

<b>Application Number</b>	20/00065/AS	
<b>Location</b>	Proposed Temporary Car Park South Side of Elwick Road, Ashford, Kent	
<b>Grid Reference</b>	00977/42413	
<b>Parish Council</b>	None	
<b>Ward</b>	Victoria	
<b>Application Description</b>	Renewal of temporary planning permission Ref 17/00201/AS (Creation of a new temporary car park on redundant land. Change of use from the previous A1 use to Sui Generis proposed car park. The proposal also includes the erection of a fence, sign entrance, ticket machines, height restrictor, hi-vis bollards, cycle racks, low height light columns, priority sign, Disability Discrimination Act compliant pedestrian access gate and new bins)	
<b>Applicant</b>	Ashford Borough Council, Civic Centre, Tannery Lane, Ashford, TN23 1PL	
<b>Agent</b>	Mr Steve Parish Ashford Borough Council, Civic Centre, Tannery Lane, Ashford, TN23 1PL	
<b>Site Area</b>	0.3418ha	
(a) 9/-	(b) -	(c) HS1 X, KCCH X, SWS X, Network Rail -, Southeastern Rail -

## Introduction

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

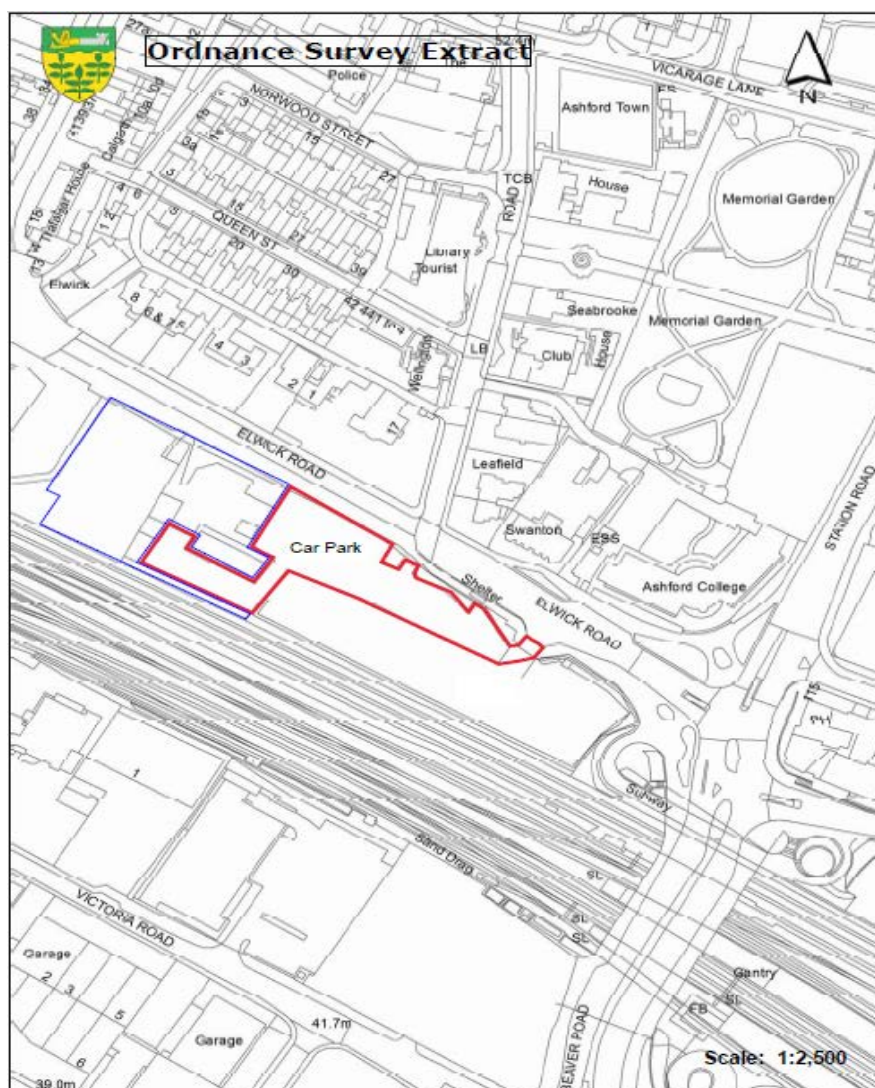
## Site and Surroundings

2. The application site is bounded by Elwick Road to the north, the railway to the south and the Southeastern car park to the east. The site consists of an area of hard standing (concrete and tarmac) currently utilised as a temporary car park. The site is relatively flat and is enclosed by high fencing.

