

MC/14/1414

Date Received: 22 May, 2014

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

Proposal: Retention of hardstanding for the storage of agricultural fruit bins

Applicant: AC Goatham and Son

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

Ward Peninsula

Recommendation of Officers to the Planning Committee, to be considered and determined by the Planning Committee at a meeting to be held on 10 September, 2014.

Recommendation - Approval with Conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: site location plan 917/6/01; block plan 917/6/02; 2679_DR_004_A.

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

- 2 Within 3 months of the date of this permission the acoustic fence shown on drawing number 2679_DR_004-A shall be erected and thereafter maintained. The acoustic fence shall be stained in accordance with details that have been submitted to and approved in writing by the Local Planning Authority. The fence shall be stained in accordance with the approved details within 2 months of the erection of the acoustic fence and thereafter maintained.

Reason: In the interests of the amenities of the area and to accord with policies BNE1 and BNE2 of the Medway Local Plan 2003.

- 3 Within 3 months of the date of this permission the mixed hedgerows and alder shelterbelt shown on drawing number 2679_DR_004-A shall be planted. This planting shall be maintained for a period of not less than five years and any plant that dies, becomes diseased, seriously damaged or is removed shall be replaced with a similar species.

Reason: In the interests of the visual and rural amenities of the area.

- 4 The hardstanding hereby permitted shall only be used for the storage of fruit

bins and not for the parking of any vehicles or any other purpose.

Reason: This permission is granted having regard to the business needs of the adjacent packhouse and in order to help maintain the amenities of the area and to minimise the impact on the rural character.

- 5 The storage of fruit bins shall not exceed 3m in height within 3m of the edge of the hardstanding nor 4.5m on any other part of the hardstanding.

Reason: In order to minimise the impact on the visual and rural amenities of the area.

- 6 No more than two fork lift trucks or vehicles used for moving the bins shall operate on the hardstanding at any one time.

Reason: In order to minimise the adverse impact on the amenities of the area.

- 7 There shall be no moving or stacking of bins other than between the hours of 0700 and 18:30 Mondays to Fridays or 0700 to 1300 on Saturdays. There shall be no moving or stacking of bins on Sundays or public holidays.

Reason: In order to minimise the adverse impact on the residential and rural amenities of the area and to comply with policies BNE2 of the Medway Local Plan 2003.

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

Proposals

This application is in retrospect and seeks consent for a hardstanding that is used for the storage of agricultural fruit bins. The hardstanding area has been constructed to the north east of the packhouse complex. It measures 80m x 50m and is partly raised above the original ground to create a level area for the fruit boxes to be stored on. The wooden fruit bins (1.2m x 1m x 0.75m high) are filled with the produce from the orchards and used to transport it to the complex. Once emptied, they are washed, stored and then be returned to the farms. This area is used to store the empty fruit bins after they have been washed to allow them to dry prior to collection. The submission states that it is intended to store the bins 6 high to a height of 4.5m. The hardstanding is rolled scalpings and therefore permeable.

The bins are moved around the store area by fork lift truck. It is proposed that the bins are only moved between the hours of 0700 and 2000 Mondays to Saturdays with no movements on Sundays. A noise assessment has been made in relation to the impact on nearby residential property and a 3m high wooden acoustic fence is to be constructed on the south eastern side of the storage area. A native mixed species hedge is proposed on the south eastern and north eastern sides. An alder shelterbelt is proposed for the north western side.

Site Area

Site Area: 0.3915 ha (0.967 Acres) (as stated on the submitted application form)

Relevant Planning History

- MC/14/1812 EIA Screening opinion in relation to the proposed construction of a new packhouse and store.
Decision: not EIA Development
Decided 16 July 2014
- 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
- MC/14/1429 Variation of condition 14 on planning permission MC/08/1121 to allow changes to the hours of operation
Decision - Still Current
- 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
- MC/14/1415 Retention of diesel fuel storage tanks and delivery point
Decision - Still Current
- MC/14/1407 Retention of two smoking shelters
Decision – Approved
Decided – 14 August 2014
- 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
- MC/14/0778 Erection of a noise attenuation barrier
Decision – Approved
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 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
- 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
Decision No Application Required
Decided 25/07/2012
- MC/12/1537 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
- MC/12/1432 Details pursuant to condition 3 of MC/11/2579 for 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
Decision Discharge of Conditions
Decided 29/08/2012
- 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
Decision Approval With Conditions
Decided 25/04/2012
- MC/08/1121 Outline application for construction of a fruit processing and storage facility with associated parking
Decision Approval with Conditions
Decided 19/01/2011
- MC/07/0200 Outline application for construction of a fruit processing and storage facility with associated parking
Decision Refusal
Decided 24/07/2007
Appeal Withdrawn

