

2. 9 REFERENCE NO: - 15/505213/FULL		
APPLICATION PROPOSAL		
Part retrospective application for the importation of waste material and engineering operations to form landscaped bunds, construction of a 3 metre high Gabion basket stone wall, change of use of land and construction of van and HGV lorry park, access and construction of a roadside transport café for A3/A5 uses plus 24 hour WC and driver wash and shower facilities.		
ADDRESS Land adjacent to Thanet Way, Highstreet Road, Hernhill, Kent ME13 9EN		
RECOMMENDATION – Grant subject to no issues being raised by the Environmental Protection Team and Kent County Council Environment, Planning and Enforcement Division.		
SUMMARY FOR REFERRAL TO COMMITTEE		
Representations have been received including objections from the Parish Council sufficient to necessitate reporting to the Planning Committee.		
WARD Boughton and Courtenay	PARISH/TOWN COUNCIL Hernhill	APPLICANT P&S Property Services (South East) AGENT Mr. John Burke
DECISION DUE DATE 13 /11/15	PUBLICITY EXPIRY DATE 23/5/16	
RELEVANT PLANNING HISTORY -		
App No	Summary -	
14/500654/OPDEV	Enforcement Notice (as amended): Without planning permission the permanent stationing of a Snack Café and attached ‘lean-tos’ on the land. Appeal dismissed and the enforcement notice upheld as corrected (decision dated 11 March 2016). The period for compliance is 3 months. The three-month period for compliance has now lapsed.	

1.0 DESCRIPTION OF SITE

The site is located on a vacant parcel of land, located on the south east side of the A299 Thanet Way at Dargate Interchange, north east of Plumpudding Lane and to the north west of the slip road to the A299. The site extends to 1 ha and is bounded on the north west boundary with the A299 by trees and vegetation and trees/hedgerow along part of the south east boundary of the site. The north east part of the site adjacent to the A299 is open and visible from the London bound carriageway of the A299.

At present a snack wagon is located at the north eastern end of the site. This is the subject of an enforcement action as noted above.

Directly to the south east of the site is a business park and freight terminal. A short distance to the north of the site on the coast bound carriage way of the A299 can be found a petrol filling station and retail shop, a Travelodge hotel and a café. On the London bound carriage way there is also a petrol filling station and a coffee shop premises.

To the northeast of the site are Highstreet Road and a number of residential properties.

2.0 PROPOSAL

The proposal includes a café building which would comprise of a single storey structure which would measure 18.6 metres in length by 9.2 metres in width. The internal floor space created would be 102 square metres. The building would comprise of a mono pitch roof which would measure 3.5 metres high at the front and 2.7 metres high at the rear. The roof would project beyond the front of the building by approximately 2 metres to create a canopy/overhang, supported by Y shaped struts. The overall height of the canopy would be 3.65 metres above ground level. The building would be constructed with brick to the elevations, but no details of the roof covering have been provided. The principal front elevation will be largely glazed with double doors to the café and a separate door from the outside to the toilets and shower facilities. Access to the toilets and showers will also be provided from the café.

The café will provide seating for 44 persons and includes a large kitchen area and store room. Access to the kitchen/store room is provided by a door in the rear elevation. 4 No. high level windows are also provided in the rear elevation.

The proposed layout of the development is shown on drawing PLM 0515-01 C sheet 1. The café building is located at the northern end of the site adjacent to the A299 and the on/off slip road from the A299. Parking for cars, light goods vehicles (vans) and motorcycle is to be provided adjacent to the café. Access to the café site will be via existing access from the slip road.

The HGV parking area is located on the southern part of the site and this will provide parking for 61 No. HGV's. Access to the parking area again will be via an access from the slip road.

3.0 PLANNING CONSTRAINTS

The application site is located outside of any urban area and village confines and within the open countryside.

