

<b>Application Number</b>	<u>PA/2023/0518</u>	
<b>Location</b>	Park South Side Of, Elwick Road, Ashford, Kent TN23 1NN	
<b>Grid Reference</b>	00977/42413	
<b>Parish Council</b>	None	
<b>Ward</b>	Victoria	
<b>Application Description</b>	Renewal of the existing temporary planning permission Ref 20/00065/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, Kent TN23 1PL	
<b>Agent</b>	Mr Adam Hayes C/O Ashford Borough Council	
<b>Site Area</b>	0.31 Hectares	
(a) /	(b)	(c) KHS 'X', SWS 'X,' HS1 'R' NR 'X'

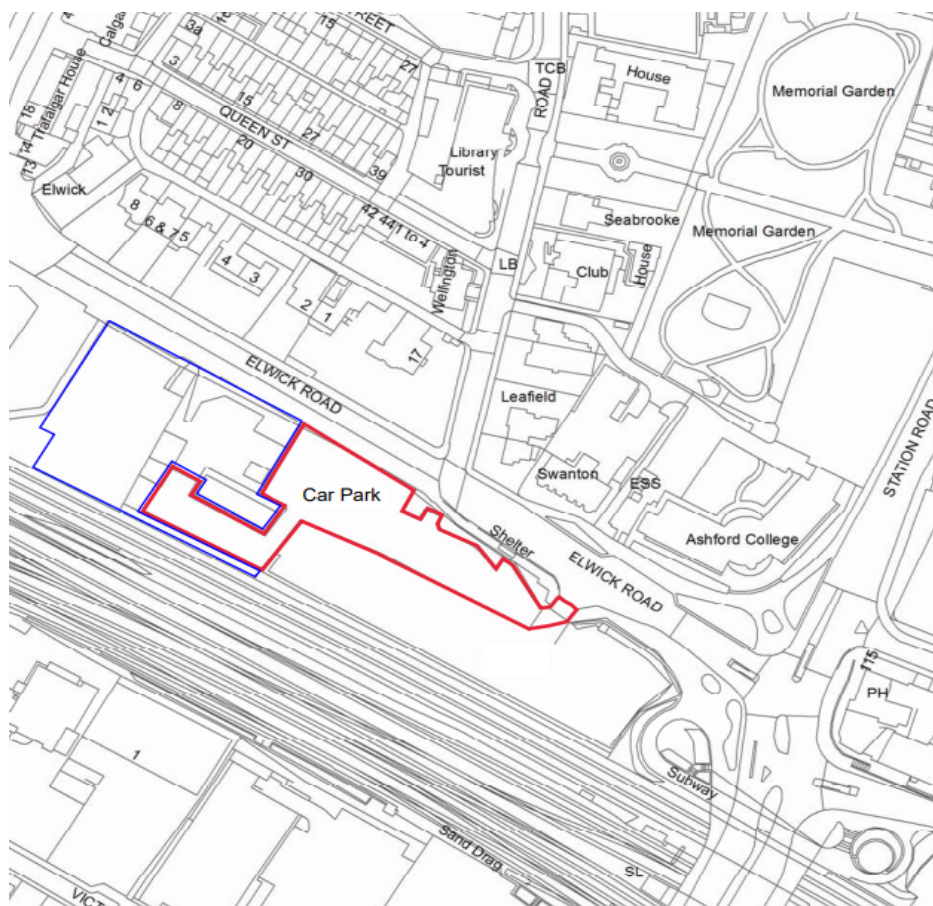
## Introduction

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

## Site and Surroundings

2. The application site consists of an area of hard standing (concrete and tarmac) which has been utilised as a temporary car park since 2017. The site is relatively flat and is enclosed by high wire mesh and metal palisade fencing. It is bounded by Elwick Road to the north, the domestic and CTRL railway lines adjoin part of its southern boundary and a further public car park lies to the south and south-east.

3. To the west of the site is currently vacant land adjacent to the Elwick Place commercial complex. This area to the west and the western half of the application site forms the application site for an application for the development of up to 200 flats (ref 21/02219/AS). The Council's Planning Committee resolved to approve this application in March 2022, subject to an Appropriate Assessment to identify suitable Stodmarsh mitigation measures and a section 106 agreement.
4. The Ashford Town Centre conservation area extends to the north of the site, on the opposite side of Elwick Road. The site location plan is shown in figure 1 below and Annex 1.

