

MC/22/1736

Date Received: 13 July 2022
Location: Land South of Fenn Corner Industrial Estate Ratcliffe Highway
St Mary Hoo Rochester
Proposal: Retrospective consent for the change of use from equestrian land
to create an extension to the existing overflow car park.
Applicant Fenn Bell Conservation Project
Mr A Cowell
Agent TPFL Architects
Mr Jack Barber
St Augustine's Business Centre
125 Canterbury Road
Westgate On Sea
CT8 8NL
Ward: Peninsula Ward
Case Officer: Hannah Gunner
Contact Number: 01634 331700

Recommendation of Officers to the Planning Committee, to be considered and determined by the Planning Committee at a meeting to be held on 16th November 2022.

Recommendation - Approval with Conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:
Received 18 July 2022:
1845-2015 Proposed Block Plan
Reason: For the avoidance of doubt and in the interests of proper planning.
- 2 The development hereby permitted shall be used only for purposes as an overflow car park for customers at the Fenn Bell and shall not be used for the storage of vehicles or materials at any time.
Reason: In the interests of preserving neighbouring resident and visual amenity in this countryside location, in accordance with Policies BNE2 and BNE25 of the Medway Local Plan 2003.
- 3 There shall be no external lighting on the site at any time.
Reason: In order to protect the amenities of the neighbouring residents and to limit the impact of the use on the countryside with regard to Policies BNE2 and BNE25 of the Medway Local Plan 2003.

- 4 Within 3 months of the date of this approval, full details of soft landscape works along the southwest boundary and a timetable for implementation shall be submitted to and approved in writing by the Local Planning Authority. The landscaping shall be implemented in accordance with the approved details and any trees or plants which within 5 years of planting are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species.

Reason: To ensure a satisfactory external appearance and provision for landscaping in accordance with Policies BNE1 and BNE6 of the Medway Local Plan 2003.

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

Proposal

Retrospective planning permission sought for the change of use of equestrian land to create an extension to the existing overflow car park, to serve the existing Zoo.

The overflow car park was originally approved in July 2019 alongside expansion of the zoo itself and is located to the southwest of the site, approximately 90m from the pub itself.

As part of the previous permission the proposal also ensured that the grassed bank at the side of the road linking the field to the pub was hard surfaced so that it could be used as a footpath for the pedestrians to link the parking to the site safely. This has now been installed.

The field, as previously approved, could accommodate up to 60 vehicles. This consent allows for these numbers to be greater (no specific numbers have been given). This would make a difference in relation to parking pressures at busy times. An overflow parking area in this location allows for vehicles to get off the road and for the road to be freed up for passing traffic.

Relevant Planning History

MC/19/2683 Details pursuant to condition 6 (details of footpath) on planning permission MC/19/0907 for extension of the zoo to include the introduction of an overflow car parking site with footpath access to main site, provision of new animal enclosures and construction of a new private access on to Fenn Street. Erection of 5 timber frame detached structures (including a two bedroomed live/work unit). Removal of redundant buildings and containers. Variation of opening hours (including 30 days per annum to be later opening).

Decision	Discharged
Date	4 November 2019

MC/19/0907 Extension of the zoo to include the introduction of an overflow car parking site with footpath access to main site, provision of new animal enclosures and construction of a new private access on to Fenn Street. Erection of 5 timber frame detached structures (including a two bedroomed live/work unit). Removal of redundant buildings and containers. Variation of opening hours (including 30 days per annum to be later opening).

Decision Approved with conditions
Date 29 July 2019

MC/16/0765 Retrospective planning application for the change of use of the Fenn Bell Public House for a mixed use of Use Class A4 pub and Sui Generis Zoo, to include the extension of the car park, the construction of animal cages and ancillary works, together with an education centre and miniature railway

Decision Approval with conditions
Date 27 May 2016

Representations

The application has been advertised on site and by individual neighbour notification to the owners and occupiers of neighbouring properties.

Five letters have been received raising the following objections:

- Zoo has extended at an alarming rate
- Understand that yet more animal enclosures will be erected
- Offers no benefit to those living close by
- Loss of a community pub
- Parking here has caused issues with noise, privacy and hygiene with neighbours
- People have been caught urinating here
- Creates noise pollution from engines
- People peer into the gardens of properties in Bellwood Close
- Have seen up to 100 cars in field
- Would it be possible for planting to occur to soften visual impact?

St Mary Hoo Parish Council have objected to the application, raising the following points:

- Zoo has extended at an alarming rate
- Parking here has caused issues with noise, privacy and hygiene with neighbours in Bellwood Court
- This application is considered retrospective and appears to undermine the planning process.
- It appears that a new restaurant facility is well underway, which doesn't have planning permission.
- Concern over the loss of the rural land.

Dickens' Country Protection Society have expressed concern on the loss of rural land.

Two letters received in support of the application stating the following:

- Supports local economy
- Supports wider conservation matters
- Supports local employment
- Extension of car park ensures cars do not obstruct the public highway and is safer
- Ensures people can continue to support and enjoy the zoo
- Zoo owner has shown that he supports sustainability
- Zoo owner is conscious of, and understands the impact of his business on the local residents
- Would request litter bins on site and no artificial lighting.

