

Application Number	PA/2022/2393
Location	Land East of 79, Torrington Road, Ashford, TN23 7TG
Grid Reference	Easting (x) 601265; Northing (y) 141707
Parish Council	N/A
Ward	Norman
Application Description	Change of use of part of the derelict industrial former Coneybeare Site (Class B2) to be used for a community sheds project (Sui Generis). Locating of two shipping containers for use in association with the community sheds project.
Applicant	Assistant Director Housing Sharon Williams (ABC)
Agent	Mr Daniel Scarsbrook (ABC)
Site Area	551sqm

Introduction

1. This application relates to a Community sheds project proposed by Ashford Borough Council.

Site and Surroundings

2. The application site is land approximately 551sqm in size located to the east of Ashford Muslim Community Centre, at 79 Torrington Road. The site is predominantly of hard landscaped with an area of soft landscaping running parallel to the East Stour River bank. There is a mature Willow tree to the east of the site and hedging to the boundary with Torrington Road. A Public Right of Way (PROW AU88) crosses adjacent to the western boundary of the site.
3. The site is secured on three sides by metal palisade fencing and brick wall, while the eastern boundary is the East Stour River. There are metal palisade gates to the north and southern boundaries, two 1m wide for pedestrian access and a double set of gates 4m wide for vehicular access.
4. A site location plan is as shown in Figure 1 below.



