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Application No: Y18/1525/FH

Location of Site: Airport Café, Ashford Road, Sellindge, Kent

Development: Retrospective application for change of use to lorry park, including siting of mobile units for toilet/shower facilities and rest area and extension of hard surfacing to provide parking for 15 extra trucks incorporating hard surfacing and storm and foul drainage, for a temporary period of 5 years.

Applicant: Mr T Morgan

Agent: Mr. Alistair Scott
AJ Scott Building Designs Ltd

Officer Contact: Lisette Patching

SUMMARY

This report considers whether temporary planning permission for use of the site, known as the A20 Truckstop, as a lorry park should be granted for a further 5 years. The previous temporary planning permission expired in December 2018 and the requirements of the conditions on that planning permission have been addressed on site. As the site falls within the area allocated for the Otterpool Park development in the Core Strategy Local Plan it is recommended that a further temporary planning permission be granted until the end of December 2023.

RECOMMENDATION:

That temporary planning permission be granted subject to the conditions set out at the end of this report and any other conditions that the Chief Planning Officer considers necessary.

1. INTRODUCTION

- 1.1 The application is reported to Committee due to the objection from Sellindge Parish Council.

2. SITE AND SURROUNDINGS

- 2.1 The application site lies outside of any settlement boundary on the A20 between Newingreen and Sellindge. It comprises the rear section of a larger site comprising the Airport Café building and land to the sides and rear of the building, located on the A20 Ashford Road in Sellindge. This wider Airport Café site has historically been used as a café with associated parking which was used for lorries as well as cars. Historically there have been industrial uses to the rear of the wider site, comprising car repair/scrap/paint spraying and part of the rear of the wider site appears to be still used

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for this. This application relates to the rear north-western section of the Airport Café site.

- 2.2 The A20 Ashford Road is a circa 7.3m wide single carriageway road along the Airport Café 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. In the vicinity of the site, the A20 is best described as a rural 'A' road with limited frontage accesses. 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.
- 2.3 West of the site, the A20 meets 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 of the M20, a circa 9.3km drive north west from the site access.
- 2.4 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.
- 2.5 The section of the A20 where the site is located is classified as a 'Primary Route' within KCC's Local Transport Plan and is not therefore part of the designated Strategic Road Network under Policy T4 of the Places and Policies Local Plan. East of the M20, between Folkestone and Dover, the A20 is classified as a Trunk Road.
- 2.6 The overall site has an area of approximately 0.2 hectares and is located on the northern side of the A20 between Junction 11 of the M20 and the village of Sellindge. The application site is situated to the rear of what was, historically, the main parking area for the Airport Café. The majority of the application site is covered in a large expanse of concrete which was laid by the applicant to meet the requirements of the Environment Agency for impermeable surfacing. An area on the eastern side is laid to rough tarmac, as is the parking area to the front that belongs to the Airport Café. There are fields to the rear and west of the site. Along the rear boundary is a row of tall evergreen coniferous trees, with gaps in places. Along the western boundary the vegetation is lower and appears to be a mix of deciduous and evergreen informal shrubs and hedging.
- 2.7 The wider Airport Café site comprises the Airport Café building to the south east, operating as a café; a large expanse of rough tarmac 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 historically a mixture of car/ scrap related businesses that had existed for many years. Some of these business uses 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. Access to the site is via two accesses off the A20, either side of the Airport Café.
- 2.8 There are two lorry parks operating from the whole Airport Café site. In addition to the 15 spaces the subject of this application, the applicant's lorry park includes another 10 spaces immediately adjacent to the south western boundary of the application site,

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making a total of 25 spaces operated by the applicant. This is known as the A20 Truck Stop. Between the application site and the road, the area of rough tarmac is used as a separate lorry park with 22 spaces by the operator of the Airport Café. This is called the Airport Café Truck Park. This lorry park is operated separately to that which is the subject of this planning application. Parking for the café is also provided in this southern section of the wider site. The application site is shown on Figure 1 below and a site location plan is attached to this report as Appendix 1.

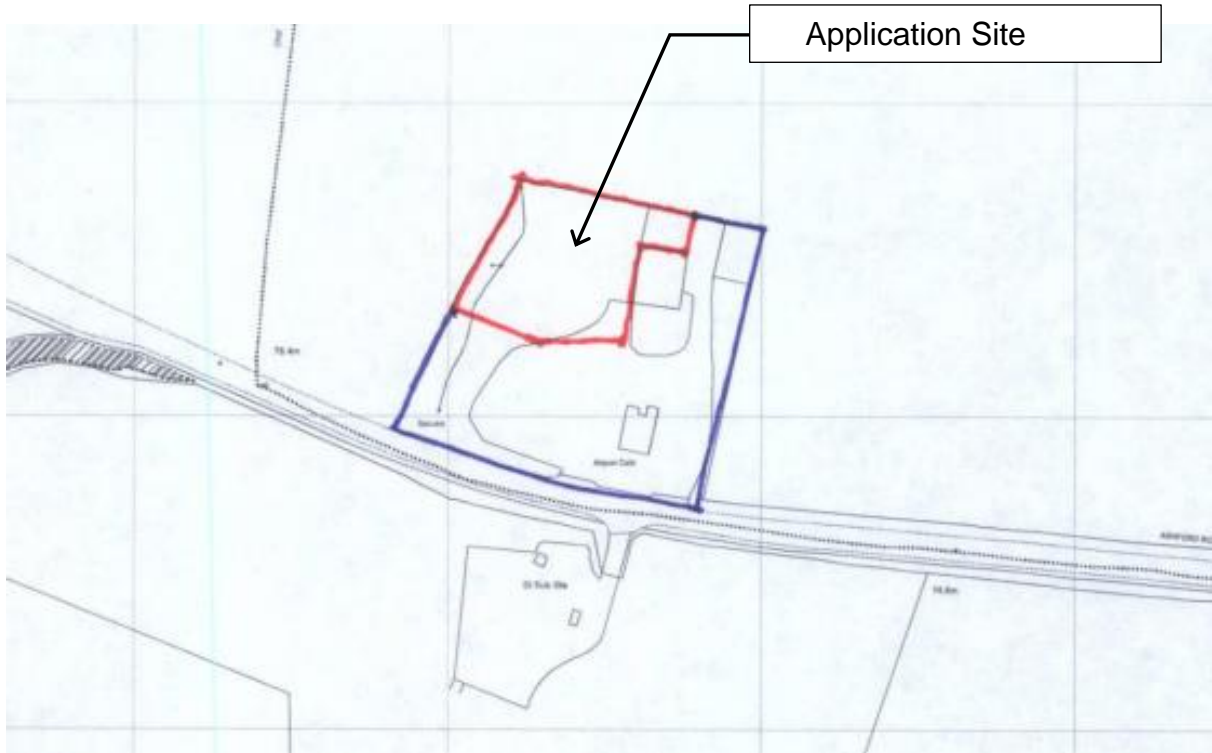


Figure 1 – Site Plan

2.9 The site also contains two or three lighting columns, but these have not been included in the application. Figure 2 below shows part of the site and one of the lighting columns.



Figure 2 – Part of the lorry park, as existing.

