



## STATEMENT OF COMMON GROUND

APPEAL REFERENCE                      APP/E2205/W20/3259462

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

### SITE ADDRESS

The site is located at:

Appeal B  
Land North of Occupation Road  
Wye  
Kent

### DESCRIPTION OF THE DEVELOPMENT

The description of development is as follows:

Residential development of 40 dwellings, with associated access road, car park and open space.

### APPELLANT

Telereal Trillium

### LOCAL PLANNING AUTHORITY

The local planning authority is Ashford Borough Council

0.1      This statement addresses the following areas of common ground:

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

0.2      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) submitted 13 September 2019 and 18 February 2020. CD17;
- Design & Access Statement (ON Architecture/BDB Architects) submitted 13 September 2019 CD18c;
- Tree Survey Plan (Lloyd Bore) submitted 13 September 2019. CD18a(2);
- Phase 1 Environmental and Preliminary Risk Assessment (Ramboll) submitted 9 March 2020. CD18b;
- Landscape Masterplan (Lloyd Bore) submitted 13 September 2019. CD18k;
- Tree Protection Plan (Lloyd Bore) submitted 13 September 2019. CD18a(5);
- Bat Survey Report (Green Link Ecology Ltd) submitted 13 September 2019. CD18h;
- Arboricultural Report (Lloyd Bore) submitted 13 September 2019. CD18a;
- Arboricultural Impact Assessment (Lloyd Bore) submitted 13 September 2019. CD18a(1);
- Landscape and Visual Appraisal (Lloyd Bore) submitted 13 September 2019. CD22h;
- Foul and Surface Water Management Strategy (RMB) submitted 13 September 2019. CD18e;
- Transport Assessment (TPP) submitted 13 September 2019. CD18i;
- Highways Update (TPP) submitted 18 February 2020. CD18i(1);
- Planning Statement (Hobbs Parker) submitted 13 September 2019. CD18m;
- Bat Emergence Survey (KB Ecology) submitted 13 September 2019. CD18g;
- Preliminary Ecological Assessment and Reptile Survey (KB Ecology) submitted 13 September 2019. CD18f;
- Reptile Survey and Mitigation Strategy (KB Ecology) submitted 18 February 2020. CD18g(1);
- Infiltration Basin Section Plans (RMB) submitted 18 February 2019. CD17x;
- Schedule of Accommodation Rev F. CD17a;
- Vacant Building Credit (Hobbs Parker) dated 11 February 2020. CD18p;
- Occupation Road Nutrient Neutrality Report (November 2020). CD20b;
- Occupation Road Phosphate and Nitrate Loading (October 2020). CD20c;
- Nutrient Neutrality – Letter to Natural England 08-01-21. CD25f.

