

- a) **DOV/18/00201 - Change of use of land to form part of existing transportation depot (extension of existing use) - Mattheeuws Transport Ltd: Land south-west of Palmerston Road, Port Zone, White Cliffs Business Park, Whitfield**

Reason for report – Number of contrary views (31)

- b) **Summary of Recommendation**

Planning Permission be Granted, subject to conditions.

- c) **Planning Policies and Guidance**

Core Strategy Policies (2010)

CP1 - Settlement Hierarchy

CP6 – Infrastructure

DM1 - Settlement Boundaries

DM11 - Location of Development and Managing Travel Demand

DM13 - Parking Provision

DM17 – Groundwater Source Protection

Land Allocations Local Plan (2015) (LALP)

National Planning Policy Framework (NPPF) (2018)

Paragraph 2 states that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

Paragraph 8 - Identifies the 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.

Paragraph 11 - Presumption in favour of sustainable development for decision-taking (known as the tilted balance).

Paragraph 12 states that development which accords with an up-to-date development plan should be approved and development which conflicts should be refused unless other material considerations indicate otherwise.

Paragraph 109 - Development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, can be cost effectively mitigated to an acceptable degree, or the residual cumulative impacts on the road network would be severe.

Paragraph 124 - The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

Paragraph 127 - Planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.

Paragraph 155 & 157 - When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment.

Paragraph 163 - When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment.

Paragraph 165 - Major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should:

- a) take account of advice from the lead local flood authority;
- b) have appropriate proposed minimum operational standards;
- c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and
- d) where possible, provide multifunctional benefits.

Paragraph 170 - The planning system should protect and enhance valued landscapes, recognising the wider benefits of ecosystem services and minimise impacts on biodiversity and providing net gains in biodiversity. Preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability and remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

Paragraph 175 - When determining planning applications, local planning authorities should apply the following principles:

- a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
- b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;
- c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and
- d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

Paragraph 178 - To prevent unacceptable risks from pollution and land instability, planning policies and decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account. Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

Paragraph 180- Planning policies and decisions should ensure that new development is appropriate for its location taking into account the likely effects (inc. cumulative effects) of pollution on health, living conditions and the natural environment and aim to mitigate and reduce to a minimum and adverse impacts on health and quality of life arising from noise from new development; and identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

Noise Policy Statement for England

Kent Design Guide (2005)

The guide provides criteria and advice on providing well designed development.

d) Relevant Planning History

DOV/16/01472 - Change of use of land to a lorry parking facility – Withdrawn

DOV/17/01247 - Screening Opinion for a proposed lorry park – Environmental Statement Not Required

e) Consultee and Third Party Responses (Summarised)

DDC Environmental Health – Initial Objection.

Following the submission of a revised Noise Impact Assessment: I refer to the above and confirm that I have now reviewed the amended acoustic assessment dated June 2018.

Noise: Though the amended acoustic report states that the magnitude of noise impact during the night will be moderate, it also predicts that this will diminish over time and it is our view that any noise impacts may also be mitigated through the application of an acceptable noise management plan. Such a plan should include, but not be limited to acoustic barriers, restrictions on the use of vehicle horns, reversing alarms, radio/stereos, etc. and also advocate the use of banksmen to assist the lorries with parking safely further reducing the use of reversing alarms on site, the use of electrical hook-up points for any refrigerated units to be parked on site and the operation of a traffic management system/route to reduce the need for vehicles reversing where possible. A condition is required in respect of the submission of a noise management plan.

Air Quality: The AQ Assessment report examines the impact of the lorry park development in respect of both construction activities and air pollution concentrations with regard to AQ Objectives. The approach to this is accepted as is the modelling. A

correction factor was applied to modelled NOx results due to a difference identified in the verification. The adjustment factor is accepted.

Appendix 2 shows the site location and 'Existing Receptors' (ER01 – 05). Section 4.1 identifies these as being close to the road network where traffic levels change. I assume these receptors were selected as they represent the route that HGVs will use to access the park. Modelling results conclude that for the operational phase of this development, the increase in vehicle traffic does not give rise to a significant impact (NO₂ or PM10 concentrations) on local air quality. These conclusions are accepted.

The lorry park, if allowed, has the potential for up to 59 lorries and 38 cars to be parked within a relatively small area. It is possible that engines will be running on idle for significant periods of time and this itself is likely to generate elevated levels of NO₂ and PM10. No consideration of this is given in the report.

In respect of the construction phase, section 5.1 (and Table 5.1) identifies the impact of earthworks, construction and trackout as being Low Risk. IAQM Guidance clearly identifies that

An assessment will normally be required where there is: • a 'human receptor' within: - 350 m of the boundary of the site; or - 50 m of the route(s) used by construction vehicles on the public highway, up to 500 m from the site entrance(s).

The attached plan from the Able Acoustics Noise Assessment shows residential receptors 71-77 Friars Way (Circa 190.4m) 23-24 Old Park Hill (Circa 131.9m). Whilst it may well prove to be the case that construction dust impact may be 'Low', these residential receptors are not considered in the Accon report. The prevailing wind in this area is reported as being from the south-west. In view of this, I would recommend that consideration to the above should be included within the report and any mitigation measures necessary identified.

Contaminated Land: A safeguarding land contamination condition should be applied.

Lighting: While Environmental Health at this stage has no detail of any lighting on the application, I would recommend the following informative relating to lighting

We would draw the developer's attention to the institution of lighting engineer's guidance notes for the reduction of obtrusive light when considering any lighting to the site. This can be at the construction stage or during plans for the occupation of the development. I would ask the developer to pay particular attention when considering any lighted signage at the front of the planned development.

Further Comments: With regard to noise, I have considered the submitted Noise Management Plan and believe that it is satisfactory. I am particularly pleased to note that no refrigerated units will be permitted on the site. I would recommend that a suitable condition be applied that ensures that the site operates in accordance with the Noise Management Plan at all times, perhaps with the facility for periodic review if that is permissible.

DDC Tree and Horticultural Officer – The proposed block plan shows the site largely sited away from any trees. The northernmost part of the site is located in close proximity to a small area of woodland protected by TPO 2017, 19, however, it is considered that there is sufficient distance between the boundary of the site and

this area of woodland for the development to proceed without a conflict between the two occurring.

