

<b>Application Number</b>	20/00591/AS	
<b>Location</b>	Zone A, Waterbrook Park, Waterbrook Avenue, Sevington, Kent	
<b>Grid Reference</b>	00041504	
<b>Parish Council</b>	Sevington	
<b>Ward</b>	Mersham, Sevington South with Finberry	
<b>Application Description</b>	Application for the approval of reserved matters including, layout, scale, appearance, access and landscaping in relation to the erection of a new storage and distribution centre including ancillary offices, including associated access, parking, landscaping and associated works	
<b>Applicant</b>	GSE Commercial Estates Ltd, c/o Agent DHA Planning Ltd Eclipse House Eclipse Park, Sittingbourne Road, Maidstone ME14 3EN	
<b>Agent</b>	DHA Planning Ltd, Eclipse House, Eclipse Park, Sittingbourne Road, Maidstone ME14 3EN	
<b>Site Area</b>	7.5 hectares	
(a) 3R	(b) X	(c) EHM 'X', BDS 'R', BHS 'R', EA 'X', HE 'X', POL 'X' KCC Ecology 'X', KHS 'X', KCC PROW 'R', NE 'X', RAM 'R', NR 'X', KCC Flooding 'X'

Amends

(a) 1 S	(b)	(c) BDS X, BHS X, KCC KCC PROW R, ABC EP X
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## Introduction

1. The application was previously reported to the Planning Committee meeting of 14th October 2020. Members' deferred a decision on the following basis:

(A) Officers to negotiate improvements to the scheme in respect of;-

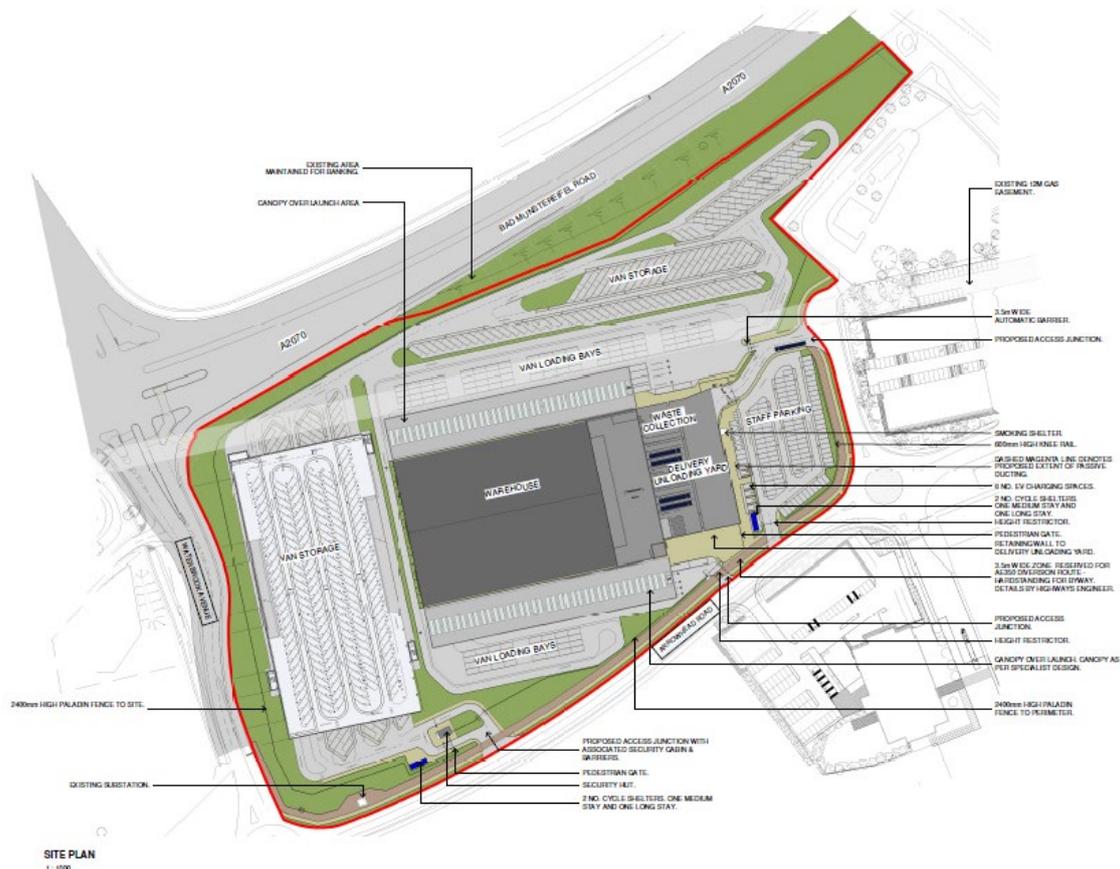
- (i) landscaping (both surrounding and within the site) to help soften and break up the visual impacts of proposed parking areas,
  - (ii) the approach to the proposed new alignment of Public Right of Way AE350 given the concerns expressed by the KCC concerning the quality of the proposal,
  - (iii) the design of the proposed buildings in order to help soften their visual impact (including matters of colour and external materials),
- (B) the outstanding technical issues raised by Highways England to be responded to by the applicant, and
- (C) an amended scheme (to also include an update on any outstanding ecological issues) to be brought back to the Committee for its consideration.
2. My report to the 14th October 2020 meeting is attached as **Annex A**.
  3. Since the deferral negotiations have taken place with the applicant's team. The application has now been formally amended. I have highlighted the main changes in the 'Proposals (Amended)' section further below.
  4. In summary, the key changes are;-
    - (a) a new 2-storey open deck van and driver parking structure (including a series of modular green walls and vertical 'blade' cladding) located on the western side of the site closest to the Waterbrook Avenue / A2070 junction to help free up space both within and around the periphery of the site for additional landscaping and provide an improved corner at the entrance to Waterbrook Park,
    - (b) the re-orientation of the large vehicle docking bays to the eastern end of the building and changes to the location of the first floor level offices within the building so they 'wrap around' into the northern and southern elevations as well as the eastern elevation,
    - (c) elevational changes to the external elevations of the main building to provide articulation together with function (brise-soleil shields to summer sun-lighting), additional windows and help break up the massing of the building with enhanced vertical emphasis, and
    - (d) the number of vehicular access points reduced from 6 to 4 and further additional landscaping provided on the boundaries and within the site with adjustments to the approach soft and hard landscaping around the Public Right of Way (PROW) to be realigned running adjacent to Arrowhead Road to help improve the visual character and feel for PROW users.

