



## STATEMENT OF COMMON GROUND

APPEAL REFERENCE            APP/E2205/W20/3259465

DATE OF HEARING/INQUIRY    28/01/21 – 04/02/21

### SITE ADDRESS

The site is located at:

Appeal C  
ADAS Former Government Offices  
Olantigh Road  
Wye  
Kent

### DESCRIPTION OF THE DEVELOPMENT

The description of development is as follows:

Demolition of offices and redevelopment with twenty dwellings with associated garages, parking and internal estate roads and open space.

### APPELLANT

The appeal is submitted on behalf of Tele Property Investments Ltd.

The Appellant is the owner of the appeal site and other land within the village of Wye, which formed part of the former campus of Wye College.

### LOCAL PLANNING AUTHORITY

The local planning authority is Ashford Borough Council

0.1 This statement addresses the following areas of common ground:

1. The Application and Proposed Development
2. Description of the site (including agreed dimensions) and area
3. Planning history
4. Development plan (including relevant policies) & any draft development plan (including stage reached and weight to be attached).
5. Relevance of any supplementary planning guidance published by LPA (and /or of supplementary planning guidance published under previous provisions and still in place.)
6. Matters Agreed In Respect of the Planning Application
7. Matters Not Agreed – Key Issues for the Appeal

# 1. The Application and Proposed Development

1.1 The application (19/01330/AS), which is the subject of this appeal, was lodged on 13 September 2019 and had a target determination date of 19 December 2019.

1.2 The appeal is made by Tele Property Investments Ltd (the Appellant), against the non-determination of the application by Ashford Borough Council (ABC).

1.3 This Statement should be read in conjunction with the following application drawings and reports which accompany this Appeal submission:

- Application Drawings (ON Architecture/BDB Architects/Lloyd Bore), submitted 13 September 2019 (CD21);
- Planning Statement (Hobbs Parker), submitted 13 September 2019 (CD22i);
- Design & Access Statement (ON Architecture), submitted 13 September 2019 (CD22c);
- Landscape & Visual Appraisal (Lloyd Bore), submitted 13 September 2019 (CD22h);
- Arboricultural Impact Assessment Report (Lloyd Bore), submitted 13 September 2019 (CD22a(1));
- Arboricultural Report (Lloyd Bore), submitted 13 September 2019 (CD22a);
- Tree Survey Plan (Lloyd Bore) July 2018 (CD22a(2));
- Tree Protection Plan (Lloyd Bore) November 2020 (CD22a(3));
- Preliminary Ecological Appraisal (KB Ecology), submitted 13 September 2019 (CD22e);
- Bat Survey Mitigation Strategy (KB Ecology), submitted 13 September 2019 (CD22e(2));
- Dormouse Mitigation Strategy Report (KB Ecology), submitted 13 September 2019 (CD22e(1));
- Reptile Mitigation Strategy Report (KB Ecology), submitted 13 September 2019 (CD22e(3));
- Foul & Surface Water Management Strategy (RMB Consultants), submitted 13 September 2019 (CD22d);
- Phase 1 Environmental Assessment (Ramboll Environ), submitted 13 September 2019 (CD22b);
- Transport Assessment (TPP Consultants), submitted 13 September 2019 (CD22f);
- KB Ecology Response Letter, submitted 2 April 2020 (CD22e(4));
- Landscape & Visual Appraisal Addendum (Lloyd Bore), submitted 2 April 2020 (CD22h(1));
- Highways Note (TPP Consultants), submitted 8 April 2020 (CD22f(2));
- Agreed Statement of Common Ground Addendum (December 2020). CD24a(1);
- Design and Access Statement Rev 1 (December 2020). CD22c;
- ADAS Nutrient Neutrality Report (November 2020). CD2b;
- ADAS Phosphate and Nitrate Loading (October 2020). CD24c;
- Nutrient Neutrality – Letter to Natural England 08-01-21. CD25f.

1.4 This Statement of Common Ground (SoCG) sets out a description of the development and the rationale for the proposals in relation to planning policy and other material considerations.

1.5 The proposed development involves removal of the existing buildings and the construction of 20 new houses, associated access, internal roads, open space, sustainable drainage features and landscaping buffers around the edge of the site, described in the application as:

*'Demolition of offices and redevelopment with twenty dwellings with associated garages, parking and internal estate roads and open space'.*

1.6 The proposed dwelling mix has taken into account a mix of house sizes and types to suit a variety of needs and comprises:

- 4 x 3 bedroom semi-detached houses;
- 8 x 4 bedroom detached houses;
- 8 x 5 bedroom detached houses.

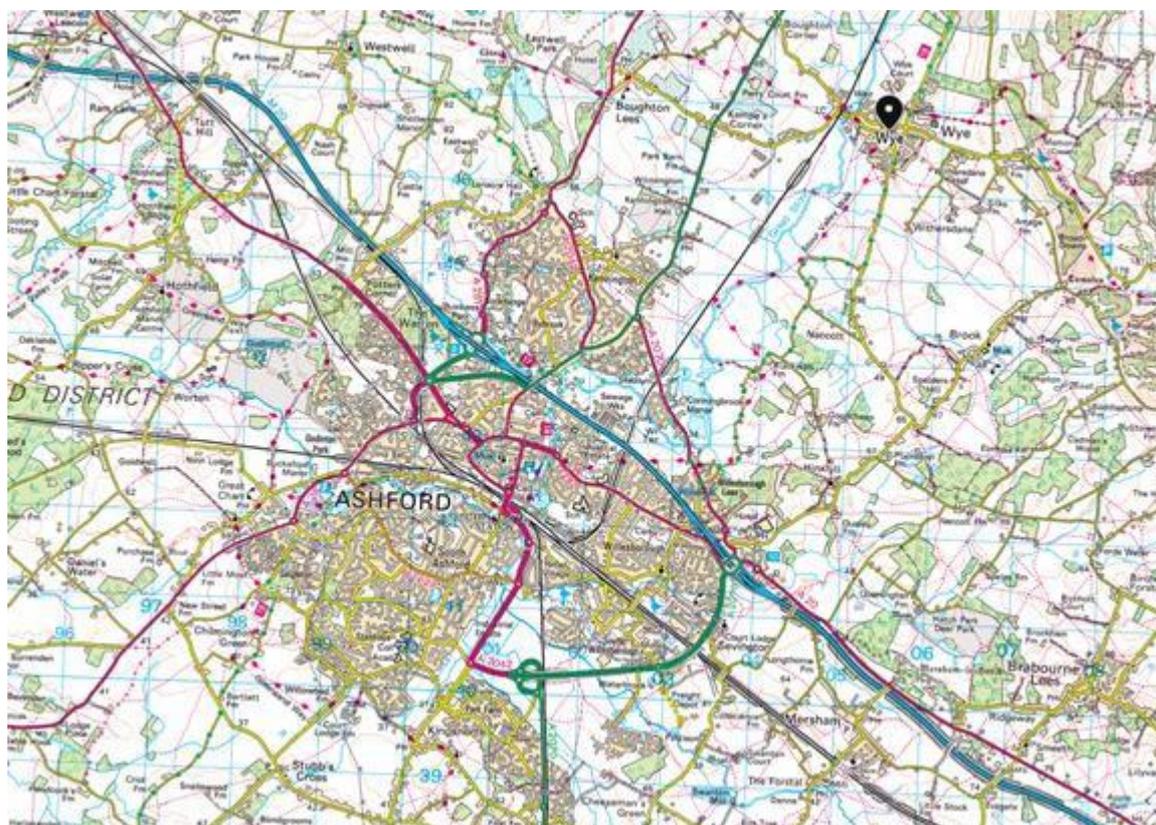
1.7 Whilst the proposals utilise a marginally larger area of the site, to accommodate the proposed layout, the total floor area, as well as the footprint of the buildings and hardstanding proposed is a significant reduction in comparison to the existing buildings, as follows:

	<b>Existing (sqm)</b>	<b>Proposed (sqm)</b>
<b>Built Footprint</b>	4,347.8	3,472.8
<b>Building Floor Area</b>	5,336.2	4,808
<b>Hardstanding</b>	4,900	4,200

1.8 Whilst the development description is agreed and included above, further details of the proposed development are also included in the Planning Statement (CD22i) (Hobbs Parker) and the Design and Access Statement (CD22c) (BDB/ON Architecture) which supported the application.

