

<b>Application Number</b>	18/01601/AS	
<b>Location</b>	Site B adjacent Wyvern Way, Land south of M20 and east of, Henwood, Ashford, Kent	
<b>Grid Reference</b>	02214/43041	
<b>Parish Council</b>	None	
<b>Ward</b>	Stour	
<b>Application Description</b>	Erection of 29 no. light industrial/business units; two storey creative laboratory including space for the development of new dance productions, administrative space and shared use cafe; new access and road layout and associated hard and soft landscaping.	
<b>Applicant</b>	Mr J White, Kent County Council, 2 <sup>nd</sup> Floor, Invicta House, Maidstone, ME14 1XX	
<b>Agent</b>	Mr N Thompson, Robinson Escot Planning, Downe House, 303 High Street, Orpington, BR6 0NN	
<b>Site Area</b>	13.11 ha	
(a) 6/-	(b) -	(c) EHM – X, SW –X, KHS – X, KCC SUDS, KCC Ecology/Biodiversity - X, ABC Refuse - X, EA – X, EHM – X, Access Group - X

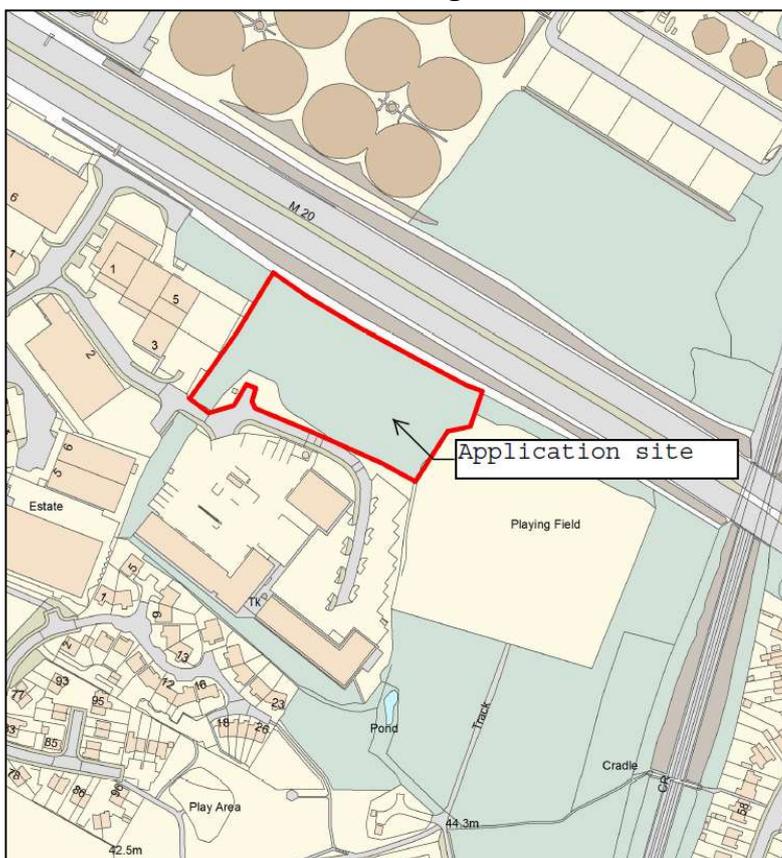
## Introduction

1. This application is reported to the Planning Committee because the Council has an indirect interest in the development because part of the scheme involves one of the Council's '**Big 8**' projects and so, pursuant to the Council's scheme of delegation, it is appropriate for Members to consider the proposal as a sensitive application.

## Site and Surroundings

2. The site comprises an area of land of approximately 1.1 hectares in size. Accessed from Javelin Way it is located between the M20 motorway to the north and the edge of the Henwood Industrial estate.

3. The site is currently vacant and comprises unmanaged grassland with scattered trees and scrub. There is a small electrical substation to the south-west of the site and a wet ditch along the western boundary that holds surface water run-off from the M20 motorway and highways depot.
4. To the south of the site is the KCC Highways and Transportation depot which comprises a two storey office building and various workshops and large storage units such as the salt barn. To the east are the Norton Knatchbull School playing fields located beyond a boundary of landscaping.
5. The site is not located within any designated landscape areas and it is not within Floodzones 2 or 3.
6. Henwood industrial estate itself accommodates a range of B1, B2 and B8 uses. It is an important strategic employment location within the town. There are also a handful of leisure uses such as the Flip-Out trampoline centre occupying former industrial units. There is also a public pay and display car park within the industrial estate that is close to the application site.
7. The site location is shown in **Figure 1** below.



**Figure 1: Site Location Plan**

## Proposal

8. Full planning permission is sought for the erection of x 29 Class B1 (light industrial units) and a Class D2 (Assembly and leisure) 'Creative laboratory'.
9. The proposed end user of the creative laboratory is the Jasmine Vardimon Dance Company which is a contemporary dance company currently based (temporarily) at the Stour Leisure Centre in Ashford. This building would, as well as providing performance space for the Company, provide administrative space and a café that would be an ancillary to the main use but would be made open to the public.
10. The external appearance of the creative laboratory would be a two storey building comprising of insulated render at ground floor with a rain cladding screen at first floor level.
11. The industrial units that would be constructed surrounding the creative laboratory would be of a modern appearance, constructed from a steel frame and finished in a light and dark grey powder coated metal cladding.
12. The application also includes the provision of 120 parking spaces in total. This would comprise of 90 to serve the industrial units (x3 per unit plus an extra space serving 3 of the larger units), 22 spaces serving the creative laboratory and 8 additional spaces to serve the existing highways depot. A further 5 dedicated motorcycle parking spaces are proposed to be provided. 30 covered bicycle spaces are also proposed adjacent to the creative laboratory and a further 4 spaces per unit is proposed within each unit.
13. A new access road is proposed off Javelin Way to the south west corner of the site. Hard and soft landscaping is also proposed.
14. Amended plans have been submitted following concerns raised by Kent Highways and Transportation. As such, an addendum to the transport assessment has been submitted as well as an amended site plan. A summary of the amendments is as follows:
  - a) Rationalisation of parking provision, including creation of flexible LGV / car parking spaces to each industrial unit. The scheme now provides a policy compliant 87 parking spaces for the 29 industrial units;
  - b) Reorganisation of the additional parking area for Kent Highways Depot parking (8 spaces);
  - c) Further information on cycle parking and refuse;

- d) Provision of motorcycle spaces on concourses of each industrial unit, as well as space/in front of Unit 10;
- e) Gate to be relocated and re-erected within KCC Highways Depot.

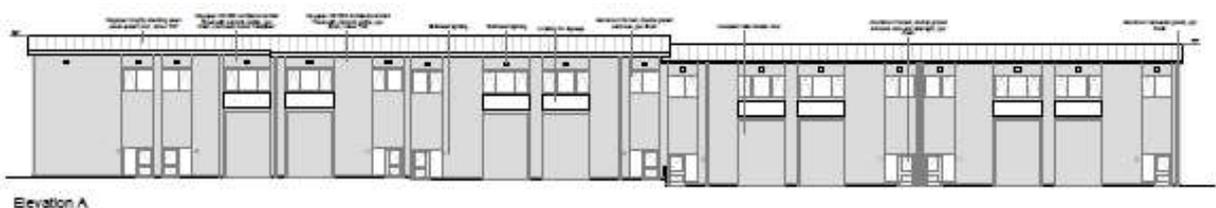
The applicant has also confirmed that it agrees to a personal condition to be attached to the proposed D2 use building which would restrict the number of staff/users of this building therefore putting less pressure on parking spaces.

