

MC/14/3063

Date Received: 14 October, 2014

Location: Flanders Farm, Ratcliffe Highway, Hoo, Rochester, Kent, ME3 8QE

Proposal: Construction of a new grading, packing and storage facility with ancillary access, hardstanding, landscaping and relocation of refuelling 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 4 March 2015.

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: Unnumbered site plan; 110; ICA/ENQ/1367/03J; ICA/ENQ/1367/104F; ICA/ENQ/1367/105F; ICA/ENQ/1367/106B; 2769/DR/005 REV C; 2360-1300-003A; 2360-1300-004A; 06 J7/01043 Sheet 1 - 2.5mH; 06 J7/01043 Sheet 1 - 3.0mH; AACS 01_01 and Commercial Envirosafe 34H to 80H (HEQ) Wastewater Treatment System.

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

- 3 No development shall take place until details and samples of all materials to be used externally have been submitted to and approved in writing by the Local Planning Authority, and the development shall be carried out in accordance with the approved details.

Reason: To ensure that the appearance of the development is satisfactory and without prejudice to conditions of visual amenity in the locality, in accordance with Policy BNE1 of the Medway Local Plan 2003.

- 4 No development shall take place until full details for both hard and soft landscaping works have been submitted to and approved in writing by the Local Planning Authority. The submitted hard landscaping details shall include proposed finished levels and contours, existing and proposed boundary treatment and hardsurfacing materials. The submitted soft landscaping details shall include all planting, seeding and turfing proposals within the development. All of the planting, seeding and turfing comprised within the approved scheme of landscaping shall be implemented during the first planting season following the first use of 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, unless the Local Planning Authority gives written consent to any variation. All of the hard landscaping works that form part of the approved scheme of details shall be installed prior to the first use of the development hereby permitted and shall be retained thereafter.

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.

- 5 In this Condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs a) and b) below shall have effect until the expiration of 5 years from the date of occupation of the building for its permitted use.

a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be pruned other than in accordance with the approved plans and particulars, without the written approval of the Local Planning Authority. Any pruning approved shall be carried out in accordance with British Standard 3998 (Tree Work).

b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time as may be specified in writing by the Local Planning Authority.

c) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this Condition and the ground levels within those areas shall not be altered, nor shall any excavation be made without the written consent of the Local Planning Authority.

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.

- 6 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- a) the access to the works site from the public highway;
- b) the parking of vehicles of site operatives and visitors;
- c) loading and unloading of plant and materials;
- d) the hours of the construction works;
- e) the erection and maintenance of any security hoardings including decorative displays and facilities for public viewing, where appropriate;
- f) wheel washing facilities;
- g) measures to control the emission of dust and dirt during construction; and
- h) a scheme for recycling/disposing of waste resulting from demolition and construction works.

Reason: In the interests of safeguarding residential amenity and the free and safe operation of the public highway in accordance with the provisions of Policies BNE2 and T1 of the Medway Local Plan 2003.

- 7 Notwithstanding the details contained within the "Best Practice Strategy" document that accompanies the planning application no part of the site shall be used outside the hours of 05.30 to 23.00 Mondays to Sundays and the existing external storage hardstanding area to the north east of the north eastern access shall not be used at any time between the hours of 18.30 and 07.00 hours between Mondays to Fridays inclusive, 13.30 and 07.00 on Saturdays and at no time on Sundays or Public Holidays.

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

- 8 No external lighting other than that shown on drawings 2360-13000-003A and 2360-13000-0034 and specified in 'Exterior Lighting Recommendations' report prepared by WSP and dated 23 September 2014 shall be installed and this lighting shall only be used during the site's permitted operating times as defined by condition 7 of this permission.

Reason: To ensure the development does not prejudice conditions of residential amenity in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 9 All fork lift trucks operated in association with the development hereby permitted shall be fitted with broad band sound reversing alarms.

Reason: To ensure the development does not prejudice conditions of

residential amenity in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 10 The north eastern (existing access) shall not be used by Heavy Goods Vehicles at any time between the hours of 20.00 and 07.00 hours on any day.

