

PLANNING COMMITTEE – 5 JUNE 2023**PART 2**

Report of the Head of Planning

PART 2Applications for which **PERMISSION** is recommended

2.1 REFERENCE NO - 22/505990/FULL		
APPLICATION PROPOSAL Temporary change of use of land for the provision of a marshalling compound for commercial vehicles, including a welfare cabin and creation of vehicular accesses and 40 staff car parking spaces, for use in conjunction with the regulation of construction traffic accessing Cleve Hill Solar Park.		
ADDRESS Land Between the A299 Staple Street Road And Whitstable Road Graveney Kent ME13 9HT		
RECOMMENDATION Approve		
REASON FOR REFERRAL TO COMMITTEE Parish Council objection (Hernhill Parish Council).		
WARD Boughton And Courtenay	PARISH/TOWN COUNCIL Graveney With Goodnestone	APPLICANT Mr David Fisher AGENT Hobbs Parker Property Consultants
DECISION DUE DATE 03/03/23	PUBLICITY EXPIRY DATE 24/05/23	CASE OFFICER Claire Attaway

Relevant Planning History**22/503259/SUB**

Submission of Details to Discharge Requirement 12 of The Cleve Hill Solar Park Order 2020 - Construction Traffic Management Plan
Approved

The Construction Traffic Management Plan (CTMP) approved in September 2022 (22/503259/SUB) sets out what measures will be put in place to minimise the impact of construction traffic on the local highway network during the course of the works. The agreed route to the construction site for construction traffic is from the A299 Whitstable Road/Staple Street Road junction, and subsequently via Head Hill Road, Seasalter Road and Cleve Hill and into the site. This allows for up to 40 deliveries a day to the site between the core working hours of 7am and 7pm, Monday to Friday and 7am until 1pm on Saturdays. A booking system (Delivery Management System) will be used to spread deliveries to the site across the day and to ensure construction vehicles do not meet along the agreed route. Laybys along the A2 and A299 will be used by inbound HGVs if they are likely to miss their proposed delivery slots.

18/506556/NSIP Development Consent Order – Cleve Hill Solar Park

The Council were not the decision makers in respect of this Development Consent Order but objected to the scheme. The Development Consent Order was issued by the Secretary of State for Business, Energy, and Industrial Strategy on 28th May 2020.

Cleve Hill Solar Park (CHSP), situated close to the village of Graveney, is a Nationally Significant Infrastructure Project. The pre-commencement conditions have all been

discharged and construction work has started. A Traffic Management Group has been set up, which is attended by the applicants, the Council, Graveney and Goodnestone Parish Council, and Graveney Primary School, who meet on a regular basis to discuss issues that arise during the construction works.

1. DESCRIPTION OF SITE

- 1.1 The application site measures approx. 0.75 hectares in area and forms part of an agricultural field of approx. 1.4 hectares, which is classed as Grade 1 agricultural land. It is located within the countryside. The site is roughly a triangular parcel of farmland that is surrounded on all three sides by Staple Street Road, Whitstable Road, and the A299 Thanet Way. The site is bordered by tall mature trees.
- 1.2 The levels across the site are relatively flat with the only notable change to this is the embankment at the southern end of the site where Staple Street Road rises to the bridge over the A299.
- 1.3 The conservation area at Goodnestone is located 385m to the north of the site and the Grade II listed building at Fairbrook Cottage is approx. 500m to the east on the opposite side of the A299. Homestall Farm is situated to the west of the Staplestreet Road overbridge and comprises of a Grade II listed farmhouse and barn.
- 1.4 To the west of the site is the Thanet Way (A299) with a variety of uses including residential and commercial being located on the opposite side. The nearest dwelling known as Yaldings, is situated approx. 65m away to the north of the site.

