

Application Number	18/01390/AS	
Location	The Joe Fagg Pop Inn Social Centre, St Johns Lane, Ashford, TN23 1QD	
Grid Reference	601173/142716	
Parish Council	Central Ashford	
Ward	Victoria	
Application Description	Demolition of the Joe Fagg pop in social centre and reinstatement to car parking	
Applicant	Ms Victoria Couper, Corporate Property and Projects, Ashford Borough Council, Civic Centre, Tannery Lane, Ashford, Kent, TN23 1PL	
Agent	Ms Victoria Couper Corporate Property and Projects, Ashford Borough Council, Civic Centre, Tannery Lane, Ashford, Kent, TN23 1PL	
Site Area	0.03ha	
(a) - / -	(b) -	(c) EMS X

Introduction

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

Site and Surroundings

2. The application site comprises the Joe Fagg Pop Inn social centre which is located within the north east corner of Vicarage Lane car park. The site is within the Town Centre Conservation area and an area designated as having the potential for archaeology. The building, a single storey modular building built on brick piers and clad in white upvc, is unlisted. It is vacant, last leased by Age UK. Access into the building is from St. Johns Lane to the north.

3. To the north of the social centre is Ashford Baptist Church and the rear of buildings which front onto the High Street, a number of which are Listed. St Marys Church, a Grade 1 listed building and The College a Grade II* Listed building are located to the west and south west and to the south is a cemetery, grade II listed.
4. A plan showing the application site in relation to its surroundings is found below and also attached as **Annex 1** to this report