Figure 1: Site Location Plan

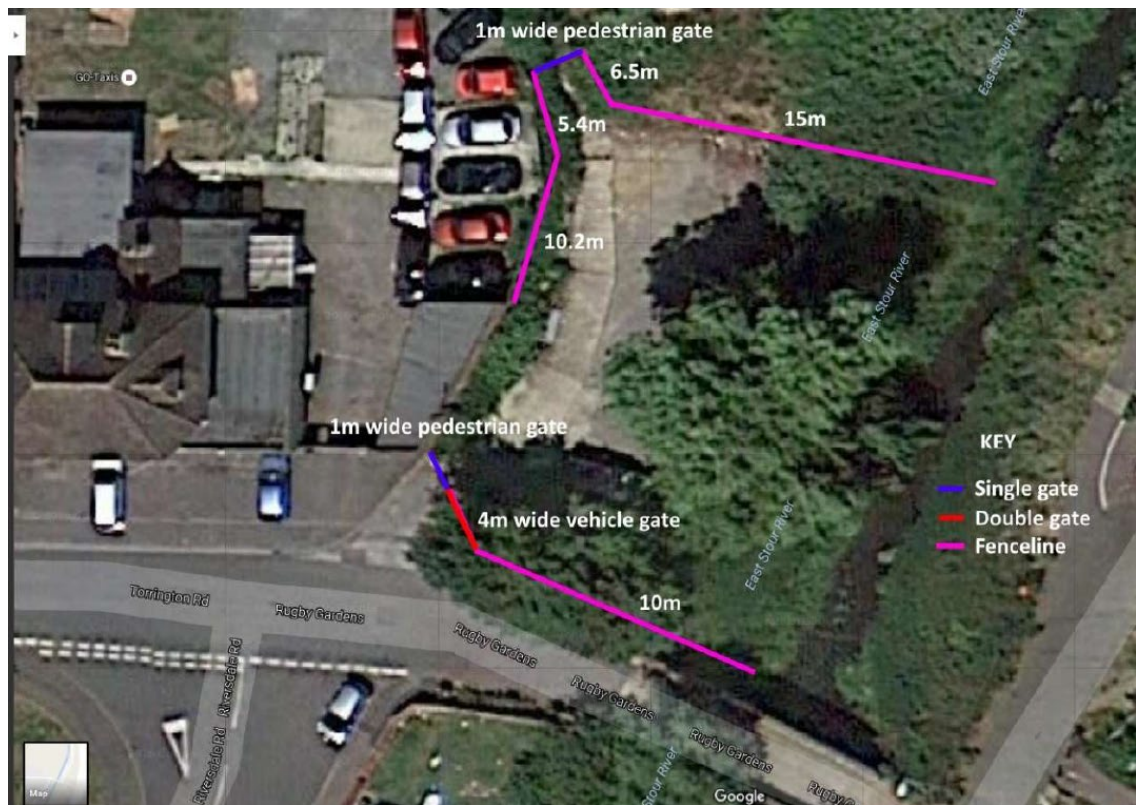


Figure 2: Aerial View



Figure 3: Street view

Background and Proposal

- The application seeks planning permission for a change of use of a former derelict industrial site (former Coneybeare Site - Class B2) to be used for a community sheds project (Sui Generis). To facilitate the use, two shipping containers and a portable toilet are proposed on the existing hard surface. The proposal would utilise the existing access with two new car parking spaces proposed to the existing hardstanding area. It is anticipated that these parking spaces would be utilised for people with mobility difficulties.

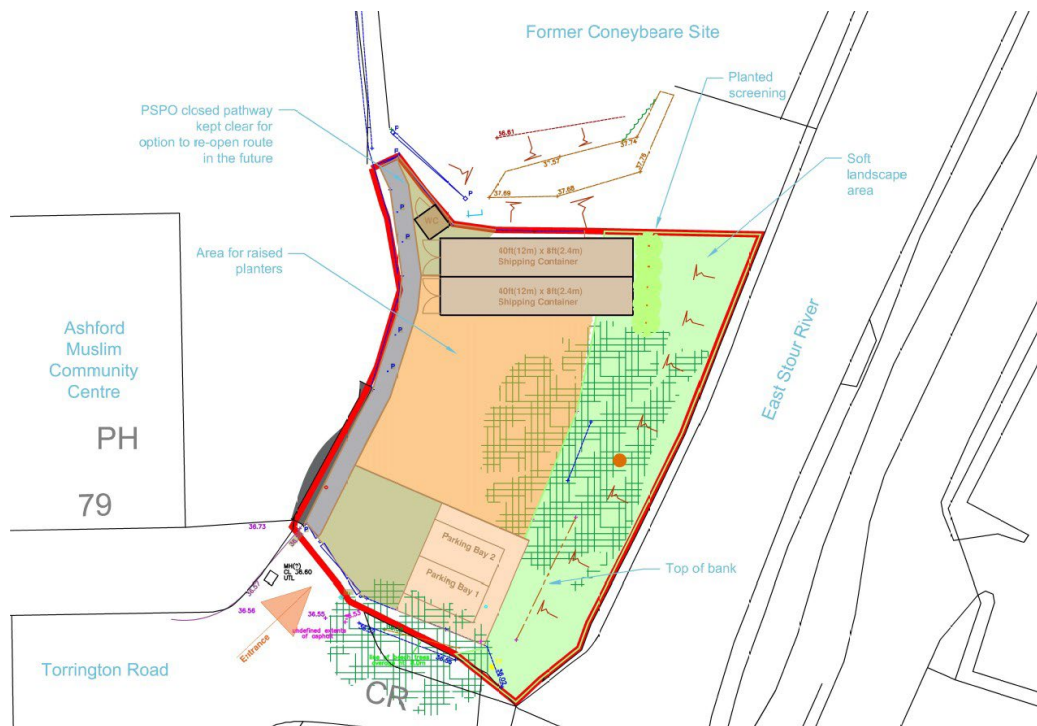


Figure 4: Block Plan

- The Community Shed Project is an initiative to provide a facility where people can regularly meet, talk, share practical skills in gardening and making/repairing things either for themselves or for others, and come away feeling fulfilled. It is understood that as this project develops and evolves, future improvements to the facilities are envisioned including new community sheds and connecting the site to mains water, sewers and electrics. The idea behind the Shed Project is to share and learn new skills and help the community.

