



Agenda

Meeting: **Planning and Licensing Committee**
Date: **25 July 2017**
Time: **7.00 pm**
Place: **Council Chamber - Civic Centre, Folkestone**

To: **All members of the Planning and Licensing Committee**

The committee will consider the matters, listed below, at the date, time and place shown above. The meeting will be open to the press and public.

Members of the committee, who wish to have information on any matter arising on the agenda, which is not fully covered in these papers, are requested to give notice, prior to the meeting, to the Chairman or appropriate officer.

1. **Apologies for Absence**

2. **Declarations of Interest**

Members of the committee should declare any interests which fall under the following categories*:

- a) disclosable pecuniary interests (DPI);
- b) other significant interests (OSI);
- c) voluntary announcements of other interests.

3. **Minutes**

To consider and approve, as a correct record, the minutes of the meeting held on 27 June 2017.

4. **Minutes of the Licensing Sub-Committee**

To consider and approve, as a correct record, the minutes of the meeting held on 4 July 2017.

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Contact Kate Clark – Tel: 01303 853267
Email: committee@shepway.gov.uk or download from our website
www.shepway.gov.uk

5. **Appeals Monitoring Information - 1 October 2016 to 30 June 2017 - 3rd and 4th Quarter 2016/17 and 1st Quarter 2017/18**
6. **Report from the Head of Planning**

Report DCL/17/09 sets out the planning application that will be considered by the Planning and Licensing Committee.

*Explanations as to different levels of interest

(a) A member with a disclosable pecuniary interest (DPI) must declare the nature as well as the existence of any such interest and the agenda item(s) to which it relates must be stated. A member who declares a DPI in relation to any item must leave the meeting for that item (unless a relevant dispensation has been granted).

(b) A member with another significant interest (OSI) under the local code of conduct relating to items on this agenda must declare the nature as well as the existence of any such interest and the agenda item(s) to which it relates must be stated. A member who declares an OSI in relation to any item will need to remove him/herself to the public gallery before the debate and not vote on that item (unless a relevant dispensation has been granted). However, prior to leaving, the member may address the meeting in the same way that a member of the public may do so.

(c) Members may make voluntary announcements of other interests which are not required to be disclosed under (a) and (b). These are announcements made for transparency reasons alone, such as:

- membership of outside bodies that have made representations on agenda items, or
- where a member knows a person involved, but does not have a close association with that person, or
- where an item would affect the well-being of a member, relative, close associate, employer, etc. but not his/her financial position.

Voluntary announcements do not prevent the member from participating or voting on the relevant item

Folkestone

Hythe & Romney Marsh
Shepway District Council



Minutes

Planning and Licensing Committee

Held at: Council Chamber - Civic Centre, Folkestone

Date: Tuesday, 27 June 2017

Present: Councillors Alan Ewart-James, Clive Goddard (Chairman), Miss Susie Govett, Mrs Jennifer Hollingsbee, Mrs Mary Lawes, Len Laws, Michael Lyons, Philip Martin, Dick Pascoe, Paul Peacock and Roger Wilkins (Vice-Chair)

Apologies for Absence

Officers Present: Kate Clark (Trainee Committee Services Officer), Claire Dethier (Development Management Team Leader), Ben Geering (Head of Planning), Beth Lennon (Planning Officer) and Lisette Patching (Development Manager)

Others Present:

8. **Declarations of Interest**

Councillor Roger Wilkins declared a voluntary interest with regard to Y16/1221/SH as this planning application address falls within his ward.

9. **Minutes**

The minutes of the meeting held on 30 May 2017 were submitted, approved and signed by the Chairman.

10. **Report of the Head of Planning**

Report DCL/17/04 sets out the planning applications that were considered by the Planning and Licensing Committee.

1. Y16/1221/SH Land Read 2 Willop Close Dymchurch Kent

Erection of 2 two storey dwellings and associated parking.

Claire Dethier, Development Management Team Leader, advised that this item was originally on the Planning and Licensing agenda for February with the recommendation as approval and was withdrawn from the agenda due to late comments being received from the Environment Agency. Following the receipt of those comments it became apparent that the sequential test had not been carried out correctly with regard to flood risk and subsequently the revised recommendation is for refusal.

Mr J Field, local resident, spoke against the application.
Mr Tim Parrett, spoke on behalf of the agent.

During discussion of the scheme members raised concerns over the bulk/massing of the buildings due to the raised finished floor levels proposed although this did not form part of the proposal.

Proposed by Councillor Roger Wilkins
Seconded by Councillor Miss Susie Govett and

Resolved: That planning permission be refused for the reason set out at the end of the report, on the grounds of flood risk and that the application has failed the sequential test.

(Voting: For 11; Against 0; Abstentions 0)

2. Y17/0364/SH Land adjoining Walnut Tree Cottage Rye Road Brookland

Erection of a detached dwelling (resubmission of application Y16/0704/SH)

Claire Dethier, Development Management Team Leader, advised members that this proposal would be eligible for the Government's New Homes Bonus if approved. £1496 year one, £5984 year four, as confirmed by the Council's Chief Accountant.

She also advised there is an error in paragraph 8.4 of the report (page 37 of the agenda) pointing out that this application passes the exceptions test.

Proposed by Councillor Michael Lyons
Seconded by Councillor Philip Martin and

Resolved: That planning permission be refused for the reasons set out at the end of the report as this is unsustainable development in the countryside outside an existing settlement and which would be visually intrusive and erode the rural character of the area.

(Voting: For 9; Against 0; Abstentions 2)

Folkestone

Hythe & Romney Marsh
Shepway District Council



Minutes

Licensing Sub-Committee

Held at: Council Chamber - Civic Centre Folkestone

Date: Tuesday, 4 July 2017

Present: Councillors Len Laws, Michael Lyons and Roger Wilkins

Apologies for Absence: None

Officers Present: Arthur Atkins (Environmental Health and Licensing Manager), Kate Clark (Trainee Committee Services Officer), Paul James (Licensing and Compliance Officer), David Kelly (Legal Services Manager), Sue Lewis (Committee Services Officer) and Briony Williamson (Licensing Officer (Caravan Sites))

Others Present:

12. Election of Chairman

Councillor Michael Lyons was elected Chairman for the meeting.

13. Declarations of interest

There were no declarations of interest.

14. Sunny Sands Kiosk - Application for Premise Licence

Report DCL/17/06 sets out the facts for the Licensing Committee to consider in determining a premise licence. The licensing committee is the Licensing Authority acting in a role formally taken by the Magistrates Court. It is, therefore, not appropriate for officers to make additional comments other than in the capacity as a Responsible Authority under the legislation of the Licensing Act 2003. Therefore there are no comments from Legal, Finance or other officers included in this report.

The Environmental Health and Licensing Manager presented the report to the sub-committee highlighting that there had been no objections to the application from the necessary responsible authorities and the application was therefore before the sub-committee to determine.

The sub-committee also took into account evidence from 4 representations that had been received regarding the application.

The sub-committee heard evidence from the applicants who answered questions from members paying particular attention to the following:

- CCTV is installed internally on the premises;
- There will be a Designated Premise Supervisor on site at all times as is practically possible, this is not a legal requirement but the applicants feel strongly about this;
- This is a beach site so ID is not always available but the applicants will be working as part of the Challenge 25 scheme and are confident that they will adhere to the age limit for the purchase of alcohol.
- There is a staff toilet on-site but there is no intention to open this up for members of the public during the day as there are facilities in the vicinity. They are happy to allow customers to use the facilities in the evening if the public toilets have been closed.

Both the officer and applicants were asked to sum up followed by the sub-committee retiring to consider the application.

Proposed by Councillor Roger Wilkins
Seconded by Councillor Len Laws and

Resolved:

- 1. To receive and note Report DCL/17/06.**
- 2. To allow the sale of alcohol between the hours of 10.00am and 20.30pm Monday to Sunday following consideration of the 4 Licensing Objectives:**

- The prevention of crime and disorder.
- Ensuring public safety.
- The prevention of public nuisance.
- The protection of children from harm.

subject to the following conditions:

- **CCTV to be installed outside of the licensed premises.**
- **The supply of alcohol is granted for On Sales only, for consumption on the licensed premises.**

(Voting: For 3; Against 0; Abstentions 0)

APPEALS MONITORING INFORMATION – 1 Oct 2016 to 30 June 2017 - 3rd and 4th QUARTER 2016/17 and 1st QUARTER 2017/18

Application No: Y15/0583/SH

Site Location: 18 Sea Wall Dymchurch Romney Marsh Kent

Proposal: Erection of a two storey dwelling for use as tourism accommodation following demolition of existing garage.

Officer Recommendation: - **Committee Decision:** - **Delegated Decision:** Refused

Outcome: Appeal Allowed **Date of Decision:** 18th October 2016 **Costs Awarded:** No

Application No: Y15/0577/SH

Site Location: 5 Dunes Road Greatstone New Romney Kent

Proposal: Erection of a pitched roof extension to accommodate 2 additional residential flats, together with a rear 3 storey extension and other external alterations.

Officer Recommendation: - **Committee Decision:** - **Delegated Decision:** Refused

Outcome: Appeal Dismissed **Date of Decision:** 20th October 2016 **Costs Awarded:** No

Application No: Y16/0413/SH

Site Location: 8 Trinity Crescent Folkestone Kent CT20 2ET

Proposal: Extension to the existing roof to create additional living space (Flat E) at roof level.

Officer Recommendation: - **Committee Decision:** - **Delegated Decision:** Refused

Outcome: Appeal Dismissed **Date of Decision:** 27th October 2016 **Costs Awarded:** No

Application No: Y14/0989/SH

Site Location: Aston House Cliff Road Hythe Kent

Proposal: Erection of a three storey dwelling with integral garage

Officer Recommendation: - **Committee Decision:** - **Delegated Decision:** Refused

Outcome: Appeal Dismissed **Date of Decision:** 7th November 2016 **Costs Awarded:** No

Application No: Y16/0560/SH**Site Location:** 2 Firs Lane Folkestone Kent CT19 4QE**Proposal:** Erection of a two storey side extension to include removal of existing garage/carport.**Officer Recommendation:** - **Committee Decision:** - **Delegated Decision:** Refused**Outcome:** Appeal Dismissed **Date of Decision:** 16th January 2017 **Costs Awarded:** No**Application No:** Y16/0555/SH**Site Location:** Hungar Down Arpinge Folkestone Kent**Proposal:** Demolition of existing detached garage and erection of single storey front and side extension with living accommodation in roof space and a first floor terrace**Officer Recommendation:** - **Committee Decision:** - **Delegated Decision:** Refused**Outcome:** Appeal Allowed **Date of Decision:** 16th January 2017 **Costs Awarded:** No**Application No:** Y16/0195/SH**Site Location:** Signals Sunnyside Road Sandgate Folkestone**Proposal:** Retrospective application for the erection of a first floor walkway linking dining room to garden – appeal against condition 1**Officer Recommendation:** - **Committee Decision:** - **Delegated Decision:** Approved with Conditions**Outcome:** Appeal Allowed **Date of Decision:** 21st February 2017 **Costs Awarded:** No**Application No:** Y16/0644/SH**Site Location:** Land Adjoining 14 The Corniche Sandgate Kent**Proposal:** Erection of a detached two storey dwelling elevated off the hillside together with associated staircase and lift and new driveway (resubmission of Y16/0016/SH).**Officer Recommendation:** - **Committee Decision:** - **Delegated Decision:** Refused**Outcome:** Appeal Dismissed **Date of Decision:** 23rd March 2017 **Costs Awarded:** No

Application No: Y16/1167/SH**Site Location:** 138 Dolphins Road Folkestone Kent CT19 5QB**Proposal:** Erection of a two storey side extension following demolition of existing garage together with a single storey rear extension and single storey front extension.**Officer Recommendation:** - **Committee Decision:** - **Delegated Decision:** Refused**Outcome:** Appeal Dismissed **Date of Decision:** 24th March 2017 **Costs Awarded:** No**Application No:** Y16/0430/SH**Site Location:** Ground Floor Flat 33 Westbourne Gardens Folkestone Kent**Proposal:** Retrospective application for the replacement of 18 timber windows with uPVC windows**Officer Recommendation:** - **Committee Decision:** - **Delegated Decision:** Refused**Outcome:** Appeal Dismissed **Date of Decision:** 3rd April 2017 **Costs Awarded:** No**Application No:** Y16/0506/SH**Site Location:** 6A Broadfield Road Folkestone Kent CT20 2JT**Proposal:** Erection of a two storey side extension.**Officer Recommendation:** - **Committee Decision:** - **Delegated Decision:** Refused**Outcome:** Appeal Dismissed **Date of Decision:** 4th April 2017 **Costs Awarded:** No**Application No:** Y16/0434/SH**Site Location:** Chelsea Cottage 6 Dymchurch Road St Marys Bay Romney Marsh**Proposal:** Erection of a two storey dwelling.**Officer Recommendation:** - **Committee Decision:** - **Delegated Decision:** Refused**Outcome:** Appeal Allowed **Date of Decision:** 10th April 2017 **Costs Awarded:** No

Application No: Y16/0902/SH**Site Location:** Flat A 7 Clifton Crescent Folkestone Kent**Proposal:** Retrospective application for the removal of existing window, lowering of window cill and installation of French doors on rear elevation**Officer Recommendation:** - **Committee Decision:** - **Delegated Decision:** Refused**Outcome:** Appeal Allowed **Date of Decision:** 16th May 2017 **Costs Awarded:** No**Application No:** Y16/0903/SH**Site Location:** Flat A 7 Clifton Crescent Folkestone Kent**Proposal:** Listed building consent for the removal of existing window, lowering of window cill and installation of French doors on rear elevation**Officer Recommendation:** - **Committee Decision:** - **Delegated Decision:** Refused**Outcome:** Appeal Allowed **Date of Decision:** 16th May 2017 **Costs Awarded:** No**Application No:** Y15/1034/SH**Site Location:** Sea Close Cannongate Road Hythe Kent**Proposal:** Erection of 14 flats with car parking and bin store together with a widening of the vehicle access and the construction of gabion retaining walls**Officer Recommendation:** - **Committee Decision:** - **Delegated Decision:** Refused**Outcome:** Appeal Dismissed **Date of Decision:** 12th June 2017 **Costs Awarded:** No**Application No:** Y16/0712/SH**Site Location:** 17 Bartholomew Lane Hythe Kent CT21 4BX**Proposal:** Extensions to care home to provide 16 additional rooms and extension of communal lounge and dining facilities, together with new vehicular access and associated car parking.**Officer Recommendation:** - **Committee Decision:** - **Delegated Decision:** Refused**Outcome:** Appeal Dismissed **Date of Decision:** 20th June 2017 **Costs Awarded:** No

DCL/17/09

PLANNING AND LICENSING COMMITTEE

25 July 2017

REPORT OF THE HEAD OF PLANNING ON APPLICATIONS

**1. Y14/0850/SH
(Page 13)**

AIRPORT CAFE ASHFORD ROAD SELLINDGE

Retrospective application for change of use to lorry park incorporating extension of existing parking area and retention of two mobile units for toilet and shower facilities

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ADDENDUM

Application No: Y14/0850/SH

Location of Site: Airport Cafe Ashford Road Sellindge

Development: Retrospective application for change of use to lorry park incorporating extension of existing parking area and retention of two mobile units for toilet and shower facilities

Applicant: Mr G Morgan
46 Ripley Road
Ashford
Kent

Agent: Mr AJ Scott
Forest House
Malthouse Lane
Warehorne
Ashford
Kent TN26 2EL

Date Received: 28.07.14

Expiry Date: 26.09.14

Committee Date: 25.07.17

Officer Contact: Louise Daniels

RECOMMENDATION: That planning permission be granted subject to the conditions set out at the end of the report.
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1.0 UPDATE

1.1 This application was originally reported to committee on 14th July 2015 with a recommendation for refusal on the following grounds:

- 1) The surfacing of the parking area is not impermeable and as a result any fuel or carried goods spillage resulting from the lorry park could result in contamination of ground water or the adjoining watercourse. It is not considered that it has been satisfactorily demonstrated that the development would not lead to an unacceptable risk of pollution to ground water and/or the nearby watercourse. As such the development is contrary to saved policy U4 of the Shepway District Local Plan Review which seeks to ensure development does not lead to an unacceptable risk of pollution and paragraph 120 of the National Planning Policy Framework which seeks to ensure development is appropriate for its location, taking into account the effects of pollution on the natural environment.

