

Council's Response to Inspector's Issues and Questions

Issue 9

27 March 2018



Issue 9: Is the policy for Ashford town centre justified, deliverable and consistent with national policy?

i)

Is the vision for Ashford town centre justified and is it properly reflected in Policy SP5? Is it consistent with paragraph 23 of the NPPF?

1. Ashford town centre is the principal centre for the Borough acting as the retail, commercial and cultural heart of the town.
2. The vision for the town centre is initially set out in the overall set out in paragraph 3.5 which sets out the broad context for the approach to the town centre in paragraph 3.8 "*A regenerated Ashford town centre will expand significantly its leisure, cultural, educational and residential offer. A new Commercial Office Quarter next to the railway station will be a major economic impetus for the area, helping to substantially increase employment, trigger more spending in the town centre economy, and improve wage rates and skills levels. The town's heritage will be conserved and enhanced alongside quality new public realm reflecting the various different character areas.*"
3. The detailed vision for the town centre is then set out in paragraphs 3.135 – 3.157 of the Local Plan.
4. The Council's previous policy approach to the town centre was set out in the Ashford Town Centre Area Action Plan and various pre-ceeding Local Plans. Broadly, the overall approach was to identify a series of site specific allocations in the town centre area and they were included as specific site policies. Invariably, these site policies included a range of potential uses that could be accommodated on each identified site.
5. In practice a number of the identified development sites have now begun to come forward as the market has improved and the attractiveness of the town centre as a place to live and work and spend leisure time has increased. This has been combined with direct intervention to enable development on key sites where there has now been significant progress with development either completed or under construction as outlined below:
6. **Elwick Place** - Planning permission has been granted for a mixed use development comprising of restaurants and cafes (Class A3), a hotel (Class C1), leisure and assembly, including a cinema (Class D2), a car park, associated highway works, vehicle access, infrastructure, plant, car and cycle parking and landscaping (Phase 1). Construction has commenced.

7. **Ashford College on Elwick Road** - Now open with its first intake of students beginning their studies in September. Involved in the works was the; demolition of existing buildings and structures; construction of new college buildings (Class D1); provision of new access road; on-site parking and servicing; associated hard and soft landscaping and boundary treatment works; reduction in height of existing retaining wall on Station Road; alterations to site levels and other associated minor works. Further expansion is supported in appropriate scale and site specific considerations
8. **Commercial Quarter** - the site is currently under construction and will comprise of the erection of a 6 storey building providing five floors of flexible office accommodation above a ground floor restaurant and cafe, and/or retail accommodation (Uses B1, A1, A2 and A3) with a rooftop plant enclosure plus a free-standing sub-station, cycle store and refuse store. There will also be 220 dedicated car parking spaces in total with 39 spaces immediately around the building and the remaining 181 parking spaces forming part of an extension to the Stour Centre car park.
9. **Victoria Way** –Development of a brewery, with shop, bars and restaurant (Use classes B2/A1/A3/A4), three commercial units (Use Classes A1/A2/B1) and 216 residential units with associated parking, substations, landscaping and access works. Superstore (Use Class A1) with associated parking, substation, landscaping and access work. The site is now under construction.
10. **Powergen site – Victoria Road** - The site has planning permission for the erection of 400 dwellings, a retail kiosk/cafe unit and associated parking, public surface car park, together with landscaping and access works. There is outline plication with appearance and landscaping reserved for demolition of existing buildings/structures and erection of up to 260 dwellings, associated parking, together with landscaping and access works.
11. There have been over 350 residential completions on sites within the town centre boundary over the past 5 years including on the following sites.
 - The redevelopment of the Godinton Way Industrial estate comprises 83 units
 - The Panorama (formerly Charter House office) - the residential conversion of the former office building for 249 units was completed in 2016. Works are now underway for the construction of two new buildings providing 110 affordable flats within the grounds of the existing building.
 - Victoria Way East– residential under construction. Consists of 59 apartments over two sites (Former Travis Perkins)
12. The Council's view is that the Local Plan is only one part of the overall approach to the planning of the town centre. It sets out a broad strategic approach and vision with a flexible policy basis set out in SP5 that reflects the overall vision for the town centre but which enables appropriate development to come forward on suitable sites.
13. As part of this wider approach the Council has played a pivotal role in the development of the town centre and the bringing forward of key development sites. This has included positive action to acquire land, sites and buildings in the town centre to enable development to come forward. This has included:
 - The acquisition of the Elwick Road development site currently under construction for a cinema, restaurants and hotel.

