

Planning Committee

Wednesday 20th January 2021 at 6.00pm



Update Report for the Committee

The following notes and attached papers will be referred to at the meeting and will provide updated information to the Committee to reflect changes in circumstances and officer advice since the reports on the agenda were prepared

3. Requests for Deferral/Withdrawal
4. Schedule of Applications
- (a) **20/00591/AS – Zone A, Waterbrook Park, Waterbrook Avenue** – application for the approval of reserved matters including layout, scale, appearance, access and landscaping in relation to the erection of a new storage and distribution centre, including ancillary offices, associated access, parking, landscaping and associated works.

Further consultation responses received as follows.

CPRE: comment.

“ CPRE has studied the changes and on balance considers that the application is much improved. The development will now appear less intrusive and greener as a result of the wider landscape buffer planting and green micro areas through the development and by the use of green walls.

Climate change: It would be better if the development was zero carbon and included PV panels and provision for the vans to be electric: for a leading business occupant, that should be part of their environmental ambition. There should be a plan for how electric vans would be provisioned in the near future. We note the present focus is on energy efficiency and compliance with Part L . This is welcome but not sufficient for a site being developed in 2021, in a borough with a Carbon Neutral strategy. There are some obvious improvements that could be made : providing charging points in the van parking areas. At present they are only proposed in the staff car parking area.

PROW: Now that there is a separate formal process being progressed for the diversion of the Byway AE350 could it be clearer how this connects south west into the AE667A and how it continues north west towards the railway crossing? Will there be a formal and signalised road crossing to control and reassure users ? What will be the giveway priorities at the 4 access points into and out of the site. With 12 loading bays for large vehicles deliveries and 68 for van loading with 227 delivery drivers and 172 warehouse staff there will be a welcome number of jobs, but also a lot of vehicle movements crossing the AE350 from and onto Arrowhead Road, in addition to other traffic on this road including that using the Lorry park once its present use by HMRC relocates to the Sevington site as planned.

A2070. Will the long promised Bellamy Gurney junction improvement be carried out before this site is operational? The pressures on the present roundabout are evident every day and will cause delays to the schedule of daily operations at the Zone A site unless this is addressed before it becomes operational. (it is needed now for the temporary HMRC operation)

Massing and lighting

The change to a decked van parking area increases the built cover of the site and therefore its massing. For safe operations lighting will be needed throughout the hours of darkness. The 5 metre lighting poles on the open upper deck of the van park will be 10.2 metres above ground – similar to the eave height of the warehouse building. A non reflective surface to the roof top van park and best technology to avoid light spill will be essential. The ILP has developed lighting standards and its members know the technologies. As Ashford has a dark skies policy it would be a good objective to make this site an exemplar industrial no-light spill project. The inward facing lighting at the new lorry park combined with the outer boundary screen fencing are already a good example in another part of the Waterbrook site.

Landscaping

The landscaping plan combined with the green walls will soften and modernise the development. As and when further fine tuning is made to the planting plan it would be sensible to be mindful of how plants, especially some tree species can grow substantially in girth and height and cause problems later. And there needs to be a clear understanding of who is responsible for green maintenance inside and outside the site including the hedges along the byway.

Drainage

How will the change to a decked van park impact on the drainage plan as this was planned as an attenuation area? The run off from the increase in roof area will need to be accommodated”.

Highways England: comment.

“As things stand we have a few outstanding matters and hence unless they are resolved by the 20 January, our recommendation to the Council would be that the application should not be determined (other than a refusal if the Council so wishes). If the Council resolves to permit contrary to our recommendation it will need to

- i) inform Highways England; and
- ii) consult the Secretary of State for Transport, as per the Town and Country Planning (Development Affecting Trunk Roads) Direction 2018, via transportplanning@dft.gsi.gov.uk.

The unresolved matters are as follows (all previously discussed matters may be considered now resolved, either per se or by way of agreed conditions eg Travel Plan/ Construction Management Plan etc, if not mentioned below):

Red Boundary Line

A comparison of the original and revised site edged red and the Bellamy Gurner margin edged blue still shows a discrepancy, such that it appears the Zone A site is permitted would affect the ability of Bellamy Gurner to be delivered. This is not acceptable to Highways England given the importance of the Bellamy Gurner scheme to the SRN and the delivery of much of the growth and development in the adopted Ashford local Plan. The boundary issue must be resolved prior to any permission being granted

We note the Applicant has provided a revised drawing (DWG 7361-00-3001 Rev P14 dated 18.12.20) which indicates a new arrangement for the site parking in order to address the boundary issue.

