

<b>Application Number</b>	19/01476/AS
<b>Location</b>	Newtown Railway Works, Newtown Road, Ashford, Kent, TN24 0PN
<b>Grid Reference</b>	01761/41600
<b>Parish Council</b>	South Willesborough & Newtown
<b>Ward</b>	Aylesford & East Stour
<b>Application Description</b>	<p>Detailed application for a mixed-use development comprising:-</p> <ul style="list-style-type: none"><li>• film/TV Studios with associated post-production offices and workshop and media village (18,845 sqm) (Use Class B1);</li><li>• a hotel (Use Class C1) including ancillary space and circa 62 serviced apartments (Use Class C3) (max. 112m AOD);</li><li>• a multi-storey carpark (max. 62m AOD);</li><li>• change of use, internal and external alterations to the listed Locomotive Shed buildings, including increasing the height by an additional two-storeys (max. 62m AOD), to provide flexible commercial floorspace (7,185 sqm) for use in connection with the film/TV studios (Use Class B1/ D1) including 265 sqm café (Use Class A3) and circa 302 residential units (Use Class C3) and internal parking spaces;</li><li>• change of use, internal and external alterations to listed Engine Shed building, including increasing the height by an additional two storeys (max.53m AOD) , to provide (2,605 sqm) flexible commercial space (Use Class B1/ D2/A3) and;</li><li>• change of use, internal and external alterations of the Paint Shop building, Acetylene Store and Clock Tower listed buildings to provide ancillary uses to the film/TV studios (Use Class B1);</li></ul> <p>plus associated infrastructure including open space, landscape and public realm provision, external parking, servicing, pedestrian and vehicular access and associated engineering, utilities and infrastructure works.</p>

**Applicant** Quinn Estates Newtown Works Ltd, Quinn Estates,  
 Highland Court Farm, Bridge, CT4 5HW

**Agent** Icen Projects, Da Vinci house, 44 saffron Hill, London,  
 EC1N 8FH

**Site Area** 5.09 ha

(a) See below	(b) 'R'	(c) ABC Culture 'X', ABC Eco 'S', ABC Env (Contam.) 'X', ABC Env (Noise) 'X', EA 'X', HE 'X', KCC (ECOL) 'X', KCC (Dev Con) 'X', KCC (Herit) 'X', KCC (Flood) 'X', KH&T 'X', Fire 'X', NE 'X', Network R 'X', NHS 'X', SW 'X', IDB 'X', Vic. Soc. 'R', Hist. Eng. '-'
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Orig. & Amends  
 1280 /27 'S', 12  
 'R', 11 'X'

Amends  
 'R'

Amends  
 ABC (Comm. Safety) 'X',  
 ABC Env (Noise) 'X',  
 Ashford Access 'X', EA 'X',  
 KH&T 'X', KCC ((Herit.) 'X',  
 KKCC (Ecol.) 'X', CC (Dev  
 Con) 'X', Fire 'X', K. Pol 'X',  
 Highways Eng. 'X', Hist.  
 Eng. X', HS1 'R', NE 'X',  
 Uni. Kent 'S', Vic. Soc '-',  
 IDB 'X'

## Overview of the scheme & the proposal

1. This application is reported to the Planning Committee because it is a major application under the Council's scheme of delegation. The scheme is accompanied by an Environment Statement (ES).

2. The following application on this Committee agenda – application 19/01694/AS - is the associated application for listed building consent for the works that are also part and parcel of the planning proposal: clearly, without the grant of listed building consent the scheme cannot be delivered. The two applications are therefore interlinked and should be read together. Both are recommended for approval. This report deals with the heritage impact issues covering both applications. The 19/01476/AS application site is attached as **Annex 1**.
3. An objection from an amenity society, the Victorian Group to the associated listed building consent application, requires that the Council's proposed decision on that application would need to be referred to the Secretary of State (SoS). The Council would then be notified as to whether the SoS is content for the Council to determine the listed building consent application. This represent a risk to the scheme and the applicant is aware. Members should note that Historic England, recognising the concerns made by the Victorian Society, has raised no objection to either application. I deal with the statutory duties and the NPPF heritage impact tests in the Assessment section of this report.

#### Heritage assets & how they shape the scheme

4. Key to the consideration of the proposal is an understanding of the heritage context of the site and the fundamental constraints that this poses in respect of regeneration proposals. This, in turn, underpins the applicant's design approach to the accommodation of new uses and the factors influencing the arrangement of those new uses on the site.
5. As Members will appreciate, the site played a significant role in Ashford's economic development starting from the Victorian period and continuing through into the majority of the 20<sup>th</sup> century building on the town's strategic location in Kent. It also was instrumental in the building of Newtown in the Victorian period as a new residential suburb for those employed at the railway works. Therefore, the site has a historically strong association with the surrounding community. The applicant's supporting statement refers to the site as one having 'time depth qualities': there are local residents whose relations worked at the site. How those qualities of the site can be best acknowledged and celebrated is therefore a pertinent issue.
6. The railway works ceased as an active industrial use in the mid-20<sup>th</sup> century with the more modern buildings adjacent to the older listed buildings being demolished as a consequence. Since that time, temporary uses of parts of some buildings have occurred but the site has, to all intents and purposes, been a very large brownfield site awaiting redevelopment and 'stitching back' into its surroundings.

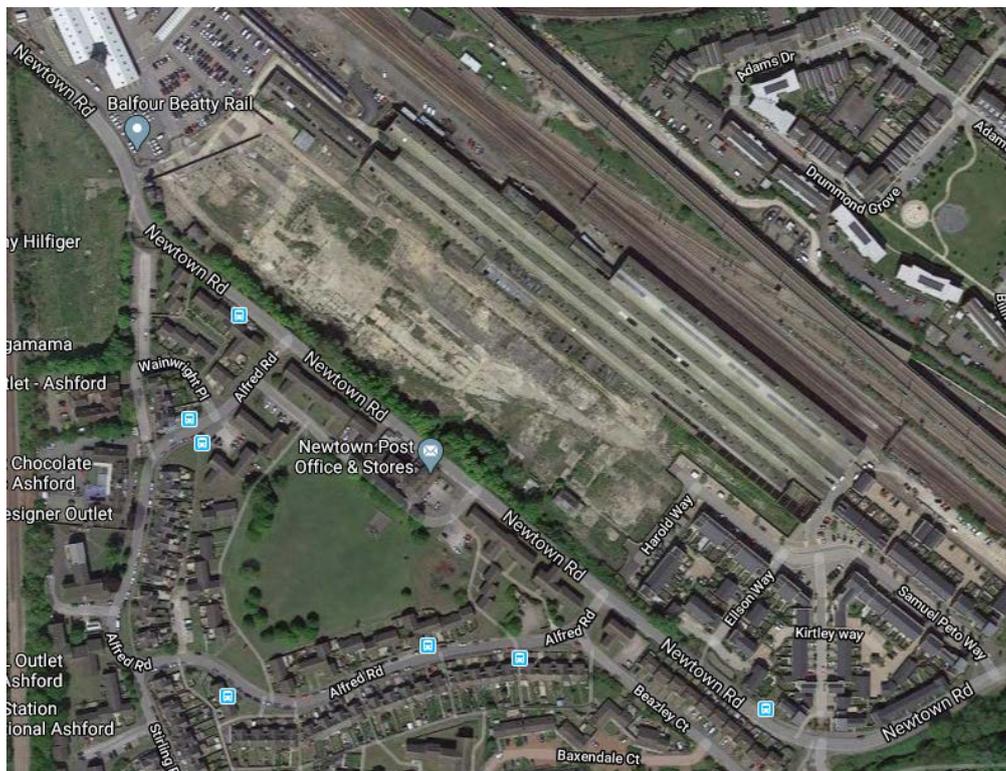
7. At the eastern end of Newtown Works, a first phase of redevelopment involving the erection of new houses and apartments was developed by the previous landowner, Kier at the beginning of the previous decade. That part of the Newtown Works site was free of built-form constraints. All of the homes in this area have vehicular access from Newtown Road via Samuel Peto Way (which has only recently been adopted by Kent Highways & Transportation).
8. Samuel Peto Way has an avenue quality and a layout that carefully frames a vista towards the imposing eastern gable end to the southernmost bay of the Locomotive Shed, the largest listed building at the site. **Figure 1** below shows this.



**Figure 1:** The Locomotive Shed from Samuel Peto Way

9. Beyond the dwellings developed by Kier, further redevelopment of the site was not, however, taken forward due to a combination of the economy as well as the significant design and use challenge posed by the remaining heritage assets at the site which are all Grade II listed buildings. **Figure 2** below shows the site with significant site coverage by industrial buildings in contrast to **Figure 3** below that shows the site as it currently exists.





**Figure 3:** the site as it now exists

10. The site is not located within a conservation area. There are 5 listed Grade II buildings within the application site;-

(a) The Locomotive Shed – (**Figure 4** below) a very long large c.19 century structure with c.20 century additions located on the northern side of the site comprising 4 long bays, 1 of which is shorter (and is the closest to operational railway infrastructure further north and is currently used by Balfour Beatty),



**Figure 4:** Locomotive Shed

(b) The Engine Shed – (**Figure 5** below) a much smaller volume building located just to the west of the Locomotive Shed,



**Figure 5:** Engine Shed

(c) The Gatehouse/Clock-House – (**Figure 6** below) a small more domestic scale c.1850 building located at the edge of the site adjacent to Newtown Road symbolising both the presence of industrial uses within the site as well as acting as a landmark at the entrance,



**Figure 6:** Gatehouse/Clock-House

(d) The Acetylene Store - (**Figure 7** below) a small building located at the edge of the site close to the Gatehouse and Newtown Road with a distinctive barrel-vaulted roof, and



**Figure 7:** Acetylene Store

(e) The Paint Stores & Electroplating Shop – (**Figure 8** below) a single storey building located towards the south eastern edge of the site.



**Figure 8:** Paint Store & Electroplating Shop

11. Since active use ceased, the Locomotive and Engine Shed buildings have experienced physical deterioration due to the lack of any financial return from usage to help fund repairs. Some areas of roofing to the Locomotive Shed are missing resulting in consequential water penetration and the consequential damage that may result over time. The smaller buildings located towards the periphery of the site are, generally, in better internal and external condition although the same point in terms of a lack of any funding for their upkeep remains true.
12. The scheme seeks to take into account this sensitive context by proposing to adapt and alter these buildings to accommodate a variety of new uses – *and thus prevent further deterioration* - and provide uses that work as sensitively as possible with their different form, scale and massing so that their heritage

status is not so undermined to the point where the buildings lose all meaning: the latter clearly involves a delicate architectural balancing exercise alongside justification for the extent of the works proposed.

**The proposal: new build elements located separately from the heritage assets at the site but within their settings**

13. The application description at Page 1 of this report was refined during the course of dealing with the proposal in order to provide greater certainty in terms of maximum parameters and floorspace quantum: this revision was subject to reconsultation along with amended plans and additional information referenced further below in this report.
14. The applicant is Quinn Estates Newtown Works Ltd. Working with the applicant on the application is The Creative District Improvement Company (CDICo). CDICo has a subsidiary: Time + Space Studios. The applicant has confirmed that other than the 302 apartments that are proposed, the remainder of the scheme is proposed to be transferred to the CDICo with the shared open space running through the site to be within control of a management company with maintenance funded by all units and uses at the site (funding split to be determined) with the management and maintenance of internal residents' only & 'commercial user only' spaces to be funded by those user groups.
15. The proposal, in summary, comprises the following elements that fit into this category;-
  - (i) **a 120-bed hotel**, including conference facilities and a restaurant, located on the open south-western side of the site located at the Newtown Road entrance close to the listed Gatehouse and Acetylene store (**Figure 9** below),



**Figure 9:** the proposed hotel and serviced apartments

(ii) **x 62 'long stay' serviced apartments**, arranged in a tower building form rising from the area entrance area of the hotel as shown in Figure 9 above,

(iii) a **film studios** located on the open southern side of the site comprising 4 x 20,000 sq.ft sound stage buildings with ancillary areas such as dressing, make-up, reception, office, store and plant rooms (**Figure 10** below),

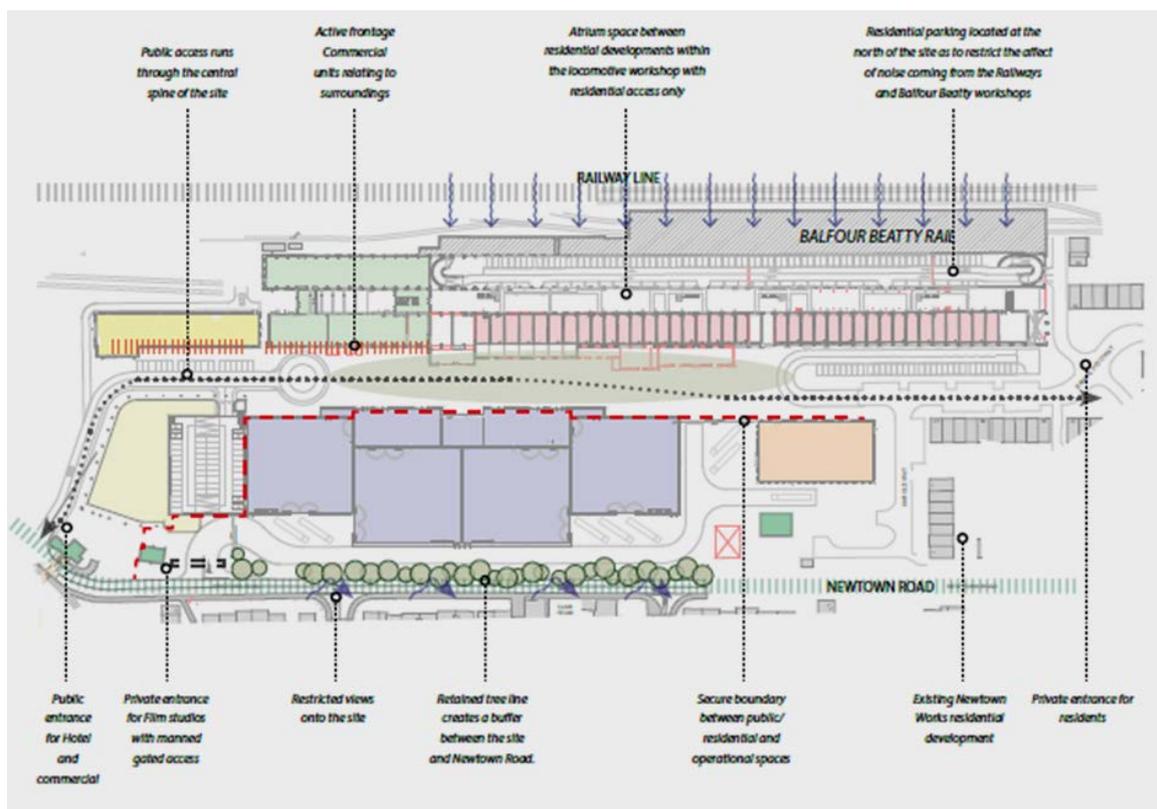
(iiii) a new build **media village and workshop** space building located on open land to the east of the film studio sound stage buildings (**Figure 10** below) and would form a partial built form edge to Harold Way (being a one-sided residential street at present), and,

(iv) **multi-storey car park** located on the open south side of the site between the hotel and the film studio sound stages serving the hotel and its serviced apartments, the film studios and media village and the non-residential uses of the Engine Shed and Locomotive Shed.



**Figure 10:** the film studios, media village and workshop and multi-storey car park

16. The location of these uses on the southern side of the site is shown in **Figure 11** below (film studios shown in light purple, hotel shown in light yellow and media village in light orange).



**Figure 11:** the new build separate from heritage assets

**The proposal: conversion and adaptation through new build located within heritage assets at the site**

17. The proposal comprises the following elements that fit into this category;-

(i) **creation of multi-level commercial use floorspace at the western end of the Locomotive Shed building**, including a **café and flexible use meeting space** at ground floor level that could be made available for additional use by the community (**Figure 12** below),



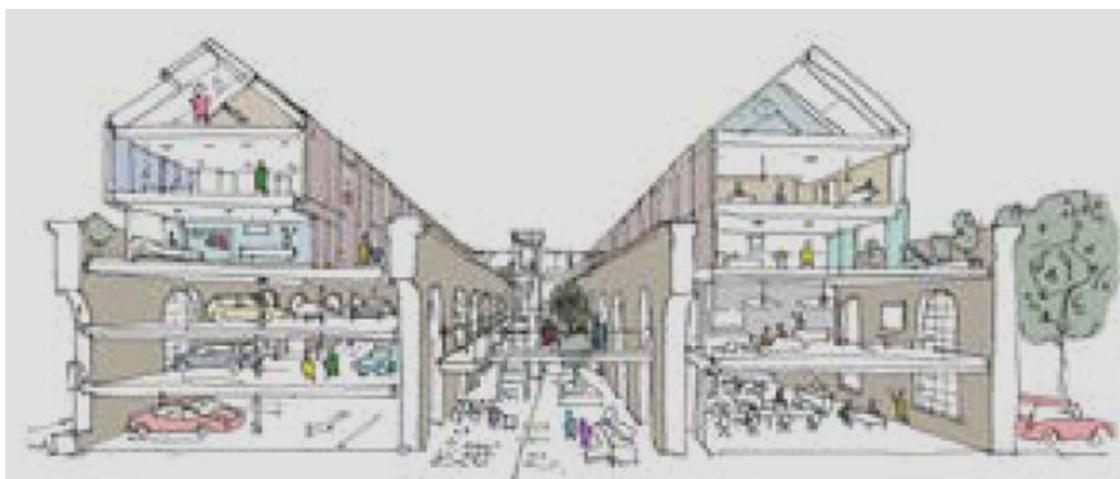
**Figure 12:** new commercial floorspace at Western end of Locomotive Shed and ground floor level café and flexible use meeting space

(ii) a mix of **1 & 2-bed residential apartments (130 x 1-bed (43%) & 172 x 2-bed (57%))** taking the form of pitched roof buildings (Figure 13 below) (with an additional storey located in the pitched roof service by rooflights) in **the remaining parts of the Locomotive Shed building,**

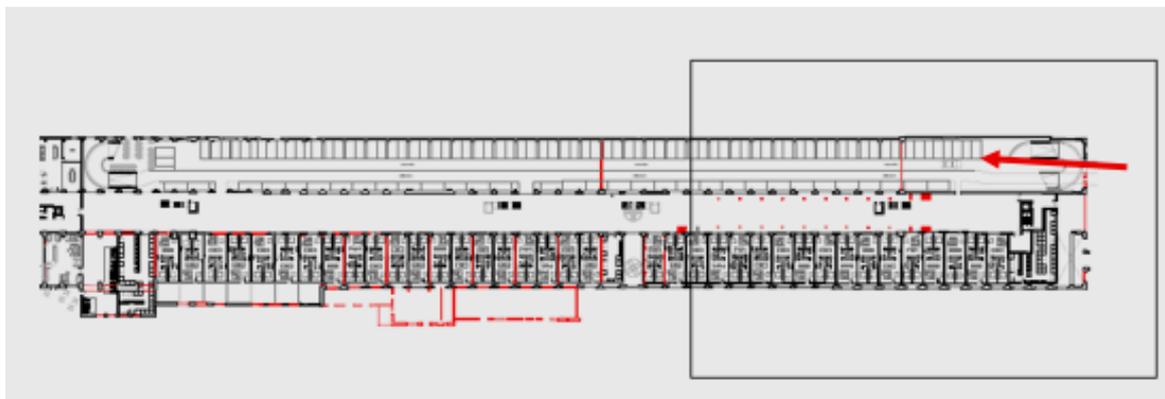


**Figure 13:** new homes in the Locomotive shed

(iii) a **3-level multi-storey car park created in the Locomotive Shed building** to provide dedicated parking for the occupiers of new homes created in this part of the site (**Figure 14a and 14b** below),



**Figure 14a:** concept of Locomotive Shed showing the 3 levels of the car park in the northern range contained within the application site



**Figure 14b:** access into the Locomotive Shed car park

(iv) a **rooftop extension to the Engine Shed** to be used as a **gym and/or restaurant** (Figure 15 below),



**Figure 15:** the proposed rooftop extension to the Engine Shed

(v) **re-use and minor changes to the remaining heritage assets** for ancillary purposes such as site management/offices (the Gatehouse), film studios access security office (the Acetylene store) and small scale food/drink use to help service film studios personnel only (the Paint Stores/Electroplating Shop),

(vi) associated works with all of the above including the **creation of a large 'Central Promenade' public open space** located between the Locomotive

and Engine Sheds and the film studios/hotel with this space provided with trees, landscaping, lighting and seating and being a space able to be walked and cycled through (**Figure 16** below), and



**Figure 16:** the Central Promenade space

(vii) **improvements to, and signalisation of, the existing clock-house access to Newtown Road.**

18. Within the Locomotive Shed, the southern-most bay to the long Locomotive Shed building would be converted into the commercial/residential uses identified above. The central bay to the building would have the remaining roof removed and be altered to a hard and soft landscaped 'atrium' space (**Figure 17** below).



**Figure 17:** the roof removed 'atrium' space to the commercial space

19. The majority of the Locomotive Shed building is proposed to become homes and so this part of the Atrium space would be managed as a private-communal space serving those residents and providing multi-level connections to stairs, landings and lift connections across to the northern-most bay of the Locomotive Shed building (**Figure 18** below).



**Figure 18:** access connections within and across the atrium space to the residents' only 3-level car park

20. That northern-most bay within the application site (**Figure 19** below) would be a combination of the 3-level multi-storey car park with apartments located above (Figure 20 below). A series of internal ramps would progressively access the two further upper levels of parking. This car park would be residents' only with 1 allocated space per dwelling, all spaces being fitted with an EV charger and with additional areas for motorcycle and cycle parking.



**Figure 19:** 3-levels of multi-storey car park with homes above on northern side of Locomotive Shed

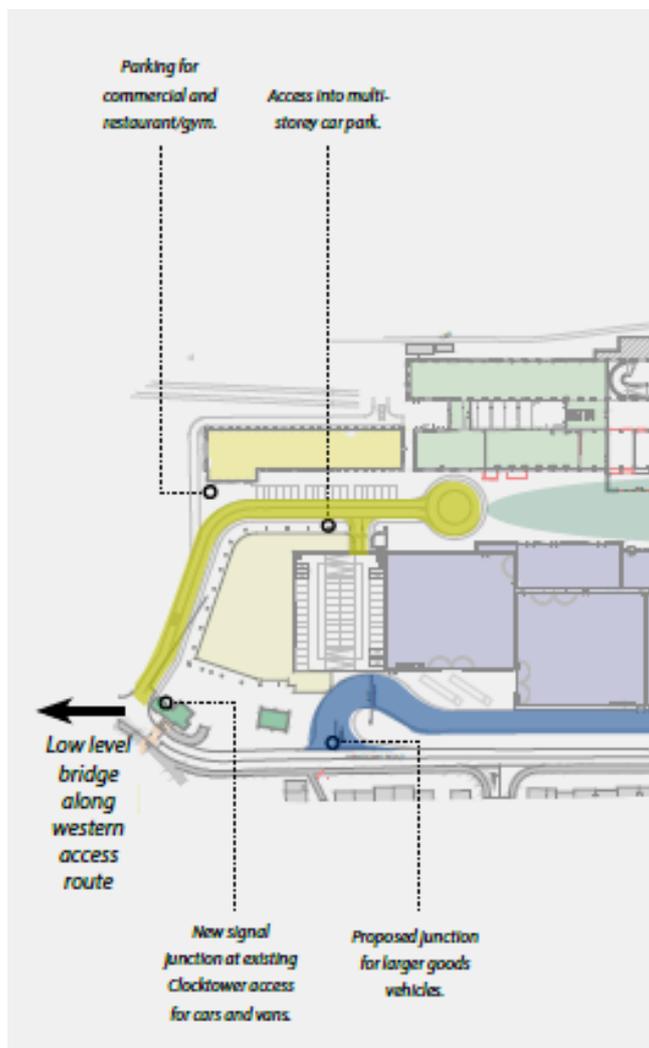
21. A cross-wing of new homes would be provided at the south-eastern end with reference to the greater storey height building that currently exists at this end of the building. A cross-wing of commercial/educational floorspace would also be provided at the junction with the aforementioned residential element of the building and the central bay would have its roof removed and become a hard and soft landscaped atrium space between the remaining bays serving the uses of the commercial/educational floorspace.

Two part access strategy:

(i) Part A (separation of residential and non-residential uses and, save for emergency situations and occasional maintenance, no through vehicular access), and

(ii) Part B (a new 'film-studios only' access)

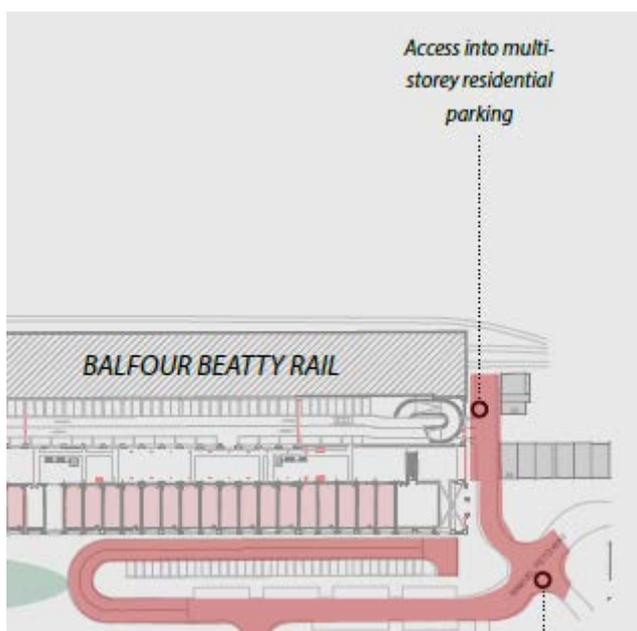
22. In terms of vehicular access, 'Part A' of the applicant's proposal is that the two existing entrances into the site would remain: Newtown Road adjacent to the Gatehouse (which also serves as access to existing Network Rail land including offices) and Samuel Peto Way at the eastern edge of the site (which serves the existing residential development located to the east of the application site).
23. Taking each existing access in turn, the existing Newtown Road access adjacent to the clock-house at the western end of the site would continue to serve the Network Rail land but would also serve the hotel/conference/serviced apartment building, the multi-storey car park located adjacent to it as well as frontage parking to the Engine Shed. **Figure 20** below shows the arrangement with the route shown in yellow.



**Figure 20:** uses served by the clock-house upgraded and signalised access

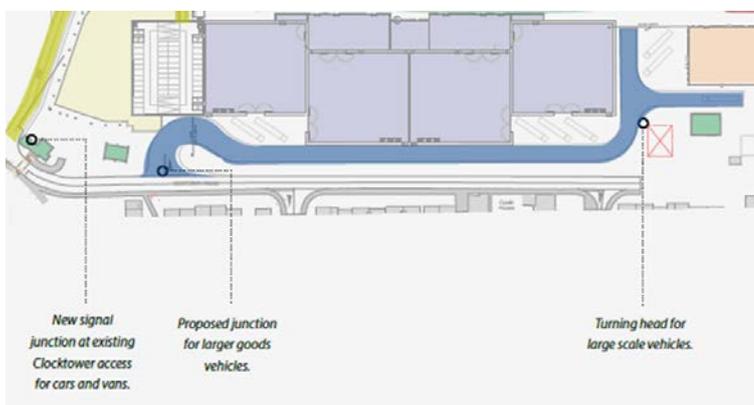
24. As Figure 20 above shows, a turning facility would be provided within the site located to the north-east of the proposed multi-storey car park. Service and other vehicles would use this route to enable leaving the site in forward gear. Lockable bollards would be provided at the junction of this facility with the Central Promenade in order to prevent the onward passage of vehicles save for specific controlled events such as public realm maintenance and emergency vehicles.
25. The additional use of this existing access from Newtown Road would require its upgrade via the provision of signalisation and incorporation of a pedestrian / cyclist crossing route together with surfacing changes as part of creating an acceptable quality junction that is appropriate at this entrance. Although the application site 'red-line' does not include the proposed junction its upgrade would necessitate an agreement under the Highways Act 1980 with Kent County Council in its role as local highways authority.

26. Turning to the eastern end of the Newtown Works site, Samuel Peto Way is currently accessed via a T-junction arrangement with Newtown Road. A signalised pedestrian crossing is located a short distance to the north of that junction.
27. Samuel Peto Way is proposed to also serve the new visitor parking and multi-storey car parking serving the 303 new apartments to be created in the Locomotive Shed. No upgrades to the junction with Newtown Road are considered necessary by the applicant. Service vehicles relating to the new apartments to be created in the Locomotive Shed would use this route as would, if necessary, maintenance / service and emergency vehicles seeking to enter the normally car-free Central Promenade Space from its eastern end. Again, lockable bollards are proposed to prevent all other vehicular access into the Central Promenade space.
28. Occupiers of the new apartments created within the Locomotive Sheds would travel west from Newtown Road along Samuel Peto Way and then turn north from the existing square towards the northern-most bay forming the application site. This route passes to the west of existing homes at Samuel Peto Way and is shown below as **Figure 21**. The route is also used by Network Rail and Balfour Beatty in terms of onwards access to operational buildings and railways land. Residents of apartments would then turn west into the Locomotive Shed ground floor. On the south-western side of the Locomotive Sheds, a number of visitor parking spaces are proposed.



**Figure 21:** vehicular route to Locomotive Shed internal (residents' only) and external (visitor) parking – both shown in red

29. Samuel Peto Way would not be used as a vehicular access for deliveries to the film studios.
30. As a consequence, this necessitates the provision of a secure and controlled access to allow for deliveries to the film studios. 'Part B' of the applicant's strategy would provide that by a new vehicular access onto Newtown Road located to the south-east of the listed Acetylene store (and thus, clear of the bend in the highway at this point). The difference in levels between the site interior and Newtown Road is minimised here (compared with other locations moving eastwards along the Road where level changes become significant). The access (**Figure 22** below) would not be signalised. The plans submitted do not show any special treatment to the carriageway. The access works would, however, require the approval of KCC as the local highways authority.