0.3 This Statement of Common Ground (SoCG) sets out a description of the development.

# 1. Description of the Site and Surrounding Area

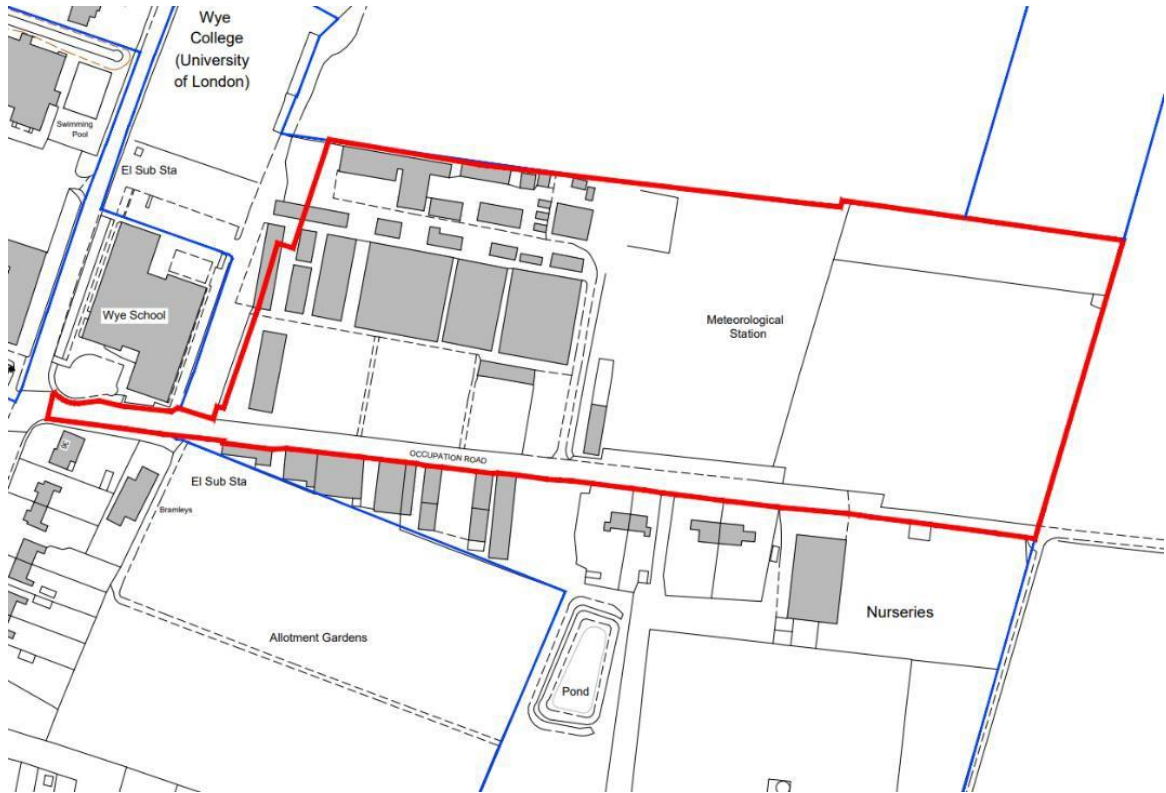
- 1.1 Wye is a large village located centrally within the Parish of Wye with Hinxhill. The total population of the parish is estimated as 2,560 with approximately 1150 households. The majority of the population live in the village which is situated within the North Kent Downs Area of Outstanding Natural 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 rail station serve London Charing Cross and Victoria, Canterbury and Maidstone, as well as other locations.
- 1.2 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 therefore a sustainable location for development.



Source: Google Maps

- 1.3 The application site is located on the north side of Occupation Road in Wye and lies within the jurisdictions of Ashford Borough Council and Kent County Council. It covers an area of 2.02 hectares and is shown edged red on the figure below, with land also in the appellant's ownership in blue:





Source: BDB Architects (2019)



Source: Google Maps

- 1.4 The site is located adjacent to Wye School, formerly the Kempe building and was all formerly part of Wye College. It comprises a largely level, gently sloping site with a mix of buildings comprising glasshouses and former teaching classrooms and research spaces in the west, a former meteorological station within an otherwise undeveloped field and a wholly undeveloped field in the east (known as Strawberry Field). Following the closure of Wye College, the site was occupied by Wye Bugs, a research facility for entomology. They have since moved to adjacent buildings south of Occupation Road and the buildings on the appeal site are currently vacant.

- 1.5 The buildings were used for horticultural activity, teaching labs and research by the college. This area of the site is therefore considered to comprise previously developed land.



Source: Google Maps

- 1.6 The North Downs Way long distance footpath (AE110) crosses Olantigh Road to the west before running along Occupation Road, in the form of a public bridleway (AE109) alongside the site and eastward across the fields and up onto Wye Downs.
- 1.7 There are no listed buildings within or adjoining the site. Wye Conservation Area is located roughly 140m to the south and west.
- 1.8 The site falls within the wider allocation known as WYE3 which forms the former Imperial College London Campus and was allocated for redevelopment in the former Tenterden and Rural Sites DPD (2010) and is now allocated as a development site in WNP6 and WNP11 in the Wye Neighbourhood Plan (2016).

## **2. Proposed Development**

- 2.1 The proposed development involves removal of the existing buildings, including research and glasshouses, foundations, heating systems and infrastructure/piping on site and the construction of 40 new dwelling houses and associated access. The scheme includes areas of open space, a visitor car park adjacent to Occupation Road, internal roads, landscaping and sustainable drainage systems.
- 2.2 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 2 bedroom terraced houses
  - 23 x 3 bedroom houses (8 terraced, 10 semi-detached, 5 detached)
  - 8 x 4 bedroom detached houses
  - 5 x 5 bedroom detached houses
- 2.3 The density varies throughout the development, with a reduction from west to east with higher density housing to the west.

