

PLANNING STATEMENT

**FORMER RAF MAST SITE
COURTENAY ROAD
DUNKIRK
ME13 9LH**

NOVEMBER 2022

1.0 PROPOSED APPLICATION

- 1.1 Removal of containers and brick toilet and the erection of a data storage facility building with associated off street parking (resubmission of the scheme granted planning permission on 9 November 2018).

2.0 THE SITE

- 2.1 The application site comprises a grassed area of open land with an existing hardstanding measuring approximately 0.18 hectares, located on the southern edge of a fenced compound enclosing the former RAF site at Dunkirk. The compound encloses a 98.4m Grade II listed mast, a range of buildings housing communications equipment and a redundant office building. The site was sold by the Ministry of Defence in 2006 and is currently vacant (apart from a small compound containing active telecommunications buildings). It falls within the definition of previously developed land. Access to the site is from the south eastern corner from Courtenay Road.
- 2.2 To the north west of the mast, and mostly beyond the 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 former masts. This part of the site is protected as a Scheduled Ancient Monument.
- 2.3 The fenced compound creates a 94m long frontage to the western side of Courtenay Road, which is otherwise a residential street with bungalows and 2 storey residential properties within the defined built up village of Dunkirk.

- 2.4 The RAF site itself is located in the designated countryside directly adjacent to the defined built up boundary of Dunkirk. It is also located within a Special Landscape Area (the Blean Woods Special Landscape Area) which covers the village and surrounding countryside.
- 2.5 The RAF site has been identified as having potential archaeological importance as part of the Dunkirk Airfield.
- 2.6 The site is unusual in that it contains a mast tall enough to have a clear line sight to Central London and to the continent and also in close proximity to high capacity cables under the A2/ M2 corridor which has fibre optic cable linking the site to Central London. The A2 is located 320m to the south of the site. This offers very good potential for high speed and secure data storage and means the site is well located to provide a secure data storage facility with more than one means of data transfer.

3.0 RELEVANT PLANNING HISTORY

The 2013 & 2015 Appeals

3.1 This site has been subject to a number of proposals for a data storage facilities. The first (APP/V2255/A/13/2197279) was for a two storey building located close to the southern boundary of the compound adjacent to 7 Courtenay Road. This was refused on appeal on 13 November 2013 on the grounds of amenity (specifically that it had a detrimental impact on the outlook from the front garden of 7 Courtenay Road).

3.2 The Inspector, in reaching his decision stated that:

'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 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'

3.3 Given this the Inspector accepted that:

- there were good reasons for the scheme to go ahead somewhere on the site even if the financially based enabling arguments were to be disregarded. The unique circumstances associated with the scheme provided solid grounds for departing from local and national locational policies and, as such, the principle of a data storage facility on the site was acceptable;
- the scheme brought back into use under utilised brownfield land;

- the scheme would not set a precedent for wider development beyond the village boundary;
- the design was acceptable and would not adversely affect the setting of the listed mast or the Scheduled Ancient Monument;
- the scheme did result in an oppressive and dominant impact on the amenity of the front garden of 7 Courtenay Road. However, in all other amenity aspects to both 7 Courtenay Road and the wide area the scheme was considered acceptable;
- activity associated with the use would not be of sufficient intensity to generate any highway problems.

3.4 The second appeal (APP/V2255/A/14/2222495) for a two storey building located closer to the base of the mast, was refused on appeal on 3 March 2015. In reaching his decision the Inspector stated that:

I note that 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 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.'

3.5 Although the Inspector found that the principle of the use as a data storage facility remained acceptable he resolved that the scheme was unacceptable for the following reasons:

- the location of the new building was considered to harm views of the base of the mast and views of the wider setting;
- the design of the new building was considered to be poor, creating a monolithic block, lacking articulation and interest; and
- there was a lack of clarity regarding the impact of the scheme on areas of archaeological potential.

This amounted to a less than substantial harm to the listed structure and also harm to the significance of the Scheduled Ancient Monument.