**Figure 22:** the new 'film studios only' access to Newtown Road in blue

31. The proposed changes to the nearby Acetylene store building would enable to function as part of site management controlling movement through this 'film studio only' access: control would be further assisted by the provision of a suitable gate/barrier located sufficiently further to the east so as to allow a larger vehicle to completely clear of Newtown Road whilst being checked before being allowed to continue into the film studios. Delivery and larger HGVs would use this new access to get to parking areas located to the rears and sides of the studio sound stages as well as to the rear of the proposed media village/workshop building and the proposed food and drink use in the former Paint Store / Electroplating Shop building. The access would also serve the commercial refuse collection service needed for the hotel and its serviced apartments with room around the margins of the film studios shown as enabling large vehicles to turn and exit the site onto Newtown Road in forward gear.
32. The Newtown Road railway bridge located to the west of the application site has low headroom and so could not be used for larger delivery vehicles: those movements would need to be accommodated from the east. Any larger vehicles would access the site from its eastern side and by either the 'film-

studios only' access or the clock-house access. Both options would avoid the use of Samuel Peto Way.

33. The applicant proposes that the existing off-site access constraint in the form of the narrow width bridge located on Crowbridge Road further to the east (**Figure 23** below) can be overcome through the funding of an improvement scheme to be carried out by Kent County Council. The applicant's Transport Assessment identifies that a 3-way signalisation scheme (together with provision of a footway across the signalised bridge providing the missing link in footway from this part of South Willesborough) is the favoured option to be taken forward.



**Figure 23:** the existing bridge on Crowbridge Road

### Boundaries

34. The access strategies described as 'Part A' and 'Part B' above dovetail with the importance of creating an acceptably designed and appropriate boundary between the film studios and the other uses at the site and heavily restricting vehicular movement through it.
35. The applicant has confirmed that no fences/walls/railings are proposed as a means to separate the film studios from the Central Promenade public open space over which permissive public access would be granted. In effect, the continuous frontage from west to east comprising the hotel, multi-storey car park, the studio sound stages and the media/workshop building would provide the boundary with no secondary boundary measures being required.
36. As identified above, the Central Promenade space would be secured at either end by lockable bollards to keep it 'car free' with only limited/occasional maintenance/service/emergency access.

37. The open area located between the south of the media village/workshop building and the Paint Store building would be contained by a new hard boundary complemented by a soft landscape strategy comprising shrubs and tree planting. The combination of the media village building and the proposed hard and soft landscaping would create the currently 'missing edge' to the western side of Harold Way. **Figure 24** below shows the proposal.



**Figure 24:** the new edge to Harold Way

## Amendments to the scheme & further information

38. Since the application was deposited, the applicant has:-
- (i) considered the representations made by residents, community consultees and stakeholders,
  - (ii) responded to requests for clarification in respect of certain issues in the accompanying ES,
  - (iii) reviewed the design in response to issues that have been raised by officers, consultants commissioned to independently review elements of the application on behalf of the Council (the costs of which have been funded by the applicant) and consultees in respect of various built form and open space components of the scheme, and,

(iv) amended the application accordingly and has provided an Addendum to the ES.

39. The amendments have been the subject of a full re-consultation and newspaper advert in the normal manner.

40. In summary, the amendments comprise the following;-

(i) provision of an additional parking storey to the multi-storey car park adjacent to the hotel and consequential changes to the elevations of this building including timber boarding cladding to the elevations and part of the roof,

(ii) changes to the hotel, including the rationalisation of the ground floor and creation of a single entrance located at the base of the serviced apartment tower as well change to the architecture and massing of that tower leading to a consequential increase in its vertical scale to accommodate 19-storeys with its roof rising to a single apex on its south-western side (**Figure 25** below and also enlarged and attached as **Annex 2**),



**Figure 25:** the hotel 'as originally proposed' and 'as amended'

(iii) the incorporation of a colonnade into the film studio and hotel design to provide a covered route and to enhance the visual coherency of the new buildings (**Figure 26** below and also enlarged and attached as **Annex 3**),



**Figure 26:** colonnade

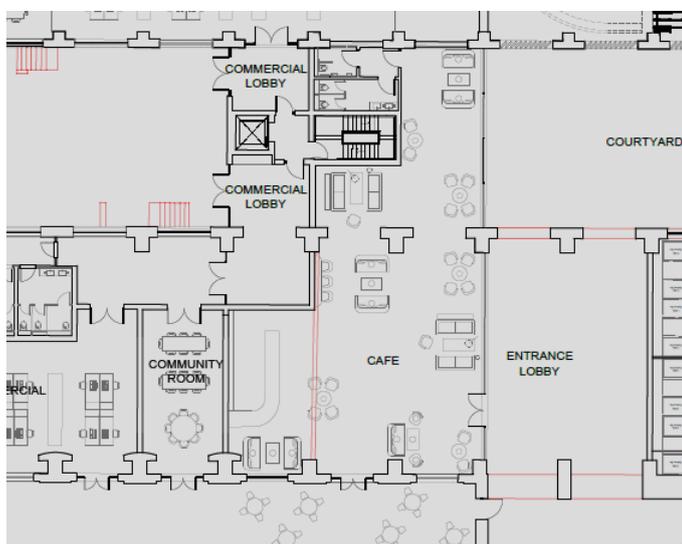
(iv) changes to the media village involving building one of the two entrances to the building's frontage to the public realm running between the film studios and the Engine and Locomotive Sheds,

(v) the architecture to the rooftop extensions to create new homes and commercial space in the Locomotive Shed being generally refined so as to have a more subtle 'industrial' visual external character (**Figure 27** below and also enlarged and attached as **Annex 4**) together with improved refuse and cycle storage arrangements within the building and finessing of the private amenity spaces proposed to homes to ensure that they would function appropriately,



**Figure 27:** Locomotive Shed homes as 'originally proposed' (top) and 'as amended' (bottom)

(vi) within the ground floor of the Locomotive Shed the provision of an enlarged café at the junction of commercial and residential uses together with an area measuring 41.4 sqm (9m deep x 4.6m wide) capable of being used as a meeting room by community groups (**Figure 28** below shows the plan form),



**Figure 28:** enlarged café and meeting room for community groups

(vii) the refinement of hard and soft landscaping detail, including to the main public open space and the communal private space to the atrium space within the Locomotive Shed, and

(viii) the rooftop extension to the Engine Shed being reduced in height (as shown by the red-line in **Figure 29** below).



**Figure 29:** the Engine Shed with red-line showing change in height of the new roof

41. The applicant has also provided more comprehensive information on the landscaping proposals for the site through an updated masterplan and Design and Access Addendum titled 'Planning Statement Landscape Addendum'. This document clarifies the proposed landscape approach and contains more comprehensive details relating to the trellis 'green walls', functional outdoor spaces and views through the site. The relationship between landscape proposals and buildings on either side are illustrated within the accompanying sketches, CGIs, and masterplan submitted as part of the application.
42. The proposed trellis green wall is proposed in four locations on the northern elevation to the film studios building as shown in **Figure 30** below. These would have a mixture of north facing climber species. Due to the height of the walls, planter troughs would be provided at 3m height intervals up the façade in order to ensure full coverage. ETLA suggests that if 'technically viable' the troughs could be filled with hydroponic growing media and a self-watering wicking fabric (the inference being that if not technically viable, climbing plants would be sown in a traditional growing medium and would need periodic watering).



**Figure 30:** the trellis green walls to the film studios

43. The applicant's approach to lighting is to enhance the usability of the site in the evening and winter through the use of decorative ambient fittings helping to create a safe and comfortable environment to linger within and move through by use of colour and projection. LED strips along the old railway tracks in the public realm of the promenade, artistic lighting and 'GOBO' lighting form part of a varied approach. **Figure 31** below gives examples and should be read in conjunction with the full page image reproduced as **Annex 5** to this report.



**Figure 31:** intended approach to lighting

44. This is designed to minimise lighting at the rear of the film studios in recognition of its potential visual amenity impacts and to minimise lighting impacts on the landscape corridor (and the species it supports) along the boundary of the site with Newtown Road and at the same time ensure that the frontages to buildings from the clock-house entrance through to the Central Promenade have appropriate lighting to their intended function and support public 'life between buildings'.

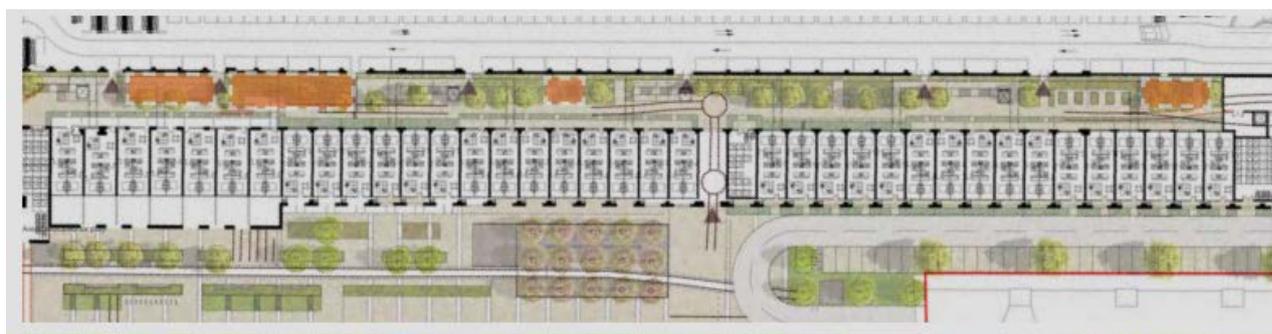
45. The applicant has provided an outdoor functional spaces diagram detailing how a diverse range of spaces from gathering events that could respond to potential event programming through to outdoor dining and other socialising and quiet contemplation would be removed from the main pedestrian and cycle flows through the site. This diagram is reproduced as **Annex 6** to this report. **Figure 32** below are sketches supplied to illustrate the character and feel of the approach to this space.



**Figure 32:** Views within the Promenade Space

46. In terms of public art, this is proposed at this site as an overarching strategy to draw connections with the past using remnants of the site's rich history and so include retention and strategic placement of exists signs, furniture and fittings. The existing rails would be preserved and showcased through the length of the Central Promenade space with opportunities to embed text within it as an educational tool to celebrate key dates and facts etc. Throughout the Promenade space, benches, bike stands as and bollards are proposed to be reimagined as sculptural art pieces.

47. Within the Atrium space serving the residential portion of the Locomotive Shed, x 4 zones of play areas are shown on the northern side that space as per the areas masked in orange in **Figure 33** below. The applicant suggests a variety of techniques that could inform the provision of creative play in these locations, including trim trail, climbing and sheltered play.



**Figure 33:** zones of play within the interior of the Locomotive Shed

48. The applicant has also confirmed that ETLA have had careful regard to contamination areas within the site as identified through the Ground Investigations and have taking into account the proposed Remediation Strategy. The Landscape Masterplan that has been submitted aligns with the submitted Drainage Strategy for the site via a mixture of permeable paving, structural tree soil cells and rain gardens. Extracts from this showing the proposals for the Promenade space are shown as **Figure 34** below.



**Figure 34:** Integration of landscape strategy with SUDs

49. Where appropriate, planting would be incorporated within raised planters that would isolate it from any contamination further below. In terms of trees sizes, the submission documents include detail on the proposed tree species and mature heights. The applicant considers that details regarding tree sizes at installation can be secured by mean of planning condition. The applicant is of the view that semi-mature trees should be incorporated in the urban realm areas.
50. Subsequently, the applicant;-
- (i) has clarified the proposed arrangements in terms of issues of noise, fumes and extracts in relation to the Locomotive Sheds, and
  - (ii) has addressed the points made in terms of visual impact, archaeology, ecology, reducing surface water drainage, highways and improved connectivity in terms of a pedestrian crossing point on Newtown Road.
51. Further consultations have been limited to consultant and technical stakeholders areas of expertise in these areas. This has enabled conclusion on the acceptability of scheme impacts and mitigation to be secured either by means of either planning conditions or s.106 obligations. The review of the ES has been concluded and I am satisfied from the information received that it is robust.
52. Following the submission of amended plans, the applicant submitted a Viability Case to the Council in mid-February. This contains confidential and sensitive information. This has been considered by the Council's retained viability consultant, Bespoke. Following confirmation and clarification provided by the applicant, Bespoke has concluded its review.
53. In summary, Bespoke's advice to the Council is that the development of the site, containing heritage assets dictating more unusual and costly approaches to redevelopment as a consequence and being a site subject to issues of contamination from its former use, is such that it is accepted that the proposed scheme cannot proceed as a viable development and support the full range of expected mitigation pursuant to planning policies in the adopted development plan. I deal with the resultant balancing exercise of planning harm vs. scheme benefits in the Assessment section of this report and how I consider best to target sub-optimal s.106 agreement mitigation.

## **Site and Surroundings**

54. The application site comprises 5.09 ha of land.



operational. Rights of access exist across the northern boundary of the site to provide Network Rail/Balfour Beatty access. Balfour Beatty occupies the northern long range forming part of the overall Locomotive Shed building. The red-line application site boundary is to the party wall between that Balfour Beatty range and the southern 3 ranges owned by the applicant.

61. Adjoining the site on its eastern side is Samuel Peto Way and streets branching therefrom as part of the completed residential first phase of redevelopment of the Newtown Works site.
62. To the west of the site beyond Newtown Road is the predominantly residential area of Newtown. Newtown also contains non-residential uses such as a small convenience store, hairdressers, pub and nursery school as well as an area of open space forming Newtown Green.
63. Further to the south-east are the Swan Centre, footway / cycleway connections leading in various directions including connections towards the underpass under the Ashford-Hastings railway line close to the ASDA superstore as well as South Willesborough area.

### **The proposal: additional information**

64. The proposal does not include an affordable housing as this is not required in Policy HOU1 of the Ashford Local Plan 2030.
65. A total of 124 homes (representing 41%) would be constructed to HOU4(2) standards which broadly reflect Lifetime Homes standard by providing space to manoeuvre a wheelchair, an entrance level WC with shower drainage and space sufficient for an entrance level bed-space. Apartments to this specification are built to adaptable standards so that hoists can be easily fitted without major cost and upheaval. Provision would be throughout the building thus;-
  - (i) First Floor: 22 M4(2) Units
  - (ii) Second Floor: 23 M4(2) Units
  - (iii) Third Floor: 79 M4(2) Units

### **Proposal: the applicant's vision for the site and how the film studios would operate**

66. In support of the application, the applicant's agent sets out the following development vision for the site;-

*'The Proposed Development is a regeneration project that restores a series of redundant and at-risk Grade II listed buildings at the core of Ashford's railway*

*heritage. The proposal seeks to establish Ashford as a significant new player in the digital revolution with a mixed-use development centred on the creation of TV and film production space to capture a share of the exponential growth in the industry nationally.'*

67. The applicant has produced a useful and interesting Note on how the proposed film studios would operate as well as the rationale for the development, the attraction of Ashford as a location, the potential for economic development and halo effect of the studios together with the opportunities to both improve and retain creative industry skills. This is attached as **Annex 7**.
68. Key points from the note relating to the nature and scale of the buildings and uses applied for are as follows;-
- (i) The x 4 film studios are considered to represent the 'sweet spot' in terms of floorspace driven by market demand and is well-suited towards premium TV production allowing an efficient use of space (3 or 4 scenes being able to be shot per studio).
  - (ii) The x 4 film studio format provides flexibility where one to 4 studios can be leased depending on production requirements.
  - (iii) On a typical production, 20% of staff would stay on-site. If the studios are at capacity that would equate to the demand for 120 rooms/apartments alone with 5-10 of the hotel rooms and serviced apartments building being retained for 'green room' functions for actors to meet, relax and spend time before and after filming. On this basis, studio related occupancy within this building is forecast as starting at 80% rising to 92% by year 5.
  - (iv) The hotel and serviced apartment building is designed as a landmark and icon for Ashford and this is conducive with the vision as a whole which is intended to be unique and aspirational. The optimal design decision in terms of the configuration of the uses required of the building was considered to be to provide a taller element. This is viewed to be more considerate to the listed buildings and neighbouring uses. Building accommodation on top of the studios is unfeasible.
  - (v) A helicopter pad is not incorporated within the scheme. The design of the serviced tower does not allow that and it cannot be provided on to the roof of the studios due to potential noise issues to filming.
  - (vi) On an occasional basis, specialist cherry pickers and/or lighting vehicles would be used in outside areas but otherwise on-site space to the studios would be used for other purposes such as parking and catering vans.

(vii) The studios could house 3 or 4 productions working simultaneously in each studio (between 50-150 people per production). The highest number of individuals would be on site during filming, with significantly fewer individuals on site for pre- and post-production. At capacity, the site could have 600 individuals utilising the studio complex.

(viii) Average productions range from 10-30 weeks in duration. However, it is not uncommon for occupiers/users to pre-let space for longer periods of up to 5 years, using the studio for their purposes for projects lasting anything between 6, 12 or 15 months. In more recent times producers have been booking studio space for 6 months or even years ahead in order to secure any available film stage space in the U.K.

(vix) The most intensive periods of traffic movement are usually at the beginning and the end of each studio hire period. This is due to deliveries of equipment and materials for building sets inside the studio and then again at the end of the hire period to strike the sets. Once the set building process is complete and filming begun, movement levels significantly decrease, apart from that of individuals involved in the production. Movements would include HGVs / articulated lorries however, the majority of vehicles will be smaller. i.e. mini vans, transit vans, crew cars. Accordingly, there is unlikely to be a reoccurring / repeating daily pattern of vehicle movements and traffic generation.

(x) Film crews typically work a 10-hour day shooting on set, starting at around 08:00 and concluding at 19:00 with a 1-hour lunch break. However, many workers (crew and cast) arrive on set one hour beforehand and leave one hour after these times. Thus, operations at the site tend to be spread over a longer period 06:00 - 21:00. On rare occasions, it would be necessary to use the studio outside of these hours.

(xi) In terms of day to day operation, once the production is in situ at the studio complex, the pattern becomes very consistent for the duration of any given booking. The crew and its personnel are largely contained into one or more of the studios. Access into these spaces is largely exclusive to the clients only so the operation is private and secured and quiet. To the extent passers-by would likely be unaware that a major film or television series is being produced on a daily basis.

(xii) TCDI Co. is engaged in on-going discussions with a number of local education providers, namely – East Kent College, Christchurch University and Kent University, with a view to providing technical training on-site and developing the creatives of the future. These three education bodies have successfully collaborated on other ventures and therefore can demonstrate a

track record. The studios would be a catalyst for many new entrants and training opportunities to enhance the talent and skills supply chain needed to support the studios. This would provide a viable opportunity to create a centre of excellence for learning that could be internationally recognised. The concept is centred on students being able to study courses and gain practical experience within the media cluster being created.

(xiii) As a follow on, the scheme would provide a Future Media Centre in collaboration with Kent's leading education, skills and R&D providers which will provide unparalleled skills development, education and training and R&D programmes and will aim to help establish new start-up creative industries businesses.

(xiv) TCDI Co. is also progressing with "The Accelerator" which will be a 5,000sq ft facility located within the media village. The particular focus of the facility would be as a "next step" for micro-businesses and SMEs which emerge from the 'Future Media Centre' to be housed close by in the adjacent educational hub on-site.

(xv) These initiatives provide an opportunity to foster niche, industry skills in Ashford and will help to retain talent within the Borough for the long-term. By building professional relationships and providing post qualification employment opportunities, as well as a supportive environment for entrepreneurial spirit, there will be a great incentive for people to stay in Ashford. Ashford would attract more screen-related tourism as a result of the proposals and benefit from this lucrative industry that is currently valued at £550 million nationally. The combination of the film studios and the high-quality hotel offer provides an excellent asset for Ashford.

## **Proposal: the applicant's delivery / phasing approach and supporting documents**

69. The applicant has supplied a 'phasing diagram' with the application. This does not, however, identify whether all of the elements of the proposal are taken to form a single phase as opposed to multiple phases but it is usefully accompanied by a timeline that shows when work would commence and complete and be available for occupation (if partial occupation is not possible beforehand due to the nature of the use). In summary, this suggests:-

### Early start in 2020

- (a) Loco Shed commercial commencing Q2 2020 with a 18 month build
- (b) Loco Shed residential commencing Q2 2020 with a 27 month build
- (c) Film Studios commencing Q2 2020 with a 12 month build

Later start in 2020

- (d) Acetylene Store conversion commencing Q3 2020 with a 9 month build
- (e) Multi-storey car park commencing Q3 2020 with a 6 month build
- (f) Media village and workshop commencing Q3 2020 with a 12 month build
- (g) Hotel commencing Q4 2020 with a 15 month build

Early start in 2021

- (h) Engine Shed commencing Q1 2021 with a 18 month build
- (i) Paint Store conversion commencing Q1 2021 with a 6 month build

Later start in 2021

- (j) Clock-house conversion commencing Q4 2021 with a 9 month build

70. The applicant's phasing diagram therefore suggests that in planning permission and listed building consent are granted then work would complete on the mixed-use redevelopment by the end of Q2 in 2022 i.e. summer 2022. Obviously, it needs to be born in mind that this is the applicant's 'anticipated' delivery timetable and there is no certainty that opening to occupation will be exactly as identified. Nevertheless, it suggests a desire for delivery of the completed scheme in an ambitious relatively quick timeframe.

Supporting documents

71. In addition to drawings, a comprehensive suite of supporting documents, including Planning Statement, Design & Access Statement including landscaping, Daylight & Sunlight Assessment, Economic Benefits Statement, Arboricultural Impact Assessment including Tree Survey, Sustainability Statement, Structural Survey, Statement of Community Involvement and Wind Microclimate Desktop Assessment. The applicant has also submitted a number of Technical Notes and clarifications to address issues raised by technical consultees.
72. An Environmental Statement (ES) accompanies the application. The ES includes a 'Non-technical Summary' and then a number of chapters with related appendices. The key components of the ES are summarised below:-

Transport Assessment (TA)

TA 1 - The TA outlines the access arrangements, proposing three access points: utilisation of the existing access onto Newtown Road next to the Clock Tower building that would accommodate pedestrians and cyclists through a crossing phase on the southeast arm of the junction.; a new access suitable for HGVs located approximately 75m south-east along Newtown Road; and another from Samuel Peto Way.

TA 2 - Refuse servicing would operate at all three of the proposed site junctions. The refuse vehicle can utilise the turning circle near the centre of the site and exit using the same junction. For the residential portion of the site, refuse servicing will operate via Samuel Peto Way. For the film studios and ancillary units, refuse servicing will operate via the HGV access road from Newtown Road.

TA 3 - Residential parking for the dwellings to be created in the Locomotive Shed and the Serviced Apartments would be provided at a rate of 1:1, and 0.2 spaces per dwelling for visitor parking in accordance with Policy TRA3 of the ALP 2030.

TA 4 - In total, 708 parking spaces are proposed. 322 of these would be in the 3-storey multi storey car park to be provided in the Locomotive Shed building with 32 spaces located adjacent to its exterior. 336 spaces are proposed in the multi-storey car park adjacent to the Hotel. 18 spaces are proposed to the front of the Engine Shed building.

TA 4 - The site is convenient access to public transport with Ashford International train station a 9-minute walk from the western end of the site, and a number of bus stops within easy (100m-200m) walking distance of the site's boundaries.

TA 5 - The TA provides 5 years' accident data covering a large area extending from the railway underpass to the priority roundabout at Crowbridge Road / The Courtyard / The Long Barrow / The Boulevard. The data identifies 15 slight accidents and 1 severe accident. It concludes that the only clear highway safety issue in the area is the Crowbridge Road Bridge. The TA identifies that KH&T has approved a signalised scheme design to mitigate risks to highway safety that would involve signalisation and provision of the missing stretch of footway over the bridge to provide onwards connection to existing footways.

TA 6 - Overall, the increase in usage of junctions arising from the development is considered to be such that it should not result in any highway safety issues. Results of junction capacity modelling conclude that the majority of junctions are anticipated to work within their theoretical capacity in the majority of scenarios.

#### Arboriculture Impact Assessment (AIA)

AIA 1 - The site is not within a conservation area. A collection of trees defining the site's boundary with Newtown Road are protected by TPO No. 5 made in 1985.

AIA 2 - The arboricultural impact of the proposal amounts to the removal of four individual trees, two groups of trees, and the partial removal of one further group of trees to facilitate the new HGV vehicular access onto the site from Newtown Road.

AIA 3 - Subject to mitigation measures to safeguard retained trees, the AIA concludes that redevelopment of the site can be undertaken without detriment to the site's soft landscaping amenity.

#### Ecological Appraisal (EA)

EA 1 - The EA states that a Preliminary Ecological Appraisal (PEA) was undertaken at the site in August 2019. The PEA included a desktop study and a field survey of all habitats on site and their potential to support protected species.

EA 2 - The site itself is not subject to any statutory nature conservation designations. However, it falls within a 2km radius of one Local Nature Reserve (LNR) and one Local Wildlife Site (LWS) and two Sites of Importance for Nature Conservation (SNCI). Due to the location and scale of the proposed development, impacts associated with increased recreational pressure on sensitive habitats, disturbance to breeding and wintering birds, littering and dog fouling affecting the LNR, LWS, and SNCIs are considered likely in the absence of suitable ecological mitigation.

EA 3 - Habitats on site were assessed in terms of their potential to support protected species and/or species of conservation concern. They provide potential for bats, reptiles and breeding birds. Evidence of rabbits and foxes with dependant young were recorded during the survey.

EA 4 - The EA recommends the retention of the raised earth embankment incorporating grassland and scrub habitats along the southern boundary of the site to Newtown Road. The creation of compensatory habitats, including those arising from SUDs and green roofs, is identified as a way that the scheme can ensure a net overall biodiversity gain.

EA 5 - The EA suggests if all the recommendations suggested in the report are implemented, the development is not likely to result in any long-term adverse permanent impacts upon biodiversity.

#### Sustainability Statement (SS)

SS 1 - In accordance with ALP 2030 Policy ENV7, all new residential development would utilise low flow sanitary items and efficient appliances, and a water use assessment has been conducted to ensure that each

dwelling achieves estimated water use of no more than 110 litres per person per day as minimum.

SS 2 – In accordance with the BREEAM criteria of ALP 2030 Policy ENV11, a pre-assessment has been carried out and this identifies that all non-domestic elements of the development would achieve a BREEAM 'very good' rating. Particular emphasis is given to water efficiency of the buildings to ensure that a minimum of 3 Credits are achieved under Wat 01.

SS 3 – A high-level energy strategy, providing recommendations as to how compliance with Part L of the Building Regulations can be achieved, is incorporated in the SS. Measures in the strategy include: dedicated low energy lighting fittings; AMR energy display devices to provide half hourly energy consumption data; high efficiency electric heating systems, communal boilers, heat pumps or CHP; battery storage systems (where viable) to store the renewable energy generated by the PV array and other energy generating sources.

#### Economic Benefits Statement (EBS)

EBS 1 - In summary, the benefits of the scheme are cited as follows;-

- (i) generation of approximately £84 million direct GVA output over the build period;
- (ii) generation of approximately £143 million indirect GVA over the build period;
- (iii) generation of 2,035 full-time direct employment jobs;
- (iv) generation of approximately 915 indirect employment jobs across the South East;
- (v) growth of £104 million in GVA per year helping contribute to sustainable growth to Ashford's economy;
- (vi) £10.4 million annual spending from visitors and residents, of which it is estimated that £8.9 million would be retained within the Ashford Borough Economy;
- (vii) construction investment of £152 million during the construction phase of development, estimated to support direct construction employment of 585 jobs and a further 880 indirect jobs through spending and supply chains per year of construction. This would contribute £113 million per annum to GVA over the construction period;

(viii) lead to growth through direct taxation including from Council Tax receipts and Business Rates.

#### Air Quality Assessment (AQA)

AQA 1 - The air quality effects with potential to be introduced by development would be;

(i) during the construction phase, suspended and re-suspended fugitive dust emissions arising from demolition / construction activities and vehicular emissions from construction traffic, including re-suspended dust from HGV movements, and

(ii) during the operational phase, vehicular emissions (primarily nitrogen dioxide (NO<sub>2</sub>) and particulate matter (PM<sub>10</sub> and PM<sub>2.5</sub>) from increased traffic movements associated with the proposed development.

AQA 2 - There would be a medium risk of dust impacts arising from the proposed development, and low risk to human health from particulate matter concentrations at nearby receptors during the construction phase. The AQA recommends that the 'highly recommended' measures set out in the report should be incorporated into a Dust Management Plan in order to mitigate any negative effects.

AQA 3 – There would be a negligible impact on emission levels arising from the operation of the proposed development. In accordance with the EPUK & IAQM significance criteria, the impact of the operation of the proposed development on NO<sub>2</sub>, PM<sub>10</sub> and PM<sub>2.5</sub> concentrations is considered to be negligible.

AQA 4 - The assessment concludes that air quality would not pose a constraint to the proposed development, either during construction or once operational.

#### Noise & Vibration (NV)

NV 1 - This report considers the likely effects of the proposed development on levels of noise and vibration. It considers the effects of existing conditions on the proposed development and the effects of noise and vibration generated from construction of the proposed development on surrounding properties.

#### Archaeology Assessment (Combined Report)

AA 1 - There are no designated heritage assets such as World Heritage sites,

Scheduled Monuments, Historic Battlefields or Historic Wreck sites that have been identified within the study site or its immediate vicinity. The site is not within an Area of High Archaeological Potential or a conservation area. The report recognises the five Grade II listed buildings on the site to which reference is made elsewhere in this report.

AA 2 - The report suggests that 19<sup>th</sup> century remains of the New Town Rail Works and deeply cut prehistoric features such as pits and ditches may be present on site. It identifies aspects of the construction phase as having potential to disturb buried archaeology on site, specifically piled foundations required for the new commercial floor space.

AA 3 - Due to the likely depth of prehistoric features, conventional archaeological evaluation trenches are suggested as being unfeasible. The report suggests a watching brief during initial groundworks could serve to ensure that any archaeological assets are not removed without being recorded.

#### Water Quality, Hydrology and Flood Risk (WHFR)

WHFR 1 - This assessment analyses the likely effects of the proposed development on terrestrial hydrological regimes, water quality and flood risk. It is supported by a Flood Risk Assessment and Drainage Strategy.

WHFR 2 - The site is located in Flood Zone 1, an area at low risk of fluvial flooding. Furthermore, the likelihood of reservoir or tidal flooding is considered to be low.

