

2.9 REFERENCE NO - 16/507586/FULL			
APPLICATION PROPOSAL Removal of containers and brick toilet and erection of a data storage facility building with associated off-street parking.			
ADDRESS Former Raf Mast Site Courtenay Road Dunkirk Kent			
RECOMMENDATION – Grant SUBJECT TO receipt of comments from the County Archaeological Officer.			
REASON FOR REFERRAL TO COMMITTEE Parish Council Objection			
WARD Boughton And Courtenay	PARISH/TOWN COUNCIL Dunkirk	APPLICANT Mynydd Brith Ltd AGENT Robinson Escott Planning	
DECISION DUE DATE 03/01/17	PUBLICITY EXPIRY DATE 20/08/18		
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
SW/14/0393	Erection of a data storage facility (B8) and permanent historical exhibition (D1).	Appeal against non-determination Dismissed	03/03/2015
SW/11/1370	Erection of a data storage facility (B8) and permanent historical exhibition.	Refused and dismissed at appeal	13/11/2013
SW/10/1128	Erection of offices and data storage building.	Refused	28/10/2010

1.0 DESCRIPTION OF SITE

- 1.01 The former RAF radar mast at Dunkirk is a grade II listed structure and lies within a secure compound in the designated countryside directly adjacent to the Local Plan defined built-up area boundary of Dunkirk. The existing mast is host to a range of telecommunication equipment. The site is also located within a Special Landscape Area.
- 1.02 To the northwest of the mast, and mostly beyond the immediate fenced compound, is a larger area of land that once formed the RAF Dunkirk Chain Home Radar Station featuring a range of buildings and groundworks, and the remains of other former masts, which is protected as a Scheduled Ancient Monument.
- 1.03 The fenced compound occupies part of the frontage of Courtenay Road which is otherwise a residential area, and it therefore adjoins and sits opposite bungalows and two storey residential dwellings which are within the defined built up area of Dunkirk. The application site itself is a narrow strip of open land along the southern edge of the fenced compound and does not include the mast itself.
- 1.04 The mast is tall enough to have a clear line of sight to central London and is close to high capacity cables under the old A2, which means that it is seen as well

located to provide a secure data storage facility with more than one means of data transfer, and ideal for the development of a secure data storage facility. This application thus follows three previous applications for a data storage facility on the site. Two of these went to appeal and the previous appeal decisions have been attached to this report as Appendix 1 and Appendix 2. The appeal decisions both state that the principle of this facility on the site is acceptable but the first appeal was dismissed due to impact on the residential amenity of no. 7 Courtenay Road, and the second was dismissed as it failed to preserve the setting of the listed mast.

- 1.05 In 2013 a refusal of planning permission (against my recommendation) for a similar building further forward on the site was refused and appealed (see Appendix 1). In that decision the Planning Inspector rejected the Council's argument that the site's countryside location made it unacceptable saying (at paragraphs 15 and 16) that;

"The Council suggests that the location of the appeal site outside the defined built up area of the village renders the proposal unacceptable in principle and has negative implications for sustainability. However, this is a tenuous and somewhat spurious argument.

As previously indicated, the site immediately abuts the built-up area and this, necessarily, tempers concerns that might otherwise arise regarding the effects of development on the wider countryside or the drawing of vehicular traffic into the rural area in contravention of sustainability principles. In any event, in respect of the latter it must be borne in mind that the definition of sustainable development promoted in the NPPF encompasses a much wider range of considerations, including the protection of the historic environment and contributing to the economy, which the appeal proposal would help to fulfil. Indeed, a presumption in favour of sustainable development is inherent in the NPPF. I note that there is a bus service in close proximity, albeit described by the Council as infrequent, that would be likely to reduce reliance on the private car for transport. It is also pertinent that the site is under-utilised brownfield land which the proposal would help to bring back into active use. I therefore find no serious conflict with saved LP Policies SP1, SP3, SP5 or T5, draft RLP Policy CP1 or the NPPF in this particular regard.

