

Application Number	16/00562/AS	
Location	Site of former Rimmel International Ltd, Cobbswood Industrial Estate, Carlton Road, Ashford, Kent, TN23 1ED	
Grid Reference	00119/42821	
Parish Council	None	
Ward	Godinton (Ashford)	
Application Description	Hybrid application comprising the following: 1. Outline planning permission for 12 industrial units (B1c/B2/B8) on 1.3ha with all matters except access reserved. 2. Full planning permission for a grounds maintenance depot and a ready mix concrete and satellite aggregate depot, internal spine road and improved access points off Carlton Road and Brunswick Road.	
Applicant	Gallagher Properties Ltd, Leitrim House, Little Preston, Aylesford, ME20 TNS	
Agent	Mrs M Davidson, MD Associates, 3 Temple Gardens, Temple, London, EC4Y 9AU	
Site Area	2.23 hectares	
(a) 62/2R	(b) -	(c) EHM – X, NR – X, SGN – X, KCC (heritage) – , KCC SUD's – R, ABC (Drainage) – X, KHS – X, ABC ENG – X, KCC (waste) - X, EA -, NE - , HS1 – X, ACF - R

Introduction

1. This application is reported to the Planning Committee because the Council has an interest in the development. The application accordingly requires determination by the Planning Committee under the Council's scheme of delegation.

2. The Council's interests relates to its intention to operate its grounds maintenance function from part of the new development.

Site and Surroundings

3. The site comprises 2.23 hectares of previously developed land located within the Cobbs Wood Industrial Estate, which lies to the south west of Ashford town centre.
4. Originally the site was home to the Rimmel Cosmetics factory before it was acquired by the HS1 as part of the construction of the Channel Tunnel Rail Link. The site has remained empty and vacant since the factory buildings, that previously occupied this site, were destroyed by a fire and subsequently demolished in 2007. As a result the site is generally clear with a large concrete surfaced area.
5. To the south, east and west of the site are industrial units, with a variety of different occupiers including manufacturing, vehicle repairs and waste operations.
6. To the north lies the cutting for the Channel Tunnel Rail link with the residential properties of Kings Avenue and Sackville Crescent beyond.
7. The site levels rise from 45.75m AOD along the southern edge to 54.36m AOD at the northern tip of the site
8. High Speed 1 passes in a cut and cover tunnel under the northern portion of the site, (with HS1 retaining access and maintenance rights).



Figure 1: Site location plan



Figure 2: Site location plan

Proposal

9. The planning application is a hybrid comprising the following:
 - a. Outline planning permission for 12 industrial units (B1c/B2/B8) on 1.3ha with all matters except access reserved for future consideration.
 - b. Full planning permission for a grounds maintenance depot and a ready mix concrete and satellite aggregate depot, internal spine road and improved access points off Carlton Road and Brunswick Road.
 - c. For the purposes of clarity in this report the site has been split up and referred to as plots. Plot 1 represents the grounds maintenance depot, plot 2 represents the concrete batching and aggregate depot and plot 3 represents the proposed 12 new industrial units.
10. The proposed grounds maintenance depot (plot 1) which is to be run by Ashford Borough Council will provide the base for the newly formed Aspire Landscape Action Team. 16 car parking spaces will be provided. It will include a new single storey multi bay building for the storage of equipment and new office/welfare facilities within a modestly sized prefabricated building.

11. The proposed new ready mix concrete batching facility and aggregate depot would occupy the smallest plot (plot 2) and would be operated by Gallagher. The facilities would include a concrete surfaced area contained within a 2m palisade fence, ready mix batching plant, portakabin used as offices and store, storage areas and bagging area for aggregates, holding area for materials to be transported to Maidstone Quarry, parking for 3 concrete lorries, 3 cars and 2 bicycles.
12. The proposed 12 industrial units (comprising plot 3) would be steel portal framed buildings with first floor ancillary mezzanines. 80 vehicle parking spaces would be provided to serve them including 12 disabled spaces. Given that this part of the application is in outline it is not known who the end users will be at this stage. It is however anticipated that the eventual occupiers will comprise of a similar mixture of uses as the other occupiers within the Cobbs Wood estate. Access from Carlton Road will remain albeit improved.

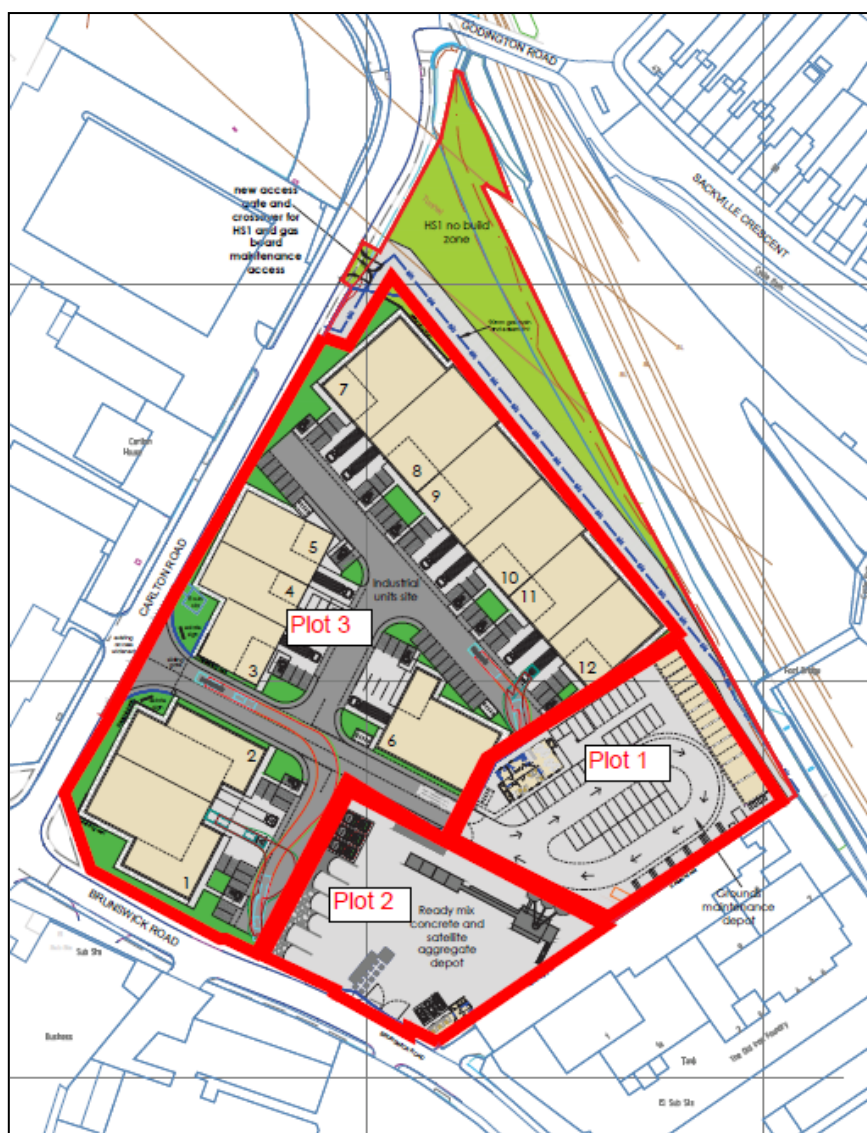


Figure 3: Proposed masterplan/site layout

Use	Site Area	Buildings	Car/ Vehicle Parking	Jobs	Hours of Operation
Industrial Units (B1c, B2, B8)	1.3	6,610m ²	80	Up to 140*	Not Known
Cement/ Aggregate Depot (B2)	0.29	50m ²	3	6	Mon-Fri 07.00-17.30 Sat 07.00-13.00
Ground Maintenance Depot (B8)	0.32	135m ²	16	30	Mon-Fri 06.00-18.00 Sat 06.00-18.00

Note: *Based on Employment Densities Guide 2010 for B1c at 47m²

Figure 4: Key components within each element of the application

13. The following information has been provided in support of the application.

Planning Statement

- Ashford is undergoing a significant period of growth which is expected to continue into the future. A number of large committed developments are to be created across the Borough such as Finberry, Cheeseman's Green and Chilmington Green which will bring new homes and facilities. The three uses are required to support the planned growth of Ashford.
- The development would result in both direct employment creation during construction and post construction jobs which would support the construction industry within Ashford.
- The site within an established industrial location which accommodates a range of B (industrial) uses and still benefits from planning policy supporting the proposed uses
- The existing access from Carlton Road, serving the proposed industrial units and grounds maintenance depot is to be retained in its existing location and improved. Access to the concrete batching plant will be from the reconfigured access from Brunswick Road.
- Gallagher Properties Ltd (GPL) has recently acquired the site. Gallagher Aggregates Ltd (GAL), (a sister company) are proposing to operate a ready mix concrete and satellite aggregate depot. Both GPL and GAL are part of the Gallagher Group of companies. GAL is a well-established leading independent aggregate, concrete and recycling business in Kent, with an annual turnover approaching £30 million. The company currently operates from Maidstone, having a limestone quarry with two concrete plants, landfill and construction/demolition material recycling activities as well as supplying Kentish Ragstone masonry products. GAL is the last remaining producer of the historic Kentish Ragstone building stone. GAL also operates a second limestone quarry in West Malling
- The grounds maintenance depot for Ashford Borough Council will provide a new service (as it is currently outsourced to KCC). It will create 30 jobs. The new

Landscape Action Team will be able to better react and adapt to the landscaping maintenance required in the Borough.