4.0 POLICY AND OTHER CONSIDERATIONS

4.1 Adopted Swale Borough Local Plan 2008

The following policies are relevant to the determination of the application:

- Policy E1 - General development Criteria
- Policy E6 – Countryside Protection
- Policy E9 - Protecting the Quality and Character of the Borough's landscape
- Policy E19 - Achieving High Quality Design and Distinctiveness
- Policy T3 - Vehicle Parking for New Development

4.2 Bearing Fruits 2031

The emerging Local Plan Bearing Fruits 2031 – Modification Consultation Document June 2016 is at an advanced stage and accordingly it is considered to be a material consideration and weight can be given to the relevant policies.

The following policies are considered to be relevant to proposal:

- ST1 - Delivering sustainable development in Swale
- CP4 – Requiring Good Design

DM7 – Vehicle parking
 DM14 – General development Criteria
 DM 19 – Sustainable Design and Construction
 DM20 – Renewable and low carbon energy

Promoting Sustainable Transport

Paragraph 5.2.1 states:

Transportation will play a key role in the delivery of the Local Plan strategy. An efficient transport network which has good connectivity with the regional and national network is vital in helping the Borough to realise its economic potential. At the local level, easy access to employment, education, shops, services and facilities is important in creating inclusive and prosperous communities. The transport network needs to strike a balance between providing adequate capacity for current and future residents and business needs, whilst minimising any negative environmental, social and health impacts. This can be achieved through improvements to the capacity of the highway network and through provision of an integrated sustainable transport network.

4.3 The National Planning Policy Framework (NPPF) and National Planning Practice Guidance (NPPG)

National policy comprises the National Planning Policy Framework March 2012 (NPPF). This provides national guidance for Local Planning Authorities on plan making and in determining planning applications. A presumption in favour of sustainable development runs throughout the document and this presumption is an important part of both the plan-making process and in determining planning applications stating;

There are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

- an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;
- a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and
- an environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy. (Para 7 NPPF)

One of the core principles of the NPPF is to “encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value”.

In addition paragraph 31 states that:

“Local authorities should work with neighbouring authorities and transport providers to develop strategies for the provision of viable infrastructure necessary to support sustainable development, including large scale facilities such as rail freight interchanges, roadside facilities for motorists or transport investment necessary to support strategies for the growth of ports, airports or other major generators of travel demand in their areas. The primary function of roadside facilities for motorists should be to support the safety and welfare of the road user”.

4.4 DfT CIRCULAR 02/2013 The Strategic Road Network and the Delivery of Sustainable Development

Annex B paragraph B9 deals with the matter of road side services and states:

It is for the private sector to promote and operate service areas that meet the needs of the travelling public. New and existing roadside facilities are subject to the provisions of relevant planning legislation and regulation, which together set the framework within which local planning authorities would consider the planning proposals for such developments.

5.0 LOCAL REPRESENTATIONS

Seven letters of objection and one letter of support have been received from local residents/businesses which can be summarised as follows:

Objection

Work started on six months ago when the land level was raised. The bund around the site perimeter has been raised causing environmental damage and destruction to habitat and environment.

There is no access to the site.

There is no mains drain in the area.

The site lies in an area of Wealden clay and is notorious for flooding.

Hedgerows and trees have been removed.

No opening hours have been specified truck stops operate on a 24 hour seven days a week.

The slip roads off A299 are dangerous already as speed goes from 60mph to nothing in a short distance. The layout of the roads is unsophisticated and not intended for large trucks on a constant basis.

Environmental litter is already a huge problem and is not addressed by the already existing commercial businesses which line the A299 at this junction.

The surrounding hamlets and villages should be protected from huge trucks manoeuvring around on small narrow roads in the area.

The site should be reinstated and landscaped.

This is a retrospective application after a major land raise, strange how similar the shape that was made by the previous owner and that now in the new owner's plans.

The increase in traffic will overwhelm the local road network

The access from the east is not good enough.

Wrong location, the A2 has the lorry problem not the A299.

There are already 2 cafes at this junction, neither are trading well if this venture fails we will be left with another mess for the future.

There continues to be an increasing number of car crashes along this section of the A299 and the road infrastructure would require substantial change in order to support such an application.

The area is already strewn with waste from local food outlets and garages which litter the environment making it extremely displeasing to local residents.

