

MC/15/2440

Date Received: 9 July, 2015

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

Proposal: Details pursuant to conditions 13 on planning permission MC/14/3063 for '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 6 April 2016.

Recommendation

- A) Discharge of Condition 13 (foul and surface water discharge) of planning permission MC/14/3063, insofar as the submitted details relate to the disposal of surface water.**
- B) The Head of Planning being granted delegated authority to discharge the foul drainage details element of Condition 13 once the Environment Agency has issued the relevant permit.**

Proposals

This application seeks approval for a scheme of surface water drainage details pursuant to condition 13 of planning permission MC/14/3063 and concerns the fruit packing facility at Flanders Farm, Ratcliffe Highway, Hoo St Werburgh. Planning permission MC/14/3063 gave consent for the construction of a new grading, packing and storage building with ancillary access, hardstanding, landscaping and relocation of refueling point (hereafter referred to as the Phase 2 scheme).

Surface water drainage scheme

On the basis of the site's geology (silty clay overlying London Clay) it is proposed to positively discharge the surface water from linear drainage channels to a fuel/oil interceptor, with the outlet from this interceptor dispersing the treated surface water via perforated pipes into a porous 'sub-base' storage facility. Thereafter the surface water arising from the Phase 2 development will be directed to a longitudinal French

Drain (surface drain), which will provide some attenuation for surface flow rates, and the discharge that this drain collects will then be directed to the existing lagoon that serves the Phase 1 development. The proposed drainage scheme will include works to expand the lagoon's capacity so that surface water discharge arising from both the Phase 1 and Phase 2 schemes can be accommodated. The lagoon's hydrobrake (discharge rate control mechanism) will be upgraded in order that it can achieve a greenfield discharge rate of 4.9 litres per second (l/s).

Any water held within the lagoon that can not be used for irrigation purposes in the adjoining orchards will be discharged, when rainfall levels dictate, into an existing land drainage ditch which runs along the outside of the north western boundary to Flanders Farm. This drainage ditch connects with a culverted drain running northwards that then in turn connects with a main watercourse downstream to the north east of Solomon's Farm.

This drainage scheme has been designed to accommodate 1:100 storm events plus a 30% allowance for climate change rain fall, while discharging at the 1:1 year return period greenfield run off rate of 4.9 l/s.

Foul water drainage scheme

The submitted details include arrangements for the disposal of foul water. However, as the Environment Agency's consent, under the permitting regime administered by it, is necessary, it is considered that the Council, as planning authority, should not seek to discharge the foul drainage element of the submitted details until the Environment Agency has issued the relevant permit, a matter which is subject to an application currently being considered by the Agency.

Relevant Planning History

- MC/15/3086 Change of use and creation of an area of hardstanding to provide for the stationing and storage of 6 caravans for rural workers
Approved 20 January 2016
- MC/15/2265 Variation of condition 14 of planning permission MC/08/1121 to change the operating hours to between 05:30 to 23:00 Monday to Sunday for a period of 18 months or until such time that the development is commenced in application MC/14/3063 and the acoustic fencing as submitted as part of MC/14/3063 is installed
Approved 20 January 2016
- MC/15/0952 Change of use of land for the storage of 2 temporary portable units to serve as staff mess facilities
Pending
- MC/15/0313 Relocation of noise attenuation barrier
Decision Approved
Decided 1 April 2015
- MC/15/0309 Amended siting and height of a noise attenuation barrier approved under

application MC/14/0778
Decision Approved
Decided 1 April 2015

- 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 Approved
Decided 4 March 2015
- MC/14/3063 Construction of new grading, packing and storage facility with ancillary access, hardstanding, landscaping and relocation of refueling point
Decision Approved
Decided 1 April 2015
- 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 Approved
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
Undetermined
- 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 Withdrawn by applicant
Decided 1 April 2015
- MC/14/1415 Retention of hardstanding for the storage of agricultural fruit bins
Decision Approved
Decided 11 September 2014

- MC/14/1414 Retention of hardstanding for the storage of agricultural fruit bins
Decision Approved
Decided 11 September 2014
- 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 Condition discharged
Decided 2 April 2015
- MC/14/0778 Erection of a noise attenuation barrier
Decision Approved
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 Approved
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 Approved
Decided 25 April 2012
- MC/08/1121 Outline application for construction of a fruit processing and storage facility with associated parking
Decision Approved
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

Consultations have been undertaken with the Environment Agency and Southern Water.

The Environment Agency has written advising that it has no comments to make on this submission as it relates to a condition that it did not request for imposition.

Southern Water has written commenting that the submitted details should be drawn to the attention of the Council's Building Control service and/or technical officers and the Environment Agency.

