

MC/14/1415

Date Received: 22 May, 2014

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

Proposal: Retention of diesel fuel storage tanks and delivery point

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: Block plan 917/7/02; plan and elevations P/100 and site plan 917/7/01

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

- 2 The re-fuelling facility hereby permitted shall only be used for the dispensing of fuel to vehicles belonging to or leased to A C Goatham and Son and shall not be used for the sale of fuel to others.

Reason; The site is located in a rural area where development is restricted in accordance with policy BNE25 of the Medway Local Plan 2003 and permission is only granted having regard to the business needs of the adjacent packhouse.

- 3 No fuel shall be uploaded to the tank or dispensed other than between the hours of 07:00 and 18:30 Mondays to Fridays and 07:00 to 13:00 on Saturdays. No fuel shall be uploaded to the tanks or dispensed on Sundays or public holidays.

Reason: To regulate and control the development in the interests of the maintenance of the amenities of the area and to comply with policy BNE2 of the Medway Local Plan 2003.

- 4 The permission hereby granted shall be for a temporary period of 12 months from the date of this decision. At the end of the 12 month period or when an alternative re-fuelling facility is provided at Flanders Farm (whichever is the sooner) the diesel tank, fuel pump and container shall be removed together with all pipe works and the base and the land restored to its condition prior to the installation of the facility.

Reason; The site is located in a rural area where development is restricted in accordance with policy BNE25 of the Medway Local Plan 2003 and permission is only granted having regard to the business needs of the adjacent packhouse.

For the reasons for this recommendation for approval please see planning appraisal section and conclusion at the end of this report

Proposals

This application seeks the retention of diesel fuel storage tank and delivery point, which is located north-east of the packhouse on a concrete hardstanding positioned adjacent to the access road and opposite the loading dock of the packhouse. The hardstanding is approximately 5m by 10m and accommodates the diesel tank and pump delivery structures. The diesel tank measures approx. 2.5m x 4m x 2.5m high, whilst the pump is approximately 1m x 2.5m x 1.3m high. Additionally there is a container that measure approximately 2.5m x 6m x 2.5m high.

The facility is used for refueling the company's own vehicles. It is intended that in a relatively short time it will be moved to the other end of the complex if and when a new access is constructed (see history section below, planning application reference – MC/14/1737).

Site Area

Site Area: 0.0180 ha (0.045 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 tank 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/14/1414 Retention of a hardstanding for the storage of agricultural fruit bins
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. Five 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 application the submitted representations, which are summarised below, refer to:

- The proximity to homes
- Fire hazard close to thousands of wooden boxes
- Hours of use include weekends and bank holidays; concern at deliveries late at night
- Without adequate drainage there could be pollution
- Loss of more land unnecessary when lorries can refuel at filling stations.

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 diesel fuel storage tank and delivery.

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 new works 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 which 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.

Given the permission for the packhouse complex that inevitably involves vehicles visiting the site on a regular basis and the need for a re-fuelling point is considered to arise from the granting of planning permission on this employment site. This being the case, it is considered that there is justification for the diesel fuel storage tank and delivery point 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).

Bearing in mind the hardstanding and fruit bin storage located to the north of this site, the recently granted 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) and the fact that an alder shelterbelt is also proposed on the north western side of the site it is considered that the diesel fuel storage tank and delivery point are

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

Amenity

Given the distance involved, the landscaping and the intended acoustic fence it is considered that the impact on the nearest residential properties is acceptable. The Council's Environmental Protection Section has confirmed that he has no objection to the location of this diesel fuel storage tank and delivery point. No adverse impact arises from any loss of privacy or day / sun light and subject to the imposition of appropriate conditions the development is considered to be acceptable when assessed against policy BNE2 of the Local Plan.

Other matters

The applicant has indicated that it is intended to move the re-fuelling point in the near future (see history section above – Planning application reference MC/14/1737. This being the case, it is considered appropriate to include a condition time limiting the permission and requiring restoration of this part of the site upon removal of this diesel fuel storage tank and delivery point.

Conclusion and Reasons for Recommendation

The diesel fuel storage tank and delivery essentially require 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 they are not considered to adversely impact the 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/donline/AcolNetCGI.gov>