

<b>Application Number</b>	17/00691/AS	
<b>Location</b>	17-25 New Rents, Ashford, Kent, TN23 1LE (part of)	
<b>Grid Reference</b>	00770/42860	
<b>Parish Council</b>	None	
<b>Ward</b>	Victoria	
<b>Application Description</b>	Change of use of ground, first and second floors from education and training (D1) to themed gaming area (escape room) (Class D2)	
<b>Applicant</b>	Mrs L Smith, 126 Lakemead, Ashford, Kent, TN24 4XZ	
<b>Agent</b>	Mr T Parrett, Rubicon Building Consultancy Ltd., One Step Beyond, Westfield Lane, Etchinghill, Folkestone, Kent CT18 8BT	
<b>Site Area</b>	0.10 ha	
(a) 10/1R	(b) -	(c) ESM-X

## Introduction

1. This application is reported to the Planning Committee because the agent was until recently a member of staff at the Council and is currently still employed on a consultancy basis.

## Site and Surroundings

2. The application site relates to part of the ground floor and part of the first and second floors of 17-25 New Rents which is situated within a central location within Ashford Town Centre. The numbering of the properties in this part of New Rents are slightly irregular and whilst the site address is states as 17-25 New Rents, this application relates onto the more modern block to the south of this and fronts onto Drum Lane. The site lies within the Ashford Town Centre Conservation Area and is within an area predominately characterised by retail and commercial uses although there are some residential units above the active ground floor uses in the adjacent properties. The part of the first and second floors to which this application relates are currently vacant. Whilst there is car parking to the rear of the building, this is not within the control of

the applicant. The site is in close proximity to public transport links and public car parks.

3. A site location plan is shown below and attached to this report as annex 1.



Figure 1 Site location plan

## Proposal

4. Full planning permission is sought for the change of use of part of the ground floor (for access) and the whole of the existing first and second floors from an education and training use (Class D1) to a themed gaming area (Class D2). The applicant proposed to operate a “Trapped in Ashford” Escape Room experience. No physical alterations are proposed to the external parts of the building. The internal changes proposed do not require planning permission. Signage for the premises would be subject of a separate application (should it require consent).

5. In support of the application, the applicant's agent states that 'Trapped in Ashford' would be a themed escape room game where groups of 2-6 people go into a room, solving clues, puzzles and riddles and have 60 minutes to escape. The attraction is aimed at adults over 18 years, however children aged 14-18 can also partake if accompanied by an adult. The escape room industry is relatively new, with the first opening in 2006 and since then thriving as a concept. The 6 rooms proposed can hold a maximum of 6 people at any one time with each room being open for 9 games per day. It is stated that the proposal would bring significant benefits to the Town Centre in terms of entertainment provision and a multiplier effect for neighbouring businesses. Signage will be provided to ensure people are mindful when leaving the premises later in the evening to be respectful of neighbouring residents and that through the booking process customers will be made aware of parking provisions within the Town Centre.
6. The proposed opening hours are 9.30-23:00 hrs daily.

## Planning History

DC	FA	90/01545/AS	Change of use to offices of first floor over shop units 1 and 2 and creation of new entrance to first floor from new rents	PERM	15/01/1991
DC	FA	10/01100/AS	Change of use from B1 (office) to D1 (education and training)	PERM	05/10/2010

## Consultations

**Ward Members:** One of the Ward Members, Councillor Farrell, is a member of the Planning Committee.

**Environmental Services Manager:** raises no objection but states that the applicant may wish to consider the issue of noise insulation during any development/works to ensure that any potential for excess noise transmission between premises is minimised. Should an issue arise with the transfer of noise as a result of the introduction of this use then the matter may be dealt with using the normal provisions of the Environmental Protection Act 1990.

**12 neighbours consulted:** 1 objection comment received with regards the following:

- We have a first floor flat within a few metres of the proposal and we are concerned about late noise as the building in the proposal is single glazed.

- We have an evening food delivery service and are concerned that there will be illegal parking at the rear car park which will jeopardise our business [JDCM comment: this is a civil matter and not a material planning consideration].
- It states there are 6 staff parking places, there are in fact 2 in front of the barrier and no legal access to the rear car park.

## Planning Policy

7. 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 ended on 10 August 2016. At present the policies in this emerging plan can be accorded little or no weight.
8. The relevant policies from the Development Plan relating to this application are as follows:-

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

**EN16** – Development in Conservation Areas

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

**CS1** – Guiding Principles

**CS3** – Town Centre

### **Local Plan to 2030**

**SP1** – Strategic Objectives

**SP5** – Ashford Town Centre

**ENV14** – Conservation Areas

### **Town Centre Area Action Plan 2010**

**TC1** – Guiding Policies for Town Centre Development

**TC2** – Town Centre Core

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

**Government Advice**

National Planning Policy Framework (NPPF) 2012

10. 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:-
11. Paragraph 23 of the NPPF advocates the growth of town centres promoting their viability and vitality, recognising that they are the heart of local communities. It actively encourages the creation of new markets where possible as a means of supporting an attractive and competitive town centre.

