

Application No: 20/2024/FH

Location of Site: Spicers of Hythe, Lypne Industrial Estate, Otterpool Lane, Lypne.

Development: Reconfigure the existing truck wash site to create a 24-hour truck parking facility and associated welfare building.

Applicant: Charterhouse Property Group Ltd.

Agent: DHA Planning, Eclipse House, Sittingbourne Road, Maidstone, ME14 3EN

Officer Contact: Ross McCardle

SUMMARY

This application seeks planning permission for change of use of an existing truck wash within the Lypne Industrial Estate to provide an overnight truck parking facility, including erection of an amenity block for driver welfare. The proposed development would not be a significant change in terms of the nature of the use of the site, as it already features a significant number of HGV movements accessing the site. Development here would not prejudice the long-term objectives of the Otterpool designation. There are no objections from statutory consultees and the development is considered to be acceptable in all respects. It is therefore recommended for approval.

RECOMMENDATION:

That planning permission be granted subject to the conditions set out at the end of the report and that delegated authority be given to the Chief Planning Officer to agree and finalise the wording of the conditions and add any other conditions that he considers necessary.

1. INTRODUCTION

1.1. The application is reported to Committee because Lypne Parish Council object, as set out at section 5 below.

2. SITE AND SURROUNDINGS

2.1. The application site comprises land at the Spicer's of Hythe site within the Lypne Industrial Estate; a well-established industrial estate comprising predominantly Class B8 distribution uses with some Class B1 and B2 manufacturing. The estate lies to the east of the B2067 Otterpool Lane and approximately 0.5km from Lypne village.

2.2. The application site forms approximately the southern half of the wider Spicer's site, which mainly comprises an area of hard-standing with a hand car-wash / truck wash building positioned approximately centrally thereon, a collection of storage containers in the southeast corner, an area of tree planting along the southern site boundary, and an area of grass at the front adjacent to the site access. Spicer House, a two-storey office building and distribution centre forms the northern part of the applicant's land.

2.3. The land is bordered by other industrial units to the north, south, and west, and to the east by a band of mature planting beyond which lies the former Lypne airfield, a

former military and civilian airfield now defunct and maintained as an open-meadow with various informal footpaths running through it.

- 2.4. The site lies outside of the defined built up area boundary but within an established industrial estate home to several other large-scale premises. The site is not within the Area of Outstanding Natural Beauty, Special Protection Area, Special Landscape Area, or other landscape designations; there are no Public Rights of Way nearby that would be affected; no TPOs, conservation area, or other heritage designations; and the land is not within a flood zone.



Fig.1 – application site boundary

- 2.5. To the east of the site is the former Lympne airfield, which is allocated by PPLP policy ND6 for residential development. Figure 2 below shows the allocation; parcel 1 is allocated for up to 125 dwellings, while parcel 2 is reserved for open space to serve as a buffer between those new dwellings and the industrial estate.