I acknowledge that a data storage and exhibition facility does not necessarily demand a rural location. However, such a simplistic approach pays insufficient regard to the particular attributes of the appeal site, as the radar tower itself dictates the logic of the locational choice. The height of the tower is such that it provides a clear line of sight to London that would facilitate wireless data transfer. The scheme would also take advantage of the high quality underground fibre optical network that already serves the site. Moreover, it would not only highlight the historic role of a significant heritage asset but would also provide a means of funding its maintenance. The availability of an alternative site with similar attributes in the wider locality strikes me as most unlikely.

The Appellant builds a very strong case on this basis for departing from saved LP Policies E6, SP5 and SH1 and the NPPF in this regard and I am satisfied that there is no sound reason for taking issue with the arguments thus presented. Indeed, I find that there would be good reasons for the project to go ahead somewhere on this site even if the financially-based 'enabling' argument pursued by the Appellant were to be disregarded. I

therefore conclude that the unique set of circumstances associated with the appeal scheme provides solid grounds for departing from locational policies in the development plan and the NPPF.

This being so, the proposal would not set a precedent for widespread development outside village confines to the cumulative detriment of the countryside or undermine sustainability objectives. Nonetheless, notwithstanding this conclusion, I consider that the harm to the living conditions of neighbouring residents significantly and demonstrably outweighs the benefits of the appeal scheme and that for this reason alone the proposal should not go ahead in its present form.”

1.06 Despite these strongly encouraging words, the Inspector rejected that scheme purely because of the impact of the mass of the building on the adjacent bungalow to the south

1.07 A second appeal against non-determination of a subsequent revised application where the building was sited much closer to the base of the mast was rejected on heritage grounds due to the precise location of the building; see Appendix 2. However, in so doing, the second Inspector again accepted the principle of the development here by saying;

“I note the earlier appeal decision (ref 2197279) found unique circumstances that the principle of a data storage and exhibition facility within the appeal site was acceptable; I see no reason to take a contrary view in this case. Moreover, I accept that the location of the appeal site is restricted by the desire to use the existing mast for secure communications with both London and the continent. In this respect, I have also taken into account the fact that the use of the site for a data storage facility may assist the continued use and maintenance of the mast, which would help secure the listed building for future generations.”

1.08 Accordingly, the Council has twice been advised that a data storage facility on this site is compliant with principles of sustainable development and is acceptable in this location. It has been the specific details of the two schemes that have been determinative in their rejection.

2.0 PROPOSAL

2.01 This application again proposes the erection of a two storey building to be used as a data storage facility with associated parking within the fence compound, albeit in a different location to previous applications. The data storage building would now be located in the south-western corner of the site. car parking and a turning area would be provided to the front of the proposed building and would be accessed by the existing access off Courtenay Road. The plant room will be in a basement to contain noise.

2.02 Six parking spaces are proposed as well as one disabled car parking space. Cycle parking facilities are also proposed as well as additional landscaping to the boundary.

2.03 The proposed building would be set back from the road by 57m and set 5m away from the southern boundary of the compound beyond which are residential properties on Courtenay Road and London Road. The building would measure 31m x 13m and at its highest point would measure 7.7m in height.

- 2.04 The design takes inspiration from the site's military history and buildings of that era, whilst taking the form of a modern building using grey aluminium windows and being finished in a grey green render. The windows to the first floor will be obscure glazed and non openable other than high level windows.
- 2.05 The application was initially submitted in 2016 but has been amended (and re-consulted on) since. It is supported by a range of reports relating to noise, ecology, heritage, archaeology and planning. The application seeks to learn from the results of previous applications/appeals, and in so doing the revised planning statement sets out the main points of the two previous appeal decisions which related to different schemes as follows;

“Appeal 1 – 13th November 2013 (APP/V2255/A/13/2197279) SW/11/1370 (Proposed building located within the south eastern corner of the site close to the boundary with No 7, Courtenay Road). Scheme recommended for planning permission by officers but refused by the Members of the Planning Committee.