3. To the west of the site is the Ashford Picturehouse cinema and Travelodge hotel.

## Proposal

4. The application seeks a renewal of the existing temporary planning permission Ref 17/00201/AS granted on the 21<sup>st</sup> April 2017 for the change of use of the existing site from its previous condition into a temporary car park on Elwick Road. The car park is temporary and replaces parking spaces lost at Dover Place to the Commercial Quarter 38 office building as well as to assist parking on the K College campus, which is opposite the site.



## Supporting Documents

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

6. Design and Access Statement
7. The D&A states that the intention of the application is simply to seek a continuation of its current temporary use.
8. The document states that existing drainage and surfaces are adequate for continuation of use as a car park, and although it is not intended to provide a long-term solution, it currently redresses a shortage of town centre car parking resulting from new developments in the area.
9. Ecology Audit
10. The applicant submitted an Ecology Audit from the original application (ref: 17/00201/AS). As this application seeks to extend use of the car park for a further period, the audit confirms that there are no ecological impediments to a further use as a temporary car park.

## Planning History

**82/00198/AS** – The construction of a retail store for the sale of furniture, carpets, do-it-yourself, home improvement and associated products plus ancillary facilities including parking and access works (PERMITTED 18/11/1982)

**94/00363/AS** – Application for lawful development certificate proposed development: use of premises for any purpose within class A1 without restriction on ranges of goods permitted to be sold (GRANTED 24/04/1994)

**15/00004/EIA** – Proposed mixed use development (screening option) (19/08/2015)

**15/01195/AS** – Mixed use development comprising of restaurants and cafes (Class A3), a hotel (Class C1), leisure and assembly, including a cinema (Class D2), a car park, associated highway works, vehicle access, infrastructure, plant, car and cycle parking and landscaping (Phase 1) – land adjacent (PERMITTED 22/12/2015)

**15/01282/AS** – Outline application for development of up to 200 residential units (PERMITTED 22/02/2019 – part of the site)

**17/00201/AS** – Creation of a new temporary car park on redundant land. Change of use from the previous A1 use to Sui Generis proposed car park. The proposal also includes the erection of a fence, sign entrance, ticket machines, height restrictor, hi-vis bollards, cycle racks, low height light columns, priority sign, Disability

Discrimination Act compliant pedestrian access gate and new bins (PERMITTED 21/04/2017)

## **Consultations**

### **KCC Highways and Transportation:**

- Recommended condition for 2 years, rather than 3 years.
- Only 4 disabled parking spaces are depicted on the submitted plans – there should be 5.
- All disabled bays should measure 3.6m x 5.5m – they appear to be short on length in the submitted plans.

### **High Speed 1:**

- No objections or comments.

### **Southern Water:**

- No development, excavation or tree planting should be carried out within 4 metres of the external edge of the public sewer without consent from Southern Water
- No soakaway, swales, ponds, watercourses or any other surface water retaining or conveying features should be located within 5 metres of a public sewer
- All existing infrastructure should be protected during the course of construction works
- If any sewers are found during construction work, an investigation of the sewer will be required

## **Planning Policy**

11. 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).
12. 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).

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

SP1 – Strategic Objectives

TRA2 – Strategic Public Parking Facilities

SP6 – Promoting High Quality Design

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

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

Sustainable Drainage SPD 2010

#### **Government Advice**

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

15. Members should note that the determination must be made in accordance with the Development Plan unless material considerations indicate otherwise. A significant material consideration is the National Planning Policy Framework (NPPF). The NPPF says that less weight should be given to the policies above if they are in conflict with the NPPF. The following sections of the NPPF are relevant to this application:-
16. Paragraph 48 states in relation to the stages of preparing a Local Plan that:
- “Local planning authorities may give weight to relevant policies in emerging plans according to:
- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
  - b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and

c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)”