2. PROPOSAL

- 2.1 This application seeks temporary planning permission to change the use of the land to create a marshalling compound to be used during the construction of the Cleve Hill Solar Park (CHSP) for a period of up to 5 years. It will consist of 12 HGV bays to manage the traffic movements of construction traffic along Head Hill Road and Seasalter Road. It will also include 40 spaces for staff parking. The compound will utilise both an existing access off Staplestreet Road with a new access point also proposed, further along this section of the highway. A self-contained welfare cabin is also included which will be placed on the hardstanding and will include the provision of ten solar panels to the roof. Gas and effluent storage will also be provided. Low level lighting around the welfare unit and parking is proposed. The perimeter of the marshalling compound will be secured using Heras style site fencing.
- 2.2 The marshalling compound will operate Monday to Saturday where HGVs accessing the site would check-in and check-out to ensure deliveries are managed, tracked, and recorded. Staff who park in the holding area would be transported to the construction site via a minibus.

3. PLANNING CONSTRAINTS

- 3.1 BMV Agricultural Land - Grade 1
- 3.2 Designated countryside

4. POLICY AND CONSIDERATIONS

- 4.1 **Bearing Fruits 2031: The Swale Borough Local Plan 2017 policies:**

ST1 (Delivering sustainable development in Swale)
ST3 (The Swale settlement strategy)
ST7 (The Faversham area and Kent Downs strategy)
CP1 (Building a strong, competitive economy)
CP2 (Promoting sustainable transport)
CP8 (Conserving and enhancing the historic environment)
DM3 (The rural economy)
DM6 (Managing transport demand and impact)
DM7 (Vehicle parking)
DM14 (General development criteria)
DM20 (Renewable and low carbon energy)
DM24 (Conserving and enhancing valued landscapes)
DM28 (Biodiversity and geological conservation)
DM29 (Woodlands, trees and hedges)
DM31 (Agricultural land)
DM32 (Development involving listed buildings)
DM33 (Development affecting a conservation area).

4.2 Supplementary Planning Document (SPD):

'Parking Standards May 2020' and 'The Swale Borough Council Landscape Character and Biodiversity Appraisal.

5. LOCAL REPRESENTATIONS

5.1 **Graveney and Goodnestone Parish Council** support the need for a holding area during the development of the CHSP. Since submission, they have clarified that they do not object, but make the following observations:

- It is disappointing that we did not receive notification of this application
- It is important that we are not left with an area which could be used for future vehicle/lorry parking space once CHSP have departed and would like to see this as a condition
- We want reassurance that the membrane covering the working area etc. would not be buried at CHSP site, and that the land will be restored to agricultural use once its use is no longer required
- Access is a major concern on an already busy road, and we feel work needs to be done at this junction and the staggered crossroads adjacent to the site
- Any excess light pollution should be minimised by the use of directional lamps
- The marshalling system needs to encompass the Whitstable Road/Head Hill Road junction, although they are planning to avoid HGV movements at peak times under the Construction Traffic Management Plan
- Loss of tree line/hedgerow – sight lines would not be particularly good and effective marshalling would be of paramount importance - Ideally the holding area should have been located further along Whitstable Road
- We would like reassurances that unauthorised stalls will not be allowed as this adds to the risks at this junction

- In summary, although the holding area is something we have been striving to secure, the location is far from ideal but if consent is granted, conditions will be needed to ensure the road safety aspects, lighting and landscaping issues are correctly regulated.

5.2 **Hernhill Parish Council** (adjacent Parish Council) initially responded to say they object for the following reasons summarised below:

- Loss of established trees and hedgerow
- Inadequate ecological survey
- Considerable highway safety issues and poor access
- Lack of an adequate restitution plan
- If consent is granted, then enforceable conditions should be added for highway safety, site restitution and to enhance future biodiversity value

Following the receipt of additional information, Hernhill Parish Council were re-consulted and raised the following additional concern: -

- The compound is not large enough to enable a full turning circle resulting in lorries having to reverse in/out of the compound which will lead to additional traffic delays.