WHFR 3 - The report identifies the following principle impacts of the proposed development: increased surface water flood risk and sediment and chemical pollution of nearby watercourses during the construction phase. The report proposes measures to decrease these risks, such as devices to control the rate of surface water runoff.

#### Soils, Geology, and Contaminated Land (SGCL)

SCGL 1 - The site is underlain by superficial deposits of Alluvium and River Terrace Deposits. Beneath these deposits lies the Weald Clay Formation, an 'Unproductive Aquifer'.

SCGL 2 - Asserts that additional site investigation works would be required as part of mitigation to confirm the initial findings of the report.

SCGL 3 - Overall, the report concludes that there would be no significant adverse residual effects during construction or operation phases relating to

hydrogeology, hydrology, construction workers and end users with regards to soils and geology for the proposal.

#### Wind Microclimate Desktop Assessment (WMDA)

WMDA 1 – This assessment seeks to establish the likely effect of the proposed development on pedestrian comfort and safety with regards to wind, analysing the probability of exceedance of assigned wind thresholds for each location considered.

WMDA 2 – The analysis suggests that 5 areas within the site would exceed their required windiness thresholds, namely the central promenade, the hotel courtyard, and 3 areas relating to the swimming pool terrace area located at an upper storey height in the hotel.

WMDA 3 - Recommended mitigation measures for incorporation into built form and landscape design include: tree planting to moderate micro-climate, use of porous/solid screens to break up areas in the hinterland of buildings that could be prone to wind together with the use of canopies or balustrades to deal with the impact of downwash of wind hitting taller buildings.

#### Flood Risk Assessment and Drainage Strategy (FRADS)

FRADS 1 - The site lies within Flood Zone 1, an area at the lowest risk of flooding and therefore suitable for vulnerable development. The risks of on-site flooding are considered to be low. Additionally, the majority of the site is at low risk of surface water flooding.

FRADS 2 - In terms of overall flood risk, the assessment concludes that the proposed development is acceptable for the intended use.

#### Townscape and Visual Impact Assessment (TVIA)

TVIA 1 - Zone of Theoretical Visibility (ZTV) mapping has been produced via ArcGIS, which extrapolates the height of the hotel in relation to DEM topographical mapping. ArcGIS then enables an observer height of 1.5m to be placed in the model, from which a 'view-shed' is then generated between the observer point and the top of the hotel to create the ZTV mapping

TVIA 2 - Photomontages (wirelines) have been produced to assist in the understanding of the Proposed Development. These wirelines superimpose an outline of the Proposed Development upon a photograph of the existing view

TVIA 3 - The TVIA includes a cumulative assessment in relation to other

schemes across Ashford. In line with GLVIA 3, the cumulative assessment is based on the 'combined' effects of the Proposed Development with the other schemes.

TVIA 4 - In terms of townscape receptors, this may result in more than just the Proposed Development being under construction within a townscape area, and therefore the combined impact is likely to be greater than compared to only the assessment of the Proposed Development. For visual receptors, this may result in views of more than just the Proposed Development in construction or operation and therefore the impact and significance of effect may vary compared to the assessment of the Proposed Development only.

TVIA 5 – Local Townscape character types and areas have been identified and analysed. A number of visual receptors inform the assessment and are considered to be representative of people's views from across the townscape surrounding the site with Townscape Effects then assessed in terms of impact during construction of the proposed development and its subsequent operation during different seasons.

TVIA 6 – Wireline views are provided to show the impact of the proposed development from various vantage points. Extracts are attached as **Annex 11** to this report.

## Planning History

73. In 1992, outline permission for the demolition of all buildings on the site and the erection of 31,600sqm employment units was granted. This permission expired in 2004 and was not implemented.
74. In 2009, the hybrid application (ref. 05/01798/AS) was permitted. The residential component comprised of 928 dwellings including 788 new build units and 140 units within the locomotive shed. Combined, the commercial floorspace amounted to 6,866sqm. The total number of car parking spaces proposed was 1,025 with 863 allocated to residents and 162 available for visitors and 14 commercial users. In terms of cycle parking, the proposal made provision for 1,024 spaces, of which 75 were for the commercial uses.
75. In 2011, a Reserved Matters application (ref. 09/01281/AS) for Phase 1 which relates to the eastern end of the site was permitted. This permission has been implemented and the homes constructed by Kier are all occupied.

## Consultations

### SCHEME AS DEPOSITED

**Ward Members** – no responses received. Cllr David Smith is a Member of the Planning Committee.

**South Willlesborough & Newtown Community Council (SWNCC)** – identify that several material issues need to be addressed before it can support the application (and therefore the representation is taken to be an objection) with these being:-

1) Representations from others.

*Residents were invited to attend the Council's Planning and Highways Committee meeting of 13th November 2019 and make comment. Their comments were recorded in the Minutes of that meeting. (verbatim in italics) The key comments are highlighted in bold MEETING ADJOURNED FOR PUBLIC PARTICIPATION AT 7.17pm • The public present made the following comments • Support for the Committee's view that the development should have in principle support subject to further consideration of traffic and site access issues, affordable homes, the height of the hotel and on-site parking capacity. • On-site parking capacity limits could lead to additional problems on roads nearby (Alfred Road etc) • The degree to which commercial tenants are signed up to the development including Netflix, and what the fallback position would be if commercial operators decide not to invest • Questioned the traffic consultant's optimism on numbers converted to cycling given the hazardous nature of some local roads • That the signalisation of the Crow bridge is likely to create traffic queues and that the widening of it may be a better option if funds are available (NB We have since been made aware of the KCC response to this) • That a second public consultation had been promised but had not yet taken place before the application was submitted • How Section 106 funding will be used*

*NB Bullet point 2 refers to in principle support for the application but that was overturned by the Full Council in order to reflect public opinion on the key issues of traffic/access, affordable homes, the height of the hotel and on-site parking capacity (with impact on other areas of Newtown)*

2) Effects on the area

*a) The Community Council would like to see careful thought given to the impact on the existing Newtown community. Members consider that unless the developer is obliged to make Section 106 contributions for projects that contribute to connectivity, the quality of life or preservation of the sense of*

*community, major changes in the local area's character and amenities will result in displacement and/or loss of existing businesses. The two public houses at the heart of the community which are already under severe economic pressure, are of special concern.*

*b) So far, the Community Council has not been invited by Ashford Borough Council to comment on, or to be involved in, any discussion on Section 106 proposals. It would urge ABC to facilitate negotiations with the Community Council and the developer on projects that will mitigate the negative effects of this development on the social make-up of the area.*

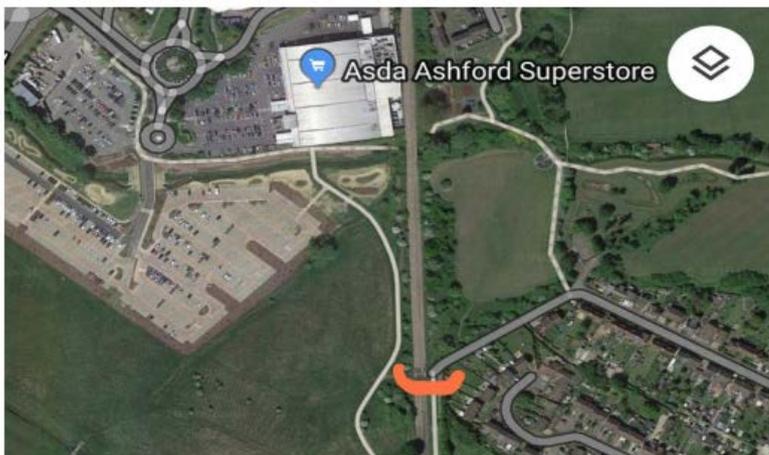
*First, given that the area's key community facility (the SWAN Centre) is oversubscribed an expanded Newtown community would benefit from the creation of a larger or second social hub either within the footprint of the Newtown Railway Works development or in close vicinity to it. The Community Council has agreed this will be a much needed facility and has already formed a Working Group to examine sites and feasibility.*

*Secondly, Community Councillors and KCC Officers met in December 2019 to discuss safe pedestrian and cycle routes when flooding occurs at the railway underpass, a public highway and cycleway near the Asda supermarket.*



*The above image illustrates that the route becomes impassable and a real danger for young children who negotiate the walls to circumvent the problem. It was noted that the previously used rail crossing has been securely shut by Network Rail. KCC does not have funding to install a bridge at this location (the safest and shortest journey option) but one could be possible at the same location with developer contributions (see location plan below) A bridge would not only create the connectivity between Quinn Estates' developed sites in Newtown, the East Stour and the proposed nature area but would also be a safe link for all groups, especially children and those with mobility problems. It could also form a safer part of the National cycle network. The Community*

*Council considers that significant public benefit will be derived by investing in a bridge to link new and existing communities, provide access to the new nature area, assist public well-being and cycling objectives and provide a safe passage for all groups.*



*c. Whilst the Community Council recognizes the HOU 1 policy relating to flatted developments in Ashford town is not in itself a material consideration, it feels it will contribute indirectly to the negative effect on the area. Neither the Council nor the residents who attended meetings agree with the policy because they feel it discriminates against Ashford's young people – notably first time buyers and single parents who will be priced out of the market. In addition, that group will either need to use cars or public transport to access work in the town centre area, creating more expense for them and, more generally, creating greater congestion and other environmental problems.*

*d. The Community Council considers these to be major negatives and in principle, will not support any application for flatted developments in the Newtown area without an affordable component. If the Borough Council is not willing or prepared to purchase a number of apartments from the developer to create an affordable component, the Community Council would urge ABC to revisit the Viability Assessment and the Equality Impact Assessment given that a) the selling price of the proposed apartments is vastly greater than market value defined in the Viability Assessment (Local Plan 2030 Library Ref SDO9 Fig 3.3) and b) that the Council has determined that young people are not disadvantaged. (Source: ABC's Equality Impact Assessment, November 2017)*

*e. The lack of an affordable component is of exceptionally high relevance to young adults and the impact of the decision is not only negative when the assessment claims it to be positive, but also potentially discriminatory. The Community Council feels the decision fails at least two tests defined by S149 of the Equality Act 2010.*

*f. The Community Council considers that the combination of an unrealistic Viability assessment, a potentially discriminatory policy of no affordable homes and the current lack of Section 106 social projects make the development unacceptable.*

*g. Community Councillors have commented that pressures on key public services such as the availability of local school places or the provision of local primary care facilities have not been considered. Despite a written request, the National Health Service has not been able to furnish the Community Council with its plans to address future health provision concerns. Local school places and health facilities are fundamental issues for inward investors and the lack of them may impact negatively on the Borough Council's ability to attract new businesses to the South Willesborough and Newtown area.*

*3) Highway safety issues including traffic generation, road capacity, means of access, car parking and effects on pedestrians and cyclists.*

*a) At the public consultation, Councillors were informed that Samuel Peto Way would not be used for access but trucks and lorries could still potentially use it for deliveries and contractors could park their vehicles there also if a parking regime is not in place. Businesses, commuters and McArthur Glen visitors already use it as a free option. There is a high likelihood that Samuel Peto Way and the streets around it will be used by commuters when the footpath to the railway station is extended through the development site.*

*b) Given the parking space allowance of 1.2 per unit, there is a high likelihood that Samuel Peto Way and Harold Way will also be used for parking by residents of the development. Quinn Estates appears to be complying with KCC parking standards but has indicated that Section 106 funding could be made available to examine options for parking schemes in roads affected by parking overspill. The whole of Alfred Road and Wainwright Place are key areas of concern.*

*c) Recent surveys conducted by local Councillors, with the approval of the Council, have revealed that parking in the road by commuters and contractors numbers between 30 -50 vehicles a day making it difficult for locals and service providers alike to negotiate. At least 30 surveys have been conducted including traffic counts on every Newtown road after midnight and counts between 7-9am in the morning. The morning traffic count is always higher than the midnight total by between 30-50 vehicles (ie cars not belonging to residents of Newtown)*

*d) The Community Council would urge Ashford Borough Council to insist that the promised Section 106 funding should be found now to examine the need*

*for parking regimes on all the roads off Newtown Road (including the Samuel Peto Way development) which are likely to be affected by the combination of existing and future parking demand. The application should not be approved until this key piece of work is undertaken.*

*e) The signalisation of the narrow Crowbridge Road bridge and road widening should take place before development starts although one resident questioned the wisdom of introducing a 3-way scheme which would be safer but the price for improved safety would be delays and queues at the bridge. The Community Council has previously argued that an independent review of the impact of this and other developments on Crowbridge Road and Newtown Road should be carried out before any significant developments are approved.*

*f) Community Councillors questioned the relevancy of a response from the developer relating to a vastly reduced number of lorry trips to and from the site by comparison with the previous use of the site 30 years ago. A recent traffic incident would indicate that the size of modern lorries, not quantity, is important and restrictions need to be put in place to prevent further damage to the road/rail infrastructure following the recent HGV collision with the Newtown Road rail bridge.*

*g) Neither Councillors nor residents share the traffic consultant's optimism on numbers likely to be converted to cycling given the narrow and hazardous nature of some local roads. The Community Council supports the aspiration for more cycling but is concerned for rider safety, notably on the whole of Newtown Road as far as the rail bridge. Because of the dangers, cyclists also use the narrow footpath between the Klondyke site and the bridge which also makes it difficult for the disabled and people pushing baby buggies. The Community Council would recommend ABC and the developer to raise the issue of unsafe cycling areas with KCC before development starts.*

*4) Effects on individual buildings – including overshadowing, visual intrusion and loss of local amenity*

*The 18 storey hotel building is considered excessive, visually intrusive and out of keeping with the rest of the area. It has emerged that when McArthur Glen recently employed tall cranes, TV and radio signals in Newtown were interrupted. It is recommended that tests are carried out before the development commences to ensure Newtown residents are not detrimentally affected. We understand a Police repeater is located close to the area and they should be consulted to ensure the height of any tall structure introduced does not affect their equipment. The hotel as proposed will overshadow Wainwright Place, Alfred Road, Newtown Green, Harold Way, Samuel Peto*

*Way, Ellson Way and Kirtley Way. It risks loss of light in Alfred Road, Newtown Green and Wainwright Place as well as resident privacy.*

5) Pollution and Presence of hazardous substances directly associated with the development

*Given the site’s industrial past and asbestos content, ABC needs to be satisfied that the developer will take a highly responsible approach not only to pollution control and dust mitigation but also to noise reduction/mitigation and any other types of pollution during the development phase Generally Concern has been expressed that a second public consultation had been promised but had not yet taken place before the application was submitted.’*

**ABC Cultural Services** – no objection subject to the following s.106 capital contribution for on-site and off-site provision;-

	Capital contribution for on-site provision	Quantity / ha
Informal	79,979.38	1.06 ha
Sport	292,521.25	0.85 ha

1.3. Off-site contributions calculate as:

	Capital contribution for off-site provision	Commuted maintenance sum
Allotments	57,001.58	14,581.88
Play*	143,388.44	146,481.56
Strategic Parks	32,256.88	10,384.06

The following are related key points made by Cultural Services about the scheme.

**‘Potential projects**

**Allotments:** *in this instance, we request that this sum is used on site to invest in and provide the high quality artistic and creative opportunities this site can offer.*

**Play:** *We would like to split the play provision between on and off site provision, with £40,000 on-site contribution. The balance would be spent off-site within the town centre. There has already been local investment recently at Newtown, and it is fully expected that residents will use the town centre where play provision would enhance the town centre offer.*

**Strategic Parks capital:** Ashford Borough Council are seeking contributions towards improvements at Victoria Park.

**Cemeteries capital:** no contributions are sought at this stage.

Contributions are calculated as per the Public Green Space and Water Environment SPD 2012 and will be subject to indexation. Please note that for the purposes of calculating public open space as per the SPD, 303 flats calculates as 221 dwellings.

**Cultural Improvements:** A contribution is required for arts of £74,765.25; this would be for on-site provision. As a landmark scheme, we expect part of the scheme to be working with an internationally renowned artist, and to be integrated in part of the works design. We would like to see a statement piece on site.

As part of the delivery of the scheme we would like to see an artist as part of the design team, and resident on site.

A contribution is required for the voluntary sector of £19,221.56, to work with the Community Council and/or Ashford Volunteer Centre.

### **Public Open Space**

The development triggers a requirement to provide informal public open space of 1.06 ha. The private spaces (atrium and courtyard) will not count towards the necessary quantity, neither will the entrance plaza at 0.065 ha as it is too small. The only space to count towards public open space provision is the main promenade, which the Planning Statement details as 0.603 Ha. The site does not exceed the standard for provision of informal/natural greenspace, as stated in the Planning Statement.

Overall we do not believe that this development provides the necessary quantum of public open space on site, however with a high quality design and creative use of materials, the public realm space of 0.603 Ha could provide sufficient need to the new residents. There is great scope for this space, and it should not be singly designed as just a thoroughfare which complements the built structures.

The current Landscape Proposals illustrate a creative approach to the Promenade space, with precedent images which demonstrate the potential for an interesting approach to the whole design. We would like to see this approach to the design explored further and not diluted in any way, with an imaginative approach to play combined with informal recreation, heritage and art, creating a flexible, multi-use space.

The approach to play provision needs to avoid the traditional 'swings and roundabout' type design; we are encouraged to see that the Landscape Proposals detail 'innovative and original' play. The design of the main promenade must be playable in its approach, particularly for the toddler and junior age, so that there are on-site opportunities for play.

*We would also like to see the promenade space and community building offer activities such as table tennis and football, both indoor and outdoor.*

*With respect to sport provision, we would like to see a use of the site that takes advantage of the space and the buildings. As an example we think there is potential here for a 'clip and climb' type facility, which is currently not available locally.*

### **Community Provision**

*We would like to see this development linked to creative industries and enabling future jobs, with outreach opportunities, creative community programmes and community volunteering.*

*We note the proposal for a new community facility, and café; combined, this provides the opportunity for local opportunities in terms of creativity, employment, and learning. We would expect to see the community facility to provide a large hall, kitchen, toilets (including Changing Places toilet), storage, office and meeting space, with necessary parking. The large hall should be at least the size of one full size badminton court.*

*Consideration should be given to a flexible dual use "black box" studio space that includes opportunity for theatre and dance performance, film showcases and artistic sharing, a screening room with bleacher seating.*

*We would like the scheme to provide enough flexible education space, as well as any required dedicated education space for safeguarding purposes.*

*The S106 should detail what will be delivered in terms of programme and outreach, who will lead and what the timescale will be.*

*Contact must be made with the South Willlesborough and Newtown community council, to ascertain their requirements in terms of a potential dedicated space - a hub within the heart of the community building/café location.*

### **Heritage Provision**

*We would like to see interpretation celebrating the sites history and links with the local community; there is also potential for a photographic and/or film community project. Dedicated outreach work to ascertain the local heritage knowledge is required.'*

### **ABC (Economic Development) – support and comment as follows;-**

*'This is a key strategic site for Ashford's growth which will deliver TV and film studios with associated space and infrastructure, a 120-bed hotel, food and beverage space, leisure facilities, event and conferencing space as well as residential units. At a national level TV and film production has helped boost the services sector according to ONS figures in August 2019, helping the national GDP grow by 0.3%.*

*The film, TV, video, radio and photography sub-sector of the Creative Industries also employed 245,000 people in 2018 which was a 16.5% increase from 2011.*

*A 2018 report by Lambert Smith Hampton into the film and TV studio property market concluded that film-related industries contributed £13.2bn to the UK economy and that 1.9 million SqFt of new film studio space was required in the UK.*

*It is clear that TV and film production is highly important for the UK economy, highlighted by the Government's Creative Industries Sector Deal which supports investment in these sectors. Therefore having space in the borough which contributes to that will support economic growth in the Ashford area as well as continue promoting Ashford as a good location for business.*

*Employment in the industry attracts higher level skills, highlighted by the fact that between 2016 and 2018, entries to Higher Education film and media related courses went from 22,700 to 23,600.*

*Furthermore the South East of England already supports 64% of the UK's employment in film and video production with 41,000 jobs of the total 64,000.*

*This highlights the fact that Ashford, at the centre of the South East of England, is in a good position to attract and develop high levels of skilled jobs as a consequence of having such studio space. This development could be a catalyst for boosting skill levels in the borough both by attracting talent from nearby areas and supporting creative industry-related education and training aimed at local residents. Ashford's economy continues to grow at pace, evidenced by decent levels of productivity for the South East region. A BFI Screen Business report highlighted that screen industries show higher levels of labour productivity than the UK average.*

*Having TV and film studios of this scale in Ashford could therefore contribute to improving local productivity levels helping to further bolster the local economy. Ashford has four neighbouring high-concentration and high-growth clusters (Canterbury, Medway, Tunbridge Wells and Hastings) which could support the development of Ashford as a creative hub. Clusters bring creative firms together meaning business support, R&D, talent and infrastructure can be shared across the supply chain, with spill-over benefits for the wider area.*

*Overall, the TV and film studio element of this application will, in our view, contribute significantly to the local economy and boost local jobs, skills and productivity. The application also includes a hotel element which will be needed to support the activities of the studios as well as boosting the wider visitor economy of Ashford.*

*The latest data for Ashford showed 4.4 million visitors in the past year contributing £293m to the local economy and supporting 5,769 jobs. Of all the visitors to Ashford, 22% were business-related visits with an average of 2.4 nights stay in the area and an average spend of £214.18 for the duration of the trip.*

*Whilst there are plans for a 120-bed hotel at Victoria Way and a new 58-bed Travelodge at Elwick Place, the viability of the studio space will rely on the availability of hotel rooms close or adjacent to the site. Furthermore with a 2.4% increase in trips to the Ashford area since 2015, there is evidence that hotel space will be needed to meet demand in the near future.*

*Overall, the hotel element of this application will strengthen the offer of the site supporting both the visitor economy and the activities of the studio space whilst also generating specific employment. Another key element is the 4,844 sqft conference/event space which will complement the hotel offer on the site. Visit Britain calculated that 17% of all business visits to the UK in 2018 were in the MICE (Meeting, Incentive, Conference and Events) sector. These visits are represented by inbound business visits made for attending a large meeting (21+ people), an Incentive/ Team building event (or leading on it), a Conference/ Convention/ Congress, or an Exhibition/ Event/ Trade show.*

*The South East had 17% of those MICE trips with 120,000 visits which was second only to London which had 750,000. According to the same report, MICE visitors spend 30% more per visit, stay for more nights and spend double the amount per night in the local area compared to leisure visitors. Considering the international positioning of Ashford, with connections to London of 38 minutes, providing a centre for MICE visits could prove highly beneficial to the economic growth of the area. Setting this in an iconic location will further attract interest in organising events at this venue, driving more visitors and investors to the area.*

*The final commercial element of this application consists of leisure and food and beverage space across the site which will complement the offer at this location. These spaces are part of a standard offer which can be seen at other TV and Film studios across the UK (for example Media City in Manchester and Shepperton Studios in London). The leisure and F&B element will provide additional employment opportunities for local people and ensure the overall offer of the media village is viable.*

*Lastly this application also comprises a residential element that under the Local Plan to 2030 was allocated at least 350 units which will contribute to the council's requirement to deliver 888 residential dwellings per year over the course of the Plan. Furthermore we would suggest that providing residential, leisure, food and beverage spaces on this site will prevent the space*

*becoming isolated from the wider community and could promote a closer cohesion between the studios, associated businesses and the local neighbourhood.*

*Having reviewed the documentation submitted by the applicant, we agree with the Economic Benefits Statement. This proposal could create 2,036 FTE jobs, of which 1,760 would be high skilled, together with the potential for an additional £104m GVA locally and £1.9m in visitor expenditure within the borough as well as further indirect benefits arising from this development.*

*In conclusion, we support this application as a key employment site for the borough as the proposal could deliver over 2,000 FTE jobs, mostly high skilled positions. The development of a creative hub in Ashford, with the associated skilled employment opportunities, would boost skill levels in the local workforce and foster higher levels of educational attainment which comes from improved aspirations for local people. The scheme would bring a high productivity industry into the heart of Ashford, placing the town on the national film and TV sector map.*

*The involvement of The Creative District Improvement Company (TCDICo), which specialises in the development and operation of such schemes, provides confidence in the overall viability and success of this proposal. It is a project that could be seen as having national importance considering the contribution this sector makes to the UK economy as well as providing a visitor destination, both for leisure and business, of national value.'*

Reference is also made to the proposal according with Policies SP3, S6, EMP1 and EMP6 of the Ashford Local Plan 2030.

**ABC (Environmental Protection: contamination)** – no objections subject to conditions

**ABC (Environmental Protection: noise)** – request further information and clarification to enable comment on the acceptability of proposed relationships involving (i) apartments above and adjacent to the multi-storey car park to be created within the Locomotive Shed and (ii) apartments adjacent to the railway land and commercial use of buildings associated therewith.

**Environment Agency (EA)** - No objection subject to planning conditions.

**Highways England (HE)** – request further information and clarification to enable a conclusion on the impact of the proposal on the safe and efficient operation of the Strategic Road Network

**KCC (Ecology)** – advise that additional information is required prior to determination of the application in relation to (i) Bats, (ii) Reptiles, (iii) Impact on the Local Nature Reserve, Site of Nature Conservation Interest and Local Wildlife Site located within 2km of the development and make reference to issues involving Breeding Birds and Hedgehogs as well as Foxes.

**KCC (Economic Development - Developer Contributions)** - no objection and request index-linked contributions towards:-

Primary Education  
Secondary Education  
Community Learning  
Youth Service  
Library Book-stock  
Social Care  
Waste

with a request for Broadband connection.

**KCC (Heritage)** – no objection. Make the following points:-

*‘The site of the application proposes the redevelopment of the Newtown Railway Works site, a historic post medieval railway industrial site. The railway industrial heritage is a key part of the identity and historic character of Ashford. Although some of the industrial workshops, sheds, tracks and fixtures and fittings, including turntables, have been removed, some railway works structures have been designated and there is potential for structural remains associated especially with the railway works themselves to survive.*

*The application is supported by a Desk-based Assessment by MoLA. This DBA is rather dismissive of railway heritage on this site and I do not entirely agree with their assessment and recommendations. Formal archaeological investigations in the Newtown Railway Works site did locate some complete turntables and below ground structures. There needs to be provision for locating similar structures elsewhere in the site with provision for preserving them in situ if possible. I appreciate the level of disturbance on this site, but the adjacent redevelopment schemes demonstrate how substantial archaeological remains can survive below ground.*

*I would also like to encourage consideration of railway heritage of Ashford and the opportunities this redevelopment scheme offers for interpretation. Although it is residential, heritage interpretation should be integrated into the scheme. The current landscaping proposals are natural environment and ecological focused. In view of the historic character of this site I would encourage more of a focus on heritage. This would ensure the new communities have the opportunity to become aware, understand and enjoy the special railway heritage of this area of Ashford. Appropriate interpretation measures would provide a distinct sense of place and*

*would be a significant contribution to the uniqueness and quality of this particular scheme.*

*As such I recommend the following conditions are placed on any forthcoming consent:*

*1. Prior to the commencement of development the applicant, or their agents or successors in title, has secured the implementation of*

*(i) archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority; and*

*(ii) following on from the evaluation, any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation and recording in accordance with a specification and timetable which has been submitted to and approved by the Local Planning Authority*

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

*2 Prior to the commencement of development the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological interpretation work in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority.*

*Reason: To ensure that information of railway heritage archaeological interest is properly disseminated in accordance with NPPF.'*

**KCC (Flood and Water Management)** - Identify that that infiltration is not viable at this site due to the impermeable soils within the Weald Clay bedrock geology and that it is evident that no watercourses directly border the site so the only viable option is discharge into a sewer system. Identify that it would accept a connection into both the 'Newton Phase 1' development and existing surface water sewer system in Newtown Road. However, following outstanding information/ clarification is needed in order to reach a conclusion on the application proposal;-

- Network calculations to demonstrate operation for 1 year, 30 year, 100 year +20 % and 100 year +40% storm intensities
- Further information on runoff rates for each critical rainfall event

**KCC Kent Highways & Transportation (KH&T)** - make a number of detailed comments and requests for further information and clarification in relation to the Transport Assessment and proposed Site Layout Plan.

**Kent Fire & Rescue** - no objection and confirm that the means of access is satisfactory.

**Natural England (NE)** – no comments

**Network Rail** – no objection. Draw attention to the need, during construction and operation phases, to ensure the use and operation of the NR land is not affected.

**NHS Ashford Clinical Commissioning Group (The CCG)** – request a contribution, by means of an obligation pursuant to s.106, of;-

*'276,900 towards the extension and development of the Ashford Stour Primary Care Network Practices and associated area'.*

**Southern Water (SW)** – no objection subject to planning condition

**The River Stour (Kent) Internal Drainage Board (Clerk & Engineer)** – no objection in principle but, in summary, comments;-

(1) Although the site is a brownfield site, as infiltration is not considered possible and there being no watercourses on the site, it would be helpful to establish how and to where the site currently drains. The final drainage scheme should aim to replicate the same overall runoff routes (unless there is good reason to alter).

(2) ABC's SuDS policy, for the redevelopment of Brownfield sites, states that development must endeavour to achieve 4l/s/ha. Whilst a 50% reduction in maximum runoff rate would be a welcome improvement, the applicant should be required to make an effort to achieve the lower rate and clearly demonstrate why this is not possible, if this is the case. Final discharges must also be staged (not allowed to discharge at the maximum rate for any rainfall event).

(3) Green roofs and rain gardens are included in the proposal – which is pleasing - but the drainage system relies on underground storage. It would be preferable to include some open SuDS so the applicant should be encouraged to reconsider this.

(4) If disposal to sewer is agreed, it must be clearly established exactly where the sewer system will discharge. The nearby Aylesford Stream and East Stour River are already under great pressure, so flood risk to these watercourses must not be exacerbated as a result of development. The capacity of the receiving sewer is not the only consideration.

(5) Details of on-site SuDS and its future maintenance should be agreed with KCC's SuDS team and should be made subject to a Verification Report, ideally carried out by KCC.

(6) Pollution risks for this site are likely to be high, so details of controls must be agreed with the Environment Agency.

**The Victorian Society (VS)** – object. A copy of the Society’s representation to both this planning application and the related application for listed building consent is attached as **Annex 8**.