- The proposed industrial units would be single storey, steel portal framed buildings with ancillary first floor mezzanines. Vehicle parking (80 spaces including 12 disabled) would be provided in line with KCC standards (KMSP: SPG4).
- Occupiers of the industrial units are not yet known. End users are likely to comprise of a similar mix as the existing industrial estate and will cater for local businesses looking to grow and stay in the town as well as helping to attract new businesses.
- Prior to the submission of the application consultations were carried out with the Council, the occupier of the adjoining industrial site, a homeowner living on Sackville Crescent who represents the neighbours in the area, HS1 and Network Rail. The consultee's views have been taken into account.
- The proposals are in accordance with Central Government guidance set out within The National Planning Policy Framework 2012.
- The proposals are in accordance with adopted local planning policies.
- Whilst BREEAM does not apply to the concrete batching plant and grounds maintenance depot proposed, the applicant states that the industrial units will comply with the required standards.
- The area shaded light green on the masterplan (figure 3) represents the HS1 no build zone. This must remain development free due to the proximity of the HS1 tunnel. It is not possible to plant any trees or shrubs in this area due to root infiltration. There is also a gas main and easement strip that lies immediately north of the proposed development site. It is proposed that placing buildings along the northern boundary will therefore act as mitigation from the remainder of activities that would occur on the site in terms of vehicle movements etc. Careful thought has also been given to the scale of the buildings along this boundary edge (8.5 metres to the eaves and a maximum of 11m to the ridge) to ensure that the outlook from neighbouring dwellings is not a harmful one.
- At present there are only 3 concrete plants in Ashford which are unlikely to economically provide the necessary supply needed for the completion of committed developments. The creation of an additional facility is deemed sustainable and worthy of investment to reduce outsourcing. Providing a facility will meet needs now and in the future helping to delivery development and prosperity, helping supply match demand, maintaining competitive prices and creating more jobs.

- During consultation questions were raised about loss of amenity through noise and duct – Appendix 2 of the planning statement explains the process and describes the plant and equipment to be used within the concrete plant. This document shows that there are robust measures in place to ensure that no dust can escape and that there are no substantive noisy activities. No crushing of aggregates would take place on the site as this is done at Maidstone Quarry. The site will not be operating 24 hours a day.
- Any planning permission and Environmental Permit issued under the Environment Act would set out the requirements for safe handling and operation of the batching facility. Therefore there are stringent controls and regulations in place to ensure that best practice is maintained throughout.

Design and Access Statement

Grounds Maintenance Depot (plot 1)

- The nearest residential properties are approx. 90m away.
- The operator will be Ashford Borough Council and the depot is intended to be operational by September 2016.
- The site is considered suitable for the grounds maintenance use.
- There will be 30 employees with 5 based at the site. Operatives will arrive in the morning, collect their machines and be out for most of the day but may return to use the welfare facilities. The machines are generally cleaned and prepared for the works scheduled the next day. Vehicles will be service on site.
- There will be limited visitors to the site. CCTV will be installed and the depot will be securely fenced.
- The green waste recycling bays will be used in conjunction with a green waste skip. The bays allow for the storage of loose materials such as top soil and sand (which will be covered and ordered only as required). Weeds and grass cuttings will be deposited straight into the green waste skip. Woody material will be chipped at the work site away from the depot in a shredder and either reused on site or deposited in the green waste skip.

Concrete Depot (plot 2)

- The supply of ready mix concrete in the area has reduced in recent years with the closure of operations by some of the larger producers. This, coupled with the increasing demand from the Ashford market, is what justifies this proposal that will increase supply to the local construction sites and assist with the collection of clean demolition and utility material arising from local operations which can be

transported for recycling at the Gallagher Hermitage Lane Quarry in Maidstone and creating new employment in the process.

- The proposed facility would provide the following products and services to local developers and contractors:
 - Up to 25,000m³ of ready-mix concrete per year.
 - Gallaflow flowing liquid screed - a more cost effective and more simply installed substitute for cement/sand screed that will be used in virtually every new house in Ashford. No other operator in Ashford currently supplies this material.
 - Small scale (up to 10,000 tonnes per year) supply of aggregate to local customers on a collect only basis.
 - The facility would receive non-contaminated demolition and utility waste which is then taken back to Maidstone for recycling in the lorries that brought in the aggregate for the ready mix concrete operation ('back haul').
- The facilities on site (concrete depot) will include: A concrete surfaced area contained within a 2m palisade fence, ready mix batching plant, portakabin used as offices and store, storage areas and bagging area for aggregates, holding area for materials to be transported to Maidstone Quarry, parking for 3 concrete lorries, 3 cars and 2 bicycles.
- Noise will be minimal with equipment being electric powered. There will be no crushing of aggregates on the site. There will be no odour and dust will be minimal because all delivery and storage units are sealed containers. Hours of operation will be 7am to 5.30pm Monday-Friday and 7am-1pm on Saturdays. Occasionally during the year a customer will require a supply of concrete out of hours (e.g. highways authority or railways doing night work to minimise disruption) – request that a planning condition allows this for up to 12 nights a year. 6 staff will be employed at this site.

Industrial units (plot 3)

- The proposed industrial development part of the site consists of four blocks of small industrial units; the application seeks outline approval for the general principles of use, access and massing with the reserved matters applications submitted at a later stage dependant on the tenant demand.
- There would be 12 units of varying sizes with ancillary first floor mezzanines. Uses would be a mixture of B1c/B2,B8 (light industrial, general industrial and storage & distribution). The existing access point will be retained and improved. Access for HS1 and the Gas Board will be retained.

- The units are proposed to be clad in a combination of profiled and flat panels in predominantly light colours but with green coloured cladding to the rear elevation of units 7-12 facing residential properties across the railway line.

Transport Statement

- Vehicle access to the site will be improved to ensure larger vehicles can easily enter and exit in a forward gear. Existing access from Carlton Road serving the proposed new industrial units and GM depot is to be retained and improved. Access to the concrete batching plant and aggregate facility will be via a reconfigured access from Brunswick Road. Visibility splays of 2.4 metres x 43 metres will be achieved at each access point, ensuring adequate visibility and road safety.
- Accident data was reviewed and showed no pattern of causation factors of incidents with human error accounting for the main cause of accidents. As such the proposed development and the limited amount of additional traffic attracted by it would not adversely impact the current road safety situation on local highways.
- The proposals comply with national and local transport policy, as the proposals are not foreseen to have any severe impacts on the local highway network as outlined in the NPPF. Transport impacts are forecast to be limited taking account of the sites previous use as a factory.
- The site is well connected with the M20 and the principle A28 and A20 link roads located within the vicinity. Public transport links and cycle and pedestrian infrastructure provide the site with an enhanced level of sustainable transport options seeking to ensure ample opportunity is afforded to future employees to travel sustainably.
- 17 parking spaces would serve the GM depot which is considered to be acceptable given the proposed number of employees. Parking for the industrial units is shown indicatively in accordance with KCC's parking standards however full details will be considered at the reserved matters stage. 2 cycle bays are also proposed. For the concrete batching plant and aggregate facility a total of 1 parking space per concrete lorry is proposed with additional spaces provided for staff. Cycle parking is also proposed to be provided for each of the 3 parts of the site to encourage sustainable travel. .
- Trips generated by the previous industrial (Rimmel) use of the site have been calculated. It was noted that when the factory was in place both B2 and B8 uses took place in addition to ancillary offices. The site covered an area of 10,251sqm and was a significant employer. The trip assessment shows that the Rimmel site would have generated a total of 424 one-way vehicle trips (including 146 OGV – other goods vehicles) across the day. Whilst the factory has been demolished the

use of the site has not been abandoned and as such due weight to its principle has been given.

- For the proposed site, vehicle trips were calculated using a combination of the TRICS trip rate database and first principle calculations. It is calculated that the three site uses could be expected to generate 804 one way vehicle movements per day, of which 106 would be OGV's. The proposed development would be expected to generate 79 one-way vehicle movements across the morning peak hour (0800-0900 hours) and 57 across the evening peak hour (1700-1800 hours).
- The residual trip generation as a result of the redevelopment, compared to the proportionate site area of the former Rimmel factory would be expected to generate 275 new one-way vehicle movements across a typical 12 hour day (0700-1900 hours). Equating to approximately 22 extra trips per hour on average. However, it is noted that the proposed site redevelopment would lead to a decrease in the number of OGV movements with 49 fewer across a typical working day. This level of traffic increase is not considered to be significant given the very high quality of access serving Carlton Road, which is designed to cater for commercial uses and industrial traffic.
- An assessment was also undertaken to ascertain the impacts of the development upon the surrounding junctions during the morning and evening peak hours, taking into account the proposed development traffic. Consideration was given to locally committed development traffic, including 450 dwellings yet to be built at Repton Park and the construction of Chilmington Green. Junction capacity assessments were undertaken using industry standard traffic capacity modelling software.
- The detailed assessment of the junctions showed that the proposed development will have a *de minimus* impact upon the operation of all the junctions. The likely impact will only create a very limited increase in the Ratio of Flow to capacity (RFC) on all arms of the junctions considered. Consideration is given to paragraph 32 of the NPPF which stipulates that '*development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are severe*'. The very limited impact upon capacity calculated is not considered to be severe and therefore complies with the expectations of the NPPF.
- The site is well located in order to access sustainable transport options, with regular public transport connections within walking distance of the site. Cycle and pedestrian infrastructure is present and accessible and will accommodate the needs of future staff. The level of access provided will seek to ensure that as many journeys as possible will be taken by means other than the private car.