The block plan cites a strip of land running along the north eastern boundary as a landscape buffer. It is recommended that planting of this area with native shrubs and trees is secured through the imposition of a planning condition should consent for the scheme be given. A planting plan, details of written specifications; schedules of species, sizes and proposed numbers/densities should be provided for agreement

KCC Highways – Initial Objection.

Following the submission of additional information: Based on additional information the trip generation of the existing business the proposed expansion is likely to generate around 7 two-way HGV movements in the network peak hours, which is unlikely to have a severe impact on the highway network.

The amended block plan showing both the existing and proposed parking is acceptable, however in order to condition a parking layout across the whole site it will be necessary to provide a plan showing the same (i.e. with existing parking to be relocated having been removed from the plan). This can be dealt with by condition.

I also note that there is an existing electronically-controlled gate at the site entrance which drivers currently have to stop and wait to open. With the increase in use of the site by HGV's there is the potential for more than one lorry to arrive at any one time and therefore have to wait on the highway. The management and operation of the gate will therefore need to change to ensure the highway is not obstructed by waiting vehicles. This can be dealt with by condition.

I therefore now have no objection in respect of highway matters subject to the following being secured by condition:

- Use of the application site as an extension to the existing business, i.e. not as a commercial lorry park available to third parties.
- Provision of parking across the whole transportation depot in accordance with a plan to be submitted to and approved by the Local Planning Authority.
- Management of the entrance gate to ensure no obstruction of the highway by waiting vehicles, in accordance with details to be submitted to and approved by the Local Planning Authority.

KCC SuDS: Objection - At present we are unable to recommend the approval of the application for the following reasons:

1. The calculated greenfield runoff rate is given as 2l/s/Ha and all outfalls should be limited to this amount, the proposal to utilise 4l/s is therefore not acceptable.
2. The half drain time demonstrated in the calculations is not acceptable - the design should achieve half drain times of less than 24 hrs and this should be based on the 2l/s/Ha runoff rate.
3. In general we do not promote the use of a pumped solution given the ongoing maintenance liabilities associated with pumping stations and with consideration of sustainable development.
4. We would recommend the applicant refers to section 26 of Part E of Ciria's SuDs design manual, specifically tables 26.2 through 26.4 which gives guidance on Water

Quality Management Design Methods and could facilitate a design which would enable infiltration.

5. Our records fail to show a Surface Water sewer within the vicinity of the work. Should no alternative other than a connection to the sewer be found we will require to see evidence from Southern Water off acceptance to this proposal.

6. We note that the Environment Agency have objected to the development due to concerns with possible contamination to the aquifer, until they are accepting of the proposals we will not be able to recommend approval.

It should be noted that we do not object in principle to the site being developed, however the proposed drainage strategy must seek to dispose of surface water within its natural catchment and demonstrate the SuDs principles to be applied to the later detailed design work.

We would recommend the application is not determined prior to a drainage strategy being agreed and would urge the applicant to undertake discussions with KCC as the LLFA to discuss the surface water drainage proposals for this site in greater detail.

We would encourage the applicant to consider an alternative discharge method for surface water and consider the greater costs associated with installation of a pumping station for the life-time of the development.

We would recommend that the application is not determined until it is fundamentally demonstrated that it is not practical to design a gravity drainage system, which mimics natural flow paths as much as possible for the proposed development.

Following the submission of further information: - Revised comments awaited – to be reported verbally to Planning Committee

Highways England – Initial Objection.

Following the submission of additional information: Highways England will be concerned with proposals that have the potential to impact on the safe and efficient operation of the Strategic Road Network (SRN), in this case the A2 at Whitfield.

Our previous response, requested additional information on staff parking and trip generation to allow consideration of the potential impact of the proposals and identified if any additional assessment was required. This has now been provided.

Parking Provision Clarification: The application seeks an extension of the existing Distribution Depot in Palmerston Road, with increased capacity for 59 HGV spaces and 38 car parking spaces. It is understood that the proposed 38 car parking spaces will be used to relocate staff parking from the existing Depot. We require clarification on whether the existing staff car parking area (which will be vacated) will be used for HGVs, and if so if these spaces are included in the additional 59 HGV spaces quoted. This has now been clarified – the existing staff parking area is proposed to be used for HGV circulation and not for HGV parking.

Trip Generation: Trip generation has been estimated using surveys undertaken at the existing Truck Stop on Menzies Road. It is unclear why a survey of the application site cannot be used, given that the proposal is for an extension of the existing Depot to enable more efficient parking and increased capacity for the applicants' own vehicles only. The trip generation figures provided are based on two short surveys undertaken on the 15th and 16th December. This time of year is typically "quiet" for drivers as the majority of Christmas deliveries have been undertaken, therefore they

surveys may not represent “typical” operation. In addition, the short periods over which the surveys were undertaken do not enable confirmation of Peak Hours of operation.

Further information has now been provided, supplied by the Client for April 2018.

The Transport Statement states that vehicles will be simply diverting from either the north bound or south bound journey to park overnight after/before leaving/joining the ferry. Whilst HGVs will likely be diverting from the A2 to the proposed lorry parking facility, this will induce additional turning movements on Whitfield Roundabout.

We therefore require further information to support the trip generation assumptions used within the assessment. This information is required to enable consideration of how the additional HGVs may impact on the operation of the A2 at Whitfield Roundabout due to changes in turning movements. Once further trip generation information has been received, the potential impact of the proposals and any additional assessment required can be considered further.

Approximately 20 arrivals and 20 departures are estimated per day, based on existing movements. The resultant trip generation is 2 arrivals / 1 departure in the AM Peak, and 1 arrival / 2 departures in the PM Peak.

We understand that the additional parking is to be provided for the Client’s vehicles that currently use facilities in Calais or Verne. Therefore the majority of HGVs will arrive from mainland Europe, park overnight and then return to mainland Europe the next day. Minimal trips are therefore estimated to be travelling to / from the A2 West (less than one arrival / departure in Peak Hours). The predominant movement is to / from the A2 East.

It is noted that the HGVs are likely to already been travelling on the A2, and therefore the trip generation relates to changing turning movements rather than additional trips. On the basis of the above assessment, it is unlikely that three additional Peak Hour turning movements will significantly impact the safe and efficient operation of Whitfield Roundabout.