Reason: To ensure the development does not prejudice conditions of residential amenity in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 11 Other than when Heavy Goods Vehicles (HGVs) equipped with diesel powered refrigeration units or trailers designed to be hauled by HGVs and equipped with diesel powered refrigeration units are being manoeuvred within the site, any diesel powered engines associated with the operation of the aforementioned refrigeration units shall be switched off and be powered as necessary via the electric hook up points to be provided at the site in association with the development hereby permitted. The electric hook up points shown on drawing ICA/ENQ/1367/103/J and referred to in any other documentation accompanying the application shall be installed and be available for use prior to the first use of the development hereby permitted and shall thereafter be retained for the duration of the development.

Reason: To ensure the development does not prejudice conditions of residential amenity in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 12 The new acoustic fencing shown on drawing ICA/ENQ/1367/103/J shall be installed prior to the first use of the development hereby permitted and shall thereafter be retained for the duration of the development.

Reason: To ensure that the development does not prejudice conditions of residential amenity in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 13 No development shall take place until details of a foul and surface water drainage scheme for the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. The approved drainage scheme shall be available for use prior to the first occupation of the development hereby permitted and shall thereafter be retained.

Reason: To ensure the development is undertaken in a manner which protects the water quality of the area.

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

Proposal

This is an application for a second packhouse and controlled atmosphere and chilled store complex within a single 8079.7 sq.m building to be sited to the south west of

the existing cold store and packhouse. The new building would be a single structure with a double ridged roof sitting at a higher floor level (1.35m) although parts would be cut into the ground level. It is to be larger than the existing at a maximum of approx. 120m (109m for part) in length x approx. 36.7m (33.3m in part) in width and it would also be taller at approx. 9.625m to eaves and approx. 12.5m to the ridge (making it approximately 2m above the existing ridge heights).

This proposal also includes the formation of a second access point, a matter which already benefits from planning permission under reference MC/14/1737. It is intended that this second access would serve the additional storage building and a new yard area between it and the existing buildings on site, which is also subject to planning permission MC/14/1737. The additional yard area would amongst other things provide parking for refrigerated lorries and provide access to the existing and proposed buildings' loading docks. In front of the new building there would be a roadway and parking/turning /unloading area. The existing temporary fuelling point would be relocated to the side of the new southern access and the existing smoking shelters are to be relocated to enable access to the existing car park from the new access point. A covered cycle shelter is included and acoustic fences are proposed at the front and rear of the new yard and adjacent to the parking/turning area at the end of the new road.

The submitted scheme also refers to proposals for wildlife areas to the south west of the new building and north of the existing buildings.

As with the permitted scheme for the second access the intention is that deliveries to the site would be via the new southern access but some exports from the site would still use the original arrangement at the north eastern end of Flanders Farm.

It is intended that the external areas around the proposed building and the new central yard area would be illuminated by a combination of wall and column mounted lighting units.

The existing complex is currently conditioned to limit working hours to 06:30 to 18:30 Mondays to Fridays and 07:00 to 13:00 on Saturdays with no Sunday working, albeit that these working hours are subject to an application (MC/14/1429) for extended times to 20.30 for parts of the site and 22.00 for other parts. The current proposal includes extended working hours to enable a two shift working pattern to be adopted; the operational hours sought are between 05:30 and 23:00 seven days per week but restricting the use of the fuel station to 07:00 to 12:00 and the existing access to 07:00 to 20:00.

The existing complex employs some 70 full time staff with up to 125 seasonal workers together with some 20 staff involved in company management/administration. The new facility would increase the full time workers by 15 and the seasonal workers by 40.

The Site

Flanders Farm is a packhouse and store complex situated on the north side of the Ratcliffe Highway between Hoo and High Halstow with some remaining orchards.

The existing packhouse and store were constructed following an outline planning permission (MC/08/1121) granted in January 2011. There are two main buildings with a combined gross floor area of 5443 sq.m and the packhouse facility is accessed via the old section of Ratcliffe Highway. Within the rest of the packhouse facility there are: hardstandings at either end of the site; car parking to the south; a detention reservoir to the north west; and an area for the storage of fruit boxes. Since the original permission and development additional developments have been undertaken including the fruit box storage area, the construction of 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. The proposed location for this latest proposal is mainly on some of the remaining orchard to the south west of the existing buildings.