15. The proposed site layout is detailed in **Figure 2** below:



**Figure 2: Proposed site layout**

16. The proposed elevations of the Industrial units and creative laboratory are detailed in **Figure 3** below:



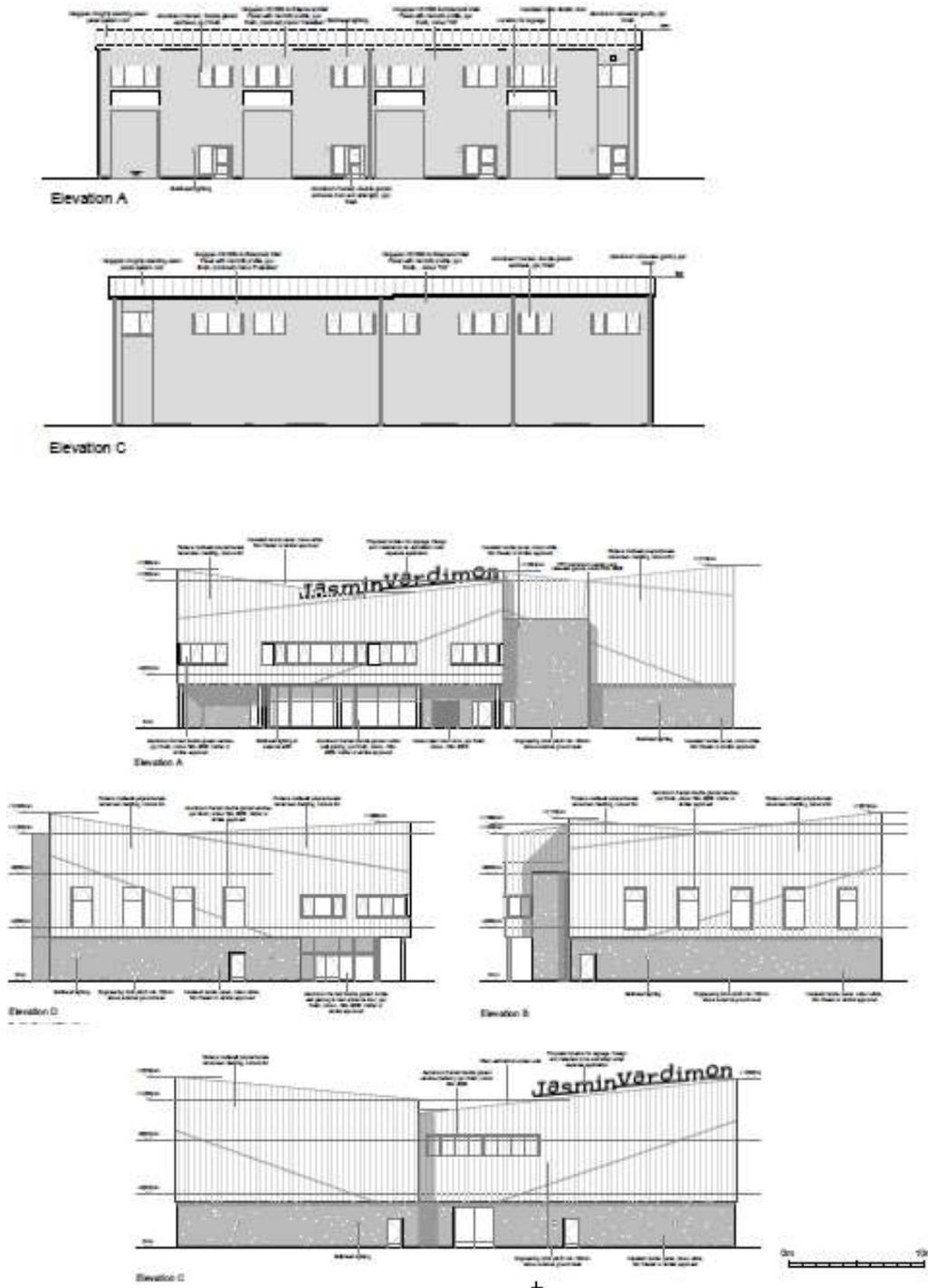


Figure 3: Proposed elevations

17. **Figure 4** below shows an artist's impression of the Jasmin Vardimon Creative Laboratory from a public vantage point on Javelin Way.



Figure 4: Jasmin Vardimon Creative Laboratory artist's impression

18. In support of the application a number of documents have been submitted which are summarised below.

#### **Design and Access Statement**

- The proposed light industrial units would be divided into x 5 blocks, each with parking to the front of the unit. They would be metal clad. Windows and doors are proposed to be aluminium framed double glazed units with a powder coated finish. The proposed roofs would be dual pitch to minimise the overall height of the buildings.
- The Creative Laboratory building would be situated to the southeast corner with aspects to both the Ashford Highways Services Depot and the adjacent playing fields. The main entrance to the building will be from the south west corner, giving access to the café/foyer.
- The cafe is intended to be open to the public and the majority of the Creative Laboratory parking is accordingly situated. The café would enjoy lots of natural light from curtain wall glazing with solar shading being afforded by the first floor oversail.
- The external materials would comprise render with a rainscreen cladding above. The rainscreen would be formed of triangular and trapezoid shaped panels of different colours that would fit together to form a translucent skin to the building. The parapet height would vary with the triangular panels. The

angles and forms of the cladding are intended to convey a sense of movement around the building, and a contemporary aesthetic in keeping with the dance company's ethos. It is proposed that plant would be on the roof however this would be effectively screened by parapets formed by the cladding. The office space would be situated on the first floor, directly above the café/foyer with aspects to the Highways Services Depot and along the approach from Javelin Way. The main spaces will have large windows to allow in lots of natural light.

- Hard landscaping areas have been designed to facilitate the SUDs strategy and finished levels would comply with Building Regulations.
- Existing fencing to the east are proposed to be maintained if possible and if not will be replaced like for like.
- The northern boundary fencing is proposed to be replaced by a 1.8m wire mesh fence over a masonry wall in the north-west corner of the site: this is required to accommodate the access road.
- A 1.8m weld mesh fence is also proposed along the boundary adjacent to the school playing fields, connecting with the existing fence line at the Highways Services Depot car park. New tree planting is also proposed along this boundary.
- It is proposed that the scheme would be able to meet a BREEAM rating of 'very good'.

### **Planning Statement**

- The primary aim of this project is to secure a new facility for the Jasmine Vardimon Company to enable them to grow their creative industry. The Jasmine Vardimon Company has been successful with bids to the Arts Council for funding towards this project.
- The creative laboratory would provide spaces for the development of new dance productions, administrative office space as well as a shared use café that is intended to be open to the public.
- The industrial units would be single storey but of an appropriate height that a mezzanine floor could be included in the future depending on future users requirements. The units would be divided into 5 blocks, each with parking to the front of each block.
- The proposed development would comply with the aims and objectives of the NPPF.

- Planning permission was previously approved for industrial and business units at this site. Policy S23 is also a significant material consideration. This policy which covers the entire Henwood estate see the site allocated for industrial B1, B2 and B8 uses.
- The Jasmin Vardimon Company has secured Arts Council funding for this project. Overall the project offers a unique opportunity to provide a purpose built facility within the borough and this should be attributed significant weight.
- The proposed development would comprise a creative, innovative, high quality design which will enhance the surrounding area.
- The development would be located some way from the nearest residential dwellings. As a result the development would not have any significant impact upon residential amenity.
- The site provides opportunities for travel by sustainable modes and there are suitable pedestrian and cycle links with bus stops a short distance away. The train station is located within a reasonable walking distance.
- The creative laboratory is already located within the town centre at the leisure centre and therefore has existing vehicular trip generation associated with it.
- A traffic impact assessment has been undertaken at all junctions which are anticipated to observe an increase in 30 vehicle movements or more. The results indicate that the development would have a negligible impact on the surrounding highway network.
- The applicant has carried out an ecological appraisal which recommends that a Great Crested newt survey and a reptile survey was carried out. These surveys have been undertaken. It is concluded that the development would not have a negative impact upon protected species, their habitats or biodiversity in general.
- The proposed development would comply with the Council's planning policy in respect of sustainable design and construction.
- The site is located within Floodzone 1 and therefore is at a low risk of flooding. SUDs have also been considered as part of this application.
- An air quality report and acoustic survey have been carried out.
- The proposed development would comply with the Development Plan and National Planning guidance.

