

MC/14/0936

Date Received: 4 April, 2014

Location: Land Adjacent Bellwood Cottages , Ratcliffe Highway, Hoo St Werburgh, Rochester, ME3 8QD

Proposal: 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

Applicant: AC Goatham & 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 - Discharge of Conditions

- 1 The details submitted pursuant to condition 10 of outline planning permission MC/08/1121 are acceptable and the condition is discharged.

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

Proposal

This application has been submitted to seek discharge of planning condition 10 of outline planning permission MC/08/1121.

Outline planning permission MC/08/1121 was granted with conditions attached for the construction of a fruit processing and storage facility with associated parking. Condition 10 required approval for exterior lighting. Although details were previously approved, different lights were installed. This lighting scheme for the exterior of the packhouse complex is a different arrangement again. It includes lights attached to the buildings and on poles, both to a height of 6m as well as lights over the loading dock and 1m high bollard lighting alongside the access road and the car park.

Condition 10 reads as:

Prior to the commencement of development a detailed external lighting scheme shall be submitted to and approved by the Local Planning Authority. The approved scheme shall be installed on site prior to first occupation of any part of the

development and thereafter retained and maintained.

Relevant Planning History

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| MC/14/1737 | <p>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</p> <p>Decision - Still Current</p> |
| MC/14/1429 | <p>Variation of condition 14 on planning permission MC/08/1121 to allow changes to the hours of operation</p> <p>Decision - Still Current</p> |
| MC/14/1418 | <p>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</p> <p>Decision - Still Current</p> |
| MC/14/1415 | <p>Retention of diesel fuel storage tanks and delivery point</p> <p>Decision - Still Current</p> |
| MC/14/1414 | <p>Retention of hardstanding for the storage of agricultural fruit bins</p> <p>Decision - Still Current</p> |
| MC/13/2741 | <p>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</p> <p>Decision: Approval With Conditions
Decided: 13 March, 2014</p> |
| MC/12/1537 | <p>Details pursuant to condition 19 of planning permission MC/08/1121 - Outline application for construction of a fruit processing and storage facility with associated parking</p> <p>Decision: Discharge of Conditions
Decided: 25/07/2012</p> |
| MC/12/1432 | <p>Details pursuant to condition 3 of MC/11/2579 for application for approval of reserved matters (layout, scale, appearance, access & landscaping) pursuant to outline permission MC/08/1121 for construction of a fruit</p> |

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

Representations

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

Two local residents have responded. Both mistakenly refer to the application as one for the construction of a fruit processing and storage facility with parking. They have been advised of the true nature of the application. One then confirmed that he would be "happy" if the lights are turned off at night.

Hoo Saint Werburgh Parish Council point out that they had concerns at the outline stage regarding intrusion in the countryside including obtrusive character of excessive flood lighting. They have struggled to understand the drawings which they find unclear and ambiguous which "gives us no alternative but to conclude our misgivings to the integrity of this application". (*The Parish Council was sent a table in an attempt to clarify the proposals*).

Development Plan

The Development plan for the area comprises the Medway Local Plan 2003. The policies referred to within this document and used in the processing of this application have been assessed against the National Planning Policy Framework 2012 and are considered to conform.

Planning Appraisal

Background

Flanders Farm is a packhouse and store complex situated on the north side of the Ratcliffe Highway between Hoo and High Halstow. It has been constructed following an outline planning permission (MC/08/1121) granted in January 2011. There are

two main buildings with access off the old section of Ratcliffe Highway and hardstandings at either end. The complex is used for storing, sorting and packing top fruit (apples) and serves approx. 34 farms, not all within Medway.

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

The site is within an Area of Local Landscape Importance (ALLI) and there are residential properties nearby on Ratcliffe Highway and the site is visible from High Halstow, which sits on a ridge above the site across a valley, as well as a farm in the valley.

Assessment

The main issues in the determination of this application are the impact on the character, amenities and appearance of the countryside and local properties having regard to the policies of the development plan and the NPPF.

It can be seen from the history that planning permission was granted for the packhouse and store complex which serves a number of fruit farms. Since construction a number of issues have arisen and there have been complaints about the operations; some of the complaints relate to the lighting being on at night. The main permission was conditioned to restrict the hours of operation but the hours of illumination were not specifically separately conditioned.

The location is rural and the site is overlooked by residential properties as well as being visible both from the surrounding road network and public footpaths. In lighting terms it is considered to lie within Zone E1 as set out in the Institution of Lighting Professionals Guidance for the Reduction of Obtrusive Light. Zone E1 refers to a location where the lighting environment is "intrinsically dark" and 'post curfew' the lighting intensity is recommended to be zero. Therefore the lighting should be turned off or adequately screened to achieve that level. Pre curfew, the proposed lighting levels are within the guidance.

The scheme as currently proposed is the result of discussions. These have resulted in reductions of both the numbers of lights and the wattage.

As stated above, the scheme is within Guidance for pre-curfew levels. The "curfew" is not specified in the Guidance but refers to Local Planning Authority conditions.

In this instance the hours condition relates to hours of operation and are specified as 06:30 to 18:30 weekdays, 07:00 to 13:00 on Saturdays and at no times on Sundays and Public holidays. There is a current application for extension of those hours but for the time being they stand (albeit that the agents have admitted that the hours are not being adhered to).

On the basis that the lighting scheme proposed to discharge this condition would be an improvement to the existing situation, it would seem reasonable, and not result in

any further intrusion to approve the details submitted and allow the discharge of condition 10.

Conclusions and Reasons for Approval

The construction of the packhouse complex in this rural location near to residential properties and within the ALLI has been approved. It needs to be recognised that in winter months at least there will be a need for lighting for some of the specified hours of operations. As with other considerations there is a balance to be struck between the business needs and the protection of amenities and the countryside. The lighting proposed is within the Guidance for the location for pre-curfew levels and is an improvement upon the existing situation. As such the details are considered acceptable and it is recommended the condition be discharged.

This application would normally fall to be considered under officers' delegated powers but has been reported to Planning Committee for determination due to the relationship of the application to others at the site which are being reported to Planning Committee 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://publicaccess.medway.gov.uk/online-applications/>