5.3 Consultation letters were sent to neighbouring properties and a site notice was displayed. Three local objections have been received, raising the following objections: -

- Highway safety – the entrance to this site is on a semi-circle road making it difficult to see stationary traffic. With lorries turning here and entering/leaving the site, this will cause a hazard to vehicles using the highway.
- The dangerous implications of heavier traffic joining/leaving the A299 in search of this site and the scarily short deceleration lane.
- The impact on wildlife – we frequently see rabbits and many varieties of birds using that land.
- Safety of pedestrians – it is already dangerous so the pavement along Whitstable Road should be extended to provide safe passage for pedestrians.
- Loss of trees – how these will be replaced and with which species?
- Litter does not seem to have been thought of and the dust management plan is unlikely to be monitored.
- Light pollution from any lights onsite or lights of the lorries/cars themselves.
- Pollution of the vehicles adding to the local area.
- Noise pollution from increased traffic to/from the site passing along the perimeter of our property and engaging in unavoidable idling whilst on site.
- Groundwater runoff from all of the vehicles polluting the land and water table.

- Restoration of farmland – how will this land be restored once it is no longer needed and how soon after will it be restored back to its original state?
- Loss of view – the proposed development land is elevated from our property so adding onto this elevation at least 12 tall HGVs, a large portacabin and up to 40 cars will result in significant intrusion to our property.
- If approved, request that adequate provision is made to protect us from noise and light pollution by way of extension of acoustic fencing along the perimeter of Whitstable Road and suitable angling of lighting.
- One assumes that the farmland is going to be ‘tarmaced’ to install this parking and 24/7 containers as cabins.
- The site has a narrow entrance within meters of the crossroads, which is less than the length of a HGV – surely this distance is too short.

5.4 The Headteacher at Graveney Primary School supports the proposal, commenting as follows:

The school has agreed a traffic mitigation plan with Cleve Hill Solar Park and to minimise disruption during the build process. The measures in place include; a 20-mph limit on works HGV vehicles past the school, and a complete ban on works HGV vehicles during drop off and pick up times. The school attends regular meetings with the Traffic Management Group and feels they have already ensured that complaints and concerns are being dealt with thoroughly and promptly.

Whilst at present the convoys of HGV vehicles are all being escorted through the village this is not a model solution, the Thanet Way layby where these vehicles are currently being held and released as a convoy is not ideal and means we have several lorries all travelling past the school together.

The Traffic Marshalling Compound will provide a much safer holding area and ensure that all heavy good vehicles are accurately tracked when passing through the village of Graveney. Following our discussions within the Traffic Management Group, I feel very confident that the proposed site at the end of Head Hill Road will ensure that vehicles are managed well and keep the safety of the pupils within school as well as all road users in using this route as safe as possible.

6. CONSULTATIONS

- 6.1 **KCC Ecology:** - no objection following the receipt of further information subject to conditions relating to the submission of a Construction Environmental Management Plan (CEMP); details of additional planting to be carried out during restoration of the site, and that a lighting scheme is submitted for approval to ensure the light spill on retained habitats are minimal.
- 6.2 **KCC Highways and Transportation:** - no objection subject to the use of temporary traffic management on Staple Street Road (traffic marshals will use stop and go boards) alongside a temporary speed reduction for the duration of the construction work.
- 6.3 **Natural England:** -no objection.
- 6.4 **The Environment Agency:** -responded to say they had no comments as it falls outside their remit.