Highways England previously noted that a part of the site utilised land which was intended to be included within the S278 for the Bellamy Gurnery Scheme at Orbital Park Roundabout. As such, the Applicant has removed any hardstanding from this area and it is now intended to be vegetation – which does not interfere with the drainage or layout of the Bellamy Gurner Scheme.

Therefore, there does not appear to be any reason why the site edged red cannot be amended to accurately reflect the boundary between the site and the Bellamy Gurner scheme.

ACTION REQUIRED Applicant to provide drawings demonstrating that the development site red line in no way and in no location impinges on land to form part of or required to construct the Bellamy Gurner scheme and any land to be transferred to Highways England or Kent County Highways.

Drainage and Geotechnical

Highways England made a previous request for geotechnical and drainage information; this has not yet been provided.

This information is necessary to demonstrate that the development of the site and/or in association with the Bellamy Gurner improvement will not undermine the safety and operation of the SRN. Without such evidence any permission may prove unimplementable.

The previously offered alternative, if the applicant and Council are content to do so would be to attach the following condition (or alternative wording to same effect) to any permission

Pre-Commencement Condition: Geotech

No works shall commence on the site hereby permitted (including site clearance or preparation) until the details of a scheme demonstrating how the construction and occupation of the site will safeguard and maintain the geotechnical stability of the adjacent A2070 have been submitted to and approved in writing by the local planning authority (who shall consult with Highways England). Thereafter the construction and occupation of the development shall be in strict accordance with the approved scheme unless otherwise agreed in writing by the local planning authority (who shall consult Highways England).

Reason: To ensure that the A2070 Trunk Road continue to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety.

Informative: The scheme shall include such assessment, drawings and mitigation as is necessary to comply with the requirements and standards set out in the Design Manual for Roads and Bridges. The drawings shall include and set out site levels relative to the A2070.

ACTION REQUIRED: Either

- a) Applicant to provide drawings covering the above matters ie drainage, geotechnical and extent and design of the boundary screening fence. Council to confirm they are also content with the proposed solutions. OR
- b) Applicant/ Council to accept the above worded condition

Fencing

Basic details of the fencing design (2m high close-boarded opaque fence along A2070 facing boundary) have been accepted (Dwg 07361-00-2005 /rev P4). However, the detail needs to be transferred to a new drawing that shows the correct site edged red, and hence correct boundary/fee line.

As such, the application does not yet demonstrate that it will not unacceptably affect the safety, reliability and operation of the SRN as set out in the tests within MHCLG NPPF 2019 Para 108-11 & DfT Circ 02/13 Para 8 -11, in this location and its vicinity.

As things stand we have several outstanding matters and hence unless they are resolved by the 20 January our recommendation to the Council would be that the application should not be determined (other than a refusal if the Council so wishes). If the Council resolves to permit contrary to our recommendation it will need to

- i) inform Highways England; and
- ii) consult the Secretary of State for Transport, as per the Town and Country Planning (Development Affecting Trunk Roads) Direction 2018, via transportplanning@dft.gsi.gov.uk

Further updated Highways England comments

1) Red line boundary –I will defer to the Council with regards whether if the Zone A application and Bellamy Gurner red lines don't match (or unless the Zone A is shown to stop short of impinging on the BG required area for construction and handover), in terms of the legal and other implications, it is guaranteed that BG won't be fettered or ransomed by any Zone A permission or ownership. Therefore please confirm your position and supply any advice you receive from your legal department.

2) Geotech and Drainage -please send direct to me (the agent) what you have submitted and believe to cover all the DMRB required requirements, with some narrative explaining why you believe it meets the DMRB requirements. Please note that our system won't accept attachments over around 10mb, so send in tranches if necessary.

3) Boundary fence –again I will defer to the Council depending on the outcome of (1), since the 2 matters effectively cover the same issue ie ensuring the delivery, handover and future operation/maintenance of BG is not fettered or ransomed by ownership or physical structures etc.

KCC Ecological Advice Service: comment.

“We have reviewed the ecological information submitted and we are satisfied that no information is required to determine the application but highlight that we have raised points regarding the management of the proposed landscaping report.

Reptiles

Please note there is a typo in the ecology report – references within the report to Figure 3 are actually referring to Figure 2

The report has confirmed that breeding populations of slow worms and common lizards have been recorded within the site. A reptile mitigation strategy has been provided and details that the reptiles will be translocated to a receptor site within the wider Waterbrook Park site and we are satisfied that it is appropriate.