The environment around Yorkletts is also awash with illegal advertising signs giving the feel of an industrial area.

The geography of the area has some outstanding beauty and natural richness. This is slowly being eroded by fields of plastic greenhouses and increased traffic continuously trying to make use of Dargate Road as a 'rat run' for lorries. Wraik Hill is treacherous with oversized lorries getting stuck and causing chaos and danger for local residents.

Agreeing to such a sight would exacerbate the problems already in situ. The current owner has already blighted the landscape with his ranch style cafe and bulldozed an area of natural beauty into a flood stricken bog which is now an eyesore to us all.

Please do not agree to this 'business' being created here. This applicant clearly contravenes the planning laws and any request should be denied on grounds of safety and inappropriateness to the local area.

There have been a number of pile ups which has occurred on this section of road. The last being a week ago, involving lorries.

Support

The proposal will be beneficial to the local area. The truck stop will not only improve the look of the site and local area but will prevent the need for trailers to be left unattended in the road outside KTS which is a danger to motorists.

Trailers are often left unattended too close to the junction with the flyover and lorry drivers' park half on the verges sleeping overnight in their cabs along the exact stretch of road where the truck stop is proposed. The area has no street lighting and these lorries are a danger to motorists having to brake heavily to avoid trailers sticking out into the road with oncoming traffic passing.

Currently drivers leave large quantities of litter including bottles of urine along hedgerows in the local lanes which I see as a larger problem than maybe increased HGV traffic to this already industrial area.

So provided there is a suitable waste management plan in place on the site that is policed by the staff, and suitable signage clearly preventing drivers from going off route through Dargate and Yorkletts villages I have no problem with the worry of HGV traffic.

The truck stop will provide jobs for local people.

6.0 CONSULTATION RESPONSES

6.1 Hernhill Parish Council

Objected to the original scheme on the grounds that the road access to the site is not of a suitable width for HGVs and gave the following comments:

- “1. *It is considered that the slip road access alongside Lychgate Services (Dargate) is not wide enough to enable two HGVs to pass in the same direction. Many HGVs currently park temporarily alongside the service station and there is currently nothing preventing these vehicles from parking in such a way. This slip road would be the main access to the proposed site from the A299 in a London bound direction.*
2. *The slip road access on the coast bound A299 is potentially too short for HGVs to slow down before taking the sharp left turn Highstreet Road in order to access the proposed site.*
3. *There are currently no detailed plans for signage advertising the proposed site. If planning permission was granted then the Parish Council would request that there is a requirement for advertising the lorry park at suitable intervals along the main roads (M2/A299/A2) and that local road signs are strategically placed to ensure that HGVs do not try to access the site using the country lanes (which are unsuitable for such vehicles).*
4. *The current proposal does not appear to have taken account of noise/light pollution to residential properties in the local area. The scale of the proposed site and the intended usage will generate a significant increase in traffic to the area and will therefore increase the noise. There will also be an increase in light pollution from both headlights on vehicles and the fixed lights at the proposed site.*
5. *The proposed site has been of concern to locals in recent years as the land level at the site has been raised and the neighbouring roads (Plumpudding Lane & Highstreet Road) have both been affected by flooding. Previously the site was at the same level as the existing neighbouring roads.*
6. *The Parish Council is not welcoming of the fact that the application is part retrospective after there has been a considerable amount of land-raising with no prior consent from any of the relevant authorities including Swale Borough Council and The Environment Agency.*
7. *If the Parish Council's objection is contrary to that of Swale Borough Council, then the Parish Council would like to request that this application be discussed at Swale Borough Council Planning Committee at a future date”.*

Comments on revised proposal:

The Parish Council continue to maintain objection to the application, based on the reasons set out in their correspondence dated 2nd August 2015.

6.2 Environmental Protection Team Leader:

The potential noise issue was the only one of significance. As I am satisfied this is no longer an issue, there is nothing else of concern from my viewpoint.

Further comments from the Environmental Protection Team are awaited in respect of the (Waste Acceptance Criteria) Report which has been submitted by the applicant.