3. PROPOSAL

- 3.1 Temporary planning permission is sought for the continued use of the site as an HGV parking facility with ancillary and associated works granted temporary permission under Y14/0850/SH (see Appendices 2, 3 and 4).
- 3.2 The previous permission (Y14/0850/SH) provided for 15 lorry parking spaces, in addition to 10 that already existed on adjoining hard surfacing that had comprised part of the parking area for the Airport Café. The temporary permission expired at the end of December 2018.
- 3.3 This current application was submitted on 3rd December 2018 prior to the expiry of the temporary permission, seeking a further 5 year temporary time period for the lorry park use permitted under Y14/0805/SH.
- 3.4 The application also seeks the retention of three mobile units used for toilet/washroom, rest and office facilities in connection with the lorry park use. The WC and washing facilities for drivers are in temporary buildings positioned along the eastern boundary

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of the application site adjacent to an industrial building and there is a static caravan on the edge of the parking area, adjacent to an industrial building, which is used as an office in connection with the lorry park. The rear section of one of the industrial buildings appears to be being used as a rest room for drivers, but this has not been included in the application. From reviewing the Council's aerial photographs the temporary buildings being used for the toilet and washing facilities and the office have been on the site for a number of years. A static caravan was on the site of the current office in 2006 and also appears on the aerial photographs from 2008, 2013, 2015 and 2018. The units used for washing and toilet facilities appear to have arrived on the site sometime between 2008 and 2013. Figure 3 below shows the toilet and shower units.





Figure 3 – toilet and shower units

- 3.5 The site is intended to continue to accommodate drivers and their vehicles overnight to provide a rest stop. It is proposed that the site continues to operate 24 hours a day. The agent states that it is full daily, usually by 7pm.
- 3.6 The aerial photograph below from 2018 (Figure 4) shows the part of the site the subject of this application in the lighter grey colour. Figure 5 below that, shows the layout of the site approved under the previous temporary planning permission.



Figure 4 – 2018 Aerial Photograph

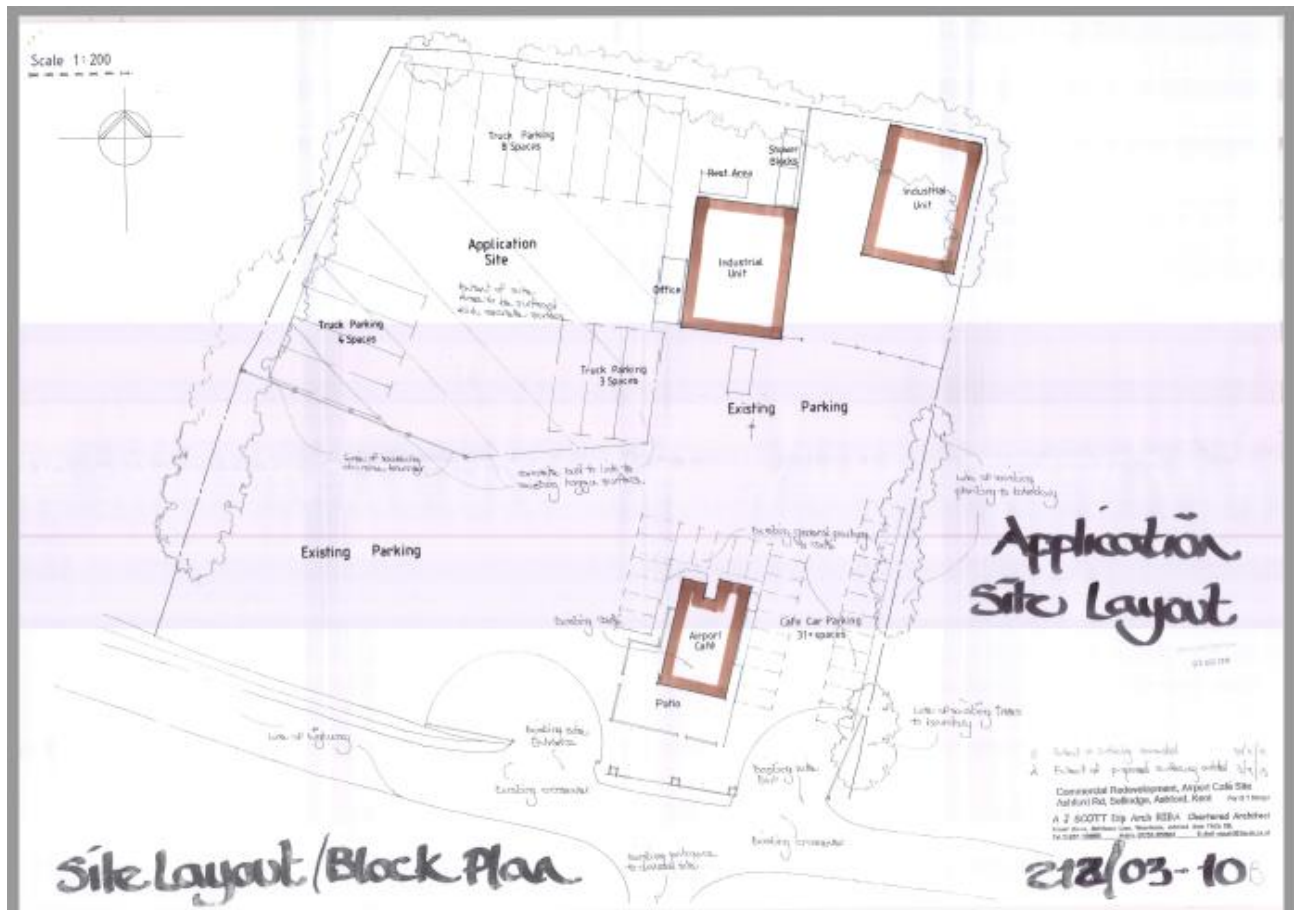


Fig. 5 - Site Layout as previously approved.

3.7 The following reports were submitted by the applicant's agent in support of the application:

Design and Access Statement

This sets out that the need for lorry parking has increased since the last application was determined and that the site offers a vital service. It states that if the use is terminated, lorries would be pushed onto the highway to the disadvantage of locals. It also states that surfacing and foul and surface water drainage have been put in as required by the previous conditions.

General Comments Update Response

A20 Truck Stop

- The A20 Truck Stop has 24 hour monitoring by 32 CCTV cameras around the site offering security to the site and the truck drivers.
- Truckers are welcomed, parked and controlled on site by the security officer/manager.
- The facility is serviced by 2 porta cabin shower block which are cleaned daily, heated and fully maintained for use by the truck drivers.
- There is an amenities porta cabin for use as a rest area, brewing hot drinks and obtaining information.
- There are a number of picnic benches for use by the drivers.
- The site has emergency stations with fire extinguishers, sand buckets and alarm bells.

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- The application site is fully serviced and offers 24/7 truck access.
- All trucks using service are booked and only allowed access through pre-bookings.
- Bays are allocated for booked vehicles with the vehicle registration clearly displayed on white wipe boards placed in traffic cones in each bay.
- In general site is fully booked and full by 18.00 daily.
- Internet only bookings are difficult but are being encouraged. There is clear signage throughout the site reinforcing this requirement.