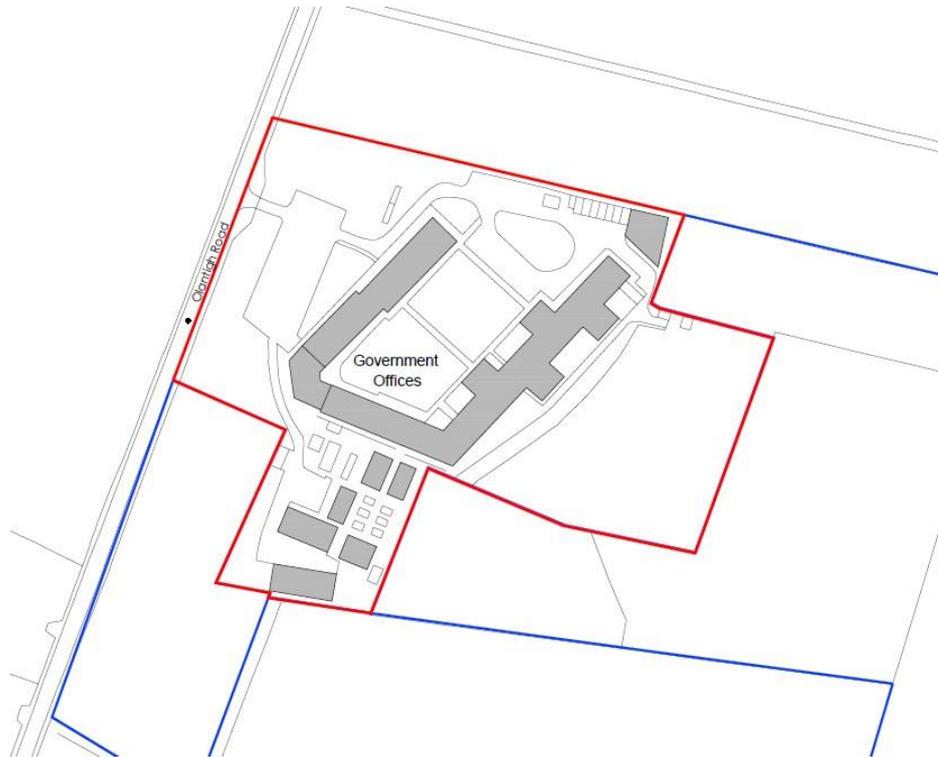
## 2. Description of the Site and Surrounding Area

- 2.1 Wye is a large village located centrally within the Parish of Wye with Hinxhill. The total population of the parish is estimated as 2,560 with approximately 1,150 households. The majority of the population live in the village which is situated within the North Kent Downs Area of Outstanding Natural Beauty some three miles north north-east of Ashford and 60m south-east of London. There are high speed train services from Ashford to London and services from Wye mainline railway station serve London Charing Cross and Victoria, Canterbury and Maidstone, as well as other locations.
- 2.2 As shown on the following map extract, Wye is one of the larger settlements in Ashford, well connected by rail and with a good range of schools, shops and services. It is a sustainable location for development.



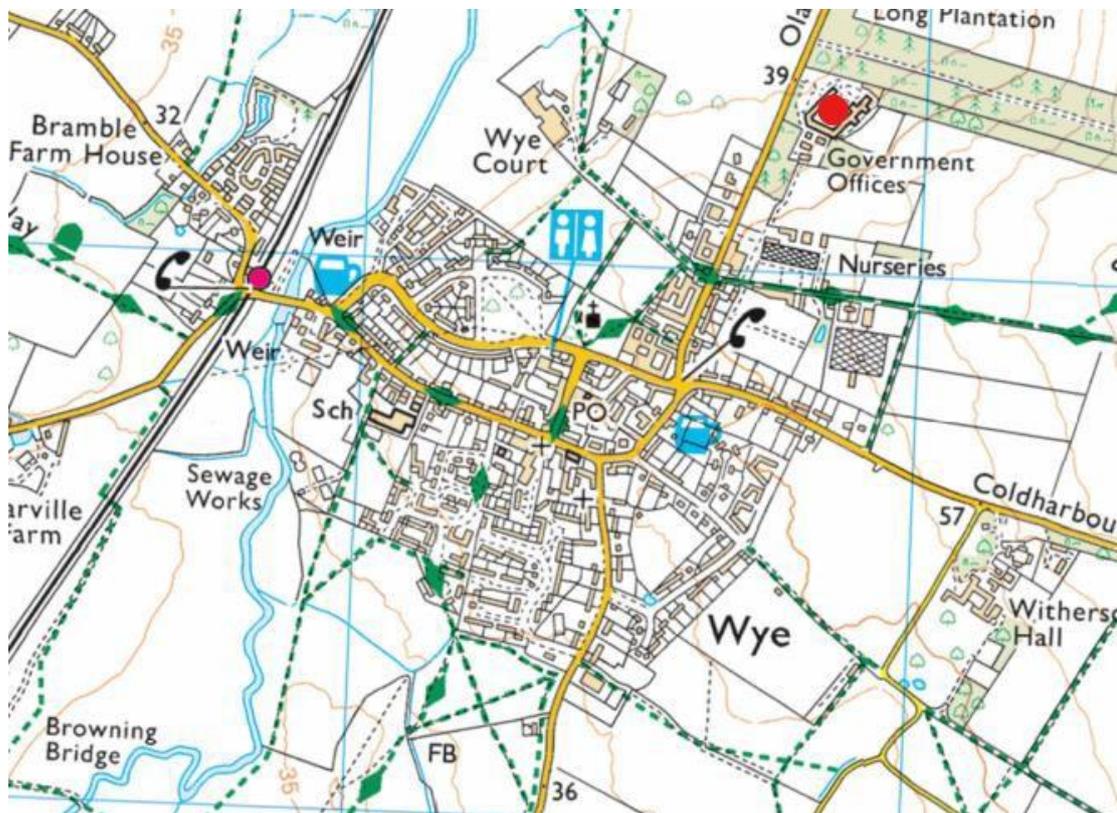
Source: Google Maps (2020)

- 2.3 The application site is located on the east side of Olantigh Road in Wye and lies within the jurisdictions of Ashford Borough Council and Kent County Council. It covers an area of 2.67 hectares and is shown edged red on the figure below, with land also in the appellant's ownership in blue.



Source: BDB Architects (2019)

- 2.4 The site lies on the northern edge of Wye, approximately 800m from the identified village centre, which contains shops, restaurants, church and other services. Wye School lies just to the south of the site on what was formerly also part of the Wye College site. It is a mixed free school that caters for students aged 11–18 years.



Source: OS Maps



Source: Google Maps

- 2.5 The site comprises previously developed land which is currently occupied by a range of one and two-storey brick faced buildings, glasshouses, storage and plant rooms dating from the 1970s.
- 2.6 The main part single, part two storey buildings on site comprises 3,961 sqm of floorspace which was previously used by the Agricultural Development Advisory Service (ADAS) and was last occupied by DEFRA. The site is enclosed by a brick wall along the road frontage with access gates.
- 2.7 The existing built complex (part identified blue below) is accessed from Olantigh Road and is enclosed by woodland which is partially subject to a Tree Preservation Order, as shown green. The wider area contains the Olantigh Towers Registered Park and Garden (Grade II) adjoining the northern site boundary, memorial trees, an Arboretum and agricultural land. A biodiversity opportunity area lies to the north and east of the site (coloured beige).



Source: www.ashford.gov.uk

### **3. Planning History**

- 3.1 The appeal site formed part of the Wye College campus which occupied a significant part of the village of Wye and was a key element in local life, both as an educational institution and supporting economic activity and a resident population.
- 3.2 The buildings on the appeal site were originally constructed in the late 1960s and were initially occupied by the ADAS until roughly 1991 when DEFRA became the new occupants. DEFRA remained on the site until approximately 2009 and the buildings have remained vacant since the closure of the wider Wye College site.
- 3.3 On 20 October 1987 the Council raised no objection to an application (Ref: 87/01662/AS) for two small sheds and a storage building unit within the site.
- 3.4 On 25 February 1987 the Council raised no objection to an application for erection of a storage building (Ref: 87/00003/AS).
- 3.5 On 27 January 1987 the Council raised no objection to an application for a new glasshouse (Ref: 86/01784/AS).
- 3.6 Following the closure of Wye College in 2009 plans for the redevelopment and reuse of the site were progressed.
- 3.7 The site fell within the scope of an EIA screening request which was submitted by then owner, Imperial College, in 2014 under reference 14/00019/EIA/AS for a mixed use scheme on a much wider site, comprising up to 200 residential units, a business hub, small business/artisan units and agri-businesses, an allocation of space for Community uses, public green space/woodlands/allotments and play areas, internal roads, parking and service areas and supporting infrastructure. This proposal was never progressed through to planning application stage.
- 3.8 An application for prior approval was submitted in December 2015 (Ref: 15/01602/AS) for change of use of the lower and upper ground floors from B1a office to 52 No. C3 residential dwellings. The Council determined on 26 January 2016 that prior approval was not required.
- 3.9 This was not implemented within the time available and a second application for prior approval was submitted in July 2018 (Ref: 18/01009/AS) with the same description of development. ABC have thus far not determined the application. The historic use of the building is a matter in issue between the two parties and accordingly the Council suggested that an application for a certificate of lawfulness was the appropriate way to resolve this matter.