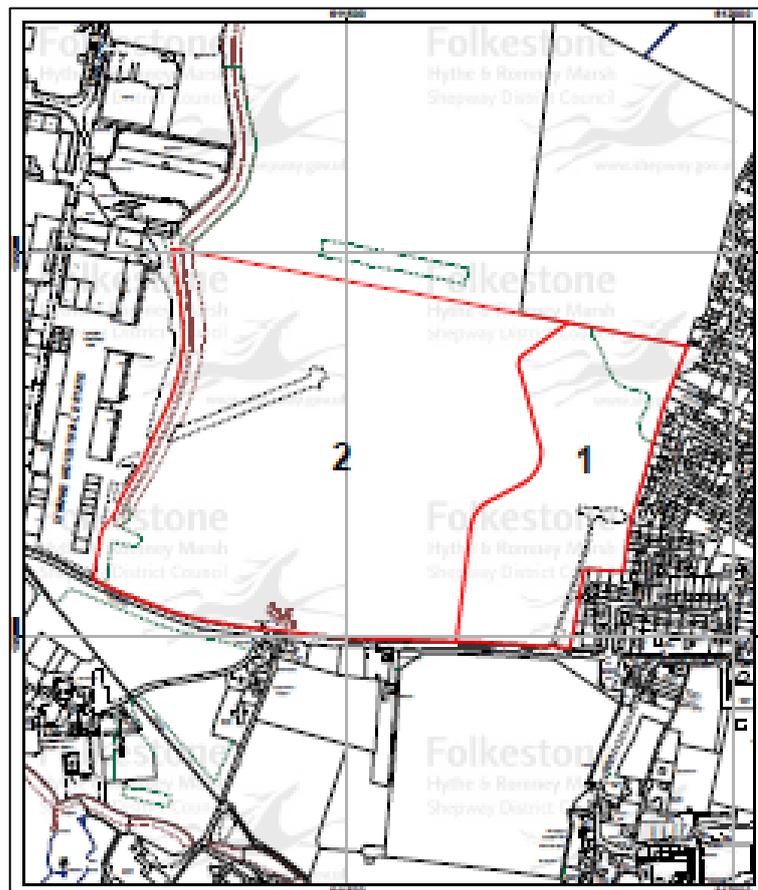


Fig.2 – PPLP policy ND6 allocation at former airfield

- 2.6. Land to the north is allocated for an expansion to the industrial estate under PPLP policy E1, referring to it as “Link Park” and with an estimated capacity of 73,175sqm of industrial (classes B1 and B2) and storage uses (class B8).

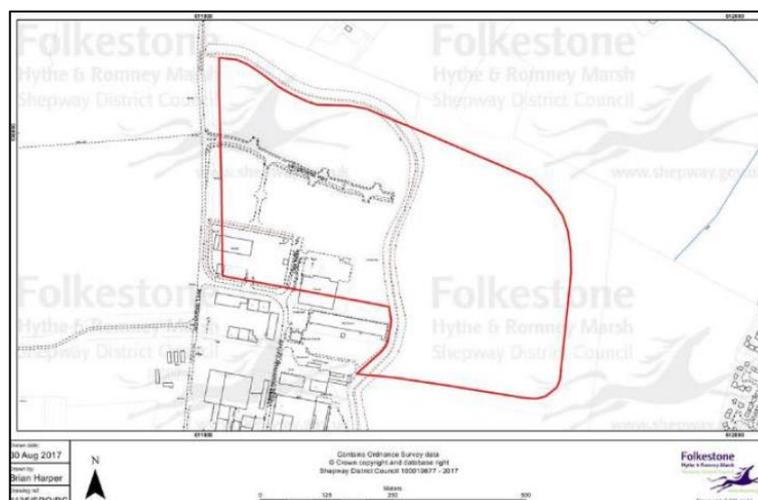


Fig.3 – PPLP policy E1 allocation

- 2.7. A site location plan is attached to this report as **Appendix 1**.

3. PROPOSAL

- 3.1 Full planning permission is sought for reconfiguration of an existing truck wash site to create a 24-hour truck parking facility, and erection of an associated welfare building.

- 3.2 The proposed layout includes 53 HGV parking spaces arranged in rows along the northern and southern site boundaries, with turning/manoeuvring space in the centre.
- 3.3 A small building would be erected to provide welfare facilities for drivers. This building would be located close to the site access in the north-west corner of the site, and would measure approximately 11.4m x 9.2m x 2.8m tall with a flat roof, facing brickwork, and light grey cladding. Internally it would provide male, female, and disabled toilet, shower, and changing facilities. A small bin store would be erected adjacent to this building.
- 3.4 Site access would be from the existing access serving the site.