The Society is a statutory consultee and any objection that it makes to an application for listed building consent triggers a referral to the Secretary of State should the Committee wish to grant such consent. The Society reach an alternative conclusion on the merits of the applications to Historic England – which is also attached as an Annex to give balance - and so the representation is reproduced as Annex 8 to assist the Secretary of State reach a conclusion.

The Society state;-

*‘Significance and harm*

*The Newtown Works played an important and interesting role in the history of Ashford and South Eastern Railway, as well as railway heritage in general. This area of Ashford has undergone dramatic changes since the closure of Newtown with the clearance of works buildings in and around the site in question, yet this only increases the importance of those buildings which remain. Whilst we are content with the proposed treatment of the Acetylene Store, Paint Shop and Gatehouse which seem generally sympathetic, we have serious concerns about the proposed treatment of the Engine Shed and Locomotive Sheds which would have a detrimental impact on the significance of these listed buildings, as well as the site’s.*

*The list description for the Locomotive erecting workshop notes that this building “is now the most completely surviving example of an early locomotive works with three subsequent development periods demonstrating best practice at the different dates”, and it is asserted that it is for this reason that the building meets the criteria for listing. The Engine Shed is a similarly important structure on the site, and it is again suggested in the list description that this is an unusual survival given that the Engine sheds at Wolverton and Swindon, two key works, no longer remain. Apart from their historical significance, both sheds at Newtown also represent impressive architectural spaces with massive brick walls, beautifully constructed superimposed brick arches, and vast internal spaces.*

*We therefore consider the removal of the roofs and the construction of two storey extensions and internal subdivisions to be a highly damaging proposal which shows little regard for the history and significance of both of these buildings. Although the roofs of these buildings were replaced in the 1950s, the form of the sheds remains mostly intact and the integrity of the buildings remains largely undamaged. We understand that there have been issues in finding viable uses for the site over the*

*years, and we accept the dramatic development of the rest of the site, yet we cannot accept a proposal which completely destroys the integrity of two key listed buildings on a site which should be considered as highly significant to the town.*

### Policy

*Based on the above points outlining the significance of these buildings, we consider the proposals to amount to substantial harm. The scale of the development of the site in general would be damaging to these buildings, obscuring their context as part of a wider works, and severing their link to other railway related buildings. Yet if this were the extent of the proposals, it could probably be seen as less than substantial harm to the significance of these buildings. The cumulative effect of this and the proposals to significantly extend the buildings, which would destroy their form, something which is integral to their significance, pushes the proposals into substantial harm.*

*Paragraph 195 of the NPPF states that;*

*Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply: a) the nature of the heritage asset prevents all reasonable uses of the site; and b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and d) the harm or loss is outweighed by the benefit of bringing the site back into use.*

*The applicant has not adequately demonstrated that all of these stipulations have been met, and this substantial harm has therefore not been demonstrated.*

### Conclusion

*We fail to see the need for the level of harm proposed in the current scheme, and urge the council to demand an alternative approach for the conversion of the sheds which makes better use of the adaptable spaces in these buildings and their location close to the centre of this continually developing town.'*

### **Residents**

1280 residents consulted.

### Support

27 comments received in support, the main points of which are summarised as follows:-

(a) This is a great project long overdue helping complete the redevelopment of this site beyond the homes created by Kier.

(b) The proposal will inject some vibrancy and new life to the area of Newtown.

(c) Generally in favour of the scheme as it would re-use derelict buildings that fallen into disrepair and would provide high class facilities and (hopefully) good quality housing.

### Object

12 comments received in objection, the main points of which are summarised as follows:-

### Traffic & Vehicular Access

- 1) With constraints on Newtown Road (Humpback Bridge and low railway bridge) how will HGVs get in and out?
- 2) Traffic lights to the Crowbridge Road Humpback Bridge is not a real solution and will disrupt traffic in peak periods. Given the scale of the development, the only viable solution is that the developer should pay to rebuild the bridge to modern standards.
- 3) The proposal would impact significantly on Newtown Road. As the humpback bridge on that road is dangerous and cannot take an HGV traffic, that traffic would come from the western 'station' end and concern is expressed that the new junction by the Designer Outlet may not be able to cope with that traffic, including the way that the traffic lights there function.
- 4) Romney Marsh Road gets grid-locked and this scheme might worsen that.
- 5) With the expansion of the Designer Outlet, there has been a notable increase in the volume of traffic in the Willesborough area and so the additional traffic generated by the proposal is a concern.
- 6) There could be queues for the multi-storey car park adjacent to the hotel backing into Newtown Road leading to delays for highway users.
- 7) Any works affecting Newtown Road should not start until J10A and Orbital Park junction works are completed to minimise disruption to residents and businesses.
- 8) The plans suggest there would only be one access to the site through Samuel Peto Way which would be insufficient. That junction already is difficult to use and the increased use would worsen existing delays caused by access and egress.
- 9) More traffic on Samuel Peto Way would place children and others in danger.
- 10) Visitor parking bays on Samuel Peto Way are already very busy and the residential development would worsen the situation.
- 11) There is no separate escape route to Newtown Road should vehicles break down and inhibit Samuel Peto Way, including for emergency services. The parking serving new homes should therefore be re-routed to the clock-tower junction.
- 12) The new film studios access near the clock-tower should be moved to be opposite Alfred Road creating a crossroads at this point. Lorries exiting the

film studios climbing the incline to Newtown Road at night would have their headlights shining to the rears of houses & bedrooms that back onto Newtown Road.

- 13) The junction modelling work with the application takes into account 10% reduction through Travel Plan measures, but these are not specified and agreed. Any measures would need to be binding and sustainable infrastructure is key.
- 14) The applicant's Transport Assessment includes historic values from 30 years ago when lorries were smaller and lighted. The predicted number of HGV arrivals and departures has been underestimated.

#### Cycle connectivity

- 15) Cycle infrastructure is lacking on Newtown Road which is busy. There are no proposals to link the site with the station and Outlet and so cyclists will be placed in conflict with vehicles with potential safety consequences. Extra traffic on Newtown Road will therefore further dissuade cycling.
- 16) Measures that would assist cycling would be resurfacing as well as dealing with sunken manhole covers (the Road is poor in both respects and leads to cyclists having to swerve) and creation of a better corridor on Newtown Road for cycling and walking including public realm improvements and more art and landscaping. The Council owns lots of small pieces of land along Newtown Road in the form of grass verges which represent an opportunity for improvement as part of a landscaping strategy.

#### Pedestrian connectivity

- 17) It is hard to get across Newtown Road into the site at present: is an additional crossing proposed? Traffic volume makes crossing at the end of Ellson Close difficult and dangerous at present. A Zebra crossing is needed here.

#### Parking impacts on surroundings

- 18) People at the Studios would leave cars on residential streets in the Kier developed part of the site in order to evade studio multi-storey parking fees.
- 19) Within Newtown, there is an on-going problem of parking by non-residents going to the Designer Outlet and Ashford International and the Town Centre. This needs to be addressed: Newtown should become a residents only parking area.
- 20) A contribution is needed from the developer to implement parking controls to prevent abuse of the facilities designed to serve the needs of the homes already created at the Newtown Works site.

#### Amount of parking to serve new homes

- 21) The flats proposed to be created would have 1 parking space each. More parking is needed, especially for 2-bedroom flats.
- 22) ABC planning rules require 1.2 spaces per home in this location but statistics show an increase in how many cars a household will own. Parking is

insufficient and will create problems in surrounding streets.

#### Amenity impacts

- 23) The proposal will lead to more people accessing the site on foot and exacerbating a problem that exists at the south-western end of Ellson Close involving a path connecting that street to Harold Way (being the street where the Media Village building would abut). The route to that street connection circumvents allocated parking spaces but people ignore it and already walk directly between parked vehicles and this has caused problems. A design change is needed: the applicant has ignored a response to look into this.
- 24) The existing Kier estate serviced by Samuel Peto Way should be closed from all studios and hotels for both cars and pedestrians.
- 25) Increasing the Locomotive Sheds by 2-storeys is a concern in relation to sunlight to the front of a home of Samuel Peto Way.
- 26) Noise from the use of the residential multi-storey car park in the Locomotive shed could create a disturbance from echoing etc.
- 27) The hotel would overlook a property on Newtown Road.
- 28) The hotel would result in the loss of natural light and radio/television signals in the local area.

#### Community impacts

- 29) The proposed apartments would put additional strain on the already oversubscribed GP Surgery in Willesborough. There is no surgery in South Willesborough and Newtown at present. The proposal for the Locomotive Shed will add another 300-500 people to the area with healthcare needs that will need to be met.

#### Non-residential buildings – design, scale & uses

- 30) Why is a multi-story building being considered for another hotel – where are all the people coming from to fill the rooms? Another hotel is unnecessary. There is a Travel Lodge in the town centre and Premier Inn a short drive from the site.
- 31) There is no need for another restaurant / gym / food & beverage space. There are restaurants at the Outlet.
- 32) There is no need for conference facilities – there are excellent facilities at the International Hotel.
- 33) Empty retail units near the Travel Lodge at Elwick Place suggest the lack of need for more. More thought is needed on uses that would benefit the community.
- 34) Are tenants known? What is the plan if no-tenants?
- 35) The hotel is too high for this part of Ashford and so out of keeping, visually intrusive and inappropriate. The design is incongruous with surrounding properties and the former railway buildings and is more akin to a city streetscape. It would dwarf the clock-house and detract from its amenity value.

- 36) The size of the hotel would swamp the iconic buildings at the site.
- 37) The serviced apartments in the hotel could be built into the existing buildings.

#### Proposed housing

- 38) The Design & Access Statement incorrectly refers to the homes developed by Kier as affordable housing yet it is a mix of open market and affordable housing.
- 39) The homes that are proposed are not being targeted to Ashford residents; the prices would suggest they would be targeted to wealthy Londoners and surrounding areas.
- 40) The absence of any affordable housing through the Council's policy HOU1 is discrimination on a large scale, pushing low earning residents out of the town centre enabling the Council to 'hide' lower income families. This is evidenced in the Council's Business Plan and trying to run the town as a business and not the historic market town it once was. Profit is being put over residents' satisfaction and history.
- 41) Notwithstanding Policy HOU1, the developer should allocate a couple of units for affordable housing.

#### Heritage

- 42) The proposal results in losing all the heritage railway buildings: an opportunity is being missed by Ashford. Reshaping what is left for private use represents a missed opportunity. The buildings desperately need saving and housing cannot be the only solution. Far better would be to create a use that keeps them accessible to the public.
- 43) The proposed extensions to the Locomotive Shed building are not in keeping with the current listed design. The proposal is not sympathetic.

#### Technical detail

- 44) There is a lack of information including heating / cooling methods and energy and water usage and so a concern is that plant rooms/areas may be undersized and that would have to change with consequential implications for the size and appearance of the buildings.
- 45) Rainwater attenuation does not appear to restrict the discharge to a low enough flow. Re-using rainwater from the large roof areas does not appear to have been explored.

#### Phasing

- 46) The previous lack of progress in redeveloping this site is a concern and must dictate the refurbishment and re-use of the listed buildings being in the first phase of the proposed development and not left to deteriorate further if the development goes 'on hold'.

#### Construction traffic

- 47) Construction traffic through Samuel Peto Way would cause a major nuisance and possible damage. All site traffic should be directed to the entrance into the site directly from Newtown Road.
- 48) Potential sub-contractor parking on residents' spaces on Samuel Peto Way is a concern. Currently residents pay a service charge for landscaping and the private roads: what will the developer contribute to the upkeep of these private areas if damaged?

#### Construction impacts on neighbours

- 49) A construction management plan will be needed: the impacts resulting from the Design Access junction works should not be repeated.
- 50) The site has significant concrete surfacing: when this is dug out for foundations this could result in vibrations that will cause damage to existing homes as well as noise and health impacts.

#### General

- 51) It is hoped the applicant is not going to change the clock-tower.
- 52) There should be a railway museum similar to Swindon considering the town was built by the railway. This would give something to the people who live here. The town's Army history should be celebrated too – this would bring tourists in.
- 53) More flats are not needed. People do not want their town becoming a concrete jungle. The Council has ripped the heart out of Ashford starting with the relocation of the market and the ring road.
- 54) New hotel and multi-storey car park does not seem a worthwhile proposal.
- 55) Residents at Samuel Peto Way pay an estate management charge in addition to Council tax. Would the development have implications?
- 56) It is unclear how the developer is planning to compensate the loss of value to private properties during the construction works.
- 57) A second public consultation event was agreed with the developer and the Community Council and the concern is that it would be too late to enable any further comments arising to be made: this is unfair on residents and deadlines should be extended until after the 2<sup>nd</sup> consultation event has taken place.

#### Comment

11 representations received on-line identified as 'commenting' with more general points raised, the main points of which are summarised as follows:-

- 58) The application is supported because of the skilled jobs that will arise and it would be more aesthetically pleasing than the works in their current state but work should not start until the humpback bridge at the end of Gladstone Road is funded and altered as proposed with a 3-way signal junction being favoured as the best option for KCC to proceed with.
- 59) Great idea but Newtown Road is unsuitable for HGVs.

60) There must be sufficient on-site parking so residents do not get extra cars trying to park and block the spaces.

61) Bus Service G should be increased in frequency to every 15 minutes to support this mode of travel with sustainability / traffic reduction benefits to proposed users of the development and the existing community.

## **SCHEME 'AS AMENDED'**

**South Willesborough & Newtown Community Council (SWNCC)** – object and state as follows:-

*'The only comment the Planning Committee made about the amended designs was that in the light of the Grenfell disaster, the developer should provide evidence that their insurers are happy with the use and make of cladding or wrapping for the proposed hotel*

*The amended plans (for both applications) do not change the Community Council's fundamental position that it cannot support this development until key material considerations it identified in earlier consultations have been addressed and Ashford Borough Council commit to either buying a number of flats to provide an affordable component or reviewing its housing policy relating to the provision of affordable homes in flatted developments in the central Ashford area.*

*We note the provision of a community facility adjacent to the expanded café and consideration of a crossing point near Ellson Way. Whilst the Community Council would welcome additional community space and infrastructure, it considers the room to be too small to provide a leisure/office facility of the type needed to supplement the oversubscribed Swan Centre. It also sees little benefit in a new crossing point at Ellson Way given the need for an additional set of traffic lights there and the inference from the outset that there would be a footpath created within the site curtilage running from the existing homes to a point near to the International Station entrance.'*

**ABC Community Safety and Wellbeing** – no objection and state:-

*'Ashford Borough Council Parking, Highways and Transportation has concerns over the effects of this development on adjacent areas, which are currently not currently subject to civil parking controls. Overspill of parking demand from the proposed site could lead to negative impacts on the wider area.*

*This potential problem should be recognised, with an effort made to determine the opinion of existing residents, both during the construction phase and in a timely fashion after a real-world assessment can be undertaken and absorbed by residents and elected members.*

### ***Effects on existing residential parking***

*Provision should be made to consider the implementation of a new controlled parking zone (CPZ) or other form of 'zonal' control (a Restricted Parking Zone or Permit Parking Area are possible variants that should also be permitted).*

*Aylesford & East Stour ward would be the area most likely be affected by the proposal, due to direct proximity, but eventual effects will need to be assessed over time.*

*It is anticipated that the form of proposed schemes would rely in part on data gained using the 'Lambeth Methodology' to assess peak and night-time parking demand. This would require considerable resource in assessing vehicle numbers in the affected areas.*

*Initial consultation would also include a publicity and consultation phase ahead of any final scheme design, to gauge the needs of the resident population and highlight preferred outcomes. Any proposal must balance local needs with maintained availability for all road users.*

*Thereafter, any final design proposal would require formal consultation before the amendment of the traffic order by the traffic authority, through the processes set out in the Road Traffic Regulations Act 1984 and supporting statutory guidance (Local Authority Traffic Order Regulations 1996).*

*All proposed scheme variants would also involve provision of line marking and/or traffic signs (including posts where necessary) to indicate the nature of the restriction in keeping with requirements of the Traffic Signs, Regulations and General Directions 2016, as well as set-up costs for the issuing and administration of any permit scheme.*

*Ahead of any consultation, the level of support for a CPZ (or similar) amongst existing residents cannot be known. It is evident that the effects of the proposed development in terms of on-street parking demand in existing streets cannot necessarily understood by residents at the outset.*

*Consequently, the provision should allow for review of the situation over time, to ensure that outstanding effects can be addressed with either a new or an amended scheme.*

*The consultation and implementation phases outlined above should be secured through the proposed Section 106 legal agreement together with a £15,000 fee, on the first occupation of the first B1 business, C1 hotel, or C3 residential at the site, whichever is the earlier, so that Ashford Borough Council Parking, Highways and Transportation can establish base requirements amongst the affected existing residential population and allow*

*for later review.*

*The contribution is necessary to maintain highway safety through preventing inappropriate parking and to support measures in the required Travel Plan to achieve a shift in travel behaviour where possible to public transport and other means.'*

**ABC (Environmental Protection: noise)** – following the applicant's clarifications and further information no objection and comment as follows:-

*'...having reviewed the relevant documentation, the Environmental Protection team would request the application of the following conditions (or conditions to similar effect) to any consent.*

#### Contaminated land

- i. Condition E023 (recognising that parts 1 and 2 of the standard condition have been completed and that part 3 is part satisfied).*
- ii. Condition E026 (to cover unexpected contamination that may be discovered as part of the works).*

#### Air Quality

- iii. Prior to the commencement of the development, details of the air quality mitigation measures to be applied to the development shall be submitted to the local planning authority for approval, and implemented prior to first occupation.*

#### Noise

- iv. Prior to the commencement of the development details of the mitigation measures to be applied, to ensure that the proposed residential dwellings will meet BS8223/WHO standards for internal noise, shall be submitted and approved by the local planning authority. Any approved mitigation shall then be installed and maintained thereafter, and installed prior to first occupation. The details shall take into account all relevant noise sources, including but not limited to noise from; rail lines, the neighbouring railway works, internal plant (lifts, plant rooms, extraction systems), film/commercial uses, and, car park noise.*
- v. Prior to the commencement of the development a comprehensive BS4142:2014 assessment and details of the mitigation relating to the impact of the commercial/film studio use on nearby noise sensitive receptors shall be submitted and approved by the local planning authority. Any approved mitigation shall then be installed and maintained thereafter, and prior to first occupation. The assessment shall take into account all relevant noise*

*sources, including but not limited to noise from; plant, deliveries, and, associated commercial activity.*

#### Car park fumes

- i. Prior to the commencement of the development full details of the extraction systems for the multi-storey car park (locomotive shed) shall be submitted and approved by the local planning authority. Any approved mitigation shall then be installed and maintained thereafter, and installed prior to first occupation. The details shall ensure that the extraction of fumes does not adversely affect the proposed residential dwellings.*

#### Lighting

- ii. No external lighting shall be installed until details have been submitted to, and approved in writing by the Local Planning Authority prior to the commencement of the development. This submission shall include a layout plan with beam orientation and a schedule of light equipment proposed (luminaire type; mounting height; aiming angles and luminaire profiles). The approved scheme shall be installed, maintained and operated in accordance with the approved details unless the Local Planning Authority gives its written consent to the variation.*

*Reason: To protect local residents from light pollution.*

#### **Construction management**

- iii. E028 (Construction Management Plan submission)*
- iv. Application of informative;*

*The applicant should note the code of practice hours in relation to potentially noisy construction/demolition activities which are 0800-1800 Monday to Friday, and 0800-1300 hours Saturday. Noisy works should not occur, in general, outside of these times, on Sundays or Bank/Public Holidays. In addition, the applicant should note that it is illegal to burn any controlled wastes, which includes all waste except green waste/vegetation cut down on the site where it can be burnt without causing a nuisance to neighbouring properties. Finally the applicant should take such measures as reasonably practical to minimise dust emissions from construction and demolition activities and for that purpose would refer them to the IAQM guidance on controlling dust on construction sites.'*

**Ashford Access** – comment that;-

*‘the Newtown scheme is both innovative and exciting and should prove a great attraction for Ashford and indeed beyond. With (the applicant’s) involvement in the town’s development and your track record we are sure the scheme is in good hands and in Ashford Access you know you have a group that are only too willing to assist where matters of disability are concerned.’*

**Environment Agency** – no objection / comments remain unchanged.

**KCC Kent Highways & Transportation (KH&T)** – following further clarifications and information raise no objection and request a number of matters are dealt with by planning condition or s.106 agreement as appropriate.

**KCC (Arch)** – no objection. Reference need for conditions to be used to secure heritage interpretation.

**KCC (Ecology)** – following further clarifications and information raise no objection and request mitigation is secured by planning condition

**KCC (Economic Development - Developer Contributions)** - no objection and request index-linked contributions towards Primary and Secondary Education, Community Learning, Youth Services, Library Book stock, Social Care, Waste together with a request for Broadband connection.

**Kent Fire & Rescue** - no objection and confirm that the means of access is satisfactory.

**Kent Police** – no objection, request the applicant should contact Kent Police to help design out crime for this application.

**Highways England** – conclude that the proposal would not give rise to a detrimental effect upon the safe and efficient operation of the strategic road network, raise no objection and make the following points;-

(i) Comment that the proposed Bellamy-Gurner upgrades to the Orbital Park junction with the Southern Orbital Road are identified by the applicant as having scope for further improvement through adjustments to the staging of the proposed traffic lights and comment that this is agreed with subject to an obligation secured by s.106 agreement to fund this mitigation.

(ii) An Events Management Plan should be secured by planning conditions to cover instances where an unusually large number of extras might arrive for transportation to an off-site location.

(iii) Signage to the Studios on the Strategic Road Network, particularly on the A2070, should be agreed with HE.

(iv) The issue of an SPG6-based payment is a matter for the Council.

**Historic England** – identify the matters that will need to be weighted by the Council in reaching a conclusion on the planning application (and associated listed building consent application reported on this agenda under reference 16/01694/AS) and therefore raise no objection to the proposal on heritage grounds and consider that it is capable of meeting the requirements of paragraphs 190, 194 and 196 of the NPPF. A copy of the representation is attached as **Annex 9**.

**HS1** – object to the potential detrimental impact on the International Station access road from Newtown Road and make the following points:-

- (1) Prior to the outlet village extension, this junction was served by a roundabout as was the adjacent junction with the A2042, traffic was able to freely flow and carpark users were able to exit the Road.
- (2) A new junction arrangement has now been installed, which HS1 raised concerns about at the time, but were assured that the new signalised junctions would continue to allow the free flow of traffic from the carpark exit road. Unfortunately this has not been the case with peak pm hour traffic now backing up along the carpark exit road.
- (3) The proposed development would worsen the situation in the pm peak.
- (4) The TA does not appear to have been considered. HS1 therefore raise an objection to the application seek further analysis of the impacts of the application on this road junction during both peak periods.

**Natural England** – no objection

**The River Stour (Kent) Internal Drainage Board (Clerk & Engineer)** – no objection is raised and, in summary, the following points are made:-

1. The existing private sewer (large brick culvert), from the limited information available, structurally appears to be in a reasonable condition. Obstructions will need to be cleared and a routine inspection and maintenance plan taken forward.
2. The applicant's efforts to improve surface water runoff arrangements from this site are appreciated and whilst the proposed reduction is considered an improvement, the point made in the letter about the practicalities of returning runoff to the calculated greenfield rate (9.5l/s/ha) is noted; it is agreed that this would be difficult to achieve but not impossible. To put this in context, if this 9.5l/s/ha rate could be

achieved the maximum runoff rate would be 44l/s (as opposed to the proposed maximum rate of 226l/s). This would be a significant contribution to reducing downstream flood risk, and should therefore be explored further. It would simplify the discharge arrangements as there would be no need for a staged-discharge. If this is done and there are clear reasons agreed with ABC why additional on-site storage cannot be included then I would accept this.

3. The proposed green roof and rain gardens are pleasing to see and the inclusion of tree pits and rain gardens etc appreciated. It is accepted that it will be difficult to incorporate larger open SuDS features on this site.

**University of Kent** – support. A copy of the representation is attached as **Annex 10**.

**Victorian Society** – no further response received on the planning application. (In relation to the associated listed building consent application 19/01694/AS confirm that the amended plans do not address the concerns previously expressed and so objection remains – I have appended this comment to the Society’s submissions reproduced as Annex 8 to this report).

### **Residents**

1280 residents consulted. The range of opinions below should be read in conjunction with the views previously received.

### Support

The main points made by those expressing their support for the amended scheme are summarised as follows;-

- 1) The proposal would rejuvenate the area and would be fantastic for Ashford. It will bring footfall to the town centre and bring new forms of trade.
- 2) The scheme is very important for the TV and film industry and the local economy alike. Fantastic news for training/education and employment and Ashford as a whole.
- 3) The scheme will generate new jobs, boost the local economy and put Ashford on the international map.
- 4) UK needs this type of opportunity at a time when UK industry is under pressure to compete on a global scale.
- 5) As a very busy writer, producer and director with my company, Merman, I support more studio space for our industry. There is a dire shortage and schemes like this are fantastic news for producers and local people looking for employment alike. I thoroughly support this application on behalf of my industry.
- 6) I have sent a letter of support from my locally based business, Screen South, and both myself and my industry-led Board fully endorse the scheme. I also support from a local resident point of view. It will bring a vibrancy and new

opportunities to the local population. Anything we can do to engage our children with the ambitions and opportunities this proposal brings should be supported.

- 7) As a local professional working in the Film/TV industry, the scheme is supported.
- 8) Studio space in the UK is a premium. With Netflix and Disney block-booking Pinewood and Shepperton for future years, there will be a lack of available space for film and TV productions. With a growing community of TV and Film creative/production crew moving to the coast (Hastings, Folkestone and Margate) there is a real need for a facility to exist that enables work in the region to flourish and avoid the commute to London.

### Object

The main points made by those expressing their objection to the amended scheme are summarised as follows:-

- 1) Extra traffic, including during construction, will result and so will cause problems. The situation is bad during peak hours and at the weekend at the Outlet.
- 2) There height and width restrictions on Newtown Road are a concern.
- 3) Newtown Road cannot accommodate the traffic that would be generated (and was not designed to do so).
- 4) The proposals would cause noise/pollution disruption and disturbance through building work.

### Comment

The main points made by those expressing an on-line 'comment' on the amended scheme are summarised as follows:-

- 5) It is a shame that unlike other major railway towns Ashford never had a museum celebrating railway and military history.
- 6) It is hoped existing structures are sympathetically treated.
- 7) Despite the benefits of the scheme, a concern remains about Newtown being neglected: significant improvements are needed.

## **Planning Policy**

76. The Development Plan comprises the Ashford Local Plan 2030 (adopted February 2019), the Chilmington Green AAP (2013), the Wye Neighbourhood Plan (2016), the Pluckley Neighbourhood Plan (2017) and the Kent Minerals and Waste Local Plan (2016).
77. For clarification, the Local Plan 2030 supersedes the saved policies in the Ashford Local Plan (2000), Ashford Core Strategy (2008), Ashford Town

Centre Action Area Plan (2010), the Tenterden & Rural Sites DPD (2010) and the Urban Sites and Infrastructure DPD (2012).

78. The relevant policies from the Local Plan relating to this application are as follows:-

### **Ashford Local Plan 2030**

Vision for Ashford Borough

SP1	Strategic objectives
SP2	The strategic approach to housing development.
SP3	Strategic approach to economic development
SP6	Promoting high quality design.
S6	Former Newtown Phase 2

*'The site of the former Newtown Railway Works is proposed for a mixed-use neighbourhood based around the regeneration of the area through the restoration of the range of listed railway buildings to create an attractive new place to live and work and for visitors to enjoy.'*

*Suitable proposals for the area include residential, tourism uses, workshop and office employment space, and specialist, small-scale retail uses of a type that would not seriously impact on the town centre.*

*A comprehensive masterplan / development brief for the site and the adjoining Klondyke Works should be prepared to inform the precise scale and mix of development here but it should include a new mixed-use neighbourhood with at least 350 additional homes and a substantial area of commercial floorspace.*

*Development proposals for this site shall be in accordance with the agreed masterplan / development brief and:-*

- a) Ensure the restoration and re-use of the listed buildings on the site;*
- b) Provide a sensitively designed access to the site from Newtown Road taking account of the listed buildings affected;*
- c) Be based on a parking strategy that provides adequate public and on-street parking to best meet the needs of residents and visitors;*

- d) Fund the signalisation of the Crowbridge Road bridge, and traffic management works required as a result of the development;*
- e) Accord with a detailed agreed phasing schedule that will include the timing of the redevelopment of the listed buildings on the site;*
- f) Deliver excellent and comprehensively planned public realm as part of the development, including a detailed range of materials, proposals for outdoor lighting and street furniture, signage, bus shelters, public art and landscaping;*
- g) Provide new pedestrian routes and cycleways throughout the development and convenient links to existing routes to areas around the site and local services and the town centre;*
- h) Retain important trees and be based on a site-wide landscaping plan;*
- i) Provide details that deal with contamination of land and/or groundwater, building recording and archaeology;*
- j) Provide a connection to the nearest point of adequate capacity in the sewerage network, in collaboration with the service provider; and,*
- k) Provide an adequate gap between the wastewater pumping station and development to allow odour dispersal and help prevent an unacceptable impact from vibration.*

*Provide future access to the existing sewerage infrastructure for maintenance and upsizing purposes.*

*Unless justified through an agreed Transport Assessment, only development that would generate no more traffic than would have been generated by the equivalent of the previous lawful uses of the site, shall be built and occupied until additional capacity has been provided at the Orbital Park A2070 junction.'*

S7	Former Klondyke Works
HOU1	Affordable Housing
HOU12	Residential space standard internal.
HOU14	Accessibility standards
HOU15	Private External Open Space
HOU18	Providing a range and mix of dwelling types and sizes

EMP1	New Employment Uses
EMP2	Loss or redevelopment of employment sites and premises
EMP6	Fibre to the Premises
EMP11	Tourism
TRA3a	Parking standards for residential development.
TRA3b	Parking standards for non-residential development
TRA4	Promoting the Local Bus Network
TRA5	Planning for pedestrians
TRA6	Provision for cycling.
TRA7	The road network and development.
TRA8	Travel plans, assessment and statements
TRA9	Planning for HGV Movement
ENV1	Biodiversity
ENV3a	Landscape Character and Design
ENV4	Light pollution and promoting dark skies
ENV6	Flood Risk.
ENV7	Water efficiency
ENV8	Water quality, supply and treatment.
ENV9	Sustainable drainage
ENV11	Sustainable Design and Construction
ENV12	Air Quality
ENV13	Conservation and enhancement of heritage assets
ENV15	Archaeology

COM1	Meeting community needs
COM2	Recreation, Sport, Play and Open Spaces
COM 3 & 4	Allotments and Cemeteries
IMP1	Infrastructure provision
IMP2	Flexibility, viability and deferred contributions
IMP4	Governance of public community space and facilities

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

**Supplementary Planning Guidance/Documents**

Affordable Housing SPD 2009

Residential Parking and Design Guidance SPD 2010

Sustainable Drainage SPD 2010

Residential Space and Layout SPD 2011(now external space only)

Sustainable Design and Construction SPD 2012

Public Green Spaces and Water Environment SPD 2012

**Informal Design Guidance**

Informal Design Guidance Note 1 (2014): Residential layouts & wheeled bins

Informal Design Guidance Note 2 (2014): Screening containers at home

Informal Design Guidance Note 3 (2014): Moving wheeled-bins through covered parking facilities to the collection point

**Government Advice**

National Planning Policy Framework (NPPF) 2019

80. 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.