It's our understanding that the reptile translocation has been completed within this site but no updated reptile report has been submitted and therefore we suggest that if planning permission is granted a reptile translocation report is submitted as a condition of planning permission.

Prior to works commencing on site a reptile translocation report must be submitted to the LPA for written approval. It must confirm that the mitigation and ecological enhancements within The Preliminary Ecological Appraisal and Reptile Survey Report; (Corylus Ecology; April 2020) have been implemented as detailed.

Receptor site

We highlight that the receptor site has not been surveyed since 2016. Due to the enhancements which have and will be carried out we accept that there is sufficient carrying capacity to support the reptile population on this occasion. However we highlight that due to the works required as part of the wider Waterbrook Park development (18/00098/AS) it is likely that the proposed receptor site will be used in the future.

While not required for this application we advise that advance of other applications using the receptor site there is a need for updated reptiles surveys to be carried out to ensure that the carrying capacity of the receptor site is sufficient to support the population.

Landscaping

The proposal will result in a loss of landscaping agreed as part of planning application 18/00098/AS which may result in a reduction of connectivity through the site. However the submitted landscaping plans have confirmed that a woodland belt/hedgerow will be planted along the northern and western boundary and therefore we do accept that some connectivity along the North/South and East/West will be retained within the site.

In addition the planting plans have confirmed that native species have been included within the woodland belts and wildflower meadows and therefore suitable foraging habitat will be retained.

However we highlight that the grassland meadow areas directly adjacent to footpaths and there is a risk that following heavy rain long grasses may fall over

the pavement causing a slip hazard. We recommend that where the meadow areas are directly next to a pavement a small strip (approx 0.25m) of the meadow area is cut regularly to prevent this from happening. It will also demonstrate to people using the site that the meadow areas are intentional and have not been abandoned.

Lighting

The lighting plans demonstrate that the anticipated light spill from the proposed development indicates that light spill on the site boundaries will be between 2 and 5lux and this could have a negative impact on foraging/commuting bats (or other nocturnal animals). From reviewing the submitted information it appears that the area with the greatest impact is along the northern and western boundary.

However we acknowledge that there is already street lighting within this area and therefore will have a negative impact on nocturnal species – this is likely to explain why, as part of the bat surveys as part of the original application, low numbers of foraging bats were recorded within this area.

As part of this application a woodland belt/hedgerow is proposed along the northern and western edges of the site and therefore over time (as they get denser / taller) it is possible that sections of these boundaries will improve for nocturnal species as they may create slightly darker areas.

Therefore based on the information we have reviewed we accept that while the lighting will increase it is unlikely to result in a significant impact on nocturnal species within the immediate area – as, when the surveys were carried out, only low numbers of foraging bats were recorded within that area.

We are aware that the proposal is for a distribution centre and therefore may be operational 24hours a day but we highlight that if there is an opportunity for the lighting to be reduced or switched off for some periods of night this would be beneficial to bats and other nocturnal species.

Birds

We highlight that nightingale have been recorded within the site previously but due to recent scrub clearance was not re-recorded during recent surveys . As a result of reviewing aerial photos we are aware that there is scrub within the wider Waterbrook Park area which nightingale may currently utilise but will be lost due to the implementation of application 18/00098/AS.

Hedgerow/Woodland buffers are proposed to be planted within the site and may provide habitat for nightingale – however due to the proposed/existing lighting they may not nest within the site boundaries. We recommend that areas of scrub is planted within the wider Waterbrook Park area to provide replacement habitat in the long term. We recommend that this point could be addressed within the recommended reptile translocation report”

Kent Highway Services: comment.

“It is noted that the revised scheme has been developed to address the concerns raised by Members of the Planning Committee when the proposal was originally presented to them, and you will appreciate that Kent County Council in its role as the Local Highway Authority was content with the scheme at that time. The

difference between the earlier and current scheme proposals in terms of highway considerations relate to the consolidation of vehicular access points and the on-site parking, generally so that additional space could be created within the site to increase the amount of soft landscaping.

I have no objection to the revised access arrangements, noting that this reduces the number of individual crossings of the restricted byway and adjacent footpath, and the difficulty there would be in combining the HGV and staff car park accesses.