3.10 A further EIA screening request was submitted for the appeal site in respect of the current appeal proposals under reference 19/00002/EIA/AS, which determined that the development did not require EIA to accompany the planning application.

3.11 The resulting application (19/01330/AS), which is now the subject of this appeal, was lodged on 13 September 2019 and had a target determination date of 13 December 2019. It was reported to the Planning Committee on 16 September 2020 with a recommendation that had the Council been in a position to issue a decision that permission would have been refused for the following reasons:

1. The proposed scheme, would result in the over development of the site, which as a result of the number of units, layout, scale and design would not conserve or enhance the character of the site nor surrounding Kent Downs Area of Outstanding Natural Beauty, causing harm to the character of the AONB and resulting in an unsustainable form of development. The proposal would be harmful to the visual amenity of the area. This would be contrary to the provisions of Policies SP1, SP6, HOU5, ENV3a & ENV3b of the Ashford Local Plan 2030, Policies WNP1a, WNP1c, WNP2, WNP6, WNP8 and WNP11 of the Wye Neighbourhood Plan and the provisions of the National Planning Policy Framework and National Planning Practice Guidance
2. The proposed scheme would adversely affect trees within and adjacent to the site through either their loss or as a result of close proximity to proposed housing to them and the resultant likely pressure to prune / crown lift that will cause harm to the trees future potential. Insufficient evidence has been provided to justify such works that result from the over development of the site. This would be to the detriment of the visual amenity of the site and surroundings. This would be contrary to Policy ENV3A of the Ashford Local Plan 2020, Policy ENP2 of the Wye Neighbourhood Plan, the AONB Management Plan and the provisions of the National Planning Policy Framework.
3. In the absence of a completed S106 Obligation relating to the infrastructure contributions required to offset the impacts generated by the proposed scheme, the proposal does not comply with Policy IMP1 of the Ashford Local Plan 2030 and the provisions of the National Planning Policy Framework.
4. A completed legal obligation has not been provided to secure the identified highways works considered necessary to provide a safe highways environment in the vicinity of this site leading to concerns about highway safety. This would be contrary to the provisions of policies HOU3a and HOU5 of the Ashford Local Plan and the provisions of the National Planning Policy Frameworks.

3.12 The appeal against non-determination was submitted on 29th April 2020.

## 4. Development Plan

4.1 The development plan which sets the local policy context for the appeal comprises the following documents:

- Ashford Local Plan 2030 (February 2019);
- Wye Neighbourhood Plan (2016).

4.2 It is also relevant to consider Government policy in the form of the National Planning Policy Framework (February 2019) which is a material consideration in planning decisions.

4.3 The development plan is supplemented by the following guidance and Supplementary Planning Documents, which do not form part of the Development Plan:

- Residential Parking and Design Guidance SPG;
- Sustainable Design and Construction SPD;
- Sustainable Drainage (SUDs) SPD;
- Residential Space and Layout SPD;
- Dark Skies SPD;
- Landscape Character SPD.

4.4 The Wye Village Design Statement (2000) was produced alongside a number of other such Statements to support the 2000 Borough Local Plan and contains useful guidance to support Policies SP6, HOU3A and HOU5 of the Local Plan.

4.5 The site is situated within the Kent Downs section of the North Downs Area of Outstanding Natural Beauty, which washes over the whole of the village of Wye and covers an extensive area extending from Folkstone in the east to Chatham in the west.

4.6 The site is not the subject of any other designations or constraints identified in the development plan.

### Ashford Local Plan 2030 (February 2019)

4.7 The Ashford Local Plan 2030 (the Local Plan) was adopted in February 2019 and is the primary development plan document for the Borough. It supersedes the Ashford Borough Local Plan 2000 and Local Development Framework Core Strategy 2008 and Tenterden and Rural Sites DPD 2010. Key policies relevant to the proposals are summarised below.

4.8 Paragraph 1.9 of the Local Plan sets out the relationship with the Neighbourhood Plans. As of mid-2018, the Borough had seven designated neighbourhood areas at the parishes of Wye with Hinxhill, Rolvenden, Bethersden (no longer proceeding with their Neighbourhood Plan), Boughton Aluph and Eastwell, Pluckley, Hothfield, Charing and Egerton. The Neighbourhood Plans for these parishes are at various stages in their evolution, with the Wye with Hinxhill and Pluckley Plans now adopted.

- 4.9 The Wye Neighbourhood Plan predated the Ashford Local Plan 2030 and was prepared in the context of the preceding Ashford Borough Local Plan 2000 and Local Development Framework Core Strategy 2008 , the emerging Ashford Local Plan 2030 and the Tenterden and Rural Sites DPD. It is helpful to consider these documents in understanding the evolution of the Wye Neighbourhood Plan and these are therefore, referenced in the next section.
- 4.10 Where Neighbourhood Plan Areas had been established early on in the preparation of the Local Plan, proposals to allocate sites within these areas fall to the neighbourhood plan where they are non- strategic in nature. Their figures are included within the Housing Trajectory.
- 4.11 The Strategic Vision for the Local Plan identified the role of Ashford, Tenterden and the main rural centres in meeting the development needs of the Borough. It identifies the rural service centres of Charing, Hamstreet and Wye which it notes will remain important providers of local shops and services, whilst delivering new development of a scale appropriate to the individual characteristics of the settlement.
- 4.12 Policy SP1 sets out the strategic objectives to deliver the 'vision' for the Borough. Development should be focused at accessible and sustainable locations which make the best use of suitable brownfield opportunities. A mix of housing types and sizes should be provided to meet the changing housing needs of the local population.
- 4.13 Outside of Ashford, the Local Plan directs growth to where it is most sustainably located. Paragraph 2.54 advises that overall, the strategy seeks to direct a greater scale of new development towards the most sustainable villages where services are more extensive and well established and public transport connectivity is greatest, consistent with the thrust of the NPPF, whilst accepting that smaller scale development can potentially be accommodated in smaller villages subject to local factors.
- 4.14 In terms of housing need and planned supply, the housing profile identified in the Local Plan is set out at Table 1.

**Table 1 – The Overall Housing Profile**

<b>Objectively Assessed Need</b>	<b>16,872</b>
Delivered since 2011	3,754
<b>Residual Requirement (2018-2030)</b>	<b>13,118</b>
Extant commitments (previously allocated sites with permission)	3,064
Extant windfalls*	875
Chilmington Green	2,500
Future Unidentified Windfalls	1,000
Local Plan Allocations	5,889
Neighbourhood Plan Areas	216
<b>TOTAL</b>	<b>13,544</b>
Contingency buffer	426

- 4.15 Policy SP2 'The Strategic Approach to Housing Delivery' sets out the Council's housing target of at least 13,118 new dwellings within the Borough between 2018 and 2030, requiring an annualized minimum of 1,093 dwellings.
- 4.16 The Local Plan is based on a housing trajectory which sets out the components of supply, including windfall sites and those identified in neighbourhood plans.
- 4.17 The Local Plan requires 16,872 dwellings over the period 2011 to 2030, an annual requirement of 888. The Local Plan also requires the shortfall of 2462 units from the beginning of the plan period to be met over the first seven year period up to 2024/25. The Council's position has most recently been updated in the document 5 Year Housing Land supply 2020-2025, published early December 2020.
- 4.18 Policy SP6 'Promoting high Quality Design' requires development to be of high quality design that responds positively to design policy and guidance at local and national levels.
- 4.19 Policy HOU1 'Affordable Housing' states that the Council will require the provision of affordable housing on all schemes promoting 10 or more dwellings. Wye falls within Zone C which requires 40% of total dwellings to be affordable and comprise a mix of 10% affordable/social rented and 30% affordable home ownership products (including a minimum of 20% shared ownership). Should independently verified viability evidence establish that it is not possible to deliver the affordable housing required, the Council will consider flexibility in the provision of affordable housing.
- 4.20 Policy HOU5 'Residential Windfall Development in the Countryside' states that Proposals for residential development adjoining or close to the existing built up confines of the following settlements will be acceptable:

Ashford, Aldington, Appledore, Bethersden, Biddenden, Brabourne Lees/Smeeth, Challock, Charing, Chilham, Egerton, Great Chart, Hamstreet, High Halden, Hothfield, Kingsnorth\*, Mersham, Pluckley, Rolvenden, Shadoxhurst, Smarden, Tenterden (including St Michaels), Wittersham, Woodchurch and Wye.