- 6.5 **The Council's Rural Consultant:** - no objection subject to conditions relating to the submission of a soil handling plan and a pre-construction soil resource report to be submitted to ensure the site is returned to pre-construction conditions.
- 6.6 **The Council's Environmental Protection Team:** - no objection subject to a condition requiring the development to be carried out in accordance with the Dust Management Plan. They also note the site itself may potentially adversely affect residential amenity without the provision of any mitigation measures. Therefore, they recommend that lighting details are submitted for approval before being installed. With regards to the hours of operation, they considered that an 8am start (with non-operational hour prior to this) would be acceptable on Saturdays, and an end time of 6.30pm (with non-operational hour after this) for weekday evenings. They also recommend that battery packs are used as a means of power supply for the first non-operational hour on any day (along with an acoustic barrier to any static noise source).
- 6.7 **The Council's Conservation Officer:** - no objection
- 6.8 **The Council's Tree Officer:** - no objection, subject to conditions requiring the replanting of native trees/shrubs to replace those lost in creating the new access and additional planting around the boundary of the site.

7. BACKGROUND PAPERS AND PLANS

- 7.1 The application has been supported by the following drawings and documents:

Base Pad Plan; Bearer Positions; Effluent Tank; Elevations; Floorplans; Internal Views; Site Layout; Proposed Solar Panel Position; General Arrangement; Planning Statement; Preliminary Ecological Appraisal; Technical Note; Traffic Management and Swept Paths; Proposed Access Vegetation Impact; Dust Management Plan; Decommissioning and Restoration Plan; Site Location Plan.

8. APPRAISAL

The main points of consideration as part of this application are: -

- Protecting best and most versatile agricultural land
- Highway safety
- Living conditions of neighbouring property

Location of development

- 8.1 The application site is located within the designated countryside where Policy ST3 of the Local Plan sets out that:

“At locations in the open countryside, outside the built-up area boundaries shown on the Proposals Map, development will not be permitted, unless supported by national planning policy and able to demonstrate that it would contribute to protecting and, where appropriate, enhancing the intrinsic value, landscape setting, tranquillity and beauty of the countryside, its buildings and the vitality of rural communities.”

- 8.2 The NPPF at paragraph 174 states that “...decisions should contribute to and enhance the natural and local environment by

- a) *protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);*
- b) *recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;*

8.3 In this case, as the proposal seeks to mitigate the transport impacts of the construction of the consented CHSP, such considerations need to be carefully balanced against the benefits the proposal will bring to those living along the route to the construction site and to other users of the local highway network.

Loss of Best and Most Versatile agricultural Land

8.4 Policy DM31 of the Local Plan sets out that development on best and most versatile (BMV) agricultural land (which this site is) will not be permitted unless (1) it is allocated for development; or (2) there is no alternative site on land of a lower grade than 3a or that use of land of a lower grade would significantly and demonstrably work against the achievement of sustainable development; and (3) the development will not result in the remainder of the agricultural holding becoming not viable or lead to likely accumulated and significant losses of high quality agricultural land.

8.5 The site is not allocated for any form of development and therefore falls to be assessed under criteria 2 and 3. The supporting letter states that the applicant took a site search process in late 2022 to identify the application site. Local land agents were engaged (Hobbs Parker) to maximise the success of finding land parcels or existing transport facilities that met the project requirements. To ensure the best management of the construction traffic, the marshalling compound needed to be located in close proximity to the CHSP site and on the construction traffic delivery route. This required the site to be situated between the A299 junction with Whitstable Road and the point where Head Hill Road enters into the southern end of Goodnestone village. This approx. 500m stretch of road therefore defines the appropriate search for the site which is a reasonable approach. All the farmland within the site search appeared to be Grade 1 but this site is the least agriculturally effective parcel of those assessed due to its constrained form following the construction of the surrounding road. A shortlist of three parcels of land were considered. However, this site was found to be the best balance of impacts and benefits in respect of the project requirements. Due to the relatively constrained nature of the potential site location (i.e., it is required to be located between the main highway routes and the CHSP) and that the entirety of the search area is made up of BMV agricultural land it is considered that criteria 2 has been satisfied.