Airport Cafe

- Airport Café Truck Parking is operated separately by family members.
- The whole site is in one ownership but each half use is operated by the son and daughter of the site owner.
- Parking of trucks on the car park of the Airport Café has been undertaken since the family purchased the site 60 years ago.
- Truck parking on this site controlled by a marshal
- Trucks turn up unannounced and are not subject to booking protocols.
- Trucks are accommodated out of hours on Airport Café car park.
- Operates on a first come first served basis.
- Comprises unsurfaced car park with no surface drainage provision.
- Has no dedicated CCTV coverage and no specific fire protection provisions.
- Recently refurbished toilet facilities in café are available to trucks on café site.
- Meets emergency needs of trucks attempting to find parking on ad hoc basis.

Otterpool Quarry

- Current application on Otterpool Quarry site further reinforces specific local needs for truck parking.
- That site does not benefit from surface water drainage protection that EA has required for A20 Truck Stop.

Drivers' needs

- Specific local need is being met by all available parking in local area.
- All trucks are subject to Tachograph constraints.
- If allocated time is exceeded, the driver is subject to fines.
- Trucks regularly turn up on site having used up their tachometer allowance in delays in France, with often only minutes left.
- Drivers are desperate to park and if spaces not available will park in laybys or on roadside out of necessity. £35 fine preferable to £1500 fine.
- If permission refused, resultant 15 trucks would be seeking parking in immediate locality, to its detriment.
- Singleton Inland Border Facility (SIBF) has produced additional truck parking needs. Trucks often return from facility due to inadequate paperwork and can book for 3-4 days while waiting to proceed.
- Trucks cannot park on SIBF site and have to leave after 2 hours.
- Recently opened new Ashford Truck Stop has 650 spaces but is full by 5pm daily with trucks queuing in access road. It is not meeting all the need.

National and Local Needs

- Government identified chronic need for additional truck parking nationally and especially local to channel ports.

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- SNAP has confirmed government assessment of daily national shortage of 1600 spaces, a large proportion of this is in the South East and Midlands.
- Government commitment of additional 1500 spaces has not materialised.
- Government fund of £35 million to help meet that provision has not materialised.
- Recent increase of Ashford Truck Stop from 300 to 650 is a drop in the ocean.
- The 15 spaces in this application help in an important way and to move them away without alternative provision is ill advised.
- Trucks currently being diverted away from A2/M2 and to Dover via A20/M20, resulting in more trucks arriving needing to overnight due to tachograph constraints.
- Loss of 15 spaces will have material impact on local area, especially FHDC.

A20 Specific Facilities

- All requirements of previous permission have been met.
- Site surfaced and drainage fitted in accordance with EA requirement. No problems to date.
- Signage required by KCC Highways has been fitted.
- Improvements made to sightlines as required.
- Sewage plant is provided and regularly maintained.
- Petrol interceptor is emptied annually.
- Sand buckets are available at emergency stations to contain oil leaks. None so far.
- Fire and safety provisions provided both sides of site.
- Rubbish bins provided and emptied every week under contract.
- Treatment plant regularly emptied under contract.
- Risk assessments have been undertaken and are attached

Conclusion

- A20 Truck Stop operates in association with the Airport Cafe Truck parking.
- Both sites help each other.
- 40% of A20 Truck Stop provision is operated on an existing site not subject to constraints of the planning permissions.
- Combined truck parking of both sites supports local community by affording safe off road parking for 47 trucks, removing them from highway.
- If application permitted this will continue to be enhanced. Will look to update/replace shower/toilet facilities in near futures.
- Removal of the 15 trucks would result in remaining two thirds of provision not protected by all infrastructure installed on application site.
- Objection by Idom on behalf of Otterpool Garden to commercial use in the middle of that development.
- Commercial use on site has existed for over 80 years.
- This is an asset to the local community and should continue.

The applicant has also submitted the following documents:

- Letter of support from SNAP.
- Risk Assessment for the site dated November 2021.

4. RELEVANT PLANNING HISTORY

4.1 The relevant planning history for the site is as follows:

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- 4.2 Y14/0850/SH was approved with conditions. It was a retrospective application for change of use to a lorry park incorporating extension of existing parking area and retention of two mobile units for toilet and shower facilities. Temporary planning permission was granted until the end of December 2018.
- 4.3 That planning permission included conditions requiring details to be submitted relating to foul drainage, contamination, surface water drainage and refuse storage and collection. There were also conditions relating to the operation of the lorry park, including the surfacing and marking out of spaces, restriction on number of lorries to no more than 15, signage directing lorries to and from junction 11, visibility splays and the operation of a pre booking system.
- 4.4 Since that grant of planning permission the lorry park has been resurfaced with concrete, parking spaces marked out and foul and surface water drainage installed. Signage about a pre booking system and directing lorries to junction 11 has also been installed, together with refuse bins. Lighting columns have more recently been installed but these were not the subject of the previous application, nor have they been included in this.
- 4.5 Application Y18/0628/FH was the submission of details required by conditions on the temporary planning permission. It included details for the following conditions:
- Condition 2 - foul drainage
 - Condition 3 - contamination
 - Condition 4 - verification report
 - Condition 5 - surfacing and drainage
 - Condition 6 – parking space marking out
 - Condition 8 - remediation strategy
 - Condition 12 - storage and collection of refuse
 - Condition 13 - visibility strip
 - Condition 16 - pre-booking

On 19th February the Council refused the application on the grounds of insufficient information having been provided in respect of the conditions.

OTHER RELEVANT PLANNING HISTORY

- 4.6 On 25 April 2017 the Development Control 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. Refused on the following grounds:

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

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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.

- 4.7 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 Enforcement Notice was complied with at the time. However, lorries are currently being parked on the site again. Following an investigation by the Planning Enforcement Team an application has been submitted for temporary planning permission for up to 5 years for the parking and stationing of 24 HGVs and 10 vehicles by Coolfruit Ltd. The application also includes the temporary stationing of ancillary facilities including porta cabins, toilets, showers, office and breakout facilities and a fuel tank. (21/2155/FH).

5. CONSULTATION RESPONSES

- 5.1 The consultation responses are summarised below.

Consultees

Sellindge Parish Council:

Objects to the application, raising the following concerns:

- There are often more HGVs parked in the area under consideration and this occurs on a regular basis.
- Although not part of the application there are an excessive number of HGVs parked in other areas marked on the map for cars, this is a danger to the operation of the application site.
- The application states 'there should be a minimum of 15 vehicles allowed' on the application site. The PC objects to this statement, it should be for a maximum of 15 only.
- The applicant is requesting the District Council considers the life of the application is for a period of 5 years or a permanent use – the Parish feels that 5 years should be the maximum use.

KCC Highways & Transportation (February 2019):

- Previously applied Condition 13 required a 6m visibility strip along the site frontage to be maintained to ensure safe visibility and thus highways safety. Despite being within the blue line area of the supporting information (indicated as land under the control of the applicant), the applicant under Y18/0628/SH explained that the signing obstructions within this 6m strip are outside of their control. As such this condition has not been complied with and the site continues to operate in breach of this condition. No further evidence has been provided to support why this breach of the approved condition should be acceptable.

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- It is noted that the enclosed area of seating located within the frontage of the Airport Café has now been extended towards the edge of the highway. This screening further obstructs visibility from the site's access points. KCCH&T would query with the LPA whether this alteration should have required planning permission.
- Although it is recognised that there is a shortage of official HGV parking in the east of the county and KCC would not wish to criticise a business for wanting to make their customers more comfortable, highway safety remains of paramount importance when reviewing planning proposals.
- In light of the above KCC H&T object on the grounds of highway safety until the above issues are explored and concluded to my satisfaction.

