

Application Number 18/01508/AS

Location Recreation Ground between Halstow Way and Noakes Meadow, Ashford, Kent

Grid Reference 00002 / 41609

Parish Council None

Ward Beaver (Ashford)

Application Description Proposed development of 17 apartments for affordable rent on part of an existing area of open green space off Halstow Way: comprising 6 x 1-bedroom apartments; 7 x 2-bedroom apartments, 4 x 3-bedroom apartments and associated parking

Applicant Mrs Sharon Williams, Head of Housing, Ashford Borough Council, Civic Centre, Tannery Lane, Ashford, Kent, TN23 1PL

Agent Mrs Elizabeth Mitchell, Development & Regeneration Officer, Corporate Property & Projects, Ashford Borough Council, Civic Centre, Tannery Lane, Ashford, Kent, TN23 1PL

Site Area 0.33ha

(a) 47/ 6 'R', 2 'X'

(b) -

(c) SACF 'X', Beaver Community Trust 'X', KHT 'X', KCC (Dev. Contribs.) 'X', KCC Flooding 'X', KCC PROW 'X', K.Pol. 'X', SW 'X', Ramblers 'X', ABC (Culture) 'X', ABC (Env. Prot.) 'X'

Amends
 2 'R', 1 'X'

Amends
 -

Amends
 Ramblers 'X', ABC (Env. Prot.) 'X', SACF 'X', KHT 'X', K.Pol. 'X', KCC Flooding 'X'

Introduction

1. This full application is reported to the Planning Committee because it is submitted by Ashford Borough Council and is a major application under the Council's scheme of delegation.
2. The scheme proposes residential development in the south-eastern corner of the Noakes Meadow recreation ground green space which is located in South Ashford just north of Brookfield Road. This green space is 2.21ha in extent and the corner subject of the application comprises 0.33ha of that space.
3. The proposal provides for;-
 - (a) a single 3-storey pitched roof building containing 17 apartments in a mix of sizes,
 - (b) a 32 space car park to serve the apartment building accessed from Halstow Way,
 - (c) a detached refuse and cycle store within the grounds of the apartment building as well as areas of proposed soft landscaping and for sustainable urban drainage, and
 - (d) the provision of a new hard surfaced path connecting Halstow Way with the Multi-use Games Area (MUGA) located within the wider green space
4. During the course of the application, the applicant has considered representations from consultees and points that I have raised. The scheme has been amended in the following manner;-
 - (i) Provision of an off-site group of parking spaces on Halstow Way (located clear of the entrance barrier into the Sure Start Willow Centre car park) to service existing homes at No. 1, 3, 5 & 7 Halstow Way. These homes currently have no on-plot or off-plot parking resource leading to informal parking at the edge of the carriageway in Halstow Way. The amended proposal is designed to provide a replacement parking resource for those homes in a way that would help keep the carriageway from being reduced in width by on-street parking.

These amendments have been the subject of reconsultation.

- (ii) Agreement to a soft landscaping scheme outside of the red-line application site but otherwise close to its boundary wall and railings northern and western boundaries to the wider green space. The intention of this landscaping being to avoid any interruption of an existing 600mm x 2m deep landfill gas trench backfilled with aggregate located near to the development but otherwise

working with on-site soft landscaping to create a visually softening green edge to the development that would work well with the remaining green space beyond. The land is in the ownership / control of the applicant – edged in blue on the site plan - and so the precise details of the scheme can be the subject of a planning condition. The applicant has amended the computer generated images of the development to help illustrate the visual impact of such planting. Further details are given elsewhere in the report.

These minor changes to the scheme have not required reconsultation.

Site and Surroundings

5. The application site is located in the south-eastern corner of the Noakes Meadow recreation ground open green space. The green space is 2.21ha in extent and the corner subject of the application comprises 0.33ha. The application sites therefore comprises 14.99% of the wider green space.
6. The wider green space is bordered by Noakes Meadow to the north-east, Public Right of Way (PROW) AU38 to the east, St. Simon's Catholic Primary School immediately to the east of the PROW, St. Simon Stock Catholic Church and homes No. 1, 3, 5 & 7 Halstow Way to the south, the Sure Start Willow Centre to the south-west and houses at Allen Field to the north-west. **Figure 1** below shows the application site in the context of the wider green space. Halstow Way is adopted highway providing a vehicular connection for the Sure Start Willow Centre and No.1, 3, 5 & 7 Halstow Way to Brookfield Road.

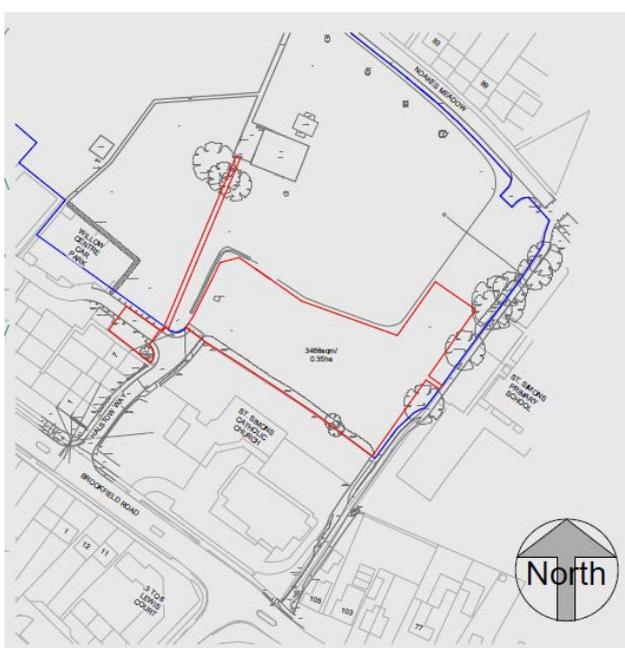


Figure 1: the application site and its immediate context

7. A Multi-Use Games Area (MUGA) occupies the centre of the wider green space. **Figure 2** below shows:-

- (i) the site,
- (ii) the MUGA and how it is embedded within the wider green space, and
- (iii) how the green space is presently framed by existing development.



Figure 2: aerial view of the site and the wider green space of which it is part

8. As Figure 2 shows, the wider green space is primarily open laid to grass with largely open boundaries, with a mature tree near to the MUGA, a mature tree on the western side near the Allen Field homes and regularly spaced mature trees along the PROW to the east. On the Noakes Meadow northern edge, the Council has planted a line of regularly spaced trees. A path across the green space links the car parking area at the Willow Centre with Noakes Meadow and a spur from this path provides the only hard surfaced connection to the MUGA.
9. It is important to appreciate the location of the development within the wider neighbourhood as per **Figure 3** below. To the north of Noakes Meadow and located further to the west of the PROW is Ashford Oaks Primary School and its playing fields. To the north of this is land allocated for residential development (Site S13) in the Ashford Local Plan (ALP) 2030 comprising the former South Ashford County Primary School.
10. Immediately to the east of the PROW is 'Victoria Quarter' being the 160 home redevelopment of the former South Kent College site: this scheme is under

construction as is residential development identified in the ALP (Site S12). The PROW continues to the north of both of these sites and connects with Jemmett Road. The eastern side of Victoria Park is a short distance further north. Connection is also possible from the neighbourhood PROW network to homes bordering the Watercress Fields public open space.



Figure 3: the wider neighbourhood context

11. There are no listed buildings, tree preservation orders or landscape designations within or adjacent to the application site and it is not located within a conservation area. The site is located within Flood Zone 1.
12. The locality has an interesting relatively recent history that is pertinent to the proposal.
13. There is evidence of a brickworks in open fields in this area of the town in the early part of the 20th century and that resultant ponds and excavated areas were subsequently infilled with inert and domestic refuse between 1955 and 1958 by the then Ashford District Council. The applicant states that

Investigation Reports commissioned in support of the application confirm that there were no ground workings recorded within the application site and also that the landfill activity carried out in this period did not extend to within the application site. Eight homes with garaging facilities were constructed in the 1960s on part of the site restored from landfill.

14. However, in the 1990s these were demolished due to a combination of subsidence problems and concerns about the impacts of land gas from the historic landfill activity. As part of the remediation scheme forming part of that demolition, a gravel trench with venting ducts was put in around the landfill site in order control the potential migration of subterranean gasses associated with that former use of land. The trench is just visible on the ground as a minor depression in the grass. **Figure 4** below shows the trench and the relative to the proposed apartment building.

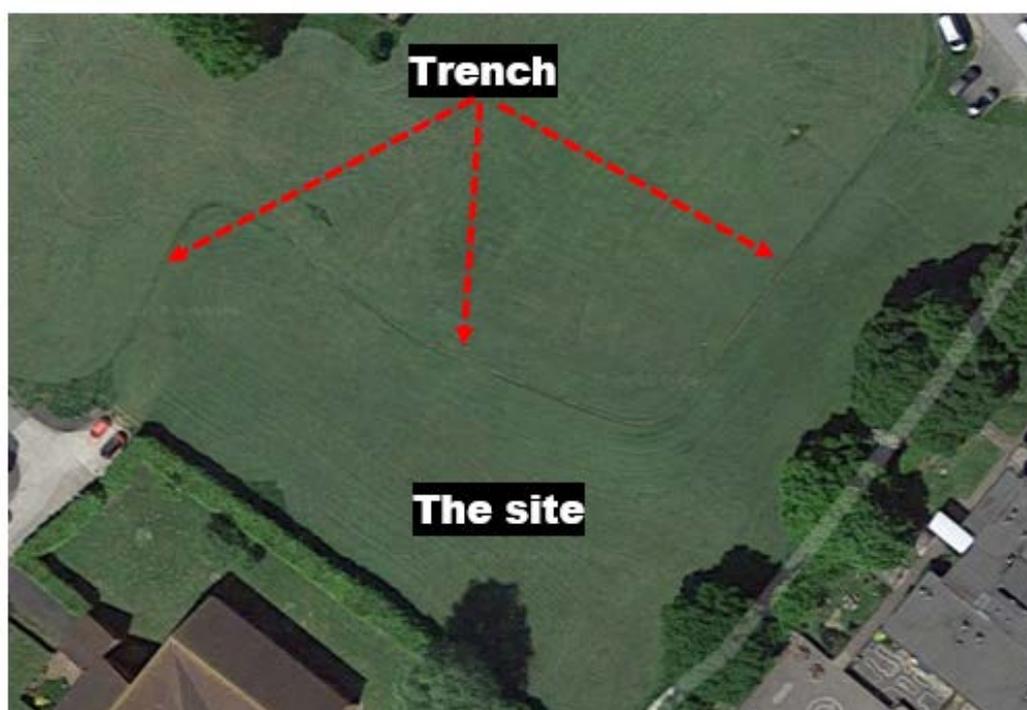


Figure 4: the existing gravel trench with venting ducts & location relative to the application site

Proposal

Layout

15. The application proposes an apartment block with vehicular access from Halstow Way. A couple of parking bays for persons with disabilities would be located on the western side of the site adjacent to a bin and cycle store building. An access drive, alongside which some parking spaces would be provided, would be created on the southern side of the site leading to a larger

residents' parking area located on the western side of the site near to the boundary with PROW AU38. **Figure 5** below shows the layout.