### **3. Designations**

- 3.1 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 extends from Folkstone in the east to Chatham in the west.

## **4. Planning History**

- 4.1 There is no known planning history for the site apart from that highlighted below. The site was formerly used by Wye College for education and research purposes and was subsequently occupied by Wye Bugs for commercial use. Wye Bugs have subsequently relocated to buildings on the south side of Occupation Road.
- 4.2 An EIA screening request 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/artisans 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. A planning application was never submitted for this proposal however.
- 4.3 A further EIA screening request was also submitted in respect of the current appeal proposals under reference 19/00001/EIA/AS which determined that the development did not require an EIA or corresponding Environmental Statement to accompany the planning application.
- 4.4 The current application (19/01327/AS), subject of this appeal, was lodged on 13 September 2019 and had a target determination date of 19 December 2019.
- 4.5 The appeal for non-determination was submitted on 27<sup>th</sup> March 2020.



## 5. Development Plan

5.1 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).

5.2 This is supplemented by the following guidance and Supplementary Planning Documents that are not formally 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.

5.3 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.

### National Planning Policy Framework

5.4 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.

5.5 Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

5.6 The National Planning Policy Framework must be taken into account in preparing the development plan and is a material consideration in planning decisions.

5.7 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.

5.8 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. 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.

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 that 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.

- 5.9 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.
- 5.10 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 biodiversity resulting from development cannot be avoided, adequately mitigated or compensated for then planning permission should be refused.

#### Ashford Local Plan 2030 (February 2019)

- 5.11 The Ashford Local Plan 2030 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.
- 5.12 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. The Wye Neighbourhood Plan therefore, predated the Local Plan and was prepared in the context of the preceding Ashford Borough Local Plan 2000 and Local Development Framework Core Strategy 2008 and Tenterden and Rural Sites DPD.
- 5.13 Where Neighbourhood Plan Areas had been established early on in the preparation of this Local Plan, proposals to allocate sites within these areas fall to the neighbourhood plan, where they are non-strategic in nature. These figures are included within the Housing Trajectory.
- 5.14 Policy SP1 'Strategic Objectives' highlights the objectives which are identified 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. It notes that the Council will seek to conserve and enhance designated and non-designated heritage assets in a way that promotes distinctive places, proportionate to their significance. A mix of housing types and sizes should be provided to meet the changing housing needs of the local population.

- 5.15 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

- 5.16 Policy SP2 'The Strategic Approach to Housing Delivery' sets out the Council's housing target of 13,118 new dwellings within the borough between 2018 and 2030, thus an annualized total of 1,093 dwellings.
- 5.17 The Local Plan is supported by a housing trajectory which sets out the components of supply including windfall sites and those identified in neighbourhood plans. 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.
- 5.18 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.
- 5.19 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.

5.20 Policy HOU3a 'Residential Windfall Development Within Settlements' states that residential development of a scale that can be satisfactorily integrated into the existing settlement will be acceptable within the built-up confines of Wye, amongst other settlements. The following conditions must be met:

- a) It is of a layout, design and appearance that is appropriate to and is compatible with the character and density of the surrounding area;
- b) It would not create a significant adverse impact on the amenity of existing residents;
- c) It would not result in significant harm to or the loss of, public or private land that contributes positively to the local character of the area (including residential gardens);
- d) It would not result in significant harm to the landscape, heritage assets or biodiversity interests;
- e) It 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;
- f) It does not need substantial infrastructure or other facilities to support it, or otherwise proposes measures to improve or upgrade such infrastructure;
- g) It is capable of having safe lighting and pedestrian access provided without a significant impact on neighbours or on the integrity of the street scene; and,
- h) It would not displace an active use such as employment, leisure or community facility, unless meeting the requirements of other policies in this Plan.

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.

5.21 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.

5.22 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;
- 5.23 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.
- 5.24 Policy HOU12 'Residential Space Standards' requires all new residential development, including dwellings created through conversion, to comply with the Nationally Described Space Standards.
- 5.25 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.
- 5.26 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.
- 5.27 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.
- 5.28 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
- 5.29 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.