Additional comments KCC Highways & Transportation (April 2020):

- The latest on the Ashford lorry park is that all permissions are in place and it is under construction at the moment. Central Government had requested that it be completed ready for the start of Brexit (December this year) as, in case of delays, VOSA wanted the option of doing customs clearance and vehicle inspections at Ashford.
- When completed the new site will have a capacity for 600 vehicles. The old site caters for 350 vehicles and will remain open in the short term to cater for the above and keep an income until the developer is ready to move onto that plot. Long term the old site will be built on which will then leave the new 600 space lorry park.
- The new Ashford lorry park will provide 600 additional lorry parking spaces in the next year within reach of East Kent. When the existing facility at Ashford closes this will still leave a running total of +250 spaces more than are currently available.

Additional comments KCC Highways & Transportation (August 2020):

- Since our previous response in February 2019 some alterations have been made on site. With regard to the previously conditioned visibility strip on the site frontage, some signs have been removed/relocated and some localised cut back to trees has been carried out. Although some signage remains, I am content that the remaining available visibility for HGVs/lorries is sufficient.
- My understanding is that there are two separate parts of the overall site used for HGV parking, the other (frontage portion of the site) is not under consideration by this application.
- One item raised in my previous correspondence is still valid: *On a similar subject I have noted on previous site visits that the enclosed area of seating located within the frontage of the Airport Cafe has now been extended towards the edge of the highway. This screening further obstructs visibility from the site's access points. I would query with the LPA whether this alteration should have required planning permission.*
- The above issue does not restrict visibility for lorries as drivers sit high enough to see over it, and as such does not reflect on this current application; it does however still represent a hazard to other users of the site.
- So long as the proposal continues to operate solely by using a pre-booking system and only within the approved bays/area then I can confirm that I have no objections on highway grounds.
- The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common

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law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

Additional comments KCC Highways & Transportation (November 2021):

- With revisions to the position of signing on site and vegetation at the boundaries, I am content that visibility from both access points is adequate.
- There is signage opposite both access points on the public highway to remind drivers to turn left towards the M20 in an attempt to discourage any unnecessary trips though Sellindge Village.
- In the intervening period between this application being previously advertised and now, the site has been operating predominantly with a pre-bookable system, but I understand that if drivers turn up unannounced and there is space available, they are then booked in. Although clearly I would prefer if all vehicles attending the site were pre-booked, I do accept that with free will it is simply not possible to prevent a small element of drivers choosing to chance turning up without booking. Considering the fact that the site has now been operating under this method for some time now with no related problems, I am minded to accept the site operation as not causing a highway safety concern.
- The introduction of permitting for HGVs entering Kent and increased parking restrictions county wide with regard to HGVs on the public highway, the risk of abortive visits to the proposal site then resulting in increased ad-hoc damaging and obstructive parking on the public highway is less than it was previously. Taking account of the above, I can confirm that I raise no objection to the proposals. Previous request for conditions still applies.

KCC LLFA:

- KCC Flood and Water Management has advised that the application is supported by a Drainage Provision Layout Plan (Drawing No. 212/03-09). This drawing indicates that paved areas will be collected in 150mm diameter drainage pipe and discharged to the existing ditch system adjacent to the development site.
- No calculations have been provided to demonstrate the sizing of the drainage system or plans for definition of the catchment area; therefore there is insufficient information to demonstrate that the drainage system will be appropriately sized to manage rainfall events up to and including the 1 in 100 year climate adjusted event. Even though this is a temporary permission, given the impermeable areas involved, local flood risk from these areas must be appropriately managed to ensure that flood risk is not created on or off the site.

Environmental Health:

No objection.

Environment Agency:

- According to the Run off Drainage Provision Layout Plan numbered 212/03-09 the truck parking will be on existing compacted hardcore regraded and new reinforced concrete surface.
- We have no additional comments or objection to this. Drainage from such truck parking will discharge to disk drain trough and then to Bypass separator. From

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here the drainage will discharge to an existing culverted drainage ditch. We have no further comments or objection to this.

- We cannot make out whether this consultation is for an extension of the approval of planning approval that has expired and/or whether there are to be an additional section of lorry parking adjoining what the previous approval was for. If this is the case then the above impermeable surfacing will have to be extended for the new section of lorry parking and the drainage from the new section should be added to the existing lorry park area discharging to the existing culverted drainage via the bypass separator.
- The whole section of lorry parking must be kerbed so it is contained and served by the bypass separator prior to discharging to the culverted drainage ditch. This is to ensure that if a pollution event were to occur any polluting matter would enter the bypass separator and not escape off the surface area causing pollution to surrounding land. Whether this is a retrospective planning application should be irrelevant. If the above pollution prevention measures are not in place, arrangements should be made before a pollution event arises and there is an environmental impact on either groundwater or surface water.
- The new toilet and shower facilities must drain and be treated by the new sewage treatment plant (STP), which must be annually serviced and maintained with paperwork kept for 2 years as evidence of maintenance.
- It appears on the Foul Drainage Provision Layout Plan numbered 212/03-08 that the treated effluent discharges from the STP into cesspits prior to discharging to the culverted drainage ditch. It is not clear why this is necessary but again we have no objection to this discharge but previously the Applicant was advised that an Environmental Permit in accordance with the Environmental Permitting (England & Wales) Regulations 2010 (amended 2016) MAY be required for the foul drainage to cover the discharge.
- Further comments providing advice around environmental permits. Since 2018, any foul drainage discharge which originates from a business is classified as a trade effluent discharge and as such WILL require an Environmental Permit covering the discharge. The application forms can be found on the GOV.UK website at the following link.
<https://www.gov.uk/government/collections/environmental-permit-application-forms-for-a-new-bespoke-permit>
- A condition on the Planning approval should be added in that this should have been applied for and issued prior to any discharge taking place.
- The proposed development will be acceptable if these measure(s) are implemented and secured by way of a planning condition on any planning permission.

Contamination Consultant:

No comments to make.

Southern Water

- The Applicant is advised to consult the Environment Agency regarding the use of a package treatment plant which disposes of effluent to sub-soil irrigation, The owner of the premises will need to maintain the works to ensure its long term effectiveness, It may be possible for flows from the proposed development to be connected to a nearby public sewer, and the applicant may wish to investigate this option. Southern Water requires a formal application for a connection to the public sewer.

Local Residents Comments

5.2 7 neighbours directly consulted. Two representations received.

5.3 I have read all the representations received. The key issues are summarised below:

- Unsuitable location
- Encourages lorries into Sellindge village, that otherwise would not be there
- Use results in rubbish, including urine and excrement
- Too many lorries on the site
- Toilet blocks don't appear to be mobile
- Applicant should follow correct procedures, not apply retrospectively
- It is an eyesore
- No lorries should be allowed on the site due to traffic management issues
- Site constantly full
- Approval will encourage more lorries through village.

5.4 Responses are available in full on the planning file on the Council's website:
<https://searchplanapps.folkestone-hythe.gov.uk/online-applications/>

6. RELEVANT PLANNING POLICY

6.1 The Development Plan comprises the Places and Policies Local Plan (2020) and the Core Strategy Local Plan Review (2022).