- *No significant adverse implications for the living conditions of those residing in the wider local area. A low key activity controllable by condition.*
- *An adverse impact on no.7. No problem found in relation to overlooking and loss of light, but an unacceptable impact found upon the amenity of the front garden area. Unduly oppressive and dominant.*
- *The site is currently under-utilised brownfield land which the proposal would help to bring back into active use.*
- *The data storage facility does not necessarily demand a rural location. However the radar tower dictates the logic of this location choice. The height of the tower is such that it provides a clear line of sight to London that would facilitate wireless data transfer. The scheme would take advantage of the high quality underground fibre optical network that already serves the site. Moreover, it would not only highlight the significant role of a significant heritage asset but would also provide a means of funding its maintenance.*
- *There is good reason for the project to go ahead somewhere on the site even if the financially-based ‘enabling’ argument were to be disregarded. The unique set of circumstances associated with the appeal scheme provides solid grounds for departing from locational policies in the Development Plan and the NPPF.*
- *The proposal would not set a precedent for widespread development outside village confines.*
- *An acceptable design – the building would read primarily in relation to the utilitarian setting of the former RAF compound and, this being so, would be acceptable in visual terms. It would enhance the setting of the listed building whereas a design more akin to that of a dwelling would appear incongruous and detract from this.*
- *Too far from the Scheduled Ancient Monument to create an adverse impact.*
- *Activity associated with the proposal would not be of sufficient intensity to generate problems of highway safety, on-street parking or harm the designated rural lane.*

“Appeal 2 – 3rd March 2015 (APP/V2255/A/14/2222495) SW/14/0393 (Building located away from boundary with no.7 and close to the base of the mast). A non-determination appeal.

- *Poor design, lacking articulation and interest. A monolithic block.*
- *Views of the mast are very important, including a visual link with other bases, the Scheduled Ancient Monument and its wider setting. This location is unacceptable as the proposed building would obscure direct and important views of the tower base and visual association with others in its group.*
- *The proposal would create “less than substantial harm” to the significance of the heritage assets, failing to preserve the setting of the Grade II Listed Building and would harm the significance of the Scheduled Ancient Monument.*
- *Query sufficient consideration to archaeological potential.*
- *Limited value attributed to the proposed interpretive facility due to uncertain provision.*
- *Acceptable in principle, as found by the Inspector who dealt with the last appeal.”*

2.06 As a result of this analysis the current application is described by the applicant as different in the following ways;

- This revised application proposal has arisen following an identified and continuing need to make more efficient use of the site and taking account of the opportunity provided by the mast and the demand for secure wireless data storage. Planning permission is sought for a new data storage facility with associated car parking.
- The location of the proposed building within the south-western corner of the site has been carefully chosen taking account of the Inspector’s findings within the two appeal decisions and also following the advice of West Sussex Archaeology and Historic England. This part of the site is chosen to set the building back well within the site and well away from neighbouring residential properties. It would also be located away from the base of the mast so that views of the mast from Courtney Road remain unobstructed. Also it would be located well away from the north-west corner of the site compound that is within a Scheduled Ancient Monument.
- This facility is sought to make efficient use of the site and the mast, to provide secure wireless storage data. A two-storey building is proposed as detailed on the submitted drawings. The building has been designed further to Council Officer’s advice. We were advised of a need for high quality, sensitive architecture taking account of the first scheme for the site which it was felt achieved a strong resonance with some military sites, an approach advised to be appropriate for this site. We were advised to research other military sites. This research was undertaken by our architect. Photos of buildings which inspired the proposed design are included within the architect’s design and access statement.
- Details of the design and layout are shown on the architect’s drawings and explained within her design and access statement. A two-storey building with a footprint of 340m² is proposed, with space on ground and first floor levels for data storage together with an electrical store and ancillary accommodation including an office. The building is proposed to be located approximately 57m back from the site frontage and with boundary separation to the west and south to allow plenty of space for landscaping.
- It is proposed to use the existing access within the south eastern corner of the site, leading to a proposed parking area with 6 car parking spaces, and 1 disabled parking space together with a cycle parking store. As with the last application, parking provision has been reduced to reflect the anticipated needs of the building with approximately 7 employees. Employees will also

be able to use public transport, with a regular bus services to Faversham and Canterbury (Routes 3, 3A, 3B, and 335). Bus stops are approximately 200m away with safely lit footpaths available.