- It is concluded that the proposals will not have any significant safety, amenity or capacity impact in terms of highways and transport and therefore there can be no sound transport based objections to the proposals.

Draft Framework Travel Plan

- The travel plan has been prepared in accordance with the relevant local and national guidance.
- The travel plan aims to reduce the environmental impacts through a reduction in non-essential car use. This is to be achieved by creating opportunities for staff to travel by alternative means of transport to the private car, or to travel in ways which reduce the number of single occupancy journeys.
- The plan seeks to improve the environment and thus contribute to a better quality of life for everyone, both initially and in the future. The site will achieve the aims of the travel plan over a period of time in achieving sustainable travel targets. The process will:
 - Promote and encourage walking and cycling;
 - Promote the use of public transport;
 - Promote lift sharing between staff;
 - Promote the travel plan and its specific measures; and
 - Make alternative travel information available to both staff and visitors.
- It will be necessary for all future site occupiers to prepare individual travel plans which accord with the draft framework and set individual and SMART targets which are informed by staff surveys.
- The future travel plan is an ongoing document. The aims and actions of the plan will be regularly reviewed with surveys to be undertaken on an annual basis in order to monitor progress. The response, input and support of all of those involved will ensure the success of the travel plan.

Flood Risk Assessment

The report states that even though the site is entirely within zone 1, the site area exceeds 1 hectare requiring the submission of a FRA.

The assessment concludes that:

- For fluvial flooding the site is entirely within Flood Zone 1 – Low probability, and the proposed redevelopment is appropriate for this location. The Environmental Agency flood maps and the Strategic Flood Risk assessment show the site to be entirely within Flood Zone 1.
- The site is not at significant risk of flooding from groundwater neither is the land surrounding it.
- The proposed end use of the development is entirely appropriate for the site when assessed in accordance with National Planning Policy Framework Technical Guidance.
- The sequential test is not required as the site is entirely within Flood Zone 1.
- The site drainage comprises a SUDS system with conventional below ground storage and attenuation.
- The reduction in site run off is reduced by in excess of 65% for all storm events.
- The development will not lead to flooding problems on other sites or further downstream of the development.

Ground Investigation Report/Investigative Summary

- The site investigation was based upon past uses and the intended use of the site as commercial land.
- Ground conditions comprise of made ground over Atherfield Clay.
- Groundwater exists at shallow depth in the made ground as a perched water table above the clay.
- Conventional foundations founding in the Atherfield Clay below the made ground are feasible.
- Ground bearing slabs are feasible although areas where deeper made ground exists may require ground improvement techniques.
- Contamination in soils. None of the contaminants of concern tested exceeded the generic assessment criteria in respect of human health. The risk of contamination affecting human health is therefore very low.
- Groundwater contamination. There is no direct link between the perched water table and any immediately adjacent sensitive receptor. No contaminants were identified within the site soils that could be considered to pose a significant risk to controlled waters.

- Remediation of the site with respect of contamination is not required, for commercial end use.
- Asbestos. No fibres were detected as part of the site investigation works.
- Ground gas. Elevated levels of methane and carbon dioxide were detected, although there is no obvious gassing source material on the site. Further gas monitoring is to be carried out.
- The site is considered to be low risk, both in terms of risks to human health and controlled waters.
- The site investigation report presents sufficient data to omit any planning conditions relating to prior approval of site investigations, for the detailed parts of the planning application. The works should instead be carried out in accordance with the findings of the site investigation with a watching brief to ensure that any unknown contamination uncovered during the works is adequately dealt with.
- Further gas testing is required to help define the level of gas protection to be incorporated into the development. However this applied in the main to the outline part of the application only. The detailed application comprises the open sided ventilated enclosures. Where accommodation is being provided within the detailed element the buildings are suspended with a ventilated void below the buildings. Further gas testing is not therefore considered necessary for the detailed element. The additional gas testing recommended for the outline element could be conditioned as part of any reserved matters.

Reptile Survey Report

- The report states that during seven reptile surveys spanning across April and May 2015 a low population of Common Lizards was recorded. All of the records were located within the northern compartment of Area A. No reptiles were recorded within Area B during the surveys undertaken and as such no mitigation measures are necessary.
- It then goes on to say that owing to the presence of a low population of Common Lizard within the northern compartment of Area A, it is recommended that a mitigation strategy be undertaken based around the retention of a portion of the semi-improved grassland corridor along the northern boundary. Reptiles from the northern compartment of Area A would be caught and translocated into the receptor area.
- The report also states that the installation of exclusion fencing around the retained area would prevent the dispersal of Common Lizards back onto the site once the development has begun. The addition of two hibernacula within the retained area will increase the opportunities for common reptiles. A destructive

search of areas to be lost would be undertaken on completion of the translocation programme.

- The report concludes that subject to appropriate mitigation, there are not considered to be any overriding ecological reasons why the site could not be redeveloped.

Proposed Material Production and Handling Arrangements – Gallagher Ashford Depot (plot 2)

- The new operation in Ashford will include a concrete manufacturing plant and aggregate sales and storage facility.
- The majority of aggregates will be delivered into the site by the company fleet of steel bodied tippers from Gallagher's quarry in Maidstone. The fleet meets the highest environmental emissions standards. Each lorry is fitted with a sheeting system that ensures materials are contained within the truck during transportation.
- No aggregate crushing will be carried out on the site; this is all done at Maidstone Quarry.
- Once on site the aggregates are tipped into storage bays which are enclosed on 3 sides. It typically contains 5-10% moisture content which prevents air borne dust escape. Some of the material will be bagged into small bags for sale.
- Aggregates for the concrete plant will be taken from the stock bay by wheeled shovel loader and transferred into a receiving hopper which will feed the materials to the concrete plant via a covered conveyer. Wheel washing is not necessary because the site is covered in clean concrete paving so there is no risk of mud on the public highway.
- The cement binder, which is mixed with the aggregates to make the concrete, is delivered by a purpose built cement tanker which carried 29 tonnes per consignment. The cement is fully contained in the tanker at all times and is blown into the silo under pressure via a secure rubber pipe. Gyvlon flowing screed binder is also delivered as a powder.
- The cement powder is stored into 50 tonne capacity silos. Each silo is fitted with a pressure relief devise that ensures the silo is not over pressurised which could lead to a powder escape. This safety and environmental feature is supported by a high fill level alarm which ensures the silos are not overfilled.
- The cement and water are weighed and discharged into a fully enclosed pan mixing unit controlled by the plant computer. Liquid screeds are made exactly the

same way apart from the addition of coarse aggregates. The mixer unit is fully enclosed within the plant building which will be fully steel clad.

- Once the mixing cycle is complete the wet concrete is discharged into the concrete mixer for inward delivery to the customer. To ensure no spillage occurs the discharge is made via a rubber sock that directs the material directly into the drum of the truck.
- All mixer trucks are kept clean to avoid concrete sticking to the drums. The drums are cleaned out and the residues captured in fully enclosed settling pits. The pits will weir clean water from one to the other leaving a residue of wet concrete which is removed for recycling. The residue aggregates will be taken to Gallagher's recycling facility in Maidstone and the water recycled into the ready mix concrete production.
- The planning permission and the Environmental Permit issued under the Environmental Act will set out the requirements for the safe handling and operation of the facility. The planning permission would include conditions to ensure that there are controls in place which will allow the Council to take action in the event of a breach. In addition the Environmental Permit will specify the procedures that will be expected to be met for all operations on the site. In the event of any breach, the operating company is liable to substantial fines. Therefore with these stringent regulations in place, Gallagher has to ensure that best practice is maintained throughout.
- The site will operate from 7am to 5.30pm Monday to Friday, and 7am to 1pm on Saturdays. Occasionally, during the year, it may be necessary to supply a customer with concrete out of hours (such as the Highways Authority) but these out of hours deliveries will be limited through the planning permission.
- In a typical day there will be a total of 60 lorry trips being made to and from the site. There will be 6 staff employed. Traffic generation will therefore not be significant.
- The facility is required to help meet the demand from the construction industry in Ashford for building materials. The site is located within an established industrial area. It would occupy less than 20% of the site and it is intended that there will be a storage depot (grounds maintenance depot) between the application site and the railway therefore acting as a buffer.

Other information – grounds maintenance depot

- Whilst 6am to 6pm has been stipulated within the planning application as the operational times for the site, these times reflect the outside limits of site activities which the site may operate on occasions subject to need.

- It is envisaged that core operations will only occur on a regular basis between 7.00 am and 5.30pm Monday to Friday. In exceptional circumstances operations may be extended during some periods to start outside of the above hours in order to respond to seasonal peaks in work and site specific activities which require an earlier or later operational time in order to necessitate completion. On these occasions operational activities will be within the outside limitations as submitted within the planning application.