6.2 The Development Plan comprises the Places and Policies Local Plan 2020 and the Core Strategy Review 2022. (The Folkestone & Hythe District Core Strategy Review was adopted by Council on 30 March 2022. There is a period of six weeks during which any person aggrieved by the adoption may make an application to the High Court under Section 113 of the Planning and Compulsory Purchase Act 2004. This period will elapse on 11 May 2022.) As set out in the National Planning Policy Framework 2021, paragraph 47, 'Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.'

6.3 The relevant development plan policies are as follows:-

Core Strategy Review (2022)

Policy SS1 – District Spatial Strategy

Policy SS3 – Place Shaping and Sustainable Settlements Strategy

Policy SS5 – District Infrastructure Planning

Policy SS6 - New Garden Settlement – Development Requirements

Policy SS7- New Garden Settlement – Place Shaping Principles

Policy SS8 - New Garden Settlement – Sustainability and Healthy New Town Principles

Policy SS9 – New Garden Settlement – Infrastructure Delivery and Management

Policy CSD3 – Rural and Tourism Development

Policy CSD4 – Green Infrastructure of Natural Networks, Open Spaces and Recreation

Policy CSD5 – Water and Coastal Environment Management

Places and Policies Local Plan (2020)

Policy CC3 – Sustainable Drainage Systems (SuDS)

Policy T4 – Parking for Heavy Goods Vehicles (HGVs)

Policy NE2 - Biodiversity

Policy NE5 - Light Pollution and External Illumination

National Planning Policy Framework (NPPF) 2019

- 6.4 Members should note that the determination must be made in accordance with the Development Plan unless material considerations indicate otherwise. A significant material consideration is the National Planning Policy Framework (NPPF). The following sections of the NPPF are relevant to this application:-

Paragraph 11 - Presumption in favour of sustainable development.

Paragraph 47 - Applications for planning permission be determined in accordance with the development plan.

Paragraphs 55 – 57 – Use of planning conditions.

Paragraph 59 – Appropriate and effective use of enforcement action.

Paragraph 109 – Planning policies and decisions should recognise the importance of providing adequate overnight lorry parking facilities, taking into account any local shortages, to reduce the risk of parking in locations that lack proper facilities or could cause a nuisance.

Paragraph 111 - Development should only be refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road networked would be severe.

Paragraph 174 (b) – Planning decisions should recognise the intrinsic character and beauty of the countryside.

Paragraph 180 – Mitigating harm to biodiversity

Paragraph 185 – Development should be appropriate for its location, taking into account the likely effects of pollution, including on the natural environment.

National Planning Policy Guidance (NPPG)

Light Pollution

Natural Environment

Waste Water Supply, Waste Water and Water Quality

Enforcement and post-permission matters

Use of Planning Conditions

7. APPRAISAL

- 7.1 The main planning issues to be considered in the determination of this application are:

- a. The principle of this land use in this location in transport and other land use terms
- b. Highways and transportation
- c. Residential and visual amenity

- d. Foul and surface water drainage
- e. Contamination
- f. The temporary nature of the permission and an assessment of the 'trial run'.
- g. The potential for meanwhile use in the context of the emerging Core Strategy Review policies relating to the New Garden Settlement.

a) Principle of development

- 7.2 The application site and wider Airport Café site comprise previously developed land outside any settlement boundary, Core Strategy policies SS1 and SS3 seek to direct development to existing sustainable settlements. However, the Places and Policies Local Plan recognises the need to ensure HGV parking needs are catered for within the district but without detrimental impact on local residents and contains a specific policy (T4) relating to HGV parking. The location of the site outside of any settlement boundary needs to be balanced against the use of a brownfield site previously used for commercial uses and HGV parking.
- 7.3 Policy T4 of the Places and Policies Plan - Parking for Heavy Goods Vehicles (HGVs) states that applications for the provision of Heavy Goods Vehicle parking and service facilities will be approved subject to the following criteria:
- a) The site should be accessed from the designated Strategic Road Network (SRN);
 - b) Proposals for the mitigation of noise and air quality impacts from lorry movements and any associated commercial operations will need to be specifically addressed as part of any application;
 - c) Substantial landscaping and screening, based on a strong landscape framework, should be provided to mitigate the visual impact of the development;
 - d) Suitable mitigation will be required to deal with artificial lighting, to restrict the impact of the development on neighbouring residential properties or vulnerable uses in accordance with Policy NE5: Light Pollution and External Illumination;
 - e) Adequate space for access, sight lines, turning and manoeuvring must be provided in addition to the required parking spaces. These spaces should not be used for any other purpose than parking; and
 - f) The minimum dimensions of a lorry parking space should be 16m by 3.5m (56 sq. m). Every effort should be made to restrict the circulation of lorries, other than for delivery purposes, on local distributor and access roads within the district, to protect the amenity of local residents.
- 7.4 In respect of criterion (a), the SRN comprises motorways, trunk roads and the most significant 'A' roads that are managed by Highways England. Access to the site from the M20 is via the A20. Although this section of the A20 is an A road it is not a trunk road nor maintained by Highways England, and does not comprise part of the SRN. The site is not therefore directly accessible from a designated trunk road, in contrast to the new lorry parking facilities in Ashford and the lorry parking at Stop 24. However, this is a small scale facility and permission is only sought for a temporary period. The A20 is well used by lorries to access the commercial sites at the former Lympne Airfield and Link Park, including a 24 hour truck parking facility at Spicers, Lympne Industrial Estate, which was granted planning permission last year under 20/2024/FH. Therefore,

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the principle of the suitability of this part of the A20 for use by lorries has already been established and the previous concerns of Kent Highways and Transportation have now been resolved, such that it now has no objection.

- 7.5 In respect of criterion (b), noise disturbance to residential properties will be dealt with later in this report under the residential amenity section. No air quality issues have been identified and the limited number of spaces provided is unlikely to result in any significant adverse impact on air quality. The landscaping and screening required by part (c) and lighting (part (d)) will be dealt with under the Visual Amenity and Residential Amenity section of this report. In relation to the highway safety criterion, (e) and (f), these matters will be covered in the Highways and Transportation Section of this report.
- 7.6 The site also falls within an area allocated under policy SS6 in the Core Strategy Review for a new garden settlement. This is the subject of outline planning application Y19/0257/FH which is currently under consideration for which revised details are expected to be submitted in April. This allocation in itself does not preclude granting planning permission for a temporary use, such as that being applied for. The acceptability or not of granting planning permission for a 'meanwhile' use in the context of the Core Strategy Review policies relating to the New Garden Settlement is considered later in this report. This is covered later in this report under 'Temporary Planning Permission and Meanwhile Use'

Highways and Transportation

- 7.7 KCC Highways and Transportation raise no objection in relation to highway safety, subject the site continuing to operate solely using a pre-booking system and parking only in the marked bays.
- 7.8 Parking bays have been marked out, as required by the condition on the previous planning permission and although the lines have faded they are still visible. At the time of the planning officer's visit the site operator was seen directing lorries into the parking bays. The requirement to park in marked bays can be imposed as a condition if Members resolve to grant planning permission.
- 7.9 Condition 16 of the expired planning permission required details of the booking system to be submitted for approval. No details were submitted with this application or the previous application for submission of details pursuant to conditions. An officer search of the internet has found both the A20 Truck Stop and the Airport Café Truck Park appear on the SNAP website as bookable with a SNAP account. There are also signs on the site saying that it is pre-book only, together with a phone number and 'SNAP' and 'intruck' logos. See Figure 6 below. The applicant has stated that he encourages pre-booking as it is easier to manage, but does allow ad hoc use if a lorry turns up and there is space. The KCC Highways Officer was aware of this when making comments on the application.
- 7.10 In my opinion it is impossible for the applicant to stop lorries arriving at the site if they have not pre-booked and turning them away purely on that basis would result in more lorry movements. Therefore, providing the 'Pre-book only' signage on the site is retained and the Truck Stop continues to be registered on a pre-booking system, this is likely to address the majority of customers and considered a reasonable and acceptable solution. The retention of the signage and the registration with a pre-booking system can be secured by condition.