6.3 Environment Agency:

We have assessed the original application as having low environmental risk. Therefore we have no comments to make.

The Environment Agency has been re-consulted on the proposal in light of the importation of waste material and the following comments dated 10th June 2016 have been received:

As explained, the East Kent Waste Team are not concerned with the final use of the site.

“Our concerns regard the importation of waste soils, stone and other construction demolition waste to the site without the required environmental permit, which is an offence. A notice has also been served on the land owners to remove the waste imported to site but this has not been complied with, which is also an offence. A case file is with our Legal Team awaiting assessment at this time.

The application proposals that you have supplied include retrospective application for the importation of waste material, and whilst the Local Authority may grant retrospective permissions, the Environment Agency cannot grant retrospective permits for recovery operations.

The new proposals also seem to include further importation of possible waste (crushed concrete). Unless this material is produced in line with the Aggregates Protocol it will remain a waste and be subject to waste regulation, i.e. require an environmental permit or exemption to be used.

Our team would also be interested if waste has to be removed from site, as disclosed previously there may have been too much waste imported to site initially, and some may need to be removed. The Environment Agency would have an interest in the movement and disposal of this material”.

6.4 Kent Police :

They state :

“I recommend that the café also be covered by CCTV and be adequately alarmed. Security shutters or internal security grilles could also be considered as an added layer of security, particularly if high levels of food stocks (for example) or monies taken for parking etc will be stored. It is unclear if the café will also be a 24 hour operation, if so, the staff may act as capable guardians for the site from a security aspect.

The inclusion of female and male changing and shower facilities is to be commended, it is unclear however if these will also be available 24 hours and how these facilities will be accessed and secured.

Good site management practices and processes should be in place to ensure safety and security to the site. The applicant may also wish to consider the use and standards of the British Parking Association Safer Parking Scheme.

I would welcome the opportunity to meet with the applicant to discuss security for this site, should the application proceed and I recommend that such a meeting become a planning requirement”.

Members should note that appropriate measures to minimise the risk of crime can be secured by an appropriate planning condition.

6.5 Kent County Council Highways and Transportation:

“No objections in principle to this proposal since the access arrangements off the A299 are existing and suitable for all traffic movements. The new accesses to the site will need to secure 120m x 2.4m x 120m sight lines between heights of 1.05m and 2m.

The applicant will also need to liaise with KCC's District Manager for Swale to determine measures for verge protection outside of the site to prevent lorries and cars parking when the facility is full. I am satisfied with the internal layout and welcome the fact that spaces for disabled users and motorcycles have been considered.

Any gate or barrier should be set back a minimum of 17m from the public highway. The following conditions should also apply:

Provision of construction vehicle loading/unloading and turning facilities prior to commencement of work on site and for the duration of construction.

Provision of parking facilities for site personnel and visitors prior to commencement of work on site and for the duration of construction.

Provision of measures to prevent the discharge of surface water onto the highway.

Provision of wheel washing facilities prior to commencement of work on site and for the duration of construction.

Use of a bound surface for the first 5 metres of the access from the edge of the highway.

Subject to the above being appropriately addressed I do not wish to recommend the application for refusal.

KCC Highways and Transportation have provided further comments dated 30th June 2016 and they advise that “*they have no further comments to make*”.

6.6 Highways England: No objection.

6.7 Kent County Council SUDS Team:

“We are satisfied that the surface water generated by this proposal will be able to be accommodated within the site’s boundaries and discharged at a controlled rate without exacerbating the flood risk to the surrounding area.

At the detailed design stage we would expect to see further detail on how the system has been designed and how the flow rate will be controlled. It is likely that a series of

baffles will be required throughout the filter trench system to slow the linear flow, and that a final flow control structure will be required at the point of discharge. It should be ensured that the system is designed to be able to discharge via gravity alone.

In light of the intended end-use of the site, a means of isolating the site's drainage from the receiving watercourse network should also be provided to prevent any on-site spillages causing problems off-site.