- The acquisition and management of the Park Mall shopping centre in the town centre. This has helped to significantly reduce vacancy rates, promote independent retailers and extend and improve the retail offer in the town centre.
 - The Council has grant funded the new Ashford College at Elwick Road/Station Road to deliver out Phase 1 and 1a of their scheme and their aspiration to deliver out Phase 2 Higher Education provision.
 - Commercial Quarter – new office development completed on Council owned land.
 - The acquisition of the International House office building opposite the domestic railway station as part of the Commercial Quarter
 - The acquisition of the Mecca bingo building in Ashford High Street that is a prominent building in the town centre.
14. The Council has also established its own town centre redevelopment team and is working on a more detailed Town Centre Development Framework. In addition the Council now has its own dedicated Town Centre Action Team that carries out environmental improvements and repairs.
15. The Council's policy also requires that all new schemes demonstrate a quality of design that makes a significant contribution to improving the character of the town centre. The Council has already delivered significant environmental and design improvements and it is critical that new developments meet the specific requirements of SP6.
16. Recent evidence indicates that the Council's proactive approach to land ownership in the town centre and the collaborative working with the public and private sector has helped to bring schemes forward. The key has been a flexible approach to enable the Council to react to opportunities when they come forward. There is a recognition that the traditional 'town centre' role is changing and focus on pure retail is reducing with particular importance being attached to extending 9-5 activity to evenings/weekends and recognising role of place making.
17. In terms of paragraph 23 of the NPPF, planning policies should be positive, promote competitive town centre environments and set out policies for the management and growth of centres over the plan period. It is considered that the Local Plan does this. The Local Plan clearly refers to viability and vitality and indicates that the town centre is a key part of the overall policy for the whole borough – see paragraph 3.130. It sets out the overall vision in paragraph 3.5, identifies the respective roles of Ashford, Tenterden and the rural service centres of Charing, Hamstreet and Wye – and this is also re-iterated in paragraphs 5.174 - 5.177. The extent of the primary shopping areas and definition of primary and secondary frontages in designated centres, is set out in paragraphs 5.172 – 5.188 and Policy EMP7.
18. In terms of promoting competitive town centres that provide customer choice and a diverse retail offer and which reflect the individuality of town centres. The Council has proactively intervened with strategic land and building purchases to improve the town centre, the principal example of which is the acquisition of the Park Mall shopping centre where proactive management has significant improved occupancy and the independents. In relation to allocating a range of suitable sites to meet the scale and type of retail, leisure, commercial, office, tourism, cultural, community and residential development needed in town centres. The overall needs for retail and leisure uses are set out in policy SP4 and its supporting text – the policy identifies the whole town centre area with an overarching policy that promotes appropriate development on suitable site.

Policy SP5 promotes a flexible approach that enables the Council to respond positively to development proposals. Policy EMP9 of the Local Plan EMP9 deals with proposals which are not located in the primary shopping area or for other main town centre uses which are not located within the town centre boundaries. In addition, Policy SP5 b of the Local Plan specifically supports residential development in the town centre. As indicated above the Council has been proactive in supporting and facilitating town centre development through various initiatives such as the acquisition of key town centre sites and buildings.