Planning History

14. There is no recent relevant planning history.

Consultations

Ward Members: The Ward Members have not made any comments. (Councillor Heyes is a member of the Planning Committee).

KCC Highways and Transportation: Raise no objections subject to conditions and planning obligations being secured. Comments summarised below:

- No objection to the detailed element of the application in relation to the layout and parking provision.
- Proposed new access gate for HS1 access –KCC (Structures) will not agree to any works to the errant vehicle protection barrier and access gates without formal consultation with Network Rail. Should it be concluded in due course that the new access gate and crossover for HS1 and gas board maintenance access is not to the satisfaction of Network Rail/KCC (Structures) there is flexibility over providing an alternative access by modifying the arrangement of industrial units that are shown indicatively within the outline element of the application. The matter can therefore be adequately dealt with as a planning condition.
- In relation to the outline proposal the highway authority has a good knowledge of the estate roads and therefore has an accurate picture of on street parking demands. It is noted that in practice the on street parking restrictions that apply during the weekdays are very well respected and adhered to, implying that ABC regularly patrols and enforces the parking restrictions under its authority. Provided the parking restrictions are enforced the development would not give rise to any associated highway safety issues.
- Notwithstanding the above, the local highway authority highlight the distinction between highway safety and highway amenity, as a potential for increased on street parking demand could rise as a result of the proposed scheme. In a fashion that has the potential to displace parking pressure to points beyond the limits currently experienced.

- In this case there is a justification for a quantum of on-site parking below SPG4 based on the local conditions that prevail i.e. parking restrictions that are adhered to.
- The site does not benefit from an extant planning use and therefore all traffic movements will be new trips onto the highway network.

[HDSS&D Manager Comment: The site is considered to have an extant industrial use therefore the LPA would seek to mitigate traffic movements over and above that of the previous industrial use.]

- Requests that if planning permission is granted the applicant should engage with KCC Major Schemes to ensure that the construction programme is carefully managed in the context of the programme for the A28 Chart Road widening scheme.

[HDSS&D Manager Comment: This has been recommended as an informative to the applicant]

As the development would result in increased traffic movements through Drovers roundabout and J9 of the M20, a payment of RIF should be made by the applicant.

[HDSS&D Manager Comment: There would be an estimated additional 11 peak time (PM) traffic movements to Drovers as a result of the development. Since the introduction of the CIL regulations in April 2015, there are restrictions on the pooling of planning obligations. As a result, local authorities can no longer pool more than five s106 obligations together to pay for a single infrastructure project or type of infrastructure. The Council already has five S106's committed to RIF payments and therefore no further payments can be sought through S106. Therefore RIF contributions cannot lawfully be sought for this development.]

Ashford Borough Council Engineering Services: No objections commenting as follows:

- The development will likely require amendments to parking controls in the vicinity of the site entrances to preserve visibility splays and suitable swept paths for vehicle access.
- Recommends that a contribution is made by the developer through s106 to fund the investigation and pursuit of any changes which may be required.

[HDSS&D Manager Comment: Layout and parking serving the industrial units is indicative and is therefore a matter reserved for future consideration. If the reserved matters application does not provide sufficient parking in line with the

parking standards to serve the industrial units it would be reasonable to look to seek a financial contribution at that time in order to remedy the harm and improve parking controls in the area.]

- Comments that any excess demand for parking will displace into unrestricted streets in adjacent residential areas where the absence of controls to prohibit parking in unsafe locations such as bends, junctions and pinch points is likely to occur.

Environmental Health Manager: No objections stating that the concrete batching plant will be regulated with an environmental permit issued by the Environmental Protection Unit. Request that a condition is placed on any permission relating to a detailed remediation scheme to deal with any contamination.

KCC Waste: No objections.

Scotia/Southern Gas Networks: No objections subject to informatives.

KCC Archaeology: No comments.

KCC SUD's: Initially requested additional information. Following the submission of this additional information no objections were raised.

ABC Drainage: No objections subject to a condition requiring the submission of details of the sustainable drainage system based upon the principles set out within the application documents. This will ensure surface water runoff is being dealt with appropriately and in line with the Councils Sustainable Drainage SPD.

Environment Agency: No comments received.

Natural England: No comments received.

Network Rail: No objections and provides a number of informatives. States that any works proposed within the vicinity of the boundary will require Network Rail approval. The applicant has been advised of this.

HS1/CTRL: No objections stating the following:

- HS1 passes in a cut and cover tunnel under the top portion of this site, and the proposed plans have been drawn up by the applicant to specifically avoid any development over the HS1 tunnel. However HS1 also has a maintenance right across the site which would be adversely affected by the proposed development. HS1 has recently been in discussion with the applicant and is willing to accept the new access arrangements as shown on the proposed masterplan drawing ref. GH-102-TP-01 rev A.

- The new access gate appears to be in conflict with the errant vehicle protection barrier, HS1 would like assurances that KCC Highways are content with a shortened barrier and that amending the length of this barrier and installation of the gate will be achievable. Conditional on these revised access arrangements being confirmed by Ashford BC/KCC, then HS1 will not object to the application

[HDSS&D Manager Comment: This is proposed to be dealt with by condition in line with the recommendation of KHS]

Neighbours: 62 neighbours consulted, 2 letters of objection received. Comments are summarised below:

- Any permission should include a requirement to reduce the dominance of the industrial view seen from the residential area of Sackville Crescent and Godinton Road.

[HDSS&D Manager Comment: The applicants have agreed to a landscaping scheme that would see the planting of trees to the south west of Sackville Crescent in order to reduce the visual prominence of the industrial buildings. This will be secured by a condition on any planning permission]

- The health consequences of allowing a concrete and aggregate depot in close proximity to a residential area do not appear to have been fully explored. The site is also close to schools, the town centre the Designer Outlet Centre, Victoria Park and the river Stour.
- The manufacture of concrete releases PM10 particle pollution which is a harmful air pollutant that is harmful to health.
- The site is located within the centre of Ashford and is unsuitable for many heavy industrial uses.

[HDSS&D Manager Comment: The application has been subject to consultation with the Council's Environmental Health Manager who is satisfied that the depot would be appropriately controlled through environmental permits and has raised no concerns about risk to human health]

Ashford Community Forum: Objects. Comments summarised below:

- The cement depot would be better located elsewhere.
- Pollution from PM10.
- The application doesn't say much about mitigation.

[HDSS&D Manager Comment: The application has been subject to consultation with the Council's Environmental Health Manager who is satisfied that the depot would be suitably controlled through environmental permits and has raised no concerns about risk to human health. There is no reason to justify refusing the application of health grounds]

Planning Policy

15. The Development Plan comprises the saved policies in the adopted Ashford Borough Local Plan 2000, the adopted LDF Core Strategy 2008, the adopted Ashford Town Centre Action Area Plan 2010, the Tenterden & Rural Sites DPD 2010, the Urban Sites and Infrastructure DPD 2012 and the Chilmington Green AAP 2013. On 9 June 2016 the Council approved a consultation version of the Local Plan to 2030. Consultation commenced on 15 June 2016. At present the policies in this emerging plan can be accorded little or no weight.
16. The relevant policies from the Development Plan relating to this application are as follows:-

Ashford Borough Local Plan 2000

TP6 – Cycle parking

CF6 – Sewerage systems to be constructed to adoption standards

Local Development Framework Core Strategy 2008

CS1 – Guiding principles

CS2 – The borough wide strategy

CS4 – Ashford urban area

CS9 – Design quality

CS10 – Sustainable design and construction

CS15 – Transport

CS20 – Sustainable drainage

CS21 – Water supply and treatment

Urban Sites and Infrastructure DPD 2012

U0 - Presumption in favour of sustainable development

U20 – Loss or redevelopment of employment sites

U24 – Infrastructure Provision to serve the needs of new developments

Local Plan to 2030 (Regulation 19 Version)

SP1 – Strategic objectives

SP3 – Strategic approach to economic development

SP6 – Promoting high quality design

EMP1 – New employment uses

EMP2 – Loss of redevelopment of employment site and premises

TRS3(b) – Parking standards for non-residential development

ENV1 – Biodiversity

ENV4 – Light Pollution and Promoting Dark Skies

ENV6 – Flood Risk

ENV9 – Sustainable Drainage

17. The following are also material to the determination of this application:

Supplementary Planning Guidance/Documents

Sustainable Drainage SPD 2010

Sustainable Design and Construction SPD April 2012

Government Advice

National Planning Policy Framework 2012

18. Paragraph 17 sets out 12 core planning principles (as bullet points) that should underpin plan-making and decision-taking. Bullet 3 point identifies that planning should support sustainable economic development to identify, plan for and help deliver business and industrial units that the country needs. Bullet

point 8 encourages the effective use of land by reusing land that has been previously developed (brownfield land) that is not of high environmental value. Bullet point 11 identifies the need to focus development in locations that offer the fullest possibilities for use of public transport, walking and cycling.

19. Wherever possible, paragraph 21 identifies the importance of supporting business sectors that have needs that need meeting through development proposals.
20. 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.