2) The Contamination Risk Assessment submitted with the application has not been carried out in accordance with relevant guidance or best practice and it does not comprehensively assess risks from any existing land contamination to controlled waters. Given the previous use on the site the Council does not consider that it has been satisfactorily demonstrated that the site is suitable for the current use or that appropriate remediation has been carried out such that any contamination is adequately contained or controlled. As such the development is contrary to saved policy U10a of the Shepway District Local Plan Review which seeks to ensure that development only takes place where practicable and efficient measures are taken to treat, contain and/or control contamination and paragraph 121 of the National Planning Policy Framework which seeks to ensure sites are suitable for their new uses taking account of ground conditions, including pollution arising from previous uses.

1.2 A copy of the original report is appended at Appendix 1 and the Supplementary Sheets are appended at Appendix 2. At that meeting the Committee resolved that consideration of the application be deferred so an updated contamination report could be prepared.

1.3 An addendum to this application was then reported to the Planning and Licensing Committee on 30th May 2017 with a recommendation to grant permission as Officers considered that the previous reasons for refusal were overcome following the submission of the updated contamination report. A copy of this report is appended at Appendix 3 with the Supplementary Sheets appended at Appendix 4. At that meeting the committee resolved:

- That planning permission be deferred for a request to be made to the applicant to provide details within one month of measures to ensure lorries turn left only out of the site and that all lorries using the site pre-book.
- That the application be reported back to the Planning and Licensing Committee to be held in July 2017.

2.0 OTHER RELEVANT PLANNING HISTORY

2.1 On 25th April 2017 the Planning and Licensing Committee resolved to refuse planning permission on the former Otterpool Quarry opposite this site for the following application:

Y16/0068/SH - Retrospective planning application for change of use of a former quarry site to a temporary secure 24-hour lorry park with associated facilities for a period of 24 months.

1. *The use of the application site as a temporary lorry park is considered to be unacceptable on grounds of highway safety concerns associated with the continued unlawful operation of the access to and from the site and in particular from data obtained from*

a CCTV survey of the site showing manoeuvres of lorries across the A20 between the lorry park and the Airport Cafe opposite, causing a significant highway safety hazard to oncoming traffic especially during hours of darkness. As such, the development is contrary to policies TR9 and TR11 of the Shepway Local Plan Review 2013 and Paragraph 32 of the National Planning Policy Framework.

2. In the absence of any relevant and up to date surveys, it has not been demonstrated that the lorry park use would minimise its impact on biodiversity and protected species and their habitats in particular within the site and surrounding area and whether the continuing use of the lorry park is currently impacting adversely on biodiversity and protected species and their habitats. As such, the application fails to comply with central government planning policy as set out in section 11 of the National Planning Policy Framework 2012 and Circular 06/2005 and Policy CO11 of the Shepway Local Plan Review 2013.

2.2 The Committee also resolved that an Enforcement Notice and Stop Notice be served to secure the cessation of the use. These were served on 11th May 2017 with the Stop Notice requiring the use to cease by 25th May 2017. The use of that site has ceased.

3.0 ADDITIONAL CONSULTATION RESPONSES

3.1 Kent Highways and Transportation

With respect to measures available to the applicant to reduce HGV traffic through the village of Sellindge, multilingual information is supplied to drivers verbally, on site notices and on receipts instructing drivers not to go through Sellindge. Clearly visible highway directional signing has already been erected.

Obviously none of the above measure are legally enforceable and their effectiveness will rely on drivers acting as requested; but in as much as the options available to the applicant being limited I would say that they have demonstrated best endeavours in an attempt to reduce vehicles travelling through Sellindge.

The applicant made a valid point when reiterating that the front site adjacent to the Airport Care operating as a HGV lorry park is under completely different ownership and management. This separate frontage lorry park is operating under a valid planning permission and as such is not influenced by the decision of the LPA regarding the tabled proposal.

The management of arrivals and booking of spaces for this separate frontage site is less stringent than the mechanism as proposed by the applicant and as a ongoing lorry park. Clearly if the proposal detailed un Y14/0850/SH were refused this would not simply remove the issue of HGV's from coming to this site or the local area.

The original representation made by KCC Highways and Transportation dated 28/8/2014 still stands and I would ask that the requested conditions are applied should the Local Planning Authority chose to grant permission to the application.

4.0 APPRAISAL

- 4.1 As set out in the previous committee report, the application site is located to the rear section of the Airport Cafe site, and as such, this application only refers to the 15 spaces at the rear and not the remainder of the Airport Café parking area. The area to the front is run by a different operator who is not implementing the same measures as the applicant. Therefore this addendum report together with the recommended conditions only refers to the site to the rear section of the Airport Café site.
- 4.2 Since the application was deferred by the Committee on the 30 May 2017, the following additional information has been submitted by the agent:
 - Emails setting out procedure and operation of the site, together with photographs of new signage and information regarding a booking application system.
- 4.3 The agent has confirmed that the applicant has already put advisory details into place with receipts being issued to each driver on arrival on site with printed instructions on the back in 6 languages requesting that drivers leave the site along the main A20 towards junction 11 of the M20.
- 4.4 The agent confirmed that approximately 2 months ago the applicant fitted additional signage opposite the site to direct trucks to the east and the M20. Since the 30th May 2017 Planning and Licensing Committee meeting, the applicant has also added additional signs opposite both the entrance and exit in the form of pictograms to advise the site users to exit to the east – indicated by a green tick - as opposed to the west – indicated by a red cross.
- 4.5 In terms of the operation of the site, the application portion of the site is monitored by a site marshal who supervises the correct parking of each truck on the application site, issues a receipt with exit instructions and verbally instructs the drivers to exit site to the east only.
- 4.6 The agent confirmed that the application site works on the basis of a Single National Account Package (SNAPs) control system for parking and payment. This system is a free of charge service to HGVs and operates on Automatic Number Plate Recognition (ANPR), a payment system which allows drivers to use registered facilities with payments being taken automatically for the use of facilities. The agent has confirmed that SNAPs are currently trialling an advisory control that will automatically notify HGV drivers when a site is full. The agent has confirmed that this would be possible on the application site, as the marshal's computer updates the parking status so that once the site is full this is automatically advised to SNAPs and to the drivers. The agent has confirmed that the SNAPs control system indicates that currently

there is a daily short fall in the Ashford Borough Council, Shepway District Council and Dover District Council areas of 1000 truck parking spaces.

- 4.7 In addition to the operating provisions the agent has confirmed that there are Fire Control safety stations fitted, one adjacent to the control office on the eastern side of the site and one on the western boundary in association with the lamp/CCTV. For the past two years the application site has been supported by security lighting in the form of full height lamp standards. These are also fitted with CCTV cameras that record to computer what is happening at any time on site. These views can be monitored either in the control office via the computer or remotely by the applicant on his mobile phone.
- 4.8 The agent has advised that refrigeration trailers are not being accommodated on site the infrastructure which would be required is non-viable, particularly considering the limited time approval condition. The proposed condition has been amended to reflect this from requiring electrical connections to be installed within 3 months, to no refrigerated vehicles/trailers being allowed to park on site unless they are connected to HGV electrical connection points.
- 4.9 As was considered previously when the application was reported to the Planning and Licensing Committee meeting on the 30th May 2017, in terms of highway safety, the refusal of planning permission for the Otterpool Quarry Lorry park opposite and the serving of the enforcement notice and the stop notice to cease that use will prevent any dangerous manoeuvres of HGVs across the A20 between the Airport Cafe and the Otterpool Lorry Park entrance. Consequently, it is not considered that refusing planning permission for the lorry park from the application site can be justified on highway safety grounds. The applicant has demonstrated the steps that have been taken to direct lorries to exit the site to the east and it is difficult to see what else can be done in this regard.

RECOMMENDATION

It is recommended that temporary planning permission be granted subject to the following conditions:

1. The development hereby approved shall cease by the end of December 2018.

Reason:

As required by Section 91 of the Town and Country Planning Act 1990 (as amended).

2. With 1 month of the date of this decision notice the lorry parking area the subject of this application shall be surfaced with reinforced concrete and the surface water drainage system, to include dish trough drains, containment kerb and bypass interceptor shall be installed all in accordance with Drawings 212/03 – 13 – Proposed surface finish and 212/03 – 09A – Run off drainage provision layout plan both received on 08.09.15. The surfacing and

surface water drainage scheme shall be retained all the time that the area is used for lorry parking.

Reason:

To prevent pollution to controlled waters.

3. Within 1 month of the date of this decision foul drainage provision for the site shall be carried out in accordance with Drawing 212/03 – 08A – Foul drainage provision layout plan received on 08.09.15 and the foul drainage details received on 06.10.14 and the foul drainage system shall remain in operation all the time that the lorry park is in use.

Reason:

To prevent pollution to controlled waters.

4. Within 1 week of the surfacing required by condition 2 being completed, the lorry parking spaces shall be marked out in accordance with the details shown on the site layout/block plan 212-03-10B dated received 11.12.15. The parking spaces shall be kept available for lorry parking all the time that the lorry park is in use and the lorry park shall only operate in accordance with this plan.

Reason:

In the interests of highway safety

5. Within 2 months of the date of this decision, the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved in writing by the local planning authority:

- i) An additional investigation scheme based on the Contaminated Land Risk Assessment dated August 2015 and the Soiltec Desk Study Report 04179/15 dated 21 September 2009, to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

- ii) The results of the site investigation and detailed risk assessment referred to in i) and based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

- ii) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (ii) are complete and identifying any requirements for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Reason:

To prevent pollution to controlled waters.

6. Within 4 months of the date of this decision, a verification report demonstrating completion of the works set out in the approved remediation strategy and the verification plan and the effectiveness of the remediation

shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a long term monitoring and maintenance plan) for longer term monitoring of pollutant linkages maintenance and arrangements for contingency action, as identified in the verification plan, if appropriate, and for the reporting of this to the local planning authority. Any long term monitoring and maintenance plan shall be implemented as approved.

Reason:

To prevent pollution to controlled waters.

7. If during the resurfacing and drainage works any contamination not previously identified is found to be present at the site then within 1 month of it being found a remediation strategy detailing how this unsuspected contamination shall be dealt with shall be submitted to the local planning authority) and the remediation strategy shall be implemented as approved, verified and reported to the satisfaction of the Local Planning Authority within 4 months of the remediation strategy having been approved.

Reason:

To prevent pollution to controlled waters.

8. Whilst the principles and installation of sustainable drainage schemes are to be encouraged, no infiltration of surface water drainage into the ground is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to Controlled Waters. The development shall be carried out in accordance with the approved details.

Reason:

To prevent pollution to controlled waters.

9. No refrigerated vehicles or trailers shall be parked on the site unless they are connected to HGV electrical connection points that have been installed and are fully functioning.

Reason:

In the interest of the residential amenities of local occupiers, to control noise pollution and to allow HGV refrigerated lorries to operate refrigeration units in accordance with saved policy SD1 of the Shepway District Local Plan Review.

10. All engines shall be switched off while the lorries are parked.

Reason:

In the interest of the residential amenities of local occupiers and to control noise pollution in accordance with saved policy SD1 of the Shepway District Local Plan Review.

11. Within 1 month of the date of this decision details of the facilities for storage and collection of refuse shall be submitted to the Local Planning Authority and the approved scheme shall be made available for use within 1 month of the date of its approval. Such areas as agreed shall thereafter be retained for refuse/recycling storage purposes.

Reason:

To ensure adequate means of refuse collection in the interests of the amenities of residents in accordance with saved policy SD1 of the Shepway District Local Plan Review.

12. Within 1 month of the completion of the surface water strategy and surfacing, a visibility strip along the frontage of the site measuring 6 metres in depth from the edge of the carriageway, with no obstructions over 0.9 metres above carriageway level shall be provided and retained and maintained at all times that the site is operating as a lorry park.

Reason:

In the interests of highway safety in accordance with saved policy TR11 of the Shepway District Local Plan Review.

13. No more than 15 lorries shall be parked within the site the subject of this application at any one time and once the spaces have been marked out in accordance with condition 4 above, lorries shall only be parked in the marked bays.

Reason:

In order to ensure adequate room for manoeuvring of lorries in the interests of highway safety.

14. The Truck Stop notices, which state "All drivers, can you enter Truck Stop from Junction 11 M20 and exit from Junction 11 M20. PLEASE DO NOT DRIVE THROUGH THE VILLAGE OF SELLINDGE" in 6 different languages, and which have been installed within the site (as confirmed in email dated 30/06/17) shall be permanently erected within the site and retained at all times that the lorry park is in use. In addition this message shall be printed on every receipt given to a parking customer.

Reason:

In order to direct lorries away from Sellindge village in the interests of the amenities of local residents in accordance with saved policy SD1 of the Shepway District Local Plan Review.

15. The directional signage currently displayed on the highway verge directing lorries to exit the site to the east shall be relocated within the application site should they be removed and they shall be retained in whichever location at all times that the lorry park is in use.