\*Existing Kingsnorth village

Providing that each of the following criteria is met:

- a) The scale of development proposed is proportionate to the size of the settlement and the level, type and quality of day to day service provision currently available and commensurate with the ability of those services to absorb the level of development in combination with any planned allocations in this Local Plan and committed development in liaison with service providers;
- b) The site is within easy walking distance of basic day to day services in the nearest settlement, and/or has access to sustainable methods of transport to access a range of services;

- c) The development is able to be safely accessed from the local road network and the traffic generated can be accommodated on the local and wider road network without adversely affecting the character of the surrounding area;
- d) The development is located where it is possible to maximise the use of public transport, cycling and walking to access services;
- e) The development must conserve and enhance the natural environment and preserve or enhance any heritage assets in the locality; and,
- f) The development (and any associated infrastructure) is of a high quality design and meets the following requirements:-
  - i) it sits sympathetically within the wider landscape,
  - ii) it preserves or enhances the setting of the nearest settlement,
  - iii) it includes an appropriately sized and designed landscape buffer to the open countryside,
  - iv) it is consistent with local character and built form, including scale, bulk and the materials used,
  - v) it does not adversely impact on the neighbouring uses or a good standard of amenity for nearby residents,
  - vi) it would conserve biodiversity interests on the site and / or adjoining area and not adversely affect the integrity of international and national protected sites in line with Policy ENV1.

4.21 Residential development elsewhere in the countryside will only be permitted if the proposal is for at least one of the following:-

- Accommodation to cater for an essential need for a rural worker to live permanently at or near their place of work in the countryside;
- Development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;
- It is the re-use of redundant or disused buildings and lead to an enhancement to the immediate setting;
- A dwelling that is of exceptional quality or innovative design\* which should be truly outstanding and innovative, reflect the highest standards of architecture, significantly enhance its immediate setting and be sensitive to the defining characteristics of the local area;

- A replacement dwelling, in line with policy HOU7 of this Local Plan;
- 4.22 Where a proposal is located within, or in the setting of an AONB, it will also need to demonstrate that it is justifiable within the context of their national level of protection and conserves and enhances natural beauty.
- 4.23 Policy HOU12 'Residential Space Standards' requires all new residential development, including dwellings created through conversion, to comply with the Nationally Described Space Standards.
- 4.24 Policy HOU15 'Private External Open Space' requires new dwellings to be provided with an area of private open space. For flats, a minimum of 5 sqm of private outdoor space should be provided for 1 or 2 bedspace dwellings and an additional 1 sqm for each additional bedspace.
- 4.25 Policy HOU18 'Providing a Range and Mix of Dwelling Types and Sizes' requires proposals of 10 or more dwellings to deliver a mix of dwelling types and sizes to meet local needs. The specific mix should be informed by evidence that is robust, up to date and provides an assessment of need.
- 4.26 Policy EMP6 'Promotion of Fibre to the Premises' requires new development to deliver fibre as an essential infrastructure. Proposals should be supported by a statement establishing how fibre will be provided unless not practical viable or feasible to deliver.
- 4.27 Policy TRA3 (a) 'Parking Standards for Residential Development' requires the following minimum parking standards:
- 1 bed dwelling – 1 space per unit
  - 2 bed dwelling – 2 spaces per unit
  - 3 bed dwelling – 2 spaces per unit
  - 4 bed house – 3 spaces per unit
- 4.28 Policy TRA4 'Promoting the Local Bus Network' states that applications should demonstrate whether modal shift in favour of public transport can be achieved through existing bus services or improvements to the network as a key determinant of the scheme's sustainability. This should be demonstrated through a Travel Plan.
- 4.29 Policy TRA5 'Planning for Pedestrians' requires development proposals to demonstrate how safe and accessible pedestrian access and movement routes will be delivered and how they will connect to the wider movement network. Opportunities should be taken that encourage journeys on foot.
- 4.30 Policy TRA6 'Provision for Cycling' seeks to improve conditions for cyclists. Flats should provide a minimum of 1 cycle parking space per unit. It is expected that sufficient accommodation will be provided in any case for houses.
- 4.31 Policy TRA7 'The Road Network and Development' highlights that proposals which generate significant traffic movements must be well related to the primary and secondary road network.

Applicants must demonstrate that traffic movements to and from the development can be accommodated, resolved, or mitigated to avoid severe cumulative residual impacts.

- 4.32 Policy TRA8 'Travel Plans, Assessments and Statements' requires planning applications to be supported by a Transport Assessment/Statement.
- 4.33 Policy ENV1 'Biodiversity' supports proposals that conserve or enhance biodiversity. Proposals for new development should identify and seek opportunities to incorporate and enhance biodiversity.
- 4.34 Policy ENV3b 'Landscape Character and Design in the AONBs' highlights that proposals for major developments within the AONBs will only be permitted in exceptional circumstances and where it is demonstrated that they are in the public interest.
- 4.35 Policy ENV4 'Light Pollution and Promoting Dark Skies' sets out the Council's expectations in terms of any lighting proposed within developments and highlights that lighting should be provided at the minimum that is appropriate for its purpose.
- 4.36 Policy ENV7 'Water Efficiency' states that all new residential development must achieve a water use of no more than 110litres per person per day.
- 4.37 Policy ENV8 'Water Quality, Supply and Treatment' requires major proposals for new development to demonstrate that there are or will be adequate water supply and wastewater treatment facilities in place to serve the whole development. All development proposals must provide a connection to the sewerage system at the nearest point of adequate capacity wherever feasible, as advised by the service provider and ensure future access to existing sewerage systems for maintenance.
- 4.38 Policy ENV9 'Sustainable Drainage' states that all development should include appropriate sustainable drainage systems.
- 4.39 Policy ENV12 'Air Quality' states that all major development proposals should promote a shift to the use of sustainable low emission transport. Proposals that might lead to significant deterioration in air quality will require the submission of an Air Quality Assessment.
- 4.40 Policy ENV13 'Conservation and Enhancement of Heritage Assets' supports proposals which preserve or enhance the borough's heritage assets. Proposals that make sensitive use of heritage assets through regeneration, particularly where these bring redundant or under-used buildings into appropriate and viable use consistent with their conservation will be encouraged.
- 4.41 Development will not be permitted where it will cause loss or substantial harm to the significance of heritage assets or their setting unless it can be demonstrated that substantial public benefits will be delivered that outweigh the harm or loss.

- 4.42 All applications with potential to affect a heritage asset or its setting should be supported by a description of the asset's historic, architectural or archaeological significance with an appropriate level of detail relating to the asset and the likely impact of the proposals on its significance.
- 4.43 Policy COM1 'Meeting the Community's Needs' states that infrastructure and facilities required to meet the needs generated by new development shall be provided as the community is established. The loss of existing community infrastructure will be resisted unless sufficient evidence has demonstrated that they are no longer required or obsolete and that suitable replacement provision will be provided or is located nearby.
- 4.44 Policy COM2 'Recreation, Sport, Play and Open Spaces' requires qualifying development proposals to deliver new facilities or enhance existing facilities to improve their quality, availability and/or accessibility.
- 4.45 Ashford Borough Council have not met their housing targets for the past 3 years and have a Housing Delivery Test measurement for 2019 of only 93%. They must therefore, prepare an Action Plan to boost supply.

#### Wye Neighbourhood Plan

- 4.46 The Wye Neighbourhood Plan (CD3) was adopted in 2016 by the Council and is part of the Development Plan for the Borough, covering the area within Wye and Hinxhill Parish.
- 4.47 While the Neighbourhood Plan is 4 years old and predates the current Framework and the Ashford Local Plan 2019, it was based on the policies of the now superseded Ashford Borough Local Plan 2000, LDF Core Strategy 2008 and Tenterden and Rural Sites DPD 2010 although prepared alongside the emerging Ashford Local Plan 2030. It is proposed to be reviewed every 5 years and following adoption of the Ashford Local Plan in February 2019.
- 4.48 The Neighbourhood Plan notes the decline in commercial activity and population arising from the closure of Wye College, latterly the Agricultural Department of Imperial College London, in 2010 which led to many job losses and lost trade to businesses and reduction in the population.
- 4.49 Policy WNP2 High Quality Design states that proposals for all forms of new development must plan positively for the achievement of high quality and inclusive built and landscaping design, at the same time demonstrating that they have sought to conserve local distinctiveness and the aesthetic qualities of traditional rural settlements.
- 4.50 Policy WNP3 Traffic Impact advises that new developments will only be permitted if they would not cause a significant increase in the volume of traffic leading to identified locations within the village.
- 4.51 Policy WNP5 'Integrated housing' states that:

*"local needs housing should mainly be met by integration within the affordable housing component of any new developments in Wye."*

- 4.52 Policy WNP6 'Mixed Development' states that "development proposals for the WYE3 site should deliver a mix of uses, including education, business, community infrastructure and some housing... Given the scale of the site in relation to the village, such development should be delivered in a phased manner in accordance with a masterplan that has been adopted as a Supplementary Planning Document by Ashford Borough Council..."
- 4.53 This allocation is further defined in detailed terms in policy WNP11 (see below) which identifies the appeal site for development under part (h) and identifies residential use across the site under part (g) as being an appropriate use for those parts of the former campus not specifically identified for other uses in the other parts of the policy.
- 4.54 The Neighbourhood Plan at Figure 4.1 defines the settlement boundary and in the case of the appeal site, allows for the boundary to be defined through the Wye College masterplan provided for in WNP6:



*Figure 4.1 The village envelope defining the built confines of Wye 2030 is marked in red. The dotted red line indicates that this section of the envelope is to be defined through the masterplan referred to in Policy WNP6.*

- 4.55 Policy WNP7 'Community support' requires developer contributions through CIL and Section 106 obligations where new housing is proposed.
- 4.56 Policy WNP8 'Countryside and environment' requires all new development to respect the qualities

of the Kent Downs AONB. Development that is harmful to these qualities will only be permitted in exceptional circumstances. The policy also sets out the landscaping details which should be provided with any application of more than five dwellings. Furthermore, proposals should address any ecological impacts.

4.57 Policy WNP9 'Scale of housing development' sets an indicative target of 150 new dwellings over the period up to 2030 across Wye, 50 of which are to be within the WYE3 area, 35 of which are to be a result of change of use, and 15 of which are to be located within windfall sites.

4.58 It should be noted that the Examiners report into the Neighbourhood Plan (CD4) concluded that the overall level of housing provided for should be read positively in the context of the Framework and was an approximate figure, having regard to the presumption in favour of development and the need to optimize the use of previously developed land.

4.59 Policy WNP10 'Density and layout' states that

*"Densities should reflect the existing pattern of housing at 20-30 dwellings per hectare. Development will be encouraged to provide links with safe walking and cycling routes to the village centre, facilitating access to schools, the surrounding countryside and station - minimising the need for car use.*

*Densities of below 20dph will be acceptable in developments on the edge of the village. The loss of existing footpaths and cycleways will be resisted. New development should be built round the idea of a walkable village with integrated adequate pathways directly connecting to the centre of the village. Major developments should be designed to provide new green amenity spaces, reflecting and extending the existing network of accessible green space running through the village."*

4.60 The Plan identifies the area of the former Imperial College Campus lying within the village in Figure 6.1 (overleaf), referencing the former WYE3 allocation of the Tenterden and Rural Sites DPD 2010.



Fig 6.1 WYE3 sites (inside the red line) within the village. Note that Withersdane lies to the east along Scotton St (see Figure 2.1b)

4.61 Policy WNP11 'The former Imperial College London Campus at Wye' allocates the appeal site for redevelopment as part of the wider campus and sets out the mix of uses proposed on the former Imperial College London landholding including education, business, community infrastructure and housing. It provides as follows:

*'As outlined in Core Policy WNP6, the former Imperial College London landholding at Wye (WYE3) is proposed for a mix of uses, including education, business, community infrastructure and housing. In this regard development proposals for this site shall, subject to viability:*

*a) Provide for the continued use of part of the site for education through the establishment of a secondary school or equivalent activity on the site.*

*Any such development should include the adoption of a travel plan to limit the use of cars to bring staff and students to and from the site prior to the commencement of any such development. Detailed design should be submitted to and agreed by the local planning authority and the highways authority for the entrance to the school and the Occupation Rd/Olantigh Rd junction in agreement with the developers of the remaining Occupation Rd site prior to the occupation of the buildings for this use.*

*b) Redevelop part of the site as a business hub (B1 Office or A2 Research and development).*

- c) *Retain and enhance the existing commercial land use along the southern side of Occupation Road for employment use (B1).*

*Renovation of the properties here would improve the appearance of the entry route into the village from the North Downs Way.*

*For (b) and (c), adequate parking provision for such commercial floorspace should be provided as part of any such redevelopment.*

- d) *Incorporate the continued use of the land south of Occupation Rd for horticultural businesses.*
- e) *Achieve the positive re-use of the Grade 1 and Grade 2 listed, and other unused Edwardian buildings of the former Wye College by a mix of community, residential and business uses*

*Such development would require provision of a new pedestrian and vehicular access route into the site.*

*Small scale B1 use, live/work units and some residential change of use would also be supported here to encourage the development of a thriving community hub in these historic buildings in the heart of the village.*

- f) *Retain the Withersdane site for institutional, residential (C2) use, subject to traffic generation being compatible with the highway constraints of Scotton Street and the upgrading of footpath links between the site and the village to ensure mobility scooter access.*
- g) *Re-develop areas of land not used by the school or business hub for approximately 50 dwellings.*
- h) *Achieve appropriate reuse of the site of the former ADAS buildings, having regard to the concept of the walkable village.*
- i) *Pay particular attention to the potential for innovation in materials and form in the design of new buildings, and should where possible embody elements such as green roofs and non-reflective materials to limit the visual impact of additional development here on the surrounding AONB. Any development should provide a connection to the nearest point of adequate capacity in the sewerage network, as advised by Southern Water.*
- j) *Ensure that all additional landscaping provided across the site is of high quality given its setting within the AONB, is comprised of species native to this area of the Kent Downs and of a design, scale and format appropriate to its setting close to the SAC. Applications should demonstrate how proposed landscaping has been designed to enhance views from the AONB.*
- k) *Where appropriate, having regard to the statutory requirements, development of WYE3 will be subject to Section 106 agreements to support traffic calming on Olantigh Rd., Scotton Street*

*and Oxenturn Rd., improvement to the village hall complex and the establishment of a day care centre for the elderly (see Appendix B)'.*

### **WYE3 Masterplan**

- 4.62 In accordance with the former Tenterden Rural Sites DPD policy WYE3 and the resulting Neighbourhood Plan policy WNP6, a Masterplan for the WYE3 site allocation was prepared by the Appellant in consultation with ABC and Wye with Hinxhill Parish Council who were each represented on the Masterplan Steering Group.
- 4.63 This was the subject of stakeholder engagement and formal consultation undertaken by Ashford Borough Council, including a number of workshops and exhibitions.
- 4.64 The appeal site was identified within the Masterplan for new residential development. Particular features to be taken into consideration for redevelopment of the site are as follows:
- Sloping site, hence opportunity to reflect character feature of houses in elevated positions;
  - Houses grouped around open space;
  - Incorporate hedgerows;
  - Scope for more prominent buildings on corners/entrance to site;
  - Scope for courtyard development.
- 4.65 The Masterplan set out details regarding potential development of the ADAS site and included the following strategy plans. The following illustrative plans were set out as part of the design strategy for the site and were included in the Masterplan document as such:



- 4.66 The Masterplan also highlights that the setting of the site within established woodland boundaries is a key characteristic and should be reflected by retention of existing trees with scope for a small number of specimen trees within the new central open space.
- 4.67 It is noted within the Masterplan reported to the Cabinet in 2018 that whilst there were Permitted Developments rights for the conversion of the existing buildings to 52 flats, the ADAS site would be redeveloped for up to 20 family houses at a low density. The proposed density would be at 8.3 dwellings per hectare. The September 2018 Cabinet Resolution on the Masterplan endorsed the approach of up to 20 units on site.
- 4.68 Subsequently this position was reviewed by the Council who concluded that there were no permitted development rights for a conversion of the existing building to dwellings, based upon the understood (albeit contested by the Appellant) use of the existing buildings as a mixed laboratory and office complex. It was suggested by ABC that the Masterplan was revised, suggesting a maximum of up to 15 dwellings, based upon a re-evaluation of the fallback position relating to the prior approval process, the scale and character of development proposed in relation to the proximity of the site to the village and recognition of the landscape protection accorded to the site.

- 4.69 A key feature in terms of redevelopment of the site would be the creation of a number of new paths to improve overall movement around the site and to improve connectivity between the ADAS site and Wye Village.
- 4.70 Whilst the October 2019 Council's resolution endorsed the masterplan's identification of the Appeal site for residential redevelopment, it sought to reduce the scale of the allocation on the Appeal site to a maximum of 15 houses, as identified above and a number of minor changes identified in the then appendices attached to the Cabinet Report.