- 5.30 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.
- 5.31 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.
- 5.32 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.
- 5.33 Policy TRA8 'Travel Plans, Assessments and Statements' requires planning applications to be supported by a Transport Assessment/Statement.
- 5.34 Policy ENV1 'Biodiversity' supports proposals that conserve or enhance biodiversity. Proposals for new development should identify and seek opportunities to incorporate and enhance biodiversity.
- 5.35 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.
- 5.36 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.
- 5.37 Policy ENV7 'Water Efficiency' states that all new residential development must achieve a water use of no more than 110litres per person per day.
- 5.38 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.
- 5.39 Policy ENV9 'Sustainable Drainage' states that all development should include appropriate sustainable drainage systems.
- 5.40 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.

- 5.41 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.
- 5.42 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.
- 5.43 Ashford Borough Council have not met their housing targets for the past 2 years and have a Housing Delivery Test measurement for 2019 of only 88%. They must therefore, prepare an Action Plan to boost supply.

#### Wye Neighbourhood Plan

- 5.44 The Wye Neighbourhood Plan (CD3) was adopted in 2016 by Ashford Borough Council and is part of the Development Plan for Ashford Borough, covering the area within Wye and Hinxhill Parish. While this is 4 years old and predates the Framework and the Ashford Local Plan 2019, it was based on the policies of the policies of the now superseded Ashford Borough Local Plan 2000, LDF Core Strategy 2008 and Tenterden and Rural Sites DPD 2010.
- 5.45 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.
- 5.46 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.
- 5.47 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."*

- 5.48 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..."*



- 5.49 Policy WNP7 'Community support' requires developer contributions through CIL and Section 106 obligations where new housing is proposed.
- 5.50 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.
- 5.51 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.
- 5.52 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."*

- 5.53 The Plan identifies the area of the former Imperial College Campus lying within the village in Figure 6.1, 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)

- 5.54 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)'.*

## **Superseded Planning Policy**

- 5.55 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.
- 5.56 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

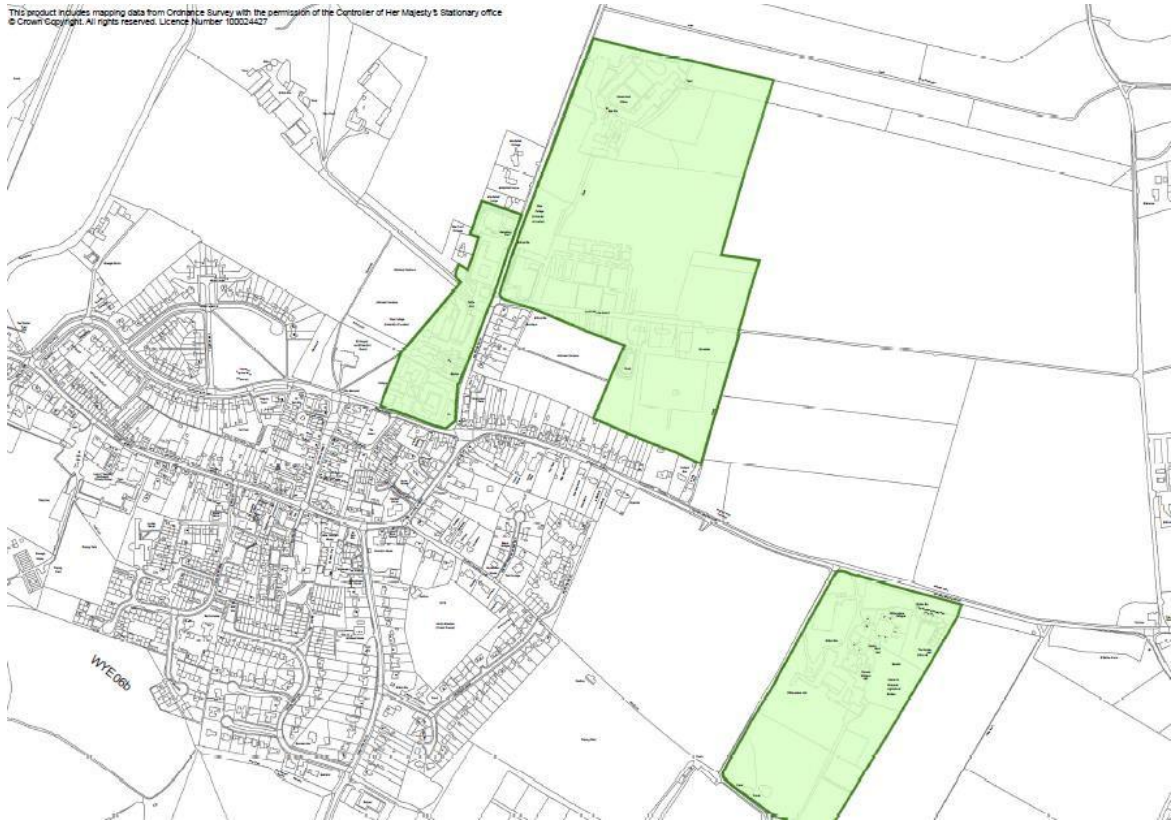
TRS19 – Infrastructure provision to serve the needs of new developments

