Application Number	20/00667/AS
Location	Land Adjoining the Paddocks and Orchard cottage, Church Road, Sevington, Kent
Grid Reference	
Parish Council	Sevington with Finbury
Ward	Mersham, Sevington South with Finberry
Application Description	Outline Application to consider access and layout for the erection of 3 buildings to provide B1 office space with associated parking
Applicant	Mr Stickells
Agent	Urbancurve Architecture
Site Area	0.37ha

(a) 2R	(b) R	(c) KHS/X,KCC/LLFA/X, PROW/X, NE/X/EA/X,HS1/X,AAG/X KCCH/X

Introduction

1. This application is reported to the Planning Committee as requested by the Ward Member, Cllr Paul Bartlett

Site and Surroundings

2. The site comprises a broadly rectangular plot of land fronting onto Church Road and with its western boundary set back from but running parallel to Badmunstereifel Road. To the south (but not immediately adjoining the site) lies the railway line. It lies on the opposite side of the A2070 highway to the Ashford Retail Park and Waterbrook Park lies to the south of the railway line. The site abuts a small area of woodland to the east, while buildings associated with the nearby Milbourn Equine Centre lie approximately 82m's to the north east and the nearest residential property lies approximately 60m's to the east on the other side of the woodland. It lies within the HS1 safeguarding route, the Stour catchment and the Mersham Farmlands Landscape Character Area.

3. The site itself comprises a sloping grassed site, sloping uphill to the boundary with Bad Munstereifel Road and uphill from the road to the southern boundary. The boundary with Bad Munstereifel Road and Church Road is formed of hedgerow and tree planting whilst the boundary to the south is unmarked by planting. An existing vehicular access adjoins Church Road, close to the woodland.

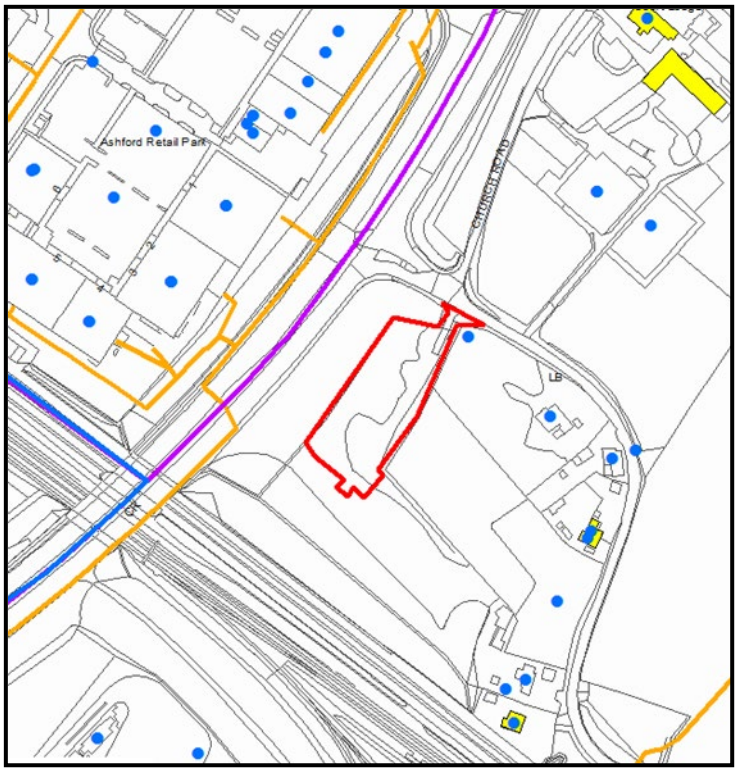


Fig 1: Site Location

4. The site lies at a junction between that land to the north and east which has a semi rural feel, whilst land to the west and south is developed and has a more urban character.