## **Preliminary Ecological Appraisal**

- An ecological desk study and a walkover survey have been undertaken. The desk study revealed one UK statutory site within a 2 km radius and one non-statutory site within a 1 km radius. In addition, records of a number of protected/notable species were identified within the desk study, including bullfinch, dunnock, cinnabar moth, brown long-eared bat, common pipistrelle, otter, water vole, common lizard and slow-worm. Records of five invasive flora/fauna species were identified within a 1 km radius of the site.
- The walkover survey was undertaken on 21st February 2018. The site comprised of unmanaged and rank semi-improved grassland with scattered trees and scrub there was a wet ditch bordering the western boundary. The south-west of the site was heavily littered with rubbish and old reptile exclusion fencing was also present along the southern boundary.
- The key ecological features onsite in relation to the works proposed are scattered trees, birds, great crested newts, foraging/commuting bats, terrestrial mammals and reptiles.
- In order to ensure compliance with wildlife legislation and relevant planning policy, the following recommendations are made:
  - (a) Habitat Loss and Enhancement: Biodiversity enhancement measures should be incorporated into the landscaping scheme of any proposed works to maximise the ecological value of the site.
  - (b) Trees: Any trees on site, or overhanging the site, which are to be retained as a part of any proposed works should be protected in accordance with British Standard 5837: 2012 "Trees in relation to design, demolition and construction - recommendations".
  - (c) Great Crested Newt: A great crested newt survey should be undertaken for all ponds identified up to 500 m of the edge of the proposed development site.
  - (d) Foraging/Commuting Bats: Bats are likely to use the tree lines adjacent to the site for foraging and commuting. Therefore, any lighting, either temporary or permanent, along the site boundaries should be kept to a minimum and directed away from these boundary features to maintain 'dark' areas and corridors.
  - (e) Nesting Birds: Vegetation clearance should be undertaken outside the nesting bird season. If this is not possible then any vegetation to be removed or disturbed should be checked by an experienced ecologist for nesting birds immediately prior to works commencing.

- (f) Terrestrial Mammals (including Badger and Hedgehog): Any excavations that need to be left overnight should be covered or fitted with mammal ramps to ensure that any animals that enter can safely escape.
- (g) Reptiles: A reptile survey should be undertaken of suitable habitats within the proposed development site.

### **Reptile Survey and Great Crested Newt Survey Report**

- Native Ecology carried out a reptile presence / likely absence and population assessment survey in May 2018 and a Habitat Suitability Index assessment for great crested newts in May and June 2018.
- A medium population of slow worms was found to be present within the site at a relatively high density. A small population of common lizard was also present within the site.
- In order to avoid harm to reptiles as a result of development within the site, it is recommended that a mitigation strategy is produced to detail appropriate and proportionate mitigation and compensation for measures. It is likely that the mitigation strategy will recommend the translocation of reptiles to a suitable off-site receptor area.
- Three waterbodies were identified within 250m of the site boundary, including the ditch present within the site. The ditch within the site was dry by early May and considered unsuitable as breeding habitat for great crested newts. WB3 was also found to be dry and no access was gained to WB2.
- Overall the potential presence of great crested newts within the development site is assessed as low and no further survey work or mitigation measures are recommended.

### **Bird Nesting Opportunities Document**

- It is likely that only common and widespread bird species will nest within the site, such as blackbirds, robins, wrens, great tits and blue tits. Notwithstanding this, through the installation of nest boxes and long-term natural nest provision, there is potential for the site to retain value for nesting and foraging birds post-development.
- This document with accompanying plan details the types and location of bird nest boxes that would be installed within the site, as well as the provision of native species planting to provide long-term foraging opportunities for birds within the locality.

## **SUD's Feasibility Report**

- The site has a moderate to high potential for infiltration, primarily due to the permeability of the underlying geology (predominantly sandstone). Site investigation is therefore recommended to confirm the infiltration capacity of the site.
- The site is over 100m from a surface water body, discharge to surface watercourse is therefore not considered to be feasible as this would require crossing large tracts of third party land.
- A surface water sewer is located within 10m of the site to the west. If infiltration tests confirm infiltration is not a feasible method to discharge surface water runoff, then discharge to the public surface water sewer to the west of the site would be the optimum sustainable drainage option for the new development area.
- SuDS features should be designed to provide a minimum surface water attenuation volume of 824.3 m<sup>3</sup> prior to discharging via infiltration. Where infiltration is not considered to be viable, surface water should be discharged to the combined sewer at a restricted rate of 3.8l/s. This would ensure surface water runoff is managed according to national and local policy in all events up to and including the 1% AEP event plus a 40% allowance for climate change, as preferred by DEFRA non-statutory guidance (DEFRA, 2015).
- The proposed drainage strategy is comprised of SuDS features which include permeable paving and bio retention areas with a minimum holding capacity of 838.5 m<sup>3</sup>, to provide adequate storage for the required 824.3 m<sup>3</sup> and to ensure there would be no increase in flood risk.

## **RIBA Stage 3 Access Report**

- The proposal to create this space for Jasmine Vardimon Company is fully representative of the company's commitment to equality and diversity and to the Social Model of Disability. It also closely follows or exceeds the ACE guidance "Building Inclusion". The design of the building, incorporating best practice access guidance wherever possible, would ensure that there are opportunities for people with a wide range of access requirements to visit or work in the building therefore contributing to its sustainability in the long term.

## **Energy Statement**

This report demonstrates how the targets for carbon dioxide emissions reduction are to be met through modelling and by predicting the energy performance and carbon dioxide emissions of the proposed development.

The results identify the carbon footprint of the development along with its energy usage after each stage of the energy hierarchy. Building Regulations Target Emissions Rate are proposed to be met as follows:

- Part L2A 2013 Target Emissions Rate: 121.5 Tonnes carbon dioxide per annum Part L2A 2013 Building Emissions Rate
- Part L2A 2013 Building Emissions Rate: 95.2 Tonnes carbon dioxide per annum
- Reduction in Carbon Dioxide Emissions of 26.3 Tonnes per annum would be achieved equating to 21.67%.
- 21.67% carbon dioxide reduction over the TER would be achieved to satisfy the Ashford Borough Council requirements.
- The proposed JVC Creative Laboratory within the Javelin Way Development would be eligible for 7 Ene 01 credits.

### **BREEAM Pre- Assessment**

- Ashford Council have specified a requirement for BREEAM Very Good, in line with emerging policy ENV11 – Sustainable Design and Construction – non-residential. This also includes a requirement for a 40% improvement in water consumption against baseline performance, which results in 3 WAT01 credits under BREEAM.
- The pre-assessment, (based on certain assumptions), shows a Very Good rating. With a score of 56.1% this is over the 55% required to achieve a Very Good rating. As the project moves forward additional credits are anticipated.
- The whole scheme will therefore achieve BREEAM Very Good.

### **Flood Risk Assessment**

- The site is currently undeveloped land with a small electrical substation. The site is located within fluvial Flood Zone 1, and is therefore at Low risk of fluvial flooding. According to the Environment Agency's Risk of Flooding from Surface Water flood mapping, the majority of the site is at very low risk of pluvial flooding although locally, in western areas, the risk is very high. According to GeoSmart's Groundwater Flood Risk (GW5) Mapping, the site is at negligible to low risk of groundwater flooding during the 1 in 100 year event. The site is not at risk of Reservoir Flooding.
- Finished Floor Levels (FFL) of the proposed development adjacent to the western boundary of the site (units 1 to 9) should be set no lower than 0.6m above current ground levels and a water entry strategy / water resistance and resilience measures should be included in the design of the development.

- FFL of the proposed development in the western section of the site (units 10 to 15 and 22 to 29) should be set no lower than 0.3m above current ground levels.
- A sustainable drainage strategy (SuDS) should be developed for the site, for effective management of surface water runoff from the proposed development. It is recommended that the mitigation measures detailed within the report are considered as part of the proposed development.