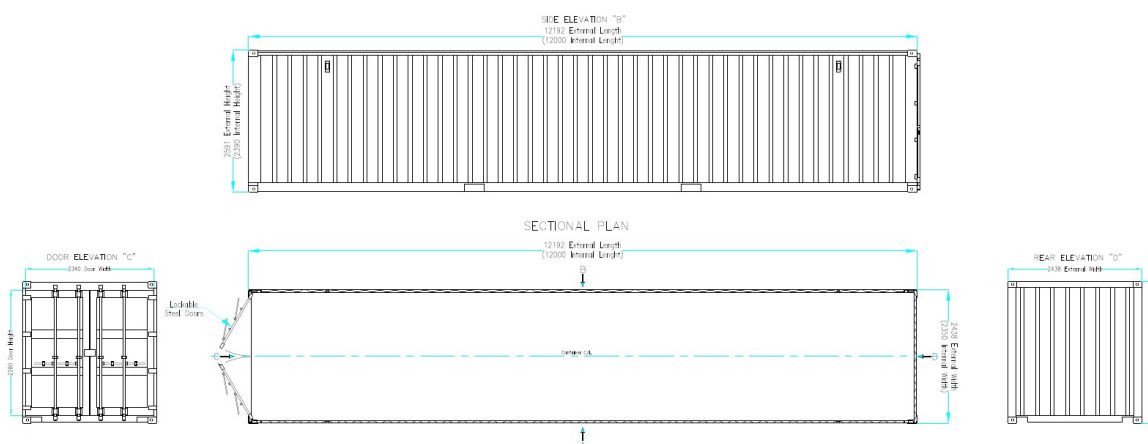


Figure 5: Shipping Container plans and elevations



Figure 6: Image of typical Shipping Container



Figure 7: Portable Toilet Block

Planning History

- 16/01646/AS – Erection of 2.4m palisade fencing and gates. Approved.

Consultations

- KCC Highways – no objection raised.

Neighbours

- No representations received.

Planning Policy

7. The Development Plan for Ashford borough comprises the Ashford Local Plan 2030 (adopted February 2019), along with the Chilmington Green Area Action Plan (2013), the Wye Neighbourhood Plan (2016), the Pluckley Neighbourhood Plan (2017), the Rolvenden Neighbourhood Plan (2019), the Boughton Aluph and Eastwell Neighbourhood Plan (2021), the Egerton Neighbourhood Plan (2022) and the Kent Minerals and Waste Local Plan (2016) as well as the Kent Minerals and Waste Early Partial Review (2020).
8. 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).
9. The Local Plan polices relevant to this application are as follows:
 - SP1 Strategic Objectives
 - SP2 The Strategic Approach to Housing Delivery

- SP6 Promoting High Quality Design
- ENV1 Biodiversity
- ENV 2 Ashford Green Corridor
- ENV 6 Flood Risk
- TRA3b Parking for Non-Residential Development
- TRA6 Provision for cycling
- COM1 Meeting the Community's needs

Government Advice

- National Planning Policy Framework (NPPF) 2021
- Planning Practice Guidance
- National Design Guide 2021

ASSESSMENT

10. The key areas for consideration in the assessment of this application are as

- Principle of Development
- Character and Appearance
- Impact on Highways
- Impact on Residential Amenity
- Flood Risk

Principle of development

11. The site lies within the settlement confines of Ashford. It seeks permission to change the change of use former derelict industrial site (former Coneybear Site - Class B2) to be used as a community facility (Sui Generis). The site will include raised planters and soft landscaping utilised for planting which will both improve the appearance of the site and encourage biodiversity. Also, the project would bring the community together, improve health and wellbeing. The proposal is in line with Local Plan aspirations and therefore the principle is considered acceptable.

Character and Appearance

12. The site is located on the edge of a residential area. There is a pub over the river bridge to the east and the immediate neighbours to the west are Ashford Muslim Community Centre. The Ashford Green Corridor runs south to north on the east side of the site. The river bank and cycleway on the opposite side of the river is classed as Open Space. Beyond this, there is a car park and the A2042. The Rugby Gardens Bridge also provides pedestrian access to The Outlet Shopping Centre.

13. The proposal is for a change of use to transform waste ground into a community gardeners sheds project. The land appears to have been a vehicle access route

through to the Coneybeare site. The two shipping containers and a portable WC would be sited to the north and placed side by side whilst allowing the southern part of the site to be used for raised planting beds. It is understood that the shipping containers would be used as storage. The shipping containers would be typical metal corrugated containers painted dark green.