It is unclear how the provision of 59 spaces relates to estimated demand for 20 arrival and 20 departure trips. There is potential that this is either an over provision on spaces compared to demand, or an underestimate of trip generation. However; even tripling the trip generation estimate (to bring total daily vehicles in line with the full occupancy of the spaces as a worst-case), it is not considered that there would be substantial increase in turning movements on the A2.

On the basis that the proposals will generate minimal additional traffic on the SRN, we are satisfied that they will not materially affect the safety, reliability and/or operation of the existing SRN. Therefore we do not offer any objections or requirements relating to the proposal.

Environment Agency – Objection - We object to the proposed development, as submitted, because there is insufficient information to demonstrate that the risk of pollution to controlled waters is acceptable or can be appropriately managed. We recommend that planning permission is refused on this basis.

Reasons: The proposed development, of extended large scale lorry parking, presents a high risk of contamination that could impact controlled waters. Controlled waters are particularly sensitive in this location because the proposed development site is within Source Protection Zone (SPZ) 2 for an abstraction used for the supply of water

for human consumption and is located upon Principal aquifer. The outline documents submitted in support of this planning application have not demonstrated that the level of risk posed by this proposal is fully understood and it fails to give adequate assurance that the risks of pollution can be managed. The risk therefore remains unacceptable. This planning application has therefore failed to meet the requirements of paragraphs 109, 120 and 121 of the National Planning Policy Framework. The development could result in release of priority hazardous substances and result in pollution of controlled waters.

Overcoming our objection: The applicant should provide information to satisfactorily demonstrate to the local planning authority that the risk to controlled waters has been fully understood and can be addressed through appropriate measures. This information should include:

1. Further information on the proposed imported engineering fill characteristics.
2. The surfacing and drainage for the proposed facility is inadequately detailed for such a sensitive setting. Additional information on pollution incident management, drainage and attenuation is required including any proposed surfacing design and materials.

Site specific information: This site is in a sensitive area with respect to strategic public water supply for Dover. Although measures are proposed that would to some degree mitigate the risk from any extension to lorry parking at the site, there are concerns about the scale of such development in such a setting. Further background information on the site, the proposed design of surfacing and the quality standards for import of any sub base materials are required. An assessment of the actual operation of the proposed facility, detailed drainage plans and surfacing requirements should be submitted to support this application, in order that a proper assessment can be made of the potential risks in such an important public water supply catchment.

Following additional clarification: We now better understand the proposed means of creating the proposed lorry park extension, and can remove our objection to the proposal providing the following conditions are imposed on any permission granted.

- Contamination safeguarding
- Surface water drainage design submitted for approval
- Details of imported materials submitted for approval
- Verification of the above imported materials.

Any earthworks/remediation must be carried out in a strictly controlled manner to ensure that releases are not allowed to air, land or controlled waters, which could cause pollution, harm or nuisance. Temporary surface water controls and management of any materials movement on site is critical to ensure protection of controlled waters underlying the site.

Informative: The CLAIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or not excavated material arising from site during land development works and intended for re-use are waste or have ceased to be waste.

Developers should ensure that all materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on site

Without these conditions, the proposed development on this site poses an unacceptable risk to the environment and we would wish to object to the application operations are clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

Any re-use of excavated materials not undertaken formally using the CLAIRE DoWCoP would require an environmental permit for deposit, unless materials are solely aggregates from virgin sources, or from a fully compliant Quality Protocol aggregates supplier. Any deposit of materials outside of these scenarios could be subject to enforcement actions and/or landfill tax liabilities.

Southern Water -

Comments awaited – to be reported verbally to Planning Committee

Kent Wildlife Trust: Objection - The application site lies in close proximity to the Old Park Hill Nature Reserve. The Reserve forms a large part of the Whitfield Down and Buckland Down Local Wildlife Site (LWS-DO15). The LWS is designated for its range of habitats including woodland, scrub, chalk grassland and neutral grassland supporting Adonis blue butterflies and reptiles. Kent Wildlife Trust and the Port of Dover are restoring Old Park Hill by re-establishing woodland management and converting overgrown scrub into a mosaic of scrub with chalk grassland.

Extending the company's lorry park to the east will bring development much closer to this valued habitat, risking harm to the wildlife it supports. Lorry movements, vehicle headlamps and yard lighting have the potential to disturb protected species such as bats, breeding birds, badgers and dormice. The NPPF (section 11 and paragraph 123) and Core Strategy Policy CP7 establish the fact that these considerations are material to the determination of this planning application.

Although I welcome the provision of a 15m landscape buffer along the most sensitive part of the northern boundary, the applicant does not appear to have assessed the risk of disturbance (from vehicle manoeuvring, headlamp intrusion and yard lighting) on wildlife in the LWS. This information is essential to determining the nature and specifications for the landscape buffer by indicating, for example, the extent to which lighting and noise barriers need to be installed alongside native tree and shrub plantings as part of the buffer treatment.

In the absence of this information, I must conclude that wildlife will be harmed significantly and that the application fails to satisfy national and local planning policy requirements. I have no objection, in principle, to the proposal and would welcome the opportunity to review my position in the light of the further information, nevertheless, I object to the application in its present, incomplete form.

Whitfield Parish Council – Objects to this application. Despite the reduction in the proposals from application DOV/16/01472 Whitfield Parish Council's previous objections and concerns remain.

This site borders a residential area and the potential noise disruption and loss of amenity a lorry park extension will cause to residents is significant. The application would cause an increase in traffic volume in the local area, especially on Whitfield roundabout and the feeder roads. Effects on local water supply, natural environment, flora and fauna also need to be considered.

Further Comments: Whitfield Parish Council objects to the proposed change of use of this land to a lorry park. The Parish Council also fully supports the reasonable and

justified objections by local Resident to this change of use. The application is flawed and should not go to committee in its present form.

The application is for overnight lorry parking, yet there is no condition that the lorry park is vacated through the daytime. During periods of delays on Channel crossings, the Park will remain full for the duration. The applicant's claim that the majority of the HGV's arrive from 5.00pm to 10.00pm, and leave from 3.00am to 6.00am, and the site generally clear by 7.30am is without substance. HGV's will arrive and depart according to the constraints of driving hours regulation and times booked onto the ferry. Lorries using the facility will arrive and depart throughout the day adding to the problems on Whitfield Roundabout. An average of one HGV movement every 2 minute. The applicant claims this will cure the illegal overnight parking problems in the area, and puts this forward as the justification for the application.

