

<b>Application Number</b>	16/01696/AS	
<b>Location</b>	Public Convenience, St Johns Lane, Ashford	
<b>Grid Reference</b>	01123/ 42730	
<b>Parish Council</b>	None	
<b>Ward</b>	Victoria	
<b>Application Description</b>	Demolition of the public conveniences on St John's Lane located in the Vicarage Lane Car Park.	
<b>Applicant</b>	Head of Health Parking and Community Safety, Ashford Borough Council, Civic Centre, Tannery Lane, Ashford, Kent, TN23 1PL	
<b>Agent</b>	Mr Martin Kempshall, Ashford Borough Council, Civic Centre, Tannery Lane, Ashford, Kent, TN23 1PL	
<b>Site Area</b>	0.0426ha	
(a) 6 / -	(b) -	(c) EHM X, PO (Drainage) -

## Introduction

1. This application is reported to the Planning Committee because the applicant is Ashford Borough Council.

## Site and Surroundings

2. The site, which contains the public conveniences at St Johns Lane, is located adjacent to the northern boundary of the Vicarage Lane car park. The site is within the Town Centre Conservation Area and an Area designated as having the potential for Archaeology.
3. The public convenience building has a plan area of approximately 80m<sup>2</sup> and a volume of approximately 230m<sup>3</sup>. The building is predominately facing brickwork with some painted render and brown panelling. Window frames and doors are brown to match the panelling. The building has a stepped roof part of which is flat and part of which is lean to with a very shallow pitch.

4. To the north and west of the conveniences are the rear of buildings which front onto the High Street, a number of which are Listed. St Mary Church Grade I and The College Grade II\* Listed are located to west and south west of the conveniences.
5. A plan showing the application site in relation to its surroundings is found below and also attached as **Annex 1** to this report.

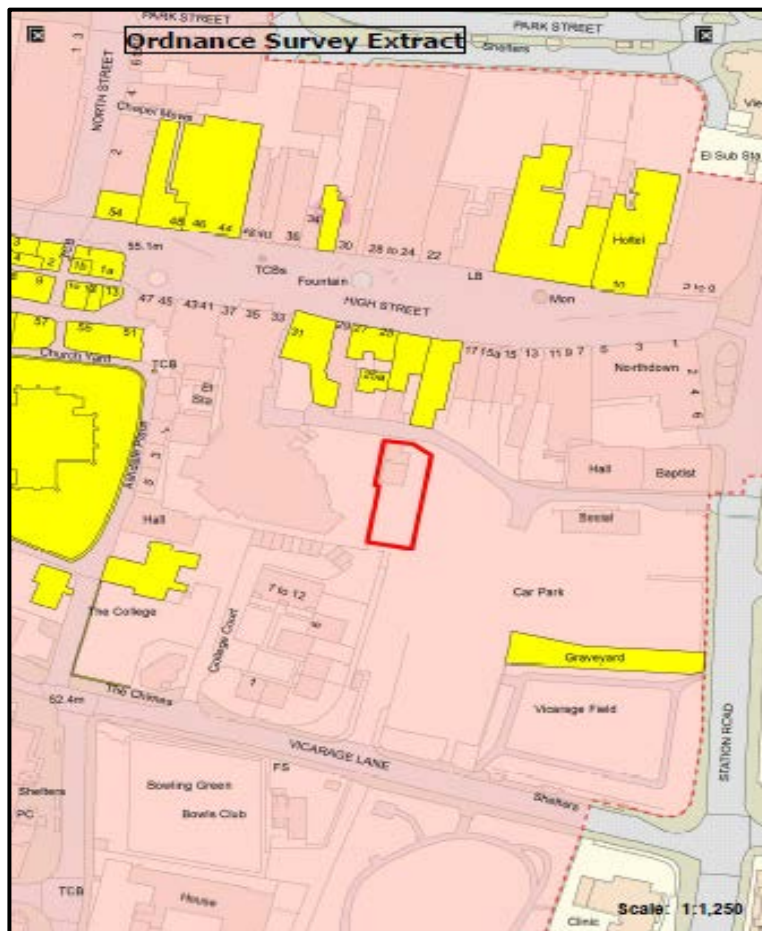


Figure 1 Site Location Plan

## Proposal

6. The proposal is a full application. The application is for the demolition of the public convenience building.



**Figure 2 Photos of Existing Building**



**Figure 3 Existing Site Plan**

7. It is stated within the Design, Access and Heritage Statement that post demolition the surface occupied by the building will be made good in materials to match the existing hardstanding, comprising an asphalt concrete finish of similar specification to the surrounding car parking areas. It is then proposed to provide additional car parking as per the new layout proposed in drawing VLPCD-101.