- The previously proposed museum or exhibition are no longer part of the application proposal. This is to keep the activity on the site to a minimum taking account of neighbour concerns and also following the advice of the Inspector who dealt with the second appeal. Following the meeting with Council Officers in December 2017, information boards explaining the history of the mast site are now proposed to be located outside the application site fronting onto Courtney Road (examples are provided at Appendix 1 of the Heritage Statement).
- A formal case for an enabling development to secure the maintenance of the mast is also not part of the application proposal as the previous officer's report to committee confirmed that this should not be a determining factor. Nonetheless Council Officers have specifically asked for maintenance details to be provided and a list of maintenance needs for the mast is provided at Appendix 2 in the Heritage Statement. However, it should be noted that a Planning Inspector confirmed that "There is good reason for the project to go ahead somewhere on the site even if the financially-based 'enabling' argument were to be disregarded".

3.0 PLANNING CONSTRAINTS

Potential Archaeological Importance

Dunkirk Airfield

4.0 POLICY AND OTHER CONSIDERATIONS

The Swale Borough Local Plan Bearing Fruits 2031 contains the following policies relevant to this application:

CP4 (Design)

CP6 (Community facilities and services to meet local needs)

DM3 (Rural economy)

DM14 (General development criteria)

DM24 (Valued landscapes)

DM32 (Development affecting listed buildings)

DM34 (Scheduled Monuments)

The National Planning Policy Framework (NPPF) contains the following relevant advice:

Paragraph 84. Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in location that are not well served by public transport. In these circumstances it will be important to ensure that the development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable. The use of previously developed land, and sites that are physically well related to existing settlements, should be encouraged where suitable opportunities exist.

Paragraph 112. Advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. Planning policies and

decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G) and full fibre broadband connections. Policies should set out how high quality digital infrastructure, providing access to services from a range of providers, is expected to be delivered and upgraded over time; and should prioritise full fibre connections to existing and new developments (as these connections will, in almost all cases, provide the optimum solution).

Paragraph 185. Plans should set out a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. This strategy should take into account:

- a) The desirability of sustaining and enhancing the significance of heritage assets, and putting them to viable uses consistent with their conservation;
- b) The wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring;
- c) The desirability of new development making a positive contribution to local character and distinctiveness; and
- d) Opportunities to draw on the contribution made by the historic environment to the character of a place

5.0 LOCAL REPRESENTATIONS

5.01 Twelve objection letters were received when the application was originally submitted and these can be summarised as follows:

- This type of development would be better sited elsewhere
- Would create unacceptable noise and disruption to residents
- The proposal will cause smells, fumes, noise and light pollution as well as additional traffic
- The road is too narrow to take any increase in traffic and already suffers from parking problems
- Not in keeping with the rural area
- The height and size of the building is the same as before despite not including a museum, and it will have an impact on nearby single storey residences
- Industrial building in a rural area
- No local employment generation
- Data storage by its very nature does not have to be on this site when there are other suitable sites available
- Worried about the conservation of the listed building, impact on war time remains, as well as effect on local wildlife
- Will create overlooking and privacy issues
- The proposed building would overlook and over shadow no. 7 Courtenay Rd
- There is already a large development of housing planned for the village
- Power supply to the village is often problematic and the storage facility may require air conditioning and generator equipment, with significant water consumption, but no details have been submitted
- Other data storage facilities are below ground
- Doubtful that sewage can be disposed of by the mains sewer
- Noise issues have not been investigated
- Insufficient information contained within the application
- How will security of the site be managed?

5.02 After receiving amendments to the application two further letters of objection were received and can be summarised as follows:

- Out of scale with the village setting
- Put undue stress on poor village infrastructure
- Will dwarf the bungalows which surround it
- Water drainage not detailed
- Is the building for data storage or data collection
- The mast must be an attractive option for siting of a data storage facility
- Noise pollution & greenhouse gas production
- Very busy roads with heavy traffic day and night, which will only add to parking problems
- Light pollution

6.0 CONSULTATIONS

6.01 Dunkirk Parish Council objected at length to the application when originally submitted, pointing out that the developers have not engaged with the local community and carefully analysing the previous planning history. They suggested that;