The overall number of van parking spaces has been maintained through the introduction of the 2-storey decked parking facility, and whilst the number of spaces within the dedicated staff car park has been reduced slightly, the technical note demonstrates that the numbers would still comply with Ashford Borough Council's adopted parking standards. Further assessment has been provided to demonstrate through employee density and shift patterns that the provision should have capacity to accommodate the demand of the site. Nonetheless, there are no definite plans for the Local Highway Authority to adopt Arrowhead Road where any overspill parking is likely to spread if this does occur, and this is expected to remain a private industrial estate road.

Consequently, I can confirm that I would adhere to the previous recommendation within my consultation response dated 29th September 2020".

Sevington with Finberry Parish Council: support commenting.

"The latest unemployment data from Ashford shows an increase of 123% from 2,580 (11/19) to 4,670 (11/20). This project will provide up to 400 new jobs and should be supported. Aside from that, the new van deck allows the development to move inward giving an opportunity to provide additional landscaping, particularly along Waterbrook Ave which will soften the appearance of the site. The building mass is now broken up more with cladding being in varied colour including some with a timber appearance. It is disappointing that the building cannot support a green roof due to its weight".

Swan Community Council: Object commenting

"When discussed at Council Concerns were raised regarding whether the amount of staff parking spaces would be sufficient for the likely demand given the size of the centre and the comparative number of van spaces allocated. It was considered likely this would significantly impact onto the SWAN area if staff are looking for local free or available parking. Also concerns were raised regarding access to the development as traffic is likely to increase and that this would be yet another further increase alongside the area being used for the MOJO services whilst flooding has prevented the works continuing. Members were concerned about an increased volume of traffic affecting the orbital park roundabout and the orbital area".

Neighbours

1 letter of support making the following comments

“Firstly, we wish to acknowledge the Council’s constructive input and the efforts made by the Applicant’s Planning Team in seeking to resolve all the issues raised during the Planning Committee meeting in October.

As a result, the amended plans show significant improvements have been made across the board and we welcome that the new PROW route has been taken into consideration. The reduction in crossing points and landscaping along the route will make this important Restricted Byway a safer and visually more pleasant route.

The Distribution building, we previously described as typical warehouse type, bland and nondescript has undergone a complete transformation. We commend the ‘out of the box’ thinking with the introduction of new and interesting cladding treatments and colours. We particularly like the green living walls.

We are further impressed with the design of the new van parking deck, and for allowing the development to move inwards and freeing up land for additional landscaping. Also implementing planting within the site to soften the previous hard and giant car park appearance, to name just a few of the many impressive improvements.

In our opinion, this is a prime example of both problem solving and innovative design planning at its very best. We feel it now meets the aspirations for Zone A and is worthy of the Waterbrook Park’s site entrance and prominent road side position.

Therefore, all considered including the quantity of jobs on offer, we are happy to retract our objections and welcome this e-commerce giant to Ashford by way of fully supporting this planning proposal”.

Recommendation

I am conscious that in bringing the application back to the Committee as swiftly as possible following the receipt of amended plans the updated report contains a Conclusion on the changes that have been made but the Recommendation section effectively cross references to the original report which might be confusing.

For the avoidance of doubt, and taking into account the changes to the scheme, my Recommendation is still to **refuse** permission on grounds that:-

- (a) a large floorspace / single occupier design approach would create a less subtle edge to Zone A of the Waterbrook Park development site to the A2070 compared with a series of smaller scale buildings for businesses located on individual plots which would help create views into the site between buildings that would be capable of being softened by greenery. That layout design approach could also potentially accommodate a better overall route for the diversion of the existing public right of way by running it through Zone A as opposed to around its periphery with attendant benefits to the ambience for right of way users and the potential for reduced conflict with any vehicle crossovers necessary to serve individual plots. The proposal would therefore be contrary to Policies S16(d), SP1, SP6 and TRA5 of the ALP 2030.
- (b) an approach providing for a number of smaller businesses with differing needs at Zone A of the Waterbrook Park development would be likely to achieve a more varied direct and indirect employment offer from Zone A than would be achieved a

single business occupier. The proposal would therefore be contrary to Policies SP1(h) and SP3 of the ALP 2030.

- (b) 19/01679/AS – Land north of Farley Close, Woodchurch Road, Shadoxhurst, Kent** – proposed development of 22 residential dwellings and associated parking, access and landscaping works.

1 additional representation received objecting to the application, raising the following additional concerns to those already outlined in the report:

- **Overlooking of gardens and resultant lack of privacy for existing residents**

- (c) 20/01515/AS – 30 Skylark Way, Ashford, Kent TN23 3QH** – erection of conservatory to rear of property.

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