

<b>Application Number</b>	19/01694/AS	
<b>Location</b>	Newtown Railway Works, Newtown Road, Ashford, Kent, TN24 0PN	
<b>Grid Reference</b>	01791/41600	
<b>Community Council</b>	South Willesborough and Newtown	
<b>Ward</b>	Aylesford and East Stour	
<b>Application Description</b>	Internal and external alterations to include repair, partial demolition and alteration. Removal of non-original roof to locomotive shed and replacement with two storey extension at roof level and extensions and internal divisions to convert the building to a mix of Use Class B1/D1, residential units and internal car park. Removal of non-original roof to Engine Shed and replacement with two storey extension at roof level and alterations to convert the building to gym/restaurant and Use Class B1 floorspace. Conversion of Paint Shop building, Acetylene Store and Clock Tower to provide commercial uses.	
<b>Applicant</b>	Quinn Estates Ltd, Highland Court Farm, Bridge, Canterbury, Kent, CT4 5HW	
<b>Agent</b>	Mr P Chandler-King, Icen Projects, Da Vinci House, 44 Saffron Hill, London, EC1N 8FH	
<b>Site Area</b>		
(a) 295/3R	(b) R	(c) HE - X, NAS - , AMS - , KCC Arch - X, SPAB - , TCS - , VS - R, CBA - , GG -.

## Introduction

1. This application is reported to the Planning Committee because it is sensitive application and is the associated Listed Building application to planning application 19/01476/AS which precedes this application on the agenda.

## Site and Surroundings

2. Refer to the associated planning application 19/01476/AS considered on the same agenda and the description/assessment contained in that report.

## Proposal

3. Refer to the associated planning application 19/01476/AS considered on the same agenda and the description/assessment contained in that report.

## Planning History

4. Refer to the associated planning application 19/01476/AS considered on the same agenda and the description/assessment contained in that report.

## Consultations

**295** neighbours consulted, **3** letters of objection received. Refer to committee report 19/01476/AS for a summary of the issues raised.

**Ward Members:** Refer to committee report 19/01476/AS for comments.

**South Willesborough and Newtown Community Council** – Refer to committee report 19/01476/AS for comments

**Kent County Council Archaeology** – Refer to committee report 19/01476/AS for comments.

**Historic England** – Refer to committee report 19/01476/AS for comments. Historic England's comments are attached in full as Annexe 9 to this report.

**The National Amenities Society** – No comments received.

**The Ancient Monuments Society** – No comments received.

**The Society for the Protection of Ancient Buildings** – No comments received.

**The Twentieth Century Society** – No comments received.

**The Victorian Society** – Refer to committee report 19/01476/AS for comments. The comments of The Victorian Society are attached in full as Annexe 8 of this report.

**The Council for British Archaeology** – No comments received.

**The Georgian Group** – No comments received.

## Planning Policy

5. 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), the Rolvenden Neighbourhood Plan 2019 and the Kent Minerals and Waste Local Plan (2016).
6. 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).

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

**SP1** – Strategic Objectives

**SP6** - Promoting High Quality Design

**S6** – Former Newtown Phase 2

**ENV13** – Conservation & Enhancement of Heritage Assets

8. The following are also material considerations to the determination of this application.

### **Government Advice**

#### National Planning Policy Framework (NPPF) 2019

9. 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.
10. The NPPF is supported by the Planning Practice Guidance (PPG). The Historic England Good Practice Advice notes provide information to assist in implementing the policies in the NPPF and the guidance in the PPG.
11. The general approach to considering applications which affect Heritage Assets is set out in paras.193 and 194 of the NPPF, and states:
12. When considering the impact of a proposed development on the significance of a designated heritage asset (Listed buildings), great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

13. 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:
  - a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;
  - b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II\* listed buildings, grade I and II\* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.
14. Paragraph 196 of the NPPF states where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
15. Paragraph 17 of the Planning Practice Guide states that *“Whether a proposal causes substantial harm will be a judgment for the decision taker, having regard to the circumstances of the case and the policy in the National Planning Policy Framework. In general terms, substantial harm is a high test, so it may not arise in many cases. It is the degree of harm to the asset’s significance rather than the scale of the development that is to be assessed. The harm may arise from works to the asset or from development within its setting.*
16. *While the impact of total destruction is obvious, partial destruction is likely to have a considerable impact but, depending on the circumstances, it may still be less than substantial harm or conceivably not harmful at all, for example, when removing later inappropriate additions to historic buildings which harm their significance. Similarly, works that are moderate or minor in scale are likely to cause less than substantial harm or no harm at all. However, even minor works have the potential to cause substantial harm.”*

## **Assessment**

17. Refer to the associated planning application 19/01476/AS considered on the same agenda and the description/assessment contained in that report.

## **Human Rights Issues**

18. 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**

19. 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**

20. Refer to the associated planning application 19/01476/AS considered on the same agenda and the description/assessment contained in that report.

## **Recommendation**

21. Refer to the associated planning application 19/01476/AS considered on the same agenda and the description/assessment contained in that report.

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

**(i) notified in respect of the Victorian Society's objection to the application, and**

**(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 the application,**

**(B) Subject to the issue of a decision notice for related planning application 19/01476/AS securing the heritage benefits set out in the report for that scheme,**

**(C) Grant consent**

**subject to planning conditions and notes, including those dealing with the subject matters identified below with delegated authority to the Head of Planning to make or approve changes to the planning conditions (for the avoidance of doubt including additions, amendments and deletions) as she/he sees fit, with any 'pre-commencement' based conditions to have been the subject of agreement with the applicant**

1. Listed building time condition
2. Fine details and materials to be agreed
3. Development to be carried out in accordance with the approved plans

### **Note to Applicant**

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

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 proactive manner by;

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

In this instance

- the applicant/agent was updated of any issues after the initial site visit,
- was provided with pre-application advice,
- The applicant was provided the opportunity to submit amendments to the scheme/ address issues.
- The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

### **Background Papers**

All papers referred to in this report are currently published on the Ashford Borough Council web site ([www.ashford.gov.uk](http://www.ashford.gov.uk)). Those papers relating specifically to this application may be found on the [View applications on line](#) pages under planning application reference 19/01694/AS)

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