### **WYE3 Masterplan**

- 5.57 In accordance with the TRS 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.
- 5.58 This was the subject of stakeholder engagement and formal consultation undertaken by Ashford Borough Council, including a number of workshops and exhibitions. The key stages in preparation of the Masterplan are set out in paragraph 5.66 below.
- 5.59 The appeal site was identified within the Masterplan for new residential development with a key set of guidelines as follows:
- New residential development density should reduce from west to east, reflecting the move towards the edge of Wye
  - Improved landscape corridor to be provided along Occupation Road/North Downs Way
  - No built development on furthestmost field (known locally as the Strawberry Field) but possible scope for AONB related uses including car parking and a camping barn.
  - Desirable to incorporate strategic landscaping on a north south axis to reduce visual impact of new built development from the North Downs Way to the east
  - Development should incorporate sustainable drainage measures (SUDS)
  - Affordable housing to be located on the western most part of the land north of Occupation Road (in the most accessible location and also at the highest density)
  - Improved pedestrian routes by linking Occupation Road to the former ADAS site to the north, supplementing the existing permissive path.

## Policy History

- 5.60 The Appeal site, together with surrounding land within Wye (including the ADAS site to the north) was identified as part of site WYE3 in the Tenterden and Rural Sites DPD (2010) (now superseded). Development of the appeal sites is therefore subject to the application of the adopted Development Plan. The Wye3 site is shown in green on the following extract:



- 5.61 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.

- 5.62 Policy WYE 3, within the TRSDPD, reads 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.*
- c) the development not generating an unacceptable level, or type of noise or disturbance, or loss of residential amenity.*

*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.*

- 5.63 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'.*

- 5.64 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.
- 5.65 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
- 5.66 The Ashford Borough Council Local Plan 2015-2030 was adopted in February 2019 but did not cover the allocation of specific development sites in Wye, confirming at Paragraph 1.9 that where Neighbourhood Plan Areas had been established early on in the preparation of this Local Plan, proposals to allocate sites within these areas fell to the Neighbourhood Plan.

5.67 Following adoption of the WNP in 2016, the Masterplan process began, in conjunction with the other stakeholders. Which progressed through the following stages:

- January 2017: Workshop 1
- May 2017: Workshop 2
- May 2017: Public Exhibition 1
- September 2017: Public Exhibition 2
- November 2017: Draft Masterplan to be considered by Steering Group
- January 2018: Informal presentation of Masterplan to elected members

5.68 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 the following amendments:

- i) Change wording to the appropriate Planning & Design Principles section to include further general principles sections on drainage/SUDs in accordance with the items set out in paragraph 57 of the report;*
- ii) Confirm that the area known as the 'Strawberry Field' should be retained free from built development and all references to future development should be omitted;*
- iii) Any other minor amendments considered necessary by the Head of Planning & Development in consultation with the Portfolio Holder for Planning & Development.*

5.69 Following this resolution and the provision of additional required information, as well as subsequent issues being raised in respect of the ADAS site (which lies north of the appeal site and school), 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.*

- 5.70 Subsequent to this resolution, on 19<sup>th</sup> November ABC received a Pre-Action letter from Richard Buxton Solicitors on behalf of Wye with Hinxhill Parish Council (CD13j) indicating their intention to seek judicial review should the Masterplan be adopted in line with Cabinets resolution on 10 October 2019.
- 5.71 Copy of an email exchange between the previous planning agents (Hobbs Parker) and ABC, running up to 25<sup>th</sup> March 2020, in respect of this matter was included at Appendix 4 of the previous submission.
- 5.72 At this time ABC are not intending to take the Masterplan forward.