Proposal

5. This is an outline scheme, with the matters of access and layout to be determined at this stage, seeking permission for the erection of 3 buildings to provide B1 office space with associated parking. The buildings are shown to lie in an 'L' shape on the site with two buildings running into a north/south direction running parallel to the Bad Munstereifel Road, but set back from that boundary by more than 30m's, with the third building lying at right angles to Bad Munstereifel Road and broadly parallel to the rear boundary. The two buildings running parallel to the road would have a single storey bicycle store

and changing rooms set between them, but with the right design would be sufficient to still create a separation at first floor level between these two units.

6. Vehicular access would be via church Road with the access lying close to the easternmost boundary. It would run directly into the car park area which would run parallel to the woodland, providing 18 spaces adjacent to the proposed building and 13 spaces adjacent to the woodland. A vehicle turning area would lie at the end of the parking area and two delivery van stopping/parking spaces are shown within the line of parking spaces adjacent to the buildings. Six electric vehicle charging points are shown in amongst the parking spaces. The parking spaces include 3 accessible spaces

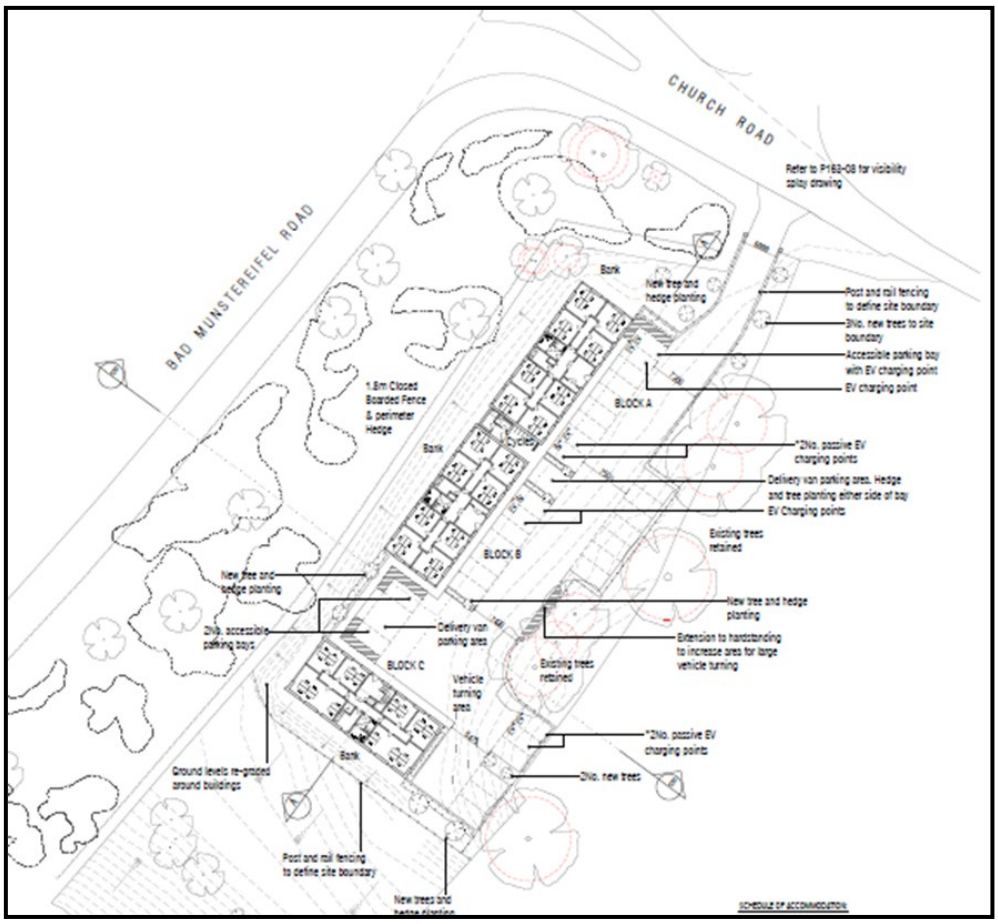
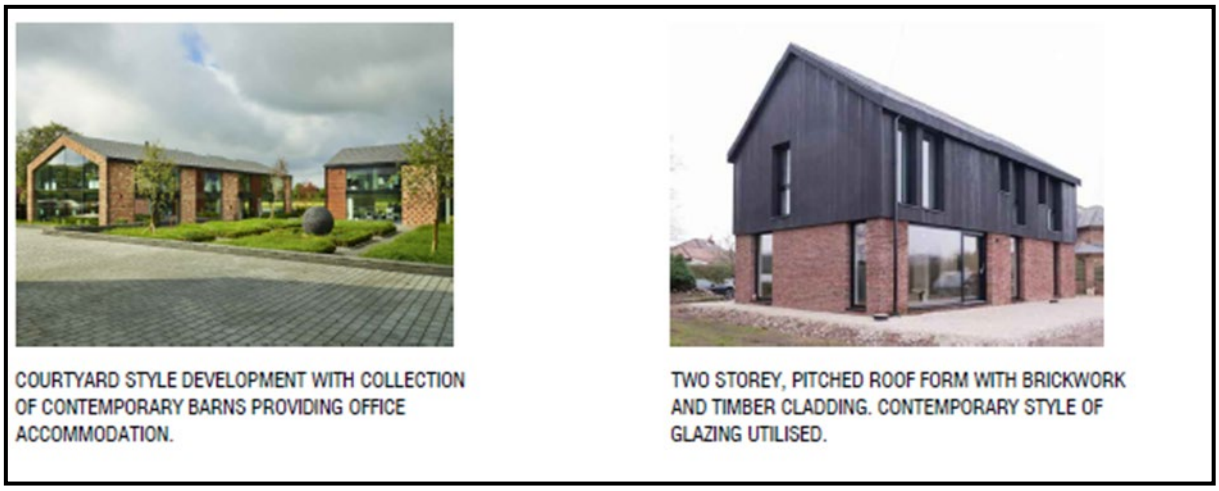