Figure 4 Proposed Site Plan

8. Planning permission is required as the demolition relates to a building within the Conservation Area which has a volume of in excess of 115m<sup>3</sup>.

## Planning History

There is no relevant planning history relating to the building the subject of this application.

## Consultations

**Ward Members:** The Ward Member (Cllr Apps who is a Member of the Committee) has stated that he supports the officers recommendation.

**Environmental Health:** No objection.

**Project Office (Drainage):** No comments received.

**Neighbours:** 6 consulted. A site notice was posted and the application has been advertised in the press. No representations have been received.

## **Planning Policy**

9. 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, the Chilmington Green AAP 2013 and the Wye Neighbourhood Plan 2015-30. On 9 June 2016 the Council approved a consultation version of the Local Plan to 2030. Consultation commenced on 15 June 2016 and has now closed. At present the policies in this emerging plan can be accorded little or no weight.
10. The relevant policies from the Development Plan relating to this application are as follows:-

### **Ashford Borough Local Plan 2000**

- EN16 Development in Conservation Areas
- EN23 Sites of archaeological importance

### **Local Development Framework Core Strategy 2008**

- CS1 Guiding Principles
- CS2 The Borough Wide Strategy
- CS9 Design Quality
- CS18 Meeting the Communities Needs

### **Urban Sites and Infrastructure DPD 2012**

- U0 Presumption in Favour of Sustainable Development

### **Local Plan to 2030**

- SP1 Strategic Objectives
- SP2 The Strategic Approach to Housing Delivery

SP6	Promoting High Quality Design
EN13	Conservation and Enhancement of Heritage Assets
EN14	Conservation Area
EN15	Archaeology

### **Wye Neighbourhood Plan 2015-30**

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

#### **Government Advice**

##### National Planning Policy Framework (NPPF) 2012

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

- Paragraph 14 sets out presumption in favour of sustainable development
- Paragraph 17 sets out the core planning principles including that every effort should be made objectively to identify and then meet the housing needs of the area; and always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings; encourage the effective use of land by reusing land that has been previously developed (brownfield), provided that it is not of high environmental value; contribute to conserving and enhancing the natural environment, conserve heritage assets.
- Section 7 requires good design.
- Section 12 sets out conserving and enhancing the historic environment

##### National Planning Policy Guidance (NPPG)

13. Other Government Policy

None.

## **Assessment**

14. The main issues to consider are:

- The loss of the community facility;
- Impact of the proposed demolition on the character and appearance of the Conservation Area and the setting of Listed Building's;
- Impact on amenity;
- Archaeology

## **Loss of Community Facility**

15. Core Strategy policy CS18 states that the loss of existing facilities including public services and community facilities shall be resisted, unless they are no longer required or are obsolete.

16. In relation to this, Ashford Borough Council recently launched its Community Toilet Scheme in Ashford Town Centre. The Community Toilet Scheme aims to provide safe, hygienic and accessible toilet facilities within existing business facilities.

17. There are currently 12 businesses signed up to the scheme which are well distributed throughout the Town Centre. There is no obligation to purchase anything from the businesses operating the scheme and so members of the public can use the facilities free of charge. Several of the business involved provide baby changing and disabled facilities. Businesses that have signed up to the scheme display a window sticker. The sticker indicates they are participating in the scheme and details the level of services available.

18. In the light of the Community Toilet Scheme, I am satisfied that the public conveniences in St Johns Lane are no longer required as improved and accessible facilities remain at various locations within the Town Centre.

19. Copied below is a map detailing the participating businesses and details of the facilities they offer and opening times.

