

<b>Application Number</b>	17/00201/AS	
<b>Location</b>	Proposed Temporary Car Park south side of Elwick Road, Ashford, Kent	
<b>Grid Reference</b>	00977/42413	
<b>Parish Council</b>	None	
<b>Ward</b>	Victoria	
<b>Application Description</b>	Creation of a new temporary car park on redundant land. Change of use from the previous A1 use to Sui Generis proposed car park. The proposal also includes the erection of a fence, sign entrance, ticket machines, height restrictor, hi-vis bollards, cycle racks, low height light columns, priority sign, Disability Discrimination Act compliant pedestrian access gate and new bins.	
<b>Applicant</b>	Ashford Borough Council, Civic Centre, Tannery Lane, Ashford, TN23 1PL	
<b>Agent</b>	Mr Matthew Hooper	
<b>Site Area</b>	0.3418ha	
(a) 9/-	(b) -	(c) HS1 -, KCCE -, KAS -, KWT -, KHS X, Southeastern X, Network Rail X, BTOD X, SWS X, KCCE X

## Introduction

1. This application is reported to the Planning Committee because the applicant is Ashford Borough Council and owns the land. For this reason under the Council's scheme of delegation the application must be reported to the Planning Committee for a decision.

## Site and Surroundings

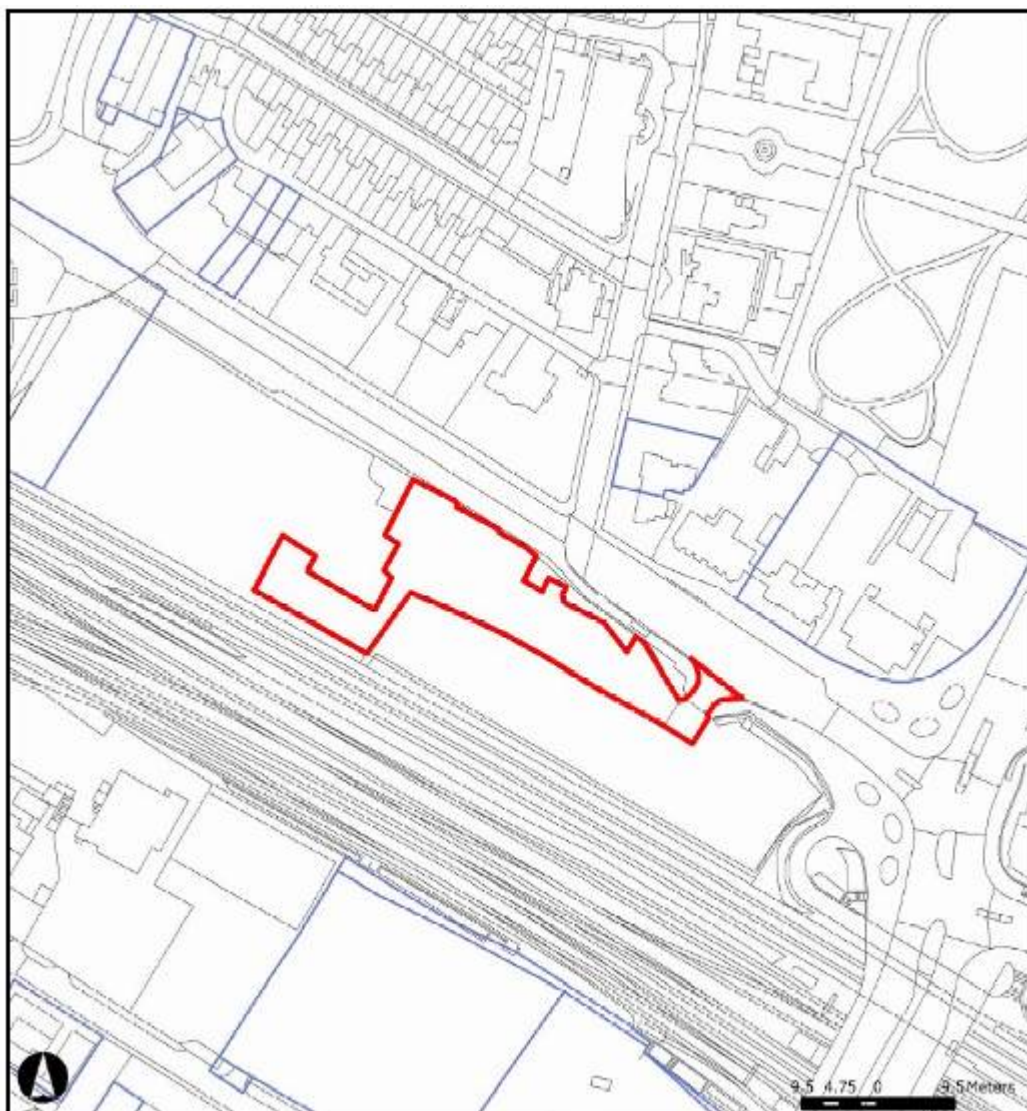
2. The area of land is located to the south of Ashford Town Centre and immediately west of Ashford International Station. The site is bounded by Elwick Road to the north, the railway to the south and the Southeastern car park to the east. The site itself consists of an area 0.3418 ha of hard standing