ii)	Has the town centre boundary been properly defined? Does the policy properly reflect the primary and secondary frontages and associated policy requirements in Policy EMP7?
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19. The town centre boundary has been defined as identified on the proposals map (duplicated at page 334 of SD01). The area includes the proposed primary and secondary frontages, and primary shopping area, as set out in Policy EMP7, and also covers a wider area.
20. The purpose of the town centre boundary is to identify the area for which policy SP5 applies, in order to deliver the vision for Ashford Town Centre, as discussed in response to question i), and to ensure there are sufficient sites to meet the scale and type of retail and other development needed in the town centres, in accordance with NPPF para 23. Due to the characteristics of the area and development proposals it is not considered appropriate to define the town centre solely by the extent of the primary and secondary frontages. There are a number of brownfield sites on the edge of the traditional core of the town centre which are available for development and are bringing or proposed to bring forward town centre development. The town centre boundary is the area in which the Council expects the need for town centre development (retail, leisure and office) to be delivered over the plan period. The Council considers that this provides a more flexible approach to meeting the needs for town centre development than allocating specific sites within the area for specific uses, whilst ensuring that there is sufficient land to provide for the needs identified. Given the commitments and proposals in the pipeline this is considered to be a pragmatic, effective and flexible approach.

iii)	Is the reference to the sequential test requirements in Policy EMP9 justified and necessary?
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21. The reference to the sequential test requirements is justified to ensure that proposals for retail development are in accordance with the sequential test requirements of national policy. Policy SP5 provides an overall vision for the town centre identifying retail development as a potentially acceptable use in the town centre boundary area. As the town centre boundary covers a wider area than the defined primary shopping area (as justified in answer to question ii above), it is considered necessary to make it clear that for the purposes of retail development, the primary shopping area, provides the first sequentially preferable location for retail development, and not the wider town centre boundary area, and that a sequential assessment will need to be

carried out for retail proposals that are outside the primary shopping area, even if they are inside the town centre boundary area. The Council considers that the reference to Policy EMP8 is necessary for the purposes of clarity.

iv)	Is the expectation that development makes a significant contribution to improving character in criterion a) justified having regard to national policy and Policy SP6 of the Local Plan? Should it be made clear that residential development will be supported in criterion b) except when contrary to Policies EMP7 and EMP8? What is meant by a “balanced approach” to office parking needs and how does this relate to the parking standards in Policy TR3(b)? Is the “flexible approach” referred to in criterion e) consistent with Policy IMP2 on deferred contributions?
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22. The Council considers that there is clear justification in national planning policy and guidance to support the requirement in Policy SP5 to “improve the character” of the town centre. There are various references to improvement and onuses on planning to ensure improvements to various aspects of the built environment and communities, “securing development that improve the economic, social and environmental conditions of the area” (NPPF paragraph 187).
23. Paragraph 9 of the NPPF in particular requires planning to take an active role “*improving the conditions in which people live, work, travel and take leisure*”; while the core planning principles outlined in paragraph 17 state that planning should work at “*finding ways to enhance and improve the places in which people live their lives*”. In more specific reference to town centres, the NPPF (paragraph 23) requires planning authorities to “*plan positively for their future to encourage economic activity*.” The continued improvement of the town centre, in a context of beneficial commercial competition (as promoted in PPG 2b-001-20140306) with other centres such as Maidstone and Canterbury, is clearly therefore important and reasonable.
24. There are various components contributing to the town centre’s character, including those criteria listed in Policy SP6, and the Council considers that while SP6 provides the general design parameters for all development in the Borough, criterion a) in SP5 provides additional locational-specific context in line with NPPF and PPG aspirations for town centres and recognising 1) its primacy in the economic and social life of the borough and; 2) its regional context amid a network of competing and similarly-sized centres.
25. An added dimension to the Town Centre is its Conservation Area designation, the appraisal of this area having been reviewed and adopted by the Council in 2016. The policy requirement is highlighted in ENV14, aiming to “enhance” such areas which, in the case of the Town Centre, includes the integration of respectful and innovative design (e.g. that now coming forward on Elwick Place anchored by the cinema, adjacent to this area). There is a clear functional relationship between the importance of quality design and character with commercial vitality and viability in Ashford Town Centre, but the added dimension of the Conservation Area and the duty to conserve and enhance such areas provides further justification of the need for criterion a) in SP5.