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

- 6.1 The following matters specifically in respect of the appeal proposals are agreed between the parties:
- 6.2 The Masterplan has not been formally adopted and nor are there any plans to do so.
- 6.3 The principle of the residential development of that part of the site shown in the appeal is acceptable subject to compliance with the relevant policies.
- 6.4 The appeal site forms part of the housing trajectory and the 5 year housing land supply calculation (identified as providing 50 units across the wider Wye 3 site of which are assumed within the 5 year supply).
- 6.5 The site is accessible and sustainable.
- 6.6 There are no outstanding objections from statutory consultees
- 6.7 The generally positive responses received from statutory consultees and the positive responses made to many matters queried confirms that many of the matters are agreed and are not an issue in this appeal.
- 6.8 This proposal is not considered to be premature, in the absence of an adopted Masterplan, there being sufficient adopted policies to allow consideration of the scheme.
- 6.9 It is agreed that there are no objections to the proposed development from the following statutory consultees, subject to the imposition of suitable informatives, conditions and/or a S106 Obligation:
- ABC Street Scene and Open Spaces
  - Environmental Health
  - KCC Heritage
  - KCC Flood and Water Management
  - KCC Public Rights of Way
  - KCC Highways and Transportation
  - KCC Ecological Service
  - Kent Fire & Rescue Service
  - Southern Water
  - ABC Housing
  - North Downs Way National Trail
  - KCC Ecological Advice Service
- 6.10 It is agreed that the following consultees support the proposals, however requested further information prior to determination of the application, and that such information has now been provided:
- Kent Downs AONB Unit

- 6.11 There is thus considered to be no objection in principle from these consultees, subject to identified concerns regarding affordable housing and clarification of other issues.
- 6.12 In their letter dated 31 October 2019, KCC Highways requested a number of alterations and additional supporting information to be provided prior to issuing their final comments. ABC also provided further transport comments via email on 20 December 2019.
- 6.13 A response was provided by Transport Planning Practice (TPP) on 18 February 2020 to address the comments received from KCC and ABC's Transport Teams. Full details of these comments and TPP's response can be found within the Appeal submission pack.
- 6.14 The Kent Downs AONB Unit requested details in respect of the proposed treatment at the western end of the site relating to the segregation between vehicular and non-vehicular traffic, and treatment between the site entrance and junction with Olantigh Road.
- 6.15 The TPP response, submitted 18th February 2020, identifies the proposed highway works in this area, including traffic calming in the form of raised tables at the three sides of the junction and pavement along the northern and southern sides of Occupation Road, running from the junction with Olantigh Road, to the North Downs Way footpath. This demonstrates safe access for pedestrians and ensures they are kept off the vehicle carriageway, thereby satisfying the AONB Unit's request.
- 6.16 Further to the submission of this additional information, KCC Highways have confirmed on 20 March 2020 that all highways matters are now agreed and that they have no objection to the proposals, subject to the imposition of standard conditions.
- 6.17 It is agreed that the Environment Agency have confirmed that matters relating to the infiltration drainage scheme can be secured by condition.
- 6.18 The AONB Unit indicated their preference for external lighting to be heat or motion sensitive and only incorporated where necessary. It is agreed that this can be secured by condition.
- 6.19 Further to comments from KCC Ecological Advice Service on 11 October 2019 and 1 November 2019, additional information was provided to them by the Appellant on 18 February 2020. KCC subsequently confirmed on 11 March 2020 that they consider that any outstanding clarification could be addressed through appropriate conditions.
- 6.20 It is agreed that objections to the development were received from the following consultees:
- Environment Agency
  - The British Horse Society
- 6.21 The Environment Agency (EA) initially objected to the development on 23 September 2019 on the grounds that the application did not demonstrate that the risks of pollution to controlled waters

are acceptable, or can be appropriately managed. Further comments were received on 16 October 2019 which stated that the EA did not object to the principle of the use of filtration drainage, however stated that they would object to infiltration drainage unless it can be shown that any soakaway or infiltration pond would only be placed in areas of clean ground confirmed by appropriate site investigation and risk assessment. They agreed that this matter can be addressed by condition and there is therefore, no remaining objection. Further correspondence from the Environment Agency, dated 13<sup>th</sup> January 2021, in relation to the Package Treatment Plant proposal was a comment on their policy, confirming that they would not issue a permit for a PTP which discharges to surface water where it is reasonable to connect to a public sewer.