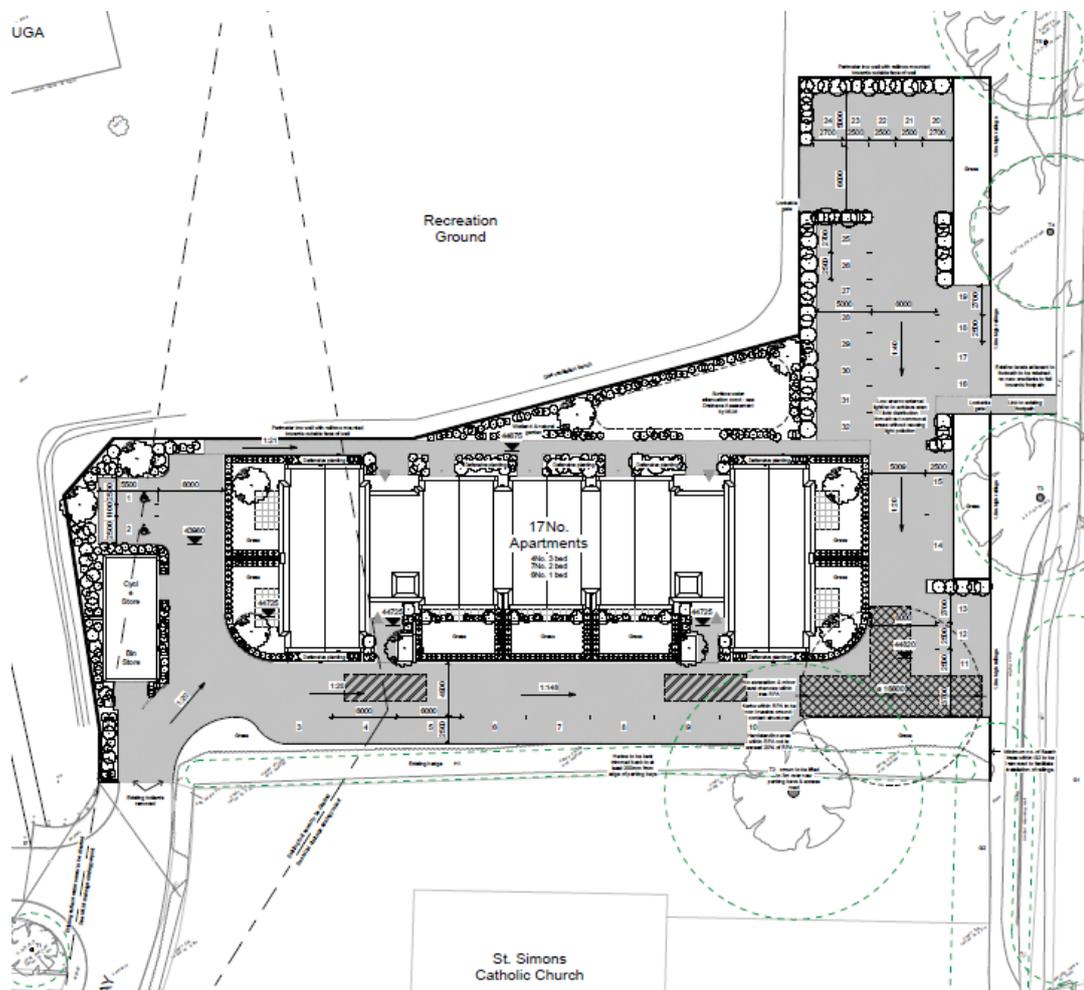


Figure 5: the proposed layout

16. The location of the apartment building on the site is one that had repositioned from an early pre-application iteration of the scheme. The apartment building has been moved northwards in order to take the building clear of Tree T2's root protection area (RPA) located just within the boundary of the adjacent Roman Catholic Church, as **Figure 6** below illustrates.
17. The applicant identifies that measures would be undertaken to ensure that the hard surfacing involved with the internal access drive and parking bays would not have an adverse impact on the RPA of tree T2. The plans indicate that it would have its crown lifted to 3m over the parking bays and access road. As Figure 6 also shows, in a similar manner, the approach to the eastern side of the car park would be one avoiding encroachment on the RPAs of trees on that boundary.

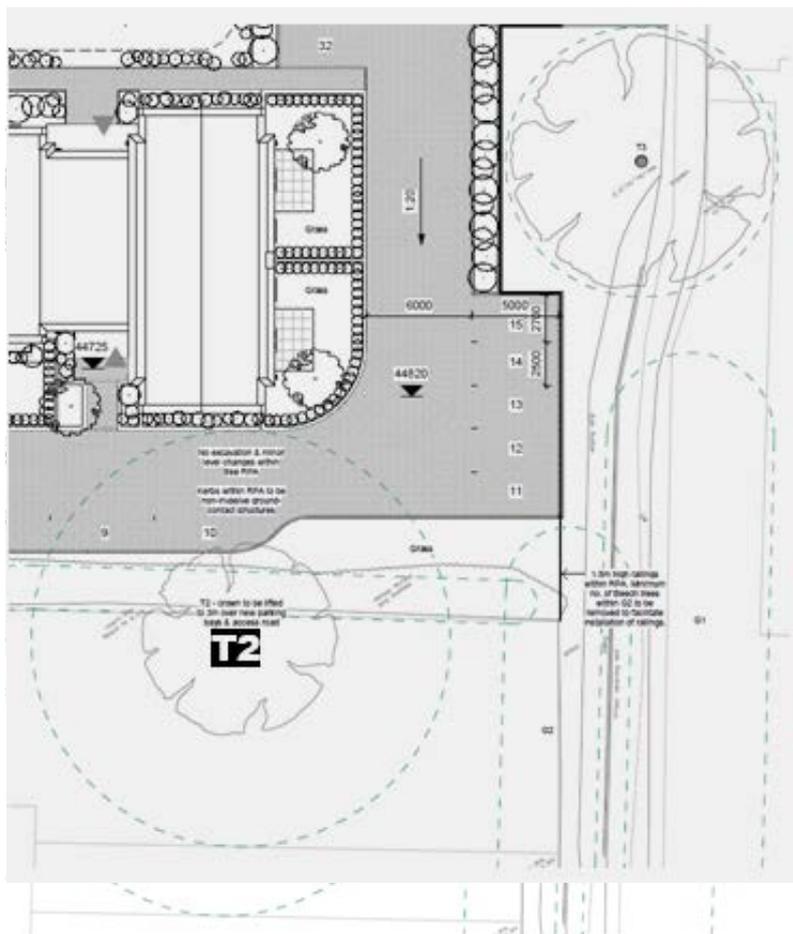


Figure 6: the relationship to off-site trees

Mix and tenure

18. The applicant states that as part of feasibility considerations the number of homes envisaged for the scheme was reduced from 21 to 17 as a response by the client for fewer 1-bed apartments as part of the housing mix. The mix of the 17 apartment scheme is set out in **Figure 7** below. The split of 1, 2 and 3-bed apartments is suggested by the applicant as catering for a broader mix including couples and families.

	21 flat scheme	17 flat scheme
1 bed / 2 person flats	14 x 2	6 x 2
2 bed / 4 person flats	7 x 4	7 x 4
3 bed / 5 person flats	0 x 5	4 x 5
No. of people housed	56	60

Figure 7: the finalised housing mix (right hand column)

19. The apartments would be in the ownership of Ashford Borough Council with all homes being offered for affordable rent.

Design

20. In terms of design, the applicant identifies that the proposed apartment building would adopt a modern style and;-

(a) would largely be comprised of quality buff brick that would be broken down into gables bays with relief panels of textured brickwork and contrasting grey render to circulation cores,

(b) would have a series of pitched roofs finished in artificial slate behind a brick parapet with PVs incorporated into the roof design,

(c) would utilise areas of textured brickwork formed from courses of projecting stretchers with a graduating effect created by increasing the spacing between the courses for each storey,

(d) would have ground floor apartments given their own recessed entrances adding visual interest and articulation to the facades,

(e) would have recessed balconies to upper floors that would incorporate a section of full height louvered privacy screening with the balconies giving overlooking of public areas, and

(f) would have generally simpler side elevations but ones still considered by the applicant to provide good overlooking of the entrance from Halstow Way and the main residents' car park on the western side of the site.

21. **Figure 8** below shows the proposed north-east frontage facing into the wider green space and PROW AU38 to the east.



Figure 8: the north-east frontage

22. The south-west elevation is identified as having been designed in recognition that as the 'rear' it would still be visible from the approach northwards along Halstow Way. It is shown in **Figure 9** below. The façade is indicated as;-

(a) having more pronounced wings and balcony modules that are considered to help articulate the building and break up its rectangular emphasis,

(b) being more private, especially for the centrally located flats in the building, and

(c) having balconies that would be recessed within gable projections giving 2nd floor apartments a distinctive visual 'hat' with subtle soffit lighting proposed to add interest.



Figure 9: the south-west elevation

23. The applicant has provided CGI renderings of the building extracts from which are shown below as **Figures 10 & 11** with larger images as **Annexes 1 & 2**.



Figure 10: CGI rendering of north-east elevation facing green space scheme showing projecting brickwork and circulation cores



Figure 11: CGI rendering of south-west facing elevation showing the two wings, recessed balconies & centrally located flats with gable features

Parking

24. The car park serving the apartment building would comprise 32 spaces which the applicant considers exceeds the ALP 2030 requirement by 4 spaces. The applicant states that the extant Residential Parking and Design Guidance SPD, 2010 does not require 0.2 visitor parking spaces per dwelling within private car courts such as is proposed. Therefore, it is suggested that the 4 additional spaces form a flexible resource for visitors.
25. The applicant comments that the strict allocation of each parking space to a specific apartment is not generally implemented on Ashford Borough Council's own housing schemes: it is suggested as being difficult to enforce, less flexible in terms of how varying demand is met over time and an approach that fails to maximise the use of available spaces throughout the day.
26. In terms of the intensification of vehicular use of Halstow Way, amended plans have been submitted proposing x 4 off-carriageway additional parking spaces located to the north of No. 7 Halstow Way to be secured for resident only use by provision of a lockable rising bollard. The plans have been the subject of reconsultation. The applicant also identifies that extended waiting restrictions on Halstow Way could be introduced.
27. The proposed car park serving the apartment block would be permeable surface block paved and would be broken up by soft landscaping and trees. Paving would be kept clear of root protection areas of the mature trees alongside PROW AU38. A combination of privacy hedging and mid-height brick walls would be provided to create a screen for private gardens. A communal garden would be provided to the north-east of the building around a proposed surface water attenuation pond: this area would be informally laid out with natural and wetland plants and incorporate bird and bat boxes. A short stretch of footpath and gate is identified as connecting the parking area with PROW AU38. The site is identified as being able to take possible provision of rotary driers.