- Parts of the original reasons for refusals in 2010 and 2013 relating to the site being in the countryside are still relevant. The development remains incompatible with its countryside location
- The first appeal Inspector did not find that the scheme was essential to the wellbeing of the mast or that the benefits of the scheme overrode concerns over impact on the neighbour
- The issue of financially enabling maintenance of the mast is not relevant to this application
- The second Inspector found the public benefits insufficient to outweigh harm arising from the then proposed siting of the building on the heritage interest of the site. The current scheme will still have a significant impact on the listed building and ancient monument
- Light pollution
- Security concerns
- Lack of detail relating to cooling and air conditioning
- Out of scale with the location
- Not sustainable development
- The access is onto a rural lane protected by policy RC7 (now [policy DM26])
- The building's design may follow the style of RAF buildings, but not of partially subterranean buildings as elsewhere on the adjoining radar station site

6.02 In relation to the amended details the Parish Council reiterates its belief that the application is unacceptable in principle as it does not demand a rural location, is not compliant with the newly adopted Local Plan, and that a different location ought to be found. A summary of their comments on the amended details is as follows:

- *“THREE previous appeal decisions.*
[Actually there have only been two]
- *THREE previous planning application refusals.*

[Actually there have only been two – the second appeal was against non-determination whilst archaeological matters were being investigated]

- *It is not compliant with the new 2018 NPPF or the newly adopted Local Plan.*
- *It is outside the specifically tightly designated village envelope, in a tier 5 village where only minor infill **within the village envelope** is likely to be approved.*
- *It is in open countryside, in an area of High Landscape Value - Kent Level.*
- *The applicant has not proven a need for this development on this site.*
- *The applicants have not demonstrated that they have researched other sites, either industrial, brownfield or in the built areas of the Borough, and that suitable sites are not available to meet their needs.*
- *It detracts from the Grade II Listed Building, **with Dunkirk Radar Tower being described as ‘one of the best preserved and most historically important radar sites in England’**. It is still reflective of appeal inspectors' reports that stated "However, whilst the proposed development would not alter the fabric of the listed building or the SAM, **it would nonetheless lead to less than substantial harm** to the significance of the designated heritage assets".*
- *Issues exist with loss of outlook to the detriment of residential amenity, and view of the mast.*
- *Highway issues: traffic generation, vehicular access and highway safety with 24/7 operation. Courtenay Road is a designated Rural Lane in the adopted Plan and should merit protection.*
- *Noise or disturbance resulting from the use is a major concern. With so many fans and air conditioning units required. The acoustic report and the concerns of Environmental Protection Team at Mid Kent Environmental Health suggest silencers must be employed to reduce the predicted noise levels. This is a particular worry with proposed hours of operation being 24/7, 365 days a year. Even a background hum becomes intolerable.*
- *Layout and design of the building, the visual appearance and finishing materials make it stand out from, and blight, the Scheduled Ancient Monument and the Grade II Listed Building. If this had been designed with one floor underground, as many of the bunkers on site are, the visual harm could have been reduced.*
- *Should the committee be persuaded to consent this application, against all the material considerations, then the Parish Council would look for a substantial financial consideration to be offered as a contribution or grant via a S106 to help mitigate the damage”.*

6.03 Historic England initially noted that the position of the building had been revised since the 2015 appeal decision on heritage grounds, saying;

“We note that within this planning application the proposed data storage building has been moved to the south-west of the site, We are content with this position as it does not obstruct any significant views to, from or between the various components of this heritage group.”

Their comments on the amended scheme are as follows:

“We do not object to the proposal as we do not think it poses harm to the heritage significance of the nearby listed mast or scheduled World War II Chain Home Radar Station. We think that the new development has been

carefully positioned to avoid any encroachment into key views of the listed tower or the associated (and scheduled) transmitter group.

We note that the amended proposal does include a maintenance/repair schedule for the listed mast. If carried out in accordance with a sensitive methodology, maintenance and repair of the mast should preserve the listed structure's historic fabric and conserve its heritage significance. We are therefore supportive of this aspect of the proposal, and note that it complies with paragraph 193 of the NPPF, i.e. that "great weight should be given to [a heritage asset's] conservation."

