

MC/14/1737

Date Received: 19 June, 2014

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

Proposal: 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

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 begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans: site plan received 16th July 2014, site layout ICA/ENQ/1367/201/C, Landscape Strategy 2769 DR002

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

- 3 No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping (hard and soft). All planting, seeding and turfing comprised in the approved scheme of landscaping shall be implemented during the first planting season following occupation of the buildings or completion of the development, whichever is the earlier. Any trees or plants which within 5 years of planting are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species.

Reason: Pursuant to condition 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality, in accordance with Policy BNE1 and BNE6 of the Medway Local

Plan 2003.

- 4 Notwithstanding the details shown on the submitted drawing 2360-1300-002B no lighting shall be installed within the development hereby permitted without details of such lighting having been submitted to and approved in writing by the Local Planning Authority. No lighting shall be illuminated outside the hours of 06:30 and 18:30 Mondays to Fridays inclusive and between the hours of 07:00 to 13:00 on Saturdays and at no times on Sundays or public holidays.

Reason: To safeguard the amenities of the area in accordance with policy BNE5 of the Medway Local Plan 2003.

- 5 No use of the access or hardstanding hereby permitted shall take place until the acoustic fence has been constructed in accordance with the approved drawings. The acoustic fence shall thereafter be maintained.

Reason: To safeguard the amenities of the area in accordance with policy BNE2 of the Medway Local Plan 2003.

- 6 No vehicle shall enter, leave or manoeuvre within the site, and there shall be no use of the fueling facility other than between the hours of 06:30 to 18:30 Mondays to Fridays inclusive and between the hours of 07:00 and 13:00 on Saturdays and at no time on Sundays or public holidays.

Reason: To regulate and control the development in the interests of amenity in accordance with policy BNE2 of the Medway Local Plan 2003

- 7 No use of the hardstanding shall take place unless and until the Conder Separator shown on drawing 5586/01E included at appendix E of the Flood Risk and Surface Water Drainage Assessment has been installed to ensure that no surface water drains from the hardstanding other than via the separator. The separator shall be retained at all times whilst the hardstanding is in use and shall be maintained in accordance with the manufacturer's specifications.

Reason: In order to prevent pollution.

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

Proposals

This application seek a change of use of land and the creation of an access, provision of a hardstanding and noise attenuation barrier and the stationing of diesel fuel tanks and delivery point.

The extended hardstanding is proposed to be located at the south western end of the complex with a new access of the old section of Ratcliffe Highway. The area is currently orchard in this location.

The proposed new access will be formed to allow vehicles to access this extended hard standing area. It is proposed that deliveries of fruit will use this access, rather than the existing one located on the North-eastern side of the site and will also be used for the parking of refrigerated trailer units. A replacement diesel fuelling point is also proposed in the eastern corner of the red line site. The applicants propose an acoustic fencing, 2.3m high, on the south western and north western sides with landscaping proposed to the north-west and south east boundaries.

The applicants state that the new access will reduce the number of vehicles having to use the existing access; improving amenity for local residents; improving access to the southern end of the buildings; and improve the operational flow of vehicles around the site with improvements to safety.

In terms of the hardstanding, they say it will provide a holding and parking area for lorries more discreetly, facilitate a holding area for fruit bins before being moved to the storage area at the other end; provide an unloading and holding point for packaging; provide a location for the fuelling point; create a safer working environment for forklifts and staff and enable use after 18:30 to be contained to an area that reduces perceived harm to residents. They also consider that the proposed noise barrier will provide benefits for local residents.

The new access and hardstanding are to be lit with bollards alongside the access and column lights around the hardstanding area.

Site Area

Site Area: 0.440 ha (1.087 Acres) (as stated on the submitted application form).

Relevant Planning History

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| 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/14/1429 | 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/14/1414 | 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.

One **Letter of objection** has been received raising the following summarised concerns:

Without adequate drainage any discharge or soaking into the ground will exacerbate water and pollution of adjacent property. The site is operating outside of the law and planning conditions. The site is growing out of proportion to the amount of fruit grown in the surrounding area, becoming industrial in scale and destroying the orchard with more detriment to local residents and the local environment.

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.

The **Environment Agency** has written confirming that they have no objections and state: *“From our perspective there are no constraints and due to the size / scale of the site we have no further comments to make.”*

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 hardstanding at either end, car parking is located 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 seeks to address those complaints by creating a new access and changing the use of land, located to south-western side of the packhouse and stores, to enable the provision of a hardstanding and the stationing of diesel fuel tanks and delivery point. Additionally the applicant is proposing to erect a noise attenuation barrier 2.3m high, on the south western and north western sides with landscaping proposed to the north-west and south east boundaries.

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. A number of conditions were imposed on the outline permission to seek to regulate and control the development and safeguard the amenities of the area.

