

Siting of a mobile catering van at Teston Bridge Country Park, Maidstone – MA/09/594

A report by Head of Planning Applications Unit to Planning Applications Committee on 14 July 2009

MA/09/594 – Application by Kent County Council Country Parks Service for the siting of a mobile catering van daily between 09:00 hours and 18:00 hours, at Teston Bridge Country Park, Teston Lane, Teston, Maidstone

Recommendation: Planning permission be granted subject to conditions.

Local Member(s): Mrs P.Stockell

Classification: Unrestricted

Site

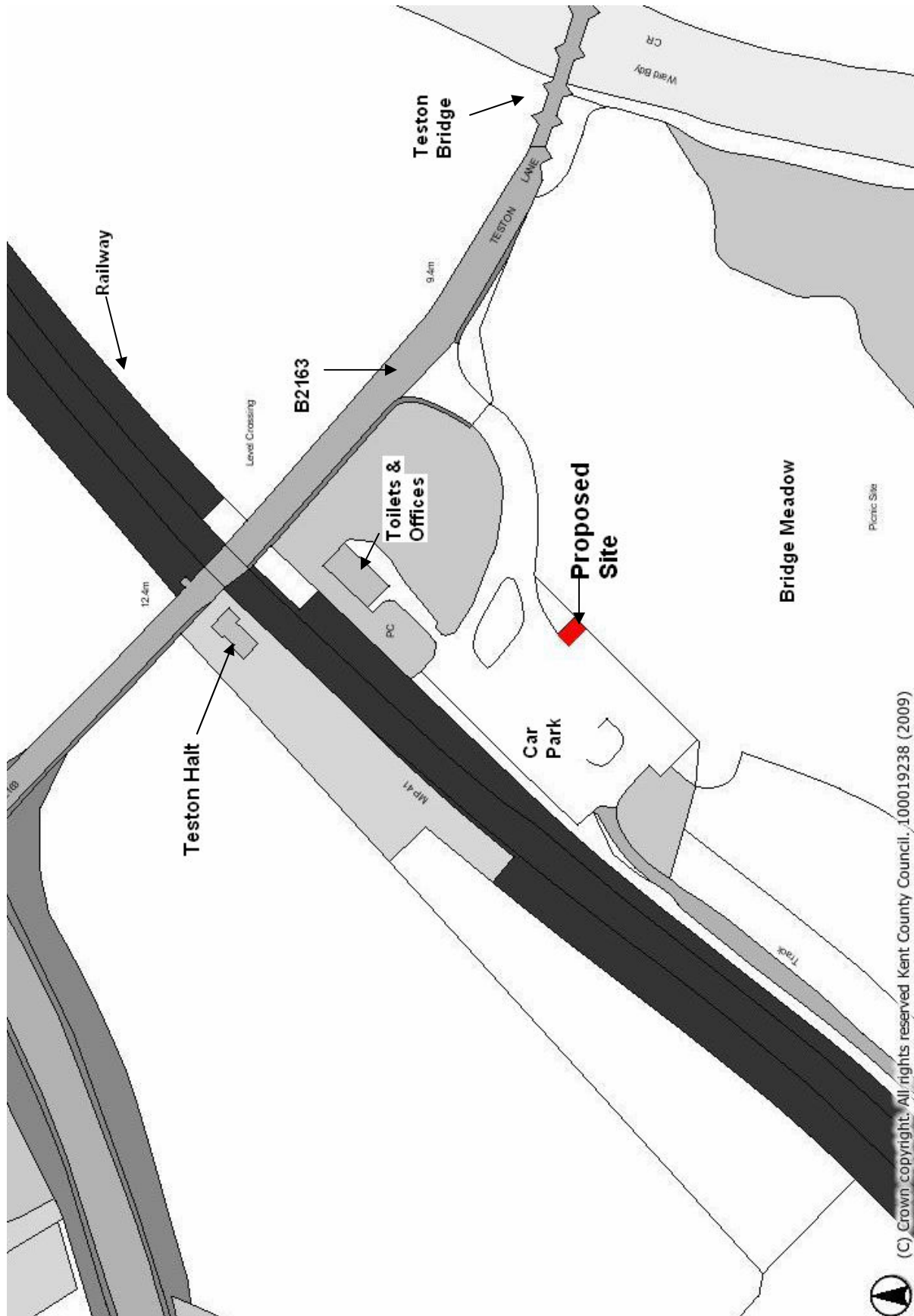
1. Teston Bridge Country Park is situated to the South East of the village of Teston, approximately 4 miles from Maidstone. The 13 hectare park is accessed via the adjacent B2163 which forms the North Eastern boundary to the site. The River Medway forms a natural boundary to the South and West, whilst the Maidstone West to Tonbridge railway line encloses the site to the North and West. The car park where the catering van would be situated is in the Northern corner of the site, which also houses the public conveniences and site offices. The Park's dominant feature is the Bridge Meadow, which is a large well-kept grass area, for use by visitors to the country park for leisure, barbecues and picnics. This area is overlooked to the East by the Teston Bridge, a Scheduled Ancient Monument.
2. There is one nearby residential property, 'Teston Halt', which is located next to the main road, on the opposite side of the railway to the Country Park. This property lies 80m directly north of the proposed site for the catering van. The car park is well screened by established mature trees and hedges, particularly on the Northern boundary with the railway track.