We are also supportive of the additional proposal to provide information boards to inform the public of the heritage significance of the site.

We understand that it is the intention of the KCC Heritage Conservation Team to recommend a programme of archaeological work to ensure that any features of archaeological interest are properly examined and recorded. We are supportive of this recommendation".

6.04 Natural England has no objection to the application.

6.05 Kent Highways originally raised no objection to the application subject to conditions, and in relation to the amended details they have commented as follows:

"Further to my previous comments dated 13th December 2016 on the above planning application I note that there has been no material change from a highways perspective from the plans previously considered acceptable by us. I therefore confirm that provided the following requirements are secured by condition or planning obligation, then I would raise no objection on behalf of the local highway authority:

- Provision of construction vehicle loading/unloading and turning facilities prior to commencement of work on site and for the duration of construction.*
- Provision of parking facilities for site personnel and visitors prior to commencement of work on site and for the duration of construction.*
- Provision of wheel washing facilities prior to commencement of work on site and for the duration of construction.*
- Provision and permanent retention of the vehicle parking spaces shown on the submitted plans prior to the use of the site commencing.*
- Provision and permanent retention of the cycle parking facilities shown on the submitted plans prior to the use of the site commencing.*
- Use of a bound surface for the first 5 metres of the access from the edge of the highway.*
- Any entrance gates to open away from the highway and to be set back a minimum of 5.5 metres from the edge of the carriageway".*

6.06 The Environmental Health Manager (EHM) has been closely involved in assessing the likely noise implications of this scheme and has sought clarification on noise matters, in response to which the applicants have provided a noise report, which the EHM has described as follows;

“It is a clear, competent report which explains the methodology it used, which is acceptable. Sufficient research concerning the cooling system has been carried out to predict the noise levels that are likely to be generated from an equivalent system, in Vienna, and also how much might be expected to be received at the nearest noise sensitive dwellings. A background noise survey was first carried out so as the predicted levels could be compared.”

Since receiving the report he has made the following comments:

“I have no objections to this planning proposal if the measures outlined in the submitted noise assessment in September 2017 are followed by employing the silencing system.

During the construction process all measures are taken to reduce the production of dust and noise generated”.

I have recommended suitable planning conditions below.

- 6.07 The County Archaeological Officer has yet to comment and Members will be updated at the meeting.

7.0 BACKGROUND PAPERS AND PLANS

- 7.01 All plans and documents relating to 16/507586/FULL.

8.0 APPRAISAL

- 8.01 The principle of this type of development has been accepted by two Planning Inspectors in their decisions, but both schemes have been rejected because of the precise position of the building, either too close to the neighbour or too close to the mast itself. I acknowledge that the site is outside of the built up area boundary and as such is subject to rural restraint policies. The applicant has explained in the planning statement why this site is so suitable and such arguments have been accepted by the Planning Inspectors. The site is rare in that it contains the historic listed mast which has a clear line of sight to central London, and in close proximity to the A2/M2 corridor which has a fibre optic cable linking the site to central London. This makes this site uniquely suitable for secure data storage and, according to both Planning Inspectors, suitable for this use, subject to other matters being acceptable.
- 8.02 Whilst this fenced compound is located in the designated countryside, it is flanked on three sides by development and is previously developed land. I therefore do not find this site to be particularly sensitive as the built up area boundary is rather peculiar in it includes land either side but excludes this site itself. The NPPF also supports the reuse of brownfield sites, irrespective of whether or not they are located in the countryside, and it is supportive of modern communications development.
- 8.03 Although neither Inspector found it necessary, I asked the applicant to submit maintenance costs for the mast over the next 10 years which were included as an appendix to the heritage statement. The revenue raised by the data storage facility would go towards these projected costs which total approximately £319,200.00 over the next 10 years which does not include the regular maintenance to the grounds and buildings that surround the mast. Whilst it is clear that the approval of

this application would secure a more stable financial future for the owners of the site, and would provide benefits to the mast, I consider that the principle of development has been accepted by the previous Inspectors irrespective of the enabling benefits, and therefore the application should not be considered as an enabling development.