This is a proposal for additional works that will extend the area taken up by this complex with changes to the access and operational arrangements. The intention is for deliveries of both apples and packaging to be via a new access which will mean less activity at the existing access which is close to residential properties. There is an existing dwelling to the south west of the complex as well but this is not as close. Clearly, this proposed development will result in further loss of orchard and encroachment on the countryside in a sensitive landscape area. Consideration again calls for a judgment of the balance between the needs of the business and the impacts on the amenities of the area and policies seeking to protect the countryside and residential properties.

It is considered that there is justification for this change of use and the new area of hardstanding, together with the related access road and associated operational activities. Deliveries of both apples and packaging are to be via a new access, together with the stationing of vehicles further away from existing residential properties will result in less activity at the existing access and currently unlawful hardstanding area located on the north-western side of the site. The proposed area of hardstanding, the related access road and associated operational activities will be further away from the closest residential properties and will related to this use that is located in the open countryside. Due to the potential improvements to residential amenity, by moving this aspect of the development away from the closest residential occupiers and it is considered that the proposal relates to a development that essentially required in relation to a business in this rural location. This being the case, the proposal is considered to be in compliance with Local Plan Policy BNE25(iii).

In addition to the above criteria, 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 proposed new area of hardstanding, the related access road and activities are proposed to be well screened by landscaping and an acoustic fencing. This

development is considered to be the least sensitive location in visual terms as view from the footpath to the north will be limited and dominated by the existing buildings. The Landscape and Visual Appraisal submitted with the application found the magnitude of change to be low from key views and the anticipated visual effects to be low. It is considered that the impact in visual terms will be acceptable, subject to the additional planting, with one exception. The scheme does include proposals for lighting. The existing complex has lights both on the building and around it and there is a current scheme to amend this. However, what is proposed with this new yard are columns at 8m (compared to 6m existing) and brighter lights. It is therefore recommended that a condition be imposed requiring details of the lighting, notwithstanding the submitted details, so that a reduction in the height and intensity of the lighting can be secured so that the resultant lighting aspects of this development are similar to the existing site.

Subject to the above, the hardstanding the related access road and associated operational activities are not considered to have a significantly adverse impact on the character, amenities or appearance of the area. The proposed development will maintain the character, amenity and functioning of the surrounding countryside, in accordance with Policy BNE25(i) of the Local Plan, subject to appropriate condition being imposed and the proposed layout, height and general appearance, will be acceptable in relation the proposed use and the scale, materials, layout and siting of the development. The development will respect the scale, appearance and location of the adjoining buildings and spaces. Furthermore, it is not considered that the proposal will result in any harm to visual amenities of the surrounding area or the ALLI within which it is located. This being the case, the development proposed is considered to be acceptable when assessed against Local Plan policies BNE1, BNE25 and BNE34.

Amenity

Impact on visual amenity has been addressed above. However, in terms of impact resulting from noise, there is a report from a noise consultant that concludes that subject to the construction of the acoustic fencing the proposal including the relocation of some activities will have a positive impact on the properties to the north east and will not be detrimental to the property to the south west.

The indication is that the new yard will be used every day and beyond the current permitted hours of 18:30 weekdays and 13:00 on Saturdays. These hours were clearly set at the outline stage as a measure to help protect the amenities of the area given the nature of the development. Members will have noted from the report related to the variation of hours, under planning reference MC/14/1429 (also on this agenda, that the proposal to increase the hours is not recommended for permission. As matters stand therefore, even though the development is considered to be acceptable in principle and it is accepted that there will be benefits to the amenities of the area in the provision of this additional access and hardstanding, it is not considered that there should be extended hours of operation. Conditions related to the hours of operation that reflect those originally imposed under planning reference MC/08/1121 are therefore recommended accordingly.

In addition to the above conditions it is also recommended that conditions relating to

the fencing, landscaping, the height of goods store externally are also recommended. The Council's Environmental Protection Section has considered the hardstanding area and not raised an objection in this regard. No adverse impact arises from any loss of privacy or day / sun light as a result of this development and the proposal is therefore considered to be acceptable, subject to the imposition of conditions, when assessed against policy BNE2 of the local plan.

Other Matters

A flood risk and surface water drainage assessment was submitted with the application. This assessment concludes that flooding will not be an issue. Additionally, Members will have noted above that , the Environment Agency has raised no objections and advised that: : *“From our perspective there are no constraints and due to the size / scale of the site we have no further comments to make.”* In addition to the above mentioned comments, the proposed new hardstanding is shown to have an interceptor included to deal with any spillage and issues of pollution are therefore unlikely to arise.

Conclusion and Reasons for Recommendation

The proposed hardstanding, the related access road and associated operational activities are considered to essentially require a rural location in this instance due to the location of the business that they relate to. On balance, subject to the imposition of appropriate conditions, the hardstanding, the related access road and associated operational activities 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 other applications related to this site that are being reported on this agenda and in the interest of consistency.

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>