5. In view of the extent of proposed changes the amended plans have been the subject of reconsultation. This expires on 18 January 2021 and so after the publication of this report. Any further consultation responses received will therefore be provided in the Update Report.

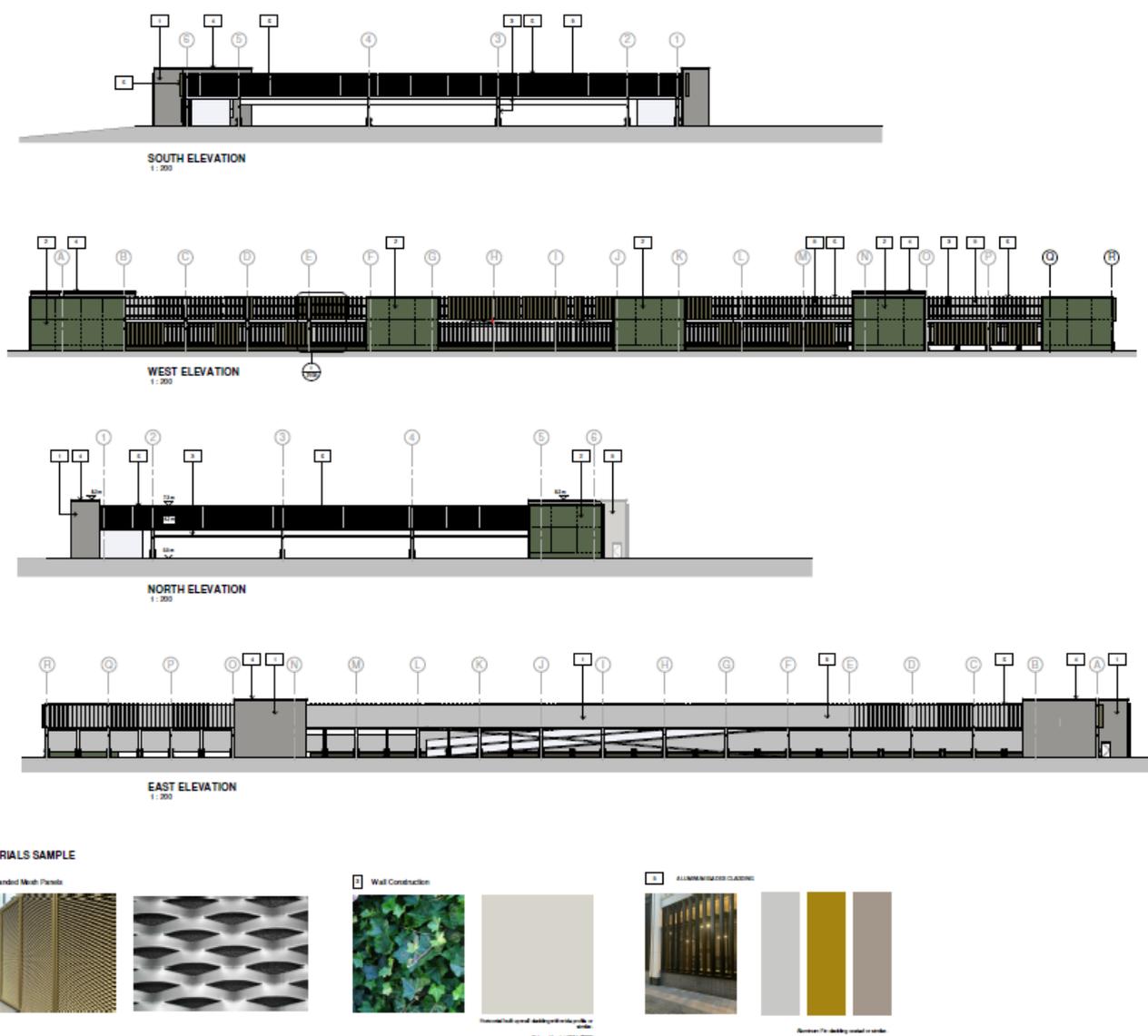
## Proposal (Amended)