Background

3. Teston Bridge Country Park is owned by Kent County Council and leased to Maidstone Borough Council, and is promoted as the 'rural anchor' of the Maidstone Millennium River Walk. The Park opens at 9 am and closes at dusk, but is open no later than 9 pm in the summer months. The car park is accessed via the B2163 and operates a charge of between £1.50 and £2.00 a day. Two parking spaces adjacent to the Bridge Meadow are blocked off and the spaces leased to an ice cream van, and provided with power by a protected mains unit. Other services in the Park include the public toilets and the office for Park's Staff.
4. In 1991 planning permission was granted by Kent County Council for the installation of a portable storage container, to house maintenance equipment. This temporary permission was extended in 1996 and expired in April 2001. In 1998 outline permission was granted for toilet block refurbishment; new office/garage/storage building; visitor information facilities and shelter; alterations to existing vehicular access including additional car parking; tree and shrub planting. Reserved matters for that application were approved in the same year.

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5. The most recent planning permission was for the extension to the public convenience and office building, revised access arrangements, fencing, tree and shrub planting, seating and footpath improvements granted in 2000. Maidstone Borough Council processed the application, as leaseholder and developer, as the works were to be undertaken by Maidstone Borough Council as part of its Maidstone Millennium River Walk project. The current application is made by Kent County Council, Country Parks Service, who has served notice, as required, on the landowner under Article 6 of the Town and Country Planning (General Permitted Development Procedure) Order 1995. Therefore, as the development is to be carried out by the County Council, as part of its County Parks Service, this application falls to be determined by the County Planning Authority (pursuant to Regulation 3 of the Town & Country Planning General Regulations 1992-

Proposal

6. This application proposes the siting of a mobile catering van, to be parked daily between 09:00 hours and 18:00 hours, within the car park of the Teston Bridge Country Park. The van would occupy a blocked off area within the car park, equivalent to two spaces, which is currently used by an ice cream van. It is proposed to drive the van off-site when it is not in use, and it would not be fixed to the ground in any way. The van is proposed to serve visitors to the Country Park only, as there are currently no permanent facilities on site to provide refreshments.
7. The catering unit is mounted upon the chassis of a Ford Transit van, and therefore is not in the 'trailer' style of the catering units that are seen around the County, and is more akin to an ice cream vendor's van. Additional information submitted by the applicant indicates that the vehicle would be spray painted in green, with Kent County Council branding, and subtle decoration of painted flowers and animals. The unit would be powered by linking to the existing power point on site, currently used by the Ice Cream van.
8. In response to points raised by consultees, the applicant submitted additional information, which clarifies the application and the proposed use of the van. It is proposed that the van would promote healthy eating and use locally sourced produce wherever possible. The applicant has indicated that no fried foods would be served from the unit. A typical menu has been indicated within the application to consist of sandwiches, ice creams, beverages, salads, paninis and soup. The applicant has indicated that they believe most sales would be of ice creams and beverages. There would be no deliveries made to the van when it is within the Country Park, as it would re-stock when it is off site. No music would be played from or near the catering van.
9. Waste would either be taken off site with the van, or disposed of using the current disposal contractor used by the Country Park. Food wrapping would be kept to a minimum, and the existing Teston Bridge Country Park staff monitor the site for litter.
10. The van would be screened from the Bridge Meadow by existing trees and hedgerows and would not be visible from the highway, nor from the nearest housing. It is not proposed to use any advertising for the catering van on the public highway, as the unit is intended to be of service to visitors to the Country Park.

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Planning Policy

11. The key Development Plan Policies and policy context summarised below are relevant to consideration of the application.