(concrete & tarmac) with small areas of grass verge and some individual trees. The site is relatively flat and enclosed by high fencing.

3. To the west of the site is another brownfield site where the Elwick Cinema, Hotel and car park development is to be constructed (15/01195/AS).

## Proposal

4. Full planning permission is sought for the creation of a new temporary car park on land owned by Ashford Borough Council, and a change of use from the previous A1 use to Sui Generis proposed car park.
5. The proposal also include the erection of a fence, priority sign, ticket machines, height restrictor, hi-vis bollards, cycle racks, low height light columns, entrance sign, Disability Discrimination Act compliant pedestrian access gate and new bins.



## **Supporting Documents**

6. The documents and reports submitted in support of the planning application are summarised below:

## **Design and Access Statement**

7. The D&A explains that the intention is to create a temporary car park until other permanent developments are completed in the surrounding area.
8. It then goes on to say that existing drainage and surfaces are adequate for the use of car parking and that with localised work and repairs extra parking spaces will be created. The works will initially create a car park with a maximum of 111 spaces; this number of spaces may decrease during the life of the temporary car park if Stanhope, the currently proposed developer of the adjacent site, gains a further planning permission and starts work on part of the site.
9. The report states that demarcation will be achieved with temporary fencing and will also utilise some of the existing boundary fences. The majority of boundary vegetation will remain in the form of rough grass and small shrubs and trees.
10. The D&A states that the car park is not intended to provide a long-term solution as it states that the works forming this car park will not have a longer life than five years. The car park would redress a shortage of car parking caused by new developments and if given permission could be complete in time to assist with parking needs of the new Ashford College.

## **Ecological Audit**

11. The report states that the site has limited potential for breeding birds. However, trees and shrubs clearance should be undertaken outside the breeding season (March-August). If this is not possible, then it is recommended that a suitably qualified ecologist checks the site before site clearance.
12. It then goes on to say that contractors and site personnel shall agree on policies, recommendations and requirements to maintain environmental quality and minimise impacts during any proposed construction.
13. The report suggests the use of native planting (preferably of local origin) in all landscaping. Invasive species will be avoided and those with wildlife value such as for nectar or shelter will be chosen.

14. The report concludes that providing recommendations noted above are fully implemented, there are no obvious ecological counter indications to the proposed project at this stage.

## Planning History

- 82/00198/AS** The construction of a retail store for the sale of furniture, carpets, do-it-yourself, home improvement and associated products plus ancillary facilities including parking and access works PERMITTED 18/11/1982
- 94/00363/AS** Application for lawful development certificate proposed development: use of premises for any purpose within class a1 without restriction on ranges of goods permitted to be sold GRANTED 26/04/1994
- 15/00004/EIA** Proposed mixed use development (screening opinion) 19/08/2015
- 15/01195/AS** Mixed use development comprising of restaurants and cafes (Class A3), a hotel (Class C1), leisure and assembly, including a cinema (Class D2), a car park, associated highway works, vehicle access, infrastructure, plant, car and cycle parking and landscaping (Phase 1) (land adjacent). PERMITTED 22/12/2015
- 15/01282/AS** Outline application for development of up to 200 residential units LIVE APPLICATION (PART OF THE SITE)

## Consultations

**Neighbours:** 9/- 9 neighbours were consulted; no letter of representation received.

### **Kent Highways and Transportation:**

- Object to the application, but state that it may be possible to overcome these objections if the following amendments are made:
- Parking spaces 5-10 need to be at least 6 metres in length as they are parallel spaces.
- The disabled bays need to be at least 5.5 metres in length.

**[HDSS&D Comment:** After measuring the revised plans, I can confirm that it complies with KCC Highways recommendations.]