We would therefore recommend that the following conditions are attached should your Authority be minded to grant permission to this development"

The condition suggested are as follows:

- (i) Development shall not begin until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall be based on the recommendations within the report prepared by (RMB Consultants – October 2015), and shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted, critical, 100yr storm) can be accommodated on site before being discharged at an agreed greenfield rate.
- (ii) Development shall not begin until details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:
 - i) a timetable for its implementation, and
 - ii) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and to ensure ongoing efficacy of the drainage provisions.

Amended Proposal

"The advice provided in our previous response applies equally to this application although we made no objection to the original proposal (15/505213/FULL), we look forward to receiving the detailed drainage design".

6.8 Lower Medway Internal Drainage Board

The site of this proposal is outside of the IDB's district but is thought to drain eventually to the Graveney/Seasalter marshes, and therefore has a potential to affect IDB interests. Other than to state on the application form that surface water runoff will be disposed of by means of soakaways there is no further information available. Should the Council be minded to approve this application it is requested that details of site drainage be made subject to a condition requiring separate LPA approval in direct consultation with Kent County Council. Should the use of soakaways prove impracticable I would be grateful to receive details of any alternative proposal.

6.9 Natural England

“Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Statutory nature conservation sites – no objection.

We have not assessed this application and associated documents for impacts on protected species”.

Comments on revised proposal:

“the advice provided in our previous response applies equally to this proposal although we made no objection to the original proposal”.

6.10 Southern Water:

“There is no public sewer in the vicinity of the site. The applicant is advised to examine alternative means of foul sewage disposal”.

6.11 Kent County Council Environment, Planning and Enforcement Division

Kent County Council has been consulted on the proposal and their formal response is awaited.

7.0 APPRAISAL

7.1 The key material considerations in assessing this application are as follows:

- Principle of the development;
- Importation of waste material;
- Impact on the character of the countryside;
- Design and layout;
- Impact on amenity;
- Highways Impacts;
- Other matters.

7.2 Principle of Development

The site is located outside of any urban area and village boundary and within the countryside wherein Policy E6 of the adopted Local Plan applies. This seeks to restrict development in the countryside to a limited number of categories, but none of these apply in this case. Furthermore none of the other policies of the Local Plan are relevant to this proposal.

Although the site is located within the countryside it is understood the land was used as depot site in connection with the widening of the Thanet Way.

Having inspected the site, it is evident that the land has not been returned to agricultural use after the completion of the road works. The site is now isolated and is bounded to the north by the A229, to the south by the slip road to the A299 and the south west by Plum pudding Lane and is not connected to nor does it adjoin agricultural land.

As noted above the site is located immediately close to a cluster of transport related development including petrol filling stations, hotel, café and coffee shops which serve passing traffic on the A299 Thanet Way. Directly opposite the site to the south is a small business park/commercial. In the circumstances, and taking into account the general support for road side facilities as set out in paragraph 31 of the NPPF where the roadside facilities would support the safety and welfare of the road users it is considered that this site is a suitable location for this type of facility.

It should also be noted that the emerging Local Plan at paragraph 5.2.1 notes that transportation will play a key role in the delivery of the Local Plan strategy. An efficient transport network which has good connectivity with the regional and national network is vital in helping the Borough to realise its economic potential.

The provision of a transport facility as proposed can be considered to help improve the main highway network and help to contribute to the provision of an integrated sustainable transport network.

7.3 Importation of Waste Material

A large volume of waste material has been imported to the site and it is understood that the material was first brought onto the site in late 2014 and work continued on the site through to Spring 2015. The matter has been the subject of investigation by the Environment Agency, Kent County Council and officers of this Council.

The original application submitted in June 2015 was for a truck-stop facility including a café but it did not include the importation of waste material or engineering operations in respect of the formation of earth bunds. This matter has been raised with the applicant and as a consequence the description of the proposal has been amended to include these elements as set out above.