### **Environmental Noise Survey Report**

- An environmental noise level survey has been completed. Typical ambient and background daytime noise levels have been established around the site.
- Ambient noise levels are dominated by the M20 motorway. These levels have been taken into account in the design of the development to establish performance requirements for the sound insulation of the external building fabric to control external noise ingress to achieve relevant guideline internal noise criteria as set out in BS 8233.
- Background noise levels have been used to set preliminary daytime mechanical services plant noise criteria in accordance with BS 4142. These can be used as a basis for future noise control of mechanical services plant and for the assessment of potential impact of activity noise breakout from the creative laboratory.

### **Air Quality**

- Site-specific background UK-AIR and monitoring results from the wider area suggest that air quality in the borough is generally good, and background pollution concentrations at the application site are likely to be well below the relevant UK Air Quality Strategy standard concentrations.
- The construction phase of proposed development would have the potential to give rise to emissions that could cause dust soiling effects on adjacent uses. It is therefore recommended that a full construction phase assessment is carried out with reference to the IAQM guidance.
- Traffic generated during the operational phase of any development would have the potential to significantly increase NO<sub>2</sub> and PM<sub>10</sub> concentrations at nearby sensitive receptors, and also, potentially, within the town centre of Ashford. It is therefore recommended that these potential impacts are assessed using detailed dispersion modelling and appropriate mitigation guidance.

- Once the magnitude and significance of any impacts have been assessed, it is anticipated that these could be reduced to an acceptable level, where necessary, through the adoption of a tailored programme of mitigation.

### **Transport Assessment**

- The location of the site provides opportunities for travel by sustainable modes of travel, there are suitable pedestrians and cyclist links to the site and bus stops a short walk away. The train station is also within a reasonable walking distance.
- Due to the unique nature of the Creative Laboratory, and that it currently exists within Ashford town, consideration has been given to the existing trip generation and parking numbers in order to inform this assessment.
- A traffic impact assessment has been undertaken at all junctions which are anticipated to observe an increase of 30 vehicle movements or more. The results of the assessments indicate that the development will have a negligible impact on the surrounding highway network.
- The Transport Assessment demonstrates the suitability of the proposed site for development to that proposed and that there are no sound or reasonable reasons on highways and transportation grounds to refuse the proposed development.

### **Addendum to Transport Assessment**

- Confirms that the crash data submitted with the application has been appropriately sourced and is sufficiently up to date as there have been no significant changes to the network within the study area that would have altered the trends identified.
- Trip rate/generation have been updated.
- A sensitivity test of capacity at the junction has been undertaken using an alternative method of data input into the ARCADY model. The 'DIRECT' data input method enters traffic data in 15 minute time segments which may more accurately reflect an unusual traffic profile at a junction. The previous assessment was undertaken using the 'ONE HOUR' or 'ODT AB' data input method which enters traffic data across the whole peak hour which generates a smoother profile of traffic and can negate any noise present in the dataset.
- The capacity assessment results indicate that during the second 15 minute period (19:15-19:30) within the PM peak hour the Henwood arm of the junction operates over capacity within both the Do Nothing and Do Something

scenarios. Within this period there is a spike in queuing on this approach up to 28 vehicles without development and 33 vehicles in the with development scenario.

- Both the observed data and forecast model assessments indicate that any queueing at the junction dissipates completely within the following 15 minute period and by the end of the peak hour. Furthermore, although it is acknowledged that the junction operates over capacity for a single 15 minute period during the PM peak period, comparing the Do Nothing and Do Something scenario results demonstrates that the development does not have a severe impact at the junction and mitigation at the junction is not required as a direct result of the development.
- Updated drawings showing appropriate swept paths for a 16.5 metre articulated vehicle based on the updated site layout are contained in Appendix C of the addendum.
- The addendum provides direct responses to the issues raised by Kent Highways and Transportation following the initial consultation on this application. The Addendum provides clarification and additional information as requested.

## Planning History

**05/00786/AS** – Planning permission granted for the erection of B1, B2 and B8 units. Associated external works, new access road and junction and cycleway. This application was an outline permission and has since expired.

**06/014522/AS** – Planning permission granted at the adjoining site (County Deemed permission) for the highways depot comprising offices, garaging, salt barn and storage areas with associated car parking and landscaping.

## Consultations

**Ward Members:** The Stour Ward is represented by two Councillors, Councillor Galpin and Councillor Waters. Both are Members of the Planning Committee. Neither Ward Member has commented on the application at the time of writing this report.

**6** neighbours consulted, **0** representations received.

**Jasmin Vardimon Company** – General comment as follows:

*“Jasmin Vardimon Company are delighted to be given this opportunity to develop a key creative asset for Ashford and Kent and are grateful for all the support this project has received. We very much look forward to building upon our relationships*

*with local community groups and businesses to provide access to up to the minute facilities and well-being offers. In addition we will be able to further develop our international training programme for next generation creative talent making Ashford a centre for excellence.”*

**Southern Water:** No objections stating that initial investigations indicate that Southern Water can provide foul sewage disposal to service the proposed development. The developer will be required to make a formal application for a connection to the public sewer. Also requests an informative relating to this.

**Ashford Borough Council Environmental Health Manager:** No objections subject to conditions. Comments summarised below:

- The noise assessment provided does have a certain level of uncertainty on the basis that the background survey was undertaken over a limited period, when traffic was likely to be at its' heaviest. The report does not discuss or address any uncertainty. The report also states the background level has been based on minimum levels, but does not appear to have been. As such a condition is recommended that prior to the occupation of each unit, a scheme to control noise/vibration from any plant may be appropriate, with more extensive background surveys provided.
- The Air Quality report submitted recommends further assessment for both construction and operational phases, a condition is therefore requested to require this i.e. the applicant must complete an air quality assessment (including damage cost analysis in accordance with DEFRA guidance) and apply mitigation to the development based on the calculated damage cost.
- The applicant proposes to dispose of sewage by a connection to the mains public sewer. As such, a condition is appropriate to avoid pollution of the surrounding area.
- There is a potential for unexpected contamination to be found during the works and a condition in relation to this would therefore be appropriate.
- The provision of a construction management plan is requested by planning condition. In particular this should deal with measures to minimise the production of dust on the site, measures to minimise the noise (including vibration) generated by the construction process to include the careful selection of plant and machinery and use of noise mitigation barrier(s), measures to minimise the potential for pollution of groundwater and surface water, and the arrangements for public consultation and liaison during the construction works.

**Kent Highways and Transportation:** Raise objections and request the provision of amended plans and additional information.

**[HoDM & SS Comment:** Amended plans have been submitted in response and KHS re-consulted. ]

**Kent County Council Ecology and Biodiversity:** Requests the provision of further information.

**[HoDM& SS Comment:** Additional information was provided by the applicant and KCC Ecology and Biodiversity were re-consulted.]

**Environment Agency:** No comments to make.

**Ashford Access Group:** No objections commenting as follows:

With regard to parking provisions for each unit, it will be necessary to provide a designated parking bay if at any time a disabled driver is employed.

**Kent County Council Flood and Water Management:** No objections, commenting as follows:

- Desk based BGS information indicates that the underlying geology is Sandgate Beds (Sandstone) and shows that there are opportunities for bespoke infiltration. The depth of the water table is reported to be less than 3 metres below ground. In order to confirm the viability of SuDS infiltration at this site, additional ground investigation will be required. It is recommended that soakage tests be compliant with BRE 365, notably the requirement to fill the test pit several times. Detailed design should utilise a modified infiltrate rate and demonstrate that any soakaway will have an appropriate half drain time. Should infiltration not be considered feasible at this site, we are satisfied with the principles of the alternative approach where surface water will be discharged at 3.8l/s to the public surface water sewer on the western boundary.
- Requests a condition requiring the submission of a detailed surface water drainage scheme based upon the submitted SuDS report. The system should demonstrate that the surface water generated by the development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of without increase to flood risk on or off-site. A condition requiring a verification report is also requested.