Last year 2,591,286 HGV's passed through the port - That's over 7,000 a day. For every driver who decides to go to the lorry park, there are another ten who will not and still park on the local roads. The application omits the necessary mitigation measures for the environmental impacts the plan will cause. There are no details of contributions to infrastructure improvements for the local road network. There are no facilities planned for the lorry park, only to share facilities based at Priority Freight.

The objections to the application are on the following material grounds:

1. Disturbance and loss of amenity a lorry park will cause to nearby Residents.

By its very nature. the activities associated with a lorry park will cause unacceptable air, noise and light pollution that will affect local Residents to varying degrees, dependant on distance, weather conditions and wind direction. There are a number of residential properties on Old Park Hill, Elysium Park, Friars Way and Pilgrims Way within 100 to 200 metres of the site and many more within 300 metres.

The inevitable noise will cause unacceptable antisocial disturbance to Residents at all hours of the day and night from lorry activities and movements, their engines and refrigeration units which will cause considerable issues to the residents in the proximity.

While it may be deemed as tolerable during normal working hours, during the evening, night time and early morning, the arrival and departure of lorries, starting of engines, revving of engines, activation of air brakes, audible reversing warning devices, and continual operation of refrigeration units will be a significant intrusion to the quality of life of Residents. Whilst a noise survey may well show the average level to be below that required for noise mitigation measures and double glazing for Residential properties to be put in place, the intermittent nature and randomness of the noise is unacceptable and will disturb sleep and other activities.

The noise and disturbance of up to 600 daily movements of HGV's to and from the site will affect the wider area of Whitfield, Old Park and Archer's Place throughout the 24 hour period, 7 days a week. Local Residents report that, depending on the wind direction, they can hear the truck movements and refrigeration units from Priority Freight, particularly in the still of the night. The combined effects from the engine emissions of 300 additional lorries starting

from cold (especially in winter) and moving around the site is unacceptable in a Residential Area Air monitoring equipment must be installed to give real-time warnings of unacceptable levels of air pollution and a condition must be placed on the operator to immediately close the site whenever the levels are reached.

The site will require floodlighting for compliance with health and safety regulations. The resultant light pollution and loss of 'dark sky' is unacceptable in a residential area

Many Residents cite their reasons for choosing to live in their properties is the semi-rural nature of the area. This industrialisation of the vicinity will have unacceptable adverse consequences to the enjoyment and amenity that Residents currently enjoy in this relatively peaceful and tranquil area.

The District Council rightly state in every Planning agenda that decisions must comply with the requirements of the Human Rights Act 1998, particularly Article 1 of the first Protocol, the "Right of the individuals to the peaceful enjoyment of their possessions" (including their home). This right can only be withdrawn "in the public interest" and that it may also require positive measures to protect property to be taken. This application is not in the public interest and does not contain any positive measures to protect property and the owner's right to enjoy that property.

2. The increase in traffic volume in the local area, especially on the Whitfield Roundabout and the feeder roads.

Whitfield Roundabout is frequently operating at capacity. While there is a need for one major truck stop serving the A2 trunk road for Port Traffic, this should be in one location, away from residential areas, which is properly served and accessed by the local road network. To have a number of smaller lorry parks in the urban Dover area only spreads the traffic congestion and nuisance over a wider area. This application is on the same estate as another truck stop (Priority Freight) but will have an additional capacity 3 times the size. There will be an additional 600 HGV's leaving and entering the Port Zone, putting pressure on Whitfield roundabout and all feeder roads, especially at peak times.

There is already planned development in Whitfield for 5,750 new homes, 3 new primary schools, relocation of the new Leisure Centre, the new Lidl Supermarket and final development of Phase 2 of the White Cliffs Business Park. All this in addition to extra traffic already generated from the recent new retail stores and KFC Drive-in and frequent congestion caused by the refuse transfer station (which generates in excess of 66,000 vehicle movements per month), will result in increasingly frequent gridlock in the area.

3. The loss of potential employment opportunities to the local area.

The site is on an industrial park which brings valuable employment opportunities to the District. This change of use is from use as storage and warehousing with associated operator and administration employment opportunities to a use which will require minimal staffing and is, therefore, a reduction in local employment potential which is contrary to the Local Plan. Change of use, especially without mitigation of the adverse affects on; the local Residents; traffic congestion; local

biodiversity and water supplies, is contrary to Dover District Council's Core Strategy and Planning Policies.

4. The effects on the local Water Supply, Natural Environment, Flora and Fauna.

This change of use and development will have an unacceptable environmental impact on the habitat and wildlife on the chalkland designated areas of Old Park Hill. Any land cleared would also effect the environment as it is all protected trees and badger sets.

The site is above the catchment area for water abstraction for the public water supply for Dover. There is an unacceptably high risk of a major pollution incident from the site and the contents and loads of lorries using the site, affecting the water supply.

There are no Emergency Contingency Plans or adequate mitigation measures included in this application.

Third Party Representations: To date 31 letters of representation have been received; objections have been made on the following grounds:

- Local residents will detrimentally affected by the application
- Impact on the environment especially next to a local nature reserve/wildlife site
- Proposal unsuitable in this location due to proximity of local residents
- Run off of chemicals from the site affecting ground water, residents and wildlife
- Increased noise, pollution and nuisance
- Other sites are more suitable with better access
- The land should be used for employment purposes
- Ecological impacts have not been assessed
- Existing HGV uses including refrigerated units, horns and reversing noise are all already audible and will only get worse
- Further light and air pollution
- Whitfield roundabout cannot cope with any further increases
- This is the wrong location for a lorry park
- Impact on local residential amenities, their health and quality of life
- Increase in traffic and traffic impacts
- Road infrastructure cannot cope with existing levels
- Noise mitigation and controls should be a key consideration
- Existing noise levels are already above WHO guidelines
- Concerns that existing noise pollution can only get worse
- Precedent for larger scheme will be established.
- This development will have a long term impact on noise, health and sleep of nearby residents especially movements in the early hours of the morning.
- There are huge flaws in the level of information provided in support of this application.
- Why should local residents be subjected to further pollution
- The enjoyment of homes and gardens is already affected by noise which will only increase further.