Reason:

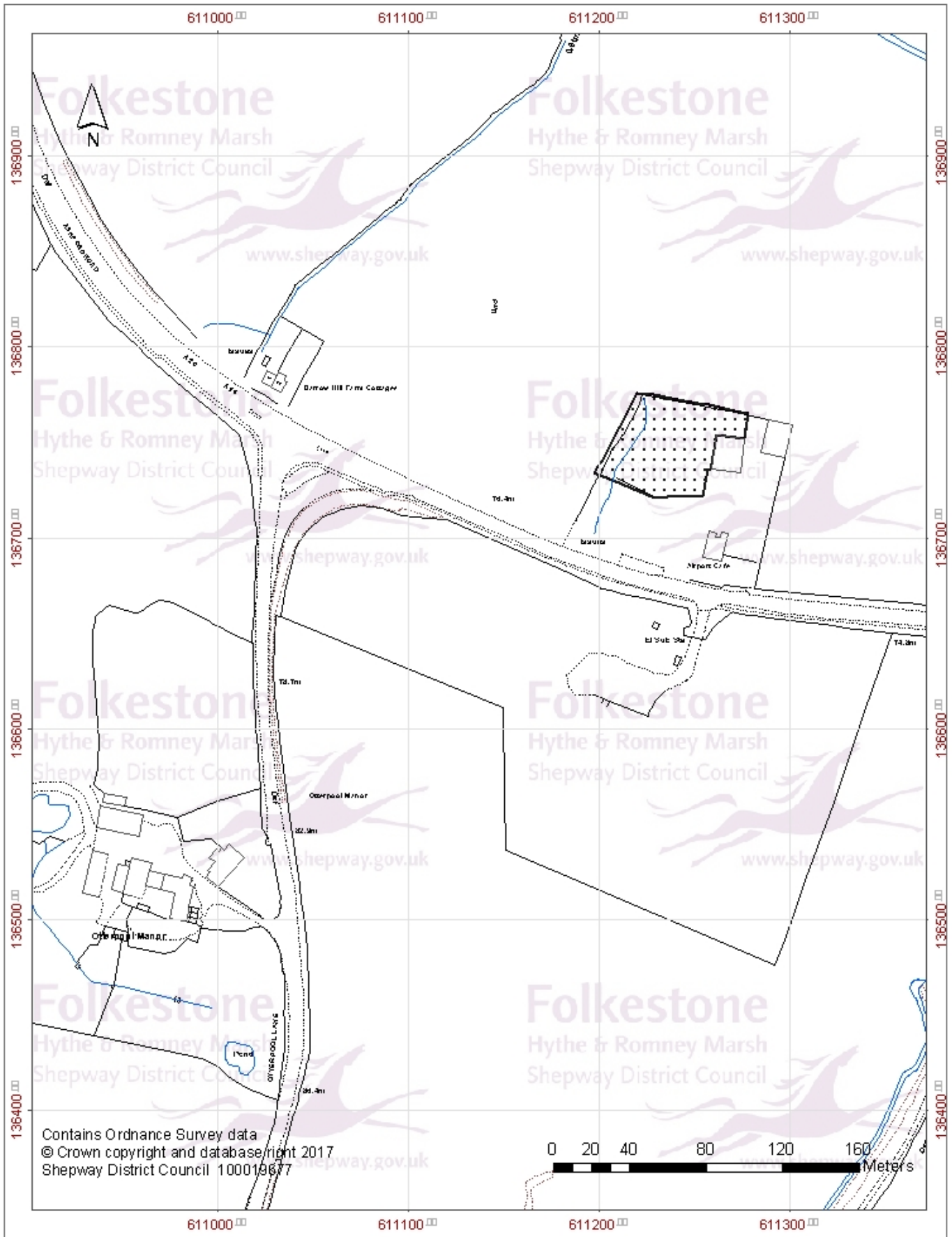
In order to direct lorries away from Sellindge village in the interests of the amenities of local residents in accordance with saved policy SD1 of the Shepway District Local Plan Review.

16. No lorries shall be parked on the site unless they have prebooked and details of the pre booking system to be used shall be submitted to the Local Planning Authority within 14 days of the date of this decision notice.

Reason:

In order to prevent lorries arriving when there is no space for them in the interests of the amenities of local residents in accordance with saved policy SD1 of the Shepway District Local Plan Review.

Y14/0850/SH
Airport Cafe
Ashford Road
Sellindge



APPENDIX 1

Application No: Y14/0850/SH

Location of Site: Airport Cafe Ashford Road Sellindge Kent
TN25 6DA

Description of Development: Retrospective application for a change of use to Lorry Park incorporating extension of existing parking area; and retention of two mobile units for toilet and shower facilities.

Applicant: Mr G Morgan
46 Ripley Road
Ashford
Kent

Agent: Mr AJ Scott
Forest House
Malthouse Lane
Warehorne
Ashford
Kent TN26 2EL

Date Received: 28.07.14

Date of Committee: 14.07.15

Expiry Date: 26.09.14

Officer Contact: Mr John Macauley

RECOMMENDATION:

- a) That planning permission be refused for the reason(s) set out at the end of this report
- b) That the applicant be given a period of one month to cease the use of the site
- c) 1. That if the use does not cease within the required period an Enforcement Notice be served requiring the cessation of the use.
2. That the Head of Planning and Environmental Health be given delegated authority to determine the exact wording of the Notice.
3. That the period of compliance with the Notice be one month.
4. That the Head of Democratic Services and Law be authorised to take such steps as are necessary including legal proceedings to secure compliance with the Notice.

1.0 THE PROPOSAL

- 1.1 This application seeks retrospective permission for an extension to the existing car and HGV truck parking facilities at the site, to be used for an extra 15 lorry parking spaces. The whole site has long been used as a mixed use for a cafe with associated parking; lorry parking to the front of the site; and industrial uses to the rear which comprised car repair/scrap/paint spraying uses. The parking area outside this application site is not marked out for lorry parking and as a result lorries park where space is available. The extension of the parking area has taken place over land at the rear of the overall site that was previously used for a vehicle scrap business. Extra hard standing has been provided to accommodate extra HGVs. The application also seeks the retention of two mobile units used for toilet/washroom facilities in connection with the use.
- 1.2 The site is intended to accommodate drivers and their vehicles overnight to provide a rest area. It is proposed that the site is open 24 hours a day; however it is normal for the majority of lorries to arrive between the hours of 4pm and 11pm and subsequently leave again between the hours of 5am and 9am.
- 1.3 The application has been supported by vehicle tracking plans as well the reports and studies which are listed and summarised below:

Design and Access Statement – A review of the development proposal and rationale behind the use proposed.

Transport Statement – Considers all traffic and transport issues and evaluates the likely vehicle movements and compares this to other permissible employment B class uses of the site.

Ecology Survey – A separate survey which investigates potential habitats and protected species that may be present upon the site.

Contamination Risk Assessment

2.0 LOCATION AND DESCRIPTION OF SITE

- 2.1 The application relates to the rear northwestern section of a larger site which contains the Airport Cafe and other uses. The overall site has an area of approximately 0.2 hectares. It is located off the main A20 between Junction 11 of the M20 and the village of Sellindge. It is a secluded site surrounded on three sides by fields and is very well screened by vegetation. It consists of a cafe known as the Airport Cafe to the south east of the site; a large expanse of hard standing for parking used by customers to the cafe as well as HGVs to park overnight on the remainder of the southern half; and to the north east there was a mixture of car/ scrap related businesses that had existed for many years. Some of these businesses have ceased and an area in the north western section where cars were stored/ taken apart for scrap has been replaced with hard standing for extra HGV parking. It is this area which is the subject of this application. The WC and washing facilities for

drivers are along the eastern boundary of the application site adjacent to an industrial building.

2.2 Prior to the commencement of this current use the overall site was, and in part still is, used for car related businesses including those for paint spraying; storage; and dismantling for scrap. Although this has never been regularised via a planning application or certificate of lawful use application, the use of the site for scrap and car related activity was accepted to have been in existence for some time when the site was assessed as part of an officer's report into the 2009 application to redevelop the site for light industrial and storage units. HGV parking also takes place to the front of the site but is not subject of this application. Although there is no planning history for the use of any part of the site for lorry parking, it appears that the parking area to the front of the site has also used for HGV overnight lorry parking in connection with the use of the Airport Cafe for many years. As such it appears likely that the use of the front part of the overall site for lorry parking has become lawful.

2.3 The site lies within an area of archaeological potential.

3.0 RELEVANT PLANNING HISTORY

3.1 Y09/0871/SH - Erection of 9 light industrial units (Class B1) and storage (Class B8), with associated parking following the removal of existing units and scrap yard. Approved. Foundations have been put in for the first unit

4.0 CONSULTATION RESPONSES

4.1 Stanford Parish Council

Support subject to the following concerns

1. There should be plug-in facilities for refrigerated lorries and the noise caused by this type of lorry could be detrimental to residents in the surrounding area.

2. We consider that methods of clearing accidental spillage are not good enough, especially in wet weather as run-off could pollute the River Stour.

3. There is no mains connection (septic tank only) with regard to showers and toilets. We note from the application that this lack will be addressed in the future, and it must be implemented.

4. Lighting to be kept to a minimum with regard to light pollution, and the barbecue area should be screened.

Request application be called in.

4.2 Sellindge Parish Council

Comments dated 10th September 2014

SEWERAGE

- The use of two 4,500 litre tanks in series (believed to be Clargester sewerage digester units) causes concern. They are designed to work on their own. There are concerns that having them in series may cause them to malfunction.
- If connected by the usual 4in piping, there are concerns that with the amount of possible usage, these pipes will not be able to cope.
- One of these units is designed to serve a four bedroom house, with 35+ lorries, this is the equivalent of at least 8.75 four bedroom house, plus some of the vehicles will have passengers.

LORRY PARK DRAINAGE / RUN OFF

- There are great concerns that not enough attention has been paid to the drainage / run off of the lorry park itself. There are no safeguards in place to deal with any major incident, as a result of spillage. Members of the Parish Council have observed that at times there are tanker HGV's parked up, which may well contain hazardous or even toxic materials.
- If one of these tankers were to get compromised, leading to the tanker being ruptured, this could well lead to a major environmental incident, both in the site and in the village of Sellindge, as the ditch drainage from the site leads to the East Stour River, which is only a matter of approx. 500m away, with the village being downstream.
- There are concerns as to using road grindings as part of the hard standing, if there was a significant diesel spillage this could well result in Heavy Oil Pollution. The Parish Council would like to draw your attention to Environment Agency Incident number 208396, which happened in 20036, in Swan Lane, Sellindge, where there was “**significant damage to the ecosystem, and damage to ground by oil and fuel**”. This happened on some ground, which has just been developed. It was known that a considerable amount of road grindings had been buried on site, and the developer was supposed to remove, but did not. There was an incident where an oil central heating pipe had become ruptured, and around 1000 litres of central heating oil leaked into the ground and came into contact with buried road grindings (planings), resulting in Heavy Oil Pollution due to the reaction between the central heating oil (which is basically pink diesel) and the road grindings.

This significant pollution incident was just caused by central heating oil, reacting with road grindings (planings), which is the same material used for the hard standing at the lorry park.

The clear up for this incident took approximately two years. In fact the dwellings concerned, are more or less unsaleable as it cannot be confirmed whether there is any road grinding (planings) under them.

- In the **ecology statement** it states
 “Were there to be an unfortunate accident and an oil spillage, the area of the car park that were to be affected could simply be graded off and polluted material disposed of off-site to licensed dump and the surface re-made by simply adding further hoggin and planings to match”
 However this simply grading off would have to be done extremely quickly, within hours, as the oil will react with the road grindings (planings) very fast. There are grave concerns that if any spillage got into the ditch at the back of the site, the East Stour River could quickly be contaminated. The East Stour River passes through Sellindge at the bottom of Barrow Hill. Looking up the stream from the bridge at Barrow Hill you can quite often see Brown Trout and the people of The Cedars have their private waterside garden, where residents report often seeing Kingfishers.

The East Stour River looking down stream, here the river is shallower, but this is where the children of Meadow Grove and the wider community play in the river, and catch bullfish and minnows.

Were a diesel tank of a lorry was to be ruptured, there would be no stopping the escape of fuel, if it was a twin tank, both tanks would be compromised. The average tank is around 400 litres, but some can be even larger, up to 1000 litres.

FIRE RISK

- We had a report from a concerned Barrow Hill resident (who is a Police Officer). He had gone up to the Airport Café on a Sunday, where he counted more than 60 trucks parked up. The way they were parked, if there had been a fire, there would have been no chance of stopping other trucks getting consumed with the fire. If it was to be a truck in the midst of the lorry park, there would be no chance of moving it or the surrounding lorries. The nearest Fire Hydrant is Hydrant 24514 which is located on the A20 at the bottom of Otterpool Lane.

WELFARE UNITS

- There are concerns as to whether the Welfare Units are up to standards. We would like Shepway Environmental Health to check the units to ensure, they are up to standard.

ANTI-SOCIAL BEHAVIOUR

- Over the years since the site has been operating as a lorry park, there have been vast reports to the Parish Council, about lorry drivers, coming down into Sellindge to the Co-Op and purchasing packs of beer and bottle of spirits, (this has been confirmed by the employees of the Co-Op), they then make their way back to the Airport Café. The big problem is while they make their way back, they start drinking, which is resulting in lager cans and various bottles being thrown into the gardens of Barrow Hill – This could be considered as a loss of Human Rights to the residents of Barrow Hill.

There are concerns with the amount of alcohol being bought, as to are some of the drivers over the limit when they leave the lorry park in the early morning.

- The 2009 application there was a survey done by SLR which recommended certain works are done, and that no drainage into the subsoil be allowed, this was backed up by the RPS who are consultants to Shepway Environmental Health. In turn various conditions were passed, and there is no evidence that conditions 11 and 12 have been dealt with. Especially condition 12 which states no infiltration of water!

Comments dated 14th October 2014

CONTAMINATION RISK ASSESSMENT

CONTAMINATION RISKS

- The use of old road grindings is no less of a problem than new road grindings
- Although as said the area of contamination could be removed and replaced within hours. However if this was done in this manner, there is no way you could be sure that all the contamination had been removed. The area would have to be cordoned off and samples taken for testing, and the results received before the area could be made good.
- The cause of the spillage would have to be completely stopped before the affected truck was moved; otherwise the contamination would spread to other areas.
- If this happened on a Sunday, when trucks are sometimes parked nose to tail. This could present an even worse problem.

RISK AREAS – TRUCK PARKING AREA

- To say that drivers are responsible, and will attend with the help of the parking manager to deal with a spillage. The vast majority are, however there is nothing to stop a driver leaving, having not dealt with the matter, there are no proper marked parking bays, so the parking manager has no real way of knowing who has parked where. It may be the case that the driver is unaware of the problem, and with no knowledge of who parked where, no way of letting him know.

SURFACE WATER RUNOFF

- The gullies and petrol interceptor are welcome improvements. However the Parish Council feel that a gully is also needed at the edge of the original truck parking area, and then one down the bottom of the site, this would speed up the water runoff from the top of this site.

SEWAGE TANKS

- The conversion of one of the cesspool tanks with a Mantair TCU 2.1 is also a very welcome improvement. But signs must be in place to prevent the wrong cleaner being used in the toilets, which can cause these systems to fail.

- Would it be at all possible to see the maintenance contract, and EA licence?

OTHER COMMENTS

ECOLOGY

- As mentioned in our first comments, the Parish Council is still concerned on this matter.

FIRE HAZARD

- As mentioned in our first comments there are concerns, in the event of a fire breaking out.

WELFARE UNITS

- The Parish Council would like the Shepway Environmental Health to go and inspect the welfare units and do a proper report, not just a memorandum.