Fig.4 – proposed layout

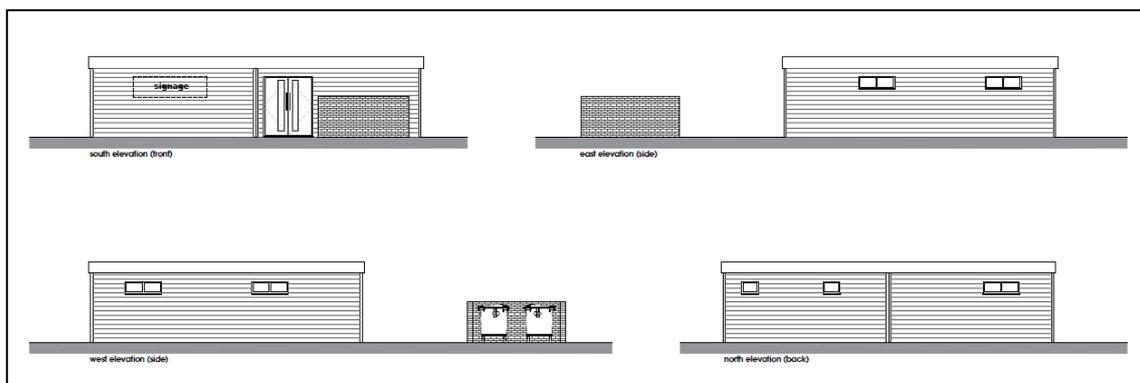


Fig.5 – amenity block elevations

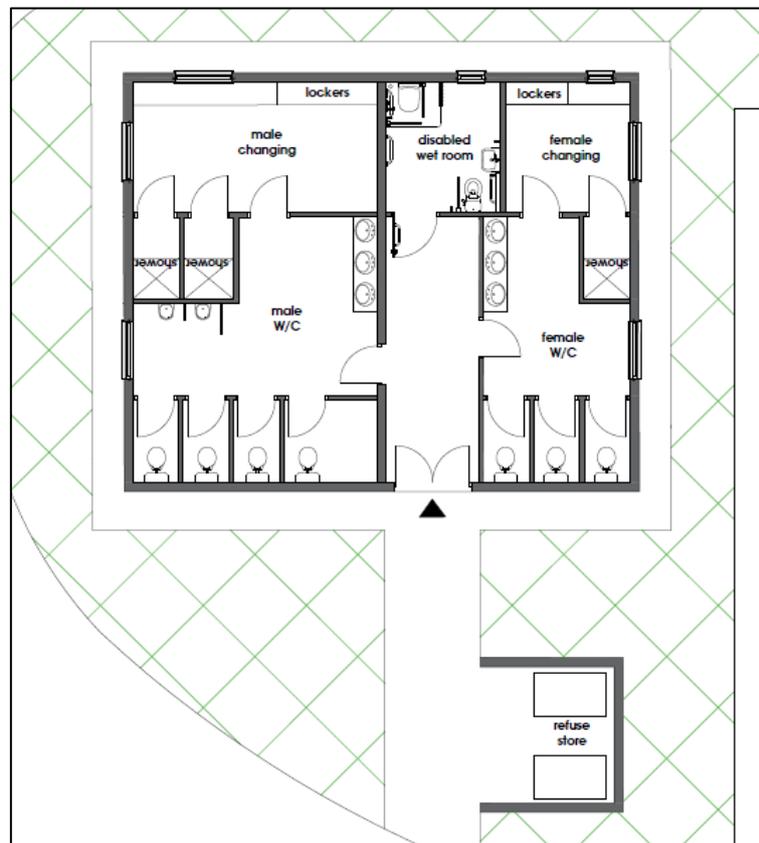


Fig.6 – amenity block floorplan



Fig.7 – proposed view

- 3.5 A planning statement, transport statement, ecological assessment, and full details of proposed layout, elevations, and lighting plan have been submitted by the applicant in support of the proposals.

Planning Statement

- 3.6 This document sets out the proposal, assess it against development plan policies and other material considerations and concludes that the development would be acceptable in principle, would not harm highway safety or visual amenity, that it would (similarly to the existing use) benefit the haulage industry, and that it is not envisaged that the proposal would cause harm to residential amenity or ecological interests.