An **objection** has been received from the owners of the adjoining Solomon's Farm and this raises the following concerns:

- The submitted details do not show any details of the bore holes that were used to assess the site's geology. This information should be provided because the implementation of the Phase 1 scheme has resulted in lower lying land at

Solomon's Farm becoming waterlogged. The drainage lagoon that has been provided under the Phase 1 scheme has not been built in accordance with the approved plans and therefore does not provide adequate capacity, resulting in the waterlogging of adjoining land.

- The applicant does not own the ditch into which the surface water generated by the existing and proposed phases of the development drain/will drain into and therefore does not have the necessary landowners consent.
- Insufficient information has been submitted to demonstrate that the proposed foul water disposal arrangements will have adequate capacity once the existing Phase 1 arrangements are modified to accommodate the needs of Phase 2. The existing plant according to the manufacturer's specification is only designed to accommodate 5 cubic metres of foul water a day and not the 15 cubic metres that the permit issued by the Environment Agency allows for. The adjoining landowner states that it has measured a discharge volume of 200 cubic metres which is in breach of the discharge permitted by the Environment Agency. This development should be required to connect to the main sewer system.
- This submission for the discharge of the requirements of condition 13 should be refused as it has not been demonstrated that adequate arrangements have been made for the disposal of surface and foul water.

The applicant has written advising that a meeting was held with some of the family members who farm the adjoining Solomons Farm to discuss the possibility of using the eastern ditch option referred to on page 49 of the main committee report.

However, the applicant has gone on to advise that it has not been possible to discuss this alternative drainage arrangement with all of those who farm Solomons Farm and whilst the applicant is willing to continue to negotiate with the neighbours in the hope that an agreement might be reached about implementing the eastern ditch option, the applicant would like the application to be determined in its submitted form.

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. Where there may be some conflict, this is addressed in the appraisal section of the report.

Planning Appraisal

The Flanders Farm itself is situated within Flood Zone 1 as per the Environment Agency's Flood Mapping for the area. Zone 1 is representative of low risk areas where the risk of fluvial flooding in any one year is equal to or more than a 0.1% (1 in 1000 years). The surrounding land which includes the area within which the downstream watercourse is situated is within Flood Zone 3 which indicates a 1:100 year or greater annual probability (1%) of river flooding.

The area around the site is however located within an area considered to be at risk of surface water flooding and is included on the EA's Risk of Flooding from Surface Water flood map. There is also anecdotal evidence of drainage issues in the area.

The proposed drainage arrangements have been assessed by the Council's flood and drainage officer. The proposed surface drainage arrangements, while being considered to be less than optimum, in that there will be reliance upon a somewhat circuitous network of ditches, drains and watercourses around Solomon's Farm are capable of providing the necessary capacity to serve the existing fruit handling facility at Flanders Farm as well as the Phase 2 development.

Ideally the surface water discharge leaving Flanders Farm would be routed via a ditch that follows the eastern boundary of this farm (the eastern ditch). This is because this arrangement would avoid sending the discharge around what would be a very long route, reducing the risk of any system failure through blockages or pipework breakages. To facilitate the use of the eastern ditch it would be necessary for some localised land regrading to be undertaken in the vicinity of the lagoon and for a pipe and headwall to be installed to make a connection to the eastern ditch. The possibility of using the eastern ditch has been put to both the applicant and the owners of Solomon's Farm.

Further the deferral of this application by Members from consideration at the Committee meeting on 20 January 2016 a meeting has been held between the applicant, the owners of the adjoining Solomons Farm and the Council's Flood, Drainage & Special Projects Officer at which the possibility of utilising the eastern ditch. However, since that meeting it has not possible to arrive at agreement about the use of this possible alternative.

While it is considered that the use of eastern ditch would be preferable, there are no technical reasons to object to the scheme that is subject to this application for the discharge of the details that have been submitted pursuant to condition 13.

Any issues with respect to the quality of the water that passes through the foul water system at Flanders Farm and then enters the surface water drainage network on third party land is a matter that is regulated by the permitting regime administered by the Environment Agency and is not a matter that the Council, as planning authority, has any jurisdiction over.

In land use planning terms the submitted surface and foul water drainage arrangements are considered to be unobjectionable. The submitted details are therefore considered to accord with Policy CF12 of the Local Plan (Water Supply) and the guidance on such matters set out within the National Planning Policy Framework and the Planning Practice Guidance.

Conclusions and Reasons for Approval

For the reasons outlined above the proposed surface water and foul drainage arrangements are considered to be acceptable. It is therefore recommended that the details submitted pursuant to condition 13 of planning permission MC/14/3063 are discharged.

This application would normally fall to be determined under Officers' delegated powers; however, it has been reported for Members' consideration because of the

public sensitivity that has surrounded the development proposals at Flanders Farm.

This application was considered by Members at the Planning Committee on the 20 January 2016, when it was determined to defer for further negotiation.

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/>