Discussions with officers and the Environment Agency have continued and it is understood that the Environment Agency concerns relate to the importation of waste material to the site without the required environmental permit. The Environment Agency has advised:

'...that it is an offence to import waste material without a licence and as a consequence a Removal Notice has been served on the land owners to remove the waste imported to site. We are advised that the Notice has not been complied with, which is also an offence and the matter is with the Environment Agency Legal Team awaiting assessment'.

The Environment Agency has commented further on the revised description of the application and have stated:

"The proposals that you have supplied include retrospective application for the importation of waste material, and whilst the Local Authority may grant retrospective permissions, the Environment Agency cannot grant retrospective permits for recovery operations."

The applicant has submitted WAC (Waste Acceptance Criteria) Assessment in support of the application and in particular with regard to the imported waste material.

The report concludes that:

“Elute analysis takes into account Heavy Metals and Organic compounds by analysing them through a simple leaching test. The tests show Elution on a ratio of 2:1 mg/l, 8:1 mg/l and cumulative 10:1 mg/kg. From the results displayed in appendix A, the samples collected and analysed show that they are well within the acceptable limits for inert waste, non- reactive hazardous waste landfill and hazardous waste landfill.

To conclude, the WAC Testing completed by Jack Thompson at Edge-Enviro Services was to the required British Standard, with all correct procedures followed. The results (Appendix A) for loss of ignition in the soil tested revealed to be well within the acceptable waste criteria. Furthermore, the Elute analysis for the heavy metals and organic compounds revealed that the soils tested were well within the acceptable waste criteria”.

Environmental Protection Team has been consulted on the (Waste Acceptance Criteria) Report. Comments are waited and I will update Members on this matter at the meeting.

7.4 Impact on the character of the countryside;

It is clear that the proposal will result in a change to the character of the site and the immediate surrounding area, but as already noted, the site is located close to a cluster of transport related development including petrol filling stations, hotel, café and coffee shops which serve passing traffic on the A299 Thanet Way. Also directly opposite the site to the south is a small business park/commercial site.

The site is contained and bounded by highways on all of its boundaries and it is also partly enclosed from the London bound carriage way of Thanet Way by the existing vegetation and the trees on the boundary with the highway and also by the earth bunds which have been created. The north eastern part of the site is more open and can be seen from the Thanet Way.

Whilst there will be change to the character of the area, it can be argued that the site is well related to the highway network and this facility would add to the existing cluster of transported related developments. Furthermore due to constrained nature and location of the site it would not encroach out into the open countryside and would not cause harm to the character of the area.

External lighting can have a significant impact, not only in the immediate locality but also from some distance from the site. In this case the Thanet Way and the Dargate interchange are illuminated by street lighting and there is also illumination at many of the transport and business developments in the area. External lighting is shown on the submitted drawings, however, notwithstanding these details it is recommended that details of external lighting is secured by condition to ensure that the development does not add unnecessarily to the level of lighting in the area or cause harm to residential amenity.

7.5 Design and Layout

The design and layout of the scheme is functional and practicable and is considered to be acceptable in these terms. The submitted drawings include sections through the site and the landscaped bunds and proposed Gabion Basket Stone Wall. The details are generally acceptable but to ensure further consideration of the development, details of the existing ground levels and proposed finished ground levels including the existing bunds and the proposed bunds and Gabion basket stone wall are required. It

is suggested that these details can be secured condition and an appropriate condition is suggested.

The design of the café building is simple and functional. Subject to the use of appropriate materials for the external surfaces of the building it is considered that the design is acceptable and there will be limited impact on the character of the area.

The landscaping of the site/development is a fundamental issue and will help ensure that the development assimilates with its surroundings in such a way that the rural character of the area is not harmed. The submitted drawings include illustrative landscaping proposals which suggest that the site will be screened and have limited impact on the character of the area. In order to secure a high standard of landscaping and to ensure that the development has a minimal impact on the character of the area, full details of landscaping are required. This can be secured by appropriate condition as suggested.

Members will note that a gatehouse is shown on the submitted site layout drawings, but no details of the gatehouse have been submitted. It is appropriate therefore to require details of the gatehouse to be secured by condition.