### Red line application site and layout plan

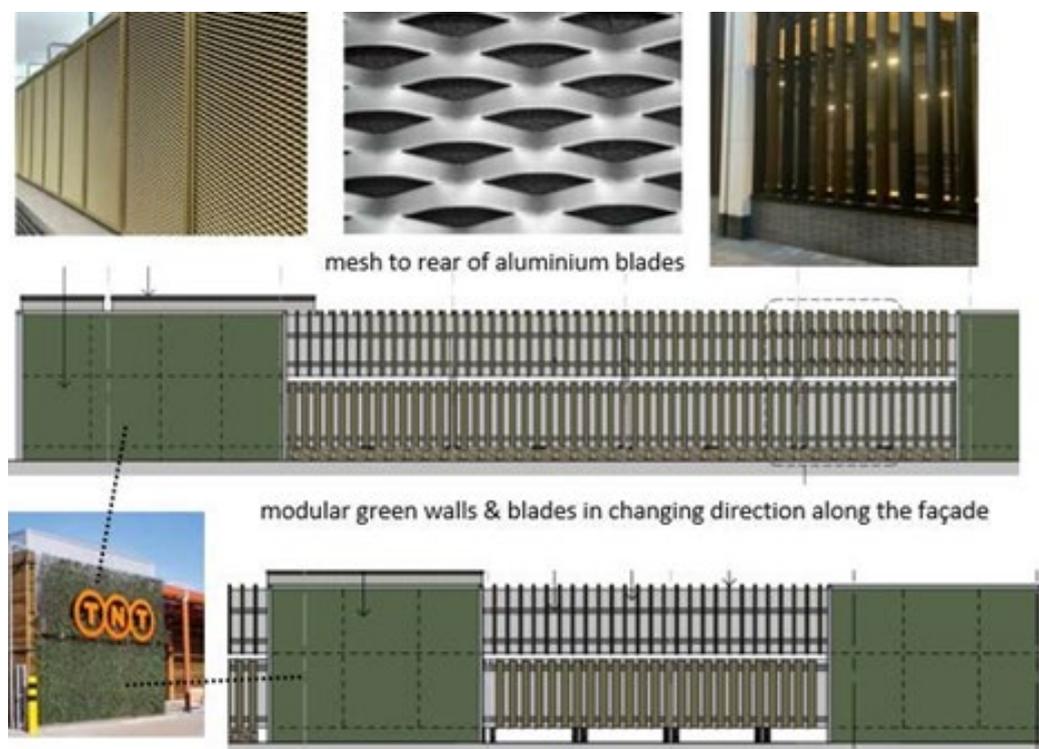
6. There is a small alteration to the red-line western boundary of the application site, due to the applicant confirming that Southern Water actually have control of a small piece of land to the west of Waterbrook Avenue. The Bellamy Gurner Junction configuration has been amended slightly to accommodate this. This has resulted in the need to realign Waterbrook Avenue as it leaves the new junction that has eaten into the site slightly. The red line application site area and amended layout has been change to reflect this. The amended layout and previous layout for comparison are show in figures 1 and 2 below. I provide A4 size extracts of each as **Annex B** and **Annex C** respectively







8. **Figure 3:** Elevations of new 2 storey van park structure The structure would measure approximately 68m x 145m and 8.2m high. The external façade (especially where this faces Waterbrook Avenue) would be treated with aluminium blades with a timber grain appearance installed at different angles alongside a series of green walls. Mesh would be provided to the inner face of the blades. The approach taken seeks to break up the massing of the structure on its longest side presented to the public realm and provide a visually softer aesthetic while also managing the need for ventilation. Figure 3a below shows the proposal in further detail.