Figure 2: Site Plan

7. Ground levels would be re-graded around the proposed buildings to ensure a flat floorplate and post and rail fencing would close off the site from other land within the applicant's ownership along the southern boundary, whilst a 1.8m close boarded fence is proposed along the western boundary flanked by a perimeter hedgerow.

8. The scheme would provide for buildings to be used for B1 purposes. Illustrative elevations most recently show potential for two storey buildings with contemporary or more traditional barn like elevations, but have previously also shown potential for single storey buildings. However, neither the scale of the buildings nor their appearance are fixed at this stage by this application, so these are for illustrative purposes only.



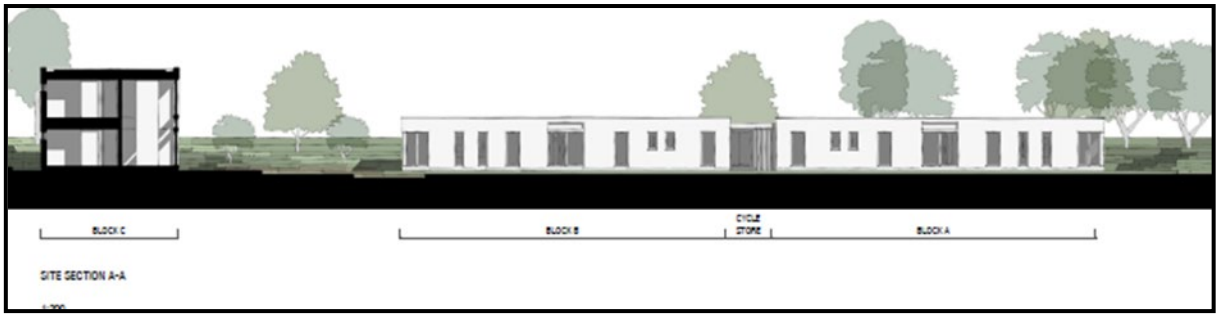


Figure 3: Illustrative Elevations

Planning History

19/00950/AS	Erection of three dwellings	Withdrawn

Consultations

Ward Members: Cllr Bartlett has referred this to the Committee, drawing attention to the relationship of the site with the small hamlet of Sevington with its unique character of sporadic dwellings many of which are listed and its separation from the urban confines of Ashford due to the A2070.