Transport Statement

- 3.7 The summary of the transport statement is as follows:

The site currently comprises an underutilised HGV washing facility and a proportion of service bays used in conjunction with the warehouse unit to the north. A review of the relevant parking standards demonstrates that the loss of HGV bays is considered to be acceptable.

A review of Personal Injury Accident data for the local highway network has concluded that there are no apparent accident patterns that could be exacerbated by the proposed development.

Swept path analysis confirms that the internal site layout is sufficient to meet the needs of the vehicles requiring access to the site and that sufficient turning areas have been provided.

Following a review of national and local transport planning policy, the site is considered relatively sustainable with regard to its proposed use and complies to relevant policy and guidance. The site can be accessed using the strategic highway network, and will not have an impact on local amenity.

It has been demonstrated that the proposed redevelopment of the site to comprise a lorry park will result in a net increase of 61 trips across the 12-hour day, with eight additional trips in the AM peak hour and five additional trips in the PM peak hour.

It is therefore concluded that the proposed development should not result in significant detrimental impacts in transport terms and therefore there should be no sound transport-based objection to this proposal.

Ecological Assessment

- 3.8 This document concludes that there is very limited potential for protected species within the site due to its current condition. It does though recommend a suite of biodiversity enhancements, including bat boxes, native species planting, bird boxes, hibernacula and invertebrate boxes.

4. RELEVANT PLANNING HISTORY

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

Y14/0282: Erection of a Class B2 workshop building on land to the north (within the blue line). Approved

Y05/1162: Extension to existing storage area, and extension and alterations to form offices and production area. Approved

Y04/0045: Stationing of the storage containers in the southeast corner. Approved

Y03/1184: Use of existing truck wash and fuel bunkering facilities by outside operators. Approved

5. CONSULTATION RESPONSES

- 5.1 The consultation responses are summarised below.

Consultees

Lympne Parish Council: is not opposed to the principle of a truck stop here, but objects to the application for the following, summarised reasons:

- Potential for more litter (two litter bins is not considered sufficient, and at least ten bins should be provided);
- Who will manage the site and what is the cleaning regime?
- The proposed welfare block will not be able to service the number of vehicles visiting the site, and additional block should be provided at each end of the site;
- What will prevent HGVs from parking elsewhere on the estate for free?
- No overnight food provision for drivers within the estate;
- Potential for overnight noise (will vehicles be able to plug in to the electric supply, or will they need to run generators overnight?);
- Insufficient drainage.

KCC Highways and Transportation: have no objections subject to a condition requiring the parking spaces within the site to be pre-booked in order to prevent vehicles being turned away and having to park on local estate roads.

KCC Ecology: does not object but comment on the potential loss of biodiversity from removal of the trees on site, and the potential for lighting to impact local wildlife, and suggest that ecological enhancements are provided throughout the site. KCC also raise concern in regards the presence of Japanese Knotweed on site but Members should note this is not a planning consideration and is covered by other environmental legislation.

KCC Flood and Water Management: have no comments save to note this falls below their protocol response threshold.

Natural England: no comments.

Environment Agency: initially objected due to insufficient information, but further to submission of additional documents they have no objections subject to the conditions set out below.

Southern Water: notes that a formal application is required for connection to the public sewer. They also note that additional flows arising from the development may lead to an increased risk of flooding from the sewer network, but that any network reinforcement required to mitigate this will be provided by Southern Water. Southern Water also states that network reinforcement may be required to service the development, and that such works would be carried out within 24 months of planning permission being granted. SW therefore requests a condition requiring phased implementation to accord with delivery of network reinforcement.

Contamination Consultant: has no objections, but notes the potential for contamination from surface water drainage and acknowledges these issues will be considered by the EA and Southern Water.

KCC Archaeology: notes that the area is previously-developed and considers there to be little potential for any significant archaeological remains. They therefore have no comments.

