

<b>2.5 REFERENCE NO - 20/501601/FULL</b>		
<b>APPLICATION PROPOSAL</b>		
Full planning permission for the erection of a new coffee shop (Use Class A1/A3) including drive-thru facility with associated car parking, cycle parking, motorcycle parking, landscaping and associated works. As amended by drawings received on 14 <sup>TH</sup> SEPTEMBER 2020		
<b>ADDRESS</b> Gate Service Station London Road Dunkirk Faversham Kent ME13 9LN		
<b>RECOMMENDATION</b> - Grant subject to conditions		
<b>REASON FOR REFERRAL TO COMMITTEE</b>		
Parish Council objection		
<b>WARD</b> Boughton And Courtenay	<b>PARISH/TOWN COUNCIL</b> Dunkirk	<b>APPLICANT</b> Motor Fuel Ltd <b>AGENT</b> JMS Planning & Development Ltd
<b>DECISION DUE DATE</b> 19/11/20	<b>PUBLICITY EXPIRY DATE</b> 30/06/20	

### Planning History

17/500824/ADV

Retrospective Advertisement Consent for 2 x internally illuminated Fascia signs comprising of polycarbonate black and green surround signage with illuminated white lettering "free cash withdrawals and balance enquiries" and "cash zone" Halo illumination to polycarbonate surround. Green acrylic sign with white lettering "cash zone" and accepted card logos.

Approved Decision Date: 20.04.2017

17/500823/FULL

Retrospective application for retention of an ATM

Approved Decision Date: 26.04.2017

14/505112/ADV

Advertisement - New image forecourt signage.

Approved Decision Date: 27.01.2015

From 1960 to 2014 there are numerous applications resulting in and to the Travelodge hotel and the garage forecourt though none directly relate to this application.

### **1. DESCRIPTION OF SITE**

1.1 The application site is an open hard surfaced former lorry park surrounded by extensive woodland, located to the rear (south side) of the petrol filling station at the Gate Service Area, Dunkirk; adjacent to the A2 Faversham bypass (westbound side) between Faversham and Canterbury. The site is located in the defined countryside, within the Blean Woods South Local Wildlife Site (LWS) and the surrounding woodland is covered by Tree Preservation Orders.

1.2 Other properties in the service area include a Travelodge hotel adjacent to the site, and the former Gate Inn (more recently a little Chef restaurant) which is a Grade II listed

building last occupied by Sheila's Kitchen as a cafe, that fronts onto the A2 sliproad to the east of the filling station forecourt.

- 1.3 The petrol filling station has a shop and is clearly signed from the A2. Access and egress to the A2 is provided by dedicated slip roads to and from the westbound carriageway of the dual carriageway. There is no access to the site from the eastbound carriageway, nor from any local roads. The slip roads also provide access to a pair of semi-detached houses to the east of the filling station site and to the Brotherhood Woodyard gypsy and traveller site which lies back to the south-west of the filling station.
- 1.4 The location of the proposed new facility is currently screened from the filling station by fencing and old Oak trees to the north, whilst the site itself comprises an area of hardstanding, overgrown with weeds. To the east is the Travelodge building screened by overgrown, mostly non native vegetation and ancient woodland surrounds the site.

## **2. PROPOSAL**

- 2.1 The application is for the erection of a new coffee shop (Use Class A1/A3 – now Class E from 1<sup>st</sup> September 2020) including a drive-thru facility with associated car, cycle and motorcycle parking, landscaping and associated works.
- 2.2 The new coffee shop will be located on the existing area of hardstanding to the south of the petrol filling station and will be accessed through the existing forecourt and circulation road in the filling station area. The access road will lead to the drive-thru past the dedicated parking spaces. An outside area for seating is provided to the front (north side) of the new building where it will be shaded by newly planted native trees.
- 2.3 The building would essentially be a simply designed flat roofed building measuring almost 22mx10.5m, with a tower feature to a maximum of 6.9m high. It would be clad in grey light fibre and timber cladding with large glazed areas, and would be constructed to BREEAM “Good” standard which meets the standard set by policy DM19 of the Local Plan.
- 2.4 An extensive landscaping plan is proposed given the current quality, condition and mix of trees and vegetation on site at the moment to provide a native mix. This scheme has been designed to consider the local bat and other wildlife on the site.
- 2.5 The application was amended in September 2020 to include the provision of a dedicated Electric Vehicle (EV) charging hub, to be located to the rear of the petrol station sales building, this will provide four fast charging points with the associated infrastructure i.e. upstand, sub station and other electrical equipment.
- 2.6 The original submission was accompanied by:

Existing and proposed layout plans and elevations including location, block plans and a swept path analysis

Tree Report and Landscape Plan

Phase One Environmental Assessment

Preliminary Ecological Assessment

Design and Access Statement

## Noise Impact Assessment and

Transport Statement, which indicates a likelihood that the proposed development will generate an additional 26 vehicle trips through the service station over the 12 hour period 7am-7pm, which would have a negligible impact on highway safety.