Assessment

21. The main issues for consideration are:
 - (a) The Principle of the Development
 - (b) Visual impact
 - (c) Impact upon residential amenity
 - (d) Impact upon highway safety
 - (e) Other issues – ecology, flooding, SUD's.
 - (f) Whether planning obligations are necessary

(a) The Principle of the Development
22. Applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Central Government guidance contained within the National Planning Policy Framework states that planning has an important economic role and must contribute to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available at the right time to support growth and innovation. As such the Government is committed to securing economic growth in order to create jobs and prosperity and therefore significant weight should be placed on the need to support economic growth through the planning system.
23. Development plan policy set out within the Core Strategy (2008) states that in order for Ashford to grow in a sustainable manner the increase in house

building must be matched by growth in the number of jobs available locally. As such the Council is committed to improving the economy, protecting existing employment sites and enabling a range of employment opportunities to be provided.

24. The Council's adopted Urban Sites and Infrastructure DPD further endorses this approach and states that the Cobbs Wood industrial estate is regarded as an important location for B-class uses (paragraph 5.29). The aim of Policy U20, which specifically deals with the loss or redevelopment of employment sites, is to protect and retain existing employment sites. The proposals which seek re-use of this site would therefore not conflict with this aim and should be afforded significant weight.
25. Emerging planning policy set out within the June 2016 (regulation 19) Local Plan (to 2030) states that the provision of new employment space is critical to the delivery of employment and jobs in the borough. The plan states that it is important that any new employment development occurs in locations which provide suitable access to the local road network and can be accessed via a range of means of transport – such as the application site.
26. The site is currently vacant and is located within an existing industrial area where comparable uses can be found (note: there is another concrete depot within this industrial estate which has been operating for years without any environmental issues).
27. The site is well connected with the M20 and the principle A28 and A20 link roads located within the vicinity. Public transport links and cycle and pedestrian infrastructure provide the site with an enhanced level of sustainable transport options seeking to ensure ample opportunity is afforded to future employees and visitors to travel sustainably.
28. The proposed redevelopment of this site for industrial employment uses would enable the continuation of its previous employment generating uses. These uses would be in accordance with the lawful use of the site and in keeping with the surrounding industrial uses. As a result the development would create new employment opportunities within the town and would not result in the loss of existing premises for employment uses in accordance with policy.
29. The development would therefore in principle comply with the requirements of Development Plan policy (policies CS1, CS2, VS4, U0, U20, SP1, SP3, EMP1 and EMP2) and Central Government guidance. As a result, the overall principle of the development is considered to be acceptable in planning terms.

(b) Impact upon Visual Amenity

Grounds maintenance depot (plot 1)

30. The grounds maintenance depot would occupy a small area to the south east of the development site. The majority of the depot would be concrete hardstanding with the proposed office and welfare facilities provided within a modestly sized prefabricated portable building. The proposed multi bay storage building would be of a single storey construction and a simple design. It is proposed that this building would be clad with vertically laid profiled cladding (RAL6002 Heritage Green) with a small timber section (vertically laid timber board stained light brown) which would be appropriate. Vertically laid timber boarding would also separate the bays. These factors combined would ensure that the building would not be visually dominant in scale, overly prominent or out of place within this environment.

Concrete batching and aggregate storage facility (plot 2)

31. This part of the development would be located in the far southern corner of the site away from the edges of the industrial estate. As such it will be afforded some visual screening by the surrounding existing and proposed development. The site would be largely open and surrounded by a 2m palisade fence. A small portakabin would be used for the office/storage. Given its size, design and location it would not appear visually prominent.
32. The proposed storage bays are of a simple design and a modest height (4 metres).
33. The concrete batching plant itself would not look out of place in this location within an industrial estate where similar features are seen elsewhere.

Industrial units x12 (plot 3)

34. This part of the application is an outline proposal with all matters with the exception of access which is reserved for future consideration (reserved matters). As such the design of the units is not for consideration at this stage.
35. Notwithstanding this, the application does confirm that the 12 units would be of varying sizes (with a maximum ridge height of 11 metres). It also confirms that they would be clad in a combination of profiled and flat panels in predominantly light colours, with green coloured cladding to the rear elevation of units 7-12 facing the residential properties across the railway line. The fence along the northern boundary would be similarly coloured in green. This will help the development blend with the landscaping.

36. This proposed design would be contextually appropriate for this industrial location and the B1 uses proposed.
37. The layout of the units results in a practical and efficient layout whilst retaining a presence and sense of activity to the street and convenient and safe pedestrian and vehicular access. I am satisfied that the proposed would not result in a visually prominent or harmful form of development when viewed from the various public vantage points surrounding the site.
38. Neighbour comments that sought the long range industrial view (that would be visible from the residential area of Sackville Crescent and Godinton Road to be softened have been taken on board by the developer, with amendments securing the planting of a line of evergreen Holly Trees (a mixture of *Ilex castaefolia* and *Ilex x Nellie Stevens*) along the strip of land to the south east of Sackville Crescent. This would be secured by planning condition. I am satisfied that introduction of this planting would benefit the wider area and enhance any limited views of the development.



Figure 5: Proposed tree planting to south west of Sackville Crescent

39. To the northern part of the site is an area of land that cannot be built upon given its proximity to HS1. It is proposed that this land will form landscaped area. This large area of landscaping would enhance the visual quality of the development providing a transition between the industrial estate and the residential development beyond. Further small areas of landscaping are also proposed within the site itself particularly around the boundaries which will further enrich the visual quality of the scheme.

40. In light of the above it is considered that the proposals would result in a well-considered and laid out site. Furthermore the design approach including the line of scale, materials and colour is considered to be suitable. Each individual building would not exceed the scale of the neighbouring buildings and would not look out of place or dominant within the street scene. As a result the development would not be harmful to the visual amenity of the area.

(c) Impact upon Residential Amenity

41. The nearest residential dwellings would be located approximately 90 metres from the boundary of the site, separated by the railway line. Given this separation distance, the proposed scale of the development and the aforementioned tree planting measures proposed I am satisfied that the development would relate well to neighbouring uses.
42. I also note the concerns raised by the local residents about the proposed industrial uses. The site is allocated for industrial uses and similar uses are found on Cobbs Wood. The Council's Environmental Health Manager has not raised any concerns or objections in relation to the development.
43. Whilst the perceived fear of harm to health is a valid concern, there is no evidence to suggest that this would be the case. This part of the development would be located well away from the residential dwellings and its operation of the proposed concrete and aggregate depot would be strictly controlled through environmental legislation and necessary permits to operate. Breaches would result in the permit being revoked and possible prosecution. As this matter is covered by separate legislation, it falls outside of the controls of the planning system.
44. The proposed hours of use are not considered to be either unreasonable or antisocial and can be appropriately controlled by a planning condition. There will be no crushing on site, no odour associated with the batching plant and the dust will be properly managed.
45. In light of the above I am satisfied that the development would not be harmful to residential amenity.

(d) Impact upon highway safety

46. The new access has been designed to ensure that all vehicles can enter and exit the site safely, with appropriate visibility spays being provided.
47. The amount of parking to be provided within the site is considered to be acceptable although future parking controls may be required in the area (if required these would be secured through S106 at the reserved matters stage as there is a reasonable chance that additional parking could be certainly

provided on site). If these controls are necessary, subject to the restrictions being enforced the Councils Engineering Services Officer is of the view that the development would not give rise to any associated highway safety or amenity issues.

48. KCC Highways and Transportation have raised no objections relating to highway capacity and safety on both local and strategic roads. In addition they are satisfied with the level of parking provision.
49. Kent Highways and Transportation have raised no issues with this approach and are content with the proposed parking arrangements. In light of the above I am satisfied that the development would not result in increased risk of accident, delay or congestion and would therefore not be harmful to highway safety.

(e) Other issues – CS10, Ecology, SUD's

50. Core Strategy Policy CS10, as amplified by the Council's subsequent SPD (2012 version), sets out the approach to carbon neutrality. The industrial units will need to be constructed to meet BREEAM 'very good' with 'excellent' energy & material credits, 'maximum' water credits and 10% reduction in regulated CO2 through low and zero carbon technologies. The applicant confirms that the design approach taken would enable these requirements to be met. This is proposed to be secured through a condition with any additional carbon offsetting required safeguarded through the S106. CS10 has not been applied to the development subject of the application for full planning given that the size of the depot sites do not warrant it. Applying it would effectively penalise the applicant for submitting a hybrid application. As such these individual elements have been treated in isolation for the purposes of CS10 and the recommended conditions reflect this.
51. In respect of the management of surface water, the scheme involves the use of permeable block paving, landscaped areas and conventional below ground storage and attenuation. All are measures set out in the Council's adopted SPD. The Councils drainage consultant together with KCC (sustainable drainage) has not raised any concerns with the proposed approach. It is considered that surface water would be adequately and appropriately managed in line with the SUD's SPD. .
52. Common lizards have been recorded on the northern party of the site and a mitigation strategy recommended by the applicant's ecologist. The measures proposed are considered to be appropriate to minimise impacts on biodiversity and protect the species during construction. The proposed retention of the northern part of the site as a landscaped area (the HS1 no build area) will also provide net gains and help to encourage biodiversity within the area. This is in accordance with the guidance set out within the NPPF.