ANTI-SOCIAL BEHAVIOUR

- There are still the concerns as to the anti-social behaviour that happens in Barrow Hill as mentioned in our first comments. But we are still receiving concerns from residents of Barrow Hill concerning groups of drivers making their way back from the Co-Op with crates of beer and bottles of spirits, some drinking as they go. With the recent tragedy on the M26 involving a foreign driver who was drunk at 9:30am this must be a warning!

OVERPARKING

- There have been reports from people visiting the car repair workshop which is situated at the back of the Airport Café site that they have counted in excess of 40 trucks parked up.
- It is often the case that trucks are parked in areas that are not marked for parking. To the right of the café.

OVERFLOW

- Since the Airport Café has become so popular, once full we now get trucks parked all down through the village of Sellindge, where there is no toilet facilities whatsoever. The large lay-by at the top of Barrow Hill is now on most nights full with around 10 trucks, all pointing towards Ashford, so they will all go through the village of Sellindge.

TRUCKS GOING THROUGH SELLINDGE

- Since the trucks have been parking at the Airport Café in such large numbers, there has been a significant increase to the amount of trucks coming down through the village of Sellindge. The amount and the vibration is beginning to have an adverse affect on some of the cottages (some of which date back to the early 1700's) in Barrow Hill.

Sellindge Parish Council recommendations in the event that Retrospective Planning Consent is approved

- **Tankers** – to ban Taker Lorries from using the site.
A Tanker getting ruptured is the worst case scenario, not having them on site eliminates this problem.
- **Parking Bays** – To have all the parking bays marked and numbered
Parking bays could be numbered easily by using marker posts
- **Drivers** – Drivers to book in and out
When a driver enters the site they should book in and are given an allocated bay to park in. When booking in full details should be recorded; Reg number, company and load details. This way if a driver leaves and a spillage is noted they could quickly be traced, with any costs for repair for the area being passed onto the company. When they book out the parking manager should inspect the parking bay for any signs of a spillage.
- **Environmental Protection**
Proper robust Environmental Protections should be put in place and monitored, to protect the countryside.
- **Temporary** – temporary permission
As this is temporary, until the agreed development of 2009 Y09/0871/SH for 9 light industrial units can go ahead, if permission was to be granted it should only be granted for a period of up to 3 years. Then reviewed.
- **Turn Left**
A planning condition, stating that all trucks MUST TURN LEFT when leaving the site and travel to junction 11 to rejoin the M20

CLOSING STATEMENT

The Parish Council, are disappointed that the comments made to them by a Shepway Councillor (who is actually on the Planning Committee) and an officer of Shepway Planning Department, appears to show that this planning application has been pre-determined, by them at least, without the valid concerns of Sellindge Parish Council being fully considered. It is hoped that a full debate can take place on the application at a full Development Control Committee where a representative of Sellindge PC can attend and address members.

Comments dated 12th November 2014

PARKING ISSUES

The site plan to the application states 21 truck parking spaces and according to the application an extension of at least 8. We can only count 19 current spaces, 11 backing on to the west edge of the site and 8 backing on the north edge of the site. We can accept that the 11 spaces backing on to the west edge have been there for many years, mind you these do not have proper planning permission for lorry parking. However the 8 spaces that back on to the north edge of the site have not been there for many years.

They cannot have been as this area was the site of the vehicle scrap yard which only closed in 2012 so therefore these 9 spaces are new and do not have planning permission.

VEHICLE PARKING

Section 10 – in this section the applicant states that the HGV parking spaces proposed, including those retained is 19. However the actual being parked daily is 50+ and ever more over the weekend. At weekends the lorries are parked in as tight as possible.

EMPLOYMENT

According to the application the applicant states that there is only 1 part time employee. The Parish Council find this totally unacceptable, as it leaves the site drastically under staffed. Having just 1 part time employee, there is no way that spillages or other emergency issues could be tracked.

As mentioned in our previous comments lorries need to be booked into a certain space and booked out, there is no way that this can be done.

HOURS OF OPENING

In the application it states that the site is open 24 hours and 7 days a week (24/7). The Parish Council feel there would be a need for at least 4 to 5 full time employees to operate the site safely.

HAZARDOUS SUBSTANCES

This section asks if there will be any hazardous substances stored on the site, the applicant has treated this as not applicable.

However if a tanker is parked there from Friday afternoon to Monday morning, with a tanker full of hazardous substance, then this hazardous substance has been stored on site.

It has been observed at various times, that tankers do not display any legally required warning signs of what they contain. However it has been observed that on at least one occasion a tanker was observed to be parked in the Airport Café over the weekend, but was then seen parked up in the lay-by on the way back to the junction 11 of the motorway, where the driver is seen to be replacing them.

HIGHWAY ISSUES

Within the application for the Otterpool Quarry site, the PC requested that all vehicles should turn right to leave the site and come in from junction 11 via Newington. This was included as a condition of the application which has been approved.

At this time there is no restrictions on the direction that HGV's can access and egress the café and the PC expects the same conditions should be applied to this application to maintain fairness, except in this case they would be required to turn left when exiting the site.

4.3 Kent Highways

No objections to the proposals subject to the following conditions being attached to any planning permission granted:

- a) Provision and permanent retention of the vehicle parking spaces and turning space shown on the submitted plans.
- b) Provision of a visibility strip along the frontage of the site measuring 6 metres in depth from the edge of the carriageway, with no obstructions over 0.9 metres above carriageway level.

Notes:

The reason why the 6 metre visibility strip is required is because the site exit is on the inside of a bend and so the visibility requirement of 2.4 metres by 160 metres in a westerly direction goes 6 metres deep into the side due to the curvature of the A20.

4.4 Kent Archaeological Officer

No measures required.

4.5 Highways Agency

No objection.

4.6 Southern Water

The applicant is advised to consult directly with the Environment Agency regarding the use of a cess pit. The owner will need to empty and maintain the cess pit to maintain its long term effectiveness.

The application details for this development indicate that the proposed means of surface water drainage for the site is via a watercourse. The Council's technical staff and the relevant authority for land drainage consent should comment on the adequacy of the proposals to discharge surface water to the local watercourse.

Due to changes in legislation that came into force on 1st October 2011 regarding the future ownership of sewers, it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its conditions, the number of properties served, and potential means of access before any further works commence on site. The applicant is advised to discuss the matter further with Southern Water.

4.7 Environment Agency

We have referred to the submitted Contamination Risk Assessment report and have concluded it does not comprehensively assess risks from any existing land contamination to controlled waters.

The report has not been carried out in accordance with relevant guidance with regards managing land contamination or best practice and therefore we cannot accept the report's conclusions. We would recommend to the developer that they instruct an environmental consultant who is competent and is experienced in managing land contamination to carry out a risk assessment for the site.

Surface Water

We do not permit site drainage. The Owner of the land however, is solely responsible for any pollution that may occur and cause a detrimental environmental impact on the land, groundwater and/or controlled waters. Enforcement action may be taken if the necessary pollution prevention measures have not been carried out, such as:

- (a) impermeable surfacing of the lorry park to protect groundwater in the case of an oil/fuel spill.
- (b) kerbing around the lorry park to contain any pollution.
- (c) oil interceptor for the separation of any contaminated surface waters before discharging to the local watercourse.
- (d) gully pots are a useful addition to the surface water drainage system.

On the Run off Drainage provision Layout Plan 212/03-09 there appears to be 21 lorry spaces, not 19 as stated in the application.

Foul Water

We can see that there is an intention to convert one of the existing 4,600 litre cesspits into a sewage treatment plant with the installation of a PE15 Mantair conversion unit.

- (a) There should be a designated sample point located between the sewage treatment plant and the outlet giving easy access to us for any required sampling to be carried out. For Health & Safety reasons it is not acceptable for the samples to be taken from the discharge outlet at the receiving controlled water.
- (b) Any surface water underground drainage pipe-work must not connect to the foul drainage discharge pipe-work prior to the designated sample point for the sewage treatment plant.
- (c) I note that the calculations have been estimated for 30 users @ 50 litres per day. 1,500 litres maximum per day, 1.5 cubic metres per day.
- (d) This retrospective planning application is for the change of use from commercial to transport parking incorporating extension of existing car park including the provision of welfare facilities. It is not clear what foul drainage facilities serve the existing cafe?

Are the existing cesspits serving the cafe at the moment?

(a) If so, the installation of the Mantair Unit should be sized to include the cafe in addition to the calculations above.

(b) If so, as the Cafe is a very busy Cafe, the discharge volume could be greater than 5 cubic metres per day to a watercourse and so a bespoke environmental water permit will be required under the Environmental Permitting (England & Wales) (Amendment) (England) Regulations 2014. For a roadside restaurant the calculations are 12 litres per person per day. This would be for each and every customer each day.

A detailed foul and surface water drainage plan of the whole area showing surface/foul water drainage pipe-work including any gully pots, manholes, grills etc., would be advisable

4.8 Environmental Health

No objections.

5.0 PUBLICITY

5.1 Site Notice. Expiry date 01.09.2014

5.2 Press Notice. Expiry date 07.09.2014

6.0 REPRESENTATIONS

2.1 3 Letters/ e-mails received objecting to the development upon the following grounds:

- The parking of the HGV trucks and the cars not only restrict visibility, but force the drivers to have to take wider turns in front of and on to the opposite side of the road.
- Increase in lorry movements creating a health and safety issue due to waste transfer station granted planning permission opposite.
- Site is allowed to be completely filled up with HGV's parking on laybys on the road endangering people's life.
- Overbearing impact on the surrounding countryside, road and village. Visually unattractive, overbearing and not In keeping with the local natural area, including the North Downs behind the site, which is an AONB.
- The HGV truck parking area has no facilities to deal with oil or fuel spillage, and as the trucks are just parking on gravel/ soil, any contaminants would just go into the soil and local farming land. There is also a river at the rear of the site which would be contaminated due to this. This River feeds into the Stour River.

- If a fire took place on site, with at times 70 trucks crammed in so close, not only would there be a serious risk to life, but the inevitable impact would be catastrophic.
- The surface is not adequate for lorry parking- other lorry park at Stop 24 has a hard surface more suitable for a lorry park, also the industrial estate at Otterpool is more suitable having a hard surface also.
- Speed limit on the A20 passing the site should be reduced to 50mph.
- Poor access to the site causing safety concerns with Lorries turning into and out of the area impacting on driver safety of those using the A20.

7.0 RELEVANT POLICY GUIDANCE

7.1 The full headings for the policies are attached to the schedule of planning matters at Appendix 1.

7.2 The following saved policies of the Shepway District Local Plan Review apply:

SD1, TR11, U4, U10a, U15, BE1, C01, CO11.

7.3 The following policies of the Shepway Core Strategy Local Plan 2013 apply:

DSD, SS1, SS3, CSD5

7.4 The following Supplementary Planning Documents and Government Guidance apply:

National Planning Policy Framework paragraphs. 14, 17, 120, 121
National Planning Policy Guidance
Kent Design Guide

8.0 APPRAISAL

Relevant material planning considerations

8.1 The application site is not subject to any designation in the local plan. Thus the principle issues to be considered in the determination of this application are the acceptability of allowing this use having regard to the impact upon the residential amenities of the local residents, highways and transportation matters, visual impact, ecology and contamination.

Policy

8.2 The key saved policies of the Shepway District Local Plan are SD1 and BE1 relating to sustainability and design issues; BE16 that seeks the protection of landscape features and highway policy TR11 sets out the criteria for proposals which involve the formation of a new access or intensification of an existing access.

- 8.3 Policies U4 and U10a cover drainage and contamination and policy U15 addresses light pollution. Policy C01 requires consideration to be given to protecting the countryside for its own sake, and policy CO11 requires consideration to be given to ecology and the safeguarding of any protected species or habitats within the site or close by. Safeguarding residential amenities is required under policy SD1.
- 8.4 There are a number of key strategic policies within the recently adopted Core Strategy Local Plan. Policy SS1 gives priority to building on previously developed land in the urban area and urban regeneration, policy SS3 seeks to direct development towards existing sustainable settlements and policy CSD5 relates to water quality and management.
- 8.5 The National Planning Policy Framework (NPPF) provides the national government policy background with paragraph 14 setting the key principles in terms of the presumption in favour of sustainable development. Much of the NPPF is relevant to the current application with particular emphasis on paragraph 14 – sustainable development, 17 – core planning policies, paragraph 120 – reducing risks from pollution and paragraph 121- ensuring sites are suitable for their new uses.

Residential amenity

- 8.6 The site is located amongst fields beside the A20, approximately 500 metres from the settlement boundary of the nearby village of Sellindge which is to the west of the site. The closest residential property is approximately 200 metres away, located also beside the A20 to the west of the site.
- 8.7 The access to the Airport cafe and lorry park can be made either from Sellindge along the A20 or junction 11 off the M20. Considering the lorry park will be used by HGVs on long distance journeys, it is unlikely the A20 through the village of Sellindge will be used, rather junction 11 of the M20 which provides the fastest and easiest access to the M20 and to the port of Dover as well as the county's motorway network.
- 8.8 The highest predicted vehicle movements at the site would be approximately 185 per day (as set out in the applicant's transport statement), with only approximately 48 being HGVs. This compares to a daily vehicle movement of approximately 166 (29 of which were HGVs) prior to the works taking place to extend the site. However as a lorry park the use does attract extra HGV movements as set out above.
- 8.9 It should be noted though that since being a mixed use site, the cafe itself generates traffic movements (including lorries) being located only a few miles from the M20 and close to Link Park and Lympne Industrial Estate, and so not all movements are related to the lorry park. Also lorries visiting the cafe are likely to stay for shorter periods unlike the lorry park where HGVs park up for long periods of time.

- 8.10 Although there are residential properties along the A20 between the M20 and the site, particularly at Newingreen, it should be noted that the applicant's transport statement shows daily vehicle movements along the A20 (all vehicles) of approximately 3070, with approximately only 588 being HGV's. The statement shows that of these movements, there are 185 vehicle (all) movements to the site (including visits to the cafe), where 48 are HGV. Therefore the proportion visiting the lorry park is relatively low. The route is popular by not only being the A20, but being the access to the Lympne Industrial Estate which generates a great deal of HGV movements.
- 8.11 Therefore having regard to the number of HGV movements taking place in this location anyway, the additional movements created by the lorry park are considered unlikely to have a significant impact on residents along the A20.
- 8.12 Given the location of the site behind the existing parking area, lighting is not considered to be an issue and has not been raised by local residents. The amount of lighting can be controlled by condition if Members resolve to grant planning permission.

Highways and Transportation

- 8.13 With regard to highways and transportation matters, comments from both Kent Highways and Transportation and the Highways Agency are set out in paragraphs 4.3 and 4.5 above, neither of which has raised an objection to the development. The application has been submitted with a detailed Transport Assessment as well as vehicle tracking plans.
- 8.14 There is a single access into the site off the A20 which is considered acceptable, subject to a condition requiring a visibility strip along the site frontage. There is sufficient room to manoeuvre internally within the site, which a block plan and tracking plan clearly demonstrates. The site benefits from good connectivity having access to the major road network being in close proximity to the M20 motorway and A20 trunk road, and helps to alleviate the problem suffered throughout the district of lorries parking indiscriminately to conform to their working hours regulations. With easy access to the M20 most lorry movements will be to the M20 via junction 11.
- 8.15 It is acknowledged that a representation has been made about highway issues and the unsuitability of the local road network. However, given that Kent Highways & Transportation and the Highways Agency have raised no objection to the application there is no planning justification for refusing the application on highway grounds. The roads are public and available for all to use and Kent Highways have advised that these are not subject to any width or weight restrictions and they already serve Lympne Industrial Estate further along from the application site which HGVs often deliver too and despatch from.

