

MC/14/1407

Date Received: 22 May, 2014

Location: Flanders Farm, Ratcliffe Highway, St Mary Hoo, Rochester, ME3 8QD

Proposal: Retention of two smoking shelters

Applicant: AC Goatham and Son

Agent: Mr Ogden Bloomfields 77 Commercial Road Paddock Wood  
Tonbridge Kent TN12 6DS

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 13 August, 2014.**

#### **Recommendation - Approval with Conditions**

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: drawing numbers 917/11/01; 917/11/02; 015612-01; and ICA/1300/05G. All received on 22 May 2014

Reason: For the avoidance of doubt and in the interests of proper planning.

**For the reasons for this recommendation for approval please see Planning Appraisal Section and Conclusions at the end of this report.**

#### **Proposal**

This application is in retrospect. The pair of smoking shelters are set on a concrete base at the western end of the car park to the south of the packhouse complex. Each structure measures 4.055m x 1.625m at the base and is 2.098m high. They have open fronts and a curved rear wall/roof with flat end walls. The walls and roofs are transparent. Each shelter accommodates two benches.

The application is accompanied by a planning statement. The applicant has pointed out that it is illegal to smoke in an enclosed workplace and the owner is providing these shelters to enable the workers to smoke undercover and out of the wind and rain. There can be in excess of 10 workers on a break at a time.

#### **Site Area/Density**

Site Area: 0.0018hectares (0.0045 acres) (as stated on the submitted application form).

## Relevant Planning History

MC/14/1737	Change of use of land and creation of an access, provision of a hardstanding and noise attenuation barrier and the stationing of diesel fuel storage tanks and delivery point Decision - Still Current Decided
MC/14/1429	Variation of condition 14 on planning permission MC/08/1121 to allow changes to the hours of operation Decision - Still Current Decided
MC/14/1418	Change of use of land and creation of a area of hardstanding to provide for the stationing and storage of 6 caravans for agricultural workers Decision - Still Current Decided
MC/14/1415	Retention of diesel fuel storage tanks and delivery point Decision - Still Current Decided
MC/14/1414	Retention of hardstanding for the storage of agricultural fruit bins Decision - Still Current Decided
MC/14/0936	Details pursuant to condition 10 of planning permission MC/08/1121 - Outline application for construction of a fruit processing and storage facility with associated parking Decision - Still Current Decided
MC/14/0778	Erection of a noise attenuation barrier Decision - Still Current Decided
MC/13/2742	Application to remove condition 14 (hours of operation) of planning permission MC/08/1121 Decision Withdrawn by Applicant Decided 8 May, 2014
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 Decision Approval With Conditions Decided 13 March, 2014

MC/13/2740	<p>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 Decision Withdrawn by Applicant Decided 8 May, 2014</p>
MC/12/1542	<p>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 Decision No Application Required Decided 25/07/2012</p>
MC/12/1537	<p>Details pursuant to condition 19 of planning permission MC/08/1121 - Outline application for construction of a fruit processing and storage facility with associated parking Decision Discharge of Conditions Decided 25/07/2012</p>
MC/12/1432	<p>Details pursuant to condition 3 of MC/11/2579 for application for approval of reserved matters (layout, scale, appearance, access &amp; landscaping) pursuant to outline permission MC/08/1121 for construction of a fruit processing &amp; storage facility with associated access Decision Discharge of Conditions Decided 29/08/2012</p>
MC/11/2579	<p>Application for approval of reserved matters (layout, scale, appearance, access &amp; landscaping) pursuant to outline permission MC/08/1121 for construction of a fruit processing &amp; storage facility with associated access Decision Approval With Conditions Decided 25/04/2012</p>
MC/08/1121	<p>Outline application for construction of a fruit processing and storage facility with associated parking Decision Approval With Conditions Decided 19/01/2011</p>
MC/07/0200	<p>Outline application for construction of a fruit processing and storage facility with associated parking Decision Refusal Decided 24/07/2007 Appeal Withdrawn Decided 16/06/2008</p>

## **Representations**

The application has been advertised on site and by individual neighbour notifications to the owners and occupiers of properties in the vicinity.