National Planning Policy Guidance (NPPG)

**Assessment**

12. The main issues for consideration for the development are:
- Principle of the change of use / impact on the viability and vitality of the town centre
  - Visual Amenity / impact on the character and appearance of the conservation area.
  - Residential Amenity
  - Highway Safety and Parking

**Principal of the change of use / impact on the viability and vitality of the town centre**

13. The site is within the town centre where development plan policies CS3, TC1 and TC2 and the NPPF advocate a mix of uses to bring vitality to the Town Centre. The proposed use would add to the diversity of entertainment and leisure provision within the town centre. The proposal would not result in the loss of any retail or office space as the current lawful use is an education centre (D1 use). This will bring back the current vacant first and second floors into an active use. The proposal would add a further attraction to Ashford Town Centre and thereby improve the vitality of the town centre. The proposed use in this location is therefore acceptable in principle.

### **Visual Amenity /Impact on the character and appearance of the conservation area**

14. There are no physical external alterations proposed, therefore the proposed development would have no impact on visual amenity or the character and appearance of the conservation area.

### **Residential Amenity**

15. The site is within a town centre location where there are a number of premises which have a night-time function in close proximity. The proposed opening hours are 09:30-23:00 hrs daily. There are some neighbouring residential units above ground floor in neighbouring buildings however the Council's Environmental Services Manager has raised no objection to the proposal. It is not considered necessary for the sound insulation of the building to be improved given the proposed use although the applicant will be advised to consider this anyway. I do not consider that the proposed use would therefore give rise to unacceptable levels of noise and disturbance, given the nature of the activities within the premises or through comings and goings to the site. Given the context of the site, which is within a Town Centre location where there are existing neighbouring uses, many of which operate a night-time function there would be no significant increase in noise which could be harmful to immediate residents. If any noise issues arise in the future, these can be dealt with under separate Environmental Protection legislation.

### **Highway Safety and Parking**

16. The details submitted with the application show an existing car park to the rear of the premises but this falls outside of the control of the applicant. Concern has been raised by a neighbouring business regarding the conflict with their allocated parking and the lack of parking provided for the proposed use. Separate agreements outside of the application could be made to secure parking and agreements may currently exist but these cannot be relied upon in the long-term and is a civil matter between the owner of the car park and the applicant and those of occupying neighbouring premises. That said this is a town centre location where visitors would not expect to be able to park on site. The site is well located in respect of public car parks and public transport. The lawful use as an education centre would generate a similar number of trips utilising public transport and nearby public car parks. I do not, therefore consider that the proposed use would generate a significant number of trips into the town centre in comparison to the lawful use and as such I do not consider the proposal raises any highway safety issues.

## Human Rights Issues

17. 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

18. 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

19. The proposed change of use would comply with the advice contained within the NPPF under paragraph 23 and the policies of the Development Plan in relation to a mix of uses within the Town Centre which help to bring vitality to Town Centres. There would be no harm to the character and appearance of the Conservation Area given that there would be no physical alterations to the building. The proposed use would not generate noise or comings or goings that would unacceptably impact upon the residential amenity of nearby residents. I therefore recommend that planning permission is granted.

## Recommendation

### Permit

Subject to the following conditions:

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.

2. The premises shall not be open to the public other than between the hours of 09:00-23:00 on any day unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** To protect the residential amenity of the locality

3. The premises/site shall be used for use applied for 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 1987 or any subsequent Order revoking or re-enacting that Order, or whether the alternative use is permitted by virtue of Article 3, 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.

4. 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.

5. 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.

## **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;

- (a) offering a pre-application advice service,
- (b) as appropriate updating applicants/agents of any issues that may arise in the processing of their application
- (c) where possible suggesting solutions to secure a successful outcome,



- (d) informing applicants/agents of any likely recommendation of refusal prior to a decision and,
- (e) 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 approved without delay.
- 2 The applicant may wish to consider the issue of noise insulation during any development/works to ensure that any potential for excess noise transmission between premises is minimised. Should an issue arise with the transfer of noise as a result of the introduction of this use then the matter may be dealt with using the normal provisions of the Environmental Protection Act 1990.

## 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 17/00691/AS.

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Annex 1



# Ashford Borough Council



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