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| 2.6 REFERENCE NO – 22/505369/FULL | | |
| PROPOSAL Proposed removal of containers and brick toilet and erection of data storage facility building with associated off street parking | | |
| SITE LOCATION Former RAF Mast Site Courtenay Road Dunkirk Kent ME13 9LH | | |
| RECOMMENDATION Delegate to the Head of Planning to grant planning permission subject to appropriate safeguarding conditions with further delegation to the Head of Planning to negotiate the precise wording of conditions, including adding or amending such conditions as may be consequently necessary and appropriate. | | |
| APPLICATION TYPE Minor | | |
| REASON FOR REFERRAL TO COMMITTEE Cllr Gould requested the application be reported the Planning Committee for determination. | | |
| Case Officer Alice Reeves | | |
| WARD Boughton and Courtenay | PARISH/TOWN COUNCIL Dunkirk | APPLICANT Mr A Hanton AGENT Origin Power Services Limited |
| DATE REGISTERED 14.11.2022 | TARGET DATE 14.04.2023 | |
| BACKGROUND PAPERS AND INFORMATION: 22/505369/FULL Proposed removal of containers and brick toilet and erection of data storage facility building with associated off street parking Former Raf Mast Site Courtenay Road Dunkirk Kent ME13 9LH (midkent.gov.uk) | | |

1. BACKGROUND

1.1 This application was previously reported to the Planning Committee on the 9th November 2023, with a recommendation of approval. However, at that meeting Members resolved to approve the application subject to the inclusion of conditions requiring:

- The generator to be battery powered rather than diesel powered;
- The inclusion of solar PV panels

1.2 The original Committee report is attached to this report as Appendix A.

1.3 The planning agent was contacted in relation to these proposed conditions and commented as follows:

“...with respect to a battery rather than a diesel generator this is not acceptable. The reason why is because currently the technology for energy storage is not at the stage where long duration batteries are feasible for commercial developments. This is because they only generate for a short period of time – 2-4 hours depending on the battery supplier - and there would need to be a grid connection for the import of electricity which is not available as there is no grid capacity in this area for import. I know this because this is the sector I predominantly work in – renewables and energy storage.

On solar panels, this may be feasible but at this stage it is unknown whether the specification for the roof will be suitable for rooftop PV.

I would therefore suggest a condition that requires the applicant to submit an energy statement as a pre-commencement condition”.

2. CONSULTATIONS

2.1 Climate Change Officer:

“Based on experience of rural power supplies and grid capacity close to this site I am happy with the agent’s argument against the battery proposal”.

3. APPRAISAL

3.1 Following the resolution at the 9th November Planning Committee Officer’s entered into discussion with the Planning Agent regarding the additional conditions requiring a battery powered generator and the inclusion of solar panels. Given the Agent and Council’s Climate Change Officer’s comments it is considered that the inclusion of these conditions is not possible. The Agent has however, agreed to amend the wording of condition 25 which now requires the development to reach a BREEAM “Very Good” Standard.

3.2 The proposal would not conflict with any Local Plan policy and would go above and beyond the policy requirement of achieving a BREEAM “Good” Standard. Taking this into consideration along with the rural employment generated at the site and the support from Historic England on heritage grounds, the proposal is supported by the Local Plan 2017 and the NPPF.

4. CONCLUSION

4.1 Based on the above, it remains the view of officers that the proposal is acceptable. It is therefore recommended that the application be granted subject to the conditions outlined in the original report and the amendment of condition 25 for the development to achieve a BREEAM “Very Good” Standard.

5. RECOMMENDATION

GRANT Subject to the following conditions:

CONDITIONS to include

(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:

1078/101D, 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) Prior to the commencement of development a Construction Method Statement shall be 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) All mitigation for cotoneaster, reptiles, bats, and breeding birds will be carried out in accordance with the details contained in Section 4 of the 27th October 2022 Corylus Ecology, Preliminary Ecological Appraisal and Bat Building Report.

Reason: In the interests of preserving and encouraging biodiversity.

- (12) No development beyond the construction of foundations shall occur until a Biodiversity Gain Plan and Biodiversity Management and Monitoring Plan (to ensure that there is at least a 17.22% net gain in biodiversity as a result of the development, and the inclusion of habitat features) have been submitted to and agreed in writing by the Local Planning Authority.