Figure 6 – pre-booking sign

- 7.11 The approved site layout plan for the previous application and the site layout plan submitted with this current application show the site entrance being to the west of the café and the site exit to the east of the café. The previous planning permission included a condition requiring a visibility strip along the site frontage. KCC Highways and Transportation note that some alterations have been made on site with regard to the previously conditioned visibility strip and from visiting the site there does appear to be adequate visibility for HGVs from both accesses. Site visits confirm that lorries do exit the site from both access points. There is sufficient room to manoeuvre internally within the site, which a block plan and tracking plan clearly demonstrates, and KCC Highways and Transportation are satisfied that there is adequate visibility for lorries.



Figure 7 – sign opposite ‘exit’



Figure 8 – sign opposite ‘entrance’

7.12 As set out above, KCC Highways and Transportation are satisfied with how the site has been operating and, subject to conditions relating to parking in marked bays only and continued use of a pre-booking system, now has no objection to the application.

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While the concerns of local residents and the parish council are noted, the proposals are considered acceptable in respect of highway safety.

Residential amenity

- 7.13 The site is surrounded by fields on three sides, 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 to the west of the site, also located adjacent to the A20.
- 7.14 Access to the Airport Cafe and lorry park can be made either from junction 10 of the M20, along the A20 and through Sellindge, or from junction 11 of the M20 and along the A20 through Newingreen. The quickest and easiest is from junction 11. Considering the lorry park is used by HGVs on long distance journeys, it likely most lorries will come via junction 11 rather than through the village of Sellindge, as that provides the fastest and easiest access to the M20, Channel Tunnel and port of Dover, as well as the county's motorway network. It is not possible for the applicant to prevent lorries arriving along the A20 from junction 10 but signage has been erected directing lorries to junction 11.
- 7.15 The Transport Statement submitted with the previous planning application stated that the highest predicted vehicle movements to the whole Airport Café site would be approximately 185 per day, with only approximately 48 being HGVs. The combined number of spaces for both lorry parks is given as 47, with 22 in the Airport Café Truck Park and 27 in the A20 Truck Stop operated by the applicant. Of these only 15 are the subject of this application. As the Truck Stop provides mainly overnight parking the pattern is for HGVs to arrive early evening and depart early morning, When the part of the site that is the subject of this application is full this results in 15 movements out and 15 movements in per day. This is compared 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 than would otherwise occur.
- 7.16 Although there are residential properties along the A20 between junction 11 of the M20 and the site, particularly at Newingreen, it should be noted that the applicant's original 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 movements to the wider site (including visits to the cafe), of which 48 are HGV movements. 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 large number of HGV movements.
- 7.17 Therefore, having regard to the number of HGV movements taking place in this location, the additional movements created by the lorry park are considered unlikely to have a significant impact on residents along the A20 and as such are considered acceptable in the context of the number of other HGV movements that take place along this stretch of the A20.
- 7.18 The lighting columns that have been installed do not form part of this application and no details of them have been provided as part of the application. However, it is

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considered that the lighting columns are sufficient distance away from residential properties not to have any significant adverse impact on them.

Visual Amenity

- 7.19 Although the site is not located within any settlement boundary, it forms part of a larger brownfield site that has previously been used for a variety of commercial activities. The site is reasonably well screened, with evergreen trees along the rear boundary and a mix of evergreen and deciduous informal shrub hedging along the western boundary. It is also set back from the A20 and the area to the front of it, between the application site and the road, is also used for lorry parking and parking for the Airport Café. 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 on the adjoining wider site.
- 7.20 The lorry parking use has resulted in an extension to the previous area of hard standing at the site to incorporate land previously used for a scrap metal business. The three small portable units used as a washroom/ WC facility and rest room are single storey, small in size and low in height and are tucked away behind the existing industrial units. The extension of the hard standing onto the site of a former scrap metal business relates well to the existing expanse of hard standing belonging to the adjoining commercial uses and has no additional visual impact. As concluded in the committee report for the previous application, neither the portable buildings nor the extension to the hard standing are considered to present an adverse visual impact on the local area, when compared to the previous use of the site. The lorries on the site are clearly visible above the boundary vegetation when approaching the site along the A20 from the west. However, the visual impact of the lorries on the application site is no greater than that of the lorries parked on the wider Airport Café site. There is also a degree of mitigation provided by the existing vegetation along the northern and western boundaries. From the east, lorries on the site are seen in the context of the commercial uses adjoining to the east and the Airport Café building and hardsurfacing to the front. Overall the use of the application site for lorry parking does not exacerbate any visual impacts on the local area or in longer distance views, than already exist from the use of the wider site.
- 7.21 The lighting columns that have been installed are not intrusive in themselves and are considered acceptable subject to acceptable lighting levels and measures to prevent light spillage. If Members resolve to grant planning permission it is recommended that a condition be included requiring details of the lighting to be submitted.
- 7.22 The use of the site is not visually prominent in the wider environment and the use of the application site by parked HGVs is not visually harmful, when seen in the context of the adjoining commercial uses on the wider site. It is therefore considered that in visual amenity terms, continued use of the site to accommodate further HGVs does not, in itself, present visual harm sufficient to warrant a ground of refusal of planning permission.

Ecology

- 7.23 In terms of ecology the site does not have any national or international nature conservation designations, or adjoin any such designations, and is on land previously used for industrial purposes. No details of ecology have been provided as part of this

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application. The applicant's previous ecology report stated that the hard standing extension had taken place on land previously used for a scrap metal business. The survey concluded that as a result of the development the ecology of the site had not been adversely affected and ecology impacts were not considered to be an issue at that time. However, since the grant of temporary planning permission and the submission of this current application, issues identified at an internationally and nationally designated nature conservation site outside the district have resulted in restrictions being imposed on development within the Operational Catchment of the Stour River. This means that all applications for net new overnight accommodation that would impact on waste water infrastructure need to be subject to an appropriate assessment and planning permission should only be granted where it can be demonstrated that the development would not have an adverse impact on the Stodmarsh Special Protection Area.