Cycling

28. A building combining cycle store and refuse bin store is proposed on the western side of the site south of parking spaces for those with disabilities. The external refuse store is proposed near to the site entrance removing the need for an indemnity arrangement for access by a refuse freighter should KCC not wish to adopt the new access to be created within the site.

Loss of open space & connectivity improvements

29. The applicant's supporting statement deals with the loss of open space and references proposed improvements to the remaining open area in addition to standard developer contributions. The opportunity to improve the quality of the open space boundary and the adjacent PROW AU38 through informal supervision and overlooking from residential frontage is cited in support of the scheme.
30. A new footpath connecting Halstow Way and the MUGA would complete the axis partly created by the path to the MUGA from Noakes Meadow. It is suggested that this would create a more coherent layout of benefit to the wider community.

Supporting documents

31. A suite of documents accompany the proposed plans and supporting statement. These are listed and summarised below;-

Arboricultural Impact Assessment (AIA)

AIA 1 - The development proposals and current site layout would result in the loss of a small portion of 1 group. A small number of trees within G2 to allow the installation of the proposed boundary railings will require removal. A low wall with metal railings is proposed from the car park south into the group which will result in the excavation of the existing soil significantly within the RPA's of these trees in turn making their retention unfeasible.

AIA 2 - The current layout proposals and envisaged installation techniques would see the retention of all but some of the trees in G2 on site as part of the development with 1 no trees (T11 – located off-site further to the south) being dead. Trees T1 and T2 are recommended to have their crowns lifted to 3m to provide an acceptable relationship with the development. The image below shows this small area of loss ringed in black with trees T2 and T3 annotated for clarity.

DA 2 – The development would result in an impermeable area and an increased volume of surface water to be discharged from the site.

DA 3 - Surface water run-off would be attenuated on-site with a controlled discharge rate off-site to an existing surface water sewer on site. The rate would be 2 l/s with method of on-site attenuation in accordance with techniques set out in Council's adopted Sustainable Drainage SPD 2010.

DA 4 - It is proposed to discharge the foul water from the development into the existing public foul water sewer to the north of the site (via gravity).

DA 5 -The existing foul water sewer will be required to be diverted. The proposed development will increase flow into the public foul water sewer by a maximum of 0.79 l/s. Foul water connection location subject to full detailed design and receipt of feasibility study from Southern Water to confirm appropriate connection point with adequate capacity.

DA6 - The existing footpath to the south east of the site currently floods during heavy storms. This is considered to be due to surface water run-off from existing site cascading onto the footpath. The proposed development would comprise permeable paving and new building roof drainage collecting 58% of rainfall over the site. Through a combination of on-site attenuation and then controlled discharge to the existing public surface water sewer run-off to the footpath would be reduced.

DA7 - The proposed apartment building would be set above surrounding levels, therefore in the unlikely event of failure of the surface water drainage systems, water would not be expected to adversely affect the development. The risk of flooding from surface water is therefore considered to be low.

Geotechnical & Contamination (Phase 1 and 11) Assessment Report (GCAR)

GCAR 1 - The ground investigation confirms the underlying soils to comprise a shallow and laterally discontinuous horizon of made ground overlying generally stiff to very stiff Weald Clay Formation deposits.

GCAR 2 - The shallowest depths to groundwater recorded during drilling within percussion boreholes ranged between 2.0m and 6.3m below ground level. Groundwater was generally recorded at depths of between 0.48 and 2.79m below ground level within the standpipes during the monitoring visits carried out.

GCAR 3 - It is recommended that medium volume change potential is taken into account in terms of foundations designed against shrinkage and heave. Excavations beneath the water table will require groundwater control to maintain adequately dry working conditions and excavation stability. The

control of groundwater may also need to be addressed in the structural design where basement structures are proposed and in terms of excavations beneath the water table.

GCAR 4 - The site does not lie within an Environment Agency Source Protection with regard to the quality of groundwater that is abstracted for potable supply. The site historically comprised part of a brick works with a kiln previously present on site. A landfill site was present immediately to the west.

GCAR 5 - A Detailed Quantitative Risk Assessment has been carried out. Lab testing of topsoil and made ground soils has not recorded any significantly elevated concentrations of the contaminants tested for against. Should the proposed end use of the site change (the use tested was for 'elder care centre') then it might be necessary to carry out localised remedial works such as for residential development with gardens.

Phase III Site Investigation Report (SIR) (updated 2019)

SIR 1 – The contamination risk assessment has indicated that the made ground soils beneath the site are impacted with petroleum hydrocarbons and asbestos. Investigations completed at this stage indicate that impacts are probably localised to two discrete areas.

SIR 2 - Further investigations are recommended to confirm the extent of impacted areas. Careful controls will need to be in place for any asbestos material removal from site. Work should only be undertaken by competent persons and should be detailed in a Plan of Work as detailed in CARSOIL guidance.

SIR 3 - At this stage, on the basis of the testing completed, development layout and locations of contaminated soils, no specific clean cover requirements are anticipated for areas of communal gardens/open space.

SIR 4 - Gas monitoring has identified elevated carbon dioxide above 5%. The results of the monitoring and conceptual understanding of the ground model on site indicate that basic ground gas protection measures should be adopted for buildings constructed on site, in accordance with BS8485:2015 (Code of practice for the design of protective measures for methane and carbon dioxide ground gases for new buildings), assuming site conditions CS2 which requires 3.5 points of protection. That protection must comprise at least two elements and may be selected from a range of floor slab, ventilation and membrane options.

SIR 5 - It is imperative that the integrity of the existing vent trench is not compromised and if so that a replacement is installed. It is recommended that the existing trench is carefully inspected to ensure that it has been maintained

and is still considered fit for purpose.

Feasibility Study (FS)

FS1 - It is assumed, as per client communication, that the loss of open space may be acceptable in planning terms when balanced against possible improvements to remaining open space.

FS 2 - It is understood that a study has been carried out and shows that the area outside the windows of St. Simon Stock Church would need to be considered.

Parking Survey (PS)

PS1 - The survey results demonstrate that the Willow Centre car park is well utilised across the working day, with peak capacity reached at 12:30. On Halstow Way itself, vehicles are encroaching onto the double yellow line restrictions currently in place during the daytime.

Addendum on Energy and Water Efficiency and amended scheme

32. In August 2019 the applicant confirmed that a variety of energy and water efficiency measures would be explored during the more detailed design of the scheme in accordance with general guidance in the NPPF for achieving sustainable development with the aim being to maximising water and energy efficiency. It is indicated that:-

'Measures that are viable, will not impose excessive costs upon the development and its future occupants and which can be proven to contribute to the Borough's carbon neutral ambition will be implemented.'

33. **Energy efficiency:** a 'fabric first' approach to construction would be followed, maximising the performance of the components and materials used in the building fabric, before considering the use of renewable technologies, which the applicant states can be expensive, may have high embodied energy and may not be used efficiently by the occupants. Energy efficiency measures would include:

- Effective airtightness and ventilation strategies
- Optimising solar gain and natural ventilation
- Optimising U-values for thermal elements (i.e. limiting transmission)
- Reducing the effects of thermal bridging
- Use of low energy lighting, heating and ventilation systems
- Photovoltaic panels serving the landlord's supply, depending on effectiveness of roof orientation
- Electric car charging points

- Secure cycle storage
- Dedicated recycling storage areas inside and outside the units

34. **Water efficiency:** the applicant states that technologies such as rainwater or greywater harvesting can be expensive, requiring underground tanks, pumps and regular maintenance; and if used for flushing WCs can be unpopular with the end user due to water discolouration. It is considered that there are simpler but still effective ways to achieve water efficiency including:

(i) Water consumption reduction beyond Building Regulation requirement of 125 litres to 115 litres per person through the installation of showers rather than baths, and the specification of appliances, taps, showers and toilet flushes, and

(ii) Water butts for domestic use to ground floor gardens

35. The scheme remains substantially the same as when first deposited although the applicant has revised the proposal through the submission of amended plans to respond to points raised by consultees alongside more general finessing. The changes are as follows:-

(i) minor changes to the dimension of some parking spaces to address points raised

(ii) provision of the group of off-carriageway parking bays to the north of No. 7 Halstow Way shown as **Figure 12** below

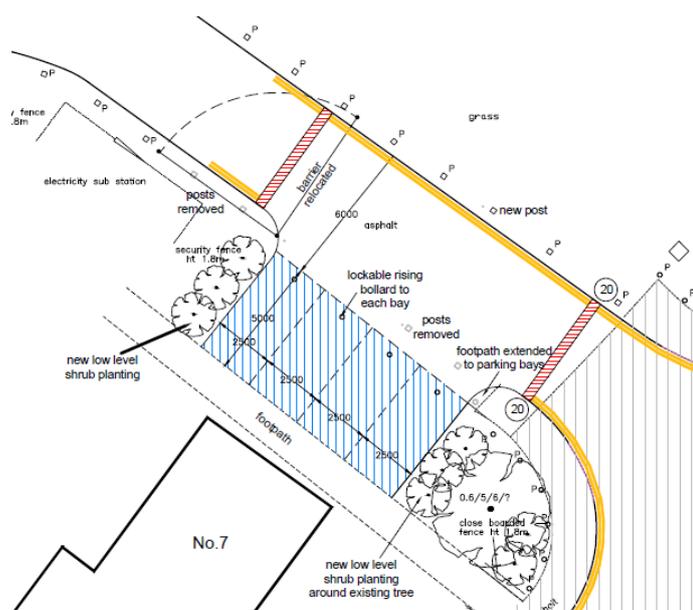


Figure 12: proposed off-carriageway parking spaces hatched blue

(iii) cycle storage detail to provide for a semi-vertical rack system and enable sufficient space for the required cycle storage to serve residents and through either fob or suited key access would be secure. There are no security bollards proposed, those that exist will be removed as part of the access proposals from Halstow Way.

(iv) EV charging and detailed lighting to be addressed through planning condition. CCTV is not currently being proposed to install but can be considered further including just the provision of infrastructure to allow fitting at a future date.

(v) A residents' parking permit scheme to be created for new car park given the proximity to the Willow Centre and known pressures on parking locally.

(vi) Access to the building to be via a controlled door-entry system and through the wall post boxes will be installed adjacent to main entrances to ensure against unnecessary access to circulation areas.

(viii) The updating of the Site Investigation Report and Remediation Method Statement to take into account comments made by Environmental Services.