### 2.7 The applicant's covering letter explains the scheme as follows:

*The application seeks the development of a new coffee shop and drive-thru facility at Gate Service Station enhancing the facilities provided for motorists on the A2/Boughton Bypass.*

*The National Planning Policy Framework identifies the need for planning positively for community facilities and motorist services. Motorist services are a vital necessity and provide an important role in ensuring that motorists travel safely. Gate Service Station has its roots in the 18th century where it operated as a coaching inn and has adapted since this time to meet operational and motorist needs with the development of a petrol station and hotel. The proposed coffee shop proposal will further meet this roadside need and motorists' expectations. In addition, the proposal will provide additional jobs.*

*Trees and landscaping have been key considerations in the positioning of the building and car parking to ensure no adverse impact on trees and landscaping of importance. Additional planting and enhancement are proposed where appropriate. The application is supported by a Tree Survey and Landscape Plan. Ecological issues have also been addressed and considered in the design process. It is considered that an appropriate design solution has been found respecting the site's landscape, tree and ecological value designations.*

*In light of the size of the development and the existing uses on the site, retail impact is not a consideration which is material to the application. Notwithstanding this, given the small size of the proposal it is not considered that the application proposal will have any trade diversion or adverse impact on any designated shopping centre or other retail floorspace of acknowledged importance. The Sequential Assessment has been considered, and it is concluded that the Sequential Assessment should not be applied to roadside development in the same format as normal retail development but, in any event, there are no sequentially preferable sites.*

*The application is supported by a Noise Report to ensure the amenity of hotel residents is not affected by the proposal and with the addition of an acoustic fence, which has been designed into the scheme, an appropriate environment is created.*

*Issues of transport have been addressed in the supporting Transport Assessment and it is concluded within this document that the appropriate levels of parking are provided, and that no highway issue arise from the proposal.*

*The scheme is also submitted with a contamination report which concludes there are no contamination issues on the site.*

## 3. PLANNING CONSTRAINTS AND POLICY AND CONSIDERATIONS

- 3.1 Tree Preservation Order Polygon MBC\_SBC Reference: 7936/TPO. Description: Hospital and Fishpond Woods, Dunkirk
- 3.2 Tree Preservation Order Polygon MBC\_SBC Reference: 7934/TPO. Description: Poundfall Wood, Brotherhood, Fishpond, Court, Court, South D

- 3.3 The National Planning Policy Framework (NPPF) The National Planning Policy Framework (NPPF) – Paragraphs 8 (achieving sustainable development), 11 (presumption in favour of sustainable development), 47 (determining applications in accordance with the local plan), 56 (Good design)
- 3.4 Development Plan: Bearing Fruits 2031: The Swale Borough Local Plan 2017 ST3: The Swale Settlement Strategy, Policy CP4: Requiring good design, Policy CP8: Conserving and enhancing the historic environment, DM2: Proposals for main town centre uses, DM3: The rural economy, DM7: Vehicle Parking, Policy DM14: General development criteria, Policy DM19: Sustainable design and construction, Policy DM24: Conserving and enhancing valued landscapes, Policy DM28: Biodiversity and geological conservation, Policy DM29: Woodlands, trees and hedges, Policy DM32: Development involving listed buildings and Policy DM34: Scheduled monuments and archaeological sites
- 3.5 Swale Borough Council Parking Standards – adopted in June 2020.