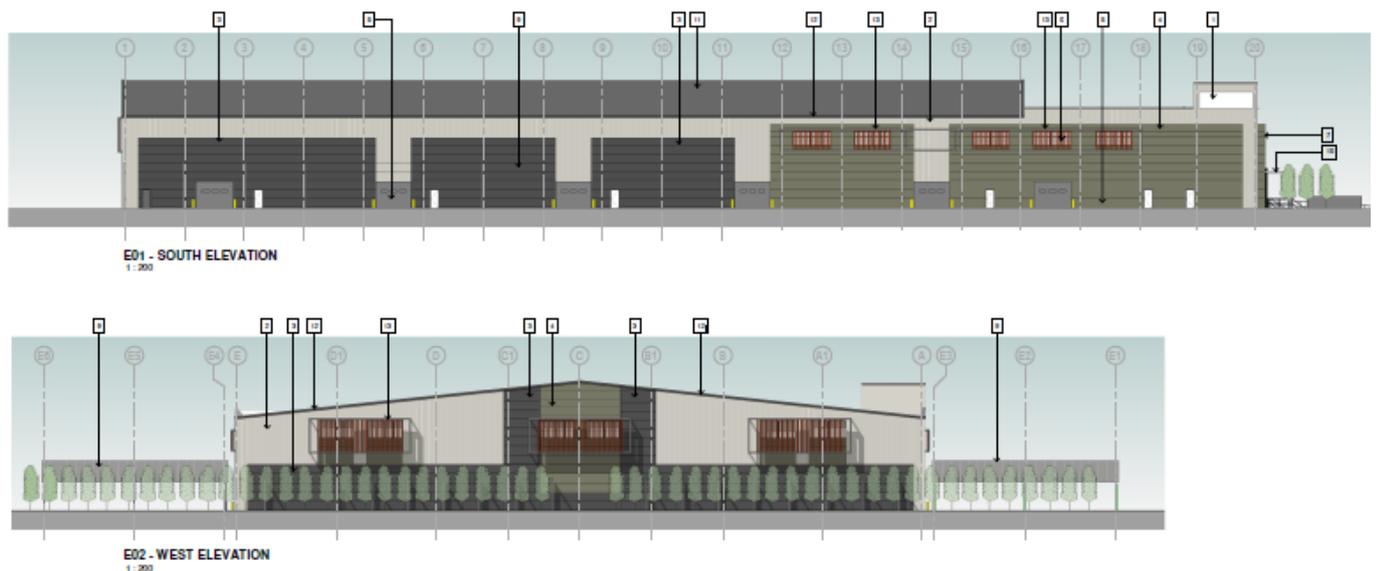
**Figure 3a:** fine detail of decked parking

9. The upper open deck would have 5 metre high LED columns lights that would protrude over the enclosed sides that would be 3.1m high above the deck (and thus designed to screen parked light vans (typically 2.7m in height) from non-elevated viewing positions around the site). The precise number of lights is to be confirmed by the applicant as it currently not shown.

#### Main building changes

10. The main building has been moved further to the west to a more central location on the plot. The elevations have been reoriented with the lorry delivery docking area moved from the west to the east elevation. The general dimensions of the building remain similar as before 126m in length by 77m in width and 14.5, high to the pitched roof (10.5m to eaves level). The pitched roof however now covers only  $\frac{3}{4}$  of the building, the last  $\frac{1}{4}$  at the eastern end has a flat roof. There is a small tower at the south east corner that protrudes above the flat roof. The proposed elevations are shown in figure 4.
11. The external finishes have been amended. The elevations in the original scheme were finished mainly in a simple composite cladding in a white grey colour with a darker merlin grey central band. The amended scheme's external finishes are more varied

with the elevations finished in a combination of white grey, anthracite and olive green composite cladding, an aluminium curtain walling system and the use of brise-soleil over the majority of window openings. The roof would still have a pitched single ply membrane grey composite finish as before. The elevations of the amended main building and previous scheme for comparison are shown on figures 4 and 5 below and at A4 size as **Annexes E and F**.