81. The following sections of the NPPF are relevant to this application:-

Paragraph 11 - Presumption in favour of sustainable development.

Paragraph 47 - Determination in accordance with the development plan.

Paragraph 59 - 76 - Delivering a sufficient supply of homes.

Paragraphs 91 - 95 - Promoting healthy and safe communities.

Paragraphs 102 - 107 - Promoting sustainable transport.

Paragraphs 117 - 121 - Making effective use of land.

Paragraphs 124 - 132 - Achieving well-designed places.

Paragraphs 148 - 165 - Meeting the challenge of climate change and flooding

Paragraphs 170 - 177 - Conserving and enhancing the natural environment.

Paragraphs 174 - 177 - Habitats and biodiversity.

Paragraphs 178 - 183 - Ground conditions and pollution.

Paragraphs 190-196 – Heritage assets

## **Assessment**

The key issues for consideration are:-

(a) The principle of a mixed-use development at the site and the provisions of the Development Plan in terms of requirement for affordable housing,

(b) Whether the layout makes sense in terms of accommodating the mixed-use proposals and the ability to provide physical connection with its surroundings,

(c) The need for the proposed tall building, the acceptability of the design approach that is proposed and the acceptability of the building's visual impact,

(d) The impact of the proposed new commercial buildings to be located on the southern side of the Central Promenade open space upon the amenities of existing residents,

(e) The visual, design and heritage impacts of the proposed changes to the listed Locomotive Shed, the listed Engine Shed and other smaller listed buildings as well as the acceptability of new stand-alone buildings on the setting of listed buildings,

(f) Whether the new apartments to be created in the Locomotive Shed would represent high quality design with a reasonable typology mix, be a good place to live with acceptable levels of amenity and have an acceptable relationship with nearby existing homes,

(g) Contamination, flooding, surface water drainage, ecology and biodiversity, water consumption, relationship to air quality and responding to climate change,

(h) Local highways network impacts: (1) the acceptability of the new, upgraded and existing vehicle impacts to service the site, (2) the proposed pedestrian and cyclist crossing on Newtown Road and (3) proposed upgrading of the narrow width bridge on Crowbridge Road and (4) the junction of The Boulevard with the A2070,

(i) Levels of on-site parking provision and how concerns about potential overspill parking impacts can be dealt with,

(j) Strategic highways network impacts,

(k) Mitigating the needs arising from the development through s.106 obligations,

(l) The applicant's viability case and the conclusion thereof, and

(m) Whether the planning benefits of the application would outweigh accepting sub-optimal mitigation through s.106 obligations

82. I deal with each in the sub-sections below.

(a) The principle of a mixed-use development at the site and the provisions of the Development Plan in terms of requirement for affordable housing

83. 'The Vision' for the Borough in the ALP 2030 is one that identifies high quality design and strong place-making creating attractive places to live and work as a fundamental starting point. The town of Ashford is identified as the main

focus for development with regeneration, residential, educational, employment all cited as being important components of that vision.

84. 'The Vision' is proposed to be delivered by the strategic objectives that are set out in Policy SP1 of the ALP2030. Development is required to be focussed at accessible and sustainable locations (such as the near Ashford Town Centre) to help promote healthier lifestyles and promote choice of transportation as well as make the best use of suitable brownfield opportunities (such as the application site). A variety of housing types is encouraged with development supported by the necessary infrastructure and development is required to ensure that it is of high quality design not only in terms of approach to layout and built form but also in regards to heritage and the natural environment. The provision of a range of employment opportunities to respond to the needs of business and support a growing population and attract inward investment remains a key objective.
85. The Council's Strategic approach to housing delivery is set out in Policy SP2 of the ALP 2030 with the Council's housing targets to 2030 being met through a combination of already committed schemes, new allocations in the ALP 2030 being delivered and suitable unallocated 'windfall' proposals. The key issue here is that the application site is allocated in the ALP2030 for such new housing.
86. Policy SP3 of the ALP2030 deals with the strategic approach to economic development to help achieve a total of over 11,000 jobs in the 2014-203 period. The Policy identifies that to help achieve this development employment development sites in the Plan will need to be delivered, town centre employment opportunities will need to be maximised, a positive approach to economic development will be needed and that skills in the workforce will need to be improved.
87. Policy SP4 is aligned to Policy EMP9 of the same ALP2030 and confirms a 'centre in the first instance' approach to retail and leisure developments at both Ashford and Tenterden.
88. Policy SP6 specifically promotes high quality design and place-making with the natural environment playing an important part of that approach.
89. Turning to the specific employment policies of the ALP2030, Policy EMP1 identifies that new employment and redevelopment of existing employment premises will be permitted within the built up confines of Ashford provided that;-
  - (a) the character and appearance of settlement or surrounding landscape is not damaged significantly by the form of development that is proposed by

virtue of its layout, building design and scale, the level or type of activity it generates and the functional and visual relationship it has with adjoining uses,

(b) there would be no significant impact on the amenities of neighbouring residential occupiers,

(c) appropriate provision can be made for parking and access, and

(d) the impact on the local road network as assessed in terms of Policy TRA7 of the ALP2030 can be mitigated.

90. Policy EMP1 has considerable relevance to the proposed redevelopment of the site and how well the functional requirements of the scheme fit the site context. I deal with expressly further below in terms of the detail of the scheme.
91. Policy EMP9 of the ALP2030 deals with retail development in terms of the sequential and impact test approach in the NPPF and the thrust of planning policy for such development in town centre locations in the first instance. It should be noted that Policy EMP9 references retail development supported by other policies in the ALP2030.
92. Policy EMP11 (Tourism) confirms encouragement of hotel and conference facilities in central Ashford urban / town centres areas given the accessibility by a number of transport modes in such locations.
93. In terms of transport, ALP2030 Policies TRA3 (a) and (b) require parking to be acceptable relating to the context of the site with the ability for exceptions to the identified standards to apply. Policy TRA4 seeks to promote the local bus network and patronage thereof. Policies TRA5 and 6 seek to deliver connected safe pedestrian movement and improvements to cycling. Policies TRA7 and TRA8 seek to ensure that proposals are acceptable in terms of safety, avoid significant traffic delays and can be accommodated with the detailed recommendations from Traffic Assessments, including the use of Travel Plans, to then be secured through the grant of planning permission.
94. Policy TRA9 seeks to ensure that proposals that generate significant HGV movements will only be supported where the related use is an acceptable one, where manoeuvring and parking can be safely accommodated and parking quantum is sufficient and where HGV movement are limited to appropriate times given the context of the site.
95. The Natural and Built Environment chapter of the ALP2030 builds on 'The Vision' and Strategic Objectives of the Plan and identifies the importance of those natural elements as part of good place making. The chapter also sets

out a number of detailed policies that are required to shape all schemes coming forward. Especially pertinent to the application is Policy ENV13 which deals with the approach to proposals with impacts on heritage assets. All of these more detailed policies are addressed in subsequent sections of this report but none impact on the starting issues of principle in terms of a mixed-use development of the application site.

96. The Community Facilities chapter of the ALP 2030 seeks through Policy COM1 to meet the needs of the community arising from new development through s.106 (a CIL charge is not currently adopted by the Council). Subsequent policies then deal with open space, recreation, sport and play (Policy COM2), allotments (Policy COM3) and cemetery provision (Policy COM4).
97. The Implementation chapter of the ALP2030 underlines the importance of infrastructure to mitigate impacts whilst acknowledging that the Council will take a flexible approach where it is justified to do so for reasons of development viability. Policy IMP2 deals with viability issues, the need for flexibility in the case of any otherwise well performing scheme with wider planning benefits and also establishes the approach to deferred contributions and viability review to capture changes in circumstances and how that can reduce any deficit in infrastructure contribution. Policy IMP4 deals with the importance of acceptable proposals for governance and maintenance, especially where private management is promoted. All of the above are dealt with in detail in the sections further below, particularly in respect of the applicant's approach to layout and the spaces that would be created for occupiers and the viability challenges posed by the site. Again, none impact on the starting issues of principle for the proposed development.
98. All of the above matters of principle, specifically the Strategic and Employment Policies, were considered by the Council in its decision to expressly identify and allocate in the Plan the former Newtown Works site for a mixed-use regeneration including residential, tourism, workshops, office employment and small-scale retail that would not seriously impact on the town centre (Policy S6). I deal further below in the report with the various strands of this Policy and the acceptability of the scheme in detail alongside other policies in the Plan.
99. In conclusion, I consider that the principle of new development of the type promoted by the applicant is in accordance with 'The Vision' and the strategic level policies of the ALP2030 informing the process of site allocation for development as Policy S6. The adopted development plan is up to date and, in my opinion, there are no material considerations to suggest why the principle of the proposed development is no longer a good one in planning terms.

100. The application proposals include 302 new homes. I note the objection to the scheme from SWNCC and some local residents due to the absence of affordable housing as part of that total.
101. The proposal is located in the Aylesford & East Stour Ward. In respect of an apartment ('flatted') scheme in this location, such as is proposed, Policy HOU1 of the ALP 2030 does not require affordable home provision as part of that particular housing type. Policy HOU1 is a material consideration in the determination of the application.
102. The reason why the ALP2030 does not require affordable housing in schemes in the Ashford Town Wards was fully justified by the Council on the viability evidence available at the time to the Inspectors at the Examination In Public. The Plan was found to be sound enabling it to be adopted only a relatively short time ago.
103. In terms of the value assumptions underpinning the ALP 2030, in both 2017 and in emerging work relating to 2019 these were lower than the assumptions used in the viability considerations detailed further below in this report. The ALP 2030 viability work looked at broad typologies and generic assumptions (including a standard new apartment build block) and so that is different to the bespoke proposal relating to the creation of new homes in the context of the application site and the specific constraints relating thereto.
104. Members will recall that the recent East Stour Park scheme in the Ashford Town Wards contained a proposal for 10% provision of homes (20 apartments in total) in a single apartment block forming part of a scheme proposing multiple apartment blocks. This provision was volunteered by the applicant and so represented a betterment of the Council's planning policy position in relation to that specific housing typology located in an Ashford Town Ward. That application was not subject of viability issues (unlike the current application) and had the scope for an affordable housing block to be completely self-contained with its own parking and access and grounds ( again, unlike the Newtown Works site).
105. The residential development that is proposed at Newtown Works within the Locomotive Shed is part of a single 'groundscraper' building. The opportunity for affordable housing to be created in a self-contained manner with separate access, amenity areas and self-contained on-site parking does not exist. The two cases, with a related applicant, are therefore materially different.
106. Notwithstanding all of the above-mentioned issues, the applicant has not volunteered affordable housing and the result of the viability case that has been submitted (and which I deal with further below in this report) is that with even with more valuable (in terms of a return to the developer) private

housing the proposal cannot mitigate its impacts in accordance with adopted planning policies. It therefore stands that the provision of less valuable to the developer affordable housing would worsen the viability of the development further and the costs that it can afford to bear and still be able to be taken forward with a reasonable return to the developer.

107. SWNCC has suggested that the proposed apartments would be saleable at 'vastly' higher prices than in the Local Plan study. The values used have, however, been agreed by the Council's viability consultants as being comparable with values at comparable town centre apartment developments together with an uplift considered to be reasonable to take into account the desirability of the apartments created in a site containing heritage assets adding to sense of place.
108. SWNCC also suggest that Policy HOU1 is discriminatory. Whilst I appreciate that the Community Council do not support the adopted policy, I do not consider that HOU1 directly discriminates against those with legally-protected characteristics. Any indirectly discriminatory impact that might arise for such people (e.g. due to a disproportionate number of old, young or disabled people being adversely affected) might be legally justified if it were a proportionate means of achieving a legitimate planning aim. Clearly, facilitating the construction of new housing - by avoiding imposing financial burdens that would make it unviable - is a legitimate planning aim. Indeed, the Barker Report of 2004 identified that new house building helps to keep house prices down by increasing supply, thus indirectly benefiting those to which SWNCC refer.
109. Beyond the apartments that are proposed to be created in the Locomotive Shed, the remainder of the site is proposed for new commercial uses that would form part and parcel of the operation of the site as a new film studios and would therefore be functionally and economically necessary for its success as a commercial venture. There is an absence of spare space that could be developed for the type of lower density housing that would then require a percentage of affordable homes pursuant to the approach set out in Policy HOU1. There is also an inability to replace commercial uses for dwelling houses without undermining the delivery of the scheme which has significant challenges in terms of the heritage constraints at the site and viability.
110. In terms of the location of the site, being a short distance from both the town centre boundaries as defined in the ALP2030 and Ashford International station, I consider that higher density apartment development is appropriate as a housing typology generally and appropriate too specifically to the groundscraper context of the extremely long Locomotive Shed building.

111. Higher density development in this location has the ability to help with stimulating the demand for shops, services and leisure use of the town centre (thereby assisting its regeneration and future role) and places people in a location where alternative movement (walk / cycle / bus / rail) choices to the private car are realistic for some local and everyday journeys.
112. In the sub-section further below in this report, I set out the outcome of the viability review. The starting point is that any obligations to be secured by an agreement pursuant to s.106 are required to help mitigate the scheme's impacts on the community and local infrastructure. Transferring any s.106 financial obligations to the provision of affordable housing at the expense of payments towards other important matters such as, for example, education, would simply shift the impacts of unviability onto other protected groups such as children. The law does not require the Council to do this, and the Table 1 that is contained further below in this report is one that I consider is lawful and reasonable and complies with the provisions of the Development Plan, the NPPF and the requirements of Regulation 122.
113. My final comment on the point raised is that it would be open for SWNCC to request that the Council purchases units in the Locomotive Shed from the developer and then uses such units as affordable housing forming part of the Council's housing stock. Should a request come forward, it would, however, be a matter for the Council's Cabinet and not the Planning Committee. When the ALP2030 is reviewed, it would also be possible to revisit the viability considerations that underpin Policy HOU1 to see if they still hold true or not.
114. In conclusion, whilst I note SWNCC's objection and do understand the concern to ensure that a range of residential housing types and tenures is provided wherever possible to address a variety of needs, the Council's position was examined at the Examination in Public of the proposed ALP2030 and found to be sound. The approach is not discriminatory, as is suggested, but simply rooted in robust evidence on development viability (which remains a significant issue in this case with which I deal further below).

(b) Whether the layout makes sense in terms of accommodating the mixed-use proposals and the ability to provide physical connection with its surroundings

115. As identified in the Introduction and Proposal sections of this report, the area of the site that lies closest to Newtown Road (which circumvents the south-western and southern side of the application site) is the area proposed for the new build elements of the film studios that would be supplemented by conversion and adaptation of part of the Locomotive Shed (to give commercial and higher educational use space) and conversion and adaptation of the Engine Shed (to food and drink and/or leisure use).

116. The x 4 film studio sound stages would each be large footprint and volume buildings enabling flexibility in terms of accommodating sets, props and high level lighting with common shared ancillary facilities accommodating a variety of needs expected of a modern film-studios and sufficient space to meet the needs of x 4 individual film stages.
117. The specific nature of this use, and the resultant volume of the single building, is one that could not be provided elsewhere on the site. It could not be provided within the largest existing building, the Locomotive Shed without a very substantial loss of built fabric that would, simply, be in the way to accommodate the area and vertical scale of a film sound stage. The same would equally hold true if the sound stages were subdivided: that fragmentation would then prevent shared facilities and the economies of scale derived therefrom.
118. I consider that the same holds true for the media village and workshop building proposed to the east of the x 4 sound stages in terms of the inability to realistically be better accommodated elsewhere on the site.
119. Ensuring that the film studios would have sufficient on-site parking provision is a key issue addressed by the proposed provision a large multi-storey car park in a building form with similarities to the volume and vertical scale of the adjacent film studio sound stage buildings.
120. The location of this car park therefore provides a significant parking facility located close to the main entrance to the site from Newtown Road and close to the commercial floorspace at the site and the needs arising therefrom. This location would enable a substantial portion of the interior of the site to be retained as a car free space as per the applicant's access strategy. The location of this car park therefore makes sense in order to deliver resident focussed public open space within the heart of the site and avoid generating traffic through the streets serving the existing homes located to the east of the site.
121. Similar to the sound stage building, the multi-storey car park could not be accommodated within the largest heritage building at the site, the Locomotive Shed, without the same substantial loss of built fabric as a results of its scale in all dimension. I therefore consider that the commercial multi-storey car park makes strong layout sense.
122. Turning to the proposed hotel, the applicant's 120-bed also involves x 62 serviced apartments and so seeks to provide 182 bedrooms together with a restaurant and ground floor conference facilities located at the main entrance from Newtown Road. Whilst that floorspace quantum could, theoretically, be provided in a different form in a converted and adapted Locomotive Shed, it

would then divorce that use from proximity to the commercial multi-storey car park and also be likely to leave remaining space in the Shed needing to be found a use which, in turn, would then have a disruptive knock-on impact on the approach to commercial floorspace at the site.

123. In addition, it would be likely to make the commercial multi-storey car park more visible whereas the applicant's proposal is to integrate it with the hotel by wrapping around its façade with an interesting façade and colonnade arrangement to reduce the extent to which it might otherwise dominate the site as a stand-alone building in an unfortunate way. The multi-storey car park would be a difficult building form to integrate successfully with a residential building developed in the same location.
124. Furthermore, moving the hotel would also have an impact on the qualities of the main entrance to the film studios when travelling from Ashford Town Centre and Ashford International in terms of a sense of entrance, visual interest and a building with landmark qualities. I address these matters specifically in the next section but my conclusion in terms of layout is that a residential use at the main Newtown Road entrance would not be able to deliver those same benefits and would represent a less cohesive layout.
125. On this basis, the provision of leisure, food and drink, office and educational commercial floorspace through conversion and adaptation of the listed Engine Shed and at the western end of the Locomotive Shed make good layout sense. These uses are easier to accommodate volumetrically within the listed buildings as well as easier to accommodate in terms of external appearance and an appropriate architectural style with an 'industrial' feel that works with retained historic structure.
126. The applicant's layout would provide these uses close to the film studios and the multi-storey car park and, crucially, would help retain a substantial part of the site interior as a car free hard and soft public realm as vehicles would have no requirement to enter further into the site because of the layout grouping.
127. The layout grouping of these uses also has strong potential to create a level of everyday interaction between buildings that would help animate that 'Central Promenade' public realm space and create a vibrant place supported by those working at the site in the varied creative industries involved with film production and those aspiring to work in those industries using the educational floorspace to be provided. I very much support that approach in place making and economic development / workforce skills improvement terms. Creating a site with a distinct mixed-use film studios and strong creative industries-led character represents both a rare economic development opportunity for Ashford and a good opportunity for Kent.

128. The applicant's landscape masterplan provides for a strong mixture of shrubs, trees in a variety of raised beds in the linear Central Promenade space as well as seating in a variety of forms (which should also involve seating to accommodate those with accessibility needs) in the middle and northern sides. That approach to making the space a convivial one is supported: it would provide landscape structure closest to the heritage buildings helping deal with public/private amenity relationships as well as placing planting and seating in the areas that would receive most sunlight. The provision of trees is one that can help modulate micro-climate and deal with wind between buildings.
129. The Central Promenade Space is designed as a more open hard space on its southern side enabling occasional maintenance and service vehicles and taking into account the extent of overshadowing from the film studio buildings reducing its attractiveness as a place to linger. However, it is a good width space that cyclists can move through. Policy S6 (g) seeks to ensure that the development of the site is one that creates attractive pedestrian and cycleways and so the Promenade Space helps achieve that. It would provide the same movement benefits to those moving through the site from the existing neighbourhood from further afield with attendant benefits.
130. The Promenade Space would be approximately 0.6ha in extent. Besides creative-industry occupiers, residents of new homes in the Locomotive Shed building and those living beyond the site but moving into it and through it would help it feel a well-used attractive public realm. I consider that it is reasonable to view the Central Promenade as public open space benefitting the needs of new residents.
131. I have discussed with the applicant that a public art and lighting strategy is needed to further build upon the ideas set out in the landscape drawings and hinted at in the application CGIs and that this can be dealt with by planning condition.
132. The remainder of the Locomotive Shed building is proposed to be converted and adapted as new homes. Whilst undoubtedly a design challenge, similar to the points that I make above in support of the commercial floorspace in the Engine Shed and western end of the Locomotive Shed, the floor area of apartments and related circulation space are generally easier to accommodate within the listed building than other uses in terms of retention of historic structure and external appearance and style. Furthermore, to the east of the Locomotive Shed are existing homes and so providing those homes with new residential neighbours would create a reasonable relationship.
133. The new homes to be created need to be served by appropriate parking arrangements. I set out further below analysis in that respect. The linear form

of the Locomotive Shed building enables the creation of a bespoke linear multi-storey car park over 3-levels within the building. This approach would visually contain the use, which I would support as good design, and makes sensible use of the majority of volume of the 'range' to the Locomotive Shed that is adjacent to the operational railway and the similar volume workshop used by Balfour Beatty. I deal with related issues of highway access, amenity and issues of potential noise and fumes further below in this report but overall, I consider that the location of the residential component of the application in the Locomotive Shed makes good layout sense.

134. The applicant's grouping approach to the film studios on the southern side of the Central Promenade space creates a back of house adjacent to Newtown Road. Whilst ordinarily a frontage would be preferable in design terms, there is progressively a change in land levels between the site and Newtown Road such as to allow the film studios to sit down within the site. This helps reduce their impact on Newtown Road and the extent to which their 'blocky' form would be perceived. The embankment here is one with a number of trees that are proposed to be retained and supplemented. These trees would further help soften the rear of the film studio buildings to Newtown Road. Given the applicant's access strategy to provide a secure controlled rear of house access for film studio deliveries and the layout sense of the film studio buildings being located on the southern side of the Central Promenade, I accept the proposal. The materials to the backs of buildings here will be important. The rear of the multi-storey commercial car park is proposed to be clad in hit and miss timber cladding which would give a visual warmth that I support. The rear of the x 4 sound stage buildings could be finessed further by the applicant in due course to deliver a similar visual softening theme but at a minimum, colour of cladding and the way it is deployed will be important and can be dealt with by condition.
135. Policy S6 part (g) identifies the need for links to areas around the site and local services. The existing entrance into the site from Samuel Peto Way provides for a direct linkage from the Crowbridge Road direction and with the proposal to alter the narrow bridge on this road and provide a missing stretch of footway would improve pedestrian connection. The main entrance in to the site by the Newtown Road clock-house would provide a strong, signalised, crossing for pedestrians and cyclists and so that is supported.
136. The creation of an additional linkage, supported by SWNCC, is difficult due to the varying land level relationships between the site and Newtown Road coupled with the bend in Newtown Road near to Gordon Turner Close. The significant and level difference at the southern end of Harold Way would makes an onwards connection with Newtown Road impractical. The matter has been explored further by the applicant at my request and the applicant's proposal is that a pedestrian crossing clear of the highway bend can be

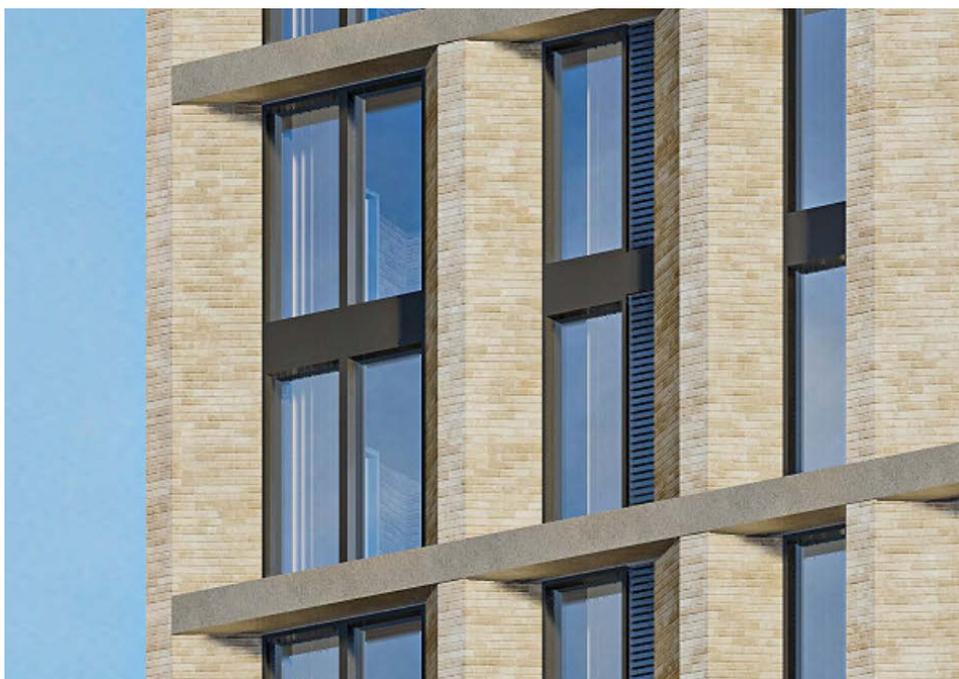
pursued as a Stage 1 Road Safety Audit suggest it would have reasonable sight lines in both directions and the change in levels to the public highway is already accommodated. I propose that this can form a s.106 obligation.

137. In conclusion, I consider that the layout to the mixed-use development is a good one and places use logically to help create appropriate relationships and a strong main entrance, help reduce the visual impact of multi-level parking and help minimise the extent of loss of historic fabric and would also create a strong public realm car free space through the centre of the site with movement and open space benefits for the wider neighbourhood.

(c) The need for the proposed tall building, the acceptability of the design approach that is proposed and the acceptability of the building's visual impact

138. The applicant's supporting information forming **Annex 7** identifies that the hotel building, of which the serviced apartment tower is part, is viewed as an integral component to the functioning of the proposed film studios with occupancy at a high (and increasing) rate. I note too that the ground floor is proposed with conference facilities: Policy EMP11 identifies that such facilities, potentially in conjunction with hotel facilities, will be supported in Ashford town centre as a broad principle. The same Policy also encourages hotel development to be located in the Ashford urban area in order to take advantage of a choice of modes of transport. The proposal is just outside the town centre as defined in the Plan but, nevertheless, the proposed uses in the building fit well with the Council's aspirations of the urban area.
139. I consider that the amended proposal, whilst increasing the overall height of the tower, does so in a way that is visually more elegant and more dynamic on the urban skyline than the original proposal which, in my opinion, had a less visually appealing and overly 'blocky' character as a tall building proposal. The roof rising to a single point is innovative and will add to the building's landmark and way-finding role. The change in levels at the roof allows for top floor accommodation to have an external strongly enclosed terrace and open views, including towards the North Downs, but otherwise kept clear of obviously protruding elements such as lift overruns etc.
140. The applicant has finessed the architectural approach by:-
- making the corners to the building stronger,
  - breaking up the building by contrasting material horizontal elements but otherwise enhancing the building's verticality as befits a tall building,
  - enhancing the appearance of windows in the facades,

- utilising brick slip cladding,
- arranging brick slips in a manner that creates angled reveals that would increase the visual articulation of the building and create an attractive 'shadow line' (as opposed to a visual 'flat' façade) as per **Figure 36** below, and
- revised the colour tones of the serviced apartment tower



**Figure 36:** brick slip detail as part of an articulated facade

141. My conclusion is that the design of the building, irrespective of architectural style and personal preferences related thereto, would be one of high quality and so accords with The Vision and Policies SP1, SP6 and Site Policy S6 of the ALP 2030.
142. The applicant's Townscape and Visual Impact Assessment has been assessed for robustness by the Council's consultant reviewing the Environmental Statement (Temple Group) and has also been assessed by Turley Associates. The cost of both consultants is underwritten by the applicant through part of a Planning Performance Agreement with the applicant.
143. In terms of visual impact, in response to points made during the process, the applicant responded that the views included within the TVIA are considered both representative and proportional to the proposal. The Council's consultants conclude that the application of guidance on the preparation of this type of supporting Assessment is of a good standard.

144. Turley Associates make the following important points in reaching a conclusion on the visual impact.
145. First, the proposed development (in particular the tower element) would be visible from a wide area including some long distance views, including viewpoints within the Kent Downs AONB. However, within these it would appear as a very small feature in the background of views and therefore it is considered to be unlikely to significantly affect the overall character and appearance of views.
146. Second, there would be significant effects on views from viewpoints within the local area surrounding the site, in particular, from Newtown Road, Wainwright Place and Close, Newtown Green, and Harold Way. **Annex 11** to this report contains extracts from the applicant's wirelines. Clearly, the serviced apartment tower would represent a significant change in building scale the close the viewpoint is in relation to the tower's location on the application site.
147. Third, the proposed tower would form a new landmark element which would protrude above the existing and surrounding proposed buildings and form a new skyline feature in views from the surrounding area. It would be seen on the skyline in the context of other existing and planned tall and landmark buildings on the south side of Ashford.
148. Fourth, changes to urban structure and built form arising from the proposed development are likely to have both beneficial and adverse impacts on the local townscape character and would be perceived differently by different individuals.
149. Beneficial impacts would include: a strengthened presence of Newtown Railworks in the townscape; a new profile of the site as a mixed use area with film studios; a stronger and much more permeable area of townscape with improved public realm; and the introduction of new interest to the skyline that would become a recognisable way-finding marker for south Ashford. The impacts shown in **Annex 11** demonstrate the landmark and way-finding qualities of the serviced apartment tower.
150. Adverse effects would include a reduction in the amount of open sky visible from some points, a reduction on the prominence of the railway sidings, the casting of shade on some streets in the immediate context at certain times of day and an increase in the visibility of built form in views from the surrounding residential area which is of contrasting scale and character. The impacts shown in **Annex 11** demonstrate the impacts of the serviced apartment tower, particularly in terms of visibility by existing residents.