(ix) The residents' car park to be installed with low energy lighting.

(x) The lifts in each circulation core to be provided with overruns on the roof as now shown on the elevations with extract shown in **Figure 13** below.

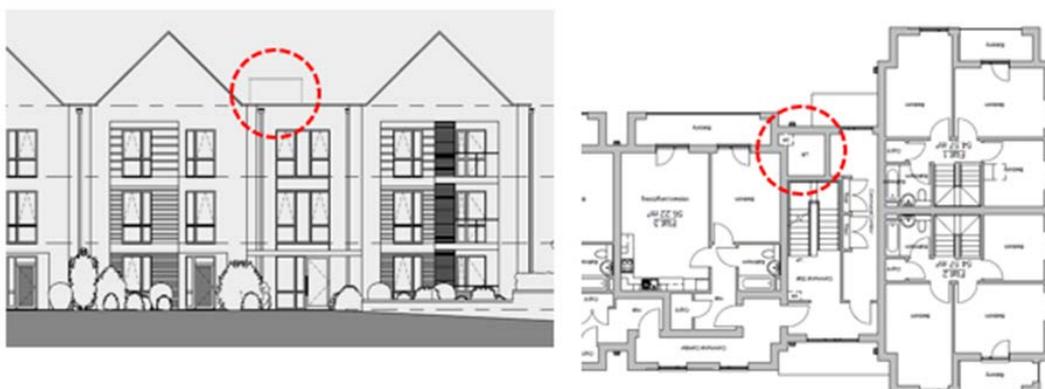


Figure 13: one of the two lift overruns required to the roof of the building

(x) 1.8m high railings to enclose areas to be retained free of development under the canopies to mature trees between the eastern side of the car park and PROW AU38 as ringed in red on **Figure 14** below.

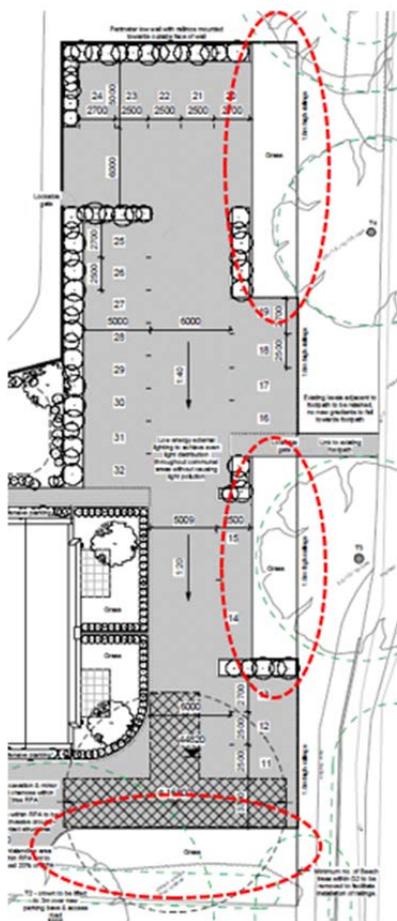


Figure 14: enclosure of existing areas of grass on the eastern side of the residents' car park

Planning History

Consultations

Ward Members: No comments received from Cllr Suddards. Cllr Ward has not made any comments and is a Member of the Committee.

South Ashford Community Forum: The Forum indicates awareness of concerns from the community in terms of history and previous use of the site, parking and access and loss of open space and comments on each as follows;-

Site history – the site investigation reports are noted and the Forum is satisfied that the recommendations will mitigate risk arising from the history of the site. The recommendations of the Council's EHO should be adopted.

Parking & access – the proposition for dropped kerbs to be provided for existing homes on Halstow Way and introduction of waiting restrictions are ones that the Forum consider should be in place before construction commences.

Loss of open space – the Forum supports residents that object to the loss of open space. However, the overbearing need for affordable accommodation in Ashford is accepted as is the fact that South Ashford exists in its present form because of local authority housing development in the area. The loss is therefore accepted by the Forum subject to there being a substantial improvement to the quality of the remaining space. The Forum express a desire for community consultation on the proposed improvements.

Beaver Community Trust: No objection to the development but raise issue with the risk associated with the extra traffic along Halstow Way which is suggested as being very busy and extra traffic generated by the development will make it a dangerous junction. The Trust suggest laying speed humps along part of the road where additional parking spaces are going to be placed with 20mph signs also suggested to further help reduce the risk of accidents.

KCC Highways & Transportation (KH&T): Following amended plans raise no objection.

KH&T initially raised a number of issues including;-

- (i) further information on cycle storage,
- (ii) the need for tracking plots within the site for homes for a fire engine, and,
- (iii) the provision of off-street parking for the 4 dwellings on Halstow Way to enable 2-way traffic unhindered by on-street parking with such parking then prevented through the installation of waiting restrictions through double yellow lines to be installed at ABC's cost and therefore enforced by ABC.

Following the receipt of the tracking plots and amended plans that detail the proposed provision of off-carriageway spaces for homes on Halstow Way, KCC have further commented on;-

- (iv) minor layout changes required to the width of certain parking spaces,
- (v) the need for further fine details of the proposed cycle storage, and,
- (vi) the suggestion that EV charging points should be provided in the communal residents' car park at a rate of 10%.

[HoSDD comment: Item (iv) has been dealt with through submission of a revised layout. Item (v) can be dealt with by planning condition. Item (vi) can be dealt with by planning condition: my analysis further below deals with this. The number of charging points to be provided at the outset is a matter for the Council as Local

Planning Authority to determine.]

KCC Economic Development: no objection subject to contributions to be secured by s.106 agreement / condition. KCC updated its request in that light of changes to CIL Regulations 01/09/19 removing 'pooling restrictions' and make the following requests:-

- (i) libraries – additional book-stock
- (ii) high speed broadband
- (iii) libraries
- (iv) community learning
- (v) youth services
- (vi) social care
- (vii) primary & secondary education

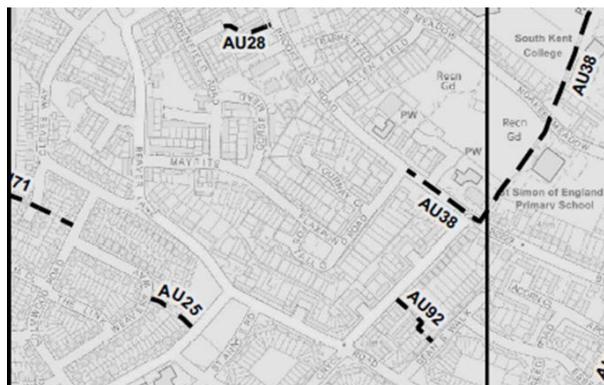
[HoSDD comment: Item (ii) can be dealt with by planning condition]

KCC Flood & Water Management: Identify that ABC's SPD requires that sites located south of the M20 should aim to achieve a maximum discharge rate of 4 litres per second per hectare. The proposal is considered a small development that can achieve low green-field run-off rates and it is suggested that advances in technology and flow controls suggest that a 2 litres per second per hectare rate could be achieved as a minimum. That reduction is recommended.

KCC Public Rights of Way: Identify that AU38 passes adjacent to the site and has historically suffered from flooding. KCC raise two points:-

(a) The flooding of part of AU38 resulted in KCC constructing a stone path alongside the existing tarmac surface in 2015. Concern is expressed that the development might increase flooding of the PROW and measures are requested to be put in place to prevent that off-site flow of water.

(b) An index-linked sum of £4000 is requested to be secured through s.106 agreement to upgrade the surface of AU71 in the wider vicinity of the proposed development.



[HoSDD comment: In respect of (a), the proposal would provide for sustainable urban drainage within the site and that, in my view, could resolve the localised flooding of AU38 that has previously occurred and which necessitated the KCC construction as shown above. KCC PROW confirm no further works are proposed to this area. In respect of (b), AU71 is located a considerable distance further to the west of the development and is shown at the left hand side of the image further above. I do not consider that a reasonable connection can be made in relation to the impacts arising from the development necessitating funding of improvements to that part of the public rights of way network and so it would not meet the legal tests set out in the CIL Regulations and ii not taken forward in Table 1 further below.]

Kent Police: Initially raised issues needing to be discussed in terms of Secured by Design. Having reviewed the amended plans, request the attachment of a planning condition dealing with:-

- (a) management policy for parking bays, EV charging points, deliveries and visitors to reduce the opportunity for crime, anti-social behaviour and conflict. A comment is made that there is a significant shortage of natural surveillance from active windows to help provide security for parked vehicles.
- (b) Cycle hoops would lack natural surveillance so should be moved to a better performing location, covered by CCTV or be provided with enhanced security.
- (c) Drawing 1001 shows security bollards but no detail is provided and the amendments given no reasoning as to their need.
- (d) No details of lighting and CCTV have been provided.

Southern Water: Comment in respect of sewer records showing that a public foul and surface water sewer may cross the site and that this might impact upon the layout and/or require diversion.

Ramblers' Association: Comment that it is disappointing to see the proposal on the recreation ground but support the KCC PROW comment in respect of ensuring drainage from the site does not impact on AU38.

Ashford Borough Council Environmental Services: Initially raised issues relating to the Site Investigation Reports submitted by the applicant in that the conclusions relate to a layout that has since been amended and therefore the Investigation reports need to be re-run on the basis of the scheme being applied for. Following the receipt of updated reports, raise no objection subject to planning conditions.

Ashford Borough Council Cultural Services: Request the following off-site contributions:-

	Total capital contribution for off-site provision	Total commuted maintenance sum for the development	TOTAL CONTRIBUTION capital & maintenance combined
Sport - outdoors	19,696.98	4,041.04	23,738.02
Informal/natural	5,379.79	4,028.65	9,408.44
Play	8,044.90	8,218.44	16,263.33
Allotments	3,198.13	818.13	4,016.25
Strategic Parks	1,809.79	582.60	2,392.40
Cemeteries	3,520.42	2,181.67	5,702.08
Totals	41,650.00	19,870.52	61,520.52

Cultural Services request that all of the requested contributions are combined so that meaningful improvements can be made towards a wider project for Noakes Meadow to provide informal play, sport, ecological and open space improvements. The contribution is to be part of a wider investment project towards public open space at Noakes Meadow to offset the loss and value of public open space.

Cultural Services make the following comments on the proposed layout;-

- (a) a gate in the northern boundary would improve connection between the development and the adjacent open space.
- (b) SUDs could be better designed and integrated within the open space to enhance the character, aesthetics and biodiversity benefits of both the development and the remaining open space although management would have to remain with the development.
- (c) The boundary treatment of the eastern edge is not ideal and a more logical edge that is not designed seemingly to avoid root protection areas of trees would be supported.