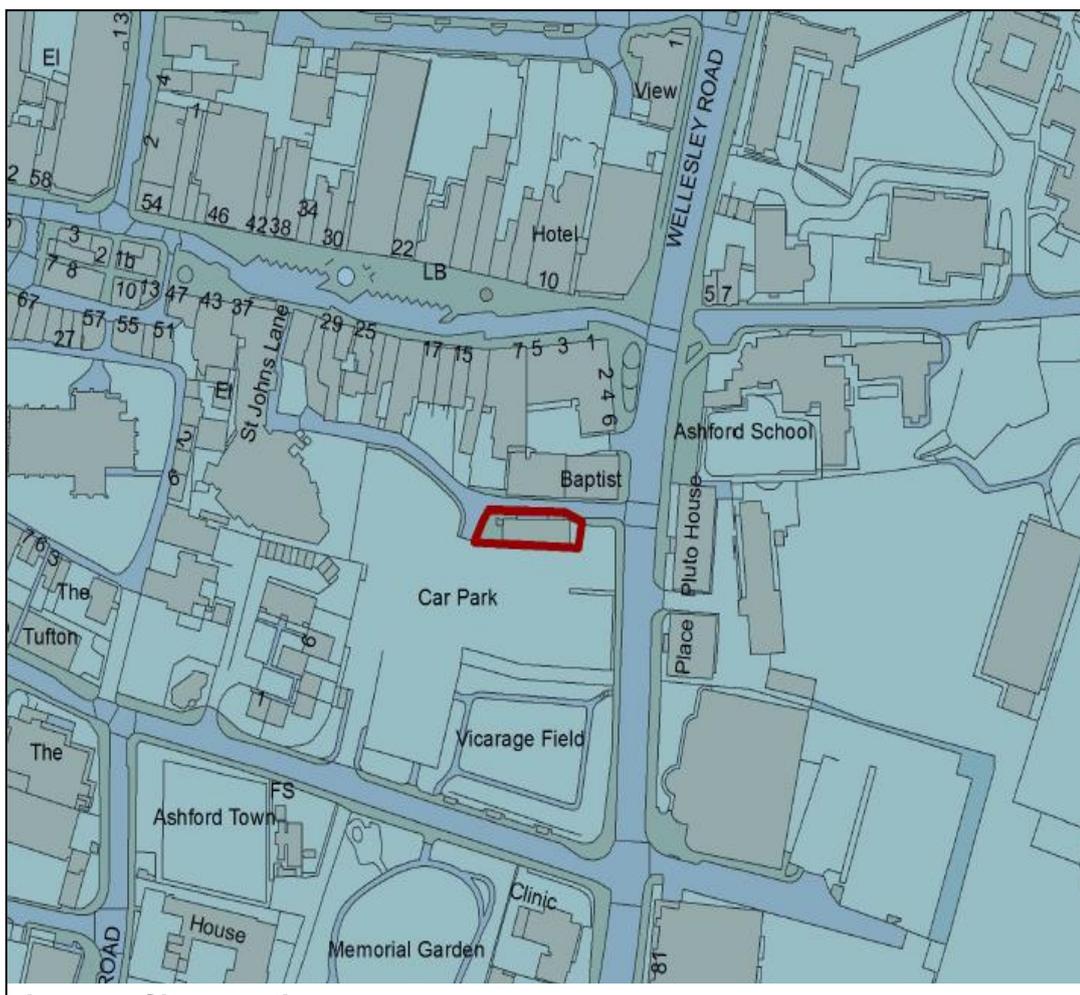


Figure 1: Site Location

Proposal

5. Planning permission is sought to demolish the existing building and reinstate the land as car park.

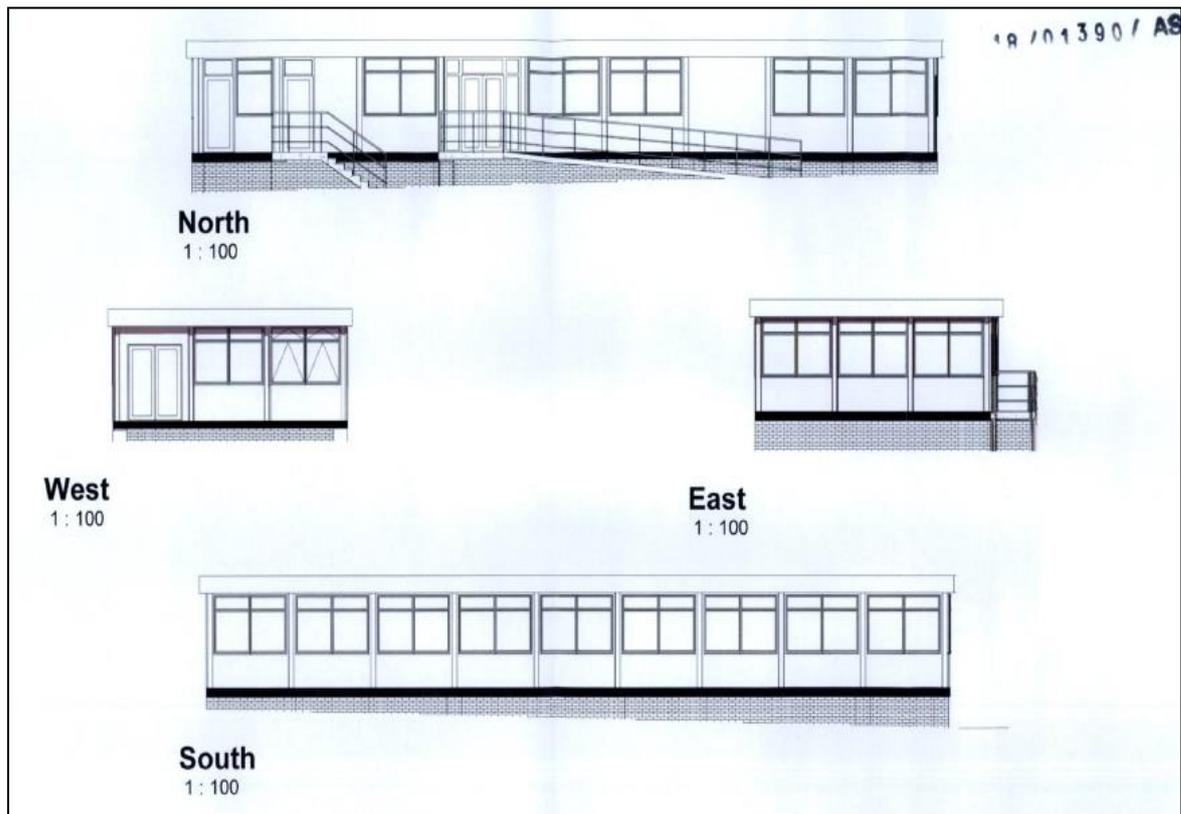


Figure 2: Elevation of building to be demolished

6. It is stated within the Design, Access and Heritage Statement that post demolition the surface occupied by the building will be made good in materials to match the existing hardstanding, comprising an asphalt concrete finish of similar specification to the surrounding car parking areas. It is then proposed to provide additional car parking as per the new layout proposed in drawing VCLCP/18/010b.



Figure 3: Proposed Layout

Planning History

DC	FA	79/00701/AS	Erection of a Terrapin Building on prepared bases for Old peoples Welfare Facilities.	PERMITTED TEMPORARY
DC	FA	81/01536/AS	Extension to existing terrapin building.	PERMITTED TEMPORARY
DC	FA	84/00721/AS	Pop in for the elderly and various welfare services.	PERMITTED TEMPORARY
DC	FA	89/01774/AS	Renewal of temporary permission for the pop inn centre for senior citizens	PERMITTED TEMPORARY

7. The above temporary permissions were all subject to a condition requiring the building to be removed once the use for which permission was given ceased,

unless the Local Planning Authority shall have granted permission for a further extension of this development in the meantime. No further permissions have been sought or granted but the building remains at the site and has been in use by Age UK until recently.

8. Legal advice has been sought and it has been confirmed that notwithstanding the conditions imposed on the temporary grants of planning permission, planning permission is required for the demolition of the pop in centre as the pop in centre constitutes a building and is located within the Conservation Area.

Consultations

Ward Members: The Ward Member makes no comment on this application

Environmental Health: No objection subject to conditions/informative notes.

Neighbours: No neighbours consulted. A site notice was posted and the application has been advertised in the press. No representations have been received.

Planning Policy