151. Sixth, in conclusion, Turley consider that the building design would be of high quality, would be of high quality construction and that the height and form of the building would be commensurate with the importance of the site and the film studios that it would help accommodate. However, Turley Associates make clear that judgements on the appearance of the building will depend on personal preferences and for some people, it is acknowledged that the height and modern landmark qualities of the proposed tower would be seen as a positive addition to the townscape and for others it would be seen as a dominant element that could be viewed as an intrusive or a negative addition to the townscape.
152. I agree with the well-made points made by Turley Associates. I recognise that the tower would not be welcomed by some residents and would represent a significant change to townscape but overall, my view is that the case for it is persuasive in design, presence, landmark, film studio operation and, thus, regeneration terms. I consider that the setting of the Grade II listed St.Mary's Church in Ashford Town centre would not be adversely affected by the proposal as part of an emerging group of modern buildings on the southern side of the town centre helping regenerate sites that have been awaiting redevelopment for many years. The tower would be located on the south-western side of the application site and so the passage of the sun would result in overshadowing that would not impact on existing residents. The applicant's daylighting and sun-lighting assessments model the impact that would have within the site and which have influenced the location of uses and the design approach to the Central Promenade space in terms of seating and soft landscape planting.
- (d) The impact of the proposed new commercial buildings to be located on the southern side of the Central Promenade open space upon the amenities of existing residents
153. At the eastern most end of the Central Promenade space, the media village (including workshop at ground floor level) building would occupy the street corner plot at the site between the end of that space and Harold Way. To the rear of the media village building would be a hardstanding between the building and the listed former Paint Store building with the boundary between the plot and Harold Way being comprised of fencing and linear tree planting with shrubs. I consider that this boundary treatment would help create a green western side to the missing side of the street and that would soften the views into the site and the side of the film studios further to the west with the listed Paint Store still being able to be glimpsed. I view this proposal as one that would not harm the amenities of the existing residents on this street.
154. The bulk and form of the 4-storey media village building is one that is obviously modern in design but seeks to reduce massing at the top floor level

by use of a recessed top-storey providing a terrace that faces into the Central Promenade Space and wraps around the eastern elevation. The existing homes at Harold Way are contemporary in design with a mixture of pitched roofs and 'blocky' gable ends as a motif which echoes the distinctive gable end feature of the nearby Locomotive Shed at its eastern end. Storey heights are a mixture of 2 and 3-storeys. In terms of street in cross section, in my opinion the scale difference between that which exists and that which is proposed is not significantly different so as to make the relationship unacceptable to the 3-storey building on the opposite side of the street.

155. The media village building is primarily an office based use above a set design and prop design workshop at ground floor level. The prop design workshop is one that needs to be able to work successfully with the offices directly above it and so the workshop is one where inappropriately noisy activity will not take place. Furthermore, the delivery doors into the ground floor workshop are positioned on the western side of the building from the main parking area between the Media Village building and the film studios.
156. Finally, at my request the applicant has provided a daylight and sunlight impact assessment of the media village proposal on the corner residence at the entrance into Harold Way which confirms that the proposal would not have any adverse effect in these terms.
157. Turning to the film studio buildings and multi-storey car park, these are inherently large boxy buildings. However, the approach to the southern (rear) side of the multi-storey car park provides for a visual softened building at the point where the new film studios only access would be created.
158. Moving eastwards, land levels progressively become greater between Newtown Road and the site interior which has the practical effect of reducing the visual impact of the bulky film studios buildings on Newtown Road. Coupled with retention of existing boundary tree planting on the boundary embankment of the site and new planting where appropriate in this area, I consider that the net result is a cross-section that can be accommodated visually. The embankment boundary is one that is important for ecological mitigation and so external lighting in this area would need to be treated sensitively and kept to an operational minimum.
159. The net result of all of the above is a relationship that works acceptably and would not impact adversely on the amenities of nearby residents.
160. In terms of the hotel and its serviced apartment tower, I note the concerns raised by objectors to the scheme that overlooking to rooms and external areas would result. There are a number of points to note here. The serviced apartment tower would be 43m from the nearest residential property (11

Wainright Place) and 55m to the property immediately to its east. This distance is beyond the normally accepted window to window standard of 21m and so the tower would be beyond that as well as being set at an oblique, rather than direct, angle to the nearest homes on Newtown Road. Furthermore, the separation distance between windows and outdoor spaces would obviously progressively increase with each storey height increase. With each of the progressively longer separation distances the ability of occupiers of the serviced apartments to perceive the most private areas of any existing occupiers' external amenity space would be increasingly difficult. My conclusion is that the proposed relationship would be an appropriate one.

161. In conclusion, I consider that the new commercial buildings on the southern side of the Central Promenade space can be accommodated acceptability because they would not have an adverse impact on the amenities of the nearby residents.

(e) The visual, design and heritage impacts of the proposed changes to the listed Locomotive Shed, the listed Engine Shed and other smaller listed buildings as well as the acceptability of new stand-alone buildings on the setting of listed buildings

162. The amended scheme has responded to concerns raised concerning the scheme as it was initially deposited with the Council.
163. In respect of the Locomotive Shed, I believe that the applicant was concerned that if every new home was not provided with a private balcony or terrace then the proposal would be viewed as unacceptable in terms of Policy HOU15 of the ALP2030. That approach resulted in an external aesthetic that was more overtly domestic as opposed to industrial and so created a harmful visual tension with the building.
164. I indicated to the applicant that the approach to private external open space would need to be a bespoke approach tailored to the specific circumstances of this case and that alternative provision is identified in the first paragraph of this Policy.
165. The applicant's amended scheme for the Locomotive Shed, in my opinion, overcomes those concerns by adopting an aesthetic with a more subtle industrial character. I consider that the vertical punctuations of the walls to the rooftop extensions aligning closely to the rhythm of the strong openings to the imposing brick walls work well as do concealed rainwater goods and occasional breaks in the rooftop extension to give welcome visual 'punctuations' that help counteract the extreme length of the Locomotive Shed building. Those occasional breaks also reduce the need for corridors through

the roof top extensions as part of the route to the front door of some apartments which will make them more pleasant to use.

166. The amended scheme continues to provide for private amenity terraces at ground floor where that makes street scene sense (both outwards fronting the Central Promenade space in some cases and, in others, fronting the internal Atrium Space) as well as on upper levels. Whilst the projecting balcony details have been removed from both ranges either side of the Atrium Space, the occupiers of those upper floor apartments would now be provided with contemporary Juliet-style balconies which have a considerably reduced impact on the façade of the building.
167. The approach to accessing car and motorcycle parking spaces as well as upper levels is one that I consider is innovative and is not objectionable. It would have an industrial quality that would fit with the evolved character of the building. The applicant's approach to the internal multi-storey car park has evolved during the course of dealing with the application to an improved design that now, in my opinion, would have a better visual resolution with the brick openings that partially run alongside it on its southern edge and would work acceptably through air flow that is pulled through the car park to extract the building as a high level on its northern side. The detailed design of this will need to form the basis of a planning condition to ensure that it works acceptably not only in terms of noise and extraction of fumes and amenity but also in precise visual impact. As an extract would be on the northern side of the building I consider that this is capable of being accommodated in a visually acceptable manner.
168. The design approach to the Locomotive Shed is to make sure that resident only uses and spaces are secure. Access into the Atrium Space needs to be appropriate to prevent unauthorised access but ensure that the qualities of the space and the building are retained and so the detail of the proposed arrangements can form a planning condition. The access point to the residents' only car park also needs to be secured in a similar fashion and this can also be by planning condition.
169. The western end commercial wing to the Locomotive Shed would adopt a broadly similarly architectural approach to that for the residential elements and, for the reasons that I have set out above, that ensures that the design would be appropriate. The same point about secure access to the Atrium Space in this part of the building would apply and this can form a planning condition. The point at which the Locomotive Shed changes from residential to commercial is used by the applicant as a device to allow for good external spill out space to a proposed café with access through that space into a secured courtyard atrium Space serving commercial uses. In my opinion, this

space has strong potential to be used for heritage celebration and interpretation as it allows the interior of the building to be penetrated. The cross-wing at this point neatly divides the different uses of the Locomotive Shed and would help ensure that the two have limited impact upon each other. Furthermore, I consider that the nature of the non-residential use that is sought at the western end of the building would constitute a good neighbour to new homes that should not give rise to noise and disturbance.

170. The ground floor commercial elements available to all users including beyond the site – the café and the community meeting space – are ones that I support and that I consider are successfully accommodated within the design. They have the capacity to help create a strong hub of uses on the Central Promenade space that will help connect the site with its surroundings and promote community cohesion. There provision at the junction between commercial and residential uses of the Locomotive Shed and the main access to the building's interior spaces that would be secured beyond that access point makes good sense. Commercial uses at the site have strong potential to ensure good patronage of this facility as one of a variety of food and drink offers at the site.
171. The Engine Shed roof has been lowered through the amended plans. I consider that this is an improvement and that overall the nature of the roof stop changes to this building are now more harmonious with the historic fabric to be retained.
172. My conclusion on the visual and design elements of the changes to these two large buildings is that the proposal is acceptable and accords with Policies SP1, SP6, Policy S6 and Policy HOU15 of the ALP 2030.
173. I now turn to heritage impacts.
174. I note and appreciate the views of the Victorian Society (reproduced as **Annex 8**) on both the planning application and the related listed building consent 19/01694/AS in terms of the acceptability of the works that are proposed to the smaller listed buildings – which involve small scale changes to provide ancillary food and drink, security and site management office uses - but serious concerns about the proposed treatment of the Engine Shed and Locomotive Shed. The Society, rightly so, seek to ensure that this era of national heritage is appropriately protected and draw attention to the important role that the development of Newtown Works in this era played in the history and development of Ashford.
175. I concur with the Society's view that the Sheds represent impressive and vast architectural spaces with massive brick walls and brick arch details. However, that does not, in itself, help resolve a fundamental issue being how to address

the years in which the buildings have been inactive use resulting in a lack of income from an active use to fund repairs and prevent a damaging cycling of deterioration. The need to find good uses for both buildings as part of an overall viable scheme is therefore critical if the regeneration of this important brownfield site is to finally be moved forward and the cycle of decay is to be halted.

176. I accept that there would be harm to the setting of the listed buildings through changes to their settings as a consequence of the mixed-use scheme and that the extent of the physical changes to the Engine and Locomotive Shed proposed are considerable. However, I disagree with the Society's conclusion that even with the amended proposals the result would be 'substantial harm'. I also disagree with the Victorian Society's related conclusion that this suggested level of harm has not been adequately demonstrated as being necessary to achieve the 'substantial public benefits' that would outweigh 'substantial harm' as per the test set out in paragraph 195 of the NPPF. There are;-

(i) no alternative uses that have come forward for these buildings to date that have been able to be delivered in a viable manner to provide new uses and halt the cycle of decay, and, additionally,

(ii) no grant funding or some form of 'not-for-profit', charitable or public ownership schemes have come forward to conserve both Sheds and halt the cycle of decay.

177. It should be noted that paragraph 192 of the NPPF identifies that when determining applications local planning authorities should take account of:

*'a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*

*b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*

*c) the desirability of new development making a positive contribution to local character and distinctiveness.'*

178. As I have already identified above, the Council's adopted policy approach for the site is to achieve a mixed-use site as part of a regeneration of an important brownfield site located close to the town centre and the railway station (and thus a location that is favourable in terms of offering alternatives to private car travel capable of supporting the town centre's services and offer). The applicant has come forward with a scheme that aligns with that aspiration and seeks to create a distinctive strong place. The proposal is

considered by the applicant as being one that can be delivered with myriad benefits in terms of employment, skills, economic development and the delivery of homes. On the proviso that the conservation of heritage assets can be achieved through putting them to viable new uses consistent with their conservation and in a manner that would result in less than substantial harm and help deliver these benefits then the proposal would comply with parts (a), (b) and (c) of para 192 of the NPPF.

179. The issue of the public planning benefits of the scheme is one that I deal with further below.
180. In respect of the Society's references to paragraph 195 and 'alternatives', at the early stages of scheme development, the applicant investigated whether the film studios could be created inside the Sheds but concluded that this could not be taken forward. As I have indicated further above in this report that approach would necessitate a far greater loss of built fabric and so is one that I consider would not be acceptable. The Society's conclusion in respect of possible alternatives resulting in less harm therefore appears to me to be one that, whilst undoubtedly sincere, is primarily based in hope.
181. The views of Historic England (HE) are set out in **Annex 9**. HE accept the 'exceptionally challenging circumstances of this site' and conclude that the proposal would lead to a high level of harm to the significance of the Engine Shed and Locomotive Sheds but, crucially, conclude that for the latter building that said harm;-

*'would to be towards the high end of less than substantial. (my emphasis)'*

182. Therefore, HE consider the magnitude of harm to heritage assets to be less than that suggested by the Victorian Society – in which case the requirements of paragraph 195 of the NPPF do not apply - and conclude that no objection is raised and that the scheme is now capable of meeting the requirements of paragraphs 190, 194 and 196 of the NPPF.
183. In summary, these paragraphs require the following approach;-

(a) para 190 – an assessment of the significance of any heritage asset that would be affected (including setting) taking account of available evidence and expertise and the need to then take that into account when considering scheme impacts in order to avoid or minimise conflict between heritage asset conservation and any aspect of a development proposal,

(b) para 194 – any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm

to or loss of grade II listed buildings should only be permitted in exceptional circumstances,

(c) para 196 - where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset then that level of harm should be weighed against the public benefits of the proposal including, where appropriate, securing the optimum viable use of the asset.

184. HE make a number of important points in arriving at the conclusion that 'less than substantial harm' applies in this case. HE concentrate on the proposals for the Engine and Locomotive Shed and;-

(a) consider that the supporting information with the application is capable of demonstrating that the harm cannot be avoided altogether,

(b) confirm that it is satisfied that efforts to minimise harm through sensitive design have achieved this objective,

(c) identify that the Council will need to weigh the harm against the public (including heritage) benefits of this proposal in the manner described in paragraph 196 of the National Planning Policy Framework (NPPF),

(d) consider that securing the long-term future of vulnerable designated heritage is a heritage benefit to account for in the weighing exercise that is so required,

(e) suggest that further benefits in the form of an interpretation strategy outlining the site's railway heritage and a detailed landscape proposal which draws on the site's existing industrial archaeology (e.g. the turn table in the Locomotive Workshop) are also heritage benefits which can be taken into account, and

(f) indicate that the Council will need to be mindful of NPPF objectives to conserve designated heritage in a manner appropriate to their significance so that they can be enjoyed by for their contribution to the quality of life of existing and future generations and the need to give great weight to the conservation of designated heritage.

185. HE consider that the locomotive workshop is significant as one of the best known surviving examples of its type. Of its multiple phases of creation (3 being major), it indicates that the earliest is of greatest significance for its rarity as an early example of a locomotive workshop. This and the building's distinctive form of three parallel volumes are viewed as being of high significance. The traversing crane which survives is considered to have significance, despite its later date, as it continues to illustrate how the building

was used. The roof to Locomotive Shed, being post WW2, is considered of lower significance owing to its late date, though its pitched form is one that HE point out both echoes the historic roof and contributes to the understanding of the building's historic appearance. A surviving section of original roof in the iron store is, on the other hand, of higher significance as the only evidence of the building's original roof construction.

186. Turning to the Engine Shed, HE consider significance is derived from its architectural value as a well-designed and robust piece of functional Victorian architecture with recessed brick bays and attractive round headed arched window openings with little visible internal structure remaining evidencing its former use (although there could be archaeological potential in this respect). The roof is 20<sup>th</sup> century and is considered to contribute less to the building's significance.
187. HE note that the buildings associated with the railways works were once far more extensive than remain today and it is therefore more difficult to understand the historic functional relationships between the surviving railway buildings although some association (as a result of the architectural language of individual buildings and their historic use) provides a limited insight into the former historic character of the overall site.
188. HE consider that the areas of the site that were cleared in the 20<sup>th</sup> century, opening views to that which remains, otherwise make a very limited contribution to the significance of those remaining components of the works and do not help tell the story of the industrial site and the processes that were carried out.
189. HE consider that the greatest level of change arising from the scheme would be to the Locomotive Shed as through a combination of demolition and altering the buildings envelope and internal spaces, including the scale and materiality of the roof top extension. HE consider that despite the careful architectural design there would be inevitable domestication of the industrial building which would harm its character.
190. In terms of the Engine Shed, HE consider the harm that would be caused would chiefly arise through the disproportionately tall proportions of the rooftop extension with lesser harm arising from internal subdivision of what would historically appear to have been a single volume and changes for some windows into door openings.
191. The overall level of harm is considered by HE to be less than substantial in NPPF terms. HE does not agree with the Victorian Society that development within the setting of the heritage assets tips the balance of harm to 'substantial' on the basis that the site was historically heavily developed with

numerous buildings to the south of both listed buildings. HE accept that the proposed development would be of a nature and scale which would exceeds what existed historically, but do not consider that this, in itself, leads to substantial harm because HE consider that the proposed development;-

(i) would not harm the appreciation of the historic link between the Engine Shed and the Locomotive Shed, and,

(ii) would not compromise a sense of the Locomotive Shed's dominance on the site, both now and historically.

192. In terms of the scale of the tower rising from the hotel building, HE consider that this is for the Council to conclude upon in relation to other heritage assets including St. Mary's church in the town centre and long views thereto.

193. Moving to the tests set out in the NPPF, I note that HE accept that the applicant has made a case to demonstrate that the requirements of paragraphs 190 and 194 are met. In support of the this, HE note that;-

(i) the proposals are the culmination of long negotiations exploring different options to secure a challenging and vulnerable group of heritage assets,

(ii) the applicant's viability report establishes that a scheme without the rooftop extensions to the Engine and Locomotive Sheds is not viable and thus this can be viewed as evidence that the harmful impacts of the additions cannot be avoided altogether,

(iii) the amended scheme has responded to concerns expressed by HE and officers and has helped to minimise the harm of those rooftop additions by reducing more overt visual references to domestic use in the residential part of the Locomotive Shed in favour of rooftop additions with what might be described as a more 'industrial' character/aesthetic,

(iv) work has been carried out to identify and retain, where feasible, surviving historic features in the Locomotive Shed including historic joinery, evidence of window and door details and other features including chimneys, and

(v) the reduction in the height of the Engine Shed roof in the amended scheme helps harmonise the scale of the rooftop addition to this building with the brick elevations below and the design of new or replacement openings to this building now more carefully references historic precedents and the applicant has agreed to retain and refurbish historic windows where that is feasible.

194. HE identify that all of the above helps to minimise harm to heritage assets and support its conclusion of 'less than substantial harm' arising from the proposal.
195. In terms of paragraph 196 of the NPPF, HE consider that securing the future of designated heritage is a benefit applicable to the weighing exercise that is required and that other heritage benefits could be secured by planning conditions (and thus also be taken into account) such as:-
- (a) heritage interpretation – through a strategy helping to tell the story of Ashford's railway heritage and its connection to New Town and local populations, and
- (b) celebration of industrial archaeology – that would include retention of artefacts where feasible and interpretation of the site's archaeology as part of a detailed hard landscape proposal.
196. Should the Council be minded to grant planning permission and listed building consent then HE recommend that the heritage benefits of conserved railway heritage should be secured up front and early in the delivery of the overall mixed-use scheme potentially by s.106 obligation. A number of detailed conditions would also be required to be attached to any grant of listed building consent in order to control the fine detail of the proposal.
197. The NPPF is a material consideration to the determination of the planning and listed building consent application. Sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 require the decision maker to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess. Policy ENV13 of the ALP 2030 has the same planning objective and, to all intents and purpose, deals with the same points as the NPPF including setting a high level test for instances of 'substantial harm' and requiring instances of 'less than substantial harm' to be appropriately weighed with the public benefits of the proposal including securing optimum viable use. The sensitive use of heritage assets through regeneration, particularly where this would bring redundant buildings and areas into appropriate and viable use consistent with conservation, is encouraged.
198. Taking all of the above into account, I agree that the site is clearly an extremely challenging one from the perspective of heritage assets. Although a degree of harm would arise, the applicant has clearly worked hard to minimise that harm. The applicant has evidenced that without the rooftop extensions the scheme would not be viable. Through the amendments made to the scheme the applicant has helped minimise harm through an approach to the rooftop extensions that seeks to ensure those additions sit comfortably with

the proportions of the brick walls to the buildings, provide an industrial character and external visual feel that responds well to the industrial heritage of the site and so would help create a place with strong character and with a distinctive sense of place.

199. As a result, I agree with HE and conclude that the development would give rise to 'less than substantial harm' and acceptably preserve the heritage assets at the application site and their settings.
200. In terms of the setting of the listed clock-house, this striking historic asset would remain strongly in the foreground of the main entrance to the site on Newtown Road and so visitors to the site, in particular when travelling to the site in an easterly direction would see still see it, be able to appreciate its architectural qualities and be able to appreciate its time depth qualities relating to the site's original employment use.
201. The applicant's layout of the site is one that I consider works well in design terms with a good site for the hotel being the closest building to the clock-house and helping create a strong sense of arrival to the new mixed-use scheme envisaged. Given the importance of the serviced apartments to the intended operation of the film studios and the desire to ensure that the studios are well connected with Ashford Town Centre and Ashford International station through the creation of a building with strong landmark (and thus 'way-finding') qualities, I agree with the applicant's rationale that a well-designed tower to the building closest to the main entrance represents the most appropriate design approach to achieve the necessary floorspace. In effect, the historic functional importance and verticality of the clock-house at the main entrance to the historic use of the site would be abstracted through a modern similarly functionally important building to the new use of the site.
202. Further to the east of the main entrance, the Network Rail offices are Grade II listed. I do not consider that this building, which also contains a larger floor area tower element rising from its eastern end, would be adversely affected by the proposal by virtue of its separation distance from the hotel and how the tower to this building is viewed on the skyline. I do not consider that this would materially change from the proposals so as to be harmful in terms of setting.
203. As my analysis further above identifies, I consider the applicant's assessment of the townscape and landscape impact of the visual impact of the tower to be robust and also consider that the tower would not have an adverse impact on the long range views that are available to the Grade II listed St. Mary's Church which continue to give it historic meaning relating to its continued use and so would not have an adverse impact on its setting as a heritage asset.

204. The applicant's hard landscape proposals seek to celebrate the industrial archaeology of the site – a point also well made by KCC Archaeology as being necessary – and identify that heritage interpretation would form part of the strategy for the site. Both of these areas can be taken forward in further detail as necessary by planning conditions. I view such matters as constituting considerable public benefits in favour of the scheme alongside the benefits that would arise through the regeneration of the site including:-

(i) public access to the non-residential elements such as the proposed café and community room space in the Locomotive Shed, and

(ii) permissive public access into and through the Central Promenade open space,

as ways of creating a cohesive and connected neighbourhood with Newtown Works, once again, becoming a place where things are created.

205. I agree with HE's view that the public heritage benefit aspects of the proposal would need to be secured early: my view is that this dovetails with the need to agree phasing with the applicant and a requirement that the works to the Locomotive Shed, in particular, are commenced at an early stage: I am pleased to note that the applicant's delivery timetable expressly identifies that. The timing of the delivery of the Central Promenade space, wherein heritage celebration and interpretation is proposed and will need to be a strong theme, will also be important to agree. This will, however, need to be informed by site construction logistics.

206. I therefore conclude that the proposal would accord with Policies SP1, S6 and ENV13 of the ALP2030.

(f) Whether the new apartments to be created in the Locomotive Shed would represent high quality design with a reasonable typology mix, be a good place to live with acceptable levels of amenity and have an acceptable relationship with nearby existing homes

207. The proposed housing typology split of 130 x 1-bed apartments and 172 x 2-bed apartments is one that produces a 43/57 split and this is one that I consider acceptable and would meet the requirement of Policy HOU18 of the ALP 2030. The applicant proposes 41% homes to be provided to HOU4 (2) standards and this complies with Policy HOU14 of the ALP 2030.

208. As I have set out further above, I consider that the applicant's approach to the form, character and architectural style of the new homes is appropriate to specific context of blending well with the Locomotive Shed as the dominant heritage asset at the site in a manner that helps reduce the level of harm to

the building. That approach has dictated that projecting balconies to the rooftop extensions cannot be accommodated and so for those homes Juliet balconies are proposed.

209. The fine detailing of the building, from rainwater goods through to materials, window and door details through to the nature of boundaries between apartment amenity terraces, will need careful consideration and this can be dealt with by planning conditions.
210. The residents' only Atrium Space within the Locomotive Shed building is one that would provide an amenity space beyond the homes (whether the home has a private terrace space or Juliet balcony) and beyond that, the Central Promenade space would also provide a space that would accommodate seating so functioning as another space near to home that can be used.
211. The applicant proposes innovative play opportunity zones within the atrium space residents' only and this is supported. The industrial character and heritage of the building dictates that play needs to be bespoke.
212. The relationship of homes to the internal multi-storey-car park is one that has been amended and refined since the application was first submitted and subject to planning conditions to secure the external fine detailing of the facility to the Atrium Space, and to secure its acceptable operation in terms of noise, fumes and extract details, my conclusion is that the Locomotive Shed would be a good place to live through strong attention to design.
213. Overall, I am satisfied that occupiers would be provided with an acceptable level of amenity and one that responds well to the specific circumstances of the site. This should ensure that what is created as a new living environment is distinctive and has a strong sense of place.
214. The Locomotive Shed would be provided with a combination of external visitor and internal allocated parking facilities (with the latter having 100% EV charging points). This parking would be accessed from Samuel Peto Way which has recently been adopted as public highway. There are areas of this street where there is a particular problem of parking on the footway. My view is that this appears to have become the norm for a number of years due to an absence of delivery of the remainder of the Newtown Works site and the delays involved with adoption.
215. However, with the proposed development that approach by some home residents cannot continue. Besides being anti-social in the way that it blocks the existing footway (either completely or partially) it would also limit visibility through the corner approach at Samuel Peto Way into the entrance to the Locomotive Shed multi-storey car park. The practice also looks poor and

visually diminishes the appearance of the street. The need for measures to be funded by the applicant to combat these issues through the making of Traffic Regulation Orders and Residents' Parking Schemes is tackled further below in this report.

216. The access towards the entrance to the Locomotive Shed multi-storey car park already exists to accommodate operational commercial traffic to operational railways land. KH&T raise no objection to the extra use of this access. The existing home that turns the corner from Samuel Peto Way into this area has a façade design that minimises openings in the side elevation and the home further to the north is a flat over parking design that helps create an edge to the street with its rear facing the access road. In my view, there is no evidence to suggest that the increase in use of this access spur from Samuel Peto Way would give rise to adverse amenity impacts on these homes. The Newtown Works site as a whole site has always been conceived as a busy mixed-use regeneration and that aspiration is retained in the ALP2030 alongside provision of acceptable levels of parking assessed against standards as the starting point and with ability for standards to be relaxed if good reasons for that are considered to exist. Accordingly, I consider that the car parking activity associated with the proposal for the Locomotive Shed is one that would not have an adverse amenity impact on nearby residents.
217. In conclusion, I view the applicant's scheme for the Locomotive Sheds as being one resulting in good place well-designed to live with a good variety of housing type to meet varying needs both now and in the future, a place with strong character and sense of place with innovative approach to hard and soft spaces taking into account the needs of the resident population including children and a scheme that would not have adverse impacts on those that already live close by on a site intended to have a strong-mixed use.

(g) Contamination, flooding, surface water drainage, ecology and biodiversity, water consumption, relationship to air quality and responding to climate change

218. The site is one that suffers from significant contamination which will need a detailed remediation strategy to be submitted and agreed with identification of any unexpected contamination and verification of the effectiveness of measures as the development progresses. ABC Environmental Protection raise no objection to the scheme subject to a number of planning conditions.
219. The site is located clear of Flood Zones 2 and 3 and so its redevelopment would accord with the approach set out in Policy ENV6. The approach to on-site management of surface water is dealt with further below.

220. KCC Ecology has assessed the applicant's proposals and following further discussion and clarifications has concluded that subject to mitigation to be secured by planning condition the applicant's proposals are acceptable. The landscaped embankment boundary to Newtown Road is particularly important as a corridor and care will be needed with external lighting in this part of the site with it kept to an operational minimum to reduce impacts on bats. Nesting and roosting boxes can be provided elsewhere on the site. Together with the benefits from provision of green roofs, I conclude that the proposal would be acceptable and would accord with Policy ENV1 of the ALP 2030.
221. In respect of the approach to surface water drainage, the applicant proposes a range of on-site techniques such as storage cells, permeable paving, structural tree soil cells and rain gardens in response to the site specific constraints of the site including contamination issues (and how to respond to those) and the site's industrial character which informs the setting of heritage assets (and which dictates a certain landscape architecture response to spaces between buildings). KCC as the Lead Local Flooding Authority are satisfied that the scheme is an acceptable one and would meet the maximum discharge rates identified in Policy ENV9 of the ALP2030 and that the range of SUDs techniques will assist in that overarching objective.
222. I have discussed the range of SUDs techniques with both the River Stour (Kent) Internal Drainage Board (Clerk & Engineer) and the applicant with the result that the applicant has provided further technical information as part of the amended plans. The Clerk & Engineer has provided further comments on the points made and whilst no objection is made and constraints are accepted and the techniques identified are pleasing to see, he has requested that further exploration of what might be done to better and reduced discharge rates is encouraged. The applicant has considered this further and has commented;-
- 'We will look in to whether achieving higher levels of reduction, during the detailed design stage of the scheme is feasible, (potentially through deeper surface water storage crates below ground level), however this will have to be part of the detailed design for our scheme and will be dependent on a number of on-site factors...'*
223. Clearly, the starting point in Policy ENV9 is to ensure schemes work as hard as possible to both meet expressed minimum standards of performance and exceed them wherever possible. That will help reducing occurrences of off-site flooding elsewhere. I accept that there might be viability or technical issues involved with betterment of minimum discharge rates and that, if these are encountered, a pragmatic view would need to be taken as to whether the limit of what might be achievable has been reached. My intended approach to the applicant and the Clerk & Engineer is that further optimisation can be

embedded into a detailed SUDs condition involving the IDB. This would enable all parties to be involved with consideration of where the practical limits of what can be done lie. The use of deeper storage cells, greater use of green roofs and oversized 'chunk' gutters assisting on-site storage and controlled discharge from height could all be ideas that can be assessed further.