The site is in the open countryside with both orchards and open fields in arable use surrounding it. Some of the orchards were cleared to make way for the existing complex and further orchard would need to be removed. There is a public footpath running east west along the site boundary to the north east of the complex linking with other footpaths to the north and High Halstow. The site is within the Area of Local Landscape Importance identified in the Local Plan and the Hoo Peninsula Farmland in the Medway Landscape Character Assessment. The existing building is visible from surrounding roads as well as the footpaths.

The site is Grade 1 in the Agricultural Land Classification.

There are residential properties to the south west and to the east on the old Ratcliffe Highway as well as a nursery to the south west.

Relevant Planning History

MC/15/0063 Variation of condition 1, 2 and 3 to allow a minor material amendment to planning permission MC/14/1414 to include acoustic fence stain detail on amended plan and provision of the mixed hedgerows and alder shelterbelt within the first possible planting season.

Decision On this agenda

MC/14/2350 Town and Country Planning Act (Environmental Impact Assessment) (England and Wales) Regulations 2011 - request for a screening opinion as to whether an Environmental Impact Assessment is necessary for the construction of a new packhouse

Decision EIA not required

Decided 21 August 2014

MC/14/1812 Town and Country Planning Act (Environmental Impact Assessment) (England and Wales) Regulations 2011 - request for a screening opinion as to whether an Environmental Impact Assessment is necessary for the construction of a new packhouse

Decision EIA not required

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 Approval With Conditions
Decided 11 September 2014
- MC/14/1429 Variation of condition 14 on planning permission MC/08/1121 to allow changes to the hours of operation
Decision To be determined
- MC/14/1418 Change of use of land and creation of an area of hardstanding to provide for the stationing and storage of 6 caravans for agricultural workers
Decision On this agenda
- MC/14/1415 Retention of hardstanding for the storage of agricultural fruit bins
Decision Approval With Conditions
Decided 11 September 2014
- MC/14/1414 Retention of hardstanding for the storage of agricultural fruit bins
Decision Approval With Conditions
Decided 11 September 2014
- MC/14/1407 Retention of two smoking shelters
Decision Approval With Conditions
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 On this agenda
- MC/14/0778 Erection of a noise attenuation barrier
Decision Approval with Conditions
Decided 20 August 2014
- 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 worker, 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 July 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 July 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 August 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.

Decision Refused

Decided 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

Decision Approval With Conditions

Decided 25 April 2012

MC/08/1121 Outline application for construction of a fruit processing and storage facility with associated parking

Decision Approval With Conditions

Decided 19 January 2011

MC/07/0200 Outline application for construction of a fruit processing and storage facility with associated parking

Decision Refusal

Decided 24 July 2007

Appeal Withdrawn

Representations

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

Natural England, the Environment Agency, KCC Ecology, English Heritage, the Highways Agency and the Council's agricultural advisor have also been consulted.

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

One neighbour has written raising **no objection in principle** but refers to the inadequacy of the existing access arrangement with no meaningful deceleration facility, no acceleration lane and kerbs being overrun.

Four letters of objection have been received from local residents making the following comments:

- Detriment to the local environment.
- Detriment to local residents through the generation of noise and odours and the use of external lighting.
- The existing facility already causes nuisance – noise is invasive and irritating.
- Detriment to views from local footpaths and surrounding roads in the Area of Local Landscape Importance.
- Contrary to Local Plan policies BNE1, BNE2, BNE25, BNE26 and BNE48.
- There is no legitimate reason for the destruction of orchard for the construction of a factory, cold store, hardstandings for HGVs and trailers etc.
- This development should be on an industrial estate or brownfield land.
- Countryside once developed is lost forever.
- The existing development results in surface drainage issues on adjoining land.
- Lack of geotechnical information and winter details to support the drainage strategy; contrary to NPPF para 103. It is inappropriate to add to the existing foul water system which results in issues on adjacent land.
- The development will result in the loss of best and most versatile agricultural land
- The development is out of proportion with the amount of fruit grown at Flanders Farm.

References to failure to comply with existing conditions and relating to other site matters are not material considerations.

Fourteen letters of support have been received from top fruit growers associated with the company's business together with **two individual letters of support** and letters from the **National Farmers Union and the Country Landowners Association**. A letter of support has also been received on behalf of **Sainsbury's**, the retailer that purchases from the applicant, who consider that the proposal is important in both a regional and national scale with significant benefits in job

creation. The applicant has also submitted a letter from the Prime Minister and letters from MPs that have recently visited the area.