(i) **Planning Policy Statement 7**

- Intends to raise the quality of life and the environment in rural areas; to promote more sustainable patterns of development; and improve the economic performance of the English Regions. The provision of facilities for tourism which enhance visitors' enjoyment and/or improve the financial viability, of a particular countryside feature or attraction, providing they do not detract from the attractiveness or importance of the feature, or the surrounding countryside, should be allowed

(ii) The adopted **South East Plan 2009**

Policy CC1 Seeks to achieve and maintain sustainable development in the region.

Policy CC4 Expects that all development will adopt and incorporate sustainable construction standards and techniques.

Policy CC6 Actions and decisions associated with the development and use of land will actively promote the creation of sustainable and distinctive communities.

Policy BE6 Local authorities should support proposals which protect, conserve and enhance the historic environment.

Policy NRM4 Promotes sustainable flood risk management.

(iii) The adopted **Maidstone Borough Local Plan 2000:**

Policy ENV28 Seeks to protect the character and appearance of the area and the amenities of the surrounding occupiers and restricts development to use classes, including the provision of public or institutional uses for which a rural location is justified.

Policy ENV35 Designates this site as an Area of Local Landscape Importance in which particular attention will be given to the maintenance of open space and the character of the landscape, and encouragement will be given to improvements in public access.

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Consultations

12. **Maidstone Borough Council's** formal response on the application raises no objections, although an informative is included raising concerns about litter and the potential of the van to emit music.

Teston Parish Council raises objections on the following grounds:

- Concern relating to the combined over-development of the site
- Concern as to the range of food items being able to be sold and the effects this may have on litter and odour
- Question the basis of the implied need for the unit and the validity of the visitor surveys used to quantify this need
- Worried that advertising would be placed on the highway and that the unit would attract visitors who 'pass through' just to eat, and the effect this would have on the current catering trailer on the A26 at Barming
- Concerned that extra visitors to the park, solely to use the van, would lead to illegal parking on the highway

Divisional Transport Manager: raises no highway objection to the proposal.

Local Member(s)

13. The local County Member for Maidstone Rural West, Mrs P. Stockell, was notified of the application on the 2 April 2009.
14. The local Maidstone Borough Councillor for Barming & Teston Ward, Mrs F. Gooch, responded to the application on 29 April 2009. Her comments can be summarised as:
- Concerned about the impact of the proposal on the Area of Local Landscape Importance
 - The amenity of Teston Halt would be affected by fumes and noise concentrated in one specific area daily
 - Questions the case for customer need and whether it is proven
 - Questions the business need for KCC to generate income by this means, and is contrary to its policy to support local business

Publicity

15. The application was advertised by the posting of a site notice and the notification of 1 neighbour.

Representations

16. One letter of representation was received from a local resident. The main comments can be summarised as:
- The proposal constitutes a change of use from a country park to a hot food take away
 - is contrary to ENV35 of the Maidstone Local Plan 2006 to have a mobile structure in a locally distinctive landscape
 - contrary to Planning Policy Statement 1 as the location is unsustainable and not served by any public transport and primary users would be car dependent

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- Highway issues relating to HGV lorries illegally using the Teston Bridge and illegal parking
- The proposed hours of use are excessive covering the bulk of daylight hours and 7 days a week – would like to see hours conditioned
- Flood risk relating to the installation of an electricity unit and the proximity to a septic tank
- Affect on Teston Halt from cooking odours
- Impact on wildlife from increased traffic, people and odours
- The installation of an unrestricted hot food takeaway would be contradictory to policy to tackle obesity
- There is lack of clarity within the application and design and access statement on use, menu and viability
- The potential need does not outweigh the harm if approved in an unrestricted manner
- The commitment to paint the van should be conditioned
- Concerned about the affect the proposal will have on noise and odour
- The menu would need to be controlled in order to guarantee lack of odour
- Welcome the introduction of the road traffic order – parking fines will need to be enforced
- Flooding and the potential problems of the recent event where the septic tank overflowed, indicating it is not suited for capacity and the development would pose an additional strain on the infrastructure

Discussion

16. In considering this proposal regard must be had to Development Plan Policies outlined in paragraph (4) above. Section 38(6) of the Planning and Compulsory Purchase Act (2004) states that applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. Therefore, this proposal needs to be considered in the context of the Development Plan Policies, Government Guidance and other material planning considerations arising from consultation and publicity.
17. The proposal is for the siting of a mobile catering van within the existing permitted car park of the Teston Bridge Country Park. Doubt as to whether planning permission is required has been raised given the mobile and ancillary nature of the proposal. In my view the proposal does not constitute a material change of use as the van is ancillary to the Country Park. However, the proposal was made the subject of a planning application in deference to Maidstone Borough Council who took the view, when informally asked, that planning consent should be sought, and the application has been brought before the Planning Committee to ensure the concerns of the interested parties are heard.