- Increased in traffic will make using existing local facilities including the new sports centre harder and more unsafe, particularly for children.
- More litter and anti-social behaviour
- How will increase in run-off from the site be addressed
- The special character of the chalk downs of the local nature reserve will be detrimentally affected.
- The submitted acoustic reports are flawed with the wrong readings taken at the wrong time of the day a fresh report should be submitted
- Most movement s will take place very early in the morning affecting residents
- There are already noise complaints from existing businesses

f) 1. The Site and Proposal

- 1.1 The application is situated off Menzies and Palmerston Road in the Port Zone of White Cliffs Business Park in Whitfield. The Port Zone area is predominantly commercial in character but also has a mix of uses including two churches, bowling green, transport museum and maritime training centre. The commercial uses are also mixed including some offices but mainly transport/haulage related companies with the Priority Freight, Truck Stop Café and Stage Coach on nearby sites. However there are also a significant number of residential dwellings in relatively close proximity to the area, including Friars Way and Elysium Park and Old Park Hill. There is also a local wildlife site to the south east (Old Park Hill Nature Reserve) that wraps around the hill side.
- 1.2 The application site is currently an unused grassed area to the south east of Mattheeuws Transport's current site on Palmerston Road. Mattheeuws Transport is one of a number of companies operated under Romac Ltd who are the applicants. The current haulage site is largely hardsurfaced with HGV and car parking. There is a large existing maintenance building, some offices and a welfare building with toilet and shower facilities. The site is accessed via an electronically controlled gate and security hut/building.
- 1.3 The site itself is relatively level and grassed although has been recently cleared. It forms part of a larger site, also grassed and cleared, that has been the subject of a recent planning application, which was subsequently withdrawn, for a larger commercial lorry park. Wrapping around the larger site is the Old Park Hill Nature Reserve which forms part of the Whitfield Down and Buckland Down Local Wildlife Site, the woodland of which is adjacent to the boundary and is fenced off with a post and rail and/or chain link fencing and is clearly visible from the application site. The site is protected for its range of habitats including woodland, scrub and chalk grassland and is home to a number of protected wildlife species (bats/badgers/dormouse and breeding birds).
- 1.4 The site is also situated at the top of Old Park Hill, with Groundwater Zones 2 and 3 and a principle aquifer for the supply of drinking water. There is also a TPO area of woodland to the north east of the site.

The Proposal

- 1.5 The submitted application is for an extension of the existing transportation depot and change of use of this land to accommodate an additional 59 HGV 's and provide an expanded and secure 24 hour parking facility for the wider

Romac company that includes Mattheeuws Transport. The additional site area is 7860sqm in size.

- 1.6 The application would involve the re-organisation of the existing HGV and car parking spaces on the current site and the provision of 59 extra HGV spaces and 38 car parking spaces. The site will be hardsurfaced and fenced with a metal palisade fence and no additional lighting is proposed. A 15m wide landscaped buffer is proposed adjacent to the northern boundary to protect the trees and local wildlife site from the proposed development and this will be planted with native species.
- 1.7 In terms of the operation of the site the HGV parking is for the current operators to accommodate their own vehicles to meet current and projected demand for freight transportation in their own company. This will also allow consolidation of the existing depot arrangements and dedicated staff and driver car parking spaces. The applicants state that the current site is not large enough to accommodate HGV's at peak times and HGV's within the company are having to find alternative parking arrangements adding to the existing street parking of HGV's experienced within Kent and Dover. The existing welfare facilities on site will provide toilets and showers and refreshments would be provided at The Truck Café at Priority Freight.
- 1.8 The site will be continually manned with permanent staff on site who will direct traffic through the site to enable most HGV's to leave the site in forward gear, reducing the need for reversing noise on entering and leaving the site. The applicant also does not operate or manage refrigerated HGV's and noise from such vehicles and the need to run engines will not be a factor on this site. However, if this changes electric hook up points would be installed to enable the engines to be switched off.
- 1.9 The site works will be regrading of the land, a sub base and impermeable membrane to prevent migration of water and contaminants into the formation level and ground water. The sub-base layer will direct water to an oil interceptor and pump to discharge into the existing surface water sewer.
- 1.10 Further information has also been submitted in respect of the need for lorry parks within Kent and Dover and the ongoing issues with lorries parking on roads in the local area; including the support from Government, KCC and Highways England to this approach.
- 1.11 The following documents have been submitted in support of this application:
 - Planning and Design & Access Statement
 - Transport Statement and further supporting information
 - Revised Acoustic Impact Assessment
 - Drainage Impact and Flood Risk Assessment and further supporting information
 - Air Quality Assessment
 - Preliminary Ecological Appraisal
 - Topographical Survey
 - Noise Management Plan
- 1.12 Since the original submission, additional information has been submitted in support of the application to address and clarify traffic data and movements

and drainage impact. In addition a revised Acoustic Impact Assessment and Noise Management Plan have been submitted and have been the subject of a re-consultation process. The red line of the application has also recently been amended to include the proposed landscape buffer to the north within the red land rather than the blue land. This has not been subject to a further period of re-consultation but as the use and proposed works have not been altered this does not prejudice nearby residential properties.

2. Main Issues

The main issues to consider are:

- Principle of Development
- Highway Considerations
- Noise and Pollution Considerations
- Drainage and Flooding
- Ecology and Landscaping

3. Assessment

Principle of Development

- 3.1 In terms of the principle of development of this site there are no specific local plan policies that relate to the provision of lorry parking facilities, however, there is a clear need to encourage investment and business within the District and local businesses should be retained and are encouraged to expand within Dover and the District. The Mattheeuws Transportation Depot is an existing business within the Port Zone on White Cliffs Business Park in Whitfield. It is next to or in close proximity to a number of similar uses including the Priority Freight lorry park and is some distance from residential properties. Whitfield generally has been identified as an area for new development and urban expansion. The application site is within the settlement confines although on an unallocated site and is therefore in accordance with policies DM1 and CP1 of the Core Strategy where the principle of new development has been established.
- 3.2 The existing site also plays a key role in the use of the Port by freight companies and will continue to do so into the future. The need to support the role of the Port and its role nationally therefore needs to be enhanced where possible to assist in the needs of the port and the national supply of goods. Mattheeuws Transport and its associated companies operating from the site currently provide a service to support this role and have identified a need to improve and expand their current site to enable the business to keep up with demand and provide overnight parking for their lorries prior to the distribution of goods across the country. This is therefore an existing business in Dover seeking to expand the provision of HGV parking for its effective operation. This is supported in general terms in local and national planning policies with the NPPF placing great importance on building a strong and competitive economy.
- 3.3 The need for HGV lorry parks is an ongoing issue in Kent and is often discussed in the press, with a current round of public consultation recently taken place on how this matter should be resolved. DDC and KCC are actively involved in these discussions along with Highways England with the most recent view that a number of smaller lorry parks are likely to be a better

solution than one large site. However progress on this important issue is slow due to the traffic, environmental and pollution issues surrounding such developments.