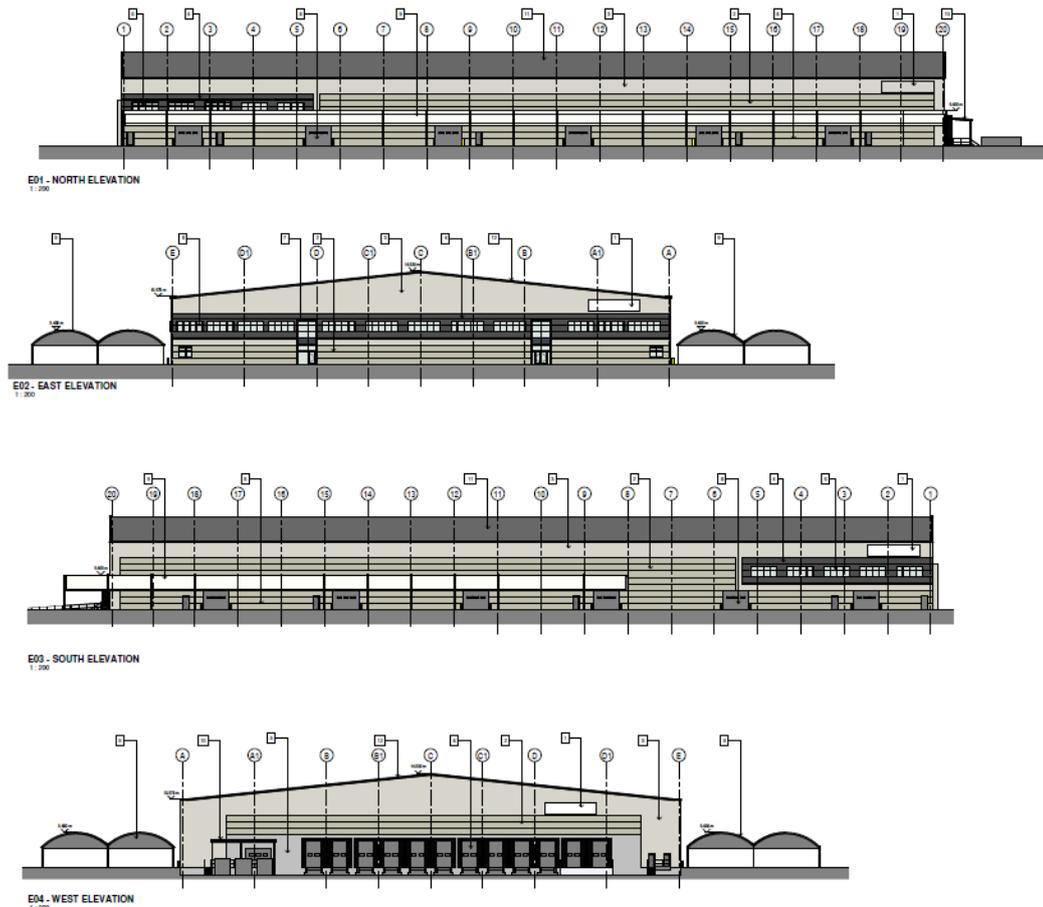


**Figure 4:** Main building amended south and west elevations.



**Figure 4:** Main building amended north and east elevations

12. The previous elevations are shown below in figure 5 below.



**Figure 5.** Previous elevations.

#### Change in access and parking arrangements

13. The previous scheme had 6 vehicle access points, 4 including the lorry delivery entrance along Arrowhead Road and 2 along Clover Road.
14. The amended proposal provides for a reduction to 4 vehicular access points, 3 along Arrowhead Road and one off Clover Road which includes the new lorry delivery access. This reduces the number vehicular access points crossing the diverted PROW along Arrowhead Road from 4 to 3.

#### Provision additional landscaping

15. The provision of the van parking deck has allowed more space for landscaping on the boundaries and within the site as follows.

The northern boundary to the A2020.

16. The northeast corner parking area has been pulled back to provide a further area for planting in the far corner and along the A2020 boundary with an increased depth of planting from the original scheme from 2m to 10m for an area around 140m in length.
17. The central section depth of planting remains as before at a depth of around 2m for around 120m in length. The depth of the planting here cannot be further enhanced without a loss of operational parking.
18. In the northwest area by the existing Orbital Roundabout / future upgraded 'Bellamy Gurner' signalised junction (the latter is shown indicatively on the plans beyond the application site), the parking has been pulled back to provide a greater depth of landscaping from 3m to 8m for a length of 120m.

Western boundary to Waterbrook Avenue

19. The change from parking at grade in this part of the site to parking in a decked structure format results in an increase in the buffer planting area from approximately 1-2 m to 12-20 metres along this boundary.

Southern boundary to Arrowhead Road

20. Two new triangular shaped landscaping areas have been introduced south of the van loading bays. There is a relatively small decrease in the southwest corner landscaping area but this corner still has a landscaping depth of between 10 to 15m.