Sevington with Finbury Parish Council: Objects for the following reasons:

- Increased noise and disturbance not desirable in a residential area
- The access is too close to the A2070 with potential highways safety issues
- No demand for these units as evidenced by the many still standing vacant on existing industrial estates and more to be built on Waterbrook
- The closure of Highfield Lane has increased traffic on this road network resulting in difficult conditions for residents.

KCC Highways and Transportation:

To follow – will be covered in update report

KCC Public rights of Way:

PROW AE342B passes adjacent to the site and whilst raising no objection to the scheme, would suggest a general informative regarding the protection of the PROW from unauthorised works.

KCC Flood & Water Management:

Whilst we agree in principle to the high level drainage strategy proposed consisting of permeable paving for the access road and parking areas although there are no Infiltration rates to confirm this.

We would emphasize that due to the level of risk we would strongly recommend that a ground investigation is undertaken as soon as possible to support the use of permeable paving. It is recommended that soakage tests be compliant with BRE 365, notably the requirement to fill the test pit several times.

Should your authority be minded to grant permission for the proposed development, we recommend appropriate conditions requiring relevant drainage details prior to the commencement of development.

KCC Heritage:
Further archaeological remains may survive within the area of proposed development and as such a condition is recommended to secure an archaeological field evaluation prior to commencement of development.

Environment Agency:

No objection subject to conditions addressing provision of a foul drainage strategy and informative regarding the potential need for a permit for any discharge to the ground.

Natural England:

No objection

HS1 Ltd:

No comments to make

Ashford Access Group:

Identify the need for a level and flush threshold to the new buildings.

Neighbours: 6 neighbours notified:

2 letters of objection received raising the following issues:

- Adverse impact upon the setting of the nearby listed buildings
- The area has already been blighted by commercial and industrial development and this scheme would cause further harm to the local landscape character
- The highways could not cope with additional traffic
- Inadequate off street parking
- No public transport provision
- Potential surface water drainage issues
- This is not an identified development site

Planning Policy

9. The Development Plan for Ashford Borough 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) as well as the Kent Minerals and Waste Early Partial Review (2020).

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

11. Ashford Local Plan:

SP1 Strategic Objectives

SP3 Strategic Approach to Economic Development

SP6 Promoting High Quality Design

EMP1 New Employment Uses

EMP5 New Employment Premises in the Countryside

TRA3b Parking Standards for Non Residential Development

TRA6 Provision for Cycling

TRA7 The Road Network and Development

ENV1 Biodiversity

ENV3a Landscape Character and Design

ENV9 Sustainable Drainage

ENV11 Sustainable Design and Construction – Non Residential

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

Supplementary Planning Guidance/Documents

Landscape character SPD

Sustainable Drainage SPD

Sustainable Design & Construction SPD

Fibre to Premises SPD

Government Advice

National Planning Policy Framework (NPFF) 2019

12. 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:-

    2 Achieving Sustainable Development

    4 Decision Making

    6 Building a Strong Competitive Economy

    9 Promoting Sustainable Transport

    12 Achieving Well Designed Places

    15 Conserving and Enhancing the Natural Environment

    National Planning Policy Guidance (NPPG)

Assessment

13. The main issues for consideration are:

    - The principle of development;
    - Design and layout;
    - Impact upon the landscape character and visual amenities of the area;
    - Impact upon trees and ecology;
    - Impact upon the highways network, and
    - Other issues.

Principle of development

14. Policy EMP1 identifies that new employment premises will be permitted within the built up confines of Ashford, Tenterden and rural settlements or adjoining settlements listed in policy HOU5. Ashford is identified in policy HOU5 and this site adjoins Ashford. Therefore the principle of new employment

development could be acceptable subject to the 4 criteria contained within Policy EMP1, i.e.:

- A) the character and appearance of the settlement or surrounding landscape is not damaged significantly by virtue of the layout, design and scale, the level of activity generated and the functional and visual relationship it has with adjoining uses. These matters are considered below.