8.16 Therefore on highways and transportation grounds, whilst there is a local objection, the development is considered to be acceptable, and in accordance with the NPPF and saved local plan policies TR11. It is considered that no ground of refusal could be substantiated on highway safety matters.

Visual Amenity

8.17 The site is not located within any settlement boundary. It is considered to be positioned in a fairly obscured area, surrounded on three sides by trees and vegetation that results in the site being not highly prominent and it is screened to a large degree. It is in a rural area with the closest residential property being approximately 200 metres away, and being surrounded by fields except where it fronts onto the main A20. As such this area is not visually prominent in the wider environment where it is considered that the proliferation of parked vehicles is not visually harmful.

8.18 In terms of its visual relationship with the surrounding locale, the immediate surrounding area has a predominantly rural character. However, there are long standing commercial/industrial uses on this site, including a history of lorry parking and, as such, the proposal does not exacerbate any existing visual impacts on the area.

8.19 The application required very minimal operational development which consisted of an extension to the hard standing at the site to incorporate land used for by a scrap metal business, and the retention of two small portable units for use as a washroom and WC facility. These are not considered to present an adverse visual impact. The buildings are small in size and low in height and are tucked away behind the existing industrial units, and the extension of the hard standing replaces a scrap metal business interrelating to the existing expanse of hard standing in this area and has a similar appearance and visual impact.

8.20 It is therefore considered that in visual built environment terms, the extension of the site to accommodate further HGV's presents no visual harm sufficient to warrant a ground of refusal of planning permission and overall is acceptable in accordance with saved policies BE1 and SD1 of the Local Plan Review.

Ecology

8.21 In terms of ecology the site does not have any national or international nature conservation protection and is on land previously used for industrial purposes. The applicant's ecology report states that the hard standing extension has taken place on land previously used for a scrap metal business. The survey concludes that as a result of the development the ecology of the site has not been adversely affected.

Surface and foul water discharge/ drainage, and contamination

- 8.22 In terms of surface water, a gully is proposed to be installed along the rear of the parking area to collect rainwater runoff and discharge from HGV's. The gully will lead to a Klargestor (oil interceptor) to ensure that any pollutants in the runoff are separated off before discharge into the local watercourse that runs alongside the site. However, the EA also requires impermeable surfacing of the lorry park to protect groundwater in the case of an oil/fuel spill and kerbing around the lorry park to contain any pollution. The surface of the application site is stated as being hardcore hoggin with fines, which has been compacted and rolled to form a surface to match the existing carpark. This is a permeable material. The applicant has stated that the surface is not going to be hard surfaced as the current use is only considered temporary with the intention being to complete the approved commercial development. Permeable surfacing is not considered acceptable for lorry parking areas as spills of fuels or other contaminants can soak through the surface and contaminate ground water and, in the case of this site, the adjacent watercourse, rather than draining through the interceptor. Saved policy U4 of the SDLPR seeks to resist development where it has not been demonstrated that it would not lead to an unacceptable risk to surface or ground water resources or a risk of contamination. Core Strategy Policy CSD5 requires that the quality of water passed on to watercourses and the sea must be maintained or improved. Paragraph 120 of the NPPF seeks to prevent unacceptable risks from pollution. Therefore, without the appropriate impermeable surfacing it is not considered that planning permission should be granted.
- 8.23 Presently the foul drainage from the toilet facilities discharges into a cess pit. The applicant is proposing to upgrade the cess pit to a full waste treatment system using a Mantair unit and has submitted details. This can be controlled by condition to ensure it is implemented. The Environment Agency recommends a detailed foul and surface water drainage report for the entire site, including the cafe, to be submitted showing all pipe work/gully connections. Their concerns are that the proposed foul drainage for the application site will include that for the cafe and therefore the size of unit needs to be appropriate for this. Although the application is for a section of the site, not all of it, it is understood that the drainage proposals intended for the new parking area will upgrade the existing sewage arrangements (cess pit) for the Airport cafe also. This will result in an improvement to the existing facilities. Therefore provided the Mantair Unit is of sufficient size for the cafe as well as the lorry parking welfare facilities the method of foul drainage proposed is considered acceptable. This can be covered by condition if Members resolve to grant planning permission.
- 8.24 With regard to contamination, the Environment Agency does not consider the Contamination Risk Assessment submitted with the application to be acceptable as it does not comprehensively assess risks from any existing land contamination. They recommend the developer instructs an environmental consultant who is competent and is experienced in managing

land contamination to carry out a risk assessment for the site. The applicant has been requested to provide such a report but none has been submitted. The previous car scrapping use can lead to extensive sub surface contamination and the EA considers that this needs full investigation with a Preliminary Risk Assessment (PRA) and that continued use for lorry parking would not be suitable until a PRA and risk assessment shows the site can be dealt with adequately. Saved policy U4 of the SDLPR seeks to resist development where it has not been demonstrated that it would not lead to an unacceptable risk to surface or ground water resources or a risk of contamination. Paragraph 121 of the NPPF requires that planning decisions should ensure that the site is suitable for its new use taking account of pollution arising from previous uses. In the absence of the appropriate risk assessments it is not considered that planning permission should be granted for the use.

Human Rights

8.25 In reaching a decision on a planning application and enforcement matter the European Convention on Human Rights must be considered. The Convention Rights that are relevant are Article 8 and Article 1 of the first protocol. The proposed course of action is in accordance with domestic law. As the rights in these two articles are qualified, the Council needs to balance the rights of the individual against the interests of society and must be satisfied that any interference with an individual's rights is no more than necessary. Having regard to the previous paragraphs of this report, it is not considered that there is any infringement of the relevant Convention rights.

8.26 This application is reported to Committee as authority is required to serve an Enforcement Notice.

9.0 SUMMARY

9.1 This planning application seeks retrospective permission for the continued use of a rear portion of the site as an overnight lorry park following an extension of the existing hard standing, and retention of two mobile used for washroom and toilet facilities. The application does not include the front section of the site which has been used as lorry parking for a number of years such that it appears likely that this use has become lawful.

9.2 The principle issues to be considered in the determination of this application are the acceptability of allowing this use having regard to the impact upon the residential amenities of the local residents, highways and transportation matters, visual impact, ecology, drainage and contamination.

9.3 There are no adverse highway safety issues as Kent Highways and Transportation and the Highways Agency have raised no objection subject to conditions. Allowing this extended use will help reduce the number of Lorries

parking on public highways which are a common problem throughout the District, and being with close proximity of junction 11 of the M20 lorries will logically access the site via the M20.

- 9.4 In terms of impact on the visual amenity of the area and the amenities of local residents the use is considered acceptable given the existing and previous uses on the site and its location off the A20.
- 9.5 The Environment Agency is concerned that due to the permeable surfacing of the lorry parking area and the previous uses of the site there are risks of contamination of ground water and the adjacent watercourse as a result of the current use which have not be satisfactorily addressed.
- 9.6 Overnight lorry parking is a problem for Shepway. The extension of this lorry parking area does help alleviate some of this problem by providing much needed overnight lorry parking space and taking lorries off the road and lay-bys. Without this extended facility more lorries are likely to park up on the roads causing further nuisance to users of the public highway, and in most severe cases annoyance to local residents where lorries park up close to residential properties. The development if granted planning permission would also lead to an improvement in terms of the foul drainage for both the lorry park and cafe as the applicant is proposing to install a Mantair Unit which can be required by condition. In addition refusing planning permission for the rear part of the site will not result in the cessation of the lorry parking on the remainder of the adjoining land which is not controlled by planning conditions and could also result in contamination and pollution to the groundwater and watercourse.
- 9.7 However, this is not sufficient justification for granting planning permission for the application site where planning permission is required, given the concerns raised by the Environment Agency with regard to the contamination issues and potential pollution of ground water and the adjoining watercourse, which have not been satisfactorily addressed and as such the application is recommended for refusal.

10.0 BACKGROUND DOCUMENTS

- 10.1 The consultation responses set out at Section 1.0 and the representations at Section 3.0 are background documents for the purposes of the Local Government Act 1972 (as amended).

RECOMMENDATION –

- a) That planning permission be refused for the following reasons:**

- 1) The surfacing of the parking area is not impermeable and as a result any fuel or carried goods spillage resulting from the lorry park could result in contamination of ground water or the adjoining watercourse. It is not considered that it has been satisfactorily demonstrated that the development would not lead to an unacceptable risk of pollution to ground water and/or the nearby watercourse. As such the development is contrary to saved policy U4 of the Shepway District Local Plan Review which seeks to ensure development does not lead to an unacceptable risk of pollution and paragraph 120 of the National Planning Policy Framework which seeks to ensure development is appropriate for its location, taking into account the effects of pollution on the natural environment.
- 2) The Contamination Risk Assessment submitted with the application has not been carried out in accordance with relevant guidance or best practice and it does not comprehensively assess risks from any existing land contamination to controlled waters. Given the previous use on the site the Council does not consider that it has been satisfactorily demonstrated that the site is suitable for the current use or that appropriate remediation has been carried out such that any contamination is adequately contained or controlled. As such the development is contrary to saved policy U10a of the Shepway District Local Plan Review which seeks to ensure that development only takes place where practicable and efficient measures are taken to treat, contain and/or control contamination and paragraph 121 of the National Planning Policy Framework which seeks to ensure sites are suitable for their new uses taking account of ground conditions, including pollution arising from previous uses.

b) That the applicant be given a period of one month to cease the use of the site.

c) 1. That if the use does not cease within the required period an Enforcement Notice be served requiring the cessation of the use.

2. That the Head of Planning and Environmental Health be given delegated authority to determine the exact wording of the Notice.

3. That the period of compliance with the Notice be one month.

4. That the Head of Democratic Services and Law be authorised to take such steps as are necessary including legal proceedings to secure compliance with the Notice.

Decision of Committee

APPENDIX 2

DEVELOPMENT CONTROL COMMITTEE 14th JULY 2015

SUPPLEMENTARY INFORMATION TO SCHEDULE OF APPLICATIONS

**1. Y11/0137/SH LAND ADJOINING SIR JOHN MOORE BARRACKS
(Page 9) MILITARY ROAD SANDGATE KENT**

Outline application for the erection of 5 detached houses, including details of layout, scale and access, together with the change of use and conversion of Martello Tower 6 to a residential holiday let and Martello Tower 7 and adjacent underground water tank to a dwelling, together with associated access road and engineering works, parking, landscaping and ancillary outbuilding to serve Martello Tower 6.

Rosemary Sanders, member of the public to speak against the application
Cllr Tim Prater, Sandgate PC to speak on the application
Cllr J Holben, ward councillor, to speak on the application
Roger Joyce, agent to speak in support of the application

**2. Y13/0048/SH LAND 1085 METRES SOUTH WEST LYDD MODEL FLYING
(Page 49) CLUB SITE MIDLEY WALL OLD ROMNEY KENT**

A wind energy development comprising the erection of four wind turbines, each with a maximum height to blade tip of 126.5 metres together with a substation and control building, associated hardstandings, an improved access junction, connecting internal access tracks and water crossings and other related infrastructure, being accompanied by an Environmental Statement.

Mrs B Paine, member of the public, to speak against the application
Representative of Lydd Town Council, to speak on the application

**3. Y14/0850/SH AIRPORT CAFE ASHFORD ROAD SELLINDGE KENT
(Page 152)**

Retrospective application for a change of use to lorry park incorporating extension of existing parking area; and retention of two mobile units for toilet and shower facilities.

Representative of Sellindge Parish Council, to speak on application

**4. Y15/0094/SH NICKOLLS QUARRY DYMCHURCH ROAD HYTHE KENT
(Page 173)**

Section 73 application to remove condition 12 and vary condition 57 of outline planning permission Y06/1079/SH (mixed use development) - removal of condition 12 to enable development to take place without the construction of a pumping station at Grand Redoubt; and variation of condition

57 in relation to the provision of offsite highway improvement works.

Mr S Mellor, applicant's agent, to speak in support of the application

THE SCHEDULE WILL RESUME IN THE FOLLOWING ORDER:

**5. Y15/0248/SH 3 THE FAIRWAY LITTLESTONE NEW ROMNEY KENT
(Page 186)**

Erection of a two storey attached dwelling

**1. Y11/0137/SH LAND ADJOINING SIR JOHN MOORE BARRACKS
(Page 9) MILITARY ROAD SANDGATE KENT**

Additional information received from the applicant

- Removal of 40 of 1000 trees is less than ½ of 1% of the total (woodland management would ensure replanting of more than the number that are removed, and these would be of a more suitable type).
- In 6.23 you mention the overall site area, and this could suggest that the enabling development takes up 10% of the entire area....
- 1.14 – small point, the water tank is not Victorian, we put it at Royal Engineering C20th work.
- The applicant is prepared to enter into a joint working relationship with the Community at large, through the Parish Council, to effect some kind of joint management of the woodland, particularly parcels at the east and the west of the site, effectively putting them into the control of the Local Community
- This would have the effect of controlling any further development along the escarpment, that is seen as a potential consequence of 'creating the precedent' of allowing the enabling development. It also opens the potential for the creation of a 'Community Woodland' in the Encombe woods, to the west of the site, by joining the Encombe woods to the western parcel of this site, and creating further footpath links from the top of Brewers Hill, to Encombe, in a managed parcel of woodland.
- Further, improvements to footpaths, and the suggested interpretation boards, picnic areas, and viewing points could be jointly created by a Community Trust, who could ultimately take a part in the management of the holiday let (Tower 6), making it available for Community use in the unlet periods of the year, allowing interpretation of an authentically restored Tower, on a more permanent basis than the English Heritage Tower in Dymchurch
- The woodland path is an essential link in the ultimate 'Martello Trail' that links Martello Tower No. 1 on the East Cliff, through to the Royal Military Canal walk, taking in all 9 of Shepway's Scheduled Martello Towers, the battery at Seabrook, and the RMC in an unbroken chain of unique

fortifications, with potential interpretation right through the District (and beyond)

3 further comments received from members of the public objecting to the application on the following grounds:

- Why would the restoration of two Martello Towers merit more importance than the qualitative experience of those who live in this community, and who enjoy the beauty of woodlands and a newly refurbished park in which families can play?
- Without the Martello intervention (enabling and s106 manoeuvres), building 5 detached houses in this pristine greenfield site is not appropriate or justified. The enabling development should be located on brownfield land with no risk of destruction to the environment.
- Surely, the residents of Sandgate could have the opportunity to contribute to the Martello restoration, but as it stands, not only will these towers fall into private hands, the historic legacy the Council is so keen to preserve, will no longer be visible nor available for the locals to appreciate, let alone visitors.
- We have entertained many visitors from abroad and this is the first walk we do with them. Without fail, they have all delighted in learning the history of the towers, enjoyed the woodland setting and views of the sea.
- To take this amenity, this wonderful opportunity to share in our local history away from the residents, is just too sad for words. Some will profit from a vote of yes for this blindsiding travesty, but the Sandgate folk will not.
- The building works will drive out bird life. This area is the lungs of Sandgate and should be untouched.
- The area is identified at risk of landslip which may mean the properties will not get insurance.