(f) Whether planning obligations are necessary

53. There are a number of planning obligations considered to be necessary.
These are listed below:

- a) Monitoring fee
- b) CS10

Planning Obligations

54. Regulation 122 of the Community Infrastructure Regulations 2010 says that a planning obligation may only constitute a reason for granting planning permission for a development if the obligation is:

- (a) necessary to make the development acceptable in planning terms,
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development

55. I recommend the planning obligations in Table 1 be required should the Committee resolve to grant permission. I have assessed them against Regulation 122 and for the reasons given consider they are all necessary to make the development acceptable in planning terms, are directly related to the development and are fairly and reasonably related in scale and kind to the development. Accordingly, they may be a reason to grant planning permission in this case.

Table 1

	Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
1.	<p>Development monitoring fee</p> <p>Contribution towards the Council's costs of monitoring compliance with the agreement or undertaking</p>	Index linked £1000	Upon commencement of development.	<p>Necessary in order to ensure the planning obligations are complied with.</p> <p>Directly related as only costs arising in connection with the monitoring of the development and these planning obligations are covered.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and the obligations to be monitored.</p>
2.	<p>Carbon Offsetting – industrial units (plot 3)</p> <p>Carbon off-setting of the development towards funding carbon savings (excluding infrastructure) based on the residual carbon emissions of</p>	To be calculated using the shadow price of carbon set out in the Sustainable Design and Construction SPD.	Payable on practical completion	Necessary in order to ensure the development of the extension of the Designer Outlet Centre is carbon neutral pursuant to Core Strategy policies CS1 and CS10 (C), the Sustainable Design and Construction SPD and guidance in the NPPF.

	Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
	new builds set out in the approved energy performance certificate and quantified over 10 years.			<p>Directly related as only carbon emissions from the development of the new builds and refurbished buildings would have to be off-set.</p> <p>Fairly and reasonably related in scale and kind as off-setting would not be required in the absence of carbon emissions from the development of the refurbishment and extension of the Designer Outlet Centre and any payment is based on the amount of carbon dioxide to be offset.</p>

Human Rights Issues

56. I have also taken into account the human rights issues relevant to this application. In my view the “Assessment” section above and the Recommendations below represent an appropriate balance between the interests and rights of the applicant (to enjoy his land subject only to reasonable and proportionate controls by a public authority) and the interests and rights of those potentially affected by the proposal (to respect for private life and the home and peaceful enjoyment of their properties).

Working with the applicant

57. In accordance with paragraphs 186 and 187 of the NPPF Ashford Borough Council (ABC) takes a positive and proactive approach to development proposals focused on solutions. ABC works with applicants/agents in a positive and proactive manner as explained in the note to the applicant included in the recommendation below.

Conclusion

58. The proposed works would redevelop a vacant site and improve the potential for generating employment opportunities, which is in line with the aims and objectives of the NPPF, which seeks to promote economic growth and support businesses.
59. The development would comply with the requirements of the Development Plan as a whole and would not represent a departure from it (policies TP6 and CF6 of the Ashford Borough Local Plan, policies CS1, CS2, CS4, CS9, CS10, CS15, CS20 and CS21 of the Local Development Core Strategy, policies U0, U20 and U24 of the Urban Sites and Infrastructure DPD and policies SP1, SP3, SP6, EMP1, EMP2, TRS3(b), ENV1, ENV6 and ENV9 of the Local Plan to 2030 (Reg 19 Version))
60. The impact of the proposal in highway terms is acceptable subject to conditions.
61. No significant harm to the visual amenity of the surrounding area would be caused by the proposed development.
62. The impact of the proposal upon residential amenity is acceptable.
63. I consider that the recommended obligations comply with Regulation 122 of the Community Infrastructure Regulations 2010 and should therefore be sought.

Recommendation

(A) **Subject to the applicant first entering into a section 106 agreement/undertaking in respect of planning obligations related to**

a. **Monitoring fee**

b. **Carbon offsetting**

as detailed in table 1, in terms agreeable the Head of Development Strategic Sites and Design or the Development Control Manager in consultation with the Director of Corporate Services, Head of Legal and Democratic Services, with delegated authority to either the Strategic Sites and Design Manager or the Development Control Manager to make or approve minor changes to the planning obligations and planning conditions, as they see fit.

(B) **Permit/Grant Outline Planning Permission.**

Subject to the following conditions and notes:

Note: For the purposes of this decision the plots referred to are as follows:

Plot 1 – Grounds maintenance depot

Plot 2 – Concrete batching and aggregate depot

Plot 3 – Industrial units

Time limit for implementation (plots 1 & 2)

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this decision.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Time limit for implementation (plot 3)

2. Approval of the details of the appearance, layout, scale and landscaping (hereafter called "the Reserved Matters") shall be obtained from the Local Planning Authority in writing before development commences and the development shall be carried out as approved.

Reason: To comply with the provisions of Article 3 of the Town and Country Planning (General Development Procedure) Order 1995 and Section 92 of the

Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

3. (A) Application for approval of the Reserved Matters shall be made to the Local Planning Authority not later than the expiration of 3 years from the date of this permission.

(B) The development hereby permitted shall be begun no later than the expiration of 2 years from the date of approval of the last of the Reserved Matters to be approved.

Reason: To comply with the provisions of Article 3 of the Town and Country Planning (General Development Procedure) Order 1995 and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Site wide conditions (plots 1, 2 & 3)

Drainage

4. No development shall commence until plans and particulars of a sustainable drainage system (including the details below) for the disposal of the site's surface water based on the principles set out in the following application documents have been submitted to and approved in writing by the Local Planning Authority.

- Proposed Trade Units, Council Depot and Ready Mix Plant, Carlton Road, Ashford – FRA by PCS Consulting Engineers Ltd dated 19th March 2016.
- Drawing 15-016-900-REV A.

The final drainage plan for the scheme will be approved by Ashford Borough Council to ensure that surface water runoff from the site is being dealt with appropriately and in line with Ashford Borough Council's Sustainable Drainage SPD. This will include a modified surface water drainage strategy which satisfies the requirements of the SPD.

The submitted system shall comprise retention or storage of the surface water on-site or within the immediate area in a way which is appropriate to the site's location, topography, hydrogeology and hydrology.

Surface water runoff should be dealt with within the application boundary via suitable methods approved by Ashford Borough Council where possible. Proposals should identify any overland flow paths, channelling of flows, or piped flows along with the final point of discharge of the water from the site should be identified.

The submitted system shall be designed to (i) avoid any increase in flood risk, (ii) avoid any adverse impact on water quality, (iii) achieve a reduction in the run-off rate in accordance with the Ashford Borough Council Sustainable Drainage SPD document, adopted October 2010. (iv) promote biodiversity, (v) enhance the landscape, (vi) improve public amenities, (vii) return the water to the natural drainage system as near to the source as possible and (viii) operate both during construction of the development and post-completion.

The submitted details shall include identification of the proposed discharge points from the system, a timetable for provision of the system and arrangements for future maintenance (in particular the type and frequency of maintenance and responsibility for maintenance) and shall be retained in working order until such time as the development ceases to be in use.

Permission for discharging of any surface water to the existing public sewer must be obtained by the applicant via written confirmation from Southern Water of their agreement to the proposals.

The approved system shall be provided in accordance with the approved timetable. The approved system shall be maintained in accordance with the approved details and shall be retained in working order until such time as the development ceases to be in use.

A plan indicating the routes flood waters will take should the site experience a rainfall event that exceeds the design capacity of the surface water drainage system or in light of systems failure (Designing for exceedance) including appropriate mitigation measures and emergency response procedures.

Reason: In order to reduce the impact of the development on flooding, manage run-off flow rates, protect water quality and improve biodiversity and the appearance of the development pursuant to Core Strategy Policy CS20 Sustainable Drainage.

Contamination

5. Prior to the commencement of development, A detailed remediation scheme to ensure that the site is suitable for the intended use (by removing unacceptable risks to human health, buildings and other property and the natural and historical environment) must be submitted to and approved in writing by the Local Planning Authority The scheme must describe all the relevant works to be undertaken including, the proposed remediation objectives and performance criteria, a schedule of works and site management protocols.

The scheme must deliver a site that will not qualify as 'contaminated land' under Part 2A of the Environmental Protection Act 1990, having regard to the intended use of the land after remediation.

The approved scheme shall thereafter be carried out in accordance with its approved terms, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be notified at least two weeks prior to commencement of the remediation scheme works.

Following completion of the remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be prepared and submitted for approval in writing by the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

Construction Management Plan

6. All details of the approved construction management plan dated 28 June 2016 shall be adhered to during the construction period.

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

Landscaping

7. Prior to the commencement of work on plot 3, a landscaping scheme for the site, including the HS1 no build area, (which may include entirely new planting, retention of existing planting or a combination of both) shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced. Thereafter, the approved landscaping/tree planting scheme shall be carried out fully within 12 months of the completion of the development. Any trees or other plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species unless the Local Planning Authority give prior written consent to any variation.

Reason: In order to protect and enhance the amenity of the area.