#### **4. LOCAL REPRESENTATIONS**

- 4.1 None

#### **5. CONSULTATIONS**

- 5.1 Dunkirk Parish Council objected to the proposal and provided extensive comments that I have summarised below:
- 5.2 The Parish Council agreed that the application site is previously developed land and supports in principle of the proposal to build a new coffee shop on this site. In particular the Parish Council welcomed the nine full time jobs this proposal would generate and the opportunity to improve a degraded area. However they raised a number of concerns which I have summarised below:
- Highways and safety: They were concerned at the lack of evidence and justification from TRICS data, and the highway safety risks arising from overnight HGV parking on the slip road, the customer car parking, but not the HGV parking issue were addressed. Nor did it take into account the proximity of the channel ports and the former use of the application site as an HGV parking area.
  - Validity of TRICS data: The applicant's Transport Technical Note refers to a similar motorway service area development as the comparator site, but the chosen Didcot site is clearly not a comparable motorway service area.
  - Highway safety: Unlike Gate Services, the CrashMap data for Didcot shows no road traffic crashes and an arrangement designed to enable pedestrians and cyclists to cross in relative safety. Again, this is in contrast to the A2 in the vicinity of Gate Services, which has no such provision. This is an early post-war designed 70mph rural bypass: clearly a faster and more hazardous road for pedestrians.
  - Trading context: The Parish Council is unable to accept the applicant's TRICS data for the Didcot site as comparable to the Gate Inn site. Therefore it does not enable informed comment on this application.

- Overnight HGV parking and highway safety: The applicant's response does not address Highways England's concerns regarding the overnight HGV parking and related highway safety issues. Therefore, the Parish Council reserved its position on this issue.
- Clarification and fallback position: Whilst prior to the construction of the restaurant, the application area was used as a parking area for the hotel, since the introduction of the restaurant the existing parking facilities the parking have been shared between the two uses with the former hotel car park becoming surplus to requirement. The applicant does not mention the former use of the application site for HGV parking. The restaurant previously operated as part of the Little Chef chain, but ceased trading over a year ago. Consequently the listed building has stood empty and therefore parking is not being 'shared' currently as claimed. This appropriation of parking spaces associated with the former restaurant has wider implications and severely restricts the future options for the beneficial commercial reuse of the listed building.
- Listed building impact: The Grade II listed building on the site is 58m from the site. Therefore, although the listed building is within the applicant's ownership, the future of this prominent building remains unclear. The application has not addressed policy and considered the impact of a proposed development on the significance of a designated heritage asset. Looking ahead, the Parish Council regrets that the applicant has not responded to the regeneration opportunity. They consider now is the time to take a holistic view of the Gate Services site and prevent the listed building from deteriorating, and becoming off-putting to customers. Without adequate parking spaces this listed building will cease to be a viable proposition for any incoming business.
- Ancient woodland: The Swale Landscape Character and Biodiversity Appraisal recognises the importance of the setting of the application site. The site is within the Blean Woods West landscape characterisation area and an area of High Landscape Value (Kent Level). The inconsistencies and the absence of due consideration for the physical constraints associated with the ancient woodland trees on the site boundary, undermine the conclusions in the applicant's Environmental Assessment. As the application does not quantify or evaluate habitat losses, or impacts on protected species, it cannot justify their loss. Nor does it present the necessary evidence to weigh these losses against the benefits
- Mature trees loss: The application site is bordered to the north by a group of mature, but neglected oak trees which form a strong visual screen which divides the application site from the rest of the filling station. A sympathetic redesign of the layout and management of these neglected oak trees would extend their lives and value.
- Protected species and flood lighting: The Environmental Assessment has not addressed the presence of protected species on the site, notably its use by roosting and foraging bats. Nor the potential impact of this development on protected species. The application has not addressed the impact of floodlighting, this is especially significant given the proposed 24 hour operation.