- B) No significant impact upon neighbouring residents. The site is separated sufficiently from the nearest residents such that the use of the site for B1 purposes would not adversely affect those residents. It should be noted also of course that a B1 use is by definition a use that can be carried on in a residential area without adversely affecting residential amenities.

- C) Appropriate provision for parking and access. It is noted that the scheme has been assessed by the County Council and they raise no objections on the matters of access and parking, subject to appropriate conditions. This is further considered below.

- D) Impacts on the local road network can be mitigated. In this instance no objections are raised in this respect. This is further considered below.

Figure 4: Location within Landscape

15. Subject to consideration of the impact of the scheme by the issues identified in EMP1 a) the principle of development is considered acceptable.

Design and layout

16. Policy SP6 refers to the importance of good design and identifies a number of criteria that contribute to good design. This policy recognises that new development should be sensitive in terms of scale, height, layout and massing to its surroundings. The criteria identified by this policy will be difficult to apply to an outline scheme where only the layout and access are being considered. The illustrative elevations demonstrate that a scheme could be delivered with either a traditional or contemporary approach – either form providing potential for an attractive courtyard type setting with the buildings enclosing the parking area and with the woodland along the length of the site on the eastern side. Sufficient space exists to enhance existing landscaping and the combination of the two would be sufficient in my to provide a well landscaped scheme.

17. The most recent illustrative elevations show a two storey development, and it would appear that a scheme of this height would be just about visible from Bad Munstereifel Road with glimpsed views through the existing boundary planting along that road. It is unlikely that a single storey scheme on this site would be similarly visible from Bad Munstereifel Road given the intervening planting along the highway boundary and the fact that the part of the site where the buildings would sit is at a much lower level than the adjacent road. It is clear from the various submitted illustrative elevations that even a two storey scheme could be reduced in height by means of the use of a flat roof and also the degree to which it may be sunk into the ground to minimise the resultant height.

Figure 5: Section

18. Of the criteria identified in policy SP6 those capable of assessment now include:

- the ease of movement across the site/legibility: the scheme would provide a clear and legible means of access and route through the site
- mixed use/diversity: it would provide a straightforward B1 use
- public safety/crime: the courtyard nature of the scheme would provide mutual overlooking of the parking area and at least some elevations to provide some security
- efficient use of natural resources: could be achieved by means of appropriately worded conditions encouraging sustainable development and the use of building regulations

19. It is considered that the proposed layout is acceptable, as is the scale of the footprint. Subject to an appropriate design this scheme could provide a good quality new employment site on the edge of Ashford in a manner that would comply with the aims and objectives of Policy SP6.

Landscape Character & Visual Amenities

20. The site is identified as lying within the Mersham Farmlands Landscape Character Area. Characteristic features of this landscape include open arable farmland, in places steep valleys and hedgerows with blocks of coppiced woodland.

21. The site is quite well screened from a lot of its surroundings either by woodland or the sloping nature of the site and as a result of this when the site is approached from the east and when standing in Church Road, it makes a positive contribution towards the undeveloped rural character of this part of Sevington. However it cannot be ignored that in fact the site lies on the edge of Ashford on two boundaries and the wider rural landscape around this part of Sevington is significantly affected by the highways network that runs alongside the site (A2070) and which joins the M20 just to the north east of Sevington Church and indeed the M20 itself. The impacts of the development upon the wider undeveloped landscape would be largely restricted to views above boundary hedging and planting along the Church Road boundary towards Sevington Church, but views much further to the east would be restricted by the woodland. The impacts upon the wider landscape would therefore be quite restricted and would be viewed against the backdrop of a landscape already heavily influenced by development.