The 2018 Approval

3.6 A further planning application was submitted on 26 October 2016 for the erection of a two storey data storage building with basement plant and associated parking (RN16/507586/FULL). This scheme sought to address the concerns raised in the earlier appeals:

- the proposed building was located in the south western corner of the site. This location was chosen to address the Inspector's concerns in both the 2013 and 2015 appeals. This part of the site is set back within the site and well away from neighbouring residential properties. It is also located well away from the base of the listed mast so that views from Courtenay Road remain unobstructed and do not affect the part of the RAF site designated as a Scheduled Ancient Monument;
- the design of the proposed building was developed in line with officer's advice, building on the approach of the 2013 appeal scheme which it was felt achieved a strong resonance with the military history of the site. Research was undertaken by the architect regarding other military sites and this informed the design approach for the scheme;
- parking on site was limited to 7 spaces to reflect the anticipated needs of the building;
- the museum/ exhibition space which had formed part of the 2015 appeal scheme was removed from the scheme. This was in part to minimise activity on the site but also reflected the comments made by the Inspector in the 2015 appeal decision regarding uncertainty about future funding of such a space. Instead information boards were proposed, explaining the history of the site, to be located outside the application site along the Courtenay Road frontage;

- a formal case for enabling development to secure the maintenance of the mast did not form part of the application. This was because the appeal decisions made it clear that this was not necessary for the development. Such an approach was also accepted by Historic England as statutory consultees. However, at the request of officers information regarding the cost of maintenance of the mast was provided.

3.7 The scheme was revised twice, once in January 2018, the second time in June 2018 to address officer concerns relating to noise, ecology, heritage and archaeology.

3.8 The application was subject to a number of objections. The main concerns from local neighbours and the Dunkirk Parish Council related to traffic, noise, amenity and the use being inappropriate in a rural area. However, the application was approved by Swale BC on 9.11.2018 subject to a number of reserved matters.

3.9 The 2018 planning permission has recently expired and has not been implemented. However, it remains a material consideration of weight to take into account when considering any new planning application.

4.0 DESCRIPTION OF PROPOSED WORKS

4.1 The proposed scheme is effectively a resubmission of the scheme granted planning permission in 2018. It involves the following works:

- the erection of a basement and two storey building measuring 31m x 13m and 7.7m in height (at its highest point), and providing 340sq.m. floorspace to be used as for data storage plus an electrical store and ancillary office space (employing approximately 7);
- the building will be located in the south western corner of the site, set back from Courtenay Road by 57m and set 5m away from the southern compound boundary;
- the design of the building will be take inspiration from the site's military history with grey aluminium windows, finished in grey green render;
- windows at 1st floor level will be obscure glazed and only high level windows will be openable to protect the amenity of adjoining residential occupiers;
- six car parking spaces and one disabled parking space plus cycle parking facilities will be provided along with a turning area, all accessed off Courtenay Road;
- a plant room will be provided at basement level;
- the site will be hard and soft landscaped with extensive new planting along the southern boundary adjacent to residential rear gardens;
- the erection of information boards relating to the history of the site facing Courtenay Road.

4.2 As in 2018, the scheme is not an enabling development and does not include any financial commitment to the maintenance of the listed mast. Given this it is not considered necessary to provide information regarding the cost of maintenance of the listed mast as part of the application.

However, the functioning of the scheme is dependent on the continued existence of the mast to enable wireless data transfer. As such the scheme will help secure the future maintenance of the mast.

4.3 The application comprises the following:

- Drawing No.s 1078/SP, 101D, 102D, 103D, 104C, 105C & 106A prepared by DF Johnston Architects. These are the same drawings approved in 2018,
- Feasibility assessment of noise issues by Peter Moore Acoustics Ltd report dated 5 August 2022,
- Heritage Statement by Robinson Escott Planning dated 13.9.2022,
- Corylus Preliminary Ecological Appraisal and Bat and Building Report dated 27 October 2022,
- Desk Based Archaeology Assessment by West Sussex Archaeology dated September 2022,
- a CIL liability form.

5.0 POLICY CONSIDERATIONS

National Plan Policies and Guidance

- 5.1 The 2018 decision relied on guidance in the 2018 version of the NPPF. Key paragraphs referred to in the officer report were paragraph 84 (Supporting a prosperous rural economy), paragraph 112 (Supporting high quality communications) and paragraph 185 (Conserving and enhancing the historic environment).
- 5.2 There have been a number of amendments to the NPPF since 2018. In the most recent version, issued in July 2021, the above paragraphs have been renumbered as paragraphs 85, 114 and 190.
- 5.3 Paragraph 85. *Planning policies and decisions should recognise that sites to meet local businesses and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations 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 (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.*
- 5.4 The wording of Paragraph 85 has changed since 2018 version only in that it now provides examples of how to make a rural location more accessible. Otherwise the text remains exactly the same.
- 5.5 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 communication 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).