47 Residents consulted; 6 objections and 2 general comments to the plans as deposited with 2 objections and 2 general comments received following consultation on amended plans. In summary, the following points are made;-

- (a) The Daily Mail is running a campaign to save parks from being built on. The application site is part of a recreation ground. In the summer it is alive with families enjoying the grass. The site should stay as it is. Residents walk their dogs and children from the school play here. The space is valuable and there are old trees here.
- (b) How high would it be? There are no buildings nearby over 2-storeys in height.

(c) The football court is well-used and this is the only green that residents have: flats 'would be a joke'. Ashford is located in countryside so there is no need to 'swipe up' all green areas in the immediate area. Victoria Park should not be the only green space for residents.

(d) The history of the site means that it is surely not suitable to build upon. Decomposition is still giving off methane gas as can be seen when heavy rainfall causes flooding in some areas of the site and gas can be seen bubbling to the surface.

(e) The site sits astride a stream that was diverted and piped underground from beside 105 Beaver Lane – the stream is believed to be fed from a spring originating from behind houses in Beaver Lane and can be seen in maps of the district from the 50s / 60s.

(f) It is sad that the Council can only build affordable homes by using community green spaces. All builders should be providing such homes on development sites.

(g) Are these dwellings to be sold off to Housing Associations or are these to be private sale apartments?

(h) There is too much development going on in and around the area and Ashford need upgraded industry so would be buyers can afford homes and not 'rely on state handouts'.

(i) Beaver Lane is already busy and this proposal will add more traffic, possibly 28 more vehicles, which is a concern to residents. The Willow Centre is in agreement but indicates it is not to blame for traffic generation as staff and clients for the nursery are instructed not to park in Halstow Way and that requirement is clear to the KCC staff who now work at the site following designation as the central hub for children's services for the south-east of the County.

(j) There are problems with parking in the area brought about by the Catholic Church which has seen an increase in its congregation but not car parking arrangements and the Church regularly let the Church Hall for weddings and other gatherings: the Willows Centre has been asked by the Church to allow use of the Centre's car park but has had to refuse to avoid breach of the lease of the land with the Borough Council.

(k) Concern is expressed that, if allowed, the proposal would set a precedent to build on the remainder of the recreation ground.

(l) An assurance is needed that Noakes Meadow is not used for construction traffic.

(m) Notwithstanding the amendments, there is nothing in the report from MLM regarding the diverted stream or the causes of flooding that still takes place along the footpath, despite the works that have been undertaken.

(n) KCC Highways has not taken into consideration the number of traffic movements that are generated by the Willow Centre Nursery and the KCC offices which now occupy the first floor of the Centre. Also within the Highways report there is no reference to the close proximity of the traffic lights at the junction of Brookfield Road and Beaver Lane. If the proposals go ahead, Halstow Way should be widened to accommodate the extra traffic.

Planning Policy

36. 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).
37. 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).
38. The relevant policies from the Local Plan relating to this application are as follows:-

Ashford Local Plan 2030

SP1	Strategic objectives
SP2	The strategic approach to housing development.
SP6	Promoting high quality design.
HOU1	Affordable Housing
HOU3a	Residential windfall development within settlements
HOU12	Residential space standard internal.
HOU14	Accessibility standards
HOU15	Private External Open Space
HOU18	Providing a range and mix of dwelling types and sizes.
TRA3a	Parking standards for residential development.

TRA6	Provision for cycling.
TRA7	The road network and development.
TRA8	Travel plans, assessment and statements.
ENV1	Biodiversity.
ENV6	Flood Risk.
ENV7	Water efficiency.
ENV8	Water quality, supply and treatment.
ENV9	Sustainable drainage
ENV12	Air Quality
COM1	Meeting community needs
COM2	Recreation, Sport, Play and Open Spaces
IMP1	Infrastructure provision

39. The following are also material considerations to the determination of this application:-

Supplementary Planning Guidance/Documents

Affordable Housing SPD 2009

Residential Parking and Design Guidance SPD 2010

Sustainable Drainage SPD 2010

Residential Space and Layout SPD 2011(now external space only)

Sustainable Design and Construction SPD 2012

Public Green Spaces and Water Environment SPD 2012

Informal Design Guidance

Informal Design Guidance Note 1 (2014): Residential layouts & wheeled bins

Informal Design Guidance Note 2 (2014): Screening containers at home

Informal Design Guidance Note 3 (2014): Moving wheeled-bins through covered parking facilities to the collection point

Government Advice

National Planning Policy Framework (NPPF) 2019

40. 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.
41. The following sections of the NPPF are relevant to this application:-
 - Paragraph 11 - Presumption in favour of sustainable development.
 - Paragraph 47 - Determination in accordance with the development plan.
 - Paragraph 59 - 76 - Delivering a sufficient supply of homes.
 - Paragraphs 91 - 95 - Promoting healthy and safe communities.
 - Paragraphs 102 - 107 - Promoting sustainable transport.
 - Paragraphs 117 - 121 - Making effective use of land.
 - Paragraphs 124 - 132 - Achieving well-designed places.
 - Paragraphs 148 - 165 - Meeting the challenge of climate change and flooding
 - Paragraphs 170 - 177 - Conserving and enhancing the natural environment.
 - Paragraphs 174 - 177 - Habitats and biodiversity.
 - Paragraphs 178 - 183 - Ground conditions and pollution.

Assessment

42. The key issues for consideration are;-
 - (a) The principle of residential development

(b) Whether the loss of green space and off-site mitigation is acceptable

(c) The design quality of the scheme and its visual impact on the locality & housing mix

(d) The acceptability of the proposed relationship with existing residential and non-residential uses nearby

(e) Highway impacts, car parking & cycle provision

(f) Contamination

(g) Other planning issues such as affordable housing, flooding, surface water drainage, residential accessibility and space standards, ecology and biodiversity, water consumption, relationship to air quality and climate change

(h) The need to mitigate the needs arising from the development

43. I deal with each in the sub-sections below.

(a) The principle of residential development

44. Policies SP1 of the ALP 2030 identifies that from a housing perspective, a strategic objective is to provide a mix of housing types and sizes to meet the changing housing needs of the Borough's population including the provision of affordable homes. The proposal would accord with that objective.

45. Policy SP1 also deals with other matters and makes reference to the importance of sense of place - including spaces around/between buildings - and how that creates contributes character alongside supporting uses through appropriate physical infrastructure. Although green spaces are not directly mentioned, Policy SP1 is concerned with the delivery of 'The Vision' as it is set out in the ALP 2030.

46. 'The Vision' identifies the importance of green spaces to serve expanding populations with references to their protection and expansion as well as the creation of two new strategic parks at Ashford. At face value, a diminution of such green spaces would therefore be contrary to 'The Vision' as it would not protect the existing baseline provision. However, in my opinion, it would be reasonable to allow, as a principle, for occasional loss arising from development proposals otherwise consistent with the ALP 2030 on the proviso that mitigation proposals to off-set that loss are appropriate in terms of quality, quantum and location and thus meet needs as required by Policy COM2. This is a central issue to this particular proposal and I return to it further below.

47. The site is not allocated for development in the ALP 2030. However, Policy HOU3a allows residential windfall development within existing settlements providing it can be satisfactorily integrated. Ashford is a listed settlement and so includes the town centre and its suburbs: the application site falls within Ashford.
48. Policy HOU3a is subject to certain compatibility / impact assessment provisos including character / density / amenity / highways / infrastructure / safe pedestrian access / use displacement.
49. The assessment sections below address the requirements of this Policy alongside other topic-based specific Policies of the ALP 2030. Providing the development can be satisfactorily integrated then it would meet the test of principle set out in Policy HOU3a.

(b) Whether the loss of green space and off-site mitigation is acceptable

50. The land forms a relatively small part of the wider existing green space and as identified above, the loss of this part to an apartment block is a key issue to consider. As Members will know, the change of use of playing fields to development land has been a matter of national public concern historically, resulting in statute to ensure that such losses are justifiable. Further, as a local resident highlights, there are similar recent concerns in respect of the loss of public parks.
51. The first issue to consider is whether the proposal involves the loss of a playing field.
52. The land is not a 'playing field' which is defined in Article 10 (2) (para z) of the 1995 Order (as subsequently amended by SI: 1996 No.1817) as:-

'a whole site encompassing at least one playing pitch'
53. The term 'Playing pitch' is defined in the Order as:-

'a delineated area which, together with any run-off area, is of 0.4 hectares or more, and which is used for association football, American football, rugby. Cricket, hockey, lacrosse, rounders, baseball, softball, Australian football, rugby, cricket, hockey, lacrosse, rounders, baseball, softball, Gaelic football, shinty, hurling, polo or cycle polo'.
54. Clearly, there is no delineated pitch within the red-line application site either in whole or part. Within the whole of the Noakes Meadow green, while the existing centrally located MUGA could be put to use for purposes of 'association football' its area, including run-off area, is significantly below the

0.4ha threshold used in the definition. There is no other playing pitch within the whole site.

55. Accordingly, the proposal would therefore neither lead to the loss of use of a land being used as a playing field nor prejudice the use of land being used as playing field for the purposes of the 1995 Order (as amended). This is important for the purposes of consultation and decision making.
56. Statutory Instrument: 1996 No.1817 also deals with playing fields last used and remaining undeveloped within the previous 5 years prior to the making of an application for development. There is no evidence that the application site was used within this time period as a playing field in the terms specified in the Order and I am not aware of any such more historic use either. The application site is also not allocated in the up to date development plan for use as a playing field.
57. Bringing all of the above together, there is therefore no requirement for the Council to consult with Sports England in respect of the application proposal and no requirement to consult the Secretary of State pursuant to the Town and Country Planning (Consultation) (England) Direction 2009 in relation to the Recommendation to permit the application further below. The issue of the loss of part of the existing green open space therefore remains one for the Council to conclude in terms of its acceptability in planning terms.
58. That procedural issue established, Policy HOU3a needs to be considered. It seeks to avoid significant harm to, or loss of, public land that contributes positively to the local character of the area.
59. Public green spaces embedded in residential surroundings in this part of Ashford typically were shaped by post-war local authority housing conventions and highway layout approaches of the time. The result is that green spaces of various sizes, houses often with open plan frontages grouped around such spaces and apartment buildings with an open plan hinterland are all common components of the neighbourhood. As the SACF acknowledge, the decision by the local authority to develop the area in the first instance to meet housing needs, helped shape the appearance, layout and character of this part of south Ashford. Furthermore, the unexpected need to demolish homes at Noakes Meadow due to subsidence and landfill gas issues and the subsequent reinstatement of the land to open space use led to Noakes Meadow becoming, in an unforeseen way, one of the largest green neighbourhood spaces in this part of Ashford.
60. In terms of the Policy HOU3a 'harm' test, I am mindful that the application proposal would result in only a small (14.99%) reduction of the overall public green space. I do not consider that this would, in itself, constitute significant harm through loss. Furthermore, the loss would also not remove an area of

the site currently put to a specific public space function to the detriment of the well-being of the local community; the opposite is true as the application site is simply open grassland and therefore used in the same way by people as they use the majority of the wider site.