7.6 Impact Residential Amenity

The site is located approximately 160 metres from the closest neighbouring residential properties in Highstreet Road and the site is generally screened from view from those properties by the existing trees and hedgerows.

Having regard to the location of the residential properties relative to the existing commercial facilities on the A229 Thanet Way, which are approximately 60 metres distance from the closest houses in Highstreet Road it is considered that the proposal will have no additional impact on the residential amenity of the residential properties in Highstreet Road.

7.7 Highway Impacts

The application has been assessed by Kent County Council Highways and Transportation and it has been confirmed that no objection is raised in principle to the proposal since the access arrangements off the A299 are existing and suitable for all traffic movements subject to conditions. It is also confirmed that the internal layout is acceptable and it is noted that spaces for disabled users and motorcycles have been considered.

Highways England has also advised that they raise no objection to the proposal and Members will note that the A299 is not a key network, which is limited to strategic roads such as the A2 and M2.

7.8 Other Matters

Matters relating to surface water drainage and foul drainage are capable of being resolved by conditions and Members will note that appropriate conditions have been recommended.

It is envisaged that the development would create 15 full-time and 10 part-time jobs.

8.0 CONCLUSION

- 8.1 The proposal will provide for a new transported related facility within a cluster of existing transport related developments.
- 8.2 Balancing all of the issues and taking into account the general support for road side facilities as set out in paragraph 31 of the NPPF where the roadside facilities would support the safety and welfare of the road users it is considered that this site is considered to be a suitable location for this type of facility. For the reasons set out above and subject to the suggested conditions it is considered that the development will not cause harm to the character of the area.

9.0 RECOMMENDATION

- 9.1 To give the Head of Planning DELEGATED POWERS TO APPROVE subject to the views of the Environmental Protection Team and any further conditions as required and the views of Kent County Council Environment, Planning and Enforcement Division and the following conditions:

Grant Planning Permission subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission;

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Prior to commencement of the development, written details and samples of the materials to be used in the construction of the external surfaces of any buildings have been submitted to and approved in writing by the Local Planning Authority and the development shall be constructed in accordance with the approved materials.

Reason: To ensure a satisfactory appearance to the development.

3. Prior to commencement of the development, written details and samples of the materials to be used in the construction of the hard surface of the landscaping areas have been submitted to and approved in writing by the Local Planning Authority and the development shall be constructed in accordance with the approved materials.

Reason: To ensure a satisfactory appearance to the development.

4. Prior to commencement of the development, details to secure 120m x 2.4m x 120m sight lines between heights of 1.05m and 2m shall be submitted to and approved in writing by the Local Planning Authority and the development shall be constructed in accordance with the approved details and maintained at all times thereafter.

Reason: In the interests of highway safety.

5. Any gate or barrier should be set back a minimum of 17m from the public highway.

Reason: In the interests of highway safety.

6. Prior to commencement of the development, details of the existing ground levels and proposed finished ground levels including the existing bunds and of the proposed bunds and Gabion basket stone wall shall be submitted to and approved in writing by

the Local Planning Authority and the development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory appearance to the development.

7. Notwithstanding the details shown on drawing PLM 0515-01 C Sheet 1 and 2 no external lighting of any description shall be erected or installed on the site without the prior written approval of the Local Planning Authority.

Reason: In the interests of the visual amenity of the area.

8. Prior to commencement of the development, details of the gatehouse shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details.

Reason: No such details have been submitted and to ensure a satisfactory appearance to the development.

9. The area shown on drawing number PLM 0515-01 C sheet 1 as vehicle parking and turning space shall be paved and drained to the satisfaction of the Local Planning Authority before the use is commenced or the premises occupied and shall be retained for the use of the occupiers of, and visitors to, the premises, and no permanent development, whether or not permitted by Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order), shall be carried out on that area of land or in such a position as to preclude its use.

Reason: Development without provision of adequate accommodation for the loading, off-loading and turning of vehicles is likely to lead to such activities inconvenient to other road users and detrimental to highway safety and amenity.

