

## **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

<b>RECOMMENDATION:</b> 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 14<sup>th</sup> 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 20th 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 25<sup>th</sup> 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 11<sup>th</sup> May 2017 with the Stop Notice requiring the use to cease by 25<sup>th</sup> 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 Café 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 20th 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 20<sup>th</sup> 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 20<sup>th</sup> 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

