the rural setting. However, the height to which they could be stacked combined with the potential area that could be covered, may appear within the landscape as quite a substantial and solid structure. Nevertheless, it is possible to control, by condition, the height to which the bins are stacked to ensure that the scale of the storage of bins does not get to the point that it would result in a dominant feature within the open, undulating landscape.

Finally, the two smoking shelters which have been constructed within the existing parking area to the southeast (that has the benefit of planning permission), are in such a location and are of a size, that they do not result in a detrimental impact on the character and appearance of the countryside.

#### *Amenity Considerations*

Policy BNE2 of the Medway Local Plan 2003 states that all development should secure the amenities of its future occupants, and protect those amenities enjoyed by nearby and adjacent properties.

In order to properly consider the issue, an acoustic report was requested due to the vehicular activity related to the use of the hardstanding area to the northeastern part of the application site being used for parking, particularly in relation to HGVs and the chiller units within the trailers. The acoustic report has been considered and is not fully accepted for the following reasons:

- Only one 24-hour period of sampling was taken close to the residential properties at Bellwood Cottages. No readings were taken over the weekend, especially on a Sunday when the background noise level would be expected to be lower. This application needs to consider the impact of the use of the hardstanding area to the northeast for parking in relation to the residential amenities of the surrounding residential properties but particularly the properties at Bellwood and Primrose Cottages and Homeleigh.
- In relation to Table 4, the calculated mean average background levels are used. There is no justification as to why the actual recorded background levels were not used. Also, there is no reference to the residual noise level, as referred to in BS 4142 1997. As such, no correction to the noise rating level can be made, if appropriate.
- Section 5.0 refers to the conditions at the time of the survey and refers to the

roads being wet. This will increase the noise from traffic on the dual carriage way. The background noise levels are therefore likely to be lower than those reported.

- In Table 5 (Bellwood Cottages Analysis), the table is split between current operations and proposed operations. The hard standing already exists and is in use so the terminology is misleading. The chiller units are described as being inaudible at the receiver under current operations but under the proposed operation, noise levels are given but no explanation of the difference is provided. Furthermore the measured distance between r1 and r2 is required for each activity to confirm distance attenuation calculations.
- In Tables 5 (Bellwood Cottages Analysis), 6 (Homeleigh Farm) and 7 (Solomon's Farm) r1 is given as 1m however, section 7.3 says r1 is 3 metres.
- In these tables, under the proposed operation the 'tanker at fuel point' and 'refrigerated lorry at junction to entrance' are classed as not applicable but no explanation is given as to why this is the case. The fuel point on site does not have the benefit of planning permission.
- Section 7.4 relates to the Analysis. The findings within this section are not fully accepted. This section also refers to the possibility of a number of activities being undertaken at the site at the same time. The impact of this could be significant but no details are given as to what these multiple activities could/will be.
- Finally Section 8 sets out recommendations. This section refers to excess noise over the background noise level. The background noise level used to illustrate this point is not given.

To conclude, it is agreed that the impact of operations during the hours for which planning permission is granted is unlikely to give rise to complaints. However, the hardstanding area to the northeastern part of the application site is not part of the original planning permission and the submitted acoustic report does not adequately demonstrate there to be no detrimental impact on residential amenity in terms of noise and disturbance for nearby residents due to the use of this hardstanding area for parking. Indeed, it is demonstrated by the number of letters of representations received, that the use of this hardstanding area for parking is already resulting in noise and disturbance to surrounding residents. The proposal is contrary to the provisions of Policy BNE2 of the Medway Local Plan 2003.

### *Highways*

The application site is accessed from the main dual carriageway of the Ratcliffe Highway via a shared access with Homeleigh Nursery. The access to the application is secure with the use of an electronic gate. It is considered that the proposal for the hardstanding areas and their related uses and the erection of the two smoking shelters would not result in any detrimental impact on the highway in terms of highway safety issues and it would not result in any objection with regard to parking issues. As such, the proposal is considered to be in accordance with Policies T1 and T13 of the Medway Local Plan 2003.

### *Local Finance Considerations*

There are none relevant to this application.



## **Conclusions and Reasons for Recommendation**

The application is considered acceptable in principle and with regard to the impact on the highway, visual and residential amenity in terms of the creation of the hardstanding area to the northwest part of the application site and its use for the stationing, storage of 6 caravans and their occupation by agricultural workers related to the processing and packing facility. The application is also considered acceptable against the same considerations in terms of the erection of the smoking shelters.

The application is not acceptable in principle and with regard to the impact on visual and residential amenities in relation to the hardstanding area to the northeast part of the application site being used for the purposes of parking. The use of this area for the storage of apple bins is considered acceptable subject to control of the height of the storage. The proposal is therefore contrary to the provisions of Policies BNE1, BNE2 and BNE25 of the Medway Local Plan 2003.

The application would normally be determined under delegated powers but is being referred to Committee for determination as the Committee considered the original application for the development as a whole.

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## **Background Papers**

The relevant background papers relating to the individual applications comprise: the applications and all supporting documentation submitted therewith; and items identified in any Relevant History and Representations section within the report.

Any information referred to is available for inspection in the Planning Offices of Medway Council at Gun Wharf, Dock Road, Chatham ME4 4TR and here <http://planning.medway.gov.uk/dconline/AcolNetCGI.gov>