Need

18. The applicant has provided information that suggests that current users to the site would like to have refreshment facilities available. Locally, there are no facilities in the immediate area around the Country Park to serve the users. There is a large Chinese Restaurant 350m from the site in Teston, and there is a mobile catering unit in a lay-by on the A26 approximately 3 miles towards Maidstone. These are clearly not viable alternatives for Country Park users. The proposed van could therefore be

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seen as the most sustainable option as it would negate the need for users to drive off-site. It also needs to be borne in mind that most other Country Parks have well established on-site refreshment facilities, usually in permanent buildings, so I have no reason to doubt the need for some such provision at this site, albeit on a lesser scale. Therefore it appears appropriate that a temporary structure is employed which requires no development of the site, and has a minimal visual impact.

19. National Planning Policy Statement 7 contains a comprehensive section relating to tourism and leisure within the countryside. The provision of essential facilities for tourist visitors is deemed vital for tourism in rural areas. Teston Bridge Country Park currently has appropriate toilet facilities to meet the needs of visitors; however there is no facility in which to obtain refreshments in the locality, and thereby encourage longer stays at the Park. The applicant has submitted information stating that a need was identified through a survey issued to visitors to the Park. PPS7 states that Local Planning Authorities should *allow appropriate facilities needed to enhance visitors' enjoyment, and/or improve the financial viability, of a particular countryside feature attraction, providing they will not detract from the attractiveness or importance of the feature, of the surrounding countryside* and I consider that the proposal fully accords with this policy objective.
20. The applicant has stated that the Country Parks Service is a non-statutory function and therefore has to secure income in order to protect its role as manager of the Teston Bridge Country Park. I am satisfied that this proposal would provide a facility that is required by visitors and can accept that it would also help to secure the financial viability of the Country Park.

Amenity

21. Residential amenity is a material consideration for this planning application, and the closest property is Teston Halt. The visual appearance of the unit is not a key issue for the residents, as the catering van would not be visible from that property. Due to concerns relating to potential noise and odour. The applicant has stated, within submitted additional information that forms part of the application, that the mobile catering van would not serve any fried foods, and the only hot food would be limited to heated-up paninis and soup. In the event that planning permission for this van is granted, the applicant would be conditioned to restrict the development to the approved plans, which includes the submitted information highlighting that no fried foods would be served, so I am satisfied that there would be no adverse effect at the nearest residential property from odour from the facility. In this regard, it should be borne in mind that members of the public are freely permitted to have barbecues on Bridge Meadow, and there is evidence of such activity within ten metres of the application site. Moreover, the smoke from barbecues would be considerably more noticeable than the cooking of such food in a catering van.
22. The catering van has been proposed to link to the electrical point installed on site, thereby meaning it would not run from a generator or off its own engine. Noise would therefore not be increased by the van itself. Whilst there is the potential for customers to congregate around the area at peak serving times, which could lead to an increase in noise levels, the nearest house is 80m from the van location, is adjacent to the road and is separated from the Country Park by large, dense trees bordering the railway line. In my opinion, it is unlikely that noise from users to the

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van would be neither noticeable, nor unacceptable in this location and during these hours of the day.

23. Issues relating to litter created by the use of the van have been raised by all representations. The applicant has assured that waste would be collected and removed from site each day, and that there is a sufficient number of staff already on site to deal with litter collection.

Environment

24. The visual impact on the Area of Local Landscape Importance is a key consideration, as well as the appearance of the catering unit in relation to its immediate surroundings. Overall, I consider the visual impact to be acceptable. The proposal site is a car park, and therefore, as the unit is a van, it cannot be argued that it would significantly detract from the area any more than any other parked vehicle. I do not consider that the design and appearance of the mobile catering unit conflicts with Local Plan Policy ENV 35, as it does not affect the maintenance of the open space, or the character of the car park. The appearance would be of a vehicle, in an area designated for vehicles. The proposal could be argued to be supported by Policy ENV 35, since the provision of a mobile catering van at the Country Park assists in improving public access to an Area of Local Landscape Importance.