Parking

8. The area shown on the approved drawings as vehicle parking space and turning shall be provided before the uses are commenced or the premises occupied, and shall be retained for the use of the occupiers of, and visitors to, the development, and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order), shall be carried out on that area of land so shown or in such a position as to preclude vehicular access to this reserved parking space.

Reason: Development without provision of adequate accommodation for the parking of vehicles is likely to lead to parking inconvenient to other road users.

Plot 1 (grounds maintenance depot)

Materials

9. The development shall be carried out in accordance with the details of external materials specified in the application which shall not be varied without the prior written permission of the Local Planning Authority.

Reason: In the interests of visual amenity.

Lighting

10. No further external lighting shall be installed without the prior written consent of the Local Planning Authority.

Reason: In the interests of visual and residential amenity and Dark Skies SPD

11. All external lighting shall be extinguished outside of the hours of 06.00 – 18.00 Mondays to Saturdays.

Reason: In the interests of visual and residential amenity and the Dark skies SPD

Use

12. The premises/site shall be used for the purposes of a grounds maintenance depot and not for any other purpose whether or not in the same use class of the Schedule to the Town and Country Planning (Use Classes) Order 2005 or any subsequent Order revoking or re-enacting that Order, or whether the alternative use is permitted by virtue of Article 3 and Schedule 2 Part 3 of the

Town and Country Planning (General Permitted Development) Order 2015 or any Order revoking or re-enacting that Order.

Reason: In order to preserve the amenity of the locality.

Hours of use

13. There shall be no servicing of the buildings, no goods shall be loaded or deposited and no vehicles shall arrive, depart, be loaded or unloaded, within the grounds maintenance depot before 0600 hours or after 1800 hours Mondays to Saturdays: or at any time on Sundays, Public and Bank Holidays.

Reason: To protect the residential amenity of the locality.

Bicycle storage

14. The approved bicycle storage facilities shall be provided prior to occupation of the plot 1 and shall thereafter be retained and made available for use.

Reason: To ensure the provision and retention of adequate off-street parking facilities for bicycles in the interests of highway safety.

Plot 2 (concrete batching and aggregate depot)

Materials

15. Written details including source/ manufacturer, and samples of bricks, tiles and cladding materials to be used externally shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced and the development shall be carried out using the approved external materials.

Reason: In the interests of visual amenity.

Lighting

16. Full details of external lighting to be installed on the site shall be submitted to and approved in writing by the Local Planning Authority. Once installed the lighting shall be retained and maintained as approved and no further lighting installed without the written permission of the Local Planning Authority.

Reason: In the interests of residential amenity.

17. All external lighting shall be extinguished outside of the hours of 07.00 – 17.30 Monday to Friday and 07.00 – 13.00 on Saturdays.

Reason: In the interests of visual and residential amenity and the Dark skies SPD

Bicycle parking

18. No development shall take place until details of the bicycle storage facilities have been submitted to an approved in writing by the Local Planning Authority. The approved bicycle storage shall be completed prior to occupation of the development and shall thereafter be retained.

Reason: To ensure the provision and retention of adequate off-street parking facilities for bicycles in the interests of highway safety.

Use

19. The premises/site shall be used for the purposes of the use approved and not for any other purpose whether or not in the same use class of the Schedule to the Town and Country Planning (Use Classes) Order 2005 or any subsequent Order revoking or re-enacting that Order, or whether the alternative use is permitted by virtue of Article 3 and Schedule 2 Part 3 of the Town and Country Planning (General Permitted Development) Order 2015 or any Order revoking or re-enacting that Order.

Reason: In order to preserve the amenity of the locality.

20. With the exception of no more than 12 occasions in each calendar year, there shall be no servicing of the buildings, no goods shall be loaded or deposited and no vehicles shall arrive, depart, be loaded or unloaded before 0700 hours or after 1730 hours Mondays to Friday, 0700 hours or after 1300 hours on Saturdays: or at any time on Sundays, Public and Bank Holidays.

Reason: To protect the residential amenity of the locality.

Plot 3 (industrial units)

Materials

21. Written details including source/ manufacturer, and samples of bricks, tiles and cladding materials to be used externally shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced and the development shall be carried out using the approved external materials.

Reason: In the interests of visual amenity.

Lighting

22. Full details of external lighting to be installed on the site shall be submitted to and approved in writing by the Local Planning Authority. Once installed the lighting shall be retained and maintained as approved and no further lighting installed without the written permission of the Local Planning Authority.

Reason: In the interests of residential amenity.

23. All external lighting shall be extinguished outside of the hours of 0600 hours–1800 hours Monday to Saturdays.

Reason: In the interests of visual and residential amenity and the Dark skies SPD

CS10 – BREEAM

24. The development hereby approved shall be constructed to achieve a target Building Research Establishment BREEAM (or subsequent equivalent quality assured scheme) overall 'Very Good' standard comprising the following minimum credit requirements:-

'Excellent' standard in respect of energy credits,

'Maximum standard in respect of water credits,

'Excellent standard in respect of materials credits, and

under criterion Ene4 (Low and Zero Carbon Technologies) (or subsequent equivalent criterion) 1 credit for a feasibility study and 2 credits for a 20% reduction in carbon emissions.

Unless otherwise agreed in writing by the Local Planning Authority, the following shall be submitted to and approved in writing by the Local Planning Authority within 3 months of work commencing on a given phase:-

A feasibility study to establish the most appropriate local low and zero carbon ("LZC") technologies to install and which shall be in accordance with the feasibility study requirements set out within BREEAM 2011 New Construction (or subsequent equivalent requirements),

Simplified Building Energy Model ("SBEM") calculations from a competent person stating the estimated amount of carbon emissions from energy demand with and without LZC technologies installed,

A BREEAM 'Design Stage' report and related certification produced by a registered assessor, and

Details of the measures, LZC and other technologies to be used to achieve the BREEAM standard and credit requirements specified above.

Thereafter, the development shall be carried out in accordance with the approved report and details and the approved measures and LZC and other technologies for achieving the BREEAM standard and credit requirements specified above shall thereafter be retained in working order in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

Unless otherwise agreed in writing by the Local Planning Authority, within three months of occupation of the new buildings hereby approved the applicant shall have submitted to and approved in writing, parts 0 and 0 below by the Local Planning Authority for that building:

SBEM calculations from a competent person stating (i) the actual amount of carbon emissions from energy demand with the LZC technologies that have been installed and what the emissions would have been without them and (ii) the actual amount of residual carbon emissions, and a BREEAM 'Post Construction Stage' report and related certification produced by a registered assessor confirming the BREEAM standard that has been achieved and the credits awarded under Ene4.

Reason: In order to (a) achieve zero carbon growth and ensure the construction of sustainable buildings and a reduction in the consumption of natural resources, (b) seek to achieve a carbon neutral development through sustainable design features and on-site low and/or zero carbon technologies and (c) confirm the sustainability of the development and a reduction in the consumption of natural resources and to calculate any amount payable into the Ashford Carbon Fund, thereby making the development carbon neutral, all pursuant to Core Strategy policy CS10, the Sustainable Design and Construction SPD and NPPF.

Landscaping/trees

25. Prior to the construction of any buildings on plot 3 a tree planting scheme and maintenance schedule (to include the planting of trees as shown on either approved drawing numbers GMDT005 or GMDT006) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved tree planting scheme shall be carried out fully within 12 months of the completion of the development. Any trees which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season

with others of a similar size and species unless the Local Planning Authority give prior written consent to any variation.

Reason: In order to protect and enhance the amenity of the area.

Highways

26. Prior to the commencement of the development the proposed new access gate and crossover for HS1 and gas board maintenance shown on drawing GH-102-TP-01 shall be provided in accordance with the approved plans and maintained in perpetuity unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety and the protection of the HS1 asset.

Bicycle parking

27. No development shall take place until details of the bicycle storage facilities have been submitted to an approved in writing by the Local Planning Authority. The approved bicycle storage shall be completed prior to occupation of the development and shall thereafter be retained.

Reason: To ensure the provision and retention of adequate off-street parking facilities for bicycles in the interests of highway safety.

Use

28. The premises/site shall be used for the purposes of B1(c), B2 and B8 and not for any other purpose whether or not in the same use class of the Schedule to the Town and Country Planning (Use Classes) Order 2005 or any subsequent Order revoking or re-enacting that Order, or whether the alternative use is permitted by virtue of Article 3 and Schedule 2 Part 3 of the Town and Country Planning (General Permitted Development) Order 2015 or any Order revoking or re-enacting that Order.

Reason: In order to preserve the amenity of the locality.

29. No mezzanine floor space shall operate independently from the ground floor of the unit in which it is located.

Reason: In order to preserve the amenity of the locality.

30. Industrial processing shall only take place in the buildings identified on the approved plans.

Reason: In order to preserve the visual character of the site and the amenity of the surrounding area.

31. There shall be no storage on the site other than within a building.

Reason: In order to preserve the visual character of the site and the amenity of the surrounding area.

Hours of use

32. There shall be no servicing of the buildings, no goods shall be loaded or deposited and no vehicles shall arrive, depart, be loaded or unloaded before 0600 hours or after 1800 hours Mondays to Saturdays: or at any time on Sundays, Public and Bank Holidays.

Reason: To protect the residential amenity of the locality.