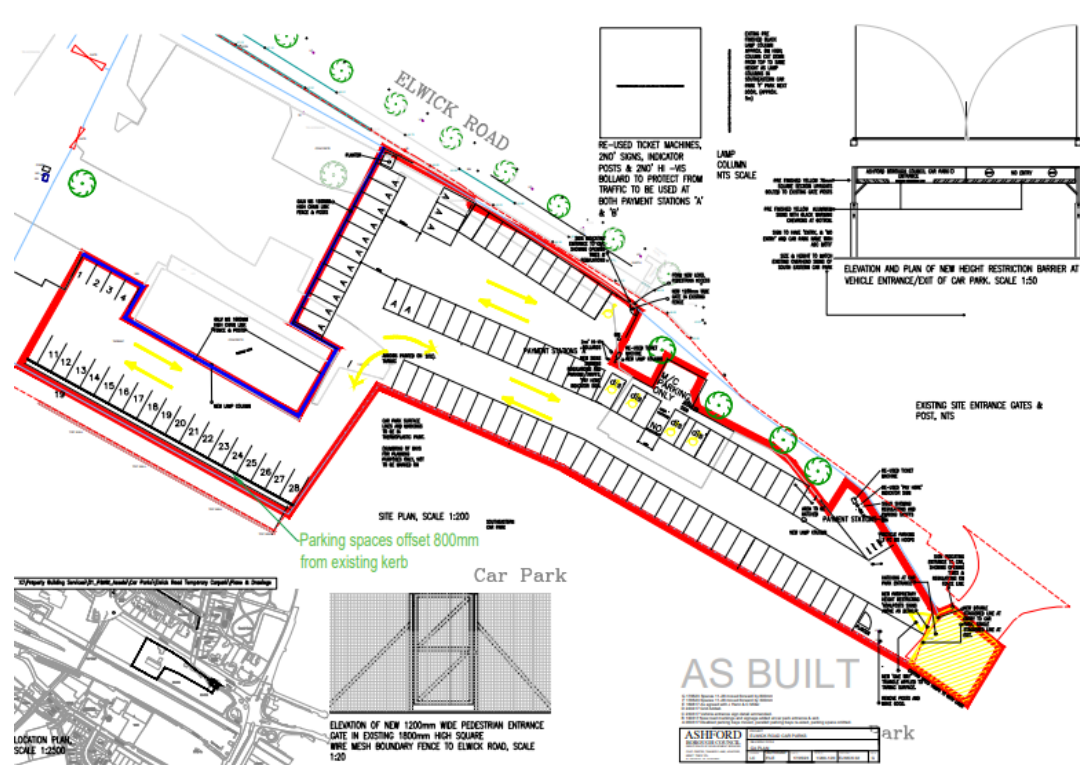


**Figure 1:** Site location plan.

## Proposal

5. The application seeks a renewal of the existing temporary planning permission Ref 20/00065/AS granted on the 19<sup>th</sup> May 2020 for the change of

use of the site from its previous condition into a temporary car park. The temporary car park provides for 107 spaces and replaces parking spaces lost at Dover Place with the construction of the Commercial Quarter's new office building as well as to assist parking on the K College campus, which is opposite the site. It has an existing access onto Elwick Road which also serves the adjoining car park. The layout of the car park is shown in figure 2 below.



**Figure 2:** Car park layout.

6. The previous temporary planning permission required the use to cease after 3 years, unless the Local Planning Authority had in the meantime granted planning permission for a further period, or upon the first residential occupation of the redevelopment of the land pursuant to the planning application for residential development of up to 200 flats.

## Planning History

7. The following is relevant relating to the application:

**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).

**20/00065/AS** - 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) (Permitted May 2020)

**21/02219/AS** - Reserved matters application to consider details of access, layout, scale, landscaping and appearance pursuant to Condition 1 (Approval of Reserved Matters) of Planning Permission 15/01282/AS (Outline application for residential development of up to 200 units within Class C2 (residential institution) and Class C3 (dwellinghouses) uses and associated access arrangements - Planning Committee resolved to grant reserved matters subject to submission of an Appropriate Assessment to identify suitable stoddmarsh mitigation measures and section 106 agreement: (March 2022)

## Consultations

**Ward Member(s):** No comments received.

**Kent Highways and Transportation:** Comment. “I have no objections to the proposals in respect of highway matters subject to the previous planning condition attached to 20/0065/AS being attached to any future temporary planning permission for a further 3 year period”.

**HS1 comment:** “We are concerned that cars parked up against the boundary fence are potentially reducing the height of the boundary fence and allowing unauthorised access onto the railway. We therefore feel that a site inspection may be necessary in order to exhaust all potential trespass opportunities”.

**Network Rail:** Confirm if the parking bays are moved back from the fence that signs stating no parking in the exclusion zone are provided.

**Southern Water:** Enclose a map showing the approximate position of the existing public surface water sewer within the development site (along Elwick Road and outside the application site).

## **Planning Policy**

8. 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).

### Emerging Neighbourhood Plans

9. Not part of the Development Plan but noteworthy are (i) the Boughton Aluph & Eastwell Neighbourhood Plan that is proposed to be adopted by the Borough Council in the near future, (ii) the Egerton Neighbourhood Plan that is currently at 'Regulation 16' (Examination) stage and (iii) the Tenterden Neighbourhood Plan that, although it has been out to consultation is at an earlier 'Regulation 14' stage in the process.