- Overnight HGV parking off-site: The Gate Services exit slip road is some 400m from the turning into Dunkirk, and uncontrolled overnight parking on the slip road adds to the inherent dangers of this crossover junction. This exit is particularly hazardous for left hand drive HGVs, as their drivers have restricted rear view visibility when they leave the Gate Services site and attempt to join traffic.
  - Crime prevention and community safety: The Parish Council must stress that overnight HGV parking in the proximity of Gate Services is closely associated with frequent incidents of vehicle crime and in particular fuel thefts. As a first step, the perimeter would be much easier to secure if the acoustic fencing proposed west of the Travelodge was extended around the whole site.
  - Site safety and refuse collection: The internal road layout shows a swept path for small delivery vehicles. However this impacts on both the marked parking spaces and the planting. These compromised parking spaces include the two disabled parking bays near the coffee shop entrance. Pedestrians would be safer, especially in close proximity to the two disabled parking bays, if the deliveries were one way and the layout did not require drivers to reverse. The application does not address the issue of trade waste storage or collection, or provide a safe access route for refuse vehicles and their operators. The Parish Council questions the concept and attraction of an outdoor seating area in the exposed and hostile location shown, as this would be particularly hazardous for children.
  - Litter: The coffee shop has a drive-through facility which is designed to sell a high volume of fast food in disposable containers. Inevitably this development will generate a high volume of roadside waste. The application does not address or attempt to mitigate this environmental harm, or the cost of clearance, or the impact of wind-blown litter and food scraps on the surrounding ancient woodland and wildlife.
  - Electric charging points: The proposed parking layout does not appear to cater for the drivers of electric vehicles. This ignores national and emerging local policy and it is a missed opportunity for both the applicant to attract customers to the coffee shop, and to benefit the environment.
  - Archaeology: The Planning Statement recognises that the site has a very longstanding history of serving travellers with its origins as a coaching inn in the 18th century, but the application does not address the site's potential for archaeology.
- 5.3 Following the submission of amended drawings in September 2020 the Parish Council commented that they continue to object to the application and stressed their unanimous objection to the two way traffic system north of the cafe and south of the filling station as they consider it unnecessary as a one way flow could be in place and would be much safer for all. All of their previous objections stand.
- 5.4 The Environment Agency comments that they assessed the application as having a low environmental risk. Therefore they had no comments to make and repeated this view after the Sept 2020 amendments.
- 5.5 Highways England originally requested additional information and had undertaken its own assessment of trip generation based upon service areas which showed a

considerably higher trip rate than that indicated by the applicant across all indicated peak hours. They had no issue with the proposed level of parking but they did note that no HGV parking has been included within the site.

- 5.6 Additionally, they considered that the increase in trips at the site may force the tail of the queue back on to the SRN further into the site and to the access point which should not be restricted by HGV parking. Further information and clarification on the parking provision indicated was required.
- 5.7 They also required confirmation of the operational hours of the coffee-shop, to assist with indicating whether the merge-slip back on the A2 will be subject to increased pressure due to peak operating hours. Finally they recommended that a condition should be attached to any planning permission that may be granted for a Construction Traffic Management Plan
- 5.8 Following the submission of the requested information they were content that the proposed development would not materially affect the safety, reliability and/or operation of the strategic road network in this location and its vicinity.
- 5.9 However, given the proximity of the development to the SRN, they requested a condition requiring a Construction Management Plan is attached to any permission. They also required an informative to ensure that Gate Services customers, especially HGV drivers, park safely. With these in place they offered no objection subject to the imposition of a condition requiring a Construction Traffic Management Plan and an informative regarding parking.
- 5.10 Following the submission of amendments in September 2020, including the changes to the internal site swept path arrangements and drive through arrangements, they considered the earlier response of no objection subject to a condition and informatives remained appropriate.
- 5.11 Kent Highways have commented that as this section of the highway is under the control of Highways England they should be formally consulted in relation to any implications on their network
- 5.12 Historic England did not consider that it is necessary for this application to be notified under the relevant statutory provisions
- 5.13 Kent Police commented that If approved, site security is required for the construction phase, highlighting there is a duty for the principle contractor “to take reasonable steps to prevent access by unauthorised persons to the construction site” under the Construction (Design and Management) Regulations 2007. The site security should incorporate plant, machinery, supplies, tools and other vehicles and be site specific to geography and site requirements.
- 5.14 The County Archaeological Officer has commented that this area is generally archaeologically sensitive with the main Roman coast road running adjacent to the site along the A2 corridor. Two kilometres to the west are substantial earthwork forts at Bigbury and Homestall Wood. Bigbury is the main Iron Age hillfort in the area and Homestall may be a besieging camp built by Caesar. Metal detectorists in the area have recovered widespread assemblages and LiDAR survey of the surrounding woodlands have revealed numerous earthworks. The Gate Services site includes the

former Gate Inn that in 1838 was used to hold Sir William Courtney after the Battle of Bossenden Wood.