Eastern boundary to Clover Road

21. Little change. The proposed route of the diverted PROW would remove most of the landscaping here. The removal of a previous access road has freed up a small area for additional landscaping.

Within the site

22. It has not been possible to provide planting within the actual parking bays themselves or as part of the decked structure. Further planting has, however, been provided in small areas adjoining the parking areas and a row of fastigate trees is to be provided adjoining the northern covered van parking bay area.
23. The applicant has provided a landscape masterplan showing how landscaping would mature within the site in 3 phases from 0-5 years, 5 to 10 years and then 10 to 15 years. The phase 3 landscaping master plan 10-15 years is shown in figure 6

below and each phase of growth is shown at A4 size on **Annexes G, H & I**. It should be noted the embankment area to the north east of the northern boundary with the A2070 is owned by Highway England and therefore is not part of the application site and proposed landscaping areas.



**Figure 6:** Landscaping Master Plan years 10 -15.

### Lighting

24. Lighting is similar as the previous scheme with 6m high LED column lights within the van parking area apart from the top deck of the van parking building where the lights would be 5m high. The staff car parking areas would also have 5 m LED column lights. The precise number of lights on the amended proposals is to be confirmed by the applicant as it is currently not shown. The number is likely to be similar to the previous scheme that showed 157 LED 5/6 m high column street lights. A further 24

LED lights fixed to the soffits of the building and 64 LED units mounted on the building between each loading bay.

## Consultations.

25. As the amendments were submitted just before Christmas, the amended proposals consultation ends 18 January 2021 so any further representations that are made will be set out in the Update Report

### **ABC Environmental Protection:**

“ I see the van storage deck is to be on the West of the site above the other parking, so to the side of the building.

The site is roughly 200m from the nearest proposed residential on site, and the Jaguar-Land rover site is in-between the two as well.

I am still not feeling concerned from our perspective, in terms of light spill being unacceptable. I think we are talking about a similar scenario to the truck stop where some of the bulbs might be distinguishable (although I'm not even convinced of that) – and can then likely be mitigated with cowls etc.

The report does say this revision has been updated to suit revised site plan dated 17.12.2020. They have chosen the appropriate zone classification in my opinion E3 – suburban – medium district brightness.

They repeatedly make reference to the 5m columns on the top deck.

The computer generated images shows the top deck and lighting – none of the columns are placed at the outer edge of the deck and all light is angled downwards not reaching beyond the edge of the deck. And overall you can see that no light is reaching beyond the boundaries of the site from any lighting.

I would say that the lighting design must be installed as per the report. If we get a situation where any future residents complain about lighting, we will have to investigate as a nuisance and perhaps ask for an extra cowl here or there. But I don't believe that is likely to be the case looking at the report provided”.

### **British (Carriage) Driving Society:** comment

“My previous comments still stand. The path is to be a Restricted Byway - for use by horse-drawn carriage drivers as well as horse riders, cyclists and walkers. Trees and shrubs planting is welcomed but plants should not be planted so close to the Public Right of Way that they quickly or frequently overhang and reduce the width. Planting should not be allowed to obscure the sight of users of the restricted byway from vehicle drivers turning across the path”**British Horse Society:** comment

“Further to the recent correspondence (Ashford BC's letter of 23/12) I note that the amended plans in the documents section dated 21/12 reference the public right of way AE350 as a bridleway. This is not the case.

This PROW is a restricted byway permitting access to pedestrians, cyclists, horse riders and carriage drivers. A downgrade to the status has not been made”.

**KCC Flood and Water Management:** no further comments & no objection.

**KCC PROW:** comment:

“I note the amended plans incorrectly refer to the public path as a bridleway when it is in fact recorded as a restricted byway. As such the path confers rights to pedestrians, equestrians and non-mechanically propelled vehicles including bicycles and horse and cart.

As the applicant states the path is now subject to a confirmed order for its diversion to an alignment alongside Arrowhead Way. I would take this opportunity to clarify that until such time as the new route has been constructed and certified by this department the legal process is not complete and the order does not take effect. Therefore at this stage there must be no disturbance or obstruction of the existing legal line of the path as shown on the attached extract of the Network Map, to do so would be a criminal offence.

Considering the application in respect of the diverted alignment for restricted byway AE350 I must advise our previous concerns remain valid. There remain four vehicular crossing points dissecting the path with no reduction in the number of vehicle bays suggesting no decrease in proposed vehicle movements from the site. Whilst a certificate of works has been drawn up as part of the diversion process which details signage and surfacing requirements for the crossing points it cannot fully mitigate the impact and as such we conclude the proposal is fundamentally detrimental to the public path.

