

Officer's Assessment Sheet

Application Number NOT/2025/2164
Type Prior approval Part 3 Class O: Offices to dwellinghouses
Location 25C & 27-27A Bank Street, Ashford TN23 1DG & 12
Norwood Street, Ashford TN23 1QU
Proposal Prior approval for the change of use of 1st and 2nd floors of
Bank Street from Class E (Commercial, Business and
Service) to Class C3 (Dwellinghouse) to form 4 flats . Change
of use of ground and 1st floor of Norwood Street from Class E
(Commercial, Business and Service) to C3 (Dwellinghouse) to
for 1 flat and 1 maisonette.
Case Officer Laura Payne
Registration Date 21/11/2025 **Consultation Ends** 15/12/2025
Valid Date 19/11/2025 **Deadline Date** 14/01/2026
Applicant Neil Reed
Agent Richard Hawkes

Environmental Impact Assessment

Is EIA Required: No Reason:

RECOMMENDATION

Prior Approval Is Given

Site and Surroundings

The application site comprises 25c and 27a–27 Bank Street, together with 12 Norwood Street, which is located to the rear and adjoins 27 Bank Street. The property consists of a two-storey terraced building with retail on the ground floor and accommodation in the roof space, which has been extended to the rear by a single-storey addition and a subsequent two-storey extension forming 12 Norwood Street. The building is not listed but lies within the Ashford Town Centre Conservation Area.

Proposal

Prior approval is sought for the change of use of the first and second floors of 25c and 27a–27 Bank Street, and the ground and first floors of 12 Norwood Street, from Class E (Commercial, Business and Service) to Class C3 (Dwellinghouses). The application seeks to establish whether this proposal constitutes permitted development under Schedule 2, Part 3, Class MA of the Town, and Country Planning (General Permitted Development) Order 2015 (as amended).

The proposal involves converting the building into five self-contained units, comprising three one-bedroom, two-person flats, two one-bedroom, one-person studio flats, and one two-bedroom, three-person maisonette.

Relevant Planning History

18/00801/AS Prior notification for the change of use of offices (B1a) to residential use (C3) comprising 5 residential units
Prior Approval Not Required

18/01227/AS Change of use of existing B1a office to 8 dwellings including extension to rear of existing building with 5No. roof lights inserted to front elevation
Refused

21/00738/AS Installation of three gabled dormers to main roof
Permitted

Planning Policy

Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended): Schedule 2, Part 3, Class MA.

NPPF

NPPG

Consultations/Representations

Environmental Protection: Request the application of the following conditions to ensure that lighting levels do not exceed acceptable levels;

- EP01 – Rating level
- EP02 - Sound Levels - Residential;
- EP03 – Commercial/residential noise transmission

Neighbours: 20 neighbours consulted on this case. 0 letters of representation received.

Assessment

Schedule 2, Part 3, Class MA of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) allows a change of use of a building and any land within its curtilage from a use falling within Class E (Commercial, Business and Service) to a use falling within Class C3 (Dwellinghouse) subject to meeting the sub-paragraphs of paragraph MA.1.

For the purpose of the application the classes mentioned in sub-paragraph (1)(b) below are the following classes of the Use Classes Order (as it had effect before 1st September 2020)

- i) Class A1 (shops);
- ii) Class A2 (financial and professional services);
- iii) Class A3 (food and drink);
- iv) Class B1 (business);
- v) Class D1(a) (non-residential institutions – medical or health services);

- vi) Class D1(b) (non-residential institutions – crèche, day nursery or day centre);
- vii) Class D2(e) (assembly and leisure – indoor and outdoor sports), other than use as an indoor swimming pool or skating rink;

MA.1

Development is not permitted by Class MA—

(a) unless the use of the building fell within one or more of the classes specified in sub paragraph (2) (set out above) for a continuous period of at least 2 years prior to the date of the application for prior approval;

I am satisfied that that the building has been in use for Class E purposes for a continuous period of at least 2 years prior to the date of this application.

- (b) if land covered by, or within the curtilage of, the building -**
- i) is or forms part of a site of special scientific interest;**
 - ii) is or forms part of a listed building or land within its curtilage;**
 - iii) is or forms part of a scheduled monument or land within its curtilage;**
 - iv) is or forms part of a safety hazard area; or**
 - v) is or forms part of a military explosives storage area;**

None of the above restrictions apply to the land covered by, or within the curtilage of, the building.

- (e) if the building is within**
- i) an area of outstanding natural beauty;**
 - ii) an area specified by the Secretary of State for the purposes of section 41(3) of the Wildlife and Countryside Act 1981;**
 - iii) the Broads;**
 - iv) a National Park; or**
 - v) a World Heritage Site;**

The building does not lie within any of the above protected sites.

(f) if the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained;

Not Applicable.