Due to the number of current applications representations have been made on a combined basis with some referring to this application but not making specific comments relating to the proposed smoking shelters. Four of the representations include this application number in the letterhead. Comments can be summarised as:

Concern that in the future the shelters will be used as an opportunity to construct new buildings

Officer comment: The comments, in the main refer to the fact that development has taken place without permission or in a different form to that permitted and allege breach of the conditions on the permission.

**High Halstow Parish Council** has written advising that they have no objections to this proposal.

## **Development Plan**

The Development Plan for the area comprises the adopted Medway Local Plan 2003 (Local Plan). 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 and are considered to conform.

## **Planning Appraisal**

### *Background*

Flanders Farm is a packhouse and store complex situated on the north side of the Ratcliffe Highway between Hoo and High Halstow. It has been constructed following an outline planning permission (MC/08/1121) granted in January 2011. There are two main buildings with access off the old section of Ratcliffe Highway and hardstandings at either end. The complex is used for storing, sorting and packing top fruit (apples) and serves some 34 farms.

The complex is in the open countryside with orchards to the north, south and west. The orchards to the east have been cleared and there is a detention reservoir to the north east of the buildings. A hardstanding area has also been constructed to the east, which is the subject of a current application (MC/14/1414)

### *Main Issues*

The main issues in the determination of this application are whether there is justification for a new building in the countryside and the impact on the character, amenities and appearance of the countryside having regard to the policies of the development plan and the NPPF.

## *Assessment*

It will be seen from the history that planning permission was granted for the packhouse and store complex that serves a number of fruit farms. It is recognised that workers employed at the packhouse are unable to smoke within the buildings and it is common for shelters to be provided at workplaces. The request is a consequence of granting permission for this employment site, albeit one that (apparently) was not foreseen at the time of the original application and it is considered that there is justification for these new structures in the countryside, in that they are required in connection with the use of the site and therefore essentially required a rural location in this instance, in compliance with Local Plan Policy BNE25(iii).

The location is on slightly higher ground between the building and the road but it is also adjacent to the car parking area and there is planting between the site and the public view from the road. The shelters are seen with the packhouse complex as part of the background.

Under the above circumstances the shelters are not considered to have a significantly adverse impact on the character, amenities or appearance of the area. The retention of the shelters will maintain the character, amenity and functioning of the surrounding countryside, in accordance with Policy BNE25 (i) of the Local Plan and the design of the smoking shelters, which are functional for the purpose they are designed, are considered to be appropriate in relation to the character, appearance and functioning of the environment it is located within and satisfactory in terms of their use, scale, materials, layout and siting. The smoking shelters respect the scale, appearance and location of the adjoining buildings and spaces. Furthermore, the smoking shelters do not result in any harm to visual amenities of the surrounding area or the Area of Local Landscape Importance (ALLI) within which it is located. This being the case, the retrospective smoking shelters are considered to be acceptable when assessed against Local Plan policies BNE1 and BNE34.

## *Amenity*

The smoking shelters are located in such a position that no loss of amenity to adjoining occupiers occurs. The Council's Environmental Protection Section have considered these proposed smoking shelters and have confirmed that they have no objection to the retention of the shelters. No adverse impact arises from loss of privacy or day / sun light and they are considered to be acceptable when assessed against policy BNE2 of the local plan.

## **Conclusion**

The smoking shelters essentially required a rural location in this instance due to the location of the business that they relate to. They do not result in any adverse impact on the character, amenities or appearance of the area or the ALLI within which they are located and there is no adverse impact arising from the smoking shelters in terms of impact on amenities of neighbouring occupiers. Bearing all of the above in mind the development is considered to be acceptable when assessed against Policies BNE1, BNE2, BNE25 and BNE34 of the Local Plan.

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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>