- 3.4 However, should be made clear that this is not an application for a general lorry park, but an expansion of an existing depot and is also separate from the larger (300) lorry park application (DOV/16/01472) put forward on the wider site that was formally withdrawn earlier this year. This may come forward at a later date but should be considered separately in relation to this proposal.
- 3.5 Nevertheless, other material considerations are also relevant to such a proposal and shall be discussed in more detail below, however policy CP6 of the CS does refer to the need to provide infrastructure provision within the District to serve development and policy DM17 identifies the needs to protect ground water in the District.

Highway Considerations

- 3.6 The relevant Core Strategy policies are DM11 and to a lesser degree DM13. DM11 requires planning applications for development that increases travel demand to be supported by an assessment to quantify the amount and type of travel likely to be generated and should include measures that satisfy demand to maximize walking, cycling and the use of public transport. Whilst DM13 requires that development provides a level of car and cycle parking which balances the characteristics of the site, the locality, the nature of the proposed development and design objectives. A transport statement was provided in the original submission which sets out traffic and trip generation figures, operational characteristics and link capacities.
- 3.7 Highway capacity concerns and movement of HGV's were initially raised by KCC Highways and Highways England in respect of the impact on the local and strategic highway network of the proposed use, in particular during peak hours on Whitfield roundabout and the need for more information related to the specific/existing transport business and additional survey data over a 7 day period. This additional information was therefore requested and duly submitted with further information submitted to further clarify the previous concerns.
- 3.8 This information clarified that the proposed expansion of the lorry parking facilities is likely to generate around 7 additional two-way HGV movements in the network peak hours which is unlikely to have a severe impact on the highway network. Most journeys are also likely to be diverted from a south or a north bound journey from or to the port using the A2 rather than the generation of new journeys and it is only the pattern and change to turning movements that requires assessment. These changes and the small number of additional movements is therefore unlikely to significantly impact the safe and efficient operation of Whitfield roundabout.
- 3.9 In the initial plans it was also unclear how the new car parking arrangements would affect the existing car and HGV parking layout on the depot. It has been clarified that the existing car parking spaces will be lost to form and allow HGV access and circulation into the extended site.
- 3.10 As a result of the additional information KCC Highways and Highways England have withdrawn their initial objections. However this was on the

basis of a number of highway conditions in relation to the use of the site. These include the need to address concerns with the use of the electronically controlled entrance gate; to ensure HGV do not have to wait on the highway; the submission of a clearer HGV and car parking plan across the whole site' and restriction of the use to the existing occupiers and not to be used as a commercial lorry park to third parties. With the imposition of these conditions no highways objection is raised. All these conditions have been included and the proposed development is therefore acceptable in principle in terms of the impact on the local and national highways. The proposal therefore accords with policies DM11 and DM13 of the CS and paragraph 109 of the NPPF.

Noise and Pollution Considerations

- 3.11 In terms of noise impact, this has raised a considerable level of concern with local residents who already experience noise from the existing commercial uses on the adjacent sites. It is also an understandable concern that has been addressed in some detail by the applicants with the submission of an Acoustic Impact Assessment, which has been expertly assessed by DDC Environmental Health Officers. In terms of planning policy noise is addressed in paragraph 180 of the NPPF and requires that noise impact from development should mitigate and reduce potential adverse impacts and avoid noise giving rise to significant adverse impacts on health and quality of life. The National Policy Statement for England (NPSE) is also relevant when considering the impacts of noise from development.
- 3.12 Unfortunately the Acoustic Assessment originally submitted was a resubmission of the report submitted for the larger lorry park proposal on the wider site and therefore contained inaccurate information and was not site specific. DDC Environmental Health also raised a number of concerns in respect of the level of survey information submitted and the need for noise impact to be more appropriately assessed. An objection was therefore raised. A revised and updated Acoustic Assessment report was therefore requested and submitted.
- 3.13 The revised report has sought to address the points raised by Environmental Health and has been updated to be site specific. The outcome of the report is the use of the site as a lorry parking facility would result in a low impact when assessed against BS 4142:2014. All noise readings outside buildings will be below targets and night noise guidelines designed to protect the public from noise. The submitted report identifies that noise impact during the day will be minor and during the night will be moderate. The report recommends a noise management plan is prepared for the site to minimise noise across the site and the use of a banksman to assist lorries with parking safely and minimise reversing. It is further recommended that the site operates a traffic management system to further reduce the need for HGV's to reverse. This has subsequently been submitted by the applicant.
- 3.14 DDC Environmental Health agree with the methods and findings identified in this report and have removed their objection subject to a condition requiring compliance with the submitted Noise Management Plan. This approach also accords with paragraph 180 of the NPPF and although there are concerns locally that the noise surveys have been appropriately undertaken, the findings have found no significant harm from noise from the proposed use. The proposed development, subject to the Noise Management Plan and the above condition, is therefore acceptable in this regard.