- 5.15 Whilst the previous development of the site with hard standing may have affected archaeological potential, it is possible that archaeology may survive and be affected by the new development works. It is recommended that in any forthcoming permission provision is made for a programme of archaeological works through condition.
- 5.16 KCC's Biodiversity Officer originally advised that to protect the ecological integrity of the surrounding ancient woodland, the landscaping should consist of native and site-appropriate species only, noting that a well-designed landscaping plan can also contribute to the enhancement of an area's biodiversity, and that the proposed non native hedging was not appropriate.
- 5.17 Also, as the surrounding buildings and woodland present optimal habitat for roosting bats and, therefore, it is highly likely that bats forage and commute over and around the site, a sensitive lighting plan would help to safeguard the woodland ecology. The recommendations made in the ecology report, along with the Bat Conservation Trust's 'Guidance Note 8 Bats and Artificial Lighting' should be incorporated into a sensitive lighting design.
- 5.18 Finally they concurred that to safeguard the ancient woodland during the construction phase, the implementation of a Construction Environmental Management Plan (CEMP), is required and secured by condition.
- 5.19 Following revised landscape details submitted in September 2020 it was advised the revised drawing has addressed the original concerns by the replacement of non native species with native species and a minimum height of 2.5m for the surrounding hedgerow to minimise light and noise pollutants entering the ancient woodland environment. It was advised that these revisions to the landscaping scheme are beneficial for biodiversity, and a condition ensuring the landscaping and enhancements are implemented prior to the use of the development is recommended.
- 5.20 The Council's Tree Consultant has no objection to the proposal provided any scheme does not cause harm to the nearby protected ancient woodland. He considers that based on the layout of the scheme, the general position and layout of the new drive through building and car parking sits within the footprint of the existing disused car parking so there would be no arboricultural conflict.
- 5.21 In his view the submitted tree survey report appears to give a fair assessment of the tree stock present and the impact the proposal will have on the surrounding trees/woodland. In part, he agreed with the works necessary to implement the development, but had concerns over the removal of all the trees towards the front of the site, which consist of a line of oak trees (listed as T1 to T9 in the tree survey).
- 5.22 At the time of his site inspection, it was evident that a number of the oaks have died and others are showing signs of some decline. From a health and safety perspective, the removal of the dead oak trees was advised, and technically would be exempt from the TPO regulations.
- 5.23 With regards to the oaks that are showing some decline, it is not clear/evident if this is progressive and he accepted that their long-term retention could be limited. However, removing all the oaks towards the front will have a significant impact on the visual



amenity and from a landscape perspective the replanting of a single photinia hedge is not acceptable and definitely not in-keeping with the landscape character.

- 5.24 The planting of the mixed native hedge around the woodland boundary is acceptable although short rows of photinia planting shown towards the entrances which are not acceptable.
- 5.25 The removal and replacement of the overgrown Willow trees that flank the current hotel building is reasonable given their current suppressive size over the building, although he considered these trees could also be managed by a combination of coppicing, selective thinning and replanting rather than total removal.
- 5.26 For this application to be arboriculturally acceptable, he concluded that he would prefer to see the healthier oaks towards the front of the site retained (subject to a re-inspection) and the landscaping amended to remove and replace all the photinia planting with native species that are indigenous to the area. He also suggested the soil around the declining oak trees is tested for any contamination from the nearby filling station as this could be the cause of the trees current decline. Any new planting within this area could also be affected by contaminated soil.
- 5.27 Following a further site visit and the submission of revised landscaping details, in line with his concluding comments, in September 2020, which included the additional native tree planting he considered it to be welcomed and acceptable.<sup>26</sup>The Environmental Health Manager has reviewed the Environmental Assessment and was satisfied that no further investigation is required in this respect. Having reviewed the Noise Report, she noted that it concluded an insignificant change in the acoustic nature of the area. The proposed hours of operation are 0500-2300, seven days a week, although she noted the applicants are looking to increase this to 24/7 operation. Measures are provided to mitigate any potential noise disturbance to the existing Travelodge, which she concurred with. So the recommendation was that any planning approval be subject to the acoustic barrier being a minimum 2.5m in height, the outside seating only to be used between 0500 and 2300, and that details of the mechanical ventilation system to be approved. Suitable conditions are recommended below.

## **6. BACKGROUND PAPERS AND PLANS**

All plans and documentation relating to 20/501601/FULL

## **7. APPRAISAL**

- 7.1 The proposal is for a coffee shop with a drive thru, located in the designated countryside and is sensitive in terms of the Grade II listed building nearby, the ancient woodland surrounding the site and it being in an Area of High Landscape Value. However, in contrast, the site is already hardsurfaced with previous use as a lorry park, it is located immediately adjacent to the A2, and is adjacent to an established service area with a petrol filling station and a café on the site closed some months ago. It is not close to any residential property and is not prominent due to being surrounded by trees.
- 7.2 As stated above, the site is located within the designated countryside, outside of any built confines. The Local Plan seeks to restrict development in the countryside to a limited number of categories, none of which apply to this proposal. However, this site has, since 1976, been used as a filling station and subsequently underwent a redevelopment in 2005 and, along with the Gate Inn building, the site has for many

years provided parking and services for those passing along the A2 and is a well established service area with good access to the main highway.