Arboricultural Manager: no objections.

Local Residents Comments

- 5.2 9 neighbouring premises directly consulted. 1 letter of objection received.
- 5.3 I have read all of the letters received. The key planning issues are summarised below:

Objections

- Impact upon residents of neighbouring dwellings, not yet constructed but allocated (under policy ND6) as part of the Otterpool development;
- Increased vehicle movements would be contrary to the green travel plan agreed for a neighbouring site (approved under application ref. Y09/0145/SH);
- Increased vehicle movements would be contrary to the adopted Otterpool Masterplan, which seeks to limit HGV movements;
- Insufficient manoeuvring space on site;
- Potential parking on local roads;
- Potential for litter and pollution;
- Impact of additional HGVs on the A20.

- 5.4 Responses are available in full on the planning file on the Council's website:

<https://searchplanapps.folkestone-hythe.gov.uk/online-applications/>

6. RELEVANT PLANNING POLICY

- 6.1 The Development Plan comprises the Places and Policies Local Plan 2020 and the Core Strategy Local Plan 2013.
- 6.2 The Folkestone & Hythe District Council Core Strategy Review Submission Draft (2019) was submitted to the Secretary of State on 10 March 2020. Inspectors were appointed to examine the plan on 19th March 2020 and public hearings were held from 15th to 18th December 2020, from 5th to 12th January 2021 and from 29th June to 1st July 2021. The Inspectors wrote to the council on 1st July 2021 to state that the Core Strategy Review complies with the duty to cooperate and can be made 'sound' by amendment through main modifications. The Inspectors followed up their initial assessment by letter on 16th July 2021, stating that, subject to main modifications concerning detailed policy wording, they consider that the plan's spatial strategy and overall approach to the district's character areas and settlements is sound. The Inspectors find that the housing requirement is justified and that the Core Strategy Review will provide an adequate supply of housing over the plan period and at least a five year supply of housing land at the point of adoption. In accordance with National Planning Policy Framework (2021) paragraph 48, the policies in the Core Strategy Review should therefore be afforded significant weight, having regard to the Inspectors' outline of main modifications required.
- 6.3 The relevant development plan policies are as follows:-

Places and Policies Local Plan 2020

- ND6 (Former Lympne Airfield)
- HB1 (quality places)
- E1 (proposed employment sites)

E2 (existing employment sites)
T1 (street hierarchy)
T4 (HGV parking)
NE2 (biodiversity)
NE5 (light pollution)
NE7 (contamination)
CC1 (carbon emissions)
HE2 (archaeology)

T4 supports the provision of HGV parking and service facilities subject to a number of criteria:

- 1. The site should be accessed from the designated Strategic Road Network;*
- 2. Proposals for the mitigation of noise and air quality impacts from lorry movements and any associated commercial operations will need to be specifically addressed as part of any application;*
- 3. Substantial landscaping and screening, based on a strong landscape framework, should be provided to mitigate the visual impact of the development;*
- 4. Suitable mitigation will be required to deal with artificial lighting, to restrict the impact of the development on neighbouring residential properties or vulnerable uses in accordance with Policy NE5: Light Pollution and External Illumination;*
- 5. Adequate space for access, sight lines, turning and manoeuvring must be provided in addition to the required parking spaces. These spaces should not be used for any other purpose than parking; and*
- 6. The minimum dimensions of a lorry parking space should be 16m by 3.5m (56 sqm).*

Every effort should be made to restrict the circulation of lorries, other than for delivery purposes, on local distributor and access roads within the district, to protect the amenity of local residents.

As set out above: ND6 allocates land at Lympne Airfield for development, but the residential dwellings thereon would be at the eastern end of the site with the western end (closest to the industrial estate) reserved for open space to serve as a landscape buffer between the houses and the various activities carried out at the industrial estate.