- 6.22 The British Horse Society have requested that adequate off-road or, as a minimum, segregated provision is made for the safe passage of equestrians and other bridleway users. The access point in question (Occupation Road and Olantigh Road) is already an access and shared route with the school and other business and residential uses on Occupation Road. The appeal proposals set out improvements responding to these concerns.
- 6.23 On the basis that this is a previously developed site, comprising existing buildings, it is agreed that the Vacant Buildings Credit (VBC) is a factor in the assessment of the provision of affordable housing.
- 6.24 Further to the provision of confirmation from ABC on 10 November 2020 of buildings not considered to be applicable, it is agreed that the existing applicable buildings have a total floorspace of 4,061 sqm gross floor area, whilst the proposed houses and garages have a floor area of 4,461 sqm.
- 6.25 Therefore applying the VBC, it is agreed that, using the agreed Mid Sussex methodology, the affordable housing contribution amounts to 1.43 units, or the equivalent financial contribution.
- 6.26 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.
- 6.27 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).

#### Housing Land Supply

- 6.28 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.

- 6.29 Councils are required to maintain a housing land supply of specific, deliverable sites sufficient to provide for 5 years' of housing (including 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.
- 6.30 The housing land supply position published by the Council is set out in the Five Year Housing Land Supply Update July 2020 (CD2a) which was published on the 27 November 2020.
- 6.31 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 requires that the shortfall in delivery between 2011 and 2018 is to be rectified over the 7 year period 2018-2025.
- 6.32 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.
- 6.33 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 $(888+522) \times 5$	7052
<b>Five year requirement with 5% buffer</b> (5% buffer of 353)	<b>7405</b>

- 6.34 Against this, 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) both with outline planning permission and where no planning permission exists; and a future windfall allowance.
- 6.35 This supply includes an assumed supply from all of the sites in Appeals A, B and C of 50 units which the Council assume will be delivered within this 5 year period.
- 6.36 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.

6.37 It is agreed therefore, that the housing land supply position is now below the 5 year minimum required by paragraph 73 of the NPPF and that 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.

6.38 The available supply is shown in Table 2 of CD2a, 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>

- 6.39 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

- 6.40 The Housing Delivery Test was introduced in 2018 in order to focus on increasing the rate of delivery of new homes. The HDT 2019 (released in Feb 2020) reported a delivery in Ashford of 88% of the requirement set out in the housing trajectory of the Local Plan, 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