The Lower Medway Internal Drainage Board consider that an open SuDS system is preferred to underground storage as such systems are more easily maintained and provide additional benefits to local water quality. Request a condition on any permission.

The Council's Agricultural Consultant confirms that the additional facilities now proposed appear to be genuinely required and intended for the storage business of the expanded scale now envisaged. The benefits to the business are explained in the submissions.

KCC Ecological Advice Service considers that no further ecological surveys are necessary at this time.

Highways Agency offers no objection.

Natural England raises no objection in relation to statutory nature conservation sites and refers to standing advice on protected species.

The Environment Agency has no objection and is satisfied with the submitted Flood Risk Assessment and proposed surface water drainage scheme.

English Heritage do not wish to offer any comments.

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 (the Framework) and are considered to conform. Where there may be some conflict, this is addressed in the appraisal section of the report.

The Medway Landscape Character Assessment (2011) is also a material consideration.

Planning Appraisal

Background

The applicant in the application documentation has raised the following matters in support of the application:

The need for this proposal arises because the amount of fruit grown by the company has increased and will continue to do so; additional orchards have been and will be planted, the number of varieties stored and packed has increased and the number of product lines has increased. The limitations on the existing facility result in reduced efficiency and will not meet future business needs. The provision of additional on-site storage space coupled with the introduction of a dedicated fruit grading system will

enable apples and pears to be handled in increasing quantities and dispatched to customers more speedily. Currently plant hose primary purpose is to pack produce for onward distribution to customers is also used to grade apples and pears when they arrive at the site, with the result that the packing activity often has to be interrupted so that incoming produce can be graded prior to being held in store on site. The introduction of dedicated grading equipment will improve the site's efficiency. The applicant wishes to introduce a two shift pattern for employees.

The applicant in 2013 entered into a new arrangement with Sainsbury's (supermarket) in the supply of fruit, whereby all produce is dispatched directly from Flanders Farm to order rather than being sent from this site to a wholesaler and then onto Sainsbury's. The proposal will provide both additional storage space and efficiency improvements as well as relocating some existing activities away from some of the existing dwellings and enable flexibility in the working hours.

The applicant pointed out that it is planting significant numbers of additional fruit trees at its farms (by and large in other locations) and that these trees are of a higher crop yield.

In relation to noise it is submitted that there will not be significant or noticeable changes at the existing receptors and for some properties noise levels will be reduced from existing levels. Similarly it is submitted that there will be no statutory nuisance arising from the lighting.

It is submitted that the development is required to meet the needs of the business and the applicant considers that it is in the public interest for permission to be granted. The applicants draw attention to the Council's previous decision in relation to the existing packhouse and store where it was considered that there was sufficient justification to outweigh the harm.

Main Issues

This proposal is for a substantial new packing and storage facility in the countryside on what is classified as Grade 1 and thus the 'best and most versatile agricultural land'. The proposal is to enlarge the existing facility and increase the volume of throughput including increasing the hours of use. The main issues are whether there is justification for this development which is, prima facie contrary to both development plan and national policies, which have the objective of protecting the countryside from new development. In particular the issues of the development's: impact on the character and appearance of the area; and effect upon the living conditions of the occupiers of nearby properties need to be weighed against this scheme's benefits to business, both locally and elsewhere and to the local economy.

Principle and Design

The existing facility at Flanders Farm serves: 13 farms either owned or rented by the applicant, of which three are within Medway's area (Flanders Farm itself, Miers Court and Titus); and the produce from 20 'partner' growers involving around 750 hectares (1,850 acres). It is recognised that this is a business that is integrally linked with both local fruit production and fruit production elsewhere in Kent. There is no doubt

that the applicant's business provides local employment, with the applicant employing 228 full time staff and between 300 and 350 seasonal workers in Medway and Kent and therefore contributes to the economy within Medway and further afield, as well as being part of the chain involved in bringing agricultural produce to consumers. The latter was a significant factor in the justification for the existing packhouse and store on the site.

However it must also be recognised that the development would be:

- within the open countryside and is therefore subject to protection under Policy BNE25 of the Local Plan;
- within an area that is designated as being an Area of Local Landscape Importance (ALLI) under Policy BNE34 of the Local Plan and thus regarded as having local landscape significance;
- close to some residential properties which raises issues under policy BNE2 of the Local Plan; and
- visible to other residents and further afield in High Halstow and users of the definitive public footpath network and public highways (Dux Court Road and Peninsula Way [the A228]).