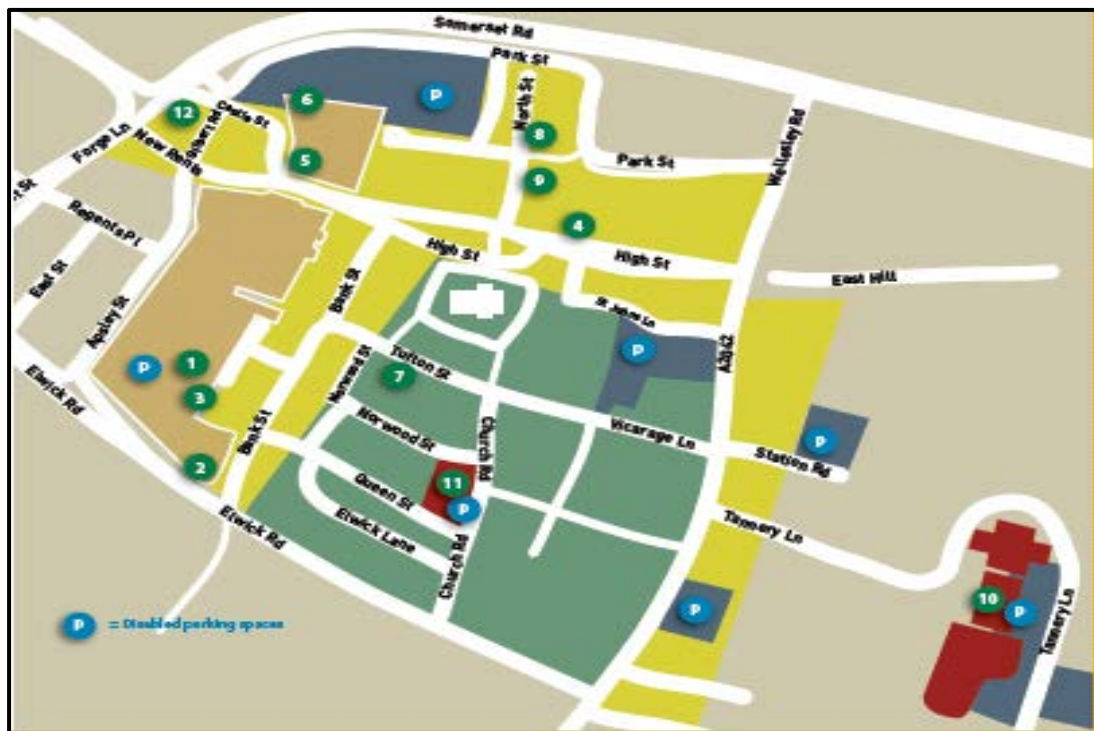


Figure 5 Map indicating the location of participating businesses

Key	Business	Facilities	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
1	County Square		7am-6pm	7am-6pm	7am-6pm	7am-6pm	7am-6pm	7am-6pm	8am-4.30pm
2	Debenhams		9am-5.30pm	9am-5.30pm	9am-5.30pm	9am-5.30pm	9am-6pm	9am-6pm	10am-4pm
3	Muffin Break		8am-5.30pm	8am-5.30pm	8am-5.30pm	8am-5.30pm	8am-5.30pm	8am-5.30pm	10am-4pm
4	McDonalds		6am-9pm	6am-9pm	6am-9pm	6am-9pm	6am-9pm	6am-9pm	6am-9pm
5	Stag Coffee		7.30am-6pm	7.30am-6pm	7.30am-4pm	7.30am-6pm	7.30am-6pm	7.30am-6pm	8.30am-5pm
6	Little Tea Pot		9am-5.30pm	9am-5.30pm	9am-5.30pm	9am-5.30pm	9am-5.30pm	9am-5.30pm	closed
7	The Phoenix		10am-12am	10am-12am	10am-12am	10am-12am	10am-2am	10am-3am	12am-12am
8	Pizza Express		11.30am-10pm	11.30am-10pm	11.30am-11pm	11.30am-11pm	11.30am-11pm	11.30am-11pm	12pm-10pm
9	Paper Duck		12pm-3pm 6pm-10.30pm	12pm-3pm 6pm-10.30pm	12pm-3pm 6pm-10.30pm	12pm-3pm 6pm-10.30pm	12pm-3pm 6pm-10.30pm	12pm-3pm 6pm-10.30pm	12pm-3pm 6pm-10.30pm
10	Civic Centre		8.30-5pm	8.30-5pm	8.30-5pm	8.30-5pm	8.30-5pm	closed	closed
11	Ashford Gateway Plus		9am-6pm	9am-6pm	9am-6pm	9am-6pm	9am-6pm	9am-6pm	closed
12	New Rents		8am-4pm	8am-4pm	8am-4pm	8am-4pm	8am-4pm	8am-4pm	closed