### **Network Rail:**

- Agree with the comments provided by Southeastern. The requirement of any right of way, if the the applicant wishes to use Network Rail land as the point of access to the site/car park, would require the necessary consents to be obtained and clearances provided. They also advise that any additional wear and tear on the access road surface would require an upkeep contribution.

**[HDSS&D Comment:** Certificate B has been served on Network Rail and an agreement has been reached with Southeastern regarding the upkeep of the access].

### **Southeastern:**

- Southeastern notes that this is a proposal for an area of land close to the station car park on Elwick Road to be used as a temporary car park and that it will not be in situ for more than 3 years. Would like confirmation that it is proposed to use the entrance road to their car park as the access route into the proposed temporary area and that there is a right of way in place with the landowner – Network Rail
- The entrance to this site is currently gated and so question if there will there be a requirement for any realigning or maintenance of the shared entrance to enable use of area
- They would like confirmation that it is intended to have 'give way' lines at the exit to the proposed car park in order to give priority to cars leaving the Southeastern car park
- With the expected increase of vehicles over this area it is likely that they will see a difference in wear and tear on the road surface, markings, speed humps etc. They would therefore expect Ashford Council to contribute to the upkeep this access road.
- Would like advice as to what steps will be taken to ensure that their passengers and customers in the new car park are able to differentiate between the 2 sites. They have previously seen (in a similar set up) that uncertainty of whose facilities are being used has led to the purchasing of parking from the other supplier and then using spare spaces in the other party's car park. They would like assurances that it is intended to have clear, concise signage to limit the risk of this issue.

**[HDSS&D Comment:** Certificate B has been served on Network Rail and an agreement has been reached with Southeastern regarding the upkeep of the access. Ashford Borough Council has committed to maintain their part of the access and Southeastern stated that they also maintain their part of the access. A priority system

has been designed as per the Southeastern recommendation. Ashford Borough Council is proposing to install a height restrictor, which will be labelled as Ashford Borough Council in order to distinguish the proposed car parking from the Southeastern car park].

**KCC Ecology:**

- No objection subject to condition

**Southern Water:**

- No development or new tree planting should be located within 4 metres either side of the centre line of the surface water sewer.
- No new soakaways, cellular storage or other water retaining or conveying features should be located within 5m of a public sewer. Please note that some types of permeable paving will not be allowed over public apparatus.
- All existing infrastructure should be protected during the course of construction works.
- If any sewers are found during construction work, an investigation of the sewer will be required.

**Project Office (Drainage):**

- No objection to the application.

**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, 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.
16. The relevant policies from the Development Plan relating to this application are as follows:-

**Ashford Borough Local Plan 2000**

None.

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

CS1 – Guiding Principles for Sustainable Development and High Quality

Design

CS9 – Design Quality

CS15 – Transport

### **Ashford Town Centre Area Action Plan**

TC1 – Guiding Principles

TC3 – Elwick Place

TC21 - Multi-storey public car parks

### **Local Plan to 2030**

TRA2 – Strategic Public Parking Facilities

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

#### **Supplementary Planning Guidance/Documents**

Sustainable Drainage SPD 2010

#### **Government Advice**

National Planning Policy Framework (NPPF) 2012

18. 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:-
19. Paragraph 40 of the NPPF states Local authorities should seek to improve the quality of parking in town centres so that it is convenient, safe and secure, including appropriate provision for motorcycles.