22. The visual amenity of an area refers to the views and surroundings that create the backdrop to an area. In this instance whilst the site enhances the visual amenities of the area when viewed from Church Road outside the site, when viewed from other positions around and further from the site, other development in Ashford and the road network impinge upon views of the site and change the perception of the visual amenities of the area.

23. In view of the impacts of surrounding development upon the site when viewed in the round, it is not considered that the impacts would be considered to cause significant adverse harm either to the landscape or to the visual amenities of the area.

Impact upon trees and ecology

24. Policy ENV1 advises that proposals that conserve or enhance bio diversity will be supported.

25. In this instance the site does not lie in close proximity to any specifically identified site of nature conservation interest or wildlife conservation. It forms undeveloped grassland. The surrounding trees and shrubs may provide nesting opportunities for birds but these are not to be removed and in fact could be enhanced as part of this scheme.

26. Natural England have been consulted and advise that they do not wish to raise objections to the proposed development on the basis that in their view the scheme will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes. On that basis apart from a condition to protect nesting birds it is not considered that such works are proposed as to adversely affect the biodiversity of the area.

27. In respect of impacts upon trees, Policy ENV3a advises that all new development shall pay particular regard to the pattern and composition of trees and woodlands. In this particular instance the site lies adjacent to a small area of woodland along its eastern boundary which would partially overhang the proposed parking area. However sufficient information has been submitted to overcome initial concerns about the impacts of the scheme upon these trees.

28. Whilst the scheme is already partially surrounded by tree and shrub cover a condition is proposed to ensure protection of the adjacent trees and to seek some additional planting as part of the scheme, both within and on the site boundaries.

Impacts upon the highways network

29. Policy TRA3a identifies the amount of on-site parking required and this scheme is able to comply with the identified standard providing 31 spaces, including accessible spaces and 6 spaces with electric charging points. The scheme is able to demonstrate that the site could accommodate waiting space for vans attending the site and sufficient space for an HGV to turn so it can enter the highway in a forward direction.

30. Policies TRA4 and TRA5 require that any new scheme should consider the potential for bus patronage to aid the sustainability of the scheme and that safe and accessible pedestrian access and movement routes connecting to the wider network. In this instance the nearest bus stop appears to be on the opposite side of Bad Munstereifel Road some 1400m's walk from the site and with pedestrian access available on the opposite side of Church Road opposite the site entrance. This may be sufficiently close for some use of the bus route.

31. Policy TRA6 requires on site provision for the secure parking of bicycles and a cycle storage area is shown to be provided between two of the buildings with adjacent changing facilities. This approach would be policy compliant.

32. Policy TRA7 advises that new accesses and intensified use of existing accesses will not be permitted if a clear risk of road traffic accidents or significant traffic delays would be likely to result. It must be demonstrated that traffic movements to and from the development can be accommodated to avoid severe residual impact.

33. The site access leads onto Church Road, being an unclassified road, with the access approximately 40m's from Bad Munstereifel Road (A2070). This proximity to the A road and connecting highways network therefore reduces the potential impact of the scheme upon users of Church Road and the surrounding area in highways and amenity terms. The County Council have considered the scheme and it has been amended to provide slightly wider parking spaces (2.5m each), to demonstrate the ability for an HGV to turn within the site and the provision of adequate visibility splays, such that no objections are raised to the scheme in terms of parking and highways safety.

Other Issues

34. **Archaeology:** The site lies in an area of archaeological potential relating to multi period activity in the Stour Valley including early prehistoric artefacts in Pleistocene river gravels. An archaeological investigation prior to the HS1 scheme in this area identified one or possible two timber buildings of 12th/13th century date. Further remains may exist and an appropriate conditions are recommended.

35. **Drainage:** No details have been submitted of foul or surface water drainage and accordingly a number of pre-commencement conditions are recommended to secure the relevant details. Subject to these conditions no objections are raised.

36. **Access:** Ashford Access Group draw attention to the need for a flush and level threshold the buildings and this is addressed by means of an informative.