26. In recognition that the town centre is the heart of the community, Policy SP5 recognises “that residential development can play an important role in ensuring the vitality” of the town centre (as per NPPF paragraph 40). There is clearly a relationship between the requirements of criterion b) of SP5 with Policy EMP7 in that they relate to how applications for residential use in Ashford Town Centre will be treated. The Council agrees that criterion b) of policy SP5 would benefit from a cross-reference to Policy EMP7 to aid clarity. However, there is no relationship between that same criterion of SP5, which deals with Ashford town centre, with Policy EMP8, which focuses solely on Tenterden town centre.
27. The “balanced approach” to parking referred to in criterion d) in relation to office development refers to taking into account a number of factors including site-specific conditions such as the location of development in relation to other uses and transport links, as well as the proposed floorspace of development. Reference to parking within this policy directs applicants to consider this issue in relation to the standards set out elsewhere in the Plan, most particularly TRA3(b) which, while establishing clear guidelines for provision, offers flexibility through a number of caveats dependent on the particular context and location of the development. This is in line with NPPF paragraph 40 and PPG 2b-003-20140306 as part of the enhancement of town centre parking provision and management.
28. The Council considers both policies SP5 and IMP2 provide a ‘flexible approach’ to deferred contributions, both of which provide the same general parameters. Both recognise that in some cases the aspired-to development may be unviable, and both provide for scenarios in which this can be shown. IMP2 establishes a broad and flexible process applying to all development; criterion e) still incorporates the principles of IMP2 since the Plan should be read as a whole, but provides further town centre-specific flexibility. Policy SP5 provides more focused and specific parameters and guidance to what is a sensitive market, attention to which is required in PPG 2b-004-20140306; one in which a number of projects are currently coming forward at pace after significant lead-in periods, which the Council wishes to support and not undermine. Notwithstanding this, the Council considers that SP5 and IMP2 are not incompatible.

v)	Is the delivery of the town centre vision affected by the provision of multi-storey car parks referred to in Policy TRA2?
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29. Please see the Ashford Town Centre Parking Review (December 2014) (document TBD03). This document in part informs the vision for Ashford Town Centre, and highlights that “*the amount of parking and the price of parking is critical to its success*” (para. 1.1.7). In doing so, the document reviews the need and potential for two multi-storey car parks proposed in the previous strategy for the town centre as informed by the Ashford’s Future Parking Strategy (November 2006).
30. The Core Strategy (2008) proposed three multi-storey car parks for the town centre. The Town Centre Area Action Plan’s (2010) Policy TC21 established a target of at least 1200 new car parking spaces to be provided in new multi-storey car parks by 2021 situated on the periphery of the former ring road, at Victoria Way, New Street and Mace Lane. The delivery of large amounts of car parking in multi-storey car parks allows the release of

other, more central town centre surface car parks for redevelopment, helping to make the best use of town centre land through the release of existing surface car parks for development once the multi-storey car parks are complete.

31. It is important that there is sufficient parking to encourage the local economy whilst at the same time being restrictive enough so as not to cause severe congestion on the local highway network. This balanced approach, in line with NPPF paragraph 40 (and PPG 2b-001-20140306), is brought forward particularly in the supporting text of Policy SP5 (para. 3.152), and the Council is clear that the provision of additional parking facilities in Ashford town centre will improve accessibility to the retail and leisure offer of the town. Delivery of parking provision in this way makes the most sensible use of existing parking sites through sustainable intensification, without compromising the design and character of the town centre, or resulting in a greater land-take, while other modes of transport are supported in parallel in the Local Plan.
32. It is important to note, however, that the aspiration stated in the Town Centre AAP for three multi-storey car parks has been reduced to two, reflecting the sustainability considerations involved in ensuring balance access to the town centre, and reflecting the improvements in public transport over the past few years. However, the provision of two multi-storey car parks is appropriate for Ashford, given that it is the service hub for a substantial rural hinterland more reliant on private transport, and therefore this aspiration responds to a particular sector of the borough's population and its ability to access services. Provision of these car parks, therefore, is one aspect of delivering the town centre vision, but is not the only or even the most important determinant of a successful centre.