Core Strategy Local Plan (2013)

SS1 (spatial strategy)
SS2 (housing and economy growth)
CSD3 (rural development)

Core Strategy Review Submission draft (2019)

SS1 (spatial strategy)
SS2 (housing and economy growth)
SS6 (new garden settlement – development requirements)
CSD3 (rural development)

Policy SS6 sets out the site allocation boundaries for the Otterpool development; Members will note the industrial estate is within the allocation. Crucially, however, Members should note that the allocation and policy wording do not prohibit development of existing sites within the boundaries (e.g. the industrial estate); they are long-term policies that recognise the new town may take 10, 20, or 30 years to be

fully realised and seek to guide development of the new town rather than stymie any and all other development within the area.

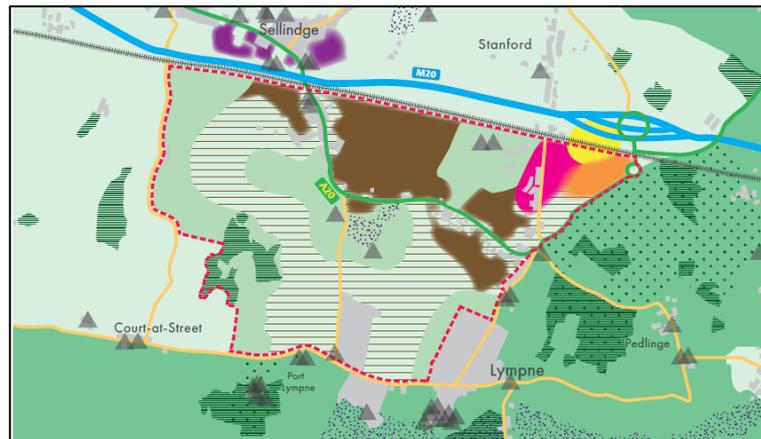


Fig.9 – Otterpool allocation site boundaries (red dash)

6.4 The following are also material considerations to the determination of this application.

Government Advice

National Planning Policy Framework (NPPF) 2021

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

Paragraph 11 - Presumption in favour of sustainable development.

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

7. APPRAISAL

7.1 In light of the above the main issues for consideration are:

- a) Principle of development and Otterpool allocation
- b) Design/layout/visual amenity
- c) Residential amenity
- d) Ecology and biodiversity
- e) Contamination and drainage
- f) Highway safety and amenity
- g) Other matters

a) Principle of development and Otterpool allocation

- 7.2 The application site lies within an existing employment allocation protected by PPLP policy E2, and proposes an HGV parking facility in accordance with PPLP policy T4. In that regard the proposed development is acceptable as a matter of principle.
- 7.3 I note the objection received in regards the potential impact of this development upon the surrounding Otterpool allocation. However, the emerging Core Strategy policies relating to the new town development do not restrict development on existing sites within the allocation boundary; to do so would potentially stymie development for several decades (as phases come forward/are released) and would be unreasonable.
- 7.4 The development is acceptable as a matter of principle.

b) Design, layout, visual amenity

- 7.5 The proposed HGV parking would not have any more significant visual impact than the current use of the site, which sees many HGVs accessing the site for truck wash facilities throughout the day. The eastern boundary of the site is well screened by existing mature landscaping (which is to be retained and enhanced) and thus public views from the former airfield are softened, screened, and minimal. Views from within the estate would be more direct, but would not be harmful within the context of the wider industrial estate.
- 7.6 The proposed amenity building and bin store are not of any particular design merit, being largely functional structures that require a degree of robustness given the nature of the use of the site. They would not be visible from outside the industrial estate, however, and I am therefore inclined to accept their design on balance. New planting along the frontage verges would help to soften their appearance.
- 7.7 The layout of the site is sensible and functional, and would allow HGVs to park and turn while maintaining some areas for soft landscaping and planting.