Figure 6 Participating businesses, facilities and opening times



## Visual Impact

20. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the conservation area. Section 66(1) the same Act requires decision makers to assess the effect of proposals on any listed building and its setting.
21. Policy EN16 of the Local Plan requires proposals to preserve or enhance the character or appearance of the area, indicating amongst other things that proposals must be appropriate in terms of scale, detailed design and materials. Buildings and streets of townscape character, trees, open spaces, walls, fences or any other features which contribute positively to the character and appearance of the area must be retained. Policy CS1 of the Council's Core Strategy sets out the Council's key planning objectives including the conservation and enhancement of the historic environment and built heritage.
22. Relevant Core strategy policies CS1 and CS9 require good design.
23. The above criteria are consistent with Government policy set out in the NPPF which seeks to safeguard heritage assets, and ensure new development responds positively to its context. The NPPF attaches great importance to the design of the built environment and states that developments should respond to local character and history and reflect the identity of local surroundings and materials.
24. The public convenience building described in paragraph 3 and photographed in the picture below is a 1960's construction. The building is of no architectural merit and therefore does not make any positive contribution to the conservation area. Consequently, neither does it make any positive contribution to the setting of Listed buildings that it is viewed directly in context with. Its demolition will enhance the appearance of the area. As such, no objection is raised to the demolition of the building.



**Figure 7 Existing building**

25. The loss of the building and its replacement with surfacing and allocated parking consistent with the existing car park facilities in Vicarage Lane, would ensure that the finished scheme of works would comprise appropriate materials that assimilate with the surrounding development. As a result the new open space and car parking area would sit comfortably within the street scene and wider townscape setting, enhancing the character and appearance of the Conservation Area and the setting of nearby Listed Buildings. Whilst this will not enhance the site it will preserve it's appearance.



**Figure 8 Illustration of completed scheme of works**

26. Overall, the proposals would benefit the character of this part of the Town Centre. For the reasons set out in the preceding paragraphs, I do not consider

that there would be any harm to the visual amenity of the area and the Town Centre Conservation Area and setting of Listed Buildings would be enhanced. The proposal complies with the Development Plan as a result.

### **Impact on Amenity**

27. Paragraph 17 of the NPPF identifies a set of core land use planning principles that should underpin decision making including that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.
28. The demolition works and works to make good will be for a temporary period. Subject to conditions such as hours of working and undertaking the works in accordance with the process of demolition set out in the DAHS, I consider that the proposals can take place safely, and without any adverse impacts on neighbouring amenity by way of noise and general disturbance. As such, I consider that the works can be undertaken in accordance with the relevant policy guidance.

### **Archaeology**

29. Policy EN23 of the Local Plan seeks to safeguard archaeology as does section 12 of the NPPF.
30. It is stated that the demolition of the toilet block will not involve excavations below the foundations of the existing building. However, the site is located within a designated area for archaeology. Furthermore, the site is located in close proximity to historic buildings and the church and associated cemetery. Consequently, I consider it reasonable to impose a condition to secure an Archaeological watching brief to ensure that any features of archaeological interest which may be discovered are properly examined and recorded.

### **Other Matters**

31. There are not considered to be any highway impacts arising from this proposal as any additional car parking spaces provided will be accessed via the existing access into the car park.

### **Human Rights Issues**

32. I have also taken into account the human rights issues relevant to this application. In my view, the "Assessment" section above and the Recommendation below represent an appropriate balance between the interests and rights of the applicant (to enjoy their 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**

33. 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**

34. Due to the Community Toilet Scheme, the public conveniences in St Johns Lane are no longer required as improved and accessible facilities remain at various locations within the Town Centre.
35. The 1960's construction comprising the existing facilities is of no architectural merit and its demolition and replacement with surfacing and parking provision consistent with the existing car park, will enhance the character and appearance of the Conservation Area and setting of nearby Listed Buildings.
36. Subject to conditions, the scheme of works to demolish the building and restore the site to provide additional car parking can take place without any adverse impact on neighbours amenity.
37. There is no perceived archaeological or highway impacts.
38. For these reasons I consider that the proposals comply with the adopted development plan and relevant policy guidance.

## **Recommendation**

### **Permit**

#### **on the following grounds:**

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

2. Upon completion of demolition all materials shall be removed from the site and the site shall be restored in the manner described in the Design, Access and Heritage Statement and in accordance with the details set out on drawing number VLPCD-101.

**Reason:** In order not to prejudice the appearance of the surrounding Conservation Area and neighbours' amenities.

3. 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.

4. Demolition and site clearance works shall only be carried out between the hours of 0800 and 1800 Monday to Saturday, and not at all on Sundays and Bank Holidays.

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

5. The process of demolition shall be undertaken in accordance with the details set out in the Design, Access and Heritage Statement.

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

6. 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 and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification).

**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.

7. The development approved 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 land (as a result of departure from the plans hereby approved and the specific terms of this permission/consent/approval).