## Assessment

17. The main issues for consideration are:

- Principle
- Impact on highway safety

## Principle

18. Policy TRA2 of the Ashford Local Plan 2030 stipulates that any proposals which would involve the removal or capacity reduction of a publically available car parking facility in the town centre will be refused, unless it has been agreed with the Borough Council that the facility is either no longer required, or the alternative provision of parking spaces can be delivered in a suitable location. The primary logic behind this application is to maintain and preserve the public parking spaces currently available on site, until the time arises that the land is sold for redevelopment.
19. Although the current proposal does not feature as an allocated site for parking provision in the Local Plan, it serves an important temporary purpose providing parking within easy walking distance of the town centre. The applicant has consistently reiterated that there is no intention to create a permanent car park at this site, and until the multi-storey car parks mentioned in TRA2 are delivered, I consider that this car park on Elwick Road would continue to serve a useful temporary purpose.
20. The adjacent site on the north-western side of the car park has an approved outline permission for up to 200 residential units (planning permission. 15/01282/AS – Elwick 2 granted in 2019). An application for reserved matters approval to take forward the fine detail of this scheme has not yet been received. That application involves part of the area currently in use as car parking.
21. As that adjacent site is owned by Ashford Borough Council, the continued use of the temporary car park subject of this application would not prejudice any potential residential development of that adjacent site, particularly as the extension of the temporary period that is being sought can be conditioned such that use as a car park ceases upon *either* first occupation of a residential unit being developed pursuant to that permission on adjacent land, or at the end of the extension.

22. As such, if and when Elwick 2 reaches the development stage, the Council will be in a position as landowner to release the land to ensure that development at Elwick 2 is delivered in an acceptable manner. Consequently, approval of this proposal would provide the flexibility supported in Policy TRA2 for parking provision as development comes forward.
23. Therefore, I consider the proposal to extend the temporary permission to be acceptable in principle, as it would continue to service the town centre in the short-term, and would not hinder any development opportunities in the long-term.
24. Kent Highways & Transportation was consulted on this application. Concerns were raised with respect to the adjacent site with approval for up to 200 dwellings, the development of which would result in the loss of 39 parking spaces minimum. Discussions between the applicant and KCC were held in this context, resulting in agreement that approval of a renewal to the planning permission would be conditioned whereby the temporary car park would cease to be used as such upon *either* the first residential occupation on the adjacent Council-owned site, or at the end of the temporary permission. Beyond this, KH&T conclude that the renewal of the temporary planning permission would not have a severe impact on the highway network.

## **Human Rights Issues**

25. 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**

26. 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

27. The temporary car park is located on land owned by Ashford Borough Council, and would be continue to be operated by the Council.

The NPPF states that local authorities should seek to improve the quality of parking in town centres so that it is convenient, safe and secure, including appropriate provisions for motorcycles. The extension of time that is sought would accord with the NPPF in this regard.

28. The site has not been allocated for car parking in the long term. However, considering that the proposal would only be temporary, and as the Council will remain the landowner and operator of the car park, I consider that a renewal of the planning permission to extend use of the site as a car park would continue to help support the town centre in the short-term, and would not hinder development opportunities in the long-term.

## Recommendation

### Permit

#### Subject to the following Conditions and Notes:

The use hereby permitted shall be discontinued on or before 12 April 2023 unless the Local Planning Authority has in the meantime granted planning permission for a further period, *or* upon the first residential occupation of the redevelopment of land pursuant to planning permission 15/01282/AS for up to 200 residential dwellings which includes part of the temporary car park, whichever is the sooner.

**Reason:** To enable the need for car parking at the site to be further reviewed, to ensure that the application site is available for more comprehensive redevelopment south of Elwick Road in accordance with Local Plan policy and extant planning permission 15/01282/AS for that land and to ensure that the relationship of new development with temporary uses is an appropriate one

**(with delegated authority to the Strategic Development and Delivery Manager or Development Management Manager to make or approve changes to the planning conditions (for the avoidance of doubt including additions, amendments and deletions) as she/he sees fit).**



## **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 application was dealt with/approved without delay. The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the Committee and promote the application.

## **Background Papers**

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

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