- 8.04 In terms of employment it is expected that seven staff will be employed to work on a rota basis as the site demands 24/7 presence. It is important to note that the applicant has stated within the planning statement that maintenance and most on site activity would take place during normal office hours, so as to not cause a nuisance to neighbouring residents. Both national and local planning policy supports the provision of employment opportunities in rural areas. As previously discussed the site is previously developed land and as such complies with paragraph 84 of the NPPF that states that the use of this type of site should be encouraged.
- 8.05 A number of objection letters have been received that focus primarily on noise, highway safety, loss of privacy, light pollution and the setting of the listed mast. I do not consider that the proposal would result in significant harm to residential amenity as the proposed building, whilst on a site almost surrounded by residential properties, would be set back in the corner of the site away from neighbours, and therefore not immediately adjacent to any residential properties. The windows at first floor level would be obscure glazed and only high level windows would be openable to ensure no overlooking. Kent Highways have raised no objection to the proposal subject to conditions included below. The Environmental Health Manager has looked over the noise survey and has raised no objection to the proposal provided the development is carried out in accordance with the recommendations included in the report. I have included a condition for this below. Historic England has raised no objection to the proposal in terms of its effect on the listed mast and its setting, and I therefore see no reason to refuse the application on these grounds.
- 8.06 With regards to the proposed design, I am of the opinion that the proposed design fits with the use for which the building will be used. The immediate area is surrounded by modern housing and the proposed finish of the building includes modern materials and different roof heights to add contrast and interest. I consider the design to be suitable for the location, and consider the height (the same as the surrounding two storey dwellings) would not compete with the listed mast. Whilst the render colour of grey green has been suggested by the applicant, I have suggested a planning condition to require samples of the colour finish ensuring that this will fit in well with the surroundings. The plant room for the facility will be below ground level, ensuring the height of the building was kept to a minimum.

9.0 CONCLUSION

- 9.01 In my view the position of this building in the setting of the listed mast is now acceptable. Its scale is more substantial than the residential buildings in the area, but these houses are all some distance away from the proposed development and the proposed development is of a comparable height to the two storey houses. In the setting of the mast which is considerably taller, the proposed building will have its bulk reduced in appearance as the massing is broken up into different forms and articulated into vertical and horizontal art-deco elements.
- 9.02 The IT functionality and the mid C20 aspirations of the architectural language are not at odds with the historic character of the listed building. These IT

communication systems reflect something of the historic use of the RAF mast. I can see no sustainable objections to the principle of the use of the building on the site on design or conservation grounds and the overall approach to the design is acceptable. The functioning of the building will be dependant on continued existence of the mast to enable wireless data transfer, and to that extent the development should help to sustain maintenance of the mast even though this application does not specifically contain any financial commitment to such maintenance. Accordingly, this application is not put forward as an enabling development, nor is a Section 106 Agreement being proposed. The development is justified on its own merits due to the suitability of the location for telecommunications based development.

- 9.03 Whilst the Parish Council continues to focus on the location of the site outside the built confines of Dunkirk, both previous appeal decisions have supported the principle of this form of development here despite this fact. In my view the building will have no significant impact on the character of the countryside and has been designed to fit in with the historical significance of the site. Whilst there have been a number of local objections to the application, consultees such as Kent Highways, Historic England and the Environmental Health Manager have found no reasons to object to the scheme. In my view the proposal represents an opportunity for economic and technological growth, and the use of a brownfield site which is encouraged by the NPPF, the benefits of which outweigh the less than substantial harm to heritage assets that is involved. Taking all these factors in to consideration, I recommend that planning permission is granted.

10.0 RECOMMENDATION – GRANT Subject to the following conditions:

CONDITIONS

- (1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which the permission is granted.

Reason: In pursuance of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- (2) The development hereby approved shall be carried out in accordance with the following approved drawings:

1078/SP, 1078/101D, 1078/102D, 1078/103D, 1078/104C and 1078/105C.

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

- (3) The area shown on drawing 1078/101D as car parking space shall be kept available for such use at all times and no permanent development, whether permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking or re-enacting that Order) or not, shall be carried out on the land so shown or in such a position as to preclude vehicular access thereto; such land and access thereto shall be provided prior to the first use of the development hereby permitted.