- 7.24 Stodmarsh lies to the east of Canterbury and is a Special Protection Area (SPA) Ramsar site, Special Area of Conservation (SAC) and a Site of Special Scientific Interest (SSSI) and parts are a National Nature Reserve (NNR). During 2017/18, a review of the internationally designated sites at Stodmarsh identified that some of the lakes had raised nitrogen and phosphate levels, leading to eutrophication of the lakes which occurs when an excessive amount of nutrients within a water body are present, which makes it difficult for aquatic insects, invertebrates or fish to survive, in turn removing a food source from the food cycle. Natural England issued advice to all authorities in Kent in July 2020, and it covers all areas within the Stour Valley river catchment, and which discharge to amongst others, Sellindge Wastewater Treatment Works. The consequence of this advice is to avoid the potential for any further deterioration in the water quality of the Stodmarsh European designated site pending further investigations as to the cause of the eutrophication. The advice applies to all types of development where a net additional population would be served by a wastewater system.
- 7.25 Under the Conservation of Habitats and Species Regulations (2017 as amended), there are significant responsibilities conferred on the Council as "competent authority". Mainly, it requires the Council to only approve plans or projects (such as new development) if there is no likelihood of a significant effect on any European designated nature conservation site. A significant effect could be caused by a number of potential impacts including direct or indirect habitat loss, air pollution, water quality, increase in recreation, light pollution or construction activity. In order to assess whether a development would lead to a "likely significant effect" an Appropriate Assessment would need to be carried out which the Council would consult Natural England on.
- 7.26 The application site falls within the Stour Operational Catchment and the lorry park provides toilet and washing facilities for drivers staying overnight, which generate waste water. However, this is an existing use that has been operating since before 2014 and the current application does not increase the number of lorry spaces above that previously approved. Therefore, granting planning permission would not result in any additional waste water in the waste water system and there would be no additional impact. As such, although the application does not contain sufficient information for an appropriate assessment to be carried out, it is not considered that it would be reasonable to refuse planning permission on that ground as the use has previously

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been granted planning permission and was operating before the Natural England advice was issued.

Foul Drainage

- 7.27 At the time of the previous application for planning permission foul drainage from the toilet and washing facilities discharged into a cess pit and the application included upgrading this to a full waste water treatment system using a Mantair unit, details of which were submitted with the application. The temporary planning permission included a condition requiring the waste water system to be installed in accordance with the approved details by September 2017. However, the subsequent application to discharge the conditions (Y18/0628/SH) included a plan stating the Mantair unit was deemed unsuitable and could not be used in a cess tank. Instead a new E18 (18 person) packaged sewage treatment plant was to be fitted within the existing drainage service run between the outfall from the shower and toilet blocks and the first cess tank. The existing cess tanks were to be retained as storage, discharging via existing outfall pipework to an existing culverted drain running across adjacent farmland to discharge to a water course. The plan also stated that the existing cess tanks were to be used for potable water storage to be emptied periodically along with the regular emptying schedule for the treatment plant. The Environment Agency did not object to this method of disposal or to the package treatment plant proposed but requested as built plans, photographs and copies of relevant discharge permits and Building Control certificates before the drainage conditions were discharged.
- 7.28 The foul drainage plan submitted with the current application shows the same arrangements as those submitted and commented on by the EA under the conditions submission. The EA comments this time were no objection in principle subject to a condition requiring full details the scheme, as previously, and advising that a permit for discharge to the watercourse is required. The wastewater treatment unit has been installed at the rear of the site (See Figure 9 below) and the plans submitted with the conditions submission and the current application detail the treatment plant used and the method of disposal. There is no further information that can reasonably be required as part of the planning application. The EA has not objected to the method of disposal applied for and the requirement for discharge permits and Building Control certificates to be submitted before planning approval is granted is outside the scope of the planning legislation. It is not acceptable for the planning system to duplicate the requirements of other legislation nor require evidence of compliance with other legislation when considering material planning considerations. It is the EA's responsibility to enforce if their permit requirements are not complied with. Given the above it is not considered that planning permission should be refused on grounds relating to foul drainage disposal.



Figure 9 – waste water treatment system

Surface water drainage, groundwater and contaminated land

7.29 At the time of the previous application for planning permission, a concern was raised by the EA that the surfacing of the lorry parking area was not impermeable and it had not been satisfactorily demonstrated that the use would not lead to unacceptable pollution of groundwater and the nearby watercourse. Additional information was provided to show that the site would be resurfaced with a solid surface to overcome these objections. The existing hardcore base was sufficiently deep to allow a surface dressing of reinforced concrete to be laid to the existing natural falls of the site. This would drain to prepared dish trough drains with a containment kerb behind, all draining

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to the proposed bypass interceptor. This surface dressing and drainage catchment was proposed only for the application site, not the neighbouring lorry parking areas. The Environment Agency withdrew its objection on the basis of that, subject to conditions. The majority of the site has been surfaced in concrete and kerbing and a trough drain have been installed along the rear boundary together with a bypass interceptor, in accordance with that previously submitted information. Figure 10 below shows part of the kerbing and trough drain and the interceptor cover. The applicant advises that the water discharges via pipe to a neighbouring culvert.



Figure 10 – kerbing, trough drain and interceptor cover.

- 7.30 Following consultation on this application Kent Flood & Water Management has raised concerns that there is insufficient information to demonstrate that the drainage system will be appropriately sized to manage rainfall events up to and including the 1 in 100 year climate adjusted event. However, the EA has no objection to the surfacing, trough drain, bypass separator or discharge to existing culverted drainage ditch. They do require the whole section of the lorry park to be kerbed so that it is contained and served by the bypass separator and this can be required by condition.
- 7.31 The applicant has taken on board the EA comments on the previous application for planning permission and has put the required surface water drainage measures in place. The only outstanding matter is the extension of the kerbing along both sides of the concrete hardstanding. This can be required by condition. Subject to that condition it is considered that surface water drainage has been adequately addressed.

Contamination

7.32 Condition 3 of the temporary planning permission required a scheme to deal with the risks associated with contamination to be submitted within 2 months of the date of the decision. Condition 4 required a verification report demonstrating the completion of the remediation strategy to be submitted within 4 months of the date of the decision. A Site Investigation and Groundwater Assessment Report was submitted for these conditions under application Y18/0628/FH and the Council's Contamination Consultant concurred with the findings of the report, that there are no significant risks to future site users. The Council's Contamination Consultant was consulted on the current application and had no comments to make. Therefore, it is considered that there are no contamination issues with regard to the continued use of the site.

Temporary Planning Permission and 'meanwhile use'

7.33 This application is for the use of the site as a lorry park for a further five years (the application having been submitted in 2018). A previous temporary permission has already been granted under Y14/0850/SH, which expired in December 2018. Under section 72 of the Town and Country Planning Act 1990 the local planning authority may grant planning permission for a specified temporary period only. National Planning Practice Guidance describes circumstances where a temporary permission may be appropriate including where a trial run is needed in order to assess the effect of the development on the area or where it is expected that the planning circumstances will change in a particular way at the end of that period.

7.34 Therefore, when considering an application for the use to continue this must include an assessment of the trial run. Although application Y18/0628/FH for the compliance of conditions on the previous planning permission was refused due to the submission of insufficient information, in practice the applicant has complied with the requirements of the conditions on the above planning permission, as set out in the sections above. The lorry park appears to have been operating without causing significant problems since the grant of the first temporary planning permission.

7.35 The National Planning Practice Guidance (NPPG) states that it will rarely be justifiable to grant a second temporary permission (except in cases where changing circumstances provide a clear rationale). It states that further permissions can normally be granted permanently or refused if there is clear justification for doing so. However, the NPPG also states that a temporary planning permission may be appropriate to enable the temporary use of vacant land or buildings prior to any longer term proposal coming forward (a 'meanwhile use').