For reasons which will become apparent in the assessment under the remainder of this sub-subsection matters of principle and design/visual impact are being considered together, while effects upon living conditions and other matters are addressed under later sub-sections.

The primary thrust of the NPPF is to secure sustainable development and there are three dimensions to sustainable development: economic (including the building of a strong, responsive and competitive economy); social; and environmental (including protecting and enhancing the natural environment).

With respect to the consideration of development within the countryside paragraph 28 of the NPPF states:

'Planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should:

- support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings;
- promote the development and diversification of agricultural and other land-based rural businesses;.....'

The fourth and fifth core principles identified under paragraph 17 of the NPPF require new development to be of a high quality of design and respectful of the amenity (living conditions) for all existing occupiers of land and buildings and to be cognisant of the intrinsic character and beauty of the countryside.

In terms of considering design, section 7 of the NPPF addresses this and against the backdrop of the encouragement of good design paragraph 58 is of particular

significance to this case. Paragraph 58, amongst other things, indicates that the aim should be to ensure that new development will function well and add to the overall quality of the area and respond to local character.

Paragraph 112 of the NPPF addresses development affecting agricultural land and states:

‘Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality.’

In terms of safeguarding the countryside from unwarranted development Policy BNE25 indicates that new development should only be permitted, amongst other things, if it involves development essentially requiring a countryside location (such as agriculture, forestry or outdoor recreation). In this case it is considered that the development is not one essentially requiring a countryside location, because while some of the fruit that would be processed in the expanded facility is grown at Flanders Farm (there being around 24 hectares [59 acres] of orchards at Flanders Farm out of 541 hectares [1,336 acres] of the cropped areas farmed by the applicant) the bulk of the fruit would originate from other farms on the Hoo Peninsula and further afield. Therefore in applying the provisions of Policy BNE25, while the proposed development would service agricultural activity within the local area and further afield, it is considered that there is no locational imperative for this development to be sited at Flanders Farm or for that matter any other countryside location within Medway, with this site being selected because it sits alongside the previously permitted packhouse and cold store buildings.

The proposed building would have a utilitarian appearance, which is in part the product of its scale, and would therefore be a large addition at Flanders Farm and would also involve the provision of an extensive hardstanding. While some mitigation is proposed, i.e. the use of green cladding and the planting of new poplar trees and hedging, this will take time to become established and when mature will only have some effect in softening the development’s appearance rather providing full screening. Accordingly as the additional building would unquestionably be visible from various public vantage points, its presence, along with the already established buildings, will have some adverse affect the area’s character, which to the north of Peninsula Way is for the most part dominated by open fields, within a gently undulating landscape, with some sporadic built development within it and High Halstow’s built boundary being around 1.2 Km (3/4 miles) to the north east. Officers therefore do not accept the conclusions reached in the applicant’s visual impact assessment that that the building would be “very characteristic of the receiving landscape” which is identified as being part of the ‘Hoo Peninsula Farmland’ character area within the Medway Landscape Character Assessment 2011.

The proposed development would therefore not be compatible with the area’s rural location and the proposed building, allowing for the proposed landscaping, would, because of its functional nature, not be of a particularly high quality design. Accordingly in these respects there is conflict with the objectives of the

aforementioned parts of the NPPF and Policies BNE1, BNE25 and BNE34 of the Local, which weigh against the development's sustainability.

However, the aforementioned demerits of the proposed development need to be weighed against its economic development benefits, most particularly the support for fruit growing activity within and beyond Medway and continued and the expanded employment at Flanders Farm. It is to be noted that the Council's agricultural advisor has commented that the proposed development appears to be genuinely required for the storage, handling and packing activities relating to an agricultural/fruit processing and storage business of the scale now envisaged. This advice goes on to confirm that this development will support both the applicant's fruit growing activities as well as those of the 'partner farmers' and the benefits in terms of employment and the local economy are supported by the economic justification submissions made by the applicant.