Siting, Design and Appearance

25. The mobile catering van is to be sited on two car parking spaces, adjacent to a gateway from the car park to the Bridge Meadow. It is considered to be the most appropriate site as this is the location where the mains power supply unit is located. The area is also screened by trees, so the van would not be visible from the public highway, or from most of the Bridge Meadow. The van is proposed to be painted green, so as to blend in with the locality. In my view the development would accord with Maidstone Borough Local Plan Policy ENV28.
26. The local resident has made the point that the location for the catering unit is contrary to Planning Policy Statement 1 as it is not in line with principles of sustainable development, because it is not served by any public transport links; therefore, all users of the catering van would be dependent on car travel. It is the nature of Country Parks to be in a rural location, but relatively close to centres of population, so even where public transport links are poor, the distances are not great. In this particular case though, the site is close to the A26 bus route, Watlingbury railway station, and Public Footpaths, including the Medway Valley Walk. Moreover, by providing a refreshment van in this location, it would negate the need for car borne visitors of the Country Park to drive off site to find a shop or café and therefore the facility would increase the sustainability of the Country Park.
27. At present, a mobile ice cream van has been using the spaces in the car park. Teston Parish Council has stated that they campaigned for this ice cream van to trade solely within the car park and to have a dedicated mains power supply, in order to minimise noise and visual impact. The proposed catering unit is of a design that would be more visually acceptable in the setting than the existing ice cream van because it would be less obtrusive and finished in forest green, which would be more sympathetic to the rural location.

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Access

28. Concerns have been raised by the Parish Council on highway grounds. They mentioned that advertising the van from the highway would attract users and this would have an adverse effect on traffic; the catering trailer on the A26; and increase illegal parking on the public highway. The Divisional Transport Manager has raised no objections on highway grounds, therefore I am satisfied that the application would not have an adverse effect on the public highway due to extra movements or parking. The applicant has also stated that there would be no advertisements, and that the van is solely for the use of existing users to the site.
29. A condition could be attached to any planning consent restricting advertisements. The issue of the Heavy Goods Vehicles illegally crossing the Teston Bridge is not a consideration for this application and there is a height barrier restricting access to the Country Park. Whilst the effect on any other local businesses is not a material planning consideration, the existing catering trailer on the A26 is three miles from the application site, and the van is solely for visitors to the Park and would not be advertised. Therefore the effect on the other caterer would in my view be negligible and immaterial.

Other Points

30. Opening hours are proposed to be everyday between 09:00 and 18:00. The applicant has stated that the hours of use proposed refer only to the maximum possible. That is to ensure that the catering van is able to operate on site when the Country Park is being used, and there are enough visitors there. The actual operating hours will be limited by the weather, seasonal fluctuations in visitors, and changes in daylight hours. I therefore consider that any consent need not be restricted more rigorously than the proposed hours; as that would be in contradiction to the purposes of the proposal, which is to serve the users of the Country Park when they most need it.
31. Concerns about provision of litter bins and public health and hygiene are not material to this planning application, as these matters are governed by other legislation. I am satisfied that from the information provided that sufficient resources will be made available to collect litter arising from the catering van. A condition could be imposed to formalise this provision and to ensure are that the area around the van is kept clean and tidy.

Conclusion

32. I have no objection to the principle of the development, which introduces a facility which would be compatible with the prime use of the site as a Country Park, and which would be on a more modest scale than other Country Parks accommodate. I also consider that the design and proposed use of the van is sympathetic to the Country Park and would help meet obligations under Planning Policy Statement 7 to enhance visitors' enjoyment. The van would not in my view detract from the Area of Local Landscape Importance because it has a sympathetic design and is driven off site when not in use. The siting of the van means that it would not be visible from the public highway, and nor affect the setting of the Teston Bridge Scheduled Ancient Monument. The amenity of the nearest residents would not be affected,

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provided that conditions are applied to restrict the menu. The risk of increased noise, in my opinion, is acceptable in relation to the setting as a public park.

33. Overall, I consider that there are no material planning considerations that warrant refusal of this application; especially considering the current arrangements on site, and bearing in mind the doubt as to whether the proposal requires planning permission.

Recommendation

34. I RECOMMEND that PERMISSION BE GRANTED SUBJECT TO the imposition of a conditions, including conditions relating to the following:

- a. Standard time condition
- b. restricting hours of use
- c. development to be in accordance with the approved plans
- d. restricting–permission specifically to the catering van included within this application
- e. ensuring adequate litter facilities are provided and the area is kept clean and tidy
- f. ensuring no advertisements are to be displayed on the highway
- g. ensuring no music is emitted or played in the van when on site.

Case officer – Jeff Dummett	01622 221975
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Background documents -