10. Development shall not begin until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the Local Planning Authority. The detailed drainage scheme shall be based on the recommendations within the report prepared by (RMB Consultants – October 2015), and shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted, critical, 100yr storm) can be accommodated on site before being discharged at an agreed greenfield rate.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and to ensure ongoing efficacy of the drainage provisions.

11. Development shall not begin until details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:
 - i) a timetable for its implementation, and
 - ii) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and to ensure ongoing efficacy of the drainage provisions.

12. No development shall take place until details of all fencing; walling and other boundary treatments have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details before the first occupation of the buildings or land and maintained thereafter.

Reason: To ensure a satisfactory appearance to the development.

13. No development shall take place until full details of soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include existing trees, shrubs and other features, planting schedules of plants, noting species (which shall be native species and of a type that will encourage wildlife and biodiversity,) plant sizes and numbers where appropriate and an implementation programme.

Reason: In the interests of the visual amenities of the area and encouraging wildlife and biodiversity and to ensure that such matters are agreed prior to the commencement of development.

14. 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 first use 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.

15. 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."

16. No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the local planning authority (in consultation with the Environment Agency); this may be given 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 approval details.

Reason: To protect vulnerable groundwater resources and ensure compliance with the National Planning Policy Framework.

17. During construction provision shall be made on the site, to the satisfaction of the Local Planning Authority, to accommodate operatives' and construction vehicles loading, off-loading or turning on the site.

Reasons: To ensure that vehicles can be parked or manoeuvred off the highway in the interests of highway safety.

18. Prior to the works commencing on site details of parking for site personnel / operatives/visitors shall be submitted to and approved by the Local Planning Authority and thereafter shall be provided and retained throughout the construction of the development. The approved parking shall be provided prior to the commencement of the development.

Reasons: To ensure provision of adequate off-street parking for vehicles in the interests of highway safety and to protect the amenities of local residents.

19. Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway details of which shall have been submitted to and approved in writing by the Local Planning Authority.

Reasons: In the interests of highway safety and convenience.

20. As an initial operation on site, adequate precautions shall be taken during the progress of the works to guard against the deposit of mud and similar substances on the public highway in accordance with proposals to be submitted to, and agreed in writing by the Local Planning Authority.

Reasons: In the interests of amenity and road safety.

21. No development shall commence until details of foul drainage have been submitted to and proved by the Local Planning Authority and the development shall be carried out in accordance with the approved details.

Reason: in the interests of public health.

22. The development hereby permitted shall incorporate measures to minimise the risk of crime. No development shall take place until details of such measures, according to the principles and physical security requirements of Crime Prevention through Environmental Design (CPTED) have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented before the development is occupied and thereafter retained.

Reason for the condition: In the interest of Security, Crime Prevention and Community Safety and in accordance with the guidance within The Kent Design Initiative (KDI) and protocol dated April 2013.

23. No construction work in connection with the development shall take place on any Sunday or Bank Holiday, nor on any other day except between the following times:-

Monday to Friday 0730 - 1800 hours, Saturdays 0830 - 1300 hours unless in association with an emergency or with the prior written approval of the District Planning Authority.

Reason: In the interests of residential amenity.

INFORMATIVE

1. It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority. 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 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.

2. Any feature on this site capable of conveying water can be considered to fall under the definition of an 'ordinary watercourse' (unless it shown by the EA's mapping to be a designated 'main river'). The applicant should contact KCC prior to undertaking any works that may affect any watercourse/ditch/stream or any other feature which has a drainage or water conveyance function. Any works that have the potential to affect the watercourse or ditch's ability to convey water will require the formal written consent of either KCC.

3. Southern Water's current records do not show any public sewers to be crossing the site. However, due to the changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site. The applicant is advised to discuss the matter further with Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2 SW (Tel: 0330 303 0119) or www.southernwater.co.uk

The Council's approach to this application:

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework (NPPF), the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and proactive manner by:

Offering pre-application advice.

Where possible, suggesting solutions to secure a successful outcome.

As appropriate, updating applicants/agents of any issues that may arise in the processing of their application.

In this instance:

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