The development would result in the loss of 2 hectares (5 acres) of best and most versatile land. While this loss of productive agricultural land is regrettable, it is considered to be unobjectionable, having regard to the guidance contained within paragraph 112 of the NPPF. This is because the development would assist in providing a continuing market outlet for apples and pears grown within and beyond Medway and without such an outlet these orchards might cease to be farmed and employment within the agricultural sector could be lost. It is therefore clear that there are economic advantages arising from the proposed development and under the circumstance of this case it is considered that on balance these are sufficient to outweigh the concerns relating to substantial new development taking place in the open countryside and the adverse effect that there will be on the character and appearance of the area.

When all of the foregoing factors are taken into account it is considered that on balance an in principle objection should not be raised to this scheme. While the proposed visual mitigation will have a limited effect, nevertheless various conditions are recommended to ameliorate the development's uncharacteristic appearance.

Living Conditions

The planning permissions for the established packhouse and storage activity at the site is subject to a number of conditions which are intended to safeguard the living conditions of the properties immediately adjoining Flanders Farm. These conditions include restrictions on the hours of operation, which are more or less consistent with the normal working week, and the provision of acoustic fencing. It is also of note that the applicant has, since the construction of the main development, sought permission for further developments to try to address the enforcement issues that have arisen and to mitigate the potential adverse impacts and attempt to overcome a number of complaints from local residents. This additional mitigation will include the provision of an acoustic screen behind Bellwood Cottages and the creation of a southern access, with the latter being subject to permission MC/14/1737.

The current application includes measures designed to reduce noise impact, most particularly the inclusion of: a second access off the Old Ratcliffe Highway (the southern access); the installation of acoustic screen fencing; and relocating the

unloading area for incoming fruit from a more north easterly position to a south westerly one, i.e. further away from Bellwood Cottages but closer to The Bungalow to the south west, which adjoins the Homeleigh Garden Centre. The development will generate additional activity resulting from the comings and goings of vehicles, the use of lights (both static on the buildings and from the vehicles) and therefore has the potential to generate additional noise and disturbance. The noise assessment has been undertaken on a worst case basis and is predicated upon the existing and proposed development operating between 05:30 to 23:00 seven days a week and additional acoustic screening being installed.

For Bellwood Cottages and Primrose Cottages (the dwellings to the north east of the former) any increase in noise for the proposed expanded operations at the site has been assessed as being limited and not at a level that would be discernible by the occupiers of these properties. This is based on the assumption that diesel powered refrigerated lorry trailers will still be in the area to the north east of the existing packhouse building at both the loading bays and the drop off area.

Currently for the occupiers of The Bungalow the most significant noise sources are the backup generator set (which is only run for a 10 minute test during the day once every six weeks) and the lorry and car movements along the old Ratcliffe Highway. Under the proposed development the most significant noise sources are the backup generator, site traffic along the old Ratcliffe Highway access road and the operation of the refuelling station. Of the various noise sources (HGV and staff car movements, trailer refrigerator units, fixed plant and forklift reversing alarms etc) at the site, it is the trailer refrigerators which have the potential to be audible to the occupiers of The Bungalow. In this respect it is to be noted that trailers requiring refrigeration plant to be left on for extended periods of time will be connected to the site's electrical charging system and will therefore not rely upon on board diesel generators. The noise assessment predictions indicate that any increased level of noise that is audible at The Bungalow will be at a level that is at only slightly above that which is discernible and it is therefore considered that the occupiers of this property will not experience an unacceptable increase in noise levels.

While the applications seeks permission for the use of the new and proposed buildings between the hours of 05.30 and 23.00 seven days a week, it is further proposed that 'central courtyard', south eastern access and some of the internal access and manoeuvring areas should be available for use 24 hours a day to allow flexibility for vehicles to enter or leave the site, although it is further submitted that the use of the aforementioned areas would in practice not occur outside the hours of 05.30 and 23.00. It is considered that in the interests of safeguarding the living conditions of adjoining residents that it would be unreasonable for parts of the site to be available for use around the clock and it is therefore proposed that a condition be imposed precluding any usage during the periods between 23.00 and 05.30.

It is therefore considered that with installation of the proposed acoustic screening that this development will not give rise to unacceptable noise disturbance for the occupiers of neighbouring properties and accordingly in this respect no objection is raised under the provisions of Policy BNE2 of Policy BNE2 of the Local Plan.