- 3.15 In respect of the assessment of potential air pollution an Air Quality Assessment has been undertaken and submitted in support of the application. This has utilised existing air quality data in the area and then assessed in accordance with recognised standards the impact from the proposed change of use/extension of the depot. This has concluded that the impacts from the development on annual mean concentrations will not exceed the Air Quality Assessment Levels and there will be a negligible impact on local air quality which will not result in a significant adverse effect on air quality. In terms of air quality from the construction phase, the report identifies a negligible impact if mitigation measures are undertaken during construction which are identified as minimising construction activities through good management i.e. wheel washing/damping down etc.
- 3.16 DDC Environmental Health agree with the approach taken, method, data and the conclusions in respect of the operational phase, however they have identified that no consideration has been given in respect of engines idling on site. Concern has been raised in respect of the assessment of the construction phase and has highlighted that residential receptors have not been appropriately assessed in the report and mitigation measures to minimise air pollution during construction may be required as a result. EH concerns have been raised with the applicant, however, have not been addressed further. Nevertheless, construction mitigation measures to minimise dust also form part of the construction management plan condition that will be included if development is found to be acceptable. It is therefore considered that any such mitigation measures could be addressed through this condition rather than the need for a revised Air Quality report, the findings of which are largely considered by EH to be acceptable in principle.
- 3.17 On this basis, the report submitted and with the further control under the construction management plan condition the impact on air quality as a result of the development is, on balance, accepted and sufficiently controlled. This therefore accords with paragraph 181 of NPPF.
- 3.18 In terms of ground contamination it has not been identified that the site is subject to any form of land contamination and therefore a ground contamination safeguarding condition has been added in case any contamination is found during ground works. The development therefore accords with paragraph 178 of the NPPF.
- 3.19 In respect of potential light pollution from the proposed development, no external lighting is being proposed to serve the depot extension and therefore no details have been provided. Nevertheless, to safeguard this position and to address any potential future demand for lighting on the site a condition has been included to confirm there shall be no lighting on the site, but if considered necessary at a later date, full details of any proposed lighting shall be submitted for approval. This therefore safeguards this position and controls any future scheme to ensure the potential for light pollution is minimised, including the impact this could have on protected species on the adjacent wildlife site. In addition, an informative is also included to highlight the need for any lighting to have regard to the institution of lighting engineer's guidance to reduce obtrusive light. This would therefore be in line with paragraph 180 of the NPPF.

Drainage and Flood Risk

- 3.20 The site lies within Flood Risk Zone 1, where there is the lowest risk of flooding from rivers or from the sea. However, given the size of the site, it is appropriate to consider whether the development would be likely to lead to localised on or off-site flooding. The NPPF paragraph 163 states that local planning authorities should ensure that flooding is not increased elsewhere and priority should be given to the use of sustainable drainage systems.
- 3.21 A Flood Risk Assessment (FRA) and Drainage Impact Report have been submitted in support of the application. The site also lies on a principle aquifer as well as in Groundwater Source Protection Zones 2 & 3. The FRA demonstrates that the proposal will be safe in terms of flood risk for its life and will not increase the flood risk elsewhere. The Drainage Impact Report identifies that infiltration drainage is not proposed to deal with surface water and run-off due to the nature of the use and the potential for pollution to infiltrate into the ground water supply. All surface water is therefore proposed to be collected by the use of an impermeable membrane at the formation level. A subbase will therefore be laid which shall direct water to an oil interceptor and pump to discharge into the existing surface water sewer on site. This system although not a sustainable drainage system will ensure there will be no increase in run-off from the site as a result of the proposed development as all water will be diverted to the sewer system. In terms of the NPPF paragraph 165 allows such a system if there is sufficient justification and clear evidence that a sustainable drainage system would not be appropriate.
- 3.22 The EA initially objected to the proposed means of surface water disposal but have withdrawn their objection following clarification by the applicant of the proposed works. This is subject to a number of conditions to require further information in respect of details of the surface water drainage design and construction; specification and method of working for any imported materials, before works commence on site; and a verification report to demonstrate works have been undertaken as approved. Although initial concerns were raised by the EA in respect of the risk of pollution to controlled waters and insufficient information, due to the sensitivity of the ground waters at this location, the scheme being proposed does not allow surface waters to infiltrate into the ground and therefore subject to being undertaken in accordance with the suggested conditions is unlikely to harm controlled waters. The EA are therefore satisfied that the proposed surface water drainage is acceptable in principle and accords with paragraph 180 of the NPPF.
- 3.23 KCC SuDs have also objected to the proposed surface water disposal but have recently been provided with additional information and their revised comments have yet to be received at the time of writing this report. It is expected these can be reported verbally to planning committee. Their concerns relate to the proposed run-off rates, use of a pumped system and its maintenance requirements and the lack of a sustainable drainage strategy for the site which should be considered further. They also require acceptance of the proposed surface water drainage system from the EA and Southern Water before they can consider the system being put forward. In respect of the run-off rates it is expected this can be addressed through the design of the system, along with the concerns raised with a pumped system that could be addressed through a condition. In terms of the need for a SuDS system for surface water drainage, although this is the recommended approach, this is a

potentially highly polluting use above a principle aquifer in a Groundwater Source Protection Zone. For this reason a SuDS system has not been put forward and this would accord with paragraph 165 in certain justified circumstances. For these reasons, it is considered by the EA to be an acceptable approach on this site and is considered to be a reasonable approach for surface water for this type of development on this site. The revised comments, may withdraw KCC SuDS objection, if not, it is considered this matter can be adequately addressed and therefore the recommendation includes a request for a resolution to give delegated powers for Officers to continue to address this matter and enable a decision to be issued without the need for the application be to reported back to Planning Committee (unless this matter cannot be resolved).

- 3.24 In addition, a representation from Southern Water is also outstanding at this stage and is required to clarify the increased use of a surface water sewer and whether this is acceptable. This response would also clarify KCC SuDS response and no determination of the application can be made until this matter is adequately addressed and an acceptable surface water drainage system is agreed by all parties. As a result, the recommendation of the report is to allow delegated authority to continue the dialogue with the relevant parties to address these outstanding issues appropriately. If however, the matters cannot be adequately resolved and dealt with by reasonable conditions the application will be reported back to Planning Committee for further consideration.
- 3.25 Although this is not a clear recommendation at this stage, it allows for the application to progress with some certainty for the applicant, due to the pressing need for this development and the expansion of an existing transport business in Dover to partially address a District and County wide need for additional lorry parking facilities.