### **Assessment**

20. The main issues for consideration are:

- Principle
- Impact upon visual amenity
- Impact upon Highway safety

## Principle

21. Policy TC3 B) of the Ashford Town Centre Area Action Plan (2010) identifies the application site East of Elwick Square as being allocated for residential and commercial development. Policy TC21 of the Ashford Town Centre Area Action Plan does not specifically support the development of car parks in the town centre and states that no proposals which would cause prejudice to the Victoria Way and New Street multi-storey car park should be granted permission. CS15 of the Core Strategy supports the idea that long-term parking in the town centre should be discouraged. Finally, the most recent parking study informing the Ashford Local Plan Regulation 19 Version June 2016, suggests that the town centre currently has enough vacant car parking spaces to cater for current and future demand albeit with a caveat that some locations are peripheral and so in relatively inaccessible locations which may limit attractiveness to short stay users. For this reason, a flexible approach responding to development as it comes forward is currently advocated.
22. Although the current proposal would be contrary to the provisions of the adopted Development Plan as a long term proposition, the applicant has made it clear that there is no intention to create a permanent car park. The application is for a temporary use of land and permission would only be granted for the site to be used as a car park for a duration of 3 years. As a result, the proposal, if permitted, would not encourage long-term car parking in the town centre in a manner contrary to the existing provisions of the Development Plan. It should also be noted that Dover Place car park was granted a temporary planning permission in 2007 (07/00466/AS) but in 2011, planning permission was granted for a mixed office and ground floor A1/A2/A3 use (11/00382/AS) which has now been commenced on site. As such, some parking spaces have been lost in the immediate Town Centre environment (albeit additional parking spaces are set to be created in the car park serving the Stour Centre and Civic Centre).
23. There is a current live application on part of the application site (15/1282/AS) which is an outline application for up to 200 residential units (Elwick 2). The proposed temporary car park would not cause prejudice to this development as the Council will remain the landowner and will operate the proposed temporary car park and any permission granted can be the subject of a temporary use condition. Therefore, when and if Elwick 2 is granted planning permission and reaches the delivery phase, the Council will be in a position to release the land to ensure that development at Elwick 2 is delivered in an



acceptable manner (including any on-site parking or contributions towards off-site parking as may be appropriate). Accordingly, the proposal would give the short term flexibility of the type that is suggested in the Ashford Local Plan Regulation 19 Version June 2016 as being appropriate. .

24. Finally, the Parking Study that is referred to in paragraph 21 of my report also states that although the town centre currently has enough vacant car parking spaces to cater for current and future demand, not all these spaces are truly available as in practice many are located on the periphery of the town centre in relatively inaccessible locations. It also draws attention to the fact that some of the car parks in the town centre have the potential to be suitable locations for redevelopment in the longer term, but which play a key role in supporting the town centre at the current time.
25. As a result, I believe the car park to be acceptable in principle as it will support the town centre in the short term and will not hinder development opportunities in the long term.

#### **Impact upon visual amenity**

26. The proposed development would only result in small scale alterations to the existing site such as minor improvement to the surface, the erection of low height light columns, erection of a 1.8 metre fence, installation of a height restrictor, cycle racks, payment stations and litter bins. The proposed height gate restrictor would be similar to the one existing on the Southeastern's car park and would be labelled as 'Ashford Borough Council'.
27. As a result, I consider that the proposed development would not detrimentally impact upon the visual amenity or the setting of the adjacent Conservation Area and that harm to the conservation area would not arise from the small scale alterations that would arise and which, due to the temporary nature of the use being sought, would represent temporary interventions associated with the facility. I also consider that the proposed development would comply with Paragraph 40 of the NPPF which states that local authorities should seek to improve the quality of parking in town centres so that it is convenient, safe and secure, including appropriate provision for motorcycles.

#### **Impact upon Highway safety**

28. The Highway Authority was consulted on this application and only raised objections regarding the dimensions of parking spaces 5-10 and spaces for people with disabilities. The revised drawing shows that the recommendations have been incorporated into the design of the relevant car park spaces and the proposal is therefore acceptable. A priority system would be put in place as recommended by Southeastern and Network Rail.

### **Impact upon ecology**

29. Kent County Council was consulted on this application and raised no objections as long as recommendations made in the ecological report (Baseline Ecological Audit of Land at Elwick Road, Ashford, Kent, October 2016) are secured by condition. My Recommendation below takes this matter forward.

### **Human Rights Issues**

30. 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**

31. 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**

32. The proposed development would be located on land owned by Ashford Borough Council and the Council will operate the car park.
33. The NPPF states that local authorities should seek to improve the quality of parking in town centres so that it is convenient, safe and secure, including appropriate provision for motorcycles.
34. The site has not been allocated for car parking in the long term, however, considering that it is only temporary and that the Council will remain the landowner as well as the operator of the car park, I consider that the car park would help support the town centre in the short term and would not hinder development opportunities in the long term.

### **Recommendation**

**Permit on the following grounds:**

**1. Time Limit for Implementation**

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.

**2. Temporary Use**

The use hereby permitted shall be discontinued on or before 12 April 2020 unless the Local Planning Authority has in the meantime granted planning permission for a further period.

**Reason:** To ensure that the site is available for development in line with Development Plan policy.

**3. Biodiversity**

The development shall be carried out in accordance with the mitigation recommendations of the Baseline Ecological Audit of Land at Elwick Road, Ashford, Kent, October 2016.

**Reason:** To enhance biodiversity and to protect the existing populations of protected species and improve their habitat on the site.