5.6 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 the local character and distinctiveness; and*
- d) Opportunities to draw on the contribution made by the historic environment to the character of a place.*

5.7 The wording of Paragraphs 112 and 185 of the NPPF remain identical to the 2018 versions.

5.8 As such relevant National policy and guidance have not changed since the 2018 approval.

Local Plan Policy and Guidance

5.9 The 2018 decision relied on policies in the Swale Borough Local Plan Bearing Fruits 2031, which was adopted in July 2017. This remains the Local Plan for development control purposes. The policies relied upon in 2018 were:

CP4 Requiring Good Design - this policy seeks to ensure that development proposals are of high quality design, appropriate to its surroundings. Local distinctiveness should be reinforced. Soft and hard landscaping should respect the local character. Height, scale, massing and materials should be appropriate to the context.

CP6 Community facilities and services to meet local needs - this policy seeks to encourage utility provision, including digital infrastructure to allow fast internet accessibility.

DM3 Rural Economy - this policy indicates that permission will be granted for the sustainable growth and expansion of businesses and enterprises in rural areas. Proposals should first consider the re-use of existing buildings or the use of previously developed land. New buildings will need to be of sympathetic to their rural location and context, not result in significant harm to the historical, architectural, biodiversity, landscape, or rural character of the area, and avoid scales of traffic incompatible with the rural location.

DM14 General development criteria - this policy supports development in accordance with the adopted Development Plan, the conservation and enhancement of the built environment taking into account the desirability of sustaining and enhancing the significance of heritage assets, be well sited and of a scale, design, appearance and detail that is sympathetic and appropriate to the location, cause no significant harm to amenity, achieve a high standard landscaping scheme and safe vehicular access.

DM24 Conserving and Enhancing Valued landscapes - the value, character, amenity and tranquility of landscapes will be protected, enhanced and, where appropriate, managed.

DM32 Developments affecting listed buildings - developments affecting listed buildings, including their setting will be permitted provided their special architectural or historic interest, setting, and any features of special architectural or historic interest are preserved, paying special attention to design, including scale, materials, situation and detailing;

appropriateness of proposed use; and desirability of removing unsightly features or restoring or reinstating historic features.

DM34 Scheduled Monuments - development will not be permitted that would adversely affect a scheduled monument or its setting.

- 5.10 Boughton and Dunkirk has been designated by Swale BC a Neighbourhood Area under the Neighbourhood Planning Regulations 2012. The Boughton and Dunkirk Neighbourhood Plan would be a material consideration if it was formally adopted. The latest draft was submitted for independent examination in May 2022. The examiner has yet to report and the plan has not been adopted. This draft has no specific policies for the application site.
- 5.11 Local policy and guidance have not changed since the 2018 approval.

6.0 PLANNING ISSUES RAISED BY SCHEME

- 6.1 As set out above, the site has a long history of proposals seeking to establish an acceptable form of development for data storage purposes, culminating in the scheme approved in 2018. Whilst the planning permission for this has recently expired it is still a material consideration of weight for Swale BC to take into account when considering any new planning application. Further, national and local policy and guidance have not changed since the 2018 decision was made.

The current application is for the same scheme as approved in 2018. There have been no material changes in circumstances to justify Swale BC taking a different decision to that taken in 2018.

Use as Data Storage Centre

- 6.2 The principle of the use of this site as a data storage facility has been previously accepted both at appeal in 2013 and 2015 but more significantly by Swale BC in 2018. Planning permission was granted on 9.11.2018 for the same scheme (RN16/507586/FULL). Although this permission has now expired relevant national and local policies and guidance have not changed since that decision was made. There have been no material changes in circumstances since the 2018 permission was granted and this permission is therefore an important material consideration.

- 6.3 The Inspector in determining the 2013 appeal stated that:

‘there is a good reason for the project to go ahead somewhere on the site’

and the Inspector in determining the 2015 appeal agreed stating:

‘I can see no reason to take a contrary view.’

6.4 The 2018 Committee report states that:

'Both national and local planning policy supports the provision of employment opportunities in rural areas.....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.....The development is justified in its own merits due to the suitability of the location for telecommunications based development.'