2. Y13/0048/SH LAND 1085 METRES SOUTH WEST LYDD MODEL FLYING CLUB SITE MIDLEY WALL OLD ROMNEY KENT (Page 49)

ADDITIONAL RECOMMENDATION

There is a discrepancy between the content of recommendation 2 at the start of the report and of that at the end of the report. The version of recommendation 2 at the start of the report is the correct one.

Further, in light of the Ministerial Statement issued on the 18th June, an additional recommendation has been included:

3. Following consultation, it has not been demonstrated that planning impacts identified by affected local communities have been fully addressed and therefore the proposal does not have their backing. To permit it would be contrary to the direction regarding transitional arrangements for existing onshore wind farm planning applications contained within the Ministerial Statement of the 18th June 2015 and as set out in paragraph 33 reference ID: 5-033-150618 of the Planning Practice Guidance section on Renewable and Low Carbon Energy.

SUMMARY

The proposal for four wind turbines, a substation and control building, associated hardstandings, an improved access junction, internal access tracks, water

crossings and other related infrastructure has been assessed under the Habitat Regulations in the form of an Appropriate Assessment. The planning applications have also been assessed under the Town & Country Planning Acts and Environmental Impact Assessment Regulations.

In general, proposals for renewable energy are considered consistent with national policy; however, this is qualified support subject to strict environmental criteria. Further, following a Ministerial Statement and updated guidance set out within the National Planning Practice Guidance, when considering applications for wind energy development, local planning authorities should only grant permission if a) the development site is in an area identified as suitable for wind energy development in a Local or Neighbourhood Plan; and b) following consultation, it can be demonstrated that the planning impacts identified by affected local communities have been fully addressed and therefore the proposal has their backing. Whether the proposal has the backing of the affected local community is a planning judgement for the local planning authority.

The Ministerial Statement also gives direction about transitional arrangements for how existing planning applications for onshore wind farms, which have not yet been decided, should be determined: *“Where a valid planning application for a wind energy development has already been submitted to a local planning authority and the development plan does not identify suitable sites, the following transitional provision applies. In such instances, local planning authorities can find the proposal acceptable if, following consultation, they are satisfied it has addressed the planning impacts identified by affected local communities and therefore has their backing.”*

Saved policy U14 of the Shepway District Local Plan Review 2006 sets out a series of criteria that planning applications for wind turbines and other renewable energy developments have to be assessed against. It does not go as far as to direct wind turbines and other energy developments to the Dungeness and Romney Marsh area. Planning applications need to be judged on their merits having regard to policy U14 and national planning guidance, including the recent changes announced by the Government. The Council has started work on a review of its local plan and this includes considering new planning policies for renewable energy development following community consultation and the latest government advice.

At its closest point, the proposed location of the wind farm is approximately 1 km from Dungeness, Romney Marsh and Rye Bay Site of Special Scientific Interest (SSSI), a statutory nature conservation site of national importance. This SSSI is a component of nature conservation sites of international importance: Dungeness to Pett Level Special Protection Area (SPA) designated under the EC Birds Directive and Dungeness Special Area of Conservation (SAC) designated under the EC Habitats Directive. It is also part of the proposed Dungeness, Romney Marsh and Rye Bay Ramsar Site, a wetland of international importance to be designated under the Ramsar Convention (pRamsar Site) and the proposed Dungeness, Romney Marsh and Rye Bay Special Protection Area (pSPA). These international sites are part of the Natura 2000 network of European Sites. Therefore, in addition to planning permission, the proposals require an Appropriate Assessment under the Habitat Regulations to assess the effects of the proposal. A report has been carried out by consultants Aecom for the Council, which concludes there will be adverse effects on the integrity of SPA and both the pSPA and pRamsar sites. In these circumstances, the Habitats Regulations require planning permission to be refused unless the proposals are necessary for ‘imperative reasons of overriding public interest’ and there are no alternative solutions.

With regard to the wider ecological considerations of the site, the proposal has been assessed and the main potential impacts identified related to construction activities and the network of ditches within the proposal site and the species that they may support. With the proposed mitigation and appropriate conditions and measures that can be incorporated into the Construction Environmental management Plan (CEMP) the impact upon the ecology of the site and surrounding area is considered likely to be negligible, both in isolation and in combination with other schemes, with potential positive effects from the implementation of a suitable Habitat Management Plan.

With regard to landscape and visual effects, the Council commissioned an independent review of the Landscape and Visual Impact Assessment (LVIA) by Gillespies. The Environmental Statement (ES) concludes that the proposal would respect the scale and composition of the landscape and would relate to the operational Little Cheyne Court wind farm. Significant landscape and visual effects would be localised in extent, predominantly reinforcing and slightly extending the effects of the LCC wind farm, but in landscape and visual terms, the application site has the potential to accommodate the scale of development proposed, a view reinforced by Gillespies.

Noise and vibration, aviation, shadow flicker / safety, transport and access, built heritage and archaeology, and hydrology effects have all been assessed and are considered acceptable, subject to conditions.

Given the above the application it is recommended that the Council adopt the Appropriate Assessment under the Habitat Regulations attached as Appendix 2 to this report and defend the appeal against non determination of application Y13/0048/SH, advising the Planning Inspectorate that the District Council would have refused the application for the reasons set out at the beginning of the report and above.

REPRESENTATIONS

Six additional representations received objecting to the proposal on the following grounds:

- Wind turbines are not cost effective;
- They should be positioned out at sea;
- The Marsh has rare birds and great soil which is wasted on wind turbines;
- The Marsh is a unique landscape that would be adversely affected by the proposal;
- Industrialisation of the Marsh;
- Impact on endangered bird species;
- Insufficient evidence to assess impact on birds, or in-combination impacts;
- Degradation of visual amenity;
- Wind power is inefficient;
- Romney Marsh has fulfilled its renewable energy obligations.

3. Y14/0850/SH AIRPORT CAFE ASHFORD ROAD SELLINDGE KENT (Page 152)

CONSULTATION RESPONSES

Stanford Parish Council

Stanford Parish Council submitted comments on 29 August concerning this application. These concerns are still current. No Councillor wishes to attend to speak at the Development Committee meeting on 14th July.

REPRESENTATIONS

In total 6 letters/emails have been received objecting to the application on the grounds set out at paragraph 6.0 of the officer's report and the following grounds:

- Lympe Industrial Estate, Stop 24 and Eurotunnel site all have better road structure in place for lorries
- There have been two lorry accidents this year, in one a man was killed
- Increased rubbish
- Causing increased lorry parking on pavements and verges in Sellindge and Lympe
- Surface of lorry park produces large amounts of dust
- Account needs to be taken of permission granted for anaerobic digester opposite

4. Y15/0094/SH NICKOLLS QUARRY DYMCHURCH ROAD HYTHE KENT (Page 173)

CONSULTATION RESPONSES

Stanford Parish Council

Stanford Parish Council submitted comments on 29 June concerning this application. No Councillor wishes to attend to speak at the Development Committee meeting on 14th July.

5. Y15/0248/SH 3 THE FAIRWAY LITTLESTONE NEW ROMNEY KENT (Page 186)

Replace paragraphs 2.1 and 8.6 – 8.7 of the officer's report with the following:

- 2.1 The site is located within the urban confines of Littlestone and within an established residential area. To the north east (Blenheim Road) and the north west (Marlborough Close) of the site are terraced dwellings. Directly opposite the application site in 'The Fairway' are detached bungalows.
- 8.6 In this case the 'The Fairway' consists of detached bungalows close to the site and detached two-storey dwellings further along 'The Fairway'. As such dwellings numbered 1, 3, 5 and 7, which are two-storey semi-detached dwellings, are already out-of-character with dwellings within the immediate vicinity of 'The Fairway'. However, to the rear of these dwellings are terraced dwellings of Victorian build (Blenheim Road) and also dating more closely to the date of 'The Fairway' development (Marlborough Close).
- 8.7 As such the proposal is considered to be reasonably tied in its location and building form to these other terraces that are in close proximity and therefore there is no objection to the closing up of the gap between 3 and 5 The Fairway.

APPENDIX 3

ADDENDUM

Application No:	Y14/0850/SH
Location of Site:	Airport Cafe Ashford Road Sellindge
Development:	Retrospective application for change of use to lorry park incorporating extension of existing parking area and retention of two mobile units for toilet and shower facilities
Applicant:	Mr G Morgan 46 Ripley Road Ashford Kent
Agent:	Mr AJ Scott Forest House Malthouse Lane Warehorne Ashford Kent TN26 2EL
Date Received:	28.07.14
Expiry Date:	26.09.14
Committee Date:	30.05.17
Officer Contact:	Lisette Patching

RECOMMENDATION: That planning permission be granted subject to the conditions set out at the end of the report.

1.0 UPDATE

1.1 This application was originally reported to committee on 14th July 2015 with a recommendation for refusal on the following grounds:

- 1) The surfacing of the parking area is not impermeable and as a result any fuel or carried goods spillage resulting from the lorry park could result in contamination of ground water or the adjoining watercourse. It is not considered that it has been satisfactorily demonstrated that the development would not lead to an unacceptable risk of pollution to ground water and/or the nearby watercourse. As such the development is contrary to saved policy U4 of the Shepway District Local Plan Review which seeks to ensure development does not lead to an unacceptable risk of pollution and paragraph 120 of the National Planning Policy Framework which seeks to ensure development is

appropriate for its location, taking into account the effects of pollution on the natural environment.

- 2) The Contamination Risk Assessment submitted with the application has not been carried out in accordance with relevant guidance or best practice and it does not comprehensively assess risks from any existing land contamination to controlled waters. Given the previous use on the site the Council does not consider that it has been satisfactorily demonstrated that the site is suitable for the current use or that appropriate remediation has been carried out such that any contamination is adequately contained or controlled. As such the development is contrary to saved policy U10a of the Shepway District Local Plan Review which seeks to ensure that development only takes place where practicable and efficient measures are taken to treat, contain and/or control contamination and paragraph 121 of the National Planning Policy Framework which seeks to ensure sites are suitable for their new uses taking account of ground conditions, including pollution arising from previous uses.

A copy of the original report is appended at Appendix 1 and the Supplementary Sheets are appended at Appendix 2. At the meeting the Committee resolved that consideration of the application be deferred so an updated contamination report could be prepared.

2.0 OTHER RELEVANT PLANNING HISTORY

- 2.1 In on 25th April 2017 the Planning and Licensing Committee resolved to refuse planning permission was refused on the former Otterpool Quarry opposite this site for the following application:

Y16/0068/SH Retrospective planning application for change of use of a former quarry site to a temporary secure 24-hour lorry park with associated facilities for a period of 24 months.

1. *The use of the application site as a temporary lorry park is considered to be unacceptable on grounds of highway safety concerns associated with the continued unlawful operation of the access to and from the site and in particular from data obtained from a CCTV survey of the site showing manoeuvres of lorries across the A20 between the lorry park and the Airport Cafe opposite, causing a significant highway safety hazard to oncoming traffic especially during hours of darkness. As such, the development is contrary to policies TR9 and TR11 of the Shepway Local Plan Review 2013 and Paragraph 32 of the National Planning Policy Framework.*
2. *In the absence of any relevant and up to date surveys, it has not been demonstrated that the lorry park use would minimise its impact on biodiversity and protected species and their habitats in particular within the site and surrounding area and whether the continuing use of the lorry park is currently impacting adversely on biodiversity and protected species and their habitats. As such, the application fails to comply with central government planning policy as set out in section 11 of the National Planning Policy*

Framework 2012 and Circular 06/2005 and Policy CO11 of the Shepway Local Plan Review 2013.

The Committee also resolved that an Enforcement Notice and Stop Notice be served to secure the cessation of the use. These were served on 11th May 2017 with the Stop Notice requiring the use to cease by 25th May 2017.

3.0 ADDITIONAL CONSULTATION RESPONSES

3.1 Sellindge Parish Council

- Welcome the resurfacing plan, however, only for 15 lorry spaces at the rear of the park and not at the front.
- Lorries are parked up on whole site most nights.
- Ignoring concerns raised by Environment Agency and disregarding submitted Contamination Land Risk Assessment.
- Upgrade of cesspit to a Mantair PE 15 treatment plant is for residential use only of up to 15 people and not for commercial use.

3.2 Lympne Parish Council

- Huge increase in lorry movements from unofficial lorry parks.
- Highway safety hazard accessing and exiting site and a number of accidents and a fatality have been recorded in the area.
- Lorries stop on the A20 queuing to enter the lorry sites.

3.3 Environment Agency

No objection to the proposal following the additional drainage plans and Contaminated Land Risk Assessment subject to the following conditions:

1. The development hereby permitted shall not be carried out except in accordance with the approved plans, drawings, reports and supporting documents:

0112/10/01 - Site location plan

0112/13/11 – Proposed layout plan

SDS 203796 – 01 – Topographic Land Survey

SDS 203796 – 02 – Topographic Land Survey

Ecological Scoping Survey dated 11 April 2014

Reptile Survey dated 11 July 2016 (amended 16 November 2016)

Tree Survey dated 17 April 2014

Tree Position plan dated April 2014

Reason:

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

2. Within 2 months of the date of this permission, the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved in writing by the local planning authority:
 - i) An additional investigation scheme based on the above reports and comments, to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 - ii) The results of the site investigation and detailed risk assessment referred to in i) and based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 - ii) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (ii) are complete and identifying any requirements for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Reason:
For the protection of Controlled Waters.
3. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted and obtained written approval from the local planning authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved, verified and reported to the satisfaction of the Local Planning Authority.

Reason:
For the protection of Controlled Waters.
4. Prior to the occupation of the development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a long term monitoring and maintenance plan) for longer term monitoring of pollutant linkages maintenance and arrangements for contingency action, as identified in the verification plan, if appropriate, and for the reporting of this to the local planning authority. Any long term monitoring and maintenance plan shall be implemented as approved.

Reason:
To prevent pollution to controlled waters.
5. Whilst the principles and installation of sustainable drainage schemes are to be encouraged, no infiltration of surface water drainage into the ground is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to

Controlled Waters. The development shall be carried out in accordance with the approved details.

Reason:

To prevent pollution to controlled waters.

We have reviewed the following documents: 'Desk Study Report' by Solitec (reference 041979/15 dated 21st September 2009) and Contaminated Land Risk Assessment by Soil Environmental Services (reference SES/AJS/AC/2R#1 dated 14th August 2015). The CLRA has summarised the findings of the Desk Study. The site is located in a very sensitive location with respect to Controlled Waters (Principal Aquifer, direct on the Hythe Formation) and is reported to have been a petrol filling station and vehicle workshop/breakers. Both documents refer to underground fuel tanks in the south of the site having been decommissioned, but no confirmatory evidence has been provided to support this.