**4. Hard Soft Landscape**

All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority; and any trees or plants whether new or retained which within a period of 5 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 similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

**5. Materials**

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.

## **Note to Applicant**

### **1. 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,
- was provided with pre-application advice,
- The applicant/ agent responded by submitting amended plans, which were found to be acceptable .
- The applicant was provided with the opportunity to submit amendments to the scheme/ 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.

## **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 17/00201/AS.

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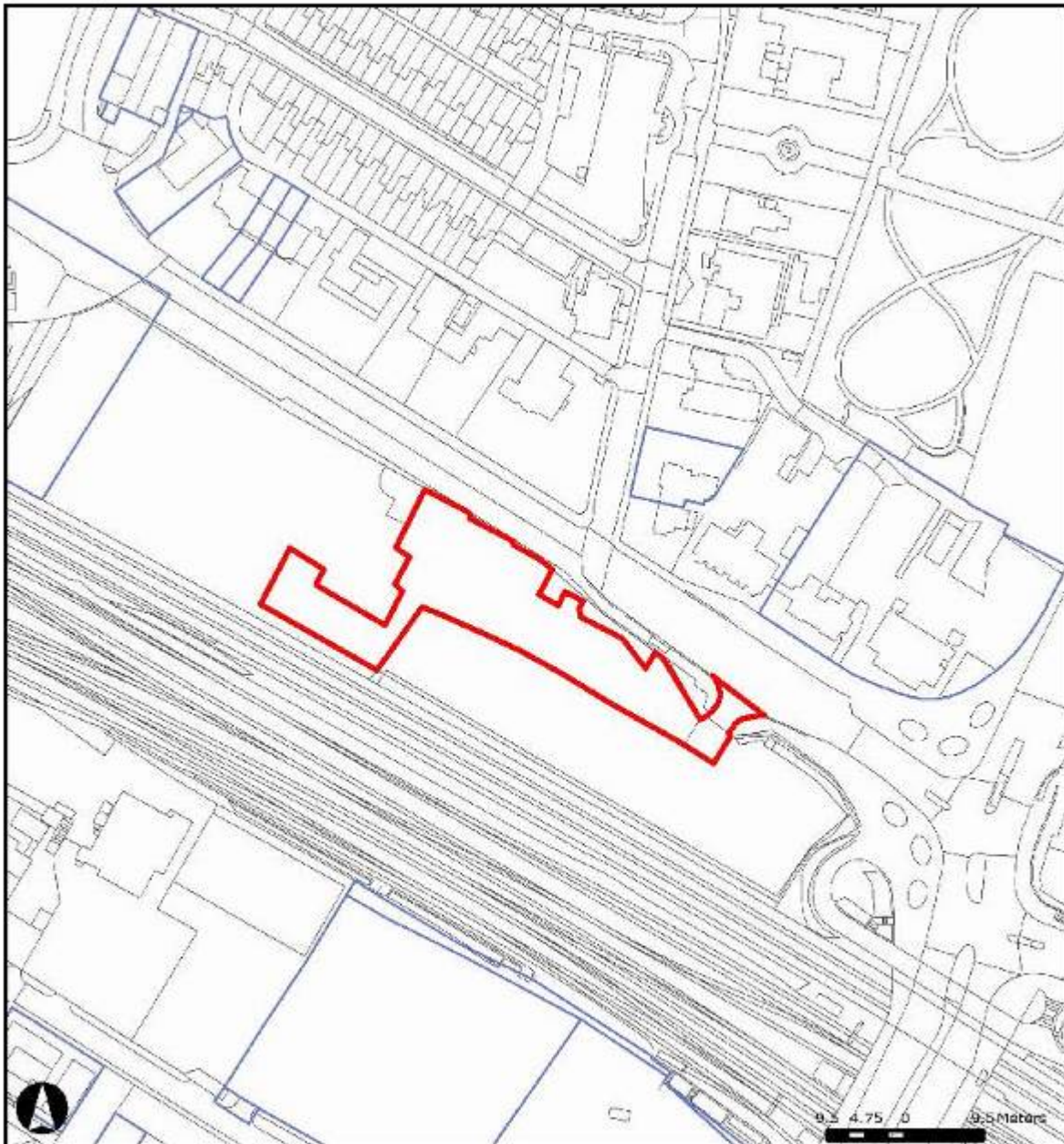
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Annex 1



# Ashford Borough Council



2016 to 2020



Homes of Multiple Occupancy



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