**Ashford Borough Council (Refuse):** No objections, commenting as follows:

- ABC do not provide commercial collections, but recommend refuse collection vehicle tracking of the site be developed to demonstrate how waste collections can be achieved. A refuse collection vehicle will require turning points. The design also needs to consider how waste bins, which will be at least 1100L in volume would be stored/located. If not this may lead to businesses presenting bins in parking bays. Bins left in the open are also

subject to fly tipping which will have a detrimental effect to the property and environment.

**[HoDM& SS Comment:** Updated vehicle tracking information has been provided. The applicant has also confirmed that 1 x 1200L refuse bins will be located within each industrial unit and an enclosed bin store is proposed to the east boundary of the site serving the Creative laboratory].

Second Consultation (taking account of the amended layout and additional nesting bird information)

**Kent Highways and Transportation** – No objections subject to conditions.  
Comments are summarised below:

- The parking requirement for a B1 (c) Light Industrial Use is 1 space per 35 square metres and so for a total of 3046 square metres of B1 (c) a total of 87 car parking spaces are required. A total of 87 spaces are now provided through the creation of flexible LGV / car parking spaces.
- The parking requirement for a D2 (Assembly and Leisure) use is 1 space per 22 square metres and so for a total of 1257 square metres of D2 a total of 57 car parking spaces are normally required. Only 22 car parking spaces are provided. This is a shortfall of 35 spaces compared to the normal requirement and again is likely to lead in inappropriate car parking. The submitted Transport Assessment has sought to justify the parking provision of 22 car parking spaces through the unique nature of the potential occupier of the building and the likely number of staff travelling to the site by car. This is acceptable to the Highway Authority subject to a personal planning condition being attached to any permission granted.
- Paragraph 5.10 of the Transport Assessment states that 'the scheme promoters intend to discuss the potential of using the adjacent KCC Henwood office car park outside office hours for these events in order to cater for vehicles travelling to the site for showcase events'. A discussion will need to take place with Toby Howe, Senior Highway Manager at Kent County Council Highways and Transportation to discuss arrangements to provide car parking on KCC Highways land. This can be dealt with outside of the planning process however as a private agreement between the applicant and KCC Highways and Transportation.
- The site layout plan (718/010/PL03 Revision A) now shows a grasscrete car parking area to the south of the existing access road for a total of 8 parking spaces. A new vehicle crossing will also be required over the existing segregated footway / cycle way rather than a bell-mouth junction as currently shown. I would suggest that the existing segregation is removed and the footway / cycleway is made shared from the entrance to the Amey Depot to the KCC Highways and Transportation offices. The two existing speed humps on the site access road will also need to be removed. A planning condition is

therefore required detailing how the footway / cycleway will be amended and the removal of these speed humps.

- The existing Highway Depot site is secure through the use of fencing and a vehicle and pedestrian gate. There is no details submitted in the site layout plan of how the highway depot will be secured as a result of the proposals to remove the existing gates and fence. As the Highway Depot is a private site then the site will need to be secure. I would suggest that the applicant discusses this issue with Toby Howe, Senior Highway Manager at Kent County Council Highways and Transportation to discuss arrangements to secure the depot. This again can be dealt with outside of the planning process however as a private agreement between the applicant and KCC Highways and Transportation.
- A sensitivity test has now been undertaken for the A292 Hythe Road / Henwood roundabout junction. This is based on the 'DIRECT' data input in which traffic data has been entered in 15 minute time segments. This subsequently results in a more accurate traffic profile at the roundabout than was previously suggested in the Transport Assessment which was based on a one hour input method. The analysis undertaken demonstrates a queue of 28 vehicles on the Henwood arm in the PM peak with a delay of 100 seconds without the proposed development between the hours of 5pm and 5.15pm in a 2023 future year scenario. With the proposed development the queue will increase to 33 vehicles (an increase of 5 vehicles) and the delay will go up to 116 seconds (an increase of 16 seconds) between the hours of 5pm and 5.15pm in a 2023 future year scenario. Although this is an increase in queuing and delay on Henwood arm of the roundabout this does not represent a severe impact. The predicted queuing also dissipates completely within the following 15 minute period.
- Vehicle tracking for the site has now been undertaken for a 16.5 metre long articulated vehicle.
- A total of 5 motorcycle parking spaces are now provided which meet current standards.

**Kent County Council Ecology** - No objections subject to conditions. Comments are summarised below as follows:

- The reptile surveys have confirmed that breeding populations of slow worms and common lizards are present on site and the design of the proposed development means there are no opportunities for the reptile population to be retained on site and there is a need for an offsite receptor site. Details of a suitable off site receptor site at Godinton Park have been submitted and is sufficient to support the reptile population. This should be secured by condition.

- Suitable habitat is present on site for breeding birds and it will be lost a result of the proposed development. Information has been submitted confirming what features for breeding and foraging birds will be incorporated in to the site. This includes (but not limited to) erection nest boxes throughout the site (including open fronted nest boxes, cavity nest boxes and integrated terrace boxes), planting native species and climbers throughout the site. The provision of this mitigation should be secured by a planning condition.
- The Preliminary Ecological Appraisal detailed that the site provides opportunities for foraging/commuting bats and recommended a dark corridor along the site boundaries to retain that interest, but it does not appear if this has been incorporated in to the site plan. From reviewing the site plan it appears that there is access to the rear of the units so it's likely that some lighting will be installed (if not by the application but by the owners of the units.) along the boundaries of the development. Information has been provided detailing what measures the lighting plan must incorporated to minimise impact on foraging bats. These measures are considered to be appropriate. A planning condition is requested requiring a lighting plan to be submitted for approval.

## **Planning Policy**

19. The Development Plan comprises the Ashford Local Plan 2030 (adopted February 2019), the Chilmington Green AAP (2013), the Wye Neighbourhood Plan (2016), the Pluckley Neighbourhood Plan (2017) and the Kent Minerals and Waste Local Plan (2016).
20. 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).
21. The following are also material considerations to the determination of this application.

### **Ashford Local Plan to 2030 (adopted February 2019)**

SP1 – Strategic Objectives

SP3 – Strategic Approach to Economic Development

SP6 – Promoting high quality design

S23 – Henwood Industrial Estate.

EMP1 – New employment uses

EMP2 – Loss of redevelopment of employment site and premises

TRS3(b) – Parking standards for non-residential development

ENV1 – Biodiversity

ENV4 – Light Pollution and Promoting Dark Skies

ENV6 – Flood Risk

ENV9 – Sustainable Drainage

ENV11 – Sustainable Design and Construction

ENV12 – Air Quality

### **Government Advice**

#### National Planning Policy Framework (NPPF) 2018

22. 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:-
23. Section 2 – Achieving Sustainable Development. Paragraph 8 of the NPPF states that achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways. These are:
  - a) **an economic objective** – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
  - b) **a social objective** – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
  - c) **an environmental objective** – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land,

helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

24. Section 4 – decision making. Paragraph 38 states that local planning authorities should approach decisions on proposed development in a positive and creative way using the full range of planning tools available, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
25. Section 6 – Building a Strong and Competitive Economy. Paragraph 80 states that Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should therefore be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. It states that the approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future.
26. Section 8 – Promoting Healthy and Safe Communities. Planning policies and decision should aim to achieve healthy, inclusive and safe places. In addition paragraph 92 states that to provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:
  - a) plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;
  - b) take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community;
  - c) guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs;
  - d) ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community; and e) ensure an integrated approach to considering the

location of housing, economic uses and community facilities and services.

27. Section 9 - Promoting Sustainable Transport.
28. Section 12 – Achieving Well Designed Places. Paragraph 124 of the NPPF states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Paragraph 130 states that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. In determining applications, great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

#### **Other Documents**

29. The following whilst not adopted planning policy are material considerations.
- The Ashford Borough Council and Kent County Council District Delivery Deal
30. The Ashford Borough Council/Kent County Council Delivery Deal is an agreement to work together to deliver better outcomes for residents and business of the borough, and by extension, Kent.
31. The Deal has two main parts:
- A commitment to focus the combined efforts of both Council's on delivering key strategic projects – **The Big 8** – that will help to deliver Ashford's significant potential.
  - An agreement to improve the way the Council's work together to make sure we deliver the best quality outcomes possible for residents and businesses.
32. The enabling of the Jasmine Vardimon Dance Academy is identified as one of The Big 8 projects.