I note the amended plans detail some additional planting, while this is generally welcomed, it appears to be proposed immediately adjacent to the path on the outside of the site fencing and in order to avoid creating a continual maintenance obligation for the owner our standard informative recommends no planting should be within 1.5m of the edge of a public path. Even with this planting in place we do not consider it would provide sufficient screening to mitigate the noise and dust associated with use of the loading bay which we note remains positioned immediately adjacent to the restricted byway and this is of particular concern given the equestrian rights.

To conclude we have no option but to maintain our objection to the application as it would still result in a significant increase in traffic movements over the proposed diverted PROW that would make the route less attractive to public users which has

been enjoyed to date contrary to Policies TRA6, ENV5, ENV12 TRA5 and SP1 of the adopted Ashford Local 2030 and paragraph 98 of the NPPF”.

**Neighbours** 548 consulted 1 representation received making the following comments

- How planting can be best utilised to support the wildlife being lost from construction at the site and the landscape character of the low weald countryside on which the site is built. It is suggested removing the non-native elements from the landscaping and refocus on native planting that is managed to support what remnants of wildlife that visited the site before construction. The landscaping at the development would better reflect the historic countryside it is building on if it contained more native English oaks amongst native hedgerow planting and would be a welcome nod to the character area rather than the amenity non-native trees suggested.
- Let the hedgerows areas support native wildlife and adopt a 'let it grow' approach to create a pollen and nectar corridor for bees and insects.

## Assessment

26. I set out my comments below based on the grounds of deferral
- i) Landscaping (both surrounding and within the site) to help soften and break up the visual impacts of proposed parking areas,
27. I consider that the amended plans have improved the landscaping 'offer' by liberating further space and increased boundary planting. In particular on the Waterbrook Avenue western boundary where there is now a substantial landscaping buffer zone of 12 -20m whereas before it was a very narrow strip (1-2m wide).
28. The northern boundary landscaping adjoining the A2070 is improved, noticeably at northwest side where there is a buffer zone around 8m wide whereas previously it was only 2-3 m .The northeast end the depth of planting is increased along the A2070 boundary from 2 to 10m in depth and the far end corner to around 45m in depth.
29. The central section of the A2070 boundary where the Highways England land becomes more prominent it has not been able to increase the previous narrow planting zone of around 2m depth . Within the site there is increased planting between the parking areas if not between the individual parking bays themselves.
30. The approach to species has been the subject of close-discussion between the applicant's landscape architects and the Council's Tree Officer seeking to enhance

provision taking into account the parameters that are available (i.e. a proposed user with a particular spatial demands informing layout). In my opinion, the resultant enhanced buffers achieved through layout rationalisation and the provision of a decked delivery van and driver parking structure help achieve Members' request for an improved soft landscaping design. The applicant's phased drawing approach usefully shows how the revised landscaping scheme will mature over time.

31. I note the comments from a local resident. The non-native trees will largely be succeeded by the native trees such as oak over time. The planting species that have been chosen will have biodiversity benefits and the species chosen are appropriate to the constrained context of the site and realisation of the objective to better screen the proposed single building at Commercial Zone A of Waterbrook Park.

ii) the approach to the proposed new alignment of Public Right of Way AE350 given the concerns expressed by the KCC concerning the quality of the proposal,

32. Since the previous planning application the diversion order for the PROW (restricted byeway) along the southern boundary of the site has been formally approved. The proposals do reduce the number of new vehicular crossings to the approved diverted route from 4 down to 3. KCC PROW, however, maintain their objection to the application as they consider the proposal would still result in a significant increase in traffic movements over the proposed diverted PROW that would make the route less attractive to public users.

33. My view is that the amended scheme would improve the offer to PROW users compared with the original proposal in the context of there being no other alternative alignment available as a result of a single large building approach to Zone A. The context is that the diverted PROW would pass through land granted outline planning permission for commercial uses as part of the mixed-use approach to Waterbrook Park and then continues onwards over the railway sidings land beyond Waterbrook in the direction of the Church Road Bridge over the railway lines. The number of vehicle crossings over the diverted PROW has been reduced. I consider that the feel and character of the 'offer' to PROW users has been enhanced as far as is realistically possible given the operational layout that is required for a single building occupier. I note and appreciate the formal position of KCC PROW but given the reasons for deferral it is for the Committee to now balance, on the one hand, the potential planning benefits that would arise from the development in its amended form with the harm to the PROW users on the other.

(iii) the design of the proposed buildings in order to help soften their visual impact (including matters of colour and external materials),

34. Whilst the size and form of the main building remains fairly similar to the original proposals its design has been amended with the introduction of a greater vertical emphasis through more varied cladding, colours which are softer and fit with the use of green walls and design features such as brise-soleil features which in my view

would assist with articulation of the eastern façade and how it wraps around to the long elevations of the building as well as providing a feature able to be viewed above the decked parking on the western elevation to Waterbrook Avenue.