Representations

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

Objectors

Due to the number of current applications (see history section above), some representations have been made on a combined basis with some referring generally to the operations of the packhouse complex. Seven letters / e-mails of objection, from different addresses, have been received. The representations refer to the fact that developments have taken place without permission or in a different form to that permitted and allege breach of the conditions on the permission, including hours of use. Additionally the objections of a general nature, which are summarised below, point out:

- that this is a rural location and the complex has been constructed on agricultural land 'that should not be used for industrial premises';
- There is concern that produce is not local and may be foreign;
- It is suggested that the jobs are not for local people;
- The whole operation is unsightly;
- Late night usage with lights, traffic movements with beepers causes disturbance to residents and adverse impact to wildlife; and
- Obstructions to public rights of way and adverse impact on health and safety are alleged.

In relation to this specific applications the submitted representations, which are summarised below, refer to:

- The hardstanding is raised above ground level.
- The height of the bins stacks make it as large as a building, visible for a long distance and ugly.
- The stacks are a fire hazard (especially adjacent to the fuel store).
- The hardstanding creates run off to the adjacent footpaths and fields
- There is an unacceptable level of noise from crashing of crates and the forklift engines and reverse beepers.
- Historically this area has been used for parking vehicles which could still occur behind the bins.
- The hardstanding has resulted in the loss of hundreds of fruit trees and loss of prime agricultural land.

The **applicant's** submitted statement with the submission that makes general points related to the benefits of the business locally. It state that:

- 1 in 6 of home grown apples sold in Britain are grown and supplied by this company;
- The company has awards for fruit growing and is involved in research in top fruit;
- The facility was built in 2013 with DEFRA grant funding;
- The company has invested some £10m on this site alone, which has removed

- 11000 road miles from operations and saved carbon;
- The company contributes an estimated £100m to the Kent economy in the last 7 years. It employs 230 full time equivalent staff, 300+ seasonal staff and 'influences' some 1200 jobs in Kent.

High Halstow Parish Council has written advising that they have no objection.

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, car parking to the south and a detention reservoir to the north east. Additional developments have been undertaken including the construction of a hardstanding for storage of fruit bins and a diesel tank with pumps on the eastern side and a hardstanding for the stationing of caravans on the north side. The complex is used for storing, sorting and packing top fruit (apples) and serves some 34 farms.

Since its completion in 2013 the development has been the subject of a number of complaints from people in the area alleging failure to comply with various conditions as well as adverse impact on amenities from noise and lights. This application related to one of those areas of complaint and seek retrospective planning permission for the hardstanding and related storage of empty fruit bins.

The complex is in the open countryside with orchards to the north, south and west. Some of the orchards were cleared to make way for the complex. There is a public footpath running east west along the site boundary to the north east of the complex. The site is within the Area of Local Landscape Importance (ALLI) identified in the Local Plan and the Hoo Peninsula Farmland in the Medway Landscape Character Assessment.

There are residential properties to the west and south on the old Ratcliffe Highway.

Main Issues

The main issues in the determination of these applications are whether there is justification for the hardstanding and related storage of fruit bins in the countryside and the impact on the character, amenities and appearance of the countryside and local residents 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 this is a business that is integrally linked with local fruit production and contributes to the economy as well as being part of the chain involved in bringing agricultural produce to consumers.

At the same time it is located in the open countryside, with residential properties nearby. It is within an Area of Local Landscape Importance (ALLI) and is visible from an adjacent footpath as well as roads in the vicinity and parts of High Halstow.