9. The Development Plan comprises the saved policies in the adopted Ashford Borough Local Plan 2000, the adopted LDF Core Strategy 2008, the adopted Ashford Town Centre Action Area Plan 2010, the Tenterden & Rural Sites DPD 2010, the Urban Sites and Infrastructure DPD 2012, the Chilmington Green AAP 2013, the Wye Neighbourhood Plan 2015-30 and the Pluckley Neighbourhood Plan 2016-30.
10. The new Ashford Local Plan to 2030 has now been submitted for examination. Following this, the Local Plan Inspectors issued a post-hearings advice note on 29th June 2018 which sets out the elements of the Submission Local Plan that they consider require amendment in order to be found sound. In the context of paragraph 48 of the NPPF, this note provides a material step towards the adoption of the Plan and the weight that should be applied to its policies in decision-making. Where the Inspectors have not indicated a need for amendment to policies in the Plan, it is reasonable to assume that these policies are, in principle, sound and should therefore be given significant weight. Where policies need to be amended as a consequence of the Inspectors' advice, significant weight should be attached to the Inspectors' advice in the application of those policies.

11. On 13 September the Council commenced consultation on the main modifications to the draft plan. This consultation has now ended.
12. The relevant policies from the Development Plan relating to this application are as follows:-

Ashford Borough Local Plan 2000

EN16 Development in Conservation Areas

EN23 Sites of archaeological importance

Local Development Framework Core Strategy 2008

CS1 Guiding Principles

CS2 The Borough Wide Strategy

CS9 Design Quality

CS18 Meeting the Communities Needs

Urban Sites Development Plan Document 2012

U0 Presumption in Favour of Development

Ashford Town Centre Area Action Plan

TC1 Guiding Principles for Town Centre Development

TC5 Vicarage Lane Car Park

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

Ashford Local Plan to 2030 (Submission Version December 2017)

SP1 Strategic Objectives

SP6 Promoting High Quality Design

EN13 Conservation and Enhancement of Heritage Assets

EN14 Conservation Areas

EN15 Archaeology

Government Advice

National Planning Policy Framework (NPPF) 2018

14. 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:-

15. 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)”