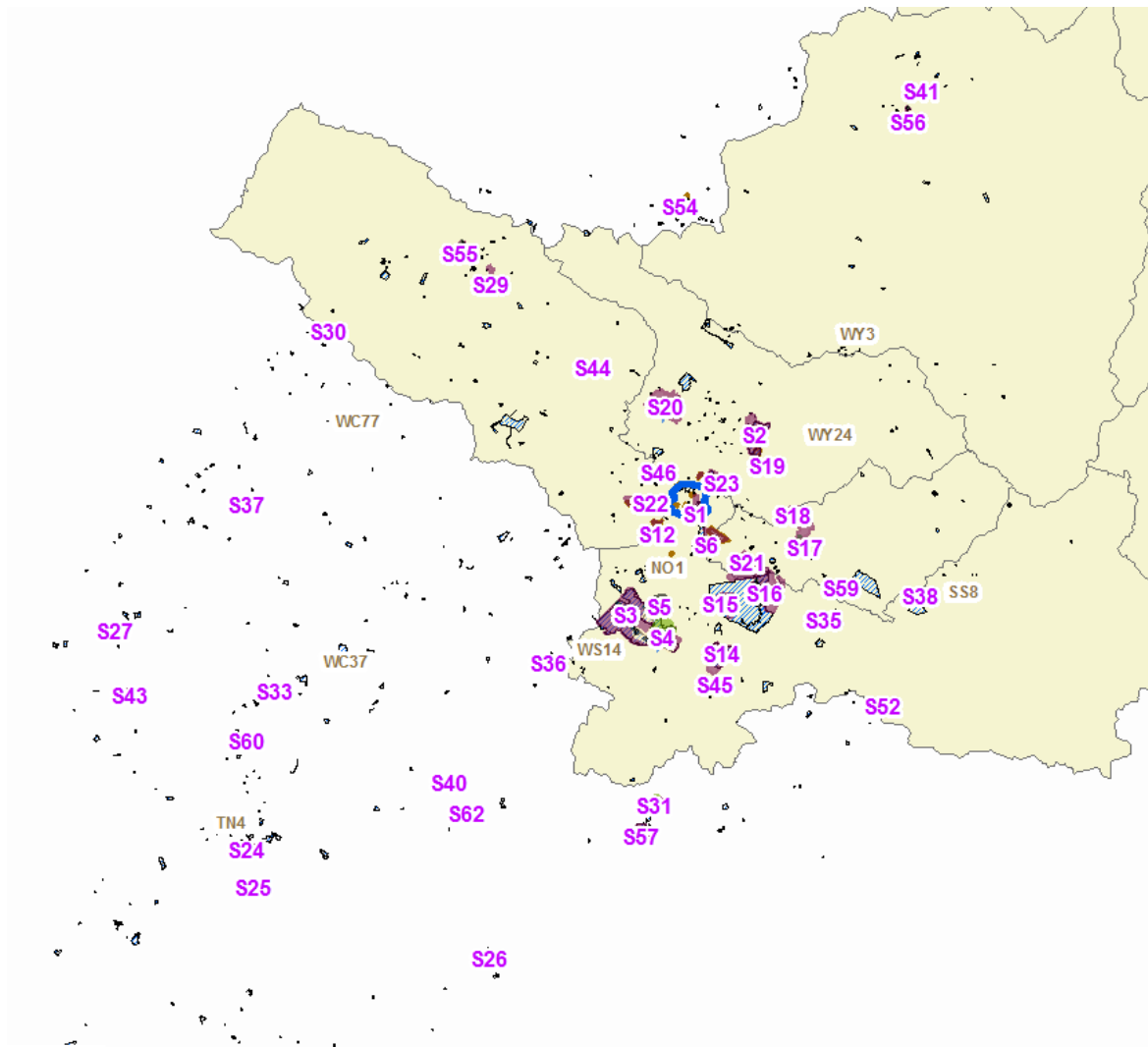
- 6.41 The result of this shortfall of 156 dwellings over the last 3 years is equal to a 7% under-delivery. This requires an Action Plan to be prepared by the Council in order to address the reasons for under delivery and bring forward measures to boost supply. An Action Plan has been prepared (included as CD2b).
- 6.42 In CD2a 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. Based on this the next MHCLG HDT is likely when published in February 2021 to 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

- 6.43 In November 2020 Natural England amended their guidance on the Nutrient Neutrality Methodology (NNM) related to the Stodmarsh Catchment.
- 6.44 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 Appendix 1 of the Proof of Evidence of Steve Fidgett, for the appellant.
- 6.45 At this point the Council have indicated that they cannot provide any further evidence on the impact of this on housing land supply. The Appellant considers that there will be an adverse impact on supply, though this cannot be quantified.
- 6.46 It is agreed however, between the principal parties that the Inspector can draw his own conclusions as to the implications this may have.
- 6.47 Whatever the effect of this 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
Sites with OL PP			
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	
Total O/L PP		648	590
Sites without PP			
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	
WNP11		50	50
RNP2		0	
RNP3		5	
Total No PP		2272	1509
Combined Total		2920	2099



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)

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

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

- The density, layout, scale and design of the proposed scheme which is not considered by ABC to conserve or enhance the character of the area
- In the absence of a completed S106 Obligation the infrastructure contributions required have not been provided for
- In the absence of a completed s106 Obligation the lack of an Obligation to secure the relevant highways works required to provide a safe highways environment in the vicinity of the site
- Potential harm to Stodmarsh designated sites

7.2 The Officers Report to Committee is found at CD20d(1).

7.3 Whilst not yet agreed in full, a draft s106 agreement was submitted with this appeal, setting out the heads of terms requested by KCC in their letter of 4th October 2019. The draft document is subject to ongoing discussion with ABC through the appeal process, ensuring a final agreed draft is provided in advance of the Appeal Inquiry.

7.4 A completed s106 agreement will therefore satisfy and remove bullet points 2 and 3 as matters not in contention.

7.5 The fourth bullet point, whilst resolved in terms of previous EA concerns regarding infiltration drainage, is the subject of ongoing discussions regarding the Stodmarsh designated sites issue.



*L Westphal*

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