### The Ashford Borough Council Five Year Corporate Plan

33. This document sets out the Council's priorities and aspirations for the future – to have a borough where people do want to live and where businesses do want to locate.
34. The Council's priorities are to have a borough that:
- Promotes and delivers economic growth, including investment, jobs and skills levels.
  - Delivers on quality housing and planning.
  - Recognises the value of tourism and the benefits it brings to the towns, villages and the borough as a whole.
  - Supports our growing senior population to lead full and independent lives.
  - Provides healthy lifestyle choices and opportunities for all ages.
  - Maintains its environments attractively, responsibly and safely.
  - Is effective, efficient and sustainable in terms of finance, resources, service delivery and enforcement.
35. The Five Year plan also states that one of the big issues for the life of the plan is to keep Ashford and its projects on track, particularly driving **The Big 8**, for the benefit of the borough.
36. The enabling of the Jasmine Vardimon Dance Academy is identified as one of The Big 8 projects.

### **Assessment**

37. The main issues for consideration are:
- Principle of the Development
  - Visual impact
  - Impact upon residential amenity
  - Impact upon highway safety

- Other issues – Ecology, SUD's, BREEAM

### **The Principle of the Development**

38. Applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Central Government guidance contained within the National Planning Policy Framework states that planning has an important economic role and must contribute to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available at the right time to support growth and innovation. As such the Government is committed to securing economic growth in order to create jobs and prosperity and therefore significant weight should be placed on the need to support economic growth through the planning system.
39. Adopted planning policy set out within the Ashford Local Plan (Feb 2019), states that the provision of new employment space is critical to the delivery of employment and jobs in the borough. The plan states that it is important that any new employment development occurs in locations which provide suitable access to the local road network and can be accessed via a range of means of transport – such as the application site.
40. The site is currently vacant and is located within an existing industrial area where comparable industrial uses can be found.
41. Policy S23 of the adopted Ashford Local Plan further identifies The Henwood Industrial Estate for B1, B2 and B8 uses. The policy states that
- Detailed proposals for any new development on vacant plots or redevelopment will need to ensure:*
- a) *That future redevelopment or intensification of existing developments will not result in a shortage of available premises of a particular size or type in Ashford;*
  - b) *Proposed uses would not have a significant adverse impact on the amenity of local residents; and,*
  - c) *Include a full flood risk and groundwater risk assessment to prevent pollution of controlled water both prepared in consultation with the Environment Agency and provide SuDs in accordance with ENV9.*
42. The principle of B1 uses here would comply with policy S23. Parts b) and c) of this policy are considered in subsequent sections of this report.

43. It is acknowledged that the policy does not support D2 uses specifically, however there are some other leisure based uses with the Henwood Industrial estate and the creative laboratory requires a building of a suitable size to provide the performance space required which can be accommodated here. The site is also well connected to the town centre and public transport links and cycle and pedestrian infrastructure provide the site with an enhanced level of sustainable transport options seeking to ensure ample opportunity is afforded to future employees and visitors to travel sustainably. The proposed café is a small part of the development, being an ancillary uses and would be well placed to serve employees of the Henwood estate as well as visitors.
44. The proposed development of this site for employment uses would be in accordance with the policy aspirations of both the Council by taking a positive approach to economic development (SP3) and central government which seeks to support employment generating uses in appropriate locations. The development would create new employment opportunities within the town and would not result in the loss of existing premises for employment uses in accordance with planning policy.
45. The development would therefore in principle comply with the requirements of Development Plan policy (policies SP1, SP3, S23 and EMP1) and Central Government guidance. As a result, the overall principle of the development is considered to be acceptable in planning terms.
46. **Impact upon Visual Amenity**
47. In terms of its scale and massing the proposed industrial units echo the modern design approach adopted elsewhere in the Henwood estate. I consider that the scheme proposes high quality materials and contemporary form of an appropriately high standard for this location. Building forms are necessarily utilitarian and functional but this is appropriate for this location and is justified in terms of practical use considerations. Whilst material samples would be submitted by condition, the proposed metal cladding materials would be appropriate. Colour will need to be carefully considered however to ensure contrast and visual interest is achieved. Windows are proposed at higher levels which will assist in breaking up the elevations.
48. The design of the Creative Laboratory is also functional which is necessitated by the proposed use. The design is interesting and contemporary in style with its variations in height and various setbacks. The addition of a large glazed area at ground floor would also add interest to the front elevation and create pleasant and light space for those using the café. The windows would be placed appropriately forming a rhythm that would help to break up the elevations. The proposed used of contemporary cladding and grey fenestration would also be in keeping with the overall character of the area.

49. The proposed layout separates the development into 5 blocks of industrial units with the Creative Laboratory fronting the road. Breaking the units into these blocks will help to reduce the overall impact of the development. The layout of the units also results in a practical and efficient layout whilst retaining a presence and sense of activity to the street and convenient and safe pedestrian and vehicular access.
50. The buildings would be set back slightly from the road which would allow for the provision of a landscape buffer strip which would help soften the development. Landscaping, including enhanced trees and hedging, is also proposed within the site which will enhance the visual quality of the area. The proposed hard landscaping would comprise a mixture of materials including tarmac and block paving all of which I consider to be acceptable.
51. I am satisfied that the design, appearance, scale and massing and site layout would result in a scheme which would be successfully integrated within the existing townscape and neighbouring industrial development.
52. I am therefore satisfied that the development would meet the high quality design aims of policy SP6 of the Ashford Local Plan.

#### **Impact upon Residential Amenity**

53. The site is located adjacent to an existing industrial estate with the M20 on one side and the boundary with the Norton Knatchbull School on another. As such there are no near residential dwellings. Given this, I am satisfied that the development would relate well to neighbouring uses.
54. The proposed hours of use are not considered to be either unreasonable or antisocial (06.00 hours to 23.00 hours for the industrial units and 08.00 hours to 21.00 hours for the Creative Laboratory) and whilst these could be controlled by condition it would not in my view be reasonable to do so given that similar restrictions do not apply to neighbouring industrial buildings and the fact that there are no near residential properties. It would however be appropriate to ensure that any industrial processing only occurs within the buildings themselves to ensure that occupiers are respectful of their neighbours. I therefore propose that this is achieved through a planning condition. Similarly conditions are proposed relating to noise and vibration from plant and requiring further air quality assessments and additional mitigation as necessary. This is in line with the applicants own suggested mitigation measures and following consultation with the Council's Environmental Protection Officer. It is also recommended that if planning permission is granted that electric vehicle charging points are secured by

condition. In light of the above I am satisfied that the development would not be harmful to residential amenity.

**Impact upon highway safety**

55. The new access has been designed to ensure that all vehicles can enter and exit the site safely, with appropriate visibility spays being provided.
56. The amount of parking to be provided within the site is considered to be acceptable for the proposed uses. I do however note the comments of Kent Highways and Transportation who request a personal condition restricting the occupation of the Creative Laboratory to the Jasmin Vardimon Company as alternative D2 uses may generate a requirement for additional parking to be provided within the site.
57. KCC Highways and Transportation have raised no objections relating to highway capacity and safety on both local and strategic roads. In addition they are satisfied with the level of parking provision subject to conditions.
58. In light of the above I am satisfied that the development would not result in increased risk of accident, delay or congestion and would therefore not be harmful to highway safety.