6.5 Circumstances have not materially changed since the 2018 decision. The proposed use as a data storage facility remains a sensible and appropriate form of development for the site, which is previously developed land, in line with local policy DM3, whilst complementing its historic use and making good use of the mast. As such the principle of use of the site for data storage purposes remains acceptable.

Design

6.6 As in 2018 the proposed new building is designed to reflect the use proposed. The building will include modern materials and different roof heights to provide contrast and interest. The height is limited to two storeys, similar to the residential buildings which surround the site, and would not compete with the listed mast. The proposed colour of the render is grey green although the details of the external finishing materials can be reserved by condition, as in the 2018 permission.

6.7 The 2018 Committee report states 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.'

- 6.8 Circumstances have not materially changed since then and the proposed design is considered to comply with local policies CP4 and DM 14.

Listed Building

- 6.9 A Heritage Statement has been prepared by Robinson Escott Planning. This assesses the impact of the proposed scheme on the setting of the listed mast and against national and local policies. The statement indicates that the heritage significance of the mast lies in its historic interest and rarity as a surviving reminder of the Second World War air defence scheme.
- 6.10 The proposed building is sited well away from the listed building in the south west corner of the site and well separated from the mast. No key views of the mast will be affected by the proposed building.
- 6.11 The proposal will cause no harm to the significance of the listed mast and would have no adverse impact on the appreciation and setting of the mast. Likewise, there will be no harm to consider in the overall planning balance.
- 6.12 As in 2018 this scheme is not an enabling development and does not provide for the ongoing maintenance of the listed mast. However, the income stream from the data storage use will assist in supporting the listed structure. This was accepted in 2018 when the officer report stated that:

‘ 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 the development has been accepted by the previous Inspectors irrespective of enabling benefits, and therefore the application should not be considered as an enabling development.’

6.13 Circumstances have not materially changed since then and the scheme is considered to comply with local policy DM32.

6.14 The scheme includes the provision of 2 Information Boards to be erected next to Courtenay Road within the mast part of the compound. Details of building information boards relating to the history and significance of the site can be secured by condition, as in the 2018 permission.

Scheduled Ancient Monument

6.15 The proposed location for the data storage building was selected to ensure that it is well set away from the Scheduled Ancient Monument and also in an area with low potential for archaeological deposits. This approach is confirmed in the archaeological assessment prepared by West Sussex Archaeology.

6.16 The assessment confirms that the site has low potential for archaeological deposits and that the development will have no impact on the setting of the parts of the radar station lying beyond the site boundary, within the Scheduled Ancient Monument. As such the scheme is considered to comply with local policy DM 34.

6.17 If required a written specification and timetable of programme of archaeological works can be the subject of a planning condition, as in the 2018 approval.

Landscape

6.18 The site is located within the Bleans Woods Special Landscape Area. However, it is isolated from the nearby woodland being surrounded by Dunkirk village on 3 sides and being located within the RAF compound. Natural England raised no objection to the scheme approved in 2018, indicating it was satisfied that there would be no adverse impact on Bleans Woods.

- 6.19 Additional landscaping of the site is proposed to soften views of the site from both the public highway and from adjoining properties. Extensive tree planting is proposed along the southern edge of the site adjacent to rear residential gardens in order to provide visual screening. The scheme is considered to comply with local policy DM24.
- 6.20 If required the details of hard and soft landscaping works can be secured by condition, as in the 2018 approval.

Ecology

- 6.21 The site contains hard surfaces and mown grassland. The ecology and bat report produced by Corylus confirms that the site does not support any rare or protected plant species and that no bats or supporting habitats for reptiles were found on site. Subject to the scheme being undertaken in line with the recommendations set out in the report with regard to the proposed native planting, managing the grassland, a sensitive lighting strategy and the timing of tree works to protect any breeding birds, it is considered that the scheme would not result in any adverse impacts on the ecology of the site.

Amenity

- 6.22 The site is surrounded by residential properties and is therefore sensitive in terms of its impact on amenity in terms of noise, daylight, privacy and overlooking.
- 6.23 The building is well set back from residential neighbours and is relatively low level. The closest neighbouring property is No. 7 Courtenay Road which has a separation distance of 24m measured to the closest corner of the dwelling. The access route to the north of No. 7 is existing and this together with the modestly sized parking area is separated from No. 7 by a distance of 14m with an intervening landscaped buffer. Other dwellings are located further away.