The Biodiversity Gain Plan shall include a detailed planting plan, durable bird and bat boxes aimed at species of conservation concern and a review (and where required, update) of the Biodiversity Net Gain Report and Small Sites Metric Calculation Tool Spreadsheet Version 4.0 by Corylus Ecology, dated 18th July 2023 and showing a 17.22% net gain respectively.

The Biodiversity Management and Monitoring Plan shall include 30-year objectives, management responsibilities, maintenance schedules and a methodology to monitor how the BNG is progressing towards achieving its objectives, evidence of arrangements and any rectifying measures needed.

The Biodiversity Management and Monitoring Plan shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery.

Reason: In the interests of preserving and encouraging biodiversity.

- (13) No external lighting shall be installed until a detailed scheme of lighting has been submitted to, and approved in writing by the Local Planning Authority. This scheme shall take note of and refer to the Institute of ILP Guidance Note 01/21

The Reduction Of Obtrusive Light (and any subsequent revisions) and shall include a layout plan with beam orientation and a schedule of light equipment proposed (luminaire type; mounting height; aiming angles and luminaire profiles) and an ISO lux plan showing light spill. The scheme of lighting shall be installed, maintained and operated in accordance with the approved scheme.

Reason: In the interests of residential amenity.

- (14) No dust or fume extraction or filtration equipment, or air conditioning, heating or ventilation equipment shall be installed until full details of its design, siting, discharge points and predicted acoustic performance have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of residential amenity.

- (15) No development beyond the construction of foundations shall take place until external finishing materials to be used in the construction of the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be implemented in accordance with the approved details.

Reason: In the interest of visual amenity.

- (16) 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.

- (17) 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.

- (18) Prior to the commencement of the development, a detailed design of the facility, along with the acoustic performance of all components associated with the facility and mitigation measures to be employed (an Acoustic Design Report), shall be submitted to and approved by the Local Planning Authority. The design shall demonstrate that the nearest sensitive receptors shall not be adversely affected by noise generated by the development.

Reason: In the interests of residential amenity.

- (19) Prior to first use of the development, a Verification Report shall be submitted to and approved in writing by the Local Planning Authority which demonstrates that all relevant noise mitigation measures recommended in the approved Acoustic Design Report have been implemented.

Reason: In the interests of residential amenity.

- (20) Within 1 month of first use of the Data Storage Facility, post installation sound level assessments shall be undertaken and the results submitted to the Local Planning Authority.

If the results of the post installation sound level assessments show the specified

sound levels at the specified receptors identified are exceeded, further mitigation details and a timetable of implementation shall be submitted for the approval of the Local Planning Authority within 2 months of the first use of the Data Storage Facility. The approved further mitigation details shall be installed to the approved timetable and retained thereafter.

Reason: In the interests of residential amenity.

- (21) 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.

- (22) The use of the building hereby permitted shall be restricted to the electronic storage of data and it shall not be used for any other storage or distribution purpose (within Class B8) or for any other purpose including any uses otherwise provided for by the operation of the Town and Country Planning (Use Classes) Order 1987 (as amended) or The Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended).

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

- (23) No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority.

Reason: To ensure that features of archaeological interest are properly examined and recorded.

- (24) Prior to the use of the development hereby permitted commencing, 1 of the parking spaces shall be fitted with an active electric vehicle charging point; with the remainder provided as passive charging spaces.

All Electric Vehicle chargers provided must be to Mode 3 standard (providing a minimum of 7kw) and SMART (enabling Wi-Fi connection). Approved models are shown on the Office for Low Emission Vehicles Homecharge Scheme approved chargepoint model list:

<https://www.gov.uk/government/publications/electric-vehicle-homecharge-scheme-approved-chargepoint-model-list>

Reason: In the interests of sustainable development and encouraging sustainable modes of travel.

- (25) The building hereby permitted shall be constructed to meet a minimum of BREEAM "Very Good" Standard or an equivalent standard, and prior to first use of the building the relevant certification shall be submitted to the Local Planning Authority confirming that the required standard has been achieved.

Reason: In the interests of energy efficiency and climate change.

The Council's approach to the application

In accordance with paragraph 38 of the National Planning Policy Framework (NPPF), July 2018 the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and creative way by offering a pre-application advice service, where possible, suggesting solutions to secure a successful outcome and 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.