As explained above apples are imported to the store and packhouse in wooden bins. When the bins area emptied there are a large number stored for collection and return to the farms that they came from. An area of hardstanding has been created at the north eastern end of the site for storage outside. Up until now the bins have been stacked up on this area up to eight high (6m).

It is recognised that the fruit bins need to be stored on the site, in the open, to enable them to dry, following being emptied and washed. This application is a consequence of granting permission for this employment site, albeit one that (apparently) was not foreseen at the time of the original application. It is considered that there is justification for this new area of hardstanding and the storage of the empty fruit bins in this countryside location, 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). However, it is noted that the location of the hardstanding is near to some of the closest dwellings to the complex as well as being visible from an adjacent footpath.

Policy BNE25(i) of the Local Plan requires the proposed development to be appropriate in relation to the character, appearance and functioning of the environment it is located within and satisfactory in terms of there use, scale, materials, layout and siting. The height of the stored fruit bins until now has been up to 6m. This presents a considerable "wall" with, as suggested by some residents, the resultant structures as large as buildings, although still below the overall heights of the main buildings.

Members will have noted above that application MC/14/0778 has recently been granted for a noise attenuation barrier and that this submission proposes a 3m high acoustic fence on the south eastern side (facing the rear of the nearest dwellings) with a new hedge on that side and the north eastern side. An alder shelterbelt is also proposed on the north western side. There is some orchard remaining in the area but that can be subject to replacement and cannot therefore be relied on as longer term screening. The height of orchards is also generally maintained at lower levels. In terms of impact on visual amenity it is considered that providing the overall height of the stacks is kept to 4.5m with 3m at the edges then the proposal is acceptable. The step in height will reduce the visual impact in closer views.

Under the above circumstances the hardstanding and the related storage of fruit bins is not considered to have a significantly adverse impact on the character, amenities or appearance of the area. The retention of the hardstanding area and the fruit storage bins, subject to the use of appropriate conditions, will maintain the character, amenity and functioning of the surrounding countryside, in accordance with Policy BNE25(i) of the Local Plan and their layout, height and general appearance, subject to appropriate conditions are considered to be acceptable in relation their use, scale, materials, layout and siting. The hardstanding and related fruit bins storage will respect the scale, appearance and location of the adjoining buildings and spaces. Furthermore, the hardstanding and related fruit bins are not considered to result in any harm to visual amenities of the surrounding area or the ALLI within which it is located. This being the case, the retrospective hardstanding and related fruit bins are considered to be acceptable when assessed against Local Plan policies BNE1, BNE25 and BNE34.

Amenity

Impact on visual amenity has been addressed above. However, another area of concern relates to noise and the resultant impact on the amenities of adjoining occupiers. The main generation of noise related to the hardstanding and related fruit bins is the noise made when moving the bins around and stacking them. This application was accompanied by a report by a noise consultant, which recommended the acoustic fence to be erected on the south eastern side of the site. The noise consultants report concludes that noise levels will be acceptable if the approved acoustic fence is in place and the hours of use are limited. This includes no Sunday working but weekday hours on Saturdays. It is considered that with good organisation the moving of the bins can limited to avoid Saturday afternoons thus further limiting the impact on the amenities of the area. As such a condition is recommended that limits the hours when the fruit bins can be moved or stacked in this area.

With the conditions relating to the fencing, landscaping, restrictions on the height of stacks and controls over hours of working it is considered that the hardstanding and related fruit bins are located in such a position that no loss amenity to adjoining occupiers occurs. The Council's Environmental Protection Section has considered the hardstanding area and have confirmed that they have no objection in relation to its retention. No adverse impact arises from any loss of privacy or day / sun light as a result of this development and the hardstanding and related fruit bins are considered to be acceptable, subject to the imposition of conditions, when assessed against policy BNE2 of the local plan.

Conclusion and Reasons for Recommendation

The hardstanding and related fruit bins essentially require a rural location in this instance due to the location of the business that they relate to. The hardstanding and related fruit bins 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 development 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.

This application would normally fall to be considered under officers' delegated powers but has been reported to Planning Committee for determination due to the number of representations received which express a view contrary to the recommendation.

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>