Relevant sections:

- Chapter 2 – Achieving sustainable development
- Chapter 4 – Decision-making
- Chapter 8 – Promoting healthy and safe communities
- Chapter 12 – Achieving well-designed places
- Chapter 16 - Conserving and enhancing the historic environment

National Planning Policy Guidance (NPPG)

Assessment

16. The main issues to consider are:
- The loss of the community facility;
 - Impact of the proposed demolition on the character and appearance of the Conservation Area and the setting of Listed Building's;
 - Impact on amenity;
 - Archaeology

Loss of Community Facility

17. Core Strategy policy CS18 states that the loss of existing facilities including public services and community facilities shall be resisted, unless they are no longer required or are obsolete.
18. Planning permission for the building for use as a social centre by Age UK was originally granted on a temporary basis in 1979. The original permission, was subsequently renewed on more than one occasion. The temporary permission last expired in November 1994 and was never renewed. Notwithstanding this, the building continued to be occupied by Age UK until earlier this year.
19. Age UK have since relocated to Farrow Court in Stanhope Road, Ashford. Farrow Court is a recently completed sheltered housing scheme and so offers greatly improved facilities.
20. It is stated that the building the subject of this application is in poor condition, contains asbestos and so is not suitable for occupation. As stated above, new, improved and accessible facilities have been provided locally to replace the facilities proposed for demolition. Therefore, the community benefits, services and facilities provided by the former social centre remain available for use.
21. Given the above, I am satisfied that the building is no longer required. Furthermore, considering the site is in the town centre where there are alternative assembly and leisure facilities available I do not consider the loss of the building, (a community facility) would have a significant or detrimental impact upon the local community or the vitality of Ashford Town Centre.

Visual Amenity

22. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the conservation area. Section 66(1) the same Act requires decision makers to assess the effect of proposals on any listed building and its setting.
23. Policy EN16 of the Local Plan requires proposals to preserve or enhance the character or appearance of the area, indicating amongst other things that proposals must be appropriate in terms of scale, detailed design and materials. Buildings and streets of townscape character, trees, open spaces, walls, fences or any other features which contribute positively to the character and appearance of the area must be retained. Policy CS1 of the Council's Core Strategy sets out the Council's key planning objectives including the conservation and enhancement of the historic environment and built heritage.
24. Relevant Core strategy policies CS1 and CS9 require good design.
25. The above criteria are consistent with Government policy set out in the NPPF which seeks to safeguard heritage assets, and ensure new development responds positively to its context. The NPPF attaches great importance to the design of the built environment and states that developments should respond to local character and history and reflect the identity of local surroundings and materials.
26. The social centre is a modular construction. The building is of no architectural merit and does not make any positive contribution to the conservation area.

Consequently, neither does it make any positive contribution to the setting of nearby Listed buildings that it is viewed in context with. Its demolition will enhance the appearance of the area. As such, no objection is raised to the demolition of the building.

27. The loss of the building and its replacement with surfacing and allocated parking consistent with the existing car park facilities in Vicarage Lane, would ensure that the finished scheme of works would comprise appropriate materials that assimilate with the surrounding development. As a result the new open space and car parking area would sit comfortably within the street scene and wider townscape setting, enhancing the character and appearance of the Conservation Area and the setting of nearby Listed Buildings. Whilst this will not enhance the site it will preserve its appearance.

28. Overall, the proposals would benefit the character of this part of the Town Centre. For the reasons set out in the preceding paragraphs, I do not consider that there would be any harm to the visual amenity of the area and the Town Centre Conservation Area and setting of Listed Buildings would be enhanced. The proposal complies with the Development Plan as a result.

Impact on Amenity

29. Paragraph 127 of the NPPF identifies a set of core land use planning principles that should underpin decision making including that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.
30. The demolition works and works to make good will be for a temporary period. Subject to conditions such as hours of working and undertaking the works in accordance with the process of demolition set out in the DAHS, I consider that the proposals can take place safely, and without any adverse impacts on neighbouring amenity by way of noise and general disturbance. As such, I consider that the works can be undertaken in accordance with the relevant policy guidance.