- 6.24 It is considered that the new building will have no material impact on the daylight to adjoining properties or their gardens.
- 6.25 Windows at first floor level will be obscure glazed and fixed shut apart from high level windows to enable ventilation. This would prevent any loss of privacy or overlooking.
- 6.26 The 2018 Committee report states:
- 'I do not consider that the proposal will 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 residential properties.'*
- 6.27 Circumstances have not materially changed since then.
- 6.28 The level of activity within the building is likely to be relatively low level and unlikely to generate noise which would disturb adjoining occupiers. However, the building will contain a significant amount of equipment and proposed plant will be located at basement level.
- 6.29 A feasibility assessment has been prepared by Peter Moore Acoustics Ltd to assess whether the likely noise generated by the equipment would be likely to result in noise disturbance to adjoining occupiers. The report sets out the range of equipment to be located within the building which would run on a 24 hour basis. The main sources of potential noise disturbance are identified as the cooling units located along the sides of the building and the DRUPS (diesel rotary uninterruptible power supply) generator units at basement level. However, because of the location of the equipment and subject to the installation of noise insulation measures including silencers, the report indicates that the development would not give rise to any material increase in background noise levels.

6.30 The 2018 Committee report states:

'The Environmental Health Manager....has raised no objection to the proposal provided the development is carried out in accordance with the recommendations included in the report.'

6.31 Details of noise mitigation measures can be secured by condition, as in the 2018 permission. Circumstances have not changed materially since then and the scheme is considered to comply with local policy DM14.

Increase in intensity of the use of the site

6.32 The proposed use will result in a low number of employees on site at any one time, working in the small ancillary office space and managing the data storage facility. Up to 7 staff will work on site on a rota basis. The site will not be manned on a 24 hour basis. Such a low intensity use will have minimal impact on the character of the area and the amenity of adjoining residential occupiers.

Economic Benefits

6.33 The NPPF supports the development of high quality communications infrastructure and networks and recognises the importance of such developments in enabling economic growth. There is a demand for data storage and this site is well located for this purpose, with its unique circumstance of siting and access to a very tall mast.

6.34 At the current time there is no identified user.

Security

6.35 The proposed data storage facility will require a high level of security. The site will be secured externally by fencing with a gated access only accessible to those working on site either by key code/ fob or card.

- 6.36 The site will operate 24/7 but it will be necessary for it to be manned at all times. There will be regular checks and servicing but beyond normal office hours only emergency access will be needed.

Access

- 6.37 The scheme includes a lift and provides level access to all levels of the new building. There are no external steps or raised threshold to the main entrance to the building. Generous circulation space is provided throughout the building.

- 6.38 The scheme also provides a disabled parking space.

Parking/Traffic

- 6.39 The scheme would provide a total of 7 off street parking spaces, of which 1 will be a disabled parking space, and a bicycle parking rack. A turning circle will be provided for vehicle manoeuvring within the site. Access will be off Courtenay Road. The site also is well served by bus services. The scheme would generate very low levels of traffic activity which was considered in 2018 by Kent Highways to be acceptable. No material changes in circumstance have arisen since then and the scheme is considered to comply with local policy DM14.

- 6.40 Finally the construction works associated with the scheme can be the subject of a Construction Management Statement, secured by condition, as in the 2018 permission.

7.0 CONCLUSION

- 7.1 Planning permission was granted in November 2018 for an identical scheme. This permission has recently expired and there have been no changes to relevant national or local policy or guidance, nor any other material changes in circumstances since that permission was granted to justify Swale BC now taking a different decision.
- 7.2 The principal of the use of the site, which is previously developed land, as a data storage facility remains acceptable.
- 7.3 As in 2018 the design of the scheme and its impact on the setting of the adjacent listed mast and the Scheduled Ancient Monument are acceptable. Soft landscaping will minimise the landscape and visual impact of the new building. The scheme will have minimal impact on the local highway network. In amenity terms the use will not give rise to any material adverse impacts.
- 7.4 The scheme offers the opportunity to use the former RAF mast site more efficiently, offering a service to support the future communication needs of businesses and to secure the future of the mast.
- 7.5 Given the above it is considered that planning permission should be granted.