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

8. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a watching brief to be undertaken by an archaeologist approved by the Local Planning Authority so that the excavation is observed and items of interest and finds are recorded. The watching brief shall be in accordance with a written programme and specification which has previously been submitted to and approved in writing by the Local Planning Authority.

**Reason:** To ensure that features of archaeological interest are properly examined and recorded.

### **Note to Applicant**

#### **1. Working with the Applicant**

##### **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 application was acceptable as submitted and no further assistance was required.
- The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

## Background Papers

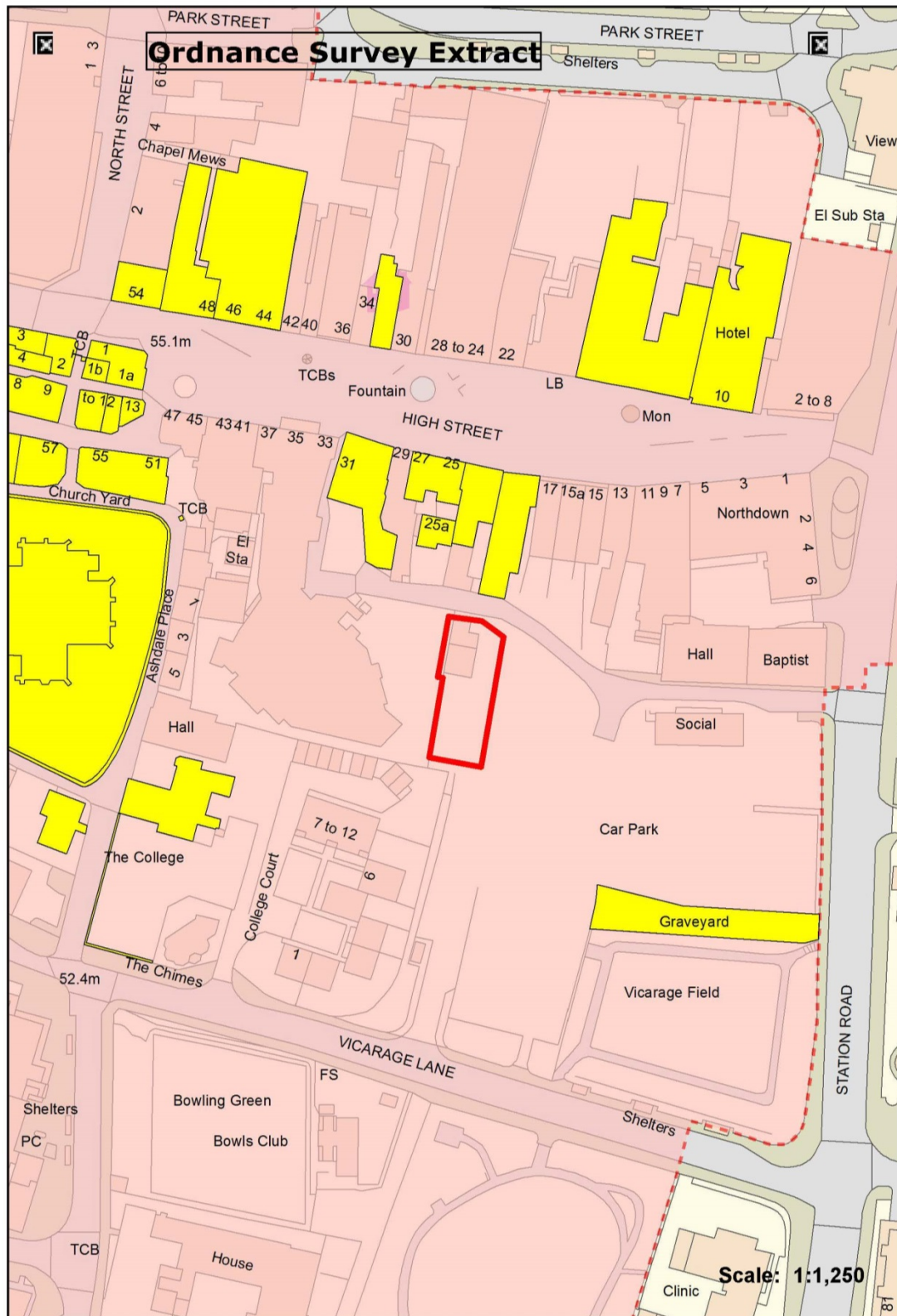
All papers referred to in this report are currently published on the Ashford Borough Council web site ([www.ashford.gov.uk](http://www.ashford.gov.uk)). Those papers relating specifically to this application may be found on the [View applications on line](#) pages under planning application reference 16/01696/AS.

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Annex 1



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