224. Accordingly, subject to a planning condition of this nature, I am satisfied that the SUDs proposals for surface water accords with Policy ENV9 of the ALP2030.
225. The applicant's proposals highlight that the water efficiency requirements of Policy ENV7 of the ALP 2030 would be met. This can be dealt with by planning condition.
226. The applicant's proposals in respect of sustainable design and construction of non-residential buildings, substantial levels of EV charging provision in the internal car parks together with a commitment to explore the establishment of a proposed car club (potentially in conjunction with other higher density developments in the locality) and take forward Film Studios Travel Plan represent a combination of measures that I consider will assist with air quality and acceptable mitigate the impacts of the scheme. I consider the proposal is therefore acceptable in terms of Policy ENV12 of the ALP 2030.

(h) Local highways network impacts: (1) the acceptability of the new, upgraded and existing vehicle impacts to service the site, (2) the proposed pedestrian and cyclist crossing on Newtown Road and (3) proposed upgrading of the narrow width bridge on Crowbridge Road and (4) the junction of The Boulevard with the A2070

227. KH&T, as the local highway authority, accept that the additional use of an upgraded main access to Newtown Road, the additional use of the existing Samuel Peto Way junction development to Newtown Road and the use of a new 'film studios only' access to Newtown Road would, in combination not give rise to problems of highway safety or highway capacity within or around the application site and in its immediate vicinity. I deal with on-site parking issues further below in this report.
228. Following the receipt and review of further technical information and clarification, KH&T raise no objection to the proposal in these terms.
229. In terms of the issue raised by HS1 I have sought the applicant's clarification and view on this. The applicant has responded and makes the following

points;-

(i) The scope of the Transport Assessment (TA) has been accepted by KH&T.

(ii) The TA includes an assessment of the Newtown Road junction with the A2042, which includes all committed developments known at the time of the application and traffic growth to 2030. This confirms that the Newtown Road junction with the A2042 would operate within capacity in both the AM and PM peaks in 2030, both with and without the development.

(iii) Without the Newtown Works scheme the modelled queue on Newtown Road arm (off of which the International Station access is located) would see a queue of 8.3 vehicles in the AM peak and 8.1 vehicles in the PM. With the proposed development, these queues would measure 9.4 vehicles long in the AM and 9.8 in the PM, which would be an increase of less than two vehicles in both time periods.

(iv) The modelled periods are 0800-0900 and 1700-1800. The vast majority of commuters are considered to use the station in the morning prior to 08:00 (and most before 07:00) to get to London in time for a 09:00 start, and arrive back at Ashford after 18:00. These periods are outside of the modelled peak for the proposed development, where the 'with development' effect on the junction is likely to be significantly less again.

(v) The issue raised by HS1 is considered to arise from the number of commuters that alight trains in the evening, with the consequence being a high car traffic demand all within a short 5 minute period leaving HS1 car parking facilities.

(vi) Through the morning peak and majority part of the day, the applicant contend that there is not any issue in leaving the International Station approach road, and an increased queue of no more than two vehicles at any one time is considered unlikely to result in any detriment or worsening for rail passenger's vehicles and is not considered to have a significant impact on the junction, as accepted by KH&T through its lack of objection.

230. I agree with the applicant's position on this matter which puts the impacts associated with the proposed development into context of specific spikes in activity during peak periods.

231. Alongside a number of items that can be secured by planning condition to regulate and control the site during construction and operational phases and ensure that the detailed design and surfacing treatments of the new film studios only access and upgraded and signalised clock-house access are visually and contextually appropriate and help calm speeds, a request is also

made for a contribution towards the cost of provision of double yellow line markings on Newtown Road where they are currently missing. The cost of funding this work to be carried out by KH&T is relatively limited and I am happy to deal with this and the other matters raised by KH&T by means of planning condition.

232. Government advice on pre-commencement type planning conditions is that these are discussed and agreed with the applicant in to avoid unnecessary burdens that might prevent the early implementation of schemes. Whilst the broad objectives of the KH&T conditions is agreed, the fine detail of the condition wording will need that agreement and further finessing and the Recommendation at the end of this report provides for this.
233. KH&T also request that the applicant is obligated to pursue the provision of a new pedestrian and cycle crossing to give connection across Newtown Road at Ellson Way. I support this additional connection in terms of community cohesion and encouraging pedestrian and cyclist movement for everyday journeys into the site for work or leisure use and through it to destinations beyond taking advantage of a large section of car-free public realm. I consider that this should be pursued by means of a planning condition requiring the applicant to fund moving the design proposal forwards through the audit proposal to delivery stage (with delivery pursuant to a s.278 agreement with KH&T) unless the audit reveals that a crossing cannot ultimately be achieved in highways safety terms: the applicant's investigations, so far, indicate that a crossing could be technically possible.
234. The applicant's proposal requires some traffic to be able to access the site from the east along Crowbridge Road given the constraint imposed by the low height railway bridge located near to the Designer Outlet. The existing narrow 'humpback' bridge on Crowbridge Road has long been recognised as an element of local highway that would need to be improved if the regeneration of nearby brownfield sites is to take place.
235. The ALP2030 approaches this access constraint to development by requiring that the redevelopment of the Newtown Works site and the former Klondyke Works make a proportionate contribution towards an acceptable upgrade scheme. The proposed details favoured by KCC for that scheme provide for 3-way signalisation to combat the existing difficulties of 2-way traffic over the bridge and the junction of Gladstone Road immediately on its eastern side. Additionally, the changes would enable the provision of a footway, the latter missing and thus making pedestrian journeys along on this part of Crowbridge Road dangerous.
236. In the decision reached in respect of Klondyke Works (planning permission 18/00584/AS) the apportioned sum (derived from traffic generation) for these

works was a contribution to KCC of £63,000. The Klondyke Works scheme has not, to date, been commenced. KH&T request that the Newtown Works scheme should fund the improvement through a contribution of £185,000. This is a matter that, having been discussed with the applicant and KH&T can be dealt with by planning condition.

237. In respect of The Boulevard Arm (local highways network) meeting the A0270 (strategic highways network), Members will recall that the Orbital Park roundabout is due to be upgraded through signalisation as a 4-arm junction (the so-termed 'Bellamy-Gurner' scheme). Highways England is the highway authority of the strategic highways network.

238. The developer funded Bellamy-Gurner scheme, which will help overcome capacity constraints, were originally scheduled to take place in conjunction with J10A works. Highways England subsequently decided to delay the commencement of these works to reduce the impact of the construction at the same time as J10A and to ensure that the existing roundabout could perform a U-turn function (thereby giving access to Barrey Road) whilst the J10A works were being constructed to the point of being open to traffic. Now that J10A is open to traffic, I am seeking clarification from Highways England as to how matters are to be moved forward.

239. The importance of the above is that precisely when the upgraded scheme would commence and subsequently reach open to traffic status is not yet known.

240. In terms of the layout of the junction as it exists but using a 2030 baseline, KH&T has, during the course of the application, expressed a concern that the local highways network 'The Boulevard' arm would suffer a severe highways impact and that impact would increase in severity as a direct consequence of the development. At my request, KH&T has quantified the extent of this severity increase in a 'no-Bellamy Gurner upgrade' scenario to be as follows:-

3 extra vehicles in a queue	(Boulevard Left Ahead Right AM peak)
<u>1 extra vehicle in a queue</u>	(Boulevard Right AM peak)
i.e. 4 extra in this peak period	

12 extra vehicle in a queue	(Boulevard Left Ahead Right PM peak)
<u>4 extra vehicles in a queue</u>	(Boulevard Right PM peak)
i.e. 16 extra in this peak period	

241. I make two points on this. First, in my opinion the likelihood of Bellamy-Gurner not being in place by 2030 (a delay of a further 10 years) is remote at best. Second, even if that proved not to be the case, I do not consider that the level of increase resulting from the proposed development could, realistically, be

demonstrated by this Council as constituting a severe highways impact. Severe impacts need to be able to be robustly demonstrated in order to refuse planning permission on highways grounds.

242. The same test holds true in terms of imposing a Grampian-style 'negative' planning condition preventing a development being used or occupied before a highways upgrade is in place. In its final conclusion on the application KH&T has requested –which appears to flow from the severity concerns - that it objects to the application unless a planning condition is imposed by the Council that would:-

- (a) prevent first occupation of homes, and
- (b) prevent first occupation of the other uses at the site,

until upgraded Bellamy-Gurner signal 'alterations' are agreed by the Council in consultation with KH&T and HE. KH&T has, during the course of dealing with the application, expressed support for the applicant's highways consultant's suggestion that via the modification of Bellamy-Gurner junction's 'signal staging', the local highways network Boulevard Arm could be improved in its operation and thus help to overcome KH&T concerns. The suggestion is that through discussion and funding, HE should be able to 'finesse' the operation of planned signals further.

243. My conclusion on these matters is three-fold.

244. First, if HE is (i) content that the applicant's suggestions could yield improvements to the operation of The Boulevard arm and (ii) is happy that would not impact on the strategic highways network and (iii) is happy for the changes to the existing design to be funded by the applicant, then I would be happy for the applicant to meet the costs of that work and also deal with the matter by planning condition (enabling the costs of the work to be sorted out separately by the applicant and HE) rather than by a s.106 planning obligation. However, that would be dependent on HE being happy to proceed with this type of idea. At the time of finalising this report, a response from HE on this point is still awaited. An update will be provided at the Committee meeting.

245. KH&T's wording suggests that some form alterations to signal timings would have to come forward and be agreed by this Council (as opposed to 'investigations') and until that agreement, occupation of the development cannot first occur.

246. Second, and flowing from this point, the use of a Grampian-style condition is not supported. It would have the practical damaging effect of being likely to jeopardise the delivery of the entire scheme because those funding the costs

of its construction would not be able to subsequently occupy it (and so begin to recoup costs through sales and lettings) until the outcome of action of a 3<sup>rd</sup> party (in delivering the Bellamy-Gurner upgrade in the first instance) and an alterations to the signalling involved with the upgrade also being approved (an alteration of the type envisaged by the applicant might not be acceptable to HE resulting in a 'no alterations' scenario).

247. Third, given the combination of the likely timescale for the delivery of the Bellamy-Gurner upgrade and the clarification given by KH&T on the nature of the severity concern, I do not consider could be realistically defended.
248. I remain of the view that the operation of Bellamy-Gurner needs sensible and pragmatic discussion and coordination between the two high authorities arriving at a signal phasing design that acknowledges that for the junction to work well as a whole.
249. Accordingly, in my view the proposal is an acceptable one in terms of its local highways network impacts and accords with Policy TRA7 of the ALP 2030 and both planning and s.106 obligations can be used to make the proposal acceptable.

(i) Levels of on-site parking provision and how concerns about potential overspill parking impacts can be dealt with

250. Policy TRA3 (a) of the ALP 2030 deals with residential parking. For the purposes of the policy the application site is located outside of the town centre area defined on the Polices Map, albeit that the site is located relatively close to the defined area, the town centre and Ashford International. Accordingly, the site is classed as 'suburban' for the purposes of TRA3 (a) and so requires, as the minimum policy compliant starting point, 1 space for 1-bed homes and 2-spaces for 2-bed homes with unallocated visitor parking on plot calculated at 0.2 spaces per home.
251. However, Policy TRA3(a) sets out a number of exceptional cases where proposals might depart from the minimum standards. These include a site's accessibility, context as well as to ensure the successful restoration, refurbishment and re-use of listed buildings.
252. The combination of these factors, weighted in particular to the difficulties of providing policy complaint parking for residents of new homes whilst minimising harm to the heritage assets, dealing with the inability to create basement level parking at the site in terms of heritage and contamination impacts and ensuring the redevelopment scheme as a whole remains viable led to agreement at pre-application stage with Kent Highways &

Transportation that provision of 1 space per unit together with 0.2 visitor parking spaces per dwelling should be provided.

253. In effect, the 1 home / 1 parking space approach adopted for this site mirrors the starting point in the similarly higher density apartment schemes a short distance away within the town centre where the Council has agreed slightly less in the circumstances of the cases advanced: the apartments under construction south of Curious Brewery on Victoria Road and the proposed redevelopment of the former Kent Woolgrowers' site on Tannery Lane are two such examples. The approach also acknowledges the provision of a substantial internal 3-level multi-storey car park to be constructed within the Locomotive Shed to provide 1 to 1 parking, and the substantial floorspace that it would take up.
254. To service the 302 homes, the applicant's plan provide for 318 spaces within this car park and 32 visitor spaces outside at the end of the Central Promenade space. KH&T raise no objection to that level of provision. The applicant has confirmed that each space would be provided with an EV charging point. Spaces around the margins of the car park which are of a shape that would not easily support a car are proposed to accommodate additional motorcycle parking. Clearly, some occupiers might have a motorcycle and in an allocated parking scenario would park that motorcycle in an allocated space. Cycle parking is also provided in part of the ground floor of this car park to create secured covered accessible storage for residents.
255. I consider that a car club will need to be explored, especially given the location of the site relative to other higher density schemes has strong potential to achieve this facility assisting those with only occasional needs for a car. I propose that this is the subject of a planning condition.
256. The starting point for non-residential parking is Policy TRA3(b). The applicant has addressed the points raised by KH&T and has included additional parking in the multi-storey car park adjoining the proposed hotel. A total of 383 spaces would be provided in this multi-storey car park and 18 spaces would be provided externally.
257. The additional parking takes into account the applicant's requirement to have some flexibility for letting serviced apartments as Class C3 dwellings in the circumstances where studio rentals do not take up the rental of all of the apartments.
258. A Film Studios Travel Plan will be necessary and this can be secured by planning condition. Although it is likely that the locational advantages of the studios, being a short walk from Ashford International, has the ability to create the circumstances where travel to work via that means reduces the need for

on-site car parking I am mindful that not all employees travelling to the site would be able to use the train and so providing an acceptable quantum on site makes sense.

259. The enhanced volume multi-storey car park adjacent to the hotel fits reasonably with the scale and massing of the adjacent hotel and film studios buildings, the level of parking is agreed with KH&T as being acceptable and the quantum of parking serviced by the intended main access into the site is also agreed by KH&T as being able to be accommodated in highway capacity and safety terms.
260. I note and understand points made by SWNCC and local residents concerning potential overspill parking issues. I propose to deal with this matter by a s.106 contribution towards investigating, consulting on and implementing a Controlled Parking Scheme that would help address the concerns that certain local streets have suffered from overspill parking from commuters and from the Designer Outlet (including commuters potentially misusing the Outlet's car parking facilities now rendered more difficult through the introduction of ANPR at when exiting that site. Furthermore, there are parking issues on Samuel Peto Way that are anti-social in blocking the footway and these need to be tackled by the same process in order to ensure that the non-vehicular connectivity into and through the application site is encouraged. Furthermore, the parking has an adverse impact on visibility splays and so needs to be tackled through a parking scheme and associated provision of yellow lines where these are currently absent in the highway.

(i) Strategic highways network impacts

261. As per the previous section, HE's conclusion is awaited on the signalisation optimisation suggested by the applicant to overcome concerns expressed by KH&T in relation to the impact that the development would have on the operation of Bellamy-Gurner. Unless HE conclude otherwise, I do not consider that the available evidence points to the proposal as one that would have a severe highways impact on this junction on the strategic highways network. The junction is set to be upgraded and discussions are underway with HE to narrow down the delivery timetable now that J10A is open to traffic. My view is that sufficient headroom exists to absorb any interim impacts that would arise from the scheme pending that junction upgrade opening to traffic. The strategic and local highways authorities need to work pragmatically to ensure the upgraded junction pays attention to the efficient and safe operation of all arms to the upgraded junction.
262. HE request that suggest planning conditions be used to deal with strategic highways approach signage to ensure that vehicle routes are appropriate. I agree with that both in terms of the scheme's operational phase (when heavy

goods vehicles will need to be reminded about the limitations of access) as well as during the construction phase.

263. HE has suggested a planning condition to deal with any occasional situations where a large number of extras are arriving at the site, potentially for mustering and then disembarkment to an on-location: I am happy to do so.
264. Finally, HE raises the point that it will be for the Council to consider whether any SPG6 payment is required related to the proposal (SPG6 being the methodology that the Council has used to secure contributions from those having a defined level of peak hours highways impact on J10A and benefitting from the highways capacity that the open to traffic scheme liberates).
265. The applicant considers that a contribution towards SPG6 should not be levied as the site would be beyond the 5-minute drive qualification set out in SPG6. I make four points here.
266. First, as an issue of principle SPG6 does not automatically exclude contributions coming forward from sites further than a 5-minute drive. Second, when the Council considered the Klondyke Works redevelopment application (18/00584/AS) it was accepted that the access to that site – which lies opposite the main clock-house entrance - was beyond the 5-minute drive and so a SPG6 contribution was not required. That, therefore, remains my position in respect of the clock-house access serving the applicant's scheme. Third, the 'film-studios only' access is located very close to the clock-house and so I also conclude that it would be beyond the 5-minute drive. Fourth, the access point to the site is at the head of Samuel Peto way and not at its junction with Newtown Road. The drive time to that access point, being one of 3 into the site, would appear to sit on the cusp of the 5-minute drive time parameter. However, the drive to this point (and the two others) from J10A would actually prove to be longer in my opinion because the Crowbridge Road bridge improvements and signalisation (a constraint to operation that the applicant will need to help fund) would necessarily onward slow traffic movements along that approach to the application site. Firth, and notwithstanding the above, I am mindful that that extended hours of daily operation of the film studios component has the likely practical impact of reducing the combined peak hour impact of the scheme on J10A.
267. All of the above leads me to conclude that in the circumstances of the case, an SPG6 contribution should not form a mitigation requirement of the scheme. My conclusion is that the proposal can be satisfactorily accommodated in strategic highway terms and so accords with Policies SP1 and TRA7 of the ALP2030.

(k) Mitigating the needs arising from the development through s.106 obligations

268. Policies IMP1, IMP2 and COM1 of the Ashford Local Plan 2030 require, as the starting point, that infrastructure and facilities to mitigate the needs generated by the development should be provided.
269. The starting point in terms of s.106 contribution requests for the applicant (ranked in magnitude per organisation) is as follows;

NHS Ashford CCG)

Ashford Stour PCN imps £ 276,900.00

KCC

Secondary Education	£ 208,616.00
Primary Education	£ 201,852.00
<del>Waste</del>	<del>£ 71,974.62</del> (see further below)
Social Care	£ 44,357.76
Youth Service	£ 19,846.50
Library Book-stock	£ 16,745.90
Community Learning	<u>£ 4,958.84</u>
Total	£ 496,377.00

KH&T

MS Roundabout	£ 355,054.00
<del>Crowbridge Road bridge</del>	<del>£ 185,000.00</del> (see further below)
Travel Plan Monitoring	<u>£ 5,000.00</u>
Total	£ 545,054.00

ABC (Cultural Services)

Informal Open Space	£ 79,979.38
<del>Allotments</del>	<del>£ 71,583.46</del> (taken forward as Arts)
Play	£ 289,870.00
Strategic Parks	£ 42,640.94
Arts	£ 74,765.25
Voluntary Sector	<u>£ 19,221.56</u>
Total	£ 578,060.59

ABC (Community Safety)

residents parking scheme £ 15,000.00

ABC (Sports)

Indoor sports	£ 116,881.00 (based on new pop of 529 for resi)
Outdoor sports	<u>£ 119,490.00</u> (based on new pop of 529 for resi)

Total £ 236,371.00

ABC Planning (Monitoring)

s.106 monitoring £ 2,000.00 (p.a. for duration of the build)

270. In respect of ABC Cultural Services, the Allotments contribution calculated from the Council's Public Green Space and Water Environment SPD 2012 is considered to be better utilised through the provision of arts and creative opportunities which is why that sum is struck through from the s.106 list above.
271. In respect of ABC Sports, the figures above are calculated using the Sports England Calculator as per Policy COM2 of the ALP 2030 and replace the earlier request by ABC Cultural Services.
272. In respect of KCC's request in relation to Waste, as per other recent requests for the same involving proposals in Folkestone, it is not a contribution that I consider can be taken forward relating to the Regulation 122 tests which is why I have struck it through from the s.106 list above.
273. In terms of the Crowbridge Road bridge improvements, this has been discussed with KH&T and the full cost of the scheme is £185,000, it has been agreed that the simplest way forward is to attach a planning condition requiring these works to be carried out before a trigger to be agreed pursuant to a signed s.278 agreement between the developer and KH&T with the applicant then delivering the work rather than supplying funding to KH&T to do the same. This can be discussed further with KH&T and the applicant when drafting the text for the planning condition. In the light of this approach I have also struck through this item from the list above.

(l) The applicant's viability case and the conclusion thereof

274. The applicant submitted a viability case to the Council in February 2020 and has underwritten the costs of its review by the Council's retained viability consultants, Bespoke Property Consultants (BPC). The applicant's submissions contain confidential and commercially sensitive information and so are not in the public domain.
275. BPC has appraised the applicant's viability case for the purposes of agreeing appropriate s.106 obligations in respect of impact mitigation. The review – concluded in March 2020 - contains confidential and commercially sensitive information. In accordance with para 21 of the NPPG (Sept 2019) the Executive Summary within BPC's report is extracted, with the agreement of BPC, as a 'Non-Technical Summary'.

276. BPC confirm that the appraisal carried out shows a residual land value, after allowing for s.106 costs, below the benchmark land value (adopted at £1) and therefore the appraisal would indicate that the scheme as currently proposed is considered to be significantly unviable. A number of points are made in relation to that conclusion and these are summarised below.
277. First, there are many inputs into the viability appraisal carried out and one of the main issues is the timing of the income receivable for certain elements of the scheme such as the hotel, the film studios, the production offices and the workshop and media village. Timing of income for each element would have an effect on the overall cash-flow. Accordingly, the receipt of any income earlier in the delivery programme than allowed for in the applicant's viability case – including, for example, onwards sale – then would have the impact of improving the overall viability position.
278. Second, the reverse is considered to be true in respect of construction costs. BPC indicate that in arriving at its conclusion it considers that it has adopted a reasonable position taking into account the evidence provided by the applicant and then adjusting that evidence where it considers, in its professional opinion, that it is necessary and there are reasonable grounds to do so. There are abnormal costs involved with the project including demolition, remediation and 'extra over restoration works' (relating to the listed Sheds).
279. Third, BPC comment that it would have anticipated that the applicant would have provided a detailed cost plan for such a complex scheme but, based on the information provided, Bespoke conclude that the scheme, being unviable to the extent confirmed by the appraisal, could result in it being undeliverable. Bespoke comment that achieving funding for a scheme with such a demonstrably poor financial outlook will be likely to be very difficult.
280. Fourth, BPC make reference to the sensitivities involved with the appraisal and how they have the ability to influence the conclusion that is able to be reached on viability. It identifies that if a more detailed cost plan were to be prepared by the applicant then that might result in higher build costs than the evidenced cost inputs that are currently available. Similarly, it also identifies that the applicant's phasing / delivery timetable (forming a supporting document to the planning application and referenced in the BPC report) does not tie up with the phasing information supplied to BPC as part of the applicant's viability submissions and, therefore, if a more realistic phasing plan were to be presented then this would be likely to change the outcome of the viability appraisal. As such, it is suggested that the application, as amended, may not actually prove to be the final scheme for the site.

281. In this regard, reference is made to the advice in paragraph 8 of the NPPG which indicates that it will be the decision-maker on an application to determine whether an applicant's viability assessment is suitably transparent in order to be relied upon in reaching a planning conclusion on a development proposal.
282. Fifth, BPC's advice is that the Council should consider the merits of ensuring the scheme is started in a timely manner and that the Council should consider using its 'deferred contributions' approach as set out in Policy IMP2 of the ALP 2030. That process would allow the scheme phases, as delivered, to be assessed in terms of value assumptions at present with income and disposal values on completion with any betterment then being able to be paid back to the Council and then prioritised in terms of spend on mitigation with transfer to other organisations as necessary.
283. Sixth, as per CIL Regulation 122 and para 56 of the NPPF, BPC confirm that any deferred contributions would need to be capped at the value of the contributions foregone plus indexation from the date of the planning permission in order to meet the CIL and NPPF tests.
284. Taking all of the above into account, I consider that the extent of the adverse ('significant') viability position is a little surprising. However, Para 11.10 to Policy IMP2 of the ALP 2030 acknowledges that the context of some sites in the Plan may lead to viability issues and the context of this site is one of a complicated and challenging mix of scheme elements, significant remediation costs involved with redeveloping the site and the costs of designing a scheme around the constraints in terms of heritage assets requiring a specific approach. Furthermore, I would accept that there are particular sensitivities with the relatively unusual film studios use in terms of income flow timings and/or sale values..
285. I am mindful of the recent increase in market interest in securing use of existing UK film studio floorspace as well as interest in institutional investment in funding new and improved film studio space in the UK. The applicant's delivery partner, CDiCo (which includes a subsidiary Time + Space Studios), views the Ashford proposal (termed 'Ashford International Studios') as an integral part of a wider studio portfolio being assembled by Time + Space Studios including the former Littlewoods's site in Liverpool and Twickenham Film Studios in Richmond, London. Accordingly, this rapidly changing market has the potential to be one where rental income and sales could change thereby enabling deferred contributions to be met either partially or in full i.e. the viability position now could change for the better when the scheme is taken forward.

286. The point made by BPC that the 'as amended' scheme might not end up being the final detailed one for the site is one that I consider is also well-made. It is not unusual for post-decision reflection on fine detailed matters to then drive 'non-material' (s.96A) and 'material' (s.73) amendment applications to approved schemes, even whilst construction is underway. Indeed, a number of major local regeneration schemes have been the subject of similar post-decision applications. I consider that there is particular likelihood of this when, at application stage, the specific requirements of an end user for some uses may still represent an unknown dictating that an applicant's approach to layout, quantum and design necessarily needs to be a reasonably well-informed approach to give broadly what an operator might expect rather than the finished product. Government advice, with which I agree, is that when dealing with such schemes, amendments that would reduce design quality should not be accepted but clearly, changes post-permission do occur and those changes have the potential to alter the viability position of the scheme.
287. My conclusion is that if the overall planning benefits arising from the scheme are accepted and are considered to outweigh the need to accept sub-optimal s.106 mitigation due to viability issues, then the 'deferred payments' approach is appropriate with capped index-linked sums being paid if sale and rental values prove to be more positive than assumed. This would comply with Policy IMP2 of the ALP 2030 and can form s.106 obligations.
288. Notwithstanding the viability position as it has been assessed by BPC, I consider that it would be necessary for some s.106 mitigation to form 'pay regardless' contributions at early trigger points to be agreed because of the fundamental importance of each contribution to the delivery of the scheme. I regard the following as falling into this fundamental category (and have dealt with them in this manner in Table 1 with this report):-
- (a) Contribution to moving forward on a residents parking scheme (to deal overspill parking concerns and deal with parking obstructions on the footway at the recently KCC adopted Samuel Peto Way)
  - (b) ABC s.106 monitoring (to ensure that all obligations are adhered to and especially important in respect of 'deferred contributions')
  - (c) KCC Travel Plan Monitoring
289. There are other some other matters where early delivery of mitigation is fundamental but, in the context of this case, I have agreed with KH&T that these matters can be dealt with by planning conditions and the applicant working directly with KH&T to move forward;-
- (i) completing the missing yellow line markings on Newtown Road to assist

with the proposed Controlled Parking Zone

(ii) moving forward with scheme refinement (and related road safety auditing), costing and delivery of a new pedestrian crossing on Newtown Road giving connection with Ellson Way).

(iii) delivering the Crowbridge Road bridge improvements and signalisation

(iv) agreeing the detailed design of the clock-house main entrance with KCC through a s.278 agreement and involving the Council in those discussions to ensure that the design is an appropriate one with use of good quality materials

(vi) agreeing the detailed surfacing treatment of the carriageway to the 'film studios only' new access to Newtown Road with KCC through a s.78 agreement and involving the Council in those discussions in order to provide a surface to this part of the highway that signifies to highway users the presence of this junction and help slow vehicle speeds

290. The following section sets out my conclusion of the planning balance and whether sub-optimal s.106 mitigation should be considered.

(m) Whether the planning benefits of the application would outweigh accepting sub-optimal mitigation through s.106 obligations

291. My view is that the proposal meets the aspirations for the site as set out in Policy S6 of the ALP 2030 and performs strongly against other policy considerations. The proposals would provide a viable future for the site and the heritage assets located on it.

292. I consider that the overall planning benefits of the scheme to Ashford Borough and beyond outweigh the sub-optimal position in respect of s.106 mitigation and therefore recommend that permission be granted to achieve the aspired to regeneration of this important well-located brownfield site. This is on the basis that the Secretary of State is content to let the Council grant consent for the related listed building consent application 19/01694/AS (referral to the Secretary of State being a consequence of the Victorian Society's objection to both the planning and listed building consent applications being considered by the Council).