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

SP1 – Strategic Objectives.

TRA2 – Strategic Public Parking Facilities.

SP6 – Promoting High Quality Design.

ENV14 – Conservation Areas.

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

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

Sustainable Drainage SPD 2010

Dark Skies SPD 2014

### **Government Advice**

National Planning Policy Framework (NPPF) 2021

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 NPPF. The NPPF states 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:- (a) the presumption in favour of sustainable development (para 11) (b) building a strong, competitive economy (para 81 to 83) (c) promoting sustainable transport (para 104-109) (d) meeting the challenge of climate change and flooding (para 152 - 169) (f) conserving and enhancing the natural environment (para 174 - 182). Ground conditions and pollution (183 - 188). Conserving and enhance the historic environment (para 189 – 208).

## **Assessment**

13. The application site has no specific site allocation in the current Ashford Local Plan. It was previously part of the wider site planning policy area allocation in the now superseded Ashford Town Centre Area Action Plan for mixed commercial and residential development south of Elwick Road. Subsequent planning applications within this area include the development of Elwick Place and the outline planning permission and reserved matters approval resolution for the 200 flats on part of this application site.
14. 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 where the land may be redeveloped.
15. Although the current proposal does not feature as an allocated site for parking provision in the Ashford Local Plan, it serves an important 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 that the car park will only be retained until the multi-storey car parks mentioned in Local Plan policy TRA2 are delivered. I therefore consider that this car park on Elwick Road continues to serve a useful purpose for the town centre.
16. HS1 and Network Rail have commented about cars being parked up near to the car park's 1.8m high southern wire boundary fence which allows cars to be used to jump over the fence and then access the railway's solid boundary wall just beyond. Very sadly, they confirmed a suicide from this stretch of land last year.

17. There is already an existing small verge area around 700-750mm deep between the car park spaces and fence with a low concrete kerb. Following discussions with Network Rail and HS1 it is proposed to move back the southern parking bays a further 800mm from the verge and then hatch this area to prevent parking in this area. This would allow for a greater distance of separation between the parked cars and the fence of around 1500mm. Signage would also be introduced stating no parking within the hatched area. This would remove the opportunity for cars to be used to help scale the fence.
18. It is noted that the adjoining car park has a grass verge area between its southern boundary car park spaces and fence of a similar depth. If planning permission is granted then these works are proposed to be completed within 4 weeks and I propose a condition to require their implementation.
19. The development would not prejudice important views into or out of the adjoining conservation area to the north of Elwick Road, in accordance with policy ENV14 of the Ashford Local Plan.
20. The western part of the site has a resolution to grant reserved matters consent for 200 residential units (21/02219/AS). The timeframe for issuing this decision and construction of the development is currently unknown as it is dependent on mitigation for its impact on the Stodmarsh protected sites being agreed. Nonetheless, as the site is owned by Ashford Borough Council, the continued use of the car park subject of this application would not prejudice any residential development of the site.
21. This is the third renewal of the temporary planning permission. National Planning Guidance on planning conditions states it would be rarely justified to grant further temporary permissions for the same development. In this case, I propose that the permission is not subject to a further temporary time period and instead I propose that the use is limited to the occupation of the adjoining residential flatted scheme, whenever this comes forward. This matter is dealt with by recommended condition 2 below.

## **Human Rights Issues**

22. 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

23. 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

24. The site has not been allocated for car parking in the Local Plan. The two previously temporary planning permissions were on the basis the use would cease on occupation of the redevelopment of part of the site and adjoining land. As the site is owned by Ashford Borough Council, the continued use of the car park subject of this application would not prejudice any potential residential development on the site. In the meantime, the car park would continue to help support the town centre in the short-term, and would not hinder development opportunities in the long-term.
25. The parking bays to the southern boundary are to be set back in view of the concerns raised by HS1 and Network Rail about unauthorised access onto the railway line. This amendment to the scheme will help address the concerns raised.
26. In view of the above, I recommend that planning permission be granted, subject to conditions.

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## Recommendation

### Permit

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

- 1) The application shall be carried out in accordance with the following approved plans

Drawing number ELWICK 02 revision G.

**Reason:** Specifying the application drawings and other details which form part of the permission is best practice under government guidance and in the interests of visual amenity



- 2) The use hereby permitted shall be discontinued upon the first residential occupation of the redevelopment of land pursuant to outline planning permission 15/01282/AS and any subsequently reserved matters approval for up to 200 residential dwellings which includes part of the temporary car park.

**Reason:** 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.

- 3) The revised parking arrangement along the southern boundary as shown on drawing number ELWICK 02 revision G, providing a hatched area and new signage stating no parking within this area will be implemented within 4 weeks of the date of this permission and thereafter retained in accordance with the approved plans while the car park in use.

**Reason:** In the interests of providing a safer general layout

## 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/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 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 PA/2023-0518)

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Annex 1 – Site location plan