37. **Heritage Impact:** The nearest listed building comprises Ashdown Cottage which fronts onto Church Road but lies out of sight of the site to the east of the woodland and no adverse impact would result to the setting of that dwelling.

38. Court Lodge and an adjacent Barn, both Grade II listed buildings lie some 160m's to the north of the site. The Church of St Mary, a Grade I listed church lies a further 80m's beyond those buildings. In between the site and these buildings lies an equine business with a number of buildings and enclosures. It is considered that the application site lies too far from any of these listed buildings to adversely affect their setting which is actually affected more significantly by the equine business that lies much closer to them.

Human Rights Issues

39. 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

40. 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

41. This scheme seeks outline permission for three buildings on a greenfield site for use for B1 purposes. Only the matters of layout and access are to be determined, although illustrative plans have been submitted demonstrating a variety of elevations could be achieved on the site that could result in an

acceptable and attractive environment for such a scheme. The principle of development is considered acceptable, the site lying on the edge of Ashford with significant scale of development lying on the opposite side of Bad Munstereifel Road to the west and the railway line to the south of the site and therefore being considered to comply with the provisions of Policy EMP1.

42. The proposed layout of the scheme is considered acceptable creating potential for an attractive courtyard approach to this scheme. The access and parking has been considered by the county council and is considered acceptable, subject to appropriate conditions. The detail of the design would be secured by appropriate conditions.

43. The scheme lies far enough from the nearest residential dwellings to ensure that a B1 use would not adversely affect their amenities.

44. The site does not lie in close proximity to any sites of nature conservation interest such as to be anticipated to cause any adverse impacts upon biodiversity within the area and it is not anticipated that the scheme would have any adverse impacts upon the adjacent woodland. A landscaping condition is suggested that could secure additional planting around the site.

45. The site lies on the edges of the built up area of Ashford and adjacent to significant development and the local highways network, although when standing in Church Road in front of the site it does feel somewhat disconnected from the main developed areas by the highways network and adjacent railway line. However, the adjacent woodland and sloping nature of the site separates it from its surroundings such that longer distant views of the site from the surrounding countryside are significantly restricted. On balance therefore and taking account of the proximity and position of the wider development to the north, south and west of the site it is considered that the scheme would have a less than significant impact upon the character of the wider landscape and visual amenities.

46. Overall and subject to an acceptable design it is considered that this scheme would comply with the provisions of SPT6 and EMP1 would provide an acceptable, policy compliant form of development.

Recommendation

Permit

Subject to the following Conditions and Notes:

(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).

1. Standard outline Condition
2. Approved plans
3. Available for inspection
4. Materials to be agreed
5. Hard and Soft Landscaping including boundary fencing and external lighting to be agreed
6. Submission of detailed sustainable surface water drainage scheme
7. Submission of details demonstrating risks to controlled waters
8. Protection of trees
9. Details of works within a root protection area to be agreed including provision of the underground routing of services
10. Provision of access, visibility splays, parking and turning prior to first occupation
11. Submission of a foul drainage strategy
12. Submission of archaeological field evaluation
13. Limit Use Class
14. No open storage
15. Submission of slab levels/site levels - existing and proposed
16. CTMP including storage of materials, wheel cleaning, site compound, parking for site personnel

Informatives:

1. Need for an EA permit for any ground discharge
2. Details of works not permitted on the PROW specifically no furniture, no disturbance of the surface, no hedge within 1.5m's and no right to close or divert the PROW
3. Need for a flush threshold

Note to Applicant

1. **Working with the Applicant**

<u>Working with the Applicant</u>

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

- was provided with pre-application advice,
- updated of any issues after the initial site visit,
- The applicant was provided the opportunity to submit amendments to the scheme/ address issues, resulting in a favourable recommendation.
- 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). Those papers relating specifically to this application may be found on the View applications on line pages under planning application reference 20/0667/AS)

Contact Officer: Lesley Westphal

Email: @ashford.gov.uk

Telephone: (01233) 330386