**Other issues –BREEAM, SuDS, Ecology**

59. Local Plan policy ENV11 requires all non-residential development to achieve a BREEAM 'Very Good' standard with at least a 40% improvement in water consumption against the baseline performance of the building (Wat 1, 3 Credits), unless demonstrated that this is not practicable. The applicant has confirmed that this standard would be reached. Should planning permission be granted it is recommended that this requirement is secured by planning condition.
60. In respect of the management of surface water, the scheme involves the use of permeable block paving, bio retention areas and landscaped areas. A surface water sewer is located within 10m. Infiltration is proposed however if tests confirm that this is not feasible, then discharge to the public surface water sewer to the west of the site is considered to be appropriate.
61. SuDS features should be designed to provide a minimum surface water attenuation volume of 824.3 m<sup>3</sup> prior to discharging via infiltration. Where infiltration is not considered to be viable, surface water should be discharged to the combined sewer at a restricted rate of 3.8l/s. This would ensure surface water runoff is managed according to national and local policy in all events up

to and including the 1% AEP event plus a 40% allowance for climate change, as preferred by DEFRA non-statutory guidance.

62. Following consultation to Kent County Council as the Lead Local Flood Authority, who have raised no objections to this approach, I am satisfied that there would be adequate surface water storage to serve the development and there would be no increase in flood risk.
63. In terms of Biodiversity and Ecology I am satisfied that these matters can be appropriately and adequately dealt with subject to conditions and the mitigation measures set out within the applicant's ecological report. Furthermore the applicant proposes measures that would encourage biodiversity that are welcomed. As such the development would provide net gains and help to encourage biodiversity within the area. This is in accordance with the guidance set out within the NPPF.

## **Human Rights Issues**

64. 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**

65. 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**

1. The proposed works would develop a vacant site and improve the potential for generating employment opportunities, which is in line with the aims and objectives of the NPPF, which seeks to promote economic growth and support businesses.
2. The development would comply with the requirements of the Development Plan as a whole and would not represent a departure from its policies SP1,

SP3, SP6, S23, EMP1, EMP2, TRS3(b), ENV1, ENV6, ENV9 and ENV11 of the Ashford Local Plan to 2030

3. The impact of the proposal in highway terms is acceptable subject to conditions.
4. No significant harm to the visual amenity of the surrounding area would be caused by the proposed development.
5. The impact of the proposal upon residential amenity is acceptable.

## **Recommendation**

### **Permit**

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

**(with delegated authority to either the Head of Development Management and Strategic Sites or the Joint Development Control Managers to make or approve changes to the planning conditions (for the avoidance of doubt including additions, amendments and deletions) as she/he sees fit)**

#### **Time limit for implementation**

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.

#### **Monitoring and enforcement**

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, unless otherwise agreed by the Local Planning Authority.

**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. The development 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 site (e.g. as a result of departure from the plans hereby approved and/or the terms of this permission).

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

### **Materials**

4. Written details including source/ manufacturer, and samples of bricks, tiles and cladding materials to be used externally shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced above ground level and the development shall be carried out using the approved external materials.

**Reason:** In the interests of visual amenity.

### **Noise and vibration**

5. Prior to the first use of each building hereby approved, a scheme for the control of noise and vibration of any plant (including ventilation, refrigeration, air conditioning and air handling units) to be used in pursuance of this permission shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall then be so installed prior to the first use of the premises. The equipment shall be maintained and operated in compliance to the approved scheme whenever it is operation. After installation of the approved plant, no new plant or ducting system shall be used without the prior written consent of the Local Planning Authority.

**Reason:** To prevent the transmission of noise and vibration into any neighbouring properties to protect amenity

### **Sewerage and Drainage**

6. None of the buildings hereby approved shall be occupied until works for the disposal of sewage have been provided on the site to serve the development, in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The works shall then be implemented and maintained in accordance with these approved details unless otherwise approved by the Local Planning Authority.

**Reason:** To avoid pollution of the surrounding area.

7. Prior to the commencement of any ground works, a detailed sustainable surface water drainage scheme for the site shall be submitted to, and approved in writing by the Local Planning Authority. The detailed drainage scheme shall be based upon the approved SuDS Report (GeoSmart Information, December 2018) and shall demonstrate that the surface water

generated by the development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of without increase to flood risk on or off-site.

The drainage scheme shall also demonstrate (with reference to published guidance):

- that silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters.
- appropriate operational, maintenance and access requirements for each drainage feature or SuDS component are adequately considered, including any proposed arrangements for future adoption by any public body or statutory undertaker.

The drainage scheme shall be implemented in accordance with the approved details.

**Reason:** To ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on/off site flooding. These details and accompanying calculations are required prior to the commencement of the development as they form an intrinsic part of the proposal, the approval of which cannot be disaggregated from the carrying out of the rest of the development.

8. No building hereby permitted shall be occupied until a Verification Report pertaining to the surface water drainage system, carried out by a suitably qualified professional, has been submitted to, and approved in writing by the Local Planning Authority which demonstrates the suitable modelled operation of the drainage system such that flood risk is appropriately managed, as approved by the Lead Local Flood Authority. The Report shall contain information and evidence (including photographs) of earthworks; details and locations of inlets, outlets and control structures; extent of planting; details of materials utilised in construction including subsoil, topsoil, aggregate and membrane liners; full as built drawings; topographical survey of 'as constructed' features; and an operation and maintenance manual for the sustainable drainage scheme as constructed.

**Reason:** To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with and subsequently maintained pursuant to the requirements of paragraph 165 of the National Planning Policy Framework (July 2018).

### **Air Quality**

9. The applicant must complete an air quality assessment (including damage cost analysis in accordance with DEFRA guidance) and apply mitigation to the development based on the calculated damage cost

**Reason:** To ensure that there is no negative impact upon air quality in accordance with policy ENV12 of the Ashford Local Plan.

### **Contamination**

10. If unexpected contamination is to be found at any time when carrying out the approved development it must be reported immediately and in writing to the Local Planning Authority. An investigation and risk assessment must then be undertaken and submitted to the Local Planning Authority for approval in writing, and where remediation is necessary a remediation scheme must be prepared and agreed in writing prior to completion. Finally, a verification report must be submitted for approval by the Local Planning Authority prior to the occupation of the development.

**Reason:** To ensure that risks from land contamination to the future users of land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

### **Construction Management Plan**

11. Practice shall be submitted to and approval in writing by the Local Planning Authority. The construction of the development shall then be carried out in accordance with the approved Code of Construction Practice and BS5228 Noise Vibration and Control on Construction and Open Sites and the Control of dust from construction sites (BRE DTi Feb 2003). unless previously agreed in writing by the Local Planning Authority. Prior to the commencement of the development a Code of Construction

The code shall include,

- An indicative programme for carrying out the works
- Measures to minimise the production of dust on the site(s)
- Measures to minimise the noise (including vibration) generated by the construction process to include the careful selection of plant and machinery and use of noise mitigation barrier(s)
- Maximum noise levels expected 1 metre from the affected façade of any residential unit adjacent to the site(s)
- Design and provision of site hoardings
- Management of traffic visiting the site(s) including temporary parking or holding areas

- Provision of off road parking for all site operatives
- Measures to prevent the transfer of mud and extraneous material onto the public highway
- Measures to manage the production of waste and to maximise the re-use of materials
- Measures to minimise the potential for pollution of groundwater and surface water
- The location and design of site office(s) and storage compounds
- The location of temporary vehicle access points to the site(s) during the construction works
- The arrangements for public consultation and liaison during the construction works

**Reason:** To protect the amenity of the users of neighbouring sites.

### **Highways and parking**

12. The area shown on the drawing number (718/010/PL03 Revision A) as vehicle parking space and turning shall be provided, surfaced and drained in accordance with the details approved before the use is commenced or the premises occupied, and shall be retained for the use of the occupiers of, and visitors to, the development, and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order), shall be carried out on that area of land so shown or in such a position as to preclude vehicular access to this reserved parking space.

**Reason:** Development without provision of adequate accommodation for the parking of vehicles is likely to lead to parking inconvenient to other road users

13. The area shown as vehicle loading/unloading and turning facilities shown on the submitted plan (718/010/PL03 Revision A) shall be provided prior to the first occupation any of the light industrial units or creative laboratory and shall be retained in perpetuity for these purposes unless otherwise approved in writing by the Local Planning Authority.