To address the potential for noise and disturbance to arise during the construction

phase a condition requiring the submission of a construction method statement is recommended and amongst other things this statement will require details for the construction working hours and site hoardings to be submitted and approved.

The use of external lighting has the potential to cause annoyance to immediately adjoining residents and those with a line of sight further afield. A lighting scheme has been designed for the site in accordance with the best practice guidance issued by the Institute of Lighting Professionals (ILP) which seeks to strike an appropriate balance between providing a safe working environment for the staff of the facility during the hours of darkness when it is operational whilst minimising the effects of artificial lighting on the surrounding environment and neighbouring residential properties. The lighting report accompanying the application acknowledges that after dark there will be some awareness of the site when it is lit, as a consequence of inevitable light reflection from the buildings and other structures on the site, but that this impact will be of a level that would not result in undue annoyance to residents in the area or result in significant harm to the area's rural character.

The proposed external lighting arrangements are considered to be acceptable and thus unobjectionable under the provisions of Policy BNE2 of the Local Plan. It is however recommended that a condition be imposed requiring only the lighting shown on the application drawings to be installed and restricting its use to that of the site's permitted operating hours.

Highways

The submitted transport statement estimates that the existing development generates around 6672 HGV trips per year, equating to up to 26 trips per day between August and May. The proposal to increase grading, storage and packing activity at the site is predicted to generate an additional 10-17 HGV trips per day between August and May, increase the annual total to 10,724. Additional 31 staff trips per day are also predicted.

It is submitted that the proposed development would enable produce from a number of remote sources to be stored within Flanders Farm, rather than transported elsewhere until required for packing, and therefore an overall reduction in the number of trips needed from harvesting to delivery is likely. This is estimated to be in the region of 436 trips per year. Furthermore, whilst the office staff trips would occur during the peak hours, a two shift pattern is proposed for the packhouse staff. This would increase vehicle movements between 1400 and 1430 (shift changeover), but reduce trips during the evening peak. HGV trips would be spread throughout the working day.

No alterations to the access arrangements directly on and off the A228 are proposed although a second access onto the old Ratcliffe Highway (to the west of the existing one) is proposed. This old section of the Ratcliffe Highway no longer carries through traffic and vehicle movements are limited to those associated with Flanders Farm and the neighbouring Homeleigh Nursery. Given the scale of additional traffic that the development will generate it is considered that the local highway has the capacity to accommodate the expected volume of traffic.

The existing facility is staffed by 132 full-time equivalent employees, with 52 on-site parking spaces being available. An additional 35 members of staff would be employed as a result of the proposed development, with around 85 employees on the site at any one time. It is also proposed to increase cycle parking provision and a travel plan will promote sustainable travel, including car sharing. On this basis, the proposal for an additional 42 parking spaces, a total of 94 spaces is considered acceptable.

Taking the above into account it is considered that the proposed development would not have a detrimental impact on highway capacity and safety on the local road network and no objection is raised with regard to Policies T1 and T2 of the Medway Local Plan 2003.

Other Matters

Concerns regarding the drainage arrangements could be dealt with by conditioning any permission.

Local Finance Considerations

None relevant to this application

Conclusions and Reasons for Recommendation

The applicant's business relates strongly to agriculture in the Medway area as well as other parts of Kent and is a substantial local employer. Support for this business led to the previous permission that established the existing cold store and packhouse at Flanders Farm. It is appropriate to recognise that this business and the local economy would benefit from expansion on this site and these are factors that weigh in favour of the proposed development. It must however be recognised that a permission for the proposed development could not be conditioned to the applicant and accordingly any permission that might be granted would result in the provision of a new storage and distribution facility within the countryside which ordinarily would be expected to be located within an established employment area.

However, the employment and economic advantages of this scheme need to be weighed against its disadvantages, namely its siting within the open countryside and the only partially mitigated and thus detrimental impact it will have upon the visual amenities of this part of the Hoo Peninsula which is essentially characterised by open farmland.

On balance it is considered that in this instance the development's employment and economic advantages are of sufficient weight to outweigh the adverse impact upon the landscape and the character of the area. Accordingly the application is recommended for approval.

The application would normally be determined under delegated powers but is being referred for Committee determination due to the extent of the representations received expressing 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://publicaccess.medway.gov.uk/online-applications/>