14. In respect of the visual impacts, as the project evolves in an organic fashion with the site covered in raised planter beds, it would significantly enhance the character of the site and improve biodiversity. The proposal seeks to retain the existing trees on the site. A suitably worded condition could be attached to secure the retention of the existing trees. Whilst the shipping containers and the portable WC would be visible from the public realm, it is not considered that it would cause undue harm to the character and appearance of the streetscene. Therefore, the proposal would comply with paragraph 130 of the NPPF.

Impact on Highways

15. The proposal would make provision for two car parking spaces within the site on the existing hardstanding. The site lies within easy walking distance to the bus stops and train station. Also, on-street parking is prevalent in the area. The D&A submitted with the application makes it apparent that 4-10 members would use the site any given point. Therefore, the proposed use of the site for community sheds project would not result in undue pressure of parking or traffic in the area.
16. Sustainable transport modes, including walking and cycling, are possible given the site's urban location and high levels of accessibility. There would be no impact on the PROW and cycles can be stored in the storage shipping container. It is therefore considered acceptable in terms of highways impact.

Residential Amenity

17. In respect of the residential amenity, it is not considered that the proposed change of use from industrial use Class B2 to Sui Generis (Community Sheds Project) would cause harm to the residential amenity of the neighbouring occupants. A suitably worded condition could be attached to ensure that the site is used for approved purposes only.

Flood risk

18. The site lies within flood risk zones 2 and 3. Environment Agency Standing Advice Annex 3 Flood risk vulnerability classification sets out what development types would fall under Essential Infrastructure, Highly Vulnerable, Low Vulnerable and Water Compatible developments. According to the EA standing advice, the proposed development would fall under water compatible classification. Therefore, having regard for the advice above, given the limited area of land under consideration and the nature of the use of the site, it was not considered necessary to obtain a site-specific flood risk assessment in this

instance. It is a general practice to require an evacuation plan in case of major flood events however, given that the site is open and the members using the site would be working on the ground level in the open area, it is not considered reasonable to attach such a condition in this instance. Overall, the proposal is considered acceptable in terms of the impacts from the risk of flooding.

Human Rights Issues

19. 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).

Conclusion

20. The proposed change of use from Class B2 to Sui Generis is considered acceptable and would not cause harm to the character and appearance of the street scene. By virtue of the nature of the proposal it would cause no harm to the residential amenity of the neighbouring occupants and is considered acceptable in all other material respects.

Recommendation

Permit

Subject to the following Conditions and Notes:

(with delegated authority to the Strategic Development and Delivery Manager or Planning Applications and Building Control 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. The development hereby permitted shall be begun before the expiration of 3 years from the date of this decision.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development shall be carried out in accordance with the plans listed in the section of this decision notice headed Plans/Documents Approved by this decision.

Reason: To ensure the development is carried out in accordance with the approval and to ensure the quality of development indicated on the approved plans is achieved in practice.

3. In this condition a “retained tree or shrub” is an existing tree or shrub which is to be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) below shall have effect until the expiration of 5 years from the date of the commencement of use of the approved development for its permitted use.

a) No retained tree or shrub shall be cut down, uprooted or destroyed, nor shall any retained tree be pruned in any manner, be it branches, stems or roots, other than in accordance with the approved plans and particulars, without the prior written approval of the LPA. All tree works shall be carried out in accordance with BS3998:2010 Recommendations for Tree Work).

b) If any retained tree or shrub is cut down, uprooted, destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the LPA.

Reason: Pursuant to Section 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality.

4. The premises/site shall be used for The Community Sheds Project and for no other purpose, including any other purpose in the same use class of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

Reason: In order to preserve the amenity of the locality.

5. The development approved shall be made available for inspection, at a reasonable time, by the local Planning authority to ascertain whether a breach of planning control may have occurred on the land (as a result of departure from the plans hereby approved and the specific terms of this permission/consent/approval).

Reason: In the interests of ensuring the proper planning of the locality, the protection of amenity and the environment, securing high quality development through adherence to the terms of planning approvals and to ensure community confidence in the operation of the planning system.

Notes to Applicant

1. Working with the Applicant
2. List of plans / documents approved

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 PA/2022/2393)

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