**Reason:** Development without provision of adequate loading and turning facilities may lead to inconveniences to other road users.

14. Prior to the first occupation of the industrial units, full details showing the provision and permanent retention of 2 secure, covered cycle parking spaces for each of the light industrial units shall be submitted to and approved by the Local Planning Authority. These spaces shall be retained in perpetuity in accordance with the approved details unless otherwise approved in writing by the Local Planning Authority.

**Reason:** To ensure the provision and retention of adequate off-street parking facilities for bicycles in the interests of highway safety.

15. Prior to the commencement of works above ground level, full details including elevations of the bicycle parking facilities detailed on approved drawing 718/010/PL03 Revision A, providing covered secure bicycle parking facilities serving the users of and visitors to, the Creative Laboratory, shall be submitted to and approved in writing by the Local Planning Authority. These facilities shall be provided prior to the first use of the building and shall be permanently retained in accordance with the approved details unless otherwise approved in writing by the Local Planning Authority.

**Reason:** To ensure the provision and retention of adequate off-street parking facilities for bicycles in the interests of highway safety.

16. Prior to the first occupation of any part of the development, the approved access shown on approved plan 718/010/PL03 Revision A shall be completed.

**Reason:** In the interests of highway safety.

17. The building identified as the Creative Laboratory on approved drawing 718/010/PL03 Revision A shall be occupied by the Jasmin Vardimon Company only and be managed based on the day to day use of the Creative Laboratory as set out in paragraph 6.4 of the Transport Assessment unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** An alternative D2 use may generate further pressures on parking in the vicinity.

18. Prior to the commencement of the development, detailed plans shall be submitted to and approved in writing by the Local Planning Authority showing the provision of a vehicle crossing to serve the 8 proposed parking spaces (Kent Highways Depot parking identified on approved drawing number 718/010/PL03 Revision A). These details shall also detail the removal of the existing segregated footway / cycleway along Javelin Way and its replacement with a shared use facility together with the removal of the two existing speed humps. Works will be carried out in accordance with these approved details unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** In the interests of highway safety.

### **Ecology and Biodiversity**

19. No development works must commence on site until the approved reptile mitigation detailed within chapter 9 of the Reptile Mitigation Strategy and Management Plan (Native Ecology; October 2018) has been implemented. Upon completion of the reptile translocation the receptor site must be managed and monitored as detailed within Chapter 10 of the Reptile Mitigation Strategy and Management Plan (Native Ecology; October 2018)

unless otherwise approved in writing by the Local Planning Authority in consultation with Kent County Council Ecology and Biodiversity.

**Reason:** In the interests of ecology and biodiversity.

20. Prior to occupation of the site, the bird nesting features and planting detailed within the Bird Nesting Opportunities Plan; (Native Ecology; March 2018) shall be completed and maintained in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** In the interests of ecology and biodiversity.

21. Prior to occupation of the development, a detailed lighting plan (including a map showing anticipated light spill) must be submitted to and approved in writing by the Local Planning Authority. The plan must incorporate the recommendations within the letter from Native Ecology dated 4th March (Ref 0204\_L01\_Rev B). The lighting plan shall be carried out in accordance with the approved details and there shall be no additional lighting installed without the prior written approval of the Local Planning Authority.

**Reason:** In the interests of ecology and biodiversity.

### **Landscaping**

22. No development shall take place above ground level until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants whether new or retained which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

**Reason:** In order to protect and enhance the amenity of the area.

### **Use & Sustainable Design & Construction**

23. The industrial units hereby approved shall be used for the purposes of B1(a, b) and c) and not for any other purpose whether or not in the same use class of the Schedule to the Town and Country Planning (Use Classes) Order 2005 or any subsequent Order revoking or re-enacting that Order, or whether the

alternative use is permitted by virtue of Article 3 and Schedule 2 Part 3 of the Town and Country Planning (General Permitted Development) Order 2015 or any Order revoking or re-enacting that Order.

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

24. (A) Save for external stores, refuse stores, bins stores / substations to approved new buildings,

(i) details of the proposed sustainable design and construction measures that will be incorporated as part of the design approach to the approved buildings and associated plots that will enable a minimum BREEAM 'very good' standard and at least the 40% improvement in water consumption to be reached shall be submitted to the local planning authority for approval prior to the commencement of construction, or

(ii) if the sustainable design and construction requirements at (A)(i) above are not considered to be able to be achieved, a written justification shall be submitted to the local planning authority prior to the commencement of construction setting out the reasons why which shall include (i) an assessment as to what will be able to be achieved through the measures that are proposed, (ii) the likely BREEAM-based score as a result of those proposed measures and (iii) how far that score would be below that which is required to achieve a BREEAM 'very good' standard and the required improvement in water consumption

(B) Thereafter, the approved new buildings (save for external stores, refuse stores, bins stores / substations) shall be constructed in accordance with the sustainable design and construction measures approved pursuant to either (A)(i) or (A)(ii) above unless any variation has subsequently been agreed in writing by the Local Planning Authority. Prior to first occupation of each new building, a BREEAM-based report shall be submitted to the Local Planning Authority verifying that the agreed sustainable design and construction measures have been incorporated in the building and its associated plot and confirming the BREEAM-based standard that has been achieved.

**Reason:** In accordance with the NPPF and policy ENV11 of the Ashford Borough Local Plan 2030

### Other

25. No mezzanine floor space shall operate independently from the ground floor of the unit in which it is located.

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

26. Industrial processing shall only take place in the buildings identified on the approved plans.

**Reason:** In order to preserve the visual character of the site and the amenity of the surrounding area.

27. There shall be no storage on the site other than within a building.

**Reason:** In order to preserve the visual character of the site and the amenity of the surrounding area.

28. Prior to the commencement of works above ground level full details of the proposed replacement electrical sub-station, bin stores and fencing shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with these approved plans prior to the first occupation of any part of the development unless otherwise agreed in writing by the local Planning Authority.

**Reason:** In order to preserve the visual character of the site and the amenity of the surrounding area.

### **Electric vehicle charging**

29. (A) Prior to the first occupation of any floorspace, plans and details for the provision of a number of electric vehicle charging points to be agreed (together with a car parking design future proofing strategy facilitating easy future installation of additional charging points responding to employee/customer/user demands) shall be provided to and approved by the Local Planning Authority in writing.

(B) Thereafter the charging points shall be implemented and maintained in perpetuity in accordance with the approved details and retained available in a working order to assist employees/customers/users charging an electric or hybrid vehicle. Unless otherwise agreed by the Local Planning Authority in writing, the charging facilities shall be dedicated electric vehicle charging points.

**Reason:** in order to take account the cumulative impacts of major development on air quality and to encourage the use of sustainable transport modes by employees and customers by incorporating facilities for the charging of plug-in electric and hybrid vehicles at the point of trip destination.

## **Notes to Applicant**

### **1. 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 considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

### **2. Sewerage**

A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk). Please read our New Connections Services Charging Arrangements documents which has now been published and is available to read on our website via the following link

<https://beta.southernwater.co.uk/infrastructurecharges>

For further details please refer to the consultation response relating to this planning application dated 23 January 2019.

### **3. Environmental**

The developer should note the code of practice hours in relation to potentially noisy construction/demolition activities which are 0800-1800 Monday to Friday, and 0800-1300 hours Saturday. Noisy works should not occur, in general, outside of these times, on Sundays or Bank/Public Holidays.

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.

The developer should take such measures as reasonably practical to minimise dust emissions from construction and demolition activities and for that purpose would refer them to the IAQM guidance on controlling dust on construction sites.

#### **4. Highways**

Planning permission does not convey any approval for construction of the required vehicular crossing, or any other works within the highway for which a statutory licence must be obtained. Applicants should contact Kent County Council - Highways and Transportation (web: [www.kent.gov.uk/roads\\_and\\_transport.aspx](http://www.kent.gov.uk/roads_and_transport.aspx) or telephone: 03000 418181) in order to obtain the necessary Application Pack.

It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority.

The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

### **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 //AS)

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Annex 1