8.6 In respect of criteria 3, as the parcel of land is effectively an 'island', due to the surrounding highway network this would not lead to a significant loss of high quality agricultural land. Furthermore, the Council's Rural Consultant is satisfied that the implementation of the DDRP will ensure the land can be reinstated to its current agricultural use once the marshalling compound is no longer required. The applicant has agreed to the imposition of a pre-commencement condition requiring a soil resource report and soil handling plan to be submitted before construction works commence. Members will note condition (3) below.

- 8.7 It is important to note that the proposal will not increase the maximum number of HGV movements permitted. This limit is set at 40 HGVs per day (80 two-way movements). The marshalling compound is conveniently and purposely located upon the route used by construction traffic and will intercept construction vehicles as soon as they leave the Strategic Road Network.
- 8.8 On the basis of the above, there is no other obvious alternative site which would be both on agricultural land lower than Grade 1-3a and perform better in wider sustainability terms. Neither will it impact on the viability of farming activities here or result in significant loss of high quality agricultural land. The proposal can therefore be said to satisfy parts 2 and 3 of Policy DM31.

Highway Safety

- 8.9 The proposal will mitigate the need to hold HGV's in laybys on the A2/M2/A299 whilst waiting for the go ahead for their delivery time and will result in no additional traffic generation. KCC Highways are satisfied that the proposal will reduce the likelihood of construction vehicles meeting on other sections of the prescribed road.
- 8.10 The site itself will utilise both an existing access point and proposes a new access further along Staplestreet Road. Some concerns have been raised in relation to the turning space available within the site for HGV's, however, as set out in the applicant's Technical Note the bays and turning areas have been designed in accordance with the document 'Designing for Deliveries' (2016). KCC Highways have raised no objection to either the access points, the traffic management proposals or the ability to turn within the site and as such it is considered that matters related to highway safety and convenience have been satisfactorily addressed.
- 8.11 With regards to the provision of EV charging points, this is normally a requirement for businesses where they have permanent staff which helps promote electric car purchases as the facility is in place. Given the temporary nature of the site it is considered that this condition would not be reasonable. However, details of a cycle storage unit have been secured by condition to encourage the use of more sustainable transport means.

Character and appearance of landscape

- 8.12 The site is situated some distance away from any designated heritage asset. The Conservation Officer is satisfied that due to the limited built form of development and the intervening tree cover, there would be no harm to the setting of the designated heritage assets.
- 8.13 The site is not subject to any landscape designations, despite this, policy DM24 of the Local Plan sets out that *"Non-designated landscapes will be protected and enhanced and planning permission will be granted subject to:*
1. *the minimisation and mitigation of adverse landscape impacts; and*
 2. *when significant adverse impacts remain, that the social and or economic benefits of the proposal significantly and demonstrably outweigh the harm to the landscape character and value of the area."*
- 8.14 In addition to the above, the site falls within the 'Faversham and Ospringe Fruit Belt', as defined by the Swale Landscape Character and Biodiversity Appraisal (adopted

September 2011). The guidelines for these areas are to 'conserve and reinforce' with guidance given, amongst other matters to conserve the rectilinear landscape pattern.

- 8.15 As the use is proposed for a temporary period, it will not lead to any permanent impact on the character and appearance of the countryside at this location. Any temporary visual harm will be limited to the provision of the relocatable welfare cabin, the temporary surfacing and the lorry and staff car parking taking place within the already fenced area for the duration of the construction works. However, this will be significantly outweighed by the benefits of effectively managing the construction traffic along the prescribed route as identified above.

Ecology

- 8.16 The applicant has submitted a Preliminary Ecological Appraisal to accompany this application. It concludes that a Construction Ecological Management Plan (CEMP) will reduce impact of construction activities on ecological features, that site clearance works during the bird season should be avoided unless checked by a suitably qualified ecologist and that any lighting is low level and avoids the use of high-intensity security lighting.
- 8.17 KCC Ecology notes the site is an actively managed arable field, and the area of greatest ecological interest is the woodland buffer along the western boundary of the site. In order to facilitate the new access, the extent of vegetation to be removed to create the new access is considered acceptable. The CEMP recommends a precautionary mitigation approach is implemented during any vegetation clearance and construction works, and also includes the reinstatement of the existing vegetation following the completion of the construction of CHSP, which can be secured by condition.