Development Plan

The Development Plan for the area comprises the Medway Local Plan 2003 (the Local Plan). The policies referred to within this document and used in the processing of this application have been assessed against the National Planning Policy Framework 2021 and are considered to conform.

Planning Appraisal

Background

As already stated, the applicant has had planning permission for the zoo to be at the Fenn Bell since 2016. Since this time there have been a number of changes to the business as it has grown. Alterations have been made along the way to the layout and changes to the variety of animals that have been introduced to the site.

The overflow car park gained permission in 2019 and is used to ensure that visitors to the site are able to park in a safe manor. Whilst the 2019 report set out that the area could potentially accommodate circa 60 cars, no limit was set for the number of vehicles parking in this area.

Principle

The Fenn Bell Public House is located within the countryside and sits directly adjacent to the North Kent Marshes Special Landscape Area. The Public House sits within a small cluster of industrial buildings which includes factory and office buildings as well as having a substantial amount of hardstanding/parking areas. The industrial units vary in the types on site and include road haulage companies, a plant and machine hire company, windscreen services and a food processing equipment and supplies company.

Given the location of the application site, it is considered that Policy BNE25 of the Local Plan is most relevant along with the principles as set out within the NPPF. There are no specific planning policies that relate to the operating of a zoo facility. It is noted

that Public Houses are considered 'assets of community value', encouraging opportunities for commercial viability enhancement to be positively considered.

The NPPF confirms that the government is committed to ensuring that the planning system does everything it can to support sustainable economic, social and environmental objectives (paragraph 8). It also confirms the need to support economic growth in rural areas in order to promote a strong rural economy, including by the support of the sustainable growth and expansion of all types of businesses in rural areas.

Given that the use of the pub with the zoo is entirely dependent on visiting members of the public it is considered that the provision of suitable car parking to allow for this use to run hand in hand with the functioning of the zoo itself. It is therefore considered that the use is not an inappropriate one in the countryside location.

The provision of an overflow car park is therefore considered to comply with Policy BNE25 of the Local Plan and paragraphs 126 and 130 of the NPPF.

Design and Landscape

The provision of the overflow car park was established within the previous application in 2019 and due to its nature, the appearance of this area for parking is minimal. The ground remains predominantly as grass, with a small amount of hardstanding toward the entrance to avoid mud whilst the fencing along the boundary is modest and has a very low visual impact.

Overall, it is considered that this use does not have any significant impact on the overall landscape of the area and there is no harm to the area in which it sits.

Amenity

The main amenity consideration in relation to this proposal is the impact that this application will have on neighbouring residents.

The closest properties to be impacted by this proposal are those situated within Bellwood Court and Fenn Street. It is noted that representations have been received by residents in both roads, some objecting but also some in support of the proposal.

It has been noted that issues on noise and disturbance have been raised but to date the Council is not aware of any formal complaints to the noise and disturbance team. The usage of the larger site, now subject of this application has been subject of an enforcement enquiry.

Issues with patrons using the field to urinate is something that the applicant will be made aware of but is not a planning matter.

In terms of hours of usage, this car park is only for use during hours of the zoo being open to the public. This is for the most part in the daytime and ceases at 6pm latest. It is not considered that the hours of use for this overflow car parking is excessive and

therefore any issues relating to noise of car doors or engines does not apply in the evenings.

Overall, the use of this field for overflow parking is not considered to be detrimental in terms of amenity impact of the neighbouring properties and due to hours of use and the fact that there is no lighting, it is considered acceptable in relation to Policy BNE2 of the Local Plan and paragraph 130f of the NPPF.

Highways

It is considered that the proposal does not have any detrimental impact on highway safety or highway function.

Therefore, this application conforms with Policy T1 of the Local Plan and paragraph 111 of the NPPF.

It should be noted that in terms of letters of support from neighbours, some have recognised that the use of this field ensures that the roads remain clear, and it is a good addition from a highway safety perspective.

Conclusions and Reasons for Approval

It is considered that the expansion of the overflow car park for the zoo/pub is acceptable and helps to support a rural business within a countryside location. The popularity and community work that the zoo does is recognised and it is considered that having adequate provision for vehicles to park safely whilst visiting the premises is supported. The use has a very low visual impact and does not harm the countryside. The amenity of the neighbouring properties has been considered and it is concluded that there is no detrimental harm in terms of excessive noise and disturbance.

The development accords with the provisions of Policies BNE1, BNE2, BNE25 and T1 of the Medway Local Plan 2003 and paragraphs 8, 111, 126, 130 and 130f of the NPPF.

The application would normally be determined under delegated powers but is being referred for Committee determination due to the number of representations received expressing a view contrary to officer's recommendation.

This application was deferred from Planning Committee on 19 October 2022 in order for the consultation responses to be updated and a landscaping condition added.

Background Papers

The relevant background papers relating to the individual applications comprise: the applications and all supporting documentation submitted therewith; and items identified in any Relevant History and Representations section within the report.

Any information referred to is available for inspection in the Planning Offices of Medway Council at Gun Wharf, Dock Road, Chatham ME4 4TR and here <http://publicaccess1.medway.gov.uk/online-applications/>