The CLRA presents the findings of a 2010 site investigation and identifies some elevated concentrations of PAHs and recommends remedial measures. However, no intrusive investigation appears to have been undertaken in the southern half of the site where the petrol filling station and underground fuel tanks are located.

The site is located over a Principal Aquifer and it is reported to have been used for potentially contaminating activities, including vehicle breaking and a petrol filling station.

Consequently, we consider that additional investigation needs to be undertaken (including documentary confirmation of the decommissioning of the tanks).

Should remediation be deemed necessary, the applicant should demonstrate that any remedial measures have been undertaken as agreed and the environmental risks have been satisfactorily managed so that the site is deemed suitable for use.

Infiltrating water has the potential to cause remobilisation of contaminants present in shallow soil/made ground which could ultimately cause pollution of groundwater.

There is always the potential for unexpected contamination to be identified during development ground works. We should be consulted should any contamination be identified that could present an unacceptable risk to Controlled Waters.

A bespoke Environmental Permit under the Environmental Permitting (England & Wales) Regulations 2010 may be required at this site for the foul drainage to cover the discharge.

4.0 ADDITIONAL NEIGHBOUR REPRESENTATIONS

4.1 Three additional letters/emails of objection have been received and are summarised as follows:

- The cafe lorry parking draws HGVs into the area causing noise, rubbish, urine in bottles and faeces.
- Drivers pull out of the site covering both lanes of the A20 causing highway safety hazard particularly during periods of poor visibility.

- Houses vibrate during the evening and night resulting in lack of sleep and cracks in the walls and structural damage..
- There should be no right turns out of site towards Sellindge. Lorries should be directed towards junction 11.

5.0 APPRAISAL

- 5.1 Since the application was deferred by the Committee the following additional and amended information has been submitted:
- Contaminated Land Risk Assessment dated August 2015
 - 212/03 – 08A – Foul drainage provision layout plan
 - 212/03 – 09A – Run off drainage provision layout plan
 - 212/03 – 10B – Site layout/ block plan
 - 212/03 – 13 – Proposed surface finish

Drainage

- 5.2 One of the grounds for the previous recommendation for refusal was that the surfacing of the lorry parking area is not permeable and it hadn't been satisfactorily demonstrated that the use would not lead to unacceptable pollution of groundwater and the nearby watercourse. The additional information shows that the site is to be resurfaced with a solid surface. The existing hardcore base is sufficiently deep to allow a surface dressing of reinforced concrete laid to the existing natural falls of the site to prepared dish trough drains with a containment kerb behind, all draining to the proposed bypass interceptor. This surface dressing and drainage catchment is proposed only for the application site. The existing surface will most naturally run off onto the new surface and will also therefore be accommodated by the new drainage installation. The Environment Agency now has no objection subject to conditions.

Contamination

- 5.3 The second proposed ground of refusal was that it hadn't been satisfactorily demonstrated that the site is suitable for the current use or that appropriate remediation has been carried out such that any contamination is adequately contained or controlled. A revised Contaminated Land Risk Assessment has been provided and this recommends remedial action which can be required by condition. On this basis the Environment Agency now has no objection subject to conditions.
- 5.4 The Environment Agency comments refer to the lack of intrusive investigation on the southern part of the site where the petrol station and underground fuel tanks were located. However this area falls outside the site of the current planning application, therefore the local planning authority cannot require any investigation of this area.

Highways

- 5.5 Policy TR9 of the Shepway Local Plan Review, which relates to roadside service facilities on primary routes, states that in all cases, it will be

necessary to weigh the need for the proposal against the importance of preserving the countryside and wildlife and other interests, to include road safety and residential amenity.

- 5.6 The A20 Ashford Road is a circa 7.3m wide single carriageway road along the Airport Cafe site frontage. It runs along an east-west alignment from the village of Newingreen, east of the site, turning north-west of the site where it routes through the village of Sellindge. The road bends slightly as it runs along the front of the site, with the site frontage situated on the outside of the bend.
- 5.7 In the vicinity of the site, the A20 is best described as a rural 'A' road with limited frontage access. Where it routes through villages it becomes more urban in character. Along the site frontage the speed limit of the A20 is 50mph rising to 60mph (derestricted) around 30m east of the existing access.
- 5.8 West of the site, the A20 junctions with the B2067 Otterpool Lane via a 3-arm signal junction and the A20 then routes north towards the village of Sellindge. Beyond Sellindge, the A20 winds through smaller settlements running parallel to the M20 until it eventually reaches junction 10, a circa 9.3km drive north west from the site access.
- 5.9 To the east, the A20 routes through Newingreen village turning north towards junction 11 of the M20. Junction 11 is the closest junction route to the motorway network from the site, circa 3.2km drive from the access.
- 5.10 The section of the A20 where the site is located is classified as a 'Primary Route' within KCC's Local Transport Plan. East of the M20, the A20 is classified as a Trunk Road.
- 5.11 The Council's officers, working alongside KCC Highways and Transportation, commissioned independent professional consultants to undertake a fully classified video turning movement count survey for all movements to include in and out of the Airport Cafe and the Otterpool Quarry Lorry Park as well as movements eastbound and westbound along the A20. This was carried out primarily to obtain details of lorry movements related to the Otterpool Quarry Lorry Park opposite (application Y16/0068/SH).
- 5.12 The survey period extended over a 4-day period between Thursday 2nd March (PM onwards) and Monday 6th March 2017 (AM period only). The data obtained shows that on the Friday of the survey, (the busiest day), the following numbers and types of vehicles visited the Airport Cafe over a 24 hour period:

From A20 East (M20 J11) to Airport Cafe:

105 cars
2 taxis
43 light goods vehicles

67 HGV's

From Airport Cafe to A20 East (M20 J11):

108 cars

35 light goods vehicles

53 HGV's

From A20 West (M20 J10) to Airport Cafe:

90 cars

30 light goods vehicles

35 HGV's

From Airport Cafe to A20 West (M20 J10)

88 cars

37 light goods vehicles

26 HGV's

5.13 Analysis of the arrivals and departures from the Airport Cafe site as recorded during the CCTV survey on Friday 3rd March 2017 demonstrates that the significant majority of HGV movements to and from the site involve interaction with the A20 to the east of the site, to and from M20 Junction 11, with a significantly lower number involving movements to and from M20 Junction 10. HGV movements from the site towards Sellindge averages 1.08 movements per hour over 24 hours and movements from Sellindge to the application site averages 1.46 movements per hour.

5.14 Accordingly, the numbers of HGV's visiting the site from either direction are quite low. As such, it can be reasonably deduced that the impact on the residential amenity of residents of Sellindge cannot be directly attributed to the lorry park at the Airport Cafe as the lorry park is not generating sufficient numbers of additional HGV's through Sellindge to have any significant adverse impact on residential amenity, when compared to the daily average HGV trip numbers.

5.15 It would also be reasonable to deduce that this stretch of A20, designated as a Primary Route for all traffic, is popular by not only being a Primary Route for all forms of traffic, but also being the access to Link Park and the Lympne Industrial Estate which generate a great deal of HGV movements in the area. Whatever the reasons may be for the increase in HGV traffic along the A20 and through Sellindge, they are not considered factors that would warrant a refusal in the determination of this application.

5.16 In terms of highway safety, the refusal of planning permission for the Otterpool Quarry Lorry park opposite and the serving of the enforcement notice and the stop notice to cease the use will prevent any dangerous manoeuvres of HGVs across the A20 between the Airport Cafe and the Otterpool Lorry Park entrance. Consequently, it is considered that the

operation of the lorry park from the application site would not result in any significant highway safety concerns.

RECOMMENDATION

Following the receipt of a additional information it is recommended that temporary planning permission be granted subject to the following conditions:

1. Use to cease etc by XXX (a suggested time period will be provided on the Supplementary Sheets).
2. With 2 months of the date of this decision notice the lorry parking area the subject of this application shall be surfaced with reinforced concrete and the surface water drainage system to include dish trough drains, containment kerb and bypass interceptor shall be installed all in accordance with Drawings 212/03 – 13 – Proposed surface finish and 212/03 – 09A – Run off drainage provision layout plan both received on 08.09.15. The surfacing and surface water drainage scheme shall be retained all the time that the area is used for lorry parking.

Reason:

To prevent pollution to controlled waters.

3. Within 2 months of the date of this decision foul drainage provision for the site shall be carried out in accordance with Drawing 212/03 – 08A – Foul drainage provision layout plan received on 08.09.15 and the foul drainage details received on 06.10.14 and the foul drainage system shall remain in operation all the time that the lorry park is in use.

Reason:

To prevent pollution to controlled waters.

4. Within 2 months of the date of this decision notice the lorry parking spaces shall be marked out in accordance with the details shown on the site layout/block plan 212-03-10B dated received 11.12.15. The parking spaces shall be kept available for lorry parking all the time that the lorry park is in use and the lorry park shall only operate in accordance with this plan.

Reason:

In the interests of highway safety

5. Within 2 months of the date of this decision, the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved in writing by the local planning authority:

i) An additional investigation scheme based on the Contaminated Land Risk Assessment dated August 2015 and the Soiltec Desk Study Report 04179/15 dated 21 September 2009 , to provide information for a detailed

assessment of the risk to all receptors that may be affected, including those off site.

ii) The results of the site investigation and detailed risk assessment referred to in i) and based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

ii) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (ii) are complete and identifying any requirements for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Reason:

To prevent pollution to controlled waters.

6. Within 4 months of the date of this decision, a verification report demonstrating completion of the works set out in the approved remediation strategy and the verification plan and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a long term monitoring and maintenance plan) for longer term monitoring of pollutant linkages maintenance and arrangements for contingency action, as identified in the verification plan, if appropriate, and for the reporting of this to the local planning authority. Any long term monitoring and maintenance plan shall be implemented as approved.

Reason:

To prevent pollution to controlled waters.

7. If during the resurfacing and drainage works any contamination not previously identified is found to be present at the site then within 1 month of it being found a remediation strategy detailing how this unsuspected contamination shall be dealt with shall be submitted to the local planning authority) and the remediation strategy shall be implemented as approved, verified and reported to the satisfaction of the Local Planning Authority within 4 months of the remediation strategy having been approved.

Reason:

To prevent pollution to controlled waters.

8. Whilst the principles and installation of sustainable drainage schemes are to be encouraged, no infiltration of surface water drainage into the ground is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to Controlled Waters. The development shall be carried out in accordance with the approved details.

Reason:

To prevent pollution to controlled waters.

9. Within 3 months of the date of this decision HGV electrical connection points shall be installed for each of the lorry parking spaces and the electrical connection points shall be retained in a functioning condition at all times.

Reason:

In the interest of the residential amenities of local occupiers, to control noise pollution, to allow HGV refrigerated lorries to operate refrigeration units in accordance with policies SD1 of the Shepway District Local Plan Review.

10. In conjunction with condition 9 above, no refrigerated vehicles and trailers within the park, shall operate or run refrigerated units unless connected to the electrical points required by and installed under condition 9 and all engines shall be switched off while the lorries are parked.

Reason:

In the interest of the residential amenities of local occupiers, to control noise pollution, to allow HGV refrigerated lorries to operate refrigeration units in accordance with saved policy SD1 of the Local Plan Review.

11. Within 2 months of the date of this decision details of the facilities for storage and collection of refuse shall be submitted to the Local Planning Authority the approved scheme shall be made available for use within 1 month of the date of its approval. Such areas as agreed shall thereafter be retained for refuse/recycling storage purposes.

Reason:

To ensure adequate means of refuse collection in the interests of the amenities of residents in accordance with policy SD1 of the Shepway District Local Plan Review.

12. Within 2 months of the completion of the surface water strategy and surfacing, a visibility strip along the frontage of the site measuring 6 metres in depth from the edge of the carriageway, with no obstructions over 0.9 metres above carriageway level shall be provided and retained and maintained in perpetuity.

Reason:

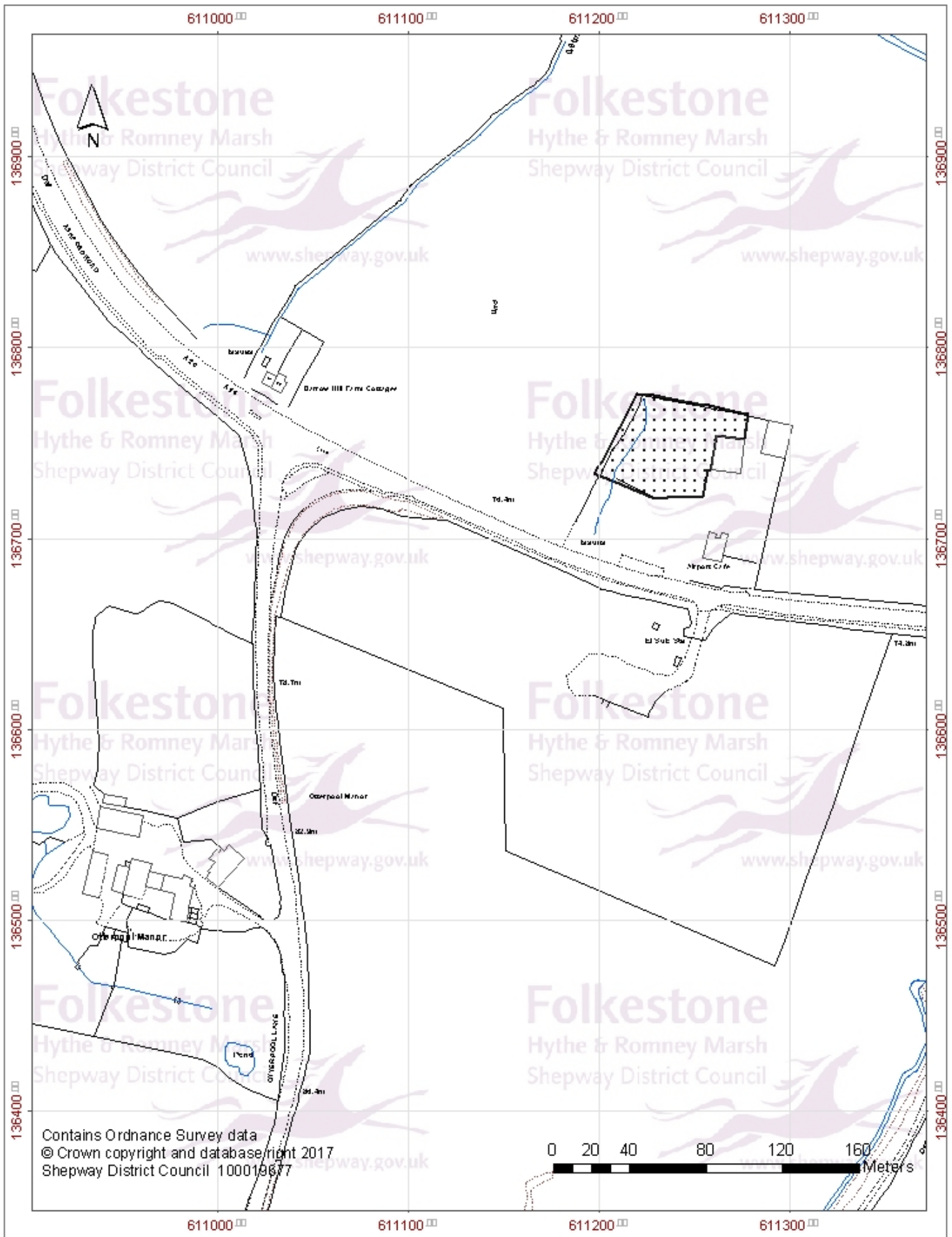
In the interests of highway safety in accordance with policy TR11 of the Shepway District Local Plan Review.