c) Residential amenity

- 7.8 The site is not located close to any dwellings. I note concern about potential impacts upon future housing within the Lympne Airfield allocation (PPLP policy ND6) but, as set out above, the houses would be far removed from this site and are therefore unlikely to be affected any more than from operation of the wider industrial estate.
- 7.9 The site is already a working industrial estate with regular HGV traffic to this site (to use the truck wash). In that regard vehicle movements to/from the site are not likely to cause any additional noise or disturbance as they pass by any local dwellings.
- 7.10 I am however concerned at the potential for noise and disturbance from engines/generators running, particularly overnight when it would be more noticeable against the (generally) lower background noise level. Imposing a condition requiring engines to be switched off and generators not to be used would be difficult to enforce. However – I recommend a condition is imposed requiring the submission and implementation of a management plan for the operations of the site. This would include a requirement to provide appropriate refuse disposal points, to ensure that engines and generators are not run, and to implement a pre-booking system to prevent vehicles parking elsewhere outside the site (see below).

7.11 Subject to the provision and implementation of a management plan, I consider the proposal acceptable in this regard.

d) Ecology and biodiversity

7.12 KCC Ecology do not object, but they do note that the development has potential to result in a loss of biodiversity due to the removal of an area of tree planting along the southern boundary. In response to this the applicant has agreed to new native species planting along the southern site boundary (which they are happy to be secured by condition) to maintain a commuting route for bats and foraging opportunities for other wildlife. The applicant has also agreed to plant the grass areas at the front of the site with wildflower mixes to encourage invertebrates and increase biodiversity.

7.13 KCC have also noted the potential for on-site lighting to cause disturbance to local wildlife. An amended drawing has been received showing a 1.8m close-boarded fence along the rear of the site which would help to reduce light spill, and they note that the intelligent lighting system to be installed will ensure lights are not illuminated unless specifically required – lights will be dimmed or switched off altogether unless movement is detected. Rear baffles will be installed on the lights to minimise light spill. These items can be secured by condition.

7.14 These measures are set out within the submitted Ecological Assessment, which is being reviewed by KCC; I will update Members at the meeting but understand the intention is to secure these enhancements/asures by condition.

7.15 Subject to this I consider that the development would not cause any serious or unacceptable harm to local biodiversity, ecology, or wildlife.

e) Contamination and drainage

7.16 The Environment Agency, Southern Water, and the Council's contamination consultant have no objections subject to the conditions set out below. I therefore have no concerns regarding site drainage or contamination.

f) Highway safety and amenity

7.17 The site lies within an existing industrial estate which is subject to high numbers of vehicle movements, including HGVs. In that regard the change of use would not seriously affect the nature or character of traffic to or from the site or the wider estate; HGVs have been and will continue to use local distributor roads to access the estate.

7.18 I note local objections regarding traffic but this site is not bound by any conditions attached to neighbouring developments; each application and site is considered on its own merits.

7.19 In that regard I would reiterate that KCC Highways have no concerns subject to the imposition of a condition to secure a pre-booking system to minimise the chance of vehicles arriving and being turned away due to a lack of space. As set out above, this would form part of the management plan for the site, which I recommend be required by way of a condition. This will go a long way towards preventing HGVs parking on nearby roads, which is a concern of the Parish Council and local objectors.

- 7.20 Members should note that the planning system is not responsible for preventing any and all parking on public highways, however; this would be a matter for landowners or possibly the police. What a booking system will do, however, is discourage it as far as possible within planning's remit.
- 7.21 Subject to this condition the development is not likely to have an unacceptable impact upon highway safety and amenity.

g) Other matters

- 7.22 The presence of Japanese Knotweed is noted, but this is not a material planning consideration that would result in the application being refused and I have therefore attached an informative advising the site owner of the need to comply with relevant legislation to ensure its safe removal.
- 7.23 The development is not subject to CIL.