Living conditions

- 8.18 The site is located approx. 65m from the nearest dwelling therefore any impact upon the neighbouring dwellings in terms of loss of light, outlook, privacy, and any overbearing impacts is considered to be acceptable.
- 8.19 Some concern has been raised by Environmental Health in relation to noise and disturbance. The applicant proposes hours of operation between 7am and 7pm Monday to Friday, and 7am to 1pm on Saturdays, this allows for non-operating hours one hour before and up to one hour after opening hours for start-up and close down activities. Notwithstanding this it is recommended that a condition be imposed that allows for a slightly earlier closing time of 6.30pm on weekday evenings and a later start time of 8am on Saturdays to avoid any significant impact upon the living conditions of adjoining properties.
- 8.20 Directional lighting is likely to be required at the welfare unit, with low level lighting fitted on fencing to facilitate safe access between parking areas and the welfare unit. The applicant suggests this can be controlled with timers or dusk-dawn sensors to suit working hours and reduce the potential for light pollution. A condition requiring the submission of a lighting plan has been imposed to ensure that any lighting is not harmful to the impact upon the living conditions of neighbouring occupier.

Air Quality

- 8.21 The proposed site is not located in or within close proximity to an Air Quality Management Area. The proposed use will not create additional vehicle trips that are not

already taking place in light of the CHSP consent order. Moreover, the proposal will help to reduce congestion and thereby assist in reducing air pollution caused by traffic congestion.

- 8.22 The Council's Environment Protection Team are satisfied that the measures to be taken to control dust during the construction and operation of the holding area are acceptable.

Drainage and Flood Risk

- 8.23 The site is not located within a high flood risk area. The temporary hard surfacing for the vehicle parking area is to be permeable. The welfare unit will be a relocatable facility and will include a self-contained foul water drainage tank.

Other matters

- 8.24 Graveney and Goodnestone Parish Council raise concern that unauthorised stalls could appear at this junction, but this is not a matter that is material to the consideration of this application.

9. CONCLUSION

- 9.1 The site falls outside of any defined settlement boundary under policy ST3 of the Local Plan and in the countryside where there is a general presumption against development unless supported by the NPPF. The temporary use of the land as a marshalling compound will further mitigate the impact of construction traffic on the local community during the construction of the CHSP which is considered to give rise to benefits in this regard. Although Grade 1 BMV land is a finite resource and policies at both local and national level seek to protect it, it is believed that the applicant has sufficiently demonstrated that in the circumstances there is no other site available on land which is not BMV agricultural land. In addition, the land will be reinstated to its current agricultural use once the marshalling compound is no longer needed.

- 9.2 The objections that have been received have been carefully considered. However, based upon the views of consultees and the appraisal of the application as set out above, it is believed that subject to the imposition of the conditions below, the proposal would provide benefits whilst not giving rise to unacceptable harm in regard to living conditions, the character and appearance and highway safety. Taking this into account, it is recommended that planning permission be granted for the proposal.

- 10. RECOMMENDATION - GRANT** Subject to the following conditions:

CONDITIONS

- (1) The use of the land as a marshalling compound hereby permitted shall cease no later than five years beginning with the date on which the permission is granted.

Reason: In order to reflect the temporary nature of the application.