13. No more than 15 lorries shall be parked within the site the subject of this application at any one time.

Reason:

In order to ensure adequate room for manoeuvring of lorries in the interests of highway safety.

Y14/0850/SH
Airport Cafe
Ashford Road
Sellindge



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APPENDIX 4
PLANNING AND LICENSING COMMITTEE

30th May 2017

SUPPLEMENTARY INFORMATION TO SCHEDULE OF APPLICATIONS

1. Y14/0850/SH AIRPORT CAFE ASHFORD ROAD SELLINDGE KENT
(Page 9)

Retrospective application for a change of use to lorry park incorporating extension of existing parking area; and retention of two mobile units for toilet and shower facilities.

Ms Suzy Clark, local resident, to speak against application
Mr Alistair Scott, applicants agent, to speak on application

2. Y17/0231/SH MEMORIAL GARDEN ADJACENT BREWERY TAP
(Page 47)

Erection of a visitor centre with internal and external congregational areas for a temporary period until February 2018.

Adrian Lockwood, applicant, to speak on application

3. Y16/0866/SH REDLYNCH HOUSE 19 HILLCREST ROAD HYTHE KENT
(Page 55)

Demolition of existing building (former residential home) and erection of 9 new apartments with associated car parking and amenity areas.

Sophie Pettifer or Michael Young, local resident, to speak against application
Geoff Miles, local resident, to speak in favour of application
Cllr Dearden, ward member, to speak on application

4. Y17/0150/SH 33 NEWLANDS ST MARYS BAY ROMNEY MARSH KENT
(Page 71)

Erection of a pair of semi-detached houses with off street parking for both properties and the existing property no.33 Newlands.

Margaret Buckley, local resident, to speak against the application
Matt Whitby, applicants agent, to speak on application

6. Y17/0130/SH 7 BELLE VUE COOPERS LANE SELLINDGE ASHFORD
(Page 103)

Change of use for the keeping of horses (two) together with the erection of new stables, tack room, haystore, hardstanding and alterations to access gates.

Mr Bob Edden, applicants agent, to speak on application

THE SCHEDULE WILL RESUME IN THE FOLLOWING ORDER:

**5. Y15/1210/SH
(Page 89)**

**PADDOCK VIEW ASHFORD ROAD BRENZETT ROMNEY
MARSH**

Application for the proposed construction of a utility block and bin store and retrospectively for the installation of a stable block, including tack and storage rooms, hardstanding to the front of the stable block; dog kennels and pen, aviary, store and shed.

**7. Y17/0240/SH
(Page 111)**

2 BODENHAM ROAD FOLKESTONE KENT CT20 2NU

Alterations to front elevation to include first floor extension following removal of existing dormer window, together with the erection of a first floor rear extension over existing flat-roofed addition.

**1. Y14/0850/SH AIRPORT CAFE ASHFORD ROAD SELLINDGE KENT
(Page 9)**

The recommended conditions are amended as follows:

1. The development hereby approved will cease by December 2018.

Reason: As required by Section 91 of the Town and Country Planning Act 1990 (as amended).

9. Within 2 months of the date of this decision HGV electrical connection points shall be installed for each of the lorry parking spaces and the electrical connection points shall be retained in a functioning condition at all times. No refrigerated vehicles and trailers within the park shall operate or run refrigerated units unless connected to the electrical points.

Reason: In the interest of the residential amenities of local occupiers, to control noise pollution and to allow HGV refrigerated lorries to operate refrigeration units in accordance with policy SD1 of the Shepway District Local Plan Review.

10. All engines shall be switched off while the lorries are parked

Reason: In the interest of the residential amenities of local occupiers and to control noise pollution in accordance with policy SD1 of the Shepway District Local Plan Review.

13. No more than 15 lorries shall be parked within the site the subject of this application at any one time and lorries shall only be parked in marked bays.

Reason: In order to ensure adequate room for manoeuvring of lorries in the interests of highway safety.

16. Details of measures to ensure lorries turn left out the site shall be submitted to the local planning authority for approval within 1 month of the date of this decision notice and the approved measures shall be installed within 1 month of them being approved by the Local Planning Authority.

Reason: In order to direct lorries away from Sellindge village in the interests of the amenities of local residents

**2. Y17/0231/SH MEMORIAL GARDEN ADJACENT BREWERY TAP
(Page 47)**

A letter has been received 25/05/17 from the University for the Creative Arts at Canterbury (UCA). Summary of comments:

The site is currently used by students at the UCA to support the development of temporary outdoor artworks. The garden/exhibition space was developed as a temporary space designed by architecture students at the UCA to tidy-up the remains of the beer garden left over from the pub use. Reference to the memorial garden is slightly misleading as it is not used in memorial, but as an extension of the teaching/exhibition space within the Brewery Tap building. The garden was to be removed after the 2017 Triennial.

**5. Y15/1210/SH PADDOCK VIEW ASHFORD ROAD BRENZETT ROMNEY
(Page 89) MARSH**

An additional representation has been received from Brenzett Parish Council raising the following matters :

- The possibility of a dog breeding business at the site.
- The fencing at the entrance to Poplar Farm/Paddock view obscures vision of vehicles exiting the site from vehicles on the public highway;
- A question is raised where the animal waste and bedding is being disposed.

In respect to the kennels the applicant has confirmed that the dogs are either kept for security purposes or are pets that sleep in the kennels outside and no businesses are run from the site.

The fencing at the site entrance is existing and lawful and the proposal is not increasing the use of the access. As such this is not a matter for consideration under this application.

In respect to animal waste and bedding, conditions are suggested by officers related to 'no burning of waste and bedding on the site' and 'no storage of such in the

southern part of the site'. Subject to compliance with the suggested conditions where waste and bedding is being disposed of is not a planning matter.

The Parish council does also suggest the use of a condition related to additional caravans on the site but additional caravans do not form part of the current proposal as they would be lawful in the southern part of the site subject to being occupied by gypsies.

Additional Information

In respect to the removal of the extended hardsurface. The applicant's agent has updated officers in this respect as follows :

"[The applicant] confirmed that they haven't been able to re-grass the areas required as yet due to financial problems, but was in agreement that it needed to be done...[the applicant advised] they would be away for two weeks during June, and so we agreed it would be foolhardy to lay new turf if someone wouldn't be there to water it everyday as it could dry up and die quite easily in dry weather. [The applicant] agreed they would commence work during July and have it completed by 31st July at the absolute latest."

LIST OF DEVELOPMENT PLAN POLICIES

SHEPWAY CORE STRATEGY LOCAL PLAN (2013) & SHEPWAY DISTRICT LOCAL PLAN REVIEW (2006) POLICIES

Core Strategy (2013) policies

Chapter 2 – Strategic Issues

DSD - Delivering Sustainable Development

Chapter 4 – The Spatial Strategy for Shepway

SS1 - District Spatial Strategy
SS2 - Housing and the Economy Growth Strategy
SS3 - Place Shaping and Sustainable Settlements Strategy
SS4 - Priority Centres of Activity Strategy
SS5 - District Infrastructure Planning
SS6 - Spatial Strategy for Folkestone Seafront
SS7 - Spatial Strategy for Shorncliffe Garrison, Folkestone

Chapter 5 – Core Strategy Delivery

CSD1 - Balanced Neighbourhoods for Shepway
CSD2 - District Residential Needs
CSD3 - Rural and Tourism Development of Shepway
CSD4 - Green Infrastructure of Natural Networks, Open Spaces
and Recreation
CSD5 - Water and Coastal Environmental Management in
Shepway
CSD6 - Central Folkestone Strategy
CSD7 - Hythe Strategy
CSD8 - New Romney Strategy
CSD9 - Sellindge Strategy

Local Plan Review (2006) policies applicable

Chapter 2 – Sustainable Development

SD1 - Sustainable Development

Chapter 3 – Housing

- HO1 - Housing land supply – Relates to allocated sites on the Proposals Map and a list of exceptions subject to specified criteria.
- HO2 - Land supply requirements 2001-2011.
- HO6 - Criteria for local housing needs in rural areas.
- HO7 - Loss of residential accommodation.
- HO8 - Criteria for sub-division of properties to flats/maisonettes.
- HO9 - Subdivision and parking.
- HO10 - Houses in multiple occupation.
- HO13 - Criteria for special needs annexes.
- HO15 - Criteria for development of Plain Road, Folkestone.

Chapter 4 – Employment

- E1 - Development on established employment sites.
- E2 - Supply of land for industry, warehousing and offices. Allocated sites on the Proposals Map.
- E4 - Loss of land for industrial, warehousing and office development.
- E6a - Loss of rural employment uses.

Chapter 5 – Shopping

- S3 - Folkestone Town Centre – Primary shopping area as defined on the Proposal Map.
- S4 - Folkestone Town Centre – Secondary shopping area as defined on the Proposal Map.
- S5 - Local Shopping Area – Hythe.
- S6 - Local Shopping Area – New Romney.
- S7 - Local Shopping Area – Cheriton.
- S8 - Local centres – last remaining shop or public house.

Chapter 6 – Tourism

- TM2 - Loss of visitor accommodation.
- TM4 - Static caravans and chalet sites.
- TM5 - Criteria for provision of new or upgraded caravan and camping sites.
- TM7 - Development of the Sands Motel site.
- TM8 - Requirements for recreation/community facilities at Princes Parade.
- TM9 - Battle of Britain Museum, Hawkinge

Chapter 7 – Leisure and Recreation

- LR1 - Loss of indoor recreational facilities.
- LR3 - Formal sport and recreational facilities in the countryside.
- LR4 - Recreational facilities – Cheriton Road Sports Ground/Folkestone Sports Centre.
- LR5 - Recreational facilities – Folkestone Racecourse.
- LR7 - Improved sea access at Range Road and other suitable coastal locations.
- LR8 - Provision of new and protection of existing rights of way.
- LR9 - Open space protection and provision.
- LR10 - Provision of childrens’ play space in developments.
- LR11 - Protection of allotments and criteria for allowing their redevelopment.
- LR12 - Protection of school playing fields and criteria for allowing their redevelopment.

Chapter 8 – Built Environment

- BE1 - Standards expected for new development in terms of layout, design, materials etc.
- BE2 - Provision of new public art.
- BE3 - Criteria for considering new conservation areas or reviewing existing conservation areas.
- BE4 - Criteria for considering development within conservation areas.
- BE5 - Control of works to listed buildings.
- BE6 - Safeguarding character of groups of historic buildings.
- BE8 - Criteria for alterations and extensions to existing buildings.
- BE9 - Design considerations for shopfront alterations.
- BE12 - Areas of Special Character.
- BE13 - Protection of urban open space and criteria for allowing redevelopment.
- BE14 - Protection of communal gardens as defined on the Proposals Map.
- BE16 - Requirement for comprehensive landscaping schemes.
- BE17 - Tree Preservation Orders and criteria for allowing protected trees to be removed.
- BE18 - Protection of historic parks and gardens as defined on the Proposals Map.
- BE19 - Land instability as defined on the Proposals Map.

Chapter 9 – Utilities

- U1 - Criteria to be considered for development proposals relating to sewage and wastewater disposal for four dwellings or less, or equivalent.
- U2 - Five dwellings or more or equivalent to be connected to mains drainage.
- U3 - Criteria for use of septic or settlement tanks.
- U4 - Protection of ground and surface water resources.
- U10 - Waste recycling and storage within development.
- U10a - Requirements for development on contaminated land.
- U11 - Criteria for the assessment of satellite dishes and other domestic telecommunications development.
- U13 - Criteria for the assessment of overhead power lines or cables.
- U14 - Criteria for assessment of developments which encourage use of renewable sources of energy.
- U15 - Criteria to control outdoor light pollution.

Chapter 10 – Social and Community Facilities

- SC4 - Safeguarding land at Hawkinge, as identified on the Proposal Map, for a secondary school.
- SC7 - Criteria for development of Seapoint Centre relating to a community facility.

Chapter 11 – Transport

- TR2 - Provision for buses in major developments.
- TR3 - Protection of Lydd Station.
- TR4 - Safeguarding of land at Folkestone West Station and East Station Goods Yard in connection with high speed rail services.
- TR5 - Provision of facilities for cycling in new developments and contributions towards cycle routes.
- TR6 - Provision for pedestrians in new developments.
- TR8 - Provision of environmental improvements along the A259.
- TR9 - Criteria for the provision of roadside service facilities.
- TR10 - Restriction on further motorway service areas adjacent to the M20.
- TR11 - Accesses onto highway network.
- TR12 - Vehicle parking standards.
- TR13 - Travel plans.
- TR14 - Folkestone Town Centre Parking Strategy.
- TR15 - Criteria for expansion of Lydd Airport.

Chapter 12 – Countryside

- CO1 - Countryside to be protected for its own sake.
- CO4 - Special Landscape Areas and their protection.
- CO5 - Protection of Local Landscape Areas.
- CO6 - Protection of the Heritage Coast and the undeveloped coastline.

- CO11 - Protection of protected species and their habitat.
- CO13 - Protection of the freshwater environment.
- CO14 - Long term protection of physiography, flora and fauna of Dungeness.

- CO16 - Criteria for farm diversification.
- CO18 - Criteria for new agricultural buildings.
- CO19 - Criteria for the re-use and adaptation of rural buildings.
- CO20 - Criteria for replacement dwellings in the countryside.
- CO21 - Criteria for extensions and alterations to dwellings in the countryside.

- CO22 - Criteria for horse related activities.
- CO23 - Criteria for farm shops.
- CO24 - Strategic landscaping around key development sites.
- CO25 - Protection of village greens and common lands.

Chapter 13 - Folkestone Town Centre

- FTC3 - Criteria for the development of the Ingles Manor/Jointon Road site, as shown on the Proposals Map.
- FTC9 - Criteria for the development of land adjoining Hotel Burstin as shown on the Proposals Map.
- FTC11 - Criteria for the redevelopment of the Stade (East) site, as shown on the Proposals Map.

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SHEPWAY DISTRICT COUNCIL

PLANNING AND LICENSING COMMITTEE – 25 JULY 2017

Declarations of Lobbying

Members of the Committee are asked to indicate if they have been lobbied, and if so, how they have been (i.e. letter, telephone call, etc.) in respect of the planning applications below:

Application No:

Type of Lobbying

.....
.....
.....
.....
.....
.....
.....
.....

SIGNED:

When completed, please return this form to the Committee Administrator prior to the meeting.

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