Reason: in the interests of highway safety and convenience.

- (4) Works shall proceed in accordance with a Construction Method Statement that 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:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- v. wheel washing facilities
- vi. measures to control the emission of dust and dirt during construction
- vii. a scheme for recycling/disposing of waste resulting from demolition and construction works

Reason: In the interests of the amenities of the area and highway safety and convenience.

- (5) The first 5m of the access from the edge of the highway shall be laid to a bound surface.

Reason: In the interests of highway safety.

- (6) The entrance gates to the access shall open away from the highway and be set back a minimum of 5.5m from the edge of the carriageway.

Reason: In the interests of highway safety.

- (7) The trees shown on the plans hereby approved as "existing trees to be retained" shall be retained and maintained. Any such trees removed, dying, being severely damaged or becoming seriously diseased within five years of the date of this permission shall be replaced with trees or shrubs of such size and species as may be agreed with the Local Planning Authority.

Reason: In the interests of visual amenity.

- (8) No development beyond the construction of foundations shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include existing trees, shrubs and other features, planting schedules of plants, noting species (which shall be native species and of a type that will encourage wildlife and biodiversity), plant sizes and numbers where appropriate, means of enclosure, hard surfacing materials, and an implementation programme.

Reason: In the interests of the visual amenities of the area and encouraging wildlife and biodiversity.

- (9) All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed in writing with the Local Planning Authority.

Reason: In the interests of the visual amenities of the area and encouraging wildlife and biodiversity.

- (10) Upon completion of the approved landscaping scheme, any trees or shrubs that are removed, dying, being severely damaged or becoming seriously diseased

within five years of planting shall be replaced with trees or shrubs of such size and species as may be agreed in writing with the Local Planning Authority, and within whatever planting season is agreed.

Reason: In the interests of the visual amenities of the area and encouraging wildlife and biodiversity.

- (11) No construction work in connection with the development shall take place on any Sunday or Bank Holiday, nor on any other day except between the following times:

Monday to Friday 0800 – 1800 hours, Saturdays 0800 – 1300 hours unless in association with an emergency or with the prior written approval of the Local Planning Authority.

Reason: In the interests of residential amenity.

- (12) No floodlighting, security lighting or other external lighting shall be installed or operated at the site, other than in accordance with details that have first been submitted to and agreed in writing by the Local Planning Authority. These details shall include:

- A statement of why lighting is required, the proposed frequency of the use and the hours of illumination.
- A site plan showing the area to be lit relative to the surrounding area, indicating parking or access arrangements where appropriate, and highlighting any significant existing or proposed landscape or boundary features.
- Details of the number, location and height of the lighting columns or other fixtures.
- The type, number, mounting height and alignment of the luminaries.
- The beam angles and upwards waste light ratio for each light.
- An isolux diagram showing the predicted illuminance levels at critical locations on the boundary of the site and where the site abuts residential properties.

Reason: In the interests of visual amenity and the residential amenities of occupiers of nearby dwellings.

- (13) Prior to first use of the building details of noise mitigation measures based on the silencing system recommended in Appendix 4 of the Peter Moore Acoustics Ltd report dated 11 September 2017. (ref; 170102/3) shall be submitted to and approved by the Local Planning Authority. Upon approval the approved details shall be installed in the building before its first use and thereafter this system shall be maintained to meet the intended noise mitigation levels.

Reason: In the interests of residential amenity.

- (14) External finishing materials to be used in the construction of the development hereby approved shall be in accordance with details that shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of visual amenity.

- (15) All first floor windows in the building shall be obscure glazed and non-opening apart from those parts above 1.7m above finished internal floor level.

Reason: In the interests of residential amenity.

- (16) Prior to first use of the building information boards relating to the history and significance of the site shall be installed in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the amenities of the area.

The Council's approach to this application:

In accordance with paragraph 38 of the National Planning Policy Framework (NPPF), the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and proactive manner by:

- Offering pre-application advice.
- Where possible, suggesting solutions to secure a successful outcome.
- As appropriate, updating applicants/agents of any issues that may arise in the processing of their application.

In this instance the application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the Committee and promote the application.

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.
The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.