### **National Planning Policy Framework**

- 4.71 The updated National Planning Policy Framework (NPPF) was adopted in February 2019, setting out the Government's planning policies for England and how these are to be applied by Local Authorities.
- 4.72 Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.
- 4.73 The National Planning Policy Framework must be taken into account in preparing the development plan and is a material consideration in planning decisions.
- 4.74 Paragraph 7 advises that the purpose of the planning system is to contribute to the achievement of sustainable development. The NPPF sets out the economic, environmental and social planning objectives for England. Taken together, these policies articulate the Government's vision of sustainable development.
- 4.75 Paragraph 10 and 11 make clear that sustainable development should be pursued in a positive way and hence, at the heart of the Framework is a presumption in favour of sustainable development. Paragraph 11 requires Local Plans and decisions should apply a presumption in favour of sustainable development.
- 4.76 For plan-making this means that:
- a) plans should positively seek opportunities to meet the development needs of their area, and be sufficiently flexible to adapt to rapid change;
  - b) strategic policies should, as a minimum, provide for objectively assessed needs for housing.
  - c) For decisions, 11 c) requires approving development proposals that accord with an up-to-date development plan without delay. Part 11 d) additionally requires that where policies which are most important for determining the application are out of date, permission should be granted unless the policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed or any adverse impacts of doing

so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

- 4.77 Paragraph 59 requires a sufficient amount and variety of land to come forward where it is needed to significantly boost the supply of homes. Paragraph 60 requires that strategic policies are informed by a local housing need assessment.
- 4.78 Chapter 15 of the NPPF relates to the conservation and enhancement of the natural environment including international, national and locally designated sites. Paragraph 175 advises that when determining planning applications, if significant harm to bio diversity resulting from development cannot be avoided, adequately mitigated or compensated for then planning permission should be refused.
- 4.79 Paragraph 177 advises that the presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans/projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.
- 4.80 Chapter 16 of the NPPF refers to conserving and enhancing the historic environment. Paragraph 189 highlights that local planning authorities should require applicants to describe the significance of any affected heritage assets, including any contribution made by their setting. Where a proposal site includes heritage assets with archaeological interest, local planning authorities should require developments to submit an appropriate desk-based assessment and where necessary a field evaluation.

### **Superseded Planning Policy**

- 4.81 While superseded policy is no longer material, it set the scene for current policy and is therefore, set out for information purposes. When discussions commenced regarding the redevelopment of this site, the Development Plan included the Ashford Borough Local Plan 2000 and Local Development Framework Core Strategy 2008. The Tenterden and Rural Sites DPD set out relevant policies and site allocations.
- 4.82 These documents have since been replaced by the Ashford Local Plan 2030 however given their relevance at the time of initial pre application discussions and as documents on which the Wye Neighbourhood Plan was based, their key policies are listed below for ease of reference.

#### Ashford Borough Local Plan (June 2000)

EN10 – Development on the edge of existing settlements  
EN12 - Private areas of open space  
HG3 – Design in villages  
HG5 – Sites not on the Proposals Map  
LE5 - Equipped public open space  
LE6 – Off-site provision of public open space  
LE7 - Play facilities  
LE8 – Leisure facilities

LE9 – Maintenance of open spaces  
CF21 – School requirements for new housing development

Local Development Framework Core Strategy 2008

CS1 – Guiding Principles  
CS2 – The Borough Wide Strategy CS6 –The Rural Settlement Hierarchy  
CS8 – Infrastructure Contributions  
CS9 – Design Quality  
CS10 – Sustainable Design & Construction  
CS11 – Biodiversity and Geological Conservation  
CS12 – Affordable Housing  
CS13 – Range of Dwelling Types and Sizes  
CS15 – Transport  
CS18 – Meeting the Community’s Needs  
CS18a – Strategic Recreational Open Spaces  
CS19 – Development and Flood Risk  
CS20 – Sustainable Drainage  
CS21 – Water Supply & Treatment

Tenterden and Rural Sites DPD

TRS1 – Minor residential development or infilling  
TRS2 – New residential Development elsewhere  
TR7 – Retention of existing employment sites and premises  
WYE3 – Imperial College Wye (Which identified the site allocation)  
TRS17 – Landscape character & design  
TRS18 – Important Rural Features  
TRS19 – Infrastructure provision to serve the needs of new developments

**Policy History**

4.83 The Appeal site, together with surrounding land within Wye (including the Occupation Road site to the south and listed buildings site to the southwest) was identified as site WYE3 in the Tenterden and Rural Sites DPD (2010), as shown in green on the following extract:



4.84 Given the economic climate and market conditions at the time (2010) a firm policy setting out the proposed uses was not considered suitable. Instead, it was considered that the issue of the use of the Wye College site should be reviewed and assessed to inform the first review of the Core Strategy, before the end of 2014, establishing what viable uses there were proposed for the site.

4.85 Policy WYE 3, within the TRSDPD, thus read as follows:

*The long term future of the buildings, facilities and land at Imperial College campus in Wye (as shown on the Proposals Map as WYE3) shall be the subject of an active and comprehensive marketing campaign for educational and related research and business uses for a minimum continuous period of 6 months with the aim of securing a future for such uses on all or part of the campus.*

*If the marketing campaign demonstrates that such uses are not possible on all or part of the WYE3 area, then a masterplanning exercise encompassing all of the WYE3 area shall be undertaken in order to establish the nature, scale, location and mix of any alternative uses to deliver a high quality, mixed use development. This exercise should inform the first review of the Core Strategy to be adopted prior to the end of 2014 or, alternatively, a formal review of this policy or the adoption of a SPD based on the agreed masterplan.'*

*In the meantime, the main educational uses of the campus shall be retained and any development functionally related to the continuation of those uses or the associated*

*agricultural, horticultural or employment uses taking place on the land either side of Occupation Road will be acceptable in principle subject to :-*

*a) the scale, design and use being compatible with the character of the area and not being visually intrusive within the AONB; and,*

*b) the development not generating an unacceptable level, or type of traffic.*

*Development proposals that would prejudice the potential future use of the campus for educational uses and related research and business uses prior to a full and comprehensive marketing exercise for such uses will not be acceptable.*

4.86 Paragraph 3 of the 13 September 2018 Cabinet Report into the adoption of the draft WYE3 Masterplan confirms that the requisite marketing campaign for educational and related research and business uses was undertaken on behalf of Imperial College (then owners) and overseen by a steering group involving the Borough and Parish Council. Paragraph 4 of the Cabinet Report confirms that:

*'...it was agreed that the marketing campaign had adequately demonstrated that a viable educational or related use for the site was not going to emerge and so the need for a masterplanning exercise for the site should be undertaken'*

4.87 The Core Strategy first review, which was originally due by the end of 2014, was delayed and ultimately overtaken by the drafting of the Local Plan 2015-2030.

4.88 Instead, the Wye Neighbourhood Plan was prepared and adopted in 2016 and took forward the allocation in WYE3. The Wye Neighbourhood Plan was made in 2016 and includes a dedicated section on the WYE3 site, including policy WNP11 as set out above. As such, the Wye Neighbourhood Plan contains the policies of relevance to the specific sites and supersedes the Tenterden and Rural Sites DPD

4.89 The Ashford Borough Council Local Plan 2015-2030 was adopted in February 2019 but does not cover the allocation of specific development sites in Wye, confirming at Paragraph 1.9 that where Neighbourhood Plan Areas have been established early on in the preparation of this Local Plan, proposals to allocate sites within these areas fell to the Neighbourhood Plan.

4.90 Following adoption of the WNP in 2016, the Masterplan process commenced including workshops and public exhibitions.

4.91 Formal consultation by ABC on the draft Masterplan ran between March and May 2018. The Masterplan was then presented to Cabinet on 13 September 2018 who resolved to adopt the document as informal guidance for development management purposes, subject to matters

referring to the Occupation Road site and any other minor amendments considered necessary by the Head of Planning and Development.

4.92 Following this resolution and the provision of additional required information, the draft Masterplan was again discussed by Cabinet on 10 October 2019. The Council further resolved to adopt the Masterplan for the WNP11 area as informal guidance for development management purposes, subject to the following:

- I. Change the wording and any associated diagrams or maps to reflect that residential redevelopment of the former ADAS site should not exceed the existing footprint of previously developed land and be up to a maximum of 15 residential units; the amendments to be to the satisfaction of the Head of Planning and Development, in consultation with the Portfolio Holder for Planning & Development.*
- II. Change wording to the appropriate Planning and Design Principles section to include further general principles sections on grey water recycling measures in accordance with paragraph 63 of the September 2018 Cabinet report; the amendments to be to the satisfaction of the Head of Planning and Development, in consultation with the Portfolio Holder for Planning & Development.*
- III. The inclusion of those amendments to the draft masterplan listed in the attached schedule of proposed changes, appended to this report; and,*
- IV. Any other consequential minor amendments considered necessary by the Head of Planning and Development in consultation with the Portfolio Holder for Planning & Development.*

4.93 Subsequent to this resolution, Wye and Hinxhill Parish Council wrote to the Council giving notice of their intention to seek judicial review (CD12j) of the Masterplan if this was adopted. The Council's response to this letter is included at CD12k. Subsequent correspondence occurred regarding the Masterplan between ABC and the previous planning consultants Hobbs Parker (CD24a).