### **Planning Obligations**

293. 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

294. 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**

**Table 1 - Heads of Terms for Section 106 Agreement/Undertaking**

Head	Detail	Planning Obligation Amount(s)	Trigger Point(s)	Regulation 122 Assessment
1.	<p><b><u>Accessible and Adaptable Housing</u></b></p> <p>Level 2 access homes (M4(2)) to be provided in the Locomotive Shed</p>	<p>20% M4(2) across the whole site</p>	<p>N/A</p>	<p><b>Necessary</b> as providing a mix and type of housing is required to meet identified needs in accordance with Policy HOU14 of Local Plan 2030 and guidance in the NPPF.</p> <p><b>Directly related</b> as the accessible/adaptable housing would be provided on-site.</p> <p><b>Fairly and reasonably related in scale and kind</b> as based on a proportion of the total number of housing units to be provided.</p>
2.	<p><b><u>Adult Social Care</u></b></p> <p>Towards additional specialist care accommodation in the Borough</p>	<p>A total of £44,357.76 (£146.88 per dwelling)</p>	<p><b>From any Deferred Contributions received</b>, allocated as determined by Officers under</p>	<p><b>Necessary</b> as enhanced facilities required to meet the demand that would be generated pursuant to Local Plan 2030 Policies SP1, COM1, and IMP1, KCC's 'Development and Infrastructure – Creating Quality Places' and guidance in the NPPF.</p> <p><b>Directly related</b> as occupiers will use such</p>

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			delegated powers. Payable if the actual sales price of each dwelling exceeds the predicted sales price as identified by the viability assessment.	facilities and the services to be funded will be available to them.  <b>Fairly and reasonably related in scale and kind</b> considering the extent of the development and because the amount has taken into account the estimated number of users and is based on the number of dwellings.
3.	<p><b><u>Children's and Young People's Play</u></b></p> <p>Provision of children's and young people's play on-site delivered and maintained by the developer and capital and commuted maintenance contribution to provision off-site within Ashford town centre</p>	<p>Provision of play on-site up to value of £40,000 unless increased spend is agreed. Details to be agreed through a specification to be submitted and approved.</p> <p>Informal residents' only open space within the Atrium</p>	<p>Direct provision within the Locomotive Shed</p> <p>Full detailed specification and phasing plan to be submitted prior to commencement</p> <p>Residents' only open space within the Locomotive Shed to</p>	<p><b>Necessary</b> as children's and young people's play and informal open space are required to meet the demand that would be generated and must be maintained in order to continue to meet that demand pursuant to Local Plan 2030 Policies SP1, COM1, COM2, COM3, IMP1 and Public Green Spaces and Water Environment SPD and guidance in the NPPF.</p> <p><b>Directly related</b> as occupiers will use children's and young people's play and informal open space and the facilities to be provided would be available to them.</p> <p><b>Fairly and reasonably related in scale and kind</b> considering the extent of the development and the number of occupiers and the extent of the facilities to be provided and maintained.</p>

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		<p>Space in the Locomotive Shed as per the application plans:</p> <p>Off-site provision of the balance due being £103, 388.44 (unless any diminution has been agreed relating to the agreed spend on-site in the Locomotive Shed) to be spent within Ashford Town Centre</p> <p>Commutated maintenance of £146, 481.56 for such off-site provision unless a</p>	<p>be delivered and made available to residents in accordance with a phasing plan / timetable for that space to be agreed</p> <p><b>From any Deferred Contributions received</b>, allocated as determined by Officers under delegated powers. Payable if the actual sales price of each dwelling exceeds the predicted sales price as identified by the viability assessment.</p> <p><b>From any Deferred Contributions received</b>, allocated as determined by Officers under</p>	
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		lesser sum has been agreed.	delegated powers. Payable if the actual sales price of each dwelling exceeds the predicted sales price as identified by the viability assessment.	
4.	<p><b><u>Community Buildings</u></b></p> <p>Community meeting facility shown adjacent to the ground floor café in the Locomotive Shed to be provided as part of the Locomotive Shed development, with a community use agreement to secure use of the facility for the community and its ongoing management and maintenance.</p>	<p>Community Use Agreement to apply to the community meeting facility and to include:                  reasonable hire fees, damage deposit, and terms &amp; conditions of hire;                  reasonably available methods of booking and gaining access to the building; also availability (opening hours, days of the week, the number of occasions when the owner will be permitted to refuse</p>	<p>Details of Community Use Agreement to be submitted prior to first occupation of the commercial floorspace in the Locomotive Shed</p> <p>Community facility to be provided and made available for use prior to occupation of the Locomotive Shed</p>	<p><b>Necessary</b> as community spaces are required to meet the demand that would be generated and must be maintained pursuant to Local Plan 2030 Policies COM1, COM2, IMP1 and KCC's 'Development and Infrastructure – Creating Quality Places' and guidance in the NPPF.</p> <p><b>Directly related</b> as occupiers will use community spaces and the facilities to be funded will be available to them.</p> <p><b>Fairly and reasonably related in scale and kind</b> considering the extent of the development and because the amount has taken into account the estimated number of users and is based on the number of dwellings.</p>

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		bookings for own functions, closure for maintenance, etc)		
5.	<p><b><u>Community Learning</u></b></p> <p>Towards additional equipment and resources for Adult Education Centres locally</p>	<p>Total of £ 4,958.84 (£16.42 per dwelling)</p>	<p><b>From any Deferred Contributions received</b>, allocated as determined by Officers under delegated powers. Payable if the actual sales price of each dwelling exceeds the predicted sales price as identified by the viability assessment.</p>	<p><b>Necessary</b> as enhanced services required to meet the demand that would be generated and pursuant to Local Plan 2030 Policies COM1, IMP1 and KCC's 'Development and Infrastructure – Creating Quality Places' and guidance in the NPPF.</p> <p><b>Directly related</b> as occupiers will use community learning services and the facilities to be funded will be available to them.</p> <p><b>Fairly and reasonably related in scale and kind</b> considering the extent of the development and because the amount has taken into account the estimated number of users and is based on the number of dwellings.</p>
6.	<p><b><u>Health Care</u></b></p> <p>Towards extension and development of the Ashford</p>	<p>Total of £276,900.00</p>	<p><b>From any Deferred Contributions received</b>, allocated as determined by</p>	<p><b>Necessary</b> as additional healthcare facilities required to meet the demand that would be generated pursuant to Local Plan 2030 Policies SP1, COM1, IMP1 and guidance in the NPPF.</p>

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	Stour Primary Care Network Practices and associated area.		Officers under delegated powers. Payable if the actual sales price of each dwelling exceeds the predicted sales price as identified by the viability assessment.	<p><b>Directly related</b> as occupiers will use healthcare facilities and the facilities to be funded will be available to them.</p> <p><b>Fairly and reasonably related in scale and kind</b> considering the extent of the development and because the amount has been calculated based on the estimated number of occupiers.</p>
7.	<p><b><u>Libraries</u></b></p> <p>Towards additional Library equipment, stock, services including digital infrastructure, shelving and resources for the new borrowers at Libraries in the Ashford Urban Area</p>	<p>Total of £16,745.90</p> <p>(£55.45 per dwelling)</p>	<p><b>From any Deferred Contributions received</b>, allocated as determined by Officers under delegated powers. Payable if the actual sales price of each dwelling exceeds the predicted sales price as identified by the viability assessment.</p>	<p><b>Necessary</b> as more books required to meet the demand generated and pursuant to Local Plan 2030 Policies SP1, COM1 and KCC's 'Development and Infrastructure – Creating Quality Places' and guidance in the NPPF.</p> <p><b>Directly related</b> as occupiers will use library books and the books to be funded will be available to them.</p> <p><b>Fairly and reasonably related in scale and kind</b> considering the extent of the development and because amount calculated based on the number of dwellings.</p>

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<p>8.</p>	<p><b><u>Outdoor Sports Pitches</u></b></p> <p>Towards outdoor sports provision within the Ashford urban area</p>	<p>Total of £119,490.00</p>	<p><b>From any Deferred Contributions received</b>, allocated as determined by Officers under delegated powers. Payable if the actual sales price of each dwelling exceeds the predicted sales price as identified by the viability assessment.</p>	<p><b>Necessary</b> as outdoor sports pitches are required to meet the demand that would be generated and must be maintained in order to continue to meet that demand pursuant to Local Plan 2030 Policies COM1, COM2, IMP1 and Public Green Spaces and Water Environment SPD and guidance in the NPPF.</p> <p><b>Directly related</b> as occupiers will use sports pitches and the facilities to be provided would be available to them.</p> <p><b>Fairly and reasonably related in scale and kind</b> considering the extent of the development and the number of occupiers and the extent of the facilities to be provided and maintained and the maintenance period is limited to 10 years.</p>
<p>9.</p>	<p><b><u>Indoor Sports Buildings</u></b></p> <p>Towards indoor sports provision within the Ashford urban area</p>	<p>Total of £116,881.00</p>	<p><b>From any Deferred Contributions received</b>, allocated as determined by Officers under delegated powers. Payable if the actual</p>	<p><b>Necessary</b> as additional indoor sports facilities are required to meet the demand that would be generated and must be maintained in order to continue to meet that demand pursuant to Local Plan 2030 Policies COM1, COM2, and IMP1, Public Green Spaces and Water Environment SPD and guidance in the NPPF.</p>

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			sales price of each dwelling exceeds the predicted sales price as identified by the viability assessment.	<p><b>Directly related</b> as occupiers will use sports buildings and the facilities to be provided would be available to them.</p> <p><b>Fairly and reasonably related in scale and kind</b> considering the extent of the development and the number of occupiers and the extent of the facilities to be provided and maintained and the maintenance period is limited to 10 years.</p>
10.	<p><b><u>Primary Schools</u></b></p> <p>Towards new school provision in the planning group</p>	<p>Total of £201,852.00 (£1,134.00 per x 178 'applicable flats' being 56sq.m GIA or above)</p>	<p><b>From any Deferred Contributions received</b>, allocated as determined by Officers under delegated powers. Payable if the actual sales price of each dwelling exceeds the predicted sales price as identified by the viability assessment.</p>	<p><b>Necessary</b> as no spare capacity at any primary school in the vicinity and pursuant to Local Plan 2030 Policies SP1, COM1 and IMP1, KCC's 'Development and Infrastructure – Creating Quality Places' and guidance in the NPPF.</p> <p><b>Directly related</b> as children of occupiers will attend primary school and the facilities to be funded would be available to them.</p> <p><b>Fairly and reasonably related in scale and kind</b> considering the extent of the development and because the amount has taken into account the estimated number of primary school pupils and is based on the number of dwellings and because no</p>

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				payment is due on small 1-bed dwellings.
11.	<p><b><u>Secondary Schools</u></b></p> <p>Towards new school provision at Chilmington Green Secondary school or alternative new provision in the planning group</p>	<p>Total of £208,616.00                  (£1,172.00 per x 178 'applicable flats' being 56sq.m GIA or above)</p>	<p><b>From any Deferred Contributions received</b>, allocated as determined by Officers under delegated powers. Payable if the actual sales price of each dwelling exceeds the predicted sales price as identified by the viability assessment.</p>	<p><b>Necessary</b> as no spare capacity at any secondary school in the vicinity and pursuant to, Local Plan 2030 Policies SP1, COM1, IMP1 and Developer Contributions/Planning Obligations SPG, Education Contributions Arising from Affordable Housing SPG (if applicable), KCC's 'Development and Infrastructure – Creating Quality Places' and guidance in the NPPF.</p> <p><b>Directly related</b> as children of occupiers will attend secondary school and the facilities to be funded would be available to them.</p> <p><b>Fairly and reasonably related in scale and kind</b> considering the extent of the development and because the amount has taken into account the estimated number of secondary school pupils and is based on the number of dwellings and because no payment is due on small 1-bed dwellings.</p>
12.	<p><b><u>Strategic Parks</u></b></p> <p>Towards improvements to Victoria Park</p>	<p>A total of £42,640.94</p>	<p><b>From any Deferred Contributions received</b>, allocated as determined by</p>	<p><b>Necessary</b> to meet the additional demand for use of strategic parks and must be maintained in order to continue to meet that demand pursuant to Local Plan 2030 Policies SP1, COM1, COM2, COM3,</p>

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			Officers under delegated powers. Payable if the actual sales price of each dwelling exceeds the predicted sales price as identified by the viability assessment.	IMP1 and Public Green Spaces and Water Environment SPD and guidance in the NPPF.  <b>Directly related</b> as occupiers will use the strategic parks and the facilities to be provided and maintained would be available to them.  <b>Fairly and reasonably related in scale and kind</b> considering the extent of the development and the number of occupiers and the extent of the facilities to be provided and maintained.
13.	<b><u>Arts</u></b>  On-site provision of public art and creative opportunities to be delivered on-site by the developer	Scheme to a total capital value of £74,765.25 to be delivered on-site by the applicant	Details of the scheme – including timetable for its delivery - to be agreed prior to commencement of works on the Central Promenade space	<b>Necessary</b> in order to achieve an acceptable design quality pursuant to Local Plan policies SP1, SP5, SP6, COM1, IMP1 and IMP2 (if applicable) and guidance in the NPPF, the Ashford Borough Public Art Strategy and the Kent Design Guide.  <b>Directly related</b> as would improve the design quality of the development and would be visible to occupiers.  <b>Fairly and reasonably related in scale and kind</b> considering the extent of the development.
14.	<b>Voluntary Sector</b> Contribution to this sector to expand the work of the	Total of £19,221.56	<b>From any Deferred Contributions</b>	<b>Necessary</b> as new/enhanced public community services needed to meet the demand that would be generated from the development pursuant to

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	Community Council and/or Ashford Volunteer Centre		<p><b>received</b>, allocated as determined by Officers under delegated powers. Payable if the actual sales price of each dwelling exceeds the predicted sales price as identified by the viability assessment.</p>	<p>Local Plan 2030 policies SP1, COM1, COM2, IMP1 and guidance in the NPPF.</p> <p><b>Directly related</b> as occupiers will use community services and the services to be funded will be available to them.</p> <p><b>Fairly and reasonably related in scale and kind</b> considering the extent of the development.</p>
	<p><b><u>Youth Services</u></b></p> <p>Towards additional resources for the Ashford Youth service to enable outreach services in the vicinity</p>	A total of £19,846.50	<p><b>From any Deferred Contributions received</b>, allocated as determined by Officers under delegated powers. Payable if the actual sales price of each dwelling exceeds the predicted sales price as identified by the viability assessment.</p>	<p><b>Necessary</b> as enhanced youth services needed to meet the demand that would be generated and pursuant to Local Plan 2030 policies SP1, COM1 and IMP1, KCC document 'Creating Quality places' and guidance in the NPPF.</p> <p><b>Directly related</b> as occupiers will use youth services and the services to be funded will be available to them.</p> <p><b>Fairly and reasonably related in scale and kind</b> considering the extent of the development and because the amount has taken into account the estimated number of users and is based on the</p>

				number of dwellings.
16.	<p><b><u>Provision and Governance of informal open and play space and facilities</u></b></p> <p>On-site provision of informal hard and soft open space by the applicant in the form of the defined 'Central Promenade' space.</p> <p>Scheme for ongoing management of informal space forming the Central Promenade space and the on-going management of the Atrium Space within the Locomotive Shed (including the 'residents' only space' and the play facilities embedded therein and the separate 'commercial occupiers only' spaces) and the management of all other spaces</p>	<p>On-site provision.</p> <p>Funding mechanism to be approved as part of detailed scheme.</p>	<p>Scheme to be approved by the Council – including a timetable for delivery - prior to the first residential occupation of the first apartment located within the Locomotive Shed.</p> <p>The agreed scheme to thereafter be delivered in accordance with the agreed timetable.</p>	<p><b>Necessary</b> as new/enhanced public and play spaces needed to meet the demand that would be generated from the development pursuant to Local Plan 2030 policies SP1, ENV9, COM1, COM2, COM3, COM4, IMP1 and IMP4 and guidance in the NPPF.</p> <p><b>Directly related</b> as occupiers will use these spaces and the spaces to be funded will be available to them.</p> <p><b>Fairly and reasonably related in scale and kind</b> considering the extent of the development and because the amount has taken into account the estimated number of users and is based on stewardship policies in the Local Plan 2030.</p>

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	<p>to include details of management entity or entities involved with all those spaces.</p> <p>Scheme to include details of constitutional documents of management entities which must ensure owners of dwellings are members of the entity, that they can fully participate in strategic decisions regarding the maintenance of the open space and that the entity is accountable to the owners of the management thereof.</p> <p>Scheme must also include details of ongoing funding/endowment of management entity to ensure it is financially sustainable and details of any mechanism for securing such ongoing endowment.</p>			
17.	<b><u>Monitoring Fee</u></b>			<b>Necessary</b> in order to ensure the planning

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	Contribution towards the Council's costs of monitoring compliance with the agreement or undertaking	£2,000 per annum until the development is completed	First payment upon commencement of development and on the anniversary thereof in subsequent years	obligations are complied with.  <b>Directly related</b> as only costs arising in connection with the monitoring of the development and these planning obligations are covered.  <b>Fairly and reasonably related in scale and kind</b> considering the extent of the development and the obligations to be monitored.
18.	<b><u>KCC Travel Plan Monitoring Fee</u></b>  Contribution towards the County Council's costs of monitoring compliance with the approved Travel Plan for the site and securing remedial measures in the event of non-achievement of modal split targets	£5,000 per annum for a period of 5 years post completion of the development	First payment upon commencement of development and on the anniversary thereof in subsequent years	<b>Necessary</b> in order to ensure the travel plan is complied with.  <b>Directly related</b> as only costs arising in connection with the monitoring of the travel plan are covered.  <b>Fairly and reasonably related in scale and kind</b> considering the extent of the development and the nature of the travel plan to be monitored.
19.	<b><u>Informal Natural Green Space Contribution</u></b>  Contribution to be spent on off-	Total of £79, 979.39	<b>From any Deferred</b>	<b>Necessary</b> as informal/natural green space is required to meet the demand that would be generated and must be maintained in order to continue to meet that demand pursuant to Local

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	site natural greenspace within a radius to be agreed		<p><b>Contributions received</b>, allocated as determined by Officers under delegated powers. Payable if the actual sales price of each dwelling exceeds the predicted sales price as identified by the viability assessment.</p>	<p>Plan 2030 Policies SP1, COM1, COM2, IMP1 and IMP2, Public Green Spaces and Water Environment SPD and guidance in the NPPF.</p> <p><b>Directly related</b> as occupiers will use informal/natural green space and the facilities to be provided would be available to them.</p> <p><b>Fairly and reasonably related in scale and kind</b> considering the extent of the development and the number of occupiers and the extent of the facilities to be provided and maintained and the maintenance period is limited to 10 years.</p>
20.	<p><b><u>Romney Marsh Roundabout</u></b></p> <p>Contribution to KCC towards improvements that are a direct result of the impact of the scheme on the RMR</p>	<p>A total of £355,054.00 relating to the impact of the development on this roundabout</p>	<p><b>From any Deferred Contributions received</b>, allocated as determined by Officers under delegated powers. Payable if the actual sales price of each dwelling exceeds the predicted sales price as identified by the</p>	<p><b>Necessary</b> in order to meet the demand generated by the development and in the interests of highway safety pursuant to Local Plan 2030 Policies SP1, TRA1, KCC Highways guidance and guidance in the NPPF.</p> <p><b>Directly related</b> as occupiers will travel and the facilities to be funded will be available to them.</p> <p><b>Fairly and reasonably related in scale and kind</b> as would be site specific requirement to enable site delivery.</p>

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			viability assessment.	
21.	<p><b><u>Resident's parking scheme via Controlled Parking Zone</u></b>                      Contribution towards the making and implementation of a Traffic Regulation Order in Newtown and South Willesborough as considered appropriate</p>	£15,000	Payable prior to first residential occupation	<p><b>Necessary</b> pursuant to policy SP1 of the Ashford Local Plan 2030 and related policies in order to protect residential amenity, maintain highway safety through preventing inappropriate parking and to support measures in the required Travel Plan required to achieve a shift in travel behaviour and dovetailing with the approach to the quantum of on-site parking able to be achieved.</p> <p><b>Directly related</b> as the areas identified are located a short distance from the application site and the on-site parking facilities thereon.</p> <p><b>Fairly and reasonably related in scale and kind</b> considering the scale of the development as proposed and the approach to the provision of on-site car parking balancing quantum able to be achieved on-site with good place-making, heritage constraints and proximity to other forms of transportation than the car.</p>
22.	<p><b><u>Outreach programme to higher education</u></b>                      Programme to take forward and work with higher education</p>		Programme to be	<p><b>Necessary</b> to drive improvements in local workforce skills in this sector as part of assisting economic development in accordance with the provisions of the ALP 2030 in terms of 'The Vision;' and Policies SP1 and SP3.</p>

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	institutions to deliver the aspirations cited in Appendix 7 to the report 'Newtown Works Film Studios - Background Information and Detail of Operations', in relation to fostering, nurturing and delivering increased levels of creative industry skills for the future		agreed – including implementation timetable - prior to the first opening of the film studios and media village / workshop building and implemented prior to first opening of those uses and thereafter be continued for a minimum 20 year period.	<p><b>Directly related</b> as the applicant is providing space with commercial and educational use as a strong component part of the mixed-use scheme.</p> <p><b>Fairly and reasonably related in scale and kind</b> considering the scale of the development and the uses that are proposed.</p>
23.	<p><b><u>Public access to the Central Promenade space, to the Café and its external seating areas and to the Community Meeting room</u></b></p> <p>Permissive public access to be provided to these areas</p>	N/A	Timetable for permissive access to be agreed relating to agreed phasing of the scheme elements and	<p><b>Necessary</b> as the space is required to meet the open space needs of residents and to properly connect the development and the non-residential employment and community facilities therein with the surrounding neighbourhood in accordance with SP1 and SP6 of the ALP 2030.</p> <p><b>Directly related</b> as people will need to move without hindrance through the space irrespective of governance to access the variety of uses proposed by the applicant as constituent parts of a well-designed mixed use redevelopment.</p> <p><b>Fairly and reasonably related in scale and kind</b></p>

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			thereafter implemented in accordance with that timetable and thereafter retained in perpetuity.	considering that the space is proposed by the applicant as public realm connecting the development with its surroundings.
24.	<p><b><u>Deferred payments mechanism</u></b>                  Mechanism to monitor sales/rental values to ensure that 40% of any rise in values is paid to the council towards those contributions above that are deferred</p>	Up to the value of all deferred contributions (index linked)	To be paid if the circumstances prevail	<p><b>Necessary, directly related and fairly and reasonably related in scale and kind</b> for the reasons set out above and pursuant to Ashford Local Plan Policy IMP2.</p>
<p><a href="#">Notices</a> must be given to the Council and the County Council at various stages in order to aid monitoring. All contributions are <a href="#">index linked</a> in order to maintain their value. County Council contribution are to be index linked by the BCIS General Building Cost Index from Oct 2016 to the date of payment (Oct-16 Index 328.3). The Council's and the County Council's legal costs in connection with the deed must be paid.</p> <p><b>If an acceptable deed is not completed within 3 months of the Committee's resolution, the application may be refused.</b></p>				

## Human Rights Issues

295. 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

296. In accordance with paragraphs 38 of the NPPF, Ashford Borough Council (ABC) takes a positive and creative approach to development proposals focused on solutions. ABC works with applicants/agents in a positive and creative manner as explained in the note to the applicant included in the recommendation below.

## Conclusion

297. The principle of the proposal is one that would achieve the Vision in the adopted ALP 2030 as well as detailed ALP 2030 policies supporting mixed-use development, a variety of housing types, regeneration of brownfield sites in sustainable locations, higher density development where benefits are to be derived from that approach, economic development through employment opportunities, improvement in workforce skills, high quality design, and promotion of tourism related facilities in a strongly performing urban location. The above are encapsulated in Site Policy S6. I consider the principle of the development is therefore acceptable. The site does not require affordable housing as it does not require to do so and that approach is not discriminatory as is alleged by an objector.
298. I consider that the layout makes strong sense in the location of the various uses coming together to create the mixed-use scheme. The film studio buildings are large in footprint and volume and could not be accommodated within the largest footprint heritage buildings, Engine Shed and Locomotive Shed, without much greater loss of historic fabric than with the uses that are proposed for those buildings. The hotel makes sense at the main entrance into the site arriving from Ashford Town Centre and Ashford International. It would help visually screen the majority of the multi-storey car park with a more attractive and appropriate building helping create a strong sense of entrance into the site. The tower has been refined into a well-designed modern building with landmark qualities. It would help define the route to the site and visually announce the presence of the relatively unusual but economically important welcome activity. The grouping of uses in and around

the Central Promenade space running through the site have the potential to make that space a lively, visually interesting and convivial space with benefits to those who live and work on the site together with the existing local community: uses such as the café and community meeting rooms would add to that sense of connectivity of the site with its surroundings. A new physical connection across Newtown Road has potential and needs to be explored and delivered if proven to be feasible in safety terms. Public art and lighting, in particular, can respond to and support the character of the place as a creative hub.

299. The serviced apartment tower to the hotel would be a key component to the operation of the film studios. The design has been amended since first submission with a profile that would be more dynamic and a better fit as a building with landmark and way-finding qualities. The detailing of the building has been refined and improved and would deliver a well-articulated modern building. The building, seen on the skyline, would be seen in the context of other existing and planned tall buildings and buildings with landmark qualities. Overall, the benefits of the tower are persuasive but I accept that at close range views it would represent a significant townscape change.
300. The buildings on the southern side of the Central Promenade space could be accommodated without giving rise to adverse visual and amenity impacts given the separation distances involved, the presence of existing vegetation under TPO to be retained and enhanced where possible. I do not consider that the serviced tower would give rise to overlooking that would infringe upon the amenities of residents due to the distances involved and orientation.
301. The approach to the Engine and Locomotive Sheds has been refined during the course of the application and the scheme represents a well-designed alteration to the buildings with a more subtle industrial character that should create a stronger and distinctive place as well as a design approach which although harmful is at less than substantial harm. Public benefits would arise from the proposal and can be secured through condition and worked into the public realm to celebrate the time depth qualities that the site possesses.
302. The scheme is well balanced in terms of housing size typologies and performs strongly in terms of wheelchair accessible homes. EV provision is proposed which will help reduce emissions and thus benefit air quality. Fine detailing and materials will be important. The approach to private amenity spaces is realistic given the site's constraints. Internal private communal courtyard spaces would provide a range of open space options alongside the Central Promenade space. Proposals for noise and fumes from the internal car park within the Locomotive Shed are acceptable and can be the subject of more detailed consideration by use of planning condition. The access proposals to the internal carp park ion the Locomotive Shed are acceptable in highway and

amenity terms.

303. The proposal is acceptable in terms of flooding, ecology and biodiversity and approach to SUDs and climate change. Detail in these areas should be secured by planning condition and there is scope for scheme enhancement that should be explored through that approach to detail.
304. The proposal is acceptable in highway capacity and highway safety terms both in respect of local and strategic highway considerations. Levels of on-site car parking accord with sensible commercial parking provision and the approach to residential parking adopts a relatively high (but achievable) quantum of spaces for a flatted scheme in a near centre location. The heritage constraints of the site dictate that further provision cannot realistically be accommodated.
305. The starting point for the application is to mitigate its impacts and provide appropriate contributions to necessary infrastructure. The applicant has submitted a viability case and this has been assessed. The scheme is significantly unviable with s.106 contribution requests. The valuation assumptions are sensitive to delivery timescales and the flow of income and sales. The film studios in particular is a use where rentals or disposals could change in a rapidly expanding market and that has the potential for a scheme that is unviable now to change and become able to afford to pay s.106 contributions in whole or part. This can be captured by the Council's deferred ALP 2030 contributions Policy IMP2. A s106 agreement would be required. Some items should, however, be 'pay regardless' items as they are scheme fundamentals. Some of these can be approached as planning conditions, particularly those involving KH&T.
306. My view is that the proposal meets the aspirations for the site as set out in Policy S6 of the ALP 2030 and performs strongly against other policy considerations. The proposals would provide a viable future for the site and the heritage assets located on it. I consider that the planning benefits of the scheme outweigh the strongly sub-optimal position in respect of s.106 mitigation and therefore recommend that permission be granted. This is on the basis that the Secretary of State is content to let the Council grant consent for the related listed building consent application 19/01694/AS (referral to the Secretary of State being a consequence of the Victorian Society's objection to both the planning and listed building consent applications being considered by the Council).
307. On the proviso that this is the case, and subject to completion of the s.106 agreement, I recommend grant of planning permission subject to conditions.

## **Recommendation**

**(A) Subject to the Secretary of State (SoS) being;-**

**(i) notified in respect of the Victorian Society's objection to the associated listed building consent application 19/01694/AS for the related works,**

**(ii) the Council being notified that the SoS is satisfied that the proposed changes to the listed buildings are justified, and**

**(iii) the SoS is content for the Council to determine related application for listed building consent 19/01694/AS, and**

**(B) Subject to the application plans being amended to incorporate the enlarged Community Use space now proposed in the Locomotive Shed referenced in this Report, and**

**(B) Subject to the applicant first entering into a section 106 agreement/undertaking in respect of planning obligations detailed in Table 1 (and any section 278 agreements so required), in terms agreeable to the Head of Planning in consultation with the Director of Law and Governance, with delegated authority to the Head of Planning to make or approve changes to the planning obligations and planning conditions (for the avoidance of doubt including additions, amendments and deletions) as she/he sees fit,**

**(B) Permit**

**Subject to planning conditions and notes, including those dealing with the subject matters identified below (but not limited to that list) and those necessary to take forward stakeholder technical representations, with wordings and triggers revised as appropriate and with any 'pre-commencement' based planning conditions to have been agreed with the applicant**

1. Early commencement of residential conversion of the Locomotive Shed
2. Development carried out in accordance with the approved plans
3. Phasing to be agreed
4. Code of Construction practice including Dust Management
5. Hours of construction
6. Wheel washing, site set-up and contractor parking arrangements

7. Access and highways
8. Measures to prevent the discharge of surface water onto the highway
9. Provision and retention of parking and turning areas
10. EV charging / future proofing strategy to commercial multi-storey car park
11. Provision and retention of secure cycle parking and bin storage
12. Remediation, verification and dealing with any unexpected contamination
13. Foul water sewerage disposal details
14. SUDs scheme (including requirement to explore further optimisation techniques and amend strategy as appropriate in consultation with the River Stour IDB Clerk & Engineer)
15. Tree protection measures
16. Arboricultural Method Statement
17. Details and hard and soft landscaping works within and beyond the site
18. Landscape management arrangements
19. Water use of dwelling no more than 110 litres per person per day.
20. Fine details of construction, boundary walls and railings and bollard lighting in the residents' car park
21. Monitoring
22. List of approved drawings and documents
23. Material and fine details to all buildings
24. Condition relating to delivery of Crowbridge Road bridge improvements
25. Condition relating to main access surface treatments and consultation with ABC on s.278 detail
26. Condition relating to film studios only access surfacing treatments and consultation with ABC on s.278 detail
27. Condition relating to delivery of the Ellison Way crossing
28. Car club
29. Film Studios Travel Plan
30. Residential Travel Plan
31. Remediation and contamination

### **Note to Applicant**

1. S106

## 2. Working with the Applicant

### **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 //AS)

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Planning Committee

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