61. In terms of the Policy HOU3a 'positive contribution' test, I consider it would be reasonable to conclude that while Noakes Meadow, as a large public open space, certainly makes a contribution to local character, a 14.99% loss would not diminish that its place-making role. Essentially, it would still remain a large space. However, its present character is one with some weakly defined edges and a lack of enclosure on its southern side by built form. Built form is important in terms of the provision of active frontage (windows and doors) and surveillance of the space as a result ('eyes on the street' and human activity). The absence of active frontage therefore has an impact on the safety (and the perception of safety) of residents moving through the space, using play facilities within the space, lingering within it using grassland for informal recreation or walking adjacent to it along the tree-lined PROW AU38.
62. The hedgerow rear to the Catholic Church provides an attractive green boundary to that plot. However, the Church building does not strongly enclose the Noakes Meadow green space due to its position on the plot and, in any event, is a use that does not result in a building with active frontage/surveillance benefits.
63. Likewise, the Willow Centre car park provides a similar soft landscaped edge that helps avoid a visually incongruous boundary relationship with Noakes Meadow but otherwise offer no active frontage/ surveillance benefits. The Willow Centre buildings are close only to the south-western corner of Noakes Meadow.
64. The layout of the homes at Halstow Way and at Brookfield Court to the west present inactive gable ends to Noakes Meadow separated from the open space by the carriageway and the Willow Centre car park.
65. Accordingly, I conclude that the residential development proposal would have benefits to the way that Noakes Meadow would be physically enclosed by a use of land that would help give active frontage and surveillance to that space, as well as to the PROW running alongside the site, with beneficial improvements to the safety and well-being of residents. Those benefits are ones that I consider would help contribute to the character of the remaining public open space.
66. For the avoidance of doubt, in reaching this conclusion, I have considered that the application proposal is also one that besides such benefits would still ensure that Noakes Meadow would have a continued role as one of the larger typologies of open green that contribute, alongside smaller spaces, to the

creation of character in this part of south Ashford. Retaining diversity in the type and size of public open spaces is one I consider central to the ALP 2030 'The Vision' and Policy SP1. My conclusion on acceptability should not be viewed as setting any general precedent for change of public open space to development or for large open spaces to be progressively changed successive development applications to a generic small spaces.

67. Notwithstanding the benefits arising from residential development addressing the southern boundary of the space, the proposal would result in a small loss needing to be compensated. Subject to funding for a range of improvements being secured (which could include for a greater variety of experiences for those using the space alongside enhancements such as new planting) I conclude that the character of Noakes Meadow as a positive large open space serving the local community would be retained in accordance with Policy HOU3a and further enhanced. I deal with the issue of combining s.106 contributions to assist with such improvements further below.

(c) The design quality of the scheme and its visual impact on the locality & housing mix

68. The building would occupy a corner location and the built form response would be appropriate to that context. The building's overall rectangular proportions - derived from the quantum of development needed to be viable and the need for two circulation cores - would be broken up and articulated by a combination of:-
- (i) the two 'wings',
 - (ii) the use of strong gable roofs helping create a particularly strong visual motif to the scheme on both the south and north elevations,
 - (iii) the treatment of the roof and external finish to circulation cores,
 - (iv) the provision of large windows, recessed balconies and expressed feature brickwork decoration giving vertical emphasis.
69. In terms of vertical scale, I have no objection to the 3-storey approach to the building. In my view that approach sits well with the aforementioned corner context that has no 2-storey homes immediately adjacent to it, the provision of a strong active frontage to the Noakes Meadow open space and PROW AU38 helping overlooking and perception of safety of both environments and the rectangular proportions of the building. In respect of the latter, in my view a 2-storey approach would create less pleasing proportions and reinforce a building with horizontal emphasis. It would also have an impact on scheme viability and thus provision of much needed affordable homes.
70. I am also mindful that along the PROW AU38 pedestrian and cycle movement axis, the redevelopment of the former College site (Policy S12) includes both 3 and 4-storey buildings and that the nearby former Ashford South School site

(Policy S13) envisages a broadly similar approach to density and scale to achieve a cohesive environment, in which case some 3-storey buildings would be likely to be included if an application comes forward within the Plan period. Given the merits of providing residential development in a location that offers good connections to neighbourhood everyday uses and the Town Centre and Ashford International by a number of means other than the car, I consider that further supports the 3-storey approach taken.

71. The proposed tree-lined path connecting the central MUGA in Noakes Meadow is also supported as it would connect people with place and space.
72. Fine details such as precise facing brick, cladding materials, roofing materials, balcony details, soffit lighting can all be dealt with by planning condition as can the fine detailing of the boundary wall and railing hard boundary that are proposed to be softened by proposed planting inside and outside that boundary as well as parking court bollard lighting.
73. In conclusion, my view is that the design approach taken is thoughtful, the quality of the scheme is high and the development would not appear incongruous in the locality and so would meet the requirements of Policies SP1, SP6 and HOU3a of the ALP 2030.
74. In terms of housing mix, Policy HOU18 of the ALP 2030 identifies that schemes in excess of 10 dwellings will be required to deliver an appropriate range and mix of different sized homes to meet local needs. The proposed mix includes 1, 2 and 3-bed homes for affordable rent. In the context of a relatively small development, that mix is one that I consider is acceptable and accords with Policy HOU18.

(d) The acceptability of the proposed relationship with existing residential and non-residential uses nearby

75. The layout of the site ensures that the apartment building would be separated from the Church to the south by the retained boundary hedgerow and tree planting, parking and vehicle circulation areas within the application site and then ground floor garden terraces around the southern elevation of the building. This relationship would create a building to building relationship of approximately 21m and therefore would minimise any perception of overlooking of the rear gardens to the Church by new homes.
76. The primary school located further to the east of PROW AU38 would be approximately 30m distant on a building to building basis thus avoiding any overlooking concerns and trees adjacent to the PROW and vegetation to the school boundary would ensure that views to the grounds of the school would be heavily obscured. The combination of the two would create an acceptable relationship in my opinion.

77. The nearest 2-storey home, No. 7 Halstow Way, would be approximately 35m distant on a building to building relationship and has a blank flank wall. There would be no overlooking issues arising from the relationship that is proposed.
78. In conclusion, I consider that the relationship of the proposal to the surrounding uses would be an acceptable one and accord with Policies SP1 and HOU3a of the ALP 2030.

(e) Highway impacts, car parking & cycle provision

79. Kent Highways and Transportation do not consider that the proposal raises any issues of highway safety / highway capacity / need for highway infrastructure improvements subject to securing the provision of the required on-site parking spaces and providing parking facilities for 1-7 Halstow Way in a different manner to the on-street parking that currently takes place. The latter is proposed by the applicant in the amended plans submitted and through the making of a Traffic Regulation Order car parking restrictions can be put in place and enforced. The proposal is therefore acceptable in highway terms and accords with Policies SP1, HOU3a and TRA7 of the ALP 2030.
80. The application site is 'suburban'. A total of 32 spaces are proposed. The starting position of Policy TRA3(a) for this location is one that requires the following minimum provision according to home typology;-

<u>Type</u>	<u>Number</u>	<u>TRA3(a)</u>	<u>Provision</u>
1-bed flat	6	1 spaces per home	6
2-bed flats	7	2 spaces per home	14
3-bed flats	4	2 spaces per home	<u>8</u>
		Total	28

81. The proposal therefore exceeds the requirements of Policy TRA3(a). The council's extant Residential Parking and Design Guidance SPD 2010 does not require 0.2 visitor parking spaces per dwelling provision within private car courts such as that proposed. Notwithstanding, $17 \times 0.2 = 3.4$ spaces and therefore, the 4 additional spaces that the applicant has worked into the scheme would provide a flexible resource that car borne visitors can use. The proposal therefore accords with Policies TRA3(a), SP1, SP6 and HOU3a of the ALP 2030.
82. Secure cycle storage would be provided in the curtilage building located on the western side of the site which would be subdivided internally between cycle and refuse bin storage. Policy TRA6 of the ALP 2030 requires 1 space per flat. The proposed vertical storage arrangement would provide for the 17 spaces required and so the proposal accords with Policies TRA6, SP1 and SP6.

(f) Contamination

83. The applicant's Geotechnical, Contamination and Investigation studies have not suggested any issues that would dictate that the proposed use would be inappropriate in terms of contamination provided suitable remediation measures and verification thereof are put in place and the integrity of the existing landfill gas trench is not compromised and is inspected to make sure it has not compromised. The Council's Environmental Protection Officer has reviewed the updated documentation supplied in support of the proposal and raises no objection subject to planning conditions. I therefore conclude that there are no contamination issues that would be an impediment to the proposed development.

(g) Other planning issues such as affordable housing, flooding, surface water drainage, residential accessibility and space standards, ecology and biodiversity, water consumption, relationship to air quality and climate change

84. In respect of affordable housing, for the purposes of Policy HOU1 of the ALP 2030 the site is located within the identified 'Ashford Town' (Zone A) area. For apartments, no affordable housing provision is required. The Council's proposal, delivering 100% affordable rented homes, is therefore a betterment of the policy position and is supported.
85. Turning to flooding, the site is located in Flood Zone 1 and therefore the use is appropriate and one that itself should not be affected by flooding issues and will not exacerbate off-site flooding risks. The proposal is therefore acceptable in terms of Policy ENV6 of the ALP 2030.
86. Policy ENV9 of the ALP 2030 deals with sustainable drainage. In terms of dealing with surface water drainage, the proposal is for a mixture of permeable paving together with an on-site attenuation pond embedded in soft landscaping on the northern side of the site with controlled discharge of surface water off-site at 2 l/second/ha. In terms of this rate, I note the suggestion by KCC as LLFA that this rate may be able to be bettered through technological advances. The applicant's proposed use of an above ground attenuation pond together with permeable paving would be appropriate to the context of the site and be in accordance with the preferences stated in the Council's adopted Sustainable Drainage SPD.
87. Although Policy ENV9 of the ALP 2030 requires that smaller sites should achieve a maximum discharge rate of 2 l/second/ha, this rate is qualified as relating to sites 'less than 0.25ha'. The application involves a 0.33ha greenfield site and thus, strictly speaking, is required to discharge surface water at a maximum 4 l/second/ha or 10% below current greenfield rates for the existing 1:100 storm event, whichever is the lower. Therefore, the proposal cannot be required to better 2 l/second/ha but, already, would better the minimum

requirement of the ALP 2030. Obviously, if at detailed design stage the scheme can be finessed further to provide a lower discharge rate then that would obviously be welcomed. I propose that KCC's point is set out as an informative and tested further through the fine detail of a SUDs scheme to be the subject of a planning condition.