- 7.3 The site is only accessible directly via the A2 and as such this proposal is to be seen as an extension to the current offer from this service area to passing trade rather than providing an additional pull for local and other traffic.
- 7.4 This proposal therefore does not fit neatly into the adopted local plan policies but consideration does need to be made of policy DM2 of the Local Plan, which states that main town centre uses (which includes leisure uses) should be provided within existing centres, and only elsewhere if they meet sequential tests to justify that such locations are not available. In this case, whilst ordinarily such a proposal would be provided in the town centre or its fringes, here the location within the existing establishment of the service area and its priority to passing trade on the A2 makes it a unique proposal. There are many coffee houses in Faversham town centre and I do not consider this proposal given the site specific circumstances is at all likely to affect the viability of those town centre businesses.
- 7.5 There are two main elements for this proposal. Firstly the design of the building, and secondly the soft and hard landscaping. The building itself has a modern design approach which whilst not of a particularly inspiring design, it is functional for its purpose. Following the involvement of the Design and Conservation Officer some amendments were made to the building but generally the design has remained unchanged. Nevertheless, in the context of the new building set against the modern Travelodge hotel and the petrol filling station it does appear acceptable. Where it ultimately is successful is the fact that it is then incorporated with a rather extensive soft landscaping scheme.
- 7.6 No development should be judged to be successful or acceptable if only it was screened or hidden from view, but here there is a balance that it is driven by a stronger landscaping approach to reinforce its historic woodland location, thus making the design acceptable.
- 7.7 Currently, nine rather tall and establish oak trees mark the separation of this site from the petrol filling station to the north. Whilst they do appear impressive our Tree Consultant regrettably had to agree with the tree survey submitted with the application that stated that five of the oaks are either dead or moribund making them a potential safety concern. The remaining four oaks, whilst in a better state of physiological condition, are showing early stages of decline with thinning/dying upper foliage. In addition to their declining health, two oaks also have a number of structural defects in the form of developing cavities and decay, which again will have an impact on their safe useful life expectancy.
- 7.8 Whilst I note and sympathise with the Parish Council's concern for the retention of these trees, and wish that a revised scheme would extend their life and value, that is not the experts' view. Additionally, the removal of the non native planting, originally proposed addresses the Parish Council's concerns.
- 7.9 The revised soft landscaping scheme provides for the replacement of the oak trees with new oaks, hornbeam and field maple interspersed in a native wildlife hedge incorporating, hawthorn, field maple, wild cherry, dog rose and blackthorn for example. This hedge will continue around the site for the length of 145m, whilst birch, rowan,

cherry and maple trees are also to be planted. This hedge provides a softening break between the hard surfacing and building and the ancient woodland around the boundary.

- 7.10 The new landscaping plan has brought some softening into the site with a planter and birch to break up the parking area and additional trees interspersed with the outdoor seating. The balance of the scheme with the building and parking along with the use of native trees and planting ensures the proposal as a whole fits into the competing site context and is acceptable.
- 7.11 The applicant has confirmed that the opening hours will be 24 hours a day. However, the site is isolated away from any residential properties and given the existing use of the site from users of the A2 and the enclosed nature of the site I do not consider residential amenity would be adversely affected by the proposal. I note the Travelodge building is closest to the site, but again given the vegetation around the site and the predicted low levels of noise from the site I do not consider any visitors there would suffer any loss of amenity.
- 7.12 I am advised by Highways England that they are content that the proposed development will not materially affect the safety, reliability and/or operation of the strategic road network, the A2 in this case. In contrast I note the concerns of the Parish Council. However, whilst they maintain their original objections, the submission has been amended, it has addressed the lack of EV charging points by providing four active points, and has revised the swept path for delivery vehicles and included refuse vehicles too.
- 7.13 I note the Parish Council's objection to the traffic data provided in the submission, but Highways England Engineer's have also produced their own independent analysis and taken together we can be confident in the overall conclusions that this proposal would not produce unmanageable levels of additional journeys.
- 7.14 I do not consider there is any basis for the Parish Council's belief that the delivery vehicles and refuse vehicles arriving/delivering on site would be particularly dangerous or that the reversing of vehicles would be more dangerous here than in any other similar situations.
- 7.15 The issue of HGVs parking on the slip road leading to the service station is an ongoing situation, but the area in which they park is not in the ownership or control of the applicants nor are they responsible for the quality of the drivers, whether they be in right hand or left hand vehicles. An informative is recommend below on the basis of Highways England's advice.
- 7.16 In terms of parking, the site provides the required level of parking provision, immediately adjacent to the drive thru should customers instead wish to remain on site, 24 spaces for cars, a motorcycle and cycle parking areas, together with two disabled spaces.
- 7.17 Furthermore four fast electric vehicle (EV) charging points have been provided, they are located closer to the petrol station, for technical and amenity reasons given the size, noise and connection needs of the associated plant. However, this provision exceeds the standards required by the newly adopted Swale Parking Standards 2020, which require non residential uses, with off street parking to provide 10% Active