7.36 There has been a material change in local planning policy since the previous planning permission was granted. The recently adopted Core Strategy Review, includes a Strategic Site Allocation for a New Garden Settlement, which includes the application site. Revisions to the current undetermined application for Otterpool Park are expected to be submitted shortly, with the current trajectory for the delivery of the first homes being 2024/5. A relevant consideration, therefore, is whether granting a temporary planning permission is appropriate in view of the longer-term proposals for Otterpool Park. In the longer term it is clear that the current use would be incompatible with the introduction of new residential neighbourhoods in close proximity, even were landscape screening to be further enhanced. Therefore a permanent planning permission is not considered acceptable. In the shorter term, a temporary use could be acceptable if it is, in itself, acceptable in terms of planning policies and other material

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considerations, provided it does not prejudice the Core Strategy allocation. This application is for a further temporary 5 year period. The previous temporary planning permission expired in December 2018 and the use has been continuing since then. Granting a temporary five year permission from the expiry date of the previous permission would result in the use needing to cease in December 2023, which would tie in with the projected timescales for the commencement of the Otterpool Park development in 2024/5. Granting a temporary permission until then would provide a worthwhile use for the site in the interim. For the reasons set out in the report above it is considered that the continued use of the site for a further temporary period would be acceptable in respect of all other material planning considerations.

Other issues

7.37 The Committee report for the previous planning application included consideration of existing lorry parking capacity and reference to the draft Freight Action Plan (FAP), which has now been published. This identified the problems associated with illegal and inappropriate lorry parking, including road safety, damage to roads, human waste, littering and air and noise pollution due to engines running refrigeration units and cab heaters. At that time the FAP also stated that KCC was actively identifying sites along the M20/A20 corridor. Since then the Freight Action Plan for Kent has been updated and a new site within Ashford has been identified and constructed. It has 650 spaces and opened in December 2021. There is an older site that catered for 350 vehicles and this has closed now that the new site is fully operational. This left an additional capacity of 300 lorry parking spaces. It is understood from the operators of the new lorry park at Waterbrook that it is full every evening. The applicant for this application has put forward a case that, even with the new lorry park at Ashford, there is still a shortfall of lorry parking and this has been supported in a letter from SNAP, which operates a booking system for lorry parks. Furthermore, at the meeting of the Planning and Licensing Committee in January this year Members resolved to grant planning permission for a 115 space truckstop, transshipment building and ancillary welfare facilities at the Motis Business Centre at Cheriton Parc. This is another indicator of the demand for lorry parking in the area. Although the A20 Truckstop application is only for 15 spaces, granting a further temporary permission would meet some of the need and provide a use for the site until the Motis facility is constructed and the application site is needed for the Otterpool development.

8. Environmental Impact Assessment

8.1 In accordance with the EIA Regulations 2017, this development has been considered in light of Schedules 1& 2 of the Regulations and it is not considered to fall within either category and as such does not require screening for likely significant environmental effects.

9. Local Finance Considerations

9.1 Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local finance consideration as far as it is material. Section 70(4) of the Act defines a local finance consideration as a grant or other financial assistance that has been, that will, or that could be provided to a relevant authority by a Minister of the Crown (such as New Homes Bonus payments), or sums that a relevant authority has received, or will or could receive, in payment of the Community Infrastructure Levy. There is no CIL requirement for this development.

10. Human Rights

10.1 In reaching a decision on a planning application 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.

11. Public Sector Equality Duty

11.1 In determining this application and assessing this planning enforcement matter, regard has been had to the Public Sector Equality Duty (PSED) as set down in section 149 of the Equality Act 2010, in particular with regard to the need to:

- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it. It is considered that the application proposals would not undermine objectives of the Duty.

It is considered that the application proposals would not conflict with objectives of the Duty.

12. Working with the Applicant

12.1. In accordance with paragraphs 38 of the NPPF, Folkestone and Hythe District Council (F&HDC) takes a positive and creative approach to development proposals focused on solutions. F&HDC works with applicants/agents in a positive and creative manner.

13. CONCLUSION

13.1 The outstanding issues covered by conditions on the previous temporary planning permission have been addressed by the applicant on site. Kent Highways have no objections on grounds of highway safety and it is considered that the methods of disposal of foul drainage and surface water that have been installed are satisfactory subject to the extension of the kerb along the eastern and western edges of the hardsurfacing to ensure all surface water is directed to the interceptor. The site appears to have been operating without causing any significant planning impacts. The previous temporary planning permission expired in December 2018 and the applicant applied in 2018 for a further five year temporary permission. This would result in the use needing to cease in December 2023, which would tie in with the projected timescales for the Otterpool Park development, which the site falls within the proposed allocation area of. Therefore, due to the lack of identified harm and the benefit of providing short term off street lorry parking for the district it is recommended that planning permission is granted for a further temporary period up to the end of December 2023 subject to conditions requiring the extension of the kerb, lorries to be parked in marked bays and the continued operation of a pre-booking system.

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14. RECOMMENDATION – that planning permission be granted subject to the following conditions and any other conditions that the Chief Planning Officer considers necessary:

1. The use hereby permitted shall cease on or before 31st December 2023 and the temporary buildings hereby approved shall be removed from the site.

Reason:

The site lies within an area allocated under policy SS6 of the Core Strategy Review Submission Draft 2020 for a new garden settlement. Granting a permanent planning permission would be contrary to the aims and objectives of this policy.

2. Within two months of the date of this decision, the kerbing along the northern edge of the concrete lorry parking area shall be extended along the full length of the eastern and western edges of the concrete lorry parking area and thereafter all the kerbing, the trough drain and the bypass interceptor shown on approved drawing 212/03 - 09 shall be retained and maintained in a functioning condition at all time that the site is in use for lorry parking.

Reason:

In order to prevent pollution of the neighbouring land and drainage ditches.

3. Within one month of the date of this decision, details of the lighting columns, lighting levels and measures to prevent light spillage outside the site shall be submitted to the Local Planning Authority and any light spill measures approved shall be installed within one month of their approval and thereafter retained at all times that the lighting is in use.

Reason:

In the interests of the visual amenity of the wider area.

4. No more than 15 lorries shall be parked within the site at any one time and lorries shall only be allowed to park in the marked bays as shown on drawing no. 212/03 – 10.

Reason:

In order to allow adequate room for manoeuvring of lorries within the site in the interests of highway safety.

5. No refrigerated vehicles or trailers shall be parked on the site unless they are connected to functioning HGV electrical connection points.

Reason:

In the interests of the amenities of the area.

6. All engines and generators shall be switched off while the lorries are parked.

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Reason:

In the interests of the amenities of the area.

7. Signage on the site requesting all drivers to enter and leave via junction 11 of the M20 in 6 different languages shall be retained at all times that the lorry park is in use and shall be taken down and removed from the site when the use of the site as a lorry park ceases.

Reason:

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

8. At all times that the lorry parking is operating it shall be registered with an on-line pre booking system and the signs requiring pre-booking shall be retained within the site. The signs shall be taken down and removed from the site when the use as a lorry park ceases.

Reason:

In order to discourage lorries from arriving when there is no space for them, in the interests of highway safety and the amenities of the area.