88. In terms of the occasional flooding suffered by PROW AU38, whether there is any substance in the issue raised by consultees in respect of a possible spring fed subterranean stream being the cause is an unknown. The applicant's agent has responded that although a review of historical maps has not revealed evidence of the stream, this is a matter that can be looked at in greater detail as part of detailed SUDs design. Although a dry crossing of the stretch that has been previously affected has been put in place by KCC, it would obviously be preferable to eradicate this disruption to users and so this commitment is welcome.
89. On the basis of the above, the SUDs proposals accord with good practice and Policy ENV9 as well as overarching Policies SP1 and SP6.
90. Turning to residential accessibility, Policy HOU14 requires 20% provision of homes to Building Regulations M4 (2) standards which broadly reflects the previous Lifetime Homes standards enabling a home environment that can be adapted to meet changing mobility needs. Furthermore, a proportion of homes is required to be built to the more specialised M4 (3b) wheelchair accessible Building Regulations standard. The applicants proposition is as follows:-
 - (i) M4(2) – flats 3, 9 & 11
 - (ii) M4(3b) - flat 10
91. Given that the proposals exceed the minimum 20% figure and cater sensibly at this site for the specialised requirements of M4(3b), I consider that the proposals accord with the requirements of Policy HOU14.
92. In terms of residential space standards, the proposals (1 bed/2 person flats at 54.6sqm min GIA, 2 bed/4person flats at 72.7sqm min GIA & 3 bed/5 person flats at 109sqm GIA) would exceed the Nationally Described Space Standards set out in Policy HOU12.
93. The scheme would make appropriate provision of private external open space through a combination of good sized balconies and terrace/gardens to ground floor flats and so is acceptable in providing private amenity space. I am mindful that the development would be located adjacent to the public open green space therefore providing a large amenity space for occupiers effectively 'on the door-step'. The proposal therefore would meet the requirements of Policy HOU15 of the ALP 2030.

94. In respect of ecology and biodiversity, the site is open grassland and does not raise any issues of mitigation or translocation of species. The crown lifting of off-site trees overhanging the proposed parking areas is a matter that should not be undertaken during the bird nesting season obviously. In terms of biodiversity, the scheme involves enclosure of grassland within the root protection areas of the off-site trees and so low level shrubs and planting can be carried out in those areas with visual benefits but not high level planting reducing views to the PROW AU38. In addition, soft landscaping is proposed around the SUDs attenuation pond as well as within the application site wall and railing boundary as well as on land beyond. Besides the visual softening benefits of that soft landscaping, through the careful selection of species it has the potential to assist biodiversity: for example, bee friendly planting could be considered to help with pollination. Policy ENV1 of the ALP 2030 requires that biodiversity should be conserved or enhanced and I consider that the proposal would help both and so is acceptable.
95. Policy ENV7 of the ALP 2030 establishes the policy requirement to meet the optional element of the Building Regulations dealing with water efficiency. The Council secured this provision through the evidence presented to the Local Plan Inspectors of the importance of the issue. The requirement is estimated water consumption of no more than 110 litres per person per day.
96. The applicant has identified a proposed betterment of the standard Building Regulations requirement of 125 litres per persons with a suggested 115 litres per person through the installation of showers rather than baths. However, this falls a little short of the requirement of Policy ENV7. I propose that this is dealt with by a planning condition so that the scheme can be finessed further when moving to construction stage detail to ensure compliance. On that basis, the scheme can be made to comply with Policy ENV7 of the ALP 2030.
97. In terms of air quality, Policy ENV12 of the ALP 2030 requires major development proposals to;-
- (a) promote a shift to the use of sustainable low emission transport to minimise the impact of vehicle emissions on air quality,
 - (b) be well located in terms of facilitating walking, cycling and public transport, and,
 - (c) avoid of significant diminution to air quality.
98. In terms of (a), the requirement for minimum levels of on-site parking is a policy requirement of the ALP 2030 as per my analysis further above. Nevertheless, the scheme would provide for a number (I consider that 3 would be appropriate representing just under 20% provision) of electric vehicle charging points and car parking areas can be designed to be future proofed to

enable further provision as the increased switch to EV's takes place. Both can be covered by planning condition. In respect of (b), the site is within walkable distance of local shops, bus stops and the town centre and Ashford International are both within walking and cycling distance and therefore performs well in giving movement choice. Lastly, in terms of (c) there is no evidence to suggest that the relatively modest nature of the proposed 'major development' would lead to a significant diminution of air quality triggering submission of an Air Quality Assessment (and possible off-setting measures). Accordingly, in my opinion the proposal would accord with Policy ENV12.

99. In respect of climate change, the aforementioned measures such as providing for EVs alongside the applicant's intention to address issues of airtightness and ventilation, optimising solar gain and natural ventilation, limiting wasteful thermal transmission through the building fabric, use of low energy lighting, heating and ventilation systems, exploration of the provision of photovoltaic panels serving the landlord's supply would all assist in reducing emissions from the building in use.
100. There is no NPPF nor planning policy requirement for carbon neutrality for new residential development in the ALP 2030 (Policy ENV11 deals only with non-residential uses in terms of a 'BREEAM' rating) and so that cannot be insisted upon or form a planning condition capable of being defended. I would obviously support betterment of the Building Regulations, especially as the scheme is a Council building proposal. The fact that the applicant is already cognisant of the issues concerned in moving to detailed construction design should planning permission be granted is one that I consider gives comfort that the scheme can be designed thoughtfully with sustainability and climate change in mind. I propose to deal with this by an Informative.

(h) Mitigating the needs arising from the development

101. The issue of providing replacement parking facilities for 1-7 Halstow Way and the funding of a TRO to restrict the on-street car parking outside those properties that currently exists needs to be secured by the obligations as set out in Table 1 alongside a s.106 monitoring fee.
102. As the request for ABC contributions from Cultural Services identifies, the needs generated by the 17 apartments would require mitigation: given the nature of the development, that mitigation would necessarily need to be off-site. Save for relatively small contribution requests for cemeteries and allotments, the other requests all relate to space and so in my opinion could be targeted towards improvements to the Noakes Meadow space helping both to mitigate the needs arising from the development as well as improving the function and visual quality of the space for the wider neighbourhood. Given that the Council is both the applicant and landowner I am prepared to accept

in this instance the request from Cultural Services to combine the request into a single capital & maintenance contribution to be spent at Noakes Meadow as per the proposed £61,520.52 Head of Term in Table 1 further below.

103. In respect of KCC contributions towards primary and secondary provision, the KCC's approach is that the small 1-bed flats in the scheme would be less than 56 sq.m GIA and so not be required to make a contribution to deal with this area of mitigation. The applicant has confirmed that while x 4 of these flats would be 54.6 sq.m, x 2 would be slightly over this at 56.2 sq.m. I have updated KCC in this respect and build into Table 1 and Recommendation (A) flexibility to conclude with County colleagues as to whether those x 2 flats would trigger an additional per flat contribution that would increase the total to be secured by planning obligation.
104. Subject to the obligations set out in Table 1 being secured through an agreement pursuant to s.106 then I consider that the proposal is acceptable and would accord with Policies SP1, HOU3a, COM1 and IMP1 of the ALP 2030.

Planning Obligations

105. Regulation 122 of the Community Infrastructure Levy, as amended by the Community Infrastructure Levy (Amendment) (England) (No.2) Regulations 2019, states that a planning obligation may only constitute a reason for granting planning permission for a development if the obligation is:
- (a) necessary to make the development acceptable in planning terms,
 - (b) directly related to the development; and
 - (c) fairly and reasonably related in scale and kind to the development
106. I recommend the planning obligations in Table 1 be required should the Committee resolve to grant permission. I have assessed them against Regulation 122 and for the reasons given consider they are all necessary to make the development acceptable in planning terms, are directly related to the development and are fairly and reasonably related in scale and kind to the development. Accordingly, they may be a reason to grant planning permission in this case

Table 1

	Planning Obligation			Regulation 122 Assessment
	Detail	Amount(s)	Trigger Point(s)	
1.	<p>KCC: Libraries Additional local bookstock for Ashford library</p>	<p>£55.45 per dwelling (£942.65 in total)</p>	<p>Prior to the occupation of 75% of the dwellings</p>	<p>Necessary as no spare bookstock available to meet the demand generated and pursuant to the adopted ALP 2030 policies SP1, HOU3a, COM1 and IMP1, the KCC Guide to Development Contributions & the Provision of Community Infrastructure and guidance in the NPPF.</p> <p>Directly related as occupiers will use library facilities and the facilities to be funded will be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and because amount calculated based on the number of</p>

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				additional dwellings.
2.	KCC: Community Learning Contribution towards IT and equipment for Ashford Gateway and its satellite courses	£34.45 per dwelling (£585.65 in total)	Prior to occupation of 25% of the dwellings	<p>Necessary as enhanced services required to meet the demand that would be generated and pursuant to ALP 2030 Policies SP1, HOU3a, COM1, IMP1 and IMP2, KCC's 'Development and Infrastructure – Creating Quality Places' and guidance in the NPPF.</p> <p>Directly related as occupiers will use community learning services and the facilities to be funded will be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and because the amount has taken into account the estimated number of users and is based on the number of dwellings.</p>
3.	KCC: Youth Service / Early Help Contribution towards equipment to enable outreach services in the	£65.50 per dwelling (£1,113.50 in total)	TBA	Necessary as enhanced youth services needed to meet the demand that would be generated and pursuant

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	vicinity			<p>to ALP 2030 policies SP1, HOU3a, COM1, IMP1 and KCC's document 'Creating Quality places' and guidance in the NPPF.</p> <p>Directly related as occupiers will use youth services and the services to be funded will be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and because the amount has taken into account the estimated number of users and is based on the number of dwellings.</p>
4.	<p>KCC: Social Care Towards the provision of extra care housing in Ashford Borough</p>	<p>£146.88 per dwelling (£2,496.96 in total)</p>	TBA	<p>Necessary as enhanced facilities and assistive technology required to meet the demand that would be generated pursuant to ALP 2030 Policies SP1, HOU3a, COM1 and IMP1, KCC's 'Development and Infrastructure – Creating Quality Places' and guidance in the NPPF.</p> <p>Directly related as occupiers will use community facilities and assistive</p>

				<p>technology services and the facilities and services to be funded will be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and because the amount has taken into account the estimated number of users and is based on the number of dwellings.</p>
5.	<p>KCC: Primary Education Provision of new primary places at a new school in the planning group</p>	<p>£1,134.00 per applicable flat</p> <p>(the number of 'non-applicable' flats below 56 sq.m GIA to be resolved with KCC being either 4 or 6 in total)</p>	TBA	<p>Necessary as no spare capacity at any primary school in the vicinity and pursuant to ALP 2030 Policies SP1, HOU3a, COM1 and IMP1, KCC's 'Development and Infrastructure – Creating Quality Places' and guidance in the NPPF.</p> <p>Directly related as children of occupiers will attend primary school and the facilities to be funded would be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and because the</p>