Environmental Impact Assessment

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

Local Finance Considerations

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

Human Rights

- 7.26 In reaching a decision on a planning application the European Convention on Human Rights must be considered. The Convention Rights that are relevant are Article 8 and Article 1 of the first protocol. The proposed course of action is in accordance with domestic law. As the rights in these two articles are qualified, the Council needs to balance the rights of the individual against the interests of society and must be satisfied that any interference with an individual's rights is no more than necessary. Having regard to the previous paragraphs of this report, it is not considered that there is any infringement of the relevant Convention rights.

Public Sector Equality Duty

- 7.27 In determining this application, regard has been had to the Public Sector Equality Duty (PSED) as set down in section 149 of the Equality Act 2010, in particular with regard to the need to:
- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;

- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it. It is considered that the application proposals would not undermine objectives of the Duty.

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

Working with the applicant

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

8. CONCLUSION

8.1 This application seeks planning permission for change of use of a truck wash to provide a 24 hour overnight truck parking facility, including erection of an amenity (showers, WCs) block, bin store, and the installation of lighting columns. The development would not give rise to any harms over and above those associated with the existing operational industrial estate; it would not prejudice delivery of the wider Otterpool allocation; and there are no objections from statutory consultees subject to the conditions set out below.

8.2 Taking the above into account, and subject to further comments/conditions from KCC Ecology, I recommend that planning permission should be granted.

9. BACKGROUND DOCUMENTS

9.1 The consultation responses set out at Section 5.0 are background documents for the purposes of the Local Government Act 1972 (as amended).

10. RECOMMENDATIONS

That planning permission be granted subject to further comments/conditions from KCC Ecology and the following conditions and that delegated authority be given to the Chief Planning Officer to agree and finalise the wording of the conditions and add any other conditions that he considers necessary.

Conditions:

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

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

2. No development shall take place other than in accordance with drawings 4159/p01, 4159/sk10a, sk11, sk12, and sk13, and the details set out within the submitted ecological assessment, transport statement, and lighting assessment.

Reason: For the avoidance of doubt.

3. No development shall take place until a detailed foul and surface water drainage strategy has been submitted to and approved in writing by the Local Planning Authority. Only clean uncontaminated water should drain to the surface water system. Roof drainage shall drain directly to the surface water system (entering after the pollution prevention measures). Appropriate pollution control methods (such as trapped gullies and interceptors) should be used for drainage from access roads and car parking areas to prevent hydrocarbons from entering the surface water system. There should be no discharge into land impacted by contamination or land previously identified as being contaminated. There should be no discharge to made ground. There must be no direct discharge to groundwater, a controlled water. On approval the development shall be carried out in accordance with the agreed details.

Reason: To ensure the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by unacceptable levels of water pollution.

4. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: To ensure the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by unacceptable levels of pollution from previously unidentified sources.

5. Prior to first use of the site hereby permitted the parking bays shall be marked out in accordance with the details shown on the approved drawings.

Reason: In the interest of highway safety and amenity.

6. No more than 53 lorries / HGVs shall be parked within the site at one time.

Reason: In order to ensure adequate room for manoeuvring of vehicles in the interest of highway safety and amenity.

7. The use hereby approved shall not commence until full details of a management plan for the operation of the site has been submitted to and approved in writing by the Local Planning Authority. The plan shall include, amongst other things, details of a pre-booking system for the use of the site, measures to ensure vehicle engines and generators are switched off and details of refuse disposal points.

Reason: In the interests of residential amenity, the character and appearance of the area, and highway safety and amenity.

Informatives:

1. The site owner is advised that Japanese Knotweed is known to be on site. Japanese Knotweed is classed as a controlled/special waste and needs to be disposed of in accordance with the Environmental Protection Act 1990 and the Environmental Protection Act Duty of Care Regulations 1991.
2. Phasing of the development should be timed to accord with any necessary sewerage network improvements, which should be determined by the applicant in collaboration with Southern Water. (The applicant is therefore advised to contact Southern Water to discuss this matter: southernwaterplanning@southernwater.co.uk or 0330 303 0119.)

Appendix 1 – Site Location Plan