35. The reorientation of the internal layout of the building allows the HGV docking area to be moved and facilitate the decked parking structure necessary to enhance perimeter landscaping. The new 2 storey van building with the open top deck has green walls and aluminium blades cladding. The blades would be installed in groups of varying angles to the façade and so would create a building that would alter in appearance according to viewing position. The building replaces the previous large expanse of van parking to the west of the main building. The details of the green wall supplied is one that would be modular with a series of irrigated troughs and pre-grown panels creating an instant visual effect. Figure 7 below shows some examples of the system both in construction and at completion. My conclusion is that the amendments made improve design quality in the context of a large building/single occupier approach to Zone A. Members' views are sought as to whether the changes made are sufficiently acceptable to overcome the concerns raised when the application was previously reported to the Committee.



**Figure 7:** modular green wall system

(B) the outstanding technical issues raised by Highways England to be responded to by the applicant, and

36. Highways England's comments have yet to be received for the amended proposal. Any response received will be included in the Update Report.

(C) an amended scheme (to also include an update on any outstanding ecological issues) to be brought back to the Committee for its consideration.

37. KCC Ecological Advice Service comments have yet to be received for these amended proposals. Any comments will therefore be provided in the Update Report. It should be noted they did not object to the original scheme.

## Human Rights Issues

Please refer to previous report attached as Annex A.

## Working with the applicant

38. 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

39. The previous report recommended refusal on 3 grounds.

Ground 1 – 'visually prominent, harsh and hard development at entrance to Waterbrook Park'

40. This flowed from my concerns in respect of the acceptability of a single occupier of Zone A with a large floorspace building requirement in terms of the resultant visual, parking and lighting impacts as well as inadequate landscaping leading me to conclude that the proposal would be contrary to policies in the ALP 2030 seeking to achieve high quality contextual design delivering strategic objectives for the Borough.
41. The amended scheme improves the appearance of the building within the parameters available to accommodate the proposed occupier's specific requirements. It provides improved landscaping, primarily around the periphery of the site. The decked parking area would create a built form, as opposed to a surface car park, closest to the entrance into the Waterbrook Park site from the A2070, which is an approach that has merit in itself and is more closely aligned with the indicative masterplan previously approved.
42. However, and notwithstanding the above, the approach is clearly different to that which was envisaged for Zone A. Even with the changes made a large floorspace / single occupier approach would create a less subtle edge to the Waterbrook site to

the A2070 compared with a series of smaller buildings on individual plots with gaps between them giving views into the site as well as greenery between series of plots which could also potentially accommodate a better overall route for the PROW through the Zone. Members' views are therefore invited as to whether the improvements made are sufficient in their opinion to conclude a different balance in terms of planning harms vs. planning benefits.

#### Ground 2 – 'PROW impacts'

43. Since my last report, the PROW through Zone A has been agreed to be diverted by the appropriate Order. It would run adjacent to Arrowhead Road and part of Clover Road. In effect, a single user approach to Zone A dictates that alignment as there is no other alternative. The impacts of the proposed planning approach to Zone A on that diverted PROW are for the Council to consider as the local planning authority considering the application for reserved matters.
44. KCC continue to formally object and I note the comments from some user group consultees. In my opinion, the amended plans improve the visual offer and feel of the PROW route and, by reducing the number of crossing points, strike a better balance between the reasonable expectations of users (in the context of a PROW passing through a commercial area) with the requirements of a single user for Zone A. Members' views on the scheme and the planning balance involved quality of PROW are invited. With the approved diversion in place, the PROW 'loss' scenario would now no longer be the case.

#### Ground 3 – 'employment variety'

45. In terms of variety, it is reasonable to conclude that a number of businesses with differing needs would be likely achieve a more varied direct and indirect employment offer from Zone A than a single business occupier. That duly mentioned, Members' will recall that in the previous Update Report I reported points made by Shoosmith law on behalf of the applicant in respect of the nature of jobs that would be created (both direct and indirect) and that the proposal is considered by the applicant to constitute inward investment of the nature identified in objective SP1(h) of the ALP 2030. Should Members wish for further advice on this then this can be discussed at the meeting.

## **Recommendation**

### **(A) Members are invited to consider the acceptability of the amended proposals**

**In the event that the proposals are considered to be acceptable then further planning conditions and notes to the applicant (including those that might be requested from consultees) may be necessary with delegated authority to the**

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

## **Note to Applicant**

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

#### **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 was provided the opportunity to submit amendments to the scheme to address the issues raised by the Planning Committee.
- 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 20/00591/AS)

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