Charging Spaces and all other spaces to be provided as Passive Charging Spaces. Here this would mean 2.4 active EV charging spaces but in fact four are being provided.

- 7.18 Finally, I note the Parish Council objections to the, two way traffic system north of the cafe and south of the filling station. This appears to cater for those who wish to visit the new premises after filling up with petrol, and seems a sensible and logical route. I am unclear as to the nature of the objection given the routes available for cars to enter the site, straight from the A2 or via the petrol station and it would seem sensible for those entering or exiting the site to have a marked out route.
- 7.19 The application site lies within the wider vicinity of a grade II listed building originally in use as a late C18/early C19 coaching inn (known as the Gate Public House), and more recently as a roadside diner, most recently trading as Sheila's Kitchen, but previously in use as a Little Chef diner. Initially in terms of the conservation perspective my principle concern was the fact that the listed building at the site is now disused and so from both a building conservation and wider sustainable development perspective, the appropriate means of improving facilities for motorists at this site would be to re-use the existing building rather than development into the countryside.
- 7.20 However following further details being provided by the applicant's agent it is clear that the Travelodge, listed building and car parking between the two buildings, was leased to Travelodge from the applicant (MFG) in 1995. As such the applicant MFG cannot utilise the café area as this is within Travelodge demise. MFG have asked Travelodge whether they would consider investing into that café however they are not co-operating and the applicant MFG cannot force their hand. The listed building and Travelodge are included in the blue line as the land is owned by MFG but leased as described above. So the listed building cannot be considered within this application as a regeneration or conservation option although I note the Parish Council's wish for this.
- 7.21 I note that the Parish Council are concerned that the submission did not address the potentially archaeological sensitivity of the site. I have however, on the advice of the County Archaeological Officer, recommended a condition to ensure provision is made for a programme of archaeological works as it is possible that archaeology may have survived the previous use of the site and it could be affected by the new development works.

## **8. CONCLUSION**

- 8.1 Taking the above factors into account, I am of the opinion that the proposal is acceptable in principle in this location given that this will essentially result in an expansion of the existing service station offering to users of the A2, and that the mitigation and landscaping proposed are a benefit of the proposal. I am content that any potential adverse impacts during the construction, in particular, can be controlled by condition, and that general activity / traffic movements would be unlikely to be sufficient to cause any harm. As such I am content that the proposal would not cause harm through its location or use, an adverse impact on the Grade II listed building or result in adverse highway / traffic impacts and would be in accordance with policies CP4, CP8, ST3, DM2, DM3, DM7, DM14, DM19, DM24, DM28, DM29, DM32 and Policy DM34 of Bearing Fruits 2031: The Swale Borough Local Plan 2017

- 9. RECOMMENDATION** – Grant subject to the following conditions:

**CONDITIONS:**

- (1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which the permission is granted.

Reason: In pursuance of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- (2) The development hereby approved shall be carried out in accordance with approved drawings : WPS-MFG-099-P-08, P-09 and P-10, WPS-MFG-009-P02 Rev C and P-06 Rev C, and Landscape Plan V3.

Reason: For the avoidance of doubt and in the interests of proper planning

- (3) Prior to the commencement of development works (including site clearance), a construction environmental management plan (CEMP) shall be submitted to, and approved by the Local Planning Authority. The CEMP will include (but will not be limited to) the following:

- a) Risk assessment of potentially damaging construction activities;
- b) Identification of sensitive ecological features;
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
- d) The location and timing of sensitive works to avoid harm to ecological features;
- e) Responsible persons and lines of communication;
- f) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period in accordance with the approved details

Reason: In the interests of highway safety and convenience

- (4) Prior to the start of any works (including site clearance or preparation) in connection with the development hereby permitted, a Construction Traffic Management Plan shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development shall proceed in strict accordance with the Plan unless otherwise agreed in writing by the local planning authority.