- (2) The development hereby permitted shall be carried out in accordance with the following approved plans:

CHSP Marshalling Compound Site Location Plan J100055/02

Tab 1 of 7 Floor Plan RSF_WE3209N01A Rev A

Tab 2 of 7 Elevations RSF_WE3209N01A Rev A

Tab 3 of 7 Base Pad Plan RSF_WE3209N01A Rev A

Tab 4 of 7 Bearer Positions RSF_WE3209N01A Rev A
Tab 5 of 7 Proposed Solar Panel Positions WE3209N01A Rev A
Tab 6 of 7 Internal Views RSF_WE3209N01A Rev A
Tab 7 of 7 Effluent Tank RSF_WE3209N01A Rev A

Proposed Holding Area Traffic Management & Swept Paths
81134-CUR-00-XX-DR-TP-75003 Rev P04

Proposed Holding Area General Arrangement 81134-CUR-00-XX-DR-TP-75004 Rev P05

Proposed Access Vegetation Impact 81134-CUR-00-XX-DR-TP-75005 Rev P01

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

(3) Prior to any work commencing on the site, the following shall be submitted to the Local Planning Authority:

- i) A photographic record of pre-development condition of the site
- ii) A preconstruction soil resource report including contamination testing to establish base levels

In addition, prior to any work commencing on the formation of a new secondary access from the public highway, a soil handling plan for the access area where excavations are to take place shall be submitted and approved in writing by the Local Planning Authority.

Reason: To ensure that the land is restored and reinstated to its preconstruction use and condition.

(4) No soil excavations shall be undertaken on the site other than for the limited area around the new access as shown on drawing No. 81134-CUR-00-XX-DR-TP-75005 Rev P01.

Reason: To ensure that the development complies with the approved details in the interests of protection of the soil.

(5) Within six months of either the cessation of the use or the date of which this temporary permission expires (whichever is the earlier) a soil resource report shall be submitted (which shall include details of any remedial works required), to demonstrate that the land has been restored to its pre-construction condition.

Reason: To ensure that the land is restored to its pre-construction condition.

(6) The development hereby approved shall be carried out in accordance with the details set out in the Draft Decommissioning and Restoration Plan by Envams dated March 2023.

Reason: In order to protect agricultural land.

(7) The area shown on drawing No. 81134-CUR-00-XX-DR-TP-75004 P05 as staff parking spaces shall be provided before the use is commenced, and this area shall be retained for such use at all times and no permanent development, whether permitted by The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking or re-enacting that Order) or not, shall be carried out on the land so shown or in such a position as to preclude vehicular access thereto; such land and access thereto shall be provided prior to the hereby permitted.

Reason: Development without adequate provision for the parking or turning of cars is likely to lead to car parking inconvenient to other road users, and a risk to highway safety.

- (8) The use of the site as a temporary marshalling compound shall be restricted to the operational hours of 7am to 6.30pm on weekdays and 8am to 1pm on Saturdays and shall not take place at any time on Sundays or Bank Holidays.

Reason: In the interests of the amenities of the area.

- (9) The use of the site as a temporary marshalling compound shall be restricted to the non-operational hours of 6am to 7am and 6.30pm to 7.30pm on weekdays; 7am to 8am and 1pm to 2pm on Saturdays; and shall not take place at any time on Sundays or Bank Holidays.

Reason: In the interests of the amenities of the area

- (10) Any static noise source within the marshalling compound (e.g., a generator) shall be provided with an acoustic barrier in accordance with details that shall have first been submitted and approved in writing by the Local Planning Authority.

Reason: In the interests of the amenities of the area.

- (11) Battery packs will be used as means of power supply during the non-operational hour of 6am to 7am on weekdays, and 7am to 8am on Saturdays.

Reason: In the interests of the amenities of the area.

- (12) The development shall be carried out in accordance with the Dust Management Plan by Envams dated February 2023, including the provision of wheel washing facilities for the duration of the construction of the marshalling compound.

Reason: In the interests of the amenities of the area.

- (13) The development hereby approved shall be operated in accordance with the details contained within the Technical Note (provided by Curtins, dated 21st December 2021) in respect of traffic management arrangements.

Reason: In the interest of highway safety.