Other (plots 1, 2 & 3)

33. The development shall be carried out in accordance with the plans listed in the section of this decision notice headed Plans/Documents Approved by this decision, unless otherwise agreed by the Local Planning Authority.

Reason: To ensure the development is carried out in accordance with the approval and to ensure the quality of development indicated on the approved plans is achieved in practice.

34. The development shall be made available for inspection, at a reasonable time, by the local planning authority to ascertain whether a breach of planning control may have occurred on the site (e.g. as a result of departure from the plans hereby approved and/or the terms of this permission).

Reason: In the interests of ensuring the proper planning of the locality and the protection of amenity and the environment, securing high-quality development through adherence to the terms of planning approvals, and ensuring community confidence in the planning system.

Note to Applicant

1. This development is also the subject of an Obligation under Section 106 of the Town and Country Planning Act 1990.

2. Working with the Applicant

In accordance with paragraphs 186 and 187 of the NPPF Ashford Borough Council (ABC) takes a positive and proactive approach to development proposals focused on solutions. ABC works with applicants/agents in a positive and proactive manner by;

- offering a pre-application advice service,
- as appropriate updating applicants/agents of any issues that may arise in the processing of their application
- where possible suggesting solutions to secure a successful outcome,
- informing applicants/agents of any likely recommendation of refusal prior to a decision and,
- by adhering to the requirements of the Development Management Customer Charter.

In this instance:

- the applicant/agent was updated of any issues after the initial site visit,
- The applicant was provided the opportunity to submit additional information to address issues.
- The application was dealt with/approved without delay.
- The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

INFORMATIVES:

Signage:

This permission does not grant advertisement consent for any estate signage which may require the benefit of separate application for advertisement consent.

Network Rail:

The developer must ensure that their proposal, both during construction and after completion of works on site, does not:

- encroach onto Network Rail land

- affect the safety, operation or integrity of the company's railway and its infrastructure
- undermine its support zone
- damage the company's infrastructure
- place additional load on cuttings
- adversely affect any railway land or structure
- over-sail or encroach upon the air-space of any Network Rail land
- cause to obstruct or interfere with any works or proposed works or Network Rail development both now and in the future

The developer should comply with the following comments and requirements for the safe operation of the railway and the protection of Network Rail's adjoining land.

Future maintenance

The development must ensure any future maintenance can be conducted solely on the applicant's land. The applicant must ensure that any construction and any subsequent maintenance can be carried out to any proposed buildings or structures without adversely affecting the safety of, or encroaching upon Network Rail's adjacent land and air-space, and therefore all/any building should be situated at least **2 metres (3m for overhead lines and third rail)** from Network Rail's boundary. The reason for the **2m (3m for overhead lines and third rail)** stand off requirement is to allow for construction and future maintenance of a building and without requirement for access to the operational railway environment which may not necessarily be granted or if granted subject to railway site safety requirements and special provisions with all associated railway costs charged to the applicant. Any less than **2m (3m for overhead lines and third rail)** and there is a strong possibility that the applicant (and any future resident) will need to utilise Network Rail land and air-space to facilitate works. The applicant / resident would need to receive approval for such works from the Network Rail Asset Protection Engineer, the applicant / resident would need to submit the request at least 20 weeks before any works were due to commence on site and they would be liable for all costs (e.g. all possession costs, all site safety costs, all asset protection presence costs). However, Network Rail is not required to grant permission for any third party access to its land. No structure/building should be built hard-against Network Rail's boundary as in this case there is an even higher probability of access to Network Rail land being required to undertake any construction / maintenance works. Equally any structure/building erected hard against the boundary with Network Rail will impact adversely upon our maintenance teams' ability to maintain our boundary fencing and boundary treatments.

Drainage

Storm/surface water must not be discharged onto Network Rail's property or into Network Rail's culverts or drains except by agreement with Network Rail. Suitable drainage or other works must be provided and maintained by the Developer to prevent surface water flows or run-off onto Network Rail's property. Proper provision must be made to accept and continue drainage discharging from Network Rail's property; full details to be submitted for approval to the Network Rail Asset Protection Engineer. Suitable foul drainage must be provided separate from Network Rail's existing drainage. Soakaways, as a means of storm/surface water disposal must not be constructed near/within 10 – 20 metres of Network Rail's boundary or at any point which could adversely affect the stability of Network Rail's property. After the completion and occupation of the development, any new or exacerbated problems attributable to the new development shall be investigated and remedied at the applicants' expense.

Plant & Materials

All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, must at all times be carried out in a "fail safe" manner such that in the event of mishandling, collapse or failure, no plant or materials are capable of falling within 3.0m of the boundary with Network Rail.

Scaffolding

Any scaffold which is to be constructed within 10 metres of the railway boundary fence must be erected in such a manner that at no time will any poles over-sail the railway and protective netting around such scaffold must be installed. The applicant/applicant's contractor must consider if they can undertake the works and associated scaffold/access for working at height within the footprint of their property boundary.

Piling

Where vibro-compaction/displacement piling plant is to be used in development, details of the use of such machinery and a method statement should be submitted for the approval of the Network Rail's Asset Protection Engineer prior to the commencement of works and the works shall only be carried out in accordance with the approved method statement.

Fencing

In view of the nature of the development, it is essential that the developer provide (at their own expense) and thereafter maintain a substantial, trespass proof fence along the development side of the existing boundary fence, to a minimum height of 1.8 metres. The 1.8m fencing should be adjacent to the railway boundary and the

developer/applicant should make provision for its future maintenance and renewal without encroachment upon Network Rail land. Network Rail's existing fencing / wall must not be removed or damaged and at no point either during construction or after works are completed on site should the foundations of the fencing or wall or any embankment therein, be damaged, undermined or compromised in any way. Any vegetation on Network Rail land and within Network Rail's boundary must also not be disturbed. Any fencing installed by the applicant must not prevent Network Rail from maintaining its own fencing/boundary treatment.

Lighting

Any lighting associated with the development (including vehicle lights) must not interfere with the sighting of signalling apparatus and/or train drivers vision on approaching trains. The location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway. The developers should obtain Network Rail's Asset Protection Engineer's approval of their detailed proposals regarding lighting.

Noise and Vibration

The potential for any noise/ vibration impacts caused by the proximity between the proposed development and any existing railway must be assessed in the context of the National Planning Policy Framework which hold relevant national guidance information. The current level of usage may be subject to change at any time without notification including increased frequency of trains, night time train running and heavy freight trains.

Vehicle Incursion

Where a proposal calls for hard standing area / parking of vehicles area near the boundary with the operational railway, Network Rail would recommend the installation of a highways approved vehicle incursion barrier or high kerbs to prevent vehicles accidentally driving or rolling onto the railway or damaging lineside fencing.

Network Rail strongly recommends the developer contacts AssetProtectionKent@networkrail.co.uk prior to any works commencing on site, and also to agree an Asset Protection Agreement with us to enable approval of detailed works. More information can also be obtained from www.networkrail.co.uk/asp/1538.aspx.

Scotia/Southern Gas Networks:

Refer to Scotia Gas Network plan received 04/05/16. This plan only shows the pipes owned by SGN in their role as a Licensed Gas Transporter (GT). Please note that privately owned gas pipes or ones owned by other GTs may be present in this area and information regarding those pipes needs to be requested from the owners. Other

known pipes in the area will be noted on the plans as a shaded area and/or a series of x's.

The accuracy of the information shown on the plan cannot be guaranteed. Service pipes, valves, siphons, stub connections etc. are not shown but you should look out for them in your area. Please read the information and disclaimer on these plans carefully. The information included on the plan is only valid for 28 days.

The mains record shows a low/medium/intermediate pressure gas main near the site. There should be no mechanical excavations taking place above or within 0.5m of a low/medium pressure system or above or within 3.0m of an intermediate pressure system. You should, where required confirm the position using hand dug trial holes.

A colour copy of these plans and the gas safety advice booklet (received 04/05/16) should be passed to the senior person on site in order to prevent damage to our plant and potential direct or consequential costs to your organisation.

Safe digging practices, in accordance with HSE publication HSG47 "Avoiding Danger from Underground Services" must be used to verify and establish the actual position of mains, pipes, services and other apparatus on site before any mechanical plant is used. It is your responsibility to ensure that this information is provided to all relevant people (direct labour or contractors) working for you on or near gas plant.

Damage to pipes can be extremely dangerous for both your employees and the general public. The cost to repair our pipelines following direct or consequential damage will be charged to your organisation.

Please ensure we are able to gain access to our pipeline throughout the duration of your operations.

If you require any further information please contact SGN - Plant Location Team
0800 912 1722

Highways:

It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

The applicant is requested to engage into continued dialogue with KCC Major Schemes to ensure the construction programme for the scheme of development on the application site is carefully managed in the context of the programme for the A28 Chart Road widening scheme to proceed. The Project Manager at Kent County Council is Barry Stiff barry.stiff@kent.gov.uk.

Background Papers

All papers referred to in this report are currently published on the Ashford Borough Council web site (www.ashford.gov.uk). Those papers relating specifically to this application may be found on the [View applications on line](#) pages under planning application reference 16/00562/AS.

Contact Officer: Alex Stafford

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Email: alex.stafford@ashford.gov.uk

Annex 1



Ashford Borough Council



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