(g) before 1 August 2022, if

(i) the proposed development is of a description falling within Class O of this Part as that Class had effect immediately before 1st August 2021; and

(ii) the development would not have been permitted under Class O immediately before 1st August 2021 by virtue of the operation of a direction under article 4(1) of this Order which has not since been cancelled in accordance with the provisions of Schedule 3.

Not Applicable.

MA.2.

Development under Class MA is permitted subject to the conditions set out under paragraph MA.2 which state that before beginning development under Class MA, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to:

a) Transport and highways impacts

In relation to transport and highways impacts, the level of trip generation from the site in residential use is likely to be lower than that associated with any Class E use. Furthermore, the site is located within Ashford Town Centre, which benefits from good public transport accessibility. No on-site parking provision is proposed, which is considered acceptable in this highly sustainable town centre location. On balance, given the type of accommodation proposed, I consider it unlikely that the development would lead to overspill car parking on the public highway.

b) Contamination risks

The proposal would not involve any ground works and is unlikely to give rise to an increased contamination risk.

c) Flooding risks

The site falls within Flood Zone 1 (an area shown to be at less than 0.1% chance of flooding in any year). Prior approval is not considered necessary in relation to flood risks.

d) Noise impacts from commercial premises on the intended occupiers of the development

The site will be connected to an existing commercial business within the town centre. Environmental Protection has been consulted and has requested the implementation of noise mitigation measures and adequate soundproofing. I consider that, subject to conditions securing these measures, there would be no significant or unacceptable noise impacts.

e) where

- i. the building is located in a conservation area, and**
- ii. the development involves a change of use of the whole or part of the ground floor the impact of that change of use on the character or sustainability of the conservation area;**

The site is located within the Ashford Town Centre Conservation Area and does involve a change of use at ground floor level, specifically the ground floor of 12 Norwood Street.

However, no external alterations are proposed, and in my view, this would not result in any impact on the character of the Conservation Area.

f) Provision of adequate natural light in all habitable rooms

Adequate natural light would be provided in all the main living spaces and bedroom. Overall, the proposal is considered to provide adequate natural light to all habitable rooms.

g) Introduction of residential use in an area the authority considers to be important for general or heavy industry, waste management, storage and distribution, or a mix of such uses

Not Applicable. The site does not lie in an area the LPA considers to be important for general or heavy industry, waste management, storage and distribution, or a mix of such uses;

h) Impact on the local provision due to loss of services provided by

i) a registered nursery, or

ii) a health centre maintained under section 2 or 3 of the National Health Service Act 2006

Not Applicable.

i) Fire safety impacts on the intended occupants of the building

Not Applicable.

In light of the above, the development meets the above criteria for Class MA.

Other Matters – Stodmarsh and Nutrient Neutrality

This site lies within the catchment area of the Stodmarsh European Protection Site. It is Natural England's view that a likely significant effect on the internationally designated Stodmarsh sites (Special Protection Area, Special Area of Conservation and Ramsar site) cannot be ruled out due to the increases in wastewater from new developments coming forward in the Stodmarsh catchment. The uncertainty about the impact of new development on designated sites needs to be recognised for all development proposals that are subject to new planning permissions and have inevitable wastewater implications. These implications, and all other matters capable of having a significant effect on designated sites in the Stodmarsh catchment, must be addressed in the ways required by Regulation 63 of the Habitats Regulations.

In line with established case law and the 'precautionary principle', Natural England are advising that applications for certain types of development within the Stour river catchment and / or which discharge to particular Wastewater Treatment works within the catchment should be the subject of screening under the Habitat Regulations and, consequently, the undertaking of an Appropriate Assessment prior to any decision to grant planning permission. One of the recommended ways of overcoming this impediment is by achieving

nutrient neutrality. Natural England's guidance on 'Nutrient Neutrality for New Development in the Stour Catchment in Relation to Stodmarsh Designated Sites' sets out a practical methodology which provides advice on how to calculate nutrient budgets and options for mitigation, should this be necessary.

Article 3(1) of the GPDO grants planning permission for the classes of development described as PD in Schedule 2, subject to Regulations 75 - 78 of the Conservation of Habitats and Species Regulations 2017. Regulation 75 provides that it is a condition of any planning permission granted by a general development order made on or after 30 November 2017, that development which, (a) is likely to have a significant effect on a European site or a European offshore marine site, alone or in combination with other plans or projects, and (b) is not directly connected with or necessary to the management of the site, must not be begun until the developer has received written notification of the approval of the local planning authority under Regulation 77.

In light of the above, an informative would be attached requiring submission of a Regulation 77 application accompanied by a nutrient neutrality assessment and subsequently secured by a legal obligation.