Ecology and Landscaping

- 3.26 The application site is in close proximity to the boundary of a Local Wildlife Site, Old Park Hill Nature Reserve forming part of the Whitfield Down and Buckland Down Local Wildlife Site which is a local designation for the protection of its range of habitats including woodland, scrub and chalk grassland and is home to a number of protected wildlife species including bats, badgers, dormouse and breeding birds and their habitats. The wildlife site forms the hillside to the south of the larger site and is currently demarcated by a post and rail and chain link fencing.
- 3.27 The application includes the planting of a 15 metre wide landscape buffer to the north eastern boundary which is in closest proximity to the Local Wildlife Site. This is proposed to be planted with native tree species and a landscaping and maintenance conditions have been included to ensure this is appropriately planted for this location. In addition, a Tree Preservation Order (TPO) 2017 No. 19 in Mansion Gardens includes a number of important trees to the north of the application site. This TPO does not directly adjoin the site and would also be adjacent to the proposed landscape buffer. A Preliminary Ecological Appraisal has been submitted in support of the application.
- 3.28 This concludes that the application site has limited ecological value overall although it is evident that the site was cleared fairly recently. In terms of the

impact on the wildlife site adjacent, there is not considered to be a direct link with the wildlife site, but there would be the potential for in-direct impacts on this designation, which has been appropriately assessed in the Preliminary Ecological Survey. The report also found there was limited impact on protected species as the proposed construction works do not extend into the Local Wildlife Site and there is also a 15m wide landscape buffer proposed adjacent. However there is an existing Ash Tree that has the potential to be used by bats. The agent has verbally confirmed that this is sited within the 15m landscape buffer and therefore will not be affected directly by the proposed development.

- 3.29 The report also sets out options to enhance the biodiversity of the site through appropriate native planting to the 15m wide landscape buffer and the submission of an Environmental Management Plan to include matters such as potential lighting, dust, deadwood left in piles etc. to ensure that any potential adverse impact upon the adjacent habitat is avoided, mitigated or compensated for. The provision of these measures can be controlled by a condition and would further enhance the biodiversity of the site, which should be encouraged. A condition for the submission of an Environmental management Plan is therefore included and although largely addressed by other conditions, this specific report would seek to address the ecological aspects only including the further consideration of the Ash Tree identified above.
- 3.30 In addition, it has been identified through discussions that the boundary enclosure around the site needs to be of a solid construction to minimise light spill from headlamps and minimise the interaction and indirect impacts between the application site and the nearby Local Wildlife Site. This has been conditioned and further details of the proposed enclosure need to be submitted for approval. Such a condition along with the 15m wide landscape buffer and Environmental Management Plan will address as far as practical the potential impacts on the adjacent Local Wildlife Site.
- 3.31 Kent Wildlife Trust have however highlighted their concerns and have suggested further assessment of the impact is required. They have therefore raised an objection on the grounds of incomplete information and the development failing to satisfy the requirements of the NPPF.
- 3.32 The most relevant paragraph of the NPPF is 175 which deals directly with the impact on habitats and biodiversity. On consideration of this specific paragraph there would be no significant harm to biodiversity as a result of this development, measures have been put on place to minimise and mitigate potential indirect impacts, the site is not an SSSI, the development will not result in the loss of irreplaceable habitats and measures have been put in place to incorporate biodiversity enhancement. For these reasons, the proposed development would accord with paragraph 175 and not be likely to adversely impact any protected species, or their habitat, in accordance with The Wildlife and Countryside Act 1981 and the Habitats Regulations. The adjacent TPO will also not be directly affected by the proposed development. The development is therefore appropriate in this regard subject to the proposed landscape buffer; measures and conditions identified above and is in accordance with the NPPF.

4. **Conclusion**

The relevant matters are set out in the report and address the key issues for consideration in respect of this development. There are no other material considerations relevant to this application. Subject to the resolution of the surface water drainage strategy and continued discussions with KCC SuDS and Southern Water, the proposed scheme is considered to be acceptable in principle and will improve lorry parking facilities for the existing business, which will have some benefit for continued lorry parking issues and concerns around the District and Dover. There are no policy considerations that would justify a reason for refusal and subject to appropriate conditions would be in accordance with the NPPF and associated policy guidance. The application is therefore recommended for a resolution to continue discussions on the proposed surface water drainage system and delegated authority to approve once this matter has been adequately addressed by Officers.

g) Recommendation

- I. Powers be given to the Head of Regeneration and Development to continue a dialogue with KCC SuDS and Southern Water to address these outstanding matters and settle any necessary planning conditions in line with the issues set out in the recommendation and as resolved by Planning Committee.
- II. PLANNING PERMISSION BE GRANTED subject to the following conditions to include:
 - 1) Standard Time
 - 2) Approved Plans list
 - 3) Details of Landscaping scheme and planting
 - 4) Development in accordance with the submitted Noise Management Plan
 - 5) Safeguarding land contamination
 - 6) Site to be used by Romac/Mattheeuws Transportation services only
 - 7) Details of HGV and car parking layout submitted for approval
 - 8) Landscaping maintenance plan submitted for approval
 - 9) Details of a solid means of boundary enclosure
 - 10) Construction Management Plan
 - 11) No external lighting or scheme submitted for approval
 - 12) No refrigerated lorries on site or a scheme for the provision of electrical hook up points to be submitted for approval.
 - 13) Surface water drainage design submitted for approval
 - 14) Details of imported materials submitted for approval
 - 15) Verification of the above imported materials
 - 16) Environmental Management Plan submitted for approval

Informatives:

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.
2. We would draw the developer's attention to the Institution of Lighting Engineers' guidance notes for the reduction of obtrusive light when considering any lighting to the site. This can be at the construction stage or during plans for the occupation of the development. I would ask the developer

to pay particular attention when considering any lighted signage at the front of the planned development.

3. The CLAIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or not excavated material arising from site during land development works and intended for re-use are waste or have ceased to be waste. Under the Code of Practice:
 - excavated materials that are recovered via a treatment operation can be re-used on-site providing they are treated to a standard such that they fit for purpose and unlikely to cause pollution
 - treated materials can be transferred between sites as part of a hub and cluster project formally agreed with the EA.
 - some naturally occurring clean material can be transferred directly between sites.

Developers should ensure that all materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on site

Without these conditions, the proposed development on this site poses an unacceptable risk to the environment and we would wish to object to the application operations are clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays. The Environment Agency recommends that developers should refer to:

- the Position statement on the Definition of Waste: Development Industry Code of Practice and;
- the Environmental regulations page on GOV.UK

Any re-use of excavated materials not undertaken formally using the CLAIRE DoWCoP would require an environmental permit for deposit, unless materials are solely aggregates from virgin sources, or from a fully compliant Quality Protocol aggregates supplier. Any deposit of materials outside of these scenarios could be subject to enforcement actions and/or landfill tax liabilities.

- III. Powers to be delegated to the Head of Regeneration and Development to settle any necessary planning conditions in line with the issues set out in the recommendation and as resolved by Planning Committee.

Case Officer

Lucinda Roach