- (14) Prior to the use of the site commencing, the temporary marshalling compound shall be provided with secure cycle parking facilities in accordance with details which shall have first been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the provision and retention of adequate off-street parking facilities for cycles in the interests of sustainable development and promoting cycle visits.

- (15) No external lighting shall be installed until a detailed scheme of lighting has been submitted to and approved in writing by the Local Planning Authority. This scheme shall take note of and refer to the Institute of ILP Guidance Note 01/21 The Reduction of Obtrusive Light (and any subsequent revisions) and shall include a layout plan with beam orientation and a schedule of light equipment proposed (luminaire type; mounting height; aiming angles and luminaire profiles) and an ISO lux plan showing light spill. Any lighting installed shall be directional to ensure that the light spill onto retained habitats are minimal. The scheme of lighting shall be installed, maintained, and operated in accordance with the approved scheme.

Reason: In the interests of visual amenity and the residential amenities of occupiers of nearby dwellings.

- (16) Any vegetation clearance and construction works carried out during the development shall be implemented in accordance with the Construction Ecological Management Plan (CEMP) included within Appendix I of the Preliminary Ecological Appraisal by Biodiverse Consulting dated 20 December 2022.

Reason: In the interests of conserving protected species.

- (17) Within six months of either the cessation of the use or the date of which this temporary permission expires (whichever is the earlier), landscaping details for the reinstatement of the area of vegetation removal at the new site access, together with the compensatory planting (which shall be native species and of a type that will enhance or encourage local biodiversity and wildlife) within the site amounting to a 100% increase relative to the area removed, and an implementation programme shall be submitted to and approved in writing by the Local Planning Authority.

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

- (18) All landscape works shall be carried out in accordance with the approved details. The works shall be carried out in accordance with the programme agreed in writing with the Local Planning Authority.

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

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

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

INFORMATIVES

- (1) The applicant is advised that any lighting within the site should only be operational when people are working on site. If security lighting is required, it is recommended that it is on motion sensors to ensure that it is only switched on when it is needed.
- (2) It is important to note that planning permission does not convey any approval to carry out works on or affecting the public highway.

Any changes to or affecting the public highway in Kent require the formal agreement of the Highway Authority, Kent County Council (KCC), and it should not be assumed that this will be a given because planning permission has been granted. For this reason, anyone considering works which may affect the public highway, including any highway-owned street furniture, is advised to engage with KCC Highways and Transportation at an early stage in the design process.

Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the public highway. Some of this highway land is owned by Kent County Council whilst some is owned by third party owners. Irrespective of the ownership, this land may have highway rights over the

topsoil.

Works on private land may also affect the public highway. These include works to cellars, to retaining walls which support the highway or land above the highway, and to balconies, signs or other structures which project over the highway. Such works also require the approval of the Highway Authority.

Kent County Council has now introduced a formal technical approval process for new or altered highway assets, with the aim of improving future maintainability. This process applies to all development works affecting the public highway other than applications for vehicle crossings, which are covered by a separate approval process.

Should the development be approved by the Planning Authority, it is the responsibility of the applicant to ensure, before the development is commenced, that all necessary highway approvals and consents have been obtained and that the limits of the highway boundary have been clearly established, since failure to do so may result in enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under the relevant legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

Guidance for applicants, including information about how to clarify the highway boundary and links to application forms for vehicular crossings and other highway matters, may be found on Kent County Council's website:

<https://www.kent.gov.uk/roads-and-travel/highway-permits-and-licences/highways-permissions-and-technical-guidance>

Alternatively, KCC Highways and Transportation may be contacted by telephone: 03000 418181

The Council's approach to the application

In accordance with paragraph 38 of the National Planning Policy Framework (NPPF), July 2018 the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and creative way by offering a pre-application advice service, where possible, suggesting solutions to secure a successful outcome and as appropriate, updating applicants / agents of any issues that may arise in the processing of their application.

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

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

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