Archaeology

31. Policy EN23 of the Local Plan seeks to safeguard archaeology as does section 16 of the NPPF.
32. In January 2017, planning permission was granted for the demolition of the public convenience block adjacent to this site. The application reference 16/01696/AS was not subject to consultation with KCC Heritage but an archaeological condition was applied to the grant of planning permission. Discussions with KCC ensued post decision and it was concluded that the condition need not have been applied.
33. The current application is similar to the development associated with the demolition of the former public conveniences in that this site is located in very close proximity to the former conveniences and also within a designated area for archaeology. Similarly, it is stated that the demolition of the building will not involve excavations below the foundations of the existing building. The site will be remediated to incorporate additional car parking the same as at the site of the former conveniences.
34. The discussion surrounding the archaeological condition applied to 16/01696/AS led officers to information and historic mapping that confirmed

that the site of the conveniences and the Joe Fagg building was previously occupied by properties fronting St Johns Lane. Consequently, it is extremely unlikely that the demolition of the building will impact upon any important archaeological remains. I am therefore satisfied that the proposals will not result in any demonstrable harm to archaeology.

35. In light of the above, KCC Heritage have not been consulted and a condition has not been applied in this instance.

Other Matters

36. There are not considered to be any highway impacts arising from this proposal as any additional car parking spaces provided will be accessed via the existing access into the car park.

Human Rights Issues

37. 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

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. To conclude, due to the relocation of Age UK into Farrow Court, I am satisfied that replacement social facilities have been provided and that there are alternative uses available within the Town Centre to meet the needs of the aging community.
40. The building is of no architectural merit and its demolition and its replacement with surfacing and parking provision consistent with the existing car park, will enhance the character and appearance of the Conservation Area and setting

of nearby Listed Buildings. There are no perceived archaeological or highway impacts

41. Subject to conditions, the scheme of works to demolish the building and restore the site to provide additional car parking can take place without any adverse impact on neighbour's amenity.
42. With no overriding harm, the proposal is considered to be acceptable and in accordance with the Development Plan as a whole. I therefore recommend the scheme for approval subject to conditions

Recommendation

Permit

Subject to the following conditions:

1. Upon completion of demolition all materials shall be removed from the site and the site shall be restored in the manner described in the Design, Access and Heritage Statement and in accordance with the details set out on drawing number VLPCD-101.

Reason: In order not to prejudice the appearance of the surrounding Conservation Area and neighbours' amenities.

2. The development shall be carried out in accordance with the details of external materials specified in the application which shall not be varied without the prior written permission of the Local Planning Authority.

Reason: In the interests of visual amenity.

3. Demolition and site clearance works shall only be carried out between the hours of 0800 and 1800 Monday to Saturday, and not at all on Sundays and Bank Holidays.

Reason: In the interests of the amenities of the area.

4. The process of demolition shall be undertaken in accordance with the details set out in the Design, Access and Heritage Statement.

Reason: In the interests of the amenities of the area.

5. 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 and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification).

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.

6. 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.

Note to Applicant

Working with the Applicant

1. 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 application was acceptable as submitted and no further assistance was required.
 - The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.
2. The applicant should note that it is illegal to burn any controlled wastes, which includes all waste except green waste/vegetation cut down on the site where it can be burnt without causing a nuisance to neighbouring properties.
 3. The applicant should take such measures as reasonably practical to minimise dust emissions from construction and demolition activities and for that purpose the applicant is referred to the IAQM guidance on controlling dust on construction sites.
 4. The proposed development entails the demolition of the existing building which is said to contain asbestos materials. The Control of Asbestos Regulations 2012 (CAR 2012) require that suitable and sufficient assessment is carried out. CAR 2012 requires that a suitable written plan of work must be prepared before any work is carried out and the work must be carried out in accordance with that plan.

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 18/01390/AS.

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Annex 1