Human Rights

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 represents an appropriate balance between the interests and rights of the applicant (to enjoy his 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) and the wider public interest

Working with the Applicant

In accordance with paragraph 39 of the NPPF Ashford Borough Council (ABC) takes a positive and creative approach to development proposals. ABC works with applicants/agents in a positive and creative manner as explained in the note to the applicant included in the recommendation and the decision notice

Conclusion

In light of the above, prior approval is given for the development.

Conditions:

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

Description	Date
Site Location Plan - 2000	19 November 2025
Proposed South Elevation - 2204	19 November 2025
Proposed Roof Plan - 2010	19 November 2025
Proposed Second Floor Plan - 2009	19 November 2025
Proposed Norwood Street & Bank Street Rear Elevations - 2205	19 November 2025
Proposed Ground Floor Plan - 2007	19 November 2025
Proposed Bank Street Front Elevation - 2203	19 November 2025
Proposed First Floor Plan - 2008	19 November 2025
Proposed Site Plan - 2002	19 November 2025

REASON: For the avoidance of doubt and in the interests of proper planning.

- 2 Prior to the commencement of development a scheme for protecting the dwellings / development hereby approved from noise from neighbouring commercial premises and Norwood Street shall be submitted to and approved in writing by the Local Planning Authority. The approved protection measures shall thereafter be completed before the approved dwellings / development are occupied, and thereafter shall be retained as effective protection.

Reason: In order to protect the occupiers of the dwellings from undue disturbance by noise.

- 3 The ceiling and floor that separates the residential and commercial unit shall resist the transmission of airborne sound such that the weighted standardised difference (DnT, W + Ctr) shall not be less than 55 decibels. The weighted standardised difference (DnT,w) and spectral adaption term, Ctr, is quoted according to BS EN ISO 16283-1:2014+A1:2017 Acoustics - Field measurement of sound insulation in buildings and of building elements – Airborne Sound Insulation.

Reason: In the interests of residential amenity.

Informatives:

- **Stodmarsh Informative**

The applicant is advised that this development is deemed to have a likely significant effect on the Stodmarsh Lakes.

The Stodmarsh Lakes are European Designated sites comprising a Special Protection Area (SPA), Ramsar site, Special area of Conservation (SAC), and a Site of Special Scientific Interest (SSSI). Parts are also a National Nature Reserve (NNR).

In accordance with Article 3(1) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) the permitted development cannot lawfully commence until an application under regulation 77 of the Conservation of

Habitats and Species Regulations 2017 (as amended) has been submitted to and approved in writing by the Local Planning Authority. Failure to gain approval under Regulation 77 of the Habitats Regulations prior to commencement of the development will render the development unlawful.

Work cannot commence until the Regulation 77 assessment is approved by the LPA.

For the Regulation 77 assessment, the applicant will need to submit a nutrient assessment/load calculation and details of any mitigation. This will then go through the Appropriate Assessment process.

If following the Appropriate Assessment, the development is nutrient neutral, the Regulation 77 assessment will be approved and then the permitted development can commence.

All the details of the process and the Regulation 77 application forms are on the website at: <https://www.ashford.gov.uk/nutrient-neutrality-prior-approvals/>

- The applicant is advised that a full planning application must be submitted for any associated operational development to be carried out to the building and on associated curtilage. The applicant is also advised to contact the Building Control department to ascertain the applications necessary to comply with Building Regulations.
Reason

- **Construction**

The applicant 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, in general, occur outside of these times, on Sundays or Bank/Public Holidays.

In addition, the applicant should note that it is illegal to burn any controlled wastes, which includes all waste except green waste/vegetation cut down on the site where it can be burnt without causing a nuisance to neighbouring properties.

Finally, the applicant 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

- **Biodiversity Net Gain**

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition “(the biodiversity gain condition”) that development may not begin unless:

- a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission, would be Ashford Borough Council.

There are statutory exemptions which mean that the biodiversity gain condition does not always apply and these are set out in The Biodiversity Gain Requirements Exemptions Regulations 2024.

This permission will not require the approval of a Biodiversity Gain Plan before development is begun because one or more of the statutory exemptions or transitional arrangements are considered to apply.

The effect of section 73D of the Town and Country Planning Act 1990

If planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 (application to develop land without compliance with conditions previously attached) and a Biodiversity Gain Plan was approved in relation to the previous planning permission (“the earlier Biodiversity Gain Plan”) there are circumstances when the earlier Biodiversity Gain Plan is regarded as approved for the purpose of discharging the biodiversity gain condition subject to which the section 73 planning permission is granted.

Those circumstances are that the conditions subject to which the section 73 permission is granted:

- i) do not affect the post-development value of the onsite habitat as specified in the earlier Biodiversity Gain Plan, and
- ii) in the case of planning permission for a development where all or any part of the onsite habitat is irreplaceable habitat the conditions do not change the effect of the development on the biodiversity of that onsite habitat (including any arrangements made to compensate for any such effect) as specified in the earlier Biodiversity Gain Plan.