Reason: To ensure that the A2 Trunk Road continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety.

- (5) No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority.

Reason: To ensure that features of archaeological interest are properly examined and recorded.

- (6) No development beyond the construction of foundations shall take place until details of the external finishing materials and roofing materials to be used on the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority, and works shall be implemented in accordance with the approved details.

Reason: In the interest of visual amenity.

- (7) No development beyond the construction of foundations shall take place until details have been submitted to and approved by the Local Planning Authority, which set out what measures have been taken to ensure that the development achieves a BREEAM 'Good' standard or equivalent. The approved details shall be incorporated into the development.

Reason: In the interest of promoting energy efficiency and sustainable development.

- (8) No development beyond the construction of foundations shall take place until details of hard and soft landscaping details have been submitted to and approved by the Local Planning Authority. These shall include the provision of native species only which are in keeping with local ecology, a Landscape Management Plan, details of soil testing on the northern part of the site adjacent to the petrol filling station to include results and mitigation measures if necessary and to include surfacing materials and a detailed plan for the marking out of the hard surfacing treatment(s), and an implementation programme.

Reason: In the interests of the visual amenities of the area and encouraging wildlife and biodiversity.

- (9) All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed in writing with the Local Planning Authority.

Reason: In the interests of the visual amenities of the area and encouraging wildlife and biodiversity.

- (10) Upon completion of the approved landscaping scheme, any trees or shrubs that are removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with trees or shrubs of such size and species as may be agreed in writing with the Local Planning Authority, and within whatever planting season is agreed.

Reason: In the interests of the visual amenities of the area and encouraging wildlife and biodiversity.

- (11) No development beyond the construction of foundations shall take place until details of an acoustic barrier, to be erected along the eastern boundary of the development site and to be no less than 2.5 metres in height, have been

submitted to and approved by the Local Planning Authority. The approved barrier shall be erected prior to first use of the premises hereby permitted and shall thereafter be maintained in place at all times that the premises are in use.

Reason: In the interests of amenity

- (12) Details of any mechanical ventilation system that will be installed shall be submitted to and approved by the Local Planning Authority prior to the occupation of the building and upon approval shall be installed, maintained and operated in a manner which prevents the transmission of odours, fumes, noise and vibration to any neighbouring premises.

Reason: In the interests of residential amenity

- (13) Prior to occupation of the premises hereby permitted, a lighting design plan for biodiversity will be submitted to, and approved in writing by, the Local Planning Authority. The plan will show the type, locations and predicted light spill (in lux levels) of external lighting, demonstrating that areas to be lit will not disturb bat activity/significantly impact woodland ecology. All external lighting will be installed in accordance with the specifications and locations set out in the plan.

Reason: In the interests of the visual amenities of the area and encouraging wildlife and biodiversity.

- (14) The use of the outside seating area shall be restricted to the following hours: 0800 to 2200 only.

Reason: In the interests of amenity

- (15) The areas shown on the approved drawings as loading, off-loading and parking space shall be used for or be available for such use at all times when the premises are in use and no development, whether permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking or re-enacting that Order) or not, shall be carried out on that area of land or in such a position as to preclude vehicular access to this reserved area; such land and access thereto shall be provided prior to the first use of the premises hereby permitted.

Reason: Development without adequate provision for the parking, loading or off-loading of vehicles is likely to lead to parking inconvenient to other road users.

### **The Council's approach to the application**

In accordance with paragraph 38 of the National Planning Policy Framework (NPPF), February 2019 the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and creative way by offering a pre-application advice service, where possible, suggesting solutions to secure a successful outcome and as appropriate, updating applicants / agents of any issues that may arise in the processing of their application.

The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the Committee and promote the application.

### **INFORMATIVES**

- (1) The owner/ operator of the development hereby permitted should work with any and all other owner(s)/operator(s) on the Gate Services site to ensure that parking is appropriately managed across the whole site and its vicinity.
- (2) Where it becomes apparent that the safety, reliability or operation of the A2, including the Gate Services access road may be being affected by inappropriate parking, they should inform and liaise with Highways England's Kent service provider AOne+ (area4enquiries@aone.uk.com ) or contact Highways England on 0300 123 5000 to resolve the issue.
- (3) The principle contractor "to take reasonable steps to prevent access by unauthorised persons to the construction site" under the Construction (Design and Management) Regulations 2007. The site security should incorporate plant, machinery, supplies, tools and other vehicles and be site specific to geography and site requirements.

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.

The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.