4.94 At the time of preparation of this SoCG, the Council has no plans to take the Masterplan forward.

## **5. Matters Agreed in Respect of the Planning Application**

- 5.1 The following matters specifically in respect of the appeal proposals are agreed between the parties:
- 5.2 The principle of the residential development of that part the site shown in the Appeal is acceptable subject to complying with the relevant policies within the Development Plan.
- 5.3 The appeal site forms part of the housing trajectory and the 5 year housing land supply calculation (identified as providing 50 units) which are assumed within the 5 year supply).
- 5.4 The site is accessible and within walking distance of Wye Village.
- 5.5 There are no outstanding objections from statutory consultees, other than the Natural England notification to the Council regarding issues relating to the Stodmarsh designated sites that cannot be addressed via an appropriate condition
- 5.6 Whilst the Masterplan for WYE3 will not be taken forward by the Council, this proposal is not considered to be premature.
- 5.7 Comments received from the KCC Ecological Team expressed concern regarding access to the ecology mitigation areas, but following the submission of additional information the County Ecologist confirms that these matters could be addressed by means of appropriately worded conditions.
- 5.8 Whilst no objections were raised against the principle of residential development at the site on the basis that this is a previously developed site, the initial Kent Downs AONB Unit feedback expressed disappointment about the lack of affordable housing in an area where it is needed, and raised queries about the partial location of the 2 easternmost properties within the 'donkey field'.
- 5.9 An addendum to the LVIA was requested and subsequently the response from the AONB Unit welcomed the provision of CGI's and acknowledged that the 2 largest units that encroached into the Donkey Field would not be particularly visible, but recognised that there would be an overall increase in built development visible in the view than currently exists. They welcomed the commitment to provide additional tree planting along the eastern boundary to further limit any views.
- 5.10 The biodiversity planting plan was provided to the AONB Unit following receipt of their 15th April comments, which included mitigation of additional planting along the eastern boundary. A response received from the AONB unit on the same day confirmed that the planting as proposed in the Ecology Mitigation Plan was 'ideal' and therefore removed their objection.

- 5.11 Kent County Council (KCC) Highways and Transportation were consulted on the proposals and provided comments on 30 March 2020. Whilst supportive of the scheme, the feedback did request further clarification on a few points. The first of these related to visitor parking and requested that the 4 spaces are spread across the site, rather than being all located in a single location at the southern side. A plan showing the extent of highway to be adopted was also requested.
- 5.12 Also requested were the details of the highways improvements as submitted in support of the Occupation Road scheme to the south. Whilst KCC confirmed that these were all acceptable, they requested that they be included with the Appeal scheme for completeness.
- 5.13 A comprehensive response was provided by Transport Planning Practice (TPP) on 8 April 2020 to address the requests from KCC.
- 5.14 The response included plan 30827/AC/086 which showed 2 relocated visitor parking bays as requested. Whilst the majority of the highway is to be private, plan 30827/AC/085 identifies a small area at the site entrance which would be adopted.
- 5.15 Details of the traffic count and speed surveys are also included in the submission, as well as the proposed highways improvements.
- 5.16 Further to submission of this additional information, a subsequent response dated 27 April 2020 was received from KCC Highways and Transportation confirming that all outstanding queries had been answered satisfactorily.
- 5.17 On the basis that this is a previously developed site, it is agreed that the Vacant Buildings Credit (VBC) is a factor in the assessment of the provision of affordable housing. The existing buildings have a floorspace of 3,961sq m's gross floor area, whilst the proposed houses and garages have a floor area of 3,432sqm. This includes all buildings on the site, which all have foundations and a level of structural integrity to justify the use of their floorspace within the VBC scheme. Therefore applying the VBC, it is agreed that no affordable housing needs to be provided.
- 5.18 A single footpath link is proposed running in an east-west direction to the southern end of the site, as identified on the proposed site layout and landscaping plans. An amended page 36 of the Design and Access Statement, which serves as an addendum to the main document, was submitted to ABC on 30 October 2020 to ensure that all 3 documents are now in line.
- 5.19 It is agreed that the route of this footpath link, as shown on the above three plans, is indicative and the exact route will be secured by condition as part of the general landscaping conditions.
- 5.20 Previous concerns relating to potential impact on trees along the western boundary of the site, as set out at deemed reason for refusal 2 in the September 16<sup>th</sup> committee report, have now been addressed to the satisfaction of the Council, following the submission of amended plans (CD21c, d, e, o, s, t, u and v), who have confirmed that this reason for refusal will not now be progressed.

5.21 Minor amendments were undertaken to the application plans, comprising the minor relocation of 3 houses and 4 garages (within their plots), moving them outside of root protection zones. These updated plans were provided to ABC, along with an addendum to the Statement of Common Ground, detailing the changes and that these were agreed between the principle parties. This addendum was signed by both parties and submitted to the Planning Inspectorate on 7<sup>th</sup> December 2020.

#### Housing Land Supply

5.22 Paragraph 59 of the Framework underlines the Government's objective of significantly boosting the supply of homes and emphasises the importance of ensuring that a sufficient amount and variety of land can come forward where it is needed and that land for housing is brought forward without unnecessary delay.

5.23 There are two measures of housing supply which the Council are required to meet, the 5 year housing land supply (HLS) and the Housing Delivery Test (HDT).

5.24 Councils are required to maintain a 5 year housing land supply of specific deliverable sites sufficient to provide for 5 years' worth of housing (and an appropriate buffer) against the requirement set out in the Local Plan (or against a local housing need figure where the Plan is not up to date, calculated using the standard method) in accordance with paragraph 73 of the Framework.

5.25 The housing land supply position published by the Council is set out in the Five Year Housing Land Supply Update July 2020 (CD2a) published on the 27 November 2020.

5.26 The Local Plan provides for an OAN requirement equal to 888 net additional dwellings a year over the life of the plan. It also acknowledges that there was a shortfall in the supply of housing in the first part of the Plan period prior to adoption in 2019. For the purposes of calculating 5 year housing land supply, it provides that the shortfall in delivery between 2011 and 2018 is to be rectified over the 7 year period 2018-2025.

5.27 Since then there has been a further shortfall in 2019 and 2020. The cumulative shortfall is now 2612 dwellings, producing an annual shortfall requirement of 522 dwellings, for the 5 year period 2020-25. The 5 year requirement, including the required 5% buffer under the HDT (see below), is therefore, 7405 dwellings.

5.28 Against this, the CD2a shows a potential deliverable supply of 7110 dwellings in the same period 2020-25. This includes large and small sites with detailed planning permission; those under construction (but not complete); those allocated in the development plan (Local Plan and Neighbourhood Plans) with outline planning permission and those where no planning permission exists; and a future windfall allowance.

- 5.29 This supply includes an assumed supply from each of the sites in appeals A, B and C of 50 units which the Council assume will be delivered within this 5 year period.
- 5.30 This equates to a shortfall over the 5 year period of 295 dwellings, a position equal to 4.8 years supply as at a 31 July 2020 base date.
- 5.31 It is agreed that the housing land supply position is now below the 5 year minimum required by paragraph 73 of the NPPF and that under the terms of paragraph 11 d) of the NPPF, applies for this reason. Therefore planning permission should be granted unless i) the application of policies in the Framework that protect assets or areas of particular importance provide a clear reason for refusing development or ii) any adverse effects would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework as a whole.
- 5.32 The requirement shown in CD2a is summarised in Table 1 of the AMR:

**Table 1 Five Year Housing Requirement 2020 - 2025**

Annual housing requirement	888pa (2011-2030)
2011-2019 shortfall	2470
2019-20 shortfall (888-746)	142
Total shortfall	2612
Annual shortfall requirement (2020-2025) (2612/5)	522
Five year requirement (888+522) × 5	7052
<b>Five year requirement with 5% buffer</b> (5% buffer of 353)	<b>7405</b>

- 5.33 And the available supply in Table 2, with the resulting calculation in Table 3:

**Table 2 Breakdown of sites contributing to Land Supply**

Category	2020-2025 Dwellings	See Appendix
Allocated sites with full permission	2815	Table A3 Allocated/previously allocated sites with full planning permission
Major windfall sites under construction	270	Table A6 Major windfall sites with full planning permission
Major windfall sites with full permission - not started	68	Table A6 Major windfall sites with full planning permission
Minor windfall sites under construction	145	Table A8 Minor windfall permissions
Minor windfall sites not started	537	Table A8 Minor windfall permissions
<b>Subtotal deliverable NPPF definition part a)</b>	<b>3835</b>	
Major allocations NS with OL PP	648	Table A4 Allocated/previously allocated sites with outline permission only or no planning permission
Local Plan/NP allocation (no PP)	2272	Table A4 Allocated/previously allocated sites with outline permission only or no planning

Category	2020-2025 Dwellings	See Appendix
		permission
<b>Subtotal deliverable NPPF definition part b)</b>	<b>2920</b>	
Draft allocations (Neighbourhood Plans)	5	Table A5
Future expected windfalls (without planning permission)	350	Table A7
<b>Subtotal other deliverable site</b>	<b>355</b>	
<b>TOTAL DELIVERABLE SUPPLY</b>	<b>7110</b>	

**Table 3 Housing Land Supply Calculation**

Five year requirement (inc 5% buffer)	7405
Deliverable five year housing land supply	7110
<b>Housing land Supply (7110 / 1481)</b>	<b>4.80 years</b>

5.34 Within this supply of 4.8 years, or 7110 dwellings, there are 5 dwellings in draft neighbourhood plan allocations, 350 dwellings in assumed future windfalls and 2272 in allocations where there is currently no detailed planning permission in place. This equates to 2,627 dwellings.

### Housing Delivery Test

5.35 The Housing Delivery Test was introduced in 2018 in order to focus increasingly on delivery of new homes. The HDT 2019 (released in Feb 2020) reported a delivery in Ashford of only 88%, but this was corrected to 93% by MHCLG shortly afterwards and will remain until the 2020 figures are released. Although due in November, the results have been released in February for the last 2 years.

Number of homes required			Total number of homes required	Number of homes delivered			Total number of homes delivered	Housing Delivery Test: 2019 measurement	Housing Delivery Test: 2019 consequence
2016-17	2017-18	2018-19		2016-17	2017-18	2018-19			
688	753	888	2329	701	591	881	2173	93%	Action Plan

5.36 The result of this shortfall of 156 dwellings over the last 3 years is equal to a 7% under-delivery. This falls within the range which requires an action plan to be prepared by the Council in order to address the reasons for under delivery and boost supply.

5.37 An Action Plan has been prepared to consider the steps needed to boost supply (CD2b).

5.38 In CD2b it is identified that delivery in 2019/20 was below the required trajectory, with delivery of 746 homes, or 142 dwellings below the annual target of 888. It may be anticipated that based on this the MHCLG HDT calculations when published in February 2021 will show delivery at around 88% of the required trajectory over the last 3 years. This is illustrated below:

Year	Number of homes required	Number of homes delivered	HDT Measurement	HDT Action
2017-18	753	577		
2018-19	888	880		
2019-20	888	746		
	2529	2203	87%	Action Plan

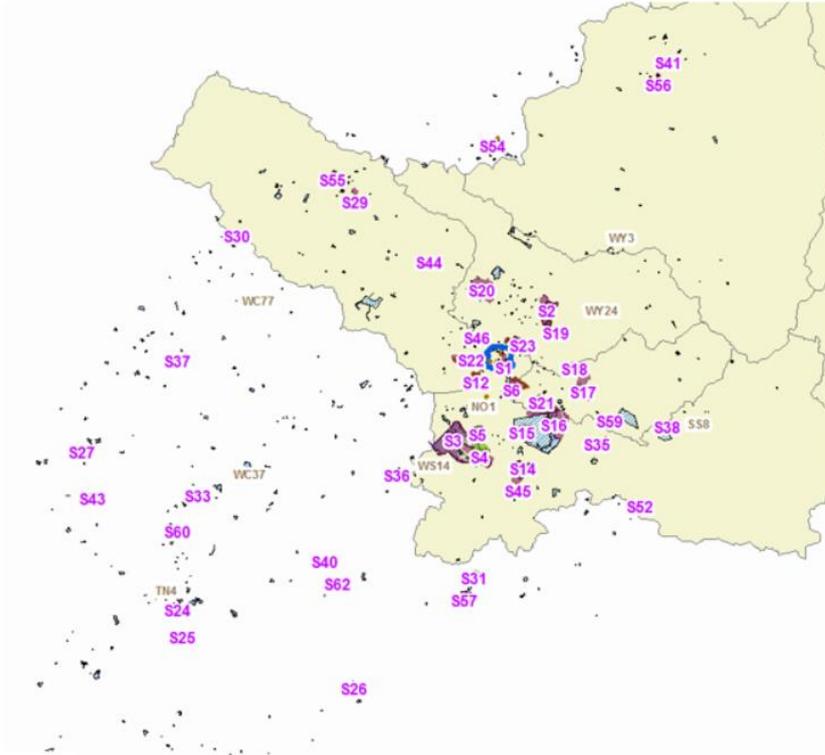
### Stodmarsh

5.39 In November 2020 Natural England amended their guidance on the Nutrient Neutrality Methodology (NNM) related to the Stodmarsh Catchment.

- 5.40 The table below reproduces part of Table 4 of the ABC July 2020 HLS Update (CD2a) omitting the deliverability commentary and adding green shading to those sites that are shown on the subsequent figure as lying within the Stodmarsh catchment. Column 4 is added which simply totals the number of dwellings assumed from these sites for factual comparison. This table replaces that provided in Appendix 1 of Steve Fidgett ,which is no longer lied upon by the appellant.
- 5.41 At the current time the Council have indicated that they cannot provide any further evidence on the impact of this on housing land supply.
- 5.42 The Appellant considers that there will be an adverse impact on supply.
- 5.43 It is agreed however, between the principal parties that the Inspector can draw his own conclusions as to the implications this may have on supply.
- 5.44 Whatever the effect of the Stodmarsh issue, it is agreed between the parties that the Inspector does not need to consider further the scale of the HLS deficiency, since it is already agreed that paragraph 11 d) applies.

1	2	3	4
Site Ref	Address	ABC Assumed Deliverable Supply	Within Stodmarsh
<b>Sites with OL PP</b>			
VC14	Elwick Road Phase 2	200	200
S16	Waterbrook	150	150
S28		20	20
S29		40	40
S33		28	
S55		180	180
S60		30	
	Chilmington	0	
<b>Total O/L PP</b>		<b>648</b>	<b>590</b>
<b>Sites without PP</b>			
S1		244	244
S2		288	288
S3		130	130
S4		150	150

S5		100	100
S6		364	364
S8		40	40
S9		0	0
S10		0	0
S11		0	0
S13		50	50
S15		0	0
S19		100	100
S20		130	130
S24		150	
S26		12	
S30		15	15
S31		113	
S32		10	
S38		35	35
S40		10	
S45		100	100
S46		50	50
S51		6	6
S52		11	11
S54		19	
S56		10	10
S57		50	
S59		0	0
S62		30	
<b>WNP11</b>		<b>50</b>	<b>50</b>
RNP2		0	
RNP3		5	
<b>Total No PP</b>		<b>2272</b>	<b>1509</b>
<b>Combined Total</b>		<b>2920</b>	<b>2099</b>



Extract from GIS version of Local Plan Proposals Map showing Stour/Stodmarsh Catchment, ALP Site Allocations (pink numbers) NP Allocations (brown) and Applications Awaiting Decision (black and shaded)

## 6. Matters Not Agreed in Respect of the Planning Application

6.1 The issues remaining between ABC and the Appellant relate to the following issues:

- The number of units, the layout, scale and design of the scheme would not conserve or enhance the character or visual amenities of the surrounding area
- In the absence of a s106 Obligation the required infrastructure contributions have not been secured.
- The issue of the impacts of the scheme upon the Stodmarsh Designated site.

6.2 This report is appended to this Statement at CD24b.

6.3 The first bullet point is essentially a design issue relating to the detailed appearance of the scheme within the site arising from its layout, scale and design.

6.4 A draft s106 agreement is under discussion setting out the heads of terms requested by KCC in their letter of 17 October 2019 and the Committee Report of September 2020. The draft document is subject to ongoing discussion with the Council through the appeal process, ensuring a final agreed draft will be provided in advance of the Public Inquiry.

6.5 This s106 agreement will therefore satisfy and remove bullet point 2 as a matter not in contention.

6.6 The matter of the proposed package treatment plant remains an issue for the Inspector as the competent authority.



*L Westphal*

Signed on behalf of Appellant	Signed on behalf of Local Planning Authority
Date 25-01-2021	Date 25.1.21
Position Director	Position Senior Planning officer