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				amount has taken into account the estimated number of primary school pupils and is based on the number of dwellings and because no payment is due on small 1-bed dwellings.
6.	<p>KCC: Secondary Education Provision of new secondary places in Phase 2 of the new Chilmington Green secondary School</p>	<p>£1,172.00 per applicable flats</p> <p>(the number of 'non-applicable' flats below 56 sq.m GIA to be resolved with KCC being either 4 or 6 in total)</p>	TBA	<p>Necessary as no spare capacity at any secondary school in the vicinity and pursuant to ALP 2030 Policies SP1, HOU3a, COM1 and IMP1, KCC's 'Development and Infrastructure – Creating Quality Places' and guidance in the NPPF.</p> <p>Directly related as children of occupiers will attend secondary school and the facilities to be funded would be available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and because the amount has taken into account the estimated number of secondary school pupils and is based on the number of</p>

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				dwellings and because no payment is due on small 1-bed dwellings.
7.	<p>Accessible and Adaptable Dwellings</p> <p>At least 20% of all dwellings to be built in compliance with building regulations Part M4 (2) as a minimum standard</p>	Provision of 3 flats to M4 (2) standard	Prior to occupation of any dwelling comprised within the Development	
8.	<p>Wheelchair User Dwellings</p> <p>Maximum of 7.5% of affordable dwellings to be built in compliance with M4(3b) – wheelchair accessible.</p>	Provision of 1 flat to M4 (3b) standard	Prior to the occupation of any dwelling comprised within the Development	
9.	<p>ABC: Noakes Meadow improvements</p> <p>A sum to be used for a project for Noakes Meadow to;-</p>	£61,520	TBA	Necessary to meet the demands generated by the development through improvements to the quality and functionality of this public open space and to off-set the loss of existing public

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	<p>(i) provide informal play, sport, ecological and open space improvements to help meet the needs generated by the development, and,</p> <p>(ii) offset the loss of / value of the part of the existing public open space to be developed as apartments through improvements benefitting the local community</p>			<p>open space directly arising from the development in accordance with ALP 2030 Policies SP1, HOU3a, COM1, COM2 and IMP1, the Public Green Spaces and Water Environment SPD and guidance in the NPPF.</p> <p>Directly related as occupiers of the development will use the improved public open space and the space will be made available to them.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and the number of occupiers, the loss of part of the existing public open space and the benefits to be derived to the occupiers of the development through the remaining public open space being improved.</p>
10.	<p>Creation of on-carriageway parking restrictions in Halstow Way Funding the costs of making a TRO to introduce parking restrictions in order to remove the</p>	£ TBA	TBA	<p>Necessary to ensure that the impacts of the development on highway capacity and safety can be mitigated through restrictions on existing parking</p>

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	<p>on-street parking that occurs close to the frontage of No's 1-7 Halstow Way and prevent any obstruction to the proposed off-carriageway spaces to serve those properties and the TRO's subsequent implementation</p>			<p>behaviour on Halstow Way due to the lack of off-road parking for No's 1, 3, 5 and 7 Halstow Way.</p> <p>Directly related as occupiers of the proposed development would use Halstow Way to access the residents' car park and so benefit from the highway capacity and safety benefits on that street.</p> <p>Fairly and reasonably related in scale and kind considering the highway impacts arising from the development that need mitigation with the occupiers of the development benefitting from the proposed mitigation.</p>
11.	<p>ABC: Provision of replacement car parking resource north of No. 7 Halstow Way Providing the replacement parking resource to serve No's 1-7 Halstow Way and relocating the</p>	<p>Not applicable – direct provision by the Council</p>	<p>Prior to any TRO coming into operation or prior to the occupation of the first</p>	<p>Necessary to ensure that the impacts arising from the development and the consequential need to make a TRO to restrict current on-street parking</p>

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	barrier to the west thereof		dwelling in the building whichever is the sooner.	<p>activity are mitigated through the provision of alternative off-road parking for the exclusive use of No's 1, 3, 5 and 7 Halstow Way.</p> <p>Directly related as the need for the provision of an alternative to on-street parking arises from the development.</p> <p>Fairly and reasonably related in scale and kind through provision of x 4 replacement parking spaces to serve the properties concerned in lieu of the on-street car parking that presently occurs due to the absence of restrictions.</p>
12.	ABC: Monitoring Fee	£1,500 one off payment	Upon commencement of development	<p>Necessary in order to ensure the planning obligations are complied with.</p> <p>Directly related as only costs arising in connection with the monitoring of the development and these planning obligations are covered.</p> <p>Fairly and reasonably related in scale and kind considering the extent</p>

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				of the development and the obligations to be monitored
<p>KCC items 1 – 6 above are to be index linked by the BCIS General Building Cost Index from Oct 2016 to the date of payment (Oct-16 Index 328.3) and are valid for 3 months from the date of KCC's updated representation letter dated 19/09/2019 after which they may need to be recalculated due to changes in district council housing trajectories, on-going planning applications, changes in capacities and forecast rolls, projects and build costs.</p>				
<p>Notices must be given to the Borough Council at various stages in order to aid monitoring. All Borough Council contributions are index linked in order to maintain their value. <u>The Borough Council's and County Council's legal costs in connection with the deed must be paid.</u></p> <p>If an acceptable deed is not completed within 3 months of the Planning Committee's resolution, the application may be reported back to the Committee and be refused.</p>				

Human Rights Issues

107. 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

108. 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

109. Providing the development can be satisfactorily integrated into the neighbourhood then it would meet the test of principle set out in Policy HOU3a of the ALP 2030 and would accord with the delivery of ‘The Vision’ in the Plan by Policy SP1. I am satisfied that the proposal can be so accommodated.
110. The proposal does not trigger consultation with Sports England nor referral to the Secretary of State in relation to a Recommendation to permit. The loss of public open space would represent only a small 14.99% reduction of the overall Noakes Meadow public open space. The space is a large one in this part of south Ashford. It results from a combination of layout conventions when housing was first developed and the sites’ historic use for landfill with subsequent demolition of post-war housing to the north of the application site.
111. The development of the corner of the site would have a number of benefits to the southern boundary to the space and the safety of people within it and moving alongside it on PROW AU38: the latter is an important route towards the Town Centre. The provision of active frontage is achieved on all sides of the apartment building. The importance of a diverse range of public open spaces is important and the proposal would not significantly diminish Noakes Meadow’s role as a large space in the wider neighbourhood. The loss of the space would need to be mitigated.
112. The design approach is thoughtful and would achieve a high quality design with visual interest. The scale of the development is one that can be accommodated given the context. The site layout ensures minimal disruption

to the landscape qualities of adjacent land. The development would not result in overlooking or incompatibility issues and would meet the requirements of Policies SP1, SP6 and HOU3a of the ALP 2030.

113. The housing mix is varied and would deliver 100% affordable housing for affordable rent. The mix accords with Policy HOU18.
114. Replacement car parking in lieu of the on-street parking that currently takes place on Halstow Way is proposed. As a result, the proposal would be acceptable in highway safety and capacity terms. The proposal exceeds the parking requirements of Policy TRA3a. Cycle and refuse storage proposals are acceptable.
115. There are no contamination, flooding, biodiversity and ecology impediments. Soft landscaping can yield biodiversity enhancements. A SUDs scheme will be required and through finessing may be able to further exceed the requirements of Policy ENV9. The proposal meets accessibility standards and would give good private spaces for occupiers. The proposal provides for provision of EV charging points and a future proofing strategy can be secured by planning condition. There is legislative requirement for delivery of a carbon neutral development but the applicant is cognisant of the need to maximise sustainable design/ construction and use.
116. The development needs to make s.106 obligations to mitigate its impacts. Contributions requested by Cultural Services are agreed to be combined to assist in bringing forward improvements to Noakes Meadow.

Recommendation

- (A) Subject to resolution with KCC Developer Contributions in respect of education contributions relating to x 2 1-bed flats due to their proposed GIA applicability, and**
- (B) the applicant first entering into a section 106 agreement/undertaking in respect of planning obligations detailed in Table 1 (and any section 278 agreement so required), in terms agreeable to the Head of Strategic Development and Delivery in consultation with the Director of Law and Governance, with delegated authority to the Head of Strategic Development and Delivery to make or approve changes to the planning obligations and planning conditions (for the avoidance of doubt including additions, amendments and deletions) as she/he sees fit,**
- (B) Permit**

Subject to planning conditions and notes, including those dealing with the subject matters identified below, with any 'pre-commencement'

based planning conditions to have been the subject of agreement with the applicant

1. Standard time condition
2. Development carried out in accordance with the approved plans
3. Materials to be agreed
4. Code of Construction practice
5. Hours of construction
6. Wheel washing, site set-up and contractor parking arrangements
7. Access and highways
8. Measures to prevent the discharge of surface water onto the highway
9. Provision and retention of parking and turning areas
10. EV charging points and future proofing strategy
11. Provision and retention of secure cycle parking and bin storage
12. Remediation, verification and dealing with any unexpected contamination
13. Foul water sewerage disposal details
14. Sustainable surface water disposal scheme
15. Tree protection measures
16. Arboricultural Method Statement
17. Details and hard and soft landscaping works within and beyond the site
18. Landscape management arrangements
19. Water use of dwelling no more than 110 litres per person per day.
20. Fine details of construction, boundary walls and railings and bollard lighting in the residents' car park
21. Monitoring
22. List of approved drawings and documents

Note to Applicant

1. S106
2. Working with the Applicant
3. KCC as Leading Flooding Authority advise that through technological advances the surface water discharge rate of 2/ltrs/second/ha should be able to be bettered and the applicant is invited to do explore this matter further in moving to a

detailed SUDs scheme to be submitted for approval pursuant to planning condition.

4. The applicant is advised that Policy ENV7 of the ALP 2030 requires a maximum water consumption of no more than 110 litres per person per day and this standard subject of planning condition needs to be met.
5. The applicant is expected to explore a range of measures at detailed design stage to ensure that the development minimises its impacts on climate change and should seek to create a carbon neutral development.
6. Southern Water advise that sewer records show that a public foul and surface water sewer may cross the application site and might impact upon the layout and/or require to be diverted. The applicant should discuss the matter further with Southern Water.

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 creative 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 provided with pre-application advice,
- the applicant was provided the opportunity to submit amendments to the scheme/ address issues, and
- the application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

Background Papers

All papers referred to in this report are currently published on the Ashford Borough Council web site (www.ashford.gov.uk). Those papers relating specifically to this

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application may be found on the [View applications on line](#) pages under planning application reference //AS)

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Annex 1

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Annex 1

